



**PRINCE EDWARD COUNTY
PLANNING COMMISSION
March 21, 2023**

AGENDA

The Prince Edward County Planning Commission strongly encourages citizens to participate in public 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 Planning Commission meeting live in its entirety at the County's YouTube Channel, the link to which is provided on the County's website.

Public Hearing comments for Planning Commission meetings are subject to the "Citizen Guide for Providing Input During Public Participation and Public Hearings for Prince Edward County Government Meetings" revised October 12, 2022.

- 7:00 p.m.
1. Call to Order: John Prengaman, Chairman
 2. Quorum
 3. Pledge of Allegiance
 4. Approve Minutes 3
 5. **Public Hearing** - Tim Boehmer SUP - Storage Shed Manufacturing & Retail Facility 11
 6. **Public Hearing** - 2232 Review - Elam Road Solar LLC - 3MWac Solar Facility 29
 7. **Public Hearing** - Elam Road Solar LLC SUP - 3MWac Solar Facility 37
 8. **Public Hearing** - Zoning Ordinance Amendment 61
 9. Review of Supervisors Actions
 10. Old Business
 11. New Business
 12. Adjournment

Next Meeting: Tuesday, April 18, 2023 at 7:00 p.m.

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**Planning Commission
Agenda Summary**

Meeting Date: March 21, 2023
Item No.: 4
Department: Planning and Community Development
Staff Contact: Robert Love
Issue: Approval of Minutes

Summary:
For approval.

Attachments:
February 21, 2023 Draft Planning Commission meeting minutes.

Motion _____	Gilliam _____	Paige _____	Sandlin _____
Second _____	Hunt _____	Peery _____	Weiss _____
Fuller _____	Leatherwood _____	Prengaman _____	Womack _____

station on a parcel of land denoted as Tax Map Parcel 051-A-33, located on the west side of Farmville Road (State Route 15), at its intersection with Commerce Road (State Route 628). Notice of this hearing was advertised according to law in the Wednesday, February 8, 2023 and Wednesday, February 15, 2023 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Love stated the County has received an application request by Blackwood Capital, LLC for a Special Use permit to construct and operate a convenience store & fuel station on a parcel of land denoted as Tax Map Parcel 051-A-33, located on the west side of Farmville Road (State Route 15), at its intersection with Commerce Road (State Route 628). This parcel is in the Commercial zoning district and requires a Special Use Permit to locate and operate a fuel station.

This development site is within the Highway Corridor Overlay District with specific design standards requiring the provision of shared entrances with an inter-parcel connection, upgraded architectural details visible from the public right-of-way, landscaped parking islands, full cutoff fixture site lighting, and monument signage not exceeding 30 square feet on each face. The site conceptual plan was reviewed and discussed with the Joint Town of Farmville/Prince Edward County Development Review Committee on January 26, 2023 which included representatives from Virginia Department of Transportation, Virginia Department of Health, County and Town of Farmville Staff as well as local utility providers.

County staff is of the opinion the use is generally compatible with the zoning district and will have minimal impacts on surrounding properties as far as traffic and noise.

Mr. Love stated conditions were presented; feedback included the potential for EV charging for electric vehicles. The applicant has proffered an added condition which states:

Applicant to provide and construct infrastructure including conduits and adequate spacing to make the Application Property "EV Charging Ready."

Mr. Love said the Wawa Corporation doesn't actually provide electric, but go through a third-party solution but this will get sites prepped for a third-party vendor should they choose to locate there.

Mr. Love added that in the Highway Corridor District, as required, the entrance for Wawa will be a joint shared access to the properties that the IDA currently is marketing between the proposed Wawa and Lowe's. There is also a secondary entrance off Commerce Road which will help alleviate some intersection traffic.

Commissioner Weiss questioned if anything will be built on the southern part of the property. Mr. Love said he believes it will be left vacant.

Commissioner Peery asked if VDOT has looked at school traffic. Mr. Love said VDOT looked at the intersection impacts of this particular station with eight pumps and the convenience store; he added that VDOT recommended approval as the Commerce Lane access alleviates some of the pressure and the lot also has a turn lane with good capacity to get in and out along [Route] 15.

Mike Varga, Real Estate Engineer for the MidAtlantic Region, said he helps to facilitate and support the development of each Wawa project in Virginia, to assist the engineers and contractors in regard to Wawa standards and process. He said Wawa endeavors to be a good partner in the community; he said he is excited to be part of this community.

Chairman Prengaman asked if this will be open 24 hours; Mr. Varga answered to the affirmative.

Commissioner Weiss asked if there are plans to develop the southern portion of the lot; Mr. Varga said that as of right now, there are no plans to develop that area.

Chairman Prengaman questioned the start date. Mr. Varga said that it is dependent upon the developer and their timeline; generally it takes about six months once the pad is accepted for the construction. There is work that will need to be done prior to that, including rough grading, and stormwater.

Mr. Marc Greenberg, Blackwood Capital, LLC, stated they plan to file the site plan for approval as soon as the Board of Supervisors approves the project.

Chairman Prengaman opened the public hearing.

Rick Ewing, Central Virginia Regional Library Director, expressed his support for the project. He stated that just as a public library aids in the development of the community and in keeping people in the community, having a Wawa in the community is a measure of the community as well.

Saranna Thornton, Professor of Economics and Business at Hampden-Sydney College, stated she was raised in Philadelphia and has many good memories of Wawa, who is a good neighbor to the communities by supporting local community efforts such as local recreation department teams and programs. She added that competition is a good thing as it provides a wider variety of products for citizens and keeps prices lower for the consumers. She then stated from the perspective of the Town, with the very good fortune to have this at the Route 460 and Route 15 intersection, as this will draw people to this area.

Richard Hurak said he is in support of this Wawa and reiterates what the other speakers said regarding competition, and remarked on the quality of Wawa food.

There being no one further wishing to speak, Chairman Prengaman closed the public hearing.

Chairman Prengaman said that if there's a way to find more vehicles and people to stop off Route 460 or Route 15 for a reason, if this creates that reason, that benefits not only Wawa but everyone else, potentially, in town whether it be restaurants, hotels, and bring more business to the County.

Commissioner Gilliam asked if they will have diesel pumps or kerosene pumps as well as regular gasoline for tractor trailers. Mr. Varga said yes, diesel will be available, but they do not have high-speed diesel.

Chair Prengaman asked the Commissioners to review the potential conditions.

Commissioner Weiss made a motion, seconded by Commissioner Paige, to recommend to the Board of Supervisors the Special Use Permit request by Blackwood Capital, LLC, to construct and operate a convenience store and fuel station on a parcel of land denoted as Tax Map Parcel 051-A-33, located on the west side of Farmville Road (State Route 15), at its intersection with Commerce Road (State Route 628), with the following conditions; the motion carried:

Aye:	Brad Fuller	Nay:	(None)
	Llew W. Gilliam, Jr.		
	Preston Hunt		
	Clifford Jack Leatherwood		
	Whitfield M. Paige		
	John "Jack" W. Peery, Jr.		
	John Prengaman		
	Teresa Sandlin		
	Rhett Weiss		
	Henry Womack		

Special Use Permit – Blackwood Capital, LLC
Tax Parcel Map #: 051-A-33
POTENTIAL CONDITIONS

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 01/18/2023 are hereby made part of these development conditions.
2. Final site plan approval for the convenience store and fuel station shall be submitted to the Prince Edward County Community Development Department for final review and approval pursuant to Appendix B 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 pursuant to Section 2-1300, Highway Corridor Overlay District, 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.
5. All landscaping shall be mulched and maintained to the reasonable satisfaction of the Prince Edward County Director of Planning and Community Development. Any vegetation found to be of poor condition shall be replaced and/or improved at the reasonable direction of the Director of Planning and Community Development or his designee.

ENVIRONMENTAL

6. 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.
7. 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.
8. Any development activities of a structural or 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

9. All entrance permits must be authorized by the Virginia Department of Transportation.
10. All internal roads used for public access shall be of compacted earth or have a minimum of a four (4) inch stone base and shall be paved with concrete, asphalt, or durable pervious paving material.
11. 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.

