

**VIRGINIA:**

The Charles City County Planning Commission met on May 14, 2015 in the 239<sup>th</sup> year of the Commonwealth and the 381<sup>st</sup> year of the County. Chairman Edward L. Baber, Jr. called the meeting to order at 7:00 PM.

**PRESENT:** Edward L. Baber, Jr., Chairman  
Brenda Adkins  
William B. Bailey  
Barney Lomax  
Kevin R. Pittman  
Gilbert A. Smith  
Yvonne Smith-Jones

**OTHERS:** Matthew Rowe, Planning Director

**ABSENT:** C. Linny Miles  
Alton M. Washington

**RE: MINUTES**

The Commission minutes for April 23, 2015 were presented for approval. Mr. Gilbert Smith made a motion to approve, as corrected, the minutes for April 23, 2015. The motion seconded by Mr. Barney Lomax carried by a 7:0 vote.

**RE: BYLAWS, ARTICLE 7 – PUBLIC HEARINGS**

Planning Director, Matthew Rowe presented amendments to Article 7 of the Commission's Bylaws. Planning staff and County Attorney met to amend language that details the process for a public hearing and a joint public hearing. Should these amendments be acceptable to Commissioners, there is a 30 day waiting period prior to the Commission's approval. The Commission by consensus accepted the amendments and request this be included on the Agenda for the June 25, 2015 Planning Commission meeting.

**RE: #REZ-04-2015, COUNTY OF CHARLES CITY VIRGINIA**

Application #REZ-04-2015, County of Charles City requests to rezone 88 acres (TM #7-12-B) from Light Industrial (M-1) to Heavy Industrial (M-2). Site is located approximately 2,000 LF North and West of the intersection of State Route 685 (Chambers Road).

Planning Director, Matthew Rowe presented staff report. The parcel is currently undeveloped and is comprised of dense pine stands and mixed hardwood forest. The surrounding land uses are agricultural, forestal, residential, and vacant commercial buildings. This parcel is in that portion of the County that has traditionally been the County's industrial hub and major employment center. The tract is in the Roxbury Regional Development Area.

There is no public water or sewer currently serving the property. Future development of the property would more likely be served by public water and sewer. The property is served by State Route 106 (Roxbury Road); any new development would be reviewed by VDOT to ensure that entrances and site-distances are adequate for anticipated traffic generation.

The property contains a lake basin that once had a surface area of around seven (7) acres. Sometime between 1994 and 2003, the dam failed and emptied the lake feature. Today, the area has been reclaimed by emergent wetlands vegetation as identified on the

U.S. Fish and Wildlife Service's National Wetlands Inventory (NWI). Any impact to the wetlands area must be reviewed and approved by the U.S. Army Corp. of Engineers and the Virginia Department of Environmental Quality. The portions of the property around the lake basin feature are also identified as being Resource Management Areas (RMA) under the Chesapeake Bay Preservation Act (CBPA). No portion of the property falls within the FEMA 100 Year Flood Zone. An environmental survey has been completed for the property.

The property was acquired by the County from Virginia Turf Grass in the late 1990s with the intent to utilize it for economic development purposes. The proposed rezoning of the parcel to Heavy Industrial District (M-2) is clearly supported in the Comprehensive Plan's Future Land use map since the property is in the boundaries of the identified Roxbury Regional Development Area. The proposed rezoning would also not incur any additional possible negative externalities towards the contiguous parcel to the north (parcel 7-136, which is zoned Agricultural District (A-1) and contains a single family dwelling) since the given parcel is already bordered by land zoned Light Industrial District (M-1) (especially the area in close proximity to the existing dwelling). The other current contiguous residential property (parcel #7-86) has an active rezoning application to rezone it from Agricultural District (A-1) to General Business District (B-1). Just like the property to the north, the proposed rezoning would not incur any additional possible negative externalities towards the parcel since it is already bordered by land zoned Light Industrial District (M-1).

The rezoning request cannot be considered to be a conditional rezoning since there are no proffers being offered.

