

**PRINCE EDWARD COUNTY
PLANNING COMMISSION**

April 18, 2022

A G E N D A

Due to the COVID-19 Emergency, the Prince Edward County Planning Commission is operating pursuant to and in compliance with its “EMERGENCY CONTINUITY OF OPERATIONS ORDINANCE.” Effective August 1, 2021, the Board has re-opened meetings to in-person participation by the public; however, there could still be limited available seating. Citizens are strongly encouraged to participate in meetings through in-person participation, written comments, and/or remote participation by calling: **1-844-890-7777, Access Code: 390313** (*If busy, please call again.*) Additionally, citizens may view the Board meeting live in its entirety at the County’s YouTube Channel, the link to which is provided on the County’s website.

Public Participation and Public Hearing comments for Planning Commission meetings will be subject to the “Citizen Guide for Providing Input During Public Participation and Public Hearings For Prince Edward County Government Meetings” effective August 1, 2021.

- 7:00 p.m.**
- 1.** The Chairman will call the April 18, 2022 meeting to order
 - 2.** Approve Minutes 3
 - 3.** Public Hearing – Special Use Permit – Israel Yoder – Sawmill Facility 11
 - 4.** Public Hearing – 2232 Review – Impact Power Solutions, LLC – Solar Facility 23
 - 5.** Public Hearing - Special Use Permit – Impact Power Solutions, LLC – Solar Facility 29
 - 6.** Review of Supervisors Actions
 - 7.** Old Business
 - 8.** New Business
- Next Meeting: Tuesday, May 17, 2022 at 7:00 p.m.

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**County of Prince Edward
Planning Commission
Agenda Summary**

Meeting Date: April 18, 2022
Item No.: 2
Department: Planning and Community Development
Staff Contact: Robert Love
Issue: Approval of Minutes

Summary:
For approval.

Attachments:

September 21, 2021 Draft Planning Commission meeting minutes.

Motion _____
Second _____
Prengaman _____

Paige _____
Sandlin _____
Fuller _____

Hunt _____
Gilliam _____
Leatherwood _____

Jones _____
Watson _____
Peery _____



**Prince Edward County Planning Commission
Meeting Minutes
March 14, 2022
7:00 pm**

Members Present:	John “Jack” W. Peery, Jr., Vice Chairman	Brad Fuller
	Preston L. Hunt	Robert “Bobby” Jones
	Clifford Jack Leatherwood	Whitfield M. Paige
	Teresa Sandlin	Henry Womack
Absent:	John Prengaman, Chair	Cannon Watson
Staff Present:	Robert Love, Planning/Zoning Director	Douglas P. Stanley, County Administrator

Due to the COVID-19 Emergency, the Prince Edward County Board of Supervisors is operating pursuant to and in compliance with its “EMERGENCY CONTINUITY OF OPERATIONS ORDINANCE.” Effective August 1, 2021, the Board has re-opened meetings to in-person participation by the public; however, there could still be limited available seating. Citizens are strongly encouraged to participate in meetings through in-person participation, written comments, and/or remote participation by calling: **1-844-890-7777, Access Code: 390313** (*If busy, please call again.*) Additionally, citizens may view the Board meeting live in its entirety at the County’s YouTube Channel, the link to which is provided on the County’s website.

Public Participation and Public Hearing comments for Planning Commission meetings will be subject to the “Citizen Guide for Providing Input During Public Participation and Public Hearings For Prince Edward County Government Meetings” effective August 1, 2021.

Vice-Chairman Peery called the March 14, 2022 meeting to order at 7:00 p.m.

In Re: Approval of Minutes

Commissioner Hunt made a motion, seconded by Commissioner Paige, to approve the meeting minutes from February 15, 2022 as presented; the motion carried:

Aye:	Brad Fuller	Nay:	(None)
	Preston Hunt		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Whitfield M. Paige		
	John “Jack” W. Peery, Jr.		
	Teresa Sandlin		
	Henry Womack		
Absent:	John Prengaman		
	Cannon Watson		

In Re: Public Hearing -Subdivision Ordinance Amendments

Vice-Chairman Peery announced this was the date and time scheduled to receive citizen input prior to considering an Ordinance Amendment to amend Appendix A – Subdivisions of the Prince Edward County Code, to provide for an

agricultural/forestal exception, further define a family subdivision, and allow the Board of Supervisors to set the fee schedule by resolution. Notice of this hearing was advertised according to law in the Wednesday, March 2, 2022 and Wednesday, March 9, 2022 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Love stated the Prince Edward County Subdivision Ordinance does not provide any agricultural exemption for perking a site for septic and drain field that is solely intended for Agricultural use. While the Comprehensive Plan encourages agriculture and forestry as an industry in the County, the Ordinance does not directly support the goals and objectives in order to preserve farmland for active farming activities as it pertains to large tract subdivisions. An exemption to perking a new lot meant for agricultural use not only reduces the cost to the owner but also the time it takes in order to obtain soil work and obtain Health Department approval prior to recordation. The suggested new language accomplishes this goal while preserving the intent of the Subdivision Ordinance.

At the February meeting, the Commission held a Public Hearing on the amended new language and description of development standards for consideration that will clearly allow for agricultural and forestal uses, more clearly define a Family Subdivision and other language to better clarify the standards in the Ordinance. After public comments were heard, it was decided that the matter be re-advertised with a revised lower threshold of 25 acres instead of the proposed 50-acre minimum.

Mr. Love stated there seems to be some confusion about this proposed ordinance amendment. He said this would provide an exemption from the current language from the County's Subdivision Ordinance, which states: "All plats, before being submitted, shall first be approved by the Resident Highway Engineer and the Local Health Official." Mr. Love said this a plat that is surveyed for a new lot that will come off a larger tract. In Prince Edward County, a subdivision is defined by the creation of a new lot from its parent tract, this is when a new lot is created. Mr. Love said that the way the Code is written now, any new lot coming to the County office to be created and given a new tax map number, whether it is bought, sold, or gifted, would be perked. However, under the amendment being considered, any tract of land that is 25 acres or more, that is intended for agriculture or forestal use, could be exempt from the perk [test]. Mr. Love said the other thing that this proposed amendment would do is more clearly define what a family subdivision is and align that with State Code; he said there is also a fee in the Code of \$175 for a plat review. The Board does have a fee schedule that they adopt from time to time; this would change the language that would has the monetary number of \$175 amended to "a fee schedule as adopted by the Board of Supervisors from time to time by resolution."

Mr. Love said this [amendment] would provide an exemption for a farmer or forester, so they would not have to perk a new lot that is subdivided off of another tract of land. It does not affect anything currently platted, taxed, or "on the books." He said existing lots can still be bought and sold at will, without having to go to the Zoning Office; an attorney would be needed to prepare the deed, which gets recorded in the Clerk's Office. He said this [amendment] is specifically for the subdivision of land and the creation of a new tract.

Commissioner Womack asked that if [a parcel] is for forestry, does it not have to be perked.

Mr. Love said that currently, under the current ordinance, regardless of use, a new tract of land does [have to be perked], but if this [proposed amendment] would pass and the Board adopts this, if it is agricultural or forestal, it could utilize this exemption to not have to have a perk [test] on Day One. The only time it would have to be perked would be if someone wanted to build a house.

Vice-Chairman Peery opened the public hearing.

Jesse Yeatts, Lockett District, asked if he had two acres beside his existing lot, off another parcel, would he have to perk it. Mr. Yeatts clarified this being a stand-alone lot, protecting his [existing] lot.

Mr. Love said if you are creating a stand-alone lot, the answer is yes. He said that if the new lot is being added to the existing lot, then no as that is considered a boundary adjustment and would have a parcel hook. He said the [existing] acreage would increase [by] that acreage amount, and that would not be perk tested. He said this only would affect a new, stand-alone lot.

Mr. Yeatts then asked if he would buy an existing tract of land adjoining his, regardless of size, would that be the same thing.

Mr. Love said that if you put a parcel hook on it and increase your acreage, and don't have a stand-alone lot, then it would not have to be perk tested.

Mr. Yeatts said that the 110 [acre lot he purchased] was perked.

Mr. Love said that the 110-acre lot was not being added to Mr. Yeatt's tract of land to increase the total acreage.

Mr. Yeatts stated that it was; Mr. Love said that was not indicated on the plat, and did not have a new parcel boundary with the parcel addition in the way it was presented with the survey and was a stand-alone lot.

Mr. Yeatts asked if the only time [a lot must be perked] is when you want to build a house, and all of this is on the books.

Mr. Love said that you have to perk is if you create a stand-alone, new tract of land that is not being added to an adjoining acreage. That is the only way to get around a perk [test] today: if you are dissolving that acreage into your acreage and increasing your own and the neighboring tract has to touch that. That is a boundary adjustment.

Mr. Yeatts asked why it wasn't worded that way. Mr. Love said boundary adjustments are treated differently under the Code of Virginia. Boundary adjustments are allowed; subdivision is different when you're creating a new stand-alone lot that has never existed before. Right now, it has to be perked, it has to have VDOT look at it from an entrance standpoint, and those are the two criteria. Boundary adjustments do not have to have to be perked.

Mr. Yeatts asked why there is an acreage on [the amendment]. Mr. Love said most localities have a minimum acreage.

Mr. Yeatts asked why are we [Prince Edward County] doing it and setting it at 25 acres. He said if it's going to be built on, the first thing that has to be done is to get the State for zoning for access, and second thing is to get a perk test.

Mr. Douglas Stanley, County Administrator, interjected and asked if the other speakers could have a chance to voice their concerns, and then he would try to address some of the questions.

Mr. Yeatts said what we have is fine and not sure why the County is trying to change it now. He said he bought land in the past and everything worked out fine. He perked it and built a house, and if it doesn't perk, he can't build a house. He said he bought a certain amount of acreage to do it, to justify something, he didn't see where we need it. He said, "First thing we always have to do is perk, if we can't perk, we can't build." He asked why we can't continue to go along with that instead of zoning it at 25 or 10 or 15, it isn't necessary. He asked it be brought back to perking the land that we're trying to build on, perk the site we need to build on.

Jimmy Garnett said he would like to clarify what it written in the existing Code. He said "the term development shall not be construed to include any tract of land which will be principally devoted to agriculture production." He said it looks as though that exemption is already in the Code, for farming and farming of trees. He said if that is in there, that's all the protection needed. Mr. Garnett suggested leaving it as it is until the problem is better understood. He said he bought land in different counties and never had to go through this.

Patrick Murphy stated he is a beef-cattle farmer and proud tree farmer. He stated agricultural production seems to be at the root of one of the questions; he said that he is employed with the Virginia Department of Forestry for the past 22 years. He said trees are a renewable resource and run a longer rotation than corn; corn runs roughly 120-140 days to maturity and they are harvested. He said loblolly pine trees runs roughly 16-35 years to maturity and then is harvested. He said forestry is alive and well in Prince Edward County; roughly 1,900 – 2,000 acres of trees per year are harvested in Prince Edward County and reforestation rate is 1,354 acres annually over the last 12 years. He said in reference to the Subdivision Ordinance, and regarding acreage less than 25 acres being perked - the number of tracts he works on in the course of a year ranges between 130 – 300 tracts per year, and the number of tracts 25-acres or less is probably greater than 50%. He said trees are grown on the vast number of these tracts as well as agricultural

production, and parcelization of larger tracts under the size of 25 acres is extremely evident here in Prince Edward County. He said taking the time and expense to perk land less than 25-acres in size for tree production and/or agricultural production is a waste of time and the taxpayer's dollars. Mr. Murphy then expressed his concerns regarding the poor record-keeping in the Commissioner of Revenues office, citing an issue with a property under contract. He then stated if the Ordinance is poor, by definition under Forestry being under Agricultural Production, that needs to have attention prior to going forward with any type of ordinance. He said he is against perking anything for agriculture or forestry production less than 25-acres in size which places more burden on the taxpayer.

Mr. Stanley reviewed some of the questions presented; he said the County requires drain field site approval and a VDOT entrance on smaller lots because those lots get sold. There is no guarantee, unless someone puts a covenant across the parcel or a permanent easement, that it will stay in that piece. He said in the more than 25 years he has worked in local government, he has seen a lot of 20-acre lots that did not perk. Mr. Stanley said he must politely disagree with the last speaker, regarding Ag and Forestry, and read from the Code of Virginia [3.2-303]:

Agriculture and Forest District – Agricultural products, Definition in the Code of Virginia: crops, livestock, and livestock products, including field crops, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, fur-bearing animals, milk, eggs, ... and furs.

Mr. Stanley said Forestal production definition states "Production for commercial purposes of forestal products including the process or retail sales, by the producer, of forestal products which are produced on the parcel or in the district. Forestal products includes, but is not limited to, saw timber, pulpwood, posts, firewood, Christmas trees and other tree and wood products for sale or for farm use."

Mr. Stanley said these definitions were put in the Code in 1977 to protect those in forestry and agriculture to limit impact of growth and development and to protect those uses.

Mr. Stanley said the ordinance currently requires a plat; he said we agree that it is impractical to require a farmer that wants to buy and create a separate parcel from having to go through the perking process. What the Commission is trying to do is create an exemption under the Code for those that want to get into forestry and agriculture uses. He said someone could create a five-acre lot, but it must be perked because if you sell it later, the person buying it will know there is an available perk site on which to build a house. He said if all the requirements are waived, such as for a VDOT entrance and perk site, that is when you have issues. When the safety standards are in and these lots are sold and developed, they will meet the standards of both the Highway Department and the Health Department.

Mr. Love said what Mr. Garnett read was a definition of development, and not [referring to] the proposed exemption to our ordinance. He said the ordinance specifies, under the Planning standards, "all plats, before being submitted, shall first be approved by a Resident Highway Engineer and a Local Health Official." Today, any new tract of land being created, whether it's 1.5 [acres] which is the minimum in the A-1, all the way up to 100 or 1,000 acres, if you take a 2,000-acre tract and split it into two pieces and make a brand new 1,000-acre tract, you would have to perk it. But if this exemption were passed, anything larger than 25 [acres] that is going to be agricultural or forestal use, would not have to perk. Today, everything gets perked that is a brand new lot. Mr. Love said you can buy and sell an existing tract of land every day, all day and you never have to go to the Zoning office. This is specifically for the act of subdivision, when a new lot is created, and is not for a lot that is already being taxed and is "on the books."

