

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

R-05-12(R2)

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 18th day of April, 2012:

Present:	Vote:
Ron Stiers	Aye
W.R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye

Motion was made by Mr. Evelyn, which carried 5:0, to adopt the following resolution:

**A RESOLUTION TO APPROVE CONDITIONAL USE
PERMIT APPLICATION CUP-02-11, VIRGINIA
NATURAL GAS, TO AUTHORIZE THE INSTALLATION
OF A NATURAL GAS TRANSMISSION LINE FROM
LANEXA TO WEST POINT THROUGH PARCELS
LISTED BELOW**

WHEREAS, Wayne Jacas of Virginia Natural Gas and Erica Carter of Kimley-Horn, the agent, have submitted a "Conditional Use Permit Application" dated November 15, 2011; and

WHEREAS, said application requests a conditional use permit to authorize the installation of a natural gas transmission line from Lanexa to West Point through parcels listed below; and

WHEREAS, said application was considered by the New Kent County Planning Commission (the "Planning Commission") at a joint meeting with the Board of Supervisors, in accordance with applicable procedures; and

WHEREAS, within the timeframes established by the Code of Virginia and New Kent County Code, the Planning Commission and the Board of Supervisors scheduled and conducted a formal and duly advertised joint public hearing on April 18, 2012, and carefully considered the application and conditions; and

WHEREAS, the Planning Commission considered a motion to forward a recommendation of approval to the New Kent County Board of Supervisors (“the Board of Supervisors”), which passed with a vote of 7:0:1; and

WHEREAS, approval of the request through the adoption of this Resolution will further the public necessity, convenience, general welfare, and good zoning practices in the County of New Kent; and

WHEREAS, the Board of Supervisors has found the following, with regard to this application:

- The proposal is not prejudicial to the character of the neighborhood.
- The proposed use, in this location, will not adversely affect the general plans for the physical development of the County as embodied in the Comprehensive Plan.
- The proposed use will encourage economic development activities that provide desirable employment and enlarge the County’s tax base.
- The proposed use, with accompanying conditions, will not be detrimental to the use or development of adjacent properties or the general neighborhood, nor will it impair the value of buildings or property in surrounding areas.

NOW THEREFORE BE IT RESOLVED this, the 18th day of April 2012, by the New Kent County Board of Supervisors, that application CUP-02-11 be, and it hereby is, approved, subject to the following conditions:

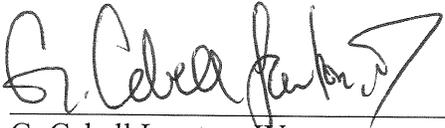
1. This conditional use permit shall apply upon lawful acquisition of easement rights or rights of entry on the following tax map & parcel numbers/real property in New Kent County:

45-43	45-44A	45-44E	45-44G	45-44
45-45C	45-45B	45-28	45-29G	45-32
45-22	45-2-3	45-2-4	45-2-5	45-18
45-9	45-10	45-8	45-83	45-82
45-6-5	45-6-4	45-6-3	45-6-2	45-6-1
45-91	36-5-1	36-5-2	36-5-3	36-5-3A
36-20A	36-6-1	36-6-2	36-6-2A	36-6-3
36-6-4	36-6-5	36-6-6	36-6-7	36-6-8
36-6-9	37-94	36-21	37-93C	37-93B
37-93	37-92	37-7	37-6	37-8
37-9	37-9C	37-9B	37-13	27-6J
37-12	27-7	27-14	27-14C	27-13B
27-13A	27-15	27-20	28B-3-74	28B-3-71
27-21	28-5	28A1-3-19		

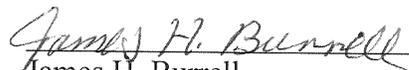
2. Upon lawful acquisition of easement rights or rights of entry on each of the tax map & parcel numbers /real property in New Kent County, Virginia Natural

Gas shall be permitted to commence construction of the natural gas line on said tax map and parcel numbers.

3. The applicant, as well as successors, assigns and agents, if any, shall comply with all of the conditions stated herein, as well as all codes, ordinances, and regulations of federal, state, and local governments.
4. The applicant, as well as successors, assigns and agents shall maintain all necessary licenses, approvals, conditional approvals, and permits for the entire period of time during which the real property, whether improved or otherwise is put to a use which is authorized by this conditional use permit.
5. The transmission line shall be a 12" line from Lanexa to Route 30/33 and shall be an 8" line from Route 30/33 to West Point.
6. All valves and above-ground improvements shall be fenced for safety purposes.
7. Approval shall be granted from Newport News Waterworks for crossing the Diascund Reservoir.
8. VNG shall provide training for County emergency services personnel on an annual basis or more often as new technology might prescribe and shall complete the first training prior to the operation of the line. The training program shall be coordinated with the Fire Chief.
9. VNG shall seek to secure easements for regulator stations in the vicinity of Parham Landing Road to accommodate the Weir Creek Industrial Park and existing businesses in the area as well as near the Eltham Bridge for the Eltham area.
10. In areas where wetlands are permitted to be disturbed and restored, VNG shall restore the wetlands to the previously existing condition or meet permit restoration requirements.
11. A plan showing where access/construction roads and temporary lay down/storage yards will be located shall be submitted to the County prior to construction. Exceptions from various local codes may not apply to lay down/storage yards and access roads – permits may be required.
12. Prior to entering private properties, notice shall be given in accordance with the VA State Code.
13. This Conditional Use Permit shall apply only to the application and supplemental application materials, including the route of the transmission line, submitted as CUP-02-11 on November 15, 2011 to the Community Development Department.
14. This Conditional Use Permit will expire if construction does not commence within 24 months (2 years) from the date of approval.



G. Cabell Lawton, IV
County Administrator



James H. Burrell
Chairman