

**VIRGINIA:**

The Charles City County Planning Commission and the Board of Supervisors held a joint public hearing on May 28, 2015 in the 239<sup>th</sup> year of the Commonwealth and the 381<sup>st</sup> year of the County.

**PRESENT:** Edward L. Baber, Jr., Chairman  
C. Linny Miles, Vice-Chairman  
Brenda Adkins  
William B. Bailey  
Kevin R. Pittman  
Alton M. Washington  
Yvonne Smith-Jones  
Gilbert A. Smith. Planning Commission & Board of Supervisors

**OTHERS:** Floyd H. Miles, Sr., Board of Supervisors  
William G. Coada, Board of Supervisors  
B. Randolph Boyd, County Attorney  
Zach Trogdon, County Administrator  
Matthew Rowe, Planning Director  
Rebecca H. Stewart, Recording Secretary  
Denise Williams, Planning Staff

**ABSENT:** Barney Lomax

**RE: JOINT PUBLIC HEARINGS @ 7 PM**

The Planning Commission and Board of Supervisors held a joint public hearing to receive comments from citizens on the following applications.

- Application #REZ-01-2015, Kimages Wharf Partners
- Application #REZ-03-2015, Ron's Investments LLC
- Application #SUP-01-2015, Ron's Investments LLC
- Application #REZ-02-2015, New Lexington, LLC f/k/a The Lexington Corp.
- Application #SUP-02-2015, New Lexington, LLC f/k/a The Lexington Corp.
- Application #REZ-04-2015, County of Charles City Virginia
- Application #SUP-03-2015, County of Charles City Virginia

Chairman Edward Baber called the Planning Commission to order at 7 PM. Chairman Baber read the rules and procedures governing the hearing tonight. Advertisements for the joint public hearings were published within the Richmond Times-Dispatch on May 12, 2015 and May 19, 2015; and read prior to hearing each application.

**RE: #REZ-01-2015, KIMAGES WHARF PARTNERS**

Application #REZ-01-2015, Kimages Wharf Partners requests to rezone 25.53 acres (TM #4-14) from Planned Development-Industrial Park (PD-IP) to Heavy Industrial (M-2). The rezoning would allow the owners to better market the property. Site is located between 2261-2271 Roxbury Road. Mr. Milton Hess was present to answer any questions.

Planning staff, Rebecca Stewart presented staff report. The existing land use is forestal. The surrounding land uses are light manufacturing, agricultural, and residential; and the surrounding parcels are currently zoned Agricultural (A-1), Planned Development-Industrial Park (PD-IP), and Heavy Industrial (M-2). This parcel is in that portion of Charles City County that has traditionally been the County's industrial hub and major

employment center. It is within the Roxbury Regional Development Area according to the Future Land Use Map in the Comprehensive Land Use Plan.

There is no public water or sewer currently serving the property. The property is served by State Route 106 (Roxbury Road); and, any new development would be reviewed by VDOT to ensure that entrances and site-distances are adequate for anticipated traffic generation. According to the Environmental Constraint Map the north-west portion of the property contains wetlands and Chesapeake Bay Preservation Act (CBPA) features, including Resource Management Area (RMA).

If rezoned to Heavy Industrial (M-2) zoning, the property would be subject to all permitted uses found in Sections 12-2 and 12-3 of the Charles City County Zoning Ordinance.

The applicant Kimages Wharf Partners was given an opportunity to present any additional information regarding the rezoning request. Mr. Milton Hess indicated there is no additional information to present.

Chairman Baber opened the floor to any questions citizens may have regarding the application. There being no questions, The Commission and Board concurrently opened the hearing for public comment. There being no comment, the hearing was closed for public comment. Chairman Baber asked for questions, comments, and/or a motion from the Commission. Chairman Baber asked if there were any negative impacts to rezone from PD-IP to M-2. Staff indicated there were no negative impacts to rezoning.

Mr. Alton Washington made a motion to approve and recommend the Board of Supervisors approve application #REZ-01-2015, Kimages Wharf Partners to rezone 25.53 acres (TM #4-14) to Heavy Industrial (M-2). The motion seconded by Mr. Kevin Pittman carried by an 8:0 vote.

**The Commission's recommendation was forwarded to the Board of Supervisors for their action.**

**RE: #REZ-03-2015, RON'S INVESTMENTS, LLC**

Application #REZ-03-2015, Ron's Investments, LLC request to rezone one (1) acre (TM #7-86) from Agricultural (A-1) to General Business (B-1) to operate an office and a Retail Business. Site is located at 3421 Roxbury Road. Mr. Ron Marshburn was present to answer any questions.

