

## PLANNING COMMISSION MEETING AGENDA

March 19, 2024

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

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**AGENDA**

- 7:00 P.M.**
1. The Chair will call to order the February meeting of the Planning Commission to order.
  2. Invocation
  3. Pledge of Allegiance
  4. Conflict of Interest Disclosures
  5. Approval of Minutes 3
  6. **PUBLIC HEARINGS:** The Commission will receive public input prior to considering the following:
    - a. Pursuant to §15.2-2232 of the Code of Virginia, 1950 as amended, a review of Special Use Permit application filed by CEP Solar, LLC and to make a determination if the project is substantially in accord with the Prince Edward County Comprehensive Plan and for the proposal to construct and operate a 5MWac solar energy facility on land totaling 81.2+/- acres. 15
    - b. Pursuant to §15.2-2232 of the Code of Virginia, 1950 as amended, a review of Special Use Permit application filed by CEP Solar, LLC and to make a determination if the project is substantially in accord with the Prince Edward County Comprehensive Plan and for the proposal to construct and operate a 8MWac solar energy facility on land totaling 170.8+/- acres. 41
    - c. Ordinance Amendment to amend Appendix B - Zoning of the Prince Edward County Code in order to allow for additional signage on corner and double frontage lots. 69
  7. Review of Supervisors Actions
  8. Old Business
  9. New Business
  10. Next Meetings:
    - a. Regular Meeting - Tuesday, April 16, 2024 at 7:00 p.m.
    - b. Work session with the Board of Supervisors – Thursday, April 18, 2024 at 6:00 p.m. at Moton Museum
  11. Adjournment

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**Planning Commission  
Agenda Summary**

**Meeting Date:** March 19, 2024  
**Item No.:** 5  
**Department:** Planning and Community Development  
**Staff Contact:** Robert Love  
**Issue:** Approval of Minutes

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**Summary:**  
For approval.

**Attachments:**  
December 19, 2023 Draft Planning Commission meeting minutes.

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



**Prince Edward County Planning Commission  
Meeting Minutes  
February 20, 2024  
7:00 pm**

|                  |                                       |                                    |
|------------------|---------------------------------------|------------------------------------|
| Members Present: | Brad Fuller                           | Llew W. Gilliam, Jr.               |
|                  | Clifford Jack Leatherwood             | Whitfield M. Paige                 |
|                  | John “Jack” W. Peery, Jr.             | John Prengaman                     |
|                  | Teresa Sandlin                        | Rhett Weiss                        |
|                  | Henry Womack                          |                                    |
| Staff Present:   | Robert Love, Planning/Zoning Director | Doug Stanley, County Administrator |

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

Chairman Prengaman called the February 20, 2024 meeting to order at 7:00 p.m., established there was a quorum, and led the Pledge of Allegiance.

**Conflict of Interest**

Commissioner Weiss presented the following statement:

*As a member of the Prince Edward County Planning Commission, I, Rhett Weiss, am disclosing that I have a personal interest in the transaction under Agenda Item # 11, the consideration of the Special Use Permit application for an Elevated Water Storage Tank with Booster Pump Station, located on Tax Map Parcel #039-A-3 and filed on behalf of the Prince Edward County Industrial Development Authority (IDA), 111 North South Street, Farmville, VA 23901. I am the owner and CEO of DEAL TEK, Ltd., which has a contract with the IDA to provide economic development, marketing, and related advisory services regarding this parcel commonly known as the Heartland Innovative Technology Park (HIT Park), the value of which is in excess of \$5,000 per year. Also, the IDA has listed the HIT Park for sale with Cottonwood Commercial LLC, the real estate firm at which I have my real estate license. In accordance with Sections 2.2-3112(A), 2.2-3115(F), and 2.2-3115(0) of the Code of Virginia, I am disclosing my personal interest and declaring for recordation in the meeting minutes that I am unable to participate in all discussions and votes on the Planning Commission's consideration of this Special Use Permit application.*

*I have filed a declaration of disclosure with the Office of the Prince Edward County Administrator, a copy of which is available for public review.*

**Election of Chairman**

Chairman Prengaman called for nominations for the position of Chairman for 2024. Commissioner Sandlin nominated Commissioner Prengaman, seconded by Commissioner Fuller. Chairman Prengaman called for any additional nominations. There being none, he closed nominations. The motion carried:

Aye: Brad Fuller  
Clifford Jack Leatherwood  
Llew W. Gilliam, Jr.  
Whitfield M. Paige  
John "Jack" W. Peery, Jr.  
Teresa Sandlin  
Rhett Weiss  
Henry Womack

Nay:

Abstain: John Prengaman

**Election of Vice-Chairman**

Chairman Prengaman called for nominations for the position of Vice-Chairman. Commissioner Sandlin nominated Commissioner Peery, seconded by Commissioner Womack. Chairman Prengaman called for further nominations; there being none, he called for the vote for Commissioner Peery as Vice-Chairman. The motion carried:

Aye: Brad Fuller  
Clifford Jack Leatherwood  
Llew W. Gilliam, Jr.  
Whitfield M. Paige  
John "Jack" W. Peery, Jr.  
Teresa Sandlin  
Rhett Weiss  
Henry Womack

Nay:

Abstain: John Prengaman

**Adoption of Bylaws**

Chairman Prengaman called for suggestions regarding the Bylaws.

Commissioner Womack made a motion, seconded by Commissioner Peery, to adopt the Bylaws as presented; the motion carried:

Aye: Brad Fuller  
Clifford Jack Leatherwood  
Llew W. Gilliam, Jr.  
Whitfield M. Paige  
John "Jack" W. Peery, Jr.  
Teresa Sandlin  
Rhett Weiss  
Henry Womack

Nay:

Abstain: John Prengaman

**Bylaws Of  
Prince Edward County Planning Commission**

- 1) Meetings shall be held on a monthly basis, normally on the third Tuesday of the month at 7:00 P.M. in the Board of Supervisor's room. The schedule may be altered at any regularly scheduled meeting. Meetings may be cancelled due to lack of business; but the Commission shall meet at least every two months.

- 2) Additional meetings may be held at any time upon the call of the chairman, or by a majority of the members of the commission, or upon request of the Board of Supervisors following at least twenty-four hours' notice to each member of the commission.
- 3) The commission at its regular meeting in January of each year shall elect a chairman and vice-chairman. The recording secretary shall be the Director of Planning and Community Development or a designated alternate, who shall make an audiotape of the proceedings of each meeting and prepare minutes for the permanent records of the commission.
- 4) The duties and powers of the officers of the planning commission shall be as follows:
  - A. Chairman
    - Preside at all meetings of the commission.
    - Call special meetings of the commission in accordance with the bylaws.
    - Sign documents of the commission.
    - See that all actions of the commission are properly taken.
  - B. Vice-Chairman

During the absence, disability, or disqualification of the chairman, the vice-chairman shall exercise or perform all duties and be subject to all the responsibilities of the chairman.
  - C. Recording Secretary
    - Prepare an audiotape of the proceedings of each meeting of the commission.
    - Prepare minutes from the audiotape of each meeting in detail sufficient to include the tenor of public comments and the commission's reasoning underlying each decision or recommendation.
    - Circulate a copy of the minutes to each member of the commission before the next meeting.
    - Prepare the agenda for all commission meetings.
    - Be custodian of commission records.
    - Inform the commission of correspondence relating to business of the commission and attend to such correspondence.
    - Handle funds allocated to the commission in accordance with its directives, state law, and county ordinances.
    - Sign official documents of the commission.
- 5) All maps, plats, site plans, and other materials submitted to the commission shall be filed in the office of the Director of Planning and Community Development and maintained for public access until the project to which they relate has been completed or vacated. Minutes of the commission's meetings shall be permanently filed in the office of the planner and maintained for public access.
- 6) Matters referred to the commission by the Board of Supervisors shall be placed on the calendar for consideration and possible action at the first meeting of the commission after the referral and appropriate public notification.
- 7) A majority of the members of the commission shall constitute a quorum for the transaction of business, but no quorum shall be required for informational meetings at which no action is to be taken.
- 8) Reconsideration of any decision of the commission may be taken when the interested party for such reconsideration makes a showing satisfactory to the chairman that, without fault or deliberate omission on his own part, essential facts were not presented to the chairman.