12. Applicant to provide and construct infrastructure including conduits and adequate spacing to make the Application Property “EV Charging Ready”.

GENERAL

13. 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.
14. Outdoor storage of trash containers shall be appropriately screened in materials matching the building façade.
15. The Permittee is responsible for the appearance of the site including litter pick-up and other orderly site appearance.
16. 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.
17. 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.

In Re: Review of Supervisors Actions

Mr. Love reported that Tread OZ pulled their application two days after the public hearing; they have revised their site plan which is in final design as a traditional subdivision with build out of 56 lots. He said soil testing will determine the actual number of lots. Mr. Love said this is proposed to be a phased development, and will begin on the road nearest to the Town portion of the property and then expand to the other lots on the road network. He said it will contain modular or stick-built homes only, with a 25-foot buffer on the south side where it adjoins High Bridge Trail. He added that they intend to pull the cul-de-sac away from the Trail.

Old Business

Mr. Love led a discussion on the proposed Zoning Ordinance amendments which include amendments based on the Commissioners’ comments. He stated in review, he noted that a trigger was not included in Sec. 3-100.1. Agricultural use types. Kennel, Noncommercial, and added the following:

- H. For the purposes of this section, a noncommercial kennel shall be defined as a place where five (5) or more dogs that are six (6) months in age or older, are owned, boarded, housed, or offered for sale.*

Mr. Stanley stated Animal Control currently has a plethora of dogs in the County; the shelter is full and cannot pick up dogs because the shelter is full. He said there are a lot of adoptable dogs at the shelter. Mr. Stanley said it was necessary to define a commercial kennel and a non-commercial kennel. He said it could be a hunt club or backyard breeders. This use is allowed by right in the A-1 district which is more rural, but there are restrictions with buffers. He said that in the A-2 district, which is more residential, it is allowed by special use permit. He added that any existing kennels can be grandfathered in. Further discussion followed.

Chairman Prengaman thanked Mr. Love and Mr. Stanley for their hard work.

Mr. Love stated the private use camping and short-term tourist rental is a big business in the County which has been defined. He said that in residential areas there were no setbacks specified on accessory buildings; he said it has now been set at ten feet. This is not done to create a hardship but to ensure safety. Mr. Love said other things added were mobile food establishments and rural event centers. Mr. Love asked if the Commissioners are comfortable with the proposed ordinance changes to move forward with the public hearing at next month's meeting.

Commissioner Hunt questioned standards for kennels and fees for the application. Mr. Love stated the fees would be captured by Animal Control and the Treasurer. Some discussion followed.

Commissioner Weiss made a motion, seconded by Commissioner Fuller, to include the aforementioned items for clarity; the motion carried:

Aye:	Brad Fuller	Nay:	(None)
	Llew W. Gilliam, Jr.		
	Preston Hunt		
	Clifford Jack Leatherwood		
	Whitfield M. Paige		
	John "Jack" W. Peery, Jr.		
	John Prengaman		
	Teresa Sandlin		
	Rhett Weiss		
	Henry Womack		

Chairman Prengaman stated that this will always be a working document; something will come up that was not there before and decisions will have to be made once they come in front of the Planning Commission. He said this document will be modified but this is a good document.

Mr. Love said this will be reviewed again after the Comprehensive Plan is done and adopted; he said with all the public input received from that process, he said both the Zoning and Subdivision ordinances will need further review.

New Business

Mr. Love said that due to the packets getting larger because of the applications for community solar and other projects, he queried the Commissioners if they would wish to have and use an iPad to review the packets. He said the budget process is beginning and the cost of the iPads could be included in the budget. Some discussion followed.

Mr. Love then discussed the date for the April meeting, as there is a conflict due to the Board budget meetings. Following some discussion, the date was tentatively set for Thursday, April 20.

Chairman Prengaman declared the meeting adjourned at 7:44 p.m.

Next Meeting: Tuesday, March 21, 2023 at 7:00 p.m.

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**Planning Commission
Agenda Summary**

Meeting Date: March 21, 2023
Item No.: 5
Department: Planning and Community Development
Staff Contact: Robert Love
Issue: Public Hearing - Tim Boehmer - Storage Shed Manufacturing & Retail Facility

Summary:

The County has received an application for a Special Use Permit from Tim Boehmer for a Special Use Permit to operate a storage shed manufacturing and retail facility on Tax Map Parcel 018-A-32 at 5865 Prince Edward Highway, Prospect, VA., which is zoned A-1, Agricultural Conservation, Attachment (1).

The public hearing notice was published in the March 8, 2023 and March 14, 2023 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 storage shed manufacturing and retail facility. The applicant stated that all operations related to the construction and painting of sheds will take place indoors. The applicant is proposing a 40 square foot pole sign and a 64 square foot building sign. Both sign types are allowed in the Zoning District per Section 3-104.5 (3) which specifies “Storefront signs not exceeding four feet in height and 16 feet in width, not more than one per business operation.” and Section 3-104.5 (5) which specifies “Pole signs not exceeding 40 square feet placed with the bottom no more than six feet from the ground, not more than one per business operation.” However, it has been the practice in recent Special Use Permit applications to limit site signage to a monument type. Section 3-104.5 (2) provides for “Monument signs not exceeding four feet in height and 24 square feet in size, not more than one per business operation.” Please note that the sign drawings most recently provided by the applicant depict signage significantly smaller than what is shown on the actual site plan itself and is well within signage regulations.

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. Tax Parcel Map
- 6. Potential Conditions

Motion _____
Second _____
Fuller _____

Gilliam _____
Hunt _____
Leatherwood _____

Paige _____
Peery _____
Pregaman _____

Sandlin _____
Weiss _____
Womack _____



**Planning Commission
Agenda Summary**

Recommendations:

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

Recommended Motions:

I move that the Planning Commission recommend approval of the Special Use Permit request by Tim Boehmer for a storage shed manufacturing and retail facility with the following conditions: *(list of conditions)*

OR

I move that the Planning Commission recommend denial of the Special Use Permit request by Tim Boehmer for a storage shed manufacturing and retail facility due to the following:
(list reasons)

OR

I move that the Planning Commission table the Special Use Permit request by Tim Boehmer for a storage shed manufacturing and retail facility for further discussion at a work session.

Motion _____
Second _____
Fuller _____

Gilliam _____
Hunt _____
Leatherwood _____

Paige _____
Peery _____
Prengaman _____

Sandlin _____
Weiss _____
Womack _____

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: Tim Boehmer
Applicant's Address: 136 Blue Mountain View Drive Fredericksburg PA
Applicant's Telephone Number: () 434 6039010

Present Land Use: A-1

Legal Description of Property with Deed Book and Page No. or Instrument No. 202201893
Recorded 9-7-2022

Tax Map # 018-A-32 Acreage: 6

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

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

Height of Principal Building (s): Feet 22 Feet Stories 2

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.

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.

Tim Boehmer _____ 15 Feb 2023
Signature of Property Owner(s) _____ Date _____

Nathaniel Boehmer _____ 2-15-23
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 Fulllove Date 2-22-2023

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

Subject Narrative Statement
From Timothy Boehmer
<betterbuiltsheds@yahoo.com>
To: Timothy Boehmer
<betterbuiltsheds@yahoo.com>
Date Today at 2:44 PM

Prince Edward County Application Narrative Statement.

1. Storage sheds will be built indoors
2. Painting of buildings will be indoors
3. Hours of operation for manufacturing and retail will be 6AM-6PM Monday-Saturday

Please refer to attached overview of business operational layout to include built buildings, materials signage for business and designated parking.