Planning staff, Rebecca Stewart presented the staff report. The existing land use is residential; and the surrounding land uses are light manufacturing, agricultural, and residential. The surrounding parcels are zoned Agricultural (A-1), Light Industrial (M-1), and General Business (B-1). The property is located within the Roxbury Regional Development Area according to the Future Land Use Map in the Comprehensive Land Use Plan. This portion of Charles City County has traditionally been the County's industrial hub and major employment center.

The existing single-family dwelling will be converted into an office and retail business facility. The existing structure currently is served by a private well and septic system. The property has direct access onto 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. According to the Environmental Constraint Map the western portion of the property contains wetland features. The property does contain Chesapeake Bay Preservation Act (CBPA) features, including Resource Management Area (RMA).

If rezoned to General Business (B-1) zoning, the property would be subject to all permitted uses found in Section 8-2 and 8-3 of the Charles City County Zoning Ordinance.

The applicant Ron's Investments LLC was given an opportunity to present any additional information regarding the rezoning request. Mr. Ron Marshburn indicated there is no additional information to present.

Chairman Baber opened the floor to any questions citizens may have regarding the application. There being no questions, The Commission and Board concurrently opened the hearing for public comment.

**Debbie Kaston**, 4503 Rockinghorse Road indicated there was lack of proper notification to the neighborhood; presented a "Petition to Stop the Development of a Junk Yard" at 3421 Roxbury Road signed by 30 residents and businesses within the neighborhood. This petition requests the prevention of the development of any commercialized usage including, but not limited to junk yards, repair shops, or any dumping of hazardous chemicals of any kind. Petition indicates the loss of surrounding property value, the noise interference of the citizens' rights to a peaceful existence, the extreme lack of responsibility, the proper disposal of oil, gas, antifreeze, along with other known hazardous chemicals that in turn pollute the drinking water as well as the loss of natural habit, and poisoning of animals. Ms. Kaston, on behalf of Union Baptist Church, requests extension of action in order to present opposition petition.

**Loretta Griffin**, 3420 Roxbury Road indicated concern of pollution of drinking water by leakage of fluids; additional traffic onto Roxbury Road; existing businesses do not wish to see a junk yard in this area.

There being no further comment, the hearing was closed for public comment. Chairman Baber asked for questions, comments, and/or a motion from the Commission. Chairman Gilbert Smith asked about the notification of neighbors. Mr. Linny Miles indicated concern regarding the aesthetics of the property.

Mr. William Bailey made a motion to approve and recommend the Board of Supervisors approve application #REZ-03-2015, Ron's Investments LLC to rezone one acre (TM #7-86) to General Business (B-1). The motion seconded by Mr. Linny Miles carried by an 8:0 vote.

**The Commission's recommendation was forwarded to the Board of Supervisors for their action.**

**RE: #SUP-01-2015, RON'S INVESTMENTS, LLC.**

Application #SUP-01-2015, Ron's Investments, LLC request a special use permit for an "automobile graveyard" and a "junk yard" per Section 11-3 (2), (5) of the Charles City County Zoning Ordinance. The site is located adjacent to 3421 Roxbury Road. Mr. Ron Marshburn was present to answer any questions.

Planning Director, Matthew Rowe presented the staff report. The existing land use is forestal; and the surrounding land uses are light manufacturing, agricultural, and residential. The surrounding parcels are zoned Agricultural (A-1), Light Industrial (M-1), and General Business (B-1). The property is located within the Roxbury Regional Development Area according to the Future Land Use Map in the Comprehensive Land Use Plan. This portion of Charles City County has traditionally been the County's industrial hub and major employment center.

There is no public water or sewer currently serving the property. The property has direct access and fronts on 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. According to the Environmental Constraint Map the western portion of the property contains wetlands and Chesapeake Bay Preservation Act (CBPA) features, including Resource Management Area (RMA).

The applicant runs and operates an existing towing and auto body garage business in the County, and wishes to expand this use to include an automobile graveyard for storing inoperable motor vehicles. This use would allow the applicant to store towed cars as they are either being fixed, waiting for insurance processes, or being transported to an automobile crusher.