- 9) Roberts Rules of Order for Committees shall govern the commission's proceedings in all cases not specifically ordered by these bylaws.
- 10) Order of consideration of agenda items in a public hearing:
- Director of Planning and Community Development or other staff member presents report including summary of all comments (written, electronic and verbal) received from interested parties and makes a recommendation.
  - Commission members may question the staff member on the presentation.
  - Proponent(s) of the agenda item make presentations as appropriate.
  - Opponent(s) of the agenda item make presentations as appropriate.
  - Applicant make rebuttal of objections not previously covered.
  - Commission members may question applicant, proponents, or opponents or may offer comments on the agenda item.
  - Commission may opt to gather additional information about the matter and take action at a future meeting, or vote on recommendation, whether approving or denying request, to Board of Supervisors.
- 11) Any member of the commission who has any personal or financial interest in any matter before the commission shall declare the nature of that interest and shall if the interest constitutes a legal conflict of interest by Virginia law recuse him/herself from the deliberations on that matter, including lobbying other members, participating in the discussions, or voting on the matter. In cases where the interests do not raise to the level of legal conflict of interest by Virginia law, a member may voluntarily recuse him/herself in the interest of avoiding the appearance of conflict. All commission members shall be sensitive to the importance of impartiality and shall endeavor to always avoid any actual or appearance of conflict of interest.
- 12) Each member of the commission who has knowledge that he/she will be unable to attend a scheduled meeting of the commission shall notify the County Administrator's office at the earliest opportunity. The Director of Planning and Community Development shall notify the chairman if projected absences will produce a lack of quorum. Members who are absent from three consecutive meetings, or who are absent from more than half of the commission's meetings during a calendar year, will be referred to the Prince Edward County Board of Supervisors for possible replacement.
- 13) The vice-chairman shall succeed the chairman if he vacates his office before his term is completed. A new vice-chairman shall be elected at the next regular meeting.
- 14) These bylaws may be recommended for amendment at any meeting having a quorum present by a majority vote, provided that notice of such proposed amendment has been given to each member in writing at least two weeks prior to its consideration. If recommended for approval, proposed amendments must then be adopted by the Board of Supervisors before becoming effective.
- 15) Planning Commission members are strongly encouraged to attend a Virginia Certified Planning Commissioner's Training Program within two years of their appointment to the Planning Commission. This certification course will provide a basic foundation of planning law, history, and technical expertise needed by planning commissioners to maximize their competency and ability to render legally defensible decisions and recommendations. Costs associated with the program will normally be paid by Prince Edward County.

Commissioner Gilliam remotely joined the meeting at this time.

**Set Day, Time and Place of Regular Meetings**

Chairman Prengaman called for suggestions regarding the regular meeting schedule.

Commissioner Paige made a motion, seconded by Commissioner Fuller, to hold the regular Planning Commission meetings on the third Tuesday of the month at 7:00 p.m. in the Board of Supervisors room of the Courthouse; the motion carried:

Aye: Brad Fuller  
Clifford Jack Leatherwood  
Llew W. Gilliam, Jr.  
Whitfield M. Paige  
John "Jack" W. Peery, Jr.  
Teresa Sandlin  
Rhett Weiss  
Henry Womack

Nay:

Abstain: John Pregelmann

#### **Adoption of Rules of Procedure for Public Hearings**

Mr. Love stated the Board of Supervisors have updated their Rules of Procedure for Public Hearings to provide for transparency and accountability. He presented these for consideration by the Planning Commission, which are the same as adopted by the Board of Supervisors in January; he reviewed several notable changes.

Commissioner Weiss asked if approving these will supersede the ones previously adopted in the Bylaws; Mr. Love answered in the affirmative.

Commissioner Weiss made a motion, seconded by Commissioner Peery, to adopt the Rules of Procedure for Public Hearings, and to adjust the Bylaws to reflect the new procedure; the motion carried:

Aye: Brad Fuller  
Clifford Jack Leatherwood  
Llew W. Gilliam, Jr.  
Whitfield M. Paige  
John "Jack" W. Peery, Jr.  
Teresa Sandlin  
Rhett Weiss  
Henry Womack

Nay:

Abstain: John Pregelmann

### **PLANNING COMMISSION PUBLIC HEARINGS RULES OF PROCEDURE - 2024**

1. Public Hearings – the order of presentation shall be as follows, unless varied by the Chairman.
  - a. Staff report.
  - b. Applicant's presentation.
  - c. Questions of the applicant by members of the Planning Commission.
  - d. Comments from members of the public. Speakers shall be heard in the order in which they registered on the public sign-in sheet.
  - e. Rebuttal by applicant/applicant's representative (time determined by Chair).
  - f. Questions by the Commission members of speakers.
  
2. Following discussion of all matters to be considered and once the public hearing has been closed, the Commission will consider one of the following three actions regarding each matter:
  - a. Approval (with conditions, as applicable);
  - b. Denial; or



- c. Table for further review.

**PUBLIC HEARING GUIDELINES**

- Individuals wishing to speak should register using the sign-in sheet posted outside the Board of Supervisors room on the night of the meeting. Individuals wishing to participate remotely may register in advance with the Deputy Clerk or call into the meeting and remain on the line until acknowledged by the Board Chair.
- Speakers will be asked to stand at the lectern and address the Commission, if able, unless participating remotely, and to provide their name and district.
- Speakers arriving after the commencement of the hearing or who are participating remotely, and who are not on the sign-up sheet, will be recognized after the registered speakers have finished and at the discretion of the Chair.
- The Chair may establish a time limit for each speaker and to limit or decrease time for any portion of the public hearing due to the number of potential speakers, or repetition, or any other concern.
- All comments shall be directed to the members of the Planning Commission. Debate is prohibited. This includes debate among speakers or speakers/Commission members/staff. Citizen comments may be supplemented by written comments and/ or handouts and should bring ten copies for distribution to the Planning Commission.
- Speakers are asked to keep comments brief and to avoid repetitive testimony. Each speaker may speak once at a hearing. Remarks shall be confined to the matter under discussion and shall be relevant.
- The Chair has the authority to vary these guidelines as may be necessary and to end a presentation or comments that violate the rules or for other cause. The Commission will not tolerate personal attacks by anyone on any participant in the proceedings.
- Once the public comment period has been closed, no further public input will be permitted unless clarification is requested by a Commission member. The response shall address only those questions raised by the member.

**In Re: Approval of Minutes**

Commissioner Weiss pointed out a correction needed to a typographical error in the December 19, 2023 meeting minutes.

Chairman Prengaman made a motion, seconded by Commissioner Peery, to approve the meeting minutes from December 19, 2023, as corrected; the motion carried:

|      |                           |      |  |          |                |
|------|---------------------------|------|--|----------|----------------|
| Aye: | Brad Fuller               | Nay: |  | Abstain: | John Prengaman |
|      | Clifford Jack Leatherwood |      |  |          |                |
|      | Llew W. Gilliam, Jr.      |      |  |          |                |
|      | Whitfield M. Paige        |      |  |          |                |
|      | John “Jack” W. Peery, Jr. |      |  |          |                |
|      | Teresa Sandlin            |      |  |          |                |
|      | Rhett Weiss               |      |  |          |                |
|      | Henry Womack              |      |  |          |                |

**In Re: Public Hearing – Special Use Permit – Prince Edward County IDA**

Chairman Prengaman announced this was the date and time scheduled to receive citizen input prior to considering a request by Douglas P. Stanley, County Administrator on behalf of the Prince Edward County Industrial Development Authority for an elevated water storage tank not to exceed 265' in total height with booster pump station on land denoted at Tax Map Parcel 039-A-3, located on the south side of Kelly Lane, at its intersection with Persimmon Tree Fork Road (Route 638). Notice of this hearing was advertised according to law in the Wednesday, February 7, 2024 and Wednesday, February 14, 2024 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Love stated the County has received an application for a Special Use Permit by Douglas P. Stanley, County Administrator, on behalf of the Prince Edward County Industrial Development Authority for an elevated water storage tank not to exceed 265' in total height with booster pump station on land denoted as Tax Map Parcel 039-A-3, located on the south side of Kelly Lane, at its intersection with Persimmon Tree Fork Road (Route 638). This parcel is in the C1, General Commercial zoning district and the use requires a Special Use Permit.

County staff is of the opinion the use is generally compatible with the zoning district and will have minimal impacts on surrounding properties. Potential Conditions were presented to the Commissioners for their consideration; a revised set was provided at the dais. No comments were received from the public.

Joe Hines, Timmons Group, stated there is a good amount of data center activity going on [in the region]. He introduced Bruce Strickland, Engineer of Record.

Bruce Strickland, Timmons Group, presented an overview of the tank. He said this is a one-million-gallon elevated water storage tank. It is composite construction, with a concrete shaft and a steel ball at the top. The overflow elevation is about 235' above grade, which means that is the maximum water surface elevation that can be achieved in the tank. There is a greater height listed in application to be conservative. He said the dome on the top of the tank, hand railings and potentially any cellular antennas that would go on top of the tank are included in that height. As to how the tank will be supplied, there is a separate project to get water from the Town of Farmville to the tank; it would connect to the existing system on Sunchase Lane, go down Third Street to Persimmon Tree Fork Road over to the tank site location. In the base of the tank, there will be booster pumps; the Town of Farmville's [water] pressure is lower than the pressure that this elevated tank would provide, so the water would need to be pumped up into the tank, and then the tank would be essentially dedicated to the HIT Park, but could allow for return flow back into the Town system in emergency situations, such as fire flow. He said there is a pressure reducing valve in the base of the tank that will prevent the pressure from getting too high on the Town's system and also once it drops to a certain point, the valve would open and allow the flow to return to the system.

Commissioner Fuller asked if part of the infrastructure is for the proposed technology park, and if there is no other use than to supply the HIT Park at this point.