Thank you,
Tim
434-603-9010
Fax # 717-933-2418

Sent from Mail for Windows 10

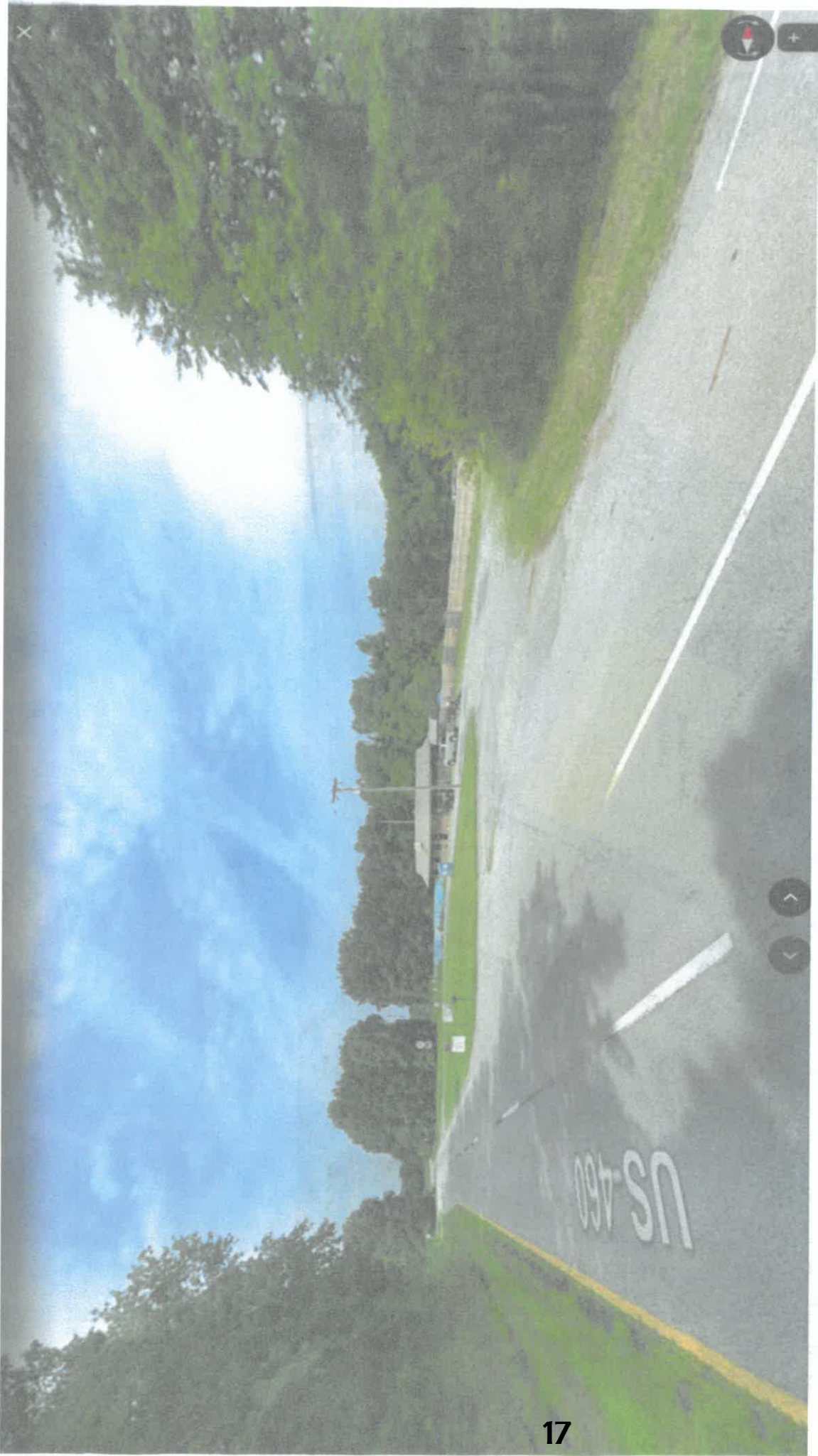
From: Frederick, Scott <scott.frederick@vdot.virginia.gov>
Sent: Monday, March 13, 2023 2:49 PM
To: rlove@co.prince-edward.va.us
Subject: Re: Better Built Sheds LLC SUP application

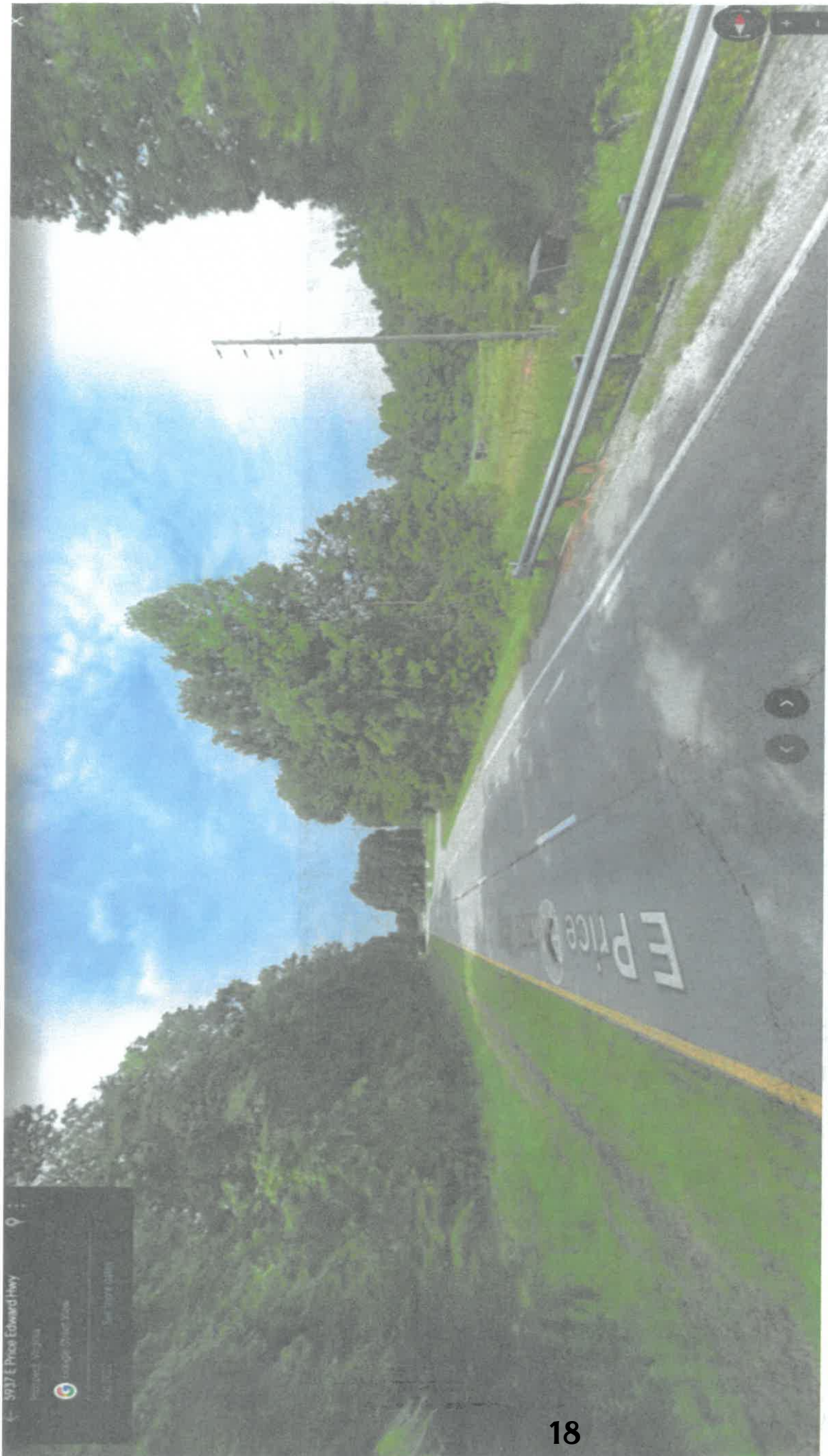
Robert,

I met with Mr. Nate Boehmer about 3 weeks ago on the site. The entrances are adequate for his purposes. That facility has been used for several different commercial purposes over the years. I believe manufacturing and sales of sheds will be less volume than some of the previous uses.

