

## PLANNING COMMISSION MEETING AGENDA

May 21, 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 May 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. A request by Nancy Alexander for the purpose of establishment of a short-term tourist rental on Tax Map Parcel 064-A-3, with an address of 161 McFarland Lane, Farmville VA, which is zoned CR, College Residential. 33
    - b. A request by Scott Schmolesky on behalf of Hampden-Sydney College to amend the existing Special Use Permit for the purpose of a master plan of development to include expanded use and activities of shooting practices & competition events, as well as outdoor educational program activities such as archery, biking, cross country running, hiking, leadership development and a nature trail on Tax Map Parcel 064-A-45, with an address of 7128 Farmville, Road, Farmville, VA, which is zoned A1, Agricultural Conservation. 49
  7. Review of Supervisors Actions
  8. Old Business
  9. New Business
  10. Next Meetings:
    - a. Regular Meeting - Tuesday, June 18, 2024 at 7:00 p.m.
    - b. Worksession with the Board of Supervisors – Thursday, June 20, 2024 at 6:00 p.m. at Moton Museum
  11. Adjournment

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**Planning Commission  
Agenda Summary**

**Meeting Date:** May 21, 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 \_\_\_\_\_  
Second \_\_\_\_\_  
Fuller \_\_\_\_\_

Gilliam \_\_\_\_\_  
Leatherwood \_\_\_\_\_

Paige \_\_\_\_\_  
Peery \_\_\_\_\_  
Prengaman \_\_\_\_\_

Sandlin \_\_\_\_\_  
Weiss \_\_\_\_\_  
Wornack \_\_\_\_\_



the Wednesday, March 6, 2024 and Wednesday, March 13, 2024 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Love stated that 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 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.

Mr. Love reviewed several 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."

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."

There were no comments received regarding this application. He presented amended conditions to the Commissioners for their review.

Bobbie Rodriguez, Commonwealth Energy Partners, LLC, reviewed a presentation on the Miller Lake Solar Farm project, and stated the Solar Farm meets or exceeds the standards set forth in the County's ordinance. She said the company is based in Richmond and is a clean energy development company, focused in Virginia. She stated they have already successfully worked with Prince Edward County to permit a 25 MWac in the County which is currently going to the next level of state permitting. She said there are many factors in achieving the environmental and cultural due diligence on the site selection; not all sites meet the rigorous criteria. She said the Miller Lake site has 0.03% of County land acreage. This site has a maximum capacity of 5MWac; she said the 81-acre site is zoned A-1. She stated there are 61 buildable acres to allow for intentionally ample setbacks and for the existing cemetery which will be surrounded by a 100' buffer. Ms. Rodriguez indicated the two entrances off Piney Grove Road, and showed the setbacks, which must be a minimum of 75 feet, and are planned at 310 feet. She said Conditions call for mature vegetation and they will incorporate native grasses and a pollinator habitat. She stated that with respect to construction, operation, and decommissioning, the construction timeline consists of 9-12 months. After construction is complete, there should be no audible sound from the project and there will be no staff onsite daily after it is built. She said the County has a strong set of requirements and policy ordinance which includes removal of equipment and site restoration sureties.

Ms. Rodriguez said CEP Solar held community meeting at Salem Chapel in January which was well-attended. She explained the benefits of this project, to include:

- Incorporation of pollinators which will increase biodiversity
- revenue raised by the County can be used to fund capital improvement projects

- provides affordable and free electricity
- land banking, which prevents more intensive forms of development with relatively low impact and is on leased land, which allows the landowner to continue or do something different with their land.

Commissioner Womack said the photographs of the fall vegetation show kudzu is growing at that site, which can take five years of chemical application to kill; he said the vines can grow four feet overnight and is highly flammable at this time of year. He asked if firefighters will be able to get into the area to extinguish the fire, and what the damage to the solar panels could be to solar panels by a fire. Ms. Rodriguez said it will be cut back, treated, and will be open to firefighters. Discussion followed.

Commissioner Fuller questioned the current land use. Ms. Rodriguez stated it is unmanaged timber.

Commissioner Gilliam questioned the placement of retention ponds. Ms. Rodriguez stated that is still being worked out; this is the preliminary site plan so that will be in the next iteration of the site plan.

Commissioner Gilliam then said there could be more panels where there are blue dots on the plan map; Ms. Rodriguez said there are areas with no panels because they are staying below 5MWac.

Commissioner Womack then asked the distance of the clearance to the lake. Ms. Rodriguez stated she was unsure and deferred to the landowners. She said she can get the information to Mr. Love.

The landowners stated that where the kudzu is located, the perimeter can be sprayed to keep it from getting in. He said the substation cannot handle more [wattage] and they cannot install any more panels. He said they can get the information about the distance between the clearing and the lake to Mr. Love.

Chairman Prengaman opened the public hearing.

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

Discussion followed regarding the addition of a condition for cemetery access.