In order to operate an automobile graveyard, one must obtain numerous permits from the County, VADEQ, and DMV. Conditions also should be put in place to reduce possible negative impacts to adjacent properties. Permitting for the development of automobile graveyards includes an approved site plan, erosion and sediment control/storm-water plan, ingress/egress and storage plan, just to name a few. Staff has had numerous dealings with automobile graveyards and believes that the County should not focus closely on the number of cars, but rather on the square footage of area dedicated to the use. This approach is much less onerous on the business while also giving the County a concrete enforcement tool (the inoperable vehicles are either inside or outside a properly enclosed area). A licensed and permitted automobile graveyard will also include unannounced inspections from VADEQ to ensure that environmental standards are being met.

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.

General:

1. The automobile graveyard 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. The automobile graveyard term shall not include the storing of junk, which is scrap material and refuse, but rather inoperable motor vehicles. The crushing of cars shall be permitted as being incidental to the automobile graveyard use.
3. Prior to the issuance of a Building Permit for the proposed facility or any accessory structures or equipment, the permittee shall submit a site plan for County approval in accordance with the Site Plan Ordinance.
4. A copy of any and all permits, and/or licenses from the VADEQ, DMV, and any other governmental agency regulating this use must be on file with the County prior to issuance of a Building Permit.
5. This permit will renew itself every five years, provided there are no unresolved violations at the time of renewal. Should there be any unresolved violations, the renewal would require approval of the Board of Supervisors after a joint public hearing and recommendation of the Planning Commission. The Department of Development will determine if there are any unresolved violations.

Right to Entry and Inspection of Premises:

6. 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:

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

Site:

9. The lot shall be developed in accordance with an approved site plan that meets all provisions of the County's Site Plan Ordinance.
10. The drop-lot/storage area shall be surface treated with compacted gravel (or better) and shall be enclosed with an opaque fence at least six foot (6') tall along its immediate perimeter that is in good condition.
11. The drop lot/storage area must be devoid of any trees/vegetation, and must have designated travel aisles of at least 16 feet in width, to allow for the interior movement of vehicles.
12. All inoperable motor vehicles, vehicles being serviced and overnight vehicles, shall be stored within the enclosed drop-lot/storage area. Vehicles shall not be stored in a vertical fashion (placed on top of each other).
13. Parking for employees and customers must be designated in front of the automobile graveyard's office building and must be surface treated with compacted gravel (or better).
14. Prior to issuance of site plan approval, the permittee shall provide a copy of an approved commercial entrance permit for the proposed access point(s).
15. Permittee shall submit a Landscaping Plan in accordance with Section 17 of the Zoning Ordinance for review and approval.
16. All signage shall meet the requirements and provisions of Section 16 of the Zoning Ordinance.
17. Permittee shall preserve the existing 100 foot wide vegetated buffer along State Route 106, except for the area needed for access (including horizontal sight easements) and a sign.

Environment:

18. Permittee shall submit an erosion and sediment control plan and stormwater management plan in accordance with the County's Combined Stormwater Ordinance for review and approval. No land disturbance shall occur prior to this approval.
19. Permittee shall submit a certified "As-Built" statement from the professional engineer(s) who designed the erosion and sediment control plan and stormwater plan, verifying that the grading and stabilization of the site was done in accordance to the approved plans.
20. Discarded tires, scrap, and hazardous elements (oil, chemicals, etc.) must be transported to and disposed of in a certified waste facility.
21. A potable water source and sewage system shall be approved by VDH or the County's Public Works Director (if utilizing County water and/or sewer).

Compliance:

22. 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.
23. 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.
24. 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.

The applicant Ron's Investments LLC was given an opportunity to present any additional information regarding the special use permit request. Mr. Ron Marshburn indicated there is no additional information to present.

Chairman Baber opened the floor to any questions citizens, commissioners and/or Board may have regarding the application. Questions were answered by Mr. Marshburn and/or Mr. Matthew Rowe.

Q. Is the Plan of Operation adequate?

A. State Agencies permitting will require a more detailed Operations Plan, with a detailed Site Plan.

Q. Where will the drop lot be located?

A. Drop lot will be behind the fence; tow truck drivers will have keys to deliver vehicles to lot after hours. Hours of operation will be 8 AM-6 PM; Towing is 24 hours, 7 days a week.

Q. Will the facility operate as a pick your own parts?

A. Public will not be allowed to pull parts off vehicles; vehicles are drained of fluids and dismantled; parts will be stored until sold. A crusher will be brought to property to crush vehicles every two years. Crusher will be operated during hours of operation.

Q. How loud is the crusher when in use?

A. Use of the crusher is an industrial use and industrial noises within industrial zones are exempt from the noise ordinance.

There being no other questions, The Commission and Board concurrently opened the hearing for public comment.