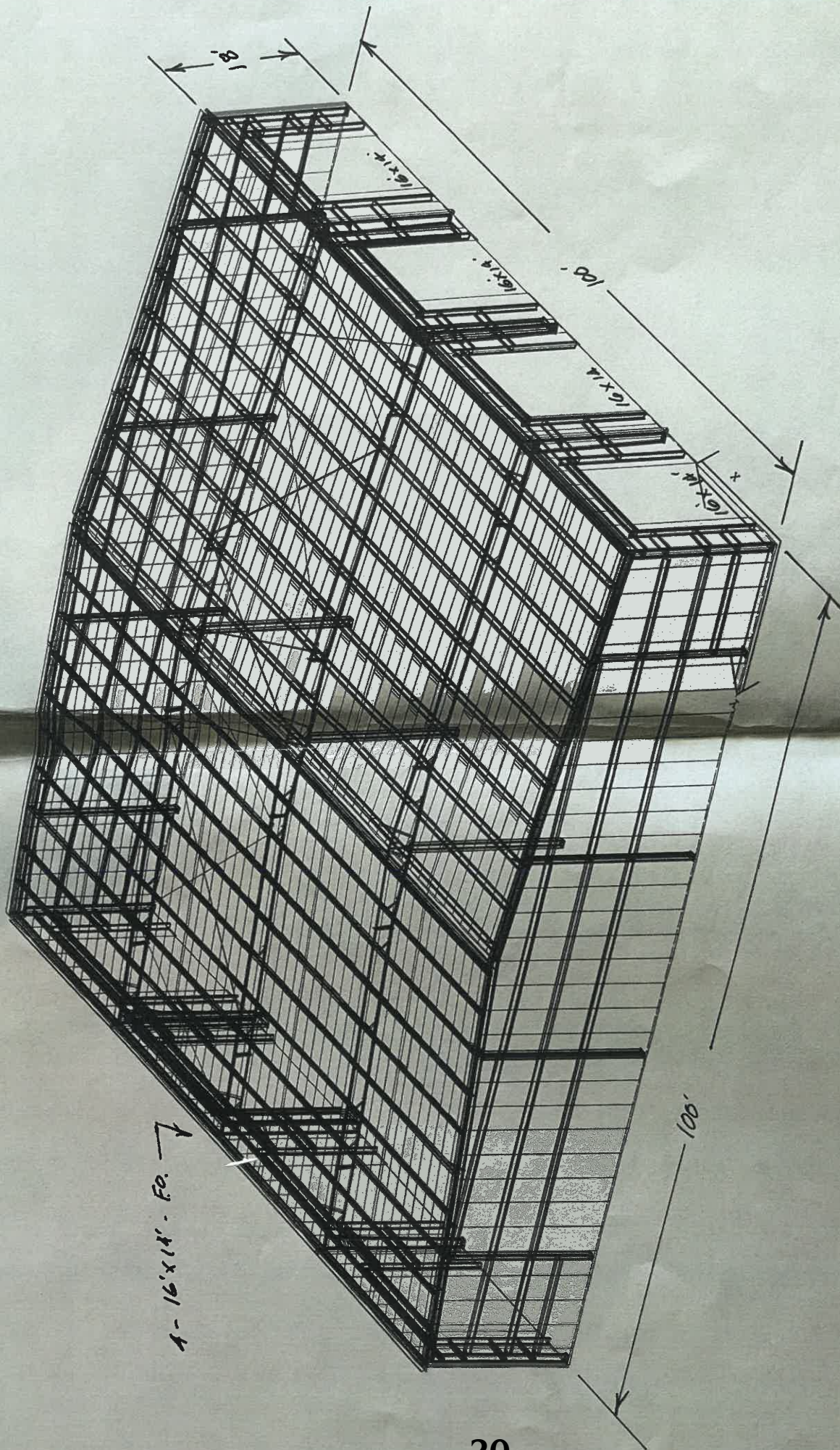
I told him while visiting him that he can not place storage sheds in the VDOT ROW. I believe the ROW stops in the middle of the grass island. He said the plats are confusing at the tax office. Are yo unable to help get a copy of the recorded plat for his property?













96-120"

48-60"

Wall Mounted Exterior Sign



24"

24"

24" X 24" ACM Double Sided Roadside Sign

*Orders placed before 2:00pm can be ready for pick by 5:00pm the next business day.
(Next day rush fee for orders placed after 2:00pm is 40% extra, Same day rush fee is 100% extra)

Liability Terms:

Nouveau, we take pride in precision, but the final examination for accuracy is your responsibility. Before giving approval, please examine all proofs carefully for the accuracy information presented, as well as spelling, punctuation, numbers, graphics, colors, and general layout. In the event that we have miscommunicated regarding your original design, we will be happy to provide a second proof free of charge if needed. If further revisions are required after approval has been received, additional charges will be incurred.

- SIGNOFF**
- Artwork has my approval-NO CHANGES NEEDED.
 - Artwork has my approval with indicated changes. I DO NOT NEED ANOTHER LAYOUT.
 - Please make indicated changes. I WISH TO SEE ANOTHER LAYOUT.

To approve proof please email a signed copy at nouveau.amyrose@gmail.com or respond in email stating "proof approved"

Name _____

Date _____



NOTICE OF PUBLIC HEARING

The Prince Edward County Planning Commission will hold a PUBLIC HEARINGS on Tuesday, March 21, 2023 commencing at 7:00 p.m. in the Board of Supervisors Room, Prince Edward County Courthouse, 111 N. South Street, 3rd Floor, Farmville, Virginia, to receive citizen input prior to considering the following:

1. A request by Tim Boehmer for a Special Use Permit to operate a storage shed manufacturing and retail facility on Tax Map Parcel 018-A-32 at 5865 Prince Edward Highway, Prospect, 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 Elam Road Solar, 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 3 MWac community solar energy facility on a 33 acre portion of Tax Map Parcels 031-A-16, containing a total of 136+/- acres, which is zoned A-1, Agricultural Conservation.
3. A request by Elam Road Solar, LLC for a Special Use Permit to operate a 3 MWac community solar energy facility on Tax Map Parcel 031-A-16, on Elam Road, Pamplin, VA.
4. An Ordinance Amendment to amend Appendix B – Zoning of the Prince Edward County Code, with additional definitions of expanded uses and use types, description of development standards, and adjustment of setbacks for accessory structures.

Citizen input for Public Hearings will be received through: (1) in-person participation; (2) remote participation by calling 1-844-890-7777, Access Code # 390313; or (3) by written comments mailed to: Planning Commission, P.O. Box 382, Farmville, VA 23901. Please limit word count to no more than 500 words. Comments must be received by 2:00 p.m. the day of the meeting.; via email to info@co.prince-edward.va.us; or via facsimile at 434-392-6683. Based on the number of speakers, the Chair will determine the time allotted to each. Citizens may also view the monthly Planning Commission meeting live (no public input) at the County's YouTube Channel by using the link on the County website under Meetings & Public Notices.

Additional information regarding the proposed special use permits and ordinance amendment is 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.

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PLANNING COMMISSION

John Prengaman
Chairman
Llew W. Gilliam, Jr.
Board Representative
Preston C. Hunt
Brad Fuller
Clifford Jack Leatherwood
Whitfield M. Paige
John "Jack" W. Peery, Jr.
Teresa Sandlin
Rhett L. Weiss
Henry Womack



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) 414-3037

Fax: (434) 392-6683

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

March 9, 2023

To: Property Owners

From: Robert Love, Director of Planning and Community Development

Subject: Special Use Permit Request – Tim Boehmer

The Prince Edward County Planning Commission will hold a public hearing on Tuesday, March 21, 2023 at 7:00 p.m. to receive citizen input on a request by Tim Boehmer for a Special Use Permit to operate a storage shed manufacturing and retail facility on Tax Map Parcel 018-A-32 at 5865 Prince Edward Highway, Prospect, VA. The parcel is zoned A-1, Agricultural Conservation and the proposed 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 recommend approval or denial of the request.