Commissioner Womack expressed his concerns regarding runoff and the proximity to the lake. Mr. Love said no water or sediment would be able to leave this site per DEQ regulations. He said there isn't a storm water design yet, but this site will have to be graded so it would go into a storm sediment pond or drain on the site. He said DEQ will not allow any runoff into a tributary or a lake.

Commissioner Womack questioned the length of the project. Ms. Rodriguez stated it is a 40-year lease. She said the technology for the solar panels is tested at the federal and state levels.

Don Giecek said they are sealed; there is no leakage. He said these will be inspected to ensure that they do not break down. He said the lease length is accurate but there is no agreement with the County yet for any details; a length of time would be specified in the agreement as to the life and duration of that facility. He said the utility, in this case Southside Electric, would also be committing to a time frame, possibly also 40 years, for the duration of the life of the project. There would be inspections to make sure that leakage does not occur. Mr. Giecek said that typically there will be someone looking at the site every month, but the sites are also monitored remotely. He said they can tell if the amount of energy that is being produced is hitting "low spots" which would signal that there is something that needs inspected further.

Mr. Love said there is a biannual inspection by DEQ; he said the County looks at storm ponds after a major storm event or any time they feel the need. He said this will be highly regulated.

Commissioner Gilliam suggested that the two small sets of panels be moved away from the lake [side] and placed [on the other side] to give a bit more room. Some discussion followed.

Commissioner Fuller made a motion, seconded by Commissioner Paige, that the Planning Commission recommend approval to the Board of Supervisors that the CEP Solar, LLC proposed 5MWac solar energy facility as described in the Special Use Permit application, is substantially in accord with the Prince Edward County Comprehensive Plan and recommend approval of the Special Use Permit request with conditions as proposed, and to include cemetery access; 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. |      |                         |
|         | Henry Womack              |      |                         |
| Absent: | Teresa Sandlin            |      |                         |
|         | Rhett Weiss               |      |                         |

**CEP Solar, LLC**  
**PRINCE EDWARD COUNTY, VIRGINIA**  
**Special Use Permit Conditions**

**SECTION I. GENERAL PROVISIONS**

1. This Special Use Permit applies to the following properties for which a special use permit application was submitted:

Tax Map Parcel Identification Number: 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 or contractors of any terms, conditions, or provisions of any of the foregoing shall constitute a violation of this Special Use Permit if Applicant has failed to begin and diligently pursue (or has failed to cause its agents, employees or contractors, as applicable, to begin and diligently pursue) correction of the violation within thirty (30) days after written notice by the County to Applicant.

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 unless: (a) otherwise approved by the County in the final site plan; (b) otherwise approved by the County in connection with building permit approvals, including electrical permits; (c) underground lines conflict with other applicable permitting standards, including environmental permits; or (d) underground lines are not reasonably practical given site constraints.
  - g. Any historical resources of significance as determined by the Virginia Department of Historic Resources Map shall be assessed in consultation with VDHR, and if VDHR requires preservation measures, these will be 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.
12. Ingress and egress to the Cemetery located on the property shall be allowed to family members and descendants of deceased persons buried there, any Cemetery plot owner, and any person engaging in genealogy research, who has given reasonable notice to the owner of record or to the occupant of the property or both, in accordance with Virginia Code Section 57-27.1(A)
13. The Project owner or operator will, in coordination with the Prince Edward County Fire Department, provide education and training on how to respond in the event of a fire or other emergency on the premises. “Knox Boxes” will be added at access gate locations, so that Fire Department resources can gain access inside the security fence.

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

14. 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.
15. 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).
16. 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.
17. 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).
18. 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.
19. Dust containment measures shall be utilized at all times, as necessary, to contain dust from constituting a nuisance to nearby residents.
20. No burning of stumps and/or debris will be allowed onsite at the subject solar facility.
21. The Solar Facilities shall be enclosed within chain link security fencing not less than six (6) feet in height.
22. 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.
23. 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.

24. 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.
25. The Solar Facilities shall have commenced construction within three (3) years of approval. The Zoning Administrator may approve one or more extensions of up to one (1) year each upon written request from the Applicant detailing the need for an extension. If Applicant's extension request is based on the fact that it has not yet secured requisite state and federal approvals (and Applicant has diligently pursued such approvals), or that the interconnection utility has not completed their work needed to operate the facility, the Zoning Administrator shall approve the extension request.
26. 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.
27. Storage on the Site of power generated by the Facility or generated elsewhere is prohibited.
28. No panels, inverters, pyranometers, substations, or any other component of the Solar Facility, except fencing, shall be located in a floodplain.
29. 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**

30. 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.
31. 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.

32. 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**

33. Decommissioning shall be conducted in accordance with the Decommissioning Plan approved by Prince Edward County.
34. 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.
35. 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.

36. 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.
37. 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.
38. 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).
39. 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.
40. 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.
41. 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.
42. 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.
43. 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.
44. 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.
45. 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.