Mr. Hines stated while Timmons is planning to develop the Sandy River Water System as well, this is intended to be an interim connection with Farmville but also can connect to the Sandy River system to this tank. There is a larger systematic use for this tank; the connection to the Town of Farmville will also allow for redundancy in case of a drought situation. He said data centers, at peak, literally would use millions of gallons, and this would have adequate holding capacity as well. He added for a fire flow component, it normally has to [supply water for] two hours, and that flow can range from 2,000 gallons per minute to 3,000 gallons per minute, which is essentially 250,000 gallons. The tank at the Industrial Park is a little too small to allow for fluctuations in fire flow plus normal usage on a regular basis.

Commissioner Fuller asked that the lines be used for fire [hydrants] and also for cooling. Mr. Hines said yes, they can be used for both data center cooling and fire flow prevention.

Chairman Prengaman opened the public hearing.

Delbert Southall, Lockett District, stated he is a property owner next to Kelly Lane; he asked if this would be used for fire protection and data center, would it be available for homeowners to have fire hydrants.

Mr. Hines said they can make sure hydrants are available; he said they have not designed a water line going into the site yet, but they could put it in the record that whatever line is laid in there, hydrants could be put in to accommodate the adjoining landowners.

Mr. Southall said Kelly Lane is a driveway which is an old road that shows up on maps from the 1800s, and was abandoned. He cleared it for his driveway and asked that it not be disturbed.

Mr. Hines stated the intent is to tie into Persimmon Tree Fork Road; Kelly Lane should remain private.

Chairman Prengaman asked if fire trucks could access the water to supplement their needs for water. Mr. Strickland stated the design does include a fire hydrant at the base of the tank, there will be one at the base of the site. Discussion followed.

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

Commissioner Prengaman stated this is a positive for County infrastructure.

Commissioner Fuller made a motion, seconded by Commissioner Peery, that the Planning Commission recommend approval to the Board of Supervisors of the Special Use Permit request by Douglas P. Stanley, County Administrator on behalf of Prince Edward County Industrial Development Authority for an elevated water storage tank not to exceed 265' in total height with booster pump station with the following conditions: the motion carried:

|      |                           |      |  |          |                |
|------|---------------------------|------|--|----------|----------------|
| Aye: | Brad Fuller               | Nay: |  | Abstain: | John Prengaman |
|      | Clifford Jack Leatherwood |      |  |          | Rhett Weiss    |
|      | Llew W. Gilliam, Jr.      |      |  |          |                |
|      | Whitfield M. Paige        |      |  |          |                |
|      | John "Jack" W. Peery, Jr. |      |  |          |                |
|      | Teresa Sandlin            |      |  |          |                |
|      | Henry Womack              |      |  |          |                |

### **Prince Edward County IDA – Special Use Permit 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 02/02/2024 are hereby made part of these development conditions.
2. 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.
3. 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.

4. The elevated water tank with all appurtenances shall not exceed 265' in total height. Obstruction lighting shall only be provided if required by Federal Aviation Administration.
5. All security lighting shall be designed and installed so as to minimize glare onto adjoining properties or any public access road. All security lighting shall be full cut-off type fixtures.

#### **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. Any development activities of structural or of a 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**

8. All entrance permits must be approved by the Virginia Department of Transportation. Development activities shall comply with all requirements of VDOT.

#### **GENERAL**

9. The elevated water storage tank shall be inspected every five years by a private firm contracted by the applicant. A copy of the inspection report shall be submitted to the Prince Edward County Planning and Community Development Office.
10. 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.
11. 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.

#### **Old Business**

Mr. Love stated Old Ridge Solar will be holding the project off for another month; the earliest it will go to the Board of Supervisors will be the April meeting. They are working with the neighbors and will hold another community meeting, which is tentatively March 4<sup>th</sup>. He said currently the project is on hold by their attorney.

#### **New Business**

Mr. Love stated the Blackwood Development, the developers of the Wawa, are requesting a sign to be placed on the back of the building to be visible from Commerce Road. He said he has drafted a modification to the Ordinance

regarding signs, to apply only to corner lots, to allow more visibility. He said a public hearing will be scheduled for this ordinance amendment.

Commissioner Weiss stated that in the current language, the Code allows no more than two signs. He wanted to make the draft language to not allow more than requested. Mr. Love stated he would review the proposed language.

Commissioner Weiss made a motion, seconded by Commissioner Paige, to authorize advertisement for a public hearing on the Zoning Ordinance regarding signs, to be held at the March 19, 2024 meeting; the motion carried:

- |                                                                                                                                                                                                                                                        |             |                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------------------------|
| <p>Aye: Brad Fuller<br/>         Clifford Jack Leatherwood<br/>         Llew W. Gilliam, Jr.<br/>         Whitfield M. Paige<br/>         John "Jack" W. Peery, Jr.<br/>         Teresa Sandlin<br/>         Rhett Weiss<br/>         Henry Womack</p> | <p>Nay:</p> | <p>Abstain: John Prengaman</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------------------------|

Mr. Love said CEP Solar filed an application to construct an 8MW site, called Piney Grove. They had a community meeting on the project. There is also a Miller Lake location with a 5MW site. Those will be scheduled for public hearings in March. He said the architectural plans came through for Harbor Freight; they have gone to the Building Official and we anticipate reviewing those next week. He added grading of the Wawa site has started.

Mr. Love reminded all about the Comprehensive Plan meeting, Thursday, February 22, 2024, at 6:00 p.m. at the Moton Museum.

Chairman Prengaman declared the meeting adjourned at 7:39 p.m.

**Next Meeting: Tuesday, March 19, 2024 at 7:00 p.m.**

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**Planning Commission  
Agenda Summary**

**Meeting Date:** March 19, 2024  
**Item No.:** 6-a  
**Department:** Planning and Community Development  
**Staff Contact:** Robert Love  
**Issue:** Special Use Permit – CEP Solar, LLC – Miller Lake Site

**Summary:**

The County has received an application request by CEP Solar, LLC for a Special Use Permit to construct and operate a 5MWac solar energy facility on land totaling 81.2+/- acres denoted as Tax Map Parcels 069-A-15 and 069-A-16, located on the south side of Piney Grove Road (Route 606), across from its intersection with Campbell Lane. This parcel is in the A1, Agricultural Conservation zoning district and the use requires a Special Use Permit.

**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 6, 2024 and March 13, 2024 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 the staff prepared Potential Conditions.

**Existing Conditions and Zoning:**

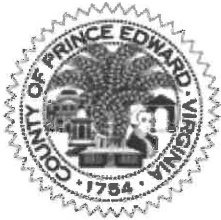
The application property consists of mostly timber land. It is bordered by existing agricultural land consisting of pasture and timber land, as well as single-family residential homes. The property is shown as Agricultural and Forestal on the Future Land Use map as described in the Prince Edward County 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 public facilities and services to the area.”

|              |                   |                 |               |
|--------------|-------------------|-----------------|---------------|
| Motion _____ | Gilliam _____     | Paige _____     | Sandlin _____ |
| Second _____ | _____             | Peery _____     | Weiss _____   |
| Fuller _____ | Leatherwood _____ | Prengaman _____ | 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 (*Full Application is provided electronically*)
2. Notice of Public Hearin
3. List of adjoining property owners
4. Sample Letter sent to adjoining property owners
5. Potential Conditions

**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 decision concerning the request for the Special Use.

**Recommended Motions:**

I move that the CEP Solar, LLC proposed 5MWac solar energy facility as described the Special Use Permit application, is substantially in accord with the Prince Edward County Comprehensive Plan and that the Planning Commission recommend approval of the Special Use Permit request with the following conditions: (*list of conditions*)

**OR**

I move that the CEP Solar, LLC proposed 5MWac 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 and/or promotes land development in agricultural areas and will have an impact to the adjacent roadway and nearby residences and that the Planning Commission recommend denial of the Special Use Permit request due to the following: (*list reasons*)

**OR**

I move that the Planning Commission table the Special Use Permit request by CEP Solar, LLC to construct and operate a 5MWac solar energy facility until the next meeting in order to: (*list reasons*)

Motion \_\_\_\_\_  
 Second \_\_\_\_\_  
 Fuller \_\_\_\_\_

Gilliam \_\_\_\_\_  
 \_\_\_\_\_  
 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: CEP Solar, LLC  
Applicant's Address: 2201 W Broad St. Suite 200 Richmond, VA 23220  
Applicant's Telephone Number: (773) 787-7725

Present Land Use: Mixed forest

Legal Description of Property with Deed Book and Page No. or Instrument No. Please see attached.

Tax Map # 069 A 16 and 069 A 15      Acreage : 81.2

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

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

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

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

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

[Signature]      Date 1/24/2024  
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.

