



### **RESOLUTION FOR CONDITIONAL USE PERMIT CASE: 5-24**

WHEREAS, Virginia Electric and Power Company dba Dominion Energy Virginia, the “Applicant”, has petitioned the Lunenburg County Board of Supervisors to amend the conditions for CUP 11-23 which was previously approved for Applicant to construct and operate a major public utility (230/500kV Electric Transmission “Unity” Substation) on tax parcel 059-0A-0-18A, located Southeast of 251 Dusty Lane, Kenbridge, VA 23944, consisting of 213.45-acres (of which 49.740-acres has been subdivided for purchase and utilization by Virginia Electric and Power Company) in an A-1 Agricultural zone.

WHEREAS, after appropriate advertisements, the Lunenburg County Planning Commission held a public hearing and duly reviewed and recommended this amended application to the Lunenburg County Board of Supervisors for approval with the following conditions:

1. The Applicant shall develop, construct, operate, and maintain the site in substantial conformance with the conceptual plans (dated August 18, 2023, and January 29, 2024, submitted to County February 1, 2024), all assurances and commitments made within the Application materials, and the conditions imposed on the issued conditional use permit, as determined by the Zoning Administrator. Substantial conformance will be determined by the Zoning Administrator based on his/her review of the record. Deviations determined not to be in substantial conformance with the conceptual plans shall require review and approval as an amendment to the conditional use permit, following the process for the granting of a conditional use permit. As used in these conditions, the term “Applicant” shall include the terms “Applicant, Owner, Developer, or Operator,” and the successors and assigns thereof, and the term “Zoning Administrator” shall include the designee of the Zoning Administrator.
2. The project, as presented, does not include battery energy storage systems; the addition of battery energy storage shall require a separate conditional use permit.
3. Prior to the approval of the site plan for the project, the Applicant shall establish and submit to the County for review and record all permanent access and temporary construction easements.
4. The Substation facility shall be monitored at all times via installed surveillance cameras and electrical system monitoring equipment.
5. All exterior lighting associated with the site, both temporary and permanent, shall be full cutoff, shielded, and directed downward. Emergency and/or safety lighting not meeting this requirement shall be presented to the County for approval prior to installation.
6. Unless approved in writing by the County, no signage, temporary or permanent, shall be permitted to be installed on the property. It is anticipated that signage containing notices, warnings, safety and security information, environmental information, and temporary signage concerning construction activities may be installed; the Owner will be required to submit sign packages to the County for approval prior to installation.

7. The Applicant is required by Va. Code § 62.1-44.15:31 to submit an "Erosion and Sediment Control Plan" (the "E&S Plan") to the Virginia Department of Environmental Quality (DEQ) for approval. The Applicant is responsible for administering, implementing, and complying with the "Standards & Specifications for Erosion & Sediment Control and Stormwater Management for Construction and Maintenance of Linear Electric Transmission Facilities," which includes substations, switching stations, and laydown yards based on the approved E&S Plan. The Applicant will submit the final "Erosion and Sediment Control Plan" (the "E&S Plan") to the Zoning Administrator. The owner or operator shall construct, maintain, and operate the Project in compliance with the approved E&S Plan. As authorized and allowed by Virginia DEQ, a separate Erosion and Sediment Control Plan may be submitted for various development areas on the Project Area. An erosion and sediment control bond (herein, an "E&S Bond") will be posted for the construction portion of the Project in accordance with the County's Erosion and Sediment Control Ordinance (codified as Lunenburg County Code Chapter 42, Article II) and/or the VESCP authority and applicable regulations. If the Project is subsequently sold to a non-investment grade entity or the Applicant's credit rating is downgraded to below investment grade, a bond or other security will be required from the transferee.

a. The Applicant shall not disturb, grade, or clear any land to create a permanent slope greater than eight percent (8%) except for those areas shown on the final site plan required to minimize tree clearing, minimize grading adjacent to the access road, reduce wetland impacts, address stream crossings, and meet the requirements for proper stormwater management drainage.

8. Prior to the commencement of construction of the Substation, the Applicant will drill test wells around the proposed substation site in areas approved by the County. The Applicant will conduct an initial study of the groundwater in those wells prior to the commencement of construction, which study will test for contaminants in the National Primary Drinking Water Regulations (the "Drinking Water Regulations") as compiled by the United States Environmental Protection Agency. Once each year for the first two years after completion of construction of the Substation, the Applicant will test the groundwater in those wells to determine if there are any contaminants in the groundwater that is in excess of the limits set by the Drinking Water Regulations that were not already present in the pre-construction test. The Applicant shall provide the results of these tests to the County. On year three, this condition (and every three years thereafter) shall be reviewed, and the scope and/or frequency of the testing shall be reduced unless there is a showing (after year two) that the Substation has introduced contaminants into the groundwater in those monitoring wells.