Mr. Murphy said that with land use trends and prices in Prince Edward County, the tract sizes are getting smaller and the price per acre is getting larger due to influxes of people coming to the picturesque countryside. He said when the County Comprehensive Plan was last drafted, that was the biggest draw to Prince Edward County. Many agriculturalists choose to buy parcels of land, whether they are adjacent or free-standing, and may be subdivided but because of the escalating cost of raw land, price per acre, whether in trees or open land, a large number of the tracts will be smaller than 24.99 acres. He asked the Commission to revisit the tract size and reduce the size to something more advantageous to smaller landowners and have it perked under five acres or at ten acres. He said there are many parcels being sold between 10-25 acres; many of these are for agriculture and forestry production. He said if the Commission votes on this issue, he asks that they vote "no."

There being no one further wishing to speak, Vice-Chairman Peery closed the public hearing.

Commissioner Sandlin stated there still seems to be confusion that someone buying a 20-acre parcel that is already deeded and has a tax map number, that they will have to have it perked, which is not the case. She said this is if someone is selling a portion of their land, not a parcel that is in existence already.

Commissioner Jones said that the minimum lot size in Prince Edward County is four acres. He suggested amending the lot size to four acres.

Commissioner Fuller questioned what prompted this potential action. Mr. Yeatts said he purchased an adjoining parcel from an existing farm; he got a survey of it and took it to Mr. Love's office, who told him he couldn't record it until it was perked. Mr. Yeatts said he told Mr. Love that he intended to plant trees on it, and Mr. Love told him it had to perk.

Commissioner Fuller said if it had been a boundary adjustment, it would not have needed a perk [test].

Mr. Love said that is correct but it was not presented as a boundary adjustment, and was created as a subdivided, brand new stand-alone lot. Mr. Love said his issue is closed; it has been perked and it has been recorded, and it exists. He said [for a lot to be designated] a boundary adjustment, it must be notated on the plat, what is coming off of the adjoining tract is shown and the acreage that is being added, with the current acreage of your own land, and then a new total. He presented an example. Mr. Love said it was surveyed as a stand-alone 100-acre tract of land, not to be dissolved into a larger or different tract of land, which constituted a subdivision.

Mr. Murphy questioned that, as an example, if Mr. Yeatts would purchase 24 acres next to his existing property, and he wanted it to be a stand-alone tract, it would have to be perked, and if he wanted to make a boundary adjustment, it would not [need perked]. Mr. Love said those [examples] are correct.

Commissioner Sandlin said what is being decided now is that, if this amendment had been in place with the 25-acre exemption, he would not have had to have it perked. She said the Commission is trying to help for the future.

Vice-Chairman Peery said at the last Planning Commission meeting, it was set at 50 acres and that after discussion, 25 acres would be better; he added that Commissioner Jones suggested four or five acres.

Commissioner Jones said normal building lots are four or five acres; he said if you purchase a piece of land and don't make sure for yourself that it perks before you buy it, that is the buyer's fault.

Mr. Love said this [proposed amendment] is not for the purpose of buying and selling existing tracts of land; this is for when a new lot is created. He said the charge and duty of counties across Virginia is to certify that a new lot is perkable. He said that can be found in nearly every County Code, and every county that touches Prince Edward County. Mr. Love said that during research he and Mr. Stanley conducted, the average of an agriculture exemption is 50 acres, but at the last meeting, that was reduced to 25 [acres]. He said anything less than 25 acres could not be voted on tonight and it would need to be re-advertised; he asked for the Commission's ideal bona fide agricultural or forestal lot, that does not exist today and would be cut off a larger tract. Mr. Love said most counties have a larger standard than a normal building lot size; they are different uses. This would only affect a lot that will not be built on. He said this amendment would fix the issue so a landowner who does want to farm or have forestal land on a stand-alone lot would not have the added expense of a perk [test]. Currently there is no exception and everything must be perked if it's a new lot.

Commissioner Sandlin stated that during last month's meeting, several people stated that anything under 25 acres wouldn't make sense for timber, but is that a feasible acreage.

Vice-Chairman Peery asked what the consequences would be if the size was reduced to five acres. Mr. Love said five acres is typically a building lot; he said people don't normally forest or farm on five acres of land. Mr. Love said the threshold should not be so low that a developer of residential subdivisions uses that as a loophole and is why there is a standard set. He said if the threshold is at five acres, he cannot require it be perked, but a lot of 25 acres or more, and it is designated for agricultural and forestal use, they would not have to be perked.

Commissioner Womack asked if “agriculture” or “forestal” have to be stated in the deed; Mr. Love said yes, it must be stated on the plat that it is not a residential lot to be perked, and the statement goes on the deed as well.

Commissioner Sandlin asked about the surrounding counties; Mr. Love said the majority have theirs set at 50 acres, and that 25 acres is more lenient.

Mr. Yeatts said that this was never necessary in the past; he asked why. Mr. Love said no laws were changed since he became Subdivision Administrator and is going by what is on the books in Prince Edward County.

Commissioner Sandlin made a motion, seconded by Commissioner Paige, to recommend approval to the Board of Supervisors to amend Appendix A – Subdivision of the Prince Edward County Code, to provide for an agricultural/forestal exception with a minimum lot size of 25 acres, further define a family subdivision and allow the Board of Supervisors to set the fee schedule by resolution; the motion carried:

Aye:	Brad Fuller	Nay:	Henry Womack
	Preston Hunt		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Whitfield M. Paige		
	John “Jack” W. Peery, Jr.		
	Teresa Sandlin		
Absent:	John Prengaman		
	Cannon Watson		

Mr. Love stated the Board of Supervisors will hold a public hearing on this issue at their next regular meeting on Tuesday, April 12, 2022.

In Re: Review of Supervisors Actions

(None)

In Re: Old Business

Mr. Love stated that at last year’s March 9, 2021 Board of Supervisors meeting, the Hampden-Sydney College shooting range was approved. Per the conditions, a review of that site will be done to see a session in action. He said there has been one complaint from the Worthy family which Hampden-Sydney addressed with a comment letter. There are no violations; he said he will bring an updated report to the Planning Commission. The complaint was regarding the location of the shooting range and thought that there were shooters not associated with the College; Hampton-Sydney College responded that it was only staff and students on the site.

New Business

Mr. Love said a new community solar project on a 20-acre tract will be presented at next month’s meeting.

Mr. Love said Planning and Building Code offices have moved across the hall to the old Commonwealth Attorney’s suite. He invited them to come see the new offices.

Vice-Chairman Peery declared the meeting adjourned at 7:49 p.m.

Next Meeting: Monday, April 18, 2022 at 7:00 p.m.

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**County of Prince Edward
Planning Commission
Agenda Summary**

Meeting Date: April 18, 2022
Item No.: 3
Department: Planning and Community Development
Staff Contact: Robert Love
Issue: Special Use Permit – Sawmill Facility

Summary:

The County has received an application for a Special Use Permit from Israel Yoder DBA for a Special Use permit to operate a sawmill facility on Tax Map Parcel 086-A-1 on County Line Road, Cullen, VA, Attachment (1). This parcel is in an A1, Agricultural Conservation zoning district and this use is allowed in the district only after approval of a special use permit.

The public hearing notice was published in the April 6 and April 13, 2022 editions of the Farmville Herald, Attachment (2). The list of adjoining property owners and the sample letter sent to each can be found in Attachments (3) and (4). Attachment (5) is a copy of the tax map page that depicts the tax map parcel of the parcel and surrounding property. The parcel is outlined in blue.

The purpose of the Special Use is to allow for the location of a sawmill facility. County staff is of the opinion the use is compatible with the zoning district and will have minimal impact on surrounding properties.

Attachments:

1. Special Use Permit Application
2. Notice of Public Hearing
3. List of adjoining property owners
4. Sample Letter sent to adjoining property owners
5. Plat of Tax Parcel
6. Potential Conditions

Recommendations:

1. Conduct the Public Hearing and render a decision concerning the request for the Special Use.

Motion _____
Second _____
Prengaman _____

Paige _____
Sandlin _____
Fuller _____

Hunt _____
Womack _____
Leatherwood _____

Jones _____
Watson _____
Peery _____



**County of Prince Edward
Planning Commission
Agenda Summary**

Recommended Motions:

I move that the Planning Commission recommend approval of the Special Use Permit request by Israel Yoder for a sawmill facility with the following conditions:
(list of conditions)

I move that the Planning Commission recommend denial of the Special Use Permit request by Israel Yoder for a sawmill facility due to the following:
(list reasons)

I move that the Planning Commission table the Special Use Permit request by Israel Yoder for sawmill facility until the next meeting in order to:
(list reasons)

Motion _____	Paige _____	Hunt _____	Jones _____
Second _____	Sandlin _____	Womack _____	Watson _____
Prengaman _____	Fuller _____	Leatherwood _____	Peery _____

COMMENTS: _____

PERMIT/APPLICATION NO _____
ZONING DISTRICT _____
MAGISTERIAL DISTRICT _____
DATE SUBMITTED _____

County of Prince Edward

PLEASE PRINT OR TYPE

**PRINCE EDWARD COUNTY APPLICATION
FOR SPECIAL USE PERMIT**

TO: PRINCE EDWARD COUNTY PLANNING COMMISSION SPECIAL EXCEPTION REQUESTED:
VIA: ZONING ADMINISTRATOR

The undersigned owner of the following described property hereby applies for a Special Use permit as provided in Section 5-124 of Article V, Site Plan requirements are found in Section 4-100 of Article IV Development Standards of the Zoning Ordinance of Prince Edward County, Virginia.

Applicant's Name: Israel J Koeler
Applicant's Address: 3859 Courty Line Rd Cullen Va. 23934
Applicant's Telephone Number: () _____

Present Land Use: pasture and sawmill

Legal Description of Property with Deed Book and Page No. or Instrument No. Deed book 75 pg. 35

Tax Map # 086-A-1 Acreage: 138

Narrative statement evaluating effects on adjoining properties (noise, odor, dust, fumes, etc.): (Attach additional sheet if necessary.) see attached

Statement of general compatibility with adjacent and other properties in the zoning district. (Attach additional sheet if necessary.) see attached

Height of Principal Building (s): Feet 24 Stories 1

APPLICANT'S STATEMENT: (if not owner(s) of property):

I hereby certify that I have the authority to make the foregoing application, that the information given is complete and correct to the best of my knowledge, and that development and/or construction will conform with the regulations as set forth in the Prince Edward County Zoning Ordinance as written and also with the description contained in this permit application.

Israel J Koeler 3-18-22
Signature of Applicant (if not property owner) Date

PROPERTY OWNER(S) STATEMENT:

I hereby certify that I/We own the above described property, that the information given is complete and correct to the best of my knowledge, and the above person(s), group, corporation, or agent has the full and complete permission of the undersigned owner(s) to make application for a Conditional Use permit as set forth in the Prince Edward County Zoning Ordinance as written.

Israel J Koeler 3-18-22
Signature of Property Owner(s) Date

Katherine K. Upder 3-18-22
Signature of Property Owner(s) Date

Signature of Property Owner(s) Date

NOTE: THIS PERMIT APPLICATION IS NOT VALID UNLESS ALL PROPERTY OWNER(S) SIGNATURES ARE AFFIXED AND DATED. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Application Fee \$300.00 Fee Received by Remove Date 3/21/2022

The above mentioned application charges are nonrefundable, regardless of whether the permit application is approved or denied once submitted.

All checks for payment should be made payable to: Treasurer, Prince Edward County, Virginia.

Mail to: Department of Planning &
Community Development
P. O. Box 382
Farmville, VA 23901
(434) 392-8837



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
4219 CAMPBELL AVENUE
LYNCHBURG VIRGINIA 24501-4301

Stephen C. Brich, P. E.
COMMISSIONER

DATE ISSUED: 3-14-22

APPLICANT

NAME Israel Yoder

ADDRESS 3859 Countyline Rd

CITY Cullen STATE VA ZIP CODE 23934

PHONE NUMBER (434) 248-5232

Entrance will support proposal of (5) large trucks per day. If traffic increase will possible need to revisit issue and upgrade entrance surface to concrete/asphalt.
CDE

LOCATION ROUTE 671 COUNTY 073- Prince Edward

A Low Volume Commercial Entrance exists leading to the above noted property. The Low Volume Commercial Entrance has been previously permitted and/or is constructed to standard.

WITNESS the following signatures and seals:

Owner Signed Israel J Yoder (Seal)

VDOT Representative [Signature] (Seal)

Agent for County _____ Date _____

Note: This may be presented to the County only once and expires sixty (60) days after the date issued.