[Signature]      Date 1-24-24  
Signature of Property Owner(s)

\_\_\_\_\_  
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 [Signature]      Date 2/8/224

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



Prince Edward County  
County Administration Office  
111 N South Street, Third Floor  
Farmville, Virginia 23901

CEP Solar, LLC  
2202 W. Broad St, Suite 200  
Tel: 804-789-4040  
Email: [Bobbi.Rodriguez@cepsolar.com](mailto:Bobbi.Rodriguez@cepsolar.com)

**To:** Prince Edward County Administration Office  
**From:** CEP Solar

CEP Solar (“The Applicant”), a Commonwealth Energy Partners company based in Virginia, is pleased to present the following Special Use Permit (SUP) application for the Miller Lake Solar Farm (“The Project”), a distribution-scale solar energy facility located on a portion of two parcels in the 2<sup>nd</sup> District of Prince Edward County, capable of generating up to 5-megawatt alternating current (MWac) of clean energy delivered to the local distribution system within Southside Electric Coop’s service territory.

The Miller Lake Solar Farm will be located approximately 9 miles southeast of Farmville on a remote tract of land near the intersection of Miller Lake Road and Piney Grove Road. The Project will utilize less than 50% of the property, allowing it to exceed the county's setback standards, which means the project is not expected to be seen or heard once operational.

In the Project Narrative and accompanying documents to follow, the Applicant will use a combination of public data, desktop studies, engineering assessments, site visuals, and a preliminary site plan to demonstrate how the Project will meet or exceed the requirements set forth in the Prince Edward County ordinance. It is the Applicant’s intention to demonstrate the value of this project and how it will advance the goals of Prince Edward’s Comprehensive Plan as follows:

- Develop a diversified economic base in Prince Edward County.
- Stabilize, balance, and strengthen the economy of Prince Edward County
- Encourage alternative energy sources in Prince Edward County

In addition to the Prince Edward County SUP standards, the Project must also comply with State and Federal standards that will ensure the Miller Lake Solar Farm is constructed and operated in accordance with the latest standards and regulations. We look forward to working with Prince Edward County on this exciting project that will be able to generate long-term economic and environmental benefits for your community. Should you have any questions or concerns, please feel free to reach out to me and our local team anytime.

Bobbi Rodriguez  
[Bobbi.Rodriguez@CEPSolar.com](mailto:Bobbi.Rodriguez@CEPSolar.com)  
804-789-4040

## 1. Project Details

CEP Solar, LLC (“Applicant”) is seeking approval of a Special Use Permit (SUP) to enable it to construct and operate a solar energy facility with a maximum nameplate capacity up to 5-Megawatts alternating current (MWac). The Miller Lake Solar project (the “Project”) is proposed to be situated on an approximately 81.2-acre parcel owned by Shirley N. Fowlkes Family LLC, Parcel Numbers 069-A-15 and 069-A-16. The land is currently mixed forest. The Project will be located along the intersection of Taylor Drive and Miller Lake Road.

Within the 81.2-acre parcel, the Project area is 61 acres, with approximately 35.6 acres of solar panels and Project infrastructure. Thus, while Miller Lake Solar is in operation, there will be approximately 45.6 acres of a combination of open green space, forestland, and other vegetation, a portion of which will be used for required setbacks, buffers, and natural resource protection.

The Project site is approximately nine miles southeast of the town of Farmville. Site control has been secured through an option to lease agreement as demonstrated in [Exhibit 8.14 Site Control](#). The Project will deliver clean and cost-competitive energy through a distribution circuit running along Piney Grove Road that connects to Southside Electric’s Moran substation.

The Project is developed by CEP Solar, a Richmond-based renewable energy development company focused on providing sustainable energy solutions in the Commonwealth of Virginia. CEP Solar submits this Application in compliance with the County Zoning Ordinance requirements for a utility-scale solar energy facility. We share the County’s commitment to ensure that the best practices in solar development are being implemented in Prince Edward County and we look forward to demonstrating that commitment with this Project.



81-acre parcel, owned by a private landowner



Approximately 35.6 acres for the solar field



Approximately 45.6 acres of the Project is setback, vegetative buffer, and natural resource protection

The Project’s final site plan will be completed after field surveys have been conducted, and it will be submitted to the County along with construction plans at the time of final site plan application.

# MILLER LAKE SOLAR

## 5 MWac SOLAR ELECTRIC POWER GENERATION FACILITY

### SPECIAL EXCEPTION PERMIT

PRINCE EDWARD COUNTY, VIRGINIA



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| C3.0              | CONCEPTUAL SITE PLAN                   |
| C3.1              | CONCEPTUAL SITE PLAN NOTES AND DETAILS |
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| C4.1              | PROPOSED LANDSCAPING NOTES AND DETAILS |
| C5.0              | EXISTING BUILDINGS MAP                 |
| C6.0              | EXISTING LAND USE MAP                  |
| C7.0              | DENSITY MAP                            |
| C8.0              | SOILS MAP                              |

**TIMMONS GROUP**  
 YOUR VISION. ACHIEVED THROUGH OURS.  
 1901 Boulders Parkway, Suite 300  
 Richmond, VA 23225  
 TEL 804.200.6538  
 WWW.TIMMONSGROUP.COM

**CEP SOLAR**  
 CONCEPTUAL ENERGY PARTNERS  
 2201 W Broad St, Suite 200  
 Richmond, VA 23220

**MILLER LAKE SOLAR**  
 PRINCE EDWARD COUNTY,  
 VIRGINIA

01/28/2024  
 01/28/2024  
 MILLER LAKE SOLAR  
 PRINCE EDWARD COUNTY, VIRGINIA

REVISIONS

COVER SHEET

C1.0

**CEP SOLAR, LLC**  
DEVELOPER  
 2201 W BROAD STREET, SUITE 200  
 RICHMOND, VA 23220  
 TEL 804.789.4040

**TIMMONS GROUP**  
ENGINEER  
 1001 BOULDERS PARKWAY, SUITE 300  
 RICHMOND, VA 23225  
 TEL 804.200.6538

CONCEPTUAL SITE PLANS PREPARED BY TIMMONS GROUP

JANUARY 9, 2024



- Legend**
- Project Limits - 81.2 Acres
  - Property Setbacks - 50'
  - Buildable Area - 61.0 Acres
  - Entrance
  - Turnout Location
  - Point of Interconnection
  - Hybrid Inverter
  - Seaback Markers
  - Internal Roads
  - Preliminary Gen-Tie
  - National Hydrography Dataset - Streams
  - Fence - 55.5 Acres
  - Panels - 35.6 Acres Under Panel
  - Retained Vegetative Buffer - 15'
  - FEPA Flood Zone - Not Present
  - National Wetlands Inventory
  - National Hydrography Dataset - Waterbodies
  - Wetland and Stream Buffer - 50'
  - Approximate Cemetery Location
  - Cemetery Ingress / Egress Easement
  - Existing Buildings
  - Existing Buildings Buffer - 75'

**NOTES:**  
 SITE LAYOUT IS FOR DESIGN PURPOSES ONLY. NOT FOR CONSTRUCTION.  
 SETBACKS ARE BASED ON PRINCE EDWARD COUNTY ORDINANCE. SETBACKS ARE BASED ON PRINCE EDWARD COUNTY ORDINANCE. NATIONAL WETLANDS INVENTORY DATA FROM USFWS. NATIONAL HYDROGRAPHY DATASET FROM USGS. FLOOD ZONE DATA FROM FEMA'S NATIONAL FLOOD HAZARD AERIAL IMAGERY FROM VOIN.  
 HYBRID INVERTERS MAY HAVE BATTERY STORAGE CAPABILITIES. SETBACKS ARE BASED ON PRINCE EDWARD COUNTY ORDINANCE. MAIN BUILDINGS ON ADJOINING PARCELS, AND A DISTANCE OF AT LEAST 50 FEET FROM ADJACENT PROPERTY LINES. RESIDENTIAL PARCELS WILL BE RETAINED AS BUFFER WHERE IT EXISTS.



Please publish the following public hearing notice in **THE FARMVILLE HERALD** on **Wednesday, March 6, 2024** and **Wednesday, March 13, 2024**.

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### NOTICE OF PUBLIC HEARING

The Prince Edward County Planning Commission will hold PUBLIC HEARINGS on Tuesday, March 19, 2024 commencing at 7:00 p.m. in the Board of Supervisors Room, Prince Edward County Courthouse, 111 N. South Street, 3<sup>rd</sup> Floor, Farmville, Virginia, to receive citizen input prior to considering the following:

1. Pursuant to §15.2-2232 of the Code of Virginia, 1950 as amended, a review of Special Use Permit application filed by CEP Solar, LLC and to make a determination if the project is substantially in accord with the Prince Edward County Comprehensive Plan and for the proposal to construct and operate a 5MWac solar energy facility on land totaling 81.2+/- acres denoted as Tax Map Parcels 069-A-15 and 069-A-16, located on the south side of Piney Grove Road (Route 606), across from its intersection with Campbell Lane, which is zoned A-1, Agricultural Conservation.
2. Pursuant to §15.2-2232 of the Code of Virginia, 1950 as amended, a review of Special Use Permit application filed by CEP Solar, LLC and to make a determination if the project is substantially in accord with the Prince Edward County Comprehensive Plan and for the proposal to construct and operate a 8MWac solar energy facility on land totaling 170.8+/- acres denoted as Tax Map Parcels 069-A-3, 069-A-9, and 069-A-10, located at the end of Taylor Drive, approximately 0.40 miles from its intersection with Miller Lake Road (Route 613), which is zoned A-1, Agricultural Conservation.
3. An Ordinance Amendment to amend Appendix B - Zoning of the Prince Edward County Code in order to allow for additional signage on corner and double frontage lots.