**Debbie Kaston**, 4503 Rockinghorse Road indicated concern of contamination of ground water, additional traffic, impact to surrounding citizens; request that consideration is given to citizens and disapprove the request for an automobile graveyard and junk yard.

**Loretta Griffin**, 3420 Roxbury Road asked that the request be denied and that the citizen's feelings are taken into consideration.

There being no further comment, the hearing was closed for public comment. Chairman Baber asked for questions, comments, and/or a motion from the Commission.

Commissioners discussed the proposed conditions. Amend Condition #2 and add Condition #25 to read:

2. The automobile graveyard term shall not include the storing of junk, which is scrap material and refuse, but rather inoperable motor vehicles that are either being fixed, waiting for insurance processes, or being transported to an automobile crusher. The crushing of cars shall be permitted as being incidental to the automobile graveyard use.
25. Vehicle drop off shall be the only permitted activity between the hours of 6 PM-8 AM.

Mr. William Bailey made a motion to approve and recommend the Board of Supervisors approve application #SUP-01-2015, Ron's Investments LLC for a special use permit to operate an automobile graveyard with conditions presented to include amendment to #2 and the addition of #25. The motion seconded by Mr. Alton Washington carried by a 7:1 vote. (Ms. Yvonne Smith-Jones cast the dissenting vote.)

**The Commission's recommendation was forwarded to the Board of Supervisors for their action.**

**RE: #REZ-02-2015, NEW LEXINGTON, LLC f/k/a THE LEXINGTON CORPORATION**

Application #REZ-02-2015, New Lexington, LLC f/k/a The Lexington Corporation request to rezone 141 acres (TM #8-1 & #8-2) from Agricultural (A-1), General Business (B-1), and Light Industrial (M-1) to Heavy Industrial (M-2). Site is located on Chambers Road around the Chickahominy Substation. Mr. Tom Vosnick was present to answer any questions.

Planning Director, Matthew Rowe presented the staff report. The existing land use is agricultural and industrial; and the surrounding land uses are light manufacturing, agricultural, and some residential. The property and the surrounding properties are currently zoned Agricultural (A-1), Light Industrial (M-1), Heavy Industrial (M-2), and General Business (B-1). The parcel is in that portion of Charles City County that has traditionally been the County's industrial hub and major employment center. It is within the Roxbury Regional Development Area according to the Future Land Use Map in the Comprehensive Land Use Plan.

There is no public water or sewer currently serving the property. The property is served by State Route 106 (Roxbury Road) and Route 685 (Chambers Road); any new development would be reviewed by VDOT to ensure that entrances and site-distances are adequate for anticipated traffic generation. According to the County's Environmental Constraint Map a small portion of the property along Chambers Road contains wetlands and Chesapeake Bay Preservation Act (CBPA) features. An environmental phase 1 study has been completed for the property.

If rezoned to Heavy Industrial (M-2) zoning, the property would be subject to all permitted uses found in Sections 12-2 and 12-3 of the Charles City County Zoning Ordinance.

The applicant New Lexington LLC was given an opportunity to present any additional information regarding the rezoning request. Mr. Tom Vosnick indicated there is no additional information to present.

Chairman Baber opened the floor to any questions citizens may have regarding the application.

Q. Would there be a facility that produces loud noise be permitted?

A. Industrial noises are exempt from the Noise Ordinance.

Q. What impact would a facility have on the water levels in the area?

A. A very large facility would require the usage of surface water.

There being no other questions, The Commission and Board concurrently opened the hearing for public comment. There being no comment, the hearing was closed for public comment. Chairman Baber asked for questions, comments, and/or a motion from the Commission.

Mr. Linn Miles made a motion to approve and recommend the Board of Supervisors approve application #REZ-02-2015, New Lexington, LLC to rezone 141 acres (TM #8-1 & #8-2) to Heavy Industrial (M-2). The motion seconded by Mr. Kevin Pittman carried by an 8:0 vote.

**The Commission's recommendation was forwarded to the Board of Supervisors for their action.**

**RE: #SUP-02-2015, NEW LEXINGTON, LLC f/k/a THE LEXINGTON CORPORATION**

Application #SUP-02-2015, New Lexington, LLC f/k/a The Lexington Corporation request a special use permit for 186 acres (TM #8-1 & #8-2), per Section 12-3 (2) to permit a “central utility system in conjunction with a right of way greater than or equal to 30-feet in width”. The applicant/owner is requesting the special use permit in order to actively market the property for a natural gas power plant up to 1,000 megawatts with an incidental switching station and fuel storage, and/or utility scaled solar farm. Property is located on Chambers Road around the Chickahominy Substation. Mr. Tom Vosnick was present to answer any questions.