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 do not hesitate to contact me at: 434-414-3037 or by email at: rlove@co.prince-edward.va.us

Respectfully,

Robert Love

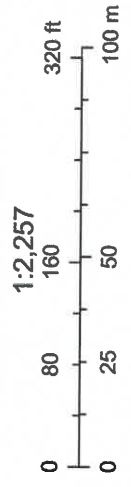
Director of Planning and Community Development

Tim Boehmer SUP - TM# 018-A-32



March 13, 2023

- Road Centerline
- Address Points
- ▭ Farmville Boundary
- ▭ Parcel Labels
- ▭ County Boundary



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Special Use Permit – Tim Boehmer
Tax Parcel Map #: 018-A-32
POTENTIAL CONDITIONS

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 2/15/2023 are hereby made part of these development conditions.
2. Final site plan approval for the Storage Shed Manufacturing & Retail Facility shall be submitted to the Prince Edward County Community Development Department for final review and approval pursuant to Appendix B 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.
5. All landscaping shall be mulched and maintained to the reasonable satisfaction of the Prince Edward County Planning and Community Development Director. Any vegetation found to be of poor condition shall be replaced and/or improved at the reasonable direction of the Planning and Community Development Director or his designee.

ENVIRONMENTAL

6. 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.
7. 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.
8. Any development activities of a structural or land disturbing nature not specifically addressed by these Conditions shall be in conformance with applicable provisions of federal, state, and local statutes and regulations.

TRANSPORTATION

9. All entrance permits must be authorized by the Virginia Department of Transportation.

10. All internal roads used for public access shall be of compacted earth or have a minimum of a four (4) inch stone base and shall be paved with concrete, asphalt, or durable pervious paving material.
11. 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.
12. No storage shed building may be located closer than 10 feet from any property line nor be placed within VDOT right-of-way.

GENERAL

13. Hours of operation shall be limited to Monday thru Saturday 6 a.m. to 6 p.m. No Sunday operations are permitted.
14. 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.
15. Outdoor storage of building materials and trash containers shall be situated at the rear of buildings and shall be appropriately screened per Prince Edward Zoning Ordinance, Section 4-200.15.
16. The Permittee is responsible for the appearance of the site including litter pick-up and other orderly site appearance.
17. 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.
18. 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.

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**Planning Commission
Agenda Summary**

Meeting Date: March 21, 2023
Item No.: 6
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 Elam Road Solar LLC construct and operate a 3MWac community solar energy facility on a 33-acre portion of Tax Map Parcel 031-A-16, containing a total of 136+/- acres, which is zoned A-1, Agricultural Conservation, 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 March 8, 2023 and March 15, 2023 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 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 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 _____
Fuller _____

Gilliam _____
Hunt _____
Leatherwood _____

Paige _____
Peery _____
Prengaman _____

Sandlin _____
Weiss _____
Womack _____



**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. List of adjoining property owners
4. Sample Letter sent to adjoining property owners
5. Tax Parcel Map

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 Elam Road Solar LLC proposed 3MWac 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 Elam Road Solar LLC proposed 3MWac 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 Elam Road Solar LLC proposed 3MWac until a later date.

Motion _____
 Second _____
 Fuller _____

Gilliam _____
 Hunt _____
 Leatherwood _____

Paige _____
 Peery _____
 Prengaman _____

Sandlin _____
 Weiss _____
 Womack _____

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 4-10D of Article IV Development Standards of the Zoning Ordinance of Prince Edward County, Virginia.

Applicant's Name: Elam Road Solar, LLC
Applicant's Address: 107 5th Street SE, Charlottesville, VA 22902
Applicant's Telephone Number: (502) 372-3309

Present Land Use: Zoned A-1, previously farmed

Legal Description of Property with Deed Book and Page No. or Instrument No. n/a

Tax Map # 031-A-16 Acreage : 136 acres

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

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

Height of Principal Building (s): Feet <20ft panel height Stories _____

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.

Geoffrey Suttle Geoffrey Suttle 02/07/2023
Authorized Signatory Date
Signature of Applicant (if not property owner)

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.

Quinn H. Coleman 02/07/2023
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 Robert Love Date 02/07/2023

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



NOTICE OF PUBLIC HEARING

The Prince Edward County Planning Commission will hold a PUBLIC HEARINGS on Tuesday, March 21, 2023 commencing at 7:00 p.m. in the Board of Supervisors Room, Prince Edward County Courthouse, 111 N. South Street, 3rd Floor, Farmville, Virginia, to receive citizen input prior to considering the following:

1. A request by Tim Boehmer for a Special Use Permit to operate a storage shed manufacturing and retail facility on Tax Map Parcel 018-A-32 at 5865 Prince Edward Highway, Prospect, 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 Elam Road Solar, 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 3 MWac community solar energy facility on a 33 acre portion of Tax Map Parcels 031-A-16, containing a total of 136+/- acres, which is zoned A-1, Agricultural Conservation.
3. A request by Elam Road Solar, LLC for a Special Use Permit to operate a 3 MWac community solar energy facility on Tax Map Parcel 031-A-16, on Elam Road, Pamplin, VA.
4. An Ordinance Amendment to amend Appendix B – Zoning of the Prince Edward County Code, with additional definitions of expanded uses and use types, description of development standards, and adjustment of setbacks for accessory structures.

Citizen input for Public Hearings will be received through: (1) in-person participation; (2) remote participation by calling 1-844-890-7777, Access Code # 390313; or (3) by written comments mailed to: Planning Commission, P.O. Box 382, Farmville, VA 23901. Please limit word count to no more than 500 words. Comments must be received by 2:00 p.m. the day of the meeting.; via email to info@co.prince-edward.va.us; or via facsimile at 434-392-6683. Based on the number of speakers, the Chair will determine the time allotted to each. Citizens may also view the monthly Planning Commission meeting live (no public input) at the County's YouTube Channel by using the link on the County website under Meetings & Public Notices.

Additional information regarding the proposed special use permits and ordinance amendment is 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.

###

Prince Edward County

Special Use Permit

Applicant: Elam Road Solar, LLC

Tax Map:

031-A-16

Schedule B

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

Parcel ID	Owner	Address	Note
031-4-1; 031-4-2; 031-4-3	HARRY & JOANNE ELAM LIVING TRUST	3425 PRINCE EDWARD HWY PROSPECT, VA 23960	
031-A-14	NATHANIEL J & DANIELLE L BOEHMER	2586 PRINCE EDWARD HWY PROSPECT, VA 23960	
045-5-40; 045-5-41	RUFUS K. SR & DEBRA D. DOVE	P.O. BOX 1035 PAMPLIN, VA 23958	
045-5-39	STEVEN L. & DIANE R. OPPERMAN	403 S. WAYNE STREET ARLINGTON, VA 22204	
031-A-18	VIVIAN NUNNALLY	P.O. BOX 278 PROSPECT, VA 23960	
031-A-21	MELVIN & CAWANNAKIE BERRYMAN	100 EASON AVENUE LYNCHBURG, VA 24503	
031-A-22	THELMA & THRIFSTONE JONES	4421 NINETEETH PACE NE WASHINGTON, DC 20018	
031-8-8	TEANKA S. HATCHER	2430 PEAKS ROAD PROSPECT, VA 23960	
031-A-24A; 031-A-24B	BRENDA MARIE JACKSON	P.O. BOX 424 PROSPECT, VA 23960	
031-A-24C	DEVON MYRICK	2064 ELAM ROAD PAMPLIN, VA 23958	
031-8-13	JESSE W. & JOYCE M. YEATTS	1549 FARILEA ROAD RICE, VA 23966	
031-8-12	SHEILA I. TAYLOR	2186 ELAM ROAM PAMPLIN, VA 23968	
031-13-3	CHRISTOPHER DALE & MICHELLE WATTS	178 SULPHUR SPRING ROAD PROSPECT, VA 23960	
031-A-16	LANNETTE G. COLEMAN	420 HIXBURG ROAD PROSPECT, VA 23960	

PLANNING COMMISSION

John Pengaman
Chairman
Llew W. Gilliam, Jr.
Board Representative
Preston C. Hunt
Brad Fuller
Clifford Jack Leatherwood
Whitfield M. Paige
John "Jack" W. Peery, Jr.
Teresa Sandlin
Rhett L. Weiss
Henry Womack



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) 414-3037
Fax: (434) 392-6683
rlove@co.prince-edward.va.us
www.co.prince-edward.va.us

March 9, 2023

To: Property Owners

From: Robert Love, Director of Planning and Community Development

Subject: 2232 Review & Special Use Permit Request – Elam Road Solar, LLC

The Prince Edward County Planning Commission will hold a public hearing on Tuesday, March 21, 2023 at 7:00 p.m. to receive citizen input on a request by Elam Road Solar, LLC for a Special Use Permit to operate a 3 MWac community solar energy facility on Tax Map Parcel 031-A-16, on Elam Road, Pamplin, VA. The parcel is zoned A-1, Agricultural Conservation and the proposed use requires approval of a Special Use Permit (SUP) in this zoning district. In addition, pursuant to § 15.2-2232(H) of the Code of Virginia, all other solar facilities shall be reviewed for substantial accord with the comprehensive plan.