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

# Prince Edward County

## SUP - Miller Lake Solar Site

Applicant: CEP Solar, LLC

Tax Map:

069 A 16; 069 A 15

### Schedule B

List of adjoining Property owners and mailing addresses.

| Parcel ID | Owner                       | Address                                          | Note |
|-----------|-----------------------------|--------------------------------------------------|------|
| 069 A 13A | Henry O Coates Jr           | PO Box 193 Crewe, VA<br>23930                    |      |
| 069 A 14  | Ana Emilia Sawyer           | 19271 Old Jonesboro Road<br>Abingdon, VA 24211   |      |
| 069 6 9   | Tony & Tamara Ingram        | 428 Deerfield Acres Drive<br>Burkeville VA 23922 |      |
| 069 2 2   | Matthew S Unruh             | 8 Morrison Court<br>Fredericksburg VA 22405      |      |
| 069 2 1   | Theodore & Majorie Anderson | 2016 Miller Lake Road Rice,<br>VA 23966          |      |
| 069 A 12A | Theodore & Majorie Anderson | 2016 Miller Lake Road Rice,<br>VA 23966          |      |
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**PLANNING COMMISSION**

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



**COUNTY OF PRINCE EDWARD, VIRGINIA**

**DIRECTOR OF PLANNING &  
COMMUNITY DEVELOPMENT**

Robert Love, GISP  
Post Office Box 382  
111 N. South Street, 3<sup>rd</sup> Floor  
Farmville, VA 23901  
Office: (434) 414-3037  
Fax: (434) 392-6683  
[rlove@co.prince-edward.va.us](mailto:rlove@co.prince-edward.va.us)

March 6, 2024

To: Property Owners

From: Robert Love, Director of Planning and Community Development

Subject: Special Use Permit Request – CEP Solar, LLC

The Prince Edward County Planning Commission will hold a public hearing on Tuesday, March 19, 2024 at 7:00 p.m. to receive citizen input on a request by CEP Solar, LLC for a Special Use Permit to construct and operate a 5MWac solar energy facility on land totaling 81.2+/- acres denoted as Tax Map Parcels 069-A-15 and 069-A-16, located on the south side of Piney Grove Road (Route 606), across from its intersection with Campbell Lane, which is zoned A-1, Agricultural Conservation.

You are receiving this notice because you own land in the vicinity of the property requested to be approved for a 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](mailto:rlove@co.prince-edward.va.us)

Respectfully,

Robert Love

Director of Planning and Community Development



CEP Solar, LLC - Miller Lake Site  
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: 069-A-15 and 069-A-16  
The Special Use Permit application was submitted on 02/02/2024 by CEP 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 CEP 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 CEP 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 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 parcel, 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 069-A-15 and 069-A-16.
  - 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 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. CEP 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 CEP 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 CEP Solar, LLC for the Project not be approved by the County, no reimbursement under this paragraph will be owed by CEP 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 not limited to, dump trucks, tractors and trailers, supplier vehicles, and trucks hauling equipment shall enter the site at the designated private driveway along State Route 606 (Piney Grove 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 State Route 606 (Piney Grove Road), from its intersection with US 460 (Prince Edward Highway) to the CEP 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<sup>®</sup> coating, or any other materials prohibited by federal or state agencies.

25. Storage on the Site of power generated by the Facility or generated elsewhere is prohibited.
26. No panels, inverters, pyranometers, substations, or any other component of the Solar Facility, except fencing, shall be located in a floodplain.
27. Upon completion of the construction of the Solar Facilities, the Applicant shall submit a post-construction evaluation of the condition of the roads along the Delivery Routes to the County Administrator for approval. The post-construction evaluation shall include a plan for repairing any damage caused to the public roads along the Delivery Route directly attributable to the Applicant. The Applicant shall be responsible for causing such repairs to be completed to the satisfaction of the VDOT 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 CEP Solar, LLC during which time CEP 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. CEP 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 CEP 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 CEP 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, CEP 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 CEP Solar, LLC shall mutually agree to determine the correct surety amount; and CEP 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 CEP 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 CEP 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 CEP 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 CEP 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 CEP 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 CEP 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 CEP 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 CEP 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, CEP 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, CEP 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 19, 2024  
**Item No.:** 6-b  
**Department:** Planning and Community Development  
**Staff Contact:** Robert Love  
**Issue:** Special Use Permit – CEP Solar, LLC – Piney Grove Site

**Summary:**

The County has received an application request by CEP Solar, LLC for a Special Use Permit to construct and operate an 8MWac solar energy facility on land totaling 170.8+/- acres denoted as Tax Map Parcels 069-A-3, 069-A-9, and 069-A-10, located at the end of Taylor Drive, approximately 0.40 miles from its intersection with Miller Lake Road (Route 613). This parcel is in the A1, Agricultural Conservation zoning district and the use requires a Special Use Permit.

**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 6, 2024 and March 13, 2024 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 the staff prepared Potential Conditions.

**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 single-family residential homes. The property 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 public facilities and services to the area.”

|              |                   |                 |               |
|--------------|-------------------|-----------------|---------------|
| Motion _____ | Gilliam _____     | Paige _____     | Sandlin _____ |
| Second _____ | _____             | Peery _____     | Weiss _____   |
| Fuller _____ | Leatherwood _____ | Prengaman _____ | 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 (*Full Application is provided electronically*)
2. Notice of Public Hearing
3. List of adjoining property owners
4. Sample Letter sent to adjoining property owners
5. Potential Conditions

**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 decision concerning the request for the Special Use.

**Recommended Motions:**

I move that the CEP Solar, LLC proposed 8MWac solar energy facility as described the Special Use Permit application, is substantially in accord with the Prince Edward County Comprehensive Plan and that the Planning Commission recommend approval of the Special Use Permit request with the following conditions: (*list of conditions*)

**OR**

I move that the CEP Solar, LLC proposed 8MWac 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 and/or promotes land development in agricultural areas and will have an impact to the adjacent roadway and nearby residences and that the Planning Commission recommend denial of the Special Use Permit request due to the following: (*list reasons*)

**OR**

I move that the Planning Commission table the Special Use Permit request by CEP Solar, LLC to construct and operate an 8MWac solar energy facility until the next meeting in order to: (*list reasons*)

Motion \_\_\_\_\_  
 Second \_\_\_\_\_  
 Fuller \_\_\_\_\_

Gilliam \_\_\_\_\_  
 \_\_\_\_\_  
 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: CEP Solar, LLC

Applicant's Address: 2201 W Broad St, Suite 200 Richmond, VA 23220

Applicant's Telephone Number: 804-789-4040 ext. 711

Present Land Use: Mixed forest and residential

Legal Description of Property with Deed Book and Page No. or Instrument No. Please see attached.

Tax Map # 069 A 10, 069 A 3, 069 A 7      Acreage : 170.8

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

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

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

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

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

[Signature]      Date 1/24/2024  
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.

[Signature]      Date 1-24-24  
Signature of Property Owner(s)

please see attached      \_\_\_\_\_  
Signature of Property Owner(s)      Date

please see attached      \_\_\_\_\_  
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 Rmlove      Date 2/8/2024

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

Estelle J. Jones      1/25/24  
Signature of Property Owner(s)      Date

Laurence Taylor      1, 25, 24  
Signature of Property Owner(s)      Date

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

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

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

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

*Willie T. Sheppard*  
Signature of Property Owner(s)

Date

*24 Jan 2024*

*Robert N. Booker Jr.*  
Signature of Property Owner(s)

Date

*24 Jan 2024*

*James H. Matley*  
Signature of Property Owner(s)

Date

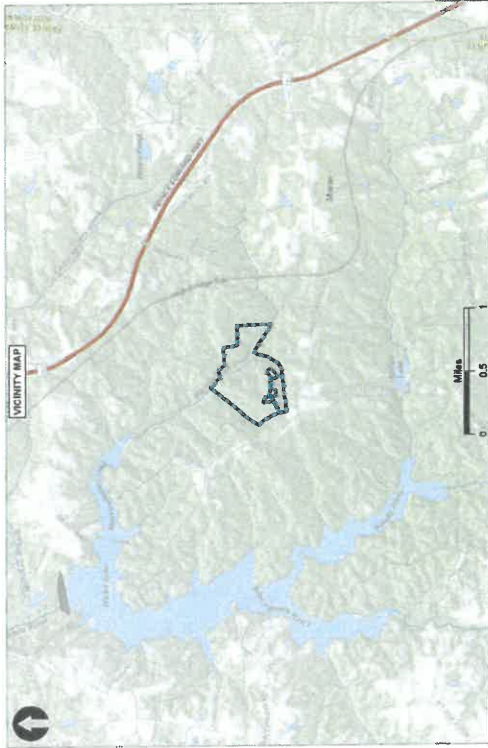
*24 Jan 2024*

*by Paul  
Willie T. Sheppard  
by Paul  
Willie T. Sheppard  
Willie T. Sheppard*

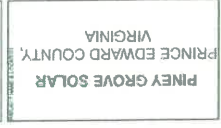
NOTE: THIS PERMIT APPLICATION IS NOT VALID UNLESS ALL PROPERTY OWNER(S) SIGNATURES ARE AFFIXED AND DATED. ATTACH ADDITIONAL SHEETS IF NECESSARY.