Planning Director, Matthew Rowe presented the staff report. The existing land use is agricultural and industrial; and the surrounding land uses are heavy industrial (Charles City Timber and Mat, Lacy Auto Parts, Virginia Natural Gas compressor station, and CoPart storage yard), business (Andy’s Storage, Bruce Howard Contracting), agricultural and some residential. The nearest residence is 500 LF from the property line to the south-east. The property is buffered to the south and west by an existing row (roughly 200 feet in width) of pines and hardwood. The property surrounds the Chickahominy Substation, and has 115KV, 230KV and 500 KV 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 frontage on State Route 685 (Chambers Road) from the substation east.

According to the Environmental Constraint Map a small portion of the property along Chambers Road contains wetlands and Chesapeake Bay Preservation Act (CBPA) features. An Environmental Phase I study has been completed for the property.

**Natural Gas Generating Plant Discussion:**

The property was approved in 2001 for a 675 megawatt natural gas simple combined turbine (peaking) power plant (Chickahominy Power, LLC). The plant was never constructed due to the downturn of the economy and markets. Today, 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 typical natural gas power plant, the anticipated dollar investment is typically between \$320M to \$1B or \$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), 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 for such a 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.).

The property is served by State Route 685 (Chambers Road). Traffic to and from the site would utilize State Route 106 (Roxbury Road) and State Route 685 (Chambers Road), both industrial constructed roads that can handle heavy weight and haul traffic. No construction traffic would be permitted by VDOT to access State Route 609 (Barnetts

Road). 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).

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 three 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 and enhancement of the existing wooded buffer to the south and west. Industrial noise is exempt from the Charles City County Noise Ordinance.

There is no public water or sewer currently serving the property. 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 one 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.

#### **Utility Scaled Solar Farm Discussion:**

Currently, energy providers are diversifying their portfolios with "green" energy generation including solar. The utility scaled solar farms are typically 20 megawatts or larger (with some farms having a nameplate capacity of 40 megawatts) and require at least 150 acres of land. Typically, 8 acres of land is required for 1 megawatt of electricity generated. It is important to note, that the County cannot tax the real property value of solar farms that are 20 megawatts or less due to an exemption in the State Code.

The construction of a solar farm typically takes 9 months, where up to 300 workers may be present at any one-time. This use does not require any infrastructure or improvements other than a 34.5KV line that connects generated energy to the transmission grid, and a graded and fenced-in area for the placement of the solar panels. Like any other electric generation project, it must be approved by numerous local, state, and federal agencies, including the State Corporation Commission.

Traffic to and from the site would utilize State Route 106 (Roxbury Road) and State Route 685 (Chambers Road), both industrial constructed roads that can handle heavy weight and haul traffic. No construction traffic would be permitted by VDOT to access State Route 609 (Barnetts Road). 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).

This property is in that portion of Charles City County that has traditionally been the County's industrial hub and major employment center. According to County's Comprehensive Plan, the parcel is within the Roxbury Regional Development Area, and the proposed special use on the given property is supported. From an economic

development standpoint, the property has all of the main infrastructure needs for such a power plant and/or solar farm (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 two 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 (the County cannot tax the real property value of solar farms that are 20 megawatts or less due to an exemption in the State Code).

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 up to a 1,000 megawatt natural gas power plant with incidental switching station and fuel storage, and/or a utility scaled solar farm. 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. There shall be a minimum 100 foot setback from all property lines and public road ways for all structures, except for fences, gates, roads, guardhouses, and utilities and related equipment. Existing trees and vegetation shall be preserved within the setback except where removal is needed for fences, gates, roads, guardhouses, 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 not be permitted to use State Route 609.
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.
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.

The applicant New Lexington LLC was given an opportunity to present any additional information regarding the special use permit request. Mr. Tom Vosnick indicated there is no additional information to present.

Chairman Baber opened the floor to any questions citizens, commissioners and/or Board may have regarding the application. Questions were answered by Mr. Vosnick and/or Mr. Rowe.

Q. Has water withdrawal been addressed?

A. DEQ would review, approve or deny withdrawal of large amounts of water; a large usage of water may, if permitted, be withdrawn from the James River (surface water source).

Q. Where will the right of way be located?

A. Right of ways that may be used exists.

Q. Should the Commission consider adding a condition that sets a noise level of no more than 55 decibels at the property line?

