

A G E N D A
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
July 11, 2017
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Brynn Larson, a rising 1st grade student at Norge Elementary and a resident of the Stonehouse District

E. PUBLIC COMMENT

F. PRESENTATIONS

1. Department of Veteran Services Presentation

G. CONSENT CALENDAR

1. Contract Renewal - Microsoft Enterprise Software Agreement - \$481,872
2. Contingency Transfer to Code Enforcement - \$30,000
3. Contract Award –Fire and Security Monitoring/Fire Suppression System Services
4. Grant Award- Williamsburg Health Foundation In-School Trauma Kits \$28,400
5. Contract Award – James City County Croaker Library HVAC Replacement – \$209,150
6. Commending the James City County Fire Marshals and Reauthorization of Powers

H. PUBLIC HEARING(S)

1. Amendment to County Code Section 3-8, Dangerous Dogs
2. Ordinance to Permit Use of Golf Carts on Public Highways in Cypress Point
3. SUP-0028-2016. Solar Electrical Generation Facility at Norge
4. Z-0003-2015. Skiffes Creek Switching Station
5. SUP-0002-2015. Skiffes Creek Switching Station
6. HW-0001-2015. Skiffes Creek Switching Station

I. BOARD CONSIDERATION(S)

1. Skiffes Creek Switching Station: Appeal of Code of Virginia 15.2-2232 Finding

J. BOARD REQUESTS AND DIRECTIVES

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

L. CLOSED SESSION

1. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia
2. Social Services Advisory Board Appointment
3. Clean County Commission Appointment
4. Colonial Community Criminal Justice Board Appointment
5. Williamsburg Area Arts Commission Appointment
6. Discussion or consideration of the acquisition of real property for a public purpose pursuant to Section 2.2-3711 (A)(3) of the Code of Virginia

M. ADJOURNMENT

1. Adjourn until 4 p.m. on July 25, 2017 for the Work Session

ITEM SUMMARY

DATE: 7/11/2017

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Pledge Leader - Brynn Larson, a rising 1st grade student at Norge Elementary and a resident of the Stonehouse District

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 11:07 AM

ITEM SUMMARY

DATE: 7/11/2017

TO: The Board of Supervisors

FROM: Steven Combs, Deputy Commissioner, Virginia Department of Veteran Services

SUBJECT: Department of Veteran Services Presentation

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 1:51 PM

AGENDA ITEM NO. G.1.**ITEM SUMMARY**

DATE: 7/11/2017

TO: Board of Supervisors

FROM: Patrick N. Page - Director of Information Resources Management

SUBJECT: Contract Renewal - Microsoft Enterprise Software Agreement - \$481,872

ATTACHMENTS:

	Description	Type
▣	Memorandum	Cover Memo
▣	CONTRACT RENEWAL - MICROSOFT ENTERPRISE SOFTWARE AGREEMENT	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Information Resources	Page, Patrick	Approved	6/9/2017 - 3:22 PM
Financial Management	Mellen, Sue	Approved	6/30/2017 - 1:24 PM
Publication Management	Burcham, Nan	Approved	6/30/2017 - 1:27 PM
Legal Review	Kinsman, Adam	Approved	7/5/2017 - 8:19 AM
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 8:22 AM
Board Secretary	Purse, Jason	Approved	7/5/2017 - 8:31 AM
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 8:59 AM

MEMORANDUM

DATE: July 11, 2017

TO: The Board of Supervisors

FROM: Patrick N. Page, Director of Information Resources Management

SUBJECT: Contract Renewal - Microsoft Enterprise Software Agreement

On May 12, 2017, a Request for Quotation (RFQ) was issued to Software House International through a Virginia Information Technologies Agency (VITA) State contract. This contract is for the renewal of the first year of a three-year Microsoft software licensing and support contract. This licensing and support contract will cover all James City County and James City Service Authority (JCSA) desktop, laptop and mobile computers for operating system, networking, email and office automation software.

The RFQ was directed to Software House International through the VITA state contract. Based on an evaluation by Information Technology (IT) staff and Microsoft local government support, Software House International was determined to be a fully qualified vendor to meet the needs of the County. A contract renewal cost of \$481,872, to be made in three yearly payments of \$160,624 each, was negotiated and met budget requirements of the James City County IT Division and JCSA Department.

Contracts that total a cumulative amount over \$100,000 require Board approval.

Staff recommends approval of the attached resolution.

PNP/nb
RFQSoftwareHse-mem

Attachment

RESOLUTION

CONTRACT RENEWAL - MICROSOFT ENTERPRISE SOFTWARE AGREEMENT

WHEREAS, a Request for Quotation was issued to Software House International through a Virginia Information Technologies Agency state contract; and

WHEREAS, funds are available in the James City County and James City Service Authority (JCSA) FY 2018 budget for the purpose of renewing a three-year contract for software licensing and support; and

WHEREAS, upon evaluating the specifications, Software House International was determined to be a fully qualified vendor to meet the needs of the County and JCSA and a contract renewal cost of \$481,872 was negotiated and met budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with Software House International for the renewal of software licensing and support.

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>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

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

RFQSoftwreHse-res

AGENDA ITEM NO. G.2.**ITEM SUMMARY**

DATE: 7/11/2017

TO: The Board of Supervisors

FROM: Tom Coghill, Director of Building Safety & Permits

SUBJECT: Contingency Transfer to Code Enforcement - \$30,000

ATTACHMENTS:

	Description	Type
▣	Cover memo	Cover Memo
▣	Resolution	Resolution
▣	906 Tyler Dr location map	Exhibit
▣	906 Tyler Dr. photos	Exhibit
▣	702 Madison Rd. location map	Exhibit
▣	702 Madison Rd. photos	Exhibit
▣	4318 Ware Creek Rd. location map	Exhibit
▣	4318 Ware Creek Rd. photos	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Building Safety & Permits	Coghill, Tom	Approved	6/21/2017 - 9:32 AM
Development Management	Holt, Paul	Approved	6/26/2017 - 10:50 AM
Publication Management	Burcham, Nan	Approved	6/26/2017 - 10:59 AM
Legal Review	Kinsman, Adam	Approved	6/26/2017 - 11:09 AM
Board Secretary	Fellows, Teresa	Approved	6/26/2017 - 11:56 AM
Board Secretary	Purse, Jason	Approved	7/5/2017 - 7:48 AM
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 8:16 AM

MEMORANDUM

DATE: July 11, 2017
TO: The Board of Supervisors
FROM: Tom Coghill, Director of Building Safety and Permits
SUBJECT: Contingency Transfer to Code Enforcement

The County has received complaints regarding the derelict condition of existing structures located at 702 Madison Road, 906 Tyler Drive and 4318 Ware Creek Road.

Upon investigation by County staff, it has been determined that the structures on these three properties are unsafe and pose a danger to the public health and safety of other residents of the County.

The building official has tried to contact the property owners to notify them of the conditions and to request that repairs be completed; however, those attempts have been unsuccessful.

The property owners for 906 Tyler Drive are listed as Milford and Helen Holben. Public records indicate that they live in Gloucester Point, VA. A certified letter sent to their last known address was returned unclaimed. Attempts to contact them by phone have also been unsuccessful. A portion of the roof at the rear of the building has collapsed.

A Title Search provided by the County Attorney lists Robert Hayden Reynolds, Bobby L. Butler and Rebecca B. Butler as former owners of the property located at 702 Madison Road. Public records indicate that these individuals are deceased and there are no known heirs. A portion of the wall at the rear of the building has collapsed.

The property owners for 4318 Ware Creek Road are listed as Tyrus Wilson, Bryant M. Barlow and Malinda Lee James Cook. Certified letters sent to these individuals at that address were returned unclaimed. No other address is known. Most of the roof has collapsed.

According to Section 4-76 of the County Code, the building official may require property owners to remove, repair or secure structures located on the Properties that the building official has determined poses a danger to public health or safety to other residents of the County. The County Code further states that should the property owner fail to take the action required in the notice, the building official may make each of the Properties safe by demolishing the unsafe structures.

As a result of the property owners not abating the current conditions, the attached resolution requests that up to \$30,000 be made available to cover expected costs of the County performing the work necessary to make these Properties safe (for 906 Tyler Drive, the cost to perform a Title Search, run the necessary ads and make the necessary notifications and demolish the structure is approximately \$9,595; for 702 Madison Road it is approximately \$9,254; for 4318 Ware Creek Road it is \$3,968; with approximately \$7,183 budgeted for unforeseen expenses).

Per Section 4-76 of the County Code, prior to the County performing any work, the County must provide written notice by certified or registered mail, publish notice in the newspaper once a week for two weeks and provide an additional 30-day notice within which the owners must complete the work.

Contingency Transfer to Code Enforcement

July 11, 2017

Page 2

If the owners fail to take corrective action within 30 days of the notice, the County intends to make each of these properties safe by demolishing the unsafe buildings. Per the County Code, costs borne by the County are chargeable to, and paid by, the owners of such property.

Staff recommends approval of the attached resolution.

CTransfrCdeEnfmnt-mem

TC/nb

Attachments:

1. Resolution
2. Location Map and Photos of 906 Tyler Drive
3. Location Map and Photos of 702 Madison Road
4. Location Map and Photos of 4318 Ware Creek Road

RESOLUTION

CONTINGENCY TRANSFER TO CODE ENFORCEMENT

WHEREAS, the County has received complaints regarding the derelict condition of existing structures located at 702 Madison Road, 906 Tyler Drive and 4318 Ware Creek Road, further identified as Real Estate Tax Map Parcel Nos. 4140600004, 4140400011 and 1320100015, respectively (collectively, the “Properties”); and

WHEREAS, upon investigation the Building Official has determined that structures existing on the Properties are unsafe and pose a danger to the public health and safety of other residents of the County; and

WHEREAS, pursuant to Section 4-76 of the County Code, the building official will provide notice to the owners of the Properties requiring them to remove, repair or secure the structures located on the Properties that the building official has determined poses a danger to public health or safety or other residents of the County; and

WHEREAS, if the owners of the Properties do not abate the current unsafe conditions, the County intends to make each of the Properties safe by demolishing the unsafe structures; and

WHEREAS, the Contingency Fund has sufficient funding to pay for the expected costs of providing notice under Section 4-76 of the County Code and, if necessary, demolishing the unsafe structures.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the transfer of up to \$30,000 from the Contingency Fund to the Code Enforcement budget (001-105-0226) to cover costs associated with making the Properties safe.

Kevin D. Onizuk
Chairman, Board of Supervisors

	VOTES	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
ATTEST:				
	MCGLENNON	_____	_____	_____
	SADLER	_____	_____	_____
	HIPPLE	_____	_____	_____
	LARSON	_____	_____	_____
	ONIZUK	_____	_____	_____

Bryan J. Hill
Clerk to the Board

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

906 Tyler Drive Williamsburg, VA 23185

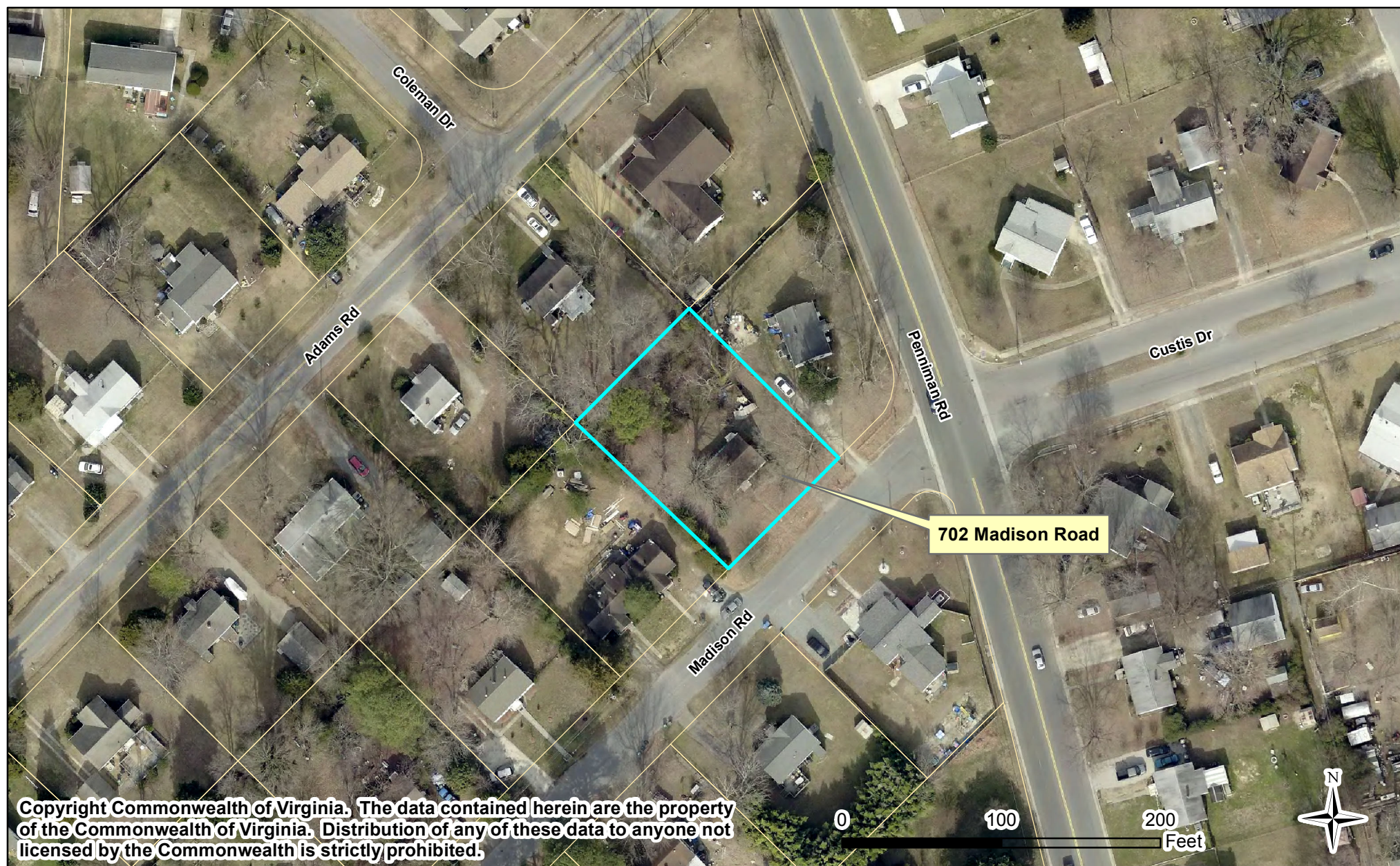


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906 Tyler Drive



702 Madison Road Williamsburg, VA 23185

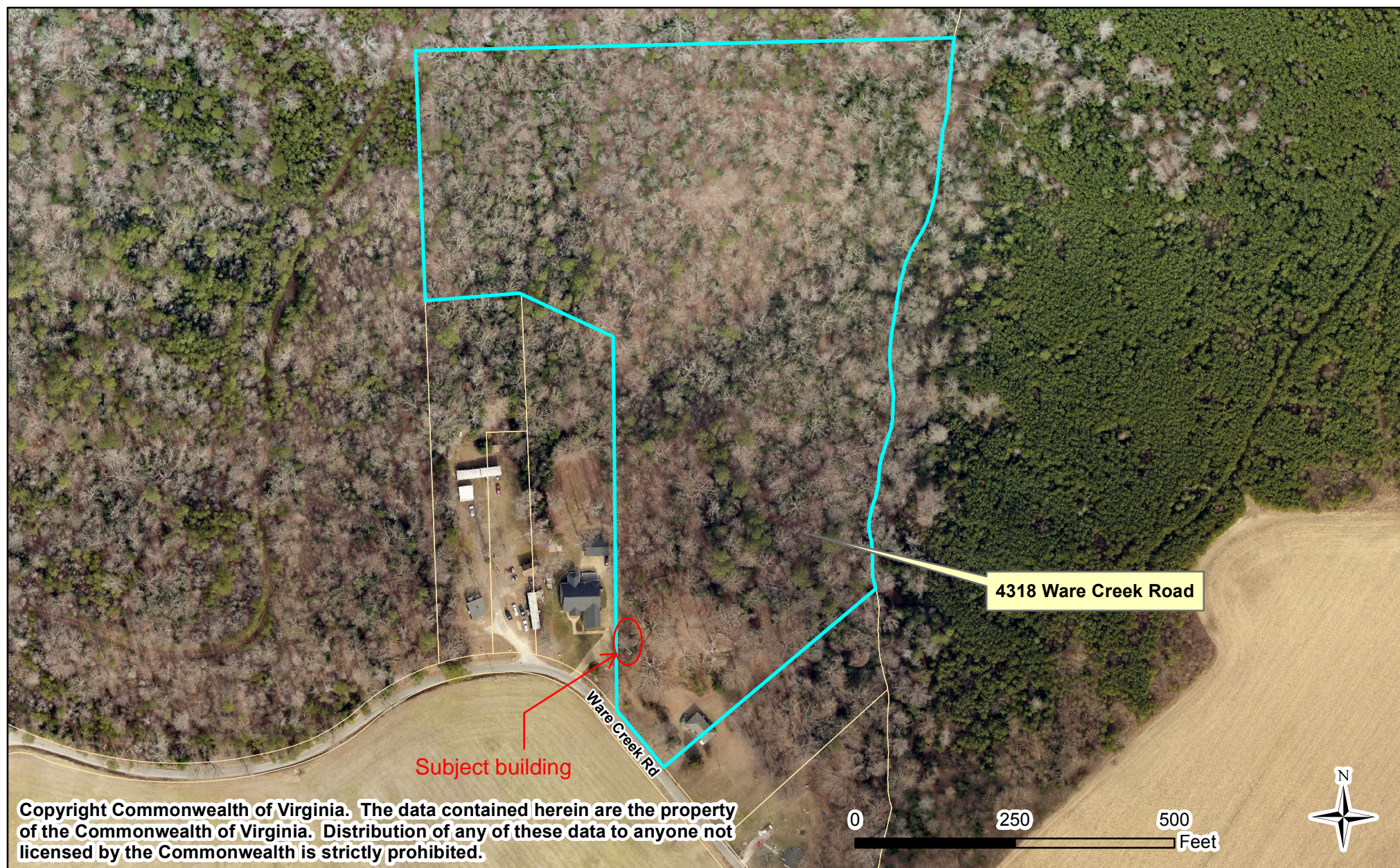


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702 Madison Road



4318 Ware Creek Road Williamsburg, VA 23188



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4318 Ware Creek Road



ITEM SUMMARY

DATE: 7/11/2017

TO: The Board of Supervisors

FROM: Grace Boone, Director of General Services

SUBJECT: Contract Award –Fire and Security Monitoring/Fire Suppression System Services

ATTACHMENTS:

	Description	Type
▣	mem	Cover Memo
▣	res	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
General Services	Boone, Grace	Approved	6/22/2017 - 9:58 AM
Publication Management	Burcham, Nan	Approved	6/22/2017 - 11:42 AM
Legal Review	Kinsman, Adam	Approved	6/26/2017 - 11:08 AM
Board Secretary	Fellows, Teresa	Approved	6/26/2017 - 11:56 AM
Board Secretary	Purse, Jason	Approved	7/5/2017 - 8:25 AM
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 8:30 AM

MEMORANDUM

DATE: July 11, 2017

TO: The Board of Supervisors

FROM: Grace A. Boone, Director of General Services

SUBJECT: Contract Award - Fire and Security Monitoring/Fire Suppression System Services

As required by law, all Fire Monitoring Systems and Fire Suppression Systems are to be inspected on an annual basis. General Services, per this requirement, issued a Request for Proposals (RFP) for Fire and Security Monitoring and Fire Suppression System Services. This RFP encompassed fire and security monitoring and the inspections of fire alarms, fire suppression systems and fire extinguishers.

General Services, in consultation with the Purchasing Office, determined that Advanced Sensors Incorporated proposal of \$26,336 to monitor and perform annual inspections met the requirements of the RFP. The contract contains the option for five additional one-year renewals. The proposed fee schedule is as follows:

Year	Total
FY18	26,336
FY19	26,336
FY20	26,336
FY21	26,336
FY22	26,336
Total	131,680

Staff recommends adoption of the attached resolution authorizing award of the monitoring and inspections of Fire and Security systems to Advanced Sensors Incorporated.

GAB/nb
CA-FireSystems-mem

Attachment

RESOLUTION

CONTRACT AWARD - FIRE AND SECURITY MONITORING/

FIRE SUPPRESSION SYSTEM SERVICES

WHEREAS, a Request for Proposals (RFP) was issued for Fire and Security Monitoring/Fire Suppression System Services; and

WHEREAS, two firms' submitted proposals and ASI was determined to be the most fully qualified firm that best met General Services needs as defined in the RFP.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors, James City County, Virginia, hereby awards the contract for Fire and Security Monitoring/Fire Suppression System Services to ASI for \$26,336.

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>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

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

CA-FireSystems-res

AGENDA ITEM NO. G.4.

ITEM SUMMARY

DATE: 7/11/2017

TO: The Board of Supervisors

FROM: Ryan Ashe, Fire Chief

SUBJECT: Grant Award- Williamsburg Health Foundation In-School Trauma Kits \$28,400

ATTACHMENTS:

	Description	Type
▣	Memorandum	Cover Memo
▣	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Fire	Aiken, Tristan	Approved	6/23/2017 - 4:34 PM
Publication Management	Trautman, Gayle	Approved	6/23/2017 - 4:42 PM
Legal Review	Kinsman, Adam	Approved	6/26/2017 - 11:09 AM
Board Secretary	Fellows, Teresa	Approved	6/26/2017 - 11:56 AM
Board Secretary	Purse, Jason	Approved	7/5/2017 - 7:50 AM
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 8:17 AM

MEMORANDUM

DATE: July 11, 2017

TO: The Board of Supervisors

FROM: Ryan Ashe, Fire Chief

SUBJECT: Grant Award – Williamsburg Health Foundation In-School Trauma Response Kits – \$28,400

The James City County Fire Department has been awarded funding as part of a responsive grant from the Williamsburg Health Foundation in the amount of \$28,400.

Recent events in our nation's schools have highlighted the need for a mechanism by which school staff and the public safety community are able to effectively respond to mass-casualty events, and provide initial care to a large number of patients simultaneously in a potentially non-secure environment.

As such, the James City County Fire Department has partnered with Williamsburg-James City County Schools, the York County School Division and Poquoson City Public Schools in order to equip school facilities with kits containing first aid and emergency medical supplies to provide rapid life-saving care to a large number of students should the need arise. Each school in all three districts will be equipped with five of these kits, with each school administration office being equipped with one kit. The kits will contain items such as tourniquets, chest seals, bandages and trauma shears. Each kit will contain supplies necessary to treat up to seven patients. The grant funding supports the purchase of the equipment and supplies necessary to assemble the kits.

In addition to assembling and distributing the kits, James City County Fire Marshal staff, along with members from neighboring Fire and EMS and law enforcement agencies, are working on developing a schedule to deliver training to teachers and school staff in rapid life-saving techniques, bleeding control and best practices for potential school shooting events. Using a nationally-adopted curriculum, Fire and EMS staff plan to deliver the training to all school staff during the 2017-2018 school year. Memorandums of Support from all three school districts regarding the program and the training are in effect.

This grant requires no local match other than in-kind support of staff time devoted towards the program.

Staff recommends adoption of the attached resolution to appropriate funds.

RA/gt
GA-WHFTTrKits-mem

Attachment

RESOLUTION

GRANT AWARD – WILLIAMSBURG HEALTH FOUNDATION

IN-SCHOOL TRAUMA RESPONSE KITS – \$28,400

WHEREAS, the James City County Fire Department has been awarded grant funding in the amount of \$28,400 as part of the Williamsburg Health Foundation's (WHF) Responsive Grant process; and

WHEREAS, the funds are to be used for the purchase of necessary supplies to establish in-school trauma response kits; and

WHEREAS, the James City County Fire Department has partnered with the Williamsburg-James City County Schools, York County School Division, Poquoson City Public Schools and neighboring Fire and EMS and law enforcement agencies to establish a program and provide training to protect and provide care to students of all three divisions; and

WHEREAS, the grant requires no local match other than in-kind support of staff time.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following budget appropriation to the Special Projects/Grants fund:

Revenue:

WHF – In School Trauma Response Kits	<u>\$28,400</u>
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Expenditure:

WHF – In School Trauma Response Kits	<u>\$28,400</u>
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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>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

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

GA-WHFTTrKits-res

ITEM SUMMARY

DATE: 7/11/2017

TO: The Board of Supervisors

FROM: Jason Purse, Assistant County Administrator

SUBJECT: Contract Award – James City County Croaker Library HVAC Replacement – \$209,150

ATTACHMENTS:

	Description	Type
▣	Memorandum	Cover Memo
▣	Resolution	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Mellen, Sue	Approved	6/30/2017 - 1:24 PM
Board Secretary	Purse, Jason	Approved	7/5/2017 - 7:50 AM
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 8:16 AM
Publication Management	Burcham, Nan	Approved	7/5/2017 - 8:19 AM
Legal Review	Kinsman, Adam	Approved	7/5/2017 - 8:20 AM
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 8:21 AM
Board Secretary	Purse, Jason	Approved	7/5/2017 - 8:31 AM
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 8:31 AM

MEMORANDUM

DATE: July 11, 2017

TO: The Board of Supervisors

FROM: Betsy Fowler, Director of the Williamsburg Regional Library

SUBJECT: Contract Award – James City County Croaker Library HVAC Replacement – \$209,150

The James City County (JCC) Croaker Library is owned by JCC, but operated by the Williamsburg Regional Library (WRL). While operations are carried out by WRL staff, any capital improvements are undertaken through the County's Capital Improvements Program (CIP) budgeting process. In the County CIP, \$275,000 was included in the FY 17 budget for the replacement costs of two JCC Croaker Library HVAC system air handlers.

The WRL staff, in consultation with the JCC Purchasing Office, determined that Damuth Trane's proposal to replace and install the new system for Air Handler No. 1 at a proposed cost of \$209,150 is reasonable in comparison to other current County HVAC replacements and current construction cost indices. WRL staff is still evaluating the need for the second air handler replacement, but understands that any future appropriations will need to come back before the Board.

Staff recommends approval of the attached resolution authorizing installation services from Damuth Trane in the amount of \$209,150 for the JCC Croaker Library HVAC.

BF/gt
CA-JCCLibHVAC-mem

Attachment

RESOLUTION

CONTRACT AWARD – JAMES CITY COUNTY CROAKER LIBRARY

HVAC REPLACEMENT – \$209,150

WHEREAS, due to the need for standard maintenance and replacement of HVAC equipment in County facilities to promote operational efficiency and safety; and

WHEREAS, the current James City County (JCC) Croaker Library HVAC controls and equipment will be replaced; and

WHEREAS, it has been determined by Williamsburg Regional Library staff, in consultation with JCC Purchasing staff, that Damuth Trane is the most qualified to install the HVAC controls and equipment required; and

WHEREAS, Damuth Trane submitted a proposal to perform the required services, the proposed rates have been determined to be reasonable and adequate funds are available in the Capital Improvements Program budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of \$209,150 to Damuth Trane and Trane Corporate for JCC Croaker Library HVAC controls and equipment.

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>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

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

CA-JCCLibHVAC-res

ITEM SUMMARY

DATE: 7/11/2017

TO: Board of Supervisors

FROM: Bryan J. Hill, County Administrator and Adam R. Kinsman, County Attorney

SUBJECT: Commending the James City County Fire Marshals and Reauthorization of Powers

ATTACHMENTS:

	Description	Type
▣	mem	Cover Memo
▣	reso	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	6/21/2017 - 3:57 PM
Publication Management	Trautman, Gayle	Approved	6/21/2017 - 4:02 PM
Legal Review	Kinsman, Adam	Approved	6/21/2017 - 4:04 PM
Board Secretary	Fellows, Teresa	Approved	6/22/2017 - 2:02 PM
Board Secretary	Purse, Jason	Approved	7/5/2017 - 7:49 AM
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 8:16 AM

MEMORANDUM

DATE: July 11, 2017

TO: The Board of Supervisors

FROM: Bryan J. Hill, County Administrator
Adam R. Kinsman, County Attorney

SUBJECT: Commending Fire Marshal Driscoll and Assistant Fire Marshals Colon, Mitchell, Toutaint, Lamm and Thompson. Confirmation and Reauthorization of Police Powers and Fire Prevention Powers

James City County (the "County") currently employs a Fire Marshal and five Assistant Fire Marshals. The Board of Supervisors (the "Board") appointed Mr. Kendall L. Driscoll as Fire Marshal on May 12, 2015; Ms. Antoinette Colon as Assistant Fire Marshal on August 9, 2016; Mr. Niclas Mitchell as Assistant Fire Marshal on August 9, 2016; Ms. Michelle L. Toutaint as Assistant Fire Marshal on May 22, 2007; Mr. Arthur K. Lamm as Assistant Fire Marshal on November 28, 2006 and Mr. Gregory M. Thompson as Assistant Fire Marshal on September 10, 2002.

The Board previously authorized the Fire Marshal and Assistant Fire Marshals to have all police and fire prevention powers provided in Virginia Code Sections 27-30, et seq. However, those authorizations were given at various dates going back to 2002. This resolution commends the Fire Marshal and his Assistants for their service and confirms and reauthorizes the grant of police powers and fire prevention powers to the Fire Marshal and his Assistants.

BJH/ARK/nb
PoliceFirePwr-mem

Attachment

RESOLUTION

COMMENDING FIRE MARSHAL DRISCOLL AND

ASSISTANT FIRE MARSHALS COLON, MITCHELL, TOUTAINT, LAMM AND THOMPSON.

CONFIRMATION AND REAUTHORIZATION OF POLICE POWERS AND

FIRE PREVENTION POWERS

- WHEREAS, the James City County Board of Supervisors (the “Board of Supervisors”) appointed Mr. Kendall L. Driscoll as Fire Marshal on May 12, 2015; Ms. Antoinette Colon as Assistant Fire Marshal on August 9, 2016; Mr. Niclas Mitchell as Assistant Fire Marshal on August 9, 2016; Ms. Michelle L. Toutaint as Assistant Fire Marshal on May 22, 2007; Mr. Arthur K. Lamm as Assistant Fire Marshal on November 28, 2006 and Mr. Gregory M. Thompson as Assistant Fire Marshal on September 10, 2002; and
- WHEREAS, the Board of Supervisors recognizes the exceptional service provided to James City County (the “County”) by Fire Marshal Kendall L. Driscoll and Assistant Fire Marshals Antoinette Colon, Niclas Mitchell, Michelle L. Toutaint, Arthur K. Lamm and Gregory M. Thompson; and
- WHEREAS, Section 27-34.2 of the Code of Virginia, 1950, as amended provides that the County may authorize the fire marshal and his assistants to have the authority to arrest, to procure and serve Warrants of Arrest and to issue summons in the manner authorized by general law for violation of fire prevention and fire safety laws and related ordinances; and
- WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended provides that the County may authorize the local fire marshal and his assistants to have the same police powers as a sheriff, police officer or law-enforcement officer; and
- WHEREAS, Section 27-34.3 of the Code of Virginia, 1950, as amended provides that the County may authorize the local fire marshal to exercise the powers authorized by the Fire Prevention Code; and
- WHEREAS, Section 27-34.6 of the Code of Virginia, 1950, as amended provides that the County may appoint one or more assistants, who, in the absence of the fire marshal, shall have the powers and perform the duties of the fire marshal; and
- WHEREAS, Fire Marshal Kendall L. Driscoll and Assistant Fire Marshals Antoinette Colon, Niclas Mitchell, Michelle L. Toutaint, Arthur K. Lamm and Gregory M. Thompson have completed all minimum training and certification requirements of the Department of Criminal Justice Services and the Department of Fire Programs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby commends the exceptional service of Fire Marshal Kendall L. Driscoll and Assistant Fire Marshals Antoinette Colon, Niclas Mitchell, Michelle L. Toutaint, Arthur K. Lamm and Gregory M. Thompson; confirms and reauthorizes that Fire Marshal Kendall L. Driscoll has all police powers and fire prevention powers provided in Virginia Code Sections 27-30, et seq., and, without limitation, those contained in 27-34.2, 27-34.2:1 and 27-34.3; and confirms and reauthorizes that Assistant Fire Marshal Antoinette Colon, Assistant Fire Marshal Niclas Mitchell, Assistant Fire Marshal Michelle L. Toutaint, Assistant Fire Marshal Arthur K. Lamm and Assistant Fire Marshal Gregory M. Thompson have all police and fire prevention powers provided in Virginia Code Sections 27-30, et seq., and, without limitation, those contained in 27-34.2, 27-34.2:1 and 27-34.3.

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>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

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

PoliceFirePwr-res

AGENDA ITEM NO. H.1.

ITEM SUMMARY

DATE: 7/11/2017

TO: Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Amendment to County Code Section 3-8, Dangerous Dogs

ATTACHMENTS:

	Description	Type
▣	memo	Cover Memo
▣	ord	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	6/21/2017 - 11:29 AM
Publication Management	Burcham, Nan	Approved	6/21/2017 - 11:35 AM
Legal Review	Kinsman, Adam	Approved	6/21/2017 - 3:57 PM
Board Secretary	Fellows, Teresa	Approved	6/22/2017 - 2:02 PM
Board Secretary	Purse, Jason	Approved	7/5/2017 - 7:49 AM
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 8:15 AM

MEMORANDUM

DATE: July 11, 2017

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Amendment to James City County Code Section 3.8, Dangerous Dogs

At its 2017 session, the General Assembly amended the definition of “dangerous dog” and made various changes to the procedures by which a canine may be deemed “dangerous” and the timeframes by which an owner must comply with the dangerous dog regulations. Because the County’s Dangerous Dog Ordinance is required to parallel the State Code, James City County Code Section 3-8, Dangerous dogs, must be amended to match the changes made to the Code of Virginia.

I recommend that you adopt the attached Ordinance amending James City County Code Section 3-8, Dangerous dogs, to bring it into compliance with the Code of Virginia.

ARK/gt
AmendSec3-8-mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, ANIMAL LAWS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 3-8, DANGEROUS DOGS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 3, Animal Laws, is hereby amended and reordained by amending Section 3-8, Dangerous dogs.

Chapter 3. Animal Laws

Article I. In General

Sec. 3-8. Dangerous dogs.

(a) As used in this section:

“Dangerous dog;” means:

- (1) A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a ~~person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. However, when a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous~~ *A canine or canine crossbreed is not a dangerous dog if, upon investigation, a law-enforcement officer or animal control officer finds that* (i) ~~if~~ no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite, (ii) ~~if~~ both animals are owned by the same person, *or* (iii) ~~if~~ such attack occurs on the property of the attacking or biting dog’s owner or custodian, *or* (iv) ~~for other good cause as determined by the court.~~
 - (2) *A canine or canine crossbreed that has bitten, attacked, or inflicted injury upon a person. A canine or canine crossbreed is not a dangerous dog if, upon investigation, a law-enforcement officer or animal control officer finds that the injury inflicted by the canine or canine crossbreed upon a person consists solely of a single nip or bite resulting only in a scratch, abrasion, or other minor injury.*
- (b) No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. ~~A No dog that has bitten, attacked, or inflicted injury on a person shall not be found to be a dangerous dog unless if the court determines, based on the totality of the evidence before it, or for other good cause, that the dog is not dangerous or a threat to the community. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog.~~
- (b) Any law-enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within the county is a dangerous dog ~~shall~~ *may* apply to a magistrate of the county for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the

matters at issue. If a law-enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. The court, upon finding the animal to be a dangerous dog, may order the owner, custodian, or harbinger thereof to pay restitution for actual damages to any person injured by the animal or whose companion animal was injured or killed by the animal. The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous dog from the time the animal is taken into custody until such time as the animal is disposed of or returned to the owner. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (Section 19.2-260 et seq.) of Chapter 15 of Title 19.2 of the Code of Virginia. The Commonwealth shall be required to prove its case beyond a reasonable doubt.

- (ed) No canine or canine crossbreed shall be found to be a dangerous dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited.
- (e) No animal shall be found to be a dangerous dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian, or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. *No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog.*
- (ef) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.
- (eg) The owner of any animal found to be a dangerous dog shall, within 45 30 days of such finding, obtain a dangerous dog registration certificate from the local animal control officer for a fee of \$150, in addition to other fees that may be authorized by law. The local animal control officer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. By January 31 of each year, until such time as the dangerous dog is deceased, all certificates obtained pursuant to this subsection shall be updated and renewed for a fee of \$85 and in the same manner as the initial certificate was obtained. The renewal registration shall include all information contained in the original registration and any updates. ~~The owner shall verify the information is accurate by annual resubmissions. There shall be no charge for any updated information provided between renewals. The County shall submit to the State Veterinarian by January 31 of each year \$90 for each dangerous dog it initially registered and \$25 for each dangerous dog for which it renewed registration within the previous calendar year.~~ The animal control officer shall post registration information on the Commonwealth of Virginia Dangerous Dog Registry, ~~as established under section 3.2-6542 of the Code of Virginia, and any updates on the website.~~

- (~~f~~h) All dangerous dog registration certificates or renewals thereof required to be obtained under this section shall only be issued to persons 18 years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, (ii) that the animal has been neutered or spayed, and (iii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (~~ia~~) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and (~~ib~~) the animal has been permanently identified by means of electronic implantation. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000.00 that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.00.
- (~~g~~i) While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. While so confined within the structure, the animal shall be provided for according to § 3.2-6503 of the Code of Virginia. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.
- (~~h~~j) The owner shall cause the local animal control officer to be promptly notified of (i) the names, addresses, and telephone numbers of all owners; (ii) all of the means necessary to locate the owner and the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person or cat or dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) chip identification information; (vi) proof of insurance or surety bond; and (vii) the death of the dog.
- (~~ik~~) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the local animal control authority to be notified if the animal (i) is loose or unconfined; or (ii) bites a person or attacks another animal; or (iii) is sold, given away, or dies. Any owner of a dangerous dog who relocates to a new address shall, within 10 days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved.
- (~~j~~l) Any owner or custodian of a canine or canine crossbreed is guilty of a:
- (1) Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person;
 - (2) Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury; or
 - (3) Class 6 felony if any owner or custodian whose willful act or omission in the care, control, or containment of a canine or canine crossbreed is so gross, wanton, and culpable as to show a reckless

disregard for human life, and is the proximate cause of such dog attacking and causing serious bodily injury to any person.

(~~k~~m) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section is guilty of a Class 1 misdemeanor.

Whenever an owner or custodian of an animal found to be a dangerous dog is charged with a violation of this section, the animal control officer shall confine the dangerous dog until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the animal to produce the animal.

Upon conviction, the court may (i) order the animal euthanized in accordance with the provisions of section 3-45 or (ii) grant the owner up to ~~45~~ 30 days to comply with the requirements of this section, during which time the dangerous dog shall remain in the custody of the animal control officer until compliance has been verified. If the owner fails to achieve compliance within the time specified by the court, the court shall order the animal euthanized in accordance with the provisions of section 3-45. The court, in its discretion, may order the owner to pay all reasonable expenses referenced in subsection (b).

(~~n~~) All fees collected pursuant to this section, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this section, shall be paid into a special dedicated fund in the treasury of the county for the purpose of paying the expenses of any training course required pursuant to section 3.2-6556 of the Code of Virginia.

State law reference – Control of dangerous dogs; penalties, Code of Va., § 3.2-6540.

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>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

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

AGENDA ITEM NO. H.2.**ITEM SUMMARY**

DATE: 7/11/2017

TO: The Board of Supervisors

FROM: Bradley Rinehimer, Chief of Police

SUBJECT: Ordinance to Permit Use of Golf Carts on Public Highways in Cypress Point

ATTACHMENTS:

	Description	Type
▣	Memorandum	Cover Memo
▣	Ordinance	Ordinance
▣	Map	Exhibit
▣	Citizen Petition	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 8:17 AM
Board Secretary	Purse, Jason	Approved	7/5/2017 - 8:27 AM
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 8:30 AM
Publication Management	Trautman, Gayle	Approved	7/5/2017 - 8:36 AM
Legal Review	Kinsman, Adam	Approved	7/5/2017 - 9:28 AM
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 9:28 AM
Board Secretary	Purse, Jason	Approved	7/5/2017 - 9:30 AM
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 9:42 AM

MEMORANDUM

DATE: July 11, 2017

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Ordinance to Permit Use of Golf Carts on Public Highways in Cypress Point

In 2007, the Board adopted an Ordinance permitting neighborhoods to apply to have public highways in neighborhoods designated for golf cart use. To date, only two neighborhoods – Chickahominy Haven and Kristiansand – have had any roads so designated. Recently, homeowners from Cypress Point have submitted an application pursuant to Section 13-60 et seq. of the County Code, requesting that the Board designate the streets for golf cart use.

Following careful consideration of Cypress Point's request and the results of a subsequent traffic study conducted by the Police Department, staff feels that golf carts may be safely accommodated along most of the public highways in Cypress Point. These roads would include Cypress Drive, Laurel Lane, Holly Lane and River Drive. This would not include North Riverside Drive. Any connection with Chickahominy Haven would have to be accessed through a private property. Given the speed limit and the number of cars that travel along that roadway, it is our opinion that North Riverside Drive cannot safely accommodate golf carts.

Staff recommends adoption of the attached Ordinance designating certain roads in Cypress Point for golf cart use.

BJR/gt
GolfCart-CypPnt-mem

Attachment

ORDINANCE

ORDINANCE TO PERMIT USE OF GOLF CARTS ON

PUBLIC HIGHWAYS IN CYPRESS POINT

WHEREAS, the residents of Cypress Point have petitioned the Board of Supervisors of James City County, Virginia, to designate the streets in Cypress Point for golf cart use; and

WHEREAS, the Board has carefully considered the concerns voiced by the residents of Cypress Point, the recommendation of staff and the speed, volume and character of motor vehicle traffic using the public highways in Cypress Point; and

WHEREAS, pursuant to Section 46.2-916.2 et seq. of the Code of Virginia and Section 13-60 et seq. of the County Code, the Board has determined that golf cart operation on the public highways in Cypress Point is compatible with state and local transportation plans and is consistent with the Commonwealth of Virginia's Statewide Pedestrian Policy.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby designate the following roads located in the Cypress Point neighborhood for golf cart use:

- | | |
|------------------|--------------|
| a. Cypress Drive | (Route 673) |
| b. Laurel Lane | (Route 1011) |
| c. Holly Lane | (Route 1010) |
| d. River Drive | (Route 1012) |

BE IT FURTHER ORDAINED that no golf carts shall be permitted on any of the designated streets until the County receives full payment for all signage required by Section 13-62 of the County Code and such signage is installed.

Kevin D. Onizuk
Chairman, Board of Supervisors

ATTEST:

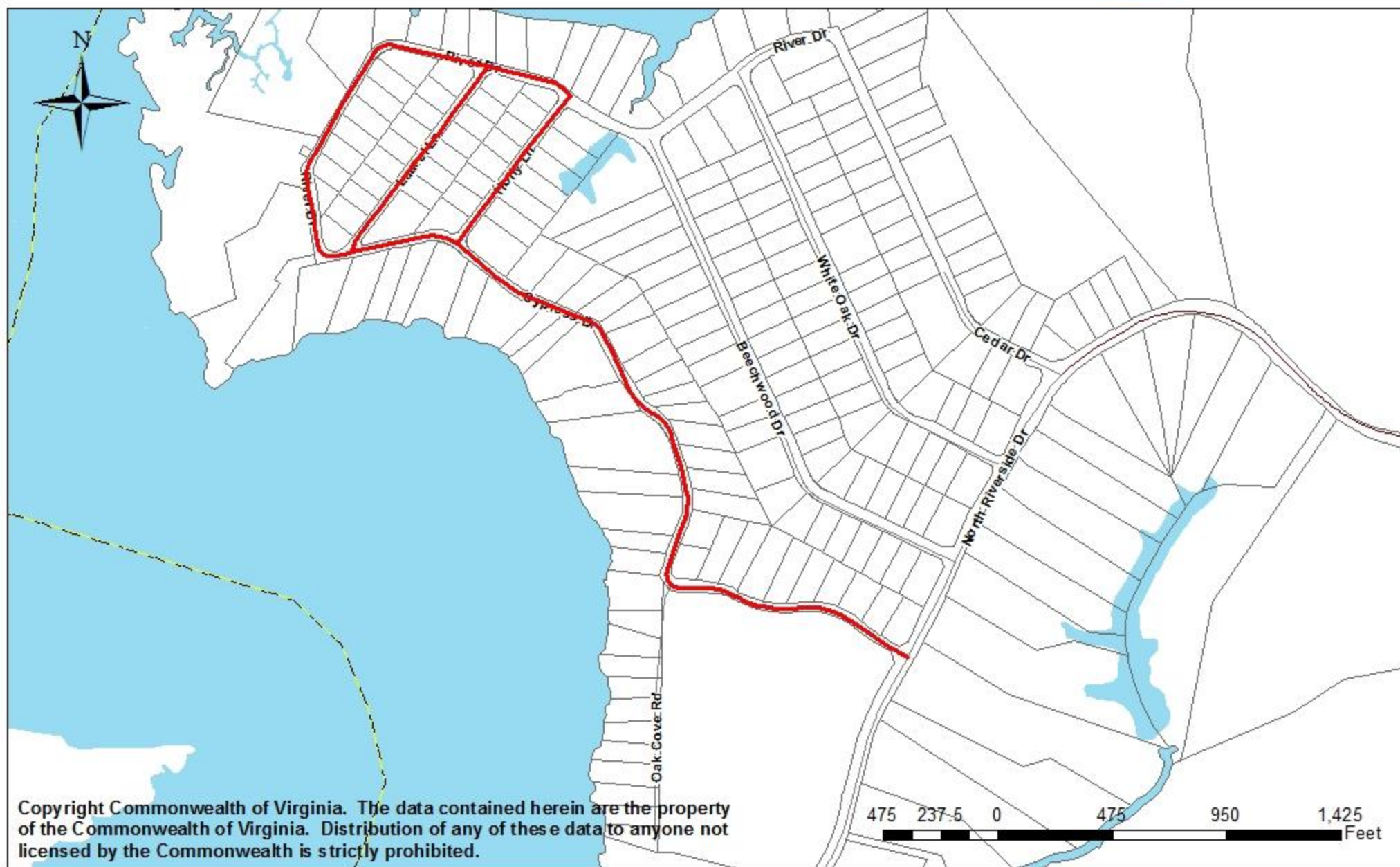
Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

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

GolfCart-CypPnt-ord

Ordinance to permit golf carts in Cypress Point



**CYPRESS POINT CIVIC ASSOCIATION
REQUEST FOR GOLF CART DESIGNATION**

ENCLOSED:
Signed Petition
Roads/Route Numbers
Application Fee

Golf Cart & Utility Vehicle Accommodation Petition

- We, the undersigned, petition Bradley J. Rinehimer, Chief of Police and the James City County Board of Supervisors to authorize the operation golf carts and utility vehicles along our neighborhood streets¹ pursuant to the Code of Virginia §46.2-916.1 through §46.2-913.3².
- 94 parcels adjacent to each of the public highways proposed for designation; 65 owners of said parcels; therefore 33 signatures represents the 51% needed.

Name	Address	Signature	#
HARRIS	7617, 7614, 7616 + 7618 ^{CYPRESS}	Janet Harris	1
WAINWRIGHT	7663 CYPRESS DR.	Gary A. Wainwright	2
SHIVER	7667 CYPRESS DR	Shiver	3
ELLIOT	7649 CYPRESS DR	Kenneth M. Elliot	4
Hodge	7647 Cypress Dr	[Signature]	5
CPCA	5018 River Dr.	Kenneth M. Elliot (Sec)	6
Pillow	7644 CYPRESS DR	Edy Pillow	7
Hassell	7637 Cypress Dr.	Edy Hassell	8
Haushehl	5014 River DR	TH Crill	9
WAINWRIGHT	5001 LAUREL DR	Wainwright	10
LANGENHENNIG	7665 CYPRESS DR	[Signature]	11
Greg Fernandez	7639 Cypress Dr.	Greg Fernandez	12
E ALBERT, JR	7604 CYPRESS DR	W E Albert	13
Heimbach	7610 Cypress DR	[Signature]	14
Mike Williams	7622 CYPRESS DR.	C. M. Williams	15
RICHARD HOLT	5628 RIVER DR	Richard Holt	16
Ben Howard	5016 Laurel Ln	[Signature]	17

¹ Cypress Drive, Laurel Lane, Holly Lane, River Drive - see attached

² See attached

Harris	7653 Cypress	Leah H	18
Miller	5009 Laurel Lane	son	19
Wood	5000 Laurel Lane	Wood	20
STAINBACK	7661 Cypress Dr.	Stainback	21
Landing	5033 River Dr.		22
Rockytownell	5034 RIVER DR	Rockytownell	23
Tim Fox	5017 LAUREL LANE	Tim Fox	24
Sandy Miller	502 RIVER DR. DOWNTOWN	Shue	25
RADAN HUDSON	7643 CYPRESS DR.	Rockytownell	26
JOHN SERSDNI	7657 CYPRESS DR.	John Serdini	27
M. T. HUBBARD	7624 CYPRESS DR.	M. T. Hubbard	28
M. D. HUBBARD	7648 Cypress Dr.	Cypress	29
TR Reid	5010 HOLLY LANE	Mark Reid	30
Caputo	7626 Cypress Dr.	Brenda Caputo	31
Winall	5010 River Drive	Daniel Winall	32
W. Walker Ware H	5004 RIVER DR	W. Walker Ware	33
Brian R. Hamm	7671 Cypress Dr	BR. Hamm	34
			35
			36
			37
			38
			39
			40
			41
			42
			43
			44
			45
			46

Legend
☐ Parcels

CYPRESS POINT NEIGHBORHOOD
REQUESTED ROADS TO BE
GOLF CART DESIGNATED

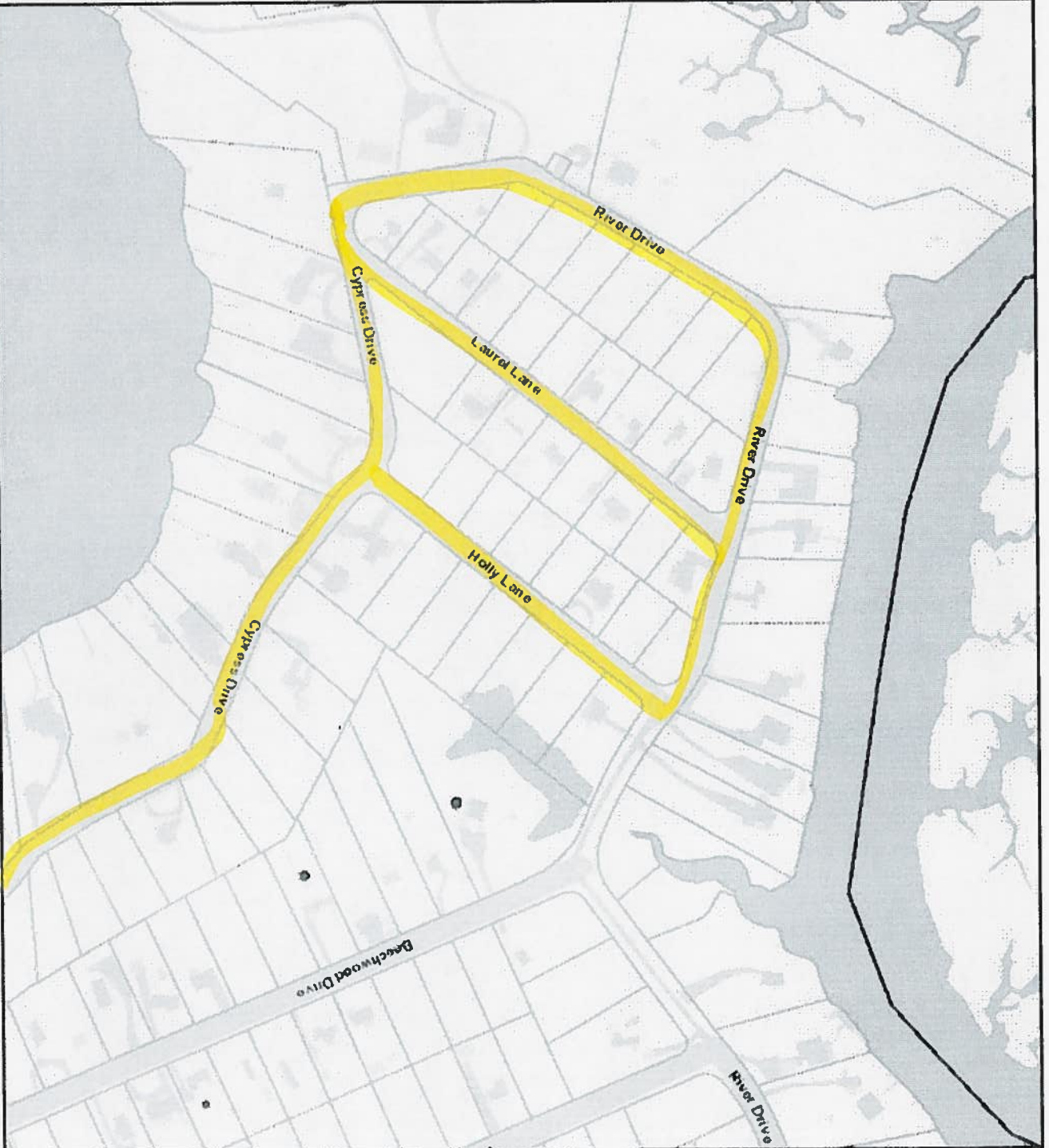
ROAD NAME	ROUTE NO.
CYPRESS DRIVE	#673
LAUREL LANE	#1011
HOLLY LANE	#1010
RIVER DRIVE	#1012



Title:

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.

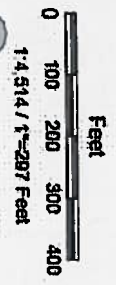
Date: 11/1/2016



Legend
☐ Parcels

**CYPRESS POINT NEIGHBORHOOD
REQUESTED ROADS TO BE
GOLF CART DESIGNATED**

<u>ROAD NAME</u>	<u>ROUTE NO.</u>
CYPRESS DRIVE	#673
LAUREL LANE	#1011
HOLLY LANE	#1010
RIVER DRIVE	#1012



Title:

Date: 11/1/2016

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.

AGENDA ITEM NO. H.3.

ITEM SUMMARY

DATE: 7/11/2017

TO: The Board of Supervisors

FROM: Jose-Ricardo L. Ribeiro, Senior Planner II

SUBJECT: SUP-0028-2016. Solar Electrical Generation Facility at Norge

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Applicant's deferral letter	Staff Report

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	6/25/2017 - 3:45 PM
Development Management	Holt, Paul	Approved	6/25/2017 - 3:45 PM
Publication Management	Burcham, Nan	Approved	6/26/2017 - 7:29 AM
Legal Review	Kinsman, Adam	Approved	6/26/2017 - 11:09 AM
Board Secretary	Fellows, Teresa	Approved	6/26/2017 - 11:58 AM
Board Secretary	Purse, Jason	Approved	7/5/2017 - 7:50 AM
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 8:17 AM

SPECIAL USE PERMIT-0028-2016. Solar Electrical Generation Facility at Norge

Staff Report for the July 11, 2017, Board of Supervisors Public Hearing

SUMMARY FACTS

Applicant:	Mr. Drew Gibbons of SunPower Devco, LLC
Land Owner:	Whisper Ridge, LLC
Proposal:	To allow the construction and operation of a private electrical generation facility, electrical substation with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.
Locations:	320, 339, 341 and 345 Farmville Lane
Tax Map/Parcel Nos.:	2320100052A, 2320100052G, 2320100052 and 2320100055
Project Acreage:	+/- 0.75, 1.62, 215.6 and 5.43 acres; combined ± 223 acres
Zoning:	A-1, General Agricultural and R-2, General Residential
Comprehensive Plan:	Low Density Residential
Primary Service Area:	Inside
Staff Contact:	Jose Ribeiro, Senior Planner II

PUBLIC HEARING DATES

Planning Commission: February 1, 2017, 7:00 p.m. (deferred by applicant)
March 1, 2017, 7:00 p.m. (deferred by applicant)
April 5, 2017, 7:00 p.m.

Board of Supervisors: May 9, 2017, 5:00 p.m. (deferred by applicant)
July 11, 2017, 5:00 p.m.

STAFF RECOMMENDATION

The applicant has requested deferral of this application for one additional month. Staff concurs with the request and recommends the Board of Supervisors defer consideration of this application to the August 8, 2017, Board of Supervisors meeting.

JR/gt
SUP28-16SolarDef

Attachment:

1. Letter from applicant requesting deferral of SUP application.

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

From: David Stoner [mailto:davidastoner1@gmail.com]
Sent: Tuesday, June 06, 2017 3:04 PM
To: Jose Ribeiro <Jose.Ribeiro@jamescitycountyva.gov>; Jason Purse <Jason.Purse@jamescitycountyva.gov>
Cc: Peter Toomey <Peter.Toomey@sunpower.com>; Moulay Belkebir Mrani <Moulay.MRANI@sunpower.com>; Collins, Carroll <Carroll.Collins@kimley-horn.com>; Howell, Cory <Cory.Howell@kimley-horn.com>
Subject: Re: Norge Solar BOS meeting

Jose and Jason:

I just wanted to update you on SunPower's plans for the Norge Solar Project and our case before the James City County Board of Supervisors (JC BOS).

SunPower respectfully requests a further deferral of this case until the JCC BOS August meeting. We are requesting this deferral so we have adequate time to hold a neighborhood community meeting and ensure all follow-up items from that meeting can be appropriately addressed with the community and staff.

As discussed, SunPower is still working to coordinate and schedule another community meeting about the project. We are anticipating this to be held sometime during the last week of this month, and will be confirming that shortly.

Please contact me if you have any questions. Can you also please confirm that our request for deferral until the Aug meeting has been granted?

Thanks,

Dave

+++++

David A. Stoner

Principal

Stoner Power Consulting, LLC

6858 Rockfish Gap Turnpike

Greenwood, VA 22943

434-227-2105

davidastoner1@gmail.com

ITEM SUMMARY

DATE: 7/11/2017

TO: The Board of Supervisors

FROM: Ellen Cook, Principal Planner

SUBJECT: Z-0003-2015. Skiffes Creek Switching Station

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment 1A Resolution for Approval	Resolution
▣	Attachment 1B Resolution for Denial	Resolution
▣	Attachment 2 Location Map	Backup Material
▣	Attachment 3 Minutes of the August 5, 2015 Planning Commission meeting	Backup Material
▣	Attachment 4 Proffers	Backup Material
▣	Attachment 5 Background Information Provided By Applicant	Backup Material
▣	Attachment 6 Environmental Constraints Analysis	Backup Material
▣	Attachment 7 Visual Simulations - including proposed transmission lines	Backup Material
▣	Attachment 8 Visual Simulations - excluding proposed transmission lines	Backup Material
▣	Attachment 9 Switching station photographs (Chickahominy switching station)	Backup Material
▣	Attachment 10 Public comment	Backup Material
▣	Attachment 11 Applicant request to appeal Code of Virginia 15.2-2232	Backup Material
▣	Attachment 12.1 Master Plan Sheets 1-2	Backup Material
▣	Attachment 12.2 Master Plan Sheet 3	Backup Material
	Attachment 12.3 Master Plan Sheet	

▣	4	Backup Material
▣	Attachment 12.4 Master Plan Sheet 5	Backup Material
▣	Attachment 12.5 Master Plan Sheet 6	Backup Material
▣	Attachment 12.6 Master Plan Sheets 7-9	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	6/25/2017 - 4:00 PM
Development Management	Holt, Paul	Approved	6/25/2017 - 4:00 PM
Publication Management	Burcham, Nan	Approved	6/26/2017 - 7:28 AM
Legal Review	Kinsman, Adam	Approved	7/5/2017 - 8:18 AM
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 8:19 AM
Board Secretary	Purse, Jason	Approved	7/5/2017 - 8:27 AM
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 8:31 AM

REZONING-0003-2015/SPECIAL USE PERMIT-0002-2015/HEIGHT WAIVER-0001-2015. Skiffes Creek Switching Station

Staff Report for the July 11, 2017, Board of Supervisors Public Hearing

This staff report was prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS Building F Board Room; County Government Complex
Planning Commission: August 5, 2015, 7:00 p.m.
Board of Supervisors: November 24, 2015, 6:30 p.m. (deferred by applicant)
December 8, 2015, 6:30 p.m. (deferred by applicant)
February 9, 2016, 6:30 p.m. (deferred by applicant)
March 8, 2016, 6:30 p.m. (deferred by applicant)
August 9, 2016, 6:30 p.m. (deferred by applicant)
December 13, 2016, 6:30 p.m. (deferred by applicant)
June 27, 2017, 4:00 p.m. (deferred by applicant)
July 11, 2017, 5:00 p.m.

SUMMARY FACTS

Applicant: Ms. Adena Patterson, McGuire Woods, LLP

Land Owner: Virginia Electric and Power Company, d/b/a Dominion Energy Virginia

Proposal: Rezoning to M-2, General Industrial, with proffers and a Special Use Permit (SUP) to allow for an electrical switching station. This use is classified as an electrical generation facility (public or private), steam generation facility, electrical substation with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more. Also includes a height waiver for two approximately 80-foot-tall structures.

Locations: 8968, 8964 and 8960 Pocahontas Trail

Tax Map/Parcel Nos.: 5920100002, 5920100044A and 5920100013 respectively

Parcel Size: +/- 67.4 acres in total (55.0, 11.8 and 0.62 acres respectively)

Existing Zoning: R-8, Rural Residential; M-2, General Industrial; and R-8, Rural Residential respectively

Proposed Zoning: M-2, General Industrial, with proffers

Comprehensive Plan: Low Density Residential and Neighborhood Commercial respectively

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff recognizes the importance of providing a reliable source of power to James City County and the rest of the Peninsula for economic development, tourism and current businesses and residents while needing to balance the location of electrical facilities with surrounding development to retain the County's character and quality of life.

With the acceptance of the proposed proffers and adoption of the proposed conditions, staff finds the proposal to be compatible with surrounding development and generally consistent with the 2035 Comprehensive Plan.

Staff recommends the Board of Supervisors approve this rezoning, accept the voluntary proffers and approve the SUP and Height Limitation Waiver Application subject to the listed conditions.

Staff also recommends that the Board of Supervisors determine that this review satisfies Code of Virginia §15.2-2232 for substantial accord with the Comprehensive Plan.

Staff Contact: Ellen Cook

Phone: 253-6693

PLANNING COMMISSION RECOMMENDATION

At the August 5, 2015 Planning Commission meeting, the motion for a recommendation of approval for the application (i.e. the switching station rezoning and SUP) and consistency with Code of Virginia §15.2-2232, failed (Aye: 2; Nay: 4). A Planning Commission vote regarding the Height Limitation Waiver was not required.

Proposed Changes Made Since the Planning Commission Meeting

The following changes have been made since the Planning Commission meeting:

1. The applicant has provided revised visual simulations for two viewpoints showing the impacts of just the switching station equipment at 2-year and 10-year growth of proposed plantings. The pieces of equipment that have been determined to be part of the transmission line have been removed from the simulation (though existing transmission lines are still shown in the simulation). See Attachment No. 8.
2. The applicant has provided photographs of an existing switching station in Charles City County to give an example of what the fencing and equipment looks like. This switching station is approximately the same size as, but is configured differently than, the proposed Skiffes Creek facility (see Attachment No. 9).
3. The applicant has submitted an additional proffer (Proffer No. 3) which would prohibit the owner from installing improvements for the switching station site plan until the Army Corps of Engineers issues a permit for the final transmission line route. The proffer would allow for clearing and grading to begin after the issuance of an Early Land Disturbing Permit but if the Army Corps does not approve the permit, the proffer requires Dominion to replant the cleared areas.
4. The applicant has submitted an additional proffer (Proffer No. 4) which would open the option for the County's Economic Development Authority (EDA) to request an easement through the property for the purposes of re-establishing the abandoned CSX railroad spur that used to connect to the BASF property. The proffer gives the EDA ten years to request the easement. The proffer also states that the cost of rail construction would be borne by others, except that, in recognition that the construction of the rail spur will require unique construction techniques and improvements to ensure that the Owners will continue to have access to the property, the Owner shall make a cash contribution of \$1,500,000 to help defray construction costs within 60 days of commencement of installation of improvements for the switching station. The final section of the proffer provides that the County shall have the option to elect to designate the cash contribution to be used for transportation projects in the County within two miles of the point where the property fronts on Route 60.
5. The applicant has proposed an alternative method for addressing stormwater management, which resulted in changes to the Master Plan.

6. The Master Plan has been changed to reflect progress that the applicant has made towards designing the proposed bus stop and shelter, including adjusting the width of the right-of-way dedication and details of the dedication.

On August 17, the applicant filed an appeal to the Planning Commission's Code of Virginia § 15.2-2232 finding that the switching station is not in substantial accord with the Comprehensive Plan. The appeal letter is provided as Attachment No. 11 for further reference.

Proffers

Proffers are signed and submitted in accordance with the James City County Proffer Policy. The submitted proffers limit the permitted uses on this parcel exclusively to the electrical substation and wireless communications facilities and would not permit any other industrial or commercial uses in an effort to minimize impacts to surrounding residential uses.

The applicant has also proposed proffers to relocate the existing Windy Hill Marketplace bus stop to in front of the switching station property and provide a bus pull-off and shelter. In the event Williamsburg Area Transit Authority (WATA) or the Virginia Department of Transportation (VDOT) does not approve the relocation, the applicant has proffered to contribute the equivalent cash to be used towards other transit improvements along this segment of Pocahontas Trail. The cash equivalent would be determined as part of the site plan review. The applicant has also proffered to construct sidewalk along the property's frontage.

Two new proffers (Proffer Nos. 3 and 4), which were outlined earlier on this page, were proposed since the Planning Commission meeting.

PROJECT DESCRIPTION

Ms. Adena Patterson of McGuire Woods LLP has applied for a rezoning, SUP and height waiver for an electrical switching station to be operated by Dominion Virginia Power as part of the proposed Surry-Skiffes Creek 500 kV line and Skiffes Creek-Wheaton 230 kV line (Surry-Skiffes Creek-Wheaton transmission line). The applicant requests that three properties be rezoned to M-2, General Industrial, with proffers. An electrical substation is a specially permitted use in both the proposed M-2 Zoning District and in the existing R-8, Rural Residential Zoning District; however, it is necessary for the applicant to rezone the properties due to the proposed height of two structures. In R-8, the maximum permitted height is 45 feet and Height Limitation Waivers are available for taller buildings whereas in M-2 the maximum permitted height is 60 feet and waivers are available for taller structures. A Height Limitation Waiver has also been requested for two static poles which will not exceed 80 feet above grade.

Code of Virginia § 15.2-2232 requires that unless a utility facility is shown on the adopted Comprehensive Plan or other Master Plan for the County, the local planning commission and governing body shall review the facility to determine whether the location, character and extent of the project is substantially in accord with the adopted Comprehensive Plan. The proposed switching station is not currently shown on the County's adopted Comprehensive Plan and so requires this additional level of review by the Planning Commission and the Board of Supervisors.

PROJECT BACKGROUND

There is considerable background information pertaining to Dominion Virginia Power's overall proposed Surry-Skiffes Creek-Wheaton transmission line project. The project has been under evaluation for several years in order to ensure the provision of reliable power to the area following the closure of the Yorktown Power Station to meet Federal environmental requirements, which occurred in April 2017.

It is important to be mindful that the State Corporation Commission (SCC) has reviewed and accepted the proposed route for the transmission lines. This route is still under review by the Army Corps of Engineers, which issued a Conditional Permit for the proposed transmission line project in June 2017. Under Code of Virginia §56-46.1(F), approval of a transmission line by the SCC is deemed to satisfy local zoning ordinances. James City County appealed the SCC's determination that the switching station was part of the transmission line and exempt from local zoning ordinances; however, earlier in 2015 the Virginia Supreme Court decided that the switching station is not part of the transmission lines and so is subject to both local zoning ordinances and review in accordance with Code of Virginia §15.2-2232.

As a result of these proceedings, the scope of staff's review of the rezoning, SUP and Height Limitation Waiver is limited only to the switching station facility. The applicant has color-coded Sheet 1 of the Master Plan to show transmission line components in green and existing overhead transmission lines in blue. Staff notes that there are also several taller backbone structures ranging from 75 feet to 115 feet in height (identified by an asterix next to the height label). All of these items have been deemed to be part of the transmission lines and are exempt from local zoning ordinances. The broader route of the 500kV transmission lines, the color-coded items on the Master Plan and the backbones are shown for informational purposes only and should not be factored into deliberation on the proposed switching station facility rezoning, SUP and Height Waiver.

COMMUNITY MEETING

The applicant conducted a community open house at the James River Elementary School on July 23, 2015 from 5-7 p.m. to provide additional information about the proposed switching station to nearby residents and businesses.

SURROUNDING ZONING AND DEVELOPMENT ANALYSIS

The project area consists of three parcels that connect the switching station property to Pocahontas Trail by way of an abandoned BASF rail spur. To the north-west, the station is adjacent to active CSX railroad tracks and Merrimac Trail/Route 143. The Merrimac Center and Virginia Peninsula Regional Jail are across Merrimac Trail from the station. Both are zoned PL, Public Lands, and designated Federal, State and County Land on the 2035 Comprehensive Plan. Immediately to the east is a large vacant parcel zoned M-2, General Industrial and designated General Industry. To the south of the station is a vacant parcel that is zoned R-8, Rural Residential and is designated Low Density Residential (LDR). Both the parcel to the east and the parcel to the south are owned by Skiffes Creek L.L.C. and neither have existing road frontage/access on a public street. Immediately to the west of the station is Country Village Mobile Home Park, which is zoned R-8 and designated Moderate Density Residential (MDR). There are a few other existing residential neighborhoods located in close proximity to the project, including Skiffes Creek Terrace, Carter's Village, Poplar Hall and Windy Hill Mobile Home Park. Property adjacent to the access road and along Pocahontas Trail is zoned a mixture of B-1, General Business; M-1, Limited Business/Industrial; R-8 and M-2; and designated Neighborhood Commercial, LDR, MDR and General Industrial.

HEIGHT WAIVER

The applicant has applied for a Height Limitation Waiver and the following analysis is completed with the assumption that the property is rezoned to M-2. On property zoned M-2, structures may be constructed, by right, up to 60 feet in height above grade provided that they meet certain additional setbacks from the property lines. If structures are to exceed 60 feet in height, they must first be authorized by the Board with the issuance of a Height Limitation Waiver (Height Waiver). The applicant has asked for a 20-foot waiver to the height requirements for two structures, which equates to no more than 80 feet above finished grade (which would be the equivalent of 137 feet and 149 feet above Mean Sea Level for each of the two structures respectively). The structures are static poles which are located near the center of the property and serve to attract any lightning strikes rather than to the other switching station equipment. The applicant has provided new visual simulations from Country Village Mobile Home Park (viewpoint 05) and Route 143 (viewpoint 07) to show what the

switching station would look like from off-site. They have been revised to no longer show structures that are part of the proposed transmission lines (but do still show existing transmission lines that will remain). Given the height of the poles and their location on the property, they will have minimal, if any, off-site visual impacts.

HEIGHT WAIVER ANALYSIS

Section 24-443 of the James City County Zoning Ordinance states that structures in excess of 60 feet in height may be erected only upon the granting of a Height Limitation Waiver by the Board of Supervisors and upon finding:

1. Additional setbacks have been provided; however, the Board may waive additional setbacks for structures in excess of 60 feet.

Staff Comment: The proposed static poles are more than 400 feet from the southern property line and the nearest pole is more than 350 feet from the eastern property line. They are located in such a way that the full required Ordinance setbacks (98 feet from the southern property line and 35 feet from the eastern property line) are exceeded in all areas.

2. Such structure will not obstruct light from adjacent property.

Staff Comment: Given the distances to the property boundary lines and the design of the static pole, which is similar to a monopole/slick stick cell tower, Planning staff finds that the static poles will not obstruct light from adjacent properties.

3. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments.

Staff Comment: The closest area of historic interest is Carter's Grove, which is roughly 4,000 feet from the switching station site. The poles will not be visible from this location. There is an archaeological resource on the switching station property; however, the applicant intends to completely excavate the site prior to construction and this is reflected in the proposed SUP conditions. Staff has visited the surrounding residential neighborhoods and Dominion has provided visual simulations to determine impacts to these areas. Currently, the existing overhead power lines are extremely visible from Country Village Mobile Home Park, the view is already significantly impacted in this area and the transmission lines themselves will further impact the view. The clearing and additional equipment for the switching station/static poles will only impact this view to a minor extent. Visual simulation from other surrounding developments indicates that the static poles will not be visible. Staff does note; however, that visibility from Poplar Hall specifically may change if the intervening parcel is cleared for development. Staff has proposed several landscaping and buffering conditions as part of the SUP in an attempt to mitigate this. Planning staff finds that the proposed static poles will not further impair the enjoyment of nearby historic attractions, areas of significant historic interest or nearby developments.

4. Such structure will not impair property values in the area;

Staff Comment: The Director of Real Estate Assessments reviewed the two proposed static poles and determined that they will not negatively affect the surrounding property assessments.

5. Such structure is adequately designed and served from the standpoint of safety and that the County Fire Chief finds the fire safety equipment 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.

Staff Comment: The Fire Department indicates that they have no concerns with the static poles from a fire service standpoint. Public safety related to the switching station will be addressed more in depth later in staff's report.

6. Such structure will not be contrary to the public health, safety and general welfare.

Staff Comment: Based on the current proposal and supporting information submitted by the applicant, staff finds that the proposed static poles will not unduly or adversely affect the public health, safety or general welfare. Public safety related to the switching station will be addressed more in depth later in staff's report.

PUBLIC IMPACTS

Archaeology

The property has been undergoing review as part of the overall permitting process for the Surry-Skiffes Creek Whealton transmission line. Based on the results of a Phase I and Phase II excavation conducted on the property, the Virginia Department of Historic Resources has concurred that there is one archaeological site that is eligible for listing on the National Register of Historic Places. The applicant has indicated that it is their intent to fully excavate the site prior to development and staff has proposed an SUP condition to this effect.

Environmental

Watershed: Skiffes Creek

Staff Comments: The property includes a small Resource Protection Area (RPA) that the applicant proposes to avoid through construction. There are several overhead transmission lines that cross this RPA and so frequent maintenance and trimming will be necessary in this area to keep growth below 15 feet. Due to concerns regarding the use of chemical herbicides in this area, staff has proposed a condition where the owner would need to notify the Director of Engineering and Resource Protection prior to any maintenance activities.

The site also drains to the Skiffes Creek Reservoir, which is a source of drinking water for Newport News Water Works. Staff has included SUP conditions to help mitigate for any negative impacts to the reservoir, including requiring a spill containment/response plan and that post-development stormwater runoff water quality will be treated to achieve the same degree of pre-development water quality. Additionally, the wooded area of the parcel to the west of the switching station will be retained as a tree protection area.

Staff also consulted with the Virginia Department of Conservation and Recreation (DCR) regarding potential habitat for rare, threatened or endangered species. Based on DCR's review, there are no existing species or potential habitat and so no further natural heritage surveys will be necessary.

ERP Comments: Engineering and Resource Protection (ERP) has reviewed the Master Plan and proposed SUP conditions and concurs that any outstanding items can be addressed through the development plan review process.

Public Utilities

The property is located within the Primary Service Area and would be served by public water (Newport News Water Works) and sewer.

Staff Comments: The applicant is not proposing any connections to public water or sewer. Given the project's location to existing James City Service Authority (JCSA) infrastructure and to the Skiffes Creek Reservoir, staff consulted with both JCSA and Newport News Water Works. Both agencies concur with the Master Plan and SUP conditions and have also been participating in the review of the development plans.

Public Safety

The switching station represents a large concentration of high voltage equipment and so staff spent considerable time discussing the project with County Police and Fire personnel in addition to contacting Virginia Natural Gas

(who has a gas pipeline along the northern edge of the property) and CSX to determine whether there were any safety concerns. The applicant has confirmed that the access road from Pocahontas Trail will be upgraded to support fire apparatus. Due to the nature of switching station, the road will be gated and the Fire Department will work in conjunction with Dominion personnel in the event of an emergency to ensure conditions are made safe prior to responding to an incident. This is the typical operating procedure for electrical facilities. SUP conditions are proposed for an emergency management plan that will be developed in conjunction with Fire and Police and will outline appropriate contacts, training schedules, etc. The fence will also be equipped with security cameras that will be monitored.

Fiscal

While the proposal does not generate new businesses or housing, the applicant submitted an overview of the fiscal benefit to the County as a result of rezoning these properties and investing in a switching station. Per calculations by Dominion and the SCC, estimates indicate that \$425,087 would be paid in taxes whereas currently, the 2016 real property tax is estimated at \$5,853. Since the property is owned by Dominion, it is assessed by the SCC rather than James City County. The SCC concurred with Dominion's estimation methodology; however, they noted that the investment amount used for the switching station would not be able to be confirmed until later in the project.

Transportation

The project is located on Pocahontas Trail/Route 60 and there is an existing gated driveway which serves as access to the site. There is a secondary access point off Tadich Drive in Country Village Mobile Home Park, which also ultimately connects to Pocahontas Trail.

Traffic Counts: The James City County/Williamsburg/York County Comprehensive Transportation Study (Regional Study) that was completed in March 2012 indicated that the most recent weekday volume for Pocahontas Trail from BASF Road to the Newport News boundary was 11,188 trips. This represents a current weekday PM peak hour Level of Service (LOS) of A-C for the corridor.

Projected Traffic Volume: On Pocahontas Trail from the Grove Interchange to the Newport News boundary, the 2035 Comprehensive Plan projects 21,186 Annual Average Daily Traffic for 2035 - with the note that volumes are expected to be reduced with implementation of the Route 60 relocated project. The Regional Study notes that the PM peak hour LOS for the corridor from BASF Road to the Newport News boundary is projected to still be at a LOS of F in 2034.

Staff Comments: The switching station will not be staffed on a regular basis and the applicant has indicated that they anticipate three vehicle trips per month to the site for regular maintenance and monitoring once the station is complete. An SUP condition will require that a construction management and mitigation plan be provided prior to site plan approval which will address traffic control measures and hours during construction of the station. There is also a condition that limits all access (with the exception of emergencies) to Pocahontas Trail rather than through residential areas. The applicant has proffered to dedicate additional right-of-way of Pocahontas Trail to accommodate a sheltered bus stop and pull-off. Dominion has included a detail for the bus pull-off and shelter as part of the switching station development plans submitted in September 2015. WATA has concurred with relocating the Windy Hill Market bus stop to the switching station property and VDOT has not expressed any major concerns with the proposed design and right-of-way dedication. If for any reason WATA and VDOT do not grant final approval to the development plans showing the relocation of the bus stop, the applicant has proffered an equivalent cash contribution (amount to be determined at development plan stage) to be used towards other transit improvements along this stretch of Pocahontas Trail. The applicant has also proffered to construct a sidewalk along the property frontage. The Pedestrian Accommodation Master Plan for this area calls for a multi-use path. Staff finds that the development can be supported by the existing road network given the proffer that limits the use of the property.

VDOT Comments: VDOT has reviewed the proposal and trip generation figures for the proposed switching station and did not have any concerns with the rezoning/SUP proposal. They have been involved in review of the development plans, the relocation of the bus stop and the construction management plan.

WATA Comments: WATA is supportive of proffers for locating a sheltered bus stop and pull-off in this area and concur with the proffers. Based on initial design work, it appears that relocation of the bus stop to this location is feasible.

COMPREHENSIVE PLAN

The project is designated LDR on the 2035 Comprehensive Plan Land Use Map. LDR sites should be located within the Primary Service Area and have suitable terrain and soils for development. Recommended uses are tiered by group. Group 1 uses include single-family homes, cluster housing and recreational areas. Group 2 uses include schools, places of public assembly, very limited commercial and community-oriented facilities that can meet the following six standards:

- i. Complement the residential character of the area;
- ii. Have traffic, noise, lighting and other impacts similar to surrounding residential uses;
- iii. Generally be located on collector or arterial roads at intersections;
- iv. Act as a transitional use between residential and commercial areas or, if located within a residential community, serve to complement the residential character of the area rather than altering its nature;
- v. Provide adequate screening and buffering to protect the character of nearby residential areas; and
- vi. Generally intended to support the residential community in which they are located.

New development should only be permitted where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed. Particular attention should be given to addressing such impacts as incompatible intensity and design, building height and scale, land uses, smoke, noise, dust, odor, vibration, light and traffic. Conflicting uses should be located near residential uses only where the conflicts between such uses can be adequately addressed. Conflicts may be addressed by sufficient screening/buffering or other adequately protective site and building design features. The Comprehensive Plan also states that the need for public services (police and fire for this specific application) and facilities generated by a development should be met or mitigated by that development.

A portion of the Land Use section in the 2035 Comprehensive Plan includes a discussion about the relationship between the Comprehensive Plan and zoning map for areas with a residential designation. The majority of this project is zoned R-8 and designated LDR so this section would be pertinent. It notes that in a limited number of instances, to be evaluated on a case-by-case basis, a rezoning to a limited commercial zoning district may be considered but that for either SUP or rezoning legislative actions, careful adherence to the LDR development standards, which have more specific guidelines for these limited commercial uses/districts, will be extremely important.

The Economic Development section contains Goals, Strategies and Actions geared towards supporting existing businesses and tourism and developing ways to attract new and innovative business and industries to the area. An important component of this is ensuring that adequate infrastructure is in place to provide power, water, sewer and other critical services to support economic development. Per the applicant and SCC, this switching station and the associated transmission lines are essential to the reliable provision of electricity to the Peninsula and Hampton Roads area. Additionally, the proposed proffer to grant an access easement for a rail spur through the switching station property may make currently vacant parcels located to the south and east of the spur more attractive for industrial development. Staff has been in contact with CSX regarding the feasibility of re-installing tracks in the spur and they have noted that railroad easements need to be free of major obstructions or it will be difficult to get the necessary clearance for railroad cars. The County or another entity would have to evaluate the feasibility of installing the tracks should there be an interest and additional right-of-way would need to be acquired across Pocahontas Trail and south of the roadway to make useable connections.

A switching station can be considered under the Group 2 uses as a limited commercial or community-oriented facility as it is classified as a utility. Other electrical substations have been permitted on properties within various

land use designations, including LDR and Open Space or Recreation and deemed as facilities that are necessary to support the power needs of general County development.

Staff notes that the property is already significantly impacted by the existing overhead transmission lines that abut the southern property line. As a result, the visual impacts of the switching station are difficult to buffer in that area as plantings have height restrictions to ensure safe operation of the lines. The wooded nature of the adjacent parcel helps to screen the lines and the proposed facility; however, these trees are off-site and could be cleared for future development. Based on the visual simulations provided by the applicant, the switching station security fence will initially be visible from a section of Merrimac Trail near the Virginia Peninsula Regional Jail, but will not be visible after 10 years of projected growth of the proposed buffer plantings. There is significant existing wooded area between the property and Merrimac Trail; however, this is also located off-site and on either VDOT or CSX railroad right-of-way, which could be cleared in the future. The applicant has provided a series of transitional buffers on the property, including a 50-foot buffer (exclusive of existing utility easements) adjacent to residential areas and Merrimac Trail, retention of natural vegetation between the station and Country Village Mobile Home Park, supplemental landscaping along the access road and a 50-foot Community Character Corridor buffer along Pocahontas Trail. The applicant has also proposed lower height plantings under the overhead lines and that plantings will be selected to provide maximum visual screening.

The applicant has addressed potential concerns related to noise generation of the facility. The existing overhead lines, CSX activity and vehicles on Merrimac Trail generate some degree of noise on-site. The applicant has proposed to use low sound design transformers and noise dampening equipment to further mitigate any potential impacts. According to Dominion engineers, the noise level will be approximately 70 decibels at the station itself and 50 decibels at the nearest property line. For comparison, this is about the equivalent of a quiet office or normal conversation.¹ The bulk of the switching station (transformers, breakers, etc.) is more than 700 feet away from the closest existing residence, which is located in Poplar Hall. The applicant has indicated that under regular operations, the station will not generate odor, smoke or dust.

The project meets the Group 2 criteria in conjunction with the proposed SUP conditions in that it has primary access from Pocahontas Trail; includes buffering and landscaping to the extent feasible given existing conditions; provides assurances that the impacts of lighting, noise and traffic on adjacent residential areas can be mitigated; and the station will more broadly support the surrounding residential community by assuring a reliable source of electricity. As a result, staff finds the proposed development to be generally consistent with the 2035 Comprehensive Plan.

RECOMMENDATION

Staff recognizes the importance of providing a reliable source of power to James City County and the rest of the Peninsula for economic development, tourism and current businesses and residents while needing to balance the location of electrical facilities with surrounding development to retain the County's character and quality of life. With the acceptance of the proposed proffers and adoption of the proposed conditions, staff finds the proposal to be compatible with surrounding development and generally consistent with the 2035 Comprehensive Plan.

Staff recommends the Board of Supervisors approve this rezoning, accept the voluntary proffers and approve the SUP and Height Limitation Waiver Application subject to the listed conditions.

Staff also recommends that the Board of Supervisors determine that this review satisfies Code of Virginia §15.2-2232 for substantial accord with the Comprehensive Plan.

EC/nb
SkiffesCSwStn

¹ Comparison data obtained from the National Institute on Deafness and Other Communication Disorders within the U.S. Department of Health and Human Services at <http://www.nidcd.nih.gov/health/education/decibel/pages/decibel.aspx>.

Attachments:²

1. Resolutions
 - a. Approval
 - b. Denial
2. Location Map
3. Minutes of the August 5, 2015, Planning Commission meeting
4. Proffers
5. Background information provided by applicant
6. Environmental Constraints Analysis
7. Visual Simulations - including proposed transmission lines
8. Visual Simulations - excluding proposed transmission lines
9. Switching Station Photographs (Chickahominy Switching Station)
10. Public Comment
11. Applicant request to appeal Code of Virginia §15.2-2232 findings
12. Master Plan

2 The applicant provided additional materials as part of the rezoning application including the findings of the various State Corporation Commission hearings, the verdict in the Virginia State Supreme Court Case and the Army Corps of Engineers alternatives analysis. Due to the volume of materials, these have not been included in the packet but are available from the Planning Division for review upon request.

RESOLUTION

APPROVING CASE NO. Z-0003-2015. SKIFFES CREEK SWITCHING STATION

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") 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 Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified and a hearing scheduled for Case No. Z-0003-2015; and

WHEREAS, following a public hearing at the August 5, 2015 Planning Commission meeting, the motion for a recommendation of approval for Application No. Z-0003-2015 failed by a vote of 2-4.

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

1. The general or approximate location, character and extent of the public utility facility shown in Case No. Z-0003-2015 is substantially in accord with the adopted Comprehensive Plan and applicable part thereof; and
2. The requested rezoning of the Property and establishment of the requested use - the Station - is in substantial accordance with the general purpose and objectives of the Zoning Ordinance; and
3. The rezoning proposed by Case No. Z-0003-2015 is required by public necessity, convenience, general welfare and good zoning practice; and
4. The rezoning proposed by Case No. Z-0003-2015 will not increase public danger; and

5. The rezoning proposed by Case No. Z-0003-2015 will not impair the character of the district and adjacent districts; and
6. The rezoning proposed by Case No. Z-0003-2015 will not reduce or impair the value of buildings or property in surrounding areas; and
7. The rezoning proposed by Case No. Z-0003-2015 will not have adverse effects that cannot be avoided by the acceptance of proffers voluntarily made by the Owner; and
8. 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. Z-0003-2015 as described herein and accepts the voluntary proffers.

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>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

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

Z03-15-SCrk-approv-res

RESOLUTION

DENYING CASE NO. Z-0003-2015. SKIFFES CREEK SWITCHING STATION

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 and 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 Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified and a hearing scheduled for Case No. Z-0003-2015; and

WHEREAS, following a public hearing at the August 5, 2015 Planning Commission meeting, the motion for a recommendation of approval for Application No. Z-0003-2015 failed by a vote of 2-4.

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

1. The general or approximate location, character and extent of the public utility facility shown in Case No. Z-0003-2015 is not substantially in accord with the adopted Comprehensive Plan and applicable part thereof; and
2. The requested rezoning of the Property and establishment of the requested use - the Station - is not in substantial accordance with the general purpose and objectives of the Zoning Ordinance; and
3. Case No. Z-0003-2015 does not further the public necessity, convenience, general welfare or good zoning practice; and
4. The rezoning proposed by Case No. Z-0003-2015 will increase public danger from fire as a result of energizing property adjacent to rail lines that carry crude oil; and

5. The rezoning proposed by Case No. Z-0003-2015 will impair the character of the district and adjacent districts; and
6. The rezoning proposed by Case No. Z-0003-2015 will likely reduce or impair the value of buildings or property in surrounding areas; and
7. The rezoning proposed by Case No. Z-0003-2015 is likely to have adverse effects that cannot be avoided by the acceptance of proffers voluntarily made by the Owner; and
8. 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 deny Case No. Z-0003-2015 as described herein and rejects the voluntary proffers.

Kevin D. Onizuk
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

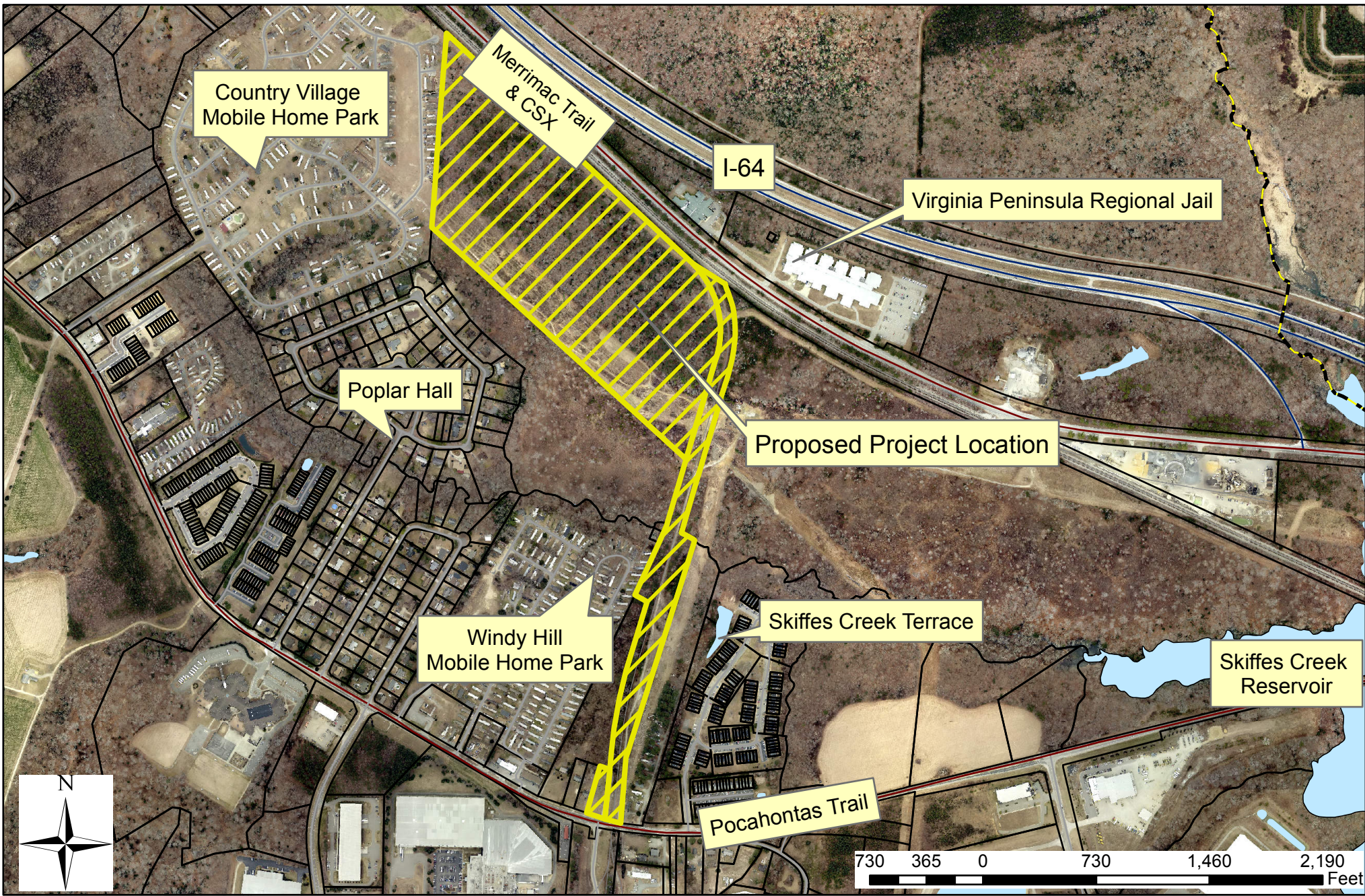
	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

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

Z03-15-SCrk-Denying-res

JCC-Z-0003-2015/SUP-0002-2015/HW-0001-2015

Skiffes Creek Switching Station



**Approved Minutes of the August 5, 2015
Planning Commission Meeting**

A. Case No. Z-0003-2015/SUP-0002-2015/HW-0001-2015, Skiffes Creek Switching Station

Ms. Leanne Pollock, Senior Planner, II, stated that Dominion Virginia Power applied for a rezoning and special use permit for an electrical switching station on approximately 67.6 acres at 8960, 8964, and 8968 Pocahontas Trail, zoned R-8, Rural Residential, and M-2, General Industrial, and designated Low Density Residential (LDR) and Neighborhood Commercial by the comprehensive plan. Ms. Pollock stated that the applicant has requested to rezone all parcels to M-2 with proffers where electrical facilities are a specially permitted use. Ms. Pollock noted that the rezoning is necessary because the proposed height of two structures exceeds 60 feet. Ms. Pollock further noted that the applicant has also applied for a height waiver for these structures to be up to 80 feet from grade. Ms. Pollock stated that the height waiver will be considered by the Board of Supervisors with the rezoning and SUP application, but does not require a vote by the Planning Commission.

Ms. Pollock also stated that Code of Virginia Section 15.2-2232 requires that unless a utility facility is shown on the adopted comprehensive plan or other master plan, the local planning commission and governing body shall review the facility to determine whether the location, character and extent of the project is substantially in accord with the adopted comprehensive plan. Since the proposed switching station is not currently shown on the comprehensive plan, she stated that this additional level of review is necessary.

Ms. Pollock stated that the switching station would be part of the overall 500 kV transmission line proposed by Dominion to cross the James River via a route that was approved by the State Corporation Commission (SCC). Per the Code of Virginia, the SCC's approval of this route is deemed to satisfy local zoning regulations for the transmission line. Ms. Pollock further stated that the Virginia Supreme Court issued a ruling that determined that the switching station is not part of the transmission line and is still subject to local zoning regulations. Ms. Pollock noted that the scope of the Planning Commission review is limited to components of the switching station only, which have been color-coded on the master plan sheets for clarity.

Ms. Pollock stated that the LDR comprehensive plan designation does include limited commercial uses and community-oriented facilities as a Group 2 recommended use and that rezoning land designated as residential to a commercial or industrial district should be evaluated on a case-by-case basis and allowed when the development standards can be satisfied. Ms. Pollock stated that proffers for this proposal limit use of the property to only electrical generation facilities and co-located wireless communication facilities that are approved by the County. Ms. Pollock stated that no other industrial or commercial uses which are permitted in the M-2 zoning district will be allowed on the property.

Ms. Pollock stated that the site and the surrounding area is already significantly impacted by existing overhead transmission lines. Ms. Pollock noted that the buffer plan proposes a series of transitional buffers around the property lines adjacent to Merrimac Trail and residential areas, retention of natural wooded areas between the station and Country Village Mobile Home Park, supplemental landscaping along the access road, a 50 foot Community Character Corridor buffer along Pocahontas Trail, and supplemental lower height plantings under the existing utility lines, all

of which would help reduce visibility of the switching station. Ms. Pollock further noted that staff has also developed several SUP conditions to minimize other potential impacts.

Ms. Pollock stated that staff recommends that the Planning Commission recommend approval of the rezoning and special use permit subject to the listed conditions. Staff also recommends that the Planning Commission determine that this review satisfies Code of Virginia §15.2-2232 for substantial accord with the comprehensive plan.

Ms. Bledsoe requested that the Commission hold questions until after the public comment.

Ms. Bledsoe requested that Mr. Maxwell Hlavin, Assistant County Attorney, provide the Commission with an overview of the scope of its review.

Mr. Hlavin stated that the scope of review is explicitly limited by the Supreme Court ruling to only the switching station and that the transmission lines are exempt from consideration or review. Mr. Hlavin stated that the discussion and review should be limited to the applications before the Commission and should not take the transmission line into account when making a recommendation.

Ms. Bledsoe opened the public hearing.

Ms. Bledsoe invited the applicant to speak.

Mr. Brennen Keene, McGuireWoods, LLP, 800 East Canal Street, Richmond, VA, stated that he represents the applicant.

Mr. Keene stated that the switching station is necessary to ensure reliable electric utility services in James City County and the greater Peninsula.

Mr. Keene noted that the main 55 acre parcel is located where existing 230 kV and 115 kV transmission line corridors come together and was acquired in 1974 as a future site for a switching station. Mr. Keene noted that the two additional parcels were acquired in 2014 to provide access to the main parcel. Mr. Keene stated that development on the property is limited by wetlands, RPA and its topography. Mr. Keene further stated that access to the parcels is severely restricted. Mr. Keene stated that due to the nature of the parcel and the limited access, the best use for the property would be an unmanned industrial facility such as the proposed switching station.

Mr. Keene requested that the Commission approve the rezoning and special use permit and find that the project is substantially in accord with the Comprehensive Plan.

Ms. Bledsoe called for disclosures from the Commissioners.

Mr. Krapf, Mr. Richardson, Mr. Wright, Mr. Drummond, Mr. O'Connor and Ms. Bledsoe each stated that they met with the applicant and toured the property.