# PINEY GROVE SOLAR

## 8 MWac SOLAR ELECTRIC POWER GENERATION FACILITY SPECIAL EXCEPTION PERMIT PRINCE EDWARD COUNTY, VIRGINIA



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| C3.0              | CONCEPTUAL SITE PLAN                   |
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01/09/2024  
 PROJECT NO: 24-001  
 PROJECT NAME: PINEY GROVE SOLAR  
 PROJECT LOCATION: J. STICKLEY

| NO. | REVISIONS |
|-----|-----------|
|     |           |

| NO. | REVISIONS |
|-----|-----------|
|     |           |

COVER SHEET

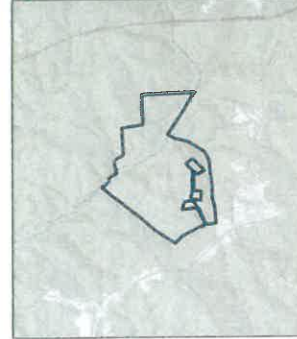
C1.0

**CEP SOLAR, LLC**  
 DEVELOPER  
 2201 W BROAD STREET, SUITE 200  
 RICHMOND, VA 23220  
 TEL 804.789.4040

**TIMMONS GROUP**  
 ENGINEER  
 1001 BOULDERS PARKWAY, SUITE 300  
 RICHMOND, VA 23225  
 TEL 804.200.6538

CONCEPTUAL SITE PLANS PREPARED BY TIMMONS GROUP

JANUARY 9, 2024



- Legend**
- Project Limits - 170.8 Acres
  - Property Setbacks - 50' / 75'
  - Buildable Area - 73.1 Acres
  - Entrance
  - Point of Interconnection
  - Turnout Locations
  - Inverters
  - Setback Markers
  - Internal Roads
  - Electric Transmission Lines
  - Preliminary Gen-Tie
  - National Hydrography Dataset - Streams
  - Fence - 73.1 Acres
  - Panels - 52.3 Acres Under Panel
  - Proposed Vegetative Buffer - 15'
  - Retained Vegetative Buffer - 15'
  - Transmission Line Easement
  - National Wetlands Inventory
  - National Hydrography Dataset - Waterbodies
  - Wetland and Stream Buffer - 50'
  - FEMA Flood Zone - Not Present
  - Existing Buildings
  - Existing Buildings Buffer - 75'

**NOTES:**  
 SITE LAYOUT IS FOR DESIGN PURPOSES ONLY, NOT FOR CONSTRUCTION. LAYOUT SUBJECT TO CHANGE.  
 SETBACKS ARE BASED ON PRINCE EDWARD COUNTY ORDINANCE. SETBACKS ARE 75 FEET FROM ALL PUBLIC RIGHT-OF-WAY AND AT LEAST 50 FEET FROM ADJACENT PROPERTY LINES. VEGETATION ON THE PERIMETER OF ADJACENT RESIDENTIAL PARCELS WILL BE RETAINED AS BUFFER WHERE IT EXISTS.  
 HYBRID INVERTERS MAY HAVE BATTERY STORAGE CAPABILITIES.  
 NATIONAL HYDROGRAPHY DATASET FROM USGS.  
 FLOOD ZONE DATA FROM FEMA'S NATIONAL FLOOD HAZARD LAYER.  
 NATIONAL WETLANDS INVENTORY FROM USFWS.



Prince Edward County  
County Administration Office  
111 N South Street, Third Floor  
Farmville, Virginia 23901

CEP Solar, LLC  
2202 W. Broad St, Suite 200  
Tel: 804-789-4040  
Email: Bobbi.Rodriguez@cepsolar.com

**To:** Prince Edward County Administration Office  
**From:** CEP Solar

CEP Solar (“The Applicant”), a Commonwealth Energy Partners company based in Virginia, is pleased to present the following Special Use Permit (SUP) application for the Piney Grove Solar Farm (“The Project”), a distribution-scale solar energy facility located on a portion of two parcels in the 2<sup>nd</sup> District of Prince Edward County, capable of generating up to 8-megawatt alternating current (MWac) of clean energy delivered to the local distribution system within Southside Electric Coop’s service territory.

The Piney Grove Solar Farm will be located approximately 9 miles southeast of Farmville on a remote tract of land near the intersection of Miller Lake Road and Taylor Drive. The Project will utilize less than 45% of the property, allowing it to exceed the county's setback standards, which means the project is not expected to be seen or heard once operational.

In the Project Narrative and accompanying documents to follow, the Applicant will use a combination of public data, desktop studies, engineering assessments, site visuals, and a preliminary site plan to demonstrate how the Project will meet or exceed the requirements set forth in the Prince Edward County ordinance. It is the Applicant’s intention to demonstrate the value of this project and how it will advance the goals of Prince Edward’s Comprehensive Plan as follows:

- Develop a diversified economic base in Prince Edward County.
- Stabilize, balance, and strengthen the economy of Prince Edward County
- Encourage alternative energy sources in Prince Edward County

In addition to the Prince Edward County SUP standards, the Project must also comply with State and Federal standards that will ensure the Piney Grove Solar Farm is constructed and operated in accordance with the latest standards and regulations. We look forward to working with Prince Edward County on this exciting project that will be able to generate long-term economic and environmental benefits for your community. Should you have any questions or concerns, please feel free to reach out to me and our local team anytime.

Bobbi Rodriguez  
Bobbi.Rodriguez@CEPSolar.com  
804-789-4040



## 1. Project Details

CEP Solar, LLC (“Applicant”) is seeking approval of a Special Use Permit (SUP) to enable it to construct and operate a solar energy facility with a maximum nameplate capacity up to 8-Megawatts alternating current (MWac). The Piney Grove Solar Farm (the “Project”) is proposed to be situated on an approximately 170-acre parcel owned by Estelle Jones, Willie Shepperd, Lawrence Talor, Sr., Gilbert N. Booker, Jr., Junious H Mottley, and Shirley N Fowlkes Family LLC. The parcel numbers are 069-A-10, 069-A-3, and 069-A-9. The land currently is used for managed timber. The Project will be along Taylor Drive off Miller Lake Road.

Within the 170-acre parcel, the Project area is 73.1 acres, with approximately 52.3 acres of solar panels and Project infrastructure. Thus, while Piney Grove Solar is in operation, there will be approximately 97 acres of a combination of open green space, forestland, and other vegetation, a portion of which will be used for required setbacks, buffers, and natural resource protection.

The Project site is approximately nine miles southeast of the town of Farmville. Site control has been secured through an option to lease agreement as demonstrated in [Exhibit 8.14 Site Control](#). The Project will deliver clean and cost-competitive energy through a distribution circuit running along Piney Grove Road that connects to Southside Electric’s Moran substation.

The Project is developed by CEP Solar, a Richmond-based renewable energy development company focused on providing sustainable energy solutions in the Commonwealth of Virginia. CEP Solar submits this Application in compliance with the County Zoning Ordinance requirements for a utility-scale solar energy facility. We share the County’s commitment to ensure that the best practices in solar development are being implemented in Prince Edward County and we look forward to demonstrating that commitment with this Project.

The Project’s final site plan will be completed after field surveys have been conducted, and it will be submitted to the County along with construction plans at the time of final site plan application.



170-acre parcel, owned by a private landowner



Approximately 73 acres for the solar field



Approximately 97 acres of the Project is setback, vegetative buffer, and natural resource protection



Please publish the following public hearing notice in **THE FARMVILLE HERALD** on **Wednesday, March 6, 2024** and **Wednesday, March 13, 2024**.

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### NOTICE OF PUBLIC HEARING

The Prince Edward County Planning Commission will hold PUBLIC HEARINGS on Tuesday, March 19, 2024 commencing at 7:00 p.m. in the Board of Supervisors Room, Prince Edward County Courthouse, 111 N. South Street, 3<sup>rd</sup> Floor, Farmville, Virginia, to receive citizen input prior to considering the following:

1. Pursuant to §15.2-2232 of the Code of Virginia, 1950 as amended, a review of Special Use Permit application filed by CEP Solar, LLC and to make a determination if the project is substantially in accord with the Prince Edward County Comprehensive Plan and for the proposal to construct and operate a 5MWac solar energy facility on land totaling 81.2+/- acres denoted as Tax Map Parcels 069-A-15 and 069-A-16, located on the south side of Piney Grove Road (Route 606), across from its intersection with Campbell Lane, which is zoned A-1, Agricultural Conservation.
2. Pursuant to §15.2-2232 of the Code of Virginia, 1950 as amended, a review of Special Use Permit application filed by CEP Solar, LLC and to make a determination if the project is substantially in accord with the Prince Edward County Comprehensive Plan and for the proposal to construct and operate a 8MWac solar energy facility on land totaling 170.8+/- acres denoted as Tax Map Parcels 069-A-3, 069-A-9, and 069-A-10, located at the end of Taylor Drive, approximately 0.40 miles from its intersection with Miller Lake Road (Route 613), which is zoned A-1, Agricultural Conservation.
3. An Ordinance Amendment to amend Appendix B - Zoning of the Prince Edward County Code in order to allow for additional signage on corner and double frontage lots.