Mr. William Bailey made a motion to forward application #REZ-04-2015, County of Charles City Virginia to the Board of Supervisors for the scheduling of a joint public hearing. The motion seconded by Mr. Kevin Pittman carried by a 7:0 vote.

**RE: #SUP-03-2015, COUNTY OF CHARLES CITY VIRGINIA**

Application #SUP-03-2015, County of Charles City Virginia request a special use permit for 88 acres (TM #7-12-B) per Section 12-3 (2) for "central utility system in conjunction with a right of way greater than or equal to 30 feet in width" in order to operate a 1,000 megawatt combined cycle natural gas power plant, with secondary solar power, and incidental switching station and fuel storage. Site is located approximately 2,000 LF North and West of the intersection of State Route 685 (Chambers Road).

Planning Director, Matthew Rowe presented the staff report. The existing land use is undeveloped pine forest; and the surrounding land uses are light industrial, agricultural and some residential. The nearest dwelling is located opposite the property to the south-east. The property has 500KV transmission lines and their respective easements transecting the property. In addition, the property has direct access to the 16" natural gas line that runs along its northern property line. The Chickahominy Substation is located about 0.6 miles to the south-east. This parcel is in that portion of Charles City County that has traditionally been the County's Industrial Hub and major employment center. The tract is in the Roxbury Regional Development Area (Future Land Use Plan Map).

According to the County's Environmental Constraint Map wetlands and Chesapeake Bay Preservation Act (CBPA) features are located in the interior section of the parcel where there used to be an old irrigation pond. An environmental survey has been completed for the property.

The County is requesting the special use permit in order to locate a natural gas combined cycle (base-load) power plant up to 1,000 megawatts with secondary solar power, and incidental switching station and fuel storage. With the retirement of coal plants in the region and the increased electric demand forecasted by 2028 (according to Dominion's Integrated Resource Plan), companies are looking to develop energy

generation in the region to meet the expected demand. For a base-load natural gas power plant, the anticipated dollar investment is typically between \$350M to \$1B and \$1M per megawatt of name plate capacity. Such an investment would result in substantial tax revenue for the County. Based upon other similar projects, during the construction period (roughly 3 years), between 300-1,000 workers will be onsite (many employed from the County and nearby areas) at any one time, with a permanent employment of 25-40 operators.

Typically, a plant of this type will only utilize roughly 40 acres, with the remainder being reserved for buffer purposes. The development standards of land use must receive the approvals of numerous agencies including: VDOT, VDH, VADEQ, SCC, EPA, ACOE, County etc.; to ensure that there will be no hazards to the environment and citizens. There must also be many studies, including an interconnection study with PJM Transmission (for grid network); Virginia Natural Gas and Colonial Pipeline (for connection to the gas line and the petroleum line); environmental and historical/archaeological assessments; stormwater designs and air quality studies with VADEQ (EPA for air quality as well), ingress/egress studies with VDOT, and water (both for cooling purposes and potable purposes) usage studies through VADEQ and VDH; and all County plans/studies (ESC, Site Plan, Stormwater, development standards, etc.).

Traffic to and from the site would utilize State Route 106, and an industrial constructed road that can handle heavy weight and haul traffic. Significant traffic flow would be present during the construction period with the transition to a permanent daily traffic flow of roughly 120 vehicle trips per day (based upon typical full-time staff numbers). Virginia Department of Transportation review of site plans would be required.

Noise levels at the property lines (based upon similar plants elsewhere) would not exceed 55 decibels (which is roughly the equivalent of the noise associated with being 3 feet away from an air conditioner condenser), since most noise producing machinery is housed in noise dampening structures. According to the County's existing code regarding noise, industrial uses are exempt from noise ordinance provisions. This means that with the property's current zoning, noise levels could reach 84 decibels at the property line (with no recourse) which is the equivalent of being within 50 feet of a diesel truck with motor running. A plant of this type would certainly have noise levels that are substantially less than those that are associated with other by-right uses. Noise levels would further be reduced on adjacent properties through the protection of the existing wooded buffer within all required property line setbacks.