Q. Has the County contacted other localities that have power plants located within their boundaries?

A. Planning Director has contacted other localities.

Q. Will the millions of dollars of investment be taxed?

A. What is considered as real estate will increase tax base.

Q. Will the EMS/Fire Department be trained to handle any accident that might happen at a facility of this type, and who will pay for the training?

There being no other questions, the Commission and Board concurrently opened the hearing for public comment. There being no comment, the hearing was closed to public comment. Chairman Baber asked for questions, comments, and/or a motion from the Commission.

Commissioners discussed the addition of a condition that states, "Noise levels at the property lines shall not exceed 55 decibels".

Mr. William Bailey made a motion to approve and recommend the Board of Supervisors approve application #SUP-02-2015, New Lexington LLC for a special use permit for a "central utility system in conjunction with a right of way greater than or equal to 30 feet in width", in order to operate up to a 1,000 megawatt natural gas power plant with incidental switching station and fuel storage, and/or scaled solar farm; and, to include the conditions presented in staff report, with an additional condition that states, "Noise

levels at the property lines shall not exceed 55 decibels". The motion seconded by Mr. Kevin Pittman carried by an 8:0 vote.

**The Commission's recommendation was forwarded to the Board of Supervisors for their action. Board of Supervisors approved the Application with conditions as recommended by the Planning Commission to include an amendment to condition #1 to read:**

- 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 up to a 1,000 megawatt natural gas power plant with incidental switching station and fuel storage, and/or a utility scaled solar farm in excess of 20 megawatt name plate capacity. 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.**

**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 property was acquired by the County from Virginia Turf Grass in the late 1990's with the intent to utilize it for economic development purposes. The parcel is currently undeveloped and is comprised of dense pine stands and mixed hardwood forest. 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.

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.

If rezoned to Heavy Industrial (M-2) zoning, the property would be subject to all permitted uses found in Sections 12-2 and 12-3 of the Zoning Ordinance. Any development of the property would be subject to the applicable review guidelines of the Ordinance and would require all applicable local, State, and Federal agency reviews and approvals.

Chairman Baber opened the floor to any questions citizens, commissioners and/or Board may have regarding the application. The only question was to verify the location and ownership of the parcel. There being no other questions, The Commission and Board concurrently opened the hearing to public comment.

**Mary A. Taylor**, 5969 White Oak Road owns property next to the parcel to be rezoned. Ms. Taylor is concerned about getting her timber from her parcel. She indicates that her parcel is land locked. She has requested to address the County regarding an easement to her property.

There being no further comment, the hearing was closed to public comment. Chairman Baber asked for questions, comments, and/or a motion from the Commission.

Mr. Alton Washington made a motion to approve and recommend the Board of Supervisors approve application #REZ-04-2015, County of Charles City Virginia to rezone 88 acres to Heavy Industrial (M-2) zoning. The motion seconded by Mrs. Brenda Adkins carried by an 8:0 vote.

**The Commission's recommendation was forwarded to the Board of Supervisors for their action.**

**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 on Roxbury Road 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. According to the Comprehensive Plan this parcel 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 **or** \$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, 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.

Chairman Baber opened the floor to any questions citizens, commissioners and/or Board may have regarding the special use permit.

- Q. Would this proposal require any additional land acquisitions?  
A. There are existing easements that can be used.

There being no other questions, the Commission and Board concurrently opened the hearing for public comment. There being no comment, the hearing was closed to public comment. Chairman Baber asked for questions, comments, and/or a motion from the Commission.

Commissioners discussed the addition of a condition that states, "Noise levels at the property lines shall not exceed 55 decibels".

Mr. William Bailey made a motion to approve and recommend the Board of Supervisors approve application #SUP-03-2015, County of Charles City for a special use permit for a "central utility system in conjunction with a right of way greater than or equal to 30 feet in width", in order to operate up to a 1,000 megawatt natural gas power plant with incidental switching station and fuel storage, and secondary solar power; and, to include the conditions presented in staff report, with an additional condition that states, "Noise levels at the property lines shall not exceed 55 decibels". The motion seconded by Mrs. Brenda Adkins carried by an 8:0 vote.

**The Commission's recommendation was forwarded to the Board of Supervisors for their action.**

**RE: ADJOURNMENT**

Chairman Baber adjourned the Commission meeting at 9:50 P.M.

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Edward L. Baber, Jr., Chairman

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Rebecca H. Stewart, Recording Secretary