REV: 2/16/2018

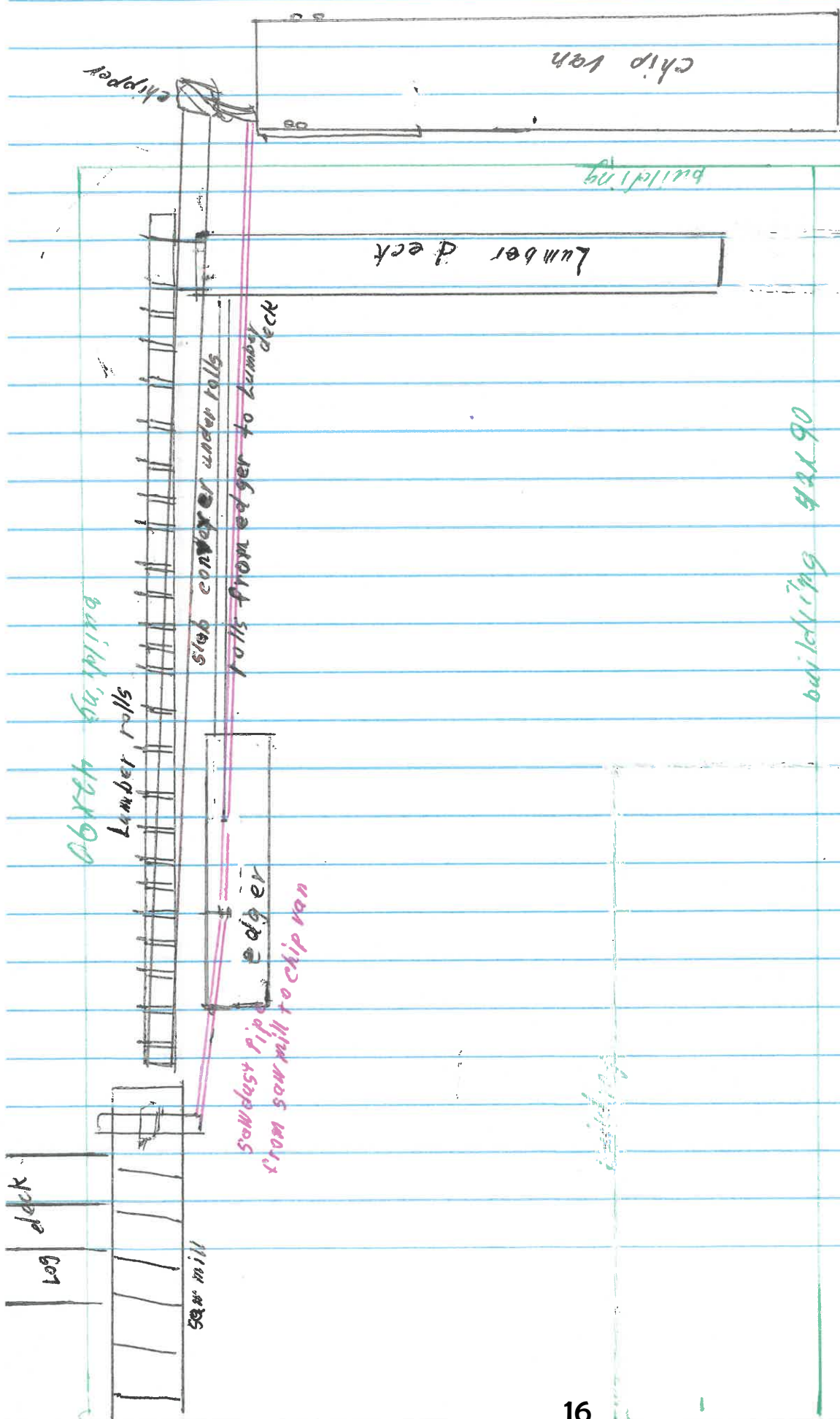
Band sawmill with diesel engine
board Edger with diesel engine
slab chipper with diesel engine
forklifts - knuckleboom loaders
maybe future debarker - sawmill may cut
up to 15,000 board ft. per day

Chips and sawdust are blown in van trailers
Traffic may average up to 5 tractor trailers
a day. Sawmill yard will be gravel
Logs will be brought in with trucks
Lumber will be sawn for resale, such as
crossies, grade, pallet lumber, etc.

hours - Mon. to Sat. - 6:00 A.M. sometimes
as late as 8:00 P.M.

Sawmill building 42' x 90' truss rafters
24' high at peak

Future lumber shed - shop 42' x 60'





Please publish the following public hearing notice in **THE FARMVILLE HERALD** on **Wednesday, April 6, 2022** and **Wednesday, April 13, 2022**.



NOTICE OF PUBLIC HEARINGS

The Prince Edward County Planning Commission will hold PUBLIC HEARINGS on Monday, April 18, 2022, commencing at 7:00 p.m. in the Board of Supervisors Meeting Room located on the 3rd Floor of the Prince Edward County Courthouse, 111 N. South Street, Farmville, Virginia, to receive citizen input prior to considering the following:

1. A request by Israel Yoder for a Special Use permit to operate a sawmill facility on Tax Map Parcel 086-A-1 on County Line Road, Cullen, VA.
2. Pursuant to §15.2-2232 of the Code of Virginia, 1950 as amended, a review of a Special Use Permit application filed by Impact Power Solutions, LLC to make a determination if the project is substantially in accord with the Prince Edward County Comprehensive Plan for the proposal to construct and operate a 5 MWac community solar energy facility on Tax Map Parcels 043-A-36, containing a total of 33.6+/- acres, which is zoned A-1, Agricultural Conservation.
3. A request by Impact Power Solutions, LLC for a Special Use permit to operate a 5 MWac community solar energy facility on Tax Map Parcel 043-A-36, on Llama Road, Pamplin, VA.

~~~~~

Citizen input for Public Hearings of the Planning Commission will be received by Karin Everhart, Deputy Clerk to the Planning Commission, using one of the following methods:

1. **In-Person Participation:** While county meetings have re-opened to the public, there is still limited seating. To enter the Prince Edward County Courthouse, individuals are required at all times to wear a mask and to socially distance. The Planning Commission appreciates the public's patience as the County continues to adapt to the public safety recommendations and guidelines of the Virginia Department of Health and the CDC.
2. **Written Comments:** Please limit word count to no more than 500 words. Comments must be received by 2:00 p.m. the day of the meeting.
  - a. **Mailed:** Planning Commission  
P.O. Box 382, Farmville, VA 23901
  - b. **E-Mailed:** [info@co.prince-edward.va.us](mailto:info@co.prince-edward.va.us)
3. **Remote Participation:** Citizens may participate remotely during the meeting. To call in to the meeting, please dial: **1-844-890-7777**. When prompted for an Access Number: **390313**. Citizens are encouraged to pre-register with the County Administrator's Office at 434-392-8837 by 2:00 p.m. the day of the meeting. Callers must be on the line and ready to speak when called upon by the Chair. Please state your name and district of residence. Based upon the # of speakers, the Chair will determine the time allotted to each speaker.
4. **County YouTube Channel:** Citizen may also view the monthly Planning Commission meeting live (no public input) at the County's YouTube Channel: (link is also on County website under Meetings & Public Notices.) <https://www.youtube.com/channel/UCyfpsa5HEjIWejBSc5XwplA/featured>

A copy of the Special Use Permits are available for public review on the County's web site at [www.co.prince-edward.va.us](http://www.co.prince-edward.va.us) or in the Prince Edward County Administrator's Office, 111 N. South Street, 3<sup>rd</sup> Floor, Farmville, VA. It is the County's intent to comply with the Americans with Disabilities Act. Should you have questions or require special accommodations, please contact the County Administrator's Office at 434-392-8837.

###

# Prince Edward County

## SUP Request

Applicant: Israel Yoder

Tax Map:

086-A-1

### Schedule B

List of adjoining Property owners and mailing addresses for the property for a sawmill facility.

| Parcel ID            | Owner                                        | Address                                      | Note |
|----------------------|----------------------------------------------|----------------------------------------------|------|
| 073-A-9;<br>086-A-2  | ISRAEL J & KATHERINE K YODER                 | 3859 COUNTY LINE ROAD<br>CULLEN, VA 23934    |      |
| 073-4-1B             | GEORGE TODD & DINAH MARIE GODSEY             | 2617 SPRING CREEK ROAD<br>CULLEN, VA 23934   |      |
| 086-1-1              | KAY ANN SANDER                               | 2541SPRING CREEK ROAD<br>CULLEN, VA 23934    |      |
| 086-1-2              | JOHN L & TAMMY J ARSENAULT C/O JOHN YODER    | 501 ALMOND LANE<br>CULLEN,<br>VA 23934       |      |
| 086-A-3              | JASON S & MARY E GEESAMAN                    | 3921 COUNTY LINE ROAD<br>CULLEN, VA 23934    |      |
| 086-A-4A             | HICKORY CREEK FARM LLC C/O KEVIN FREUDENTHAL | 5912 LEABROOK WAY<br>GLEN ALLEN, VA 23059    |      |
| 10-A-22-C            | SPENCER R & ELIZABETH F LACKS                | 2686 COUNTY LINE ROAD<br>CULLEN, VA 23934    |      |
| 10-A-22-B            | JOSEPH M & KATIE S KANAGY                    | 3580 COUNTY LINE ROAD<br>CULLEN, VA 23934    |      |
| 10-A-22-A            | THOMAS J & LORRAINE J GRANT                  | 3390 COUNTY LINE ROAD<br>CULLEN, VA 23934    |      |
| 10-A-20; 10-<br>A-21 | ALBERT EARL JR & BONNIE N LAMBERT            | 204 HEIGHTS SCHOOL ROAD PAMPLIN,<br>VA 23958 |      |
|                      |                                              |                                              |      |
|                      |                                              |                                              |      |
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|                      |                                              |                                              |      |

**PLANNING COMMISSION**

John Prengaman  
Chairman  
Robert M. Jones  
Board Representative  
Henry Womack  
Preston L. Hunt  
Brad Fuller  
Clifford Jack Leatherwood  
Whitfield Paige  
John "Jack" W. Peery, Jr.  
Teresa Sandlin  
Cannon Watson



**COUNTY OF PRINCE EDWARD, VIRGINIA**

**Director of Planning and  
Community Development**

Robert Love

Post Office Box 382  
111 N. South Street, 3<sup>rd</sup> Floor  
Farmville, VA 23901

Office: (434) 392-8837

Fax: (434) 392-6683

[rllove@co.prince-edward.va.us](mailto:rllove@co.prince-edward.va.us)

[www.co.prince-edward.va.us](http://www.co.prince-edward.va.us)

March 31, 2022

To: Property Owners

From: Robert Love, Director of Planning and Community Development

Subject: Special Use Request – Israel Yoder

The Prince Edward County Planning Commission will hold a public hearing on April 18, 2022 at 7:00 p.m. to receive citizen input on a request by Israel Yoder for a Special Use permit to construct and operate a sawmill facility on Tax Map Parcel # 086-A-1, located on County Line Road, Cullen, VA. This parcel is located in the A1 (Agricultural Conservation) zoning district. This use requires approval of a Special Use Permit in this zoning District.

You are receiving this notice because you own land in the vicinity of the property requested to be approved for the special use permit. Following the hearing the Prince Edward County Planning Commission may vote to approve or deny the request.

Due to the Coronavirus and to ensure the safety of the public and County Boards/Commissions the Board of Supervisors adopted an Emergency Ordinance modifying procedures for public meetings and public hearing practices. Instructions of how to listen or participate in the meeting and public hearing are contained on the reverse side of this letter.

If you have any questions, please do not hesitate to contact me at 434-392-8837.

Respectfully,

Robert Love

Director of Planning and Community Development

# Yoder SUP



April 13, 2022

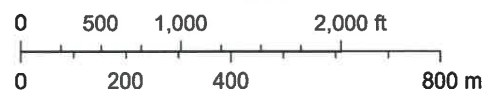
1:18,056

— Road Centerline

Parcel Labels

▭ County Boundary

▭ Farmville Boundary



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Israel Yoder – Sawmill Facility  
PRINCE EDWARD COUNTY, VA  
Special Use Permit Conditions  
Tax Map Identification Number: 086-A-1

**SITE PLAN**

1. Development activities on the site shall be limited to those as specified in the Special Use Permit Application and Site Plan. The final locations of incidental facilities may be adjusted provided no such adjustment violates any buffers, setbacks, or other statutory requirement. The concepts reflected in the filed special use permit dated 03-21-2022 are hereby made part of these development conditions.
2. Final site plan approval for the Sawmill facility shall be submitted to the Prince Edward County Planning Commission for final review and approval pursuant to Article IV Development Standards of the Prince Edward County Code (Zoning Ordinance).
3. Any proposed expansion of the operation, change of activities or additional facilities or activities shall be submitted to the Prince Edward County Planning and Community Development office for review prior to implementation. Any changes may be subject to Permit amendment procedures, including Public Hearings.
4. All buildings within the property shall be developed as a cohesive entity, ensuring that building placement, architectural treatment, parking lot lighting, landscaping, trash disposal, vehicular and pedestrian circulation and other development elements work together functionally and aesthetically.

**ENVIRONMENTAL**

5. All pollution control measures, erosion and sediment control measures, storm water control facilities, and all construction activities shall comply with the requirements of the appropriate federal, state, and local regulations and ordinances.
6. All facilities for the provision of potable water and sanitation and wastewater disposal systems shall be approved by the appropriate local, state, or federal agency including but not limited to Virginia Department of Health, Virginia Departments of Environmental Quality, Environmental Protection Agency, etc.
7. Any development activities of structural of land disturbing nature not specifically addressed by these Conditions shall be in conformance with applicable provisions of federal, state, and local statues and regulations.

**TRANSPORTATION**

8. All entrance permits must be authorized by the Virginia Department of Transportation.
9. All internal roads used for public access shall be of compacted earth, or have a minimum of a four (4) inch stone base, or shall be paved.
10. Adequate area shall be provided on site to accommodate parking of all employees and patrons. It shall be the responsibility of the Permittee to assure that employees and patrons

park only on site and not on any highway right-of-way, or on adjoining or adjacent parcels unless written consent is provided by the owner or owners thereof.

### **GENERAL**

11. All exterior lighting shall be designed and installed so as to minimize glare onto adjoining properties or any public access road. All lighting shall be full cut-off type fixtures.
12. Outdoor storage of trash containers shall be situated at the rear of buildings and shall be appropriately screened.
13. The Permittee is responsible for the appearance of the site including litter pick-up and other orderly site appearance.
14. This Permit is non-transferable, except and unless written notice from the Permittee regarding the transfer, and a signed document from the proposed new Permittee is received by the Planning and Community Development Office which states that the new Permittee agrees to comply with all terms and Conditions imposed with the original Permit Issuance. If the proposed new Permittee desires to amend the original Permit Conditions, amendments must be addressed by the Prince Edward County Planning Commission and Board of Supervisors through the Special Use Permit process.
15. Failure of Permittee to full conform to all terms and conditions may result in revocation of this Special Use Permit if said failure or failures are not corrected or addressed to the satisfaction, not to be unreasonably withheld, of the County within thirty (30) days of written notice from the County.



**County of Prince Edward  
Planning Commission  
Agenda Summary**

**Meeting Date:** April 18, 2022  
**Item No.:** 4  
**Department:** Planning and Community Development  
**Staff Contact:** Robert Love  
**Issue:** 2232 Review – Community Solar Energy Facility

**Summary:**

The County has received an application for a Special Use Permit from Impact Power Solutions LLC to construct and operate a 5MWac solar energy facility on Tax Map Parcel 043-A-36, containing a total of 33.6 +/- acres on Llama Road, Pamplin, VA, Attachment (1).

**Purpose of the review under Virginia Code Section 15.2-2232:**

As required by VA Code § 15.2-2232, requires that the Planning Commission review all proposed developments that include a “public utility facility” prior to the construction or authorization of such facility. A public hearing is required to determine whether the location, character, and extent of the proposed solar facility is in substantial accord with the Prince Edward County Comprehensive Plan, prior to any approval of the special use permit for the facility.

The public hearing notice was published in the April 6 and April 13, 2022 editions of the Farmville Herald, Attachment (2). Attachment (3) is a copy of the site plan of the parcel and surrounding property.

**Existing Conditions and Zoning:**

The application property consists of mostly timber land. It is bordered by existing agricultural land consisting of pasture and timber land, as well as a few single-family residential homes. The property is zoned A-1, Agricultural Conservation and is shown as Agricultural and Forestal on the Future Land Use map as described in the Prince Edward County Comprehensive Plan.

**Comprehensive Plan Citations:**

Below are relevant excerpts of Prince Edward County Comprehensive Plan.

Chapter VI, Special Policy Areas, on Pg. 75 notes “When future development requests require Commission review and Board of Supervisors approval, the economic and quality of life benefits of open space and agricultural and forest land uses should be considered as well as the adequacy of of public facilities and services to the area.”

Motion \_\_\_\_\_  
Second \_\_\_\_\_  
Prengaman \_\_\_\_\_

Paige \_\_\_\_\_  
Sandlin \_\_\_\_\_  
Fuller \_\_\_\_\_

Hunt \_\_\_\_\_  
Womack \_\_\_\_\_  
Leatherwood \_\_\_\_\_

Jones \_\_\_\_\_  
Watson \_\_\_\_\_  
Peery \_\_\_\_\_



**County of Prince Edward  
Planning Commission  
Agenda Summary**

Goals, Objectives, and Strategies, Land Use on Pg. 94-95 “Goal: Ensure optimal use of land resources within Prince Edward County, and promote and support an environmentally sound future land use pattern that provides for a variety of community needs, minimizes conflicts between existing, and proposed land uses, and can be supported by adequate public facilities.”

Land Use Objective #1: Strategies on Pg. 95 “Utilize well planned site designs and effective buffer areas to mitigate the impacts of adjacent land uses of differing intensities.”

Historic and Cultural Resources Strategies on Pg. 105. “Evaluate the impact of new development on local historic structures and areas. Support development proposals and site designs that respect and promote the character of adjacent or nearby historic properties.”

**Attachments:**

- 1. Special Use Permit Application
- 2. Notice of Public Hearing
- 3. Letter to Adjoining Locality – Charlotte County
- 3. Site Plan

**Recommendations:**

- 1. Conduct the Public Hearing and render a determination if the proposed solar facility is in substantial accord with the Prince Edward County Comprehensive Plan, prior to any approval of the Special Use Permit for the facility.

**Recommended Motions:**

I move that the Impact Power Solutions LLC proposed 5MWac community solar energy facility as described the Special Use Permit application, is substantially in accord with the Prince Edward County Comprehensive Plan and promotes the Goals, Objectives, and Strategies noted in the Plan.

**OR**

I move that the Impact Power Solutions LLC proposed 5MWac community scale solar energy facility as described the Special Use Permit application, is not substantially in accord with the Prince Edward County Comprehensive Plan due to the fact that it fosters/promotes land development in agricultural areas and will have an impact to the adjacent roadway and nearby highway which has a state designation as a scenic byway.

**OR**

I move that the Planning Commission defer a decision on Impact Power Solutions LLC proposed 5MWac community scale solar energy facility until a later date.

|                 |               |                   |              |
|-----------------|---------------|-------------------|--------------|
| Motion _____    | Paige _____   | Hunt _____        | Jones _____  |
| Second _____    | Sandlin _____ | Womack _____      | Watson _____ |
| Prengaman _____ | Fuller _____  | Leatherwood _____ | Peery _____  |



COMMENTS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

PERMIT/APPLICATION NO \_\_\_\_\_  
 ZONING DISTRICT \_\_\_\_\_  
 MAGISTERIAL DISTRICT \_\_\_\_\_  
 DATE SUBMITTED \_\_\_\_\_

*County of Prince Edward*

PLEASE PRINT OR TYPE

**PRINCE EDWARD COUNTY APPLICATION  
 FOR SPECIAL USE PERMIT**

TO: PRINCE EDWARD COUNTY PLANNING COMMISSION      SPECIAL EXCEPTION REQUESTED:  
 VIA: ZONING ADMINISTRATOR

The undersigned owner of the following described property hereby applies for a Special Use permit as provided in Section 5-124 of Article V, Site Plan requirements are found in Section 4-100 of Article IV Development Standards of the Zoning Ordinance of Prince Edward County, Virginia.

Applicant's Name: Jesse Dimond with Impact Power Solutions  
 Applicant's Address: 2670 Patton Road, Roseville, MN 55113  
 Applicant's Telephone Number: ( ) 651-285-2253

Present Land Use: Agricultural

Legal Description of Property with Deed Book and Page No. or Instrument No. PID: 043 A 36 Book 325  
Page 15 Legal Description: Worsham Instrument: 00 00

Tax Map # 043 A 36      Acreage : 85.63

Narrative statement evaluating effects on adjoining properties (noise, odor, dust, fumes, etc.): (Attach additional sheet if necessary.) No adverse effects on adjoining properties expected. see the narrative attached for further details.

Statement of general compatibility with adjacent and other properties in the zoning district. (Attach additional sheet if necessary.) See narrative attached for details.

Height of Principal Building (s): Feet N/A      Stories N/A

APPLICANT'S STATEMENT: (if not owner(s) of property):

I hereby certify that I have the authority to make the foregoing application, that the information given is complete and correct to the best of my knowledge, and that development and/or construction will conform with the regulations as set forth in the Prince Edward County Zoning Ordinance as written and also with the description contained in this permit application.

Jesse Dimond      12/1/21  
 Signature of Applicant (if not property owner)      Date

PROPERTY OWNER(S) STATEMENT:

I hereby certify that I/We own the above described property, that the information given is complete and correct to the best of my knowledge, and the above person(s), group, corporation, or agent has the full and complete permission of the undersigned owner(s) to make application for a Conditional Use permit as set forth in the Prince Edward County Zoning Ordinance as written.

Francis M. M. Lane      11/30/21  
 Signature of Property Owner(s)      Date

\_\_\_\_\_  
 Signature of Property Owner(s)      Date

\_\_\_\_\_  
 Signature of Property Owner(s)      Date

NOTE: THIS PERMIT APPLICATION IS NOT VALID UNLESS ALL PROPERTY OWNER(S) SIGNATURES ARE AFFIXED AND DATED. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Application Fee \$300.00      Fee Received by Remove      Date 3-18-2022

The above mentioned application charges are nonrefundable, regardless of whether the permit application is approved or denied once submitted.

All checks for payment should be made payable to: **Treasurer, Prince Edward County, Virginia.**

Mail to: Department of Planning &  
 Community Development  
 P. O. Box 382  
 Farmville, VA 23901  
 (434) 392-8837



Please publish the following public hearing notice in THE FARMVILLE HERALD on Wednesday, April 6, 2022 and Wednesday, April 13, 2022.



### NOTICE OF PUBLIC HEARINGS

The Prince Edward County Planning Commission will hold PUBLIC HEARINGS on Monday, April 18, 2022, commencing at 7:00 p.m. in the Board of Supervisors Meeting Room located on the 3<sup>rd</sup> Floor of the Prince Edward County Courthouse, 111 N. South Street, Farmville, Virginia, to receive citizen input prior to considering the following:

1. A request by Israel Yoder for a Special Use permit to operate a sawmill facility on Tax Map Parcel 086-A-1 on County Line Road, Cullen, VA.
2. Pursuant to §15.2-2232 of the Code of Virginia, 1950 as amended, a review of a Special Use Permit application filed by Impact Power Solutions, LLC to make a determination if the project is substantially in accord with the Prince Edward County Comprehensive Plan for the proposal to construct and operate a 5 MWac community solar energy facility on Tax Map Parcels 043-A-36, containing a total of 33.6+/- acres, which is zoned A-1, Agricultural Conservation.
3. A request by Impact Power Solutions, LLC for a Special Use permit to operate a 5 MWac community solar energy facility on Tax Map Parcel 043-A-36, on Llama Road, Pamplin, VA.