**In Re: Public Hearing – Special Use Permit – CEP Solar, LLC – Piney Grove Site**

Chairman Prengaman announced this was the date and time scheduled to receive citizen input prior to considering a review of a Special Use 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.. Notice of this hearing was advertised according to law in the Wednesday, March 6, 2024 and Wednesday, March 13, 2024 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Love said 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.

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."

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."

Mr. Love said no comments in opposition to this application have been received but several have been received in support of both projects. He stated CEP Solar made the same edits to these conditions, one of which was CEP requesting a three-year permitting window of extension, if needed. This project would provide no hardship for the County as an 8MWac utility scale solar project.

Ms. Rodriguez reviewed a presentation on the Piney Grove site; she showed the location of this site, adding that it is less than half a mile from the Miller Lake site. She said this is a maximum of 8MWac solar energy facility; the landowners are the Fowlkes and Taylor families. She then described the preliminary site plan, indicating the site boundary, and stated the total property is approximately 171 acres with 73 buildable acres, which is less than 45% of the site being utilized. Ms. Rodriguez indicated there is one property entrance, pointed out the existing buildings and stated that while the County ordinance requires a minimum of 75' to the closest residence, this plan provides 365' which is more than five times the required amount. She then reviewed several benefits including pollinators, increased biodiversity, revenues raised by the County for Capital Improvement Projects, and affordable and emission-free electricity. She added these projects are relatively low-impact and as they are on leased land, the landowner can continue the project or do something different with the land at the end of the lease.

Commissioner Fuller questioned the size of the farm and what will happen with the rest of the property, and will the landowner be bound to not do anything with the remainder of their property due to the lease. Ms. Rodriguez said there is little that could be done other than enjoy the stream on the property; the three parcels are all included in the lease agreement.

Mr. Giecek said some land could be released that would not have to fill some of the lease obligations. It depends how much is taken up by the buffer, the setbacks and the wildlife corridor.

Estelle Jones and Lawrence Taylor, owners of the property, stated the lease will not affect their homes and barns.

Commissioner Womack asked where the fencing will be placed. Ms. Rodriguez pointed out the area on the proposed map in the presentation.

Chairman Prengaman opened the public hearing.

Estelle Taylor Jones, Lockett District, stated she is in support of the project, as it will use land previously used for tobacco and she wants the land to be put to use. She said the proposed solar farm will be away from the houses, back in the woods, and should not affect anyone.

Edwin Fowlkes, Lockett District, spoke in support of the proposed project.

Ms. Taylor Sheppard spoke in support of the proposed project.

Chris Freeze requested clarification of the boundary line of the project. He said the proposed panels will be close to the line; he said his family uses their raw land for camping.

Ms. Rodriguez pointed out the boundary lines on the map; discussion followed regarding the setbacks.

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

Following a review of the proposed conditions, Chairman Prengaman said that a positive of both projects is that there doesn't seem to be in close proximity to a lot of population other than the current owners. He said it is not a highly-visible area.

Chairman Prengaman stated the conditions include a request by CEP for an additional time period to secure all permits.

Commissioner Peery made a motion, seconded by Commissioner Fuller, 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:

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

**CEP Solar, LLC**  
**PRINCE EDWARD COUNTY, VIRGINIA**  
**Special Use Permit Conditions**

**SECTION I. GENERAL PROVISIONS**

1. This Special Use Permit applies to the following properties for which a special use permit application was submitted:

Tax Map Parcel Identification Number: 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 or contractors of any terms, conditions, or provisions of any of the foregoing shall constitute a violation of this Special Use Permit if Applicant has failed to begin and diligently pursue (or has failed to cause its agents, employees or contractors, as applicable, to begin and diligently pursue) correction of the violation within thirty (30) days after written notice by the County to Applicant.

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.
11. The Project owner or operator will, in coordination with the Prince Edward County Fire Department, provide education and training on how to respond in the event of a fire or other emergency on the premises. "Knox Boxes" will be added at access gate locations, so that Fire Department resources can gain access inside the security fence.

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

12. 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 unless: (a) otherwise approved by the County in the final site plan; (b) otherwise approved by the County in connection with building permit approvals, including electrical permits; (c) underground lines conflict with other applicable permitting standards, including environmental permits; or (d) underground lines are not reasonably practical given site constraints.
- g. Any historical resources of significance as determined by the Virginia Department of Historic Resources Map shall be assessed in consultation with VDHR, and if VDHR requires preservation measures, these will be 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**

- 13. 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.

14. 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).
15. 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.
16. 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.
17. 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.
18. Dust containment measures shall be utilized at all times, as necessary, to contain dust from constituting a nuisance to nearby residents.
19. No burning of stumps and/or debris will be allowed onsite at the subject solar facility.
20. The Solar Facilities shall be enclosed within chain link security fencing not less than six (6) feet in height.
21. 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.
22. 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.
23. 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.