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 recommend approval or denial of the request.

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 do not hesitate to contact me at: 434-414-3037 or by email at: rlove@co.prince-edward.va.us

Respectfully,

Robert Love

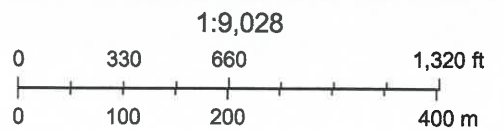
Director of Planning and Community Development

SUP - Elam Road Solar LLC Tax Map #031-A-16



March 14, 2023

-  Road Centerline
-  Address Points
-  County Boundary
-  Farmville Boundary
- Address Point Labels



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



**Planning Commission
Agenda Summary**

Meeting Date: March 21, 2023
Item No.: 7
Department: Planning and Community Development
Staff Contact: Robert Love
Issue: Public Hearing - Elam Road Solar LLC - Community Solar Energy Facility

Summary:

The County has received an application for a Special Use Permit from Elam Road Solar LLC construct and operate a 3MWac community solar energy facility on a 33-acre portion of Tax Map Parcel 031-A-16, containing a total of 136+/- acres, which is zoned A-1, Agricultural Conservation, Attachment (1).

The public hearing notice was published in the March 8, 2023 and March 14, 2023 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. Tax Parcel Map
6. Potential Conditions

Recommendations:

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

Motion _____
Second _____
Fuller _____

Gilliam _____
Hunt _____
Leatherwood _____

Paige _____
Peery _____
Pregaman _____

Sandlin _____
Weiss _____
Womack _____



**Planning Commission
Agenda Summary**

Recommended Motions:

I move that the Planning Commission recommend approval of the Special Use Permit request by Elam Road Solar LLC for a proposed 3MWac 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 Elam Road Solar LLC for a proposed 3MWac community solar energy facility due to the following:
(list reasons)

OR

I move that the Planning Commission table the Special Use Permit request by Elam Road Solar LLC for a proposed 3MWac solar energy facility for further discussion at a work session.

Motion _____
Second _____
Fuller _____

Gilliam _____
Hunt _____
Leatherwood _____

Paige _____
Peery _____
Prengaman _____

Sandlin _____
Weiss _____
Womack _____

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: Elam Road Solar, LLC
Applicant's Address: 107 5th Street SE, Charlottesville, VA 22902
Applicant's Telephone Number: (502) 372-3309

Present Land Use: Zoned A-1, previously farmed

Legal Description of Property with Deed Book and Page No. or Instrument No. na

Tax Map# 031-A-15 Acreage: 136 acres

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

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

Height of Principal Building (s): Feet <20ft panel height Stories _____

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.

Geoffrey Sutte
Signature of Applicant (if not property owner)

Geoffrey Sutte
Authorized Signatory

02/07/2023
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.

George A. Cheaman
Signature of Property Owner(s)

02/07/2023
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 Robert Love Date 02/07/2023

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



NOTICE OF PUBLIC HEARING

The Prince Edward County Planning Commission will hold a PUBLIC HEARINGS on Tuesday, March 21, 2023 commencing at 7:00 p.m. in the Board of Supervisors Room, Prince Edward County Courthouse, 111 N. South Street, 3rd Floor, Farmville, Virginia, to receive citizen input prior to considering the following:

1. A request by Tim Boehmer for a Special Use Permit to operate a storage shed manufacturing and retail facility on Tax Map Parcel 018-A-32 at 5865 Prince Edward Highway, Prospect, 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 Elam Road Solar, 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 3 MWac community solar energy facility on a 33 acre portion of Tax Map Parcels 031-A-16, containing a total of 136+/- acres, which is zoned A-1, Agricultural Conservation.
3. A request by Elam Road Solar, LLC for a Special Use Permit to operate a 3 MWac community solar energy facility on Tax Map Parcel 031-A-16, on Elam Road, Pamplin, VA.
4. An Ordinance Amendment to amend Appendix B – Zoning of the Prince Edward County Code, with additional definitions of expanded uses and use types, description of development standards, and adjustment of setbacks for accessory structures.

Citizen input for Public Hearings will be received through: (1) in-person participation; (2) remote participation by calling 1-844-890-7777, Access Code # 390313; or (3) by written comments mailed to: Planning Commission, P.O. Box 382, Farmville, VA 23901. Please limit word count to no more than 500 words. Comments must be received by 2:00 p.m. the day of the meeting.; via email to info@co.prince-edward.va.us; or via facsimile at 434-392-6683. Based on the number of speakers, the Chair will determine the time allotted to each. Citizens may also view the monthly Planning Commission meeting live (no public input) at the County's YouTube Channel by using the link on the County website under Meetings & Public Notices.

Additional information regarding the proposed special use permits and ordinance amendment is 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.

###

Prince Edward County

Special Use Permit

Applicant: Elam Road Solar, LLC

Tax Map:

031-A-16

Schedule B

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

Parcel ID	Owner	Address	Note
031-4-1; 031-4-2; 031-4-3	HARRY & JOANNE ELAM LIVING TRUST	3425 PRINCE EDWARD HWY PROSPECT, VA 23960	
031-A-14	NATHANIEL J & DANIELLE L BOEHMER	2586 PRINCE EDWARD HWY PROSPECT, VA 23960	
045-5-40; 045-5-41	RUFUS K. SR & DEBRA D. DOVE	P.O. BOX 1035 PAMPLIN, VA 23958	
045-5-39	STEVEN L. & DIANE R. OPPERMAN	403 S. WAYNE STREET ARLINGTON, VA 22204	
031-A-18	VIVIAN NUNNALLY	P.O. BOX 278 PROSPECT, VA 23960	
031-A-21	MELVIN & CAWANNAKIE BERRYMAN	100 EASON AVENUE LYNCHBURG, VA 24503	
031-A-22	THELMA & THRIFSTONE JONES	4421 NINETEETH PACE NE WASHINGTON, DC 20018	
031-8-8	TEANKA S. HATCHER	2430 PEAKS ROAD PROSPECT, VA 23960	
031-A-24A; 031-A-24B	BRENDA MARIE JACKSON	P.O. BOX 424 PROSPECT, VA 23960	
031-A-24C	DEVON MYRICK	2064 ELAM ROAD PAMPLIN, VA 23958	
031-8-13	JESSE W. & JOYCE M. YEATTS	1549 FARILEA ROAD RICE, VA 23966	
031-8-12	SHEILA I. TAYLOR	2186 ELAM ROAM PAMPLIN, VA 23968	
031-13-3	CHRISTOPHER DALE & MICHELLE WATTS	178 SULPHUR SPRING ROAD PROSPECT, VA 23960	
031-A-16	LANNETTE G. COLEMAN	420 HIXBURG ROAD PROSPECT, VA 23960	

PLANNING COMMISSION

John Prengaman
Chairman
Llew W. Gilliam, Jr.
Board Representative
Preston C. Hunt
Brad Fuller
Clifford Jack Leatherwood
Whitfield M. Paige
John "Jack" W. Peery, Jr.
Teresa Sandlin
Rhett L. Weiss
Henry Womack



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) 414-3037
Fax: (434) 392-6683
rlove@co.prince-edward.va.us
www.co.prince-edward.va.us

March 9, 2023

To: Property Owners

From: Robert Love, Director of Planning and Community Development

Subject: 2232 Review & Special Use Permit Request – Elam Road Solar, LLC

The Prince Edward County Planning Commission will hold a public hearings on Tuesday, March 21, 2023 at 7:00 p.m. to receive citizen input on a request by Elam Road Solar, LLC for a Special Use Permit to operate a 3 MWac community solar energy facility on Tax Map Parcel 031-A-16, on Elam Road, Pamplin, VA. The parcel is zoned A-1, Agricultural Conservation and the proposed use requires approval of a Special Use Permit (SUP) in this zoning district. In addition, pursuant to § 15.2-2232(H) of the Code of Virginia, all other solar facilities shall be reviewed for substantial accord with the comprehensive plan.