~~~~~

Citizen input for Public Hearings of the Planning Commission will be received by Karin Everhart, Deputy Clerk to the Planning Commission, using one of the following methods:

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2. **Written Comments:** Please limit word count to no more than 500 words. Comments must be received by 2:00 p.m. the day of the meeting.
 - a. **Mailed:** Planning Commission
P.O. Box 382, Farmville, VA 23901
 - b. **E-Mailed:** info@co.prince-edward.va.us
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4. **County YouTube Channel:** Citizen may also view the monthly Planning Commission meeting live (no public input) at the County's YouTube Channel: (link is also on County website under Meetings & Public Notices.) <https://www.youtube.com/channel/UCyfpsa5HEjIWejBSc5XwplA/featured>

A copy of the Special Use Permits are available for public review on the County's web site at www.co.prince-edward.va.us or in the Prince Edward County Administrator's Office, 111 N. South Street, 3rd Floor, Farmville, VA. It is the County's intent to comply with the Americans with Disabilities Act. Should you have questions or require special accommodations, please contact the County Administrator's Office at 434-392-8837.

###

PLANNING COMMISSION

John Prengaman
Chairman
Robert M. Jones
Board Representative
Henry Womack
Preston L. Hunt
Brad Fuller
Clifford Jack Leatherwood
Whitfield Paige
John "Jack" W. Peery, Jr.
Teresa Sandlin
Cannon Watson



COUNTY OF PRINCE EDWARD, VIRGINIA

**Director of Planning and
Community Development**

Robert Love

Post Office Box 382
111 N. South Street, 3rd Floor
Farmville, VA 23901

Office: (434) 392-8837

Fax: (434) 392-6683

rlove@co.prince-edward.va.us

www.co.prince-edward.va.us

March 31, 2022

Daniel Witt, County Administrator
County of Charlotte, Virginia
P.O. Box 608
Charlotte Court House, VA 23923

From: Robert Love, Director of Planning and Community Development

Subject: 2232 Review/Special Use Permits

Dear Mr. Witt;

Per §15.2-2204 (C) of the Code of Virginia (1950), as amended, you are being sent written notification of a 2232 Review concerning a potential community solar facility and for two Special Use Permit applications as listed in the attached public notice which involves parcels of land within one-half mile of a boundary with an adjoining locality.

The Prince Edward County Planning Commission will hold public hearings on April 18, 2022 at 7 p.m. to receive input on the requests. Due to the Coronavirus and to ensure the safety of the public and County Boards/Commissions the Board of Supervisors adopted an Emergency Ordinance modifying procedures for public meetings and public hearing practices. Instructions of how to listen or participate in the meeting and public hearing are contained on the reverse side of this letter.

If you have any questions or comments, please forward them to my attention no later than noon on the date of the public meeting. please do not hesitate to contact me at: 434-392-8837 or by email at: rlove@co.prince-edward.va.us

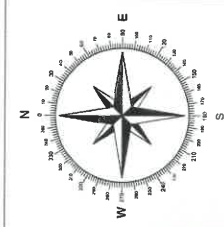
Respectfully,

Robert Love

Director of Planning and Community Development

VICINITY MAP

PROJECT LOCATION



SHEET NOTES:

SPACE FOR PE STAMP:



PROJECT OWNER:
NEW ENERGY EQUITY, LLC
2000 WOODBURN AVENUE
ANNAPOLIS, MD 21401
410.291.5912

DESIGN OFFICE:
PRINCE GEORGE COUNTY
PMP/PLN, VA 22068
LAT: 37.240981
LONG: -76.870641

SYSTEM SPECIFICATIONS	
SYSTEM SIZE DC	7,478 MW
SYSTEM SIZE AC	5,000 MW
DC/AC RATIO	1.496
AZIMUTH	190°
TILT	20°
MODULE COUNT	14110
MODULE TYPE	TRINA TM6033-K6C19C-20
MODULE STC RATING	550 W
INVERTER COUNT	40
INVERTER TYPE	CP6 BC1254TL-004US
INVERTER RATING	155kW
RATCHING	180
MONITORING	ALSO ENERGY

DESIGN CRITERIA	
MINIMUM TEMP	-10C/14C
WIND SPEED (ASCE 7-10)	105 MPH
BUILDING CATEGORY	I
EXPOSURE CATEGORY	C
GROUND SNOW LOAD	25 PSF
BUILDING HEIGHT	0'0"

OTHER NOTES

REVISIONS		
#	DESCRIPTION	DATE
0	ORIGINAL DESIGN	10/12/2020
1	REV COMMENTS	01/17/2021
2	CUP	10/19/2021
3	COUNTY COMMENTS	02/25/2022
4	REV COMMENTS	03/02/2022
5	LANDSCAPE PLAN	03/10/2022
6	INFILTRATION BASIN	04/02/2022
7	FIX SETBACKS	04/20/2022

DRAWN BY:
TIM POLLNOW

PROJECT NAME:
REEVE CSG

DRAWING TITLE:
SITE PLAN

SCALE:
1" = 160'
0 1" 2"

SHEET

PV1



DRAWING SCALE ACCURATE WHEN THIS PAGE IS PRINTED ON 24x36 PAPER

DRAWING SHEETS AND CONTENTS NOT TO BE DISTRIBUTED WITHOUT EXPLICIT WRITTEN CONSENT FROM NEW ENERGY EQUITY, LLC.



**County of Prince Edward
Planning Commission
Agenda Summary**

Meeting Date: April 18, 2022
Item No.: 5
Department: Planning and Community Development
Staff Contact: Robert Love
Issue: Public Hearing - Special Use Permit - Community Solar Energy Facility

Summary:

The County has received an application for a Special Use Permit from Impact Power Solutions LLC to construct and operate a 5MWac solar energy facility on Tax Map Parcel 043-A-36, containing a total of 33.6 +/- acres on Llama Road, Pamplin, VA, Attachment (1). This parcel is in an A1, Agricultural Conservation zoning district and this use is allowed in the district only after approval of a special use permit.

The public hearing notice was published in the April 6 and April 13, 2022 editions of the Farmville Herald, Attachment (2). The list of adjoining property owners and the sample letter sent to each can be found in Attachments (3) and (4). Attachment (5) is a copy of the tax map page that depicts the tax map parcel of the parcel and surrounding property. The parcel is outlined in blue.

The purpose of the Special Use is to allow for the location of a community solar energy generation facility. The applicant stated that the proposed facility will not be seen nor heard and will not impact adjacent properties. The facility will not generate noise, light, dust, odor, fumes, or vibrations. Water quality will be addressed according to Virginia Stormwater Management Permit requirements and the site will not generate any significant amount of traffic with the main traffic occurring temporarily during the construction phase.