24. The Solar Facilities shall have commenced construction within three (3) years of approval. The Zoning Administrator may approve one or more extensions of up to one (1) year each upon written request from the Applicant detailing the need for an extension. If Applicant's extension request is based on the fact that it has not yet secured requisite state and federal approvals (and Applicant has diligently pursued such approvals), or that the interconnection utility has not completed their work needed to operate the facility, the Zoning Administrator shall approve the extension request.
25. 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.
26. Storage on the Site of power generated by the Facility or generated elsewhere is prohibited.
27. No panels, inverters, pyranometers, substations, or any other component of the Solar Facility, except fencing, shall be located in a floodplain.
28. 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**

29. 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.
30. 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.
31. 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**

- 32. Decommissioning shall be conducted in accordance with the Decommissioning Plan approved by Prince Edward County.
- 33. 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.
- 34. 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.
- 35. 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.

36. 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.
37. 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).
38. 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.
39. 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.
40. 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.
41. 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.

42. 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.
43. 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.
44. 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.

**In Re: Public Hearing – Ordinance Amendment – Signage on Corner Lots**

Chairman Pregelmann announced this was the date and time scheduled to receive citizen input prior to considering 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. Notice of this hearing was advertised according to law in the Wednesday, March 6, 2024 and Wednesday, March 13, 2024 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Love said 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.

Mr. Love said that two other sites have two building signs, these being at Dollar General stores; one is on a corner in Rice, and the other is in Prospect. He said corner lots typically do have two non-conforming drafted language; he said following some comments from Commissioner Weiss, Mr. Love made some corrections. He said this will affect all corner lots in all districts. He added that there have been no comments received regarding this public hearing.

Commissioner Pregelmann opened the public hearing.

There being no one wishing to speak, Commissioner Pregelmann closed the public hearing.

Commissioner Peery made a motion, seconded by Commissioner Gilliam, 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:

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

Mr. Love stated the public hearings will be before the Board of Supervisors at their May meeting.

**In Re: Review of Supervisors Actions**

Mr. Love stated the Board of Supervisors approved the water tank project with the IDA.

**Old Business**

Mr. Love said that the previous Friday, New Leaf filed an appeal to the Planning Commission’s substantial accord determination; he said this will be before the Board of Supervisors at their April 9, 2024 meeting, regarding the 2232 Review and Special Use Permit application. He said they held an additional meeting with the landowners; that site is in A-2, Agriculture Residential.

Mr. Love then stated the Commissioners will get the iPads prior to the next meeting; he said there will also be a training session for those that need one.

**New Business**

Mr. Love stated there is already one Special Use Permit application filed regarding a short-term rental that will be held at the April meeting. He said the other solar project has not yet been filed.

Mr. Love said the Planning Commission will meet for its regular meeting and the Comprehensive Plan workshop at Moton Museum in April.

Mr. Love said the steel should be delivered for the Harbor Freight [construction] next week. He said all of the sites will be under construction soon.

Mr. Love then reported that above the Tharpe trucking site at the High Bridge Trail, the saplings are filling out on the berm above High Bridge. He said the plantings are along the front edge of the gravel area. There is now a double row of plantings at the Tharpe Trucking site, at Pisgah Church Road and Route 460 which has now been landscaped to comply with the original Special Use Permits and the conditional rezoning.

Chairman Prengaman declared the meeting adjourned at 8:17 p.m.

**Next Meeting: TBD**

April 18, 2024

At the special meeting of the Board of Supervisors of Prince Edward County, held at the Robert Russa Moton Museum, 900 Griffin Boulevard, Farmville, Virginia, thereof, on Thursday, the 18<sup>th</sup> day of April, at 6:00 p.m., there were present:

Pattie Cooper-Jones  
J. David Emert  
Llew W. Gilliam, Jr.  
Odessa H. Pride  
Jerry R. Townsend

Brad Fuller  
Whitfield Paige  
John "Jack" W. Peery, Jr.  
Teresa Sandlin  
Rhett Weiss  
Henry Womack

Absent: Victor "Bill" Jenkins, E. Harrison Jones, Cannon Watson, Clifford Jack Leatherwood, John Prengaman

Also present: Douglas P. Stanley, County Administrator; Robert Love, Director of Planning & Community Development; Shawn Rozier, Vice President of Housing, STEPS; Tori Haynes, Senior Planner, Berkley Group; and Benjamin W. Tripp, CEcD, AICP, CZO, Senior Planner, Berkley Group.

Board of Supervisors Chair Cooper-Jones called the special meeting to order.

Planning Commission Vice-Chairman Jack Peery called the special meeting to order.

In Re: Joint Comprehensive Plan Work Session

Mr. Stanley, County Administrator, stated a lot of work has been going on to make this Comprehensive Plan a plan that the Board of Supervisors and Planning Commission can support; he introduced Tori Haynes and Benjamin Tripp, Senior Planners with Berkley Group.

Tori Haynes opened the presentation with a review of the process and schedule to date. She presented an overview of Longwood Symposium Day, and said they challenged the students to come up with ideas to attract and retain residents. She said the students will submit an action plan with a focus on educational improvements including teacher incentives. She said they are also interested in a Community Center facility that would connect more students and recent graduates to job opportunities.