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

###

# Prince Edward County

## SUP Request - Piney Grove Solar Site

Applicant: CEP Solar, LLC

Tax Map: 069 A 10; 069 A 9; 069 A 3

### Schedule B

List of adjoining Property owners and mailing addresses.

| Parcel ID | Owner                                          | Address                                               | Note |
|-----------|------------------------------------------------|-------------------------------------------------------|------|
| 055 4 1   | Ruth R Lynch                                   | 4791 Bird Grove Lane<br>Jetersville, VA 23083         |      |
| 055 4 2   | D & J Land Investments LLC                     | 100 Johnsons Pond Lane<br>Louisa, VA 23093            |      |
| 055 A 10  | Nicole & Brian Smith                           | 17610 River Road<br>Chestfield, VA 23838              |      |
| 055 A 7   | Jerry Venable Et Al C/O Vanessa Ve             | 3824 Coronado Road<br>Baltimore, MD 21244             |      |
| 068 A 18  | Frances W Hallinen                             | 2876 Miller Lake Road Rice,<br>VA 23966               |      |
| 069 3 A   | Olin R Williams Et Al & Thomas<br>Travis Et Al | 21698 Prince Edward<br>Highway Farmville, VA<br>23901 |      |
| 069 4 A   | Ana Emilia Sawyer TR C/O<br>Monique Sawyer     | 19271 Old Jonesboro Road<br>Abingdon, VA 24211        |      |
| 069 9 6   | Errett Donald Barnes                           | 468 Victory Lane Rice, VA<br>23966                    |      |
| 069 9 7   | Stuart & Elena Gunn                            | 2362 Piney Grove Road Rice,<br>VA 23966               |      |
| 069 A 12  | David A Bowman                                 | 2613 Piney Grove Road Rice,<br>VA 23966               |      |
| 069 A 4A  | Travis D Hicks & Doris I Williams-<br>Hicks    | 2255 S Genito Road<br>Burkeville, VA 23922            |      |
| 069 A 5   | Shirley N Fowlkes Family LLC                   | 301 Bell Street Burkeville,<br>VA 23922               |      |
| 069 A 7   | Silvestre Juarez Contreras                     | 6351 S Genito Road<br>Jetersville, VA 23083           |      |
| 069 A 8   | Silvestre Juarez Contreras                     | 6351 S Genito Road<br>Jetersville, VA 23083           |      |
| 069 A 9A  | Rosa T Blanton                                 | 422 Taylor Drive Rice, VA<br>23966                    |      |
| 069 A 9B  | Lawrence & Vanessa Taylor                      | 239 Taylor Drive Rice, VA<br>23966                    |      |
| 069 A 9C  | Lawrence Eugene Taylor Jr                      | 300 Taylor Drive Rice, VA<br>23966                    |      |
| 069 A 9D  | Willie T Shepperd                              | 14921 E Shadow Cr Dr Biloxi,<br>MS 39532              |      |

**PLANNING COMMISSION**

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



**COUNTY OF PRINCE EDWARD, VIRGINIA**

**DIRECTOR OF PLANNING &  
COMMUNITY DEVELOPMENT**

Robert Love, GISP  
Post Office Box 382  
111 N. South Street, 3<sup>rd</sup> Floor  
Farmville, VA 23901  
Office: (434) 414-3037  
Fax: (434) 392-6683  
[rlove@co.prince-edward.va.us](mailto:rlove@co.prince-edward.va.us)

March 6, 2024

To: Property Owners

From: Robert Love, Director of Planning and Community Development

Subject: Special Use Permit Request – CEP Solar, LLC

The Prince Edward County Planning Commission will hold a public hearing on Tuesday, March 19, 2024 at 7:00 p.m. to receive citizen input on a request by CEP Solar, LLC for a Special the proposal to construct and operate a 8MWac solar energy facility on land totaling 170.8+/- acres denoted as Tax Map Parcels 069-A-3, 069-A-9, and 069-A-10, located at the end of Taylor Drive, approximately 0.40 miles from its intersection with Miller Lake Road (Route 613), which is zoned A-1, Agricultural Conservation.

You are receiving this notice because you own land in the vicinity of the property requested to be approved for a 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](mailto:rlove@co.prince-edward.va.us)

Respectfully,

Robert Love

Director of Planning and Community Development

CEP Solar, LLC – Piney Grove Site  
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: 069-A-3, 069-A-9, and 069-A-10

The Special Use Permit application was submitted on 02/02/2024 by CEP 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 CEP 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 CEP 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 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 parcel, 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 069-A-3, 069-A-9, and 069-A-10.
  - 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 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. CEP 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 CEP 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 CEP Solar, LLC for the Project not be approved by the County, no reimbursement under this paragraph will be owed by CEP 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 not limited to, dump trucks, tractors and trailers, supplier vehicles, and trucks hauling equipment shall enter the site at the designated private driveway along Taylor Drive.
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 State Route 606 (Piney Grove Road), from its intersection with US 460 (Prince Edward Highway), to State Route 613 (Miller Lake Road), to the private road (Taylor Drive), to the CEP 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<sup>®</sup> coating, or any other materials prohibited by federal or state agencies.

25. Storage on the Site of power generated by the Facility or generated elsewhere is prohibited.
26. No panels, inverters, pyranometers, substations, or any other component of the Solar Facility, except fencing, shall be located in a floodplain.
27. Upon completion of the construction of the Solar Facilities, the Applicant shall submit a post-construction evaluation of the condition of the roads along the Delivery Routes to the County Administrator for approval. The post-construction evaluation shall include a plan for repairing any damage caused to the public roads along the Delivery Route directly attributable to the Applicant. The Applicant shall be responsible for causing such repairs to be completed to the satisfaction of the VDOT 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 CEP Solar, LLC during which time CEP 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. CEP 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 CEP 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 CEP 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, CEP 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 CEP Solar, LLC shall mutually agree to determine the correct surety amount; and CEP 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 CEP 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 CEP 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 CEP 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 CEP 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 CEP 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 CEP 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 CEP 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 CEP 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, CEP 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, CEP 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:** February 20, 2024  
**Item No.:** 6-c  
**Department:** Planning and Community Development  
**Staff Contact:** Robert Love  
**Issue:** Public Hearing - Ordinance Amendment - Signage on Corner Lots

**Summary:**

The County received a request by Blackwood Capital, LLC to amend the Zoning Ordinance to allow for the installation of additional signage at 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 is within the Highway Corridor Overlay District.

Currently sign regulations limit signage to one sign per sign type in the various zoning districts. At the February meeting, staff presented a Draft Zoning Ordinance Amendment with new language that would allow and provide for additional signage on corner and double frontage lots. Attachment (1).

The public hearing notice was published in the March 6, 2024 and March 13, 2024 editions of the Farmville Herald, Attachment (2).

**Attachments:**

- 1. Ordinance Amendment
- 2. Public Hearing Notice Ad

**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 Appendix B of the Prince Edward County Code (Zoning) in order to allow for additional signage on corner and double frontage lots.

**OR**

I move that the Planning Commission table the proposed Ordinance Amendment to amend Appendix B of the Prince Edward County Code (Zoning) in order to allow for additional signage on corner and double frontage lots for further discussion at the next meeting.