Ms. Elizabeth Kostelny, 204 W. Franklin Street, Richmond, VA, representing Preservation Virginia, stated that the question is not whether reliable power is necessary, but whether we should explore more innovative options to preserve the integrity of the landscape and have more information on the design of the switching station before making a determination.

Ms. Leighton Powell, 4 E. Main Street, Ste. 2A, Richmond, VA, representing Scenic Virginia, stated that approval of the switching station goes hand-in-hand with allowing the transmission lines to move forward. Ms. Powell stated that other options and technologies are available and should be explored in order to preserve the scenic resources of the area.

Ms. Sharee Williamson, 200 A Clifford Ave., Alexandria, VA, representing the National Trust for Historic Preservation, stated that the Commission should wait to see the outcome of the federal review process before making a decision. Ms. Williamson stated that there were too many unknowns for the project at this time including the proposed landscape buffer, the design of the switching station, the number of transmission lines and the potential for construction of additional lines. Ms. Williamson further requested that Dominion Power seek an alternative to meet the power needs of the Peninsula and preserve the cultural and natural resources.

Mr. Jamie Brunkow, 1201 Jamestown Road, Williamsburg, VA, representing the James River Association, noted the effects of the proposed transmission lines on the James River and stated that it was premature to approve the switching station without the Army Corps of Engineers determination.

Mr. Edward Chappell, 601 Pollard Park, Williamsburg, VA, stated that the switching station is poorly considered for the impacts on the adjacent residential area. Mr. Chappell further stated that the transmission lines will have a substantial negative impact on the scenic quality of Historic Jamestown and the Colonial Parkway.

Ms. Emily Myron, 716 Giddings Avenue, Annapolis MD, representing the Chesapeake Conservancy, stated that the James River is the anchor of the Captain John Smith National Historic Trail, a series of water routes, tracing the voyages of Captain Smith through the land and waterways of the Chesapeake Bay. Ms. Myron further noted that there are still many questions unanswered about the switching station, including the design, noise levels and the potential for clearing of the buffer area that is off-site.

Mr. David Trichler, 324 Indian Springs Road, Williamsburg, VA, stated that the Commission should carefully consider the precedent that would be set by approving the rezoning and its impacts on the value of the adjacent properties.

Mr. Hank Denning, 4135 Winthrop Circle, Williamsburg, VA, requested that the Commission recommend approval of the switching station in order to avoid loss of electric service or increased costs for service in the future.

Mr. James M. Zinn, 147 West Landing, Williamsburg, VA, representing Save the James Alliance, stated that the Alliance was formed to preserve the historic viewshed along the James River. Mr. Zinn noted that a switching station would be necessary to accommodate additional transmission lines; however, the nature and location of those lines has not yet been determined. Mr. Zinn stated that the switching station in the proposed location would not provide any benefits to the Grove community. Mr. Zinn further stated that the Commission should not make a determination until the Army Corps of Engineers has finished its review.

Mr. Daniel Shaye, 3000 East Tiverton, Williamsburg, VA, stated that the larger than normal public participation signified opposition to the transmission lines and that the Commission should consider the public comment on that issue. Mr. Shaye also noted that the individuals most affected by the proposed switching station are not well represented and need an opportunity to have their voices

heard. Mr. Shaye further stated that he is confident that Dominion Power can find a way to safely bury the transmission lines.

Mr. Alex Koppel, 26 Spring East, Williamsburg, VA, stated that he appreciates the variety and abundance of wildlife along the Colonial Parkway as well as the pristine viewshed. Mr. Koppel further stated that construction of the transmission lines will have a negative environmental impact on the James River. Mr. Koppel requested that Dominion Power consider alternatives that will not impact the river.

Ms. Jessica Sapalio, 3024 John Vaughn Road, Williamsburg, VA, stated that out of respect to the three cultures which founded this nation, it is necessary to preserve the integrity of the historic sites. Ms. Sapalio further stated that a decision should not be made until the Commission has full information.

Mr. John Rogers, 8960 Pocahontas Trail, Williamsburg, VA, stated that he does not believe the right-of-way that was acquired is adequate for the proposed infrastructure. Mr. Rogers further stated that he has concerns about the proximity of the switching station to his property. Mr. Rogers stated that the Commission should not approve the switching station until Dominion Power provides more detailed plans.

Mr. Bill Whittaker, 117 Landsdown Road, Williamsburg, VA, stated that preserving the natural beauty and environmental integrity of the James River is important to the success of the historic sites that bring visitors to this area.

Mr. Walter Zadan, 221 Wingate Drive, Williamsburg, VA, stated that Dominion Power has known for 45 years, since the passage of the Clean Air Act, that the coal-fired plant in Yorktown would have to be closed. Mr. Zadan further stated that Dominion Power has had sufficient time to consider and develop viable alternatives that would not negatively impact the community. Mr. Zadan noted that cost is the main factor in preferring to run overhead transmission lines rather than burying them.

As no one else wished to speak, Ms. Bledsoe closed the public hearing.

Ms. Bledsoe opened the floor for discussion from the Commission.

Mr. Richardson requested a brief recess.

The Commission recessed at 8:41 p.m.

The Commission came back into session at 8:51 p.m.

Ms. Bledsoe called for questions from the Commission.

Mr. Richardson referenced page 23 of the agenda materials and inquired whether the analysis of the property's suitability for residential development was based on the current 2035 Comprehensive Plan or the 2009 Comprehensive Plan.

Mr. Holt noted that the analysis is part of the applicant's submission.

Ms. Pollock stated that the applications were submitted before the adoption of the 2035 Comprehensive Plan, so the analysis using the 2009 Comprehensive Plan was correct at the time

of submittal. Ms. Pollock further stated that the pertinent sections of the Comprehensive Plan did not change significantly with the adoption.

Mr. Holt noted that staff's analysis could be found on page 10 of the agenda materials and is based on the 2035 Comprehensive Plan.

Mr. Richardson inquired whether staff has communicated with Skiffes Creek, LLC which owns a parcel on the south end of the project site.

Ms. Pollock stated that owners of properties abutting the subject properties had been notified by mail. Ms. Pollock further stated that the specific property owner has not communicated with staff.

Ms. Richardson requested more information on the proposed bus pull off.

Ms. Pollock responded that the proposal was just recently received and still under discussion with the Virginia Department of Transportation (VDOT) and the Williamsburg Area Transit Authority (WATA). Ms. Pollock noted that VDOT has provided information on the typical pull off for dimensions and WATA has provided information on their typical shelter which is similar to what exists in front of the WATA facility on Route 60.

Mr. Richardson inquired whether there were examples of where other electrical substations have been permitted on properties within various land use designations, including Low Density Residential and Open Space or Recreation as noted in the staff report.

Ms. Pollock stated that the facilities are smaller in scale than what is being proposed in this application. Ms. Pollock noted that there are substations located near Kingsmill, north of the service road to the brewery and at the Warhill Sports Complex.

Mr. Tim O'Connor inquired as to the scale of the smaller facilities.

Ms. Pollock stated that she did not have exact data but believed the substations were in the five-to-six acre range.

Ms. Pollock noted that staff did visit a 12 acre switching station site in Charles City County which is equivalent in size to the one proposed for Skiffes Creek to get a better sense of the scale of the project and the associated impacts.

Ms. Bledsoe inquired about the size of the Skiffes Creek switching station.

Ms. Pollock responded that the switching station would be about 12 acres; however, there would be additional clearing for the transmission lines and the BMP facility.

Mr. Richardson inquired whether staff held any public open house meetings regarding the project.

Ms. Pollock responded that staff attended the open house held by Dominion Power.

Mr. Drummond stated that he initially had concerns about the project; however, after touring the property he felt reassured that the impacts on adjacent residential properties would be minimal. Mr. Drummond further stated that he still has concerns about the transmission lines; however, they are not part of the current consideration. Mr. Drummond stated that the substation is necessary and that the location is appropriate, especially since it appears that the parcels would not be suitable for

other development. Mr. Drummond commented that it might be helpful for the applicant to elaborate on impacts such as noise on the adjacent neighborhoods.

Mr. O'Connor inquired whether there is a limit on the applicant's financial contribution to constructing the bus pull off and shelter.

Ms. Pollock stated that the original limitation has been removed from the proffers and that the contribution will be more fully determined at the site plan phase.

Mr. O'Connor inquired about hazardous materials that could spill, leak or leach into the watershed.

Ms. Pollock noted that she would defer to the applicant for specifics; however, the plan was transmitted to Newport News Waterworks for review and staff had no concerns. Ms. Pollock further noted that Newport News Waterworks appeared to be satisfied with the SUP conditions for a spill containment measures and an emergency response plan to be provided by the applicant. Ms. Pollock stated that Newport News Waterworks has requested to review the development plan if this application is approved and moves forward to the site plan stage.

Mr. O'Connor inquired about the height limitations in the R-8 zoning district.

Ms. Pollock responded that the by-right height limit is 45 feet; however that limit can be exceeded with a height waiver for buildings only, with buildings being defined as having a roof. Ms. Pollock noted that in the M-2 zoning district a height waiver would apply to structures which covers a broader range, including the requested static poles. Ms. Pollock noted that, in this instance, the height waiver would be necessary for two static poles that exceed the 60 feet limit allowable by-right in the M-2 zoning district.

Mr. Rich Krapf stated that his question would be directed to the applicant.

Ms. Bledsoe inquired whether Skiffes Creek, LLC and the Skiffes Creek Homeowners Association are separate entities.

Ms. Pollock stated that as far as staff was aware there was no relationship between the two.

Mr. O'Connor inquired if there are any height waivers currently in effect on this property.

Ms. Pollock stated that there are no height waivers on this property.

Mr. Drummond inquired if the purpose of the static poles was to prevent lightning strikes.

Ms. Pollock confirmed.

Mr. Drummond inquired whether the other structures that were part of the transmission lines would actually be lower than the existing towers.

Ms. Pollock stated that there were a number structures proposed as part of the transmission lines with varying heights that were indicated on the master plan and that she would defer to the applicant for additional details.

Mr. Krapf inquired about the timeframe for work to commence on the site if the application is approved by the Board of Supervisors and how long construction would take.

Mr. Keene stated that commencement of site work would depend on obtaining all the necessary permits and approvals. Mr. Keene noted that the project would have to go through the County's site plan process as well. Mr. Keene further noted that the permits and approvals required for the transmission lines would also affect the timeline. Mr. Keene stated that once all approvals have been received, it will take approximately one year to construct the switching station.

Mr. Krapf requested confirmation that no construction would occur on the site until all the permitting has been done.

Mr. Keene confirmed.

Mr. Krapf inquired if there were any scenario where Dominion Power would decide the site is not necessary.

Mr. Peter Nedwick, consulting engineer for Dominion Power, stated that the site is ideal for a switching station and would be used as such at some point because of the confluence of the existing transmission lines.

Ms. Bledsoe inquired whether, absent the James River transmission lines, the switching station would be used for other lines.

Mr. Nedwick stated that the purpose of the station is for the 500 kV lines.

Mr. Drummond inquired about the noise generated by the switching station.

Mr. Wilson Velazquez, substation engineer for Dominion Power, stated that based on current studies it would be 50 dB at the property line and it would be 65 dB at the switching station itself. Mr. Velazquez stated that more studies would be done once the final design is determined to ensure the noise levels stay within appropriate limits.

Mr. Drummond inquired whether the new towers would be lower than the existing towers.

Ms. Courtney Fisher stated that the new transmission line towers will be slightly taller than the existing towers.

Mr. Drummond inquired if the new towers would be visible from Route 60.

Ms. Fisher stated that they would not be visible from Route 60.

Mr. Drummond stated that the towers might be visible from Route 143, which is basically industrial in that area.

Ms. Fisher confirmed.

Mr. Richardson inquired about where the archeological site is located on the property.

Ms. Fisher noted that it is on the eastern portion of the site.

Mr. Richardson inquired how that site was determined.

Ms. Fisher stated that this portion of the site would require land disturbance and under the Army Corps of Engineers permitting requirements it was necessary to do the archeological studies.

Mr. Richardson inquired about the scope of proposed upgrades for the proposed rail spur/access road to support emergency response vehicles.

Mr. Ken Wagner, Dewberry Engineers, stated that the existing access over the abandoned rail spur is about 8-to-10 feet wide of clearing. The proposed access would consist of approximately 20 feet width of clearing with a 14-foot wide gravel road.

Mr. Richardson stated that it has been noted that Dominion Power's transmission system would not meet North American Electric Reliability Corporation (NERC) Reliability Standards if the switching station was not in service by the summer of 2015. Mr. Richardson inquired which NERC standards are not being met.

Mr. Nedwick stated that it is the Transmission Planning (TPL) standards that are not being met. Mr. Nedwick noted that these standards have been mandated since 2005.

Mr. Richardson requested an explanation of the TPL standard.

Mr. Nedwick stated that the TPL standard relates to being able to reliably serve the existing and projected customer base.

Mr. Richardson inquired if that is a predictive analysis or a concrete analysis based on the existing infrastructure.

Mr. Nedwick stated that the analysis is based on the transmission system as it would exist in the year of the study.

Mr. Richardson noted that Dominion Power has obtained a one-year extension of the April 16, 2015 deadline for Yorktown Units 1 and 2 to comply with the U.S. Environmental Protection Agency's (EPA) Mercury and Air Toxics Standards (MATS) which drove the original June 1, 2015 need date for the new transmission facilities. Mr. Richardson noted that Dominion Power is also applying for an administrative order from the EPA for the MATS rule which would provide an additional one-year waiver of non-compliance and could potentially extend the need date to June 1, 2017. Mr. Richardson inquired about the status of that waiver application and the likelihood of it being granted.

Mr. Nedwick stated that Dominion Power anticipates receiving the approval; however, it is not guaranteed.

Mr. Richardson inquired about the historical frequency of the EPA granting waivers.

Mr. Nedwick responded that Dominion has submitted two similar applications which have been granted.

Mr. Richardson inquired whether it would be possible to apply for further waivers.

Mr. Nedwick stated that the rules would not permit a request for further waivers.

Mr. Richardson inquired whether any part of the switching station would be visible above the fence line.

Ms. Fisher stated that the wall around the switching station is proposed for a height of 20 feet. Ms. Fisher further stated none of the components of the switching station would be visible above the fence line save for the two static poles. Ms. Fisher noted that the transmission line structures would be visible above the fence line.

Mr. O'Connor inquired about the types of hazardous materials that would be used on site.

Ms. Fisher stated that there would be no hazardous materials used at the switching station; the only oil is a mineral-type oil within the transformers.

Ms. Bledsoe inquired why a spill containment policy is necessary if there are no hazardous materials.

Mr. Velazquez stated that it is standard practice to have a spill containment plan for any type of oil so that even minor spills can be contained and mitigated quickly.

Ms. Bledsoe inquired about the nature of the containment system.

Mr. Velazquez stated that the spill containment is a special type of mesh that allows unimpeded flow of water during normal rainfall and snowmelt events, but that becomes an impervious barrier in the event of an oil release so that the oil remains in the containment structure. Mr. Velazquez further stated that in the event of a larger spill the oil would be channeled to an underground vault and would be removed from there.

Ms. Bledsoe inquired whether the spill containment plan was standard for switching stations and is a proven successful tactic.

Mr. Velazquez confirmed.

Mr. O'Connor inquired whether this is a responsive technique or part of the construction plan.

Mr. Velazquez stated that spill containment is a standard part of the construction of a substation.

Mr. O'Connor inquired what would happen if the transmission lines were ultimately approved but the switching station is not approved.

Mr. Keene stated that there are no concrete plans in place, but Dominion would have to develop an alternative location. Mr. Keene stated that the switching station is a critical component to connect the 500 kV lines to the 230 and 115 kV lines.

Ms. Bledsoe inquired, assuming the 500 kV transmission lines are not approved, is there a possibility that the switching station would still be necessary.

Mr. Keene stated that it is not possible to say whether it would be necessary now; however, it is possible that it would be necessary in the future. Mr. Keene noted that there are failsafe conditions included in the SUP recommendations in the event that the switching station is not constructed within the specified timeframe.

Mr. O'Connor referenced Viewpoint 07 of the visual simulations presented by the applicant and requested clarification on what parts of the switching station are visible.

Ms. Pollock stated that the security fence is the only visible part of the switching station and that the other visible structures are part of the transmission lines.

Ms. Bledsoe noted that the scope of the Commission's review is limited only to the switching station, she is trying to understand the exact visual impact of the larger project if the transmission lines are approved.

Ms. Pollock stated that the visual simulations do include both the transmission line and the switching station so what is shown in the visual simulations is what it will look like if both the transmission lines and switching station are approved.

Mr. Krapf inquired whether any 3D modeling has been done for the project, including the transmission lines, for a better idea of what the project will look like and to determine the impact on the viewshed.

Mr. Keene stated that only the photo simulations that were provided to the Commission have been done.

Ms. Bledsoe requested an explanation of what an "unmanned" station would entail and how many times a month someone would be on site.

Mr. Keene stated that "unmanned" means that there is no one stationed at the facility full or part-time. Mr. Keene stated that once construction is complete there will be routine maintenance visits three or four times per month; possibly more if there are any issues.

Ms. Bledsoe inquired if this was typical for switching stations.

Mr. Keene confirmed.

Ms. Bledsoe asked if it was common for switching stations of the same size as this one to be sited adjacent to residential areas.

Mr. Keene stated that each one is different and dependent on the evolution of the transmission network.

Ms. Bledsoe inquired about how emergencies such as fires or oil spills are identified.

Mr. Keene stated that there will be 24-hour video surveillance for the facility that is monitored from a central operations center. Mr. Keene further stated that there are electronic monitors, also monitored by the operations center, which will provide alerts when there is an equipment malfunction.

Ms. Bledsoe inquired about the length of time to determine if there is an emergency and to mount a response.

Mr. Nedwick stated that the electronic monitoring would identify trouble quickly and a local supervisor would be dispatched to determine the nature of the trouble or the status of the equipment.

Ms. Bledsoe inquired if the local supervisor is stationed in James City County.

Mr. Nedwick stated that the supervisor is stationed out of the Williamsburg office.

Ms. Bledsoe opened the floor for discussion by the Commission.

Mr. Richardson stated that scope of the Commission is to review the application in accord with Code of Virginia §15.2-2232 to determine whether the location, character and extent of the project is substantially in accord with the adopted comprehensive plan. Mr. Richardson further stated that his comments would be based on just those factors. Mr. Richardson noted that the comprehensive plan addresses its relationship to the zoning map in relation to residential areas. Mr. Richardson noted that the majority of the property in question is zoned R-8 and designated as LDR. Mr. Richardson noted that that in a limited number of instances, a rezoning to a limited commercial district can be considered, but for either SUP or rezoning legislative actions, careful adherence to the LDR development standards, which have more specific guidelines for these limited commercial uses, will be extremely important. Mr. Richardson noted that the proposal does meet under Group 2 uses which for new development requires careful attention to compatibility, design and land use. Mr. Richardson stated that conflicting uses should only be located where such conflicts can be appropriately mitigated. Mr. Richardson stated that it is necessary to consider whether the application meets the Group 2 criteria; does it support the community; is it a location of convenience or necessity; will there be adequate screening and buffering; does the project complement or detract from the area. Mr. Richardson stated that these are his decision points in considering the application.

Mr. Wright stated that the Code of Virginia §15.2-2200 encourages localities to improve the public health, safety, convenience, and welfare of their citizens and to plan for the future development of communities including adequate highway, utilities, health, educational and recreational facilities and that residential areas be provided with healthy surroundings. Mr. Wright further noted that the Code of Virginia requires electric utilities to provide reasonable information on transmission line routes and facilities that may affect the locality's comprehensive plan and that if the locality seeks to include the designation of corridors for electric transmission lines in its comprehensive plan, the electric utility shall have an opportunity for consultation about the corridors or routes. Mr. Wright stated that the County's comprehensive plan does not address electric facilities. Mr. Wright noted that an addendum to the comprehensive plan may need to be considered. Mr. Wright stated that following the site visit, he also made a visit to the Grove community to visualize the impacts to the residents. Mr. Wright noted that Windy Hill Mobile Home Park and Skiffes Creek Terrace are within two-tenths of a mile of the proposed facility and that Country Village Mobile Home Park and the homes along Plantation Drive and Indian Circle are also in close proximity. Mr. Wright stated that one of the cornerstones of the comprehensive plan is preserving the Community Character Corridors. Mr. Wright noted that based on community input, growth similar to surrounding cities is not desirable. Mr. Wright stated that in addition, historic preservation is expected and is fundamental to the future of the County. Mr. Wright noted that families move to James City County for the quality of life and the healthy surroundings. Mr. Wright stated that we cannot expect homeowners to be confronted by an unexpected major power installation when they have just made a significant financial commitment or to have their home values further eroded. Mr. Wright stated that citizens should be able to expect elected or appointed officials to exercise sound judgment on matters that can affect the character of the community, the home values and desirability of the property. Mr. Wright stated that he has based his decision on the duties set forth for Planning Commissioners. Mr. Wright noted that he does support free enterprise and does recognize the need for reliable electric service; however he must also consider the long term effect of the switching station on the surrounding community. Mr. Wright stated that he believes the

switching station would be a barrier to the revitalization of the Grove community and to further economic growth in the lower portion of the County. Mr. Wright stated that he will not support the application.

Mr. Drummond stated that he lives on Indian Circle and believes that the switching station will not negatively impact the area or reduce the value of homes. Mr. Drummond stated that the property in question is not suitable for any type of development other than an industrial use. Mr. Drummond stated that the switching station would actually be located closer to Route 143 than to Route 60 and that the uses in that area were more industrial. Mr. Drummond stated that he would support the application.

Mr. O'Connor stated that he concurs that there are very few other suitable uses for the property. Mr. O'Connor stated that he also has concerns about where a switching station might go if the transmission lines are approved and the switching station is not approved at this location. Mr. O'Connor noted that not approving the switching station might require that the 500 kV lines travel further through the County.

Mr. O'Connor inquired if there were any idea about the Army Corps of Engineers time frame for a determination.

Ms. Fisher stated that there was no thought on when a decision might be made. Ms. Fisher noted that there is a failsafe condition in the SUP that the station shall be operational within 36 months from the issuance of an SUP, or the SUP shall become void.

Mr. O'Connor stated that he sees both sides on this application and is still weighing the matter.

Mr. Krapf stated that the decision is not clear cut. Mr. Krapf stated that there are a number of positives with the application, such as the applicant's agreement to leave the western portion of the property in its natural state in perpetuity. Mr. Krapf stated that it is a significant benefit for the Country Village Mobile Home Park adjacent to that portion of the property. Mr. Krapf stated that there are already extensive power lines located on the property, so it is not as if an entirely new use is being introduced. Mr. Krapf noted that although designated LDR, the topography of the parcel and access is not conducive to residential development. Mr. Krapf stated that one consideration when considering a rezoning is the impact on surrounding zoning. Mr. Krapf stated that the parcel to the east is already zoned M-2 and the rezoning would bring this parcel in line with that parcel. Mr. Krapf stated that he finds that the applicant has agreed to a number of conditions in both the SUP conditions and the proffers that will enhance the project. Mr. Krapf stated that if he were to support the application it would be based on the applicant's assurance that there would be no construction until the completion of the Army Corps of Engineers permitting process. Mr. Krapf noted that this was what the citizen comments had focused on; that the project not be approved until a determination is made by the Army Corps of Engineers.

Mr. O'Connor inquired if Mr. Krapf was inquiring as to an additional proffer that no site work will take place until the permitting process is complete.

Mr. Krapf inquired if the applicant would be agreeable to such a proffer. Mr. Krapf noted that it would not preclude submission of a site plan in advance of completion of the permitting process.

Mr. Keene stated that the applicant would be willing to submit a proffer that no land disturbing for the switching station would take place until the permitting was complete.

Ms. Bledsoe inquired if submission of the proffer is contingent on approval of the application.

Mr. Keene recommended that if a motion for approval is made, that it be made contingent on the applicant submitting additional proffers or addressing that issue.

Ms. Bledsoe asked for confirmation that the rezoning would need to be approved.

Mr. Holt clarified that without an approved rezoning, there are no proffers.

Ms. Bledsoe stated that the comprehensive plan is the guiding force for the Commission. Ms. Bledsoe stated that the Code of Virginia states that to approve something like this application, it must be in substantial accordance with the comprehensive plan. Ms. Bledsoe stated that to her, looking at the surrounding areas, they are zoned R-8 and designated LDR. Ms. Bledsoe stated that the difference between this parcel and the one adjacent to it that is zoned M-2, is that there is little residential housing around it. Ms. Bledsoe stated that she has concerns about where it is located and believes that if the Commission agrees to the location of this large structure, it will place an additional burden on citizens who have already had to accept the intrusion of the existing power lines. Ms. Bledsoe stated that she does not believe it is right to impose that additional effect on their neighborhood. Ms. Bledsoe stated that she concurs that placing the switching station in that location will preclude revitalization and economic growth in that area. Ms. Bledsoe stated that she understands the need for reliable power and has faith that Dominion Power can find a way to prevent brownouts and disruption of power.

Ms. Bledsoe stated that in making decisions it is necessary to consider not just the current needs but those of future generations. Ms. Bledsoe stated that the comprehensive plan serves as a guide for what is envisioned for the County. Ms. Bledsoe stated that the comprehensive plan clearly intends for the area to be R-8. Ms. Bledsoe noted that a rezoning application means that the proposed use is in conflict with the current zoning. Ms. Bledsoe stated that in some instances the conflicts can be resolved or ameliorated; in some instances the rezoning would have minimal impact on the adjacent properties or is for the betterment of the community. Ms. Bledsoe stated that this is why it is necessary to consider the proposal in light of the five criteria for comprehensive plan consistency: does it complement the residential character of the area. Ms. Bledsoe stated that she believes the proposal does not meet this standard. Will it have traffic, noise, lighting and other impacts similar to surrounding residential uses. Ms. Bledsoe stated that she is not clear on what those impacts will entail but believes the applicant will make a good effort to mitigate any impacts. Will it generally be located on collector or arterial roads at intersections; will it provide adequate screening and buffering to protect the character of nearby residential areas; and is it generally intended to support the residential community in which it is located. Ms. Bledsoe stated that the switching station is intended to support and benefit the entire Peninsula. Ms. Bledsoe stated that the County could choose to approve the switching station for the greater good, but she believes it is too big a sacrifice to ask of the community.

Mr. Richardson inquired if the Commission could recommend deferral of the application.

Mr. Holt stated that the Commission could choose to defer its decision to a later date but it could not send a recommendation of deferral to the Board of Supervisors.

Mr. O'Connor asked about any stipulations on time for the Commission to take action.

Mr. Hlavin stated that the Commission must take action; however there is no requirement to take action within a specified time. Mr. Hlavin stated that the Commission could move to postpone and then continue to postpone until such time as they deemed appropriate to make a recommendation.

Mr. Krapf inquired about the 100 day limit.

Mr. Hlavin stated that there is a 100 day limit on taking no action.

Mr. O'Connor inquired if making a motion to defer to a date certain would be considered taking action.

Mr. Hlavin confirmed and stated that the motion would be to postpone to the next meeting.

Ms. Bledsoe inquired if the matter would still be considered by the Board of Supervisors.

Mr. Hlavin stated that the matter would remain with the Planning Commission for its next agenda and would not require public comment as the public comment period was closed.

Mr. Holt requested that the applicant restate its offer for an additional proffer.

Mr. Keene stated that the applicant would proffer that the project would be able to move forward with obtaining necessary permits but it would not commence land disturbing or construction until the transmission lines receive approval from the Army Corps of Engineers.

Mr. Drummond moved to recommend approval with the additional proffer and send a recommendation of approval to the Board of Supervisors.

Mr. Richardson asked for confirmation that this motion was based on the inclusion of the additional proffer condition.

Mr. Holt confirmed.

On a roll call vote, the motion to approve failed by a vote of 2-4, Mr. Basic being absent.

SKIFFES CREEK SWITCHING STATION

PROFFERS

THESE PROFFERS are made this 15th day of June, 2017, by VIRGINIA ELECTRIC AND POWER COMPANY D/B/A/ Dominion Energy Virginia (together with its successors in title and assigns, the "Owner").

RECITALS

A. The Owner is the fee simple owner of three tracts or parcels of land located in James City County, Virginia (the "County"), with addresses of 8968, 8964 and 8960 Pocahontas Trail, and being further identified as James City County Real Estate Tax Parcel Nos. 5920100002, 5920100044A, and 5920100013, respectively, and together, containing approximately 67.42 acres (collectively, the "Property").

B. The Property is now zoned R-8, Rural Residential, and M-2, General Industrial. The Property is designated Low Density Residential on the County's Comprehensive Plan Land Use Map.

C. The Owner has applied to rezone the Property from R-8 and M-2 to M-2 with proffers.

D. The Owner has submitted to the County a master plan entitled "Skiffes Creek Switching Station" dated 9.26.2016, with latest revision 2 dated 11.30.2016, and prepared by Dewberry (the "Master Plan") for the Property in accordance with the James City County Code (the "County Code"). All nine (9) sheets contained within the Master Plan are incorporated herein.

E. The Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned M-2.

F. The Owner has defined "Station" as the electrical transmission switching station (identified in the County Code as an electrical substation) that is to be developed on the Property pursuant to the Master Plan.

PROFFERS

1. Use. The use of the Property shall be limited to the Station; uses accessory to the Station; and the Owner's electrical transmission network, which is comprised of any State Corporation Commission-approved transmission facilities or any County-approved electrical facilities. In addition, telecommunication facilities may be co-located on any of the Owner's transmission facilities, provided the telecommunication facility is approved by the County. No other uses listed as permitted or specially permitted within in the M-2, General Industrial zoning district, shall be permitted on the Property.
2. Bus Shelter and Related Improvements; Sidewalks.

- A. Prior to submission of the site plan for the Station, the Owner shall coordinate with the County, the Williamsburg Area Transit Authority ("WATA") and the Virginia Department of Transportation ("VDOT") to seek approval from WATA to relocate the existing bus stop identified as the "Windy Hill Market" bus stop to the Property. If WATA approves such relocation prior to approval of the site plan, the Owner shall be responsible for the construction of such bus shelter and, if approved by VDOT, a bus turnout, as provided herein.
- B. As part of its site plan submittal for the Station, the Owner shall submit to the County, VDOT and WATA, as applicable, designs for construction of the following improvements to be built on the Property frontage on Route 60:
 - i. A sidewalk designed pursuant to applicable laws and regulations, including, as applicable, the Americans with Disabilities Act and VDOT design criteria for sidewalks in VDOT rights of ways, that provides connectivity between the existing sidewalk segments on the eastern and western boundaries of the Property.
 - ii. A bus shelter designed pursuant to applicable laws and regulations, including, as applicable, the Americans with Disabilities Act, provided that such bus shelter relocation has been previously approved pursuant to subsection A above.
 - iii. A bus turnout to be located in front of the bus shelter, provided that the bus shelter relocation has been previously approved pursuant to subsection A above.
- C. The Owner shall be responsible for the construction of each of the improvements above as approved by the County, VDOT and/or WATA, as applicable, it being understood that the Owner shall not be responsible for (i) construction of a bus shelter or the bus turnout if WATA does not approve the relocation of the Windy Hill Market bus shelter to the Property and (ii) construction of the bus turnout if VDOT does not approve the bus turnout design, or some other, modified design, due to safety or other design reasons. Nothing herein shall obligate the Owner to acquire any off-site right-of-way for any such improvements, it being understood that such improvements shall be constructed within existing VDOT rights-of-way and on portions of the Property dedicated to the VDOT pursuant to subsection D below. The improvements to be constructed by the Owner shall be shown on the final site plan for the Station and shall be constructed within one year after the date that the equipment in the Station is energized and put into operation (the "Operations Date"). The Owner shall provide the County with notice of the Operations Date within thirty (30) days after such date.

- D. Upon approval of the site plan for the Station, the Owner shall dedicate to VDOT all right-of-way necessary for the sidewalk, bus shelter and bus turnout, if and as applicable.
- E. If VDOT and/or WATA, as the case may be, does not approve the relocation of the bus shelter and/or construction of the bus turnout, the Owner shall pay to the County the cash equivalent of the cost to construct the improvements not constructed on the Property so that the County can provide equivalent improvements for transit services in other locations on the portion of Route 60 east of its intersection with Busch Gardens Boulevard. Such cash equivalent shall be based on an engineer's estimate submitted by the Owner to the County for approval with the site plan. If applicable, the amount of such cash contribution shall be determined at the time of site plan approval, and the payment of such cash contribution shall be made within sixty (60) days after the date that Owner commences installation of the improvements for the Station identified on the approved site plan (the "Installation Commencement Date"). The Owner shall provide the County with notice of the Installation Commencement Date within thirty (30) days after such date.

3. Permitting.

- A. The Owner shall not commence installation of the improvements for the Station identified on the approved site plan prior to permit issuance by the Army Corps of Engineers for the crossing of the James River for the transmission line that will connect with the Station ("Army Corps Permit"); however, tree removal and preliminary site preparation may commence following early grading approval and a Phase III archeological survey may begin as soon as allowed as provided for within the 4/24/2017 signed Memorandum of Agreement.
- B. If the Army Corps Permit is not issued, the areas of the Property that have been cleared shall be replanted no later than six (6) months following the expiration of the associated special use permit.

4. Rail Spur Easement; Transportation Impacts.

- A. The Owner shall provide an easement at no cost to the James City County Economic Development Authority ("EDA") generally in the area identified on the Master Plan as the "Former CSX Rail Spur" subject to the following:
 - i. The EDA must request that the Owner grant the easement within ten (10) years of the date of approval of this rezoning and its associated special use permit.
 - ii. If the EDA does not request that the Owner grant the easement within that ten-year period, the obligation to grant the easement shall terminate.

- B. The easement granted to the EDA shall allow for the construction of a rail spur to serve parcels located to the east and/or south of the Property, provided:
 - i. Except as provided in subsection 4.C. below, the cost of such rail construction is borne by others.
 - ii. Vehicular access to the Property remains unrestricted or the access to the Property is relocated, and, except as provided in subsection 4.C. below, the cost of such relocation is borne by others.
 - C. Owner recognizes that construction of the rail spur will provide some benefits to the Property but also will require unique construction techniques and improvements to ensure that Owner will continue to have access to the Station. Within sixty (60) days after the Installation Commencement Date, the Owner shall make a cash contribution to the County in the amount of ONE MILLION FIVE HUNDRED THOUSAND and 00/100 dollars (\$1,500,000.00) (the "Cash Contribution") to be used by the County or the EDA to help defray some of the costs of constructing the rail spur and the access improvements as necessary to satisfy the requirements of Section 4.B. above. If the EDA does not request grant of the easement within the ten-year period or if the Cash Contribution has not been re-designated for transportation improvements as described in Section 4.D. below, the Cash Contribution shall be returned to Owner.
 - D. To address impacts to capital facilities, the County shall have the option, at any time after the Cash Contribution has been made but prior the date that the Cash Contribution would otherwise be required to be returned to Owner pursuant Section 4.C. above, to elect to re-designate the Cash Contribution to be used for transportation projects in the County that are within two miles of the point where the Property fronts on Route 60. Re-designation of the Cash Contribution for transportation purposes shall not affect the EDA's obligations contained in Section 4.B. above.
5. Prior Proffers Superseded. Any proffers submitted by the Owner prior to the date first written above are hereby replaced and superseded by the proffered conditions contained herein.

SIGNATURES FOLLOW ON NEXT PAGE

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended, and the County Code, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

WITNESS the following signatures and seals.

VIRGINIA ELECTRIC AND POWER COMPANY

BY: B. E. McGuire
NAME: Bobby E. McGuire
TITLE: Authorized Representative

STATE OF: Virginia
CITY/COUNTY OF Richmond:

The foregoing instrument was acknowledged before me this 15th day of June, 2017, by Bobby E. McGuire, as Director - Electric Transmission Project Development and Execution of Virginia Electric and Power Company, a Virginia corporation, on behalf of the corporation.

My commission expires: 5/31/2020

Registration number: 7672923

Bridget G. Gibson
Notary Public



SKIFFES CREEK SPECIAL USE PERMIT AND REZONING APPLICATION

Background

1. The Property

Virginia Electric and Power Company (“Dominion Energy Virginia” or the “Company”) owns three parcels of land north of Route 60/Pocahontas Trail near BASF Drive in James City County, Virginia. These parcels are known as map numbers 5920100013 (“0.62-acre Parcel”), 5920100002 (“55-acre Parcel”), and 5920100044A (“11.8-acre Parcel”) totaling 67.42 acres (collectively, the “Property”) as shown on the Skiffes Creek Switching Station Master Plan dated 9.26.2016, with latest revision dated 11.30.2016, prepared by Dewberry and attached as Exhibit A (the “Master Plan”). The 11.8-acre Parcel is zoned M-2; and the 0.62-acre and 55-acre Parcels are zoned R-8.

The 11.8-acre Parcel connecting Route 60/Pocahontas Trail to the 55-acre Parcel was the location of a former railroad spur. The tracks have been removed from the 11.8-acre parcel but an existing dirt/gravel access road runs parallel to the old railroad bed. That road is already used by Dominion Energy Virginia to access the various overhead transmission lines in the area. The 55-acre Parcel is generally a parallelogram in shape, with the northern and southern boundaries being longer than the eastern and western boundaries. The 55-acre Parcel has the following characteristics:

- The northern boundary is immediately adjacent to a dual track CSX mainline railroad and Route 143/Merrimac Trail, and it is in very close proximity to Interstate 64, the Merrimac Juvenile Detention Center, and the Virginia Peninsula Regional Jail. *See Master Plan sheet 1 or 2.*
- The southern quarter of the southern portion of the 55-acre Parcel is currently occupied by a two hundred twenty-five (225 +/-) foot width electric transmission corridor that includes four existing overhead transmission lines (two 230 kV lines and two 115 kV lines). *See Master Plan sheet 1 or 2.*
- The southern boundary of the 55-acre Parcel is adjacent to a 25.2-acre parcel zoned R-8 and is currently vacant. *See Master Plan sheet 1 or 2.*
- The western boundary of the 55-acre Parcel is adjacent to property zoned R-8 and is occupied by a manufactured home park. *See Master Plan sheet 1 or 2.*

- The eastern boundary of the 55-acre Parcel is adjacent to land that is zoned M-2 and is currently vacant, except for the electric transmission lines that cross that property. *See* Master Plan sheet 1 or 2.
- The parcel is split by wetlands and an identified resource protection area (“RPA”) in a northwest to southeast orientation. *See* Master Plan sheet 1 or 2.

2. Legal Background Regarding Skiffes Station.

By its November 26, 2013 Order, as modified by its February 28, 2014 Order Amending Certificates (“Amending Order”) and confirmed by its April 10, 2014 Order Denying Petition (collectively, the “Skiffes Orders”), the State Corporation Commission (“Commission”) approved and certificated under § 56-46.1 of the Code of Virginia (“Va. Code”) and the Virginia Utility Facilities Act¹ the construction and operation by Dominion Energy Virginia of the electric transmission lines and related facilities proposed by the Company in its application filed in Case No. PUE-2012-00029 on June 11, 2012. Specifically, by the Skiffes Orders, the Commission approved and certificated the construction and operation by the Company of overhead electric transmission lines and related facilities, including (1) a new 500 kV overhead electric transmission line from the Company’s existing 500 kV-230 kV Surry Switching Station (“Surry Station”) in Surry County to a new 500 kV-230 kV-115 kV Skiffes Creek Switching Station (“Skiffes Station”) in James City County (also referred to as Line #582 or the “Surry-Skiffes Creek Line”); (2) the Skiffes Station; (3) a new 230 kV overhead line, in the Counties of James City and York and the City of Newport News, from the proposed Skiffes Creek Station to the Company’s existing Whealton Substation located in the City of Hampton (“Skiffes Creek-Whealton Line”); and (4) additional transmission facilities at the existing Surry Station and Whealton Substation (collectively, the “Approved Project”). Copies of the Skiffes Orders are included as Exhibits B, C, and D.²

The Skiffes Orders were appealed to the Supreme Court of Virginia, which issued its unanimous opinion on April 16, 2015, affirming the Commission’s approval and certification of these overhead transmission facilities, including the overhead 500 kV transmission line from the 500 kV switchyard at the Company’s Surry Nuclear Power Station in Surry County across the James River to the proposed site of the Skiffes Station in James City County. *BASF Corp. v. State Corp. Comm’n*, 289 Va. 375, 770 S.E.2d 458, *reh’g denied* May 15,

¹ Va. Code § 56-265.1 *et seq.*

² *See also* Exhibit D-1 for a copy of the Commission’s December 22, 2015 order extending to December 31, 2015 completion and in-service date for the Approved Project in the Amending Order, until the date twenty (20) months after the date that the United States Army Corps of Engineers issues a construction permit.

2015. The Commission's findings of the need for the Approved Project were not appealed. A copy of the Court's Opinion is included as Exhibit E.

The Court's opinion in *BASF* also reversed and remanded (by a 4-3 vote) the holding in the Commission's November 26, 2013 Order that the term "transmission line" includes transmission switching stations such as Skiffes Station under § 56-46.1 F, which exempts transmission lines approved by the Commission under § 56-46.1 from Va. Code § 15.2-2232 and local zoning ordinances. Petitions of the Commission and the Company seeking rehearing of this aspect of the *BASF* opinion were denied by the Court on May 15, 2015. As a result, the Company is now required to obtain a special use permit ("SUP") from James City County (or the "County") to construct Skiffes Station. The Commission acknowledged this requirement in its June 5, 2015 order, a copy of which is provided as Exhibit F.

3. The Need for Skiffes Station

The Approved Project is needed to assure that the Company can continue to provide reliable electric service to its customers in the load area comprised of the Peninsula (Counties of Charles City, James City, and York plus the Cities of Williamsburg, Yorktown, Newport News, Poquoson, and Hampton), Middle Peninsula (Counties of Essex, King William, King and Queen, Middlesex, Mathews, and Gloucester together with City of West Point) and Northern Neck (Counties of King George, Westmoreland, Northumberland, Richmond, and Lancaster and the City of Colonial Beach) ("North Hampton Roads Load Area") consistent with mandatory federal North American Electric Reliability Corporation ("NERC") Reliability Standards and the Company's planning criteria. Power flow studies conducted by the Company and the Commission's Staff showed that the Company's transmission system would not meet NERC Reliability Standards if the Approved Project was not in service by the planned retirement of Units 1 and 2 at the Company's Yorktown Power Station in order to comply with applicable federal environmental requirements.³

Timely construction of the transmission facilities approved by the Commission is critical to maintain reliability in the North Hampton Roads Load Area and to meet the requirements of the FERC, NERC, and the Commission. Additionally, the Company must obtain a construction permit from the United States Army Corps of Engineers (the "Corps") and authorization from the Virginia Marine Resources Commission, both of which have been

³ The deactivation of Yorktown Units 1 and 2 is prompted by the United States Environmental Protection Agency's ("EPA") Mercury and Air Toxics ("MATS") requirements by April 16, 2015. The two 1-year extensions under the MATS requirements which were available under the terms of the Clean Air Act have been requested, granted, and exhausted. The first extension was granted by the Virginia Department of Environmental Quality on June 24, 2014 (effective through April 15, 2016) and a second term was authorized by the EPA under an Administrative Compliance Order on Consent on April 16, 2016 (effective through April 15, 2017) pursuant to their respective authority under the Clean Air Act.

pending since March of 2012. As part of the joint permit application (“JPA”) submitted for approval by the Corps, the Company prepared and included an alternatives analysis.⁴ See Exhibit G for a copy of this Alternatives Analysis. Upon obtaining the necessary approvals, the Company intends to commence construction of the approved and certificated 500 kV and 230 kV lines. Consistent with the Court’s opinion in *BASF* and the Commission’s June 5 order the Company is now applying to James City County for an SUP to construct Skiffes Station.

The Skiffes Station is needed to meet federal and state transmission reliability requirements. A transmission switching station is a facility that controls and manages power systems at a transmission power level (power levels over 69 kV and above). Skiffes Station, which will contain only transmission facilities and is classified as part of the Bulk Electric System (“BES”) by NERC, will be the central point, or hub, where the new 500 kV line from Surry will interconnect:

- with the new 230 kV line to Whealton, which will provide a new source of power directly to the load center at the eastern end of the Peninsula
- with two 230 kV lines from Skiffes Station to the west and two more to the east (all four created by splitting the two existing 230 kV lines at Skiffes Station)
- with two 115 kV lines to the west and two more to the east (all four created by splitting the two existing 115 kV lines at Skiffes Station).

These multiple connections cannot be accomplished by merely connecting the cables of these lines onto the structures that support them. This is for two reasons. First, the lines will operate at different transmission voltages, so the power from the 500 kV line must be transformed to 230 kV before it can be received by the 230 kV facilities of the new line to Whealton and the four split 230 kV lines to the east and west; and the 230 kV power must be transformed to 115 kV before it can be received by the four split 115 kV lines to the east and west. Second, switching equipment is needed to permit the Company to control the flow of power among all of these lines and to provide physical reliability for the line and the system. This physical reliability is provided by shortening the distance between substations and/or switching stations so that if an overhead line or multiple lines are compromised the loss of power will be limited to a smaller area and to fewer customers. Skiffes Switching Station is required to contain the equipment required to accomplish these vital tasks safely and efficiently to maintain the reliability of the interconnected transmission system.

⁴ *Surry-Skiffes Creek-Whealton 500 kV/230 KV Alternatives Analysis*, prepared for the Corps by the Company and Stantec Consulting Services, Inc., date stamped November 7, 2014 (“Alternatives Analysis”).

Request

The Company is requesting rezoning of the Property from R-8 to M-2 with proffered conditions and the issuance of a SUP for Skiffes Station (identified in the zoning ordinance as an electrical substation). The rezoning is requested for several reasons. First, there will be a number of structures (two 80+/- foot static poles) within Skiffes Station that will exceed the 35-foot height limit permitted in R-8, and the 60 foot height limit permitted in M-2. By rezoning to M-2, the amount of a height limitation waiver will not be as great as it would be in the R-8 district. Second, the rezoning request will allow for the proffering of conditions beneficial to the County and to the surrounding property owners. *See* Proffers submitted with the application (“Proffers”). Third, rezoning the Property with the Proffers will better reflect the zoning of the surrounding area and specific locational limitations of the Property.

Skiffes Station is proposed to be sited on an approximately 13 acre security fenced area or 24% of the northeastern corner of the 55-acre Parcel. *See* Master Plan sheet 3. Access to the Station will continue to be maintained using the existing dirt/gravel access road located on the 11.8-acre Parcel. Development of Skiffes Station and ongoing use of the Property as it relates to the Station shall be further restricted by the conditions and commitments contained in the Proffers. In summary, the Proffers offer the following additional protections for adjacent and area property owners:

- Proffer 1 limits the use of the Property to the Station and Owner’s electric transmission system only, and no other uses. With this proffer, the Owner has ensured that no other industrial uses can be established on the Property without further legislative action.
- Proffer 2 provides for the relocation of the existing bus stop at the Windy Hill Market to a new bus shelter, turnout area, and sidewalk on the Property.
- Proffer 4 provides for the grant of an easement to the James City EDA for use of the former rail spur as a new rail spur.

Comprehensive Plan

The James City County “Toward 2035” Comprehensive Plan (the “Comprehensive Plan”) designates the Property for low density residential; however, the Property is not suitable for residential development for the following reasons:

1. The existence of three major transportation facilities - the CSX mainline, Route 143/Merrimac Trail and Interstate 64 - either immediately adjacent to

or in close proximity to the Property is not compatible in use and character with residential uses. The Comprehensive Plan and good zoning practice strongly encourage avoiding the aggregation of incompatible uses. (See Comprehensive Plan, Chart 2, item 4 on page 180, which recommends that the County should “[l]ocate residential uses immediately adjacent to non-residential uses, major roads, railroads, airports, agricultural and forestal uses, and other conflicting uses *only where* the conflicts between such uses can be adequately addressed (noise, vibrations, and others)” [emphasis added]).

2. Access to the Property for residential use is extremely limited. There is no existing access from Merrimac Trail nor is there the ability to gain access as a road would have to cross the railroad in an area that has a number of grade changes.

3. The portion of the Property requested for development of Skiffes Station and the 11.8-acre Parcel are immediately adjacent to, and in closer proximity to, the 150-acre M-2 zoned parcel adjoining the existing residential developments to the west and south of the Property. The 150-acre parcel is partially developed as the Green Mount Industrial Park.

4. Wetlands and RPAs split the 55-acre Parcel from the northwest to the southeast. The upper reaches of a perennial stream creates a large finger of RPA along the southern boundary of and bisecting the 55-acre Parcel. This same stream crosses the vacant parcel to the south and continues until it forms that parcel’s southern boundary, which is a significant barrier to residential development in that location.

5. The southern portion of the 55-acre Parcel is occupied by four existing overhead transmission lines (two 230 kV lines and two 115 kV lines) located in a +/- 225 foot width corridor within which no development may occur.

6. Aside from the 11.8-acre Parcel, no other roads, driveways, or other accesses are available from adjacent properties to the 55-acre Parcel. The Property lies within one of the County’s Enterprise Zones, indicating this is an area of the County targeted for job creation and private investment. See Exhibit I for a copy of the James City County James River Enterprise Zone.

7. The Proffers provides further protections for existing residential uses consistent with the Comprehensive Plan. See Comprehensive Plan, Chart 2, item 4 on page 180.

Application Checklist – Additional and Supplemental Information

1. Traffic. During construction, traffic will be managed pursuant to the terms of the Construction Management Plan referenced in the Proffers. The Construction Management Plan is designed to help minimize impacts on adjacent landowners and area roadways. After construction, there will be no

pedestrian traffic associated with this use, and Skiffes Station will be an unmanned facility. Currently, Dominion Energy Virginia uses an existing dirt/gravel gated access road located on the 11.8-acre Parcel to service the transmission lines located on the Property. Once in operation, Skiffes Station will generate minimal amounts of traffic, with a typical month requiring approximately three site visits by Dominion Energy Virginia personnel. As such, traffic is so minimal, there is no justification for differentiating between peak and off-peak vehicle trips. As vehicular traffic will be minimal, the new switching station will not have any impact on traffic or levels of service along Pocahontas Trail.

2. Environmental Constraints. Below is a summary of the environmental constraints. See Exhibit H for a more detailed analysis.
 - A. Wetlands. There are defined wetlands on the site. The proposed work at Skiffes Station is not anticipated to impact any jurisdictional waters. However, any impacts will be coordinated with the Corps. There is also an RPA perennial stream on-site and associated buffer, approved by James City County 10-29-2012. The limits of disturbance for this project will maintain the integrity of the RPA buffer.
 - B. Landscaping and Screening. There is dense evergreen and hardwood vegetation on the Property except for areas where the transmission lines and access road currently exist and the area once occupied by the spur track. The Company has committed to not remove the trees outside of the limits of disturbance shown on the Master Plan.
 - C. Safety. Skiffes Station will be built in compliance with the National Electric Safety Code and inspected and maintained pursuant to industry standards. Signs will be posted around the fence indicating a “high voltage” facility and “no trespassing.” At a minimum, the electrical equipment will be surrounded by a twenty-foot security fence. See Exhibits H-C and H-D for fence example. In addition, all gates are equipped with locks, and there will be downward directed security lights installed at certain locations. No emissions or dust will be created by this facility.
3. Historic and Archaeological Study. A Phase I Study and a Phase II Study of the 55-acre Parcel have been completed, copies of which are attached hereto as Exhibits J and K (collectively, the “Archaeological Study”). A known archaeological site has been evaluated. The site will be disturbed by construction of the Switching Station; however, such disturbance shall be done

pursuant to a plan reviewed by the Virginia Department of Historic Resources and Consulting Parties to the Memorandum of Agreement and approved by the Corps. Further discussion on the Memorandum of Agreement and issues related to permitting for the Switching Station and the Surry-Skiffes Creek Line can found in the Update on Status of Certificated Project June 6, 2017 attached hereto as Exhibit L.

4. Water and Sewer Impact Study, and Adequate Public Facilities. No water or sewer facilities will be required for the proposed use. Impacts on public safety facilities will be minimal, and the tax revenue generated by the Skiffes Station (as shown in the fiscal impact analysis) will offset any impacts on capital costs of public safety facilities. Otherwise, there will be no impact on schools, libraries, or other locally financed facilities.

Because Dominion Energy Virginia's applications for rezoning and a SUP are for non-residential uses, the following checklist items do not apply to this request.

- A. Environmental Inventory. The Natural Resource policy does not apply and an environmental inventory is not required but an environmental analysis has been provided.
- B. Fiscal Impacts. No worksheet for fiscal analysis has been prepared because the proposal does not include residential dwelling units. A summary of the tax revenue estimates is attached as Exhibit M.
- C. Park and Recreation Facilities. No analysis related to the Comprehensive Parks and Recreation Master Plan Proffer Guidelines is required.
- D. Supplemental Submission Requirements.
 - i. No streets will be created with this application so no streetscape plan is required.
 - ii. Control Enclosure buildings are proposed. Any structures (poles) that may be visible from an arterial right-of-way will be constructed of steel.

EXHIBIT H

ENVIRONMENTAL CONSTRAINTS ANALYSIS

The Master Plan referenced below is the same plan referenced in the application as Exhibit A. The “Jurisdictional Area Impacts and Sensitive Resources Map” (the “Map”) was prepared by Stantec and is dated May 20, 2015.

Hydrologic Features:

1. Location of all bodies of water such as streams, ponds, lakes, impoundments, rivers;

Streams are noted on the Master Plan along with designation (perennial vs. intermittent). There are no ponds, lakes, impoundments, or rivers.

2. Name of watershed in which project is located:

The Property is located in the Skiffes Creek watershed.

3. Approximate location of tidal and non-tidal wetlands:

Wetlands are noted on the Master Plan and the Map. All wetlands are non-tidal and have been confirmed by the Army Corps of Engineers.

4. Approximate location of perennial and intermittent streams:

See # 1, above. Streams, and their designation, are noted on the Master Plan.

5. Description of receiving streams:

Newport News Reservoir. Due to the close general proximity of this project to and because runoff from the site will directly discharge into Skiffes Creek and within about 1 mile discharge into Skiffes Creek Reservoir, a drinking water reservoir for the City of Newport News, it is recommended that the concept plan be forwarded to the City of Newport News Waterworks, Water Resources Division for cursory review. Skiffes Creek (HUC Code JL35) is listed as a Category 4A impaired waterway for fecal bacteria in accordance with the 2014 Virginia Water Quality Assessment 305(b)/303(d) Integrated Report. It also has an approved TMDL. See Fecal Bacteria Total Maximum Daily Load Development for Warwick River final report dated December 13, 2007 available on the County Stormwater Division and Virginia DEQ websites. (Note: Ultimately, this site discharges into the tidal estuarine James River that is listed for multiple impairments, including mercury, PCB, chlorophyll, Escherichia coli, etc.)

6. Floodplain delineation for 100 and 500-year storm events including tidal flooding, if applicable.

Not applicable. The Property is not within the 100- or 500-year floodplain.

Physical Features

1. Approximate location of steep slopes greater than 25 percent.

Steep Slopes areas are identified on the Master Plan. Also, Steep slopes exist along the existing abandoned CSX rail spur on both sides of the access road at various locations.

2. Soils, especially prime agricultural lands and Hydrologic Soil Groups (HSG) A & B, based on the County soil survey.

SOIL TYPE DATA*				
MAP UNIT	NAME	SOIL EROSION K FACTOR	PERMEABILITY	HYDROLOGY UNIT CODE
11C	Craven-Uchee Complex, 6-10% Slopes	0.32	MODERATELY LOW TO HIGH	D
14B	Emporia Fine Sandy Loam, 2-6% Slopes	0.28	MODERATELY LOW TO HIGH	B
15D	Emporia Complex, 10-15% Slopes	0.28	MODERATELY LOW TO HIGH	B
15E	Emporia Complex, 15-25% Slopes	0.28	MODERATELY LOW TO HIGH	B
17	Johnston Complex	0.37	MODERATELY LOW TO HIGH	A/D
19B	Kempsville-Emporia Fine Sandy Loam, 2-6% Slopes	0.28	MODERATELY LOW TO HIGH	A
29B	Slagle Fine Sandy Loam, 2-6% Slopes	0.28	VERY LOW TO MODERATELY HIGH	C
37	Urban Land	N/A	N/A	N/A
*SOURCE: WEB SOIL SURVEY, NATIONAL RESOURCES CONSERVATION SERVICE				

3. Soils erodability based on the County soils survey.

See column 3 of the table, above.

4. Areas of forest, woodland cover and wildlife corridors.

Outside of the existing overhead transmission corridor, the site is currently forested. Portions of the site to the west will remain forested.

5. Pre-development topography.

The topography shown on the Master Plan is at a contour interval of two foot from a field survey performed by Dewberry Engineers Inc. in August 2012.

Horizontal Datum – VA State Plane – NAD83 (South Zone);

Vertical Datum – NAVD88

Prohibited or Restricted Development Acres

1. Location of required buffers and existing conservation easements.

Limits of RPA buffer as approved by James City County on October 29, 2012. Are shown on the Master Plan. Natural vegetative buffers and Landscaped Screening buffers are provided and shown on the Master Plan. A plat has been provided that documents the easement area used in the open space VRRM calculations. Future Protective Covenants associated with that documented easement area will be provided at Site Plan.

2. Sites with known populations of rare, threatened or endangered species of plants or animals per studies done in accordance with the Natural Resource Policy.

A habitat suitable for small whorled pogonia was found onsite, see Exhibit H-A. A site survey conducted in May 2014 found no small whorled pogonia plants. The area of disturbance will be located outside the habitat area.

3. Location of trees to be preserved in accordance with the Chesapeake Bay Preservation Ordinance.

Areas of tree removal related to Owner's electric transmission overhead lines and switching station are generally shown on the Master Plan. No other trees will be removed except where trees are diseased or dying or present an imminent threat to the public or property.

4. Preliminary location of Resource Protection areas and legal wetlands.

The location of the RPA boundary, as approved by James City County, is shown on the Master Plan. As noted above, the Army Corps of Engineers-approved wetlands are shown on the Master Plan.

Existing and Proposed Changes to the Site:

1. The nature of existing and approved but not-yet-built development(s) on the site.

Currently, the Property is an abandoned CSX rail spur, vacated residential lot, and vacant land with an easement area for an electrical transmission line. An

underground gas pipeline is located on the Property generally along the northern boundary of the Property. The proposed use is site access, an electrical transmission switching station with its ancillary electrical connections, and bus shelter with frontage improvements.

2. Location of surrounding properties and neighborhoods.

To the west and south of the Property lies the Country Village, a residential mobile home park, and Poplar Hall Plantation, a residential single family home subdivision. To the north is Merrimac Trail and Interstate 64. The Merrimac Juvenile Detention Center and Virginia Peninsula Regional Jail are to the east.

3. Proposed limit of disturbance and a disturbance area estimate.

The total Property is approximately 67.42 acres. The area designated for disturbance is 23.40 acres +/- and is shown on the Master Plan.

4. Calculation of existing and proposed pervious and impervious areas.

The total impervious area is approximately 14.56 acres (22.0%). The total pervious area is approximately 52.86 acres (78.0%).

5. If used, description of Better Site Design or Low Impact Development techniques.

In addition to safety and maintenance concerns, the configuration of the electrical equipment and site constraints preclude the use of open channel ditched where standing water within an electrical facility is a safety concern. A BMP will be located outside the switching station. The final stormwater management approach incorporates BMP's from the approved VRRM clearing house library and complies with the prevailing Virginia Stormwater Regulations to address both water quantity and quality. Because of the nature of this project, and its various design constraints, the approach employed was contrary to the typical LID principles.

6. Description of how disturbance is being minimized, indigenous vegetation is being preserved, and impervious cover is being reduced.

After learning that the original location for the proposed switching station fell within the RPA, Dominion Virginia Power shifted the station's equipment to the extent feasible. As proposed, the area of disturbance is minimized by locating the area of disturbance outside of the RPA, wetlands, and away from the small whorled pogonia habitat area.

7. Proposed conceptual stormwater management plan, including pre- and post-development discharge analysis.

Stormwater management compliance adheres to the Virginia DEQ standards. Stormwater management (Water Quantity and Quality) will be provided through the use of a treatment train including a wet pond, a grass channel, and a level spreader to induce sheet flow to conserved open space. The Virginia Runoff Reduction Method was used to show water quality compliance. Per the Virginia Stormwater BMP Clearinghouse website, a wet pond has a phosphorus removal efficiency of 45% for coastal plain areas and provides no runoff reduction. A grass channel in C/D type soils provides 15% phosphorus removal efficiency and 10% runoff reduction. The sheet flow to conserved open space provides 0% phosphorus removal efficiency, but 75% runoff reduction for A/B soils.

The existing pre-development peak run-off from the site at the point of analysis for the 2-year storm is calculated to be 17.73 cfs and the proposed post-development peak run-off for the 2-year storm is calculated to be 13.17 cfs. The existing pre-development peak run-off from the site at the point of analysis for the 10-year storm is calculated to be 54.69 cfs and the proposed post-development peak run-off for the 10-year storm is calculated to be 40.16 cfs. The post-development phosphorous is calculated to be 35.36 lbs/yr. The designed treatment train reduces the phosphorous to 7.68 lbs/yr, which is less than the maximum 0.41 lbs/ac/yr. A copy of the Virginia Runoff Reduction Worksheet is attached as Exhibit H-B.

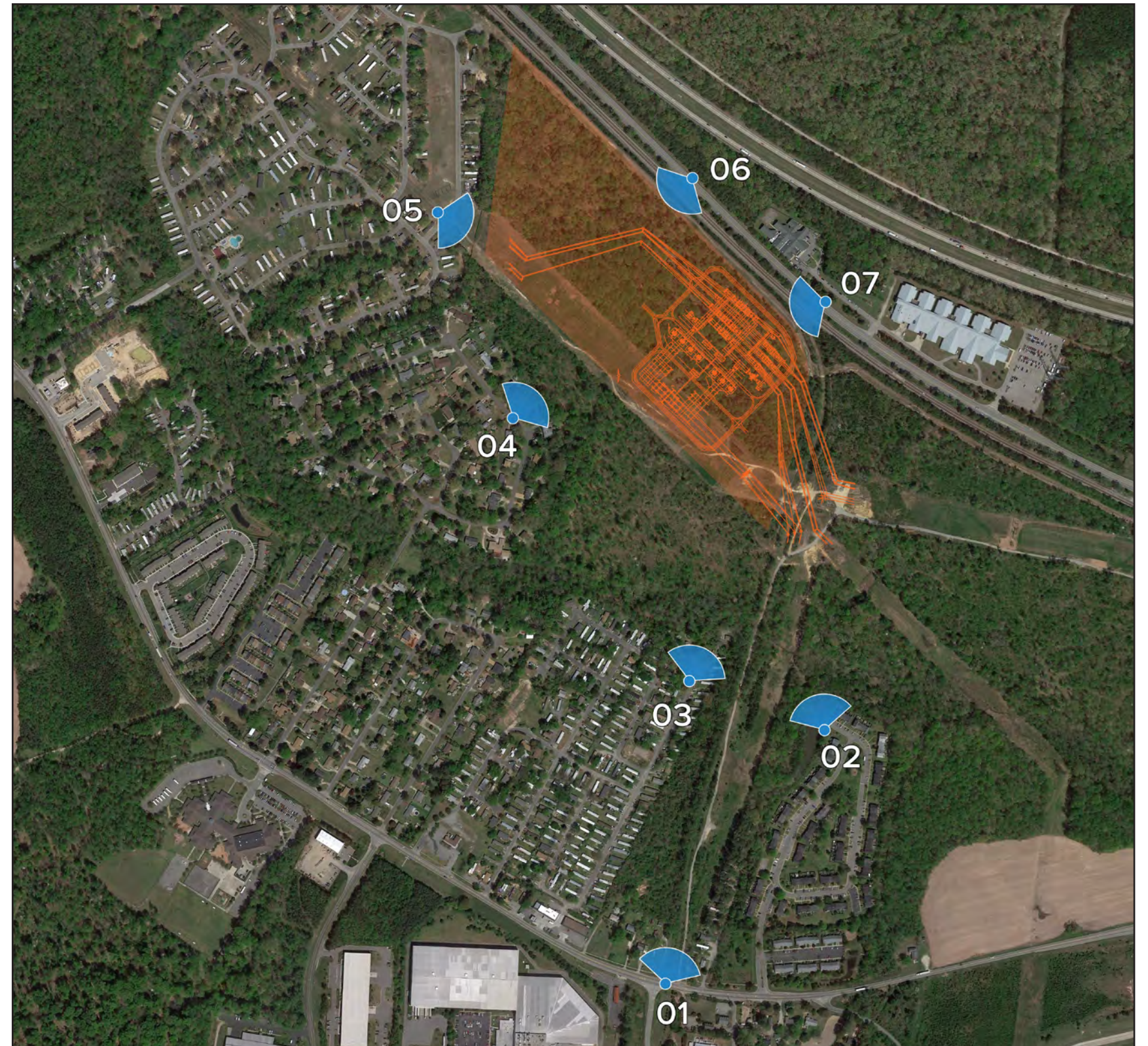


TrueView Photosimulations - Existing & Proposed

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Viewpoint Locations

- Viewpoint 01 - Corner of Highway 60 and Dirt Access Road
- Viewpoint 02 - End of Skiffes Creek Circle
- Viewpoint 03 - 70-75 Jan Rae Circle
- Viewpoint 04 - 153 Indian Circle
- Viewpoint 05 - 7 Tadich Drive
- Viewpoint 06 - Merrimac Trail,
Near Middle Peninsula Juvenile Commission
- Viewpoint 07 - Merrimac Trail,
Near Virginia Peninsula Regional Jail






Viewpoint 01 - Corner of Highway 60 and Dirt Access Road, Looking North-Northeast - **Existing View**



Viewpoint 01 - Corner of Highway 60 and Dirt Access Road, Looking North-Northeast - **Proposed View**

For on-screen display:
Scale bar to be 4 inches (101.6mm wide)
Viewing distance is 19.7 inches (50 cm)



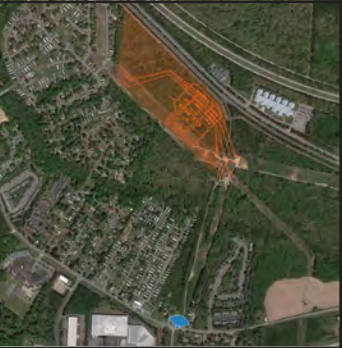
**Skiffes Creek
Switching Station**

Viewpoint 01

Corner of Highway 60 and Dirt Access Road

Viewpoint Location

Project Area



Easting Position (State Plane Virginia South):	12033678.8
Northing Position (State Plane Virginia South):	3604404.5
Elevation of Photopoint Position (NAD83):	62.8
Height of Camera Above Ground (ft):	5.4
Date of Photography:	10 June 2015 at 02:30 PM
Orientation of View:	NNE
Horizontal Field of View:	124°
Vertical Field of View:	55°

NOTES:

Viewpoint locations have been precision surveyed by:

Burgess & Niple

No part of this photo simulation shall be altered in any way.

Visual assessments should be made from the full size TrueView™ only.

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24 June 2015




Viewpoint 02 - End of Skiffes Creek Circle, Looking North-Northwest - Existing View



Viewpoint 02 - End of Skiffes Creek Circle, Looking North-Northwest - Proposed View

For on-screen display:
Scale bar to be 4 inches (101.6mm wide)
Viewing distance is 19.7 inches (50 cm)




**Skiffes Creek
Switching Station**

Viewpoint 02

End of Skiffes Creek Circle

Viewpoint Location

Project Area



Easting Position (State Plane Virginia South):	12034469.2
Northing Position (State Plane Virginia South):	3605818.5
Elevation of Photopoint Position (NAD83):	42.4
Height of Camera Above Ground (ft):	5.4
Date of Photography:	10 June 2015 at 09:20 AM
Orientation of View:	NNW
Horizontal Field of View:	124°
Vertical Field of View:	55°

NOTES:

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Viewpoint 03 - 70-75 Jan Rae Circle, Looking North-Northeast - Existing View



Viewpoint 03 - 70-75 Jan Rae Circle, Looking North-Northeast - Proposed View

For on-screen display:
Scale bar to be 4 inches (101.6mm wide)
Viewing distance is 19.7 inches (50 cm)



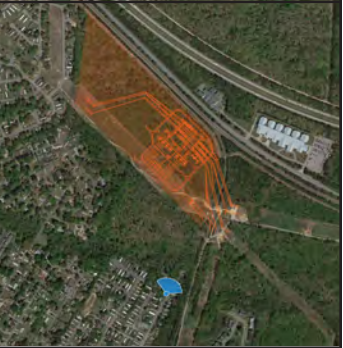
Skiffes Creek
Switching Station

Viewpoint 03

70-75 Jan Rae Circle

Viewpoint Location

Project Area



Easting Position (State Plane Virginia South):

12033759.7

Northing Position (State Plane Virginia South):

3606031.8

Elevation of Photopoint Position (NAD83):

45.0

Height of Camera Above Ground (ft):

5.4

Date of Photography:

10 June 2015 at 09:40 AM

Orientation of View:

NNE

Horizontal Field of View:

124°

Vertical Field of View:

55°

NOTES:

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Viewpoint 04 - 153 Indian Circle, Looking Northeast - Existing View



Viewpoint 04 - 153 Indian Circle, Looking Northeast - Proposed View

For on-screen display:
Scale bar to be 4 inches (101.6mm wide)
Viewing distance is 19.7 inches (50 cm)



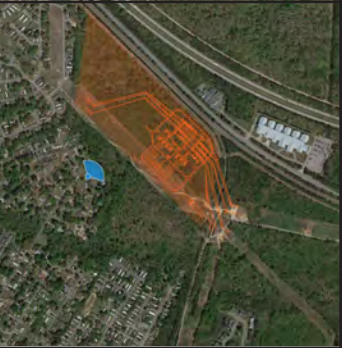
Skiffes Creek
Switching Station

Viewpoint 04

153 Indian Circle

Viewpoint Location

Project Area



Easting Position (State Plane Virginia South):12032809.9

Northing Position (State Plane Virginia South):3607375.1

Elevation of Photopoint Position (NAD83):62.5

Height of Camera Above Ground (ft):5.4

Date of Photography:10 June 2015 at 03:04 PM

Orientation of View:NE

Horizontal Field of View:124°

Vertical Field of View:55°

NOTES:

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Viewpoint 05 - 7 Tadich Drive, Looking Southeast - Existing View



Viewpoint 05 - 7 Tadich Drive, Looking Southeast - Proposed View with Planting Shown at 2 Year Growth

For on-screen display:
Scale bar to be 4 inches (101.6mm wide)
Viewing distance is 19.7 inches (50 cm)



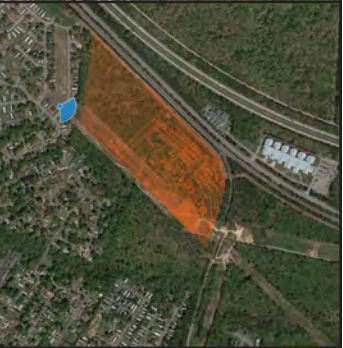
**Skiffes Creek
Switching Station**

Viewpoint 05

7 Tadich Drive

Viewpoint Location

Project Area



Easting Position (State Plane Virginia South):

12032379.3

Northing Position (State Plane Virginia South):

3608490.3

Elevation of Photopoint Position (NA83):

71.0

Height of Camera Above Ground (ft):

5.4

Date of Photography:

10 June 2015 at 10:21 AM

Orientation of View:

SE

Horizontal Field of View:

124°

Vertical Field of View:

55°

NOTES:

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Viewpoint 06 - Merrimac Trail, Near Middle Peninsula Juvenile Commission, Looking Southwest - Existing View



Viewpoint 06 - Merrimac Trail, Near Middle Peninsula Juvenile Commission, Looking Southwest - Proposed View

For on-screen display:
Scale bar to be 4 inches (101.6mm wide)
Viewing distance is 19.7 inches (50 cm)



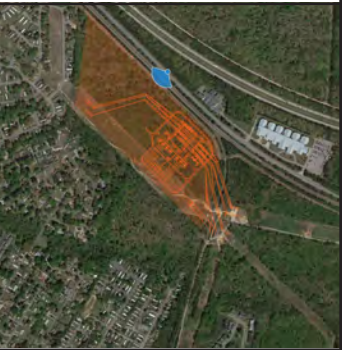
**Skiffes Creek
Switching Station**

Viewpoint 06

Merrimac Trail, Near Middle Peninsula Juvenile Commission

Viewpoint Location

Project Area



Easting Position (State Plane Virginia South):	12033756.2
Northing Position (State Plane Virginia South):	3608673.0
Elevation of Photopoint Position (NAD83):	79.0
Height of Camera Above Ground (ft):	5.4
Date of Photography:	10 June 2015 at 10:47 AM
Orientation of View:	SW
Horizontal Field of View:	124°
Vertical Field of View:	55°

NOTES:

Viewpoint locations have been precision surveyed by:

Burgess & Niple

No part of this photo simulation shall be altered in any way.

Visual assessments should be made from the full size TrueView™ only.

Dimensions of the printed full size TrueView™ image are:
Width: 59.2 inches (1504 mm)
Height: 20.5 inches (520 mm)

Structures and substation subject to final engineering.

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Viewpoint 07 - Merrimac Trail, Near Virginia Peninsula Regional Jail, Looking West - **Existing View**



Viewpoint 07 - Merrimac Trail, Near Virginia Peninsula Regional Jail, Looking West - **Proposed View with Planting Shown at 2 Year Growth**

For on-screen display:
Scale bar to be 4 inches (101.6mm wide)
Viewing distance is 19.7 inches (50 cm)




**Skiffes Creek
Switching Station**

Viewpoint 07

Merrimac Trail, Near Virginia Peninsula
Regional Jail

Viewpoint Location

Project Area



Eastings Position (State Plane Virginia South):

12034475.5

Northing Position (State Plane Virginia South):

3608041.4

Elevation of Photopoint Position (NAD83):

76.8

Height of Camera Above Ground (ft):

5.4

Date of Photography:

10 June 2015 at 11:13 AM

Orientation of View:

W

Horizontal Field of View:

124°

Vertical Field of View:

55°

NOTES:

Viewpoint locations have been precision surveyed by:

Burgess & Niple

No part of this photo simulation shall be altered in any way.


Visual assessments should be made from the full size TrueView™ only.

Dimensions of the printed full size TrueView™ image are:
Width: 59.2 inches (1504 mm)
Height: 20.5 inches (520 mm)

Structures and substation subject to final engineering.

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Viewpoint 05 - 7 Tadich Drive, Looking Southeast - Existing View



Viewpoint 05 - 7 Tadich Drive, Looking Southeast - Proposed View depicting only substation components.
Planting Shown at 2 Year Growth

For on-screen display:
Scale bar to be 4 inches (101.6mm wide)
Viewing distance is 19.7 inches (50 cm)

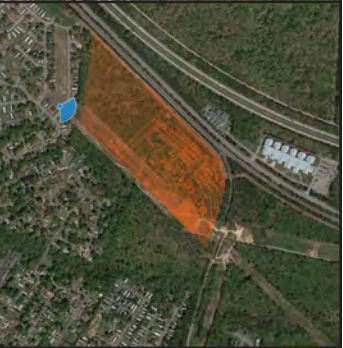


**Skiffes Creek
Switching Station**

Viewpoint 05

7 Tadich Drive

● Viewpoint Location ● Project Area



Easting Position (State Plane Virginia South):	12032379.3
Northing Position (State Plane Virginia South):	3608490.3
Elevation of Photopoint Position (NA83):	71.0
Height of Camera Above Ground (ft):	5.4
Date of Photography:	10 June 2015 at 10:21 AM
Orientation of View:	SE
Horizontal Field of View:	124°
Vertical Field of View:	55°

NOTES:

Viewpoint locations have been precision surveyed by:

Burgess & Niple

No part of this photo simulation shall be altered in any way.

Visual assessments should be made from the full size TrueView™ only.

Dimensions of the printed full size TrueView™ image are:
Width: 59.2 inches (1504 mm)
Height: 20.5 inches (520 mm)

Structures and substation subject to final engineering.

Photo Simulation Created Using
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(Patent No.: US 8,184,906 B2)

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Viewpoint 05 - 7 Tadich Drive, Looking Southeast - Existing View



Viewpoint 05 - 7 Tadich Drive, Looking Southeast - Proposed View depicting only substation components.
Planting Shown at 10 Year Growth

For on-screen display:
Scale bar to be 4 inches (101.6mm wide)
Viewing distance is 19.7 inches (50 cm)



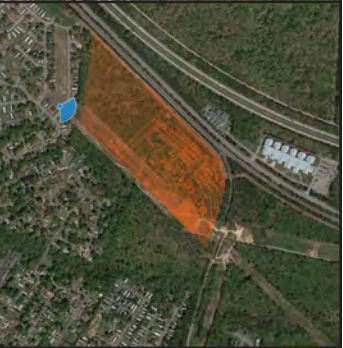
**Skiffes Creek
Switching Station**

Viewpoint 05

7 Tadich Drive

Viewpoint Location

Project Area



Easting Position (State Plane Virginia South):	12032379.3
Northing Position (State Plane Virginia South):	3608490.3
Elevation of Photopoint Position (NAD83):	71.0
Height of Camera Above Ground (ft):	5.4
Date of Photography:	10 June 2015 at 10:21 AM
Orientation of View:	SE
Horizontal Field of View:	124°
Vertical Field of View:	55°

NOTES:

Viewpoint locations have been precision surveyed by:

Burgess & Niple

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Height: 20.5 inches (520 mm)

Structures and substation subject to final engineering.

Photo Simulation Created Using
TrueView™ Technology
(Patent No.: US 8,184,906 B2)

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DATE

24 June 2015




Viewpoint 07 - Merrimac Trail, Near Virginia Peninsula Regional Jail, Looking West - Existing View



Viewpoint 07 - Merrimac Trail, Near Virginia Peninsula Regional Jail, Looking West - Proposed View depicting only substation components. Planting Shown at 2 Year Growth

For on-screen display:
Scale bar to be 4 inches (101.6mm wide)
Viewing distance is 19.7 inches (50 cm)




**Skiffes Creek
Switching Station**

Viewpoint 07

Merrimac Trail, Near Virginia Peninsula
Regional Jail

Viewpoint Location

Project Area



Easting Position (State Plane Virginia South):12034475.5

Northing Position (State Plane Virginia South):3608041.4

Elevation of Photopoint Position (NAD83):76.8

Height of Camera Above Ground (ft):5.4

Date of Photography:10 June 2015 at 11:13 AM

Orientation of View:W

Horizontal Field of View:124°

Vertical Field of View:55°

NOTES:

Viewpoint locations have been precision surveyed by:

Burgess & Niple

No part of this photo simulation shall be altered in any way.

Visual assessments should be made from the full size TrueView™ only.

Dimensions of the printed full size TrueView™ image are:
Width: 59.2 inches (1504 mm)
Height: 20.5 inches (520 mm)

Structures and substation subject to final engineering.

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DATE

24 June 2015




Viewpoint 07 - Merrimac Trail, Near Virginia Peninsula Regional Jail, Looking West - **Existing View**



Viewpoint 07 - Merrimac Trail, Near Virginia Peninsula Regional Jail, Looking West - **Proposed View depicting only substation components. Planting Shown at 10 Year Growth**

For on-screen display:
Scale bar to be 4 inches (101.6mm wide)
Viewing distance is 19.7 inches (50 cm)




**Skiffes Creek
Switching Station**

Viewpoint 07

Merrimac Trail, Near Virginia Peninsula
Regional Jail

Viewpoint Location

Project Area



Easting Position (State Plane Virginia South):12034475.5

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DATE

24 June 2015

Attachment 8: Photos of the Chickahominy switching station (located in Charles City County)





Attachment 10: Public Comments

From: MNFowler [<mailto:onthepond1@gmail.com>]

Sent: Friday, July 24, 2015 2:49 PM

To: John McGlennon; Bryan Hill; Maxwell Hlavin; Michelle Gowdy

Cc: Wayne Williamson; Jim Zinn

Subject: Skiffe's Creek

Folks,

Good seeing you all last evening. As I shared then, I am so very grateful for the County's continuing resolve on this matter. Thank you. A thousand times, thank you!

In considering the issues surrounding the county's review of the Dominion application for this installation, may I request that you consider delaying the issuance of the Special Use Permit (SUP), given that their application meets all of the other required criteria, until such time as it is clear that Surry-Skiffe's Creek might actually be built? There remains significant, undetermined outcomes on this project, thus, it would seem prudent to await the final determination on the line itself. Then, if need be, the county could quickly proceed with necessary approvals.

A thought that I hope you will review.

Thanks,
Margaret Nelson Fowler

p.s. And, would you pass this to Leanne. I don't seem to have her email address.

Off the grid. . .

From: Judith Fuss [<mailto:jfuss148@gmail.com>]

Sent: Wednesday, August 05, 2015 2:55 PM

To: George Drummond; Richard Krapf; Robin Bledsoe; Chris Basic; John Wright; Tim OConnor; Heath Richardson; Paul Holt

Subject: Dominion Rezoning Public Hearing Comment

Madam Chair, Members of the Commission -

I am writing to strongly urge that you defer action on Dominion Power's application for rezoning, Special Use Permit (SUP) and height limitation waiver, Case 0003-2015, until Dominion has received all required permits and it is clear the project will go forward as now proposed. Even though many aspects of the project have been removed from local control by legal action, artificially limiting your focus, once the project is in place, it's full impact will permanently loom over the Grove community. For example, as noted in the staff's analysis, truly effective buffering for neighbors can only be provided off-site due to the size of some structural components ruled to be outside the reach of local government. While surrounding undeveloped parcels are now wooded with mature trees, providing a natural buffer, their persistence in this state cannot be assured. Therefore presented photo simulations of visual impacts hold little value in assessing long-term effects. Along with others, I ask that you wait until final approval has been granted to the line before taking the next steps that are before you now.

Thank you for considering my views.