Ms. Haynes then presented an updated draft Vision Statement: *"Prince Edward County is a progressive, diverse, and inclusive community committed to maintaining a high quality of life for its residents through a strong economy, academic excellence, and strategic growth to support a thriving future for all."* She stated this corresponds with the County's strategic plan.

Discussion followed on the need to expand housing opportunities and to create livable communities. Chair Cooper-Jones stated there is an unavailability of Section 8 housing in the area.

Commissioner Weiss requested a definition of affordable housing. Ms. Haynes said there will be a glossary as an appendix; she said they can feature key definitions in the context in which they are used, in addition to the glossary. Mr. Stanley stated the accepted definition was no more than 30% of a household's gross income. Further discussion followed.

Mr. Tripp then reviewed the next steps in the process; he asked that Board of Supervisors and Planning Commission members to provide comments on Chapters 3 and 4 by Friday, May 3. The next work session will be held Thursday, June 20, 2024 at 6:00 p.m. to discuss "Economic Growth and Development" and "Community Facilities and Services."

Board Chair Cooper-Jones declared the Board of Supervisors meeting adjourned at 7:34 p.m.

Planning Commission Vice Chair Peery declared the Planning Commission meeting adjourned at 7:34 p.m.





**Planning Commission  
Agenda Summary**

**Meeting Date:** May 21, 2024  
**Item No.:** 6-a  
**Department:** Planning and Community Development  
**Staff Contact:** Robert Love  
**Issue:** Special Use Permit – Nancy Alexander – Short-Term Tourist Rental

**Summary:**

The County has received an application request by Nancy Alexander for the purpose of establishment of a short-term tourist rental on Tax Map Parcel 064-A-3, with an address of 161 McFarland Lane, Farmville VA, which is zoned CR, College Residential. This use requires a Special Use Permit.

The public hearing notice was published in the May 8, 2024 and May 15, 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 a list of updated Potential Conditions as recommended by staff.

County staff is of the opinion the stated use is generally compatible with the zoning district and will have minimal impact on surrounding properties.

**Attachments:**

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

**Recommendations:**

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

**Recommended Motions:**

I move that the Planning Commission recommend approval of the Special Use Permit request by Nancy Alexander for the purpose of establishment of a short-term tourist rental with the following conditions:

**OR**

I move that the Planning Commission recommend denial of the Special Use Permit request by Nancy Alexander for the purpose of establishment of a short-term tourist rental due to the following:

*(list reasons)*

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



**Planning Commission  
Agenda Summary**

**OR**

I move that the Planning Commission table the Special Use Permit request by Nancy Alexander for the purpose of establishment of a short-term tourist rental 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: Nancy Alexander  
Applicant's Address: 161 McFarland Lane Farmville, VA  
Applicant's Telephone Number: (541) 718-7433

Present Land Use: Residential

Legal Description of Property with Deed Book and Page No. or Instrument No. 64A3  
see attached Deed Book 170 p. 193

Tax Map # 64A3      Acreage: less than 1 acre

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

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

Height of Principal Building (s): Feet \_\_\_\_\_ Stories 1 above ground

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

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

Signature of Applicant (if not property owner) \_\_\_\_\_ Date \_\_\_\_\_

PROPERTY OWNER(S) STATEMENT:

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

Nancy Alexander      3/5/2024  
Signature of Property Owner(s)      Date

Signature of Property Owner(s)      Date

Signature of Property Owner(s)      Date

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

Application Fee \$300.00      Fee Received by RMLove      Date 3/5/2024

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

**161 McFarland Lane, Farmville, VA**  
**Nancy Alexander – SUP Application**

**Narrative statement evaluating effects on adjoining properties:** 161 McFarland Lane is located on a side street adjacent to the Hampden-Sydney campus. In the 1970's, a one-bedroom apartment was added to the south end of a traditional one-story ranch style house. The apartment has a drive-in basement below and is accessible either through the main house, or through an outside entrance located on the south end of the property. It has been used as a rental apartment since it was constructed.

The west façade (front of the property) faces a wooded lot. The south end faces a wooded lot. The east façade of the entire building has a small back yard (depth of approximately 40 feet, which abuts a parking lot behind the main house (and the Blake Apartments), and an open greenspace behind the apartment. To the north is an abandoned house. Neighboring occupied houses are not visible when the leaves are on the trees, and the current traffic of one vehicle serving the apartment should not change the traffic on McFarland Lane.

The impact of using the apartment as a short-term rental is negligible on the neighborhood and should be no different than it currently is.

**Statement of general compatibility:** The apartment was originally constructed for a couple who lived there throughout their lifetime. It was then rented to a single tenant prior to the property being sold in 2022. Since that time, the apartment has been renovated. It is in an excellent location to provide short-term stays for visiting guests in the area. It is a private, quiet location that is convenient to not only Hampden-Sydney College, but all the recreational and shopping opportunities available in Prince Edward County. Even as it is surrounded by wooded area and open space, as well as being buffered on the north side by the existing attached house, it is an easy walk to the campus, and a quick drive to attractions.