Motion \_\_\_\_\_ Gilliam \_\_\_\_\_ Paige \_\_\_\_\_ Sandlin \_\_\_\_\_  
Second \_\_\_\_\_ Peery \_\_\_\_\_ Weiss \_\_\_\_\_  
Fuller \_\_\_\_\_ Leatherwood \_\_\_\_\_ Prengaman \_\_\_\_\_ Womack \_\_\_\_\_

**AN ORDINANCE TO AMEND APPENDIX B OF THE PRINCE EDWARD COUNTY CODE (ZONING) TO AMEND SECTION 2-1300.5 AND SECTIONS 3-104.5, 3-104.7, 3-104.9, & 3-104.11 TO INCREASE THE NUMBER OF ALLOWABLE SIGN TYPES ON CORNER AND DOUBLE FRONTAGE LOTS.**

**Sec. 2-1300.5. Design standards.**

H. *Signs.*

1. In addition to the general sign requirements of this ordinance, any commercial development having more than one business in a single building or in connected buildings must erect a single monument-style shared sign for all businesses, though each business may also have one building-mounted sign.
2. Each parcel of property occupied by a building shall be permitted one freestanding sign, which shall not exceed 30 square feet on each face, **except on corner and double frontage lots which shall be permitted up to two freestanding signs.**
  - (a) Automobile service stations shall be permitted an additional 20 square feet on each face to advertise the price of fuel.
  - (b) In instances where more than one business is located in the same building or connected buildings, the businesses must share one common ground mounted sign. Each business may still have an individual building-mounted sign.
3. Freestanding signs shall be mounted on bases a maximum of three feet high. If the specific location of a sign requires a base of more than three feet to provide adequate visibility the zoning administrator or planning commission may approve a taller base. No freestanding sign shall exceed 12 feet from grade.
4. Freestanding signs for shopping centers shall be allowed ten square feet of area per business establishment. An additional 25 square feet shall be allowed to identify the shopping center as a whole. For the purposes of the corridor overlay district, a shopping center shall be defined as:
  - (a) Groups of two or more stores, personal service shops or restaurants connected by party walls, partitions, canopies or similar features;
  - (b) Some or all of the stores, personal service shops or restaurants located in separate buildings designed as a single commercial group sharing common parking areas, vehicular travel-ways, and walkways designed to encourage customer interchange between the buildings and presenting the appearance of a continuous commercial area.
5. In addition, each business within the shopping center shall be permitted one monument identification sign with the name and/or logo of the business, **except on corner and double frontage lots which shall be permitted up to two monument signs.** Such signs shall be a maximum of 16 square feet in size and a maximum height of four feet.
6. If the nearest point of a freestanding sign is located within five feet of the street right-of-way, its location must be approved by VDOT or designee, who will evaluate the location for sight line and other traffic safety considerations.
7. Signs shall be appropriately scaled to the building or portion of the building served and should be coordinated with the architecture and building materials.
8. Types of signs: The following sign types shall be permitted in the corridor overlay district:
  - (a) Externally illuminated signs provided the light source is directed downward;
  - (b) Internally illuminated channel letters; and
  - (c) Internally illuminated cabinet sign if the background of the cabinet sign is opaque and appears black at night.

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- (d) Additional sign types fitting within the recommended materials may be considered. Animated or neon signs may be considered subject to a special use permit.
  - 9. No wall sign shall project beyond the surface of the building or above the roofline.
  - 10. Inflatable figures or signs are not permitted in the corridor overlay district.
  - 11. Banner signs may be permitted for temporary use only, but shall be displayed for a maximum of 30 days within any 90-day period.

I. *Lighting.*

- 1. Exterior lighting shall be limited to that necessary for safety, security, and to complement architectural character.
- 2. No light shall spill onto an adjacent property or interfere with the character of the surrounding area.
- 3. All light sources must be down-shielded, and no light pylon shall be more than 24 feet high in height.
- 4. All lighting fixtures installed on any site shall be of the same type and height.

(Ord. of 12-10-13; Ord. of 12-14-21)

**Sec. 3-104.5. Signs—Agricultural conservation district.**

The agricultural conservation district encourages agriculture, forestry, very low density residential development, and related uses. It is not desirable to erect numerous signs in the pastoral setting provided in the agricultural conservation district.

For any commercial or civic-use activity by right or by special-use permit in the agricultural conservation district, sign uses are as in section 3-104.1 above and as follows:

*Permitted:* No more than two of the following may be used for a single business location, **except on corner and double frontage lots which shall be permitted up to two of each sign type, with a maximum allowance of four signs total.**

- 1. Monument signs not exceeding four feet in height and 24 square feet in size, not more than one per business operation.
- 2. Storefront signs not exceeding four feet in height and 16 feet in width, not more than one per business operation.
- 3. Projecting signs not exceeding 24 square feet, not more than one per business operation.
- 4. 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.

*Special use:*

- 1. Illuminated signs.
- 2. Banner signs.
- 3. Animated, electronic, or air-filled signs.
- 4. Outdoor neon signs.
- 5. Pole signs with a maximum height exceeding 12 feet. No pole sign may have a maximum height more than six feet higher than the business building to which it relates.

(Ord. of 7-8-14)

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**Sec. 3-104.7. Signs—Agricultural residential district.**

This district is intended to be the location of most new residential development in the county. Agriculture, forestry and related uses are also allowed within A2 districts.

For any commercial or civic-use activity by right or by special-use permit in the agricultural residential district, sign uses are:

*Permitted:* No more than two of the following may be used for a single business location, **except on corner and double frontage lots which shall be permitted up to two of each sign type, with a maximum allowance of four signs total.**

1. Monument signs not exceeding four feet in height and 32 square feet in area, not more than one per business operation. Monument signs which are integrated into a brick, stone, or wood architectural feature or an earthen berm, all of which shall be permanently landscaped, may exceed four feet in height to a maximum of seven feet.
2. Storefront signs not exceeding four feet in height and 16 feet in width, not more than one per business operation.
3. Projecting signs not exceeding 24 square feet, not more than one per business operation.

*Special use:*

1. Illuminated signs.
2. Banner signs.
3. Pole signs. No pole sign may have a maximum height more than six feet higher than the business building to which it relates.

(Ord. of 7-8-14)

**Sec. 3-104.9. Signs—Other residential districts (R1, R2, R3).**

No commercial uses are permitted in these districts (gasoline station and convenience store by special use permit (SUP) only); accordingly, no commercial signs are allowed except by SUP and will be reviewed as part of the site plan for construction. However, civic-use signs such as those for community organizations, schools, or churches may be placed under the same conditions as those for the agricultural residential district in section 3-103.2.

Large residential signs may be permitted at the main entrances to a subdivision, planned unit or multi-family development. One sign may be permitted on either side of the entrance if such sign is on private property. Signs shall not exceed 50 square feet in area. Sign should be an identification sign only, limited to the name of development on site.

(Ord. of 7-8-14)

**Sec. 3-104.11. Signs—General commercial district.**

For any commercial or civic-use activity by right or by special-use permit in the general commercial district, sign uses are as permitted in section 3-104.1 above and as follows:

*Permitted:* No more than two of the following may be used for a single business location, **except on corner and double frontage lots which shall be permitted up to two of each sign type.**



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1. Monument signs not exceeding four feet in height and 32 square feet in area, not more than one per business operation. Monument signs which are integrated into an attractive brick, stone, or wood architectural feature or an earthen berm, all of which shall be permanently landscaped, may exceed four feet in height to a maximum of seven feet;
  2. Storefront signs not exceeding six feet in height and 24 feet in width, not more than one per business operation.
  3. Projecting signs not exceeding 40 square feet, not more than one per business operation.
  4. Pole signs not exceeding 40 square feet placed with the sign's bottom no more than eight feet from the ground, not more than one per business operation. Signs exceeding 16 feet in height or the height of the building, whichever is less, require a special use permit.
  5. Directory signs may be utilized by a commercial complex subject to the same size requirements as monument or pole signs with each occupant being entitled to one directory panel.
  6. Illuminated signs.

*Special use:*

1. Banner signs.
2. Animated or electronic signs.
3. Outdoor neon signs.
4. Pole signs with a maximum height exceeding 16 feet or the height of the building, whichever is less. No pole sign may have a maximum height more than six feet higher than the business building to which it relates.

(Ord. of 7-8-14; Ord. of 9-8-15)

Language proposed to be added is underlined.



Please publish the following public hearing notice in **THE FARMVILLE HERALD** on **Wednesday, March 6, 2024** and **Wednesday, March 13, 2024**.

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### NOTICE OF PUBLIC HEARING

The Prince Edward County Planning Commission will hold PUBLIC HEARINGS on Tuesday, March 19, 2024 commencing at 7:00 p.m. in the Board of Supervisors Room, Prince Edward County Courthouse, 111 N. South Street, 3<sup>rd</sup> Floor, Farmville, Virginia, to receive citizen input prior to considering the following:

1. Pursuant to §15.2-2232 of the Code of Virginia, 1950 as amended, a review of Special Use Permit application filed by CEP Solar, LLC and to make a determination if the project is substantially in accord with the Prince Edward County Comprehensive Plan and for the proposal to construct and operate a 5MWac solar energy facility on land totaling 81.2+/- acres denoted as Tax Map Parcels 069-A-15 and 069-A-16, located on the south side of Piney Grove Road (Route 606), across from its intersection with Campbell Lane, which is zoned A-1, Agricultural Conservation.
2. Pursuant to §15.2-2232 of the Code of Virginia, 1950 as amended, a review of Special Use Permit application filed by CEP Solar, LLC and to make a determination if the project is substantially in accord with the Prince Edward County Comprehensive Plan and for the proposal to construct and operate a 8MWac solar energy facility on land totaling 170.8+/- acres denoted as Tax Map Parcels 069-A-3, 069-A-9, and 069-A-10, located at the end of Taylor Drive, approximately 0.40 miles from its intersection with Miller Lake Road (Route 613), which is zoned A-1, Agricultural Conservation.
3. An Ordinance Amendment to amend Appendix B - Zoning of the Prince Edward County Code in order to allow for additional signage on corner and double frontage lots.

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