- Judy Fuss

~~~~~

Judith Fuss

3509 Hunter's Ridge

Williamsburg, VA 23188

[jfuss148@gmail.com](mailto:jfuss148@gmail.com)





## First California Company Jamestowne Society

Please reply to:  
James H. McCall, Councilor  
1042 Santa Florencia - Solana Beach, CA 92075-1516  
Phone: (858) 755-3535 - e-mail: [fcjamestowneditor@gmail.com](mailto:fcjamestowneditor@gmail.com)

August 3, 2015

James City County Planning Commission  
101-A Mounts Bay Rd.  
Williamsburg, VA 23185

In re: Case No. Z-0003-2015/SUP-0002-2015/HW-0001-2015, Skiffes Creek Switching Station

Dear Commissioners:

I am writing you on behalf of our Governor Donna Chilton Derrick. We are in support of Margaret Fowler's and others' request that you defer action on this case until the applicant receives all other permits and approvals for the entire project.

There are a myriad of issues facing it that must first be settled before your action is needed. First California Company of the Jamestowne Society reflects the scope of national interest in this issue and we feel that there are good reasons and options for Dominion to seek alternative routes for delivering needed power to the area.

As you well know, an ever-increasing number of visitors and students from across the country and elsewhere now travel to Historic Jamestown and its environs seeking to learn about those settlers and the context for our nation's earliest history, which likely will increase, especially after the recently unearthed discoveries. The proposed towers would seriously compromise the ambience and visitors' ability to value those settlers' circumstances.

We Californians owe much to what those early Virginia settlers accomplished. Jamestown's lasting effect is what has differentiated it from other preceding or contemporary English and European settlements in America. This project as proposed would detract from that lasting effect.

Thank you for your consideration.

Yours very truly,



James H. McCall  
Councilor

Cc: Donna Chilton Derrick  
Margaret Nelson Fowler  
Preservation Virginia



August 17, 2015

Leanne Pollock  
Senior Planner II  
James City County, Planning Division  
Planning Division  
101-A Mounts Bay Road  
Williamsburg, VA 23185

Dominion Virginia Power  
Appeal of Planning Commission Action

Dear Leanne:

On behalf of Dominion Virginia Power and in accordance with Virginia Code § 15.2-2232. B, we hereby appeal the finding of the James City County Planning Commission that the proposed Skiffes Creek Switching Station was not in substantial conformance with the Comprehensive Plan.

This appeal requests that the Board of Supervisors overrule the action of the Planning Commission based on the findings of the Planning Department. The staff recommended "that the Planning Commission determine that this review satisfies Code of Virginia §15.2-2232 for substantial accord with the comprehensive plan." In addition, the staff report specifically stated that, "A switching station can be considered under the Group 2 uses as a limited commercial or community-oriented facility as it is classified as a utility. Other electrical substations have been permitted on properties within various land use designations, including LDR and Open Space or Recreation, and deemed as facilities that are necessary to support the power needs of general County development."



Ms. Leanne Pollock  
August 17, 2015  
Page 2

Attached is a copy of the Staff Report forwarded to the Planning Commission and incorporated herein by reference. Please see pages 6-8 of the staff report as they specifically relate to the Comprehensive Plan. In addition, a copy of the unapproved minutes of the August 5, 2015, Planning Commission hearing is attached for reference.

Sincerely,

A handwritten signature in cursive script, appearing to read "Adena".

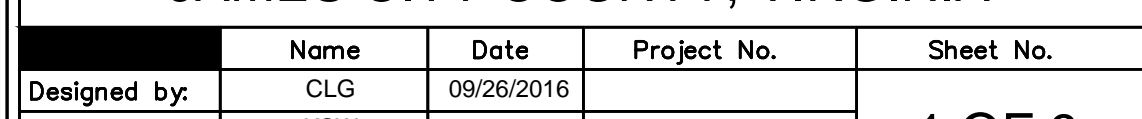
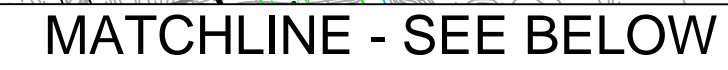
Adena M. Patterson, AICP  
Senior Planner Assisting  
D. Brennen Keene

/vej

Attachments

cc: Michelle M. Gowdy

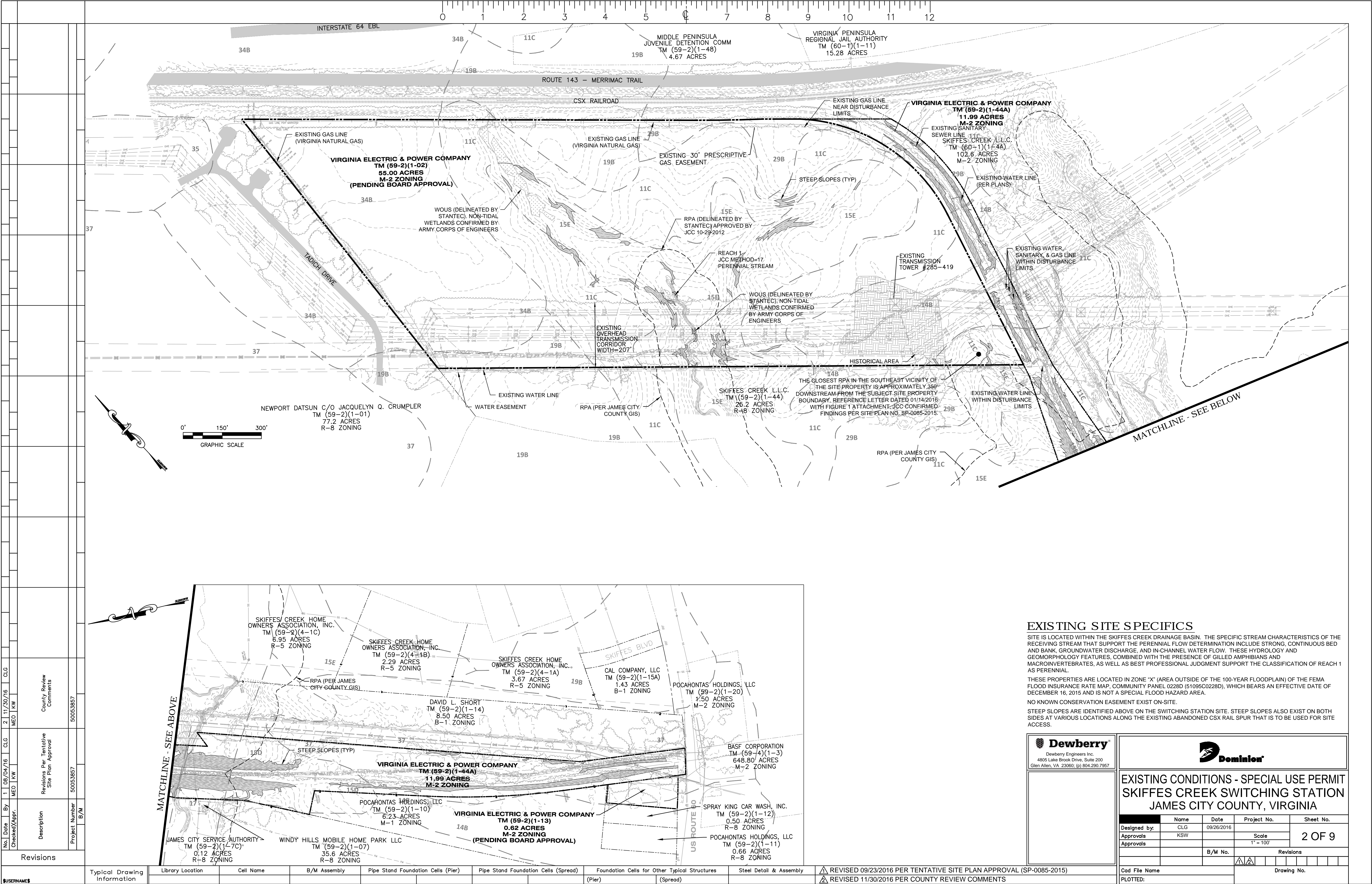




|                         |                                                                                                                                                                                 |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Steel Detail & Assembly | <div> <div>1</div> <div>REVISED 09/23/2016 PER TENTATIVE SITE PLAN APPROVAL (S)</div> </div> <div> <div>2</div> <div>REVISED 11/30/2016 PER COUNTY REVIEW COMMENTS</div> </div> |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                             |                  |           |              |                                    |                                      |                                               |          |                         |                                                                                                                                                        |             |
|-----------------------------|------------------|-----------|--------------|------------------------------------|--------------------------------------|-----------------------------------------------|----------|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| Typical Drawing Information | Library Location | Cell Name | B/M Assembly | Pipe Stand Foundation Cells (Pier) | Pipe Stand Foundation Cells (Spread) | Foundation Cells for Other Typical Structures |          | Steel Detail & Assembly | ⚠️ REVISED 09/23/2016 PER TENTATIVE SITE PLAN APPROVAL (SP-0085-2015)<br>⚠️ REVISED 11/30/2016 PER COUNTY REVIEW COMMENTS<br>Cod File Name<br>PLOTTED: | Drawing No. |
|                             |                  |           |              |                                    |                                      | (Pier)                                        | (Spread) |                         |                                                                                                                                                        |             |
|                             |                  |           |              |                                    |                                      |                                               |          |                         |                                                                                                                                                        |             |







EXISTING SITE SPECIFICS

SITE IS LOCATED WITHIN THE SKIFFES CREEK DRAINAGE BASIN. THE SPECIFIC STREAM CHARACTERISTICS OF THE RECEIVING STREAM THAT SUPPORT THE PERENNIAL FLOW DETERMINATION INCLUDE STRONG, CONTINUOUS BED AND BANK, GROUNDWATER DISCHARGE, AND IN-CHANNEL WATER FLOW. THESE HYDROLOGY AND GEOMORPHOLOGY FEATURES, COMBINED WITH THE PRESENCE OF GILLED AMPHIBIANS AND MACROINVERTEBRATES, AS WELL AS BEST PROFESSIONAL JUDGMENT SUPPORT THE CLASSIFICATION OF REACH 1 AS PERENNIAL.

THESE PROPERTIES ARE LOCATED IN ZONE "X" (AREA OUTSIDE OF THE 100-YEAR FLOODPLAIN) OF THE FEMA FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 0228D (51095C0228D), WHICH BEARS AN EFFECTIVE DATE OF DECEMBER 16, 2015 AND IS NOT A SPECIAL FLOOD HAZARD AREA.

NO KNOWN CONSERVATION EASEMENT EXIST ON-SITE.

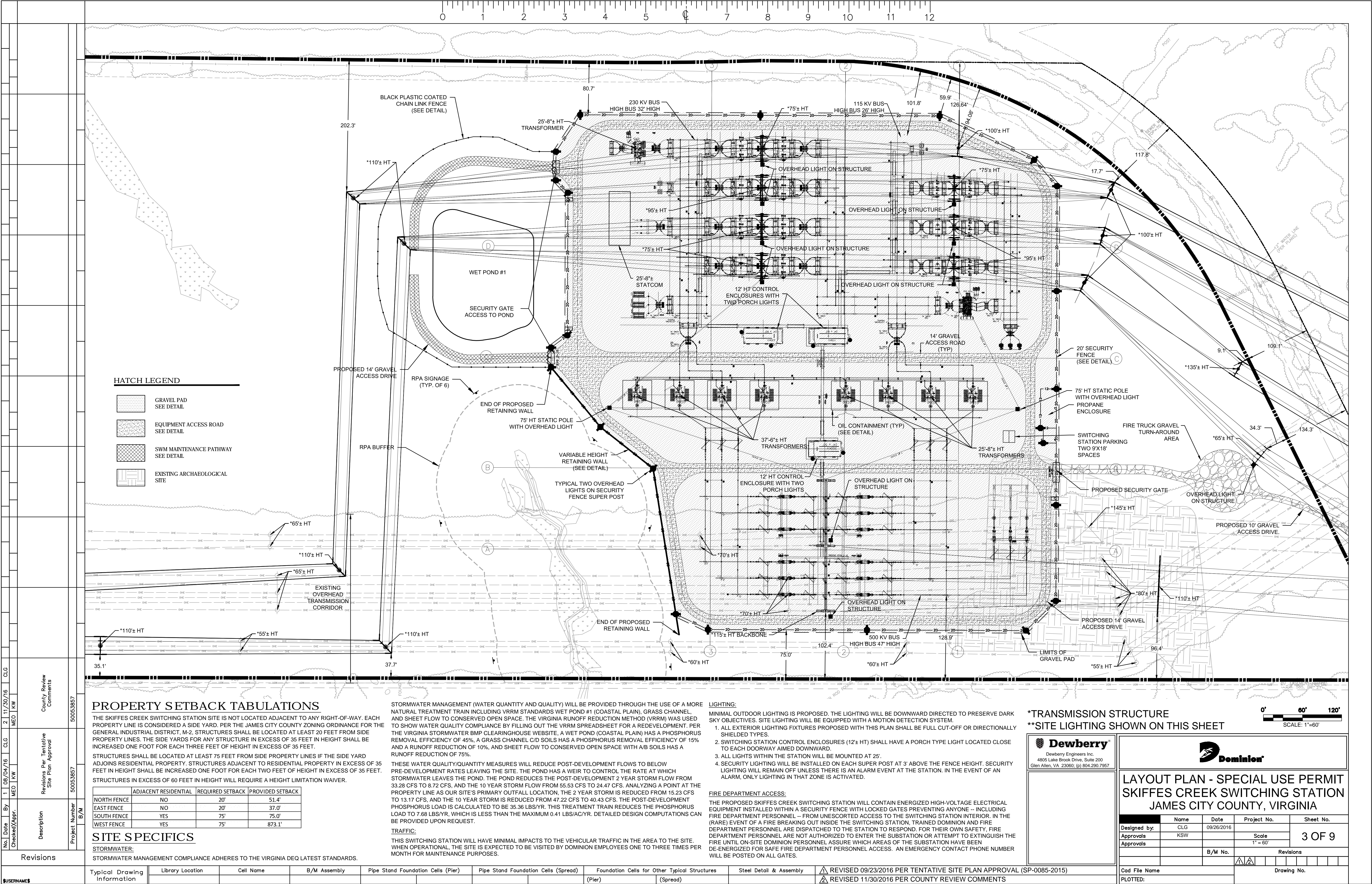
STEEP SLOPES ARE IDENTIFIED ABOVE ON THE SWITCHING STATION SITE. STEEP SLOPES ALSO EXIST ON BOTH SIDES AT VARIOUS LOCATIONS ALONG THE EXISTING ABANDONED CSX RAIL SPUR THAT IS TO BE USED FOR SITE ACCESS.

|                                                                                                                                                                                                |         |                                                                                       |             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|---------------------------------------------------------------------------------------|-------------|
| <br>Dewberry Engineers Inc.<br>4805 Lake Brook Drive, Suite 200<br>Glen Allen, VA 23060; (p) 804.290.7957 |         |  |             |
| EXISTING CONDITIONS - SPECIAL USE PERMIT<br>SKIFFES CREEK SWITCHING STATION<br>JAMES CITY COUNTY, VIRGINIA                                                                                     |         |                                                                                       |             |
| Designed by                                                                                                                                                                                    | Name    | Date                                                                                  | Project No. |
| CLG                                                                                                                                                                                            | CLG     | 09/26/2016                                                                            |             |
| Approvals                                                                                                                                                                                      | KSW     | Scale                                                                                 | 2 OF 9      |
| Approvals                                                                                                                                                                                      |         | 1" = 100'                                                                             |             |
|                                                                                                                                                                                                | B/M No. | Revisions                                                                             |             |
|                                                                                                                                                                                                |         |                                                                                       |             |
| Cod File Name                                                                                                                                                                                  |         | Drawing No.                                                                           |             |
| PLOTTED:                                                                                                                                                                                       |         |                                                                                       |             |

| No.                                           | Date     | By  | Description                                | Project Number | County Review |
|-----------------------------------------------|----------|-----|--------------------------------------------|----------------|---------------|
| 1                                             | 08/04/16 | MEG | Revisions Per Tentative Site Plan Approval | 50053857       |               |
| 2                                             | 11/30/16 | MEG | County Review Comments                     | 50053857       |               |
| Revisions                                     |          |     |                                            |                |               |
| Typical Drawing Information                   |          |     |                                            |                |               |
| Library Location                              |          |     |                                            |                |               |
| Cell Name                                     |          |     |                                            |                |               |
| B/M Assembly                                  |          |     |                                            |                |               |
| Pipe Stand Foundation Cells (Pier)            |          |     |                                            |                |               |
| Pipe Stand Foundation Cells (Spread)          |          |     |                                            |                |               |
| Foundation Cells for Other Typical Structures |          |     |                                            |                |               |
| Steel Detail & Assembly                       |          |     |                                            |                |               |

REVISED 09/23/2016 PER TENTATIVE SITE PLAN APPROVAL (SP-0085-2015)  
REVISED 11/30/2016 PER COUNTY REVIEW COMMENTS





| HATCH LEGEND |                                       |
|--------------|---------------------------------------|
|              | GRAVEL PAD<br>SEE DETAIL              |
|              | EQUIPMENT ACCESS ROAD<br>SEE DETAIL   |
|              | SWM MAINTENANCE PATHWAY<br>SEE DETAIL |
|              | EXISTING ARCHAEOLOGICAL<br>SITE       |

PROPERTY SETBACK TABULATIONS

THE SKIFFES CREEK SWITCHING STATION SITE IS NOT LOCATED ADJACENT TO ANY RIGHT-OF-WAY. EACH PROPERTY LINE IS CONSIDERED A SIDE YARD. PER THE JAMES CITY COUNTY ZONING ORDINANCE FOR THE GENERAL INDUSTRIAL DISTRICT, M-2, STRUCTURES SHALL BE LOCATED AT LEAST 20 FEET FROM SIDE PROPERTY LINES. THE SIDE YARDS FOR ANY STRUCTURE IN EXCESS OF 35 FEET IN HEIGHT SHALL BE INCREASED ONE FOOT FOR EACH THREE FEET OF HEIGHT IN EXCESS OF 35 FEET.

STRUCTURES SHALL BE LOCATED AT LEAST 75 FEET FROM SIDE PROPERTY LINES IF THE SIDE YARD ADJOINS RESIDENTIAL PROPERTY. STRUCTURES ADJACENT TO RESIDENTIAL PROPERTY IN EXCESS OF 35 FEET IN HEIGHT SHALL BE INCREASED ONE FOOT FOR EACH TWO FEET OF HEIGHT IN EXCESS OF 35 FEET. STRUCTURES IN EXCESS OF 60 FEET IN HEIGHT WILL REQUIRE A HEIGHT LIMITATION WAIVER.

|             | ADJACENT RESIDENTIAL | REQUIRED SETBACK | PROVIDED SETBACK |
|-------------|----------------------|------------------|------------------|
| NORTH FENCE | NO                   | 20'              | 51.4'            |
| EAST FENCE  | NO                   | 20'              | 37.0'            |
| SOUTH FENCE | YES                  | 75'              | 75.0'            |
| WEST FENCE  | YES                  | 75'              | 873.1'           |

SITE SPECIFICS

STORMWATER:  
STORMWATER MANAGEMENT COMPLIANCE ADHERES TO THE VIRGINIA DEQ LATEST STANDARDS.

STORMWATER MANAGEMENT (WATER QUANTITY AND QUALITY) WILL BE PROVIDED THROUGH THE USE OF A MORE NATURAL TREATMENT TRAIN INCLUDING VRRM STANDARDS WET POND #1 (COASTAL PLAIN), GRASS CHANNEL, AND SHEET FLOW TO CONSERVED OPEN SPACE. THE VIRGINIA RUNOFF REDUCTION METHOD (VRRM) WAS USED TO SHOW WATER QUALITY COMPLIANCE BY FILLING OUT THE VRRM SPREADSHEET FOR A REDEVELOPMENT. PER THE VIRGINIA STORMWATER BMP CLEARINGHOUSE WEBSITE, A WET POND (COASTAL PLAIN) HAS A PHOSPHORUS REMOVAL EFFICIENCY OF 45%, A GRASS CHANNEL C/D SOILS HAS A PHOSPHORUS REMOVAL EFFICIENCY OF 15% AND A RUNOFF REDUCTION OF 10%, AND SHEET FLOW TO CONSERVED OPEN SPACE WITH A/B SOILS HAS A RUNOFF REDUCTION OF 75%.

THESE WATER QUALITY/QUANTITY MEASURES WILL REDUCE POST-DEVELOPMENT FLOWS TO BELOW PRE-DEVELOPMENT RATES LEAVING THE SITE. THE POND HAS A WEIR TO CONTROL THE RATE AT WHICH STORMWATER LEAVES THE POND. THE POND REDUCES THE POST-DEVELOPMENT 2 YEAR STORM FLOW FROM 33.28 CFS TO 8.72 CFS, AND THE 10 YEAR STORM FLOW FROM 55.53 CFS TO 24.47 CFS. ANALYZING A POINT AT THE PROPERTY LINE AS OUR SITE'S PRIMARY OUTFALL LOCATION, THE 2 YEAR STORM IS REDUCED FROM 15.23 CFS TO 13.17 CFS, AND THE 10 YEAR STORM IS REDUCED FROM 47.22 CFS TO 40.43 CFS. THE POST-DEVELOPMENT PHOSPHORUS LOAD IS CALCULATED TO BE 35.36 LBS/YR. THIS TREATMENT TRAIN REDUCES THE PHOSPHORUS LOAD TO 7.68 LBS/YR, WHICH IS LESS THAN THE MAXIMUM 0.41 LBS/AC/YR. DETAILED DESIGN COMPUTATIONS CAN BE PROVIDED UPON REQUEST.

TRAFFIC:  
THIS SWITCHING STATION WILL HAVE MINIMAL IMPACTS TO THE VEHICULAR TRAFFIC IN THE AREA TO THE SITE. WHEN OPERATIONAL, THE SITE IS EXPECTED TO BE VISITED BY DOMINION EMPLOYEES ONE TO THREE TIMES PER MONTH FOR MAINTENANCE PURPOSES.

- LIGHTING:  
MINIMAL OUTDOOR LIGHTING IS PROPOSED. THE LIGHTING WILL BE DOWNWARD DIRECTED TO PRESERVE DARK SKY OBJECTIVES. SITE LIGHTING WILL BE EQUIPPED WITH A MOTION DETECTION SYSTEM.
1. ALL EXTERIOR LIGHTING FIXTURES PROPOSED WITH THIS PLAN SHALL BE FULL CUT-OFF OR DIRECTIONALLY SHIELDED TYPES
  2. SWITCHING STATION CONTROL ENCLOSURES (12'± HT) SHALL HAVE A PORCH TYPE LIGHT LOCATED CLOSE TO EACH DOORWAY AIMED DOWNWARD.
  3. ALL LIGHTS WITHIN THE STATION WILL BE MOUNTED AT 25'.
  4. SECURITY LIGHTING WILL BE INSTALLED ON EACH SUPER POST AT 3' ABOVE THE FENCE HEIGHT. SECURITY LIGHTING WILL REMAIN OFF UNLESS THERE IS AN ALARM EVENT AT THE STATION. IN THE EVENT OF AN ALARM, ONLY LIGHTING IN THAT ZONE IS ACTIVATED.

FIRE DEPARTMENT ACCESS:  
THE PROPOSED SKIFFES CREEK SWITCHING STATION WILL CONTAIN ENERGIZED HIGH-VOLTAGE ELECTRICAL EQUIPMENT INSTALLED WITHIN A SECURITY FENCE WITH LOCKED GATES PREVENTING ANYONE -- INCLUDING FIRE DEPARTMENT PERSONNEL -- FROM UNSCORTED ACCESS TO THE SWITCHING STATION INTERIOR. IN THE (RARE) EVENT OF A FIRE BREAKING OUT INSIDE THE SWITCHING STATION, TRAINED DOMINION AND FIRE DEPARTMENT PERSONNEL ARE DISPATCHED TO THE STATION TO RESPOND. FOR THEIR OWN SAFETY, FIRE DEPARTMENT PERSONNEL ARE NOT AUTHORIZED TO ENTER THE SUBSTATION OR ATTEMPT TO EXTINGUISH THE FIRE UNTIL ON-SITE DOMINION PERSONNEL ASSURE WHICH AREAS OF THE SUBSTATION HAVE BEEN DE-ENERGIZED FOR SAFE FIRE DEPARTMENT PERSONNEL ACCESS. AN EMERGENCY CONTACT PHONE NUMBER WILL BE POSTED ON ALL GATES.

\*TRANSMISSION STRUCTURE  
\*\*SITE LIGHTING SHOWN ON THIS SHEET

Dewberry Engineers Inc.  
4805 Lake Brook Drive, Suite 200  
Glen Allen, VA 23060 (p) 804.290.7957

LAYOUT PLAN - SPECIAL USE PERMIT  
SKIFFES CREEK SWITCHING STATION  
JAMES CITY COUNTY, VIRGINIA

|             |         |            |             |           |
|-------------|---------|------------|-------------|-----------|
| Designed by | Name    | Date       | Project No. | Sheet No. |
| Approvals   | CLG     | 09/26/2016 |             | 3 OF 9    |
| Approvals   | KSW     |            | Scale       |           |
|             |         |            | 1" = 60'    |           |
|             | B/M No. |            | Revisions   |           |
|             |         |            |             |           |
|             |         |            |             |           |
|             |         |            |             |           |
|             |         |            |             |           |
|             |         |            |             |           |

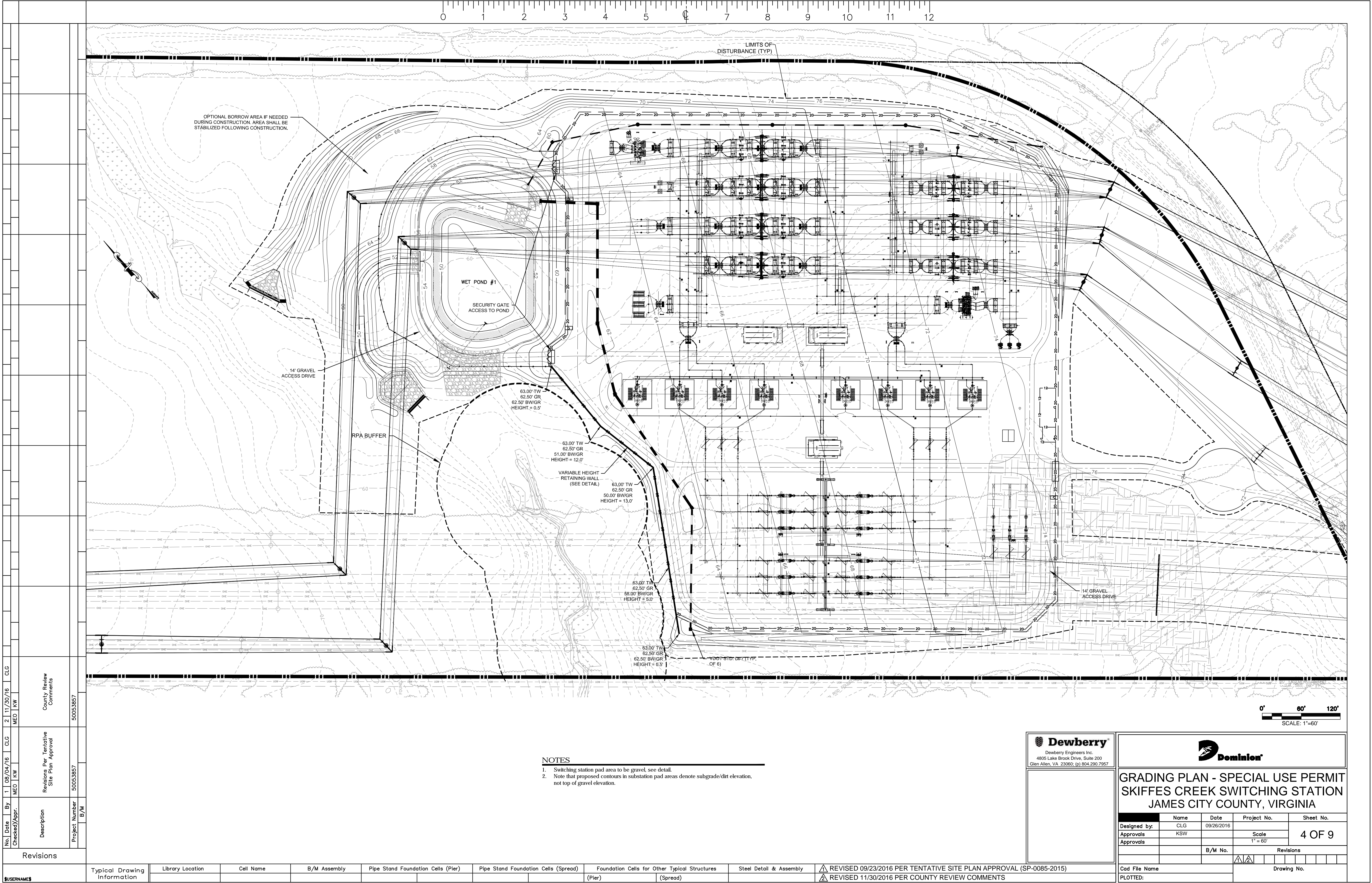
Cad File Name

PLOTTED:

Drawing No.

| No. | Date     | By  | Description | Project Number | Revisions Per Tentative Site Plan Approval | County Review Comments |
|-----|----------|-----|-------------|----------------|--------------------------------------------|------------------------|
| 1   | 08/04/16 | MEG |             | 50053857       |                                            |                        |
| 2   | 11/30/16 | CLG |             | 50053857       |                                            |                        |
| 3   | 09/26/16 | MEG |             | 50053857       |                                            |                        |





- NOTES
- Switching station pad area to be gravel, see detail.
  - Note that proposed contours in substation pad areas denote subgrade/dirt elevation, not top of gravel elevation.

| No.                                                               | Date     | By  | Checked/ | Appr. | Description                                | Project Number | B/M |
|-------------------------------------------------------------------|----------|-----|----------|-------|--------------------------------------------|----------------|-----|
| 1                                                                 | 08/04/16 | MEG | KW       |       | Revisions Per Tentative Site Plan Approval | 50053857       |     |
| 2                                                                 | 11/30/16 | MEG | KW       | CLG   | County Review Comments                     | 50053857       |     |
| Revisions                                                         |          |     |          |       |                                            |                |     |
| Typical Drawing Information                                       |          |     |          |       |                                            |                |     |
| Library Location                                                  |          |     |          |       |                                            |                |     |
| Cell Name                                                         |          |     |          |       |                                            |                |     |
| B/M Assembly                                                      |          |     |          |       |                                            |                |     |
| Pipe Stand Foundation Cells (Pier)                                |          |     |          |       |                                            |                |     |
| Pipe Stand Foundation Cells (Spread)                              |          |     |          |       |                                            |                |     |
| Foundation Cells for Other Typical Structures                     |          |     |          |       |                                            |                |     |
| (Pier)                                                            |          |     |          |       |                                            |                |     |
| (Spread)                                                          |          |     |          |       |                                            |                |     |
| Steel Detail & Assembly                                           |          |     |          |       |                                            |                |     |
| REVISD 09/23/2016 PER TENTATIVE SITE PLAN APPROVAL (SP-0085-2015) |          |     |          |       |                                            |                |     |
| REVISD 11/30/2016 PER COUNTY REVIEW COMMENTS                      |          |     |          |       |                                            |                |     |
| Cod File Name                                                     |          |     |          |       |                                            |                |     |
| Drawing No.                                                       |          |     |          |       |                                            |                |     |
| PLOTTED:                                                          |          |     |          |       |                                            |                |     |

Dewberry Engineers Inc.  
4805 Lake Brook Drive, Suite 200  
Glen Allen, VA 23060 (p) 804.290.7957

GRADING PLAN - SPECIAL USE PERMIT  
SKIFFES CREEK SWITCHING STATION  
JAMES CITY COUNTY, VIRGINIA

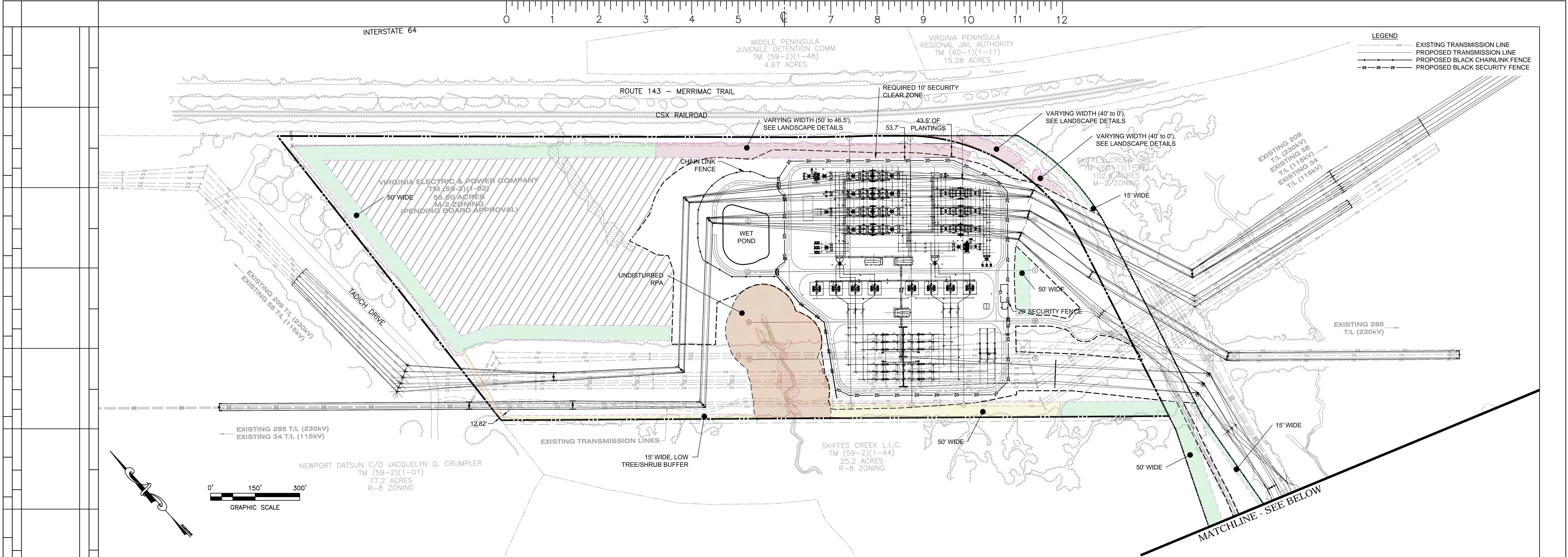
| Designed by | CLG | Date  | 09/26/2016 | Project No. |  | Sheet No. | 4 OF 9 |
|-------------|-----|-------|------------|-------------|--|-----------|--------|
| Approvals   | KSW | Scale | 1" = 60'   |             |  |           |        |
| Approvals   |     |       |            | B/M No.     |  |           |        |
|             |     |       |            | Revisions   |  |           |        |
|             |     |       |            | Revisions   |  |           |        |

Cod File Name

PLOTTED:

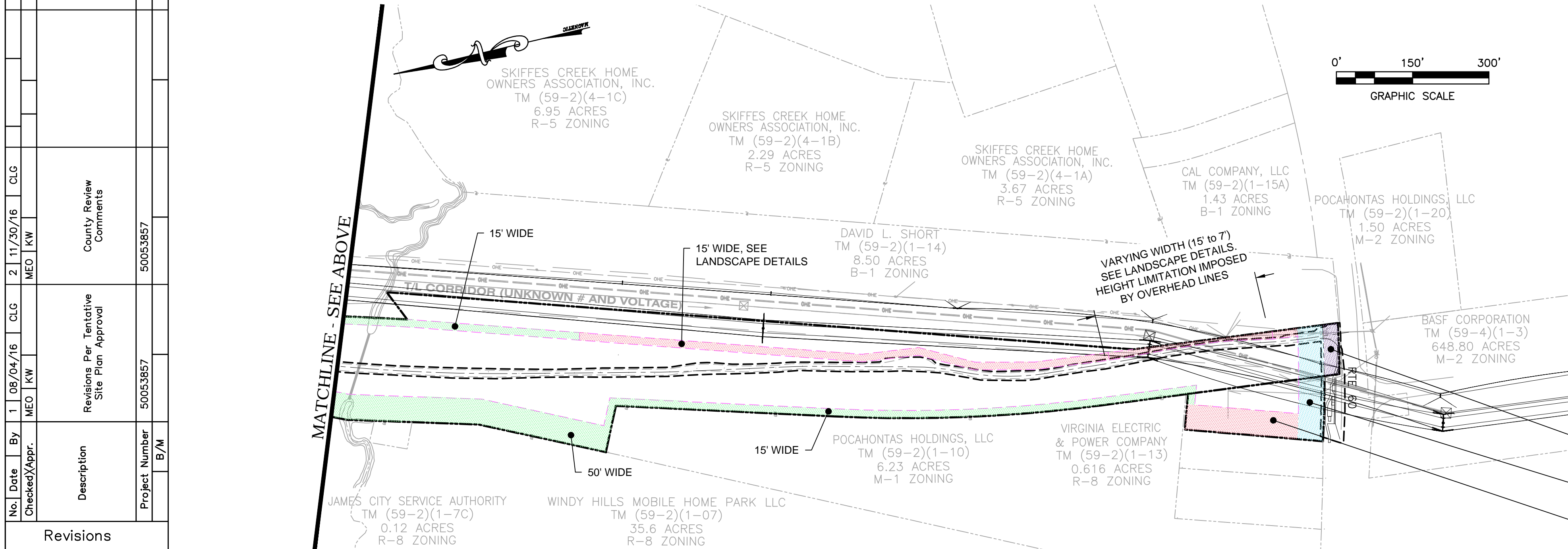
Drawing No.





BUFFER AREAS AND LEGEND

| COLOR | BUFFER TYPE                                            | 55,000 AC PARCEL<br>TM (59-2)(1-02) | 11,993 AC PARCEL<br>TM (59-2)(1-44A) | 0,616 AC PARCEL<br>TM (59-2)(1-13) | ALL 3 PARCELS<br>TOTAL |
|-------|--------------------------------------------------------|-------------------------------------|--------------------------------------|------------------------------------|------------------------|
|       | NATURAL VEGETATED BUFFER                               | 3.76 AC                             | 1.99 AC                              | 0.008 AC                           | 5.75 AC                |
|       | NATURAL VEGETATED BUFFER WITH SUPPLEMENTAL PLANTINGS   | 1.17 AC                             | 0.77 AC                              | 0.23 AC                            | 2.17 AC                |
|       | PLANTED LANDSCAPE BUFFER                               | 1.26 AC                             | 0                                    | 0                                  | 1.26 AC                |
|       | COMMUNITY CHARACTER BUFFER WITH SUPPLEMENTAL PLANTINGS | 0                                   | 0.115 AC                             | 0.141 AC                           | 0.256 AC               |
|       | RPA [DELINEATED BY STANTEC, APPROVED BY JCC 10/29/12]  | 2.61 AC                             | 0                                    | 0                                  | 2.61 AC                |
|       | 30' BUS AND SIDEWALK R/W DEDICATION                    | 0                                   | 0.069 AC                             | 0                                  | 0.069 AC               |
|       | HATCHED AREA: SEE SUP DEVELOPMENT CONDITION            | 11.77 AC                            | 0                                    | 0                                  | 11.77 AC               |









This figure presents a detailed landscape plan and associated details for the Skiffes Creek Switching Station in James City County, Virginia. The main component is the "LANDSCAPE PLAN VIEW," which shows the site's boundaries, existing infrastructure like MEHRIMAC TRAIL - RTE 143 and CRK RAILROAD, and proposed plantings. Key areas include the VIRGINIA ELECTRIC & POWER COMPANY TM (59-2)(1-02) 55.00 ACRES M-2 ZONING (PENDING BOARD APPROVAL), VIRGINIA ELECTRIC & POWER COMPANY TM (59-2)(1-44A) 11.99 ACRES M-2 ZONING, and VIRGINIA ELECTRIC & POWER COMPANY TM (59-2)(1-13) 0.62 ACRES M-2 ZONING (PENDING BOARD APPROVAL). A scale bar indicates 1" = 150'.

The plan includes several notes and legends:

- LEGEND - STANDARD PLANTING**: Defines symbols for Deciduous Canopy Tree, Evergreen Tree, Ornamental Tree, Small Evergreen Tree, and Evergreen Shrub, with examples like Red Sunset Maple, Yellowwood, Littleleaf Linden, Eastern Red Cedar, Green Giant Arborvitae, Nellie R. Stevens Holly, Jane Magnolia, Dwarf Redbud Variety, Fringetree, Crape Myrtle, Robin Holly, Idylwild Juniper, Inkberry, Bayberry, and Sweetspire.
- LEGEND - RESTRICTED HEIGHT PLANTING**: Defines symbols for Ornamental Tree, Evergreen Tree, and Evergreen Shrub, with examples like Jane Magnolia, Dwarf Redbud Variety, Robin Holly, Idylwild Juniper, Inkberry, Bayberry, and Sweetspire.
- LANDSCAPE NOTES**: Provides instructions for planting, including buffer locations, width, and types, and references sheet 5 of 9 for detailed buffer locations.
- TYPICAL EVERGREEN TREE PLANTING DETAIL**: Shows a cross-section of a tree planting pit with labels for root ball, stake, center of tree, planting pit, prevailing wind, bark mulch, finished grade, stake, planting soil, and planting hole.

The plan also includes three detailed views of the transition buffers:

- 50' COMMUNITY CHARACTER BUFFER**: Height limitation - overhead lines, not to scale. Shows a 225 LF x 50 LF area with 29 trees required (85 shrubs required).
- 50' TRANSITION BUFFER - TYPICAL**: 400' sample, not to scale. Shows a 400 LF x 50 LF area with 50 trees required (150 shrubs required).
- 15' TRANSITION BUFFER - TYPICAL**: 400' sample, not to scale. Shows a 400 LF x 15 LF area with 15 trees required (45 shrubs required).

The plan concludes with another "LANDSCAPE PLAN VIEW" showing the match line - see above, and a final scale bar indicating 1" = 150'.

**Dewberry Engineers Inc.**  
4805 Lake Brook Drive, Suite 200  
Glen Allen, VA 23060; (p) 804.290.7957

**Dominion**

**LANDSCAPE PLAN & DETAILS - SPECIAL USE PERMIT**  
**SKIFFES CREEK SWITCHING STATION**  
**JAMES CITY COUNTY, VIRGINIA**

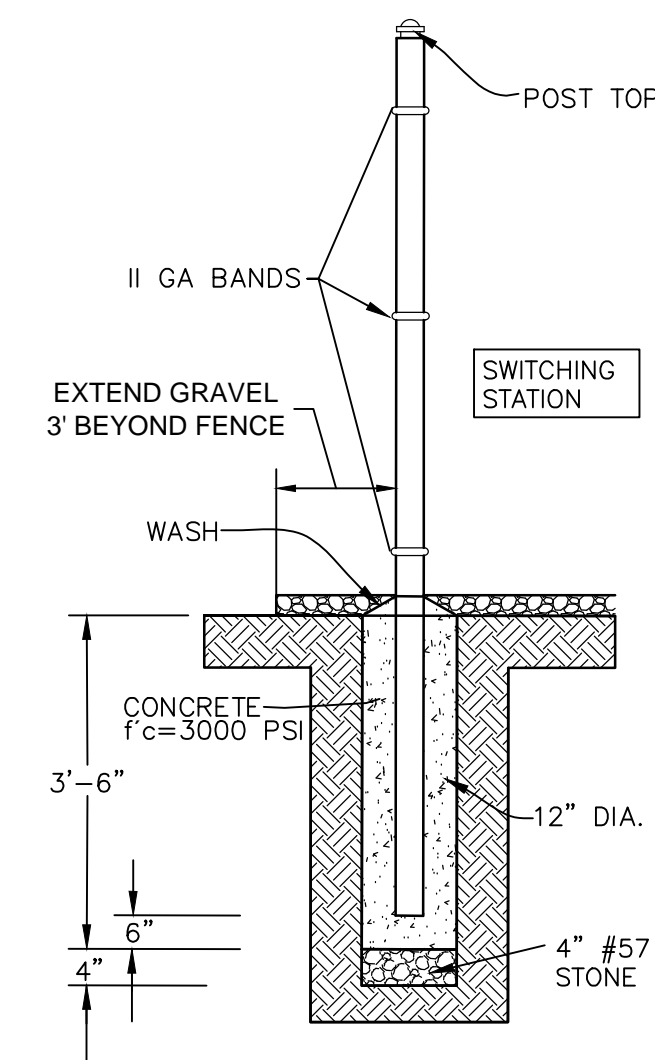
| Name             | Date       | Project No.      | Sheet No. |
|------------------|------------|------------------|-----------|
| Designed by: CLG | 09/26/2016 |                  | 7 OF 9    |
| Approvals: KSW   |            | Scale: 1" = 100' |           |
| B/M No.          |            | Revisions        |           |

| Cad File Name | Plotting | Drawing No. |
|---------------|----------|-------------|
|               |          |             |

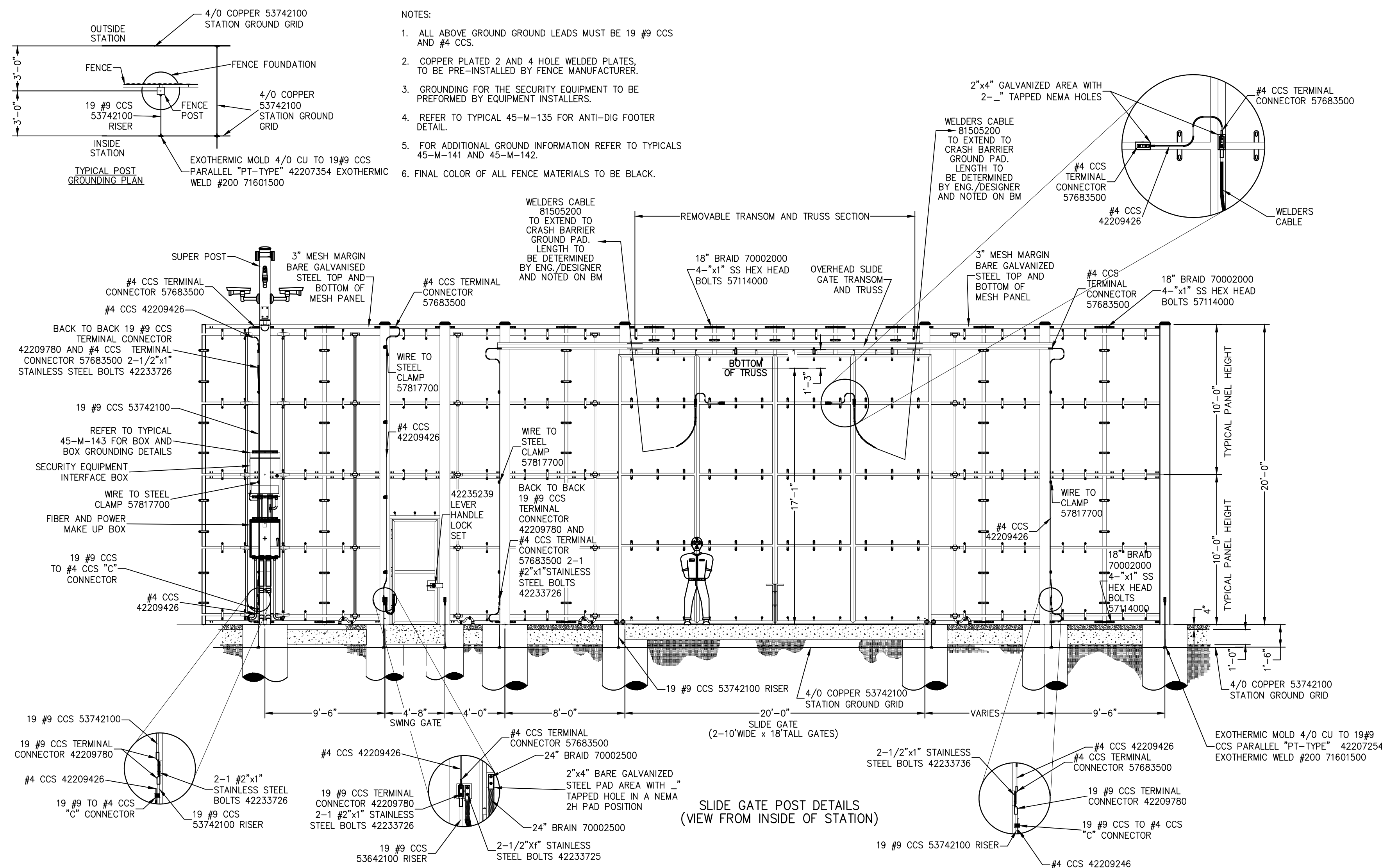
| Library Location | Cell Name | B/M Assembly | Pipe Stand Foundation Cells (Pier) | Pipe Stand Foundation Cells (Spread) | Foundation Cells for Other Typical Structures (Pier) | Foundation Cells for Other Typical Structures (Spread) | Steel Detail & Assembly |
|------------------|-----------|--------------|------------------------------------|--------------------------------------|------------------------------------------------------|--------------------------------------------------------|-------------------------|
|                  |           |              |                                    |                                      |                                                      |                                                        |                         |

REVISD 09/23/2016 PER TENTATIVE SITE PLAN APPROVAL (SP-0085-2015)  
REVISED 11/30/2016 PER COUNTY REVIEW COMMENTS






N.T.S.



NTS



Dewberry

Dewberry Engineers Inc.  
4805 Lake Brook Drive, Suite 200  
Glen Allen, VA 23060; (p) 804.290.7957

CONSTRUCTION DETAILS I - SPECIAL USE PERMIT

SKIFFES CREEK SWITCHING STATION

JAMES CITY COUNTY, VIRGINIA

|              |      |            |                                              |                                                                                                     |
|--------------|------|------------|----------------------------------------------|-----------------------------------------------------------------------------------------------------|
|              | Name | Date       | Project No.                                  | Sheet No.                                                                                           |
| Designed by: | CLG  | 09/26/2016 |                                              | 8 OF 9                                                                                              |
| Approvals    | KSW  |            | Scale                                        |                                                                                                     |
| Approvals    |      |            | AS NOTED                                     |                                                                                                     |
|              |      | B/M No.    | Revisions                                    |                                                                                                     |
|              |      |            | <div><div><div></div><div></div></div></div> | <div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div> |

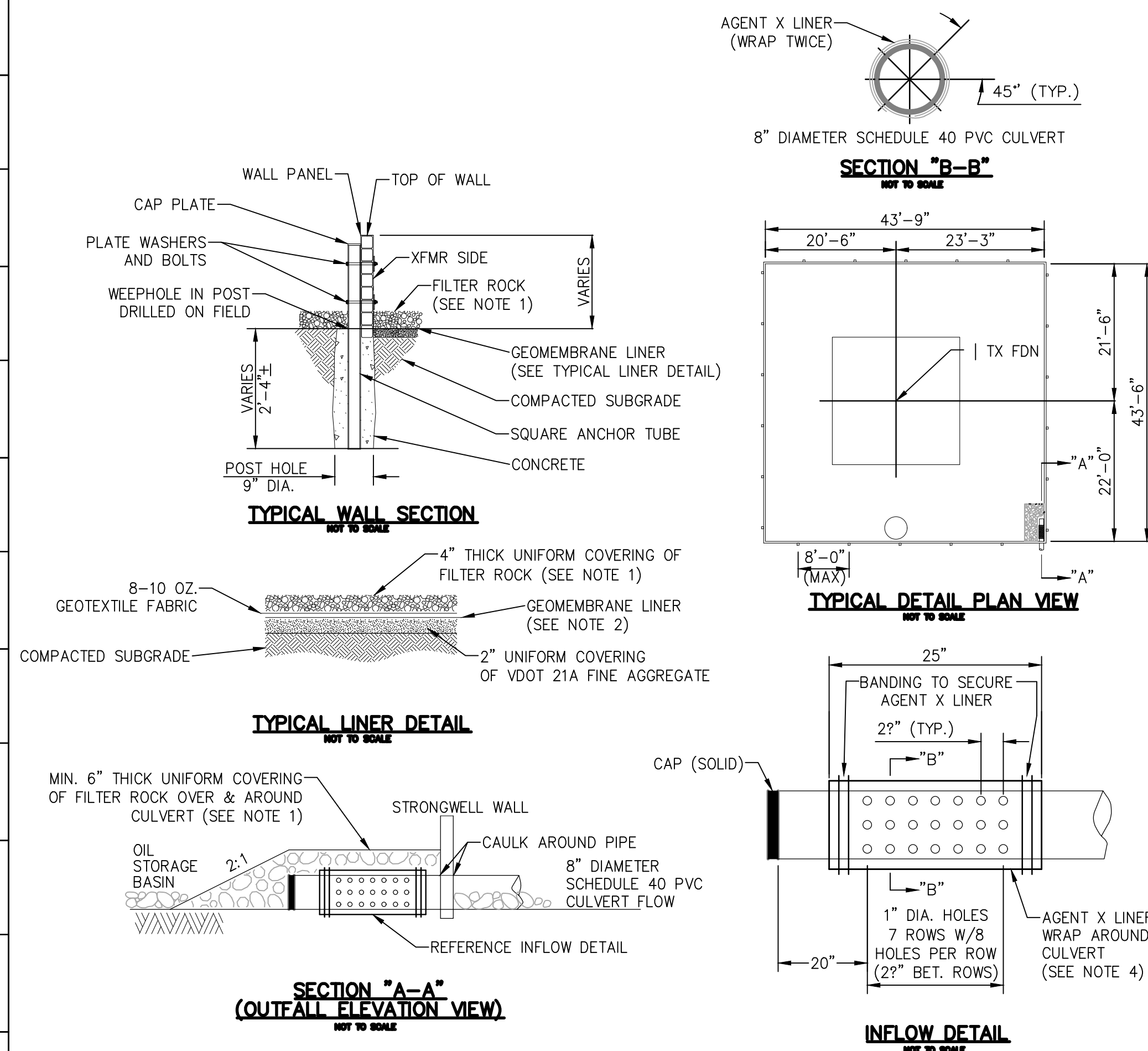
Cad File Name

PLOTTED:

Drawing No.

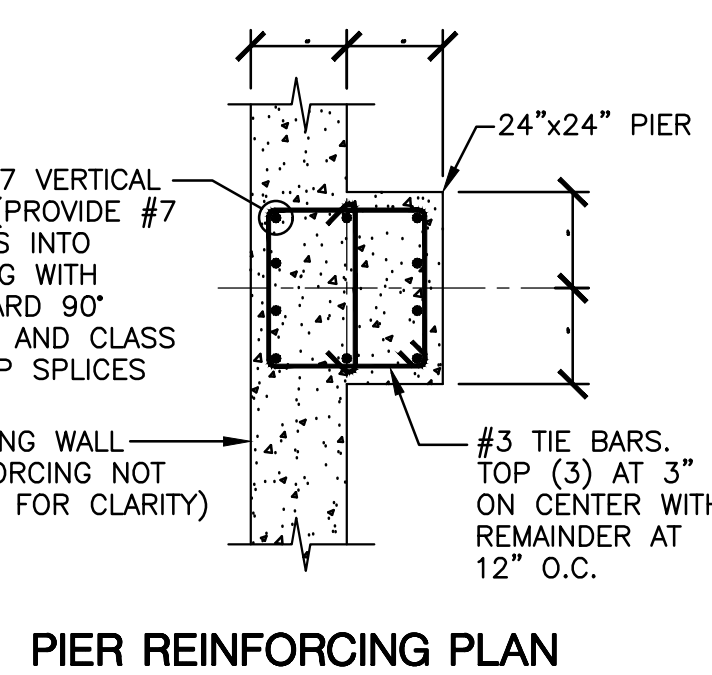
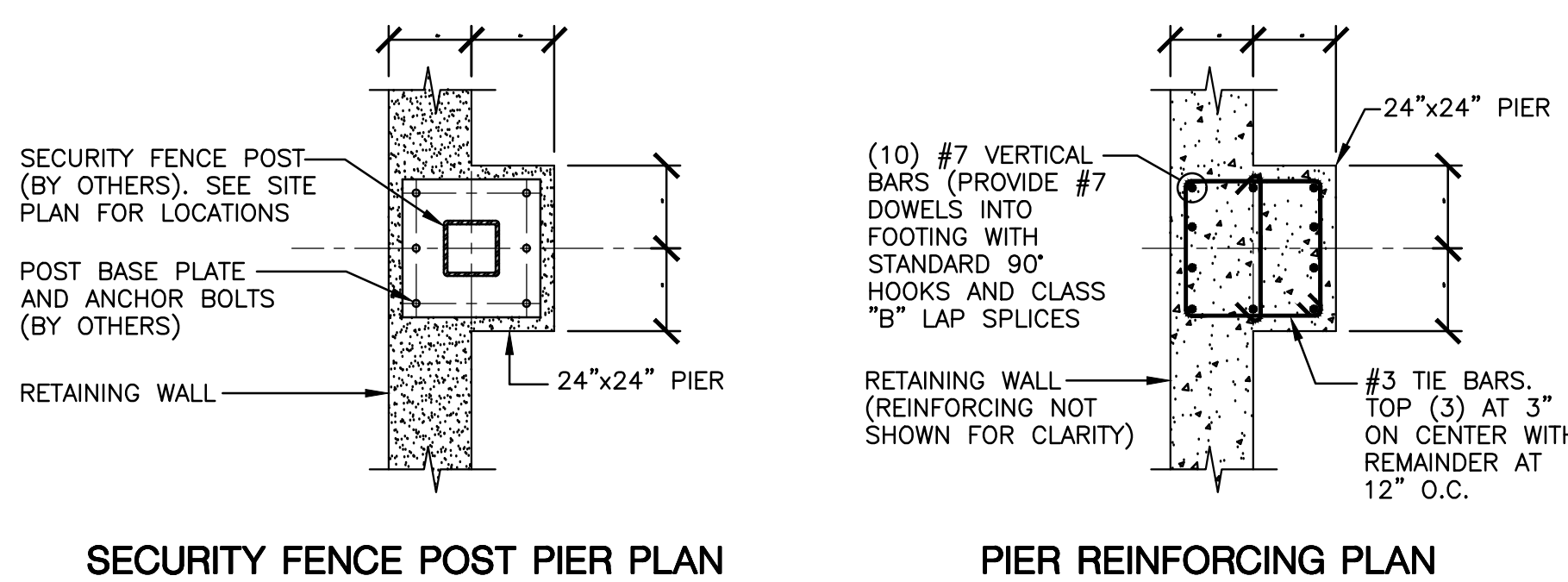
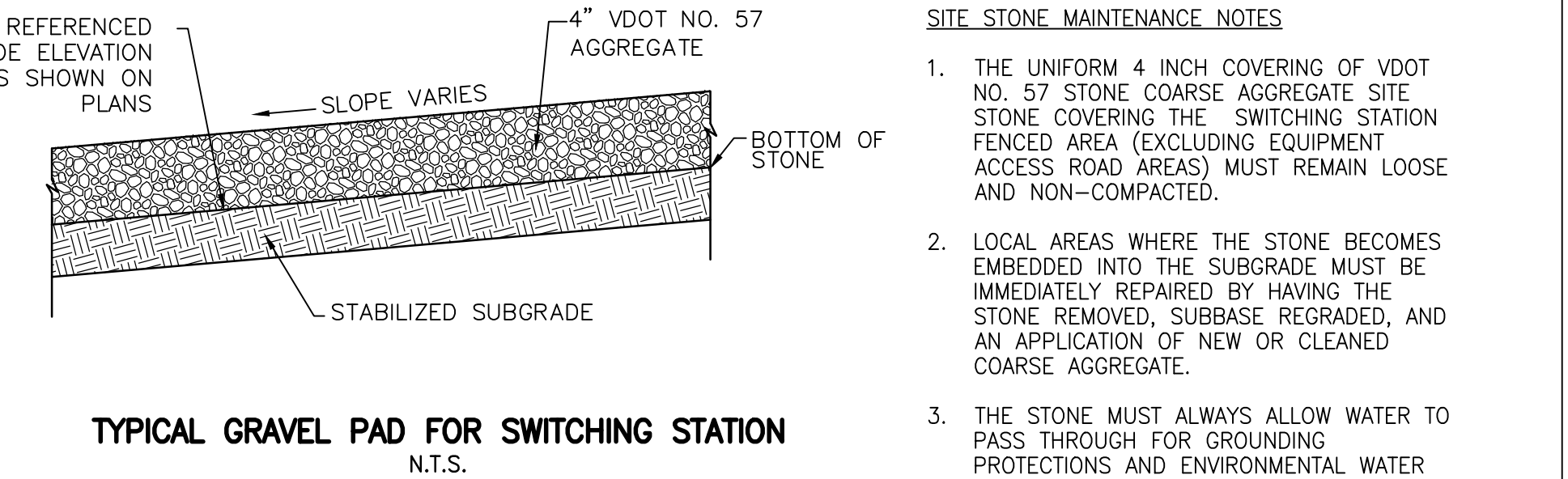
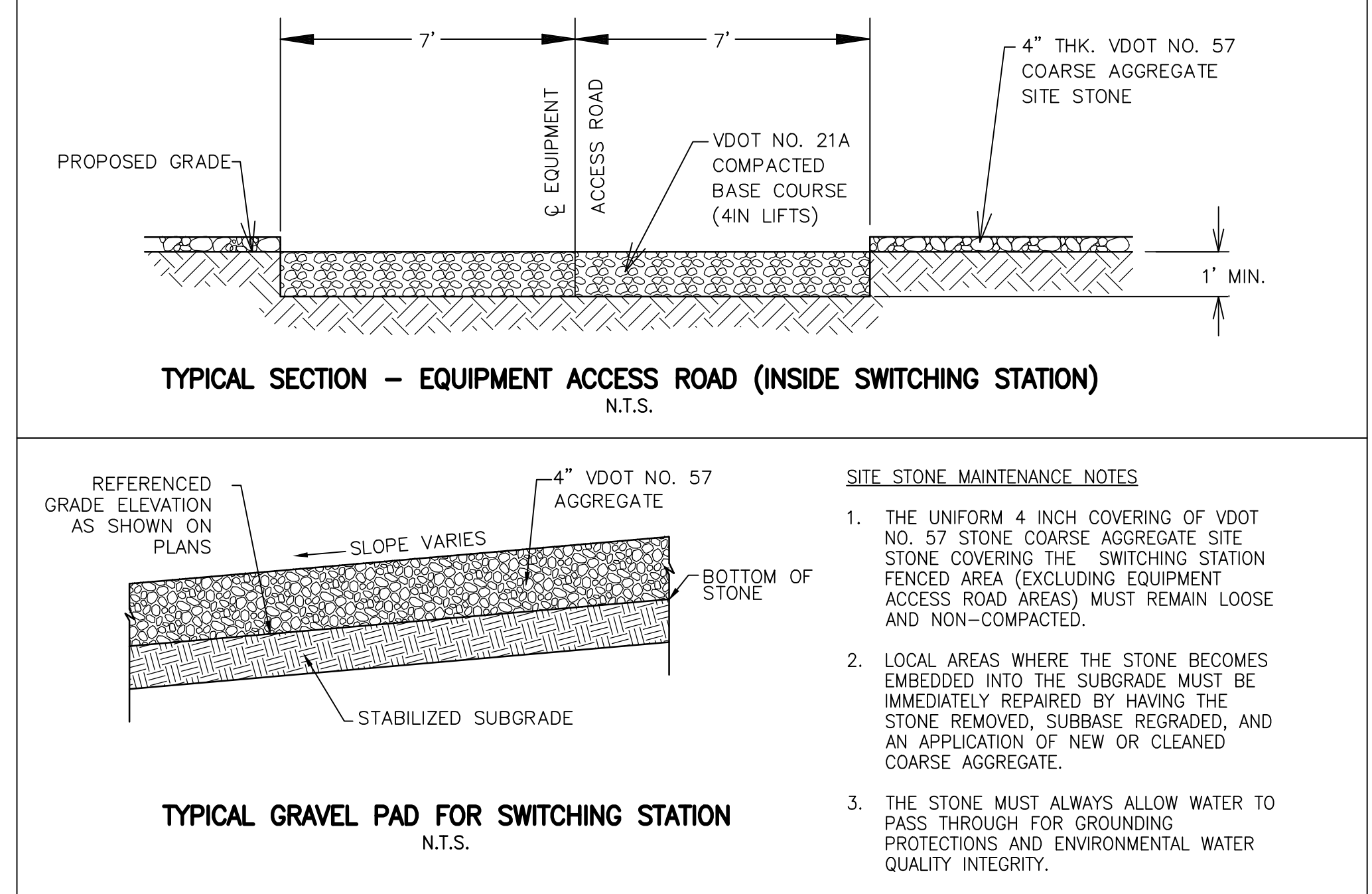
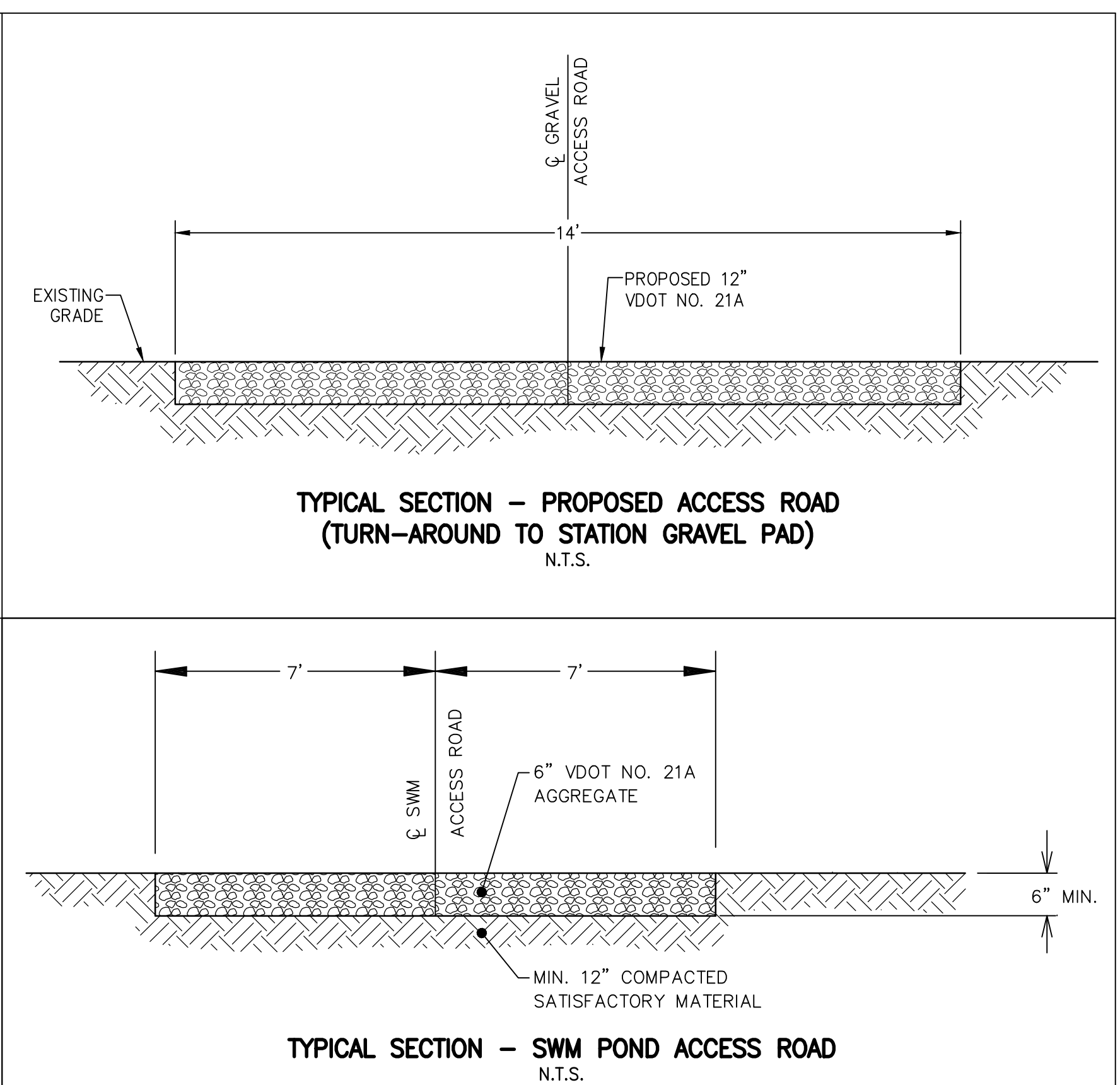
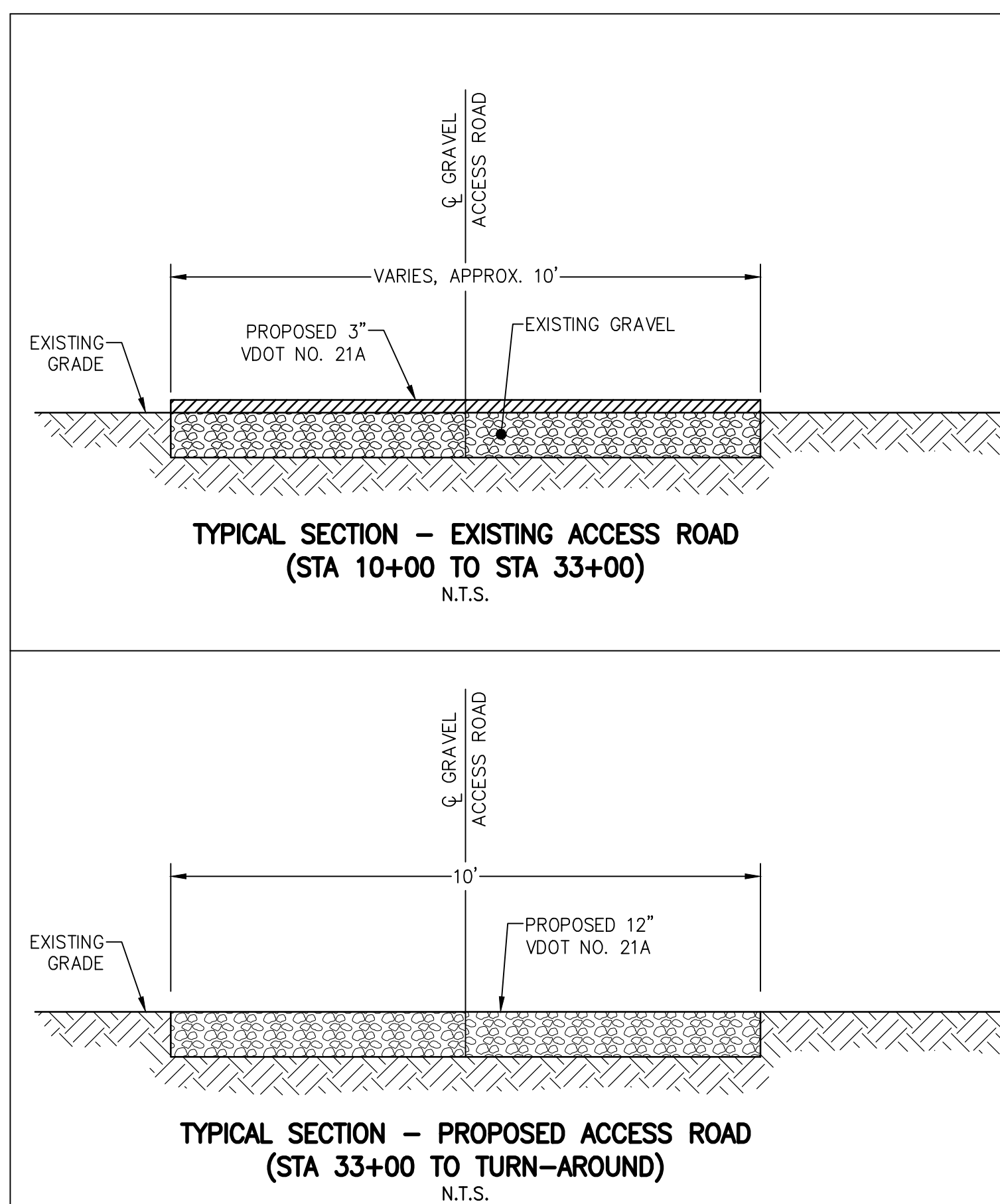
(SP-0085-2015)



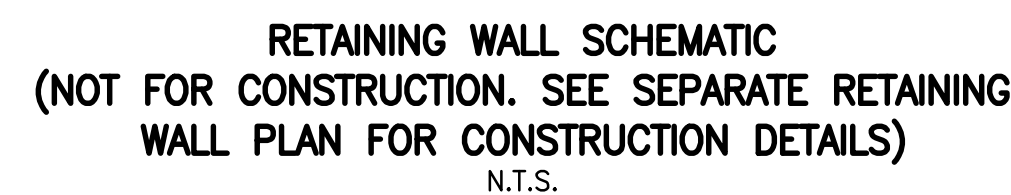


NOTES:

1. FILTER ROCK SHALL BE WELL-ROUNDED GRAVEL AND MUST BE UNIFORM SIZE (100% PASSING 1" SIEVE AND 100% RETAINED ON 1/2" SIEVE) AND HAVE A MINIMUM PERCENTAGE OF VOIDS OF 35% AS DETERMINED BY ASTM C29.
2. CONTRACTOR TO PROVIDE LINER AND GEOTEXTILE FABRIC. GEOMEMBRANE LINER SHALL BE SEAMAN HIGH PERFORMANCE 8130 XR-5. ATTACH LINER PER MANUFACTURER'S RECOMMENDATIONS. ALL PENETRATIONS OF GEOMEMBRANE LINER SHALL BE IN COMPLIANCE WITH MANUFACTURER'S SPECIFICATIONS. SEE DRAWING 0456-081 FOR DETAILS.
3. OIL CONTAINMENT WALL SHALL BE STRONGWELL COMPOSITE. WALL PANELS SHALL BE 3" x 24". TUBE SHALL BE INSTALLED TO MAINTAIN A LEVEL WALL HEIGHT 1'-10" ABOVE TOP OF SUBGRADE AT THE LOW CORNER (SEE PLAN VIEW FOR TOP OF WALL AND SUBGRADE ELEVATIONS). CONTACT MANUFACTURER FOR DESIGN AND INSTALL PER MANUFACTURER'S INSTRUCTIONS.  
STRONGWELL  
HTTP://WWW.STRONGWELL.COM  
400 COMMONWEALTH AVENUE  
BRISTOL, VA 24201  
(276) 645-8000
4. CONTRACTOR TO PROVIDE ALL PIPE DRAINAGE ASSEMBLY MATERIALS. AGENT X LINER (54" WIDE x 25" TALL) TO BE WRAPPED AROUND PERFORATED SECTION OF 8" DRAIN PIPE. TWO WRAPS ARE REQUIRED. CONTACT MANUFACTURER FOR DESIGN AND INSTALL PER MANUFACTURER'S RECOMMENDATIONS.  
CI AGENT  
HTTP://WWW.CIAGENT.COM  
11760 COMMONWEALTH DRIVE  
LOUISVILLE, KY 40229  
(866) 242-4368
5. OIL CONTAINMENT DESIGNED FOR TOTAL STORAGE OF 1,940 CU. FT. THIS ACCOUNTS FOR TRANSFORMER OIL AND RAIN WATER.



| RETAINING WALL SCHEDULE |                      |        |       |       |                   |                   |                   |                   |                        |                        |
|-------------------------|----------------------|--------|-------|-------|-------------------|-------------------|-------------------|-------------------|------------------------|------------------------|
| MARK                    | "Hw"                 | "W"    | "T"   | "F"   | "M" BARS          | "V" BARS          | "P" BARS          | "D" BARS          | "F <sub>T</sub> " BARS | "F <sub>B</sub> " BARS |
| RW-1                    | Hw ≤ 6'-0"           | 4'-0"  | 1'-0" | 1'-0" | #5 AT 12"<br>O.C. | #5 AT 12"<br>O.C. | #4 AT 12"<br>O.C. | NONE              | (4) #4                 | (2) #4                 |
| RW-2                    | 6'-0" < Hw ≤ 8'-0"   | 5'-6"  | 1'-6" | 1'-0" | #6 AT 12"<br>O.C. | #6 AT 12"<br>O.C. | #5 AT 12"<br>O.C. | NONE              | (5) #4                 | (3) #4                 |
| RW-3                    | 8'-0" < Hw ≤ 10'-0"  | 8'-0"  | 2'-6" | 1'-2" | #6 AT 12"<br>O.C. | #7 AT 12"<br>O.C. | #6 AT 12"<br>O.C. | #4 AT 12"<br>O.C. | (9) #4                 | (4) #4                 |
| RW-4                    | 10'-0" < Hw ≤ 12'-0" | 10'-0" | 3'-0" | 1'-4" | #8 AT 12"<br>O.C. | #8 AT 12"<br>O.C. | #7 AT 12"<br>O.C. | #5 AT 12"<br>O.C. | (10) #5                | (4) #5                 |
| RW-5                    | 12'-0" < Hw ≤ 14'-0" | 12'-6" | 3'-6" | 1'-6" | #8 AT 8"<br>O.C.  | #8 AT 8"<br>O.C.  | #8 AT 12"<br>O.C. | #6 AT 8"<br>O.C.  | (12) #5                | (4) #5                 |

[illegible]



**ITEM SUMMARY**

DATE: 7/11/2017

TO: The Board of Supervisors

FROM: Ellen Cook, Principal Planner

SUBJECT: SUP-0002-2015. Skiffes Creek Switching Station

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**ATTACHMENTS:**

|   | Description                                                                 | Type            |
|---|-----------------------------------------------------------------------------|-----------------|
| ▣ | Staff Report                                                                | Staff Report    |
| ▣ | Attachment 1A Resolution for Approval                                       | Resolution      |
| ▣ | Attachment 1B Resolution for Denial                                         | Resolution      |
| ▣ | Attachment 2 Location Map                                                   | Backup Material |
| ▣ | Attachment 3 Minutes of the August 5, 2015 Planning Commission meeting      | Backup Material |
| ▣ | Attachment 4 Proffers                                                       | Backup Material |
| ▣ | Attachment 5 Background Information Provided By Applicant                   | Backup Material |
| ▣ | Attachment 6 Environmental constraints analysis                             | Backup Material |
| ▣ | Attachment 7 Visual Simulations - including proposed transmission lines     | Backup Material |
| ▣ | Attachment 8 Visual Simulations - excluding proposed transmission lines     | Backup Material |
| ▣ | Attachment 9 Switching station photographs (Chickahominy switching station) | Backup Material |
| ▣ | Attachment 10 Public comment                                                | Backup Material |
| ▣ | Attachment 11 Applicant request to appeal Code of Virginia 15.2-2232        | Backup Material |
| ▣ | Attachment 12.1 Master Plan Sheets 1-2                                      | Backup Material |
| ▣ | Attachment 12.2 Master Plan Sheet 3                                         | Backup Material |
|   | Attachment 12.3 Master Plan Sheet                                           |                 |



|   |                                        |                 |
|---|----------------------------------------|-----------------|
| ▣ | 4                                      | Backup Material |
| ▣ | Attachment 12.4 Master Plan Sheet 5    | Backup Material |
| ▣ | Attachment 12.5 Master Plan Sheet 6    | Backup Material |
| ▣ | Attachment 12.6 Master Plan Sheets 7-9 | Backup Material |

## **REVIEWERS:**

| Department             | Reviewer        | Action   | Date                |
|------------------------|-----------------|----------|---------------------|
| Planning               | Holt, Paul      | Approved | 6/25/2017 - 4:02 PM |
| Development Management | Holt, Paul      | Approved | 6/25/2017 - 4:03 PM |
| Publication Management | Burcham, Nan    | Approved | 6/26/2017 - 7:29 AM |
| Legal Review           | Kinsman, Adam   | Approved | 7/5/2017 - 8:18 AM  |
| Board Secretary        | Fellows, Teresa | Approved | 7/5/2017 - 8:18 AM  |
| Board Secretary        | Purse, Jason    | Approved | 7/5/2017 - 8:28 AM  |
| Board Secretary        | Fellows, Teresa | Approved | 7/5/2017 - 8:31 AM  |



**REZONING-0003-2015/SPECIAL USE PERMIT-0002-2015/HEIGHT WAIVER-0001-2015. Skiffes Creek Switching Station**

**Staff Report for the July 11, 2017, Board of Supervisors Public Hearing**

*This staff report was prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

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**PUBLIC HEARINGS** Building F Board Room; County Government Complex  
Planning Commission: August 5, 2015, 7:00 p.m.  
Board of Supervisors: November 24, 2015, 6:30 p.m. (deferred by applicant)  
December 8, 2015, 6:30 p.m. (deferred by applicant)  
February 9, 2016, 6:30 p.m. (deferred by applicant)  
March 8, 2016, 6:30 p.m. (deferred by applicant)  
August 9, 2016, 6:30 p.m. (deferred by applicant)  
December 13, 2016, 6:30 p.m. (deferred by applicant)  
June 27, 2017, 4:00 p.m. (deferred by applicant)  
July 11, 2017, 5:00 p.m.

**SUMMARY FACTS**

Applicant: Ms. Adena Patterson, McGuire Woods, LLP

Land Owner: Virginia Electric and Power Company, d/b/a Dominion Energy Virginia

Proposal: Rezoning to M-2, General Industrial, with proffers and a Special Use Permit (SUP) to allow for an electrical switching station. This use is classified as an electrical generation facility (public or private), steam generation facility, electrical substation with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more. Also includes a height waiver for two approximately 80-foot-tall structures.

Locations: 8968, 8964 and 8960 Pocahontas Trail

Tax Map/Parcel Nos.: 5920100002, 5920100044A and 5920100013 respectively

Parcel Size: +/- 67.4 acres in total (55.0, 11.8 and 0.62 acres respectively)

Existing Zoning: R-8, Rural Residential; M-2, General Industrial; and R-8, Rural Residential respectively

Proposed Zoning: M-2, General Industrial, with proffers

Comprehensive Plan: Low Density Residential and Neighborhood Commercial respectively

Primary Service Area: Inside

**STAFF RECOMMENDATION**

Staff recognizes the importance of providing a reliable source of power to James City County and the rest of the Peninsula for economic development, tourism and current businesses and residents while needing to balance the location of electrical facilities with surrounding development to retain the County's character and quality of life.



With the acceptance of the proposed proffers and adoption of the proposed conditions, staff finds the proposal to be compatible with surrounding development and generally consistent with the 2035 Comprehensive Plan.

Staff recommends the Board of Supervisors approve this rezoning, accept the voluntary proffers and approve the SUP and Height Limitation Waiver Application subject to the listed conditions.

Staff also recommends that the Board of Supervisors determine that this review satisfies Code of Virginia §15.2-2232 for substantial accord with the Comprehensive Plan.

Staff Contact: Ellen Cook

Phone: 253-6693

### **PLANNING COMMISSION RECOMMENDATION**

At the August 5, 2015 Planning Commission meeting, the motion for a recommendation of approval for the application (i.e. the switching station rezoning and SUP) and consistency with Code of Virginia §15.2-2232, failed (Aye: 2; Nay: 4). A Planning Commission vote regarding the Height Limitation Waiver was not required.

### **Proposed Changes Made Since the Planning Commission Meeting**

The following changes have been made since the Planning Commission meeting:

1. The applicant has provided revised visual simulations for two viewpoints showing the impacts of just the switching station equipment at 2-year and 10-year growth of proposed plantings. The pieces of equipment that have been determined to be part of the transmission line have been removed from the simulation (though existing transmission lines are still shown in the simulation). See Attachment No. 8.
2. The applicant has provided photographs of an existing switching station in Charles City County to give an example of what the fencing and equipment looks like. This switching station is approximately the same size as, but is configured differently than, the proposed Skiffes Creek facility (see Attachment No. 9).
3. The applicant has submitted an additional proffer (Proffer No. 3) which would prohibit the owner from installing improvements for the switching station site plan until the Army Corps of Engineers issues a permit for the final transmission line route. The proffer would allow for clearing and grading to begin after the issuance of an Early Land Disturbing Permit but if the Army Corps does not approve the permit, the proffer requires Dominion to replant the cleared areas.
4. The applicant has submitted an additional proffer (Proffer No. 4) which would open the option for the County's Economic Development Authority (EDA) to request an easement through the property for the purposes of re-establishing the abandoned CSX railroad spur that used to connect to the BASF property. The proffer gives the EDA ten years to request the easement. The proffer also states that the cost of rail construction would be borne by others, except that, in recognition that the construction of the rail spur will require unique construction techniques and improvements to ensure that the Owners will continue to have access to the property, the Owner shall make a cash contribution of \$1,500,000 to help defray construction costs within 60 days of commencement of installation of improvements for the switching station. The final section of the proffer provides that the County shall have the option to elect to designate the cash contribution to be used for transportation projects in the County within two miles of the point where the property fronts on Route 60.
5. The applicant has proposed an alternative method for addressing stormwater management, which resulted in changes to the Master Plan.



6. The Master Plan has been changed to reflect progress that the applicant has made towards designing the proposed bus stop and shelter, including adjusting the width of the right-of-way dedication and details of the dedication.

On August 17, the applicant filed an appeal to the Planning Commission's Code of Virginia § 15.2-2232 finding that the switching station is not in substantial accord with the Comprehensive Plan. The appeal letter is provided as Attachment No. 11 for further reference.

### **Proffers**

Proffers are signed and submitted in accordance with the James City County Proffer Policy. The submitted proffers limit the permitted uses on this parcel exclusively to the electrical substation and wireless communications facilities and would not permit any other industrial or commercial uses in an effort to minimize impacts to surrounding residential uses.

The applicant has also proposed proffers to relocate the existing Windy Hill Marketplace bus stop to in front of the switching station property and provide a bus pull-off and shelter. In the event Williamsburg Area Transit Authority (WATA) or the Virginia Department of Transportation (VDOT) does not approve the relocation, the applicant has proffered to contribute the equivalent cash to be used towards other transit improvements along this segment of Pocahontas Trail. The cash equivalent would be determined as part of the site plan review. The applicant has also proffered to construct sidewalk along the property's frontage.

Two new proffers (Proffer Nos. 3 and 4), which were outlined earlier on this page, were proposed since the Planning Commission meeting.

### **PROJECT DESCRIPTION**

Ms. Adena Patterson of McGuire Woods LLP has applied for a rezoning, SUP and height waiver for an electrical switching station to be operated by Dominion Virginia Power as part of the proposed Surry-Skiffes Creek 500 kV line and Skiffes Creek-Whealton 230 kV line (Surry-Skiffes Creek-Whealton transmission line). The applicant requests that three properties be rezoned to M-2, General Industrial, with proffers. An electrical substation is a specially permitted use in both the proposed M-2 Zoning District and in the existing R-8, Rural Residential Zoning District; however, it is necessary for the applicant to rezone the properties due to the proposed height of two structures. In R-8, the maximum permitted height is 45 feet and Height Limitation Waivers are available for taller buildings whereas in M-2 the maximum permitted height is 60 feet and waivers are available for taller structures. A Height Limitation Waiver has also been requested for two static poles which will not exceed 80 feet above grade.

Code of Virginia § 15.2-2232 requires that unless a utility facility is shown on the adopted Comprehensive Plan or other Master Plan for the County, the local planning commission and governing body shall review the facility to determine whether the location, character and extent of the project is substantially in accord with the adopted Comprehensive Plan. The proposed switching station is not currently shown on the County's adopted Comprehensive Plan and so requires this additional level of review by the Planning Commission and the Board of Supervisors.

### **PROJECT BACKGROUND**

There is considerable background information pertaining to Dominion Virginia Power's overall proposed Surry-Skiffes Creek-Whealton transmission line project. The project has been under evaluation for several years in order to ensure the provision of reliable power to the area following the closure of the Yorktown Power Station to meet Federal environmental requirements, which occurred in April 2017.



It is important to be mindful that the State Corporation Commission (SCC) has reviewed and accepted the proposed route for the transmission lines. This route is still under review by the Army Corps of Engineers, which issued a Conditional Permit for the proposed transmission line project in June 2017. Under Code of Virginia §56-46.1(F), approval of a transmission line by the SCC is deemed to satisfy local zoning ordinances. James City County appealed the SCC's determination that the switching station was part of the transmission line and exempt from local zoning ordinances; however, earlier in 2015 the Virginia Supreme Court decided that the switching station is not part of the transmission lines and so is subject to both local zoning ordinances and review in accordance with Code of Virginia §15.2-2232.

As a result of these proceedings, the scope of staff's review of the rezoning, SUP and Height Limitation Waiver is limited only to the switching station facility. The applicant has color-coded Sheet 1 of the Master Plan to show transmission line components in green and existing overhead transmission lines in blue. Staff notes that there are also several taller backbone structures ranging from 75 feet to 115 feet in height (identified by an asterix next to the height label). All of these items have been deemed to be part of the transmission lines and are exempt from local zoning ordinances. The broader route of the 500kV transmission lines, the color-coded items on the Master Plan and the backbones are shown for informational purposes only and should not be factored into deliberation on the proposed switching station facility rezoning, SUP and Height Waiver.

### **COMMUNITY MEETING**

The applicant conducted a community open house at the James River Elementary School on July 23, 2015 from 5-7 p.m. to provide additional information about the proposed switching station to nearby residents and businesses.

### **SURROUNDING ZONING AND DEVELOPMENT ANALYSIS**

The project area consists of three parcels that connect the switching station property to Pocahontas Trail by way of an abandoned BASF rail spur. To the north-west, the station is adjacent to active CSX railroad tracks and Merrimac Trail/Route 143. The Merrimac Center and Virginia Peninsula Regional Jail are across Merrimac Trail from the station. Both are zoned PL, Public Lands, and designated Federal, State and County Land on the 2035 Comprehensive Plan. Immediately to the east is a large vacant parcel zoned M-2, General Industrial and designated General Industry. To the south of the station is a vacant parcel that is zoned R-8, Rural Residential and is designated Low Density Residential (LDR). Both the parcel to the east and the parcel to the south are owned by Skiffes Creek L.L.C. and neither have existing road frontage/access on a public street. Immediately to the west of the station is Country Village Mobile Home Park, which is zoned R-8 and designated Moderate Density Residential (MDR). There are a few other existing residential neighborhoods located in close proximity to the project, including Skiffes Creek Terrace, Carter's Village, Poplar Hall and Windy Hill Mobile Home Park. Property adjacent to the access road and along Pocahontas Trail is zoned a mixture of B-1, General Business; M-1, Limited Business/Industrial; R-8 and M-2; and designated Neighborhood Commercial, LDR, MDR and General Industrial.

### **HEIGHT WAIVER**

The applicant has applied for a Height Limitation Waiver and the following analysis is completed with the assumption that the property is rezoned to M-2. On property zoned M-2, structures may be constructed, by right, up to 60 feet in height above grade provided that they meet certain additional setbacks from the property lines. If structures are to exceed 60 feet in height, they must first be authorized by the Board with the issuance of a Height Limitation Waiver (Height Waiver). The applicant has asked for a 20-foot waiver to the height requirements for two structures, which equates to no more than 80 feet above finished grade (which would be the equivalent of 137 feet and 149 feet above Mean Sea Level for each of the two structures respectively). The structures are static poles which are located near the center of the property and serve to attract any lightning strikes rather than to the other switching station equipment. The applicant has provided new visual simulations from Country Village Mobile Home Park (viewpoint 05) and Route 143 (viewpoint 07) to show what the



switching station would look like from off-site. They have been revised to no longer show structures that are part of the proposed transmission lines (but do still show existing transmission lines that will remain). Given the height of the poles and their location on the property, they will have minimal, if any, off-site visual impacts.

### **HEIGHT WAIVER ANALYSIS**

Section 24-443 of the James City County Zoning Ordinance states that structures in excess of 60 feet in height may be erected only upon the granting of a Height Limitation Waiver by the Board of Supervisors and upon finding:

1. Additional setbacks have been provided; however, the Board may waive additional setbacks for structures in excess of 60 feet.

*Staff Comment:* The proposed static poles are more than 400 feet from the southern property line and the nearest pole is more than 350 feet from the eastern property line. They are located in such a way that the full required Ordinance setbacks (98 feet from the southern property line and 35 feet from the eastern property line) are exceeded in all areas.

2. Such structure will not obstruct light from adjacent property.

*Staff Comment:* Given the distances to the property boundary lines and the design of the static pole, which is similar to a monopole/slick stick cell tower, Planning staff finds that the static poles will not obstruct light from adjacent properties.

3. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments.

*Staff Comment:* The closest area of historic interest is Carter's Grove, which is roughly 4,000 feet from the switching station site. The poles will not be visible from this location. There is an archaeological resource on the switching station property; however, the applicant intends to completely excavate the site prior to construction and this is reflected in the proposed SUP conditions. Staff has visited the surrounding residential neighborhoods and Dominion has provided visual simulations to determine impacts to these areas. Currently, the existing overhead power lines are extremely visible from Country Village Mobile Home Park, the view is already significantly impacted in this area and the transmission lines themselves will further impact the view. The clearing and additional equipment for the switching station/static poles will only impact this view to a minor extent. Visual simulation from other surrounding developments indicates that the static poles will not be visible. Staff does note; however, that visibility from Poplar Hall specifically may change if the intervening parcel is cleared for development. Staff has proposed several landscaping and buffering conditions as part of the SUP in an attempt to mitigate this. Planning staff finds that the proposed static poles will not further impair the enjoyment of nearby historic attractions, areas of significant historic interest or nearby developments.

4. Such structure will not impair property values in the area;

*Staff Comment:* The Director of Real Estate Assessments reviewed the two proposed static poles and determined that they will not negatively affect the surrounding property assessments.

5. Such structure is adequately designed and served from the standpoint of safety and that the County Fire Chief finds the fire safety equipment 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.



*Staff Comment:* The Fire Department indicates that they have no concerns with the static poles from a fire service standpoint. Public safety related to the switching station will be addressed more in depth later in staff's report.

6. Such structure will not be contrary to the public health, safety and general welfare.

*Staff Comment:* Based on the current proposal and supporting information submitted by the applicant, staff finds that the proposed static poles will not unduly or adversely affect the public health, safety or general welfare. Public safety related to the switching station will be addressed more in depth later in staff's report.

## **PUBLIC IMPACTS**

### **Archaeology**

The property has been undergoing review as part of the overall permitting process for the Surry-Skiffes Creek Whealton transmission line. Based on the results of a Phase I and Phase II excavation conducted on the property, the Virginia Department of Historic Resources has concurred that there is one archaeological site that is eligible for listing on the National Register of Historic Places. The applicant has indicated that it is their intent to fully excavate the site prior to development and staff has proposed an SUP condition to this effect.

### **Environmental**

#### **Watershed:** Skiffes Creek

**Staff Comments:** The property includes a small Resource Protection Area (RPA) that the applicant proposes to avoid through construction. There are several overhead transmission lines that cross this RPA and so frequent maintenance and trimming will be necessary in this area to keep growth below 15 feet. Due to concerns regarding the use of chemical herbicides in this area, staff has proposed a condition where the owner would need to notify the Director of Engineering and Resource Protection prior to any maintenance activities.

The site also drains to the Skiffes Creek Reservoir, which is a source of drinking water for Newport News Water Works. Staff has included SUP conditions to help mitigate for any negative impacts to the reservoir, including requiring a spill containment/response plan and that post-development stormwater runoff water quality will be treated to achieve the same degree of pre-development water quality. Additionally, the wooded area of the parcel to the west of the switching station will be retained as a tree protection area.

Staff also consulted with the Virginia Department of Conservation and Recreation (DCR) regarding potential habitat for rare, threatened or endangered species. Based on DCR's review, there are no existing species or potential habitat and so no further natural heritage surveys will be necessary.

**ERP Comments:** Engineering and Resource Protection (ERP) has reviewed the Master Plan and proposed SUP conditions and concurs that any outstanding items can be addressed through the development plan review process.

### **Public Utilities**

The property is located within the Primary Service Area and would be served by public water (Newport News Water Works) and sewer.

**Staff Comments:** The applicant is not proposing any connections to public water or sewer. Given the project's location to existing James City Service Authority (JCSA) infrastructure and to the Skiffes Creek Reservoir, staff consulted with both JCSA and Newport News Water Works. Both agencies concur with the Master Plan and SUP conditions and have also been participating in the review of the development plans.

### **Public Safety**

The switching station represents a large concentration of high voltage equipment and so staff spent considerable time discussing the project with County Police and Fire personnel in addition to contacting Virginia Natural Gas



(who has a gas pipeline along the northern edge of the property) and CSX to determine whether there were any safety concerns. The applicant has confirmed that the access road from Pocahontas Trail will be upgraded to support fire apparatus. Due to the nature of switching station, the road will be gated and the Fire Department will work in conjunction with Dominion personnel in the event of an emergency to ensure conditions are made safe prior to responding to an incident. This is the typical operating procedure for electrical facilities. SUP conditions are proposed for an emergency management plan that will be developed in conjunction with Fire and Police and will outline appropriate contacts, training schedules, etc. The fence will also be equipped with security cameras that will be monitored.

### **Fiscal**

While the proposal does not generate new businesses or housing, the applicant submitted an overview of the fiscal benefit to the County as a result of rezoning these properties and investing in a switching station. Per calculations by Dominion and the SCC, estimates indicate that \$425,087 would be paid in taxes whereas currently, the 2016 real property tax is estimated at \$5,853. Since the property is owned by Dominion, it is assessed by the SCC rather than James City County. The SCC concurred with Dominion's estimation methodology; however, they noted that the investment amount used for the switching station would not be able to be confirmed until later in the project.

### **Transportation**

The project is located on Pocahontas Trail/Route 60 and there is an existing gated driveway which serves as access to the site. There is a secondary access point off Tadich Drive in Country Village Mobile Home Park, which also ultimately connects to Pocahontas Trail.

**Traffic Counts:** The James City County/Williamsburg/York County Comprehensive Transportation Study (Regional Study) that was completed in March 2012 indicated that the most recent weekday volume for Pocahontas Trail from BASF Road to the Newport News boundary was 11,188 trips. This represents a current weekday PM peak hour Level of Service (LOS) of A-C for the corridor.

**Projected Traffic Volume:** On Pocahontas Trail from the Grove Interchange to the Newport News boundary, the 2035 Comprehensive Plan projects 21,186 Annual Average Daily Traffic for 2035 - with the note that volumes are expected to be reduced with implementation of the Route 60 relocated project. The Regional Study notes that the PM peak hour LOS for the corridor from BASF Road to the Newport News boundary is projected to still be at a LOS of F in 2034.

**Staff Comments:** The switching station will not be staffed on a regular basis and the applicant has indicated that they anticipate three vehicle trips per month to the site for regular maintenance and monitoring once the station is complete. An SUP condition will require that a construction management and mitigation plan be provided prior to site plan approval which will address traffic control measures and hours during construction of the station. There is also a condition that limits all access (with the exception of emergencies) to Pocahontas Trail rather than through residential areas. The applicant has proffered to dedicate additional right-of-way of Pocahontas Trail to accommodate a sheltered bus stop and pull-off. Dominion has included a detail for the bus pull-off and shelter as part of the switching station development plans submitted in September 2015. WATA has concurred with relocating the Windy Hill Market bus stop to the switching station property and VDOT has not expressed any major concerns with the proposed design and right-of-way dedication. If for any reason WATA and VDOT do not grant final approval to the development plans showing the relocation of the bus stop, the applicant has proffered an equivalent cash contribution (amount to be determined at development plan stage) to be used towards other transit improvements along this stretch of Pocahontas Trail. The applicant has also proffered to construct a sidewalk along the property frontage. The Pedestrian Accommodation Master Plan for this area calls for a multi-use path. Staff finds that the development can be supported by the existing road network given the proffer that limits the use of the property.

**VDOT Comments:** VDOT has reviewed the proposal and trip generation figures for the proposed switching station and did not have any concerns with the rezoning/SUP proposal. They have been involved in review of the development plans, the relocation of the bus stop and the construction management plan.



**WATA Comments:** WATA is supportive of proffers for locating a sheltered bus stop and pull-off in this area and concur with the proffers. Based on initial design work, it appears that relocation of the bus stop to this location is feasible.

### **COMPREHENSIVE PLAN**

The project is designated LDR on the 2035 Comprehensive Plan Land Use Map. LDR sites should be located within the Primary Service Area and have suitable terrain and soils for development. Recommended uses are tiered by group. Group 1 uses include single-family homes, cluster housing and recreational areas. Group 2 uses include schools, places of public assembly, very limited commercial and community-oriented facilities that can meet the following six standards:

- i. Complement the residential character of the area;
- ii. Have traffic, noise, lighting and other impacts similar to surrounding residential uses;
- iii. Generally be located on collector or arterial roads at intersections;
- iv. Act as a transitional use between residential and commercial areas or, if located within a residential community, serve to complement the residential character of the area rather than altering its nature;
- v. Provide adequate screening and buffering to protect the character of nearby residential areas; and
- vi. Generally intended to support the residential community in which they are located.

New development should only be permitted where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed. Particular attention should be given to addressing such impacts as incompatible intensity and design, building height and scale, land uses, smoke, noise, dust, odor, vibration, light and traffic. Conflicting uses should be located near residential uses only where the conflicts between such uses can be adequately addressed. Conflicts may be addressed by sufficient screening/buffering or other adequately protective site and building design features. The Comprehensive Plan also states that the need for public services (police and fire for this specific application) and facilities generated by a development should be met or mitigated by that development.

A portion of the Land Use section in the 2035 Comprehensive Plan includes a discussion about the relationship between the Comprehensive Plan and zoning map for areas with a residential designation. The majority of this project is zoned R-8 and designated LDR so this section would be pertinent. It notes that in a limited number of instances, to be evaluated on a case-by-case basis, a rezoning to a limited commercial zoning district may be considered but that for either SUP or rezoning legislative actions, careful adherence to the LDR development standards, which have more specific guidelines for these limited commercial uses/districts, will be extremely important.

The Economic Development section contains Goals, Strategies and Actions geared towards supporting existing businesses and tourism and developing ways to attract new and innovative business and industries to the area. An important component of this is ensuring that adequate infrastructure is in place to provide power, water, sewer and other critical services to support economic development. Per the applicant and SCC, this switching station and the associated transmission lines are essential to the reliable provision of electricity to the Peninsula and Hampton Roads area. Additionally, the proposed proffer to grant an access easement for a rail spur through the switching station property may make currently vacant parcels located to the south and east of the spur more attractive for industrial development. Staff has been in contact with CSX regarding the feasibility of re-installing tracks in the spur and they have noted that railroad easements need to be free of major obstructions or it will be difficult to get the necessary clearance for railroad cars. The County or another entity would have to evaluate the feasibility of installing the tracks should there be an interest and additional right-of-way would need to be acquired across Pocahontas Trail and south of the roadway to make useable connections.

A switching station can be considered under the Group 2 uses as a limited commercial or community-oriented facility as it is classified as a utility. Other electrical substations have been permitted on properties within various



land use designations, including LDR and Open Space or Recreation and deemed as facilities that are necessary to support the power needs of general County development.

Staff notes that the property is already significantly impacted by the existing overhead transmission lines that abut the southern property line. As a result, the visual impacts of the switching station are difficult to buffer in that area as plantings have height restrictions to ensure safe operation of the lines. The wooded nature of the adjacent parcel helps to screen the lines and the proposed facility; however, these trees are off-site and could be cleared for future development. Based on the visual simulations provided by the applicant, the switching station security fence will initially be visible from a section of Merrimac Trail near the Virginia Peninsula Regional Jail, but will not be visible after 10 years of projected growth of the proposed buffer plantings. There is significant existing wooded area between the property and Merrimac Trail; however, this is also located off-site and on either VDOT or CSX railroad right-of-way, which could be cleared in the future. The applicant has provided a series of transitional buffers on the property, including a 50-foot buffer (exclusive of existing utility easements) adjacent to residential areas and Merrimac Trail, retention of natural vegetation between the station and Country Village Mobile Home Park, supplemental landscaping along the access road and a 50-foot Community Character Corridor buffer along Pocahontas Trail. The applicant has also proposed lower height plantings under the overhead lines and that plantings will be selected to provide maximum visual screening.

The applicant has addressed potential concerns related to noise generation of the facility. The existing overhead lines, CSX activity and vehicles on Merrimac Trail generate some degree of noise on-site. The applicant has proposed to use low sound design transformers and noise dampening equipment to further mitigate any potential impacts. According to Dominion engineers, the noise level will be approximately 70 decibels at the station itself and 50 decibels at the nearest property line. For comparison, this is about the equivalent of a quiet office or normal conversation.<sup>1</sup> The bulk of the switching station (transformers, breakers, etc.) is more than 700 feet away from the closest existing residence, which is located in Poplar Hall. The applicant has indicated that under regular operations, the station will not generate odor, smoke or dust.

The project meets the Group 2 criteria in conjunction with the proposed SUP conditions in that it has primary access from Pocahontas Trail; includes buffering and landscaping to the extent feasible given existing conditions; provides assurances that the impacts of lighting, noise and traffic on adjacent residential areas can be mitigated; and the station will more broadly support the surrounding residential community by assuring a reliable source of electricity. As a result, staff finds the proposed development to be generally consistent with the 2035 Comprehensive Plan.

## **RECOMMENDATION**

Staff recognizes the importance of providing a reliable source of power to James City County and the rest of the Peninsula for economic development, tourism and current businesses and residents while needing to balance the location of electrical facilities with surrounding development to retain the County's character and quality of life. With the acceptance of the proposed proffers and adoption of the proposed conditions, staff finds the proposal to be compatible with surrounding development and generally consistent with the 2035 Comprehensive Plan.

Staff recommends the Board of Supervisors approve this rezoning, accept the voluntary proffers and approve the SUP and Height Limitation Waiver Application subject to the listed conditions.

Staff also recommends that the Board of Supervisors determine that this review satisfies Code of Virginia §15.2-2232 for substantial accord with the Comprehensive Plan.

EC/nb  
SkiffesCSwStn

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<sup>1</sup> Comparison data obtained from the National Institute on Deafness and Other Communication Disorders within the U.S. Department of Health and Human Services at <http://www.nidcd.nih.gov/health/education/decibel/pages/decibel.aspx>.



Attachments:<sup>2</sup>

1. Resolutions
  - a. Approval
  - b. Denial
2. Location Map
3. Minutes of the August 5, 2015, Planning Commission meeting
4. Proffers
5. Background information provided by applicant
6. Environmental Constraints Analysis
7. Visual Simulations - including proposed transmission lines
8. Visual Simulations - excluding proposed transmission lines
9. Switching Station Photographs (Chickahominy Switching Station)
10. Public Comment
11. Applicant request to appeal Code of Virginia §15.2-2232 findings
12. Master Plan

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*2 The applicant provided additional materials as part of the rezoning application including the findings of the various State Corporation Commission hearings, the verdict in the Virginia State Supreme Court Case and the Army Corps of Engineers alternatives analysis. Due to the volume of materials, these have not been included in the packet but are available from the Planning Division for review upon request.*



## **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.

|         |           |                                                         |            |                |
|---------|-----------|---------------------------------------------------------|------------|----------------|
| ATTEST: |           | <hr/> Kevin D. Onizuk<br>Chairman, Board of Supervisors |            |                |
|         |           | VOTES                                                   |            |                |
|         |           | <u>AYE</u>                                              | <u>NAY</u> | <u>ABSTAIN</u> |
|         | MCGLENNON | _____                                                   | _____      | _____          |
|         | SADLER    | _____                                                   | _____      | _____          |
|         | HIPPLE    | _____                                                   | _____      | _____          |
|         | LARSON    | _____                                                   | _____      | _____          |
|         | ONIZUK    | _____                                                   | _____      | _____          |

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

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

SUP02-15-SCrk-Approv-res



## **RESOLUTION**

### **DENYING 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 (the “Applicant”) 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 Section 24-9 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified and a hearing scheduled for 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 No. SUP-0002-2015 failed by a vote of 2-4; and

WHEREAS, following a public hearing at the July 11, 2017 Board of Supervisors meeting, Case No. Z-0003-2015 failed; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds the public necessity, convenience, general welfare and good zoning practice counsel against approval of Case No. SUP-0002-2015.

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

1. The general or approximate location, character and extent of the public utility facility shown in Case No. SUP-0002-2015 is not substantially in accord with the adopted Comprehensive Plan and applicable part thereof; and



2. The use proposed by Case No. SUP-0002-2015 will adversely affect the health, safety or welfare of persons residing or working in the neighborhood; and
3. The use proposed by Case No. SUP-0002-2015 will increase public danger from fire as a result of energizing property adjacent to rail lines that carry crude oil; and
4. The use proposed by Case No. SUP-0002-2015 will impair the character of the district and adjacent districts; and
5. The use proposed by Case No. SUP-0002-2015 will likely reduce or impair the value of buildings or property in surrounding areas; and
6. The requested rezoning of the Property and establishment of the requested use - the Station - is not in substantial accordance with the general purpose and objectives of the zoning ordinance; and
7. The use proposed by Case No. SUP-0002-2015 is likely to have adverse effects that cannot be avoided by the imposition of special requirements or conditions; and
8. Case No. SUP-0002-2015 was contingent on approval of Case No. Z-0003-2015, which was not approved; and
9. 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 deny Case No. SUP-0002-2015 as described herein.

|         |                                                   |            |            |                |
|---------|---------------------------------------------------|------------|------------|----------------|
| ATTEST: | <hr/>                                             |            |            |                |
|         | Kevin D. Onizuk<br>Chairman, Board of Supervisors |            |            |                |
|         |                                                   | VOTES      |            |                |
|         |                                                   | <u>AYE</u> | <u>NAY</u> | <u>ABSTAIN</u> |
|         | MCGLENNON                                         | _____      | _____      | _____          |
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|         | HIPPLE                                            | _____      | _____      | _____          |
|         | LARSON                                            | _____      | _____      | _____          |
|         | ONIZUK                                            | _____      | _____      | _____          |

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

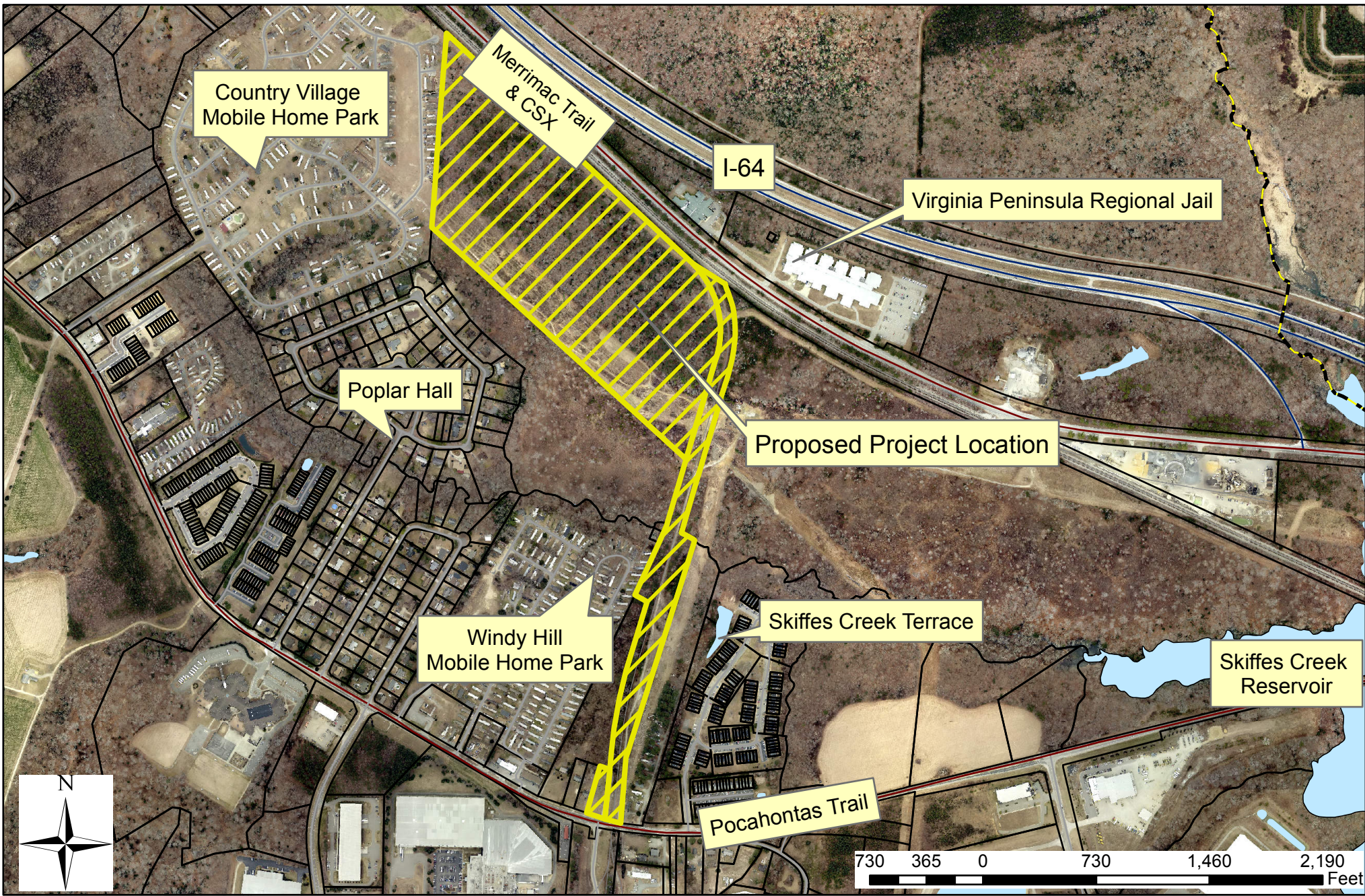
Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of July, 2017.

SUP02-15-SCrk-Denying-res



# JCC-Z-0003-2015/SUP-0002-2015/HW-0001-2015

## Skiffes Creek Switching Station





**Approved Minutes of the August 5, 2015  
Planning Commission Meeting**

**A. Case No. Z-0003-2015/SUP-0002-2015/HW-0001-2015, Skiffes Creek Switching Station**

Ms. Leanne Pollock, Senior Planner, II, stated that Dominion Virginia Power applied for a rezoning and special use permit for an electrical switching station on approximately 67.6 acres at 8960, 8964, and 8968 Pocahontas Trail, zoned R-8, Rural Residential, and M-2, General Industrial, and designated Low Density Residential (LDR) and Neighborhood Commercial by the comprehensive plan. Ms. Pollock stated that the applicant has requested to rezone all parcels to M-2 with proffers where electrical facilities are a specially permitted use. Ms. Pollock noted that the rezoning is necessary because the proposed height of two structures exceeds 60 feet. Ms. Pollock further noted that the applicant has also applied for a height waiver for these structures to be up to 80 feet from grade. Ms. Pollock stated that the height waiver will be considered by the Board of Supervisors with the rezoning and SUP application, but does not require a vote by the Planning Commission.

Ms. Pollock also stated that Code of Virginia Section 15.2-2232 requires that unless a utility facility is shown on the adopted comprehensive plan or other master plan, the local planning commission and governing body shall review the facility to determine whether the location, character and extent of the project is substantially in accord with the adopted comprehensive plan. Since the proposed switching station is not currently shown on the comprehensive plan, she stated that this additional level of review is necessary.

Ms. Pollock stated that the switching station would be part of the overall 500 kV transmission line proposed by Dominion to cross the James River via a route that was approved by the State Corporation Commission (SCC). Per the Code of Virginia, the SCC's approval of this route is deemed to satisfy local zoning regulations for the transmission line. Ms. Pollock further stated that the Virginia Supreme Court issued a ruling that determined that the switching station is not part of the transmission line and is still subject to local zoning regulations. Ms. Pollock noted that the scope of the Planning Commission review is limited to components of the switching station only, which have been color-coded on the master plan sheets for clarity.

Ms. Pollock stated that the LDR comprehensive plan designation does include limited commercial uses and community-oriented facilities as a Group 2 recommended use and that rezoning land designated as residential to a commercial or industrial district should be evaluated on a case-by-case basis and allowed when the development standards can be satisfied. Ms. Pollock stated that proffers for this proposal limit use of the property to only electrical generation facilities and co-located wireless communication facilities that are approved by the County. Ms. Pollock stated that no other industrial or commercial uses which are permitted in the M-2 zoning district will be allowed on the property.

Ms. Pollock stated that the site and the surrounding area is already significantly impacted by existing overhead transmission lines. Ms. Pollock noted that the buffer plan proposes a series of transitional buffers around the property lines adjacent to Merrimac Trail and residential areas, retention of natural wooded areas between the station and Country Village Mobile Home Park, supplemental landscaping along the access road, a 50 foot Community Character Corridor buffer along Pocahontas Trail, and supplemental lower height plantings under the existing utility lines, all



of which would help reduce visibility of the switching station. Ms. Pollock further noted that staff has also developed several SUP conditions to minimize other potential impacts.

Ms. Pollock stated that staff recommends that the Planning Commission recommend approval of the rezoning and special use permit subject to the listed conditions. Staff also recommends that the Planning Commission determine that this review satisfies Code of Virginia §15.2-2232 for substantial accord with the comprehensive plan.

Ms. Bledsoe requested that the Commission hold questions until after the public comment.

Ms. Bledsoe requested that Mr. Maxwell Hlavin, Assistant County Attorney, provide the Commission with an overview of the scope of its review.

Mr. Hlavin stated that the scope of review is explicitly limited by the Supreme Court ruling to only the switching station and that the transmission lines are exempt from consideration or review. Mr. Hlavin stated that the discussion and review should be limited to the applications before the Commission and should not take the transmission line into account when making a recommendation.

Ms. Bledsoe opened the public hearing.

Ms. Bledsoe invited the applicant to speak.

Mr. Brennen Keene, McGuireWoods, LLP, 800 East Canal Street, Richmond, VA, stated that he represents the applicant.

Mr. Keene stated that the switching station is necessary to ensure reliable electric utility services in James City County and the greater Peninsula.

Mr. Keene noted that the main 55 acre parcel is located where existing 230 kV and 115 kV transmission line corridors come together and was acquired in 1974 as a future site for a switching station. Mr. Keene noted that the two additional parcels were acquired in 2014 to provide access to the main parcel. Mr. Keene stated that development on the property is limited by wetlands, RPA and its topography. Mr. Keene further stated that access to the parcels is severely restricted. Mr. Keene stated that due to the nature of the parcel and the limited access, the best use for the property would be an unmanned industrial facility such as the proposed switching station.

Mr. Keene requested that the Commission approve the rezoning and special use permit and find that the project is substantially in accord with the Comprehensive Plan.

Ms. Bledsoe called for disclosures from the Commissioners.

Mr. Krapf, Mr. Richardson, Mr. Wright, Mr. Drummond, Mr. O'Connor and Ms. Bledsoe each stated that they met with the applicant and toured the property.

Ms. Elizabeth Kostelny, 204 W. Franklin Street, Richmond, VA, representing Preservation Virginia, stated that the question is not whether reliable power is necessary, but whether we should explore more innovative options to preserve the integrity of the landscape and have more information on the design of the switching station before making a determination.



Ms. Leighton Powell, 4 E. Main Street, Ste. 2A, Richmond, VA, representing Scenic Virginia, stated that approval of the switching station goes hand-in-hand with allowing the transmission lines to move forward. Ms. Powell stated that other options and technologies are available and should be explored in order to preserve the scenic resources of the area.

Ms. Sharee Williamson, 200 A Clifford Ave., Alexandria, VA, representing the National Trust for Historic Preservation, stated that the Commission should wait to see the outcome of the federal review process before making a decision. Ms. Williamson stated that there were too many unknowns for the project at this time including the proposed landscape buffer, the design of the switching station, the number of transmission lines and the potential for construction of additional lines. Ms. Williamson further requested that Dominion Power seek an alternative to meet the power needs of the Peninsula and preserve the cultural and natural resources.

Mr. Jamie Brunkow, 1201 Jamestown Road, Williamsburg, VA, representing the James River Association, noted the effects of the proposed transmission lines on the James River and stated that it was premature to approve the switching station without the Army Corps of Engineers determination.

Mr. Edward Chappell, 601 Pollard Park, Williamsburg, VA, stated that the switching station is poorly considered for the impacts on the adjacent residential area. Mr. Chappell further stated that the transmission lines will have a substantial negative impact on the scenic quality of Historic Jamestown and the Colonial Parkway.

Ms. Emily Myron, 716 Giddings Avenue, Annapolis MD, representing the Chesapeake Conservancy, stated that the James River is the anchor of the Captain John Smith National Historic Trail, a series of water routes, tracing the voyages of Captain Smith through the land and waterways of the Chesapeake Bay. Ms. Myron further noted that there are still many questions unanswered about the switching station, including the design, noise levels and the potential for clearing of the buffer area that is off-site.

Mr. David Trichler, 324 Indian Springs Road, Williamsburg, VA, stated that the Commission should carefully consider the precedent that would be set by approving the rezoning and its impacts on the value of the adjacent properties.

Mr. Hank Denning, 4135 Winthrop Circle, Williamsburg, VA, requested that the Commission recommend approval of the switching station in order to avoid loss of electric service or increased costs for service in the future.

Mr. James M. Zinn, 147 West Landing, Williamsburg, VA, representing Save the James Alliance, stated that the Alliance was formed to preserve the historic viewshed along the James River. Mr. Zinn noted that a switching station would be necessary to accommodate additional transmission lines; however, the nature and location of those lines has not yet been determined. Mr. Zinn stated that the switching station in the proposed location would not provide any benefits to the Grove community. Mr. Zinn further stated that the Commission should not make a determination until the Army Corps of Engineers has finished its review.

Mr. Daniel Shaye, 3000 East Tiverton, Williamsburg, VA, stated that the larger than normal public participation signified opposition to the transmission lines and that the Commission should consider the public comment on that issue. Mr. Shaye also noted that the individuals most affected by the proposed switching station are not well represented and need an opportunity to have their voices



heard. Mr. Shaye further stated that he is confident that Dominion Power can find a way to safely bury the transmission lines.

Mr. Alex Koppel, 26 Spring East, Williamsburg, VA, stated that he appreciates the variety and abundance of wildlife along the Colonial Parkway as well as the pristine viewshed. Mr. Koppel further stated that construction of the transmission lines will have a negative environmental impact on the James River. Mr. Koppel requested that Dominion Power consider alternatives that will not impact the river.

Ms. Jessica Sapalio, 3024 John Vaughn Road, Williamsburg, VA, stated that out of respect to the three cultures which founded this nation, it is necessary to preserve the integrity of the historic sites. Ms. Sapalio further stated that a decision should not be made until the Commission has full information.

Mr. John Rogers, 8960 Pocahontas Trail, Williamsburg, VA, stated that he does not believe the right-of-way that was acquired is adequate for the proposed infrastructure. Mr. Rogers further stated that he has concerns about the proximity of the switching station to his property. Mr. Rogers stated that the Commission should not approve the switching station until Dominion Power provides more detailed plans.

Mr. Bill Whittaker, 117 Landsdown Road, Williamsburg, VA, stated that preserving the natural beauty and environmental integrity of the James River is important to the success of the historic sites that bring visitors to this area.

Mr. Walter Zadan, 221 Wingate Drive, Williamsburg, VA, stated that Dominion Power has known for 45 years, since the passage of the Clean Air Act, that the coal-fired plant in Yorktown would have to be closed. Mr. Zadan further stated that Dominion Power has had sufficient time to consider and develop viable alternatives that would not negatively impact the community. Mr. Zadan noted that cost is the main factor in preferring to run overhead transmission lines rather than burying them.

As no one else wished to speak, Ms. Bledsoe closed the public hearing.

Ms. Bledsoe opened the floor for discussion from the Commission.

Mr. Richardson requested a brief recess.

The Commission recessed at 8:41 p.m.

The Commission came back into session at 8:51 p.m.

Ms. Bledsoe called for questions from the Commission.

Mr. Richardson referenced page 23 of the agenda materials and inquired whether the analysis of the property's suitability for residential development was based on the current 2035 Comprehensive Plan or the 2009 Comprehensive Plan.

Mr. Holt noted that the analysis is part of the applicant's submission.

Ms. Pollock stated that the applications were submitted before the adoption of the 2035 Comprehensive Plan, so the analysis using the 2009 Comprehensive Plan was correct at the time



of submittal. Ms. Pollock further stated that the pertinent sections of the Comprehensive Plan did not change significantly with the adoption.

Mr. Holt noted that staff's analysis could be found on page 10 of the agenda materials and is based on the 2035 Comprehensive Plan.

Mr. Richardson inquired whether staff has communicated with Skiffes Creek, LLC which owns a parcel on the south end of the project site.

Ms. Pollock stated that owners of properties abutting the subject properties had been notified by mail. Ms. Pollock further stated that the specific property owner has not communicated with staff.

Ms. Richardson requested more information on the proposed bus pull off.

Ms. Pollock responded that the proposal was just recently received and still under discussion with the Virginia Department of Transportation (VDOT) and the Williamsburg Area Transit Authority (WATA). Ms. Pollock noted that VDOT has provided information on the typical pull off for dimensions and WATA has provided information on their typical shelter which is similar to what exists in front of the WATA facility on Route 60.

Mr. Richardson inquired whether there were examples of where other electrical substations have been permitted on properties within various land use designations, including Low Density Residential and Open Space or Recreation as noted in the staff report.

Ms. Pollock stated that the facilities are smaller in scale than what is being proposed in this application. Ms. Pollock noted that there are substations located near Kingsmill, north of the service road to the brewery and at the Warhill Sports Complex.

Mr. Tim O'Connor inquired as to the scale of the smaller facilities.

Ms. Pollock stated that she did not have exact data but believed the substations were in the five-to-six acre range.

Ms. Pollock noted that staff did visit a 12 acre switching station site in Charles City County which is equivalent in size to the one proposed for Skiffes Creek to get a better sense of the scale of the project and the associated impacts.

Ms. Bledsoe inquired about the size of the Skiffes Creek switching station.

Ms. Pollock responded that the switching station would be about 12 acres; however, there would be additional clearing for the transmission lines and the BMP facility.

Mr. Richardson inquired whether staff held any public open house meetings regarding the project.

Ms. Pollock responded that staff attended the open house held by Dominion Power.

Mr. Drummond stated that he initially had concerns about the project; however, after touring the property he felt reassured that the impacts on adjacent residential properties would be minimal. Mr. Drummond further stated that he still has concerns about the transmission lines; however, they are not part of the current consideration. Mr. Drummond stated that the substation is necessary and that the location is appropriate, especially since it appears that the parcels would not be suitable for



other development. Mr. Drummond commented that it might be helpful for the applicant to elaborate on impacts such as noise on the adjacent neighborhoods.

Mr. O'Connor inquired whether there is a limit on the applicant's financial contribution to constructing the bus pull off and shelter.

Ms. Pollock stated that the original limitation has been removed from the proffers and that the contribution will be more fully determined at the site plan phase.

Mr. O'Connor inquired about hazardous materials that could spill, leak or leach into the watershed.

Ms. Pollock noted that she would defer to the applicant for specifics; however, the plan was transmitted to Newport News Waterworks for review and staff had no concerns. Ms. Pollock further noted that Newport News Waterworks appeared to be satisfied with the SUP conditions for a spill containment measures and an emergency response plan to be provided by the applicant. Ms. Pollock stated that Newport News Waterworks has requested to review the development plan if this application is approved and moves forward to the site plan stage.

Mr. O'Connor inquired about the height limitations in the R-8 zoning district.

Ms. Pollock responded that the by-right height limit is 45 feet; however that limit can be exceeded with a height waiver for buildings only, with buildings being defined as having a roof. Ms. Pollock noted that in the M-2 zoning district a height waiver would apply to structures which covers a broader range, including the requested static poles. Ms. Pollock noted that, in this instance, the height waiver would be necessary for two static poles that exceed the 60 feet limit allowable by-right in the M-2 zoning district.

Mr. Rich Krapf stated that his question would be directed to the applicant.

Ms. Bledsoe inquired whether Skiffes Creek, LLC and the Skiffes Creek Homeowners Association are separate entities.

Ms. Pollock stated that as far as staff was aware there was no relationship between the two.

Mr. O'Connor inquired if there are any height waivers currently in effect on this property.

Ms. Pollock stated that there are no height waivers on this property.

Mr. Drummond inquired if the purpose of the static poles was to prevent lightning strikes.

Ms. Pollock confirmed.

Mr. Drummond inquired whether the other structures that were part of the transmission lines would actually be lower than the existing towers.

Ms. Pollock stated that there were a number structures proposed as part of the transmission lines with varying heights that were indicated on the master plan and that she would defer to the applicant for additional details.

Mr. Krapf inquired about the timeframe for work to commence on the site if the application is approved by the Board of Supervisors and how long construction would take.



Mr. Keene stated that commencement of site work would depend on obtaining all the necessary permits and approvals. Mr. Keene noted that the project would have to go through the County's site plan process as well. Mr. Keene further noted that the permits and approvals required for the transmission lines would also affect the timeline. Mr. Keene stated that once all approvals have been received, it will take approximately one year to construct the switching station.

Mr. Krapf requested confirmation that no construction would occur on the site until all the permitting has been done.

Mr. Keene confirmed.

Mr. Krapf inquired if there were any scenario where Dominion Power would decide the site is not necessary.

Mr. Peter Nedwick, consulting engineer for Dominion Power, stated that the site is ideal for a switching station and would be used as such at some point because of the confluence of the existing transmission lines.

Ms. Bledsoe inquired whether, absent the James River transmission lines, the switching station would be used for other lines.

Mr. Nedwick stated that the purpose of the station is for the 500 kV lines.

Mr. Drummond inquired about the noise generated by the switching station.

Mr. Wilson Velazquez, substation engineer for Dominion Power, stated that based on current studies it would be 50 dB at the property line and it would be 65 dB at the switching station itself. Mr. Velazquez stated that more studies would be done once the final design is determined to ensure the noise levels stay within appropriate limits.

Mr. Drummond inquired whether the new towers would be lower than the existing towers.

Ms. Courtney Fisher stated that the new transmission line towers will be slightly taller than the existing towers.

Mr. Drummond inquired if the new towers would be visible from Route 60.

Ms. Fisher stated that they would not be visible from Route 60.

Mr. Drummond stated that the towers might be visible from Route 143, which is basically industrial in that area.

Ms. Fisher confirmed.

Mr. Richardson inquired about where the archeological site is located on the property.

Ms. Fisher noted that it is on the eastern portion of the site.

Mr. Richardson inquired how that site was determined.



Ms. Fisher stated that this portion of the site would require land disturbance and under the Army Corps of Engineers permitting requirements it was necessary to do the archeological studies.

Mr. Richardson inquired about the scope of proposed upgrades for the proposed rail spur/access road to support emergency response vehicles.

Mr. Ken Wagner, Dewberry Engineers, stated that the existing access over the abandoned rail spur is about 8-to-10 feet wide of clearing. The proposed access would consist of approximately 20 feet width of clearing with a 14-foot wide gravel road.

Mr. Richardson stated that it has been noted that Dominion Power's transmission system would not meet North American Electric Reliability Corporation (NERC) Reliability Standards if the switching station was not in service by the summer of 2015. Mr. Richardson inquired which NERC standards are not being met.

Mr. Nedwick stated that it is the Transmission Planning (TPL) standards that are not being met. Mr. Nedwick noted that these standards have been mandated since 2005.

Mr. Richardson requested an explanation of the TPL standard.

Mr. Nedwick stated that the TPL standard relates to being able to reliably serve the existing and projected customer base.

Mr. Richardson inquired if that is a predictive analysis or a concrete analysis based on the existing infrastructure.

Mr. Nedwick stated that the analysis is based on the transmission system as it would exist in the year of the study.

Mr. Richardson noted that Dominion Power has obtained a one-year extension of the April 16, 2015 deadline for Yorktown Units 1 and 2 to comply with the U.S. Environmental Protection Agency's (EPA) Mercury and Air Toxics Standards (MATS) which drove the original June 1, 2015 need date for the new transmission facilities. Mr. Richardson noted that Dominion Power is also applying for an administrative order from the EPA for the MATS rule which would provide an additional one-year waiver of non-compliance and could potentially extend the need date to June 1, 2017. Mr. Richardson inquired about the status of that waiver application and the likelihood of it being granted.

Mr. Nedwick stated that Dominion Power anticipates receiving the approval; however, it is not guaranteed.

Mr. Richardson inquired about the historical frequency of the EPA granting waivers.

Mr. Nedwick responded that Dominion has submitted two similar applications which have been granted.

Mr. Richardson inquired whether it would be possible to apply for further waivers.

Mr. Nedwick stated that the rules would not permit a request for further waivers.



Mr. Richardson inquired whether any part of the switching station would be visible above the fence line.

Ms. Fisher stated that the wall around the switching station is proposed for a height of 20 feet. Ms. Fisher further stated none of the components of the switching station would be visible above the fence line save for the two static poles. Ms. Fisher noted that the transmission line structures would be visible above the fence line.

Mr. O'Connor inquired about the types of hazardous materials that would be used on site.

Ms. Fisher stated that there would be no hazardous materials used at the switching station; the only oil is a mineral-type oil within the transformers.

Ms. Bledsoe inquired why a spill containment policy is necessary if there are no hazardous materials.

Mr. Velazquez stated that it is standard practice to have a spill containment plan for any type of oil so that even minor spills can be contained and mitigated quickly.

Ms. Bledsoe inquired about the nature of the containment system.

Mr. Velazquez stated that the spill containment is a special type of mesh that allows unimpeded flow of water during normal rainfall and snowmelt events, but that becomes an impervious barrier in the event of an oil release so that the oil remains in the containment structure. Mr. Velazquez further stated that in the event of a larger spill the oil would be channeled to an underground vault and would be removed from there.

Ms. Bledsoe inquired whether the spill containment plan was standard for switching stations and is a proven successful tactic.

Mr. Velazquez confirmed.

Mr. O'Connor inquired whether this is a responsive technique or part of the construction plan.

Mr. Velazquez stated that spill containment is a standard part of the construction of a substation.

Mr. O'Connor inquired what would happen if the transmission lines were ultimately approved but the switching station is not approved.

Mr. Keene stated that there are no concrete plans in place, but Dominion would have to develop an alternative location. Mr. Keene stated that the switching station is a critical component to connect the 500 kV lines to the 230 and 115 kV lines.

Ms. Bledsoe inquired, assuming the 500 kV transmission lines are not approved, is there a possibility that the switching station would still be necessary.

Mr. Keene stated that it is not possible to say whether it would be necessary now; however, it is possible that it would be necessary in the future. Mr. Keene noted that there are failsafe conditions included in the SUP recommendations in the event that the switching station is not constructed within the specified timeframe.



Mr. O'Connor referenced Viewpoint 07 of the visual simulations presented by the applicant and requested clarification on what parts of the switching station are visible.

Ms. Pollock stated that the security fence is the only visible part of the switching station and that the other visible structures are part of the transmission lines.

Ms. Bledsoe noted that the scope of the Commission's review is limited only to the switching station, she is trying to understand the exact visual impact of the larger project if the transmission lines are approved.

Ms. Pollock stated that the visual simulations do include both the transmission line and the switching station so what is shown in the visual simulations is what it will look like if both the transmission lines and switching station are approved.

Mr. Krapf inquired whether any 3D modeling has been done for the project, including the transmission lines, for a better idea of what the project will look like and to determine the impact on the viewshed.

Mr. Keene stated that only the photo simulations that were provided to the Commission have been done.

Ms. Bledsoe requested an explanation of what an "unmanned" station would entail and how many times a month someone would be on site.

Mr. Keene stated that "unmanned" means that there is no one stationed at the facility full or part-time. Mr. Keene stated that once construction is complete there will be routine maintenance visits three or four times per month; possibly more if there are any issues.

Ms. Bledsoe inquired if this was typical for switching stations.

Mr. Keene confirmed.

Ms. Bledsoe asked if it was common for switching stations of the same size as this one to be sited adjacent to residential areas.

Mr. Keene stated that each one is different and dependent on the evolution of the transmission network.

Ms. Bledsoe inquired about how emergencies such as fires or oil spills are identified.

Mr. Keene stated that there will be 24-hour video surveillance for the facility that is monitored from a central operations center. Mr. Keene further stated that there are electronic monitors, also monitored by the operations center, which will provide alerts when there is an equipment malfunction.

Ms. Bledsoe inquired about the length of time to determine if there is an emergency and to mount a response.

Mr. Nedwick stated that the electronic monitoring would identify trouble quickly and a local supervisor would be dispatched to determine the nature of the trouble or the status of the equipment.



Ms. Bledsoe inquired if the local supervisor is stationed in James City County.

Mr. Nedwick stated that the supervisor is stationed out of the Williamsburg office.

Ms. Bledsoe opened the floor for discussion by the Commission.

Mr. Richardson stated that scope of the Commission is to review the application in accord with Code of Virginia §15.2-2232 to determine whether the location, character and extent of the project is substantially in accord with the adopted comprehensive plan. Mr. Richardson further stated that his comments would be based on just those factors. Mr. Richardson noted that the comprehensive plan addresses its relationship to the zoning map in relation to residential areas. Mr. Richardson noted that the majority of the property in question is zoned R-8 and designated as LDR. Mr. Richardson noted that that in a limited number of instances, a rezoning to a limited commercial district can be considered, but for either SUP or rezoning legislative actions, careful adherence to the LDR development standards, which have more specific guidelines for these limited commercial uses, will be extremely important. Mr. Richardson noted that the proposal does meet under Group 2 uses which for new development requires careful attention to compatibility, design and land use. Mr. Richardson stated that conflicting uses should only be located where such conflicts can be appropriately mitigated. Mr. Richardson stated that it is necessary to consider whether the application meets the Group 2 criteria; does it support the community; is it a location of convenience or necessity; will there be adequate screening and buffering; does the project complement or detract from the area. Mr. Richardson stated that these are his decision points in considering the application.

Mr. Wright stated that the Code of Virginia §15.2-2200 encourages localities to improve the public health, safety, convenience, and welfare of their citizens and to plan for the future development of communities including adequate highway, utilities, health, educational and recreational facilities and that residential areas be provided with healthy surroundings. Mr. Wright further noted that the Code of Virginia requires electric utilities to provide reasonable information on transmission line routes and facilities that may affect the locality's comprehensive plan and that if the locality seeks to include the designation of corridors for electric transmission lines in its comprehensive plan, the electric utility shall have an opportunity for consultation about the corridors or routes. Mr. Wright stated that the County's comprehensive plan does not address electric facilities. Mr. Wright noted that an addendum to the comprehensive plan may need to be considered. Mr. Wright stated that following the site visit, he also made a visit to the Grove community to visualize the impacts to the residents. Mr. Wright noted that Windy Hill Mobile Home Park and Skiffes Creek Terrace are within two-tenths of a mile of the proposed facility and that Country Village Mobile Home Park and the homes along Plantation Drive and Indian Circle are also in close proximity. Mr. Wright stated that one of the cornerstones of the comprehensive plan is preserving the Community Character Corridors. Mr. Wright noted that based on community input, growth similar to surrounding cities is not desirable. Mr. Wright stated that in addition, historic preservation is expected and is fundamental to the future of the County. Mr. Wright noted that families move to James City County for the quality of life and the healthy surroundings. Mr. Wright stated that we cannot expect homeowners to be confronted by an unexpected major power installation when they have just made a significant financial commitment or to have their home values further eroded. Mr. Wright stated that citizens should be able to expect elected or appointed officials to exercise sound judgment on matters that can affect the character of the community, the home values and desirability of the property. Mr. Wright stated that he has based his decision on the duties set forth for Planning Commissioners. Mr. Wright noted that he does support free enterprise and does recognize the need for reliable electric service; however he must also consider the long term effect of the switching station on the surrounding community. Mr. Wright stated that he believes the



switching station would be a barrier to the revitalization of the Grove community and to further economic growth in the lower portion of the County. Mr. Wright stated that he will not support the application.

Mr. Drummond stated that he lives on Indian Circle and believes that the switching station will not negatively impact the area or reduce the value of homes. Mr. Drummond stated that the property in question is not suitable for any type of development other than an industrial use. Mr. Drummond stated that the switching station would actually be located closer to Route 143 than to Route 60 and that the uses in that area were more industrial. Mr. Drummond stated that he would support the application.

Mr. O'Connor stated that he concurs that there are very few other suitable uses for the property. Mr. O'Connor stated that he also has concerns about where a switching station might go if the transmission lines are approved and the switching station is not approved at this location. Mr. O'Connor noted that not approving the switching station might require that the 500 kV lines travel further through the County.

Mr. O'Connor inquired if there were any idea about the Army Corps of Engineers time frame for a determination.

Ms. Fisher stated that there was no thought on when a decision might be made. Ms. Fisher noted that there is a failsafe condition in the SUP that the station shall be operational within 36 months from the issuance of an SUP, or the SUP shall become void.

Mr. O'Connor stated that he sees both sides on this application and is still weighing the matter.

Mr. Krapf stated that the decision is not clear cut. Mr. Krapf stated that there are a number of positives with the application, such as the applicant's agreement to leave the western portion of the property in its natural state in perpetuity. Mr. Krapf stated that it is a significant benefit for the Country Village Mobile Home Park adjacent to that portion of the property. Mr. Krapf stated that there are already extensive power lines located on the property, so it is not as if an entirely new use is being introduced. Mr. Krapf noted that although designated LDR, the topography of the parcel and access is not conducive to residential development. Mr. Krapf stated that one consideration when considering a rezoning is the impact on surrounding zoning. Mr. Krapf stated that the parcel to the east is already zoned M-2 and the rezoning would bring this parcel in line with that parcel. Mr. Krapf stated that he finds that the applicant has agreed to a number of conditions in both the SUP conditions and the proffers that will enhance the project. Mr. Krapf stated that if he were to support the application it would be based on the applicant's assurance that there would be no construction until the completion of the Army Corps of Engineers permitting process. Mr. Krapf noted that this was what the citizen comments had focused on; that the project not be approved until a determination is made by the Army Corps of Engineers.

Mr. O'Connor inquired if Mr. Krapf was inquiring as to an additional proffer that no site work will take place until the permitting process is complete.

Mr. Krapf inquired if the applicant would be agreeable to such a proffer. Mr. Krapf noted that it would not preclude submission of a site plan in advance of completion of the permitting process.

Mr. Keene stated that the applicant would be willing to submit a proffer that no land disturbing for the switching station would take place until the permitting was complete.



Ms. Bledsoe inquired if submission of the proffer is contingent on approval of the application.

Mr. Keene recommended that if a motion for approval is made, that it be made contingent on the applicant submitting additional proffers or addressing that issue.

Ms. Bledsoe asked for confirmation that the rezoning would need to be approved.

Mr. Holt clarified that without an approved rezoning, there are no proffers.

Ms. Bledsoe stated that the comprehensive plan is the guiding force for the Commission. Ms. Bledsoe stated that the Code of Virginia states that to approve something like this application, it must be in substantial accordance with the comprehensive plan. Ms. Bledsoe stated that to her, looking at the surrounding areas, they are zoned R-8 and designated LDR. Ms. Bledsoe stated that the difference between this parcel and the one adjacent to it that is zoned M-2, is that there is little residential housing around it. Ms. Bledsoe stated that she has concerns about where it is located and believes that if the Commission agrees to the location of this large structure, it will place an additional burden on citizens who have already had to accept the intrusion of the existing power lines. Ms. Bledsoe stated that she does not believe it is right to impose that additional effect on their neighborhood. Ms. Bledsoe stated that she concurs that placing the switching station in that location will preclude revitalization and economic growth in that area. Ms. Bledsoe stated that she understands the need for reliable power and has faith that Dominion Power can find a way to prevent brownouts and disruption of power.

Ms. Bledsoe stated that in making decisions it is necessary to consider not just the current needs but those of future generations. Ms. Bledsoe stated that the comprehensive plan serves as a guide for what is envisioned for the County. Ms. Bledsoe stated that the comprehensive plan clearly intends for the area to be R-8. Ms. Bledsoe noted that a rezoning application means that the proposed use is in conflict with the current zoning. Ms. Bledsoe stated that in some instances the conflicts can be resolved or ameliorated; in some instances the rezoning would have minimal impact on the adjacent properties or is for the betterment of the community. Ms. Bledsoe stated that this is why it is necessary to consider the proposal in light of the five criteria for comprehensive plan consistency: does it complement the residential character of the area. Ms. Bledsoe stated that she believes the proposal does not meet this standard. Will it have traffic, noise, lighting and other impacts similar to surrounding residential uses. Ms. Bledsoe stated that she is not clear on what those impacts will entail but believes the applicant will make a good effort to mitigate any impacts. Will it generally be located on collector or arterial roads at intersections; will it provide adequate screening and buffering to protect the character of nearby residential areas; and is it generally intended to support the residential community in which it is located. Ms. Bledsoe stated that the switching station is intended to support and benefit the entire Peninsula. Ms. Bledsoe stated that the County could choose to approve the switching station for the greater good, but she believes it is too big a sacrifice to ask of the community.

Mr. Richardson inquired if the Commission could recommend deferral of the application.

Mr. Holt stated that the Commission could choose to defer its decision to a later date but it could not send a recommendation of deferral to the Board of Supervisors.

Mr. O'Connor asked about any stipulations on time for the Commission to take action.



Mr. Hlavin stated that the Commission must take action; however there is no requirement to take action within a specified time. Mr. Hlavin stated that the Commission could move to postpone and then continue to postpone until such time as they deemed appropriate to make a recommendation.

Mr. Krapf inquired about the 100 day limit.

Mr. Hlavin stated that there is a 100 day limit on taking no action.

Mr. O'Connor inquired if making a motion to defer to a date certain would be considered taking action.

Mr. Hlavin confirmed and stated that the motion would be to postpone to the next meeting.

Ms. Bledsoe inquired if the matter would still be considered by the Board of Supervisors.

Mr. Hlavin stated that the matter would remain with the Planning Commission for its next agenda and would not require public comment as the public comment period was closed.

Mr. Holt requested that the applicant restate its offer for an additional proffer.

Mr. Keene stated that the applicant would proffer that the project would be able to move forward with obtaining necessary permits but it would not commence land disturbing or construction until the transmission lines receive approval from the Army Corps of Engineers.

Mr. Drummond moved to recommend approval with the additional proffer and send a recommendation of approval to the Board of Supervisors.

Mr. Richardson asked for confirmation that this motion was based on the inclusion of the additional proffer condition.

Mr. Holt confirmed.

On a roll call vote, the motion to approve failed by a vote of 2-4, Mr. Basic being absent.



## SKIFFES CREEK SWITCHING STATION

### PROFFERS

THESE PROFFERS are made this 15<sup>th</sup> day of June, 2017, by VIRGINIA ELECTRIC AND POWER COMPANY D/B/A/ Dominion Energy Virginia (together with its successors in title and assigns, the "Owner").

### RECITALS

A. The Owner is the fee simple owner of three tracts or parcels of land located in James City County, Virginia (the "County"), with addresses of 8968, 8964 and 8960 Pocahontas Trail, and being further identified as James City County Real Estate Tax Parcel Nos. 5920100002, 5920100044A, and 5920100013, respectively, and together, containing approximately 67.42 acres (collectively, the "Property").

B. The Property is now zoned R-8, Rural Residential, and M-2, General Industrial. The Property is designated Low Density Residential on the County's Comprehensive Plan Land Use Map.

C. The Owner has applied to rezone the Property from R-8 and M-2 to M-2 with proffers.

D. The Owner has submitted to the County a master plan entitled "Skiffes Creek Switching Station" dated 9.26.2016, with latest revision 2 dated 11.30.2016, and prepared by Dewberry (the "Master Plan") for the Property in accordance with the James City County Code (the "County Code"). All nine (9) sheets contained within the Master Plan are incorporated herein.

E. The Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned M-2.

F. The Owner has defined "Station" as the electrical transmission switching station (identified in the County Code as an electrical substation) that is to be developed on the Property pursuant to the Master Plan.

### PROFFERS

1. Use. The use of the Property shall be limited to the Station; uses accessory to the Station; and the Owner's electrical transmission network, which is comprised of any State Corporation Commission-approved transmission facilities or any County-approved electrical facilities. In addition, telecommunication facilities may be co-located on any of the Owner's transmission facilities, provided the telecommunication facility is approved by the County. No other uses listed as permitted or specially permitted within in the M-2, General Industrial zoning district, shall be permitted on the Property.
2. Bus Shelter and Related Improvements; Sidewalks.



- A. Prior to submission of the site plan for the Station, the Owner shall coordinate with the County, the Williamsburg Area Transit Authority ("WATA") and the Virginia Department of Transportation ("VDOT") to seek approval from WATA to relocate the existing bus stop identified as the "Windy Hill Market" bus stop to the Property. If WATA approves such relocation prior to approval of the site plan, the Owner shall be responsible for the construction of such bus shelter and, if approved by VDOT, a bus turnout, as provided herein.
- B. As part of its site plan submittal for the Station, the Owner shall submit to the County, VDOT and WATA, as applicable, designs for construction of the following improvements to be built on the Property frontage on Route 60:
- i. A sidewalk designed pursuant to applicable laws and regulations, including, as applicable, the Americans with Disabilities Act and VDOT design criteria for sidewalks in VDOT rights of ways, that provides connectivity between the existing sidewalk segments on the eastern and western boundaries of the Property.
  - ii. A bus shelter designed pursuant to applicable laws and regulations, including, as applicable, the Americans with Disabilities Act, provided that such bus shelter relocation has been previously approved pursuant to subsection A above.
  - iii. A bus turnout to be located in front of the bus shelter, provided that the bus shelter relocation has been previously approved pursuant to subsection A above.
- C. The Owner shall be responsible for the construction of each of the improvements above as approved by the County, VDOT and/or WATA, as applicable, it being understood that the Owner shall not be responsible for (i) construction of a bus shelter or the bus turnout if WATA does not approve the relocation of the Windy Hill Market bus shelter to the Property and (ii) construction of the bus turnout if VDOT does not approve the bus turnout design, or some other, modified design, due to safety or other design reasons. Nothing herein shall obligate the Owner to acquire any off-site right-of-way for any such improvements, it being understood that such improvements shall be constructed within existing VDOT rights-of-way and on portions of the Property dedicated to the VDOT pursuant to subsection D below. The improvements to be constructed by the Owner shall be shown on the final site plan for the Station and shall be constructed within one year after the date that the equipment in the Station is energized and put into operation (the "Operations Date"). The Owner shall provide the County with notice of the Operations Date within thirty (30) days after such date.



- D. Upon approval of the site plan for the Station, the Owner shall dedicate to VDOT all right-of-way necessary for the sidewalk, bus shelter and bus turnout, if and as applicable.
- E. If VDOT and/or WATA, as the case may be, does not approve the relocation of the bus shelter and/or construction of the bus turnout, the Owner shall pay to the County the cash equivalent of the cost to construct the improvements not constructed on the Property so that the County can provide equivalent improvements for transit services in other locations on the portion of Route 60 east of its intersection with Busch Gardens Boulevard. Such cash equivalent shall be based on an engineer's estimate submitted by the Owner to the County for approval with the site plan. If applicable, the amount of such cash contribution shall be determined at the time of site plan approval, and the payment of such cash contribution shall be made within sixty (60) days after the date that Owner commences installation of the improvements for the Station identified on the approved site plan (the "Installation Commencement Date"). The Owner shall provide the County with notice of the Installation Commencement Date within thirty (30) days after such date.

3. Permitting.

- A. The Owner shall not commence installation of the improvements for the Station identified on the approved site plan prior to permit issuance by the Army Corps of Engineers for the crossing of the James River for the transmission line that will connect with the Station ("Army Corps Permit"); however, tree removal and preliminary site preparation may commence following early grading approval and a Phase III archeological survey may begin as soon as allowed as provided for within the 4/24/2017 signed Memorandum of Agreement.
- B. If the Army Corps Permit is not issued, the areas of the Property that have been cleared shall be replanted no later than six (6) months following the expiration of the associated special use permit.

4. Rail Spur Easement; Transportation Impacts.

- A. The Owner shall provide an easement at no cost to the James City County Economic Development Authority ("EDA") generally in the area identified on the Master Plan as the "Former CSX Rail Spur" subject to the following:
  - i. The EDA must request that the Owner grant the easement within ten (10) years of the date of approval of this rezoning and its associated special use permit.
  - ii. If the EDA does not request that the Owner grant the easement within that ten-year period, the obligation to grant the easement shall terminate.



- B. The easement granted to the EDA shall allow for the construction of a rail spur to serve parcels located to the east and/or south of the Property, provided:
    - i. Except as provided in subsection 4.C. below, the cost of such rail construction is borne by others.
    - ii. Vehicular access to the Property remains unrestricted or the access to the Property is relocated, and, except as provided in subsection 4.C. below, the cost of such relocation is borne by others.
  - C. Owner recognizes that construction of the rail spur will provide some benefits to the Property but also will require unique construction techniques and improvements to ensure that Owner will continue to have access to the Station. Within sixty (60) days after the Installation Commencement Date, the Owner shall make a cash contribution to the County in the amount of ONE MILLION FIVE HUNDRED THOUSAND and 00/100 dollars (\$1,500,000.00) (the "Cash Contribution") to be used by the County or the EDA to help defray some of the costs of constructing the rail spur and the access improvements as necessary to satisfy the requirements of Section 4.B. above. If the EDA does not request grant of the easement within the ten-year period or if the Cash Contribution has not been re-designated for transportation improvements as described in Section 4.D. below, the Cash Contribution shall be returned to Owner.
  - D. To address impacts to capital facilities, the County shall have the option, at any time after the Cash Contribution has been made but prior the date that the Cash Contribution would otherwise be required to be returned to Owner pursuant Section 4.C. above, to elect to re-designate the Cash Contribution to be used for transportation projects in the County that are within two miles of the point where the Property fronts on Route 60. Re-designation of the Cash Contribution for transportation purposes shall not affect the EDA's obligations contained in Section 4.B. above.
5. Prior Proffers Superseded. Any proffers submitted by the Owner prior to the date first written above are hereby replaced and superseded by the proffered conditions contained herein.

SIGNATURES FOLLOW ON NEXT PAGE



NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended, and the County Code, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

WITNESS the following signatures and seals.

VIRGINIA ELECTRIC AND POWER COMPANY

BY: B. E. McGuire  
NAME: Bobby E. McGuire  
TITLE: Authorized Representative

STATE OF: Virginia  
CITY/COUNTY OF Richmond:

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of June, 2017, by Bobby E. McGuire, as Director - Electric Transmission Project Development and Execution of Virginia Electric and Power Company, a Virginia corporation, on behalf of the corporation.

My commission expires: 5/31/2020

Registration number: 7672923

Bridget G. Gibson  
Notary Public





## **SKIFFES CREEK SPECIAL USE PERMIT AND REZONING APPLICATION**

### **Background**

#### **1. The Property**

Virginia Electric and Power Company (“Dominion Energy Virginia” or the “Company”) owns three parcels of land north of Route 60/Pocahontas Trail near BASF Drive in James City County, Virginia. These parcels are known as map numbers 5920100013 (“0.62-acre Parcel”), 5920100002 (“55-acre Parcel”), and 5920100044A (“11.8-acre Parcel”) totaling 67.42 acres (collectively, the “Property”) as shown on the Skiffes Creek Switching Station Master Plan dated 9.26.2016, with latest revision dated 11.30.2016, prepared by Dewberry and attached as Exhibit A (the “Master Plan”). The 11.8-acre Parcel is zoned M-2; and the 0.62-acre and 55-acre Parcels are zoned R-8.

The 11.8-acre Parcel connecting Route 60/Pocahontas Trail to the 55-acre Parcel was the location of a former railroad spur. The tracks have been removed from the 11.8-acre parcel but an existing dirt/gravel access road runs parallel to the old railroad bed. That road is already used by Dominion Energy Virginia to access the various overhead transmission lines in the area. The 55-acre Parcel is generally a parallelogram in shape, with the northern and southern boundaries being longer than the eastern and western boundaries. The 55-acre Parcel has the following characteristics:

- The northern boundary is immediately adjacent to a dual track CSX mainline railroad and Route 143/Merrimac Trail, and it is in very close proximity to Interstate 64, the Merrimac Juvenile Detention Center, and the Virginia Peninsula Regional Jail. *See Master Plan sheet 1 or 2.*
- The southern quarter of the southern portion of the 55-acre Parcel is currently occupied by a two hundred twenty-five (225 +/-) foot width electric transmission corridor that includes four existing overhead transmission lines (two 230 kV lines and two 115 kV lines). *See Master Plan sheet 1 or 2.*
- The southern boundary of the 55-acre Parcel is adjacent to a 25.2-acre parcel zoned R-8 and is currently vacant. *See Master Plan sheet 1 or 2.*
- The western boundary of the 55-acre Parcel is adjacent to property zoned R-8 and is occupied by a manufactured home park. *See Master Plan sheet 1 or 2.*



- The eastern boundary of the 55-acre Parcel is adjacent to land that is zoned M-2 and is currently vacant, except for the electric transmission lines that cross that property. *See* Master Plan sheet 1 or 2.
- The parcel is split by wetlands and an identified resource protection area (“RPA”) in a northwest to southeast orientation. *See* Master Plan sheet 1 or 2.

## 2. Legal Background Regarding Skiffes Station.

By its November 26, 2013 Order, as modified by its February 28, 2014 Order Amending Certificates (“Amending Order”) and confirmed by its April 10, 2014 Order Denying Petition (collectively, the “Skiffes Orders”), the State Corporation Commission (“Commission”) approved and certificated under § 56-46.1 of the Code of Virginia (“Va. Code”) and the Virginia Utility Facilities Act<sup>1</sup> the construction and operation by Dominion Energy Virginia of the electric transmission lines and related facilities proposed by the Company in its application filed in Case No. PUE-2012-00029 on June 11, 2012. Specifically, by the Skiffes Orders, the Commission approved and certificated the construction and operation by the Company of overhead electric transmission lines and related facilities, including (1) a new 500 kV overhead electric transmission line from the Company’s existing 500 kV-230 kV Surry Switching Station (“Surry Station”) in Surry County to a new 500 kV-230 kV-115 kV Skiffes Creek Switching Station (“Skiffes Station”) in James City County (also referred to as Line #582 or the “Surry-Skiffes Creek Line”); (2) the Skiffes Station; (3) a new 230 kV overhead line, in the Counties of James City and York and the City of Newport News, from the proposed Skiffes Creek Station to the Company’s existing Whealton Substation located in the City of Hampton (“Skiffes Creek-Whealton Line”); and (4) additional transmission facilities at the existing Surry Station and Whealton Substation (collectively, the “Approved Project”). Copies of the Skiffes Orders are included as Exhibits B, C, and D.<sup>2</sup>

The Skiffes Orders were appealed to the Supreme Court of Virginia, which issued its unanimous opinion on April 16, 2015, affirming the Commission’s approval and certification of these overhead transmission facilities, including the overhead 500 kV transmission line from the 500 kV switchyard at the Company’s Surry Nuclear Power Station in Surry County across the James River to the proposed site of the Skiffes Station in James City County. *BASF Corp. v. State Corp. Comm’n*, 289 Va. 375, 770 S.E.2d 458, *reh’g denied* May 15,

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<sup>1</sup> Va. Code § 56-265.1 *et seq.*

<sup>2</sup> *See also* Exhibit D-1 for a copy of the Commission’s December 22, 2015 order extending to December 31, 2015 completion and in-service date for the Approved Project in the Amending Order, until the date twenty (20) months after the date that the United States Army Corps of Engineers issues a construction permit.



2015. The Commission's findings of the need for the Approved Project were not appealed. A copy of the Court's Opinion is included as Exhibit E.

The Court's opinion in *BASF* also reversed and remanded (by a 4-3 vote) the holding in the Commission's November 26, 2013 Order that the term "transmission line" includes transmission switching stations such as Skiffes Station under § 56-46.1 F, which exempts transmission lines approved by the Commission under § 56-46.1 from Va. Code § 15.2-2232 and local zoning ordinances. Petitions of the Commission and the Company seeking rehearing of this aspect of the *BASF* opinion were denied by the Court on May 15, 2015. As a result, the Company is now required to obtain a special use permit ("SUP") from James City County (or the "County") to construct Skiffes Station. The Commission acknowledged this requirement in its June 5, 2015 order, a copy of which is provided as Exhibit F.

### 3. The Need for Skiffes Station

The Approved Project is needed to assure that the Company can continue to provide reliable electric service to its customers in the load area comprised of the Peninsula (Counties of Charles City, James City, and York plus the Cities of Williamsburg, Yorktown, Newport News, Poquoson, and Hampton), Middle Peninsula (Counties of Essex, King William, King and Queen, Middlesex, Mathews, and Gloucester together with City of West Point) and Northern Neck (Counties of King George, Westmoreland, Northumberland, Richmond, and Lancaster and the City of Colonial Beach) ("North Hampton Roads Load Area") consistent with mandatory federal North American Electric Reliability Corporation ("NERC") Reliability Standards and the Company's planning criteria. Power flow studies conducted by the Company and the Commission's Staff showed that the Company's transmission system would not meet NERC Reliability Standards if the Approved Project was not in service by the planned retirement of Units 1 and 2 at the Company's Yorktown Power Station in order to comply with applicable federal environmental requirements.<sup>3</sup>

Timely construction of the transmission facilities approved by the Commission is critical to maintain reliability in the North Hampton Roads Load Area and to meet the requirements of the FERC, NERC, and the Commission. Additionally, the Company must obtain a construction permit from the United States Army Corps of Engineers (the "Corps") and authorization from the Virginia Marine Resources Commission, both of which have been

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<sup>3</sup> The deactivation of Yorktown Units 1 and 2 is prompted by the United States Environmental Protection Agency's ("EPA") Mercury and Air Toxics ("MATS") requirements by April 16, 2015. The two 1-year extensions under the MATS requirements which were available under the terms of the Clean Air Act have been requested, granted, and exhausted. The first extension was granted by the Virginia Department of Environmental Quality on June 24, 2014 (effective through April 15, 2016) and a second term was authorized by the EPA under an Administrative Compliance Order on Consent on April 16, 2016 (effective through April 15, 2017) pursuant to their respective authority under the Clean Air Act.



pending since March of 2012. As part of the joint permit application (“JPA”) submitted for approval by the Corps, the Company prepared and included an alternatives analysis.<sup>4</sup> See Exhibit G for a copy of this Alternatives Analysis. Upon obtaining the necessary approvals, the Company intends to commence construction of the approved and certificated 500 kV and 230 kV lines. Consistent with the Court’s opinion in *BASF* and the Commission’s June 5 order the Company is now applying to James City County for an SUP to construct Skiffes Station.

The Skiffes Station is needed to meet federal and state transmission reliability requirements. A transmission switching station is a facility that controls and manages power systems at a transmission power level (power levels over 69 kV and above). Skiffes Station, which will contain only transmission facilities and is classified as part of the Bulk Electric System (“BES”) by NERC, will be the central point, or hub, where the new 500 kV line from Surry will interconnect:

- with the new 230 kV line to Whealton, which will provide a new source of power directly to the load center at the eastern end of the Peninsula
- with two 230 kV lines from Skiffes Station to the west and two more to the east (all four created by splitting the two existing 230 kV lines at Skiffes Station)
- with two 115 kV lines to the west and two more to the east (all four created by splitting the two existing 115 kV lines at Skiffes Station).

These multiple connections cannot be accomplished by merely connecting the cables of these lines onto the structures that support them. This is for two reasons. First, the lines will operate at different transmission voltages, so the power from the 500 kV line must be transformed to 230 kV before it can be received by the 230 kV facilities of the new line to Whealton and the four split 230 kV lines to the east and west; and the 230 kV power must be transformed to 115 kV before it can be received by the four split 115 kV lines to the east and west. Second, switching equipment is needed to permit the Company to control the flow of power among all of these lines and to provide physical reliability for the line and the system. This physical reliability is provided by shortening the distance between substations and/or switching stations so that if an overhead line or multiple lines are compromised the loss of power will be limited to a smaller area and to fewer customers. Skiffes Switching Station is required to contain the equipment required to accomplish these vital tasks safely and efficiently to maintain the reliability of the interconnected transmission system.

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<sup>4</sup> *Surry-Skiffes Creek-Whealton 500 kV/230 KV Alternatives Analysis*, prepared for the Corps by the Company and Stantec Consulting Services, Inc., date stamped November 7, 2014 (“Alternatives Analysis”).



## **Request**

The Company is requesting rezoning of the Property from R-8 to M-2 with proffered conditions and the issuance of a SUP for Skiffes Station (identified in the zoning ordinance as an electrical substation). The rezoning is requested for several reasons. First, there will be a number of structures (two 80+/- foot static poles) within Skiffes Station that will exceed the 35-foot height limit permitted in R-8, and the 60 foot height limit permitted in M-2. By rezoning to M-2, the amount of a height limitation waiver will not be as great as it would be in the R-8 district. Second, the rezoning request will allow for the proffering of conditions beneficial to the County and to the surrounding property owners. *See* Proffers submitted with the application (“Proffers”). Third, rezoning the Property with the Proffers will better reflect the zoning of the surrounding area and specific locational limitations of the Property.

Skiffes Station is proposed to be sited on an approximately 13 acre security fenced area or 24% of the northeastern corner of the 55-acre Parcel. *See* Master Plan sheet 3. Access to the Station will continue to be maintained using the existing dirt/gravel access road located on the 11.8-acre Parcel. Development of Skiffes Station and ongoing use of the Property as it relates to the Station shall be further restricted by the conditions and commitments contained in the Proffers. In summary, the Proffers offer the following additional protections for adjacent and area property owners:

- Proffer 1 limits the use of the Property to the Station and Owner’s electric transmission system only, and no other uses. With this proffer, the Owner has ensured that no other industrial uses can be established on the Property without further legislative action.
- Proffer 2 provides for the relocation of the existing bus stop at the Windy Hill Market to a new bus shelter, turnout area, and sidewalk on the Property.
- Proffer 4 provides for the grant of an easement to the James City EDA for use of the former rail spur as a new rail spur.

## **Comprehensive Plan**

The James City County “Toward 2035” Comprehensive Plan (the “Comprehensive Plan”) designates the Property for low density residential; however, the Property is not suitable for residential development for the following reasons:

1. The existence of three major transportation facilities - the CSX mainline, Route 143/Merrimac Trail and Interstate 64 - either immediately adjacent to



or in close proximity to the Property is not compatible in use and character with residential uses. The Comprehensive Plan and good zoning practice strongly encourage avoiding the aggregation of incompatible uses. (See Comprehensive Plan, Chart 2, item 4 on page 180, which recommends that the County should “[l]ocate residential uses immediately adjacent to non-residential uses, major roads, railroads, airports, agricultural and forestal uses, and other conflicting uses *only where* the conflicts between such uses can be adequately addressed (noise, vibrations, and others)” [emphasis added]).

2. Access to the Property for residential use is extremely limited. There is no existing access from Merrimac Trail nor is there the ability to gain access as a road would have to cross the railroad in an area that has a number of grade changes.

3. The portion of the Property requested for development of Skiffes Station and the 11.8-acre Parcel are immediately adjacent to, and in closer proximity to, the 150-acre M-2 zoned parcel adjoining the existing residential developments to the west and south of the Property. The 150-acre parcel is partially developed as the Green Mount Industrial Park.

4. Wetlands and RPAs split the 55-acre Parcel from the northwest to the southeast. The upper reaches of a perennial stream creates a large finger of RPA along the southern boundary of and bisecting the 55-acre Parcel. This same stream crosses the vacant parcel to the south and continues until it forms that parcel’s southern boundary, which is a significant barrier to residential development in that location.

5. The southern portion of the 55-acre Parcel is occupied by four existing overhead transmission lines (two 230 kV lines and two 115 kV lines) located in a +/- 225 foot width corridor within which no development may occur.

6. Aside from the 11.8-acre Parcel, no other roads, driveways, or other accesses are available from adjacent properties to the 55-acre Parcel. The Property lies within one of the County’s Enterprise Zones, indicating this is an area of the County targeted for job creation and private investment. See Exhibit I for a copy of the James City County James River Enterprise Zone.

7. The Proffers provides further protections for existing residential uses consistent with the Comprehensive Plan. See Comprehensive Plan, Chart 2, item 4 on page 180.

### **Application Checklist – Additional and Supplemental Information**

1. Traffic. During construction, traffic will be managed pursuant to the terms of the Construction Management Plan referenced in the Proffers. The Construction Management Plan is designed to help minimize impacts on adjacent landowners and area roadways. After construction, there will be no



pedestrian traffic associated with this use, and Skiffes Station will be an unmanned facility. Currently, Dominion Energy Virginia uses an existing dirt/gravel gated access road located on the 11.8-acre Parcel to service the transmission lines located on the Property. Once in operation, Skiffes Station will generate minimal amounts of traffic, with a typical month requiring approximately three site visits by Dominion Energy Virginia personnel. As such, traffic is so minimal, there is no justification for differentiating between peak and off-peak vehicle trips. As vehicular traffic will be minimal, the new switching station will not have any impact on traffic or levels of service along Pocahontas Trail.

2. Environmental Constraints. Below is a summary of the environmental constraints. See Exhibit H for a more detailed analysis.
  - A. Wetlands. There are defined wetlands on the site. The proposed work at Skiffes Station is not anticipated to impact any jurisdictional waters. However, any impacts will be coordinated with the Corps. There is also an RPA perennial stream on-site and associated buffer, approved by James City County 10-29-2012. The limits of disturbance for this project will maintain the integrity of the RPA buffer.
  - B. Landscaping and Screening. There is dense evergreen and hardwood vegetation on the Property except for areas where the transmission lines and access road currently exist and the area once occupied by the spur track. The Company has committed to not remove the trees outside of the limits of disturbance shown on the Master Plan.
  - C. Safety. Skiffes Station will be built in compliance with the National Electric Safety Code and inspected and maintained pursuant to industry standards. Signs will be posted around the fence indicating a “high voltage” facility and “no trespassing.” At a minimum, the electrical equipment will be surrounded by a twenty-foot security fence. See Exhibits H-C and H-D for fence example. In addition, all gates are equipped with locks, and there will be downward directed security lights installed at certain locations. No emissions or dust will be created by this facility.
3. Historic and Archaeological Study. A Phase I Study and a Phase II Study of the 55-acre Parcel have been completed, copies of which are attached hereto as Exhibits J and K (collectively, the “Archaeological Study”). A known archaeological site has been evaluated. The site will be disturbed by construction of the Switching Station; however, such disturbance shall be done



pursuant to a plan reviewed by the Virginia Department of Historic Resources and Consulting Parties to the Memorandum of Agreement and approved by the Corps. Further discussion on the Memorandum of Agreement and issues related to permitting for the Switching Station and the Surry-Skiffes Creek Line can found in the Update on Status of Certificated Project June 6, 2017 attached hereto as Exhibit L.

4. Water and Sewer Impact Study, and Adequate Public Facilities. No water or sewer facilities will be required for the proposed use. Impacts on public safety facilities will be minimal, and the tax revenue generated by the Skiffes Station (as shown in the fiscal impact analysis) will offset any impacts on capital costs of public safety facilities. Otherwise, there will be no impact on schools, libraries, or other locally financed facilities.

Because Dominion Energy Virginia's applications for rezoning and a SUP are for non-residential uses, the following checklist items do not apply to this request.

- A. Environmental Inventory. The Natural Resource policy does not apply and an environmental inventory is not required but an environmental analysis has been provided.
- B. Fiscal Impacts. No worksheet for fiscal analysis has been prepared because the proposal does not include residential dwelling units. A summary of the tax revenue estimates is attached as Exhibit M.
- C. Park and Recreation Facilities. No analysis related to the Comprehensive Parks and Recreation Master Plan Proffer Guidelines is required.
- D. Supplemental Submission Requirements.
  - i. No streets will be created with this application so no streetscape plan is required.
  - ii. Control Enclosure buildings are proposed. Any structures (poles) that may be visible from an arterial right-of-way will be constructed of steel.



## EXHIBIT H ENVIRONMENTAL CONSTRAINTS ANALYSIS

The Master Plan referenced below is the same plan referenced in the application as Exhibit A. The “Jurisdictional Area Impacts and Sensitive Resources Map” (the “Map”) was prepared by Stantec and is dated May 20, 2015.

### Hydrologic Features:

1. Location of all bodies of water such as streams, ponds, lakes, impoundments, rivers;

*Streams are noted on the Master Plan along with designation (perennial vs. intermittent). There are no ponds, lakes, impoundments, or rivers.*

2. Name of watershed in which project is located:

*The Property is located in the Skiffes Creek watershed.*

3. Approximate location of tidal and non-tidal wetlands:

*Wetlands are noted on the Master Plan and the Map. All wetlands are non-tidal and have been confirmed by the Army Corps of Engineers.*

4. Approximate location of perennial and intermittent streams:

*See # 1, above. Streams, and their designation, are noted on the Master Plan.*

5. Description of receiving streams:

*Newport News Reservoir. Due to the close general proximity of this project to and because runoff from the site will directly discharge into Skiffes Creek and within about 1 mile discharge into Skiffes Creek Reservoir, a drinking water reservoir for the City of Newport News, it is recommended that the concept plan be forwarded to the City of Newport News Waterworks, Water Resources Division for cursory review. Skiffes Creek (HUC Code JL35) is listed as a Category 4A impaired waterway for fecal bacteria in accordance with the 2014 Virginia Water Quality Assessment 305(b)/303(d) Integrated Report. It also has an approved TMDL. See Fecal Bacteria Total Maximum Daily Load Development for Warwick River final report dated December 13, 2007 available on the County Stormwater Division and Virginia DEQ websites. (Note: Ultimately, this site discharges into the tidal estuarine James River that is listed for multiple impairments, including mercury, PCB, chlorophyll, Escherichia coli, etc.)*



6. Floodplain delineation for 100 and 500-year storm events including tidal flooding, if applicable.

*Not applicable. The Property is not within the 100- or 500-year floodplain.*

## Physical Features

1. Approximate location of steep slopes greater than 25 percent.

*Steep Slopes areas are identified on the Master Plan. Also, Steep slopes exist along the existing abandoned CSX rail spur on both sides of the access road at various locations.*

2. Soils, especially prime agricultural lands and Hydrologic Soil Groups (HSG) A & B, based on the County soil survey.

| SOIL TYPE DATA*                                                   |                                                 |                       |                             |                     |
|-------------------------------------------------------------------|-------------------------------------------------|-----------------------|-----------------------------|---------------------|
| MAP UNIT                                                          | NAME                                            | SOIL EROSION K FACTOR | PERMEABILITY                | HYDROLOGY UNIT CODE |
| 11C                                                               | Craven-Uchee Complex, 6-10% Slopes              | 0.32                  | MODERATELY LOW TO HIGH      | D                   |
| 14B                                                               | Emporia Fine Sandy Loam, 2-6% Slopes            | 0.28                  | MODERATELY LOW TO HIGH      | B                   |
| 15D                                                               | Emporia Complex, 10-15% Slopes                  | 0.28                  | MODERATELY LOW TO HIGH      | B                   |
| 15E                                                               | Emporia Complex, 15-25% Slopes                  | 0.28                  | MODERATELY LOW TO HIGH      | B                   |
| 17                                                                | Johnston Complex                                | 0.37                  | MODERATELY LOW TO HIGH      | A/D                 |
| 19B                                                               | Kempsville-Emporia Fine Sandy Loam, 2-6% Slopes | 0.28                  | MODERATELY LOW TO HIGH      | A                   |
| 29B                                                               | Slagle Fine Sandy Loam, 2-6% Slopes             | 0.28                  | VERY LOW TO MODERATELY HIGH | C                   |
| 37                                                                | Urban Land                                      | N/A                   | N/A                         | N/A                 |
| *SOURCE: WEB SOIL SURVEY, NATIONAL RESOURCES CONSERVATION SERVICE |                                                 |                       |                             |                     |

3. Soils erodability based on the County soils survey.

*See column 3 of the table, above.*

4. Areas of forest, woodland cover and wildlife corridors.

*Outside of the existing overhead transmission corridor, the site is currently forested. Portions of the site to the west will remain forested.*



5. Pre-development topography.

*The topography shown on the Master Plan is at a contour interval of two foot from a field survey performed by Dewberry Engineers Inc. in August 2012.*

*Horizontal Datum – VA State Plane – NAD83 (South Zone);*

*Vertical Datum – NAVD88*

**Prohibited or Restricted Development Acres**

1. Location of required buffers and existing conservation easements.

*Limits of RPA buffer as approved by James City County on October 29, 2012. Are shown on the Master Plan. Natural vegetative buffers and Landscaped Screening buffers are provided and shown on the Master Plan. A plat has been provided that documents the easement area used in the open space VRRM calculations. Future Protective Covenants associated with that documented easement area will be provided at Site Plan.*

2. Sites with known populations of rare, threatened or endangered species of plants or animals per studies done in accordance with the Natural Resource Policy.

*A habitat suitable for small whorled pogonia was found onsite, see Exhibit H-A. A site survey conducted in May 2014 found no small whorled pogonia plants. The area of disturbance will be located outside the habitat area.*

3. Location of trees to be preserved in accordance with the Chesapeake Bay Preservation Ordinance.

*Areas of tree removal related to Owner's electric transmission overhead lines and switching station are generally shown on the Master Plan. No other trees will be removed except where trees are diseased or dying or present an imminent threat to the public or property.*

4. Preliminary location of Resource Protection areas and legal wetlands.

*The location of the RPA boundary, as approved by James City County, is shown on the Master Plan. As noted above, the Army Corps of Engineers-approved wetlands are shown on the Master Plan.*

**Existing and Proposed Changes to the Site:**

1. The nature of existing and approved but not-yet-built development(s) on the site.

*Currently, the Property is an abandoned CSX rail spur, vacated residential lot, and vacant land with an easement area for an electrical transmission line. An*



*underground gas pipeline is located on the Property generally along the northern boundary of the Property. The proposed use is site access, an electrical transmission switching station with its ancillary electrical connections, and bus shelter with frontage improvements.*

2. Location of surrounding properties and neighborhoods.

*To the west and south of the Property lies the Country Village, a residential mobile home park, and Poplar Hall Plantation, a residential single family home subdivision. To the north is Merrimac Trail and Interstate 64. The Merrimac Juvenile Detention Center and Virginia Peninsula Regional Jail are to the east.*

3. Proposed limit of disturbance and a disturbance area estimate.

*The total Property is approximately 67.42 acres. The area designated for disturbance is 23.40 acres +/- and is shown on the Master Plan.*

4. Calculation of existing and proposed pervious and impervious areas.

*The total impervious area is approximately 14.56 acres (22.0%). The total pervious area is approximately 52.86 acres (78.0%).*

5. If used, description of Better Site Design or Low Impact Development techniques.

*In addition to safety and maintenance concerns, the configuration of the electrical equipment and site constraints preclude the use of open channel ditched where standing water within an electrical facility is a safety concern. A BMP will be located outside the switching station. The final stormwater management approach incorporates BMP's from the approved VRRM clearing house library and complies with the prevailing Virginia Stormwater Regulations to address both water quantity and quality. Because of the nature of this project, and its various design constraints, the approach employed was contrary to the typical LID principles.*

6. Description of how disturbance is being minimized, indigenous vegetation is being preserved, and impervious cover is being reduced.

*After learning that the original location for the proposed switching station fell within the RPA, Dominion Virginia Power shifted the station's equipment to the extent feasible. As proposed, the area of disturbance is minimized by locating the area of disturbance outside of the RPA, wetlands, and away from the small whorled pogonia habitat area.*

7. Proposed conceptual stormwater management plan, including pre- and post-development discharge analysis.



*Stormwater management compliance adheres to the Virginia DEQ standards. Stormwater management (Water Quantity and Quality) will be provided through the use of a treatment train including a wet pond, a grass channel, and a level spreader to induce sheet flow to conserved open space. The Virginia Runoff Reduction Method was used to show water quality compliance. Per the Virginia Stormwater BMP Clearinghouse website, a wet pond has a phosphorus removal efficiency of 45% for coastal plain areas and provides no runoff reduction. A grass channel in C/D type soils provides 15% phosphorus removal efficiency and 10% runoff reduction. The sheet flow to conserved open space provides 0% phosphorus removal efficiency, but 75% runoff reduction for A/B soils.*

*The existing pre-development peak run-off from the site at the point of analysis for the 2-year storm is calculated to be 17.73 cfs and the proposed post-development peak run-off for the 2-year storm is calculated to be 13.17 cfs. The existing pre-development peak run-off from the site at the point of analysis for the 10-year storm is calculated to be 54.69 cfs and the proposed post-development peak run-off for the 10-year storm is calculated to be 40.16 cfs. The post-development phosphorous is calculated to be 35.36 lbs/yr. The designed treatment train reduces the phosphorous to 7.68 lbs/yr, which is less than the maximum 0.41 lbs/ac/yr. A copy of the Virginia Runoff Reduction Worksheet is attached as Exhibit H-B.*





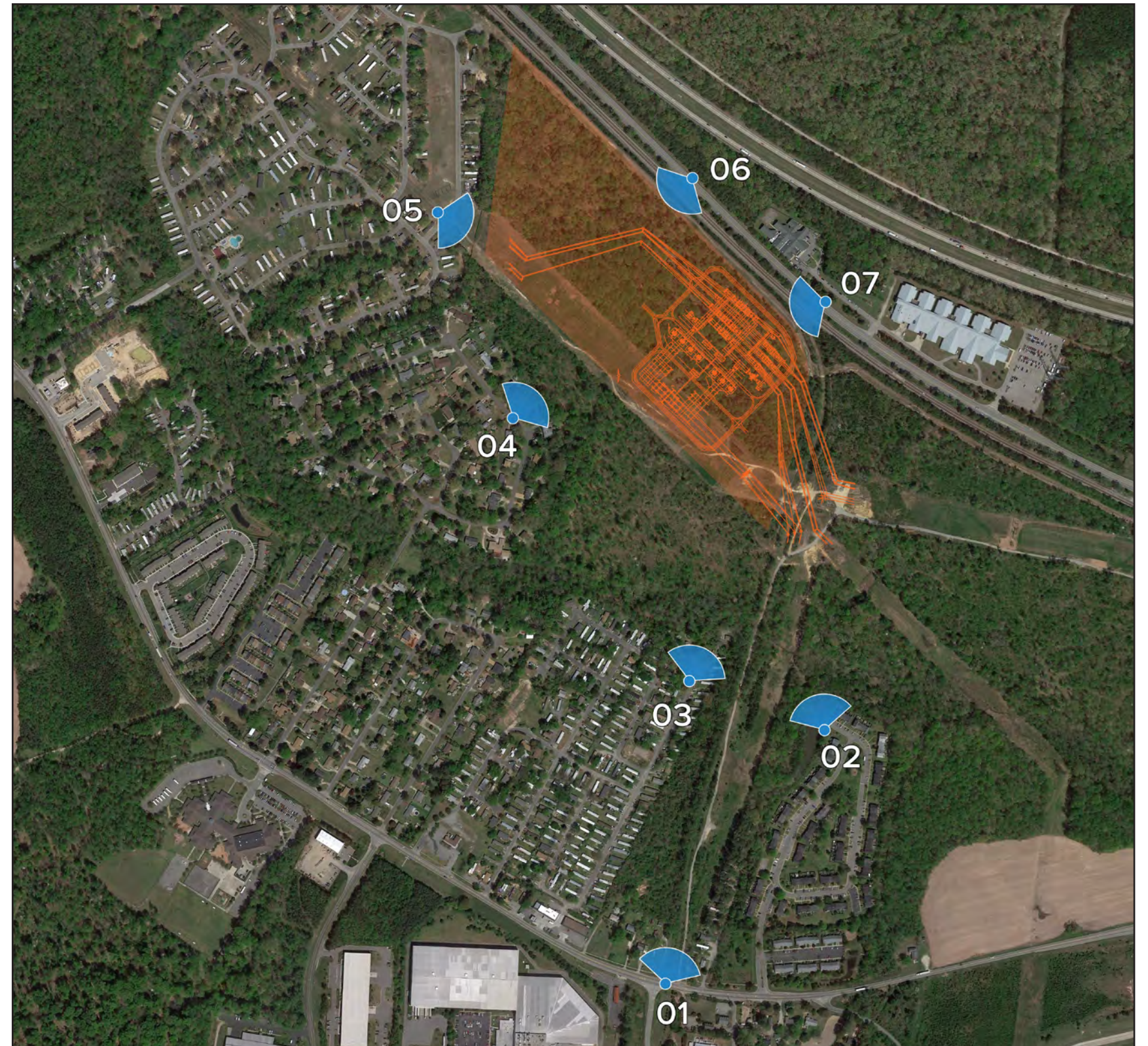
**TrueView Photosimulations - Existing & Proposed**

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## Viewpoint Locations

- Viewpoint 01 - Corner of Highway 60 and Dirt Access Road
- Viewpoint 02 - End of Skiffes Creek Circle
- Viewpoint 03 - 70-75 Jan Rae Circle
- Viewpoint 04 - 153 Indian Circle
- Viewpoint 05 - 7 Tadich Drive
- Viewpoint 06 - Merrimac Trail,  
Near Middle Peninsula Juvenile Commission
- Viewpoint 07 - Merrimac Trail,  
Near Virginia Peninsula Regional Jail








**Viewpoint 01** - Corner of Highway 60 and Dirt Access Road, Looking North-Northeast - **Existing View**



**Viewpoint 01** - Corner of Highway 60 and Dirt Access Road, Looking North-Northeast - **Proposed View**

For on-screen display:  
Scale bar to be 4 inches (101.6mm wide)  
Viewing distance is 19.7 inches (50 cm)



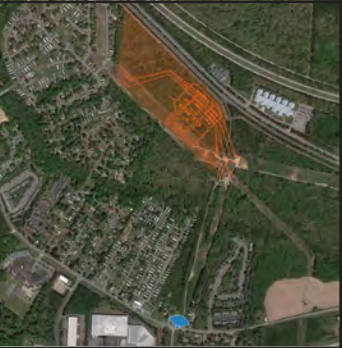
**Skiffes Creek  
Switching Station**

**Viewpoint 01**

Corner of Highway 60 and Dirt Access Road

Viewpoint Location

Project Area



|                                                 |                          |
|-------------------------------------------------|--------------------------|
| Easting Position (State Plane Virginia South):  | 12033678.8               |
| Northing Position (State Plane Virginia South): | 3604404.5                |
| Elevation of Photopoint Position (NAD83):       | 62.8                     |
| Height of Camera Above Ground (ft):             | 5.4                      |
| Date of Photography:                            | 10 June 2015 at 02:30 PM |
| Orientation of View:                            | NNE                      |
| Horizontal Field of View:                       | 124°                     |
| Vertical Field of View:                         | 55°                      |

NOTES:

Viewpoint locations have been precision surveyed by:

**Burgess & Niple**

No part of this photo simulation shall be altered in any way.

Visual assessments should be made from the full size TrueView™ only.

Dimensions of the printed full size TrueView™ image are:  
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Height: 20.5 inches (520 mm)

Structures and substation subject to final engineering.

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Viewpoint 02 - End of Skiffes Creek Circle, Looking North-Northwest - Existing View



Viewpoint 02 - End of Skiffes Creek Circle, Looking North-Northwest - Proposed View

For on-screen display:  
Scale bar to be 4 inches (101.6mm wide)  
Viewing distance is 19.7 inches (50 cm)




**Skiffes Creek  
Switching Station**

**Viewpoint 02**

End of Skiffes Creek Circle

Viewpoint Location

Project Area



Easting Position (State Plane Virginia South):12034469.2

Northing Position (State Plane Virginia South):3605818.5

Elevation of Photopoint Position (NAD83):42.4

Height of Camera Above Ground (ft):5.4

Date of Photography:10 June 2015 at 09:20 AM

Orientation of View:NNW

Horizontal Field of View:124°

Vertical Field of View:55°

NOTES:

Viewpoint locations have been precision surveyed by:

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Visual assessments should be made from the full size TrueView™ only.

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Viewpoint 03 - 70-75 Jan Rae Circle, Looking North-Northeast - Existing View



Viewpoint 03 - 70-75 Jan Rae Circle, Looking North-Northeast - Proposed View



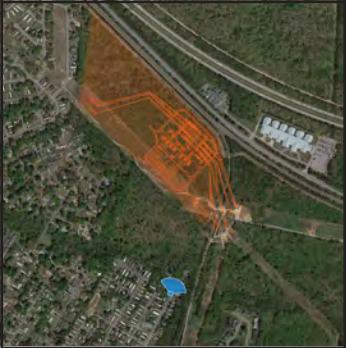
Skiffes Creek  
Switching Station

Viewpoint 03

70-75 Jan Rae Circle

Viewpoint Location

Project Area



Easting Position (State Plane Virginia South):12033759.7

Northing Position (State Plane Virginia South):3606031.8

Elevation of Photopoint Position (NAD83):45.0

Height of Camera Above Ground (ft):5.4

Date of Photography:10 June 2015 at 09:40 AM

Orientation of View:NNE

Horizontal Field of View:124°

Vertical Field of View:55°

NOTES:

Viewpoint locations have been precision surveyed by:

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Visual assessments should be made from the full size TrueView™ only.

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Height: 20.5 inches (520 mm)

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For on-screen display:  
Scale bar to be 4 inches (101.6mm wide)  
Viewing distance is 19.7 inches (50 cm)






Viewpoint 04 - 153 Indian Circle, Looking Northeast - Existing View



Viewpoint 04 - 153 Indian Circle, Looking Northeast - Proposed View

For on-screen display:  
Scale bar to be 4 inches (101.6mm wide)  
Viewing distance is 19.7 inches (50 cm)



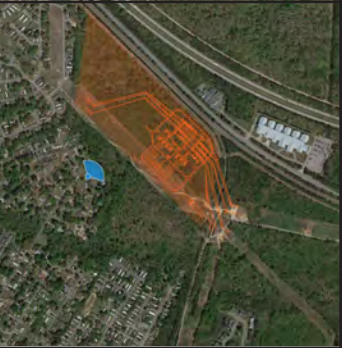
**Skiffes Creek  
Switching Station**

**Viewpoint 04**

153 Indian Circle

Viewpoint Location

Project Area



|                                                 |                          |
|-------------------------------------------------|--------------------------|
| Easting Position (State Plane Virginia South):  | 12032809.9               |
| Northing Position (State Plane Virginia South): | 3607375.1                |
| Elevation of Photopoint Position (NA83):        | 62.5                     |
| Height of Camera Above Ground (ft):             | 5.4                      |
| Date of Photography:                            | 10 June 2015 at 03:04 PM |
| Orientation of View:                            | NE                       |
| Horizontal Field of View:                       | 124°                     |
| Vertical Field of View:                         | 55°                      |

NOTES:

Viewpoint locations have been precision surveyed by:

**Burgess & Niple**

No part of this photo simulation shall be altered in any way.

Visual assessments should be made from the full size TrueView™ only.

Dimensions of the printed full size TrueView™ image are:  
Width: 59.2 inches (1504 mm)  
Height: 20.5 inches (520 mm)

Structures and substation subject to final engineering.

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Viewpoint 05 - 7 Tadich Drive, Looking Southeast - Existing View



Viewpoint 05 - 7 Tadich Drive, Looking Southeast - Proposed View with Planting Shown at 2 Year Growth

For on-screen display:  
Scale bar to be 4 inches (101.6mm wide)  
Viewing distance is 19.7 inches (50 cm)



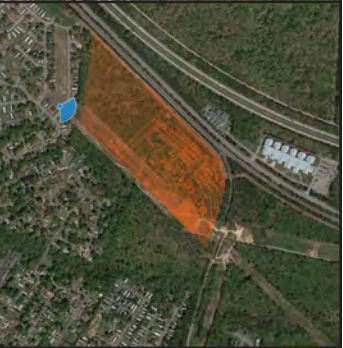
**Skiffes Creek  
Switching Station**

**Viewpoint 05**

7 Tadich Drive

Viewpoint Location

Project Area



|                                                 |                          |
|-------------------------------------------------|--------------------------|
| Easting Position (State Plane Virginia South):  | 12032379.3               |
| Northing Position (State Plane Virginia South): | 3608490.3                |
| Elevation of Photopoint Position (NA83):        | 71.0                     |
| Height of Camera Above Ground (ft):             | 5.4                      |
| Date of Photography:                            | 10 June 2015 at 10:21 AM |
| Orientation of View:                            | SE                       |
| Horizontal Field of View:                       | 124°                     |
| Vertical Field of View:                         | 55°                      |

NOTES:

Viewpoint locations have been precision surveyed by:

**Burgess & Niple**

No part of this photo simulation shall be altered in any way.

Visual assessments should be made from the full size TrueView™ only.

Dimensions of the printed full size TrueView™ image are:  
Width: 59.2 inches (1504 mm)  
Height: 20.5 inches (520 mm)

Structures and substation subject to final engineering.

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Viewpoint 06 - Merrimac Trail, Near Middle Peninsula Juvenile Commission, Looking Southwest - Existing View



Viewpoint 06 - Merrimac Trail, Near Middle Peninsula Juvenile Commission, Looking Southwest - Proposed View

For on-screen display:  
Scale bar to be 4 inches (101.6mm wide)  
Viewing distance is 19.7 inches (50 cm)



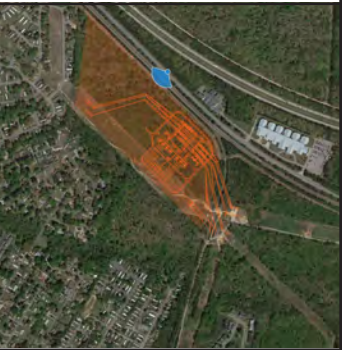
**Skiffes Creek  
Switching Station**

**Viewpoint 06**

Merrimac Trail, Near Middle Peninsula Juvenile Commission

Viewpoint Location

Project Area



|                                                 |                          |
|-------------------------------------------------|--------------------------|
| Easting Position (State Plane Virginia South):  | 12033756.2               |
| Northing Position (State Plane Virginia South): | 3608673.0                |
| Elevation of Photopoint Position (NAD83):       | 79.0                     |
| Height of Camera Above Ground (ft):             | 5.4                      |
| Date of Photography:                            | 10 June 2015 at 10:47 AM |
| Orientation of View:                            | SW                       |
| Horizontal Field of View:                       | 124°                     |
| Vertical Field of View:                         | 55°                      |

NOTES:

Viewpoint locations have been precision surveyed by:

**Burgess & Niple**

No part of this photo simulation shall be altered in any way.

Visual assessments should be made from the full size TrueView™ only.

Dimensions of the printed full size TrueView™ image are:  
Width: 59.2 inches (1504 mm)  
Height: 20.5 inches (520 mm)

Structures and substation subject to final engineering.

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Viewpoint 07 - Merrimac Trail, Near Virginia Peninsula Regional Jail, Looking West - Existing View



Viewpoint 07 - Merrimac Trail, Near Virginia Peninsula Regional Jail, Looking West - Proposed View with Planting Shown at 2 Year Growth

For on-screen display:  
Scale bar to be 4 inches (101.6mm wide)  
Viewing distance is 19.7 inches (50 cm)




### Skiffes Creek Switching Station

**Viewpoint 07**

Merrimac Trail, Near Virginia Peninsula Regional Jail

Viewpoint Location

Project Area



Eastings Position (State Plane Virginia South):

12034475.5

Northing Position (State Plane Virginia South):

3608041.4

Elevation of Photopoint Position (NAD83):

76.8

Height of Camera Above Ground (ft):

5.4

Date of Photography:

10 June 2015 at 11:13 AM

Orientation of View:

W

Horizontal Field of View:

124°

Vertical Field of View:

55°

NOTES:

Viewpoint locations have been precision surveyed by:

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No part of this photo simulation shall be altered in any way.

Visual assessments should be made from the full size TrueView™ only.

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Height: 20.5 inches (520 mm)

Structures and substation subject to final engineering.

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Viewpoint 05 - 7 Tadich Drive, Looking Southeast - Existing View



Viewpoint 05 - 7 Tadich Drive, Looking Southeast - Proposed View depicting only substation components.  
Planting Shown at 2 Year Growth

For on-screen display:  
Scale bar to be 4 inches (101.6mm wide)  
Viewing distance is 19.7 inches (50 cm)



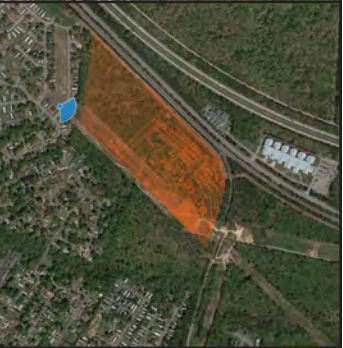
**Skiffes Creek  
Switching Station**

**Viewpoint 05**

7 Tadich Drive

Viewpoint Location

Project Area



|                                                 |                          |
|-------------------------------------------------|--------------------------|
| Easting Position (State Plane Virginia South):  | 12032379.3               |
| Northing Position (State Plane Virginia South): | 3608490.3                |
| Elevation of Photopoint Position (NAD83):       | 71.0                     |
| Height of Camera Above Ground (ft):             | 5.4                      |
| Date of Photography:                            | 10 June 2015 at 10:21 AM |
| Orientation of View:                            | SE                       |
| Horizontal Field of View:                       | 124°                     |
| Vertical Field of View:                         | 55°                      |

NOTES:

Viewpoint locations have been precision surveyed by:

**Burgess & Niple**

No part of this photo simulation shall be altered in any way.

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Height: 20.5 inches (520 mm)

Structures and substation subject to final engineering.

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Viewpoint 05 - 7 Tadich Drive, Looking Southeast - Existing View



Viewpoint 05 - 7 Tadich Drive, Looking Southeast - Proposed View depicting only substation components.  
Planting Shown at 10 Year Growth

For on-screen display:  
Scale bar to be 4 inches (101.6mm wide)  
Viewing distance is 19.7 inches (50 cm)



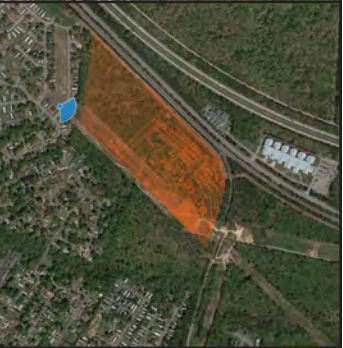
**Skiffes Creek  
Switching Station**

**Viewpoint 05**

7 Tadich Drive

Viewpoint Location

Project Area



|                                                 |                          |
|-------------------------------------------------|--------------------------|
| Easting Position (State Plane Virginia South):  | 12032379.3               |
| Northing Position (State Plane Virginia South): | 3608490.3                |
| Elevation of Photopoint Position (NAD83):       | 71.0                     |
| Height of Camera Above Ground (ft):             | 5.4                      |
| Date of Photography:                            | 10 June 2015 at 10:21 AM |
| Orientation of View:                            | SE                       |
| Horizontal Field of View:                       | 124°                     |
| Vertical Field of View:                         | 55°                      |

NOTES:

Viewpoint locations have been precision surveyed by:

**Burgess & Niple**

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Dimensions of the printed full size TrueView™ image are:  
Width: 59.2 inches (1504 mm)  
Height: 20.5 inches (520 mm)

Structures and substation subject to final engineering.

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Viewpoint 07 - Merrimac Trail, Near Virginia Peninsula Regional Jail, Looking West - Existing View



Viewpoint 07 - Merrimac Trail, Near Virginia Peninsula Regional Jail, Looking West - Proposed View depicting only substation components. Planting Shown at 2 Year Growth

For on-screen display:  
Scale bar to be 4 inches (101.6mm wide)  
Viewing distance is 19.7 inches (50 cm)




### Skiffes Creek Switching Station

**Viewpoint 07**

Merrimac Trail, Near Virginia Peninsula Regional Jail

Viewpoint Location

Project Area



Easting Position (State Plane Virginia South):12034475.5

Northing Position (State Plane Virginia South):3608041.4

Elevation of Photopoint Position (NAD83):76.8

Height of Camera Above Ground (ft):5.4

Date of Photography:10 June 2015 at 11:13 AM

Orientation of View:W

Horizontal Field of View:124°

Vertical Field of View:55°

NOTES:

Viewpoint locations have been precision surveyed by:

**Burgess & Niple**

No part of this photo simulation shall be altered in any way.

Visual assessments should be made from the full size TrueView™ only.

Dimensions of the printed full size TrueView™ image are:  
Width: 59.2 inches (1504 mm)  
Height: 20.5 inches (520 mm)

Structures and substation subject to final engineering.

Photo Simulation Created Using  
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**Viewpoint 07** - Merrimac Trail, Near Virginia Peninsula Regional Jail, Looking West - **Existing View**



**Viewpoint 07** - Merrimac Trail, Near Virginia Peninsula Regional Jail, Looking West - **Proposed View depicting only substation components. Planting Shown at 10 Year Growth**

For on-screen display:  
Scale bar to be 4 inches (101.6mm wide)  
Viewing distance is 19.7 inches (50 cm)




### Skiffes Creek Switching Station

**Viewpoint 07**

Merrimac Trail, Near Virginia Peninsula Regional Jail

Viewpoint Location

Project Area



Easting Position (State Plane Virginia South):

12034475.5

Northing Position (State Plane Virginia South):

3608041.4

Elevation of Photopoint Position (NAD83):

76.8

Height of Camera Above Ground (ft):

5.4

Date of Photography:

10 June 2015 at 11:13 AM

Orientation of View:

W

Horizontal Field of View:

124°

Vertical Field of View:

55°

NOTES:

Viewpoint locations have been precision surveyed by:

**Burgess & Niple**

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24 June 2015



**Attachment 8: Photos of the Chickahominy switching station (located in Charles City County)**









## **Attachment 10: Public Comments**

**From:** MNFowler [<mailto:onthepond1@gmail.com>]

**Sent:** Friday, July 24, 2015 2:49 PM

**To:** John McGlennon; Bryan Hill; Maxwell Hlavin; Michelle Gowdy

**Cc:** Wayne Williamson; Jim Zinn

**Subject:** Skiffe's Creek

Folks,

Good seeing you all last evening. As I shared then, I am so very grateful for the County's continuing resolve on this matter. Thank you. A thousand times, thank you!

In considering the issues surrounding the county's review of the Dominion application for this installation, may I request that you consider delaying the issuance of the Special Use Permit (SUP), given that their application meets all of the other required criteria, until such time as it is clear that Surry-Skiffe's Creek might actually be built? There remains significant, undetermined outcomes on this project, thus, it would seem prudent to await the final determination on the line itself. Then, if need be, the county could quickly proceed with necessary approvals.

A thought that I hope you will review.

Thanks,  
Margaret Nelson Fowler

p.s. And, would you pass this to Leanne. I don't seem to have her email address.

*Off the grid. . .*

---



**From:** Judith Fuss [<mailto:jfuss148@gmail.com>]

**Sent:** Wednesday, August 05, 2015 2:55 PM

**To:** George Drummond; Richard Krapf; Robin Bledsoe; Chris Basic; John Wright; Tim OConnor; Heath Richardson; Paul Holt

**Subject:** Dominion Rezoning Public Hearing Comment

Madam Chair, Members of the Commission -

I am writing to strongly urge that you defer action on Dominion Power's application for rezoning, Special Use Permit (SUP) and height limitation waiver, Case 0003-2015, until Dominion has received all required permits and it is clear the project will go forward as now proposed. Even though many aspects of the project have been removed from local control by legal action, artificially limiting your focus, once the project is in place, it's full impact will permanently loom over the Grove community. For example, as noted in the staff's analysis, truly effective buffering for neighbors can only be provided off-site due to the size of some structural components ruled to be outside the reach of local government. While surrounding undeveloped parcels are now wooded with mature trees, providing a natural buffer, their persistence in this state cannot be assured. Therefore presented photo simulations of visual impacts hold little value in assessing long-term effects. Along with others, I ask that you wait until final approval has been granted to the line before taking the next steps that are before you now.

Thank you for considering my views.

- Judy Fuss