The apartment fits well into the residential/rural character of the streetscape and the shift to a Special Use will not change the character or quality of the street.



entrance. 161 McFarland Lane

Apartment showing private drive and



Side Yard – vacant lot next door. 161 McFarland Lane, Farmville



Across Street from Apartment – wooded space with a house beyond. 161 McFarland Lane, Farmville



Back yard of Apartment – 161 McFarland Lane, Farmville





Looking north from the apartment driveway. Main house to the right, abandoned house on next lot.  
161 McFarland Lane, Farmville

This conveyance is made expressly subject to the easements, conditions, restrictions and reservations contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the property hereby conveyed, which have not expired by a limitation of time contained therein or otherwise become ineffective.

WITNESS the following signature and seal.

Miriam M. Moring (SEAL)  
Miriam M. Moring

STATE OF VIRGINIA

CITY/COUNTY OF Prince Edward, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this 16<sup>th</sup> day of September 2022, by Miriam M. Moring.

Margaret Booth  
Notary Public

MARGARET D. BOOTH  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #159183  
My Commission Expires \_\_\_\_\_

Registration No. 159183

My commission expires: 11/30/2023

Grantor's Tax: \$ 267.50  
Examined and ~~Mailed~~/Delivered To:  
Date: 9/19/2022

Terril Atkins Hilson P.C.

INSTRUMENT 202201962  
RECORDED IN THE CLERK'S OFFICE OF  
PRINCE EDWARD COUNTY CIRCUIT COURT ON  
SEPTEMBER 19, 2022 AT 03:02 PM  
\$267.50 GRANTOR TAX WAS PAID AS  
REQUIRED BY SEC 58.1-802 OF THE VA. CODE  
STATE: \$133.75 LOCAL: \$133.75  
LYNNETTE COE, CLERK  
RECORDED BY: JND

TimberlakeSmith  
Staunton, VA  
540.885.1517



**VIRGINIA LAND RECORD COVER SHEET**

Commonwealth of Virginia VA. CODE §§ 17.1-223, -227.1, -249

**FORM A - COVER SHEET CONTENT**

Instrument Date: 9/16/2022

Instrument Type: DBS

Number of Parcels: 1 Number of Pages: 2

[ ] City [X] County PRINCE EDWARD  
CIRCUIT COURT

Tax Exempt? VIRGINIA/FEDERAL CODE SECTION

[ ] Grantor: .....

[ ] Grantee: .....

**Business/Name**

*(Area Above Reserved For Deed Stamp Only)*

1 Grantor: MORING, MIRIAM M

Grantor: .....

1 Grantee: ALEXANDER, NANCY ANN

Grantee: .....

**Grantee Address**

Name: NANCY ANN ALEXANDER

Address: 161 MCFARLAND LANE

City: FARMVILLE State: VA Zip Code: 23901

Consideration: \$265,000.00 Existing Debt: \$0.00 Actual Value/Assumed: \$267,100.00

**PRIOR INSTRUMENT UNDER § 58.1-803(D):**

Original Principal: \$0.00 Fair Market Value Increase: \$0.00

Original Book No.: ..... Original Page No.: ..... Original Instrument No.: .....

Prior Recording At: [ ] City [ ] County ..... Percentage In This Jurisdiction: 100%

Book Number: ..... Page Number: ..... Instrument Number: .....

Parcel Identification Number/Tax Map Number: 64 A 3

Short Property Description: PARCEL IN HAMPDEN DISTRICT

Current Property Address: 161 MCFARLAND LANE

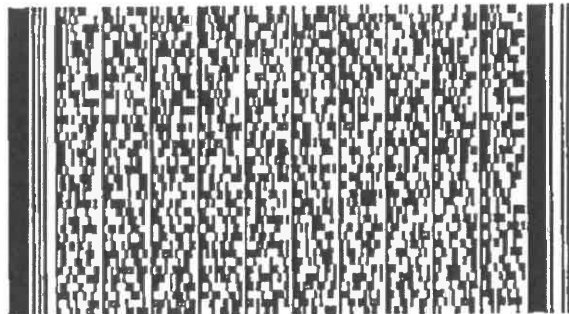
City: FARMVILLE State: VA Zip Code: 23901

Instrument Prepared By: ALAN F. GARRISON Recording Paid By: TERRI ATKINS WILSON, PC

Recording Returned To: TERRI ATKINS WILSON, P. C.