Attachments:

- 1. Special Use Permit Application
- 2. Notice of Public Hearing
- 3. List of adjoining property owners
- 4. Sample Letter sent to adjoining property owners
- 5. Plat of Tax Parcel
- 6. Potential Conditions

Recommendations:

- 1. Conduct the Public Hearing and render a decision concerning the request for the Special Use.

Motion _____	Paige _____	Hunt _____	Jones _____
Second _____	Sandlin _____	Womack _____	Watson _____
Prengaman _____	Fuller _____	Leatherwood _____	Peery _____



**County of Prince Edward
Planning Commission
Agenda Summary**

Recommended Motions:

I move that the Planning Commission recommend approval of the Special Use Permit request by Impact Power Solutions LLC for a proposed 5MWac community solar energy scale solar energy facility with the following conditions: *(list of conditions)*

OR

I move that the Planning Commission recommend denial of the Special Use Permit request by Impact Power Solutions LLC for a proposed 5MWac community solar energy facility due to the following: *(list reasons)*

OR

I move that the Planning Commission table the Special Use Permit request by Impact Power Solutions LLC for a proposed 5MWac community solar energy facility for further discussion at a work session.

Motion _____
Second _____
Prengaman _____

Paige _____
Sandlin _____
Fuller _____

Hunt _____
Womack _____
Leatherwood _____

Jones _____
Watson _____
Peery _____

COMMENTS: _____

PERMIT/APPLICATION NO _____
 ZONING DISTRICT _____
 MAGISTERIAL DISTRICT _____
 DATE SUBMITTED _____

County of Prince Edward

PLEASE PRINT OR TYPE

**PRINCE EDWARD COUNTY APPLICATION
 FOR SPECIAL USE PERMIT**

TO: PRINCE EDWARD COUNTY PLANNING COMMISSION SPECIAL EXCEPTION REQUESTED:
 VIA: ZONING ADMINISTRATOR

The undersigned owner of the following described property hereby applies for a Special Use permit as provided in Section 5-124 of Article V, Site Plan requirements are found in Section 4-100 of Article IV Development Standards of the Zoning Ordinance of Prince Edward County, Virginia.

Applicant's Name: Jesse Dimond with Impact Power Solutions
 Applicant's Address: 2670 Patton Road, Roseville, MN 55113
 Applicant's Telephone Number: (651-285-2253)

Present Land Use: Agricultural

Legal Description of Property with Deed Book and Page No. or Instrument No. PID: 043 A 36 Book 326
Page 15 Legal Description: Worsham Instrument: 00 00

Tax Map # 043 A 36 Acreage: 85.63

Narrative statement evaluating effects on adjoining properties (noise, odor, dust, fumes, etc.): (Attach additional sheet if necessary.) No adverse affects on adjoining propoerties expected, see the narrative attached for further details.

Statement of general compatibility with adjacent and other properties in the zoning district. (Attach additional sheet if necessary.) See narrative attached for details.

Height of Principal Building (s): Feet N/A Stories N/A

APPLICANT'S STATEMENT: (if not owner(s) of property):

I hereby certify that I have the authority to make the foregoing application, that the information given is complete and correct to the best of my knowledge, and that development and/or construction will conform with the regulations as set forth in the Prince Edward County Zoning Ordinance as written and also with the description contained in this permit application.

Jesse Dimond 12/1/21
 Signature of Applicant (if not property owner) Date

PROPERTY OWNER(S) STATEMENT:

I hereby certify that I/We own the above described property, that the information given is complete and correct to the best of my knowledge, and the above person(s), group, corporation, or agent has the full and complete permission of the undersigned owner(s) to make application for a Conditional Use permit as set forth in the Prince Edward County Zoning Ordinance as written.

James M. ... 11/30/21
 Signature of Property Owner(s) Date

 Signature of Property Owner(s) Date

 Signature of Property Owner(s) Date

NOTE: THIS PERMIT APPLICATION IS NOT VALID UNLESS ALL PROPERTY OWNER(S) SIGNATURES ARE AFFIXED AND DATED. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Application Fee \$300.00 Fee Received by Remove Date 3-18-2022

The above mentioned application charges are nonrefundable, regardless of whether the permit application is approved or denied once submitted.

All checks for payment should be made payable to: **Treasurer, Prince Edward County, Virginia.**

Mail to: Department of Planning &
 Community Development
 P. O. Box 382
 Farmville, VA 23901
 (434) 392-8837



PROJECT OWNER:
 NEW ENERGY EQUITY, LLC
 2500 W. WASHINGTON BLVD #200
 ANNAPOLIS, MD 21403
 NEWENERGYEQUITY.COM
 410.297.5212

PROJECT ADDRESS:
 115 W. ASHBY
 PRINCE EDWARD COUNTY
 LONG, VA 22094

SYSTEM SPECIFICATIONS

SYSTEM CASE LC	7475 MW
DESIGN SPEED	100 MPH
DC/AC RATIO	180°
ASHEATH	180°
TILT	20°
MODULE COUNT	14110
MODULE TYPE	TRINA TSMO400R062.20
MODULE PTC RATING	530 W
INVERTER COUNT	40
INVERTER TYPE	CPB SOL180TL-00040
INVERTER POWER	125kW
RACKING	TBD
MONITORING	ALSO ENERGY

DESIGN CRITERIA

MINIMUM TEMP	-10°C / 50°F
WIND SPEED (CASE 170)	100 MPH
WIND DIRECTION	ANY
EXPOSURE CATEGORY	C
GROUND SNOW LOAD	20 PSF
BUILDING HEIGHT	6'0"

OTHER NOTES:

REVISIONS

#	DESCRIPTION	BY	DATE
0	ORIGINAL DESIGN	TUP	10/12/2020
1	ISE COMMENTS	TUP	8/17/2021
2	CP	ELD	10/10/2021
3	COUNTY COMMENTS	ELD	1/26/2022
4	30' VIEW	ELD	2/10/2022
5	LANDSCAPE PLAN	ELD	2/21/2022
6	INFILTRATION BASIN	JAE	4/20/22
7	FIX STRUCTS	ELD	4/20/2022

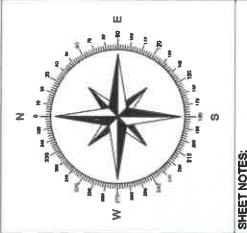
DRAWN BY:
TIM POLLNOW

PROJECT NAME:
REEVE CSG

DRAWING TITLE:
SITE PLAN

SCALE:
1" = 180'

SHEET:
PV1



SHEET NOTES:

SPACE FOR FE STAMP:





PROJECT OWNER:

NEW ENERGY EQUITY, LLC
2500 RIVA ROAD, SUITE 200
PRINCE GEORGE, MD 20646
NEWENERGYEQUITY.COM
443.387.5012

PROJECT ADDRESS:
1611 WALKER
PRINCE GEORGE, MD
PRINCE GEORGE COUNTY
LAT: 37.242091
LONG: -76.1041

SYSTEM SPECIFICATIONS	
SYSTEM SIZE DC	7.475 MW
SYSTEM SIZE AC	5.000 MW
DC/AC RATIO	1.499
AZIMUTH	100°
TILT	20°
MODULE COUNT	4810
INVERTER COUNT	THINK 12500000PCS30
INVERTER TYPE	CRS SC412KTL-00048
INVERTER POWER	1250kW
RACKING	T80
MONITORING	ALSO ENERGY

DESIGN CRITERIA	
MINIMUM TEMP.	-10°C / 24°C
WIND SPEED (ASCE 7-10)	100 MPH
BUILDING CATEGORY	I
EXPOSURE CATEGORY	C
GROUND SNOW LOAD	25 PSF
BUILDING HEIGHT	2.0'P

OTHER NOTES:

REVISIONS			
#	DESCRIPTION	BY	DATE
0	ORIGINAL DESIGN	TMP	10/13/2020
1	REVISIONS	TR	10/13/2021
2	CLIP	ELD	10/13/2021
3	COUNTY COMMENTS	ELD	10/26/2022
4	3D VIEW	ELD	2/1/2022
5			
6			
7			

DRAWN BY:
TIM POLLNOW

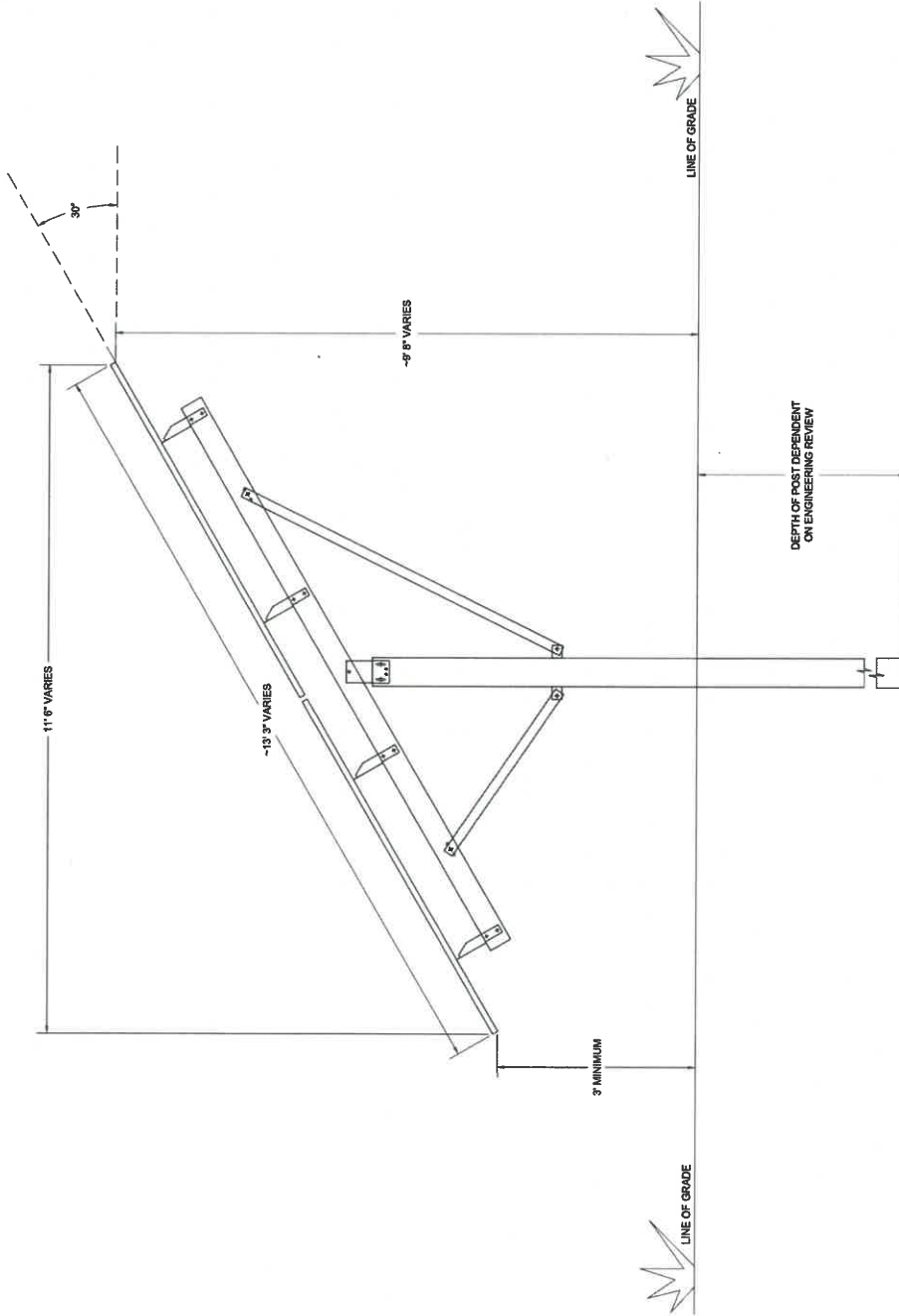
PROJECT NAME:
REEVE CSG

DRAWING TITLE:
FT RACKING DETAIL

SCALE:
NTS

SHEET:

PV2



1 FIXED TILT RACKING EAST-WEST ELEVATION
NTS

PROJECT OWNER:
 NEW ENERGY EQUITY, LLC
 200 RIVA ROAD, SUITE 200
 NEWBURN, MD 21111
 NEWENERGYEQUITY.COM
 443-977-9112

PROJECT ADDRESS:
 1000 WYOMING AVE
 CHAMBERSBURG, MD 21717
 PRINCE EDWARD COUNTY

LAT: 37.24201
LONG: -76.89561

SYSTEM SPECIFICATIONS

SYSTEM SIZE DC	7.475 MW
SYSTEM SIZE AC	6.000 MW
DC VOLTAGE	1,400V
ADULTS	100'
TILT	20°
MODULE COUNT	14110
INVERTER TYPE	TRINA TEG10000H20
INVERTER ETC IN THE	5000
INVERTER ETC IN THE	5000
INVERTER TYPE	OPS SCALABLE/DUALS
INVERTER POWER	125KW
RACKING	TBD
MONITORING	ALSO ENERGY

DESIGN CRITERIA

MIN/MAX TEMP.	-10°C / 41°C
WIND SPEED (AVERAGE 1-10)	105 MPH
BUILDING CATEGORY	I
EXPOSURE CATEGORY	C
GROUND SNOW LOAD	25 PSF
BUILDING HEIGHT	0' 0"

OTHER NOTES:

REVISIONS

#	DESCRIPTION	BY	DATE
0	ORIGINAL DESIGN	TMP	10/3/2020
1	REV COMMENTS	JPL	6/17/2021
2	REV COMMENTS	ELD	10/25/2022
3	COUNTY COMMENTS	ELD	10/25/2022
4	3D VIEW	ELD	2/1/2023
5			
6			
7			