Water usage would have to be permitted through either VADEQ for surface withdrawals and/or ground water withdrawals, and VDH for potable water. A plant of this type typically uses 1M-6M gallons of water per day, resulting in strict review from VADEQ; a process that typically takes up to 1 year. At this location, it is likely that a plant would require a surface water withdrawal, rather than a deep non-drinking aquifer well.

For these types of power plants, visible emissions are minor and consist of water vapor plumes, not smoke (water is used to cool machinery and then a certain percentage evaporates into the atmosphere while the remainder is recirculated to reduce water usage). When the temperature and humidity are at a certain condition, steam may be visible; the same phenomenon as when you see your breath on a cold, damp morning.

Emergency response plans will be required through the detailed development review process and will need to be on file with the locality and the state.

The proposed special use on the given property is supported by the County's Comprehensive Plan. From an economic development standpoint, the property has all of the main infrastructure needs for such a power plant (gas, transmission, size, roadway, and zoning). The County's draft Economic Development Plan highlights the energy sector

potential of the County due to the location of the Chickahominy Substation, which is a major regional substation.

Power plants must go through an extremely rigorous review and agencies (local, State, and Federal) review all aspects of the plant and there are numerous opportunities for public comment throughout the process. All of their key infrastructure and processes will be regulated by non-County agencies on the State and Federal levels. The County will administratively enforce its Ordinances and the conditions of this permit, if approved. Given the County's location between 2 growing metropolitan areas, its large tracts of industrial designated land, and its power oriented infrastructure, the County is well positioned to create a strong energy sector. Energy sector uses typically do not require many services from the County long-term, while significantly contributing to the tax base.

With the attached conditions, possible negative impacts from such a facility would be mitigated to the greatest extent possible. The requested use is consistent with the Comprehensive Plan and is supported in the County's draft Economic Development Plan.

General:

1. This permit is for the construction and operation of a central utility system in conjunction with a right of way greater than or equal to 30 feet in width in order to operate a 1,000 megawatt combined cycle natural gas power plant, with secondary solar power, and incidental switching station and fuel storage. The facility shall be constructed, operated, and maintained in accordance with all rules and regulations of the Charles City County Zoning Ordinance, with any and all terms and conditions of this special use permit, and in compliance with all federal, state and other local laws and regulations for this use.
2. Prior to the issuance of a Building Permit for the proposed facility or any accessory structures and/or equipment, the permittee shall submit a site plan for County approval in accordance with the provisions of the County's Site Plan Ordinance.
3. A copy of any and all permits, and/or licenses from VADEQ, EPA, and any other governmental agency regulating this use must be on file with the County prior to issuance of the Building Permit.
4. Permittee shall secure and maintain all federal, state, and local licenses and certificates required to do business in the Commonwealth of Virginia, and Charles City County.
5. Permittee shall submit to the County all proposed design, construction and operational plans, permit applications and other documents that are submitted to local, state, and federal agencies in connection with the facility.
6. This special use permit shall expire if the use of the site as a power generation facility ceases for 2 years and/or a power generation facility is not under construction on the property within 6 years of the date of its approval.
7. These conditions shall be binding on any person, entity, including the permittee, its assigns, successors, and any subsequent assignee(s), successor(s), owner(s), operator(s), or lessee(s), owning, operating, or leasing the power generation facility and accessory facilities situated on subject property.

Right to Entry and Inspection of Premises:

8. Permittee shall allow designated County representatives or employees access to the facility at any time for inspection purposes. Reports of such inspections shall be provided to the Planning Director to determine compliance with permit.

Light:

9. All exterior, permanent lights shall be arranged and installed so that the direct or reflected illumination is minimized at the property line.
10. All permanent light sources (except emergency and/or safety lighting) shall be directional and shielded fixtures that cast light downward.