~~~~~

Judith Fuss

3509 Hunter's Ridge

Williamsburg, VA 23188

jfuss148@gmail.com



First California Company Jamestowne Society

Please reply to:
James H. McCall, Councilor
1042 Santa Florencia - Solana Beach, CA 92075-1516
Phone: (858) 755-3535 - e-mail: fcjamestowneditor@gmail.com

August 3, 2015

James City County Planning Commission
101-A Mounts Bay Rd.
Williamsburg, VA 23185

In re: Case No. Z-0003-2015/SUP-0002-2015/HW-0001-2015, Skiffes Creek Switching Station

Dear Commissioners:

I am writing you on behalf of our Governor Donna Chilton Derrick. We are in support of Margaret Fowler's and others' request that you defer action on this case until the applicant receives all other permits and approvals for the entire project.

There are a myriad of issues facing it that must first be settled before your action is needed. First California Company of the Jamestowne Society reflects the scope of national interest in this issue and we feel that there are good reasons and options for Dominion to seek alternative routes for delivering needed power to the area.

As you well know, an ever-increasing number of visitors and students from across the country and elsewhere now travel to Historic Jamestown and its environs seeking to learn about those settlers and the context for our nation's earliest history, which likely will increase, especially after the recently unearthed discoveries. The proposed towers would seriously compromise the ambience and visitors' ability to value those settlers' circumstances.

We Californians owe much to what those early Virginia settlers accomplished. Jamestown's lasting effect is what has differentiated it from other preceding or contemporary English and European settlements in America. This project as proposed would detract from that lasting effect.

Thank you for your consideration.

Yours very truly,



James H. McCall
Councilor

Cc: Donna Chilton Derrick
Margaret Nelson Fowler
Preservation Virginia

August 17, 2015

Leanne Pollock
Senior Planner II
James City County, Planning Division
Planning Division
101-A Mounts Bay Road
Williamsburg, VA 23185

Dominion Virginia Power
Appeal of Planning Commission Action

Dear Leanne:

On behalf of Dominion Virginia Power and in accordance with Virginia Code § 15.2-2232. B, we hereby appeal the finding of the James City County Planning Commission that the proposed Skiffes Creek Switching Station was not in substantial conformance with the Comprehensive Plan.

This appeal requests that the Board of Supervisors overrule the action of the Planning Commission based on the findings of the Planning Department. The staff recommended "that the Planning Commission determine that this review satisfies Code of Virginia §15.2-2232 for substantial accord with the comprehensive plan." In addition, the staff report specifically stated that, "A switching station can be considered under the Group 2 uses as a limited commercial or community-oriented facility as it is classified as a utility. Other electrical substations have been permitted on properties within various land use designations, including LDR and Open Space or Recreation, and deemed as facilities that are necessary to support the power needs of general County development."

Ms. Leanne Pollock
August 17, 2015
Page 2

Attached is a copy of the Staff Report forwarded to the Planning Commission and incorporated herein by reference. Please see pages 6-8 of the staff report as they specifically relate to the Comprehensive Plan. In addition, a copy of the unapproved minutes of the August 5, 2015, Planning Commission hearing is attached for reference.

Sincerely,

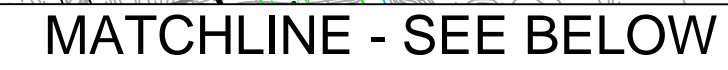
A handwritten signature in cursive script, appearing to read "Adena".

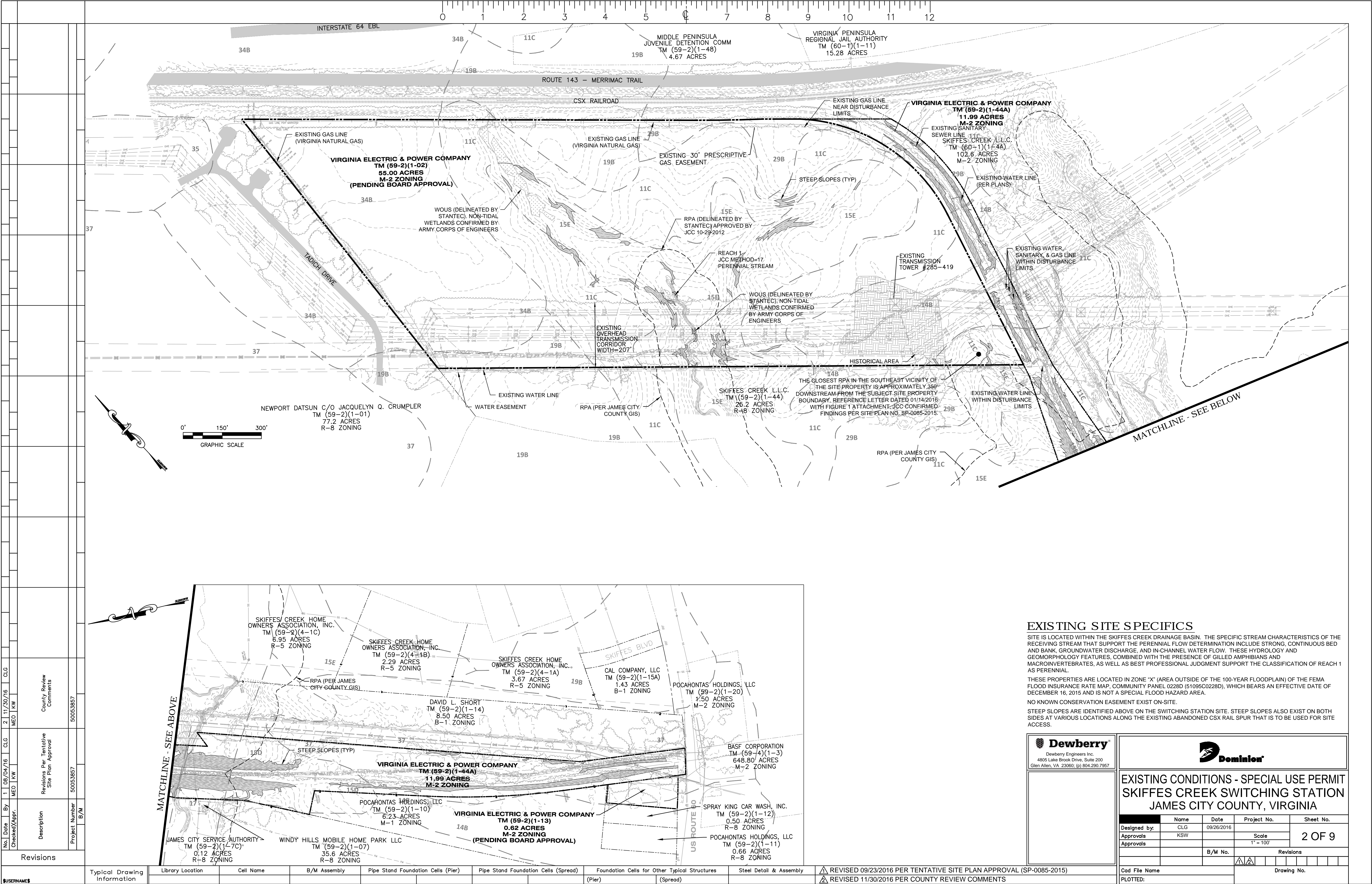
Adena M. Patterson, AICP
Senior Planner Assisting
D. Brennen Keene

/vej

Attachments

cc: Michelle M. Gowdy

[illegible][illegible]




EXISTING SITE SPECIFICS

SITE IS LOCATED WITHIN THE SKIFFES CREEK DRAINAGE BASIN. THE SPECIFIC STREAM CHARACTERISTICS OF THE RECEIVING STREAM THAT SUPPORT THE PERENNIAL FLOW DETERMINATION INCLUDE STRONG, CONTINUOUS BED AND BANK, GROUNDWATER DISCHARGE, AND IN-CHANNEL WATER FLOW. THESE HYDROLOGY AND GEOMORPHOLOGY FEATURES, COMBINED WITH THE PRESENCE OF GILLED AMPHIBIANS AND MACROINVERTEBRATES, AS WELL AS BEST PROFESSIONAL JUDGMENT SUPPORT THE CLASSIFICATION OF REACH 1 AS PERENNIAL.


THESE PROPERTIES ARE LOCATED IN ZONE "X" (AREA OUTSIDE OF THE 100-YEAR FLOODPLAIN) OF THE FEMA FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 0228D (51095C0228D), WHICH BEARS AN EFFECTIVE DATE OF DECEMBER 16, 2015 AND IS NOT A SPECIAL FLOOD HAZARD AREA.