DRAWN BY:
 TIM POLLNOW

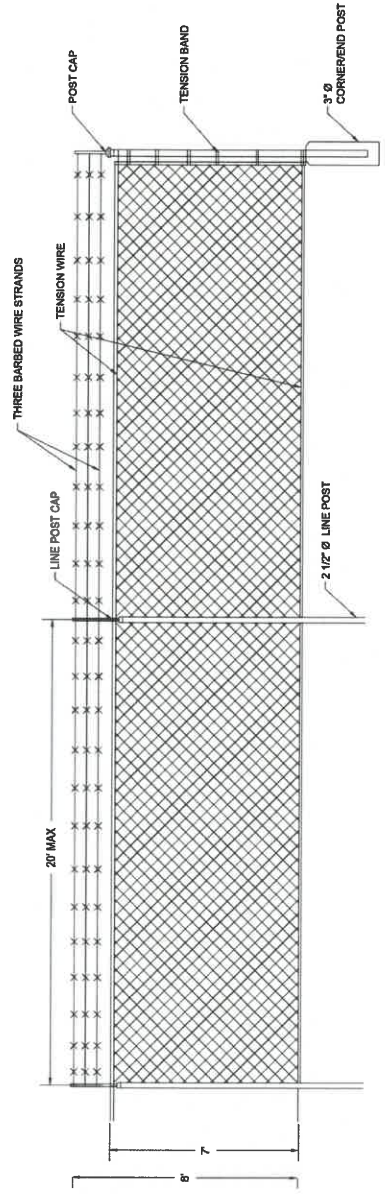
PROJECT NAME:
 REEVE CSG

DRAWING TITLE:
 FENCE DETAIL

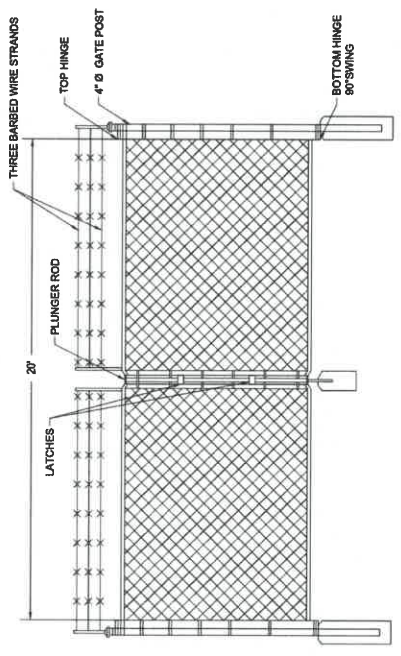
SCALE:
 NTS

SHEET:
 PV3

NOTE:
 1. THIS DRAWING IS FOR INFORMATIONAL PURPOSES ONLY AND NOT TO BE USED FOR CONSTRUCTION.
 2. DO NOT SCALE DRAWING



1 8' BARBED WIRE FENCE



2 8' BARBED WIRE FENCE GATE



PROJECT OWNER:
 NEWENERGY EQUITY, LLC
 2500 WINDMILL LANE, SUITE 200
 NEWENERGYEQUITY.COM
 43.287.5071

PROJECT ADDRESS:
 11517 271ST NORTH
 PARKVIEW, VA 22089
 PRICE EDWARD COUNTY

PROJECT NUMBER:
 11517 271ST NORTH
 LONG: 7428941

SYSTEM SPECIFICATIONS	
SYSTEM USE	7.2kW
SYSTEM SIZE	10.0kW
STORAGE	10.0kWh
CHARGE RATE	100%
AMPH	30"
WLT	50"
MODULE COUNT	16110
MODULE TYPE	TRINA TSMO-550 140.20
MIDDLE ETC RATING	500 W
INVERTER COUNT	40
INVERTER TYPE	CP9 SCALPH-LOGUS
INVERTER POWER	125kW
RACKING	TBD
MONITORING	ALSO ENERGY

DESIGN CRITERIA	
MINIMUM TEMP	-10°C / 54°F
WIND SPEED (ANCE 1-10)	100 MPH
BUILDING CATEGORY	I
GROUND SNOW LOAD	24 PSF
BUILDING HEIGHT	0 FT

OTHER NOTES:

REVISIONS			
#	DESCRIPTION	BY	DATE
0	ORIGINAL DESIGN	TMP	10/13/2020
1	SEE COMMENTS	TMP	8/17/2021
2	CLIP	ELD	9/10/2021
3	COUNTY COMMENTS	ELD	10/26/2022
4	30' VEIV	ELD	2/10/2022
5			
6			
7			

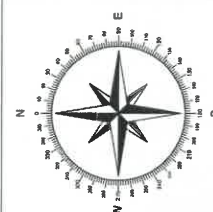
DRAWN BY:
TIM POLLNOW

PROJECT NAME:
REVEE CSG

DRAWING TITLE:
SOIL TYPES

SCALE:
1" = 120'

SHEET:
PV4



SHEET NOTES:

SPACE FOR PE STAMP:



Soil Type	Soil Description
CeB2	Clay loam, 2 to 6 percent slopes, eroded
CeB3	Clay loam, 2 to 6 percent slopes, severely eroded
EnB2	En loam, sandy loam, 2 to 6 percent slopes, eroded
A9	Awaling fine sandy loam, rolling phase
A10	Awaling fine sandy loam, 2 to 7 percent slopes
A11	Cecil fine sandy loam, rolling phase
A12	Cecil fine sandy loam, undulating phase
A13	Weldon fine sandy loam, undulating phase
A14	Weldon fine sandy loam, undulating phase
A15	Lloyd loam, eroded undulating phase
A16	Louisia fine sandy loam, eroded rolling phase
A17	Louisia fine sandy loam, eroded undulating phase
A18	Madison clay loam, eroded hilly phase
A19	Madison fine sandy loam, hilly phase
A20	Madison fine sandy loam, rolling phase
A21	Mixed alluvium, well drained
A22	Seneca fine sandy loam
A23	Vance fine sandy loam, rolling phase
A24	Vance fine sandy loam, undulating phase
A25	Worsham sandy loam

PROJECT OWNER:

NEW ENERGY EQUITY, LLC
 2500 RIVA ROAD, SUITE 200
 NEW ENERGY EQUITY.COM
 402.987.5072

PROJECT ADDRESS:
 807 W. WILSON
 PRINCE EDWARD COUNTY

LAT: 37.242091
 LONG: -78.0641

SYSTEM SPECIFICATIONS	
SYSTEM SIZE DC	7.475 MW
SYSTEM SIZE AC	5000 kW
DC/AC RATIO	1.498
AZIMUTH	190°
TILT	20°
MODULE TYPE	TRINA TSMON-60G1AC-20
MODULE ETC RATING	530 W
INVERTER COUNT	40
INVERTER TYPE	CFR SCALARTL-000US
INVERTER POWER	125kW
RACKING	TBD
MONITORING	ALSO ENERGY

DESIGN CRITERIA	
MINIMUM TEMP	-15°C / 5°F C
WIND SPEED (ASCE 7-10)	105 MPH
BUILDING CATEGORY	I
EXPOSURE CATEGORY	C
GROUNDWATER TABLE	2' PSF
BUILDING HEIGHT	2' 0"

OTHER NOTES:

REVISIONS			
#	DESCRIPTION	BY	DATE
0	ORIGINAL DESIGN	TMP	10/12/2020
1	SEE COMMENTS	TMP	8/17/2021
2	CLIP	ELD	10/1/2021
3	COUNTY COMMENTS	ELD	1/25/2022
4	3D VIEW	ELD	2/10/2022
5			
6			
7			

DRAWN BY:
TIM POLLNOW

PROJECT NAME:
REEVE CSG

DRAWING TITLE:
TREE PLAN

SCALE:
NTS

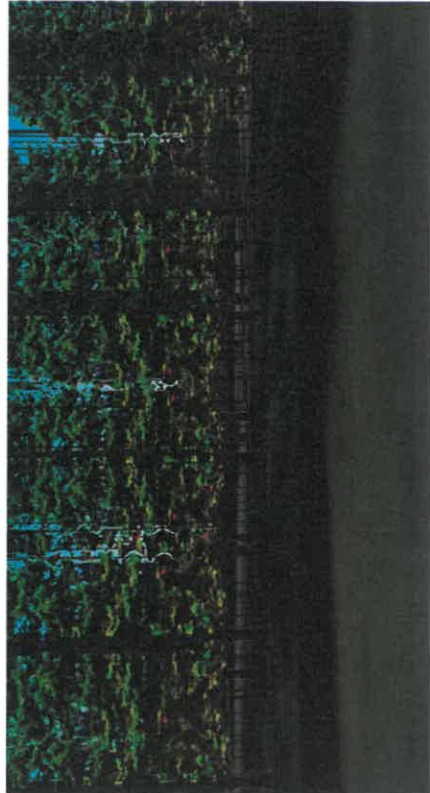
SHEET:
PV5



2 VIEW FACING NORTHWEST FROM THOMAS JEFFERSON HWY NTS



1 VIEW FACING WEST FROM THOMAS JEFFERSON HWY NTS



3 VIEW FACING SOUTHWEST FROM THOMAS JEFFERSON HWY NTS



Please publish the following public hearing notice in **THE FARMVILLE HERALD** on **Wednesday, April 6, 2022** and **Wednesday, April 13, 2022**.



NOTICE OF PUBLIC HEARINGS

The Prince Edward County Planning Commission will hold PUBLIC HEARINGS on Monday, April 18, 2022, commencing at 7:00 p.m. in the Board of Supervisors Meeting Room located on the 3rd Floor of the Prince Edward County Courthouse, 111 N. South Street, Farmville, Virginia, to receive citizen input prior to considering the following:

1. A request by Israel Yoder for a Special Use permit to operate a sawmill facility on Tax Map Parcel 086-A-1 on County Line Road, Cullen, VA.
2. Pursuant to §15.2-2232 of the Code of Virginia, 1950 as amended, a review of a Special Use Permit application filed by Impact Power Solutions, LLC to make a determination if the project is substantially in accord with the Prince Edward County Comprehensive Plan for the proposal to construct and operate a 5 MWac community solar energy facility on Tax Map Parcels 043-A-36, containing a total of 33.6+/- acres, which is zoned A-1, Agricultural Conservation.
3. A request by Impact Power Solutions, LLC for a Special Use permit to operate a 5 MWac community solar energy facility on Tax Map Parcel 043-A-36, on Llama Road, Pamplin, VA.

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Citizen input for Public Hearings of the Planning Commission will be received by Karin Everhart, Deputy Clerk to the Planning Commission, using one of the following methods:

1. **In-Person Participation:** While county meetings have re-opened to the public, there is still limited seating. To enter the Prince Edward County Courthouse, individuals are required at all times to wear a mask and to socially distance. The Planning Commission appreciates the public's patience as the County continues to adapt to the public safety recommendations and guidelines of the Virginia Department of Health and the CDC.
2. **Written Comments:** Please limit word count to no more than 500 words. Comments must be received by 2:00 p.m. the day of the meeting.
  - a. **Mailed:** Planning Commission  
P.O. Box 382, Farmville, VA 23901
  - b. **E-Mailed:** [info@co.prince-edward.va.us](mailto:info@co.prince-edward.va.us)
3. **Remote Participation:** Citizens may participate remotely during the meeting. To call in to the meeting, please dial: **1-844-890-7777**. When prompted for an Access Number: **390313**. Citizens are encouraged to pre-register with the County Administrator's Office at 434-392-8837 by 2:00 p.m. the day of the meeting. Callers must be on the line and ready to speak when called upon by the Chair. Please state your name and district of residence. Based upon the # of speakers, the Chair will determine the time allotted to each speaker.
4. **County YouTube Channel:** Citizen may also view the monthly Planning Commission meeting live (no public input) at the County's YouTube Channel: (link is also on County website under Meetings & Public Notices.) <https://www.youtube.com/channel/UCyfpsa5HEjIWejBSc5XwplA/featured>

A copy of the Special Use Permits are available for public review on the County's web site at [www.co.prince-edward.va.us](http://www.co.prince-edward.va.us) or in the Prince Edward County Administrator's Office, 111 N. South Street, 3<sup>rd</sup> Floor, Farmville, VA. It is the County's intent to comply with the Americans with Disabilities Act. Should you have questions or require special accommodations, please contact the County Administrator's Office at 434-392-8837.

###

# Prince Edward County

## SUP Request

Applicant: IMPACT POWER SOLUTIONS LLC

Tax Map:

043-A-36

### Schedule B

List of adjoining Property owners and mailing addresses for the property for a community solar facility.

| Parcel ID | Owner                             | Address                                              | Note |
|-----------|-----------------------------------|------------------------------------------------------|------|
| 043-A-36  | FRANCES MARY REEVES               | 581 LAKEWOOD LANE<br>CHARLOTTE COURT HOUSE, VA 23923 |      |
| 043-A-34  | ROBERT EDWARD JR & LAURA MCCLENNY | 4368 FOREST CHAPEL ROAD<br>PAMPLIN, VA 23958         |      |
| 044-A-83  | LINDA G CHAPLAIN                  | 4410 WILSONIA SHORES DRIVE<br>MACHIPONGO, VA 23405   |      |
| 058-4-1   | PAUL E & MICHELLE C FOSTER        | 3805 HEIGHTS SCHOOL ROAD<br>PAMPLIN, VA 23958        |      |
| 058-A-2   | JOHN DEFORD WELLS ET ALS          | 304 E FIRST STREET UNIT I FARMVILLE,<br>VA 23901     |      |
| 058-A-1   | KHURRAM WASEEM GHORI              | 4739 LAKES MILL DRIVE<br>GLEN ALLEN, VA 23058        |      |
| 057-3-3   | CRAIG EDWARD & CATHERINE MAE MOHR | 53 LLAMA ROAD PAMPLIN,<br>VA 23958                   |      |
| 043-A-36B | ANDREW DALTON JR & CHRISTY ELDER  | PO BOX 1294 PAMPLIN,<br>VA 23958                     |      |
|           |                                   |                                                      |      |
|           |                                   |                                                      |      |
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|           |                                   |                                                      |      |

**PLANNING COMMISSION**

John Pregelman  
Chairman  
Robert M. Jones  
Board Representative  
Henry Womack  
Preston L. Hunt  
Brad Fuller  
Clifford Jack Leatherwood  
Whitfield Paige  
John "Jack" W. Peery, Jr.  
Teresa Sandlin  
Cannon Watson



**COUNTY OF PRINCE EDWARD, VIRGINIA**

**Director of Planning and  
Community Development**

Robert Love

Post Office Box 382  
111 N. South Street, 3<sup>rd</sup> Floor  
Farmville, VA 23901

Office: (434) 392-8837

Fax: (434) 392-6683

rlove@co.prince-edward.va.us  
www.co.prince-edward.va.us

March 31, 2022

To: Property Owners

From: Robert Love, Director of Planning and Community Development

Subject: Special Use Request - Impact Power Solutions

The Prince Edward County Planning Commission will hold a public hearing on April 18, 2022 at 7:00 p.m. to receive citizen input on a request by Impact Power Solutions for a Special Use permit to construct and operate a 5-megawatt community solar facility on Tax Map Parcel # 043-A-36, located on Llama Road, Pamplin, VA. This parcel is located in the A1 (Agricultural Conservation) zoning district. This use requires approval of a Special Use Permit in this zoning District.