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 recommend approval or denial of the request.

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 do not hesitate to contact me at: 434-414-3037 or by email at: rlove@co.prince-edward.va.us

Respectfully,




Robert Love

Director of Planning and Community Development

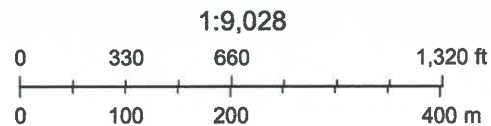
SUP - Elam Road Solar LLC Tax Map #031-A-16



March 14, 2023

-  Road Centerline
-  Address Points
-  County Boundary
-  Farmville Boundary

Address Point Labels



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Elam Road Solar, 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: 031-A-18

The Special Use Permit application was submitted on 02/07/2023 by Elam Road Solar, 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 Elam Road Solar, 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 Elam Road Solar, 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 031-A-18.
 - 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. Elam Road Solar, 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 Elam Road Solar, 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 Elam Road Solar, LLC for the Project not be approved by the County, no reimbursement under this paragraph will be owed by Elam Road Solar, 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 639 (Elam 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 Route. 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 639 (Elam Road) from its intersection with State Route 460 (Prince Edward Highway) to the Elam Road Solar, LLC site entrance.
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® 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 Elam Road Solar, LLC during which time Elam Road Solar, 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. Elam Road Solar, 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 Elam Road Solar, 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 Elam Road Solar, 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, Elam Road Solar, 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 Elam Road Solar, LLC shall mutually agree to determine the correct surety amount; and Elam Road Solar, 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 Elam Road Solar, 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 Elam Road Solar, 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 Elam Road Solar, 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 Elam Road Solar, 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 Elam Road Solar, 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 Elam Road Solar, 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 Elam Road Solar, 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 Elam Road Solar, 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, Elam Road Solar, 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, Elam Road Solar, 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.

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**Planning Commission
Agenda Summary**

Meeting Date: March 21, 2023
Item No.: 8
Department: Planning and Community Development
Staff Contact: Robert Love
Issue: Public Hearing - Zoning Ordinance Amendment

Summary:

The Prince Edward County Board of Supervisors requested that staff review all existing County Ordinances and provide updates as necessary in order to comply with the Code of Virginia. Therefore, staff reviewed the existing Prince Edward County Zoning Ordinance as well as researched standards utilized by various rural Counties in their Ordinances and the most recent updates in the Code of Virginia.

At the January and February meetings, staff presented a Draft Ordinance with new language and description of development standards. Staff has incorporated all recommendations by the Planning Commission into the Zoning Ordinance Amendment that includes new language, definitions, and description of development standards, Attachment (1). Significant changes include: adding new definitions for uses such as private camping, short-term tourist rental, and adjusting setbacks for accessory structures in order to allow for public safety.

The public hearing notice was published in the March 8, 2023 and March 15, 2023 editions of the Farmville Herald, Attachment (2).

Attachments:

- 1. Zoning Ordinance Amendment (revised replacement pages)
- 2. Public Hearing Notice

Recommendations:

- 1. Conduct the Public Hearing and render a decision on the Ordinance Amendment.

Recommended Motions:

I move that the Planning Commission recommend approval of the Ordinance Amendment to amend and re-ordain Appendix B of the Prince Edward County Code (Zoning) in order to define new uses and to adjust setbacks for accessory structures.

OR

I move that the Planning Commission table the proposed Ordinance Amendment to amend and re-ordain Appendix B of the Prince Edward County Code (Zoning) for further discussion at a work session.

Motion _____	Gilliam _____	Paige _____	Sandlin _____
Second _____	Hunt _____	Peery _____	Weiss _____
Fuller _____	Leatherwood _____	Prengaman _____	Womack _____



NOTICE OF PUBLIC HEARING

The Prince Edward County Planning Commission will hold a PUBLIC HEARINGS on Tuesday, March 21, 2023 commencing at 7:00 p.m. in the Board of Supervisors Room, Prince Edward County Courthouse, 111 N. South Street, 3rd Floor, Farmville, Virginia, to receive citizen input prior to considering the following:

1. A request by Tim Boehmer for a Special Use Permit to operate a storage shed manufacturing and retail facility on Tax Map Parcel 018-A-32 at 5865 Prince Edward Highway, Prospect, 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 Elam Road Solar, 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 3 MWac community solar energy facility on a 33 acre portion of Tax Map Parcels 031-A-16, containing a total of 136+/- acres, which is zoned A-1, Agricultural Conservation.
3. A request by Elam Road Solar, LLC for a Special Use Permit to operate a 3 MWac community solar energy facility on Tax Map Parcel 031-A-16, on Elam Road, Pamplin, VA.
4. An Ordinance Amendment to amend Appendix B – Zoning of the Prince Edward County Code, with additional definitions of expanded uses and use types, description of development standards, and adjustment of setbacks for accessory structures.

Citizen input for Public Hearings will be received through: (1) in-person participation; (2) remote participation by calling 1-844-890-7777, Access Code # 390313; or (3) by written comments mailed to: Planning Commission, P.O. Box 382, Farmville, VA 23901. Please limit word count to no more than 500 words. Comments must be received by 2:00 p.m. the day of the meeting.; via email to info@co.prince-edward.va.us; or via facsimile at 434-392-6683. Based on the number of speakers, the Chair will determine the time allotted to each. Citizens may also view the monthly Planning Commission meeting live (no public input) at the County's YouTube Channel by using the link on the County website under Meetings & Public Notices.

Additional information regarding the proposed special use permits and ordinance amendment is 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.

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- F. (Reserved)
 - G. The farm winery is subject to the requirements of Prince Edward County Code § 5-104 regarding permits.
 - H. The regular business hours for the farm winery shall be between 9:00 a.m. and 10:00 p.m.
 - I. Any parking space(s) designated for handicap access shall be connected to a paved or otherwise hard-surfaced travelway, sidewalk or path of sufficient width to facilitate the maneuverability and operation of a wheelchair connecting the parking space(s) to and from all buildings which guests of the farm winery are authorized to visit.