Address: 117 NORTH MAIN STREET

City: FARMVILLE State: VA Zip Code: 23901



Tax Map #64-A-3  
Assessed Value: \$267,100.00  
Consideration/Actual Value: \$265,000.00  
Prepared By: Alan F. Garrison (Bar #29058)  
Title Insurance is with Fidelity National Title Insurance Company

THIS DEED, made this 16<sup>th</sup> day of September, 2022, by and between Miriam M. MORING, Grantor; and Nancy Ann ALEXANDER, party of the second part, Grantee, whose address is 161 McFarland Lane, Farmville, Virginia 23901;

--- WITNESSETH ---

That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand, paid by the Grantee to the Grantor at and before the sealing and delivery of this deed, and other valuable consideration not herein specified, the receipt of which is hereby acknowledged, the said Grantor does hereby grant, bargain, sell and convey, WITH GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE, unto the said Grantee, the following real estate, to-wit:

All that certain lot or parcel of land, lying and being in Hampden Magisterial District, Prince Edward County, Virginia, and at Hampden Sydney College and being bounded and described as follows: BEGINNING at a point on the Southeastern corner of Skidmore lot; (see plat R.C. Dodl, March 18, 1969, recorded in in the Prince Edward County Circuit Court Clerk's Office in Plat Book 2, Page 60) thence along other property of Hampden Sydney College, S. 1 deg. 00 min. W. 200' to a point; thence along a line parallel to the southern line of the Skidmore lot 152' to a point; thence N. 1 deg. 00 min. E. 200' to the southwest corner of the Skidmore lot; thence along the Skidmore lot in an easterly direction 152' to the point of beginning. TOGETHER WITH the right of ingress and egress over and across a 50 foot street from Secondary Highway 1001 to the herein described lot, shown as dotted lines on the aforementioned Dodl plat.

Being the same real property conveyed to Annie C. McFarland by deed from The President and Trustees of Hampden Sydney College, dated April 21, 1969, recorded in the Clerk's Office in Deed Book 170, Page 193. Annie C. McFarland, also known as Annie McFarland Harkleroad died December 11, 2006, by her Will recorded in the Clerk's Office as Instrument 200700001, she devised her real property to her daughter, Miriam Moring, grantor herein.

Reference is here made to the aforementioned deed, etc. for further description and derivation of title.

TimberlakeSmith  
Staunton, VA  
540.885.1517



Please publish the following public hearing notice in **THE FARMVILLE HERALD** on **Wednesday, May 8, 2024** and **Wednesday, May 15, 2024**.

---



### NOTICE OF PUBLIC HEARING

The Prince Edward County Planning Commission will hold PUBLIC HEARINGS on Tuesday, May 21, 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. A request by Scott Schmolesky on behalf of Hampden-Sydney College to amend the existing Special Use Permit for the purpose of a master plan of development to include expanded use and activities of shooting practices & competition events, as well as outdoor educational program activities such as archery, biking, cross country running, hiking, leadership development and a nature trail on Tax Map Parcel 064-A-45, with an address of 7128 Farmville, Road, Farmville, VA, which is zoned A1, Agricultural Conservation.
2. A request by Nancy Alexander for the purpose of establishment of a short-term tourist rental on Tax Map Parcel 064-A-3, with an address of 161 McFarland Lane, Farmville VA, which is zoned CR, College Residential.

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 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.

###



**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)

May 6, 2024

To: Property Owners

From: Robert Love, Director of Planning and Community Development

Subject: Special Use Permit Request – Nancy Alexander

The Prince Edward County Planning Commission will hold a public hearing on Tuesday, May 21, 2024 at 7:00 p.m. to receive citizen input on a request by Nancy Alexander for the purpose of establishment of a short-term tourist rental on Tax Map Parcel 064-A-3, with an address of 161 McFarland Lane, Farmville VA, which is zoned CR, College Residential.

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

NANCY ALEXANDER SUP  
POTENTIAL CONDITIONS  
Tax Map Parcel # 064-A-3

**SITE PLAN**

1. Development activities on the site shall be limited to those as specified in the Special Use Permit Application and Site Plan. The final locations of incidental facilities may be adjusted provided no such adjustment violates any buffers, setbacks, or other statutory requirement. The concepts reflected in the filed special use permit dated 03/05/2024 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 buildings within the property shall be developed as a cohesive entity, ensuring that building placement, architectural treatment, parking lot lighting, landscaping, trash disposal, vehicular and pedestrian circulation and other development elements work together functionally and aesthetically.
4. All landscaping shall be mulched and maintained to the reasonable satisfaction of the Prince Edward County Planning and Community Development Director. Any vegetation found to be of poor condition shall be replaced and/or improved at the reasonable direction of the Planning and Community Development Director or his designee.

**ENVIRONMENTAL**

5. All activities as well as facilities for the provision of potable water and sanitation and wastewater disposal systems shall comply with the requirements of the appropriate federal, state, and local regulations and ordinances.
6. Any development activities of structural or land disturbing nature not specifically addressed by these Conditions shall be in conformance with applicable provisions of federal, state, and local statutes and regulations.

**TRANSPORTATION**

7. Adequate area shall be provided on site to accommodate parking of all renters and guests. It shall be the responsibility of the Permittee to assure that renters and guests park only on site and not on any highway, right-of-way, or on adjoining or adjacent parcels unless written consent is provided by the owner or owners thereof.

**GENERAL**

8. Rental activity shall be in conformance with Prince Edward County Ordinance 70-221 thru 70.231 pertaining to the transient occupancy tax and such tax shall be reported to the Commissioner of the Revenue on or before the last day of the following calendar month.