9. Pollinator habitats. The portions of the land within the Perimeter where the Substation will be installed (the "Project Area"), any other area where the Developer has caused land disturbance during construction and operation, except those areas designated as right of ways, setbacks with required natural or vegetative buffers, and where the VESCP authority requires stabilization and/or replanting, will be seeded or replanted with appropriate pollinator-friendly plants, shrubs, trees, forbs, and wildflowers native to the County where compatible with site conditions and where practicable and, in all cases, shall be approved by the Zoning Administrator, or a third-party consultant for the County, which shall be paid for by the Applicant. Such portions of the Project Area will be seeded immediately following completion of construction, in an approved section, in such a manner as to reduce invasive weed growth and sediment in the Project Area.

10. Groundcover and screening vegetation shall include appropriate pollinator-friendly plants, shrubs, trees, forbs, and wildflowers native to the County where compatible with site conditions and, in all cases, shall be approved by the Zoning Administrator, or a third-party consultant for the County, which shall be paid for by the Applicant.

11. The Applicant will only utilize EPA approved herbicides as a component of the approved Integrated Vegetation Management Plan ("IVMP") that covers the maintenance of Transmission Lines and appurtenant facilities such as substations, switching stations, and laydown yards. The management and use of regulated herbicides will be in compliance with the IVMP and completed by an approved licensed applicator. Targeted applications of any approved herbicide inside the Substation will be used for both herbaceous weeds and woody vegetation to address Substation safety and reliability. The Applicant will maintain the Substation on a three to four-year maintenance cycle. Vegetation control is based on voltage, conductor movement, and vegetation characteristics and will include control of vegetation along the transmission line right-of-way, which is patrolled and monitored every twelve to eighteen months. Incompatible and/or tall vegetation is required to be removed from transmission line rights-of-way using manual or mechanical means or with selective herbicide applications.

12. All topsoil removed from land that is situated within the Perimeter or Project Area shall remain within the Perimeter or Project Area and shall be used to stabilize the soil and to facilitate growth of Pollinator habitats, screening vegetation, and other vegetation required under the Landscaping and Screening Plan. Removal of any topsoil from the Project Area or the County, shall be deemed grounds for revocation of the Applicant's Conditional Use Permit pursuant to the terms of Section 8-9 of the Zoning Ordinance.

13. The Applicant/Owner shall provide materials, education, and/or training on how to safely respond to any on-site emergencies. The Applicant shall maintain continuous and perpetual security monitoring of the Substation, conduct annual first responder outreach, which shall include direction on standoff protocol and notifications for qualified electrical personnel to respond and assess any on-site emergency. The Applicant shall not permit access to the substation to anyone not accompanied by qualified personnel. Said qualified personnel shall be required to have all necessary training, certifications, and licensures as may be required by state, federal or local law. The Applicant shall also provide the County with contract information for the Applications Threat Response and Analysis Center and security team. T

14. The County will be given access to the Project with a 24-hour notice for inspections. The Applicant/Owner will escort any person who needs to inspect or access the Substation.

15. Construction of the substation and construction traffic shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday.

16. Deliveries by three-axel trucks or larger shall be limited to Monday through Friday and shall not occur during 7:00 a.m. to 8:00 a.m. or 3:00 p.m. to 4:00 p.m. on school days. Delivery vehicles shall utilize routes approved by the county for all deliveries to the project area serving the Substation, as identified on the Conceptual Plans submitted to the County and the easement areas identified in the recorded permanent and temporary construction easements.

17. The Applicant shall comply with the County's Noise Ordinance during construction and operation of the substation.

18. The Applicant shall comply with all applicable federal, state, and local laws.

NOW THEREFORE LET IT BE RESOLVED, that the Conditional Use Permit Case 5-24: Virginia Electric and Power Company dba Dominion Energy Virginia with amended conditions is approved to construct and operate a major public utility, the 230/500kV Electric Transmission "Unity" Substation, on a 49.74 acres subdivided portion of tax parcel 059-0A-0-18A, Southeast of 251 Dusty Lane, Kenbridge, VA 23944.

BE IT FURTHER RESOLVED, this permit is contingent upon the Applicant obtaining and maintaining all necessary permits and licenses and is subject to all State and Local regulations and the Board of Supervisors further empowers the Chairman to certify this document.

DATED: October 11, 2024

	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Dr. Bacon	<u>✓</u>	_____	_____	_____
Mr. Currin	<u>✓</u>	_____	_____	_____
Mr. Edmonds	<u>✓</u>	_____	_____	_____
Mr. Hankins	<u>✓</u>	_____	_____	_____
Mr. Hoover	<u>✓</u>	_____	_____	_____
Mr. Pennington	<u>✓</u>	_____	_____	_____
Mr. Zava	<u>✓</u>	_____	_____	_____



Alvester Edmonds, Chairman  
Lunenburg County Board of Supervisors