You are receiving this notice because you own land in the vicinity of the property requested to be approved for the special use permit. Following the hearing the Prince Edward County Planning Commission may vote to approve or deny the request.

Due to the Coronavirus and to ensure the safety of the public and County Boards/Commissions the Board of Supervisors adopted an Emergency Ordinance modifying procedures for public meetings and public hearing practices. Instructions of how to listen or participate in the meeting and public hearing are contained on the reverse side of this letter.

If you have any questions, please do not hesitate to contact me at 434-392-8837.

Respectfully,

Robert Love

Director of Planning and Community Development

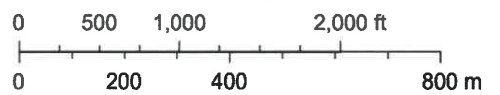


# Impact Power Solutions, LLC SUP



April 13, 2022

1:18,056



-  Road Centerline
-  Parcel Labels
-  County Boundary
-  Farmville Boundary

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Impact Power Solutions, LLC  
PRINCE EDWARD COUNTY, VIRGINIA  
Special Use Permit Conditions

**SECTION I. GENERAL PROVISIONS**

1. This Special Use Permit applies to the following properties for which a special use permit application was submitted:  
Tax Map Parcel Identification Number: 043-A-36  
The Special Use Permit application was submitted on 03/18/2022 by Impact Power Solutions, LLC on behalf of the owners of the said properties, and compliance with these conditions is the express duty of, and these conditions shall bind, the Applicant and any assignee of the Applicant who operates the Solar Facility.
  
2. The Site shall be developed, constructed, operated, and decommissioned in compliance with all of the following:
  - a. All applicable federal, state, and local laws, statutes, ordinances, and regulations.
  - b. All written agreements entered into between the Applicant and the County, expressly including, but not limited to, a Solar Facility Siting Agreement.
  - c. The Site Plan approved by Prince Edward County.
  - d. The Decommissioning Plan approved by Prince Edward County.
  - e. The Emergency Response Plan approved by Prince Edward County.
  - f. The Construction Traffic Management Plan approved by Prince Edward County.
  - g. The Erosion and Sediment Control Plan approved by Prince Edward County.
  - h. The Stormwater Management Plan approved by Prince Edward County and/or DEQ.

Violation by the Applicant or by any one or more of Applicant's agents, employees, contractors, assigns, or successors in interest of any terms, conditions, or provisions of any of the foregoing shall constitute a violation of this Special Use Permit.

3. The following terms shall have the following meanings if or when used in these Conditions:

- a. **"Abandoned"** means the discontinuation of power generation by the Solar Facility for a period of at least 180 consecutive days, except in the event of a force majeure event requiring reconstruction.
- b. **"Applicant"** means Impact Power Solutions, LLC.
- c. **"Approved Site Plan"** means the detailed drawing showing all equipment, excavation, landscaping, and other changes or improvements to be made to the real property or properties for the development of the Project following approval of the Special Use Permit Application by the Prince Edward County Planning Commission, and the Prince Edward County Board of Supervisors and administrative review and approval by Prince Edward County staff.
- d. **"Board"** means the Board of Supervisors of Prince Edward County, Virginia.
- e. **"Commercial Operation"** means the period beginning on the date that the sale of electricity generated from the Solar Facilities to a third party through the Grid commences pursuant to a Power Purchase Agreement and terminating contemporaneously with the commencement of Decommissioning.
- f. **"County"** means Prince Edward County, Virginia.
- g. **"County Administrator"** means the county administrator of Prince Edward County, Virginia.
- h. **"Decommission" or "Decommissioning" or "Decommissioning Activities"** means the work on the Solar Facility to remove improvements on the real property and to otherwise comply with the Decommissioning Plan.
- i. **"Decommissioning Commencement Date"** means the earliest date on which Decommissioning is required to begin under the terms set forth in these Special Use Permit Conditions.
- j. **"Decommissioning Plan"** means the plan for Decommissioning Activities submitted by Impact Power Solutions, LLC and approved by the County.
- k. **"Grid"** means the interconnected network for delivering electricity from producers to consumers (consisting of generating stations, electrical substations, high voltage transmission lines, and distribution lines that connect individual customers) to which the Project is connected and provides power.
- l. **"Investor Owned Utility Company"** means an electric utility as defined in Section 56-576 of the Code of Virginia.
- m. **"Operator"** means any party which undertakes the management, maintenance, and operation of the Solar Facility, including, but perhaps not limited to, as assignee of the Applicant.
- n. **"Power Purchase Agreement"** means the written agreement pursuant to which electricity generated from the Solar Facilities is sold to a third party.
- o. **"Project"** means the Solar Facility on the Site, including the following: (i) the development, design, procurement, construction, installation,

commissioning, testing, interconnection, and start-up of the Solar Facility on the Site; (ii) the operation, repair, replacement, and maintenance of the Solar Facility on the Site; and (iii) the decommissioning and removal of the Solar Facility from the Site.

- p. **"Related Entity"** or **"Related Entities"** means any two or more entities described in I.R.C. § 267(b).
  - q. **"Site"** or **"Solar Facility Site"** means all properties to be leased or purchased by the Applicant or any Related Entity for development in connection with the Project, identified as follows: Prince Edward County Tax Map Identification Number 043-A-36.
  - r. **"Site Plan"** means the detailed drawing showing all equipment, landscaping, roads, retention facilities, fencing, buffers, and other changes or improvements to be made to the real property or properties for the development of the Project.
  - s. **"Solar Facility"** or **"Solar Facilities"** means the Site together with all equipment, apparatus, or other items of personal property used for the Construction, Operation, or Decommissioning of the Project.
  - t. **"Surety Review Date"** means the date by which the Applicant will update the cost estimate in the Decommissioning Plan every seven (7) years and reimburse the County for the actual and reasonable, out-of-pocket costs of each such independent review and analysis by a licensed engineer of each decommissioning cost estimate revision.
4. The Site shall be developed in general conformance with the information and exhibits submitted with the Special Use Permit application (the "SUP" Application), except as modified by associated conditions, the Approved Site Plan, and as required by the land development ordinances of Prince Edward County.
  5. This Special Use Permit (SUP) is issued to the owners of the properties for which the special use permit application was submitted (the Properties) and shall run with the land unless and until this SUP is revoked, expires, or is voided.
  6. An approved site plan (the "Approved Site Plan") shall be required for this use.
  7. Prior to the issuance of construction permits, the Applicant shall record in the Circuit Court Clerk's Office of Prince Edward County, Virginia a plat of survey delineating the property boundary and total acreage.
  8. The Applicant shall submit an Emergency Response Plan (the "ER Plan") with the submission of the Site Plan. The ER Plan shall include fire suppression methods

that can be deployed during both the construction and operation of the project. The ER Plan shall also include a program of education and training to be provided for County emergency response staff covering onsite emergency response.

9. Unless approved in writing by the County, no signage shall be permitted on the Site; except that signage containing notices, warnings, or other information, if required by law or by applicable codes and standards, or deemed by the County to be in the interest of the safety and welfare of the community, shall be required.
10. Impact Power Solutions, LLC will reimburse, or cause to be reimbursed, to the County all reasonable, out-of-pocket costs and fees incurred for professional services engaged for purposes of assisting the County during the application process and during Construction, including, but not limited to, legal fees and consulting fees; however legal fees shall not be assessed to Impact Power Solutions, LLC after construction is completed. The purpose of the reimbursement payments is to defray the costs and expenses incurred by the County in connection with (i) the zoning and permitting processes related to the approval of the Solar Facility, (ii) the permitting process with federal and state agencies, as applicable, and (iii) the construction of the Solar Facility. Should the special use permit application submitted by Impact Power Solutions, LLC for the Project not be approved by the County, no reimbursement under this paragraph will be owed by Impact Power Solutions, LLC to the County.

## **SECTION II. BUFFERS, HEIGHTS, AND SETBACKS**

11. Buffers throughout the Site shall include the following:
  - a. All setbacks shall be no less than those shown on the site plan approved by Prince Edward County.
  - b. The Site Plan will identify a Maximum Extent of Project Area, outside of which solar panels or other equipment will not be located. The solar panels or other equipment of the Solar Facility will not be located within the standard setbacks established by Section 7-110 (D) of the County Ordinance.

- c. The Site Plan will include a vegetative buffering plan (the “Vegetative Buffer Plan”) that will limit the visibility of the Solar Facility from the public rights-of-way adjacent to the Site. For purposes of this Condition, “Solar Facility” does not include the perimeter security fencing, gravel access road, or interconnection equipment. Also, the “Solar Facility” is not an objectionable feature, within the meaning of County Ordinance Section 7-110 (F). All vegetative buffering areas, as shown on the Vegetative Buffer Plan, shall enable insolation of the Solar Facility and may be both natural and planted, shall be a part of the approved Project, and should be protected from harvest so long as the Site is operated as a solar facility.
- d. Vegetative buffering areas shall be installed (pursuant to the screening suggestions attached as Exhibit A) and, as necessary, managed to ensure health and preservation of the vegetation. Any vegetative buffering that is dead during the operating period shall be removed and replaced in conformance with the approved site plan, within a six (6) month time period during a typical growing period. The type and height of replacement vegetation shall be similar to that of which was originally planted during construction. In the event that the vegetative buffering is severely damaged due to an unusual weather occurrence or natural catastrophe, the Project shall have one year or one growing season, whichever is sooner, to replace or replant.
- e. A 15’ screening buffer shall be observed with any bordering standing timber harvested after construction of the solar facility.
- f. Electrical lines leaving the solar facility shall be underground until the point of reaching the first pole outside of the facility as to not impact the screening plan.
- g. Any historical resources noted in the Virginia Department of Historic Resources Map must be identified, marked, and preserved at a setback of at least 100 feet, as reflected on the Site Plan.
- h. The maximum height of ground mounted systems, equipment, and structures, as measured from the grade or base of the improvements to the highest point, shall not exceed eighteen (18) feet in height. Excluded from this height requirement are overhead electric distribution and transmission lines and poles, project substation, and utility switchyard.

### **SECTION III. CONSTRUCTION, TRAFFIC, and ROAD REPAIRS**

12. Subject to compliance with applicable site safety requirements and upon reasonable prior notice, the County Administrator, building official, zoning administrator, or environmental codes and compliance officer, or any party or parties designated by any one or more of those county officials, including other federal, state, or local government officials, shall be allowed to enter the Site at any time during construction. Once the facility has commenced Commercial Operation, subject to compliance with applicable Site safety requirements, County officials may enter the Site upon at least one week's advance notice to the Solar Facility Liaison.
13. All construction entrances for the Site shall be in general conformance with the information and exhibits submitted with this Special Use Permit application and must be authorized and approved by the Virginia Department of Transportation (VDOT).
14. All construction activity shall be conducted during daylight hours Monday-Saturday. Activities allowed on Sundays include only the following: onsite planning, walking and riding the Site by passenger vehicle (not heavy construction trucks or equipment), office work, and other activities that do not produce large quantities of traffic on the surrounding roads or loud construction noises within the Site. The Applicant shall comply with the Prince Edward County Noise Ordinance Chapter 46, Article II during operation but shall not be required to do so during construction.
15. All heavy construction traffic, including, but perhaps not limited to, dump trucks, tractors and trailers, supplier vehicles, and trucks hauling equipment shall enter the site at the designated private driveway along Route 719 (Llama Road).
16. The Applicant shall submit a Construction Traffic Management Plan ("CTMP") as part of the Site Plan. The CTMP shall address traffic control measures, an evaluation of the condition of the public roads along the Delivery Routes prior to construction, and a description and an estimate of any anticipated repairs to public roads that may arise due to damages attributable to construction of the Solar Facilities, which CTMP must be reviewed by a third-party selected by the County and paid by, and at the sole cost of, the Applicant.
17. Dust containment measures shall be utilized at all times, as necessary, to contain dust from constituting a nuisance to nearby residents.

18. No burning of stumps and/or debris will be allowed onsite at the subject solar facility.
19. The Solar Facilities shall be enclosed within chain link security fencing not less than six (6) feet in height.
20. The Project will not utilize permanent lighting. If installed at a later date, lighting will be downward facing, motion activated security lighting located at the Project entrance gate or at the control panels near the equipment pad.
21. Prior to commencement of construction, the Applicant shall provide the County a bond equal to 100% of the cost of the anticipated repairs to be made to the public road along the Delivery Routes, as defined in paragraph 22 below, including the entire public right of way along the Delivery Routes. The bond may be in the form of a letter of credit, a surety bond, or a cash bond given to the County, to be held by the County without interest, but the form of any surety bond must be approved by the County Administrator. The County will release, return, and terminate the roadway surety upon completion of construction and Commercial Operation of the Project.
22. Delivery Routes to the site shall include Route 719 (Rice Creek Road) from its intersection with State Route 47 (Thomas Jefferson Highway) to the Impact Power Solutions, LLC Site.
23. The Solar Facilities shall be constructed and operational within two (2) years of approval. The Zoning Administrator may approve an extension of up to one (1) year upon written request from the Applicant detailing the need for an extension.
24. Solar Panels will be constructed, maintained, and operated in accordance with national industry standards and regulations including the National Electrical Code, International Fire Code of the International Code Council and the National Fire Protection Association Fire Code, as provided in Va. Code 15.2-2286. In the event of a conflict between the national industry standards and these Conditions, the national industry standards shall control so that as technology advances, updated technology may be used by the Applicant. Notwithstanding any of the foregoing, the use of any of the following materials at any time, whether in construction, maintenance, or operation of the facility, is expressly prohibited: cadmium telluride, cadmium, tellurium, GEN X, field-applied Teflon<sup>®</sup> coating, or any other materials prohibited by federal or state agencies.