Site:

11. Permanent entrance ways and parking areas (excluding onsite travel ways) shall have asphalt surface or better and shall be maintained in a manner that will keep dust to a minimum so as not to adversely impact adjacent properties.
12. A security fence a minimum of 6 feet in height with an anti-climbing device shall be placed around the perimeter of the facility.
13. Signage shall meet Section 16 of the Zoning Ordinance.
14. Landscaping shall meet the requirements of Section 17 of the Zoning Ordinance. Existing vegetation shall be preserved and enhanced in all required property line setbacks, except for fences, gates, roads, guardhouses, and utilities and related equipment. A landscaping plan shall be submitted to the Planning Director for review and approval to ensure that this condition is being met. Nothing herein shall prohibit the removal of diseased or dying trees within the setback area.

Traffic Management:

15. The submitted Site Plan shall be forwarded to VDOT for their review and approval. The Site Plan shall also include a construction management element to ensure that construction entrances and access roads are provided appropriately, to reduce the impact from wide-load and large trucks on the public roadway and the surrounding community.
16. Prior to County approval of the site plan, the permittee shall provide a copy of an approved commercial entrance permit for all proposed accesses to the subject property from VDOT.
17. Construction traffic shall be limited to State Route 106.
18. Any permanent access road shall be paved.

Environment:

19. Prior to commencing land disturbing activities on the subject property, the permittee shall submit to the County for review and approval an Erosion and Sediment Control Plan and Stormwater Management Plan in accordance with the provisions of the Charles City County Combined Stormwater Ordinance and the Virginia Erosion and Sediment Control Handbook and Regulations (which shall address all Chesapeake Bay Preservation Act Requirements).
20. A copy of any and all permits, and/or licenses from VADEQ, EPA, and any other governmental agency regulating this use must be on file with the County prior to issuance of the Building Permit.
21. The facility shall utilize Best Available Control Technology (BACT) as determined by VADEQ in order to minimize impacts on air quality.
22. Water usage for the facility shall be approved by VADEQ and/or VDH.
23. The permittee shall operate at or below the emissions established in its VADEQ and/or EPA permits. The permit criteria and limits shall be established by VADEQ and EPA.

Compliance:

24. Violation of any local, state, or federal law, regulation, or ordinance or violation of any condition of this permit shall be grounds for revocation of this permit by the County.
25. In the event the permittee is notified of any violations of applicable laws, regulations or permit conditions at the facility, permittee shall notify the County and shall promptly and diligently cooperate with the applicable regulatory agency and take other reasonable actions in an attempt to cure the violation. Permittee shall promptly notify the County thereof and shall provide the County with all information pertinent thereto and details of the applicant's action to remedy said violation.

26. All complaints received by the County will be referred directly to the permittee which shall give them prompt and courteous attention and shall advise the County of the disposition of such complaints within 30 days of the complaint referral.

Safety:

27. The facility and all accessory structures shall be designed and constructed to meet all requirements of the Virginia Uniform Statewide Building Code pertaining to fire prevention measures.
28. Permittee shall comply with all federal, state, and local regulations related to the use, storage and transportation of chemicals used at the facility.

It was further discussed there is a large parcel near this site that is zoned Residential (R-1). The special use permit goes with the land, not the applicant. A question was asked if there was any discussion of a rail spur to this property.

Mr. William Bailey made a motion to forward application #SUP-03-2015, County of Charles City Virginia to the Board of Supervisors for the scheduling of a joint public hearing. The motion seconded by Mr. Kevin Pittman carried by a 7:0 vote.

**RE: PLANNING DIRECTOR**

- ❖ Joint Public Hearing is scheduled for Thursday, May 28, 2015 @ 7 PM
- ❖ Telecommunications; ahead of schedule; completion expected to be end of August or early September, 2015
- ❖ Economic Development Plan was presented to citizens on May 7, 2015
- ❖ Septic Pump-out grant award and contractor has begun
- ❖ Tourism Grant; RFP for development of website to be sent for advertisement on May 27, 2015
- ❖ Route 106 Corridor; appoint 2 member sub-committee to begin work on the guidelines for development within the reserve strip along Route 106 as shown within the Comprehensive Plan

**RE: PUBLIC COMMENT**

There was no comment from public present.

**RE: ADJOURNMENT**

The Commission meeting adjourned at 8:15 P.M.

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Edward L. Baber, Jr., Chairman

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Rebecca H. Stewart, Recording Secretary