NO KNOWN CONSERVATION EASEMENT EXIST ON-SITE.

STEEP SLOPES ARE IDENTIFIED ABOVE ON THE SWITCHING STATION SITE. STEEP SLOPES ALSO EXIST ON BOTH SIDES AT VARIOUS LOCATIONS ALONG THE EXISTING ABANDONED CSX RAIL SPUR THAT IS TO BE USED FOR SITE ACCESS.



Dewberry Engineers Inc.
4805 Lake Brook Drive, Suite 200
Glen Allen, VA 23060 (p) 804.290.7957



EXISTING CONDITIONS - SPECIAL USE PERMIT
SKIFFES CREEK SWITCHING STATION
JAMES CITY COUNTY, VIRGINIA

Name	Date	Project No.	Sheet No.
Designed by	CLG	09/26/2016	2 OF 9
Approvals	KSW	Scale	
Approvals		1" = 100'	
	B/M No.	Revisions	

Cad File Name

PLOTTED:

Drawing No.

No.	Date	By	Description	Project Number	County Review
1	08/04/16	MEG	Revisions Per Tentative Site Plan Approval	50053857	
2	11/30/16	MEG	County Review Comments	50053857	
Revisions					
Library Location					
Cell Name					
B/M Assembly					
Pipe Stand Foundation Cells (Pier)					
Pipe Stand Foundation Cells (Spread)					
Foundation Cells for Other Typical Structures					
Steel Detail & Assembly					

Typical Drawing Information

Library Location	Cell Name	B/M Assembly	Pipe Stand Foundation Cells (Pier)	Pipe Stand Foundation Cells (Spread)	Foundation Cells for Other Typical Structures	Steel Detail & Assembly
					(Pier)	(Spread)

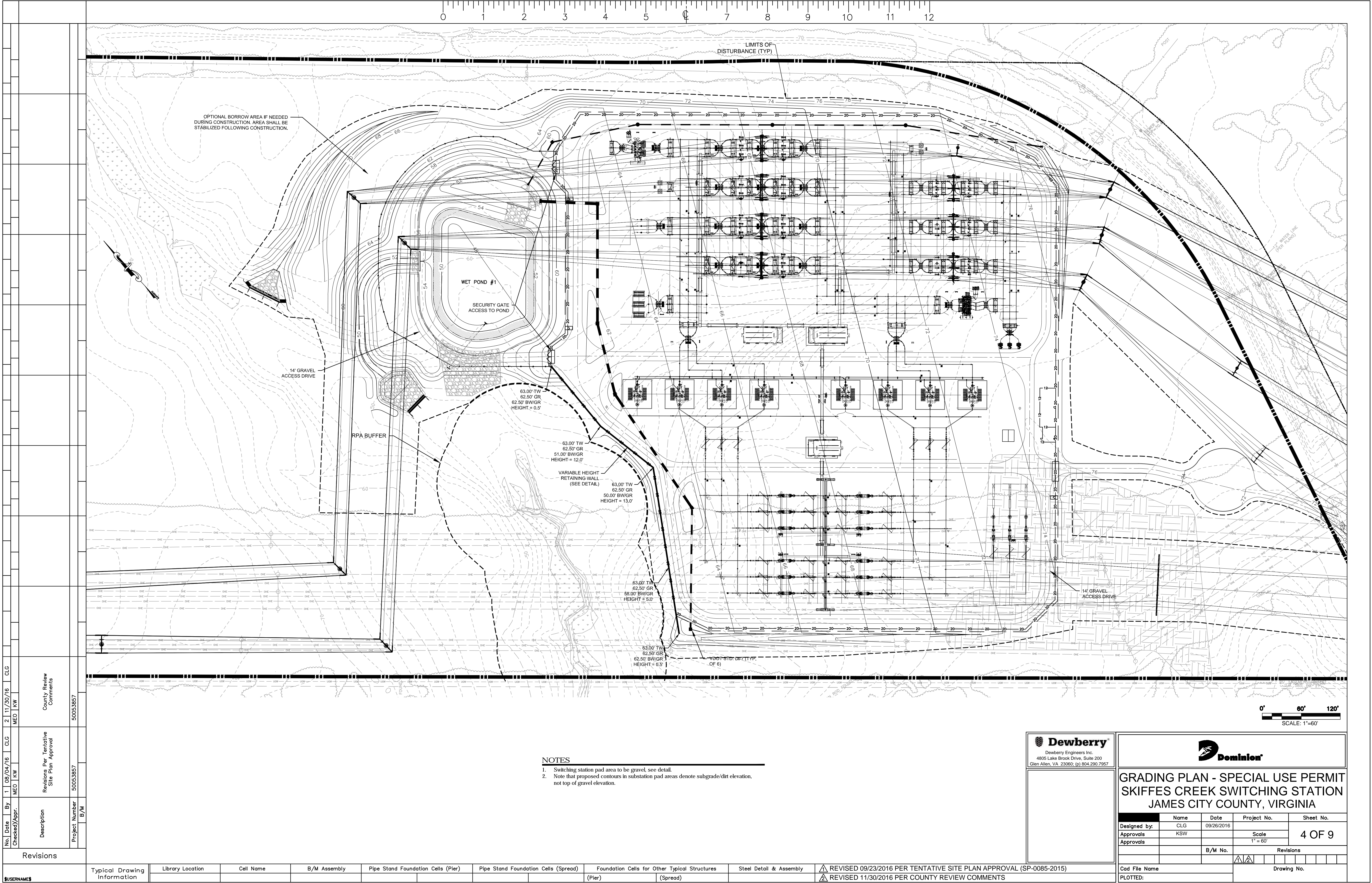
REVISED 09/23/2016 PER TENTATIVE SITE PLAN APPROVAL (SP-0085-2015)

REVISED 11/30/2016 PER COUNTY REVIEW COMMENTS

Cad File Name


PLOTTED:

Drawing No.




No.	Date	By	Checked/	Appr.	Description	Project Number	B/M
1	08/04/16	MEG	KW		Revisions Per Tentative Site Plan Approval	50053857	
2	11/30/16	MEG	KW	CLG	County Review Comments	50053857	

- NOTES
- Switching station pad area to be gravel, see detail.
 - Note that proposed contours in substation pad areas denote subgrade/dirt elevation, not top of gravel elevation.

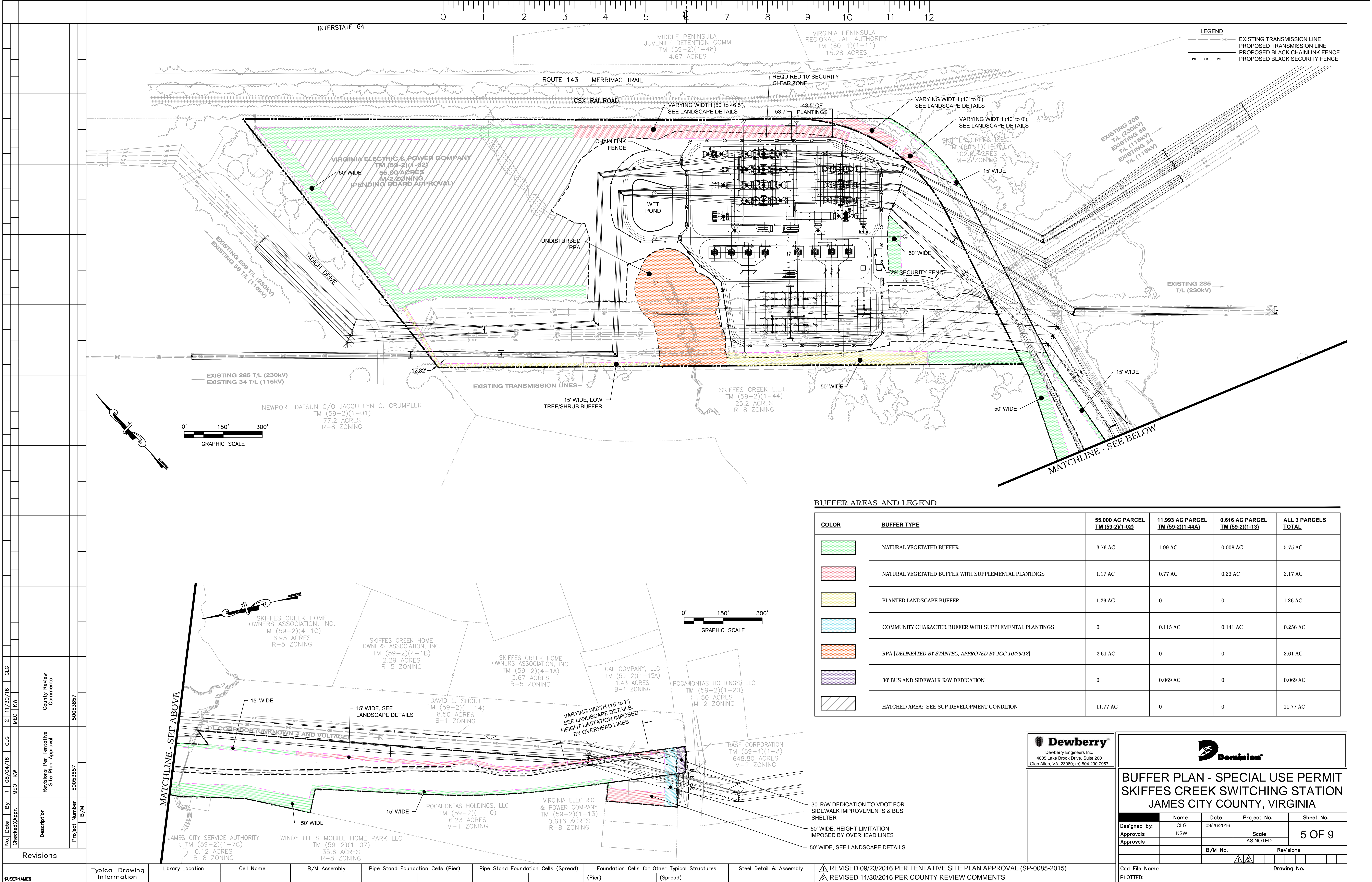


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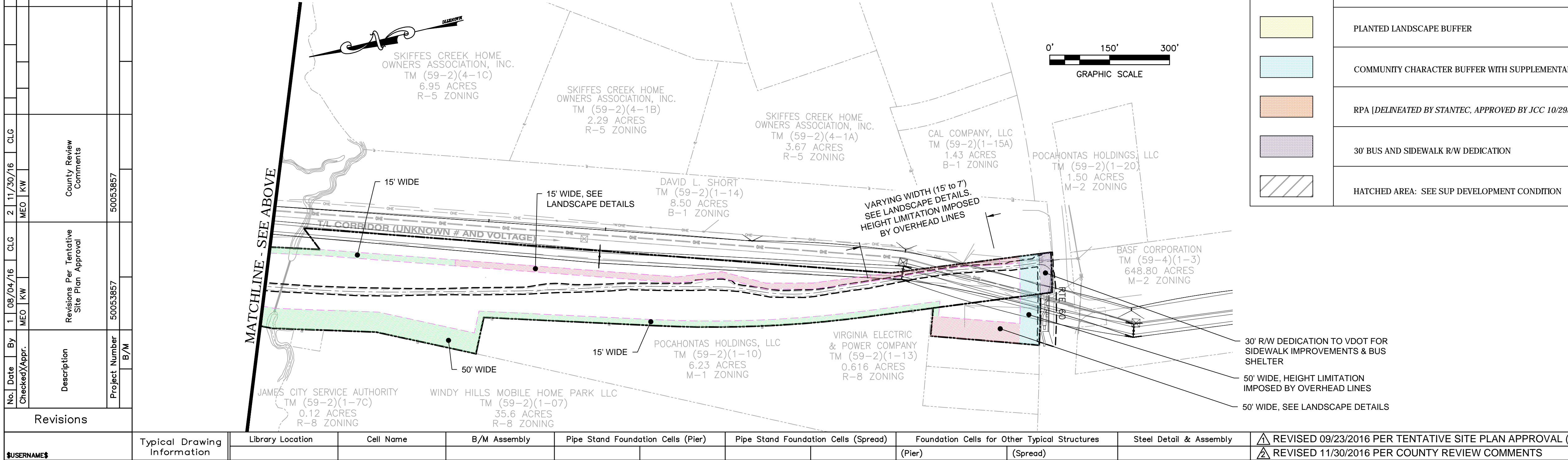
GRADING PLAN - SPECIAL USE PERMIT
SKIFFES CREEK SWITCHING STATION
JAMES CITY COUNTY, VIRGINIA

Designed by	CLG	Date	09/26/2016	Project No.		Sheet No.	4 OF 9
Approvals	KSW	Scale	1" = 60'				
Approvals		B/M No.		Revisions			
Cod File Name				Drawing No.			
PLOTTED:							



BUFFER AREAS AND LEGEND

COLOR	BUFFER TYPE	55,000 AC PARCEL TM (59-2)(1-02)	11,993 AC PARCEL TM (59-2)(1-44A)	0,616 AC PARCEL TM (59-2)(1-13)	ALL 3 PARCELS TOTAL
	NATURAL VEGETATED BUFFER	3.76 AC	1.99 AC	0.008 AC	5.75 AC
	NATURAL VEGETATED BUFFER WITH SUPPLEMENTAL PLANTINGS	1.17 AC	0.77 AC	0.23 AC	2.17 AC
	PLANTED LANDSCAPE BUFFER	1.26 AC	0	0	1.26 AC
	COMMUNITY CHARACTER BUFFER WITH SUPPLEMENTAL PLANTINGS	0	0.115 AC	0.141 AC	0.256 AC
	RPA [DELINEATED BY STANTEC, APPROVED BY JCC 10/29/12]	2.61 AC	0	0	2.61 AC
	30' BUS AND SIDEWALK R/W DEDICATION	0	0.069 AC	0	0.069 AC
	HATCHED AREA: SEE SUP DEVELOPMENT CONDITION	11.77 AC	0	0	11.77 AC



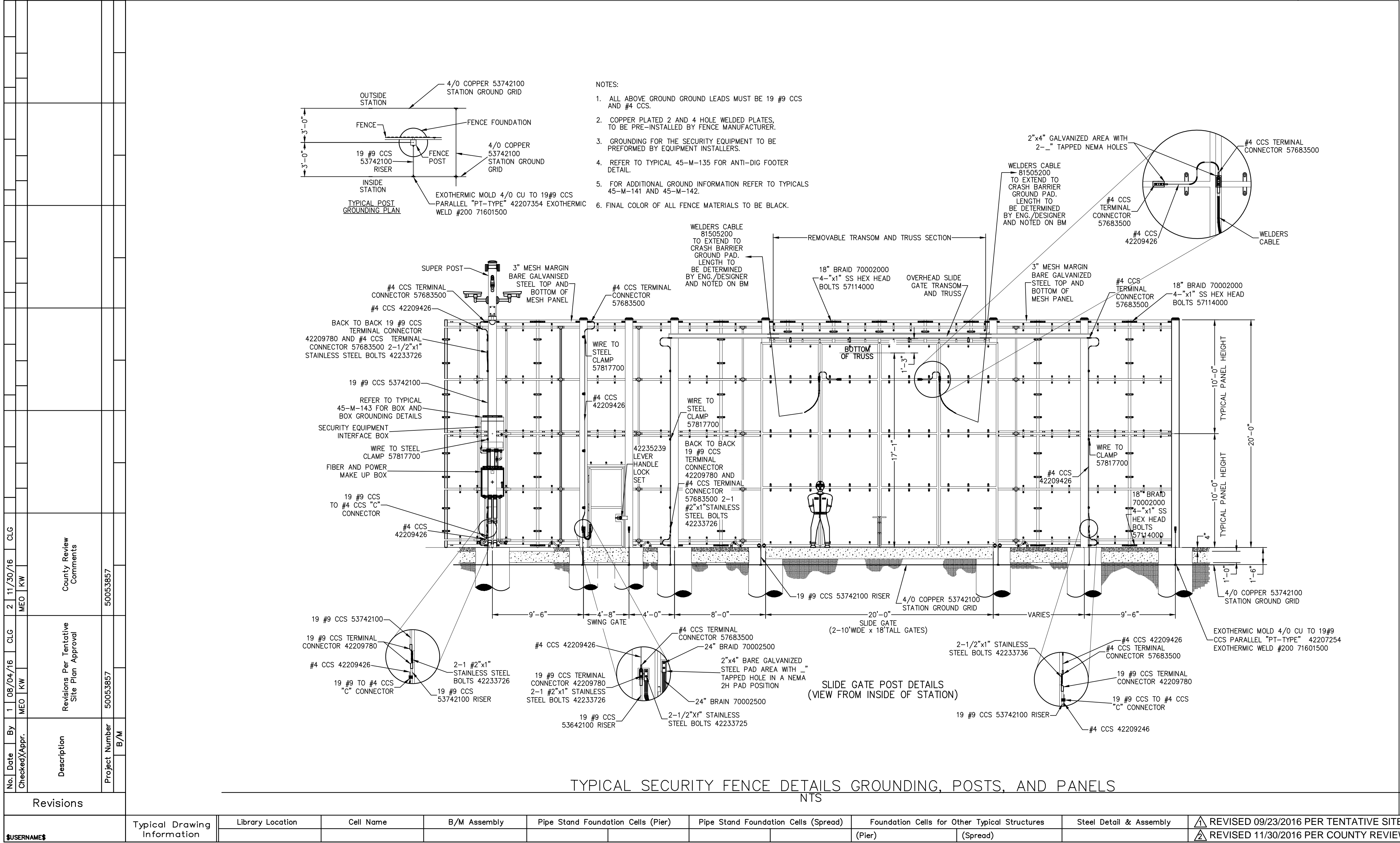
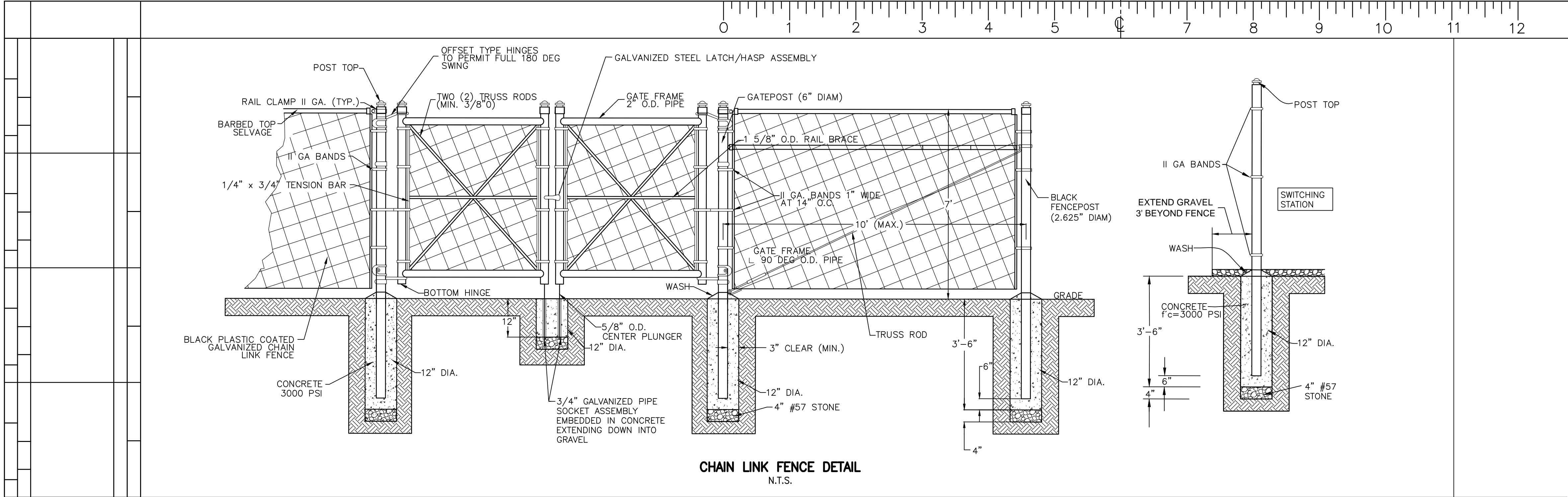
Dewberry Engineers Inc.
4805 Lake Brook Drive, Suite 200
Glen Allen, VA 23060 (p) 804.290.7957

BUFFER PLAN - SPECIAL USE PERMIT
SKIFFES CREEK SWITCHING STATION
JAMES CITY COUNTY, VIRGINIA

Designed by	CLG	Date	09/26/2016	Project No.		Sheet No.	
Approvals	KSW			Scale	AS NOTED	5 OF 9	
Approvals							
		B/M No.			Revisions		

Cad File Name
PLOTTED:

Drawing No.



Dewberry
Dewberry Engineers Inc.
4805 Lake Brook Drive, Suite 200
Glen Allen, VA 23060 (p) 804.290.7957

Dominion

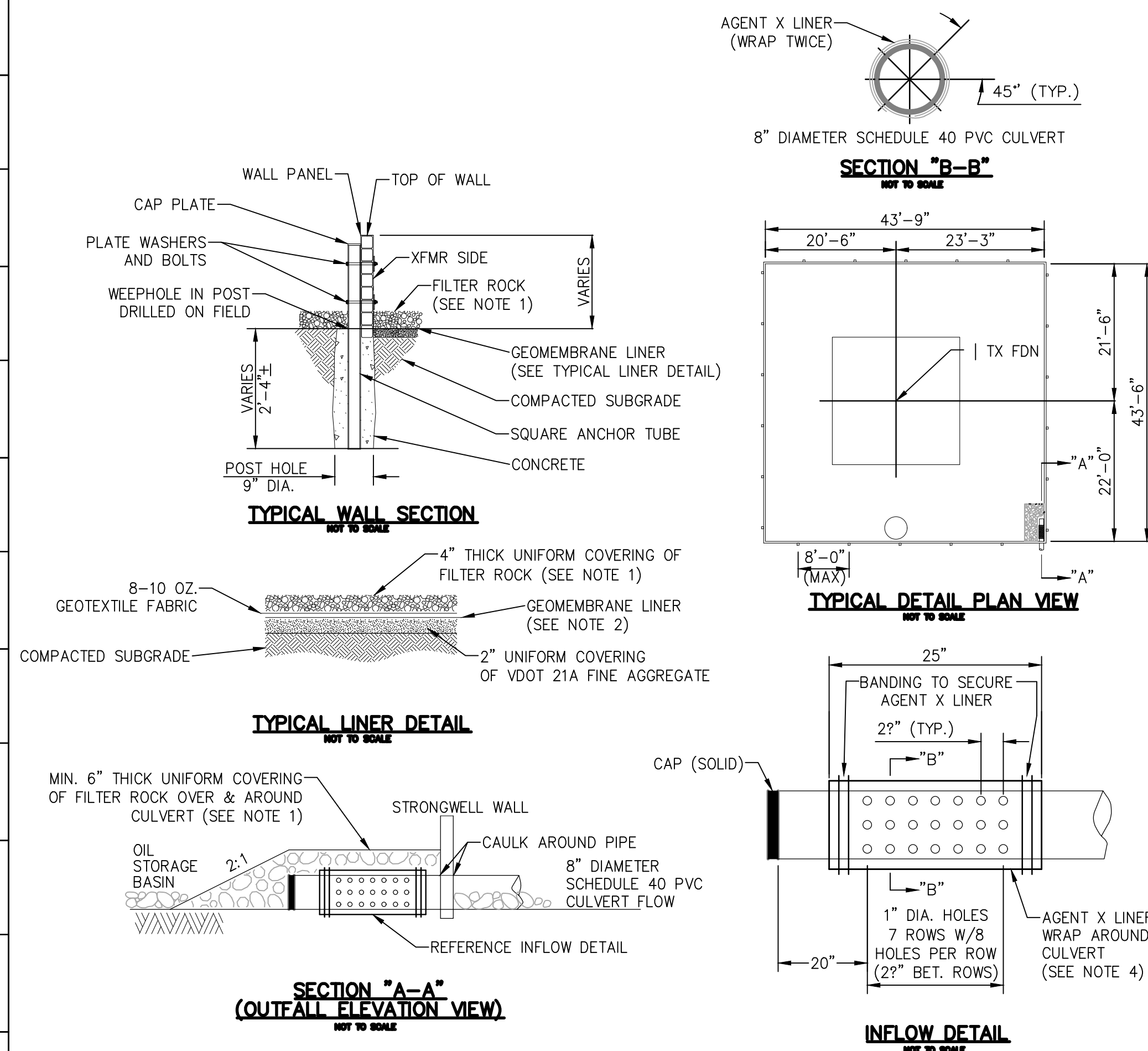
CONSTRUCTION DETAILS I - SPECIAL USE PERMIT
SKIFFES CREEK SWITCHING STATION
JAMES CITY COUNTY, VIRGINIA

Designed by	CLG	Date	09/26/2016	Project No.		Sheet No.	8 OF 9
Approvals	KSW			Scale	AS NOTED		
Approvals			B/M No.	Revisions			
Cod File Name				Drawing No.			
PLOTTED:							

REVISD 09/23/2016 PER TENTATIVE SITE PLAN APPROVAL (SP-0085-2015)

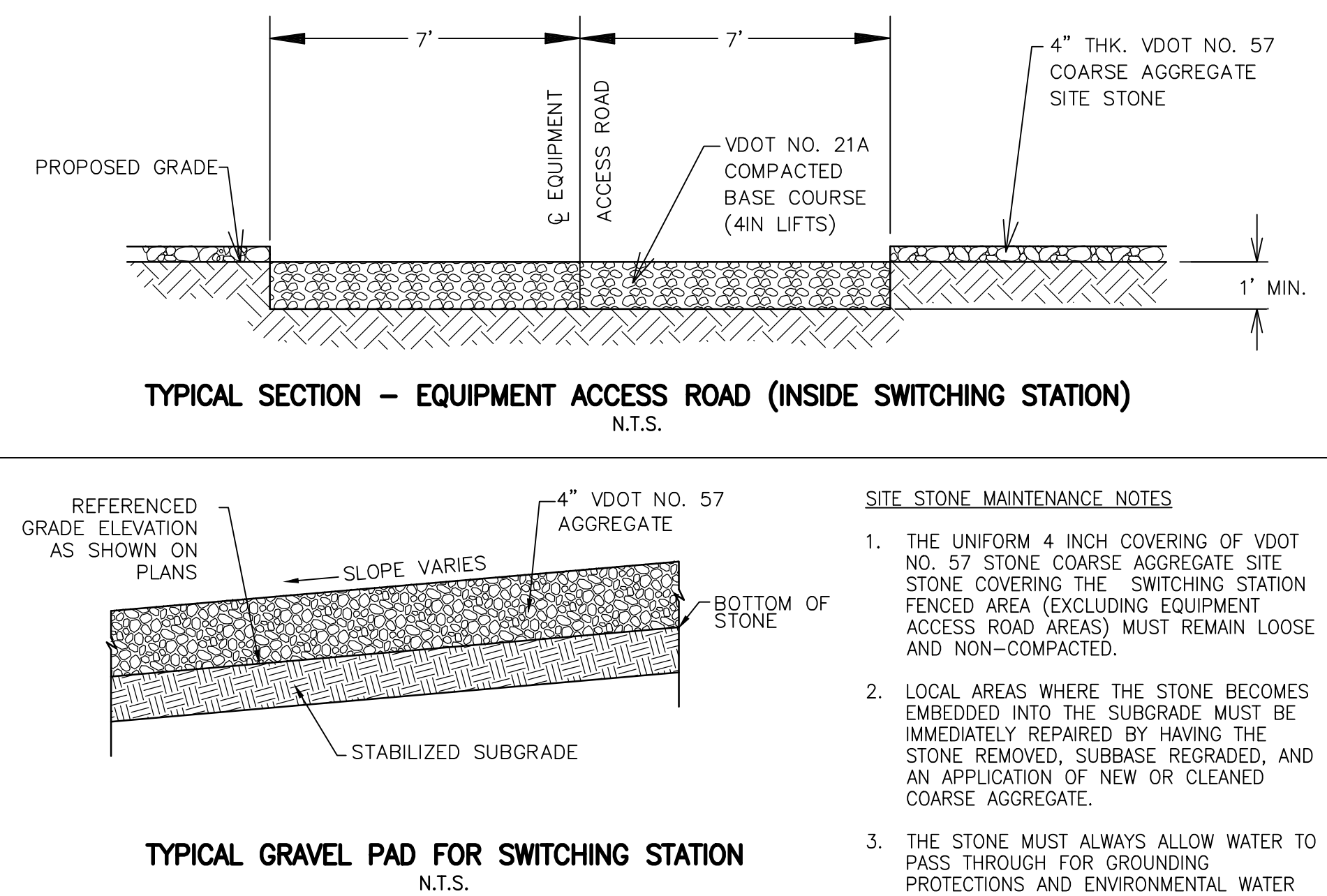
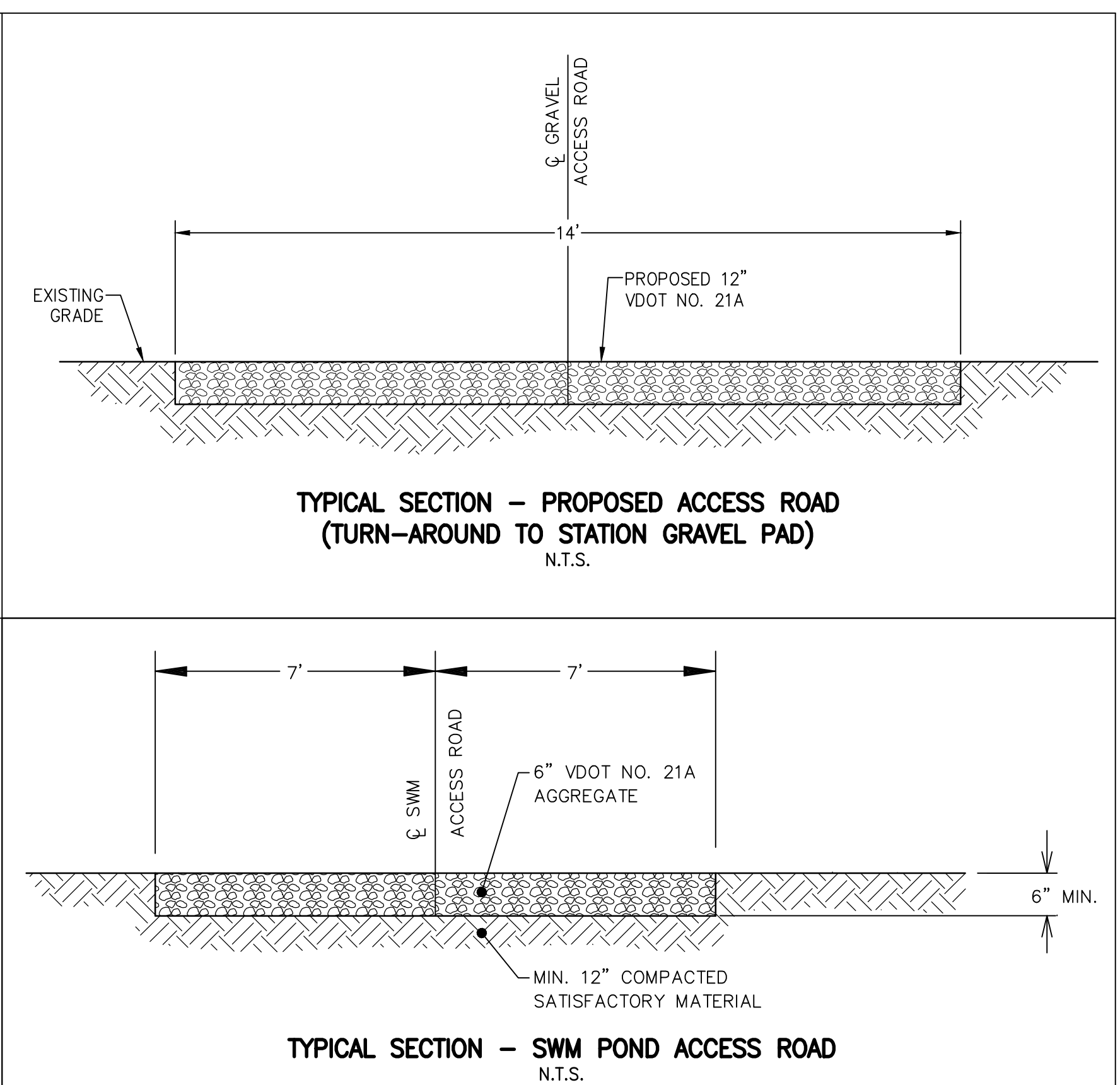
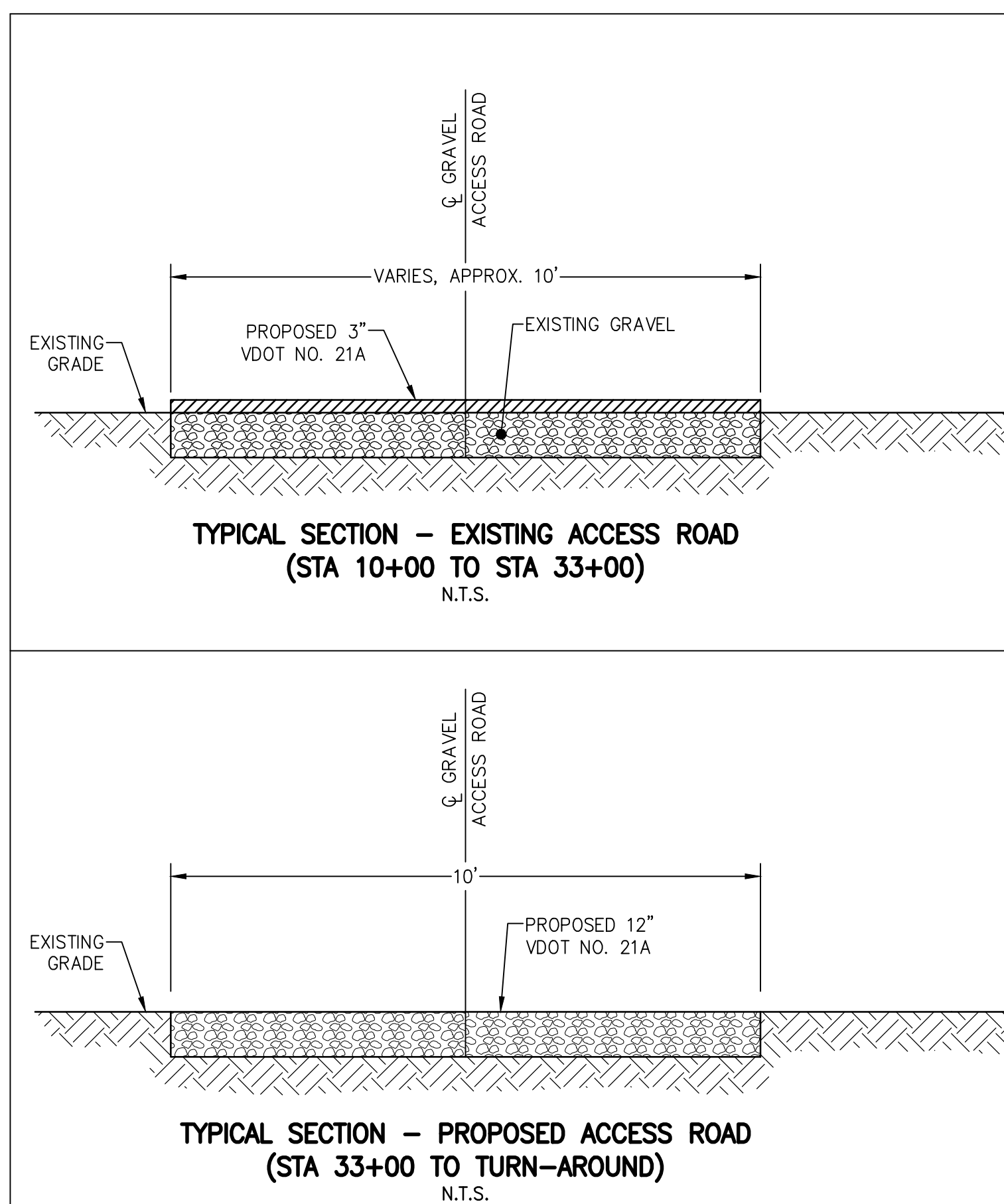
REVISD 11/30/2016 PER COUNTY REVIEW COMMENTS

No.	Date	By	Description	Project Number	B/M
1	08/04/16	MEC	Revisions Per Tentative Site Plan Approval	50053857	
2	11/30/16	MEC	County Review Comments	50053857	
Revisions					
Typical Drawing Information					
Library Location		Cell Name		B/M Assembly	
Pipe Stand Foundation Cells (Pier)		Pipe Stand Foundation Cells (Spread)		Foundation Cells for Other Typical Structures	
Steel Detail & Assembly					



NOTES:

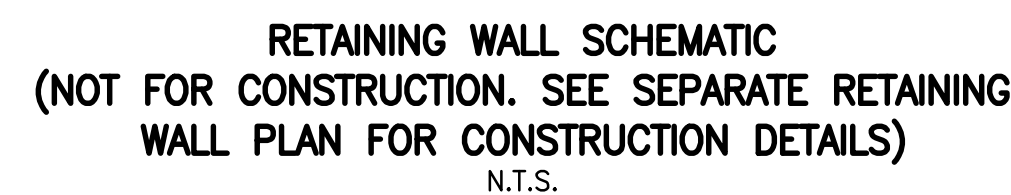
1. FILTER ROCK SHALL BE WELL-ROUNDED GRAVEL AND MUST BE UNIFORM SIZE (100% PASSING 1" SIEVE AND 100% RETAINED ON 1/2" SIEVE) AND HAVE A MINIMUM PERCENTAGE OF VOIDS OF 35% AS DETERMINED BY ASTM C29.
2. CONTRACTOR TO PROVIDE LINER AND GEOTEXTILE FABRIC. GEOMEMBRANE LINER SHALL BE SEAMAN HIGH PERFORMANCE 8130 XR-5. ATTACH LINER PER MANUFACTURER'S RECOMMENDATIONS. ALL PENETRATIONS OF GEOMEMBRANE LINER SHALL BE IN COMPLIANCE WITH MANUFACTURER'S SPECIFICATIONS. SEE DRAWING 0456-081 FOR DETAILS.
3. OIL CONTAINMENT WALL SHALL BE STRONGWELL COMPOSITE. WALL PANELS SHALL BE 3" X 24". TUBE SHALL BE INSTALLED TO MAINTAIN A LEVEL WALL HEIGHT 1'-10" ABOVE TOP OF SUBGRADE AT THE LOW CORNER (SEE PLAN VIEW FOR TOP OF WALL AND SUBGRADE ELEVATIONS). CONTACT MANUFACTURER FOR DESIGN AND INSTALL PER MANUFACTURER'S INSTRUCTIONS.
STRONGWELL
HTTP://WWW.STRONGWELL.COM
400 COMMONWEALTH AVENUE
BRISTOL, VA 24201
(276) 645-8000
4. CONTRACTOR TO PROVIDE ALL PIPE DRAINAGE ASSEMBLY MATERIALS. AGENT X LINER (54" WIDE X 25" TALL) TO BE WRAPPED AROUND PERFORATED SECTION OF 8" DRAIN PIPE. TWO WRAPS ARE REQUIRED. CONTACT MANUFACTURER FOR DESIGN AND INSTALL PER MANUFACTURER'S RECOMMENDATIONS.
CI AGENT
HTTP://WWW.CIAGENT.COM
11760 COMMONWEALTH DRIVE
LOUISVILLE, KY 40229
(866) 242-4368
5. OIL CONTAINMENT DESIGNED FOR TOTAL STORAGE OF 1,940 CU. FT. THIS ACCOUNTS FOR TRANSFORMER OIL AND RAIN WATER.



SITE STONE MAINTENANCE NOTES

1. THE UNIFORM 4 INCH COVERING OF VDOT NO. 57 STONE COARSE AGGREGATE SITE STONE COVERING THE SWITCHING STATION FENCED AREA (EXCLUDING EQUIPMENT ACCESS ROAD AREAS) MUST REMAIN LOOSE AND NON-COMPACTED.
2. LOCAL AREAS WHERE THE STONE BECOMES EMBEDDED INTO THE SUBGRADE MUST BE IMMEDIATELY REPAIRED BY HAVING THE STONE REMOVED, SUBBASE REGRADED, AND AN APPLICATION OF NEW OR CLEANED COARSE AGGREGATE.
3. THE STONE MUST ALWAYS ALLOW WATER TO PASS THROUGH FOR GROUNDING PROTECTIONS AND ENVIRONMENTAL WATER QUALITY INTEGRITY.

RETAINING WALL SCHEDULE										
MARK	"Hw"	"W"	"T"	"F"	"M" BARS	"V" BARS	"P" BARS	"D" BARS	"F _T " BARS	"F _B " BARS
RW-1	Hw ≤ 6'-0"	4'-0"	1'-0"	1'-0"	#5 AT 12" O.C.	#5 AT 12" O.C.	#4 AT 12" O.C.	NONE	(4) #4	(2) #4
RW-2	6'-0" < Hw ≤ 8'-0"	5'-6"	1'-6"	1'-0"	#6 AT 12" O.C.	#6 AT 12" O.C.	#5 AT 12" O.C.	NONE	(5) #4	(3) #4
RW-3	8'-0" < Hw ≤ 10'-0"	8'-0"	2'-6"	1'-2"	#6 AT 12" O.C.	#7 AT 12" O.C.	#6 AT 12" O.C.	#4 AT 12" O.C.	(9) #4	(4) #4
RW-4	10'-0" < Hw ≤ 12'-0"	10'-0"	3'-0"	1'-4"	#8 AT 12" O.C.	#8 AT 12" O.C.	#7 AT 12" O.C.	#5 AT 12" O.C.	(10) #5	(4) #5
RW-5	12'-0" < Hw ≤ 14'-0"	12'-6"	3'-6"	1'-6"	#8 AT 8" O.C.	#8 AT 8" O.C.	#8 AT 12" O.C.	#6 AT 8" O.C.	(12) #5	(4) #5



\$USERNAME\$	Typical Drawing Information	Library Location	Cell Name	B/M Assembly	Pipe Stand Foundation Cells (Pier)		Pipe Stand Foundation Cells (Spread)		Foundation Cells for Other Typical Structures		Steel Detail & Assembly	⚠ REVISED 09/23/2016 PER TENTATIVE SITE PLAN APPROVAL (SP-0085-2015)										Cad File Name	Drawing No.									
										(Pier)	(Spread)		⚠ REVISED 11/30/2016 PER COUNTY REVIEW COMMENTS										PLOTTED:									

ITEM SUMMARY

DATE: 7/11/2017

TO: The Board of Supervisors

FROM: Ellen Cook, Principal Planner

SUBJECT: HW-0001-2015. Skiffes Creek Switching Station

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment 1A Resolution for Approval	Resolution
▣	Attachment 1B Resolution for Denial	Resolution
▣	Attachment 2 Location Map	Backup Material
▣	Attachment 3 Minutes of the August 5, 2015 Planning Commission meeting	Backup Material
▣	Attachment 4 Proffers	Backup Material
▣	Attachment 5 Background Information Provided By Applicant	Backup Material
▣	Attachment 6 Environmental constraints analysis	Backup Material
▣	Attachment 7 Visual Simulations - including proposed transmission lines	Backup Material
▣	Attachment 8 Visual Simulations - excluding proposed transmission lines	Backup Material
▣	Attachment 9 Switching station photographs (Chickahominy switching station)	Backup Material
▣	Attachment 10 Public comment	Backup Material
▣	Attachment 11 Applicant request to appeal Code of Virginia 15.2-2232	Backup Material
▣	Attachment 12.1 Master Plan Sheets 1-2	Backup Material
▣	Attachment 12.2 Master Plan Sheet 3	Backup Material
	Attachment 12.3 Master Plan Sheet	

▣	4	Backup Material
▣	Attachment 12.4 Master Plan Sheet 5	Backup Material
▣	Attachment 12.5 Master Plan Sheet 6	Backup Material
▣	Attachment 12.6 Master Plan Sheets 7-9	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	6/26/2017 - 9:51 AM
Development Management	Holt, Paul	Approved	6/26/2017 - 9:52 AM
Publication Management	Trautman, Gayle	Approved	6/26/2017 - 9:57 AM
Legal Review	Kinsman, Adam	Approved	7/5/2017 - 8:18 AM
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 8:18 AM
Board Secretary	Purse, Jason	Approved	7/5/2017 - 8:28 AM
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 8:30 AM

REZONING-0003-2015/SPECIAL USE PERMIT-0002-2015/HEIGHT WAIVER-0001-2015. Skiffes Creek Switching Station

Staff Report for the July 11, 2017, Board of Supervisors Public Hearing

This staff report was prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS
Planning Commission: Building F Board Room; County Government Complex
August 5, 2015, 7:00 p.m.
Board of Supervisors: November 24, 2015, 6:30 p.m. (deferred by applicant)
December 8, 2015, 6:30 p.m. (deferred by applicant)
February 9, 2016, 6:30 p.m. (deferred by applicant)
March 8, 2016, 6:30 p.m. (deferred by applicant)
August 9, 2016, 6:30 p.m. (deferred by applicant)
December 13, 2016, 6:30 p.m. (deferred by applicant)
June 27, 2017, 4:00 p.m. (deferred by applicant)
July 11, 2017, 5:00 p.m.

SUMMARY FACTS

Applicant: Ms. Adena Patterson, McGuire Woods, LLP

Land Owner: Virginia Electric and Power Company, d/b/a Dominion Energy Virginia

Proposal: Rezoning to M-2, General Industrial, with proffers and a Special Use Permit (SUP) to allow for an electrical switching station. This use is classified as an electrical generation facility (public or private), steam generation facility, electrical substation with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more. Also includes a height waiver for two approximately 80-foot-tall structures.

Locations: 8968, 8964 and 8960 Pocahontas Trail

Tax Map/Parcel Nos.: 5920100002, 5920100044A and 5920100013 respectively

Parcel Size: +/- 67.4 acres in total (55.0, 11.8 and 0.62 acres respectively)

Existing Zoning: R-8, Rural Residential; M-2, General Industrial; and R-8, Rural Residential respectively

Proposed Zoning: M-2, General Industrial, with proffers

Comprehensive Plan: Low Density Residential and Neighborhood Commercial respectively

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff recognizes the importance of providing a reliable source of power to James City County and the rest of the Peninsula for economic development, tourism and current businesses and residents while needing to balance the location of electrical facilities with surrounding development to retain the County's character and quality of life.

With the acceptance of the proposed proffers and adoption of the proposed conditions, staff finds the proposal to be compatible with surrounding development and generally consistent with the 2035 Comprehensive Plan.

Staff recommends the Board of Supervisors approve this rezoning, accept the voluntary proffers and approve the SUP and Height Limitation Waiver Application subject to the listed conditions.

Staff also recommends that the Board of Supervisors determine that this review satisfies Code of Virginia §15.2-2232 for substantial accord with the Comprehensive Plan.

Staff Contact: Ellen Cook

Phone: 253-6693

PLANNING COMMISSION RECOMMENDATION

At the August 5, 2015 Planning Commission meeting, the motion for a recommendation of approval for the application (i.e. the switching station rezoning and SUP) and consistency with Code of Virginia §15.2-2232, failed (Aye: 2; Nay: 4). A Planning Commission vote regarding the Height Limitation Waiver was not required.

Proposed Changes Made Since the Planning Commission Meeting

The following changes have been made since the Planning Commission meeting:

1. The applicant has provided revised visual simulations for two viewpoints showing the impacts of just the switching station equipment at 2-year and 10-year growth of proposed plantings. The pieces of equipment that have been determined to be part of the transmission line have been removed from the simulation (though existing transmission lines are still shown in the simulation). See Attachment No. 8.
2. The applicant has provided photographs of an existing switching station in Charles City County to give an example of what the fencing and equipment looks like. This switching station is approximately the same size as, but is configured differently than, the proposed Skiffes Creek facility (see Attachment No. 9).
3. The applicant has submitted an additional proffer (Proffer No. 3) which would prohibit the owner from installing improvements for the switching station site plan until the Army Corps of Engineers issues a permit for the final transmission line route. The proffer would allow for clearing and grading to begin after the issuance of an Early Land Disturbing Permit but if the Army Corps does not approve the permit, the proffer requires Dominion to replant the cleared areas.
4. The applicant has submitted an additional proffer (Proffer No. 4) which would open the option for the County's Economic Development Authority (EDA) to request an easement through the property for the purposes of re-establishing the abandoned CSX railroad spur that used to connect to the BASF property. The proffer gives the EDA ten years to request the easement. The proffer also states that the cost of rail construction would be borne by others, except that, in recognition that the construction of the rail spur will require unique construction techniques and improvements to ensure that the Owners will continue to have access to the property, the Owner shall make a cash contribution of \$1,500,000 to help defray construction costs within 60 days of commencement of installation of improvements for the switching station. The final section of the proffer provides that the County shall have the option to elect to designate the cash contribution to be used for transportation projects in the County within two miles of the point where the property fronts on Route 60.
5. The applicant has proposed an alternative method for addressing stormwater management, which resulted in changes to the Master Plan.

6. The Master Plan has been changed to reflect progress that the applicant has made towards designing the proposed bus stop and shelter, including adjusting the width of the right-of-way dedication and details of the dedication.

On August 17, the applicant filed an appeal to the Planning Commission's Code of Virginia § 15.2-2232 finding that the switching station is not in substantial accord with the Comprehensive Plan. The appeal letter is provided as Attachment No. 11 for further reference.

Proffers

Proffers are signed and submitted in accordance with the James City County Proffer Policy. The submitted proffers limit the permitted uses on this parcel exclusively to the electrical substation and wireless communications facilities and would not permit any other industrial or commercial uses in an effort to minimize impacts to surrounding residential uses.

The applicant has also proposed proffers to relocate the existing Windy Hill Marketplace bus stop to in front of the switching station property and provide a bus pull-off and shelter. In the event Williamsburg Area Transit Authority (WATA) or the Virginia Department of Transportation (VDOT) does not approve the relocation, the applicant has proffered to contribute the equivalent cash to be used towards other transit improvements along this segment of Pocahontas Trail. The cash equivalent would be determined as part of the site plan review. The applicant has also proffered to construct sidewalk along the property's frontage.

Two new proffers (Proffer Nos. 3 and 4), which were outlined earlier on this page, were proposed since the Planning Commission meeting.

PROJECT DESCRIPTION

Ms. Adena Patterson of McGuire Woods LLP has applied for a rezoning, SUP and height waiver for an electrical switching station to be operated by Dominion Virginia Power as part of the proposed Surry-Skiffes Creek 500 kV line and Skiffes Creek-Whealton 230 kV line (Surry-Skiffes Creek-Whealton transmission line). The applicant requests that three properties be rezoned to M-2, General Industrial, with proffers. An electrical substation is a specially permitted use in both the proposed M-2 Zoning District and in the existing R-8, Rural Residential Zoning District; however, it is necessary for the applicant to rezone the properties due to the proposed height of two structures. In R-8, the maximum permitted height is 45 feet and Height Limitation Waivers are available for taller buildings whereas in M-2 the maximum permitted height is 60 feet and waivers are available for taller structures. A Height Limitation Waiver has also been requested for two static poles which will not exceed 80 feet above grade.

Code of Virginia § 15.2-2232 requires that unless a utility facility is shown on the adopted Comprehensive Plan or other Master Plan for the County, the local planning commission and governing body shall review the facility to determine whether the location, character and extent of the project is substantially in accord with the adopted Comprehensive Plan. The proposed switching station is not currently shown on the County's adopted Comprehensive Plan and so requires this additional level of review by the Planning Commission and the Board of Supervisors.

PROJECT BACKGROUND

There is considerable background information pertaining to Dominion Virginia Power's overall proposed Surry-Skiffes Creek-Whealton transmission line project. The project has been under evaluation for several years in order to ensure the provision of reliable power to the area following the closure of the Yorktown Power Station to meet Federal environmental requirements, which occurred in April 2017.

It is important to be mindful that the State Corporation Commission (SCC) has reviewed and accepted the proposed route for the transmission lines. This route is still under review by the Army Corps of Engineers, which issued a Conditional Permit for the proposed transmission line project in June 2017. Under Code of Virginia §56-46.1(F), approval of a transmission line by the SCC is deemed to satisfy local zoning ordinances. James City County appealed the SCC's determination that the switching station was part of the transmission line and exempt from local zoning ordinances; however, earlier in 2015 the Virginia Supreme Court decided that the switching station is not part of the transmission lines and so is subject to both local zoning ordinances and review in accordance with Code of Virginia §15.2-2232.

As a result of these proceedings, the scope of staff's review of the rezoning, SUP and Height Limitation Waiver is limited only to the switching station facility. The applicant has color-coded Sheet 1 of the Master Plan to show transmission line components in green and existing overhead transmission lines in blue. Staff notes that there are also several taller backbone structures ranging from 75 feet to 115 feet in height (identified by an asterix next to the height label). All of these items have been deemed to be part of the transmission lines and are exempt from local zoning ordinances. The broader route of the 500kV transmission lines, the color-coded items on the Master Plan and the backbones are shown for informational purposes only and should not be factored into deliberation on the proposed switching station facility rezoning, SUP and Height Waiver.

COMMUNITY MEETING

The applicant conducted a community open house at the James River Elementary School on July 23, 2015 from 5-7 p.m. to provide additional information about the proposed switching station to nearby residents and businesses.

SURROUNDING ZONING AND DEVELOPMENT ANALYSIS

The project area consists of three parcels that connect the switching station property to Pocahontas Trail by way of an abandoned BASF rail spur. To the north-west, the station is adjacent to active CSX railroad tracks and Merrimac Trail/Route 143. The Merrimac Center and Virginia Peninsula Regional Jail are across Merrimac Trail from the station. Both are zoned PL, Public Lands, and designated Federal, State and County Land on the 2035 Comprehensive Plan. Immediately to the east is a large vacant parcel zoned M-2, General Industrial and designated General Industry. To the south of the station is a vacant parcel that is zoned R-8, Rural Residential and is designated Low Density Residential (LDR). Both the parcel to the east and the parcel to the south are owned by Skiffes Creek L.L.C. and neither have existing road frontage/access on a public street. Immediately to the west of the station is Country Village Mobile Home Park, which is zoned R-8 and designated Moderate Density Residential (MDR). There are a few other existing residential neighborhoods located in close proximity to the project, including Skiffes Creek Terrace, Carter's Village, Poplar Hall and Windy Hill Mobile Home Park. Property adjacent to the access road and along Pocahontas Trail is zoned a mixture of B-1, General Business; M-1, Limited Business/Industrial; R-8 and M-2; and designated Neighborhood Commercial, LDR, MDR and General Industrial.

HEIGHT WAIVER

The applicant has applied for a Height Limitation Waiver and the following analysis is completed with the assumption that the property is rezoned to M-2. On property zoned M-2, structures may be constructed, by right, up to 60 feet in height above grade provided that they meet certain additional setbacks from the property lines. If structures are to exceed 60 feet in height, they must first be authorized by the Board with the issuance of a Height Limitation Waiver (Height Waiver). The applicant has asked for a 20-foot waiver to the height requirements for two structures, which equates to no more than 80 feet above finished grade (which would be the equivalent of 137 feet and 149 feet above Mean Sea Level for each of the two structures respectively). The structures are static poles which are located near the center of the property and serve to attract any lightning strikes rather than to the other switching station equipment. The applicant has provided new visual simulations from Country Village Mobile Home Park (viewpoint 05) and Route 143 (viewpoint 07) to show what the

switching station would look like from off-site. They have been revised to no longer show structures that are part of the proposed transmission lines (but do still show existing transmission lines that will remain). Given the height of the poles and their location on the property, they will have minimal, if any, off-site visual impacts.

HEIGHT WAIVER ANALYSIS

Section 24-443 of the James City County Zoning Ordinance states that structures in excess of 60 feet in height may be erected only upon the granting of a Height Limitation Waiver by the Board of Supervisors and upon finding:

1. Additional setbacks have been provided; however, the Board may waive additional setbacks for structures in excess of 60 feet.

Staff Comment: The proposed static poles are more than 400 feet from the southern property line and the nearest pole is more than 350 feet from the eastern property line. They are located in such a way that the full required Ordinance setbacks (98 feet from the southern property line and 35 feet from the eastern property line) are exceeded in all areas.

2. Such structure will not obstruct light from adjacent property.

Staff Comment: Given the distances to the property boundary lines and the design of the static pole, which is similar to a monopole/slick stick cell tower, Planning staff finds that the static poles will not obstruct light from adjacent properties.

3. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments.

Staff Comment: The closest area of historic interest is Carter's Grove, which is roughly 4,000 feet from the switching station site. The poles will not be visible from this location. There is an archaeological resource on the switching station property; however, the applicant intends to completely excavate the site prior to construction and this is reflected in the proposed SUP conditions. Staff has visited the surrounding residential neighborhoods and Dominion has provided visual simulations to determine impacts to these areas. Currently, the existing overhead power lines are extremely visible from Country Village Mobile Home Park, the view is already significantly impacted in this area and the transmission lines themselves will further impact the view. The clearing and additional equipment for the switching station/static poles will only impact this view to a minor extent. Visual simulation from other surrounding developments indicates that the static poles will not be visible. Staff does note; however, that visibility from Poplar Hall specifically may change if the intervening parcel is cleared for development. Staff has proposed several landscaping and buffering conditions as part of the SUP in an attempt to mitigate this. Planning staff finds that the proposed static poles will not further impair the enjoyment of nearby historic attractions, areas of significant historic interest or nearby developments.

4. Such structure will not impair property values in the area;

Staff Comment: The Director of Real Estate Assessments reviewed the two proposed static poles and determined that they will not negatively affect the surrounding property assessments.

5. Such structure is adequately designed and served from the standpoint of safety and that the County Fire Chief finds the fire safety equipment 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.

Staff Comment: The Fire Department indicates that they have no concerns with the static poles from a fire service standpoint. Public safety related to the switching station will be addressed more in depth later in staff's report.

6. Such structure will not be contrary to the public health, safety and general welfare.

Staff Comment: Based on the current proposal and supporting information submitted by the applicant, staff finds that the proposed static poles will not unduly or adversely affect the public health, safety or general welfare. Public safety related to the switching station will be addressed more in depth later in staff's report.

PUBLIC IMPACTS

Archaeology

The property has been undergoing review as part of the overall permitting process for the Surry-Skiffes Creek Whealton transmission line. Based on the results of a Phase I and Phase II excavation conducted on the property, the Virginia Department of Historic Resources has concurred that there is one archaeological site that is eligible for listing on the National Register of Historic Places. The applicant has indicated that it is their intent to fully excavate the site prior to development and staff has proposed an SUP condition to this effect.

Environmental

Watershed: Skiffes Creek

Staff Comments: The property includes a small Resource Protection Area (RPA) that the applicant proposes to avoid through construction. There are several overhead transmission lines that cross this RPA and so frequent maintenance and trimming will be necessary in this area to keep growth below 15 feet. Due to concerns regarding the use of chemical herbicides in this area, staff has proposed a condition where the owner would need to notify the Director of Engineering and Resource Protection prior to any maintenance activities.

The site also drains to the Skiffes Creek Reservoir, which is a source of drinking water for Newport News Water Works. Staff has included SUP conditions to help mitigate for any negative impacts to the reservoir, including requiring a spill containment/response plan and that post-development stormwater runoff water quality will be treated to achieve the same degree of pre-development water quality. Additionally, the wooded area of the parcel to the west of the switching station will be retained as a tree protection area.

Staff also consulted with the Virginia Department of Conservation and Recreation (DCR) regarding potential habitat for rare, threatened or endangered species. Based on DCR's review, there are no existing species or potential habitat and so no further natural heritage surveys will be necessary.

ERP Comments: Engineering and Resource Protection (ERP) has reviewed the Master Plan and proposed SUP conditions and concurs that any outstanding items can be addressed through the development plan review process.

Public Utilities

The property is located within the Primary Service Area and would be served by public water (Newport News Water Works) and sewer.

Staff Comments: The applicant is not proposing any connections to public water or sewer. Given the project's location to existing James City Service Authority (JCSA) infrastructure and to the Skiffes Creek Reservoir, staff consulted with both JCSA and Newport News Water Works. Both agencies concur with the Master Plan and SUP conditions and have also been participating in the review of the development plans.

Public Safety

The switching station represents a large concentration of high voltage equipment and so staff spent considerable time discussing the project with County Police and Fire personnel in addition to contacting Virginia Natural Gas

(who has a gas pipeline along the northern edge of the property) and CSX to determine whether there were any safety concerns. The applicant has confirmed that the access road from Pocahontas Trail will be upgraded to support fire apparatus. Due to the nature of switching station, the road will be gated and the Fire Department will work in conjunction with Dominion personnel in the event of an emergency to ensure conditions are made safe prior to responding to an incident. This is the typical operating procedure for electrical facilities. SUP conditions are proposed for an emergency management plan that will be developed in conjunction with Fire and Police and will outline appropriate contacts, training schedules, etc. The fence will also be equipped with security cameras that will be monitored.

Fiscal

While the proposal does not generate new businesses or housing, the applicant submitted an overview of the fiscal benefit to the County as a result of rezoning these properties and investing in a switching station. Per calculations by Dominion and the SCC, estimates indicate that \$425,087 would be paid in taxes whereas currently, the 2016 real property tax is estimated at \$5,853. Since the property is owned by Dominion, it is assessed by the SCC rather than James City County. The SCC concurred with Dominion's estimation methodology; however, they noted that the investment amount used for the switching station would not be able to be confirmed until later in the project.

Transportation

The project is located on Pocahontas Trail/Route 60 and there is an existing gated driveway which serves as access to the site. There is a secondary access point off Tadich Drive in Country Village Mobile Home Park, which also ultimately connects to Pocahontas Trail.

Traffic Counts: The James City County/Williamsburg/York County Comprehensive Transportation Study (Regional Study) that was completed in March 2012 indicated that the most recent weekday volume for Pocahontas Trail from BASF Road to the Newport News boundary was 11,188 trips. This represents a current weekday PM peak hour Level of Service (LOS) of A-C for the corridor.

Projected Traffic Volume: On Pocahontas Trail from the Grove Interchange to the Newport News boundary, the 2035 Comprehensive Plan projects 21,186 Annual Average Daily Traffic for 2035 - with the note that volumes are expected to be reduced with implementation of the Route 60 relocated project. The Regional Study notes that the PM peak hour LOS for the corridor from BASF Road to the Newport News boundary is projected to still be at a LOS of F in 2034.

Staff Comments: The switching station will not be staffed on a regular basis and the applicant has indicated that they anticipate three vehicle trips per month to the site for regular maintenance and monitoring once the station is complete. An SUP condition will require that a construction management and mitigation plan be provided prior to site plan approval which will address traffic control measures and hours during construction of the station. There is also a condition that limits all access (with the exception of emergencies) to Pocahontas Trail rather than through residential areas. The applicant has proffered to dedicate additional right-of-way of Pocahontas Trail to accommodate a sheltered bus stop and pull-off. Dominion has included a detail for the bus pull-off and shelter as part of the switching station development plans submitted in September 2015. WATA has concurred with relocating the Windy Hill Market bus stop to the switching station property and VDOT has not expressed any major concerns with the proposed design and right-of-way dedication. If for any reason WATA and VDOT do not grant final approval to the development plans showing the relocation of the bus stop, the applicant has proffered an equivalent cash contribution (amount to be determined at development plan stage) to be used towards other transit improvements along this stretch of Pocahontas Trail. The applicant has also proffered to construct a sidewalk along the property frontage. The Pedestrian Accommodation Master Plan for this area calls for a multi-use path. Staff finds that the development can be supported by the existing road network given the proffer that limits the use of the property.

VDOT Comments: VDOT has reviewed the proposal and trip generation figures for the proposed switching station and did not have any concerns with the rezoning/SUP proposal. They have been involved in review of the development plans, the relocation of the bus stop and the construction management plan.

WATA Comments: WATA is supportive of proffers for locating a sheltered bus stop and pull-off in this area and concur with the proffers. Based on initial design work, it appears that relocation of the bus stop to this location is feasible.

COMPREHENSIVE PLAN

The project is designated LDR on the 2035 Comprehensive Plan Land Use Map. LDR sites should be located within the Primary Service Area and have suitable terrain and soils for development. Recommended uses are tiered by group. Group 1 uses include single-family homes, cluster housing and recreational areas. Group 2 uses include schools, places of public assembly, very limited commercial and community-oriented facilities that can meet the following six standards:

- i. Complement the residential character of the area;
- ii. Have traffic, noise, lighting and other impacts similar to surrounding residential uses;
- iii. Generally be located on collector or arterial roads at intersections;
- iv. Act as a transitional use between residential and commercial areas or, if located within a residential community, serve to complement the residential character of the area rather than altering its nature;
- v. Provide adequate screening and buffering to protect the character of nearby residential areas; and
- vi. Generally intended to support the residential community in which they are located.

New development should only be permitted where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed. Particular attention should be given to addressing such impacts as incompatible intensity and design, building height and scale, land uses, smoke, noise, dust, odor, vibration, light and traffic. Conflicting uses should be located near residential uses only where the conflicts between such uses can be adequately addressed. Conflicts may be addressed by sufficient screening/buffering or other adequately protective site and building design features. The Comprehensive Plan also states that the need for public services (police and fire for this specific application) and facilities generated by a development should be met or mitigated by that development.

A portion of the Land Use section in the 2035 Comprehensive Plan includes a discussion about the relationship between the Comprehensive Plan and zoning map for areas with a residential designation. The majority of this project is zoned R-8 and designated LDR so this section would be pertinent. It notes that in a limited number of instances, to be evaluated on a case-by-case basis, a rezoning to a limited commercial zoning district may be considered but that for either SUP or rezoning legislative actions, careful adherence to the LDR development standards, which have more specific guidelines for these limited commercial uses/districts, will be extremely important.

The Economic Development section contains Goals, Strategies and Actions geared towards supporting existing businesses and tourism and developing ways to attract new and innovative business and industries to the area. An important component of this is ensuring that adequate infrastructure is in place to provide power, water, sewer and other critical services to support economic development. Per the applicant and SCC, this switching station and the associated transmission lines are essential to the reliable provision of electricity to the Peninsula and Hampton Roads area. Additionally, the proposed proffer to grant an access easement for a rail spur through the switching station property may make currently vacant parcels located to the south and east of the spur more attractive for industrial development. Staff has been in contact with CSX regarding the feasibility of re-installing tracks in the spur and they have noted that railroad easements need to be free of major obstructions or it will be difficult to get the necessary clearance for railroad cars. The County or another entity would have to evaluate the feasibility of installing the tracks should there be an interest and additional right-of-way would need to be acquired across Pocahontas Trail and south of the roadway to make useable connections.

A switching station can be considered under the Group 2 uses as a limited commercial or community-oriented facility as it is classified as a utility. Other electrical substations have been permitted on properties within various

land use designations, including LDR and Open Space or Recreation and deemed as facilities that are necessary to support the power needs of general County development.

Staff notes that the property is already significantly impacted by the existing overhead transmission lines that abut the southern property line. As a result, the visual impacts of the switching station are difficult to buffer in that area as plantings have height restrictions to ensure safe operation of the lines. The wooded nature of the adjacent parcel helps to screen the lines and the proposed facility; however, these trees are off-site and could be cleared for future development. Based on the visual simulations provided by the applicant, the switching station security fence will initially be visible from a section of Merrimac Trail near the Virginia Peninsula Regional Jail, but will not be visible after 10 years of projected growth of the proposed buffer plantings. There is significant existing wooded area between the property and Merrimac Trail; however, this is also located off-site and on either VDOT or CSX railroad right-of-way, which could be cleared in the future. The applicant has provided a series of transitional buffers on the property, including a 50-foot buffer (exclusive of existing utility easements) adjacent to residential areas and Merrimac Trail, retention of natural vegetation between the station and Country Village Mobile Home Park, supplemental landscaping along the access road and a 50-foot Community Character Corridor buffer along Pocahontas Trail. The applicant has also proposed lower height plantings under the overhead lines and that plantings will be selected to provide maximum visual screening.

The applicant has addressed potential concerns related to noise generation of the facility. The existing overhead lines, CSX activity and vehicles on Merrimac Trail generate some degree of noise on-site. The applicant has proposed to use low sound design transformers and noise dampening equipment to further mitigate any potential impacts. According to Dominion engineers, the noise level will be approximately 70 decibels at the station itself and 50 decibels at the nearest property line. For comparison, this is about the equivalent of a quiet office or normal conversation.¹ The bulk of the switching station (transformers, breakers, etc.) is more than 700 feet away from the closest existing residence, which is located in Poplar Hall. The applicant has indicated that under regular operations, the station will not generate odor, smoke or dust.

The project meets the Group 2 criteria in conjunction with the proposed SUP conditions in that it has primary access from Pocahontas Trail; includes buffering and landscaping to the extent feasible given existing conditions; provides assurances that the impacts of lighting, noise and traffic on adjacent residential areas can be mitigated; and the station will more broadly support the surrounding residential community by assuring a reliable source of electricity. As a result, staff finds the proposed development to be generally consistent with the 2035 Comprehensive Plan.

RECOMMENDATION

Staff recognizes the importance of providing a reliable source of power to James City County and the rest of the Peninsula for economic development, tourism and current businesses and residents while needing to balance the location of electrical facilities with surrounding development to retain the County's character and quality of life. With the acceptance of the proposed proffers and adoption of the proposed conditions, staff finds the proposal to be compatible with surrounding development and generally consistent with the 2035 Comprehensive Plan.

Staff recommends the Board of Supervisors approve this rezoning, accept the voluntary proffers and approve the SUP and Height Limitation Waiver Application subject to the listed conditions.

Staff also recommends that the Board of Supervisors determine that this review satisfies Code of Virginia §15.2-2232 for substantial accord with the Comprehensive Plan.

EC/nb
SkiffesCSwStn

¹ Comparison data obtained from the National Institute on Deafness and Other Communication Disorders within the U.S. Department of Health and Human Services at <http://www.nidcd.nih.gov/health/education/decibel/pages/decibel.aspx>.

Attachments:²

1. Resolutions
 - a. Approval
 - b. Denial
2. Location Map
3. Minutes of the August 5, 2015, Planning Commission meeting
4. Proffers
5. Background information provided by applicant
6. Environmental Constraints Analysis
7. Visual Simulations - including proposed transmission lines
8. Visual Simulations - excluding proposed transmission lines
9. Switching Station Photographs (Chickahominy Switching Station)
10. Public Comment
11. Applicant request to appeal Code of Virginia §15.2-2232 findings
12. Master Plan

2 The applicant provided additional materials as part of the rezoning application including the findings of the various State Corporation Commission hearings, the verdict in the Virginia State Supreme Court Case and the Army Corps of Engineers alternatives analysis. Due to the volume of materials, these have not been included in the packet but are available from the Planning Division for review upon request.

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>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

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

HW01-15-SCrk-Approv-res

RESOLUTION

DENYING 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 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, 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 not been satisfied in order to grant a Height Limitation Waiver.

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

1. Case No. HW-0001-2015 was contingent on approval of Case No. Z-0003-2015 and Case No. SUP-0002-2015, which were not approved; and
2. The Poles will impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments; and
3. The Poles will impair property values in the area; and
4. The Poles will be contrary to the public health, safety and general welfare; and

5. 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 deny Height Limitation Waiver No. HW-0001-2015 as described herein.

	Kevin D. Onizuk			
	Chairman, Board of Supervisors			
		VOTES		
ATTEST:		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
	MCGLENNON	_____	_____	_____
	SADLER	_____	_____	_____
	HIPPLE	_____	_____	_____
	LARSON	_____	_____	_____
	ONIZUK	_____	_____	_____

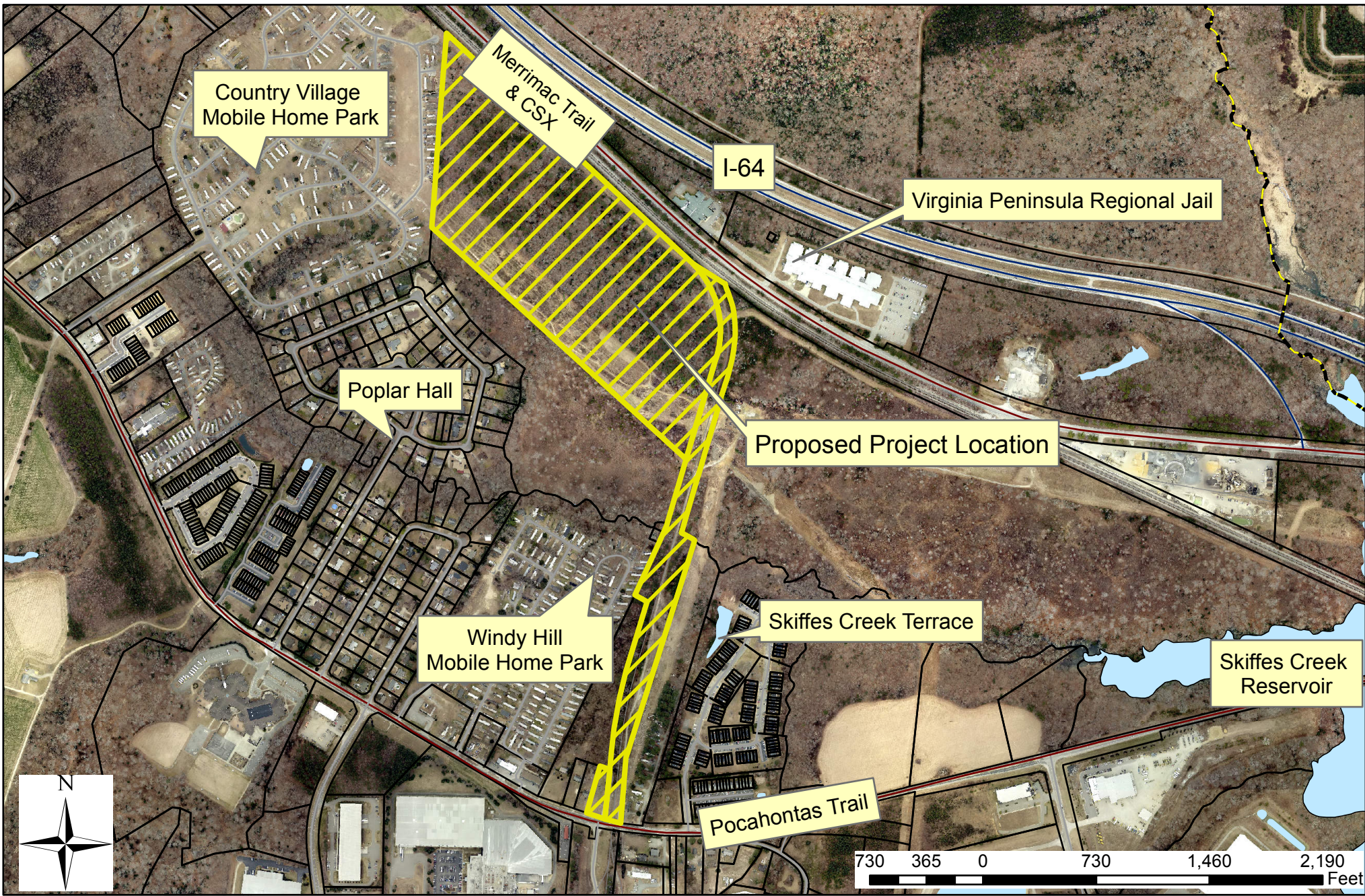
Bryan J. Hill
Clerk to the Board

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

HW01-15-SCrk-Denying-res

JCC-Z-0003-2015/SUP-0002-2015/HW-0001-2015

Skiffes Creek Switching Station



**Approved Minutes of the August 5, 2015
Planning Commission Meeting**

A. Case No. Z-0003-2015/SUP-0002-2015/HW-0001-2015, Skiffes Creek Switching Station

Ms. Leanne Pollock, Senior Planner, II, stated that Dominion Virginia Power applied for a rezoning and special use permit for an electrical switching station on approximately 67.6 acres at 8960, 8964, and 8968 Pocahontas Trail, zoned R-8, Rural Residential, and M-2, General Industrial, and designated Low Density Residential (LDR) and Neighborhood Commercial by the comprehensive plan. Ms. Pollock stated that the applicant has requested to rezone all parcels to M-2 with proffers where electrical facilities are a specially permitted use. Ms. Pollock noted that the rezoning is necessary because the proposed height of two structures exceeds 60 feet. Ms. Pollock further noted that the applicant has also applied for a height waiver for these structures to be up to 80 feet from grade. Ms. Pollock stated that the height waiver will be considered by the Board of Supervisors with the rezoning and SUP application, but does not require a vote by the Planning Commission.

Ms. Pollock also stated that Code of Virginia Section 15.2-2232 requires that unless a utility facility is shown on the adopted comprehensive plan or other master plan, the local planning commission and governing body shall review the facility to determine whether the location, character and extent of the project is substantially in accord with the adopted comprehensive plan. Since the proposed switching station is not currently shown on the comprehensive plan, she stated that this additional level of review is necessary.

Ms. Pollock stated that the switching station would be part of the overall 500 kV transmission line proposed by Dominion to cross the James River via a route that was approved by the State Corporation Commission (SCC). Per the Code of Virginia, the SCC's approval of this route is deemed to satisfy local zoning regulations for the transmission line. Ms. Pollock further stated that the Virginia Supreme Court issued a ruling that determined that the switching station is not part of the transmission line and is still subject to local zoning regulations. Ms. Pollock noted that the scope of the Planning Commission review is limited to components of the switching station only, which have been color-coded on the master plan sheets for clarity.

Ms. Pollock stated that the LDR comprehensive plan designation does include limited commercial uses and community-oriented facilities as a Group 2 recommended use and that rezoning land designated as residential to a commercial or industrial district should be evaluated on a case-by-case basis and allowed when the development standards can be satisfied. Ms. Pollock stated that proffers for this proposal limit use of the property to only electrical generation facilities and co-located wireless communication facilities that are approved by the County. Ms. Pollock stated that no other industrial or commercial uses which are permitted in the M-2 zoning district will be allowed on the property.

Ms. Pollock stated that the site and the surrounding area is already significantly impacted by existing overhead transmission lines. Ms. Pollock noted that the buffer plan proposes a series of transitional buffers around the property lines adjacent to Merrimac Trail and residential areas, retention of natural wooded areas between the station and Country Village Mobile Home Park, supplemental landscaping along the access road, a 50 foot Community Character Corridor buffer along Pocahontas Trail, and supplemental lower height plantings under the existing utility lines, all

of which would help reduce visibility of the switching station. Ms. Pollock further noted that staff has also developed several SUP conditions to minimize other potential impacts.

Ms. Pollock stated that staff recommends that the Planning Commission recommend approval of the rezoning and special use permit subject to the listed conditions. Staff also recommends that the Planning Commission determine that this review satisfies Code of Virginia §15.2-2232 for substantial accord with the comprehensive plan.

Ms. Bledsoe requested that the Commission hold questions until after the public comment.

Ms. Bledsoe requested that Mr. Maxwell Hlavin, Assistant County Attorney, provide the Commission with an overview of the scope of its review.

Mr. Hlavin stated that the scope of review is explicitly limited by the Supreme Court ruling to only the switching station and that the transmission lines are exempt from consideration or review. Mr. Hlavin stated that the discussion and review should be limited to the applications before the Commission and should not take the transmission line into account when making a recommendation.

Ms. Bledsoe opened the public hearing.

Ms. Bledsoe invited the applicant to speak.

Mr. Brennen Keene, McGuireWoods, LLP, 800 East Canal Street, Richmond, VA, stated that he represents the applicant.

Mr. Keene stated that the switching station is necessary to ensure reliable electric utility services in James City County and the greater Peninsula.

Mr. Keene noted that the main 55 acre parcel is located where existing 230 kV and 115 kV transmission line corridors come together and was acquired in 1974 as a future site for a switching station. Mr. Keene noted that the two additional parcels were acquired in 2014 to provide access to the main parcel. Mr. Keene stated that development on the property is limited by wetlands, RPA and its topography. Mr. Keene further stated that access to the parcels is severely restricted. Mr. Keene stated that due to the nature of the parcel and the limited access, the best use for the property would be an unmanned industrial facility such as the proposed switching station.

Mr. Keene requested that the Commission approve the rezoning and special use permit and find that the project is substantially in accord with the Comprehensive Plan.

Ms. Bledsoe called for disclosures from the Commissioners.

Mr. Krapf, Mr. Richardson, Mr. Wright, Mr. Drummond, Mr. O'Connor and Ms. Bledsoe each stated that they met with the applicant and toured the property.

Ms. Elizabeth Kostelny, 204 W. Franklin Street, Richmond, VA, representing Preservation Virginia, stated that the question is not whether reliable power is necessary, but whether we should explore more innovative options to preserve the integrity of the landscape and have more information on the design of the switching station before making a determination.

Ms. Leighton Powell, 4 E. Main Street, Ste. 2A, Richmond, VA, representing Scenic Virginia, stated that approval of the switching station goes hand-in-hand with allowing the transmission lines to move forward. Ms. Powell stated that other options and technologies are available and should be explored in order to preserve the scenic resources of the area.

Ms. Sharee Williamson, 200 A Clifford Ave., Alexandria, VA, representing the National Trust for Historic Preservation, stated that the Commission should wait to see the outcome of the federal review process before making a decision. Ms. Williamson stated that there were too many unknowns for the project at this time including the proposed landscape buffer, the design of the switching station, the number of transmission lines and the potential for construction of additional lines. Ms. Williamson further requested that Dominion Power seek an alternative to meet the power needs of the Peninsula and preserve the cultural and natural resources.

Mr. Jamie Brunkow, 1201 Jamestown Road, Williamsburg, VA, representing the James River Association, noted the effects of the proposed transmission lines on the James River and stated that it was premature to approve the switching station without the Army Corps of Engineers determination.

Mr. Edward Chappell, 601 Pollard Park, Williamsburg, VA, stated that the switching station is poorly considered for the impacts on the adjacent residential area. Mr. Chappell further stated that the transmission lines will have a substantial negative impact on the scenic quality of Historic Jamestown and the Colonial Parkway.

Ms. Emily Myron, 716 Giddings Avenue, Annapolis MD, representing the Chesapeake Conservancy, stated that the James River is the anchor of the Captain John Smith National Historic Trail, a series of water routes, tracing the voyages of Captain Smith through the land and waterways of the Chesapeake Bay. Ms. Myron further noted that there are still many questions unanswered about the switching station, including the design, noise levels and the potential for clearing of the buffer area that is off-site.

Mr. David Trichler, 324 Indian Springs Road, Williamsburg, VA, stated that the Commission should carefully consider the precedent that would be set by approving the rezoning and its impacts on the value of the adjacent properties.

Mr. Hank Denning, 4135 Winthrop Circle, Williamsburg, VA, requested that the Commission recommend approval of the switching station in order to avoid loss of electric service or increased costs for service in the future.

Mr. James M. Zinn, 147 West Landing, Williamsburg, VA, representing Save the James Alliance, stated that the Alliance was formed to preserve the historic viewshed along the James River. Mr. Zinn noted that a switching station would be necessary to accommodate additional transmission lines; however, the nature and location of those lines has not yet been determined. Mr. Zinn stated that the switching station in the proposed location would not provide any benefits to the Grove community. Mr. Zinn further stated that the Commission should not make a determination until the Army Corps of Engineers has finished its review.

Mr. Daniel Shaye, 3000 East Tiverton, Williamsburg, VA, stated that the larger than normal public participation signified opposition to the transmission lines and that the Commission should consider the public comment on that issue. Mr. Shaye also noted that the individuals most affected by the proposed switching station are not well represented and need an opportunity to have their voices

heard. Mr. Shaye further stated that he is confident that Dominion Power can find a way to safely bury the transmission lines.

Mr. Alex Koppel, 26 Spring East, Williamsburg, VA, stated that he appreciates the variety and abundance of wildlife along the Colonial Parkway as well as the pristine viewshed. Mr. Koppel further stated that construction of the transmission lines will have a negative environmental impact on the James River. Mr. Koppel requested that Dominion Power consider alternatives that will not impact the river.

Ms. Jessica Sapalio, 3024 John Vaughn Road, Williamsburg, VA, stated that out of respect to the three cultures which founded this nation, it is necessary to preserve the integrity of the historic sites. Ms. Sapalio further stated that a decision should not be made until the Commission has full information.

Mr. John Rogers, 8960 Pocahontas Trail, Williamsburg, VA, stated that he does not believe the right-of-way that was acquired is adequate for the proposed infrastructure. Mr. Rogers further stated that he has concerns about the proximity of the switching station to his property. Mr. Rogers stated that the Commission should not approve the switching station until Dominion Power provides more detailed plans.

Mr. Bill Whittaker, 117 Landsdown Road, Williamsburg, VA, stated that preserving the natural beauty and environmental integrity of the James River is important to the success of the historic sites that bring visitors to this area.

Mr. Walter Zadan, 221 Wingate Drive, Williamsburg, VA, stated that Dominion Power has known for 45 years, since the passage of the Clean Air Act, that the coal-fired plant in Yorktown would have to be closed. Mr. Zadan further stated that Dominion Power has had sufficient time to consider and develop viable alternatives that would not negatively impact the community. Mr. Zadan noted that cost is the main factor in preferring to run overhead transmission lines rather than burying them.

As no one else wished to speak, Ms. Bledsoe closed the public hearing.

Ms. Bledsoe opened the floor for discussion from the Commission.

Mr. Richardson requested a brief recess.

The Commission recessed at 8:41 p.m.

The Commission came back into session at 8:51 p.m.

Ms. Bledsoe called for questions from the Commission.

Mr. Richardson referenced page 23 of the agenda materials and inquired whether the analysis of the property's suitability for residential development was based on the current 2035 Comprehensive Plan or the 2009 Comprehensive Plan.

Mr. Holt noted that the analysis is part of the applicant's submission.

Ms. Pollock stated that the applications were submitted before the adoption of the 2035 Comprehensive Plan, so the analysis using the 2009 Comprehensive Plan was correct at the time

of submittal. Ms. Pollock further stated that the pertinent sections of the Comprehensive Plan did not change significantly with the adoption.

Mr. Holt noted that staff's analysis could be found on page 10 of the agenda materials and is based on the 2035 Comprehensive Plan.

Mr. Richardson inquired whether staff has communicated with Skiffes Creek, LLC which owns a parcel on the south end of the project site.

Ms. Pollock stated that owners of properties abutting the subject properties had been notified by mail. Ms. Pollock further stated that the specific property owner has not communicated with staff.

Ms. Richardson requested more information on the proposed bus pull off.

Ms. Pollock responded that the proposal was just recently received and still under discussion with the Virginia Department of Transportation (VDOT) and the Williamsburg Area Transit Authority (WATA). Ms. Pollock noted that VDOT has provided information on the typical pull off for dimensions and WATA has provided information on their typical shelter which is similar to what exists in front of the WATA facility on Route 60.

Mr. Richardson inquired whether there were examples of where other electrical substations have been permitted on properties within various land use designations, including Low Density Residential and Open Space or Recreation as noted in the staff report.

Ms. Pollock stated that the facilities are smaller in scale than what is being proposed in this application. Ms. Pollock noted that there are substations located near Kingsmill, north of the service road to the brewery and at the Warhill Sports Complex.

Mr. Tim O'Connor inquired as to the scale of the smaller facilities.

Ms. Pollock stated that she did not have exact data but believed the substations were in the five-to-six acre range.

Ms. Pollock noted that staff did visit a 12 acre switching station site in Charles City County which is equivalent in size to the one proposed for Skiffes Creek to get a better sense of the scale of the project and the associated impacts.

Ms. Bledsoe inquired about the size of the Skiffes Creek switching station.

Ms. Pollock responded that the switching station would be about 12 acres; however, there would be additional clearing for the transmission lines and the BMP facility.

Mr. Richardson inquired whether staff held any public open house meetings regarding the project.

Ms. Pollock responded that staff attended the open house held by Dominion Power.

Mr. Drummond stated that he initially had concerns about the project; however, after touring the property he felt reassured that the impacts on adjacent residential properties would be minimal. Mr. Drummond further stated that he still has concerns about the transmission lines; however, they are not part of the current consideration. Mr. Drummond stated that the substation is necessary and that the location is appropriate, especially since it appears that the parcels would not be suitable for

other development. Mr. Drummond commented that it might be helpful for the applicant to elaborate on impacts such as noise on the adjacent neighborhoods.

Mr. O'Connor inquired whether there is a limit on the applicant's financial contribution to constructing the bus pull off and shelter.

Ms. Pollock stated that the original limitation has been removed from the proffers and that the contribution will be more fully determined at the site plan phase.

Mr. O'Connor inquired about hazardous materials that could spill, leak or leach into the watershed.

Ms. Pollock noted that she would defer to the applicant for specifics; however, the plan was transmitted to Newport News Waterworks for review and staff had no concerns. Ms. Pollock further noted that Newport News Waterworks appeared to be satisfied with the SUP conditions for a spill containment measures and an emergency response plan to be provided by the applicant. Ms. Pollock stated that Newport News Waterworks has requested to review the development plan if this application is approved and moves forward to the site plan stage.

Mr. O'Connor inquired about the height limitations in the R-8 zoning district.

Ms. Pollock responded that the by-right height limit is 45 feet; however that limit can be exceeded with a height waiver for buildings only, with buildings being defined as having a roof. Ms. Pollock noted that in the M-2 zoning district a height waiver would apply to structures which covers a broader range, including the requested static poles. Ms. Pollock noted that, in this instance, the height waiver would be necessary for two static poles that exceed the 60 feet limit allowable by-right in the M-2 zoning district.

Mr. Rich Krapf stated that his question would be directed to the applicant.

Ms. Bledsoe inquired whether Skiffes Creek, LLC and the Skiffes Creek Homeowners Association are separate entities.

Ms. Pollock stated that as far as staff was aware there was no relationship between the two.

Mr. O'Connor inquired if there are any height waivers currently in effect on this property.

Ms. Pollock stated that there are no height waivers on this property.

Mr. Drummond inquired if the purpose of the static poles was to prevent lightning strikes.

Ms. Pollock confirmed.

Mr. Drummond inquired whether the other structures that were part of the transmission lines would actually be lower than the existing towers.

Ms. Pollock stated that there were a number structures proposed as part of the transmission lines with varying heights that were indicated on the master plan and that she would defer to the applicant for additional details.

Mr. Krapf inquired about the timeframe for work to commence on the site if the application is approved by the Board of Supervisors and how long construction would take.

Mr. Keene stated that commencement of site work would depend on obtaining all the necessary permits and approvals. Mr. Keene noted that the project would have to go through the County's site plan process as well. Mr. Keene further noted that the permits and approvals required for the transmission lines would also affect the timeline. Mr. Keene stated that once all approvals have been received, it will take approximately one year to construct the switching station.

Mr. Krapf requested confirmation that no construction would occur on the site until all the permitting has been done.

Mr. Keene confirmed.

Mr. Krapf inquired if there were any scenario where Dominion Power would decide the site is not necessary.

Mr. Peter Nedwick, consulting engineer for Dominion Power, stated that the site is ideal for a switching station and would be used as such at some point because of the confluence of the existing transmission lines.

Ms. Bledsoe inquired whether, absent the James River transmission lines, the switching station would be used for other lines.

Mr. Nedwick stated that the purpose of the station is for the 500 kV lines.

Mr. Drummond inquired about the noise generated by the switching station.

Mr. Wilson Velazquez, substation engineer for Dominion Power, stated that based on current studies it would be 50 dB at the property line and it would be 65 dB at the switching station itself. Mr. Velazquez stated that more studies would be done once the final design is determined to ensure the noise levels stay within appropriate limits.

Mr. Drummond inquired whether the new towers would be lower than the existing towers.

Ms. Courtney Fisher stated that the new transmission line towers will be slightly taller than the existing towers.

Mr. Drummond inquired if the new towers would be visible from Route 60.

Ms. Fisher stated that they would not be visible from Route 60.

Mr. Drummond stated that the towers might be visible from Route 143, which is basically industrial in that area.

Ms. Fisher confirmed.

Mr. Richardson inquired about where the archeological site is located on the property.

Ms. Fisher noted that it is on the eastern portion of the site.

Mr. Richardson inquired how that site was determined.

Ms. Fisher stated that this portion of the site would require land disturbance and under the Army Corps of Engineers permitting requirements it was necessary to do the archeological studies.

Mr. Richardson inquired about the scope of proposed upgrades for the proposed rail spur/access road to support emergency response vehicles.

Mr. Ken Wagner, Dewberry Engineers, stated that the existing access over the abandoned rail spur is about 8-to-10 feet wide of clearing. The proposed access would consist of approximately 20 feet width of clearing with a 14-foot wide gravel road.

Mr. Richardson stated that it has been noted that Dominion Power's transmission system would not meet North American Electric Reliability Corporation (NERC) Reliability Standards if the switching station was not in service by the summer of 2015. Mr. Richardson inquired which NERC standards are not being met.

Mr. Nedwick stated that it is the Transmission Planning (TPL) standards that are not being met. Mr. Nedwick noted that these standards have been mandated since 2005.

Mr. Richardson requested an explanation of the TPL standard.

Mr. Nedwick stated that the TPL standard relates to being able to reliably serve the existing and projected customer base.

Mr. Richardson inquired if that is a predictive analysis or a concrete analysis based on the existing infrastructure.

Mr. Nedwick stated that the analysis is based on the transmission system as it would exist in the year of the study.

Mr. Richardson noted that Dominion Power has obtained a one-year extension of the April 16, 2015 deadline for Yorktown Units 1 and 2 to comply with the U.S. Environmental Protection Agency's (EPA) Mercury and Air Toxics Standards (MATS) which drove the original June 1, 2015 need date for the new transmission facilities. Mr. Richardson noted that Dominion Power is also applying for an administrative order from the EPA for the MATS rule which would provide an additional one-year waiver of non-compliance and could potentially extend the need date to June 1, 2017. Mr. Richardson inquired about the status of that waiver application and the likelihood of it being granted.

Mr. Nedwick stated that Dominion Power anticipates receiving the approval; however, it is not guaranteed.

Mr. Richardson inquired about the historical frequency of the EPA granting waivers.

Mr. Nedwick responded that Dominion has submitted two similar applications which have been granted.

Mr. Richardson inquired whether it would be possible to apply for further waivers.

Mr. Nedwick stated that the rules would not permit a request for further waivers.

Mr. Richardson inquired whether any part of the switching station would be visible above the fence line.

Ms. Fisher stated that the wall around the switching station is proposed for a height of 20 feet. Ms. Fisher further stated none of the components of the switching station would be visible above the fence line save for the two static poles. Ms. Fisher noted that the transmission line structures would be visible above the fence line.

Mr. O'Connor inquired about the types of hazardous materials that would be used on site.

Ms. Fisher stated that there would be no hazardous materials used at the switching station; the only oil is a mineral-type oil within the transformers.

Ms. Bledsoe inquired why a spill containment policy is necessary if there are no hazardous materials.

Mr. Velazquez stated that it is standard practice to have a spill containment plan for any type of oil so that even minor spills can be contained and mitigated quickly.

Ms. Bledsoe inquired about the nature of the containment system.

Mr. Velazquez stated that the spill containment is a special type of mesh that allows unimpeded flow of water during normal rainfall and snowmelt events, but that becomes an impervious barrier in the event of an oil release so that the oil remains in the containment structure. Mr. Velazquez further stated that in the event of a larger spill the oil would be channeled to an underground vault and would be removed from there.

Ms. Bledsoe inquired whether the spill containment plan was standard for switching stations and is a proven successful tactic.

Mr. Velazquez confirmed.

Mr. O'Connor inquired whether this is a responsive technique or part of the construction plan.

Mr. Velazquez stated that spill containment is a standard part of the construction of a substation.

Mr. O'Connor inquired what would happen if the transmission lines were ultimately approved but the switching station is not approved.

Mr. Keene stated that there are no concrete plans in place, but Dominion would have to develop an alternative location. Mr. Keene stated that the switching station is a critical component to connect the 500 kV lines to the 230 and 115 kV lines.

Ms. Bledsoe inquired, assuming the 500 kV transmission lines are not approved, is there a possibility that the switching station would still be necessary.

Mr. Keene stated that it is not possible to say whether it would be necessary now; however, it is possible that it would be necessary in the future. Mr. Keene noted that there are failsafe conditions included in the SUP recommendations in the event that the switching station is not constructed within the specified timeframe.

Mr. O'Connor referenced Viewpoint 07 of the visual simulations presented by the applicant and requested clarification on what parts of the switching station are visible.

Ms. Pollock stated that the security fence is the only visible part of the switching station and that the other visible structures are part of the transmission lines.

Ms. Bledsoe noted that the scope of the Commission's review is limited only to the switching station, she is trying to understand the exact visual impact of the larger project if the transmission lines are approved.

Ms. Pollock stated that the visual simulations do include both the transmission line and the switching station so what is shown in the visual simulations is what it will look like if both the transmission lines and switching station are approved.

Mr. Krapf inquired whether any 3D modeling has been done for the project, including the transmission lines, for a better idea of what the project will look like and to determine the impact on the viewshed.

Mr. Keene stated that only the photo simulations that were provided to the Commission have been done.

Ms. Bledsoe requested an explanation of what an "unmanned" station would entail and how many times a month someone would be on site.

Mr. Keene stated that "unmanned" means that there is no one stationed at the facility full or part-time. Mr. Keene stated that once construction is complete there will be routine maintenance visits three or four times per month; possibly more if there are any issues.

Ms. Bledsoe inquired if this was typical for switching stations.

Mr. Keene confirmed.

Ms. Bledsoe asked if it was common for switching stations of the same size as this one to be sited adjacent to residential areas.

Mr. Keene stated that each one is different and dependent on the evolution of the transmission network.

Ms. Bledsoe inquired about how emergencies such as fires or oil spills are identified.

Mr. Keene stated that there will be 24-hour video surveillance for the facility that is monitored from a central operations center. Mr. Keene further stated that there are electronic monitors, also monitored by the operations center, which will provide alerts when there is an equipment malfunction.