25. Storage on the Site of power generated by the Facility or generated elsewhere is prohibited.
26. No panels, inverters, pyranometers, substations, or any other component of the Solar Facility, except fencing, shall be located in a floodplain.
27. Upon completion of the construction of the Solar Facilities, the Applicant shall submit a post-construction evaluation of the condition of the roads along the Delivery Routes to the County Administrator for approval. The post-construction evaluation shall include a plan for repairing any damage caused to the public roads along the Delivery Route directly attributable to the Applicant. The Applicant shall be responsible for causing such repairs to be completed and shall be responsible for coordination of repairs with VDOT. All roadway repairs along the Delivery Routes shall be made at the sole expense of the Applicant.

#### **SECTION IV. ENVIRONMENTAL**

28. The Applicant shall submit a Stormwater Management Plan and an Erosion and Sediment Control Plan as part of the Site Plan. The Applicant shall reimburse, or cause to be reimbursed to, the County all reasonable, out-of-pocket costs incurred by the County related to retaining such third-party inspectors, plan reviewers, and advisors as reasonably necessary for project review and inspections. All such payments shall be remitted to the County within thirty (30) days of invoicing. The County shall retain the right to inspect the Site to verify the findings of the third-party inspectors upon reasonable, prior notice and subject to compliance with Site safety requirements. The phasing of land disturbance shall be detailed in the Erosion and Sediment Control plan and accompanying project narrative.
29. Stabilization of the Site shall be maintained at all times in compliance with Virginia Department of Environmental Quality (DEQ) standards, rules, requirements, and regulations. The Applicant and the Operator, or either one of them, shall notify the County within twenty-four (24) hours of receiving any DEQ notice of less than full compliance by the Project and shall, within forty-eight (48) hours of receipt, provide the County with a copy of the notice. Thereafter, the Applicant and the Operator, or either one of them, shall provide to the County within forty-eight (48) hours of transmission or receipt copies of all correspondence with DEQ regarding Project noncompliance issue until such time as the matter is fully resolved to the satisfaction of DEQ. In order to ensure orderly development of the Solar Facility and to protect the stabilization and environmental integrity and quality of the Site, no more than

fifty percent (50%) of the total site development area shown on the Approved Site Plan may be disturbed at any point in time. For purposes of this condition number 29, an area for which any one or more of the following is true is not considered to be disturbed: the area has established ground cover, the County has determined that the area is not disturbed, an area where temporary stabilization measures have been implemented, gravel driveways, or laydown areas.

30. Soil testing shall be conducted on the Site as follows:
- a. Testing shall be conducted in no less than three (3) locations on the Site, at least one location being within proximity to panels of each different type or manufacturer. Samples will be collected from a depth of six inches below ground surface.
  - b. Testing shall be conducted prior to the issuance of a land disturbance permit and every five years thereafter. Testing also shall be conducted immediately prior to Decommissioning and immediately following the termination of Decommissioning.
  - c. Samples shall be analyzed for Priority Pollutant 13 Metals (arsenic, antimony, beryllium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, thallium, and zinc) in accordance with EPA methods SW 6020, SW 6020A, SW1312, and 200.8.
  - d. Testing shall be performed by a service provider retained by the Operator but approved by the County.
  - e. A test report for each testing event, including an executive summary, shall be provided to the Prince Edward County zoning administrator within ten (10) days of the completion of such report.
  - f. No costs shall be incurred by Prince Edward County for soil testing or reports of soil testing provided to Prince Edward County.

## **SECTION V. DECOMMISSIONING**

31. Decommissioning shall be conducted in accordance with the Decommissioning Plan approved by Prince Edward County.

32. The Applicant or the Operator shall provide a Notice of Decommission to the County Administrator of Prince Edward County within thirty days of a determination to cease Operation of the Solar Facility.
33. Prior to the commencement of Construction, the Applicant shall submit to the County and receive County approval of a Decommissioning Plan. The Applicant shall comply with all terms and conditions of the Decommissioning Plan as approved by the County. The Decommissioning Plan at a minimum shall include provisions regarding the following:
  - a. Specifications for the removal of all solar equipment, buildings, cabling, electrical components, foundations, pilings, and fencing.
  - b. A requirement that all Site real property must be restored to the condition of the property as of the date Construction commences (reasonable wear and tear excepted).
  - c. A requirement that the property must be stabilized so as to adequately control, prevent, and minimize any and all erosion or sediment runoff, consistent with the approved Erosion and Sediment Control Plan.
34. Decommissioning shall begin immediately after the Facility has, for a period of six (6) consecutive months, ceased operating as a solar energy facility distributing energy to the electrical grid and shall be diligently pursued, as determined by the County in its sole discretion, and completed within eighteen (18) months from the Decommissioning Commencement Date. Prior to its expiration, the County may extend this Decommissioning period by six (6) months if the County finds that the Operator commenced Decommissioning the Solar Facility diligently and continuously worked to Decommission the Facility throughout the Decommissioning period, and is reasonably expected to complete the Decommissioning within the additional six month period.
35. Periods during which the Facility is not operational for maintenance, repair, or due to a catastrophic event beyond the control of Impact Power Solutions, LLC during which time Impact Power Solutions, LLC works diligently to return the Facility to full Commercial Operation, shall not constitute the cessation of operations requiring the initiation of Decommissioning requirements herein. Impact Power Solutions, LLC must provide written notice and evidence of the Solar Facility status and repair efforts to the County Administrator during the period in which the Solar Facility is not fully operational. Such notice shall identify the last day on which the Facility was fully operational. Regardless of the efforts of Impact Power Solutions, LLC to

return the Solar Facility to full Commercial Operation, if the Solar Facility does not operate as a solar energy facility distributing energy to the electrical grid after the catastrophic event for a period of eighteen (18) months, the Project shall be deemed Abandoned and Impact Power Solutions, LLC shall commence Decommissioning no later than the 548th day after the catastrophic event.

36. Any change of party responsible for Decommissioning of the facility, or change in any part of the contact information, shall be reported to the County Administrator within sixty (60) days of the change(s).
37. If Decommissioning Activities are not completed within the allotted time, or if the Project is Abandoned, the County may complete or have completed at its expense the Decommissioning Activities required under the terms of the Decommissioning Plan and may recover all costs of completing those Decommissioning Activities from the surety provided as set forth herein.
38. To secure the costs of Decommissioning, Impact Power Solutions, LLC or its successor shall at all times, beginning at commencement of construction and until the termination of Decommissioning, provide financial surety in a form and in an amount approved by the County. If the Solar Facility is transferred to a public utility or an Investor or Member Owned Utility Company (e.g.,: Dominion Energy, Old Dominion Electric Cooperative or its successor entity), the surety required of the Applicant may be cancelled at the time of the transfer and no further surety will be required.
39. The amount of the surety required shall be 100% of the estimated Decommissioning costs estimated at each Surety Review Date, less the scrap or repurposing value of the Solar Facility. The estimated costs and surety to meet the above requirements shall be reviewed by the County Administrator on each Surety Review Date, at which time the County Administrator shall determine if the estimates adequately reflect the Decommissioning costs and any scrap or repurposing value and that the surety will guarantee performance. Should the County Administrator determine that estimated costs and surety are insufficient, the County Administrator and Impact Power Solutions, LLC shall mutually agree to determine the correct surety amount; and Impact Power Solutions, LLC shall then provide the agreed, adequate surety within one hundred eighty (180) days following the Surety Review Date or, if later, within thirty (30) days after the County Administrator and Impact Power Solutions, LLC agree on the adequate surety amount.

40. Surety must be provided in the form of a cash bond deposited with the County; by an irrevocable letter of credit provided for the County's benefit; or by a surety bond listing the County as the obligee, an hypothecated account, an escrow account, or a guaranty issued by a credit-worthy entity, or as otherwise provided in Section 15.2-2241.2 of the Code of Virginia.
- a. A cash bond shall be in the form of a cashier's check or certified check deposited with the County which has cleared all issuing institutions. Any interest accruing on such funds shall be added to the total amount and retained by the County for Decommissioning. The deposit shall be accompanied by a letter agreement, acceptable to, and issued by, the County Administrator, confirming that the cash deposit is to be held by the County to guarantee the performance of the Decommissioning work required herein, and should the Solar Facility be Abandoned or should the Decommissioning work not be diligently undertaken or performed according to the requirements herein, or should the Special Use Permit be revoked, lapse, expire, or be voided due to violation thereof, the County may expend the deposited funds to undertake the Decommissioning work required herein, without more, after providing written notice to the person identified as owner of the property in the land records of Prince Edward County as of the date of the notice. Within six (6) months of the completion of the Decommissioning work required herein by a person or entity other than the County or a contractor engaged by the County, as confirmed by the County Administrator, the cash bond and accrued interest, less any amounts expended by the County as allowed herein, shall be released and paid to Impact Power Solutions, LLC or, if the Project has been Abandoned, to the person identified as owner of the property in land records of Prince Edward County as of the date of the completed Decommissioning or as otherwise directed by that owner of the property.
  - b. An irrevocable letter of credit shall mean an instrument provided by a lending institution guaranteeing payment to the County within seventy-two (72) hours of the County's written notice to the institution that the Solar Facility has been Abandoned or the Decommissioning Activities have not been diligently undertaken or performed according to the requirements herein and demand to the institution for the funds, without more. The letter of credit shall have no expiration date or required renewal and shall remain in effect for the benefit of the County and shall under no circumstances be withdrawn before the Decommissioning Activities required herein are completed or the amount guaranteed has been fully drawn by the County. The letter of credit shall require that the County be notified thirty (30) days prior to any cancellation

or alteration of the letter of credit. Should the County receive notice that the letter of credit will be cancelled or otherwise become unavailable or decrease, or should this Special Use Permit be revoked, lapse, expire or be voided due to violation thereof by Impact Power Solutions, LLC, the County may, immediately draw down the entirety of the letter of credit and convert the surety to a cash bond to be deposited with the County and subject to the terms herein; this shall be specifically reflected in the language of the irrevocable letter of credit. The County may expend the guaranteed funds, without more, to undertake the Decommissioning Activities required herein and required pursuant to the terms of the Decommissioning Plan after providing written notice to Impact Power Solutions, LLC or, if the Project is Abandoned, to the person identified as the owner of the Property in the land records of Prince Edward County as of the date of the notice. Within six (6) months following the completion of the Decommissioning Activities required herein and required pursuant to the terms of the Decommissioning Plan by a person or entity other than the County or a contractor engaged by the County, as confirmed by the County Administrator, the letter of credit shall be released by the County and any amounts drawn on the letter of credit, less any amounts expended by the County as allowed herein, shall be released and paid to Impact Power Solutions, LLC or, if the Project has been Abandoned, to the person identified as owner of the property in land records of Prince Edward County as of the date of the completed Decommissioning or as otherwise directed by that owner of the property.

- c. A surety bond shall mean a bond issued by a company with an AM Best rating of A++, that is treasury listed, and that is licensed to do business in the Commonwealth of Virginia. The surety bond shall list the County as an obligee and shall remain in effect for the benefit of the County and shall under no circumstances be withdrawn or cancelled before the Decommissioning Activities required herein and required by the terms of the Decommissioning Plan are completed or the amount guaranteed has been fully paid to the County. The surety bond shall require that the County be notified thirty (30) days prior to any cancellation or alteration of the bond. Should the County receive notice that the surety bond will be cancelled or otherwise become unavailable or decrease below the limits required herein, or should the Special Use Permit be revoked, lapse, expire or be voided due to violation thereof by Impact Power Solutions, LLC, the County may, immediately file a claim, for the entirety of the amount of the bond, the guarantor shall pay the amounts guaranteed and the County shall convert the surety to a cash bond to be deposited with the County and subject to the terms herein; this shall be

specifically reflected in the language of the surety bond. The County may expend the guaranteed funds, without more, to undertake the Decommissioning Activities required herein and required pursuant to the terms of the Decommissioning Plan, after providing written notice to Impact Power Solutions, LLC, or, if the Project is Abandoned, to the person identified as the owner of the Property in the land records of Prince Edward County as of the date of the notice. Within six (6) months following the completion of the Decommissioning Activities required herein by a person or entity other than the County or a contractor engaged by the County, as confirmed by the County Administrator, the surety bond shall be released by the County, and the bond funds paid to the County less any amounts expended by the County as allowed herein, shall be released and paid to Impact Power Solutions, LLC or, if the Project has been Abandoned, to the person identified as owner of the property in land records of Prince Edward County as of the date of the completed Decommissioning or as otherwise directed by that owner of the property.

41. Should this Special Use Permit be revoked, lapse, expire, or be voided due to violation thereof, the County may immediately draw down all of the surety funds and convert them into a cash bond for purposes of Decommissioning as set forth hereunder and as set forth in the Decommissioning Plan. In such case, no contractual agreement shall be required for the cash bond. This shall be reflected in the surety provided.
42. Should the funds guaranteed for the Decommissioning Activities for any reason not be sufficient for the County to complete the Decommissioning Activities as allowed for herein and as set forth in the Decommissioning Plan, Impact Power Solutions, LLC or its successor, shall be and shall remain liable to the County for the difference between the guaranteed funds and the amounts required to Decommission the Solar Facility and shall pay the difference to the County upon demand. The County shall not be liable to any party in any way for the funds drawn pursuant to the conditions set out herein and expended in relation to Decommissioning.
43. Should the Facility be Abandoned, or should the Special Use Permit be revoked, lapse, expire, or be voided due to violation thereof, or should the Decommissioning Activities not be diligently undertaken or performed, and should the County draw down the funds for the purpose of performing the Decommissioning Activities and mobilize its contractors to perform the Decommissioning Activities or otherwise incur liability to its contractors for the performance of the Decommissioning Activities, Impact Power Solutions, LLC, its successor or agent, shall have no right

to perform the Decommissioning Activities unless specifically authorized by the County in a writing that confirms that the County has incurred no liability to any contractors to perform the Activities or that any such liability is transferrable as deemed acceptable to the County. The Applicant or the Operator shall immediately, upon written demand by the County or any person or entity authorized to act on behalf of the County, without more, grant or release to the County, or any person or entity authorized to act on behalf of the County, under terms deemed acceptable by the County, all necessary real property rights, personal property rights, either or both, as determined solely by the County, other than fee simple ownership or a leasehold interest of the real property, so that the County or any person or entity authorized to act on behalf of the County may undertake any required Decommissioning Activities that have not otherwise been performed as required. This shall include, but may not be limited to, releasing any interest in the personal property, facilities, fixtures, and structures which are to be removed and recycled, disposed of, or otherwise demolished.