Kennel, Noncommercial

- A. Any structure and/or area occupied by animals (runs, training areas, pens and/or dwelling) shall be no closer than 200 feet from any neighboring residence, and set back 100 feet from any property lines.**
- B. Any exterior structure and/or area occupied by animals (runs, training areas, pens, etc.) shall be enclosed by a solid fence not less than six feet in height; located within 50 feet of the structure; composed of materials approved by the Zoning Administrator; and installed within 60 days of approval. If individual cages or enclosures are used to separate individual dogs from other animals, the cage shall accommodate no more than one dog and shall be sized to allow adequate space for movement as following: The length and width shall be a minimum of three times the dog's length (nose to tail) and a minimum of four feet high.**
- C. When adjoining a residential use, landscaping separation buffers and screens shall be provided along the property line as described in §Section 4-200.3.**
- D. The kennel shall be cleaned of animal waste on a daily basis, double-bagged and disposed of at County collection sites.**
- E. Upon request, the kennel owner shall provide to the Zoning Administrator copies of inoculation and/or vaccination certificate, including rabies, issued for each dog. Additionally, copies of dog licenses are required as noted under Prince Edward County Code Article III, Division 2.**
- F. The applicant shall meet all Virginia Department of Transportation, Health Department, and Animal Control requirements.**
- G. The applicant shall allow agents of the Prince Edward County Planning Department and Prince Edward County Animal Control to inspect the property to ensure compliance.**
- H. For the purposes of this section, a noncommercial kennel shall be defined as a place where five (5) or more dogs that are six (6) months in age or older, are owned, boarded, housed, or offered for sale.**

Microbrewery

- A. Agricultural products, including hops, barley, other grains, or fruit utilized in the microbrewery operation, shall be grown on the farm where the microbrewery is established.
- B. The hours of operation for the microbrewery shall be between 9:00 a.m. and 10:00 p.m.
- C. Microbreweries shall be located on a lot or parcel adjacent to a state-maintained road.
- D. Beer can be sold for on- and off-premises use.

Sec. 3-100. Generally.

- (A) The standards contained in article II, District Regulations, shall apply to all of the following use types, unless specifically modified and/or superseded by the use and design standards in this article.
- (B) The standards listed **herein** as general standards shall apply in all zoning districts in which the use type is permitted, either by right or by-special use.
- (C) Where a specific zoning district is indicated; the use and design standards listed in this article shall apply to that zoning district, and shall be in addition to any general standard for that use.

Sec. 3-100.1. Agricultural use types.

Agriculture

General standards:

1. Commercial uses such as gift shops and restaurants associated with viticulture operations shall only be allowed by special use permit.

Commercial feed lots

General standards:

1. For the purposes of this use type, the following definitions shall apply:

Livestock: Includes all domestic or domesticated bovine animals, including but not limited to cattle; equine animals, included but not limited to horses; ovine animals, including but not limited to sheep, porcine animals including but not limited to hogs, and poultry included but not limited to turkeys or chickens.

Natural buffer: Any hill, trees, woodland or combination thereof which completely blocks the view of a commercial feedlot from public roads and any existing dwellings located on properties adjoining the commercial feedlot.

Operator: The owner or operator of a commercial feed lot, or the land on which the commercial feed lot is located.

Structure: Any building, structure, installation, storage container or storage site used in the operation of a commercial feed lot, including but not limited to feed storage bins, litter storage sites, incinerators, manure storage sites, poultry houses, poultry disposal pits and dead poultry cold storage chests.

2. All commercial feed lots shall meet the following minimum acreage requirements.

Beef or dairy cattle: 60 acres for the first structure and 15 acres for each additional structure.

Swine: 50 acres for the first structure and ten acres for each additional structure.

Poultry: 15 acres for the first structure and five acres for each additional structure.

The expansion of any existing conforming commercial feedlot structure shall require an additional one acre of land for each 5,000 square feet (or part thereof) of structure addition. Commercial feedlots that are non-conforming on the effective date of this ordinance due to insufficient acreage as required above shall be considered non-conforming uses and shall be governed by the provisions of section 5-126 of this ordinance.

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- (a) Any project for improvement for a structure to comply with existing state or county health, sanitary or safety code specifications which are solely necessary to assure safe living condition; or
 - (b) Any alteration of a structure listed on the National Register of Historic Places of the state landmarks register.

TELECOMMUNICATIONS. The transmitting and receiving of electromagnetic signals through the atmosphere.

TRAVEL TRAILER (RECREATION VEHICLE). A portable vehicular structure built on a chassis; designed to be used for temporary occupancy for travel, recreation or vacation use; being of any length, provided that its gross weight does not exceed 4,500 pounds or being of any weight, provided that its overall length does not exceed 40 feet.

VARIANCE. A reasonable deviation from the provision regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure in accordance with Code of Virginia, § 15.2-2201 .

WATERCOURSE- A natural or artificial channel for passage or running water fed from natural sources in a definite channel and discharging into some stream or body of water.

YARD. A required open space on a lot, unoccupied and unobstructed from the ground upward, unless otherwise provided by this ordinance.

YARD, FRONT. A yard between the building line and the street right-of-way extending across the full width of the lot.

YARD, REAR. A yard between the rear line of the building and the rear line of the lot extending the full width of the lot.

YARD, SIDE. A yard between the side line of the building and the side line of the lot extending from the front lot line to the rear lot line.

(Ord. of 11-14-13; Ord. of 9-8-15)

Sec. 6-200. Use types.

(A) The purpose of use types is to establish a classification system for land uses and a consistent set of terms defining uses permitted within various zoning districts in Prince Edward County, Virginia. The use types section also facilitates the process of determining the applicable use type of any activity not explicitly defined.

(B) The use types defined herein shall apply in all zoning districts in which the use type is permitted, either by right or by special use.

~~(B)~~ (C) In the event of any question as to the appropriate use type of any existing or proposed use or activity, the administrator shall have the authority to determine the appropriate use type. In making such determination, the administrator shall consider the operational and physical characteristics of the use in question and shall consider the classification contained in the most recent edition of the North American Industry Classification System Manual published by the U.S. Office of Management and Budget. In addition, the administrator shall consider the specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists. The administrator may also determine that a proposed use or activity is sufficiently different from any use type listed below and will require an amendment to the text of this ordinance.

~~(C)~~ (D) The administrator shall make such determinations of appropriate use types in writing, which shall include an explanation of the reasons for the determination.

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- (b) Internet service providers. Businesses that provide Internet service to businesses or residents.**
 - (c) Software design and development. Businesses that design software or businesses that develop the design of specific software.**
 - (d) Computer and peripheral sales and assembly. Businesses that assemble computers or sell the hardware associated with computers.**
 - (e) Content developers. Businesses that design and build computer systems.**
 - (f) Internet-based sales and services. Businesses whose primary trade is based on the Internet, be it a sales or service provider.**
 - (g) Hardware design, manufacture, assembly and development. Businesses that manufacture, assemble or develop hardware design for computers.**
 - (h) Telecommunications-based video service providers. Businesses that use video-conferencing or cable connections for employees to telecommute.**
 - (i) Outbound or inbound call centers. Businesses that either market their product through phone calls or businesses that answer consumer questions.**
 - (j) Telecommunications equipment manufacturing, assembly and service. Businesses that build, put together or service telecommunications equipment.**
 - (k) Owned, operated, managed, or leased as landlord or tenant, as all or a part of a data center.**

TRUCK STOP. An establishment containing a mixture of uses which cater to the traveling public and in particular motor freight operators. A truck stop might include such uses as fuel pumps, restaurants, overnight accommodations, retail sales related to the motor freight industry, and similar uses.

VETERINARY HOSPITAL/CLINIC. Any establishment rendering surgical and medical treatment of animals. Boarding of animals shall only be conducted indoors, on a short term basis, and shall only be incidental to such hospital/clinic use, unless also authorized and approved as a commercial kennel.

(Ord. of 3-11-14; Ord. of 9-12-17; Ord. of 2-11-20; Ord. of 7-14-20; Ord. of 1-12-21)

Sec. 6-200.11. Industrial use types.

ASPHALT PLANT. An establishment engaged in manufacturing or mixing of paving materials derived from asphaltic mixtures or tar.

CONSTRUCTION YARDS. Establishments housing facilities of businesses primarily engaged in construction activities, including outside storage of materials and equipment. Typical uses are building contractor's yards.

CUSTOM MANUFACTURING. Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving the use of hand tools, or the use of mechanical equipment commonly associated with residential or commercial uses.

INDUSTRY, TYPE I. Establishments engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Type I Industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. A machine shop is included in this category. Also included is the manufacturing of ammunition and firearms, apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, food, paper products (but not the manufacture of paper from pulpwood), musical instruments, medical appliances, tools or hardware, plastic products (but not the processing of raw materials), pharmaceuticals or optical goods, bicycles, and any other product of a similar nature or requiring similar production characteristics.