Ms. Bledsoe inquired about the length of time to determine if there is an emergency and to mount a response.

Mr. Nedwick stated that the electronic monitoring would identify trouble quickly and a local supervisor would be dispatched to determine the nature of the trouble or the status of the equipment.

Ms. Bledsoe inquired if the local supervisor is stationed in James City County.

Mr. Nedwick stated that the supervisor is stationed out of the Williamsburg office.

Ms. Bledsoe opened the floor for discussion by the Commission.

Mr. Richardson stated that scope of the Commission is to review the application in accord with Code of Virginia §15.2-2232 to determine whether the location, character and extent of the project is substantially in accord with the adopted comprehensive plan. Mr. Richardson further stated that his comments would be based on just those factors. Mr. Richardson noted that the comprehensive plan addresses its relationship to the zoning map in relation to residential areas. Mr. Richardson noted that the majority of the property in question is zoned R-8 and designated as LDR. Mr. Richardson noted that that in a limited number of instances, a rezoning to a limited commercial district can be considered, but for either SUP or rezoning legislative actions, careful adherence to the LDR development standards, which have more specific guidelines for these limited commercial uses, will be extremely important. Mr. Richardson noted that the proposal does meet under Group 2 uses which for new development requires careful attention to compatibility, design and land use. Mr. Richardson stated that conflicting uses should only be located where such conflicts can be appropriately mitigated. Mr. Richardson stated that it is necessary to consider whether the application meets the Group 2 criteria; does it support the community; is it a location of convenience or necessity; will there be adequate screening and buffering; does the project complement or detract from the area. Mr. Richardson stated that these are his decision points in considering the application.

Mr. Wright stated that the Code of Virginia §15.2-2200 encourages localities to improve the public health, safety, convenience, and welfare of their citizens and to plan for the future development of communities including adequate highway, utilities, health, educational and recreational facilities and that residential areas be provided with healthy surroundings. Mr. Wright further noted that the Code of Virginia requires electric utilities to provide reasonable information on transmission line routes and facilities that may affect the locality's comprehensive plan and that if the locality seeks to include the designation of corridors for electric transmission lines in its comprehensive plan, the electric utility shall have an opportunity for consultation about the corridors or routes. Mr. Wright stated that the County's comprehensive plan does not address electric facilities. Mr. Wright noted that an addendum to the comprehensive plan may need to be considered. Mr. Wright stated that following the site visit, he also made a visit to the Grove community to visualize the impacts to the residents. Mr. Wright noted that Windy Hill Mobile Home Park and Skiffes Creek Terrace are within two-tenths of a mile of the proposed facility and that Country Village Mobile Home Park and the homes along Plantation Drive and Indian Circle are also in close proximity. Mr. Wright stated that one of the cornerstones of the comprehensive plan is preserving the Community Character Corridors. Mr. Wright noted that based on community input, growth similar to surrounding cities is not desirable. Mr. Wright stated that in addition, historic preservation is expected and is fundamental to the future of the County. Mr. Wright noted that families move to James City County for the quality of life and the healthy surroundings. Mr. Wright stated that we cannot expect homeowners to be confronted by an unexpected major power installation when they have just made a significant financial commitment or to have their home values further eroded. Mr. Wright stated that citizens should be able to expect elected or appointed officials to exercise sound judgment on matters that can affect the character of the community, the home values and desirability of the property. Mr. Wright stated that he has based his decision on the duties set forth for Planning Commissioners. Mr. Wright noted that he does support free enterprise and does recognize the need for reliable electric service; however he must also consider the long term effect of the switching station on the surrounding community. Mr. Wright stated that he believes the

switching station would be a barrier to the revitalization of the Grove community and to further economic growth in the lower portion of the County. Mr. Wright stated that he will not support the application.

Mr. Drummond stated that he lives on Indian Circle and believes that the switching station will not negatively impact the area or reduce the value of homes. Mr. Drummond stated that the property in question is not suitable for any type of development other than an industrial use. Mr. Drummond stated that the switching station would actually be located closer to Route 143 than to Route 60 and that the uses in that area were more industrial. Mr. Drummond stated that he would support the application.

Mr. O'Connor stated that he concurs that there are very few other suitable uses for the property. Mr. O'Connor stated that he also has concerns about where a switching station might go if the transmission lines are approved and the switching station is not approved at this location. Mr. O'Connor noted that not approving the switching station might require that the 500 kV lines travel further through the County.

Mr. O'Connor inquired if there were any idea about the Army Corps of Engineers time frame for a determination.

Ms. Fisher stated that there was no thought on when a decision might be made. Ms. Fisher noted that there is a failsafe condition in the SUP that the station shall be operational within 36 months from the issuance of an SUP, or the SUP shall become void.

Mr. O'Connor stated that he sees both sides on this application and is still weighing the matter.

Mr. Krapf stated that the decision is not clear cut. Mr. Krapf stated that there are a number of positives with the application, such as the applicant's agreement to leave the western portion of the property in its natural state in perpetuity. Mr. Krapf stated that it is a significant benefit for the Country Village Mobile Home Park adjacent to that portion of the property. Mr. Krapf stated that there are already extensive power lines located on the property, so it is not as if an entirely new use is being introduced. Mr. Krapf noted that although designated LDR, the topography of the parcel and access is not conducive to residential development. Mr. Krapf stated that one consideration when considering a rezoning is the impact on surrounding zoning. Mr. Krapf stated that the parcel to the east is already zoned M-2 and the rezoning would bring this parcel in line with that parcel. Mr. Krapf stated that he finds that the applicant has agreed to a number of conditions in both the SUP conditions and the proffers that will enhance the project. Mr. Krapf stated that if he were to support the application it would be based on the applicant's assurance that there would be no construction until the completion of the Army Corps of Engineers permitting process. Mr. Krapf noted that this was what the citizen comments had focused on; that the project not be approved until a determination is made by the Army Corps of Engineers.

Mr. O'Connor inquired if Mr. Krapf was inquiring as to an additional proffer that no site work will take place until the permitting process is complete.

Mr. Krapf inquired if the applicant would be agreeable to such a proffer. Mr. Krapf noted that it would not preclude submission of a site plan in advance of completion of the permitting process.

Mr. Keene stated that the applicant would be willing to submit a proffer that no land disturbing for the switching station would take place until the permitting was complete.

Ms. Bledsoe inquired if submission of the proffer is contingent on approval of the application.

Mr. Keene recommended that if a motion for approval is made, that it be made contingent on the applicant submitting additional proffers or addressing that issue.

Ms. Bledsoe asked for confirmation that the rezoning would need to be approved.

Mr. Holt clarified that without an approved rezoning, there are no proffers.

Ms. Bledsoe stated that the comprehensive plan is the guiding force for the Commission. Ms. Bledsoe stated that the Code of Virginia states that to approve something like this application, it must be in substantial accordance with the comprehensive plan. Ms. Bledsoe stated that to her, looking at the surrounding areas, they are zoned R-8 and designated LDR. Ms. Bledsoe stated that the difference between this parcel and the one adjacent to it that is zoned M-2, is that there is little residential housing around it. Ms. Bledsoe stated that she has concerns about where it is located and believes that if the Commission agrees to the location of this large structure, it will place an additional burden on citizens who have already had to accept the intrusion of the existing power lines. Ms. Bledsoe stated that she does not believe it is right to impose that additional effect on their neighborhood. Ms. Bledsoe stated that she concurs that placing the switching station in that location will preclude revitalization and economic growth in that area. Ms. Bledsoe stated that she understands the need for reliable power and has faith that Dominion Power can find a way to prevent brownouts and disruption of power.

Ms. Bledsoe stated that in making decisions it is necessary to consider not just the current needs but those of future generations. Ms. Bledsoe stated that the comprehensive plan serves as a guide for what is envisioned for the County. Ms. Bledsoe stated that the comprehensive plan clearly intends for the area to be R-8. Ms. Bledsoe noted that a rezoning application means that the proposed use is in conflict with the current zoning. Ms. Bledsoe stated that in some instances the conflicts can be resolved or ameliorated; in some instances the rezoning would have minimal impact on the adjacent properties or is for the betterment of the community. Ms. Bledsoe stated that this is why it is necessary to consider the proposal in light of the five criteria for comprehensive plan consistency: does it complement the residential character of the area. Ms. Bledsoe stated that she believes the proposal does not meet this standard. Will it have traffic, noise, lighting and other impacts similar to surrounding residential uses. Ms. Bledsoe stated that she is not clear on what those impacts will entail but believes the applicant will make a good effort to mitigate any impacts. Will it generally be located on collector or arterial roads at intersections; will it provide adequate screening and buffering to protect the character of nearby residential areas; and is it generally intended to support the residential community in which it is located. Ms. Bledsoe stated that the switching station is intended to support and benefit the entire Peninsula. Ms. Bledsoe stated that the County could choose to approve the switching station for the greater good, but she believes it is too big a sacrifice to ask of the community.

Mr. Richardson inquired if the Commission could recommend deferral of the application.

Mr. Holt stated that the Commission could choose to defer its decision to a later date but it could not send a recommendation of deferral to the Board of Supervisors.

Mr. O'Connor asked about any stipulations on time for the Commission to take action.

Mr. Hlavin stated that the Commission must take action; however there is no requirement to take action within a specified time. Mr. Hlavin stated that the Commission could move to postpone and then continue to postpone until such time as they deemed appropriate to make a recommendation.

Mr. Krapf inquired about the 100 day limit.

Mr. Hlavin stated that there is a 100 day limit on taking no action.

Mr. O'Connor inquired if making a motion to defer to a date certain would be considered taking action.

Mr. Hlavin confirmed and stated that the motion would be to postpone to the next meeting.

Ms. Bledsoe inquired if the matter would still be considered by the Board of Supervisors.

Mr. Hlavin stated that the matter would remain with the Planning Commission for its next agenda and would not require public comment as the public comment period was closed.

Mr. Holt requested that the applicant restate its offer for an additional proffer.

Mr. Keene stated that the applicant would proffer that the project would be able to move forward with obtaining necessary permits but it would not commence land disturbing or construction until the transmission lines receive approval from the Army Corps of Engineers.

Mr. Drummond moved to recommend approval with the additional proffer and send a recommendation of approval to the Board of Supervisors.

Mr. Richardson asked for confirmation that this motion was based on the inclusion of the additional proffer condition.

Mr. Holt confirmed.

On a roll call vote, the motion to approve failed by a vote of 2-4, Mr. Basic being absent.

SKIFFES CREEK SWITCHING STATION

PROFFERS

THESE PROFFERS are made this 15th day of June, 2017, by VIRGINIA ELECTRIC AND POWER COMPANY D/B/A/ Dominion Energy Virginia (together with its successors in title and assigns, the "Owner").

RECITALS

A. The Owner is the fee simple owner of three tracts or parcels of land located in James City County, Virginia (the "County"), with addresses of 8968, 8964 and 8960 Pocahontas Trail, and being further identified as James City County Real Estate Tax Parcel Nos. 5920100002, 5920100044A, and 5920100013, respectively, and together, containing approximately 67.42 acres (collectively, the "Property").

B. The Property is now zoned R-8, Rural Residential, and M-2, General Industrial. The Property is designated Low Density Residential on the County's Comprehensive Plan Land Use Map.

C. The Owner has applied to rezone the Property from R-8 and M-2 to M-2 with proffers.

D. The Owner has submitted to the County a master plan entitled "Skiffes Creek Switching Station" dated 9.26.2016, with latest revision 2 dated 11.30.2016, and prepared by Dewberry (the "Master Plan") for the Property in accordance with the James City County Code (the "County Code"). All nine (9) sheets contained within the Master Plan are incorporated herein.

E. The Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned M-2.

F. The Owner has defined "Station" as the electrical transmission switching station (identified in the County Code as an electrical substation) that is to be developed on the Property pursuant to the Master Plan.

PROFFERS

1. Use. The use of the Property shall be limited to the Station; uses accessory to the Station; and the Owner's electrical transmission network, which is comprised of any State Corporation Commission-approved transmission facilities or any County-approved electrical facilities. In addition, telecommunication facilities may be co-located on any of the Owner's transmission facilities, provided the telecommunication facility is approved by the County. No other uses listed as permitted or specially permitted within in the M-2, General Industrial zoning district, shall be permitted on the Property.
2. Bus Shelter and Related Improvements; Sidewalks.

- A. Prior to submission of the site plan for the Station, the Owner shall coordinate with the County, the Williamsburg Area Transit Authority ("WATA") and the Virginia Department of Transportation ("VDOT") to seek approval from WATA to relocate the existing bus stop identified as the "Windy Hill Market" bus stop to the Property. If WATA approves such relocation prior to approval of the site plan, the Owner shall be responsible for the construction of such bus shelter and, if approved by VDOT, a bus turnout, as provided herein.
- B. As part of its site plan submittal for the Station, the Owner shall submit to the County, VDOT and WATA, as applicable, designs for construction of the following improvements to be built on the Property frontage on Route 60:
 - i. A sidewalk designed pursuant to applicable laws and regulations, including, as applicable, the Americans with Disabilities Act and VDOT design criteria for sidewalks in VDOT rights of ways, that provides connectivity between the existing sidewalk segments on the eastern and western boundaries of the Property.
 - ii. A bus shelter designed pursuant to applicable laws and regulations, including, as applicable, the Americans with Disabilities Act, provided that such bus shelter relocation has been previously approved pursuant to subsection A above.
 - iii. A bus turnout to be located in front of the bus shelter, provided that the bus shelter relocation has been previously approved pursuant to subsection A above.
- C. The Owner shall be responsible for the construction of each of the improvements above as approved by the County, VDOT and/or WATA, as applicable, it being understood that the Owner shall not be responsible for (i) construction of a bus shelter or the bus turnout if WATA does not approve the relocation of the Windy Hill Market bus shelter to the Property and (ii) construction of the bus turnout if VDOT does not approve the bus turnout design, or some other, modified design, due to safety or other design reasons. Nothing herein shall obligate the Owner to acquire any off-site right-of-way for any such improvements, it being understood that such improvements shall be constructed within existing VDOT rights-of-way and on portions of the Property dedicated to the VDOT pursuant to subsection D below. The improvements to be constructed by the Owner shall be shown on the final site plan for the Station and shall be constructed within one year after the date that the equipment in the Station is energized and put into operation (the "Operations Date"). The Owner shall provide the County with notice of the Operations Date within thirty (30) days after such date.

- D. Upon approval of the site plan for the Station, the Owner shall dedicate to VDOT all right-of-way necessary for the sidewalk, bus shelter and bus turnout, if and as applicable.
- E. If VDOT and/or WATA, as the case may be, does not approve the relocation of the bus shelter and/or construction of the bus turnout, the Owner shall pay to the County the cash equivalent of the cost to construct the improvements not constructed on the Property so that the County can provide equivalent improvements for transit services in other locations on the portion of Route 60 east of its intersection with Busch Gardens Boulevard. Such cash equivalent shall be based on an engineer's estimate submitted by the Owner to the County for approval with the site plan. If applicable, the amount of such cash contribution shall be determined at the time of site plan approval, and the payment of such cash contribution shall be made within sixty (60) days after the date that Owner commences installation of the improvements for the Station identified on the approved site plan (the "Installation Commencement Date"). The Owner shall provide the County with notice of the Installation Commencement Date within thirty (30) days after such date.

3. Permitting.

- A. The Owner shall not commence installation of the improvements for the Station identified on the approved site plan prior to permit issuance by the Army Corps of Engineers for the crossing of the James River for the transmission line that will connect with the Station ("Army Corps Permit"); however, tree removal and preliminary site preparation may commence following early grading approval and a Phase III archeological survey may begin as soon as allowed as provided for within the 4/24/2017 signed Memorandum of Agreement.
- B. If the Army Corps Permit is not issued, the areas of the Property that have been cleared shall be replanted no later than six (6) months following the expiration of the associated special use permit.

4. Rail Spur Easement; Transportation Impacts.

- A. The Owner shall provide an easement at no cost to the James City County Economic Development Authority ("EDA") generally in the area identified on the Master Plan as the "Former CSX Rail Spur" subject to the following:
 - i. The EDA must request that the Owner grant the easement within ten (10) years of the date of approval of this rezoning and its associated special use permit.
 - ii. If the EDA does not request that the Owner grant the easement within that ten-year period, the obligation to grant the easement shall terminate.

- B. The easement granted to the EDA shall allow for the construction of a rail spur to serve parcels located to the east and/or south of the Property, provided:
 - i. Except as provided in subsection 4.C. below, the cost of such rail construction is borne by others.
 - ii. Vehicular access to the Property remains unrestricted or the access to the Property is relocated, and, except as provided in subsection 4.C. below, the cost of such relocation is borne by others.
 - C. Owner recognizes that construction of the rail spur will provide some benefits to the Property but also will require unique construction techniques and improvements to ensure that Owner will continue to have access to the Station. Within sixty (60) days after the Installation Commencement Date, the Owner shall make a cash contribution to the County in the amount of ONE MILLION FIVE HUNDRED THOUSAND and 00/100 dollars (\$1,500,000.00) (the "Cash Contribution") to be used by the County or the EDA to help defray some of the costs of constructing the rail spur and the access improvements as necessary to satisfy the requirements of Section 4.B. above. If the EDA does not request grant of the easement within the ten-year period or if the Cash Contribution has not been re-designated for transportation improvements as described in Section 4.D. below, the Cash Contribution shall be returned to Owner.
 - D. To address impacts to capital facilities, the County shall have the option, at any time after the Cash Contribution has been made but prior the date that the Cash Contribution would otherwise be required to be returned to Owner pursuant Section 4.C. above, to elect to re-designate the Cash Contribution to be used for transportation projects in the County that are within two miles of the point where the Property fronts on Route 60. Re-designation of the Cash Contribution for transportation purposes shall not affect the EDA's obligations contained in Section 4.B. above.
5. Prior Proffers Superseded. Any proffers submitted by the Owner prior to the date first written above are hereby replaced and superseded by the proffered conditions contained herein.

SIGNATURES FOLLOW ON NEXT PAGE

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended, and the County Code, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

WITNESS the following signatures and seals.

VIRGINIA ELECTRIC AND POWER COMPANY

BY: B. E. McGuire
NAME: Bobby E. McGuire
TITLE: Authorized Representative

STATE OF: Virginia
CITY/COUNTY OF Richmond:

The foregoing instrument was acknowledged before me this 15th day of June, 2017, by Bobby E. McGuire, as Director - Electric Transmission Project Development and Execution of Virginia Electric and Power Company, a Virginia corporation, on behalf of the corporation.

My commission expires: 5/31/2020

Registration number: 7672923

Bridget G. Gibson
Notary Public



SKIFFES CREEK SPECIAL USE PERMIT AND REZONING APPLICATION

Background

1. The Property

Virginia Electric and Power Company (“Dominion Energy Virginia” or the “Company”) owns three parcels of land north of Route 60/Pocahontas Trail near BASF Drive in James City County, Virginia. These parcels are known as map numbers 5920100013 (“0.62-acre Parcel”), 5920100002 (“55-acre Parcel”), and 5920100044A (“11.8-acre Parcel”) totaling 67.42 acres (collectively, the “Property”) as shown on the Skiffes Creek Switching Station Master Plan dated 9.26.2016, with latest revision dated 11.30.2016, prepared by Dewberry and attached as Exhibit A (the “Master Plan”). The 11.8-acre Parcel is zoned M-2; and the 0.62-acre and 55-acre Parcels are zoned R-8.

The 11.8-acre Parcel connecting Route 60/Pocahontas Trail to the 55-acre Parcel was the location of a former railroad spur. The tracks have been removed from the 11.8-acre parcel but an existing dirt/gravel access road runs parallel to the old railroad bed. That road is already used by Dominion Energy Virginia to access the various overhead transmission lines in the area. The 55-acre Parcel is generally a parallelogram in shape, with the northern and southern boundaries being longer than the eastern and western boundaries. The 55-acre Parcel has the following characteristics:

- The northern boundary is immediately adjacent to a dual track CSX mainline railroad and Route 143/Merrimac Trail, and it is in very close proximity to Interstate 64, the Merrimac Juvenile Detention Center, and the Virginia Peninsula Regional Jail. *See Master Plan sheet 1 or 2.*
- The southern quarter of the southern portion of the 55-acre Parcel is currently occupied by a two hundred twenty-five (225 +/-) foot width electric transmission corridor that includes four existing overhead transmission lines (two 230 kV lines and two 115 kV lines). *See Master Plan sheet 1 or 2.*
- The southern boundary of the 55-acre Parcel is adjacent to a 25.2-acre parcel zoned R-8 and is currently vacant. *See Master Plan sheet 1 or 2.*
- The western boundary of the 55-acre Parcel is adjacent to property zoned R-8 and is occupied by a manufactured home park. *See Master Plan sheet 1 or 2.*

- The eastern boundary of the 55-acre Parcel is adjacent to land that is zoned M-2 and is currently vacant, except for the electric transmission lines that cross that property. *See* Master Plan sheet 1 or 2.
- The parcel is split by wetlands and an identified resource protection area (“RPA”) in a northwest to southeast orientation. *See* Master Plan sheet 1 or 2.

2. Legal Background Regarding Skiffes Station.

By its November 26, 2013 Order, as modified by its February 28, 2014 Order Amending Certificates (“Amending Order”) and confirmed by its April 10, 2014 Order Denying Petition (collectively, the “Skiffes Orders”), the State Corporation Commission (“Commission”) approved and certificated under § 56-46.1 of the Code of Virginia (“Va. Code”) and the Virginia Utility Facilities Act¹ the construction and operation by Dominion Energy Virginia of the electric transmission lines and related facilities proposed by the Company in its application filed in Case No. PUE-2012-00029 on June 11, 2012. Specifically, by the Skiffes Orders, the Commission approved and certificated the construction and operation by the Company of overhead electric transmission lines and related facilities, including (1) a new 500 kV overhead electric transmission line from the Company’s existing 500 kV-230 kV Surry Switching Station (“Surry Station”) in Surry County to a new 500 kV-230 kV-115 kV Skiffes Creek Switching Station (“Skiffes Station”) in James City County (also referred to as Line #582 or the “Surry-Skiffes Creek Line”); (2) the Skiffes Station; (3) a new 230 kV overhead line, in the Counties of James City and York and the City of Newport News, from the proposed Skiffes Creek Station to the Company’s existing Whealton Substation located in the City of Hampton (“Skiffes Creek-Whealton Line”); and (4) additional transmission facilities at the existing Surry Station and Whealton Substation (collectively, the “Approved Project”). Copies of the Skiffes Orders are included as Exhibits B, C, and D.²

The Skiffes Orders were appealed to the Supreme Court of Virginia, which issued its unanimous opinion on April 16, 2015, affirming the Commission’s approval and certification of these overhead transmission facilities, including the overhead 500 kV transmission line from the 500 kV switchyard at the Company’s Surry Nuclear Power Station in Surry County across the James River to the proposed site of the Skiffes Station in James City County. *BASF Corp. v. State Corp. Comm’n*, 289 Va. 375, 770 S.E.2d 458, *reh’g denied* May 15,

¹ Va. Code § 56-265.1 *et seq.*

² *See also* Exhibit D-1 for a copy of the Commission’s December 22, 2015 order extending to December 31, 2015 completion and in-service date for the Approved Project in the Amending Order, until the date twenty (20) months after the date that the United States Army Corps of Engineers issues a construction permit.

2015. The Commission's findings of the need for the Approved Project were not appealed. A copy of the Court's Opinion is included as Exhibit E.

The Court's opinion in *BASF* also reversed and remanded (by a 4-3 vote) the holding in the Commission's November 26, 2013 Order that the term "transmission line" includes transmission switching stations such as Skiffes Station under § 56-46.1 F, which exempts transmission lines approved by the Commission under § 56-46.1 from Va. Code § 15.2-2232 and local zoning ordinances. Petitions of the Commission and the Company seeking rehearing of this aspect of the *BASF* opinion were denied by the Court on May 15, 2015. As a result, the Company is now required to obtain a special use permit ("SUP") from James City County (or the "County") to construct Skiffes Station. The Commission acknowledged this requirement in its June 5, 2015 order, a copy of which is provided as Exhibit F.

3. The Need for Skiffes Station

The Approved Project is needed to assure that the Company can continue to provide reliable electric service to its customers in the load area comprised of the Peninsula (Counties of Charles City, James City, and York plus the Cities of Williamsburg, Yorktown, Newport News, Poquoson, and Hampton), Middle Peninsula (Counties of Essex, King William, King and Queen, Middlesex, Mathews, and Gloucester together with City of West Point) and Northern Neck (Counties of King George, Westmoreland, Northumberland, Richmond, and Lancaster and the City of Colonial Beach) ("North Hampton Roads Load Area") consistent with mandatory federal North American Electric Reliability Corporation ("NERC") Reliability Standards and the Company's planning criteria. Power flow studies conducted by the Company and the Commission's Staff showed that the Company's transmission system would not meet NERC Reliability Standards if the Approved Project was not in service by the planned retirement of Units 1 and 2 at the Company's Yorktown Power Station in order to comply with applicable federal environmental requirements.³

Timely construction of the transmission facilities approved by the Commission is critical to maintain reliability in the North Hampton Roads Load Area and to meet the requirements of the FERC, NERC, and the Commission. Additionally, the Company must obtain a construction permit from the United States Army Corps of Engineers (the "Corps") and authorization from the Virginia Marine Resources Commission, both of which have been

³ The deactivation of Yorktown Units 1 and 2 is prompted by the United States Environmental Protection Agency's ("EPA") Mercury and Air Toxics ("MATS") requirements by April 16, 2015. The two 1-year extensions under the MATS requirements which were available under the terms of the Clean Air Act have been requested, granted, and exhausted. The first extension was granted by the Virginia Department of Environmental Quality on June 24, 2014 (effective through April 15, 2016) and a second term was authorized by the EPA under an Administrative Compliance Order on Consent on April 16, 2016 (effective through April 15, 2017) pursuant to their respective authority under the Clean Air Act.

pending since March of 2012. As part of the joint permit application (“JPA”) submitted for approval by the Corps, the Company prepared and included an alternatives analysis.⁴ See Exhibit G for a copy of this Alternatives Analysis. Upon obtaining the necessary approvals, the Company intends to commence construction of the approved and certificated 500 kV and 230 kV lines. Consistent with the Court’s opinion in *BASF* and the Commission’s June 5 order the Company is now applying to James City County for an SUP to construct Skiffes Station.

The Skiffes Station is needed to meet federal and state transmission reliability requirements. A transmission switching station is a facility that controls and manages power systems at a transmission power level (power levels over 69 kV and above). Skiffes Station, which will contain only transmission facilities and is classified as part of the Bulk Electric System (“BES”) by NERC, will be the central point, or hub, where the new 500 kV line from Surry will interconnect:

- with the new 230 kV line to Whealton, which will provide a new source of power directly to the load center at the eastern end of the Peninsula
- with two 230 kV lines from Skiffes Station to the west and two more to the east (all four created by splitting the two existing 230 kV lines at Skiffes Station)
- with two 115 kV lines to the west and two more to the east (all four created by splitting the two existing 115 kV lines at Skiffes Station).

These multiple connections cannot be accomplished by merely connecting the cables of these lines onto the structures that support them. This is for two reasons. First, the lines will operate at different transmission voltages, so the power from the 500 kV line must be transformed to 230 kV before it can be received by the 230 kV facilities of the new line to Whealton and the four split 230 kV lines to the east and west; and the 230 kV power must be transformed to 115 kV before it can be received by the four split 115 kV lines to the east and west. Second, switching equipment is needed to permit the Company to control the flow of power among all of these lines and to provide physical reliability for the line and the system. This physical reliability is provided by shortening the distance between substations and/or switching stations so that if an overhead line or multiple lines are compromised the loss of power will be limited to a smaller area and to fewer customers. Skiffes Switching Station is required to contain the equipment required to accomplish these vital tasks safely and efficiently to maintain the reliability of the interconnected transmission system.

⁴ *Surry-Skiffes Creek-Whealton 500 kV/230 KV Alternatives Analysis*, prepared for the Corps by the Company and Stantec Consulting Services, Inc., date stamped November 7, 2014 (“Alternatives Analysis”).

Request

The Company is requesting rezoning of the Property from R-8 to M-2 with proffered conditions and the issuance of a SUP for Skiffes Station (identified in the zoning ordinance as an electrical substation). The rezoning is requested for several reasons. First, there will be a number of structures (two 80+/- foot static poles) within Skiffes Station that will exceed the 35-foot height limit permitted in R-8, and the 60 foot height limit permitted in M-2. By rezoning to M-2, the amount of a height limitation waiver will not be as great as it would be in the R-8 district. Second, the rezoning request will allow for the proffering of conditions beneficial to the County and to the surrounding property owners. *See* Proffers submitted with the application (“Proffers”). Third, rezoning the Property with the Proffers will better reflect the zoning of the surrounding area and specific locational limitations of the Property.

Skiffes Station is proposed to be sited on an approximately 13 acre security fenced area or 24% of the northeastern corner of the 55-acre Parcel. *See* Master Plan sheet 3. Access to the Station will continue to be maintained using the existing dirt/gravel access road located on the 11.8-acre Parcel. Development of Skiffes Station and ongoing use of the Property as it relates to the Station shall be further restricted by the conditions and commitments contained in the Proffers. In summary, the Proffers offer the following additional protections for adjacent and area property owners:

- Proffer 1 limits the use of the Property to the Station and Owner’s electric transmission system only, and no other uses. With this proffer, the Owner has ensured that no other industrial uses can be established on the Property without further legislative action.
- Proffer 2 provides for the relocation of the existing bus stop at the Windy Hill Market to a new bus shelter, turnout area, and sidewalk on the Property.
- Proffer 4 provides for the grant of an easement to the James City EDA for use of the former rail spur as a new rail spur.

Comprehensive Plan

The James City County “Toward 2035” Comprehensive Plan (the “Comprehensive Plan”) designates the Property for low density residential; however, the Property is not suitable for residential development for the following reasons:

1. The existence of three major transportation facilities - the CSX mainline, Route 143/Merrimac Trail and Interstate 64 - either immediately adjacent to

or in close proximity to the Property is not compatible in use and character with residential uses. The Comprehensive Plan and good zoning practice strongly encourage avoiding the aggregation of incompatible uses. (See Comprehensive Plan, Chart 2, item 4 on page 180, which recommends that the County should “[l]ocate residential uses immediately adjacent to non-residential uses, major roads, railroads, airports, agricultural and forestal uses, and other conflicting uses *only where* the conflicts between such uses can be adequately addressed (noise, vibrations, and others)” [emphasis added].

2. Access to the Property for residential use is extremely limited. There is no existing access from Merrimac Trail nor is there the ability to gain access as a road would have to cross the railroad in an area that has a number of grade changes.

3. The portion of the Property requested for development of Skiffes Station and the 11.8-acre Parcel are immediately adjacent to, and in closer proximity to, the 150-acre M-2 zoned parcel adjoining the existing residential developments to the west and south of the Property. The 150-acre parcel is partially developed as the Green Mount Industrial Park.

4. Wetlands and RPAs split the 55-acre Parcel from the northwest to the southeast. The upper reaches of a perennial stream creates a large finger of RPA along the southern boundary of and bisecting the 55-acre Parcel. This same stream crosses the vacant parcel to the south and continues until it forms that parcel’s southern boundary, which is a significant barrier to residential development in that location.

5. The southern portion of the 55-acre Parcel is occupied by four existing overhead transmission lines (two 230 kV lines and two 115 kV lines) located in a +/- 225 foot width corridor within which no development may occur.

6. Aside from the 11.8-acre Parcel, no other roads, driveways, or other accesses are available from adjacent properties to the 55-acre Parcel. The Property lies within one of the County’s Enterprise Zones, indicating this is an area of the County targeted for job creation and private investment. See Exhibit I for a copy of the James City County James River Enterprise Zone.

7. The Proffers provides further protections for existing residential uses consistent with the Comprehensive Plan. See Comprehensive Plan, Chart 2, item 4 on page 180.

Application Checklist – Additional and Supplemental Information

1. Traffic. During construction, traffic will be managed pursuant to the terms of the Construction Management Plan referenced in the Proffers. The Construction Management Plan is designed to help minimize impacts on adjacent landowners and area roadways. After construction, there will be no

pedestrian traffic associated with this use, and Skiffes Station will be an unmanned facility. Currently, Dominion Energy Virginia uses an existing dirt/gravel gated access road located on the 11.8-acre Parcel to service the transmission lines located on the Property. Once in operation, Skiffes Station will generate minimal amounts of traffic, with a typical month requiring approximately three site visits by Dominion Energy Virginia personnel. As such, traffic is so minimal, there is no justification for differentiating between peak and off-peak vehicle trips. As vehicular traffic will be minimal, the new switching station will not have any impact on traffic or levels of service along Pocahontas Trail.

2. Environmental Constraints. Below is a summary of the environmental constraints. See Exhibit H for a more detailed analysis.
 - A. Wetlands. There are defined wetlands on the site. The proposed work at Skiffes Station is not anticipated to impact any jurisdictional waters. However, any impacts will be coordinated with the Corps. There is also an RPA perennial stream on-site and associated buffer, approved by James City County 10-29-2012. The limits of disturbance for this project will maintain the integrity of the RPA buffer.
 - B. Landscaping and Screening. There is dense evergreen and hardwood vegetation on the Property except for areas where the transmission lines and access road currently exist and the area once occupied by the spur track. The Company has committed to not remove the trees outside of the limits of disturbance shown on the Master Plan.
 - C. Safety. Skiffes Station will be built in compliance with the National Electric Safety Code and inspected and maintained pursuant to industry standards. Signs will be posted around the fence indicating a “high voltage” facility and “no trespassing.” At a minimum, the electrical equipment will be surrounded by a twenty-foot security fence. See Exhibits H-C and H-D for fence example. In addition, all gates are equipped with locks, and there will be downward directed security lights installed at certain locations. No emissions or dust will be created by this facility.
3. Historic and Archaeological Study. A Phase I Study and a Phase II Study of the 55-acre Parcel have been completed, copies of which are attached hereto as Exhibits J and K (collectively, the “Archaeological Study”). A known archaeological site has been evaluated. The site will be disturbed by construction of the Switching Station; however, such disturbance shall be done

pursuant to a plan reviewed by the Virginia Department of Historic Resources and Consulting Parties to the Memorandum of Agreement and approved by the Corps. Further discussion on the Memorandum of Agreement and issues related to permitting for the Switching Station and the Surry-Skiffes Creek Line can found in the Update on Status of Certificated Project June 6, 2017 attached hereto as Exhibit L.

4. Water and Sewer Impact Study, and Adequate Public Facilities. No water or sewer facilities will be required for the proposed use. Impacts on public safety facilities will be minimal, and the tax revenue generated by the Skiffes Station (as shown in the fiscal impact analysis) will offset any impacts on capital costs of public safety facilities. Otherwise, there will be no impact on schools, libraries, or other locally financed facilities.

Because Dominion Energy Virginia's applications for rezoning and a SUP are for non-residential uses, the following checklist items do not apply to this request.

- A. Environmental Inventory. The Natural Resource policy does not apply and an environmental inventory is not required but an environmental analysis has been provided.
- B. Fiscal Impacts. No worksheet for fiscal analysis has been prepared because the proposal does not include residential dwelling units. A summary of the tax revenue estimates is attached as Exhibit M.
- C. Park and Recreation Facilities. No analysis related to the Comprehensive Parks and Recreation Master Plan Proffer Guidelines is required.
- D. Supplemental Submission Requirements.
 - i. No streets will be created with this application so no streetscape plan is required.
 - ii. Control Enclosure buildings are proposed. Any structures (poles) that may be visible from an arterial right-of-way will be constructed of steel.

EXHIBIT H

ENVIRONMENTAL CONSTRAINTS ANALYSIS

The Master Plan referenced below is the same plan referenced in the application as Exhibit A. The “Jurisdictional Area Impacts and Sensitive Resources Map” (the “Map”) was prepared by Stantec and is dated May 20, 2015.

Hydrologic Features:

1. Location of all bodies of water such as streams, ponds, lakes, impoundments, rivers;

Streams are noted on the Master Plan along with designation (perennial vs. intermittent). There are no ponds, lakes, impoundments, or rivers.

2. Name of watershed in which project is located:

The Property is located in the Skiffes Creek watershed.

3. Approximate location of tidal and non-tidal wetlands:

Wetlands are noted on the Master Plan and the Map. All wetlands are non-tidal and have been confirmed by the Army Corps of Engineers.

4. Approximate location of perennial and intermittent streams:

See # 1, above. Streams, and their designation, are noted on the Master Plan.

5. Description of receiving streams:

Newport News Reservoir. Due to the close general proximity of this project to and because runoff from the site will directly discharge into Skiffes Creek and within about 1 mile discharge into Skiffes Creek Reservoir, a drinking water reservoir for the City of Newport News, it is recommended that the concept plan be forwarded to the City of Newport News Waterworks, Water Resources Division for cursory review. Skiffes Creek (HUC Code JL35) is listed as a Category 4A impaired waterway for fecal bacteria in accordance with the 2014 Virginia Water Quality Assessment 305(b)/303(d) Integrated Report. It also has an approved TMDL. See Fecal Bacteria Total Maximum Daily Load Development for Warwick River final report dated December 13, 2007 available on the County Stormwater Division and Virginia DEQ websites. (Note: Ultimately, this site discharges into the tidal estuarine James River that is listed for multiple impairments, including mercury, PCB, chlorophyll, Escherichia coli, etc.)

6. Floodplain delineation for 100 and 500-year storm events including tidal flooding, if applicable.

Not applicable. The Property is not within the 100- or 500-year floodplain.

Physical Features

1. Approximate location of steep slopes greater than 25 percent.

Steep Slopes areas are identified on the Master Plan. Also, Steep slopes exist along the existing abandoned CSX rail spur on both sides of the access road at various locations.

2. Soils, especially prime agricultural lands and Hydrologic Soil Groups (HSG) A & B, based on the County soil survey.

SOIL TYPE DATA*				
MAP UNIT	NAME	SOIL EROSION K FACTOR	PERMEABILITY	HYDROLOGY UNIT CODE
11C	Craven-Uchee Complex, 6-10% Slopes	0.32	MODERATELY LOW TO HIGH	D
14B	Emporia Fine Sandy Loam, 2-6% Slopes	0.28	MODERATELY LOW TO HIGH	B
15D	Emporia Complex, 10-15% Slopes	0.28	MODERATELY LOW TO HIGH	B
15E	Emporia Complex, 15-25% Slopes	0.28	MODERATELY LOW TO HIGH	B
17	Johnston Complex	0.37	MODERATELY LOW TO HIGH	A/D
19B	Kempsville-Emporia Fine Sandy Loam, 2-6% Slopes	0.28	MODERATELY LOW TO HIGH	A
29B	Slagle Fine Sandy Loam, 2-6% Slopes	0.28	VERY LOW TO MODERATELY HIGH	C
37	Urban Land	N/A	N/A	N/A
*SOURCE: WEB SOIL SURVEY, NATIONAL RESOURCES CONSERVATION SERVICE				

3. Soils erodability based on the County soils survey.

See column 3 of the table, above.

4. Areas of forest, woodland cover and wildlife corridors.

Outside of the existing overhead transmission corridor, the site is currently forested. Portions of the site to the west will remain forested.

5. Pre-development topography.

The topography shown on the Master Plan is at a contour interval of two foot from a field survey performed by Dewberry Engineers Inc. in August 2012.

Horizontal Datum – VA State Plane – NAD83 (South Zone);

Vertical Datum – NAVD88

Prohibited or Restricted Development Acres

1. Location of required buffers and existing conservation easements.

Limits of RPA buffer as approved by James City County on October 29, 2012. Are shown on the Master Plan. Natural vegetative buffers and Landscaped Screening buffers are provided and shown on the Master Plan. A plat has been provided that documents the easement area used in the open space VRRM calculations. Future Protective Covenants associated with that documented easement area will be provided at Site Plan.

2. Sites with known populations of rare, threatened or endangered species of plants or animals per studies done in accordance with the Natural Resource Policy.

A habitat suitable for small whorled pogonia was found onsite, see Exhibit H-A. A site survey conducted in May 2014 found no small whorled pogonia plants. The area of disturbance will be located outside the habitat area.

3. Location of trees to be preserved in accordance with the Chesapeake Bay Preservation Ordinance.

Areas of tree removal related to Owner's electric transmission overhead lines and switching station are generally shown on the Master Plan. No other trees will be removed except where trees are diseased or dying or present an imminent threat to the public or property.

4. Preliminary location of Resource Protection areas and legal wetlands.

The location of the RPA boundary, as approved by James City County, is shown on the Master Plan. As noted above, the Army Corps of Engineers-approved wetlands are shown on the Master Plan.

Existing and Proposed Changes to the Site:

1. The nature of existing and approved but not-yet-built development(s) on the site.

Currently, the Property is an abandoned CSX rail spur, vacated residential lot, and vacant land with an easement area for an electrical transmission line. An

underground gas pipeline is located on the Property generally along the northern boundary of the Property. The proposed use is site access, an electrical transmission switching station with its ancillary electrical connections, and bus shelter with frontage improvements.

2. Location of surrounding properties and neighborhoods.

To the west and south of the Property lies the Country Village, a residential mobile home park, and Poplar Hall Plantation, a residential single family home subdivision. To the north is Merrimac Trail and Interstate 64. The Merrimac Juvenile Detention Center and Virginia Peninsula Regional Jail are to the east.

3. Proposed limit of disturbance and a disturbance area estimate.

The total Property is approximately 67.42 acres. The area designated for disturbance is 23.40 acres +/- and is shown on the Master Plan.

4. Calculation of existing and proposed pervious and impervious areas.

The total impervious area is approximately 14.56 acres (22.0%). The total pervious area is approximately 52.86 acres (78.0%).

5. If used, description of Better Site Design or Low Impact Development techniques.

In addition to safety and maintenance concerns, the configuration of the electrical equipment and site constraints preclude the use of open channel ditched where standing water within an electrical facility is a safety concern. A BMP will be located outside the switching station. The final stormwater management approach incorporates BMP's from the approved VRRM clearing house library and complies with the prevailing Virginia Stormwater Regulations to address both water quantity and quality. Because of the nature of this project, and its various design constraints, the approach employed was contrary to the typical LID principles.

6. Description of how disturbance is being minimized, indigenous vegetation is being preserved, and impervious cover is being reduced.

After learning that the original location for the proposed switching station fell within the RPA, Dominion Virginia Power shifted the station's equipment to the extent feasible. As proposed, the area of disturbance is minimized by locating the area of disturbance outside of the RPA, wetlands, and away from the small whorled pogonia habitat area.

7. Proposed conceptual stormwater management plan, including pre- and post-development discharge analysis.

Stormwater management compliance adheres to the Virginia DEQ standards. Stormwater management (Water Quantity and Quality) will be provided through the use of a treatment train including a wet pond, a grass channel, and a level spreader to induce sheet flow to conserved open space. The Virginia Runoff Reduction Method was used to show water quality compliance. Per the Virginia Stormwater BMP Clearinghouse website, a wet pond has a phosphorus removal efficiency of 45% for coastal plain areas and provides no runoff reduction. A grass channel in C/D type soils provides 15% phosphorus removal efficiency and 10% runoff reduction. The sheet flow to conserved open space provides 0% phosphorus removal efficiency, but 75% runoff reduction for A/B soils.

The existing pre-development peak run-off from the site at the point of analysis for the 2-year storm is calculated to be 17.73 cfs and the proposed post-development peak run-off for the 2-year storm is calculated to be 13.17 cfs. The existing pre-development peak run-off from the site at the point of analysis for the 10-year storm is calculated to be 54.69 cfs and the proposed post-development peak run-off for the 10-year storm is calculated to be 40.16 cfs. The post-development phosphorous is calculated to be 35.36 lbs/yr. The designed treatment train reduces the phosphorous to 7.68 lbs/yr, which is less than the maximum 0.41 lbs/ac/yr. A copy of the Virginia Runoff Reduction Worksheet is attached as Exhibit H-B.

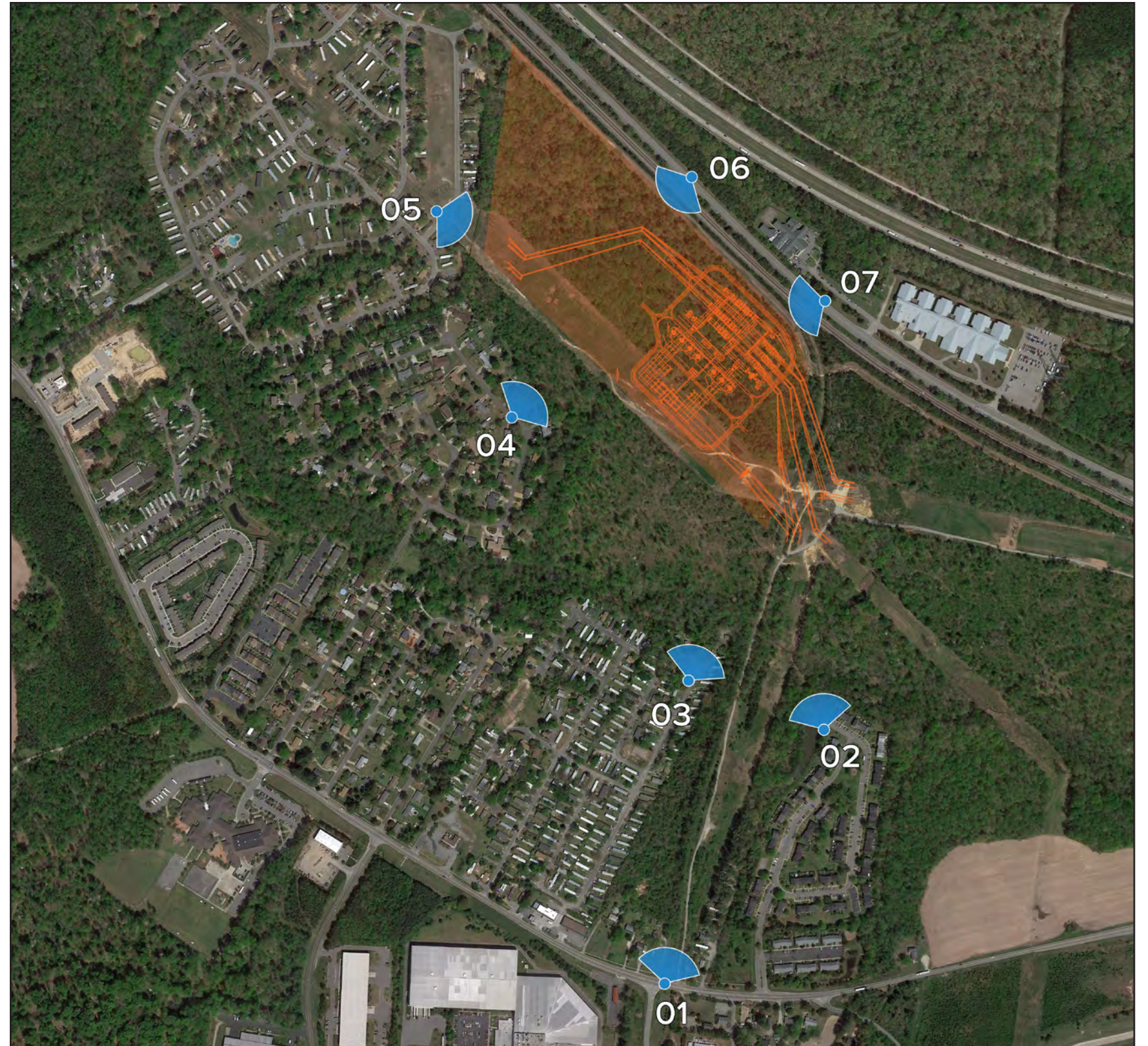


TrueView Photosimulations - Existing & Proposed

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Viewpoint Locations

- Viewpoint 01 - Corner of Highway 60 and Dirt Access Road
- Viewpoint 02 - End of Skiffes Creek Circle
- Viewpoint 03 - 70-75 Jan Rae Circle
- Viewpoint 04 - 153 Indian Circle
- Viewpoint 05 - 7 Tadich Drive
- Viewpoint 06 - Merrimac Trail,
Near Middle Peninsula Juvenile Commission
- Viewpoint 07 - Merrimac Trail,
Near Virginia Peninsula Regional Jail






Viewpoint 01 - Corner of Highway 60 and Dirt Access Road, Looking North-Northeast - **Existing View**



Viewpoint 01 - Corner of Highway 60 and Dirt Access Road, Looking North-Northeast - **Proposed View**

For on-screen display:
Scale bar to be 4 inches (101.6mm wide)
Viewing distance is 19.7 inches (50 cm)



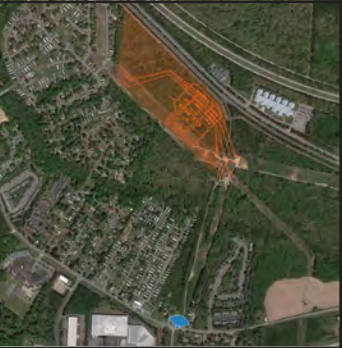
**Skiffes Creek
Switching Station**

Viewpoint 01

Corner of Highway 60 and Dirt Access Road

Viewpoint Location

Project Area



Easting Position (State Plane Virginia South):	12033678.8
Northing Position (State Plane Virginia South):	3604404.5
Elevation of Photopoint Position (NAD83):	62.8
Height of Camera Above Ground (ft):	5.4
Date of Photography:	10 June 2015 at 02:30 PM
Orientation of View:	NNE
Horizontal Field of View:	124°
Vertical Field of View:	55°

NOTES:

Viewpoint locations have been precision surveyed by:

Burgess & Niple

No part of this photo simulation shall be altered in any way.

Visual assessments should be made from the full size TrueView™ only.

Dimensions of the printed full size TrueView™ image are:
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Height: 20.5 inches (520 mm)

Structures and substation subject to final engineering.

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24 June 2015




Viewpoint 02 - End of Skiffes Creek Circle, Looking North-Northwest - Existing View



Viewpoint 02 - End of Skiffes Creek Circle, Looking North-Northwest - Proposed View

For on-screen display:
Scale bar to be 4 inches (101.6mm wide)
Viewing distance is 19.7 inches (50 cm)




Skiffes Creek
Switching Station

Viewpoint 02

End of Skiffes Creek Circle

Viewpoint Location

Project Area



Easting Position (State Plane Virginia South):12034469.2

Northing Position (State Plane Virginia South):3605818.5

Elevation of Photopoint Position (NAD83):42.4

Height of Camera Above Ground (ft):5.4

Date of Photography:10 June 2015 at 09:20 AM

Orientation of View:NNW

Horizontal Field of View:124°

Vertical Field of View:55°

NOTES:

Viewpoint locations have been precision surveyed by:

Burgess & Niple

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Viewpoint 03 - 70-75 Jan Rae Circle, Looking North-Northeast - Existing View



Viewpoint 03 - 70-75 Jan Rae Circle, Looking North-Northeast - Proposed View



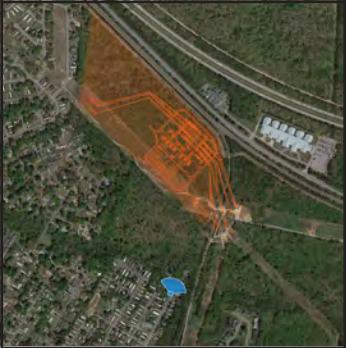
Skiffes Creek
Switching Station

Viewpoint 03

70-75 Jan Rae Circle

Viewpoint Location

Project Area



Easting Position (State Plane Virginia South):12033759.7

Northing Position (State Plane Virginia South):3606031.8

Elevation of Photopoint Position (NAD83):45.0

Height of Camera Above Ground (ft):5.4

Date of Photography:10 June 2015 at 09:40 AM

Orientation of View:NNE

Horizontal Field of View:124°

Vertical Field of View:55°

NOTES:

Viewpoint locations have been precision surveyed by:

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Visual assessments should be made from the full size TrueView™ only.

Dimensions of the printed full size TrueView™ image are:
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Height: 20.5 inches (520 mm)

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For on-screen display:
Scale bar to be 4 inches (101.6mm wide)
Viewing distance is 19.7 inches (50 cm)




Viewpoint 04 - 153 Indian Circle, Looking Northeast - Existing View



Viewpoint 04 - 153 Indian Circle, Looking Northeast - Proposed View

For on-screen display:
Scale bar to be 4 inches (101.6mm wide)
Viewing distance is 19.7 inches (50 cm)



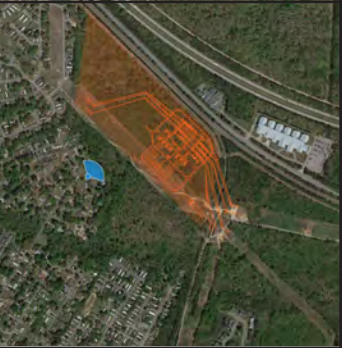
**Skiffes Creek
Switching Station**

Viewpoint 04

153 Indian Circle

Viewpoint Location

Project Area



Easting Position (State Plane Virginia South):	12032809.9
Northing Position (State Plane Virginia South):	3607375.1
Elevation of Photopoint Position (NA83):	62.5
Height of Camera Above Ground (ft):	5.4
Date of Photography:	10 June 2015 at 03:04 PM
Orientation of View:	NE
Horizontal Field of View:	124°
Vertical Field of View:	55°

NOTES:

Viewpoint locations have been precision surveyed by:

Burgess & Niple

No part of this photo simulation shall be altered in any way.

Visual assessments should be made from the full size TrueView™ only.

Dimensions of the printed full size TrueView™ image are:
Width: 59.2 inches (1504 mm)
Height: 20.5 inches (520 mm)

Structures and substation subject to final engineering.

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Viewpoint 05 - 7 Tadich Drive, Looking Southeast - Existing View



Viewpoint 05 - 7 Tadich Drive, Looking Southeast - Proposed View with Planting Shown at 2 Year Growth

For on-screen display:
Scale bar to be 4 inches (101.6mm wide)
Viewing distance is 19.7 inches (50 cm)



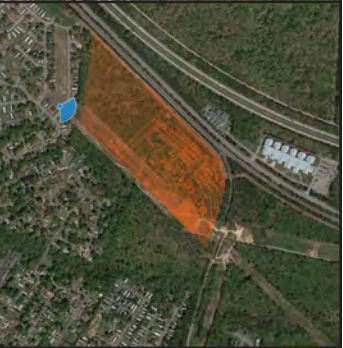
**Skiffes Creek
Switching Station**

Viewpoint 05

7 Tadich Drive

Viewpoint Location

Project Area



Easting Position (State Plane Virginia South):	12032379.3
Northing Position (State Plane Virginia South):	3608490.3
Elevation of Photopoint Position (NA83):	71.0
Height of Camera Above Ground (ft):	5.4
Date of Photography:	10 June 2015 at 10:21 AM
Orientation of View:	SE
Horizontal Field of View:	124°
Vertical Field of View:	55°

NOTES:

Viewpoint locations have been precision surveyed by:

Burgess & Niple

No part of this photo simulation shall be altered in any way.

Visual assessments should be made from the full size TrueView™ only.

Dimensions of the printed full size TrueView™ image are:
Width: 59.2 inches (1504 mm)
Height: 20.5 inches (520 mm)

Structures and substation subject to final engineering.

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Viewpoint 06 - Merrimac Trail, Near Middle Peninsula Juvenile Commission, Looking Southwest - **Existing View**



Viewpoint 06 - Merrimac Trail, Near Middle Peninsula Juvenile Commission, Looking Southwest - **Proposed View**

For on-screen display:
Scale bar to be 4 inches (101.6mm wide)
Viewing distance is 19.7 inches (50 cm)



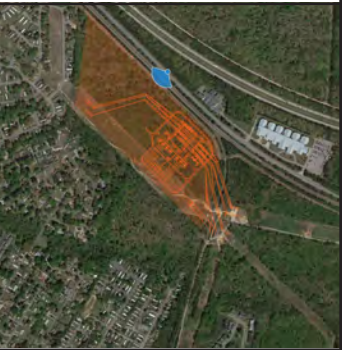
**Skiffes Creek
Switching Station**

Viewpoint 06

Merrimac Trail, Near Middle Peninsula Juvenile Commission

Viewpoint Location

Project Area



Easting Position (State Plane Virginia South):	12033756.2
Northing Position (State Plane Virginia South):	3608673.0
Elevation of Photopoint Position (NAD83):	79.0
Height of Camera Above Ground (ft):	5.4
Date of Photography:	10 June 2015 at 10:47 AM
Orientation of View:	SW
Horizontal Field of View:	124°
Vertical Field of View:	55°

NOTES:

Viewpoint locations have been precision surveyed by:

Burgess & Niple

No part of this photo simulation shall be altered in any way.

Visual assessments should be made from the full size TrueView™ only.

Dimensions of the printed full size TrueView™ image are:
Width: 59.2 inches (1504 mm)
Height: 20.5 inches (520 mm)

Structures and substation subject to final engineering.

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Viewpoint 07 - Merrimac Trail, Near Virginia Peninsula Regional Jail, Looking West - Existing View



Viewpoint 07 - Merrimac Trail, Near Virginia Peninsula Regional Jail, Looking West - Proposed View with Planting Shown at 2 Year Growth

For on-screen display:
Scale bar to be 4 inches (101.6mm wide)
Viewing distance is 19.7 inches (50 cm)




Skiffes Creek
Switching Station

Viewpoint 07

Merrimac Trail, Near Virginia Peninsula
Regional Jail

Viewpoint Location

Project Area



Eastings Position (State Plane Virginia South):12034475.5

Northings Position (State Plane Virginia South):3608041.4

Elevation of Photopoint Position (NAD83):76.8

Height of Camera Above Ground (ft):5.4

Date of Photography:10 June 2015 at 11:13 AM

Orientation of View:W

Horizontal Field of View:124°

Vertical Field of View:55°

NOTES:

Viewpoint locations have been precision surveyed by:
Burgess & Niple
No part of this photo simulation shall be altered in any way.
Visual assessments should be made from the full size TrueView™ only.
Dimensions of the printed full size TrueView™ image are:
Width: 59.2 inches (1504 mm)
Height: 20.5 inches (520 mm)
Structures and substation subject to final engineering.

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Viewpoint 05 - 7 Tadich Drive, Looking Southeast - Existing View



Viewpoint 05 - 7 Tadich Drive, Looking Southeast - Proposed View depicting only substation components.
Planting Shown at 2 Year Growth

For on-screen display:
Scale bar to be 4 inches (101.6mm wide)
Viewing distance is 19.7 inches (50 cm)

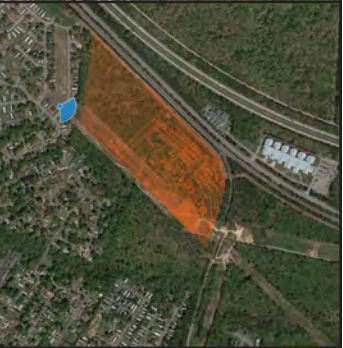


**Skiffes Creek
Switching Station**

Viewpoint 05

7 Tadich Drive

● Viewpoint Location ● Project Area



Easting Position (State Plane Virginia South):	12032379.3
Northing Position (State Plane Virginia South):	3608490.3
Elevation of Photopoint Position (NAD83):	71.0
Height of Camera Above Ground (ft):	5.4
Date of Photography:	10 June 2015 at 10:21 AM
Orientation of View:	SE
Horizontal Field of View:	124°
Vertical Field of View:	55°

NOTES:

Viewpoint locations have been precision surveyed by:

Burgess & Niple

No part of this photo simulation shall be altered in any way.

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Dimensions of the printed full size TrueView™ image are:
Width: 59.2 inches (1504 mm)
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Viewpoint 05 - 7 Tadich Drive, Looking Southeast - Existing View



Viewpoint 05 - 7 Tadich Drive, Looking Southeast - Proposed View depicting only substation components.
Planting Shown at 10 Year Growth

For on-screen display:
Scale bar to be 4 inches (101.6mm wide)
Viewing distance is 19.7 inches (50 cm)



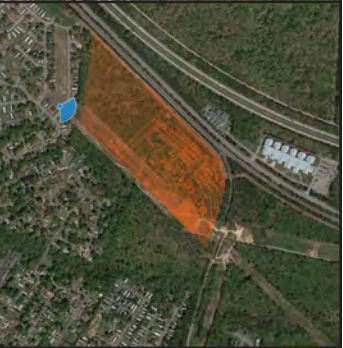
**Skiffes Creek
Switching Station**

Viewpoint 05

7 Tadich Drive

Viewpoint Location

Project Area



Easting Position (State Plane Virginia South):	12032379.3
Northing Position (State Plane Virginia South):	3608490.3
Elevation of Photopoint Position (NAD83):	71.0
Height of Camera Above Ground (ft):	5.4
Date of Photography:	10 June 2015 at 10:21 AM
Orientation of View:	SE
Horizontal Field of View:	124°
Vertical Field of View:	55°

NOTES:

Viewpoint locations have been precision surveyed by:

Burgess & Niple

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Structures and substation subject to final engineering.

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Viewpoint 07 - Merrimac Trail, Near Virginia Peninsula Regional Jail, Looking West - Existing View



Viewpoint 07 - Merrimac Trail, Near Virginia Peninsula Regional Jail, Looking West - Proposed View depicting only substation components. Planting Shown at 2 Year Growth

For on-screen display:
Scale bar to be 4 inches (101.6mm wide)
Viewing distance is 19.7 inches (50 cm)




Skiffes Creek Switching Station

Viewpoint 07

Merrimac Trail, Near Virginia Peninsula Regional Jail

Viewpoint Location

Project Area



Easting Position (State Plane Virginia South):

12034475.5

Northing Position (State Plane Virginia South):

3608041.4

Elevation of Photopoint Position (NAD83):

76.8

Height of Camera Above Ground (ft):

5.4

Date of Photography:

10 June 2015 at 11:13 AM

Orientation of View:

W

Horizontal Field of View:

124°

Vertical Field of View:

55°

NOTES:

Viewpoint locations have been precision surveyed by:

Burgess & Niple

No part of this photo simulation shall be altered in any way.

Visual assessments should be made from the full size TrueView™ only.

Dimensions of the printed full size TrueView™ image are:
Width: 59.2 inches (1504 mm)
Height: 20.5 inches (520 mm)

Structures and substation subject to final engineering.

Photo Simulation Created Using
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24 June 2015




Viewpoint 07 - Merrimac Trail, Near Virginia Peninsula Regional Jail, Looking West - **Existing View**



Viewpoint 07 - Merrimac Trail, Near Virginia Peninsula Regional Jail, Looking West - **Proposed View depicting only substation components. Planting Shown at 10 Year Growth**

For on-screen display:
Scale bar to be 4 inches (101.6mm wide)
Viewing distance is 19.7 inches (50 cm)




Skiffes Creek Switching Station

Viewpoint 07

Merrimac Trail, Near Virginia Peninsula Regional Jail

Viewpoint Location

Project Area



Easting Position (State Plane Virginia South):

12034475.5

Northing Position (State Plane Virginia South):

3608041.4

Elevation of Photopoint Position (NAD83):

76.8

Height of Camera Above Ground (ft):

5.4

Date of Photography:

10 June 2015 at 11:13 AM

Orientation of View:

W

Horizontal Field of View:

124°

Vertical Field of View:

55°

NOTES:

Viewpoint locations have been precision surveyed by:

Burgess & Niple

No part of this photo simulation shall be altered in any way.

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Dimensions of the printed full size TrueView™ image are:
Width: 59.2 inches (1504 mm)
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DATE

24 June 2015

Attachment 8: Photos of the Chickahominy switching station (located in Charles City County)





Attachment 10: Public Comments

From: MNFowler [<mailto:onthepond1@gmail.com>]

Sent: Friday, July 24, 2015 2:49 PM

To: John McGlennon; Bryan Hill; Maxwell Hlavin; Michelle Gowdy

Cc: Wayne Williamson; Jim Zinn

Subject: Skiffe's Creek

Folks,

Good seeing you all last evening. As I shared then, I am so very grateful for the County's continuing resolve on this matter. Thank you. A thousand times, thank you!

In considering the issues surrounding the county's review of the Dominion application for this installation, may I request that you consider delaying the issuance of the Special Use Permit (SUP), given that their application meets all of the other required criteria, until such time as it is clear that Surry-Skiffe's Creek might actually be built? There remains significant, undetermined outcomes on this project, thus, it would seem prudent to await the final determination on the line itself. Then, if need be, the county could quickly proceed with necessary approvals.

A thought that I hope you will review.

Thanks,
Margaret Nelson Fowler

p.s. And, would you pass this to Leanne. I don't seem to have her email address.

Off the grid. . .

From: Judith Fuss [<mailto:jfuss148@gmail.com>]

Sent: Wednesday, August 05, 2015 2:55 PM

To: George Drummond; Richard Krapf; Robin Bledsoe; Chris Basic; John Wright; Tim OConnor; Heath Richardson; Paul Holt

Subject: Dominion Rezoning Public Hearing Comment

Madam Chair, Members of the Commission -

I am writing to strongly urge that you defer action on Dominion Power's application for rezoning, Special Use Permit (SUP) and height limitation waiver, Case 0003-2015, until Dominion has received all required permits and it is clear the project will go forward as now proposed. Even though many aspects of the project have been removed from local control by legal action, artificially limiting your focus, once the project is in place, it's full impact will permanently loom over the Grove community. For example, as noted in the staff's analysis, truly effective buffering for neighbors can only be provided off-site due to the size of some structural components ruled to be outside the reach of local government. While surrounding undeveloped parcels are now wooded with mature trees, providing a natural buffer, their persistence in this state cannot be assured. Therefore presented photo simulations of visual impacts hold little value in assessing long-term effects. Along with others, I ask that you wait until final approval has been granted to the line before taking the next steps that are before you now.

Thank you for considering my views.

- Judy Fuss

~~~~~

Judith Fuss

3509 Hunter's Ridge

Williamsburg, VA 23188

[jfuss148@gmail.com](mailto:jfuss148@gmail.com)





## First California Company Jamestowne Society

Please reply to:  
James H. McCall, Councilor  
1042 Santa Florencia - Solana Beach, CA 92075-1516  
Phone: (858) 755-3535 - e-mail: [fcjamestowneditor@gmail.com](mailto:fcjamestowneditor@gmail.com)

August 3, 2015

James City County Planning Commission  
101-A Mounts Bay Rd.  
Williamsburg, VA 23185

In re: Case No. Z-0003-2015/SUP-0002-2015/HW-0001-2015, Skiffes Creek Switching Station

Dear Commissioners:

I am writing you on behalf of our Governor Donna Chilton Derrick. We are in support of Margaret Fowler's and others' request that you defer action on this case until the applicant receives all other permits and approvals for the entire project.

There are a myriad of issues facing it that must first be settled before your action is needed. First California Company of the Jamestowne Society reflects the scope of national interest in this issue and we feel that there are good reasons and options for Dominion to seek alternative routes for delivering needed power to the area.

As you well know, an ever-increasing number of visitors and students from across the country and elsewhere now travel to Historic Jamestown and its environs seeking to learn about those settlers and the context for our nation's earliest history, which likely will increase, especially after the recently unearthed discoveries. The proposed towers would seriously compromise the ambience and visitors' ability to value those settlers' circumstances.

We Californians owe much to what those early Virginia settlers accomplished. Jamestown's lasting effect is what has differentiated it from other preceding or contemporary English and European settlements in America. This project as proposed would detract from that lasting effect.

Thank you for your consideration.

Yours very truly,



James H. McCall  
Councilor

Cc: Donna Chilton Derrick  
Margaret Nelson Fowler  
Preservation Virginia



August 17, 2015

Leanne Pollock  
Senior Planner II  
James City County, Planning Division  
Planning Division  
101-A Mounts Bay Road  
Williamsburg, VA 23185

Dominion Virginia Power  
Appeal of Planning Commission Action

Dear Leanne:

On behalf of Dominion Virginia Power and in accordance with Virginia Code § 15.2-2232. B, we hereby appeal the finding of the James City County Planning Commission that the proposed Skiffes Creek Switching Station was not in substantial conformance with the Comprehensive Plan.

This appeal requests that the Board of Supervisors overrule the action of the Planning Commission based on the findings of the Planning Department. The staff recommended "that the Planning Commission determine that this review satisfies Code of Virginia §15.2-2232 for substantial accord with the comprehensive plan." In addition, the staff report specifically stated that, "A switching station can be considered under the Group 2 uses as a limited commercial or community-oriented facility as it is classified as a utility. Other electrical substations have been permitted on properties within various land use designations, including LDR and Open Space or Recreation, and deemed as facilities that are necessary to support the power needs of general County development."



Ms. Leanne Pollock  
August 17, 2015  
Page 2

Attached is a copy of the Staff Report forwarded to the Planning Commission and incorporated herein by reference. Please see pages 6-8 of the staff report as they specifically relate to the Comprehensive Plan. In addition, a copy of the unapproved minutes of the August 5, 2015, Planning Commission hearing is attached for reference.

Sincerely,

A handwritten signature in cursive script, appearing to read "Adena".

Adena M. Patterson, AICP  
Senior Planner Assisting  
D. Brennen Keene

/vej

Attachments

cc: Michelle M. Gowdy



The figure is a detailed site plan for the Skiffes Creek Switching Station. It shows the proposed location of the switching station, including various enclosures, transformers, and control buildings. The plan also depicts existing and proposed transmission lines, including a new 500KV line and several T/L corridors. Surrounding land parcels are labeled with owner names, acreage, and zoning designations. Key features include the Virginia Electric & Power Company (V.E.P.) facility, Skiffes Creek Home Owners Association, and various other local businesses and residents. The plan includes a north arrow, a scale bar (1 inch = 150 feet), and a title block with project information.

**SITE TABULATIONS**

SKIFFES CREEK SWITCHING STATION SPECIAL USE PERMIT TABULATION

EXISTING USE: VACANT/ABANDONED OLD CSX RAIL SPUR  
PROPOSED USE: SWITCHING STATION WITH SITE ACCESS AND BUS STOP

TAX MAP/PARCEL NO.: SWITCHING STATION = (59-2)(1-02)/5920100002; SITE ACCESS = (59-2)(1-44A)/5920100044A; BUS STOP = (59-2)(1-13)/5920100013

ZONING: SWITCHING STATION = M-2 GENERAL INDUSTRIAL (PENDING REZONING APPROVAL FROM R-8); SITE ACCESS = M-2 GENERAL INDUSTRIAL; BUS STOP = M-2 GENERAL INDUSTRIAL (PENDING REZONING APPROVAL FROM R-8)

SITE AREA: 55.0 AC (SWITCHING STATION); 11.80 AC (SITE ACCESS); 0.62 AC (BUS STOP) = 67.42 AC  
DISTURBANCE AREA: 20.81 AC (SWITCHING STATION); 1.95 AC (SITE ACCESS); 0.47 AC (BUS STOP)  
TOTAL IMPERVIOUS / % TOTAL: 13.70 AC (24.9%) (SWITCHING STATION); 0.74 AC (6.3%) (SITE ACCESS); 0.10 AC (16.1%) (BUS STOP)  
TOTAL PAVEMENT / % TOTAL: 41.30 AC (75.1%) (SWITCHING STATION); 11.06 AC (93.7%) (SITE ACCESS); 0.52 AC (83.9%) (BUS STOP)  
OPEN SPACE / % TOTAL: 41.30 AC (75.1%) (SWITCHING STATION); 11.06 AC (93.7%) (SITE ACCESS); 0.52 AC (83.9%) (BUS STOP)  
TOTAL BUILDING COVERAGE: 0 ACRES, ENCLOSURES: 0.09 ACRES

RELATED JAMES CITY COUNTY CASES:  
SPECIAL USE PERMIT CASE NO. SUP-0002-2015  
REZONING CASE NO. Z-0003-2015  
HEIGHT WAIVER CASE NO. HW-0001-2015 (2 STATIC POLES - 75' ABOVE GRADE)  
- WESTERN POLE - 137' ABOVE MEAN SEA LEVEL  
- EASTERN POLE - 149' ABOVE MEAN SEA LEVEL  
SITE PLAN CASE NO. SP-0085-2015

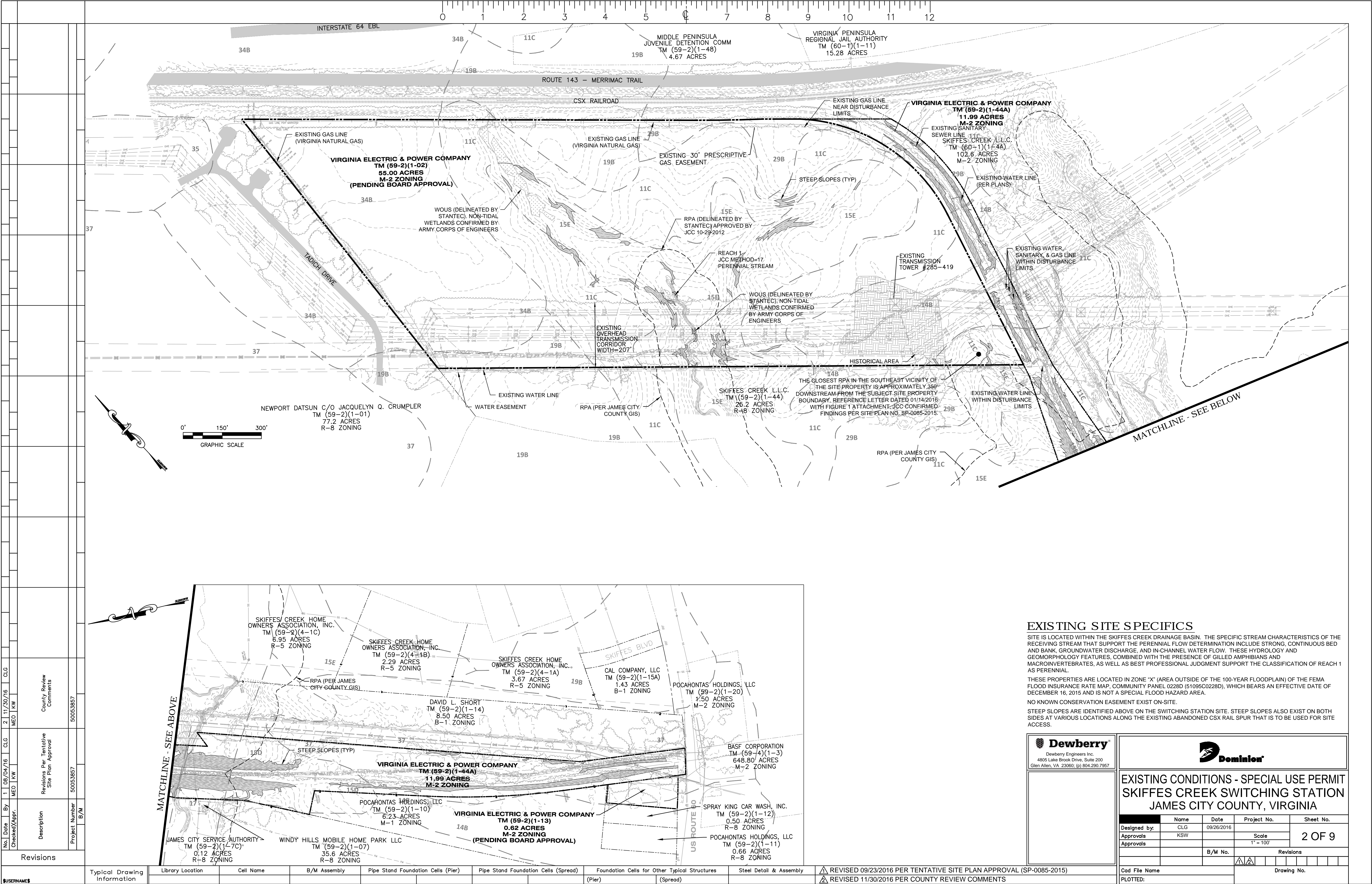
**SITE SOIL SPECIFICS:**

| MAP UNIT | NAME                                            | SOIL EROSION K FACTOR | PERMEABILITY                      | HYDROLOGIC UNIT CODE | PRIME FARMLAND   |
|----------|-------------------------------------------------|-----------------------|-----------------------------------|----------------------|------------------|
| 11C      | Craven-Uchee Complex, 6-10% Slopes              | 0.28                  | Moderately Low to High            | D                    | YES <sup>1</sup> |
| 14B      | Emporia Fine Sandy Loam, 2-6% Slopes            | 0.28                  | Moderately Low to High            | B                    | YES              |
| 15D      | Emporia Complex, 10-15% Slopes                  | 0.28                  | Moderately Low to High            | B                    | YES <sup>1</sup> |
| 15E      | Emporia Complex, 15-25% Slopes                  | 0.28                  | Moderately Low to High            | B                    | NO               |
| 17       | Johnston Complex                                | 0.37                  | HIGH                              | A & D                | NO               |
| 19B      | Kempsville-Emporia Fine Sandy Loam, 2-6% Slopes | 0.28                  | Moderately Low to High            | A                    | YES              |
| 29B      | Slagle Fine Sandy Loam, 2-6% Slopes             | 0.24                  | Moderately Low to Moderately High | C                    | YES              |
| 34B      | Uchee Loamy Fine Sand, 2-6% Slopes              | 0.28                  | Moderately High to High           | B                    | NO               |
| 37       | Urban Land                                      | N/A                   | N/A                               | N/A                  | NO               |

\*SOURCE: WEB SOIL SURVEY, NATIONAL RESOURCES CONSERVATION SERVICE  
<sup>1</sup>FARMLAND OF STATEWIDE IMPORTANCE

\*TRANSMISSION STRUCTURE, LABELED THIS SHEET ONLY  
\*BUFFER INFORMATION SHOWN ON SHEET 5 OF 9






**EXISTING SITE SPECIFICS**

SITE IS LOCATED WITHIN THE SKIFFES CREEK DRAINAGE BASIN. THE SPECIFIC STREAM CHARACTERISTICS OF THE RECEIVING STREAM THAT SUPPORT THE PERENNIAL FLOW DETERMINATION INCLUDE STRONG, CONTINUOUS BED AND BANK, GROUNDWATER DISCHARGE, AND IN-CHANNEL WATER FLOW. THESE HYDROLOGY AND GEOMORPHOLOGY FEATURES, COMBINED WITH THE PRESENCE OF GILLED AMPHIBIANS AND MACROINVERTEBRATES, AS WELL AS BEST PROFESSIONAL JUDGMENT SUPPORT THE CLASSIFICATION OF REACH 1 AS PERENNIAL.


THESE PROPERTIES ARE LOCATED IN ZONE "X" (AREA OUTSIDE OF THE 100-YEAR FLOODPLAIN) OF THE FEMA FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 0228D (51095C0228D), WHICH BEARS AN EFFECTIVE DATE OF DECEMBER 16, 2015 AND IS NOT A SPECIAL FLOOD HAZARD AREA.

NO KNOWN CONSERVATION EASEMENT EXIST ON-SITE.

STEEP SLOPES ARE IDENTIFIED ABOVE ON THE SWITCHING STATION SITE. STEEP SLOPES ALSO EXIST ON BOTH SIDES AT VARIOUS LOCATIONS ALONG THE EXISTING ABANDONED CSX RAIL SPUR THAT IS TO BE USED FOR SITE ACCESS.



Dewberry Engineers Inc.  
4805 Lake Brook Drive, Suite 200  
Glen Allen, VA 23060 (p) 804.290.7957



**EXISTING CONDITIONS - SPECIAL USE PERMIT**  
**SKIFFES CREEK SWITCHING STATION**  
**JAMES CITY COUNTY, VIRGINIA**

| Name             | Date       | Project No. | Sheet No. |
|------------------|------------|-------------|-----------|
| Designed by: CLG | 09/26/2016 |             | 2 OF 9    |
| Approvals: KSW   |            | Scale       |           |
| Approvals:       |            | 1" = 100'   |           |
|                  | B/M No.    | Revisions   |           |
|                  |            |             |           |

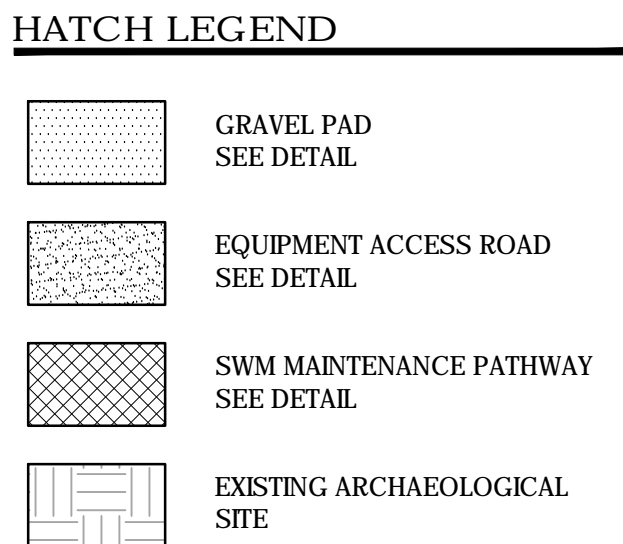
Cad File Name  
PLOTTED:

Drawing No.

| No.       | Date     | By  | Description                                | Project Number | County Review |
|-----------|----------|-----|--------------------------------------------|----------------|---------------|
| 1         | 08/04/16 | MEG | Revisions Per Tentative Site Plan Approval | 50053857       |               |
| 2         | 11/30/16 | MEG | County Review Comments                     | 50053857       |               |
| Revisions |          |     |                                            |                |               |

|                             |                  |           |              |                                    |                                      |                                                      |                                                        |                         |                                                                    |                                               |
|-----------------------------|------------------|-----------|--------------|------------------------------------|--------------------------------------|------------------------------------------------------|--------------------------------------------------------|-------------------------|--------------------------------------------------------------------|-----------------------------------------------|
| Typical Drawing Information | Library Location | Cell Name | B/M Assembly | Pipe Stand Foundation Cells (Pier) | Pipe Stand Foundation Cells (Spread) | Foundation Cells for Other Typical Structures (Pier) | Foundation Cells for Other Typical Structures (Spread) | Steel Detail & Assembly | REVISED 09/23/2016 PER TENTATIVE SITE PLAN APPROVAL (SP-0085-2015) | REVISED 11/30/2016 PER COUNTY REVIEW COMMENTS |
|-----------------------------|------------------|-----------|--------------|------------------------------------|--------------------------------------|------------------------------------------------------|--------------------------------------------------------|-------------------------|--------------------------------------------------------------------|-----------------------------------------------|



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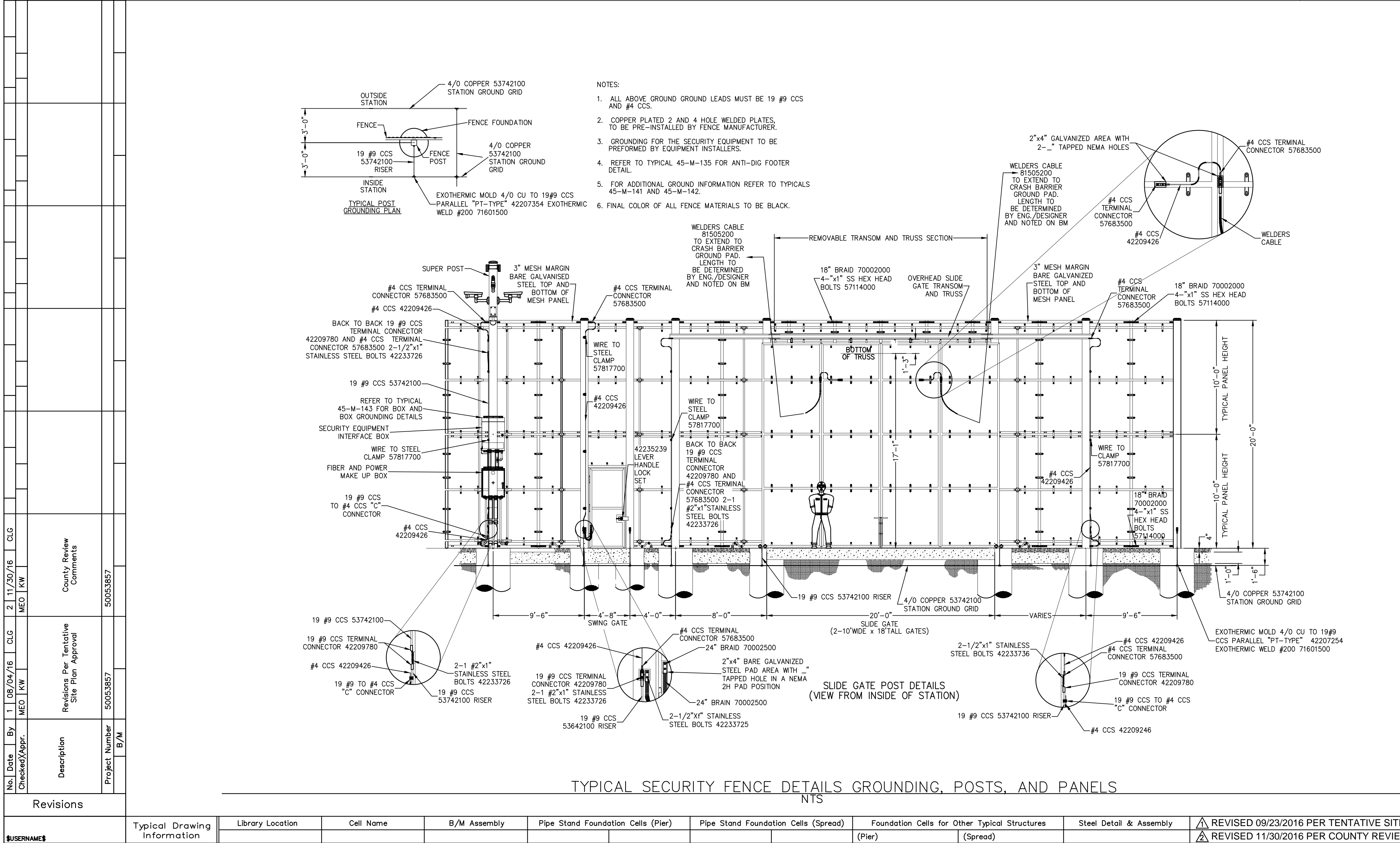
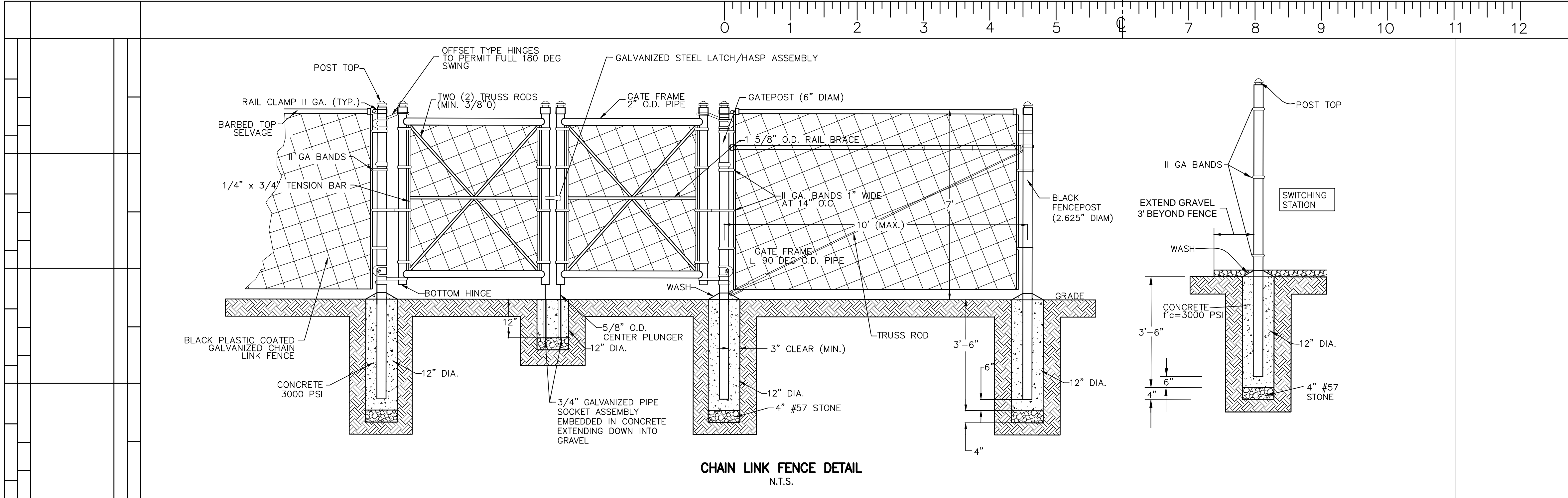












Dewberry  
Dewberry Engineers Inc.  
4805 Lake Brook Drive, Suite 200  
Glen Allen, VA 23060 (p) 804.290.7957

Dominion

CONSTRUCTION DETAILS I - SPECIAL USE PERMIT  
SKIFFES CREEK SWITCHING STATION  
JAMES CITY COUNTY, VIRGINIA

|             |      |            |             |           |
|-------------|------|------------|-------------|-----------|
| Designed by | Name | Date       | Project No. | Sheet No. |
| Approvals   | CLG  | 09/26/2016 |             | 8 OF 9    |
| Approvals   | KSW  |            | Scale       |           |
|             |      |            | AS NOTED    |           |
|             |      | B/M No.    | Revisions   |           |
|             |      |            |             |           |
|             |      |            |             |           |
|             |      |            |             |           |
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|             |      |            |             |           |

Cad File Name  
PLOTTED:

Drawing No.

REVIS

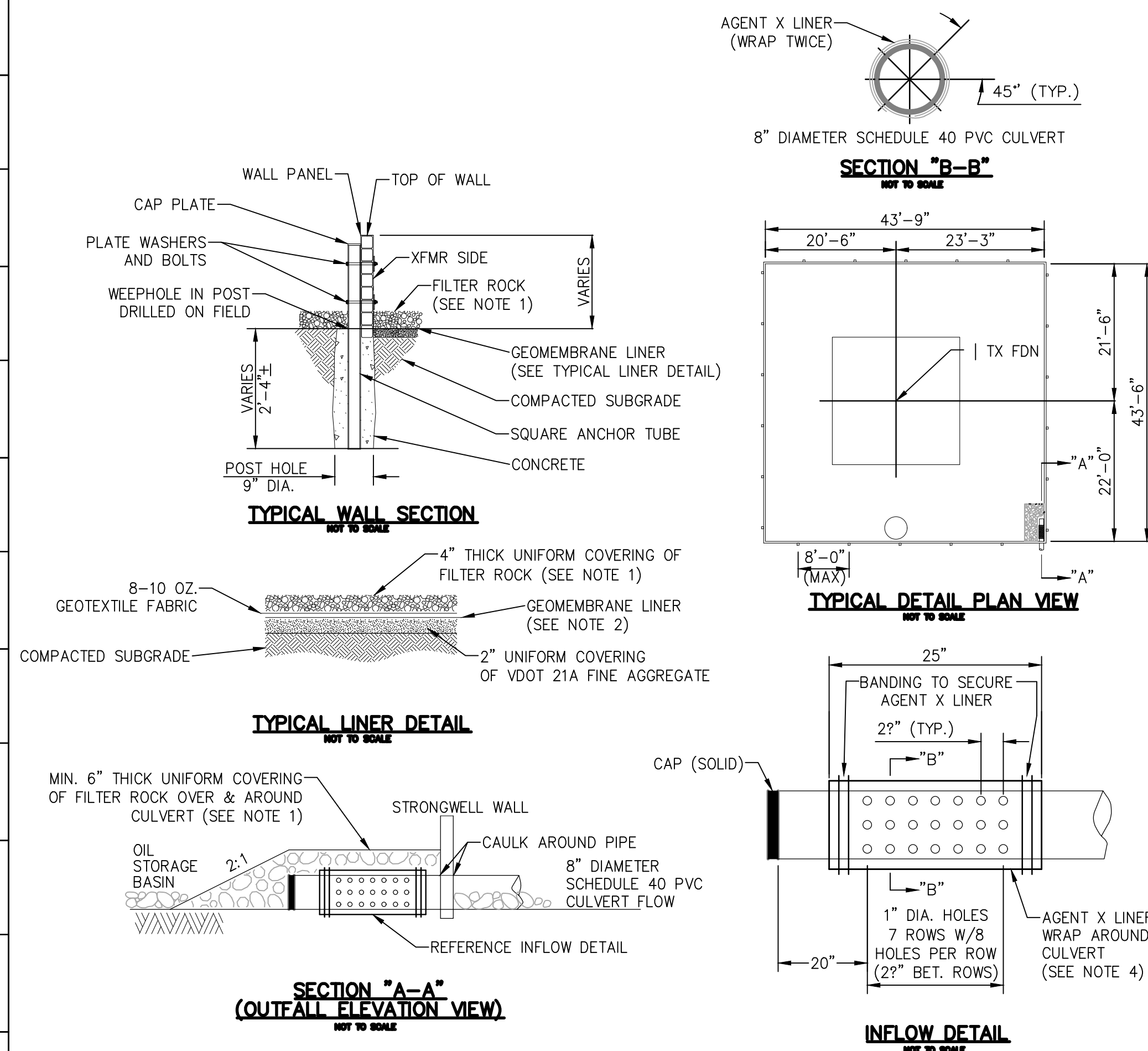
REVISED 09/23/2016 PER TENTATIVE SITE PLAN APPROVAL (SP-0085-2015)

REVISED 11/30/2016 PER COUNTY REVIEW COMMENTS

| No. | Date     | By  | Description                                | Project Number | B/M |
|-----|----------|-----|--------------------------------------------|----------------|-----|
| 1   | 08/04/16 | MEC | Revisions Per Tentative Site Plan Approval | 50053857       |     |
| 2   | 11/30/16 | MEC | County Review Comments                     | 50053857       |     |

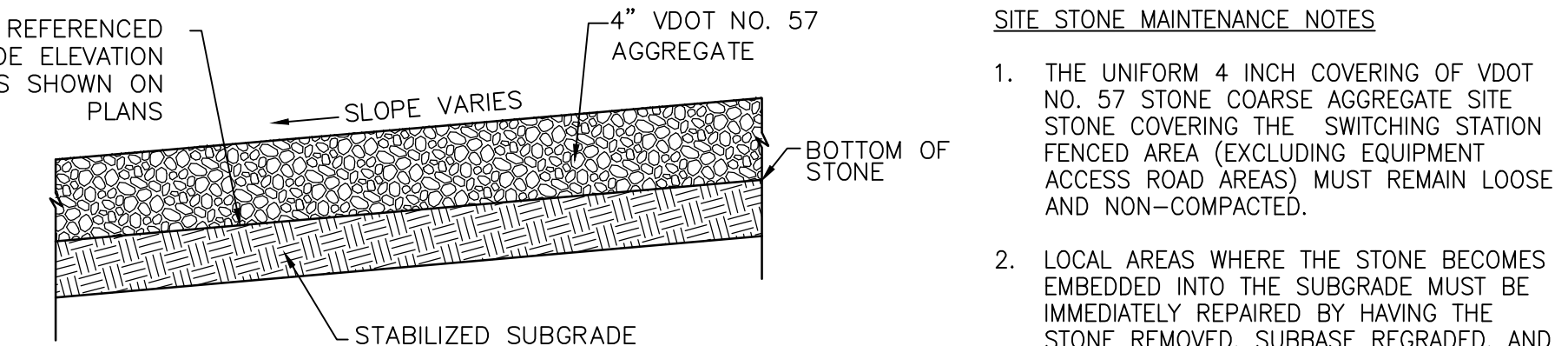
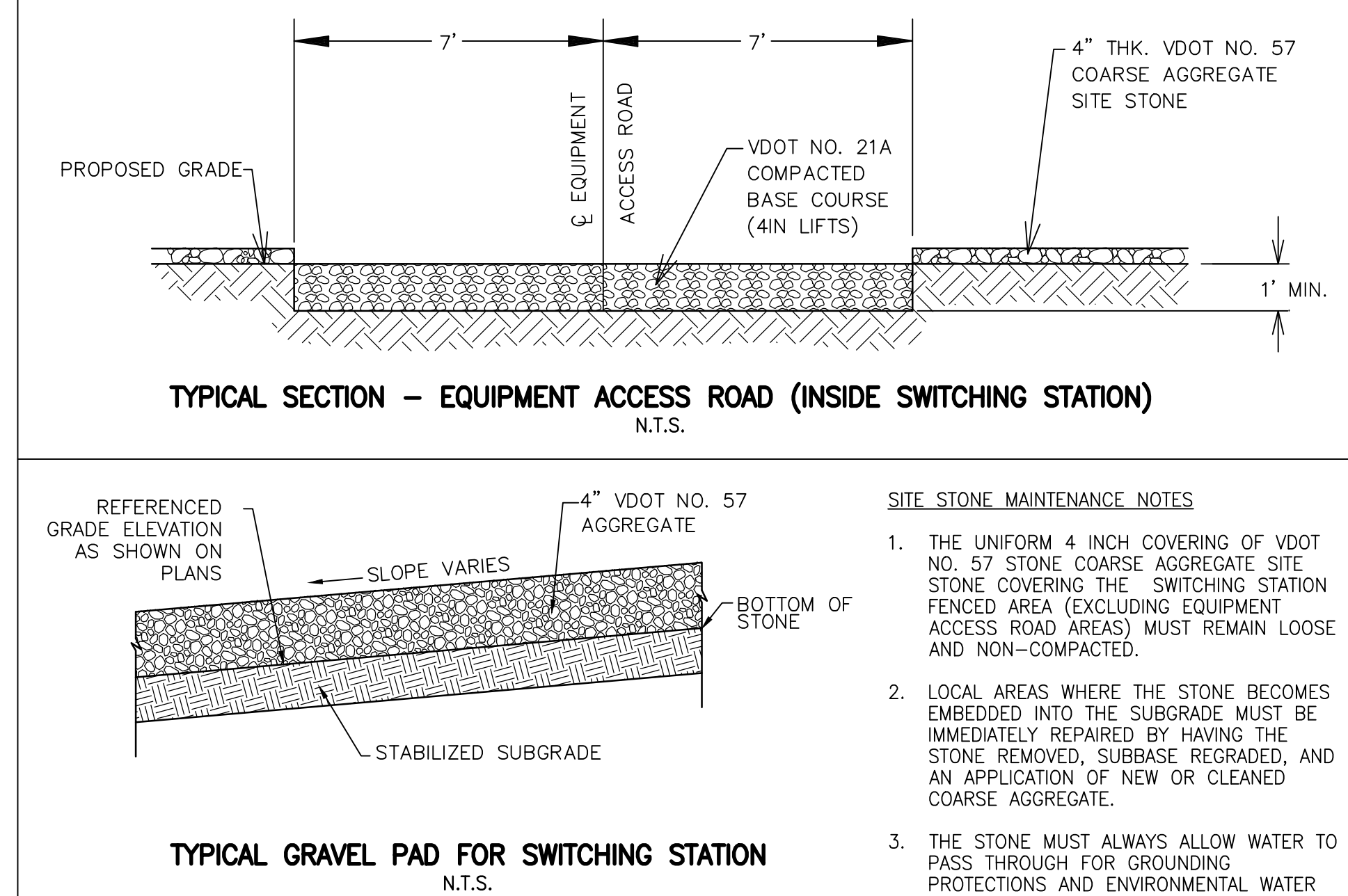
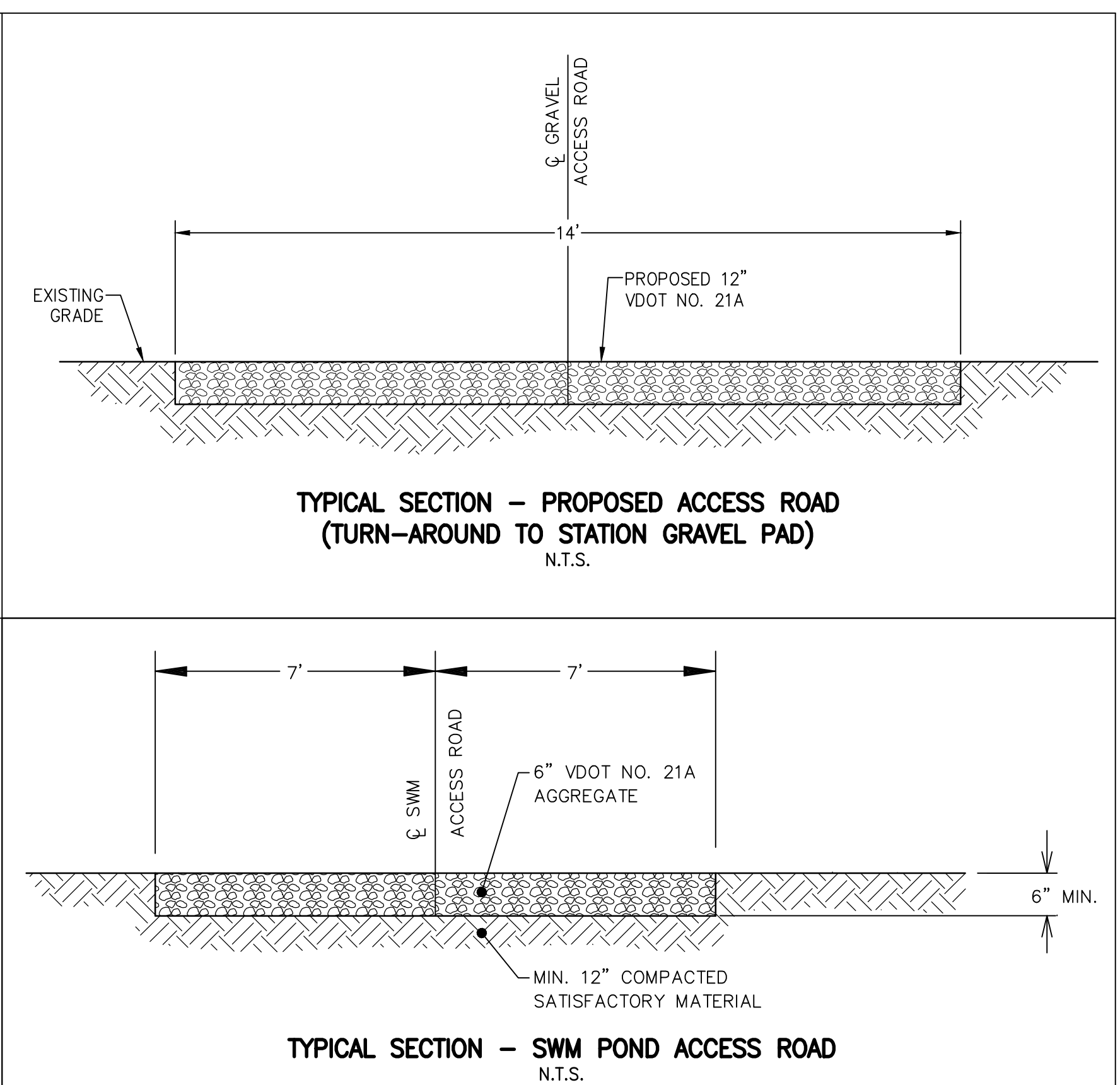
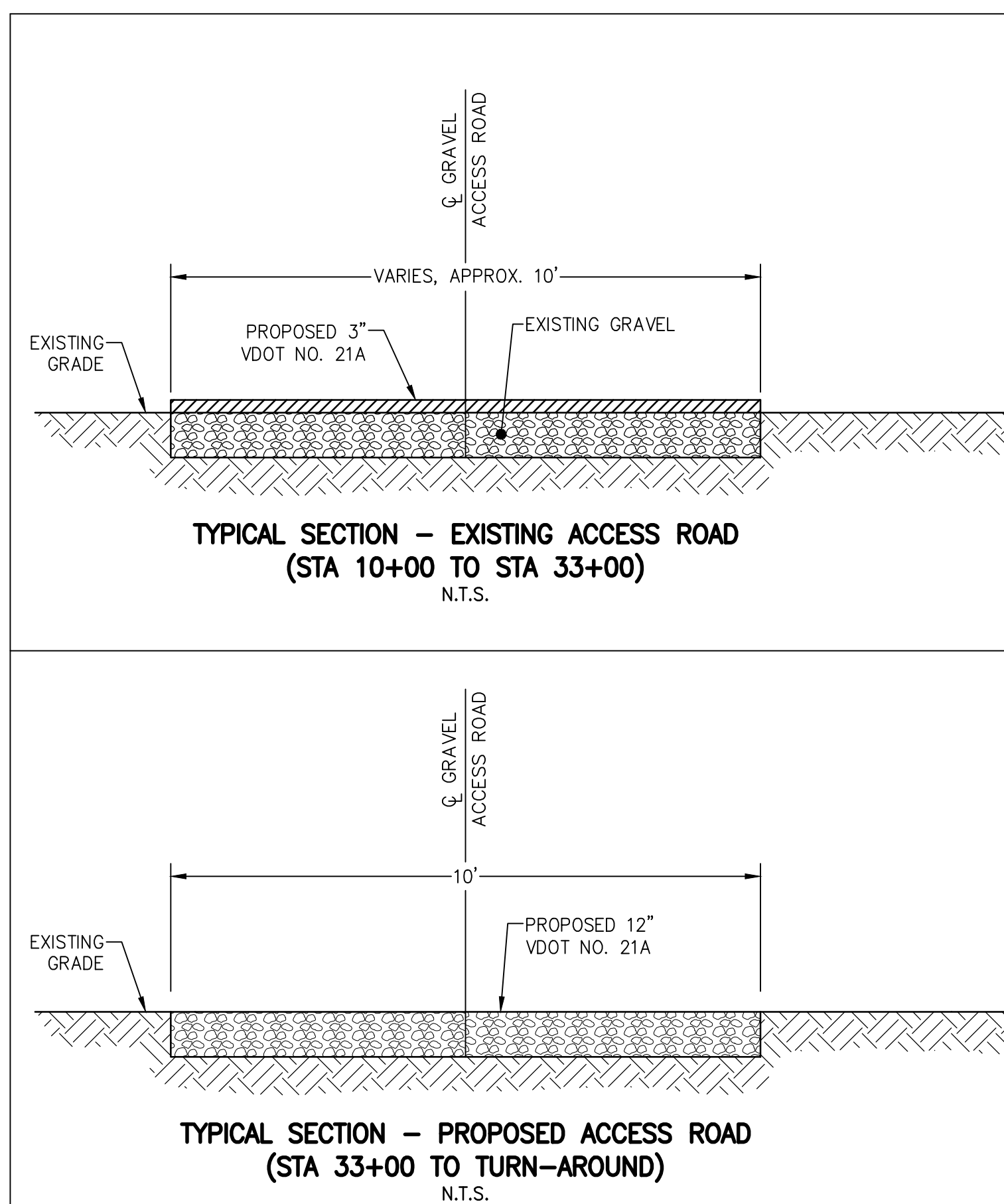
| Library Location | Cell Name | B/M Assembly | Pipe Stand Foundation Cells (Pier) | Pipe Stand Foundation Cells (Spread) | Foundation Cells for Other Typical Structures (Pier) | Foundation Cells for Other Typical Structures (Spread) | Steel Detail & Assembly |
|------------------|-----------|--------------|------------------------------------|--------------------------------------|------------------------------------------------------|--------------------------------------------------------|-------------------------|
|                  |           |              |                                    |                                      |                                                      |                                                        |                         |





NOTES:

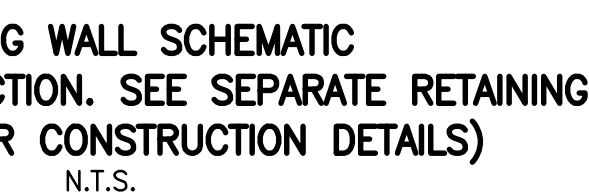
1. FILTER ROCK SHALL BE WELL-ROUNDED GRAVEL AND MUST BE UNIFORM SIZE (100% PASSING 1" SIEVE AND 100% RETAINED ON 1/2" SIEVE) AND HAVE A MINIMUM PERCENTAGE OF VOIDS OF 35% AS DETERMINED BY ASTM C29.
2. CONTRACTOR TO PROVIDE LINER AND GEOTEXTILE FABRIC. GEOMEMBRANE LINER SHALL BE SEAMAN HIGH PERFORMANCE 8130 XR-5. ATTACH LINER PER MANUFACTURER'S RECOMMENDATIONS. ALL PENETRATIONS OF GEOMEMBRANE LINER SHALL BE IN COMPLIANCE WITH MANUFACTURER'S SPECIFICATIONS. SEE DRAWING 0456-081 FOR DETAILS.
3. OIL CONTAINMENT WALL SHALL BE STRONGWELL COMPOSITE. WALL PANELS SHALL BE 3" x 24". TUBE SHALL BE INSTALLED TO MAINTAIN A LEVEL WALL HEIGHT 1'-10" ABOVE TOP OF SUBGRADE AT THE LOW CORNER (SEE PLAN VIEW FOR TOP OF WALL AND SUBGRADE ELEVATIONS). CONTACT MANUFACTURER FOR DESIGN AND INSTALL PER MANUFACTURER'S INSTRUCTIONS.  
STRONGWELL  
HTTP://WWW.STRONGWELL.COM  
400 COMMONWEALTH AVENUE  
BRISTOL, VA 24201  
(276) 645-8000
4. CONTRACTOR TO PROVIDE ALL PIPE DRAINAGE ASSEMBLY MATERIALS. AGENT X LINER (54" WIDE x 25" TALL) TO BE WRAPPED AROUND PERFORATED SECTION OF 8" DRAIN PIPE. TWO WRAPS ARE REQUIRED. CONTACT MANUFACTURER FOR DESIGN AND INSTALL PER MANUFACTURER'S RECOMMENDATIONS.  
CI AGENT  
HTTP://WWW.CIAGENT.COM  
11760 COMMONWEALTH DRIVE  
LOUISVILLE, KY 40229  
(866) 242-4368
5. OIL CONTAINMENT DESIGNED FOR TOTAL STORAGE OF 1,940 CU. FT. THIS ACCOUNTS FOR TRANSFORMER OIL AND RAIN WATER.



SITE STONE MAINTENANCE NOTES

1. THE UNIFORM 4 INCH COVERING OF VDOT NO. 57 STONE COARSE AGGREGATE SITE STONE COVERING THE SWITCHING STATION FENCED AREA (EXCLUDING EQUIPMENT ACCESS ROAD AREAS) MUST REMAIN LOOSE AND NON-COMPACTED.
2. LOCAL AREAS WHERE THE STONE BECOMES EMBEDDED INTO THE SUBGRADE MUST BE IMMEDIATELY REPAIRED BY HAVING THE STONE REMOVED, SUBBASE REGRADED, AND AN APPLICATION OF NEW OR CLEANED COARSE AGGREGATE.
3. THE STONE MUST ALWAYS ALLOW WATER TO PASS THROUGH FOR GROUNDING PROTECTIONS AND ENVIRONMENTAL WATER QUALITY INTEGRITY.

| RETAINING WALL SCHEDULE |                      |        |       |       |                   |                   |                   |                   |                        |                        |
|-------------------------|----------------------|--------|-------|-------|-------------------|-------------------|-------------------|-------------------|------------------------|------------------------|
| MARK                    | "Hw"                 | "W"    | "T"   | "F"   | "M" BARS          | "V" BARS          | "P" BARS          | "D" BARS          | "F <sub>T</sub> " BARS | "F <sub>B</sub> " BARS |
| RW-1                    | Hw ≤ 6'-0"           | 4'-0"  | 1'-0" | 1'-0" | #5 AT 12"<br>O.C. | #5 AT 12"<br>O.C. | #4 AT 12"<br>O.C. | NONE              | (4) #4                 | (2) #4                 |
| RW-2                    | 6'-0" < Hw ≤ 8'-0"   | 5'-6"  | 1'-6" | 1'-0" | #6 AT 12"<br>O.C. | #6 AT 12"<br>O.C. | #5 AT 12"<br>O.C. | NONE              | (5) #4                 | (3) #4                 |
| RW-3                    | 8'-0" < Hw ≤ 10'-0"  | 8'-0"  | 2'-6" | 1'-2" | #6 AT 12"<br>O.C. | #7 AT 12"<br>O.C. | #6 AT 12"<br>O.C. | #4 AT 12"<br>O.C. | (9) #4                 | (4) #4                 |
| RW-4                    | 10'-0" < Hw ≤ 12'-0" | 10'-0" | 3'-0" | 1'-4" | #8 AT 12"<br>O.C. | #8 AT 12"<br>O.C. | #7 AT 12"<br>O.C. | #5 AT 12"<br>O.C. | (10) #5                | (4) #5                 |
| RW-5                    | 12'-0" < Hw ≤ 14'-0" | 12'-6" | 3'-6" | 1'-6" | #8 AT 8"<br>O.C.  | #8 AT 8"<br>O.C.  | #8 AT 12"<br>O.C. | #6 AT 8"<br>O.C.  | (12) #5                | (4) #5                 |

[illegible]



**ITEM SUMMARY**

DATE: 7/11/2017

TO: The Board of Supervisors

FROM: Ellen Cook, Principal Planner

SUBJECT: Skiffes Creek Switching Station: Appeal of Code of Virginia 15.2-2232 Finding

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**ATTACHMENTS:**

|   | Description                                                                 | Type            |
|---|-----------------------------------------------------------------------------|-----------------|
| ▣ | Staff Report                                                                | Staff Report    |
| ▣ | Attachment 1A Resolution to Overrule                                        | Resolution      |
| ▣ | Attachment 1B Resolution to Affirm                                          | Resolution      |
| ▣ | Attachment 2 Location Map                                                   | Backup Material |
| ▣ | Attachment 3 Minutes of the August 5, 2015 Planning Commission meeting      | Backup Material |
| ▣ | Attachment 4 Proffers                                                       | Backup Material |
| ▣ | Attachment 5 Background Information Provided By Applicant                   | Backup Material |
| ▣ | Attachment 6 Environmental constraints analysis                             | Backup Material |
| ▣ | Attachment 7 Visual Simulations - including proposed transmission lines     | Backup Material |
| ▣ | Attachment 8 Visual Simulations - excluding proposed transmission lines     | Backup Material |
| ▣ | Attachment 9 Switching station photographs (Chickahominy switching station) | Backup Material |
| ▣ | Attachment 10 Public comment                                                | Backup Material |
| ▣ | Attachment 11 Applicant request to appeal Code of Virginia 15.2-2232        | Backup Material |
| ▣ | Attachment 12.1 Master Plan Sheets 1-2                                      | Backup Material |
| ▣ | Attachment 12.2 Master Plan Sheet 3                                         | Backup Material |
|   | Attachment 12.3 Master Plan Sheet                                           |                 |



|   |                                        |                 |
|---|----------------------------------------|-----------------|
| ▣ | 4                                      | Backup Material |
| ▣ | Attachment 12.4 Master Plan Sheet 5    | Backup Material |
| ▣ | Attachment 12.5 Master Plan Sheet 6    | Backup Material |
| ▣ | Attachment 12.6 Master Plan Sheets 7-9 | Backup Material |

## **REVIEWERS:**

| Department             | Reviewer        | Action   | Date                 |
|------------------------|-----------------|----------|----------------------|
| Planning               | Holt, Paul      | Approved | 6/26/2017 - 9:55 AM  |
| Development Management | Holt, Paul      | Approved | 6/26/2017 - 9:55 AM  |
| Publication Management | Trautman, Gayle | Approved | 6/26/2017 - 10:00 AM |
| Legal Review           | Kinsman, Adam   | Approved | 7/5/2017 - 8:18 AM   |
| Board Secretary        | Fellows, Teresa | Approved | 7/5/2017 - 8:18 AM   |
| Board Secretary        | Purse, Jason    | Approved | 7/5/2017 - 8:28 AM   |
| Board Secretary        | Fellows, Teresa | Approved | 7/5/2017 - 8:31 AM   |



**REZONING-0003-2015/SPECIAL USE PERMIT-0002-2015/HEIGHT WAIVER-0001-2015. Skiffes Creek Switching Station**

**Staff Report for the July 11, 2017, Board of Supervisors Public Hearing**

*This staff report was prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

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**PUBLIC HEARINGS**  
Planning Commission: Building F Board Room; County Government Complex  
August 5, 2015, 7:00 p.m.  
Board of Supervisors: November 24, 2015, 6:30 p.m. (deferred by applicant)  
December 8, 2015, 6:30 p.m. (deferred by applicant)  
February 9, 2016, 6:30 p.m. (deferred by applicant)  
March 8, 2016, 6:30 p.m. (deferred by applicant)  
August 9, 2016, 6:30 p.m. (deferred by applicant)  
December 13, 2016, 6:30 p.m. (deferred by applicant)  
June 27, 2017, 4:00 p.m. (deferred by applicant)  
July 11, 2017, 5:00 p.m.

**SUMMARY FACTS**

Applicant: Ms. Adena Patterson, McGuire Woods, LLP

Land Owner: Virginia Electric and Power Company, d/b/a Dominion Energy Virginia

Proposal: Rezoning to M-2, General Industrial, with proffers and a Special Use Permit (SUP) to allow for an electrical switching station. This use is classified as an electrical generation facility (public or private), steam generation facility, electrical substation with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more. Also includes a height waiver for two approximately 80-foot-tall structures.

Locations: 8968, 8964 and 8960 Pocahontas Trail

Tax Map/Parcel Nos.: 5920100002, 5920100044A and 5920100013 respectively

Parcel Size: +/- 67.4 acres in total (55.0, 11.8 and 0.62 acres respectively)

Existing Zoning: R-8, Rural Residential; M-2, General Industrial; and R-8, Rural Residential respectively

Proposed Zoning: M-2, General Industrial, with proffers

Comprehensive Plan: Low Density Residential and Neighborhood Commercial respectively

Primary Service Area: Inside

**STAFF RECOMMENDATION**

Staff recognizes the importance of providing a reliable source of power to James City County and the rest of the Peninsula for economic development, tourism and current businesses and residents while needing to balance the location of electrical facilities with surrounding development to retain the County's character and quality of life.



With the acceptance of the proposed proffers and adoption of the proposed conditions, staff finds the proposal to be compatible with surrounding development and generally consistent with the 2035 Comprehensive Plan.

Staff recommends the Board of Supervisors approve this rezoning, accept the voluntary proffers and approve the SUP and Height Limitation Waiver Application subject to the listed conditions.

Staff also recommends that the Board of Supervisors determine that this review satisfies Code of Virginia §15.2-2232 for substantial accord with the Comprehensive Plan.

Staff Contact: Ellen Cook

Phone: 253-6693

### **PLANNING COMMISSION RECOMMENDATION**

At the August 5, 2015 Planning Commission meeting, the motion for a recommendation of approval for the application (i.e. the switching station rezoning and SUP) and consistency with Code of Virginia §15.2-2232, failed (Aye: 2; Nay: 4). A Planning Commission vote regarding the Height Limitation Waiver was not required.

### **Proposed Changes Made Since the Planning Commission Meeting**

The following changes have been made since the Planning Commission meeting:

1. The applicant has provided revised visual simulations for two viewpoints showing the impacts of just the switching station equipment at 2-year and 10-year growth of proposed plantings. The pieces of equipment that have been determined to be part of the transmission line have been removed from the simulation (though existing transmission lines are still shown in the simulation). See Attachment No. 8.
2. The applicant has provided photographs of an existing switching station in Charles City County to give an example of what the fencing and equipment looks like. This switching station is approximately the same size as, but is configured differently than, the proposed Skiffes Creek facility (see Attachment No. 9).
3. The applicant has submitted an additional proffer (Proffer No. 3) which would prohibit the owner from installing improvements for the switching station site plan until the Army Corps of Engineers issues a permit for the final transmission line route. The proffer would allow for clearing and grading to begin after the issuance of an Early Land Disturbing Permit but if the Army Corps does not approve the permit, the proffer requires Dominion to replant the cleared areas.
4. The applicant has submitted an additional proffer (Proffer No. 4) which would open the option for the County's Economic Development Authority (EDA) to request an easement through the property for the purposes of re-establishing the abandoned CSX railroad spur that used to connect to the BASF property. The proffer gives the EDA ten years to request the easement. The proffer also states that the cost of rail construction would be borne by others, except that, in recognition that the construction of the rail spur will require unique construction techniques and improvements to ensure that the Owners will continue to have access to the property, the Owner shall make a cash contribution of \$1,500,000 to help defray construction costs within 60 days of commencement of installation of improvements for the switching station. The final section of the proffer provides that the County shall have the option to elect to designate the cash contribution to be used for transportation projects in the County within two miles of the point where the property fronts on Route 60.
5. The applicant has proposed an alternative method for addressing stormwater management, which resulted in changes to the Master Plan.



6. The Master Plan has been changed to reflect progress that the applicant has made towards designing the proposed bus stop and shelter, including adjusting the width of the right-of-way dedication and details of the dedication.

On August 17, the applicant filed an appeal to the Planning Commission's Code of Virginia § 15.2-2232 finding that the switching station is not in substantial accord with the Comprehensive Plan. The appeal letter is provided as Attachment No. 11 for further reference.

### **Proffers**

Proffers are signed and submitted in accordance with the James City County Proffer Policy. The submitted proffers limit the permitted uses on this parcel exclusively to the electrical substation and wireless communications facilities and would not permit any other industrial or commercial uses in an effort to minimize impacts to surrounding residential uses.

The applicant has also proposed proffers to relocate the existing Windy Hill Marketplace bus stop to in front of the switching station property and provide a bus pull-off and shelter. In the event Williamsburg Area Transit Authority (WATA) or the Virginia Department of Transportation (VDOT) does not approve the relocation, the applicant has proffered to contribute the equivalent cash to be used towards other transit improvements along this segment of Pocahontas Trail. The cash equivalent would be determined as part of the site plan review. The applicant has also proffered to construct sidewalk along the property's frontage.

Two new proffers (Proffer Nos. 3 and 4), which were outlined earlier on this page, were proposed since the Planning Commission meeting.

### **PROJECT DESCRIPTION**

Ms. Adena Patterson of McGuire Woods LLP has applied for a rezoning, SUP and height waiver for an electrical switching station to be operated by Dominion Virginia Power as part of the proposed Surry-Skiffes Creek 500 kV line and Skiffes Creek-Whealton 230 kV line (Surry-Skiffes Creek-Whealton transmission line). The applicant requests that three properties be rezoned to M-2, General Industrial, with proffers. An electrical substation is a specially permitted use in both the proposed M-2 Zoning District and in the existing R-8, Rural Residential Zoning District; however, it is necessary for the applicant to rezone the properties due to the proposed height of two structures. In R-8, the maximum permitted height is 45 feet and Height Limitation Waivers are available for taller buildings whereas in M-2 the maximum permitted height is 60 feet and waivers are available for taller structures. A Height Limitation Waiver has also been requested for two static poles which will not exceed 80 feet above grade.

Code of Virginia § 15.2-2232 requires that unless a utility facility is shown on the adopted Comprehensive Plan or other Master Plan for the County, the local planning commission and governing body shall review the facility to determine whether the location, character and extent of the project is substantially in accord with the adopted Comprehensive Plan. The proposed switching station is not currently shown on the County's adopted Comprehensive Plan and so requires this additional level of review by the Planning Commission and the Board of Supervisors.

### **PROJECT BACKGROUND**

There is considerable background information pertaining to Dominion Virginia Power's overall proposed Surry-Skiffes Creek-Whealton transmission line project. The project has been under evaluation for several years in order to ensure the provision of reliable power to the area following the closure of the Yorktown Power Station to meet Federal environmental requirements, which occurred in April 2017.



It is important to be mindful that the State Corporation Commission (SCC) has reviewed and accepted the proposed route for the transmission lines. This route is still under review by the Army Corps of Engineers, which issued a Conditional Permit for the proposed transmission line project in June 2017. Under Code of Virginia §56-46.1(F), approval of a transmission line by the SCC is deemed to satisfy local zoning ordinances. James City County appealed the SCC's determination that the switching station was part of the transmission line and exempt from local zoning ordinances; however, earlier in 2015 the Virginia Supreme Court decided that the switching station is not part of the transmission lines and so is subject to both local zoning ordinances and review in accordance with Code of Virginia §15.2-2232.

As a result of these proceedings, the scope of staff's review of the rezoning, SUP and Height Limitation Waiver is limited only to the switching station facility. The applicant has color-coded Sheet 1 of the Master Plan to show transmission line components in green and existing overhead transmission lines in blue. Staff notes that there are also several taller backbone structures ranging from 75 feet to 115 feet in height (identified by an asterix next to the height label). All of these items have been deemed to be part of the transmission lines and are exempt from local zoning ordinances. The broader route of the 500kV transmission lines, the color-coded items on the Master Plan and the backbones are shown for informational purposes only and should not be factored into deliberation on the proposed switching station facility rezoning, SUP and Height Waiver.

### **COMMUNITY MEETING**

The applicant conducted a community open house at the James River Elementary School on July 23, 2015 from 5-7 p.m. to provide additional information about the proposed switching station to nearby residents and businesses.

### **SURROUNDING ZONING AND DEVELOPMENT ANALYSIS**

The project area consists of three parcels that connect the switching station property to Pocahontas Trail by way of an abandoned BASF rail spur. To the north-west, the station is adjacent to active CSX railroad tracks and Merrimac Trail/Route 143. The Merrimac Center and Virginia Peninsula Regional Jail are across Merrimac Trail from the station. Both are zoned PL, Public Lands, and designated Federal, State and County Land on the 2035 Comprehensive Plan. Immediately to the east is a large vacant parcel zoned M-2, General Industrial and designated General Industry. To the south of the station is a vacant parcel that is zoned R-8, Rural Residential and is designated Low Density Residential (LDR). Both the parcel to the east and the parcel to the south are owned by Skiffes Creek L.L.C. and neither have existing road frontage/access on a public street. Immediately to the west of the station is Country Village Mobile Home Park, which is zoned R-8 and designated Moderate Density Residential (MDR). There are a few other existing residential neighborhoods located in close proximity to the project, including Skiffes Creek Terrace, Carter's Village, Poplar Hall and Windy Hill Mobile Home Park. Property adjacent to the access road and along Pocahontas Trail is zoned a mixture of B-1, General Business; M-1, Limited Business/Industrial; R-8 and M-2; and designated Neighborhood Commercial, LDR, MDR and General Industrial.

### **HEIGHT WAIVER**

The applicant has applied for a Height Limitation Waiver and the following analysis is completed with the assumption that the property is rezoned to M-2. On property zoned M-2, structures may be constructed, by right, up to 60 feet in height above grade provided that they meet certain additional setbacks from the property lines. If structures are to exceed 60 feet in height, they must first be authorized by the Board with the issuance of a Height Limitation Waiver (Height Waiver). The applicant has asked for a 20-foot waiver to the height requirements for two structures, which equates to no more than 80 feet above finished grade (which would be the equivalent of 137 feet and 149 feet above Mean Sea Level for each of the two structures respectively). The structures are static poles which are located near the center of the property and serve to attract any lightning strikes rather than to the other switching station equipment. The applicant has provided new visual simulations from Country Village Mobile Home Park (viewpoint 05) and Route 143 (viewpoint 07) to show what the



switching station would look like from off-site. They have been revised to no longer show structures that are part of the proposed transmission lines (but do still show existing transmission lines that will remain). Given the height of the poles and their location on the property, they will have minimal, if any, off-site visual impacts.

### **HEIGHT WAIVER ANALYSIS**

Section 24-443 of the James City County Zoning Ordinance states that structures in excess of 60 feet in height may be erected only upon the granting of a Height Limitation Waiver by the Board of Supervisors and upon finding:

1. Additional setbacks have been provided; however, the Board may waive additional setbacks for structures in excess of 60 feet.

*Staff Comment:* The proposed static poles are more than 400 feet from the southern property line and the nearest pole is more than 350 feet from the eastern property line. They are located in such a way that the full required Ordinance setbacks (98 feet from the southern property line and 35 feet from the eastern property line) are exceeded in all areas.

2. Such structure will not obstruct light from adjacent property.

*Staff Comment:* Given the distances to the property boundary lines and the design of the static pole, which is similar to a monopole/slick stick cell tower, Planning staff finds that the static poles will not obstruct light from adjacent properties.

3. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments.

*Staff Comment:* The closest area of historic interest is Carter's Grove, which is roughly 4,000 feet from the switching station site. The poles will not be visible from this location. There is an archaeological resource on the switching station property; however, the applicant intends to completely excavate the site prior to construction and this is reflected in the proposed SUP conditions. Staff has visited the surrounding residential neighborhoods and Dominion has provided visual simulations to determine impacts to these areas. Currently, the existing overhead power lines are extremely visible from Country Village Mobile Home Park, the view is already significantly impacted in this area and the transmission lines themselves will further impact the view. The clearing and additional equipment for the switching station/static poles will only impact this view to a minor extent. Visual simulation from other surrounding developments indicates that the static poles will not be visible. Staff does note; however, that visibility from Poplar Hall specifically may change if the intervening parcel is cleared for development. Staff has proposed several landscaping and buffering conditions as part of the SUP in an attempt to mitigate this. Planning staff finds that the proposed static poles will not further impair the enjoyment of nearby historic attractions, areas of significant historic interest or nearby developments.

4. Such structure will not impair property values in the area;

*Staff Comment:* The Director of Real Estate Assessments reviewed the two proposed static poles and determined that they will not negatively affect the surrounding property assessments.

5. Such structure is adequately designed and served from the standpoint of safety and that the County Fire Chief finds the fire safety equipment 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.



*Staff Comment:* The Fire Department indicates that they have no concerns with the static poles from a fire service standpoint. Public safety related to the switching station will be addressed more in depth later in staff's report.

6. Such structure will not be contrary to the public health, safety and general welfare.

*Staff Comment:* Based on the current proposal and supporting information submitted by the applicant, staff finds that the proposed static poles will not unduly or adversely affect the public health, safety or general welfare. Public safety related to the switching station will be addressed more in depth later in staff's report.

## **PUBLIC IMPACTS**

### **Archaeology**

The property has been undergoing review as part of the overall permitting process for the Surry-Skiffes Creek Whealton transmission line. Based on the results of a Phase I and Phase II excavation conducted on the property, the Virginia Department of Historic Resources has concurred that there is one archaeological site that is eligible for listing on the National Register of Historic Places. The applicant has indicated that it is their intent to fully excavate the site prior to development and staff has proposed an SUP condition to this effect.

### **Environmental**

#### **Watershed:** Skiffes Creek

**Staff Comments:** The property includes a small Resource Protection Area (RPA) that the applicant proposes to avoid through construction. There are several overhead transmission lines that cross this RPA and so frequent maintenance and trimming will be necessary in this area to keep growth below 15 feet. Due to concerns regarding the use of chemical herbicides in this area, staff has proposed a condition where the owner would need to notify the Director of Engineering and Resource Protection prior to any maintenance activities.

The site also drains to the Skiffes Creek Reservoir, which is a source of drinking water for Newport News Water Works. Staff has included SUP conditions to help mitigate for any negative impacts to the reservoir, including requiring a spill containment/response plan and that post-development stormwater runoff water quality will be treated to achieve the same degree of pre-development water quality. Additionally, the wooded area of the parcel to the west of the switching station will be retained as a tree protection area.

Staff also consulted with the Virginia Department of Conservation and Recreation (DCR) regarding potential habitat for rare, threatened or endangered species. Based on DCR's review, there are no existing species or potential habitat and so no further natural heritage surveys will be necessary.

**ERP Comments:** Engineering and Resource Protection (ERP) has reviewed the Master Plan and proposed SUP conditions and concurs that any outstanding items can be addressed through the development plan review process.

### **Public Utilities**

The property is located within the Primary Service Area and would be served by public water (Newport News Water Works) and sewer.

**Staff Comments:** The applicant is not proposing any connections to public water or sewer. Given the project's location to existing James City Service Authority (JCSA) infrastructure and to the Skiffes Creek Reservoir, staff consulted with both JCSA and Newport News Water Works. Both agencies concur with the Master Plan and SUP conditions and have also been participating in the review of the development plans.

### **Public Safety**

The switching station represents a large concentration of high voltage equipment and so staff spent considerable time discussing the project with County Police and Fire personnel in addition to contacting Virginia Natural Gas



(who has a gas pipeline along the northern edge of the property) and CSX to determine whether there were any safety concerns. The applicant has confirmed that the access road from Pocahontas Trail will be upgraded to support fire apparatus. Due to the nature of switching station, the road will be gated and the Fire Department will work in conjunction with Dominion personnel in the event of an emergency to ensure conditions are made safe prior to responding to an incident. This is the typical operating procedure for electrical facilities. SUP conditions are proposed for an emergency management plan that will be developed in conjunction with Fire and Police and will outline appropriate contacts, training schedules, etc. The fence will also be equipped with security cameras that will be monitored.

### **Fiscal**

While the proposal does not generate new businesses or housing, the applicant submitted an overview of the fiscal benefit to the County as a result of rezoning these properties and investing in a switching station. Per calculations by Dominion and the SCC, estimates indicate that \$425,087 would be paid in taxes whereas currently, the 2016 real property tax is estimated at \$5,853. Since the property is owned by Dominion, it is assessed by the SCC rather than James City County. The SCC concurred with Dominion's estimation methodology; however, they noted that the investment amount used for the switching station would not be able to be confirmed until later in the project.

### **Transportation**

The project is located on Pocahontas Trail/Route 60 and there is an existing gated driveway which serves as access to the site. There is a secondary access point off Tadich Drive in Country Village Mobile Home Park, which also ultimately connects to Pocahontas Trail.

**Traffic Counts:** The James City County/Williamsburg/York County Comprehensive Transportation Study (Regional Study) that was completed in March 2012 indicated that the most recent weekday volume for Pocahontas Trail from BASF Road to the Newport News boundary was 11,188 trips. This represents a current weekday PM peak hour Level of Service (LOS) of A-C for the corridor.

**Projected Traffic Volume:** On Pocahontas Trail from the Grove Interchange to the Newport News boundary, the 2035 Comprehensive Plan projects 21,186 Annual Average Daily Traffic for 2035 - with the note that volumes are expected to be reduced with implementation of the Route 60 relocated project. The Regional Study notes that the PM peak hour LOS for the corridor from BASF Road to the Newport News boundary is projected to still be at a LOS of F in 2034.

**Staff Comments:** The switching station will not be staffed on a regular basis and the applicant has indicated that they anticipate three vehicle trips per month to the site for regular maintenance and monitoring once the station is complete. An SUP condition will require that a construction management and mitigation plan be provided prior to site plan approval which will address traffic control measures and hours during construction of the station. There is also a condition that limits all access (with the exception of emergencies) to Pocahontas Trail rather than through residential areas. The applicant has proffered to dedicate additional right-of-way of Pocahontas Trail to accommodate a sheltered bus stop and pull-off. Dominion has included a detail for the bus pull-off and shelter as part of the switching station development plans submitted in September 2015. WATA has concurred with relocating the Windy Hill Market bus stop to the switching station property and VDOT has not expressed any major concerns with the proposed design and right-of-way dedication. If for any reason WATA and VDOT do not grant final approval to the development plans showing the relocation of the bus stop, the applicant has proffered an equivalent cash contribution (amount to be determined at development plan stage) to be used towards other transit improvements along this stretch of Pocahontas Trail. The applicant has also proffered to construct a sidewalk along the property frontage. The Pedestrian Accommodation Master Plan for this area calls for a multi-use path. Staff finds that the development can be supported by the existing road network given the proffer that limits the use of the property.

**VDOT Comments:** VDOT has reviewed the proposal and trip generation figures for the proposed switching station and did not have any concerns with the rezoning/SUP proposal. They have been involved in review of the development plans, the relocation of the bus stop and the construction management plan.



**WATA Comments:** WATA is supportive of proffers for locating a sheltered bus stop and pull-off in this area and concur with the proffers. Based on initial design work, it appears that relocation of the bus stop to this location is feasible.

### **COMPREHENSIVE PLAN**

The project is designated LDR on the 2035 Comprehensive Plan Land Use Map. LDR sites should be located within the Primary Service Area and have suitable terrain and soils for development. Recommended uses are tiered by group. Group 1 uses include single-family homes, cluster housing and recreational areas. Group 2 uses include schools, places of public assembly, very limited commercial and community-oriented facilities that can meet the following six standards:

- i. Complement the residential character of the area;
- ii. Have traffic, noise, lighting and other impacts similar to surrounding residential uses;
- iii. Generally be located on collector or arterial roads at intersections;
- iv. Act as a transitional use between residential and commercial areas or, if located within a residential community, serve to complement the residential character of the area rather than altering its nature;
- v. Provide adequate screening and buffering to protect the character of nearby residential areas; and
- vi. Generally intended to support the residential community in which they are located.

New development should only be permitted where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed. Particular attention should be given to addressing such impacts as incompatible intensity and design, building height and scale, land uses, smoke, noise, dust, odor, vibration, light and traffic. Conflicting uses should be located near residential uses only where the conflicts between such uses can be adequately addressed. Conflicts may be addressed by sufficient screening/buffering or other adequately protective site and building design features. The Comprehensive Plan also states that the need for public services (police and fire for this specific application) and facilities generated by a development should be met or mitigated by that development.

A portion of the Land Use section in the 2035 Comprehensive Plan includes a discussion about the relationship between the Comprehensive Plan and zoning map for areas with a residential designation. The majority of this project is zoned R-8 and designated LDR so this section would be pertinent. It notes that in a limited number of instances, to be evaluated on a case-by-case basis, a rezoning to a limited commercial zoning district may be considered but that for either SUP or rezoning legislative actions, careful adherence to the LDR development standards, which have more specific guidelines for these limited commercial uses/districts, will be extremely important.

The Economic Development section contains Goals, Strategies and Actions geared towards supporting existing businesses and tourism and developing ways to attract new and innovative business and industries to the area. An important component of this is ensuring that adequate infrastructure is in place to provide power, water, sewer and other critical services to support economic development. Per the applicant and SCC, this switching station and the associated transmission lines are essential to the reliable provision of electricity to the Peninsula and Hampton Roads area. Additionally, the proposed proffer to grant an access easement for a rail spur through the switching station property may make currently vacant parcels located to the south and east of the spur more attractive for industrial development. Staff has been in contact with CSX regarding the feasibility of re-installing tracks in the spur and they have noted that railroad easements need to be free of major obstructions or it will be difficult to get the necessary clearance for railroad cars. The County or another entity would have to evaluate the feasibility of installing the tracks should there be an interest and additional right-of-way would need to be acquired across Pocahontas Trail and south of the roadway to make useable connections.

A switching station can be considered under the Group 2 uses as a limited commercial or community-oriented facility as it is classified as a utility. Other electrical substations have been permitted on properties within various



land use designations, including LDR and Open Space or Recreation and deemed as facilities that are necessary to support the power needs of general County development.

Staff notes that the property is already significantly impacted by the existing overhead transmission lines that abut the southern property line. As a result, the visual impacts of the switching station are difficult to buffer in that area as plantings have height restrictions to ensure safe operation of the lines. The wooded nature of the adjacent parcel helps to screen the lines and the proposed facility; however, these trees are off-site and could be cleared for future development. Based on the visual simulations provided by the applicant, the switching station security fence will initially be visible from a section of Merrimac Trail near the Virginia Peninsula Regional Jail, but will not be visible after 10 years of projected growth of the proposed buffer plantings. There is significant existing wooded area between the property and Merrimac Trail; however, this is also located off-site and on either VDOT or CSX railroad right-of-way, which could be cleared in the future. The applicant has provided a series of transitional buffers on the property, including a 50-foot buffer (exclusive of existing utility easements) adjacent to residential areas and Merrimac Trail, retention of natural vegetation between the station and Country Village Mobile Home Park, supplemental landscaping along the access road and a 50-foot Community Character Corridor buffer along Pocahontas Trail. The applicant has also proposed lower height plantings under the overhead lines and that plantings will be selected to provide maximum visual screening.

The applicant has addressed potential concerns related to noise generation of the facility. The existing overhead lines, CSX activity and vehicles on Merrimac Trail generate some degree of noise on-site. The applicant has proposed to use low sound design transformers and noise dampening equipment to further mitigate any potential impacts. According to Dominion engineers, the noise level will be approximately 70 decibels at the station itself and 50 decibels at the nearest property line. For comparison, this is about the equivalent of a quiet office or normal conversation.<sup>1</sup> The bulk of the switching station (transformers, breakers, etc.) is more than 700 feet away from the closest existing residence, which is located in Poplar Hall. The applicant has indicated that under regular operations, the station will not generate odor, smoke or dust.

The project meets the Group 2 criteria in conjunction with the proposed SUP conditions in that it has primary access from Pocahontas Trail; includes buffering and landscaping to the extent feasible given existing conditions; provides assurances that the impacts of lighting, noise and traffic on adjacent residential areas can be mitigated; and the station will more broadly support the surrounding residential community by assuring a reliable source of electricity. As a result, staff finds the proposed development to be generally consistent with the 2035 Comprehensive Plan.

## **RECOMMENDATION**

Staff recognizes the importance of providing a reliable source of power to James City County and the rest of the Peninsula for economic development, tourism and current businesses and residents while needing to balance the location of electrical facilities with surrounding development to retain the County's character and quality of life. With the acceptance of the proposed proffers and adoption of the proposed conditions, staff finds the proposal to be compatible with surrounding development and generally consistent with the 2035 Comprehensive Plan.

Staff recommends the Board of Supervisors approve this rezoning, accept the voluntary proffers and approve the SUP and Height Limitation Waiver Application subject to the listed conditions.

Staff also recommends that the Board of Supervisors determine that this review satisfies Code of Virginia §15.2-2232 for substantial accord with the Comprehensive Plan.

EC/nb  
SkiffesCSwStn

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<sup>1</sup> Comparison data obtained from the National Institute on Deafness and Other Communication Disorders within the U.S. Department of Health and Human Services at <http://www.nidcd.nih.gov/health/education/decibel/pages/decibel.aspx>.



Attachments:<sup>2</sup>

1. Resolutions
  - a. Overrule finding
  - b. Affirm finding
2. Location Map
3. Minutes of the August 5, 2015, Planning Commission meeting
4. Proffers
5. Background information provided by applicant
6. Environmental Constraints Analysis
7. Visual Simulations - including proposed transmission lines
8. Visual Simulations - excluding proposed transmission lines
9. Switching Station Photographs (Chickahominy Switching Station)
10. Public Comment
11. Applicant request to appeal Code of Virginia §15.2-2232 findings
12. Master Plan

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*2 The applicant provided additional materials as part of the rezoning application including the findings of the various State Corporation Commission hearings, the verdict in the Virginia State Supreme Court Case and the Army Corps of Engineers alternatives analysis. Due to the volume of materials, these have not been included in the packet but are available from the Planning Division for review upon request.*



## **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> |
| MC GLENNON | _____      | _____      | _____          |
| 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



## **RESOLUTION**

**AFFIRMING 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 No. 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 No. 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 No. Z-0003-2015/SUP-0002-2015 was not substantially in accord with the adopted Comprehensive Plan and applicable parts thereof.



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 No. Z-0003-2015/SUP-0002-2015/HW-0001-2015 is not 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 affirm 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> |
| MCGLENNON | _____      | _____      | _____          |
| SADLER    | _____      | _____      | _____          |
| HIPPLE    | _____      | _____      | _____          |
| LARSON    | _____      | _____      | _____          |
| ONIZUK    | _____      | _____      | _____          |

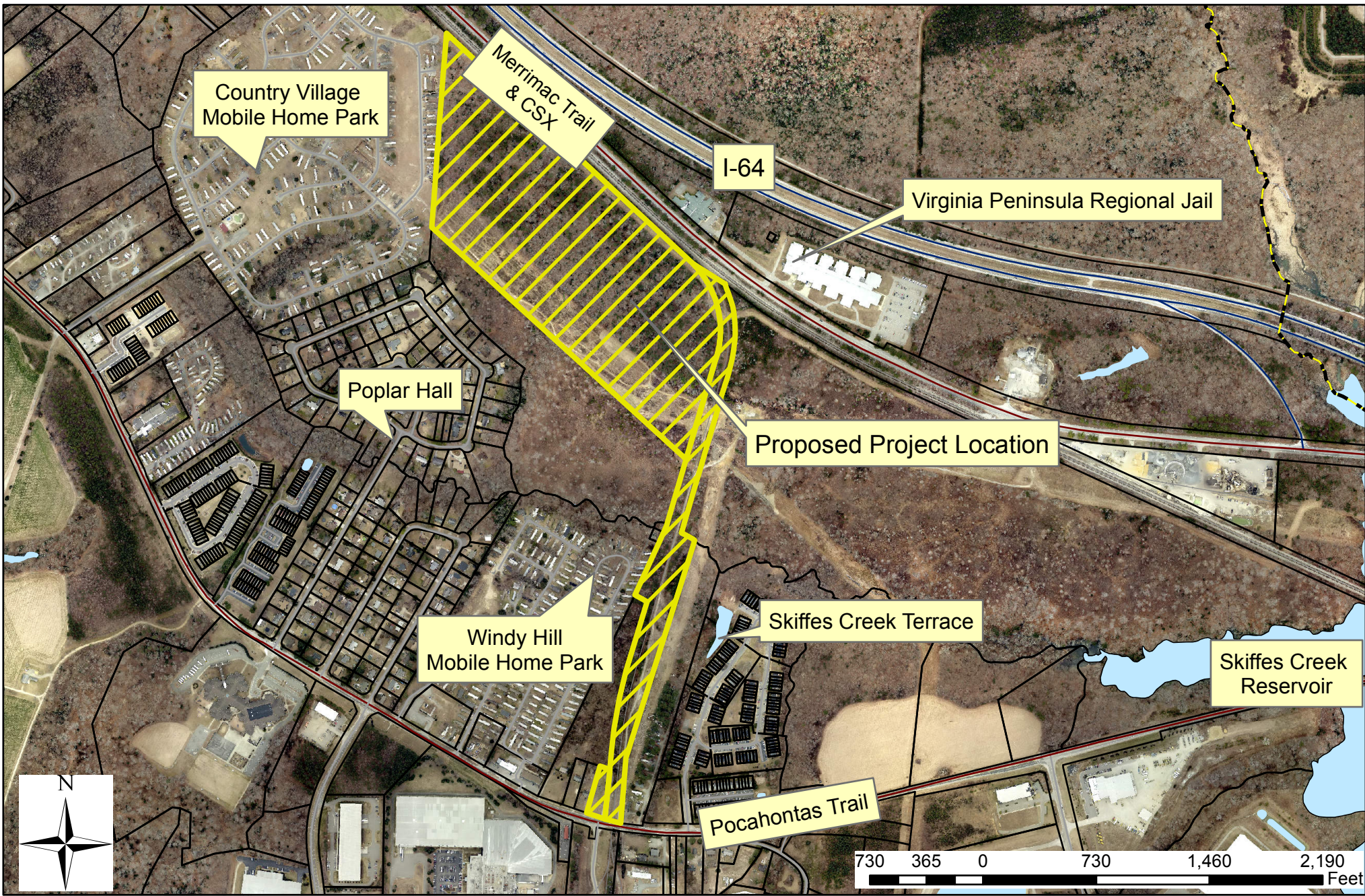
Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of July, 2017.

Z03-15-SUP02-15-Affirm-res



# JCC-Z-0003-2015/SUP-0002-2015/HW-0001-2015

## Skiffes Creek Switching Station





**Approved Minutes of the August 5, 2015  
Planning Commission Meeting**

**A. Case No. Z-0003-2015/SUP-0002-2015/HW-0001-2015, Skiffes Creek Switching Station**

Ms. Leanne Pollock, Senior Planner, II, stated that Dominion Virginia Power applied for a rezoning and special use permit for an electrical switching station on approximately 67.6 acres at 8960, 8964, and 8968 Pocahontas Trail, zoned R-8, Rural Residential, and M-2, General Industrial, and designated Low Density Residential (LDR) and Neighborhood Commercial by the comprehensive plan. Ms. Pollock stated that the applicant has requested to rezone all parcels to M-2 with proffers where electrical facilities are a specially permitted use. Ms. Pollock noted that the rezoning is necessary because the proposed height of two structures exceeds 60 feet. Ms. Pollock further noted that the applicant has also applied for a height waiver for these structures to be up to 80 feet from grade. Ms. Pollock stated that the height waiver will be considered by the Board of Supervisors with the rezoning and SUP application, but does not require a vote by the Planning Commission.

Ms. Pollock also stated that Code of Virginia Section 15.2-2232 requires that unless a utility facility is shown on the adopted comprehensive plan or other master plan, the local planning commission and governing body shall review the facility to determine whether the location, character and extent of the project is substantially in accord with the adopted comprehensive plan. Since the proposed switching station is not currently shown on the comprehensive plan, she stated that this additional level of review is necessary.

Ms. Pollock stated that the switching station would be part of the overall 500 kV transmission line proposed by Dominion to cross the James River via a route that was approved by the State Corporation Commission (SCC). Per the Code of Virginia, the SCC's approval of this route is deemed to satisfy local zoning regulations for the transmission line. Ms. Pollock further stated that the Virginia Supreme Court issued a ruling that determined that the switching station is not part of the transmission line and is still subject to local zoning regulations. Ms. Pollock noted that the scope of the Planning Commission review is limited to components of the switching station only, which have been color-coded on the master plan sheets for clarity.

Ms. Pollock stated that the LDR comprehensive plan designation does include limited commercial uses and community-oriented facilities as a Group 2 recommended use and that rezoning land designated as residential to a commercial or industrial district should be evaluated on a case-by-case basis and allowed when the development standards can be satisfied. Ms. Pollock stated that proffers for this proposal limit use of the property to only electrical generation facilities and co-located wireless communication facilities that are approved by the County. Ms. Pollock stated that no other industrial or commercial uses which are permitted in the M-2 zoning district will be allowed on the property.

Ms. Pollock stated that the site and the surrounding area is already significantly impacted by existing overhead transmission lines. Ms. Pollock noted that the buffer plan proposes a series of transitional buffers around the property lines adjacent to Merrimac Trail and residential areas, retention of natural wooded areas between the station and Country Village Mobile Home Park, supplemental landscaping along the access road, a 50 foot Community Character Corridor buffer along Pocahontas Trail, and supplemental lower height plantings under the existing utility lines, all



of which would help reduce visibility of the switching station. Ms. Pollock further noted that staff has also developed several SUP conditions to minimize other potential impacts.

Ms. Pollock stated that staff recommends that the Planning Commission recommend approval of the rezoning and special use permit subject to the listed conditions. Staff also recommends that the Planning Commission determine that this review satisfies Code of Virginia §15.2-2232 for substantial accord with the comprehensive plan.

Ms. Bledsoe requested that the Commission hold questions until after the public comment.

Ms. Bledsoe requested that Mr. Maxwell Hlavin, Assistant County Attorney, provide the Commission with an overview of the scope of its review.

Mr. Hlavin stated that the scope of review is explicitly limited by the Supreme Court ruling to only the switching station and that the transmission lines are exempt from consideration or review. Mr. Hlavin stated that the discussion and review should be limited to the applications before the Commission and should not take the transmission line into account when making a recommendation.

Ms. Bledsoe opened the public hearing.

Ms. Bledsoe invited the applicant to speak.

Mr. Brennen Keene, McGuireWoods, LLP, 800 East Canal Street, Richmond, VA, stated that he represents the applicant.

Mr. Keene stated that the switching station is necessary to ensure reliable electric utility services in James City County and the greater Peninsula.

Mr. Keene noted that the main 55 acre parcel is located where existing 230 kV and 115 kV transmission line corridors come together and was acquired in 1974 as a future site for a switching station. Mr. Keene noted that the two additional parcels were acquired in 2014 to provide access to the main parcel. Mr. Keene stated that development on the property is limited by wetlands, RPA and its topography. Mr. Keene further stated that access to the parcels is severely restricted. Mr. Keene stated that due to the nature of the parcel and the limited access, the best use for the property would be an unmanned industrial facility such as the proposed switching station.

Mr. Keene requested that the Commission approve the rezoning and special use permit and find that the project is substantially in accord with the Comprehensive Plan.

Ms. Bledsoe called for disclosures from the Commissioners.

Mr. Krapf, Mr. Richardson, Mr. Wright, Mr. Drummond, Mr. O'Connor and Ms. Bledsoe each stated that they met with the applicant and toured the property.

Ms. Elizabeth Kostelny, 204 W. Franklin Street, Richmond, VA, representing Preservation Virginia, stated that the question is not whether reliable power is necessary, but whether we should explore more innovative options to preserve the integrity of the landscape and have more information on the design of the switching station before making a determination.



Ms. Leighton Powell, 4 E. Main Street, Ste. 2A, Richmond, VA, representing Scenic Virginia, stated that approval of the switching station goes hand-in-hand with allowing the transmission lines to move forward. Ms. Powell stated that other options and technologies are available and should be explored in order to preserve the scenic resources of the area.

Ms. Sharee Williamson, 200 A Clifford Ave., Alexandria, VA, representing the National Trust for Historic Preservation, stated that the Commission should wait to see the outcome of the federal review process before making a decision. Ms. Williamson stated that there were too many unknowns for the project at this time including the proposed landscape buffer, the design of the switching station, the number of transmission lines and the potential for construction of additional lines. Ms. Williamson further requested that Dominion Power seek an alternative to meet the power needs of the Peninsula and preserve the cultural and natural resources.

Mr. Jamie Brunkow, 1201 Jamestown Road, Williamsburg, VA, representing the James River Association, noted the effects of the proposed transmission lines on the James River and stated that it was premature to approve the switching station without the Army Corps of Engineers determination.

Mr. Edward Chappell, 601 Pollard Park, Williamsburg, VA, stated that the switching station is poorly considered for the impacts on the adjacent residential area. Mr. Chappell further stated that the transmission lines will have a substantial negative impact on the scenic quality of Historic Jamestown and the Colonial Parkway.

Ms. Emily Myron, 716 Giddings Avenue, Annapolis MD, representing the Chesapeake Conservancy, stated that the James River is the anchor of the Captain John Smith National Historic Trail, a series of water routes, tracing the voyages of Captain Smith through the land and waterways of the Chesapeake Bay. Ms. Myron further noted that there are still many questions unanswered about the switching station, including the design, noise levels and the potential for clearing of the buffer area that is off-site.

Mr. David Trichler, 324 Indian Springs Road, Williamsburg, VA, stated that the Commission should carefully consider the precedent that would be set by approving the rezoning and its impacts on the value of the adjacent properties.

Mr. Hank Denning, 4135 Winthrop Circle, Williamsburg, VA, requested that the Commission recommend approval of the switching station in order to avoid loss of electric service or increased costs for service in the future.

Mr. James M. Zinn, 147 West Landing, Williamsburg, VA, representing Save the James Alliance, stated that the Alliance was formed to preserve the historic viewshed along the James River. Mr. Zinn noted that a switching station would be necessary to accommodate additional transmission lines; however, the nature and location of those lines has not yet been determined. Mr. Zinn stated that the switching station in the proposed location would not provide any benefits to the Grove community. Mr. Zinn further stated that the Commission should not make a determination until the Army Corps of Engineers has finished its review.

Mr. Daniel Shaye, 3000 East Tiverton, Williamsburg, VA, stated that the larger than normal public participation signified opposition to the transmission lines and that the Commission should consider the public comment on that issue. Mr. Shaye also noted that the individuals most affected by the proposed switching station are not well represented and need an opportunity to have their voices



heard. Mr. Shaye further stated that he is confident that Dominion Power can find a way to safely bury the transmission lines.

Mr. Alex Koppel, 26 Spring East, Williamsburg, VA, stated that he appreciates the variety and abundance of wildlife along the Colonial Parkway as well as the pristine viewshed. Mr. Koppel further stated that construction of the transmission lines will have a negative environmental impact on the James River. Mr. Koppel requested that Dominion Power consider alternatives that will not impact the river.

Ms. Jessica Sapalio, 3024 John Vaughn Road, Williamsburg, VA, stated that out of respect to the three cultures which founded this nation, it is necessary to preserve the integrity of the historic sites. Ms. Sapalio further stated that a decision should not be made until the Commission has full information.

Mr. John Rogers, 8960 Pocahontas Trail, Williamsburg, VA, stated that he does not believe the right-of-way that was acquired is adequate for the proposed infrastructure. Mr. Rogers further stated that he has concerns about the proximity of the switching station to his property. Mr. Rogers stated that the Commission should not approve the switching station until Dominion Power provides more detailed plans.

Mr. Bill Whittaker, 117 Landsdown Road, Williamsburg, VA, stated that preserving the natural beauty and environmental integrity of the James River is important to the success of the historic sites that bring visitors to this area.

Mr. Walter Zadan, 221 Wingate Drive, Williamsburg, VA, stated that Dominion Power has known for 45 years, since the passage of the Clean Air Act, that the coal-fired plant in Yorktown would have to be closed. Mr. Zadan further stated that Dominion Power has had sufficient time to consider and develop viable alternatives that would not negatively impact the community. Mr. Zadan noted that cost is the main factor in preferring to run overhead transmission lines rather than burying them.

As no one else wished to speak, Ms. Bledsoe closed the public hearing.

Ms. Bledsoe opened the floor for discussion from the Commission.

Mr. Richardson requested a brief recess.

The Commission recessed at 8:41 p.m.

The Commission came back into session at 8:51 p.m.

Ms. Bledsoe called for questions from the Commission.

Mr. Richardson referenced page 23 of the agenda materials and inquired whether the analysis of the property's suitability for residential development was based on the current 2035 Comprehensive Plan or the 2009 Comprehensive Plan.

Mr. Holt noted that the analysis is part of the applicant's submission.

Ms. Pollock stated that the applications were submitted before the adoption of the 2035 Comprehensive Plan, so the analysis using the 2009 Comprehensive Plan was correct at the time



of submittal. Ms. Pollock further stated that the pertinent sections of the Comprehensive Plan did not change significantly with the adoption.

Mr. Holt noted that staff's analysis could be found on page 10 of the agenda materials and is based on the 2035 Comprehensive Plan.

Mr. Richardson inquired whether staff has communicated with Skiffes Creek, LLC which owns a parcel on the south end of the project site.

Ms. Pollock stated that owners of properties abutting the subject properties had been notified by mail. Ms. Pollock further stated that the specific property owner has not communicated with staff.

Ms. Richardson requested more information on the proposed bus pull off.

Ms. Pollock responded that the proposal was just recently received and still under discussion with the Virginia Department of Transportation (VDOT) and the Williamsburg Area Transit Authority (WATA). Ms. Pollock noted that VDOT has provided information on the typical pull off for dimensions and WATA has provided information on their typical shelter which is similar to what exists in front of the WATA facility on Route 60.

Mr. Richardson inquired whether there were examples of where other electrical substations have been permitted on properties within various land use designations, including Low Density Residential and Open Space or Recreation as noted in the staff report.

Ms. Pollock stated that the facilities are smaller in scale than what is being proposed in this application. Ms. Pollock noted that there are substations located near Kingsmill, north of the service road to the brewery and at the Warhill Sports Complex.

Mr. Tim O'Connor inquired as to the scale of the smaller facilities.

Ms. Pollock stated that she did not have exact data but believed the substations were in the five-to-six acre range.

Ms. Pollock noted that staff did visit a 12 acre switching station site in Charles City County which is equivalent in size to the one proposed for Skiffes Creek to get a better sense of the scale of the project and the associated impacts.

Ms. Bledsoe inquired about the size of the Skiffes Creek switching station.

Ms. Pollock responded that the switching station would be about 12 acres; however, there would be additional clearing for the transmission lines and the BMP facility.

Mr. Richardson inquired whether staff held any public open house meetings regarding the project.

Ms. Pollock responded that staff attended the open house held by Dominion Power.

Mr. Drummond stated that he initially had concerns about the project; however, after touring the property he felt reassured that the impacts on adjacent residential properties would be minimal. Mr. Drummond further stated that he still has concerns about the transmission lines; however, they are not part of the current consideration. Mr. Drummond stated that the substation is necessary and that the location is appropriate, especially since it appears that the parcels would not be suitable for



other development. Mr. Drummond commented that it might be helpful for the applicant to elaborate on impacts such as noise on the adjacent neighborhoods.

Mr. O'Connor inquired whether there is a limit on the applicant's financial contribution to constructing the bus pull off and shelter.

Ms. Pollock stated that the original limitation has been removed from the proffers and that the contribution will be more fully determined at the site plan phase.

Mr. O'Connor inquired about hazardous materials that could spill, leak or leach into the watershed.

Ms. Pollock noted that she would defer to the applicant for specifics; however, the plan was transmitted to Newport News Waterworks for review and staff had no concerns. Ms. Pollock further noted that Newport News Waterworks appeared to be satisfied with the SUP conditions for a spill containment measures and an emergency response plan to be provided by the applicant. Ms. Pollock stated that Newport News Waterworks has requested to review the development plan if this application is approved and moves forward to the site plan stage.

Mr. O'Connor inquired about the height limitations in the R-8 zoning district.

Ms. Pollock responded that the by-right height limit is 45 feet; however that limit can be exceeded with a height waiver for buildings only, with buildings being defined as having a roof. Ms. Pollock noted that in the M-2 zoning district a height waiver would apply to structures which covers a broader range, including the requested static poles. Ms. Pollock noted that, in this instance, the height waiver would be necessary for two static poles that exceed the 60 feet limit allowable by-right in the M-2 zoning district.

Mr. Rich Krapf stated that his question would be directed to the applicant.

Ms. Bledsoe inquired whether Skiffes Creek, LLC and the Skiffes Creek Homeowners Association are separate entities.

Ms. Pollock stated that as far as staff was aware there was no relationship between the two.

Mr. O'Connor inquired if there are any height waivers currently in effect on this property.

Ms. Pollock stated that there are no height waivers on this property.

Mr. Drummond inquired if the purpose of the static poles was to prevent lightning strikes.

Ms. Pollock confirmed.

Mr. Drummond inquired whether the other structures that were part of the transmission lines would actually be lower than the existing towers.

Ms. Pollock stated that there were a number structures proposed as part of the transmission lines with varying heights that were indicated on the master plan and that she would defer to the applicant for additional details.

Mr. Krapf inquired about the timeframe for work to commence on the site if the application is approved by the Board of Supervisors and how long construction would take.



Mr. Keene stated that commencement of site work would depend on obtaining all the necessary permits and approvals. Mr. Keene noted that the project would have to go through the County's site plan process as well. Mr. Keene further noted that the permits and approvals required for the transmission lines would also affect the timeline. Mr. Keene stated that once all approvals have been received, it will take approximately one year to construct the switching station.

Mr. Krapf requested confirmation that no construction would occur on the site until all the permitting has been done.

Mr. Keene confirmed.

Mr. Krapf inquired if there were any scenario where Dominion Power would decide the site is not necessary.

Mr. Peter Nedwick, consulting engineer for Dominion Power, stated that the site is ideal for a switching station and would be used as such at some point because of the confluence of the existing transmission lines.

Ms. Bledsoe inquired whether, absent the James River transmission lines, the switching station would be used for other lines.

Mr. Nedwick stated that the purpose of the station is for the 500 kV lines.

Mr. Drummond inquired about the noise generated by the switching station.

Mr. Wilson Velazquez, substation engineer for Dominion Power, stated that based on current studies it would be 50 dB at the property line and it would be 65 dB at the switching station itself. Mr. Velazquez stated that more studies would be done once the final design is determined to ensure the noise levels stay within appropriate limits.

Mr. Drummond inquired whether the new towers would be lower than the existing towers.

Ms. Courtney Fisher stated that the new transmission line towers will be slightly taller than the existing towers.

Mr. Drummond inquired if the new towers would be visible from Route 60.

Ms. Fisher stated that they would not be visible from Route 60.

Mr. Drummond stated that the towers might be visible from Route 143, which is basically industrial in that area.

Ms. Fisher confirmed.

Mr. Richardson inquired about where the archeological site is located on the property.

Ms. Fisher noted that it is on the eastern portion of the site.

Mr. Richardson inquired how that site was determined.



Ms. Fisher stated that this portion of the site would require land disturbance and under the Army Corps of Engineers permitting requirements it was necessary to do the archeological studies.

Mr. Richardson inquired about the scope of proposed upgrades for the proposed rail spur/access road to support emergency response vehicles.

Mr. Ken Wagner, Dewberry Engineers, stated that the existing access over the abandoned rail spur is about 8-to-10 feet wide of clearing. The proposed access would consist of approximately 20 feet width of clearing with a 14-foot wide gravel road.

Mr. Richardson stated that it has been noted that Dominion Power's transmission system would not meet North American Electric Reliability Corporation (NERC) Reliability Standards if the switching station was not in service by the summer of 2015. Mr. Richardson inquired which NERC standards are not being met.

Mr. Nedwick stated that it is the Transmission Planning (TPL) standards that are not being met. Mr. Nedwick noted that these standards have been mandated since 2005.

Mr. Richardson requested an explanation of the TPL standard.

Mr. Nedwick stated that the TPL standard relates to being able to reliably serve the existing and projected customer base.

Mr. Richardson inquired if that is a predictive analysis or a concrete analysis based on the existing infrastructure.

Mr. Nedwick stated that the analysis is based on the transmission system as it would exist in the year of the study.

Mr. Richardson noted that Dominion Power has obtained a one-year extension of the April 16, 2015 deadline for Yorktown Units 1 and 2 to comply with the U.S. Environmental Protection Agency's (EPA) Mercury and Air Toxics Standards (MATS) which drove the original June 1, 2015 need date for the new transmission facilities. Mr. Richardson noted that Dominion Power is also applying for an administrative order from the EPA for the MATS rule which would provide an additional one-year waiver of non-compliance and could potentially extend the need date to June 1, 2017. Mr. Richardson inquired about the status of that waiver application and the likelihood of it being granted.

Mr. Nedwick stated that Dominion Power anticipates receiving the approval; however, it is not guaranteed.

Mr. Richardson inquired about the historical frequency of the EPA granting waivers.

Mr. Nedwick responded that Dominion has submitted two similar applications which have been granted.

Mr. Richardson inquired whether it would be possible to apply for further waivers.

Mr. Nedwick stated that the rules would not permit a request for further waivers.



Mr. Richardson inquired whether any part of the switching station would be visible above the fence line.

Ms. Fisher stated that the wall around the switching station is proposed for a height of 20 feet. Ms. Fisher further stated none of the components of the switching station would be visible above the fence line save for the two static poles. Ms. Fisher noted that the transmission line structures would be visible above the fence line.

Mr. O'Connor inquired about the types of hazardous materials that would be used on site.

Ms. Fisher stated that there would be no hazardous materials used at the switching station; the only oil is a mineral-type oil within the transformers.

Ms. Bledsoe inquired why a spill containment policy is necessary if there are no hazardous materials.

Mr. Velazquez stated that it is standard practice to have a spill containment plan for any type of oil so that even minor spills can be contained and mitigated quickly.

Ms. Bledsoe inquired about the nature of the containment system.

Mr. Velazquez stated that the spill containment is a special type of mesh that allows unimpeded flow of water during normal rainfall and snowmelt events, but that becomes an impervious barrier in the event of an oil release so that the oil remains in the containment structure. Mr. Velazquez further stated that in the event of a larger spill the oil would be channeled to an underground vault and would be removed from there.

Ms. Bledsoe inquired whether the spill containment plan was standard for switching stations and is a proven successful tactic.

Mr. Velazquez confirmed.

Mr. O'Connor inquired whether this is a responsive technique or part of the construction plan.

Mr. Velazquez stated that spill containment is a standard part of the construction of a substation.

Mr. O'Connor inquired what would happen if the transmission lines were ultimately approved but the switching station is not approved.

Mr. Keene stated that there are no concrete plans in place, but Dominion would have to develop an alternative location. Mr. Keene stated that the switching station is a critical component to connect the 500 kV lines to the 230 and 115 kV lines.

Ms. Bledsoe inquired, assuming the 500 kV transmission lines are not approved, is there a possibility that the switching station would still be necessary.

Mr. Keene stated that it is not possible to say whether it would be necessary now; however, it is possible that it would be necessary in the future. Mr. Keene noted that there are failsafe conditions included in the SUP recommendations in the event that the switching station is not constructed within the specified timeframe.



Mr. O'Connor referenced Viewpoint 07 of the visual simulations presented by the applicant and requested clarification on what parts of the switching station are visible.

Ms. Pollock stated that the security fence is the only visible part of the switching station and that the other visible structures are part of the transmission lines.

Ms. Bledsoe noted that the scope of the Commission's review is limited only to the switching station, she is trying to understand the exact visual impact of the larger project if the transmission lines are approved.

Ms. Pollock stated that the visual simulations do include both the transmission line and the switching station so what is shown in the visual simulations is what it will look like if both the transmission lines and switching station are approved.

Mr. Krapf inquired whether any 3D modeling has been done for the project, including the transmission lines, for a better idea of what the project will look like and to determine the impact on the viewshed.

Mr. Keene stated that only the photo simulations that were provided to the Commission have been done.

Ms. Bledsoe requested an explanation of what an "unmanned" station would entail and how many times a month someone would be on site.

Mr. Keene stated that "unmanned" means that there is no one stationed at the facility full or part-time. Mr. Keene stated that once construction is complete there will be routine maintenance visits three or four times per month; possibly more if there are any issues.

Ms. Bledsoe inquired if this was typical for switching stations.

Mr. Keene confirmed.

Ms. Bledsoe asked if it was common for switching stations of the same size as this one to be sited adjacent to residential areas.

Mr. Keene stated that each one is different and dependent on the evolution of the transmission network.

Ms. Bledsoe inquired about how emergencies such as fires or oil spills are identified.

Mr. Keene stated that there will be 24-hour video surveillance for the facility that is monitored from a central operations center. Mr. Keene further stated that there are electronic monitors, also monitored by the operations center, which will provide alerts when there is an equipment malfunction.

Ms. Bledsoe inquired about the length of time to determine if there is an emergency and to mount a response.

Mr. Nedwick stated that the electronic monitoring would identify trouble quickly and a local supervisor would be dispatched to determine the nature of the trouble or the status of the equipment.



Ms. Bledsoe inquired if the local supervisor is stationed in James City County.

Mr. Nedwick stated that the supervisor is stationed out of the Williamsburg office.

Ms. Bledsoe opened the floor for discussion by the Commission.

Mr. Richardson stated that scope of the Commission is to review the application in accord with Code of Virginia §15.2-2232 to determine whether the location, character and extent of the project is substantially in accord with the adopted comprehensive plan. Mr. Richardson further stated that his comments would be based on just those factors. Mr. Richardson noted that the comprehensive plan addresses its relationship to the zoning map in relation to residential areas. Mr. Richardson noted that the majority of the property in question is zoned R-8 and designated as LDR. Mr. Richardson noted that that in a limited number of instances, a rezoning to a limited commercial district can be considered, but for either SUP or rezoning legislative actions, careful adherence to the LDR development standards, which have more specific guidelines for these limited commercial uses, will be extremely important. Mr. Richardson noted that the proposal does meet under Group 2 uses which for new development requires careful attention to compatibility, design and land use. Mr. Richardson stated that conflicting uses should only be located where such conflicts can be appropriately mitigated. Mr. Richardson stated that it is necessary to consider whether the application meets the Group 2 criteria; does it support the community; is it a location of convenience or necessity; will there be adequate screening and buffering; does the project complement or detract from the area. Mr. Richardson stated that these are his decision points in considering the application.

Mr. Wright stated that the Code of Virginia §15.2-2200 encourages localities to improve the public health, safety, convenience, and welfare of their citizens and to plan for the future development of communities including adequate highway, utilities, health, educational and recreational facilities and that residential areas be provided with healthy surroundings. Mr. Wright further noted that the Code of Virginia requires electric utilities to provide reasonable information on transmission line routes and facilities that may affect the locality's comprehensive plan and that if the locality seeks to include the designation of corridors for electric transmission lines in its comprehensive plan, the electric utility shall have an opportunity for consultation about the corridors or routes. Mr. Wright stated that the County's comprehensive plan does not address electric facilities. Mr. Wright noted that an addendum to the comprehensive plan may need to be considered. Mr. Wright stated that following the site visit, he also made a visit to the Grove community to visualize the impacts to the residents. Mr. Wright noted that Windy Hill Mobile Home Park and Skiffes Creek Terrace are within two-tenths of a mile of the proposed facility and that Country Village Mobile Home Park and the homes along Plantation Drive and Indian Circle are also in close proximity. Mr. Wright stated that one of the cornerstones of the comprehensive plan is preserving the Community Character Corridors. Mr. Wright noted that based on community input, growth similar to surrounding cities is not desirable. Mr. Wright stated that in addition, historic preservation is expected and is fundamental to the future of the County. Mr. Wright noted that families move to James City County for the quality of life and the healthy surroundings. Mr. Wright stated that we cannot expect homeowners to be confronted by an unexpected major power installation when they have just made a significant financial commitment or to have their home values further eroded. Mr. Wright stated that citizens should be able to expect elected or appointed officials to exercise sound judgment on matters that can affect the character of the community, the home values and desirability of the property. Mr. Wright stated that he has based his decision on the duties set forth for Planning Commissioners. Mr. Wright noted that he does support free enterprise and does recognize the need for reliable electric service; however he must also consider the long term effect of the switching station on the surrounding community. Mr. Wright stated that he believes the



switching station would be a barrier to the revitalization of the Grove community and to further economic growth in the lower portion of the County. Mr. Wright stated that he will not support the application.

Mr. Drummond stated that he lives on Indian Circle and believes that the switching station will not negatively impact the area or reduce the value of homes. Mr. Drummond stated that the property in question is not suitable for any type of development other than an industrial use. Mr. Drummond stated that the switching station would actually be located closer to Route 143 than to Route 60 and that the uses in that area were more industrial. Mr. Drummond stated that he would support the application.

Mr. O'Connor stated that he concurs that there are very few other suitable uses for the property. Mr. O'Connor stated that he also has concerns about where a switching station might go if the transmission lines are approved and the switching station is not approved at this location. Mr. O'Connor noted that not approving the switching station might require that the 500 kV lines travel further through the County.

Mr. O'Connor inquired if there were any idea about the Army Corps of Engineers time frame for a determination.

Ms. Fisher stated that there was no thought on when a decision might be made. Ms. Fisher noted that there is a failsafe condition in the SUP that the station shall be operational within 36 months from the issuance of an SUP, or the SUP shall become void.

Mr. O'Connor stated that he sees both sides on this application and is still weighing the matter.

Mr. Krapf stated that the decision is not clear cut. Mr. Krapf stated that there are a number of positives with the application, such as the applicant's agreement to leave the western portion of the property in its natural state in perpetuity. Mr. Krapf stated that it is a significant benefit for the Country Village Mobile Home Park adjacent to that portion of the property. Mr. Krapf stated that there are already extensive power lines located on the property, so it is not as if an entirely new use is being introduced. Mr. Krapf noted that although designated LDR, the topography of the parcel and access is not conducive to residential development. Mr. Krapf stated that one consideration when considering a rezoning is the impact on surrounding zoning. Mr. Krapf stated that the parcel to the east is already zoned M-2 and the rezoning would bring this parcel in line with that parcel. Mr. Krapf stated that he finds that the applicant has agreed to a number of conditions in both the SUP conditions and the proffers that will enhance the project. Mr. Krapf stated that if he were to support the application it would be based on the applicant's assurance that there would be no construction until the completion of the Army Corps of Engineers permitting process. Mr. Krapf noted that this was what the citizen comments had focused on; that the project not be approved until a determination is made by the Army Corps of Engineers.

Mr. O'Connor inquired if Mr. Krapf was inquiring as to an additional proffer that no site work will take place until the permitting process is complete.

Mr. Krapf inquired if the applicant would be agreeable to such a proffer. Mr. Krapf noted that it would not preclude submission of a site plan in advance of completion of the permitting process.

Mr. Keene stated that the applicant would be willing to submit a proffer that no land disturbing for the switching station would take place until the permitting was complete.



Ms. Bledsoe inquired if submission of the proffer is contingent on approval of the application.

Mr. Keene recommended that if a motion for approval is made, that it be made contingent on the applicant submitting additional proffers or addressing that issue.

Ms. Bledsoe asked for confirmation that the rezoning would need to be approved.

Mr. Holt clarified that without an approved rezoning, there are no proffers.

Ms. Bledsoe stated that the comprehensive plan is the guiding force for the Commission. Ms. Bledsoe stated that the Code of Virginia states that to approve something like this application, it must be in substantial accordance with the comprehensive plan. Ms. Bledsoe stated that to her, looking at the surrounding areas, they are zoned R-8 and designated LDR. Ms. Bledsoe stated that the difference between this parcel and the one adjacent to it that is zoned M-2, is that there is little residential housing around it. Ms. Bledsoe stated that she has concerns about where it is located and believes that if the Commission agrees to the location of this large structure, it will place an additional burden on citizens who have already had to accept the intrusion of the existing power lines. Ms. Bledsoe stated that she does not believe it is right to impose that additional effect on their neighborhood. Ms. Bledsoe stated that she concurs that placing the switching station in that location will preclude revitalization and economic growth in that area. Ms. Bledsoe stated that she understands the need for reliable power and has faith that Dominion Power can find a way to prevent brownouts and disruption of power.

Ms. Bledsoe stated that in making decisions it is necessary to consider not just the current needs but those of future generations. Ms. Bledsoe stated that the comprehensive plan serves as a guide for what is envisioned for the County. Ms. Bledsoe stated that the comprehensive plan clearly intends for the area to be R-8. Ms. Bledsoe noted that a rezoning application means that the proposed use is in conflict with the current zoning. Ms. Bledsoe stated that in some instances the conflicts can be resolved or ameliorated; in some instances the rezoning would have minimal impact on the adjacent properties or is for the betterment of the community. Ms. Bledsoe stated that this is why it is necessary to consider the proposal in light of the five criteria for comprehensive plan consistency: does it complement the residential character of the area. Ms. Bledsoe stated that she believes the proposal does not meet this standard. Will it have traffic, noise, lighting and other impacts similar to surrounding residential uses. Ms. Bledsoe stated that she is not clear on what those impacts will entail but believes the applicant will make a good effort to mitigate any impacts. Will it generally be located on collector or arterial roads at intersections; will it provide adequate screening and buffering to protect the character of nearby residential areas; and is it generally intended to support the residential community in which it is located. Ms. Bledsoe stated that the switching station is intended to support and benefit the entire Peninsula. Ms. Bledsoe stated that the County could choose to approve the switching station for the greater good, but she believes it is too big a sacrifice to ask of the community.

Mr. Richardson inquired if the Commission could recommend deferral of the application.

Mr. Holt stated that the Commission could choose to defer its decision to a later date but it could not send a recommendation of deferral to the Board of Supervisors.

Mr. O'Connor asked about any stipulations on time for the Commission to take action.



Mr. Hlavin stated that the Commission must take action; however there is no requirement to take action within a specified time. Mr. Hlavin stated that the Commission could move to postpone and then continue to postpone until such time as they deemed appropriate to make a recommendation.

Mr. Krapf inquired about the 100 day limit.

Mr. Hlavin stated that there is a 100 day limit on taking no action.

Mr. O'Connor inquired if making a motion to defer to a date certain would be considered taking action.

Mr. Hlavin confirmed and stated that the motion would be to postpone to the next meeting.

Ms. Bledsoe inquired if the matter would still be considered by the Board of Supervisors.

Mr. Hlavin stated that the matter would remain with the Planning Commission for its next agenda and would not require public comment as the public comment period was closed.

Mr. Holt requested that the applicant restate its offer for an additional proffer.

Mr. Keene stated that the applicant would proffer that the project would be able to move forward with obtaining necessary permits but it would not commence land disturbing or construction until the transmission lines receive approval from the Army Corps of Engineers.

Mr. Drummond moved to recommend approval with the additional proffer and send a recommendation of approval to the Board of Supervisors.

Mr. Richardson asked for confirmation that this motion was based on the inclusion of the additional proffer condition.

Mr. Holt confirmed.

On a roll call vote, the motion to approve failed by a vote of 2-4, Mr. Basic being absent.



## **SKIFFES CREEK SPECIAL USE PERMIT AND REZONING APPLICATION**

### **Background**

#### **1. The Property**

Virginia Electric and Power Company (“Dominion Energy Virginia” or the “Company”) owns three parcels of land north of Route 60/Pocahontas Trail near BASF Drive in James City County, Virginia. These parcels are known as map numbers 5920100013 (“0.62-acre Parcel”), 5920100002 (“55-acre Parcel”), and 5920100044A (“11.8-acre Parcel”) totaling 67.42 acres (collectively, the “Property”) as shown on the Skiffes Creek Switching Station Master Plan dated 9.26.2016, with latest revision dated 11.30.2016, prepared by Dewberry and attached as Exhibit A (the “Master Plan”). The 11.8-acre Parcel is zoned M-2; and the 0.62-acre and 55-acre Parcels are zoned R-8.

The 11.8-acre Parcel connecting Route 60/Pocahontas Trail to the 55-acre Parcel was the location of a former railroad spur. The tracks have been removed from the 11.8-acre parcel but an existing dirt/gravel access road runs parallel to the old railroad bed. That road is already used by Dominion Energy Virginia to access the various overhead transmission lines in the area. The 55-acre Parcel is generally a parallelogram in shape, with the northern and southern boundaries being longer than the eastern and western boundaries. The 55-acre Parcel has the following characteristics:

- The northern boundary is immediately adjacent to a dual track CSX mainline railroad and Route 143/Merrimac Trail, and it is in very close proximity to Interstate 64, the Merrimac Juvenile Detention Center, and the Virginia Peninsula Regional Jail. *See Master Plan sheet 1 or 2.*
- The southern quarter of the southern portion of the 55-acre Parcel is currently occupied by a two hundred twenty-five (225 +/-) foot width electric transmission corridor that includes four existing overhead transmission lines (two 230 kV lines and two 115 kV lines). *See Master Plan sheet 1 or 2.*
- The southern boundary of the 55-acre Parcel is adjacent to a 25.2-acre parcel zoned R-8 and is currently vacant. *See Master Plan sheet 1 or 2.*
- The western boundary of the 55-acre Parcel is adjacent to property zoned R-8 and is occupied by a manufactured home park. *See Master Plan sheet 1 or 2.*



- The eastern boundary of the 55-acre Parcel is adjacent to land that is zoned M-2 and is currently vacant, except for the electric transmission lines that cross that property. *See* Master Plan sheet 1 or 2.
- The parcel is split by wetlands and an identified resource protection area (“RPA”) in a northwest to southeast orientation. *See* Master Plan sheet 1 or 2.

## 2. Legal Background Regarding Skiffes Station.

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The Skiffes Orders were appealed to the Supreme Court of Virginia, which issued its unanimous opinion on April 16, 2015, affirming the Commission’s approval and certification of these overhead transmission facilities, including the overhead 500 kV transmission line from the 500 kV switchyard at the Company’s Surry Nuclear Power Station in Surry County across the James River to the proposed site of the Skiffes Station in James City County. *BASF Corp. v. State Corp. Comm’n*, 289 Va. 375, 770 S.E.2d 458, *reh’g denied* May 15,

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<sup>2</sup> *See also* Exhibit D-1 for a copy of the Commission’s December 22, 2015 order extending to December 31, 2015 completion and in-service date for the Approved Project in the Amending Order, until the date twenty (20) months after the date that the United States Army Corps of Engineers issues a construction permit.



2015. The Commission's findings of the need for the Approved Project were not appealed. A copy of the Court's Opinion is included as Exhibit E.

The Court's opinion in *BASF* also reversed and remanded (by a 4-3 vote) the holding in the Commission's November 26, 2013 Order that the term "transmission line" includes transmission switching stations such as Skiffes Station under § 56-46.1 F, which exempts transmission lines approved by the Commission under § 56-46.1 from Va. Code § 15.2-2232 and local zoning ordinances. Petitions of the Commission and the Company seeking rehearing of this aspect of the *BASF* opinion were denied by the Court on May 15, 2015. As a result, the Company is now required to obtain a special use permit ("SUP") from James City County (or the "County") to construct Skiffes Station. The Commission acknowledged this requirement in its June 5, 2015 order, a copy of which is provided as Exhibit F.

### 3. The Need for Skiffes Station

The Approved Project is needed to assure that the Company can continue to provide reliable electric service to its customers in the load area comprised of the Peninsula (Counties of Charles City, James City, and York plus the Cities of Williamsburg, Yorktown, Newport News, Poquoson, and Hampton), Middle Peninsula (Counties of Essex, King William, King and Queen, Middlesex, Mathews, and Gloucester together with City of West Point) and Northern Neck (Counties of King George, Westmoreland, Northumberland, Richmond, and Lancaster and the City of Colonial Beach) ("North Hampton Roads Load Area") consistent with mandatory federal North American Electric Reliability Corporation ("NERC") Reliability Standards and the Company's planning criteria. Power flow studies conducted by the Company and the Commission's Staff showed that the Company's transmission system would not meet NERC Reliability Standards if the Approved Project was not in service by the planned retirement of Units 1 and 2 at the Company's Yorktown Power Station in order to comply with applicable federal environmental requirements.<sup>3</sup>

Timely construction of the transmission facilities approved by the Commission is critical to maintain reliability in the North Hampton Roads Load Area and to meet the requirements of the FERC, NERC, and the Commission. Additionally, the Company must obtain a construction permit from the United States Army Corps of Engineers (the "Corps") and authorization from the Virginia Marine Resources Commission, both of which have been

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<sup>3</sup> The deactivation of Yorktown Units 1 and 2 is prompted by the United States Environmental Protection Agency's ("EPA") Mercury and Air Toxics ("MATS") requirements by April 16, 2015. The two 1-year extensions under the MATS requirements which were available under the terms of the Clean Air Act have been requested, granted, and exhausted. The first extension was granted by the Virginia Department of Environmental Quality on June 24, 2014 (effective through April 15, 2016) and a second term was authorized by the EPA under an Administrative Compliance Order on Consent on April 16, 2016 (effective through April 15, 2017) pursuant to their respective authority under the Clean Air Act.



pending since March of 2012. As part of the joint permit application (“JPA”) submitted for approval by the Corps, the Company prepared and included an alternatives analysis.<sup>4</sup> See Exhibit G for a copy of this Alternatives Analysis. Upon obtaining the necessary approvals, the Company intends to commence construction of the approved and certificated 500 kV and 230 kV lines. Consistent with the Court’s opinion in *BASF* and the Commission’s June 5 order the Company is now applying to James City County for an SUP to construct Skiffes Station.

The Skiffes Station is needed to meet federal and state transmission reliability requirements. A transmission switching station is a facility that controls and manages power systems at a transmission power level (power levels over 69 kV and above). Skiffes Station, which will contain only transmission facilities and is classified as part of the Bulk Electric System (“BES”) by NERC, will be the central point, or hub, where the new 500 kV line from Surry will interconnect:

- with the new 230 kV line to Whealton, which will provide a new source of power directly to the load center at the eastern end of the Peninsula
- with two 230 kV lines from Skiffes Station to the west and two more to the east (all four created by splitting the two existing 230 kV lines at Skiffes Station)
- with two 115 kV lines to the west and two more to the east (all four created by splitting the two existing 115 kV lines at Skiffes Station).

These multiple connections cannot be accomplished by merely connecting the cables of these lines onto the structures that support them. This is for two reasons. First, the lines will operate at different transmission voltages, so the power from the 500 kV line must be transformed to 230 kV before it can be received by the 230 kV facilities of the new line to Whealton and the four split 230 kV lines to the east and west; and the 230 kV power must be transformed to 115 kV before it can be received by the four split 115 kV lines to the east and west. Second, switching equipment is needed to permit the Company to control the flow of power among all of these lines and to provide physical reliability for the line and the system. This physical reliability is provided by shortening the distance between substations and/or switching stations so that if an overhead line or multiple lines are compromised the loss of power will be limited to a smaller area and to fewer customers. Skiffes Switching Station is required to contain the equipment required to accomplish these vital tasks safely and efficiently to maintain the reliability of the interconnected transmission system.

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<sup>4</sup> *Surry-Skiffes Creek-Whealton 500 kV/230 KV Alternatives Analysis*, prepared for the Corps by the Company and Stantec Consulting Services, Inc., date stamped November 7, 2014 (“Alternatives Analysis”).



## **Request**

The Company is requesting rezoning of the Property from R-8 to M-2 with proffered conditions and the issuance of a SUP for Skiffes Station (identified in the zoning ordinance as an electrical substation). The rezoning is requested for several reasons. First, there will be a number of structures (two 80+/- foot static poles) within Skiffes Station that will exceed the 35-foot height limit permitted in R-8, and the 60 foot height limit permitted in M-2. By rezoning to M-2, the amount of a height limitation waiver will not be as great as it would be in the R-8 district. Second, the rezoning request will allow for the proffering of conditions beneficial to the County and to the surrounding property owners. *See* Proffers submitted with the application (“Proffers”). Third, rezoning the Property with the Proffers will better reflect the zoning of the surrounding area and specific locational limitations of the Property.

Skiffes Station is proposed to be sited on an approximately 13 acre security fenced area or 24% of the northeastern corner of the 55-acre Parcel. *See* Master Plan sheet 3. Access to the Station will continue to be maintained using the existing dirt/gravel access road located on the 11.8-acre Parcel. Development of Skiffes Station and ongoing use of the Property as it relates to the Station shall be further restricted by the conditions and commitments contained in the Proffers. In summary, the Proffers offer the following additional protections for adjacent and area property owners:

- Proffer 1 limits the use of the Property to the Station and Owner’s electric transmission system only, and no other uses. With this proffer, the Owner has ensured that no other industrial uses can be established on the Property without further legislative action.
- Proffer 2 provides for the relocation of the existing bus stop at the Windy Hill Market to a new bus shelter, turnout area, and sidewalk on the Property.
- Proffer 4 provides for the grant of an easement to the James City EDA for use of the former rail spur as a new rail spur.

## **Comprehensive Plan**

The James City County “Toward 2035” Comprehensive Plan (the “Comprehensive Plan”) designates the Property for low density residential; however, the Property is not suitable for residential development for the following reasons:

1. The existence of three major transportation facilities - the CSX mainline, Route 143/Merrimac Trail and Interstate 64 - either immediately adjacent to



or in close proximity to the Property is not compatible in use and character with residential uses. The Comprehensive Plan and good zoning practice strongly encourage avoiding the aggregation of incompatible uses. (See Comprehensive Plan, Chart 2, item 4 on page 180, which recommends that the County should “[l]ocate residential uses immediately adjacent to non-residential uses, major roads, railroads, airports, agricultural and forestal uses, and other conflicting uses *only where* the conflicts between such uses can be adequately addressed (noise, vibrations, and others)” [emphasis added]).

2. Access to the Property for residential use is extremely limited. There is no existing access from Merrimac Trail nor is there the ability to gain access as a road would have to cross the railroad in an area that has a number of grade changes.

3. The portion of the Property requested for development of Skiffes Station and the 11.8-acre Parcel are immediately adjacent to, and in closer proximity to, the 150-acre M-2 zoned parcel adjoining the existing residential developments to the west and south of the Property. The 150-acre parcel is partially developed as the Green Mount Industrial Park.

4. Wetlands and RPAs split the 55-acre Parcel from the northwest to the southeast. The upper reaches of a perennial stream creates a large finger of RPA along the southern boundary of and bisecting the 55-acre Parcel. This same stream crosses the vacant parcel to the south and continues until it forms that parcel’s southern boundary, which is a significant barrier to residential development in that location.

5. The southern portion of the 55-acre Parcel is occupied by four existing overhead transmission lines (two 230 kV lines and two 115 kV lines) located in a +/- 225 foot width corridor within which no development may occur.

6. Aside from the 11.8-acre Parcel, no other roads, driveways, or other accesses are available from adjacent properties to the 55-acre Parcel. The Property lies within one of the County’s Enterprise Zones, indicating this is an area of the County targeted for job creation and private investment. See Exhibit I for a copy of the James City County James River Enterprise Zone.

7. The Proffers provides further protections for existing residential uses consistent with the Comprehensive Plan. See Comprehensive Plan, Chart 2, item 4 on page 180.

### **Application Checklist – Additional and Supplemental Information**

1. Traffic. During construction, traffic will be managed pursuant to the terms of the Construction Management Plan referenced in the Proffers. The Construction Management Plan is designed to help minimize impacts on adjacent landowners and area roadways. After construction, there will be no



pedestrian traffic associated with this use, and Skiffes Station will be an unmanned facility. Currently, Dominion Energy Virginia uses an existing dirt/gravel gated access road located on the 11.8-acre Parcel to service the transmission lines located on the Property. Once in operation, Skiffes Station will generate minimal amounts of traffic, with a typical month requiring approximately three site visits by Dominion Energy Virginia personnel. As such, traffic is so minimal, there is no justification for differentiating between peak and off-peak vehicle trips. As vehicular traffic will be minimal, the new switching station will not have any impact on traffic or levels of service along Pocahontas Trail.

2. Environmental Constraints. Below is a summary of the environmental constraints. See Exhibit H for a more detailed analysis.
  - A. Wetlands. There are defined wetlands on the site. The proposed work at Skiffes Station is not anticipated to impact any jurisdictional waters. However, any impacts will be coordinated with the Corps. There is also an RPA perennial stream on-site and associated buffer, approved by James City County 10-29-2012. The limits of disturbance for this project will maintain the integrity of the RPA buffer.
  - B. Landscaping and Screening. There is dense evergreen and hardwood vegetation on the Property except for areas where the transmission lines and access road currently exist and the area once occupied by the spur track. The Company has committed to not remove the trees outside of the limits of disturbance shown on the Master Plan.
  - C. Safety. Skiffes Station will be built in compliance with the National Electric Safety Code and inspected and maintained pursuant to industry standards. Signs will be posted around the fence indicating a “high voltage” facility and “no trespassing.” At a minimum, the electrical equipment will be surrounded by a twenty-foot security fence. See Exhibits H-C and H-D for fence example. In addition, all gates are equipped with locks, and there will be downward directed security lights installed at certain locations. No emissions or dust will be created by this facility.
3. Historic and Archaeological Study. A Phase I Study and a Phase II Study of the 55-acre Parcel have been completed, copies of which are attached hereto as Exhibits J and K (collectively, the “Archaeological Study”). A known archaeological site has been evaluated. The site will be disturbed by construction of the Switching Station; however, such disturbance shall be done



pursuant to a plan reviewed by the Virginia Department of Historic Resources and Consulting Parties to the Memorandum of Agreement and approved by the Corps. Further discussion on the Memorandum of Agreement and issues related to permitting for the Switching Station and the Surry-Skiffes Creek Line can found in the Update on Status of Certificated Project June 6, 2017 attached hereto as Exhibit L.

4. Water and Sewer Impact Study, and Adequate Public Facilities. No water or sewer facilities will be required for the proposed use. Impacts on public safety facilities will be minimal, and the tax revenue generated by the Skiffes Station (as shown in the fiscal impact analysis) will offset any impacts on capital costs of public safety facilities. Otherwise, there will be no impact on schools, libraries, or other locally financed facilities.

Because Dominion Energy Virginia's applications for rezoning and a SUP are for non-residential uses, the following checklist items do not apply to this request.

- A. Environmental Inventory. The Natural Resource policy does not apply and an environmental inventory is not required but an environmental analysis has been provided.
- B. Fiscal Impacts. No worksheet for fiscal analysis has been prepared because the proposal does not include residential dwelling units. A summary of the tax revenue estimates is attached as Exhibit M.
- C. Park and Recreation Facilities. No analysis related to the Comprehensive Parks and Recreation Master Plan Proffer Guidelines is required.
- D. Supplemental Submission Requirements.
  - i. No streets will be created with this application so no streetscape plan is required.
  - ii. Control Enclosure buildings are proposed. Any structures (poles) that may be visible from an arterial right-of-way will be constructed of steel.



## **SKIFFES CREEK SPECIAL USE PERMIT AND REZONING APPLICATION**

### **Background**

#### **1. The Property**

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## 2. Legal Background Regarding Skiffes Station.

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- with two 230 kV lines from Skiffes Station to the west and two more to the east (all four created by splitting the two existing 230 kV lines at Skiffes Station)
- with two 115 kV lines to the west and two more to the east (all four created by splitting the two existing 115 kV lines at Skiffes Station).

These multiple connections cannot be accomplished by merely connecting the cables of these lines onto the structures that support them. This is for two reasons. First, the lines will operate at different transmission voltages, so the power from the 500 kV line must be transformed to 230 kV before it can be received by the 230 kV facilities of the new line to Whealton and the four split 230 kV lines to the east and west; and the 230 kV power must be transformed to 115 kV before it can be received by the four split 115 kV lines to the east and west. Second, switching equipment is needed to permit the Company to control the flow of power among all of these lines and to provide physical reliability for the line and the system. This physical reliability is provided by shortening the distance between substations and/or switching stations so that if an overhead line or multiple lines are compromised the loss of power will be limited to a smaller area and to fewer customers. Skiffes Switching Station is required to contain the equipment required to accomplish these vital tasks safely and efficiently to maintain the reliability of the interconnected transmission system.

---

<sup>4</sup> *Surry-Skiffes Creek-Whealton 500 kV/230 KV Alternatives Analysis*, prepared for the Corps by the Company and Stantec Consulting Services, Inc., date stamped November 7, 2014 (“Alternatives Analysis”).



## **Request**

The Company is requesting rezoning of the Property from R-8 to M-2 with proffered conditions and the issuance of a SUP for Skiffes Station (identified in the zoning ordinance as an electrical substation). The rezoning is requested for several reasons. First, there will be a number of structures (two 80+/- foot static poles) within Skiffes Station that will exceed the 35-foot height limit permitted in R-8, and the 60 foot height limit permitted in M-2. By rezoning to M-2, the amount of a height limitation waiver will not be as great as it would be in the R-8 district. Second, the rezoning request will allow for the proffering of conditions beneficial to the County and to the surrounding property owners. *See* Proffers submitted with the application (“Proffers”). Third, rezoning the Property with the Proffers will better reflect the zoning of the surrounding area and specific locational limitations of the Property.

Skiffes Station is proposed to be sited on an approximately 13 acre security fenced area or 24% of the northeastern corner of the 55-acre Parcel. *See* Master Plan sheet 3. Access to the Station will continue to be maintained using the existing dirt/gravel access road located on the 11.8-acre Parcel. Development of Skiffes Station and ongoing use of the Property as it relates to the Station shall be further restricted by the conditions and commitments contained in the Proffers. In summary, the Proffers offer the following additional protections for adjacent and area property owners:

- Proffer 1 limits the use of the Property to the Station and Owner’s electric transmission system only, and no other uses. With this proffer, the Owner has ensured that no other industrial uses can be established on the Property without further legislative action.
- Proffer 2 provides for the relocation of the existing bus stop at the Windy Hill Market to a new bus shelter, turnout area, and sidewalk on the Property.
- Proffer 4 provides for the grant of an easement to the James City EDA for use of the former rail spur as a new rail spur.

## **Comprehensive Plan**

The James City County “Toward 2035” Comprehensive Plan (the “Comprehensive Plan”) designates the Property for low density residential; however, the Property is not suitable for residential development for the following reasons:

1. The existence of three major transportation facilities - the CSX mainline, Route 143/Merrimac Trail and Interstate 64 - either immediately adjacent to



or in close proximity to the Property is not compatible in use and character with residential uses. The Comprehensive Plan and good zoning practice strongly encourage avoiding the aggregation of incompatible uses. (See Comprehensive Plan, Chart 2, item 4 on page 180, which recommends that the County should “[l]ocate residential uses immediately adjacent to non-residential uses, major roads, railroads, airports, agricultural and forestal uses, and other conflicting uses *only where* the conflicts between such uses can be adequately addressed (noise, vibrations, and others)” [emphasis added].

2. Access to the Property for residential use is extremely limited. There is no existing access from Merrimac Trail nor is there the ability to gain access as a road would have to cross the railroad in an area that has a number of grade changes.

3. The portion of the Property requested for development of Skiffes Station and the 11.8-acre Parcel are immediately adjacent to, and in closer proximity to, the 150-acre M-2 zoned parcel adjoining the existing residential developments to the west and south of the Property. The 150-acre parcel is partially developed as the Green Mount Industrial Park.

4. Wetlands and RPAs split the 55-acre Parcel from the northwest to the southeast. The upper reaches of a perennial stream creates a large finger of RPA along the southern boundary of and bisecting the 55-acre Parcel. This same stream crosses the vacant parcel to the south and continues until it forms that parcel’s southern boundary, which is a significant barrier to residential development in that location.

5. The southern portion of the 55-acre Parcel is occupied by four existing overhead transmission lines (two 230 kV lines and two 115 kV lines) located in a +/- 225 foot width corridor within which no development may occur.

6. Aside from the 11.8-acre Parcel, no other roads, driveways, or other accesses are available from adjacent properties to the 55-acre Parcel. The Property lies within one of the County’s Enterprise Zones, indicating this is an area of the County targeted for job creation and private investment. See Exhibit I for a copy of the James City County James River Enterprise Zone.

7. The Proffers provides further protections for existing residential uses consistent with the Comprehensive Plan. See Comprehensive Plan, Chart 2, item 4 on page 180.

### **Application Checklist – Additional and Supplemental Information**

1. Traffic. During construction, traffic will be managed pursuant to the terms of the Construction Management Plan referenced in the Proffers. The Construction Management Plan is designed to help minimize impacts on adjacent landowners and area roadways. After construction, there will be no



pedestrian traffic associated with this use, and Skiffes Station will be an unmanned facility. Currently, Dominion Energy Virginia uses an existing dirt/gravel gated access road located on the 11.8-acre Parcel to service the transmission lines located on the Property. Once in operation, Skiffes Station will generate minimal amounts of traffic, with a typical month requiring approximately three site visits by Dominion Energy Virginia personnel. As such, traffic is so minimal, there is no justification for differentiating between peak and off-peak vehicle trips. As vehicular traffic will be minimal, the new switching station will not have any impact on traffic or levels of service along Pocahontas Trail.

2. Environmental Constraints. Below is a summary of the environmental constraints. See Exhibit H for a more detailed analysis.
  - A. Wetlands. There are defined wetlands on the site. The proposed work at Skiffes Station is not anticipated to impact any jurisdictional waters. However, any impacts will be coordinated with the Corps. There is also an RPA perennial stream on-site and associated buffer, approved by James City County 10-29-2012. The limits of disturbance for this project will maintain the integrity of the RPA buffer.
  - B. Landscaping and Screening. There is dense evergreen and hardwood vegetation on the Property except for areas where the transmission lines and access road currently exist and the area once occupied by the spur track. The Company has committed to not remove the trees outside of the limits of disturbance shown on the Master Plan.
  - C. Safety. Skiffes Station will be built in compliance with the National Electric Safety Code and inspected and maintained pursuant to industry standards. Signs will be posted around the fence indicating a “high voltage” facility and “no trespassing.” At a minimum, the electrical equipment will be surrounded by a twenty-foot security fence. See Exhibits H-C and H-D for fence example. In addition, all gates are equipped with locks, and there will be downward directed security lights installed at certain locations. No emissions or dust will be created by this facility.
3. Historic and Archaeological Study. A Phase I Study and a Phase II Study of the 55-acre Parcel have been completed, copies of which are attached hereto as Exhibits J and K (collectively, the “Archaeological Study”). A known archaeological site has been evaluated. The site will be disturbed by construction of the Switching Station; however, such disturbance shall be done



pursuant to a plan reviewed by the Virginia Department of Historic Resources and Consulting Parties to the Memorandum of Agreement and approved by the Corps. Further discussion on the Memorandum of Agreement and issues related to permitting for the Switching Station and the Surry-Skiffes Creek Line can found in the Update on Status of Certificated Project June 6, 2017 attached hereto as Exhibit L.

4. Water and Sewer Impact Study, and Adequate Public Facilities. No water or sewer facilities will be required for the proposed use. Impacts on public safety facilities will be minimal, and the tax revenue generated by the Skiffes Station (as shown in the fiscal impact analysis) will offset any impacts on capital costs of public safety facilities. Otherwise, there will be no impact on schools, libraries, or other locally financed facilities.

Because Dominion Energy Virginia's applications for rezoning and a SUP are for non-residential uses, the following checklist items do not apply to this request.

- A. Environmental Inventory. The Natural Resource policy does not apply and an environmental inventory is not required but an environmental analysis has been provided.
- B. Fiscal Impacts. No worksheet for fiscal analysis has been prepared because the proposal does not include residential dwelling units. A summary of the tax revenue estimates is attached as Exhibit M.
- C. Park and Recreation Facilities. No analysis related to the Comprehensive Parks and Recreation Master Plan Proffer Guidelines is required.
- D. Supplemental Submission Requirements.
  - i. No streets will be created with this application so no streetscape plan is required.
  - ii. Control Enclosure buildings are proposed. Any structures (poles) that may be visible from an arterial right-of-way will be constructed of steel.



## **EXHIBIT H**

### **ENVIRONMENTAL CONSTRAINTS ANALYSIS**

The Master Plan referenced below is the same plan referenced in the application as Exhibit A. The “Jurisdictional Area Impacts and Sensitive Resources Map” (the “Map”) was prepared by Stantec and is dated May 20, 2015.

#### **Hydrologic Features:**

1. Location of all bodies of water such as streams, ponds, lakes, impoundments, rivers;

*Streams are noted on the Master Plan along with designation (perennial vs. intermittent). There are no ponds, lakes, impoundments, or rivers.*

2. Name of watershed in which project is located:

*The Property is located in the Skiffes Creek watershed.*

3. Approximate location of tidal and non-tidal wetlands:

*Wetlands are noted on the Master Plan and the Map. All wetlands are non-tidal and have been confirmed by the Army Corps of Engineers.*

4. Approximate location of perennial and intermittent streams:

*See # 1, above. Streams, and their designation, are noted on the Master Plan.*

5. Description of receiving streams:

*Newport News Reservoir. Due to the close general proximity of this project to and because runoff from the site will directly discharge into Skiffes Creek and within about 1 mile discharge into Skiffes Creek Reservoir, a drinking water reservoir for the City of Newport News, it is recommended that the concept plan be forwarded to the City of Newport News Waterworks, Water Resources Division for cursory review. Skiffes Creek (HUC Code JL35) is listed as a Category 4A impaired waterway for fecal bacteria in accordance with the 2014 Virginia Water Quality Assessment 305(b)/303(d) Integrated Report. It also has an approved TMDL. See Fecal Bacteria Total Maximum Daily Load Development for Warwick River final report dated December 13, 2007 available on the County Stormwater Division and Virginia DEQ websites. (Note: Ultimately, this site discharges into the tidal estuarine James River that is listed for multiple impairments, including mercury, PCB, chlorophyll, Escherichia coli, etc.)*



- Floodplain delineation for 100 and 500-year storm events including tidal flooding, if applicable.

*Not applicable. The Property is not within the 100- or 500-year floodplain.*

## Physical Features

- Approximate location of steep slopes greater than 25 percent.

*Steep Slopes areas are identified on the Master Plan. Also, Steep slopes exist along the existing abandoned CSX rail spur on both sides of the access road at various locations.*

- Soils, especially prime agricultural lands and Hydrologic Soil Groups (HSG) A & B, based on the County soil survey.

| SOIL TYPE DATA*                                                   |                                                 |                       |                             |                     |
|-------------------------------------------------------------------|-------------------------------------------------|-----------------------|-----------------------------|---------------------|
| MAP UNIT                                                          | NAME                                            | SOIL EROSION K FACTOR | PERMEABILITY                | HYDROLOGY UNIT CODE |
| 11C                                                               | Craven-Uchee Complex, 6-10% Slopes              | 0.32                  | MODERATELY LOW TO HIGH      | D                   |
| 14B                                                               | Emporia Fine Sandy Loam, 2-6% Slopes            | 0.28                  | MODERATELY LOW TO HIGH      | B                   |
| 15D                                                               | Emporia Complex, 10-15% Slopes                  | 0.28                  | MODERATELY LOW TO HIGH      | B                   |
| 15E                                                               | Emporia Complex, 15-25% Slopes                  | 0.28                  | MODERATELY LOW TO HIGH      | B                   |
| 17                                                                | Johnston Complex                                | 0.37                  | MODERATELY LOW TO HIGH      | A/D                 |
| 19B                                                               | Kempsville-Emporia Fine Sandy Loam, 2-6% Slopes | 0.28                  | MODERATELY LOW TO HIGH      | A                   |
| 29B                                                               | Slagle Fine Sandy Loam, 2-6% Slopes             | 0.28                  | VERY LOW TO MODERATELY HIGH | C                   |
| 37                                                                | Urban Land                                      | N/A                   | N/A                         | N/A                 |
| *SOURCE: WEB SOIL SURVEY, NATIONAL RESOURCES CONSERVATION SERVICE |                                                 |                       |                             |                     |

- Soils erodability based on the County soils survey.

*See column 3 of the table, above.*

- Areas of forest, woodland cover and wildlife corridors.

*Outside of the existing overhead transmission corridor, the site is currently forested. Portions of the site to the west will remain forested.*



5. Pre-development topography.

*The topography shown on the Master Plan is at a contour interval of two foot from a field survey performed by Dewberry Engineers Inc. in August 2012.*

*Horizontal Datum – VA State Plane – NAD83 (South Zone);*

*Vertical Datum – NAVD88*

**Prohibited or Restricted Development Acres**

1. Location of required buffers and existing conservation easements.

*Limits of RPA buffer as approved by James City County on October 29, 2012. Are shown on the Master Plan. Natural vegetative buffers and Landscaped Screening buffers are provided and shown on the Master Plan. A plat has been provided that documents the easement area used in the open space VRRM calculations. Future Protective Covenants associated with that documented easement area will be provided at Site Plan.*

2. Sites with known populations of rare, threatened or endangered species of plants or animals per studies done in accordance with the Natural Resource Policy.

*A habitat suitable for small whorled pogonia was found onsite, see Exhibit H-A. A site survey conducted in May 2014 found no small whorled pogonia plants. The area of disturbance will be located outside the habitat area.*

3. Location of trees to be preserved in accordance with the Chesapeake Bay Preservation Ordinance.

*Areas of tree removal related to Owner's electric transmission overhead lines and switching station are generally shown on the Master Plan. No other trees will be removed except where trees are diseased or dying or present an imminent threat to the public or property.*

4. Preliminary location of Resource Protection areas and legal wetlands.

*The location of the RPA boundary, as approved by James City County, is shown on the Master Plan. As noted above, the Army Corps of Engineers-approved wetlands are shown on the Master Plan.*

**Existing and Proposed Changes to the Site:**

1. The nature of existing and approved but not-yet-built development(s) on the site.

*Currently, the Property is an abandoned CSX rail spur, vacated residential lot, and vacant land with an easement area for an electrical transmission line. An*



*underground gas pipeline is located on the Property generally along the northern boundary of the Property. The proposed use is site access, an electrical transmission switching station with its ancillary electrical connections, and bus shelter with frontage improvements.*

2. Location of surrounding properties and neighborhoods.

*To the west and south of the Property lies the Country Village, a residential mobile home park, and Poplar Hall Plantation, a residential single family home subdivision. To the north is Merrimac Trail and Interstate 64. The Merrimac Juvenile Detention Center and Virginia Peninsula Regional Jail are to the east.*

3. Proposed limit of disturbance and a disturbance area estimate.

*The total Property is approximately 67.42 acres. The area designated for disturbance is 23.40 acres +/- and is shown on the Master Plan.*

4. Calculation of existing and proposed pervious and impervious areas.

*The total impervious area is approximately 14.56 acres (22.0%). The total pervious area is approximately 52.86 acres (78.0%).*

5. If used, description of Better Site Design or Low Impact Development techniques.

*In addition to safety and maintenance concerns, the configuration of the electrical equipment and site constraints preclude the use of open channel ditched where standing water within an electrical facility is a safety concern. A BMP will be located outside the switching station. The final stormwater management approach incorporates BMP's from the approved VRRM clearing house library and complies with the prevailing Virginia Stormwater Regulations to address both water quantity and quality. Because of the nature of this project, and its various design constraints, the approach employed was contrary to the typical LID principles.*

6. Description of how disturbance is being minimized, indigenous vegetation is being preserved, and impervious cover is being reduced.

*After learning that the original location for the proposed switching station fell within the RPA, Dominion Virginia Power shifted the station's equipment to the extent feasible. As proposed, the area of disturbance is minimized by locating the area of disturbance outside of the RPA, wetlands, and away from the small whorled pogonia habitat area.*

7. Proposed conceptual stormwater management plan, including pre- and post-development discharge analysis.



*Stormwater management compliance adheres to the Virginia DEQ standards. Stormwater management (Water Quantity and Quality) will be provided through the use of a treatment train including a wet pond, a grass channel, and a level spreader to induce sheet flow to conserved open space. The Virginia Runoff Reduction Method was used to show water quality compliance. Per the Virginia Stormwater BMP Clearinghouse website, a wet pond has a phosphorus removal efficiency of 45% for coastal plain areas and provides no runoff reduction. A grass channel in C/D type soils provides 15% phosphorus removal efficiency and 10% runoff reduction. The sheet flow to conserved open space provides 0% phosphorus removal efficiency, but 75% runoff reduction for A/B soils.*

*The existing pre-development peak run-off from the site at the point of analysis for the 2-year storm is calculated to be 17.73 cfs and the proposed post-development peak run-off for the 2-year storm is calculated to be 13.17 cfs. The existing pre-development peak run-off from the site at the point of analysis for the 10-year storm is calculated to be 54.69 cfs and the proposed post-development peak run-off for the 10-year storm is calculated to be 40.16 cfs. The post-development phosphorous is calculated to be 35.36 lbs/yr. The designed treatment train reduces the phosphorous to 7.68 lbs/yr, which is less than the maximum 0.41 lbs/ac/yr. A copy of the Virginia Runoff Reduction Worksheet is attached as Exhibit H-B.*





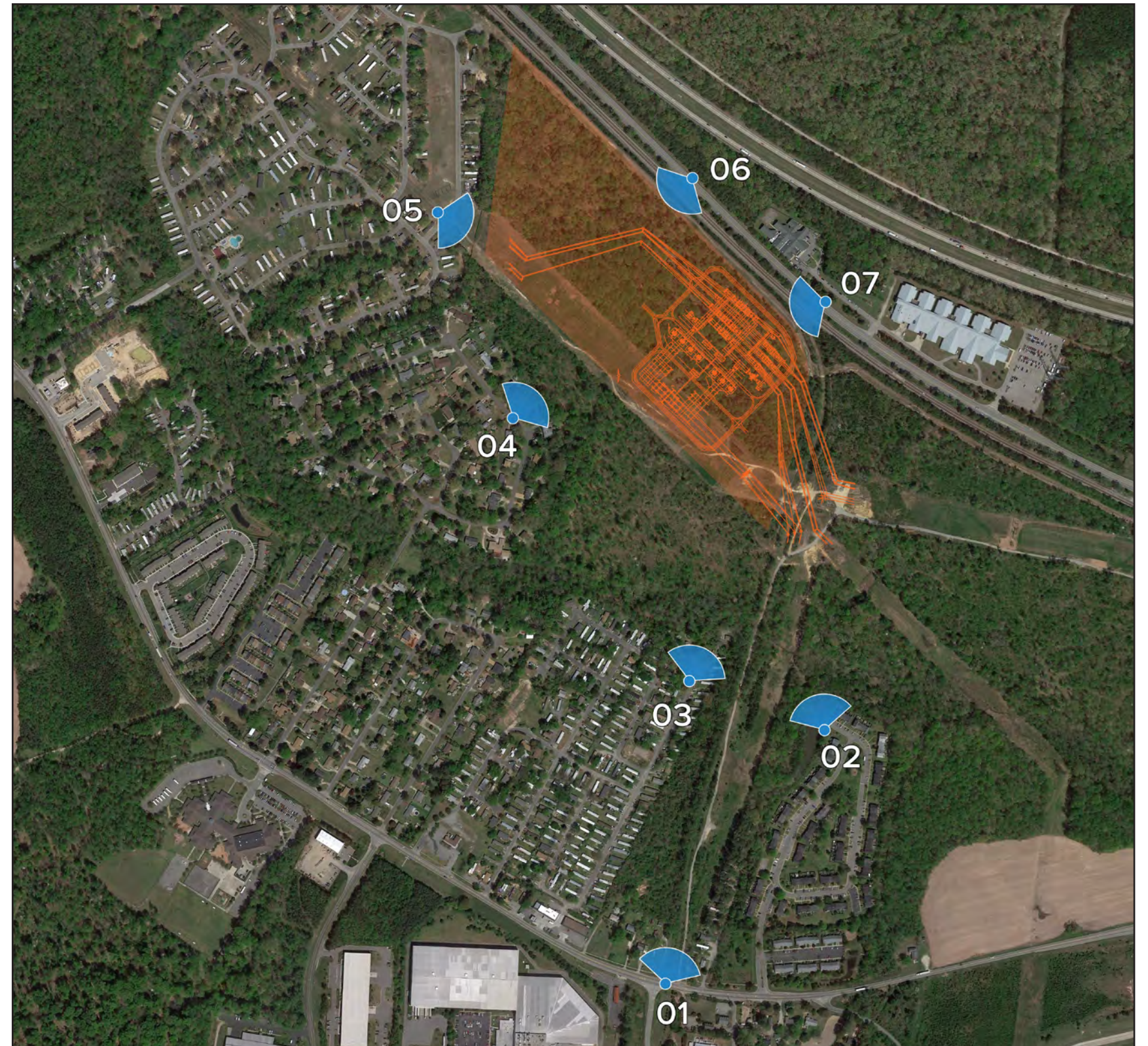
**TrueView Photosimulations - Existing & Proposed**

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## Viewpoint Locations

- Viewpoint 01 - Corner of Highway 60 and Dirt Access Road
- Viewpoint 02 - End of Skiffes Creek Circle
- Viewpoint 03 - 70-75 Jan Rae Circle
- Viewpoint 04 - 153 Indian Circle
- Viewpoint 05 - 7 Tadich Drive
- Viewpoint 06 - Merrimac Trail,  
Near Middle Peninsula Juvenile Commission
- Viewpoint 07 - Merrimac Trail,  
Near Virginia Peninsula Regional Jail








**Viewpoint 01** - Corner of Highway 60 and Dirt Access Road, Looking North-Northeast - **Existing View**



**Viewpoint 01** - Corner of Highway 60 and Dirt Access Road, Looking North-Northeast - **Proposed View**

For on-screen display:  
Scale bar to be 4 inches (101.6mm wide)  
Viewing distance is 19.7 inches (50 cm)



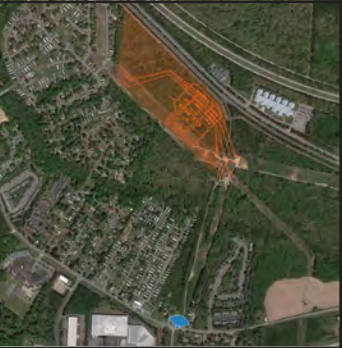
**Skiffes Creek  
Switching Station**

**Viewpoint 01**

Corner of Highway 60 and Dirt Access Road

Viewpoint Location

Project Area



|                                                 |                          |
|-------------------------------------------------|--------------------------|
| Easting Position (State Plane Virginia South):  | 12033678.8               |
| Northing Position (State Plane Virginia South): | 3604404.5                |
| Elevation of Photopoint Position (NAD83):       | 62.8                     |
| Height of Camera Above Ground (ft):             | 5.4                      |
| Date of Photography:                            | 10 June 2015 at 02:30 PM |
| Orientation of View:                            | NNE                      |
| Horizontal Field of View:                       | 124°                     |
| Vertical Field of View:                         | 55°                      |

NOTES:

Viewpoint locations have been precision surveyed by:

**Burgess & Niple**

No part of this photo simulation shall be altered in any way.

Visual assessments should be made from the full size TrueView™ only.

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Height: 20.5 inches (520 mm)

Structures and substation subject to final engineering.

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Skiffes Creek  
Switching Station

### Viewpoint 02

End of Skiffes Creek Circle

● Viewpoint Location      ● Project Area



|                                                 |                          |
|-------------------------------------------------|--------------------------|
| Easting Position (State Plane Virginia South):  | 12034469.2               |
| Northing Position (State Plane Virginia South): | 3605818.5                |
| Elevation of Photopoint Position (NAD83):       | 42.4                     |
| Height of Camera Above Ground (ft):             | 5.4                      |
| Date of Photography:                            | 10 June 2015 at 09:20 AM |
| Orientation of View:                            | NNW                      |
| Horizontal Field of View:                       | 124°                     |
| Vertical Field of View:                         | 55°                      |

## NOTES:

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**Viewpoint 02 - End of Skiffes Creek Circle, Looking North-Northwest - Proposed View**



For on-screen display:  
Scale bar to be 4 inches (101.6mm wide)  
Viewing distance is 19.7 inches (50 cm)






Viewpoint 03 - 70-75 Jan Rae Circle, Looking North-Northeast - Existing View



Viewpoint 03 - 70-75 Jan Rae Circle, Looking North-Northeast - Proposed View



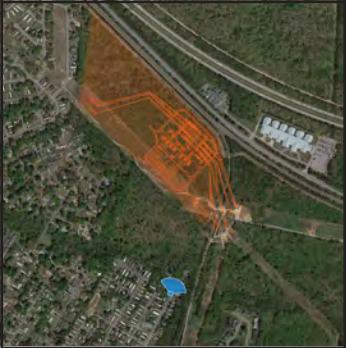
Skiffes Creek  
Switching Station

Viewpoint 03

70-75 Jan Rae Circle

Viewpoint Location

Project Area



Easting Position (State Plane Virginia South):12033759.7

Northing Position (State Plane Virginia South):3606031.8

Elevation of Photopoint Position (NAD83):45.0

Height of Camera Above Ground (ft):5.4

Date of Photography:10 June 2015 at 09:40 AM

Orientation of View:NNE

Horizontal Field of View:124°

Vertical Field of View:55°

NOTES:

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For on-screen display:  
Scale bar to be 4 inches (101.6mm wide)  
Viewing distance is 19.7 inches (50 cm)






Viewpoint 04 - 153 Indian Circle, Looking Northeast - Existing View



Viewpoint 04 - 153 Indian Circle, Looking Northeast - Proposed View

For on-screen display:  
Scale bar to be 4 inches (101.6mm wide)  
Viewing distance is 19.7 inches (50 cm)



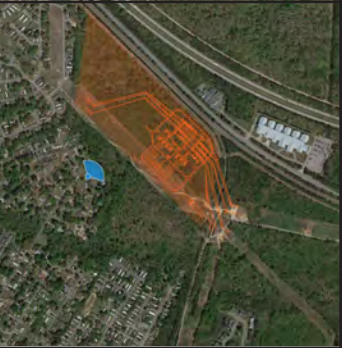
**Skiffes Creek  
Switching Station**

**Viewpoint 04**

153 Indian Circle

Viewpoint Location

Project Area



|                                                 |                          |
|-------------------------------------------------|--------------------------|
| Easting Position (State Plane Virginia South):  | 12032809.9               |
| Northing Position (State Plane Virginia South): | 3607375.1                |
| Elevation of Photopoint Position (NAD83):       | 62.5                     |
| Height of Camera Above Ground (ft):             | 5.4                      |
| Date of Photography:                            | 10 June 2015 at 03:04 PM |
| Orientation of View:                            | NE                       |
| Horizontal Field of View:                       | 124°                     |
| Vertical Field of View:                         | 55°                      |

NOTES:

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Visual assessments should be made from the full size TrueView™ only.

Dimensions of the printed full size TrueView™ image are:  
Width: 59.2 inches (1504 mm)  
Height: 20.5 inches (520 mm)

Structures and substation subject to final engineering.

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Viewpoint 05 - 7 Tadich Drive, Looking Southeast - Existing View



Viewpoint 05 - 7 Tadich Drive, Looking Southeast - Proposed View with Planting Shown at 2 Year Growth

For on-screen display:  
Scale bar to be 4 inches (101.6mm wide)  
Viewing distance is 19.7 inches (50 cm)



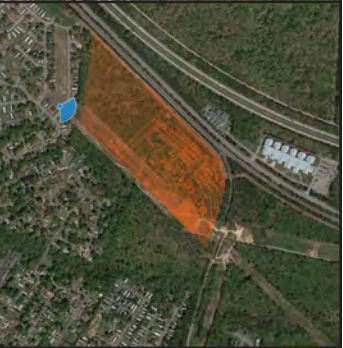
**Skiffes Creek  
Switching Station**

**Viewpoint 05**

7 Tadich Drive

Viewpoint Location

Project Area



|                                                 |                          |
|-------------------------------------------------|--------------------------|
| Easting Position (State Plane Virginia South):  | 12032379.3               |
| Northing Position (State Plane Virginia South): | 3608490.3                |
| Elevation of Photopoint Position (NA83):        | 71.0                     |
| Height of Camera Above Ground (ft):             | 5.4                      |
| Date of Photography:                            | 10 June 2015 at 10:21 AM |
| Orientation of View:                            | SE                       |
| Horizontal Field of View:                       | 124°                     |
| Vertical Field of View:                         | 55°                      |

NOTES:

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Dimensions of the printed full size TrueView™ image are:  
Width: 59.2 inches (1504 mm)  
Height: 20.5 inches (520 mm)

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**Viewpoint 06** - Merrimac Trail, Near Middle Peninsula Juvenile Commission, Looking Southwest - **Existing View**



**Viewpoint 06** - Merrimac Trail, Near Middle Peninsula Juvenile Commission, Looking Southwest - **Proposed View**

For on-screen display:  
Scale bar to be 4 inches (101.6mm wide)  
Viewing distance is 19.7 inches (50 cm)



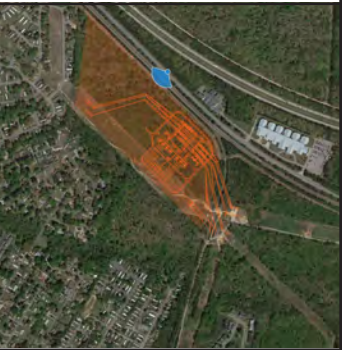
**Skiffes Creek  
Switching Station**

**Viewpoint 06**

Merrimac Trail, Near Middle Peninsula Juvenile Commission

Viewpoint Location

Project Area



|                                                 |                          |
|-------------------------------------------------|--------------------------|
| Easting Position (State Plane Virginia South):  | 12033756.2               |
| Northing Position (State Plane Virginia South): | 3608673.0                |
| Elevation of Photopoint Position (NAD83):       | 79.0                     |
| Height of Camera Above Ground (ft):             | 5.4                      |
| Date of Photography:                            | 10 June 2015 at 10:47 AM |
| Orientation of View:                            | SW                       |
| Horizontal Field of View:                       | 124°                     |
| Vertical Field of View:                         | 55°                      |

NOTES:

Viewpoint locations have been precision surveyed by:

**Burgess & Niple**

No part of this photo simulation shall be altered in any way.

Visual assessments should be made from the full size TrueView™ only.

Dimensions of the printed full size TrueView™ image are:  
Width: 59.2 inches (1504 mm)  
Height: 20.5 inches (520 mm)

Structures and substation subject to final engineering.

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DATE

24 June 2015






Viewpoint 07 - Merrimac Trail, Near Virginia Peninsula Regional Jail, Looking West - Existing View



Viewpoint 07 - Merrimac Trail, Near Virginia Peninsula Regional Jail, Looking West - Proposed View with Planting Shown at 2 Year Growth

For on-screen display:  
Scale bar to be 4 inches (101.6mm wide)  
Viewing distance is 19.7 inches (50 cm)




### Skiffes Creek Switching Station

**Viewpoint 07**

Merrimac Trail, Near Virginia Peninsula Regional Jail

Viewpoint Location

Project Area



Easting Position (State Plane Virginia South):

12034475.5

Northing Position (State Plane Virginia South):

3608041.4

Elevation of Photopoint Position (NAD83):

76.8

Height of Camera Above Ground (ft):

5.4

Date of Photography:

10 June 2015 at 11:13 AM

Orientation of View:

W

Horizontal Field of View:

124°

Vertical Field of View:

55°

NOTES:

Viewpoint locations have been precision surveyed by:

**Burgess & Niple**

No part of this photo simulation shall be altered in any way.

Visual assessments should be made from the full size TrueView™ only.

Dimensions of the printed full size TrueView™ image are:  
Width: 59.2 inches (1504 mm)  
Height: 20.5 inches (520 mm)

Structures and substation subject to final engineering.

Photo Simulation Created Using  
TrueView™ Technology  
(Patent No.: US 8,184,906 B2)

Provided by

**Truescape®**

www.truescape.com

DATE

24 June 2015






Viewpoint 05 - 7 Tadich Drive, Looking Southeast - Existing View



Viewpoint 05 - 7 Tadich Drive, Looking Southeast - Proposed View depicting only substation components.  
Planting Shown at 2 Year Growth

For on-screen display:  
Scale bar to be 4 inches (101.6mm wide)  
Viewing distance is 19.7 inches (50 cm)



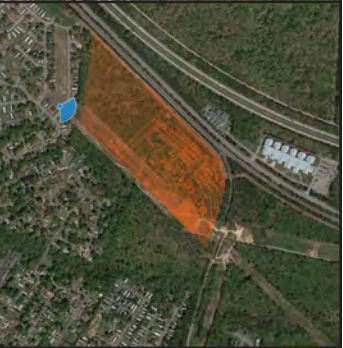
**Skiffes Creek  
Switching Station**

**Viewpoint 05**

7 Tadich Drive

Viewpoint Location

Project Area



|                                                 |                          |
|-------------------------------------------------|--------------------------|
| Easting Position (State Plane Virginia South):  | 12032379.3               |
| Northing Position (State Plane Virginia South): | 3608490.3                |
| Elevation of Photopoint Position (NAD83):       | 71.0                     |
| Height of Camera Above Ground (ft):             | 5.4                      |
| Date of Photography:                            | 10 June 2015 at 10:21 AM |
| Orientation of View:                            | SE                       |
| Horizontal Field of View:                       | 124°                     |
| Vertical Field of View:                         | 55°                      |

NOTES:

Viewpoint locations have been precision surveyed by:

**Burgess & Niple**

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Provided by

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DATE

24 June 2015






Viewpoint 05 - 7 Tadich Drive, Looking Southeast - Existing View



Viewpoint 05 - 7 Tadich Drive, Looking Southeast - Proposed View depicting only substation components.  
Planting Shown at 10 Year Growth

For on-screen display:  
Scale bar to be 4 inches (101.6mm wide)  
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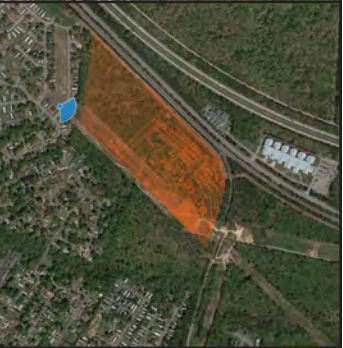
**Skiffes Creek  
Switching Station**

**Viewpoint 05**

7 Tadich Drive

Viewpoint Location

Project Area



|                                                 |                          |
|-------------------------------------------------|--------------------------|
| Easting Position (State Plane Virginia South):  | 12032379.3               |
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| Elevation of Photopoint Position (NAD83):       | 71.0                     |
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| Vertical Field of View:                         | 55°                      |

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DATE

24 June 2015






Viewpoint 07 - Merrimac Trail, Near Virginia Peninsula Regional Jail, Looking West - Existing View



Viewpoint 07 - Merrimac Trail, Near Virginia Peninsula Regional Jail, Looking West - Proposed View depicting only substation components. Planting Shown at 2 Year Growth

For on-screen display:  
Scale bar to be 4 inches (101.6mm wide)  
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**Viewpoint 07**

Merrimac Trail, Near Virginia Peninsula Regional Jail

Viewpoint Location

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Height of Camera Above Ground (ft):

5.4

Date of Photography:

10 June 2015 at 11:13 AM

Orientation of View:

W

Horizontal Field of View:

124°

Vertical Field of View:

55°

NOTES:

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Dimensions of the printed full size TrueView™ image are:  
Width: 59.2 inches (1504 mm)  
Height: 20.5 inches (520 mm)

Structures and substation subject to final engineering.

Photo Simulation Created Using  
TrueView™ Technology  
(Patent No.: US 8,184,906 B2)

Provided by

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DATE

24 June 2015






Viewpoint 07 - Merrimac Trail, Near Virginia Peninsula Regional Jail, Looking West - Existing View



Viewpoint 07 - Merrimac Trail, Near Virginia Peninsula Regional Jail, Looking West - Proposed View depicting only substation components. Planting Shown at 10 Year Growth

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(Patent No.: US 8,184,906 B2)

Provided by

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DATE

24 June 2015



**Attachment 8: Photos of the Chickahominy switching station (located in Charles City County)**









## **Attachment 10: Public Comments**

**From:** MNFowler [<mailto:onthepond1@gmail.com>]

**Sent:** Friday, July 24, 2015 2:49 PM

**To:** John McGlennon; Bryan Hill; Maxwell Hlavin; Michelle Gowdy

**Cc:** Wayne Williamson; Jim Zinn

**Subject:** Skiffe's Creek

Folks,

Good seeing you all last evening. As I shared then, I am so very grateful for the County's continuing resolve on this matter. Thank you. A thousand times, thank you!

In considering the issues surrounding the county's review of the Dominion application for this installation, may I request that you consider delaying the issuance of the Special Use Permit (SUP), given that their application meets all of the other required criteria, until such time as it is clear that Surry-Skiffe's Creek might actually be built? There remains significant, undetermined outcomes on this project, thus, it would seem prudent to await the final determination on the line itself. Then, if need be, the county could quickly proceed with necessary approvals.

A thought that I hope you will review.

Thanks,  
Margaret Nelson Fowler

p.s. And, would you pass this to Leanne. I don't seem to have her email address.

*Off the grid. . .*

---



**From:** Judith Fuss [<mailto:jfuss148@gmail.com>]

**Sent:** Wednesday, August 05, 2015 2:55 PM

**To:** George Drummond; Richard Krapf; Robin Bledsoe; Chris Basic; John Wright; Tim OConnor; Heath Richardson; Paul Holt

**Subject:** Dominion Rezoning Public Hearing Comment

Madam Chair, Members of the Commission -

I am writing to strongly urge that you defer action on Dominion Power's application for rezoning, Special Use Permit (SUP) and height limitation waiver, Case 0003-2015, until Dominion has received all required permits and it is clear the project will go forward as now proposed. Even though many aspects of the project have been removed from local control by legal action, artificially limiting your focus, once the project is in place, it's full impact will permanently loom over the Grove community. For example, as noted in the staff's analysis, truly effective buffering for neighbors can only be provided off-site due to the size of some structural components ruled to be outside the reach of local government. While surrounding undeveloped parcels are now wooded with mature trees, providing a natural buffer, their persistence in this state cannot be assured. Therefore presented photo simulations of visual impacts hold little value in assessing long-term effects. Along with others, I ask that you wait until final approval has been granted to the line before taking the next steps that are before you now.

Thank you for considering my views.

- Judy Fuss

~~~~~

Judith Fuss

3509 Hunter's Ridge

Williamsburg, VA 23188

jfuss148@gmail.com



First California Company Jamestowne Society

Please reply to:
James H. McCall, Councilor
1042 Santa Florencia - Solana Beach, CA 92075-1516
Phone: (858) 755-3535 - e-mail: fcjamestowneditor@gmail.com

August 3, 2015

James City County Planning Commission
101-A Mounts Bay Rd.
Williamsburg, VA 23185

In re: Case No. Z-0003-2015/SUP-0002-2015/HW-0001-2015, Skiffes Creek Switching Station

Dear Commissioners:

I am writing you on behalf of our Governor Donna Chilton Derrick. We are in support of Margaret Fowler's and others' request that you defer action on this case until the applicant receives all other permits and approvals for the entire project.

There are a myriad of issues facing it that must first be settled before your action is needed. First California Company of the Jamestowne Society reflects the scope of national interest in this issue and we feel that there are good reasons and options for Dominion to seek alternative routes for delivering needed power to the area.

As you well know, an ever-increasing number of visitors and students from across the country and elsewhere now travel to Historic Jamestown and its environs seeking to learn about those settlers and the context for our nation's earliest history, which likely will increase, especially after the recently unearthed discoveries. The proposed towers would seriously compromise the ambience and visitors' ability to value those settlers' circumstances.

We Californians owe much to what those early Virginia settlers accomplished. Jamestown's lasting effect is what has differentiated it from other preceding or contemporary English and European settlements in America. This project as proposed would detract from that lasting effect.

Thank you for your consideration.

Yours very truly,



James H. McCall
Councilor

Cc: Donna Chilton Derrick
Margaret Nelson Fowler
Preservation Virginia

August 17, 2015

Leanne Pollock
Senior Planner II
James City County, Planning Division
Planning Division
101-A Mounts Bay Road
Williamsburg, VA 23185

Dominion Virginia Power
Appeal of Planning Commission Action

Dear Leanne:

On behalf of Dominion Virginia Power and in accordance with Virginia Code § 15.2-2232. B, we hereby appeal the finding of the James City County Planning Commission that the proposed Skiffes Creek Switching Station was not in substantial conformance with the Comprehensive Plan.

This appeal requests that the Board of Supervisors overrule the action of the Planning Commission based on the findings of the Planning Department. The staff recommended "that the Planning Commission determine that this review satisfies Code of Virginia §15.2-2232 for substantial accord with the comprehensive plan." In addition, the staff report specifically stated that, "A switching station can be considered under the Group 2 uses as a limited commercial or community-oriented facility as it is classified as a utility. Other electrical substations have been permitted on properties within various land use designations, including LDR and Open Space or Recreation, and deemed as facilities that are necessary to support the power needs of general County development."

Ms. Leanne Pollock
August 17, 2015
Page 2

Attached is a copy of the Staff Report forwarded to the Planning Commission and incorporated herein by reference. Please see pages 6-8 of the staff report as they specifically relate to the Comprehensive Plan. In addition, a copy of the unapproved minutes of the August 5, 2015, Planning Commission hearing is attached for reference.

Sincerely,

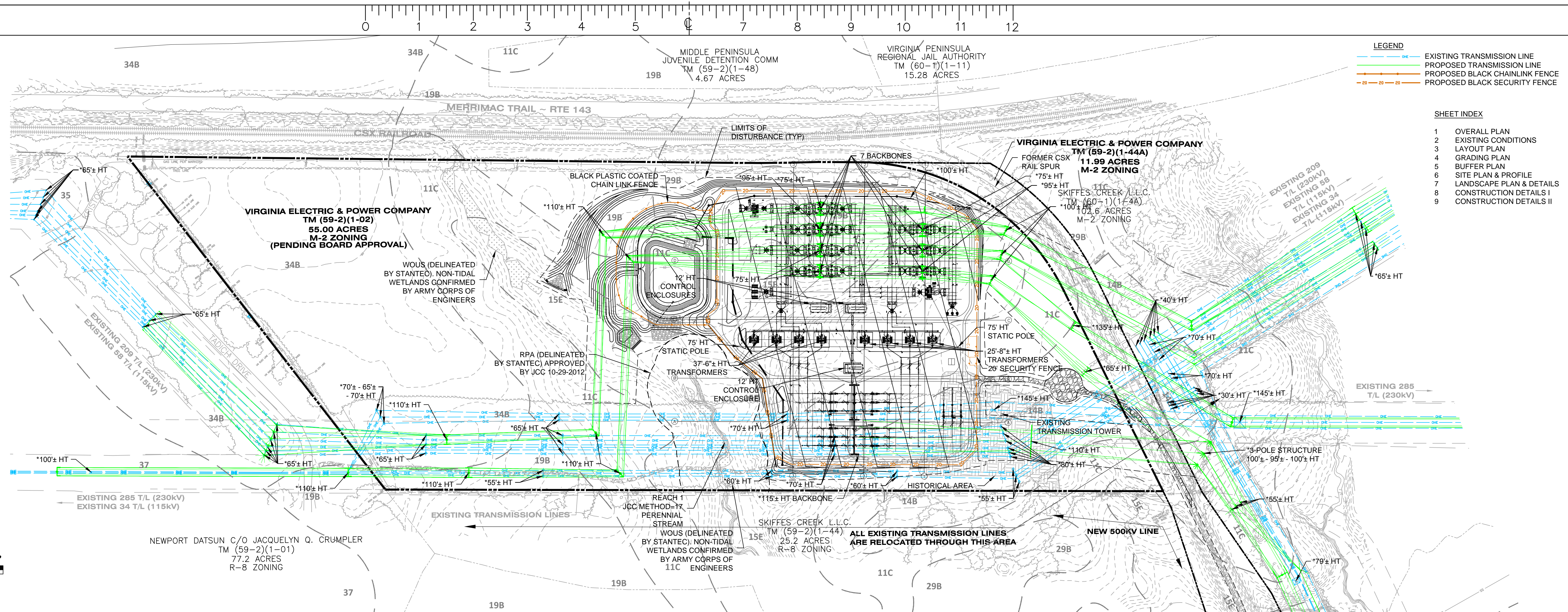
A handwritten signature in cursive script, appearing to read "Adena".

Adena M. Patterson, AICP
Senior Planner Assisting
D. Brennen Keene

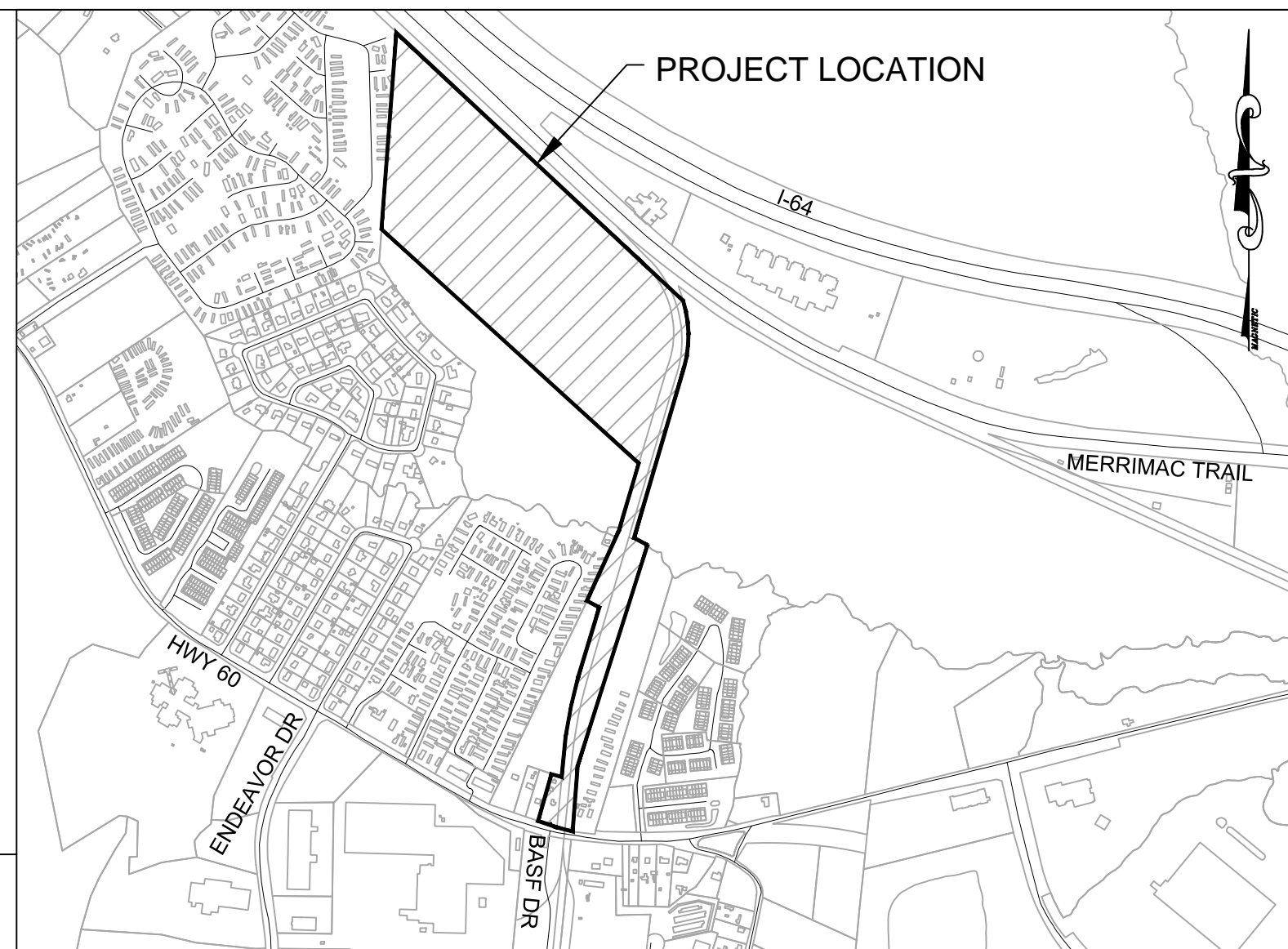
/vej

Attachments

cc: Michelle M. Gowdy



MATCHLINE - SEE BELOW



LOCATION MAP

SITE TABULATIONS

SKIFFES CREEK SWITCHING STATION SPECIAL USE PERMIT TABULATION

EXISTING USE: VACANT/ABANDONED OLD CSX RAIL SPUR

PROPOSED USE: SWITCHING STATION WITH SITE ACCESS AND BUS STOP

TAX MAP/PARCEL NO.: SWITCHING STATION = (59-2)(1-02)/5920100002; SITE ACCESS = (59-2)(1-44A)/5920100044A; BUS STOP = (59-2)(1-13)/5920100013

ZONING: SWITCHING STATION = M-2 GENERAL INDUSTRIAL (PENDING REZONING APPROVAL FROM R-8); SITE ACCESS = M-2 GENERAL INDUSTRIAL; BUS STOP = M-2 GENERAL INDUSTRIAL (PENDING REZONING APPROVAL FROM R-8)

SITE AREA: 55.0 AC (SWITCHING STATION); 11.80 AC (SITE ACCESS); 0.62 AC (BUS STOP) = 67.42 AC

DISTURBANCE AREA: 20.81 AC (SWITCHING STATION); 1.95 AC (SITE ACCESS); 0.47 AC (BUS STOP)

TOTAL IMPERVIOUS / % TOTAL: 13.70 AC (24.9%) (SWITCHING STATION); 0.74 AC (6.3%) (SITE ACCESS); 0.10 AC (16.1%) (BUS STOP)

TOTAL PERVIOUS / % TOTAL: 41.30 AC (75.1%) (SWITCHING STATION); 11.06 AC (93.7%) (SITE ACCESS); 0.52 AC (83.9%) (BUS STOP)

OPEN SPACE / % TOTAL: 41.30 AC (75.1%) (SWITCHING STATION); 11.06 AC (93.7%) (SITE ACCESS); 0.52 AC (83.9%) (BUS STOP)

TOTAL BUILDING COVERAGE: 0 ACRES, ENCLOSURES: 0.09 ACRES

RELATED JAMES CITY COUNTY CASES:

SPECIAL USE PERMIT CASE NO. SUP-0002-2015

REZONING CASE NO. Z-0003-2015

HEIGHT WAIVER CASE NO. HW-0001-2015 (2 STATIC POLES - 75' ABOVE GRADE)

- WESTERN POLE - 137' ABOVE MEAN SEA LEVEL

- EASTERN POLE - 149' ABOVE MEAN SEA LEVEL

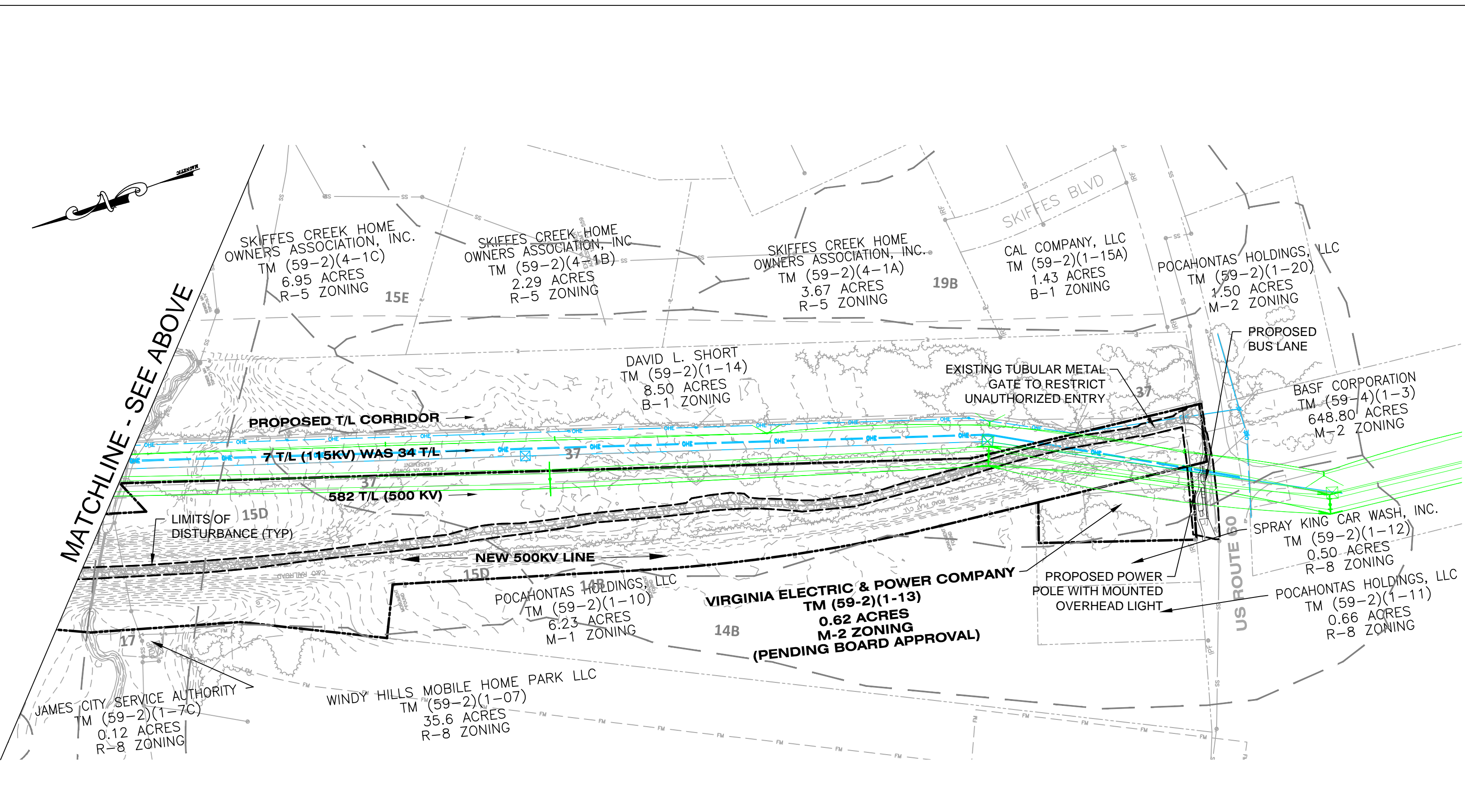
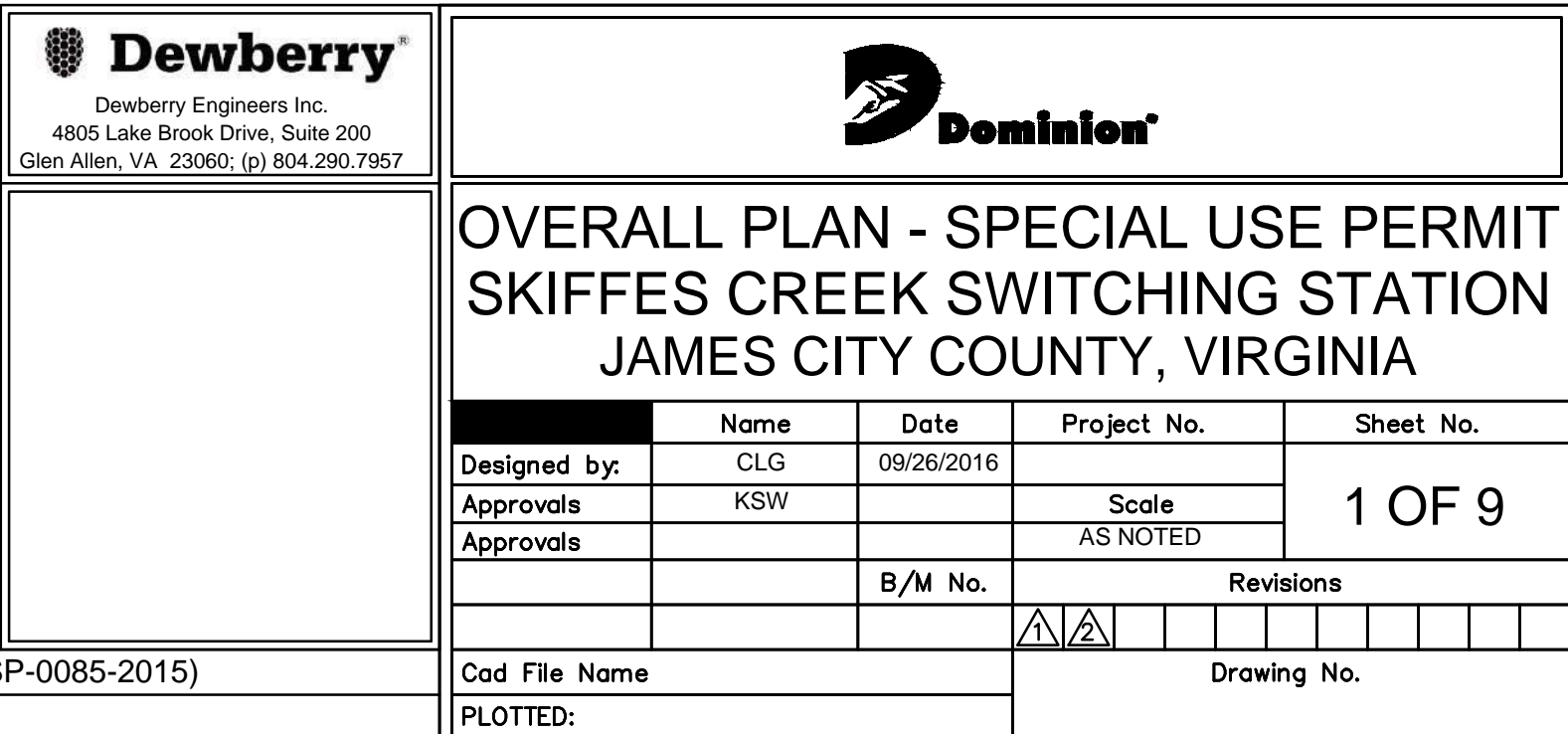
SITE PLAN CASE NO. SP-0085-2015

SITE SOIL SPECIFICS:					
		SOIL TYPE DATA*			
MAP UNIT	NAME	SOIL EROSION K FACTOR	PERMEABILITY	HYDROLOGIC UNIT CODE	PRIME FARMLAND
11C	Craven-Uchee Complex, 6-10% Slopes	0.28	MODERATELY LOW TO HIGH	D	YES ¹
14B	Emporia Fine Sandy Loam, 2-6% Slopes	0.28	MODERATELY LOW TO HIGH	B	YES
15D	Emporia Complex, 10-15% Slopes	0.28	MODERATELY LOW TO HIGH	B	YES ¹
15E	Emporia Complex, 15-25% Slopes	0.28	MODERATELY LOW TO HIGH	B	NO
17	Johnston Complex	0.37	HIGH	A & D	NO
19B	Kempsville-Emporia Fine Sandy Loam, 2-6% Slopes	0.28	MODERATELY LOW TO HIGH	A	YES
29B	Slagle Fine Sandy Loam, 2-6% Slopes	0.24	MODERATELY LOW TO MODERATELY HIGH	C	YES
34B	Uchee Loamy Fine Sand, 2-6% Slopes	0.28	MODERATELY HIGH TO HIGH	B	NO
37	Urban Land	N/A	N/A	N/A	NO

*SOURCE: WEB SOIL SURVEY, NATIONAL RESOURCES CONSERVATION SERVICE

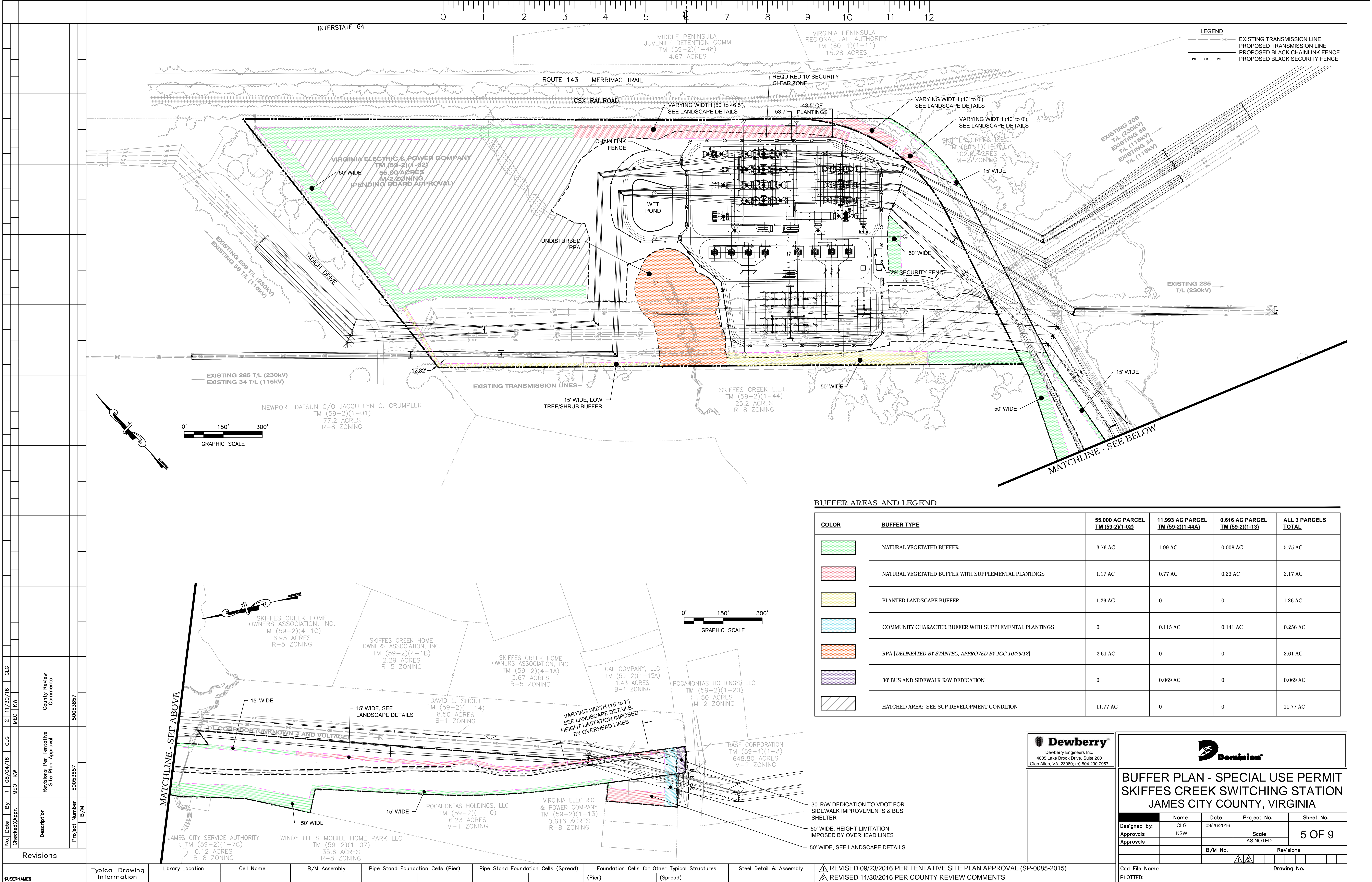
¹FARMLAND OF STATEWIDE IMPORTANCE

tail & Assembly	① REVISED 09/23/2016 PER TENTATIVE SITE PLAN APPROVAL (SP-0085-2015)
	② REVISED 11/30/2016 PER COUNTY REVIEW COMMENTS



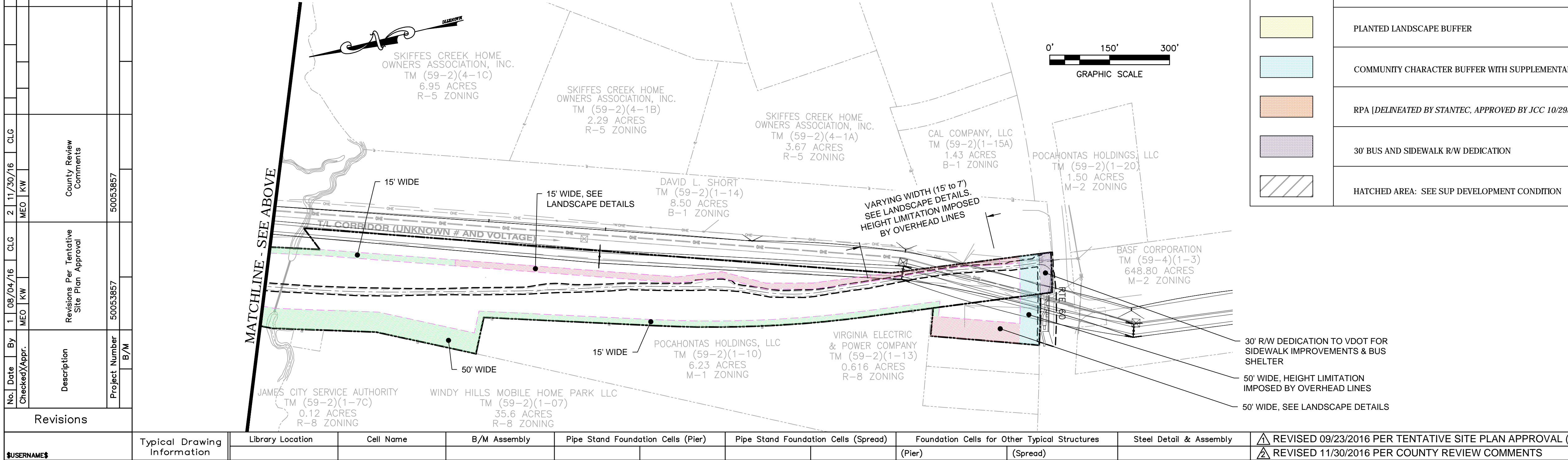
*TRANSMISSION STRUCTURE, LABELED THIS SHEET ONLY
*BUFFER INFORMATION SHOWN ON SHEET 5 OF 9

[illegible]



BUFFER AREAS AND LEGEND

COLOR	BUFFER TYPE	55,000 AC PARCEL TM (59-2)(1-02)	11,993 AC PARCEL TM (59-2)(1-44A)	0,616 AC PARCEL TM (59-2)(1-13)	ALL 3 PARCELS TOTAL
	NATURAL VEGETATED BUFFER	3.76 AC	1.99 AC	0.008 AC	5.75 AC
	NATURAL VEGETATED BUFFER WITH SUPPLEMENTAL PLANTINGS	1.17 AC	0.77 AC	0.23 AC	2.17 AC
	PLANTED LANDSCAPE BUFFER	1.26 AC	0	0	1.26 AC
	COMMUNITY CHARACTER BUFFER WITH SUPPLEMENTAL PLANTINGS	0	0.115 AC	0.141 AC	0.256 AC
	RPA [DELINEATED BY STANTEC, APPROVED BY JCC 10/29/12]	2.61 AC	0	0	2.61 AC
	30' BUS AND SIDEWALK R/W DEDICATION	0	0.069 AC	0	0.069 AC
	HATCHED AREA: SEE SUP DEVELOPMENT CONDITION	11.77 AC	0	0	11.77 AC



Dewberry Engineers Inc.
4805 Lake Brook Drive, Suite 200
Glen Allen, VA 23060 (p) 804.290.7957

BUFFER PLAN - SPECIAL USE PERMIT
SKIFFES CREEK SWITCHING STATION
JAMES CITY COUNTY, VIRGINIA

Designed by	CLG	Date	09/26/2016	Project No.		Sheet No.	
Approvals	KSW			Scale		5 OF 9	
Approvals				AS NOTED			
		B/M No.			Revisions		

Cad File Name

PLOTTED:

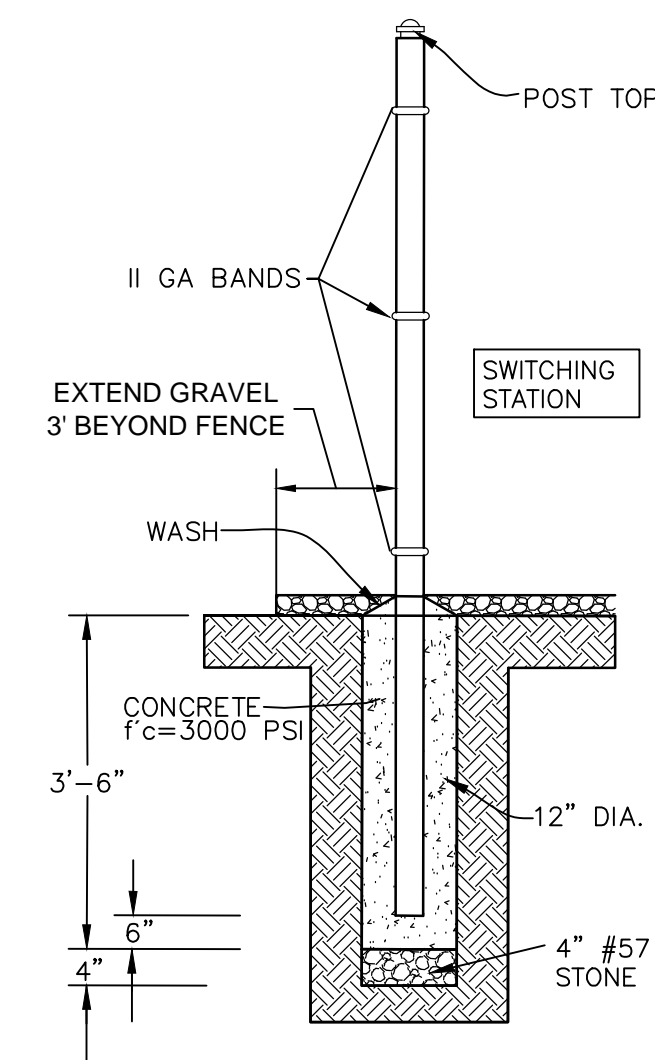
Drawing No.

REVISED 09/23/2016 PER TENTATIVE SITE PLAN APPROVAL (SP-0085-2015)

REVISED 11/30/2016 PER COUNTY REVIEW COMMENTS

No.	Date	By	Description	Project Number	Library Location	Cell Name	B/M Assembly	Pipe Stand Foundation Cells (Pier)	Pipe Stand Foundation Cells (Spread)	Foundation Cells for Other Typical Structures (Pier)	Foundation Cells for Other Typical Structures (Spread)	Steel Detail & Assembly
1	08/04/16	MEG	Revisions Per Tentative Site Plan Approval	50053857								
2	11/30/16	CLG	County Review Comments	50053857								

[illegible]



N.T.S.

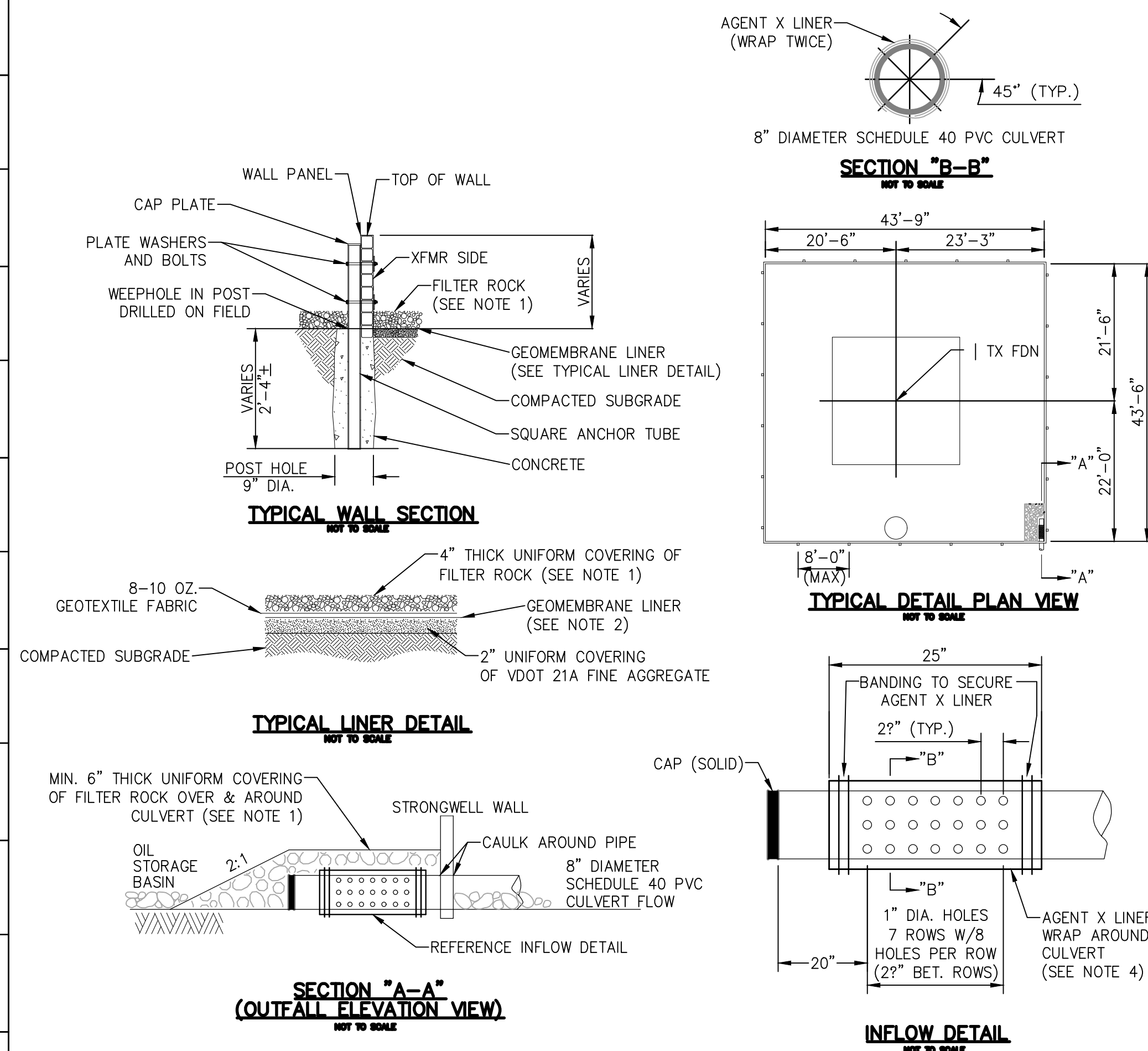


CONSTRUCTION DETAILS I - SPECIAL USE PERMIT
SKIFFES CREEK SWITCHING STATION
JAMES CITY COUNTY, VIRGINIA

	Name	Date	Project No.	Sheet No.
Designed by:	CLG	09/26/2016		8 OF 9
Approvals	KSW		Scale	
Approvals			AS NOTED	

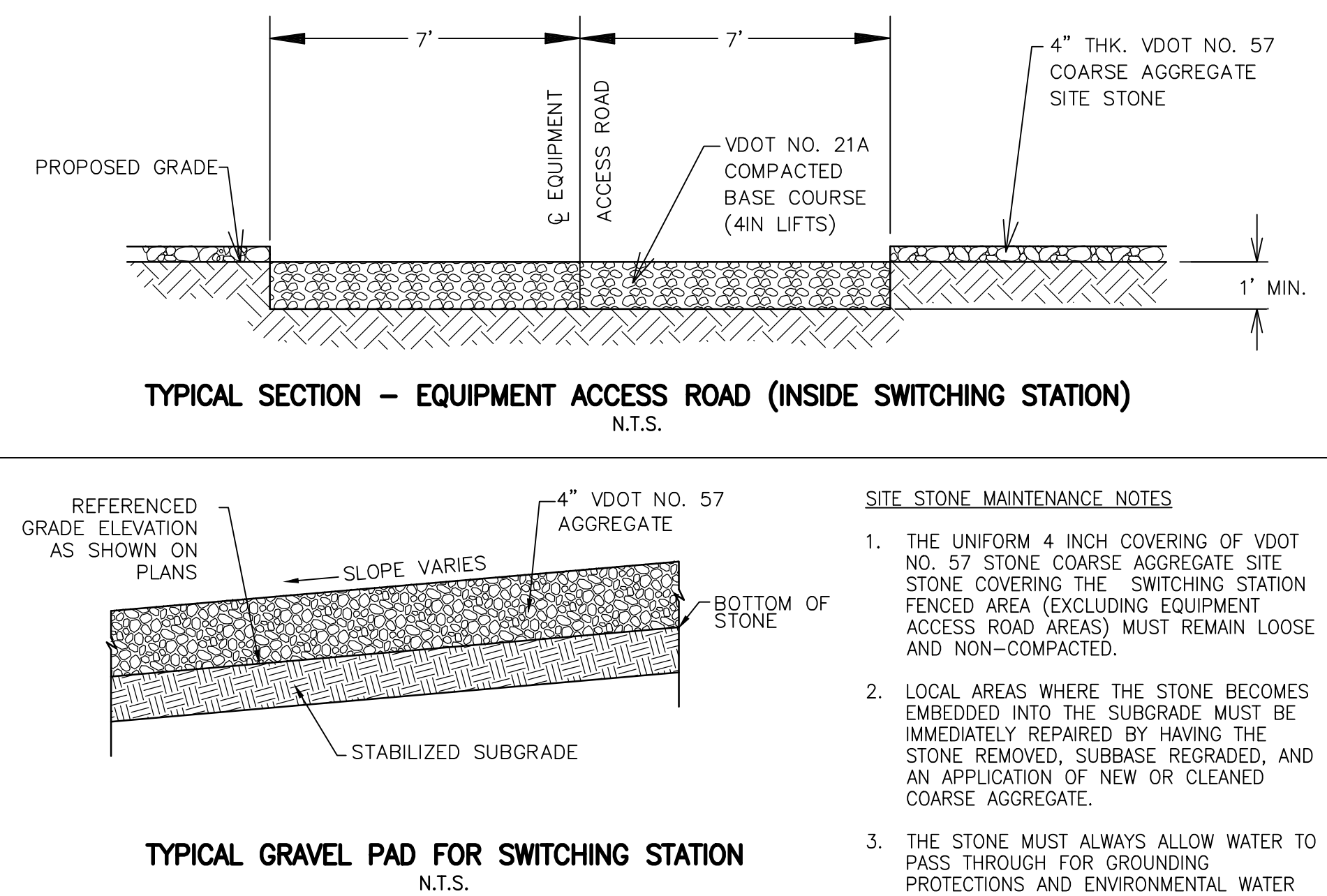
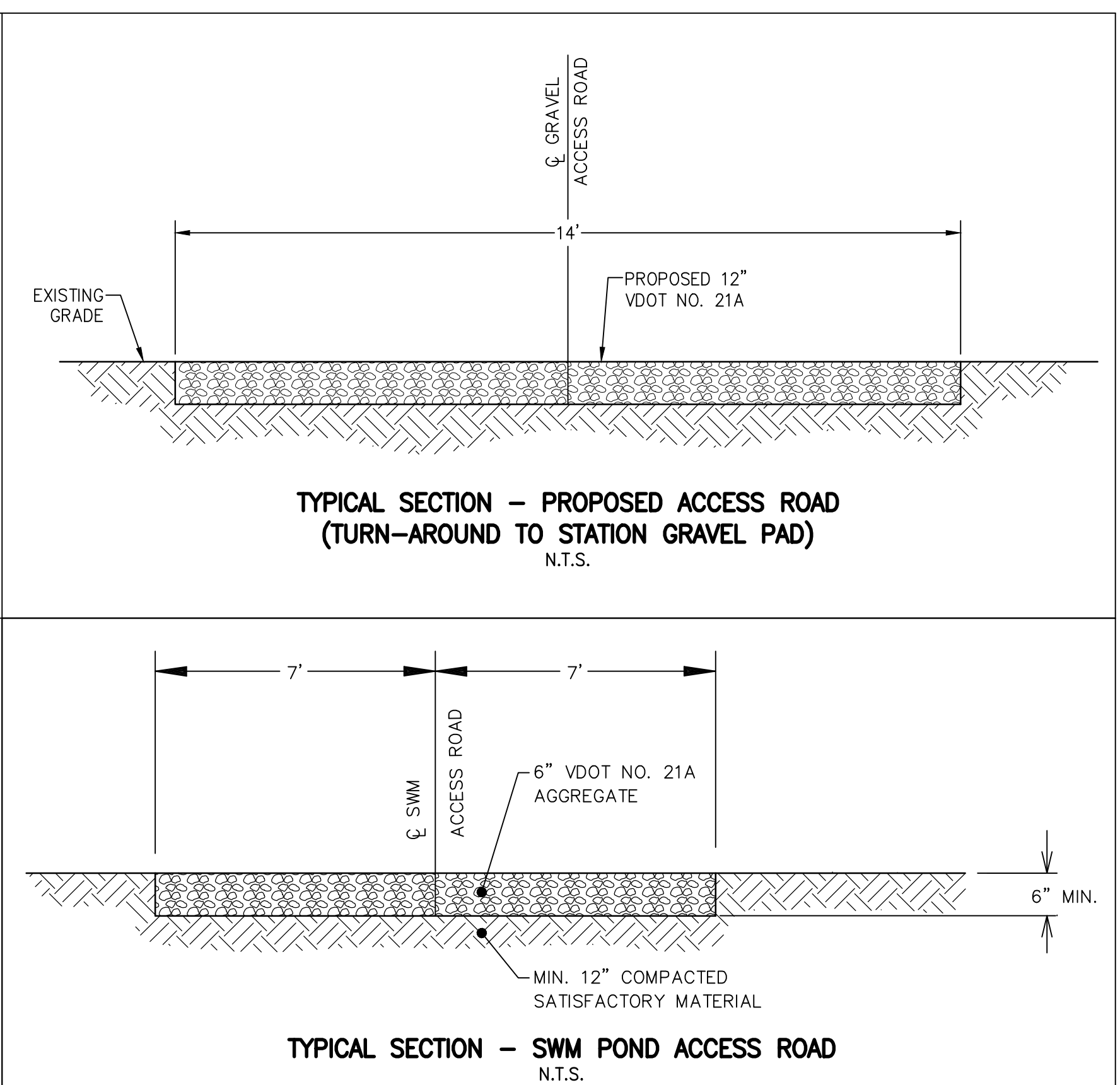
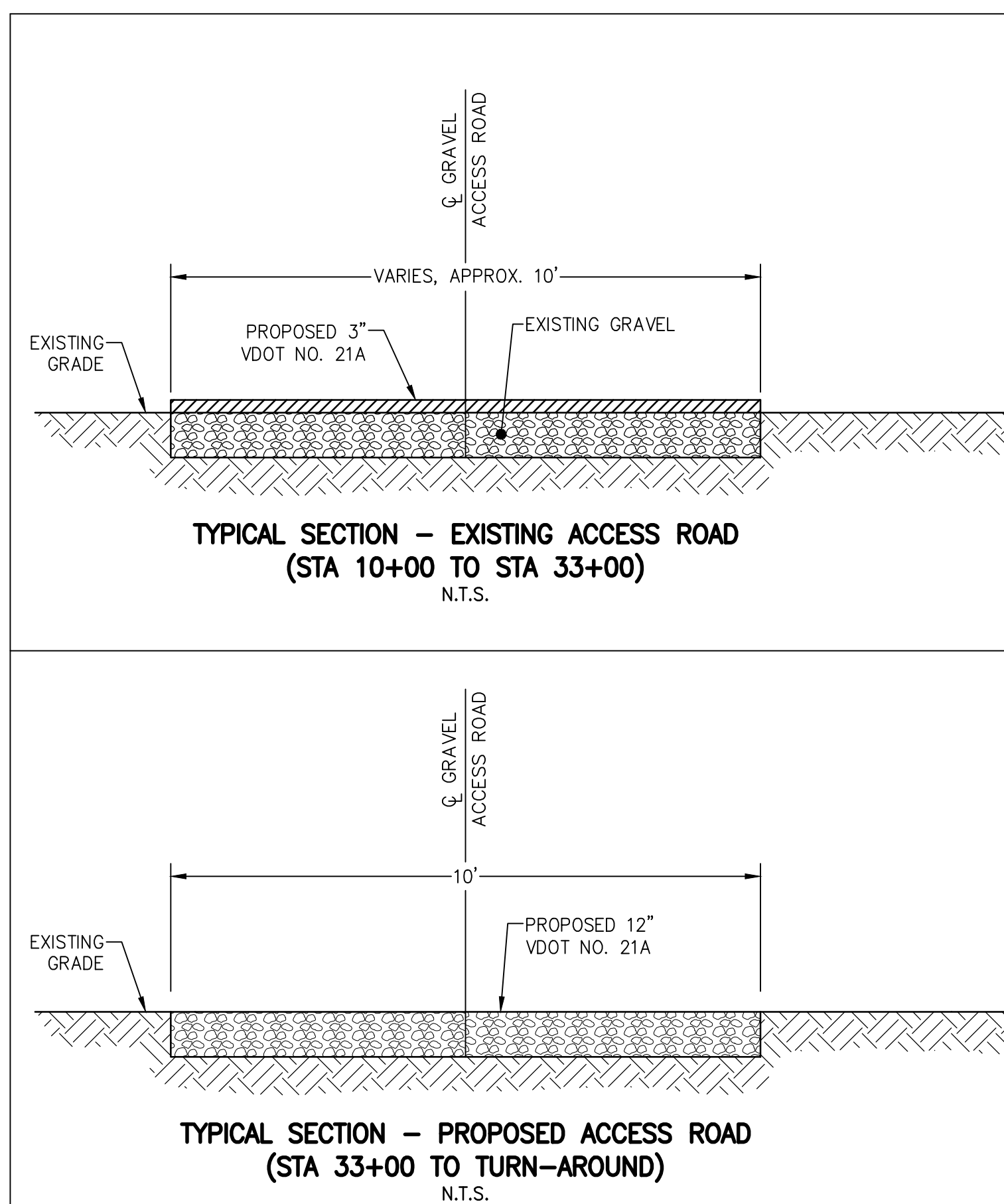
		B/M No.	Revisions									
			1	2								

Cad File Name	Drawing No.
PLOTTED:	



NOTES:

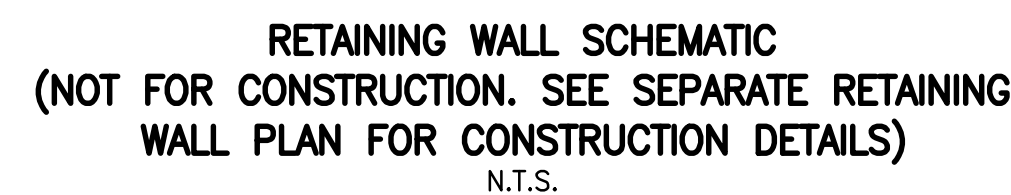
1. FILTER ROCK SHALL BE WELL-ROUNDED GRAVEL AND MUST BE UNIFORM SIZE (100% PASSING 1" SIEVE AND 100% RETAINED ON 1/2" SIEVE) AND HAVE A MINIMUM PERCENTAGE OF VOIDS OF 35% AS DETERMINED BY ASTM C29.
2. CONTRACTOR TO PROVIDE LINER AND GEOTEXTILE FABRIC. GEOMEMBRANE LINER SHALL BE SEAMAN HIGH PERFORMANCE 8130 XR-5. ATTACH LINER PER MANUFACTURER'S RECOMMENDATIONS. ALL PENETRATIONS OF GEOMEMBRANE LINER SHALL BE IN COMPLIANCE WITH MANUFACTURER'S SPECIFICATIONS. SEE DRAWING 0456-081 FOR DETAILS.
3. OIL CONTAINMENT WALL SHALL BE STRONGWELL COMPOSITE. WALL PANELS SHALL BE 3" x 24". TUBE SHALL BE INSTALLED TO MAINTAIN A LEVEL WALL HEIGHT 1'-10" ABOVE TOP OF SUBGRADE AT THE LOW CORNER (SEE PLAN VIEW FOR TOP OF WALL AND SUBGRADE ELEVATIONS). CONTACT MANUFACTURER FOR DESIGN AND INSTALL PER MANUFACTURER'S INSTRUCTIONS.
STRONGWELL
HTTP://WWW.STRONGWELL.COM
400 COMMONWEALTH AVENUE
BRISTOL, VA 24201
(276) 645-8000
4. CONTRACTOR TO PROVIDE ALL PIPE DRAINAGE ASSEMBLY MATERIALS. AGENT X LINER (54" WIDE x 25" TALL) TO BE WRAPPED AROUND PERFORATED SECTION OF 8" DRAIN PIPE. TWO WRAPS ARE REQUIRED. CONTACT MANUFACTURER FOR DESIGN AND INSTALL PER MANUFACTURER'S RECOMMENDATIONS.
CI AGENT
HTTP://WWW.CIAGENT.COM
11760 COMMONWEALTH DRIVE
LOUISVILLE, KY 40229
(866) 242-4368
5. OIL CONTAINMENT DESIGNED FOR TOTAL STORAGE OF 1,940 CU. FT. THIS ACCOUNTS FOR TRANSFORMER OIL AND RAIN WATER.





SITE STONE MAINTENANCE NOTES

1. THE UNIFORM 4 INCH COVERING OF VDOT NO. 57 STONE COARSE AGGREGATE SITE STONE COVERING THE SWITCHING STATION FENCED AREA (EXCLUDING EQUIPMENT ACCESS ROAD AREAS) MUST REMAIN LOOSE AND NON-COMPACTED.
2. LOCAL AREAS WHERE THE STONE BECOMES EMBEDDED INTO THE SUBGRADE MUST BE IMMEDIATELY REPAIRED BY HAVING THE STONE REMOVED, SUBBASE REGRADED, AND AN APPLICATION OF NEW OR CLEANED COARSE AGGREGATE.
3. THE STONE MUST ALWAYS ALLOW WATER TO PASS THROUGH FOR GROUNDING PROTECTIONS AND ENVIRONMENTAL WATER QUALITY INTEGRITY.

RETAINING WALL SCHEDULE										
MARK	"Hw"	"W"	"T"	"F"	"M" BARS	"V" BARS	"P" BARS	"D" BARS	"F _T " BARS	"F _B " BARS
RW-1	Hw ≤ 6'-0"	4'-0"	1'-0"	1'-0"	#5 AT 12" O.C.	#5 AT 12" O.C.	#4 AT 12" O.C.	NONE	(4) #4	(2) #4
RW-2	6'-0" < Hw ≤ 8'-0"	5'-6"	1'-6"	1'-0"	#6 AT 12" O.C.	#6 AT 12" O.C.	#5 AT 12" O.C.	NONE	(5) #4	(3) #4
RW-3	8'-0" < Hw ≤ 10'-0"	8'-0"	2'-6"	1'-2"	#6 AT 12" O.C.	#7 AT 12" O.C.	#6 AT 12" O.C.	#4 AT 12" O.C.	(9) #4	(4) #4
RW-4	10'-0" < Hw ≤ 12'-0"	10'-0"	3'-0"	1'-4"	#8 AT 12" O.C.	#8 AT 12" O.C.	#7 AT 12" O.C.	#5 AT 12" O.C.	(10) #5	(4) #5
RW-5	12'-0" < Hw ≤ 14'-0"	12'-6"	3'-6"	1'-6"	#8 AT 8" O.C.	#8 AT 8" O.C.	#8 AT 12" O.C.	#6 AT 8" O.C.	(12) #5	(4) #5



\$USERNAME\$	Typical Drawing Information	Library Location	Cell Name	B/M Assembly	Pipe Stand Foundation Cells (Pier)		Pipe Stand Foundation Cells (Spread)		Foundation Cells for Other Typical Structures		Steel Detail & Assembly	 REVISED 09/23/2016 PER TENTATIVE SITE PLAN APPROVAL (SP-0085-2015)										Cad File Name	Drawing No.									
										(Pier)	(Spread)		 REVISED 11/30/2016 PER COUNTY REVIEW COMMENTS										PLOTTED:									

ITEM SUMMARY

DATE: 7/11/2017

TO: The Board of Supervisors

FROM: Bryan J. Hill, County Administration

SUBJECT: County Administrator's Report

ATTACHMENTS:

	Description	Type
▣	CA Report	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 4:38 PM

MEMORANDUM

DATE: July 11, 2017

TO: The Board of Supervisors

FROM: Bryan J. Hill, County Administrator

SUBJECT: County Administrator's Report

The following is a summary of activities that took place June 12, 2017 through July 5, 2017:

June 12, 2017 (Monday)

- Attended Eastern Virginia Groundwater Management Advisory Committee meeting in Richmond
- Attended Jamestown High School sport event

June 13, 2017 (Tuesday)

- Met with Betsy Fowler, Library Director
- Met with Doug Powell, Manager of JCSEA
- Attended Agenda meeting
- Met with John Carnifax, Parks & Recreation Director
- Met with Amy Jordan, Economic Development (ED) Director
- Attended Board of Supervisors meeting

June 14, 2017 (Wednesday)

- Met with Digby Solomon, former publisher
- Met with Jody Puckett, Communications Director
- Attended Habitat Groundbreaking Ceremony
- Speaking Engagement at Warhill High School
- Met with Grace Boone, General Services Director
- Attended Will Barnes Day; 36th Annual Spring County Cleanup; Veterans Park

June 15, 2017 (Thursday)

- Attended Hampton Roads Transportation Planning Organization, Hampton Roads Transportation Planning Organization and Hampton Roads Transportation Accountability Commission meetings
- Attended ELT meeting

June 16, 2017 (Friday)

- Attended New Employee Orientation
- Met with Rebecca Vinroot, Social Services Director
- Attended the Virginia Peninsula Regional Jail (VPRJ) Anniversary Luncheon
- Speaking Engagement at WindsorMeade

County Administrator's Report

July 11, 2017

Page 2

June 17, 2017 (Saturday)

- Attended Jamestown High School Graduation Ceremony
- Attended Lafayette High School Graduation Ceremony

June 19, 2017 (Monday)

- Attended Historic Triangle Collaborative meeting
- Attended Food Festival Founders meeting
- Attended Summer After School Party
- Attended Workforce Housing Task Force meeting
- Met with Sue Mellen, FMS Director
- Met with Patrick Teague, HR Director

June 20, 2017 (Tuesday)

- Met with Terry Hall, York-Poquoson-Williamsburg Regional 911 Emergency Communications Center Director
- Met with Amy Jordan, ED Director and Kate Sipes, ED Assistant Director
- Met with Carrol Collins, Kimley-Horn
- Conference Call with Doug Powell, Manager of JCSA

June 21, 2017 (Wednesday)

- Attended VPRJ Board Meeting
- Attended VPRJ Ribbon Cutting Ceremony
- Met with Carlton Stockton, James City County resident
- Met with Sue Mellen, FMS Director
- Dinner and meeting with ED prospect

June 22, 2017 (Thursday)

- Met with David Rose, Davenport, at Virginia Local Government Management Association Summer Conference in Virginia Beach
- Met with Doug Powell, Manager of JCSA and Zach Trogon, Williamsburg Area Transit Authority's Executive Director
- Met ED prospect; BG tour

June 23 2017 (Friday)

- Met with Amy Jordan, ED Director
- Met with Jason Purse, Assistant County Administrator
- Met with Ania Eckhardt, Admin and FOIA Officer

June 26, 2017 (Monday)

- Attended Robert Wood Johnson Foundation meeting, Williamsburg Health Foundation
- Radio interview, The Tide

County Administrator's Report

July 11, 2017

Page 3

June 27 – June 30, 2017

- Trip with Kate Sipes, ED Assistant Director; meeting ED prospect

July 3, 2017 (Monday)

- Met with Renee Dallman, Senior Communications Specialist
- Met with Sue Mellen, FMS Director
- Met with Patrick Teague, HR Director

July 5, 2017 (Wednesday)

- Met with Kenya Williams
- Met with Sue Sadler, Supervisor
- Met with Mitchell Reiss, President and CEO of the Colonial Williamsburg Foundation
- Interview with WAVY news
- Met with Grace Boone, General Services Director
- Met with Jon Fountain, Real Estate Director
- Met with Sharon Merchant, Building, Safety and Permits Administrative Assistant

BJH/nb

CARreport071117-mem

AGENDA ITEM NO. L.1.

ITEM SUMMARY

DATE: 7/11/2017

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 11:10 AM

ITEM SUMMARY

DATE: 7/11/2017

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Social Services Advisory Board Appointment

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	6/22/2017 - 1:38 PM
Community Services	Vinroot, Rebecca	Approved	6/22/2017 - 1:39 PM
Publication Management	Trautman, Gayle	Approved	6/22/2017 - 1:47 PM
Legal Review	Kinsman, Adam	Approved	6/26/2017 - 11:07 AM
Board Secretary	Fellows, Teresa	Approved	6/26/2017 - 11:58 AM
Board Secretary	Purse, Jason	Approved	7/5/2017 - 7:48 AM
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 8:17 AM

ITEM SUMMARY

DATE: 7/11/2017

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Clean County Commission Appointment

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 10:40 AM

ITEM SUMMARY

DATE: 7/11/2017

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Colonial Community Criminal Justice Board Appointment

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 10:41 AM

ITEM SUMMARY

DATE: 7/11/2017

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Williamsburg Area Arts Commission Appointment

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 11:05 AM

ITEM SUMMARY

DATE: 7/11/2017

TO: The Board of Supervisors

FROM: Bryan J. Hill, County Administrator

SUBJECT: Discussion or consideration of the acquisition of real property for a public purpose pursuant to Section 2.2-3711 (A)(3) of the Code of Virginia

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/5/2017 - 10:26 AM

ITEM SUMMARY

DATE: 7/11/2017

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Adjourn until 4 p.m. on July 25, 2017 for the Work Session

REVIEWERS:

Department	Reviewer	Action	Date
Economic Development Authority	Fellows, Teresa	Approved	7/5/2017 - 11:08 AM