9. The Permittee is responsible for the appearance of the site including litter pick-up and other orderly site appearance.
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.

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**Planning Commission  
Agenda Summary**

**Meeting Date:** May 21, 2024  
**Item No.:** 6-b  
**Department:** Planning and Community Development  
**Staff Contact:** Robert Love  
**Issue:** Special Use Permit – Outdoor Shooting Range - Permit Amendment

**Summary:**

The County has received an application request by Scott Schmolesky on behalf of Hampden-Sydney College to amend the existing Special Use Permit for the purpose of a master plan of development to include expanded use and activities of shooting practices & competition events, as well as outdoor educational program activities such as archery, biking, cross country running, hiking, leadership development and a nature trail on Tax Map Parcel 064-A-45, with an address of 7128 Farmville Road, Farmville, VA, which is zoned A1, Agricultural Conservation.

The public hearing notice was published in the May 8, 2024 and May 15, 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 a list of updated Potential Conditions as recommended by staff.

Staff has previously conducted site inspections and observed that the shooting range has been operating in full compliance with the Noise Ordinance, Zoning Ordinance, and the existing Special Use Permit Conditions.

County staff is of the opinion the stated uses are generally compatible with the zoning district but will have some minimal impact on surrounding properties such as noise and traffic during events.

**Attachments:**

- 1. Special Use Permit Application
- 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 decision concerning the Special Use Permit amendment request.

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

Gilliam \_\_\_\_\_  
Leatherwood \_\_\_\_\_

Paige \_\_\_\_\_  
Peery \_\_\_\_\_  
Prengaman \_\_\_\_\_

Sandlin \_\_\_\_\_  
Weiss \_\_\_\_\_  
Womack \_\_\_\_\_



**Planning Commission  
Agenda Summary**

**Recommended Motions:**

I move that the Planning Commission recommend approval of the Special Use Permit amendment request by Scott Schmolesky on behalf of Hampden-Sydney College in order to allow for a master plan of development for expanded activities with the following conditions:

**OR**

I move that the Planning Commission recommend denial of the Special Use Permit amendment request by Scott Schmolesky on behalf of Hampden-Sydney College due to the following:

*(list reasons)*

**OR**

I move that the Planning Commission table the Special Use Permit amendment request by Scott Schmolesky on Hampden-Sydney College 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 A1  
MAGISTERIAL DISTRICT 03 HAMPDEN  
DATE SUBMITTED 4-29-2024 by RMLove

### 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: Scott Schmalzsky  
Applicant's Address: Hampden Synchry College PO Box 5 Hampden Synchry, VA 23943  
Applicant's Telephone Number: (434) 223-6717  
Present Land Use: Historic Property - Request for City Target Team

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

Tax Map # 064-A-45B Acreage: 258

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

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

Height of Principal Building (s): Feet \_\_\_\_\_ Stories \_\_\_\_\_

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

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

[Signature] Date 4/29/24  
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 of Property Owner(s) Date

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

# SUPPORTING DOCUMENTATION FOR HAMPDEN-SYDNEY COLLEGE'S FUTURE DEVELOPMENT OF THE SLATE HILL PLANTATION PROPERTY

April 2024

## **Importance of the Slate Hill Plantation to the History of Hampden-Sydney College**

In February 1775, on the eve of our nation's founding, the Hanover Presbytery held a special meeting at Prince Edward County's Slate Hill Plantation to organize an educational institution that would form the good men and good citizens who would lead the emerging Republic. Slate Hill was the home of Nathaniel Venable, who was among the College's founders, and this meeting was held in his law office, known as "The Birthplace" of Hampden-Sydney College. (The Birthplace was moved to the Hampden-Sydney campus in the 1940s.) The College's founders chose the name Hampden-Sydney to symbolize their devotion to the principles of representative government and civil and religious freedom for which John Hampden (1594-1643) and Algernon Sidney (Sydney) (1622-1683) gave their lives in England's constitutional crises of the 17<sup>th</sup> Century. Hampden and Sydney were revered by American colonial patriots and their names were associated with the cause of independence championed by Patrick Henry and James Madison, who were among the charter trustees of Hampden-Sydney College. Nearly 250 years later, Slate Hill and The Birthplace are symbols of the timeless mission and values of the College's founders that the College continues to pursue today.

## **The Shooting Program and Its Importance to the College**

Hampden-Sydney is pursuing ambitious plans with the aims of having the College join the ranks of the country's finest liberal arts colleges and universities and being well known and highly regarded nationally. The College is also working to strengthen its financial foundation so that any talented young man who wishes to attend can access a Hampden-Sydney education, regardless of his family's financial circumstances. Achieving these goals will require increasing both its endowment and its enrollment so that the College generates sufficient revenue to support and enhance the educational experiences it offers young men and the overall quality of its operations. The College is working to grow enrollment in the face of a challenging demographic landscape that includes a declining number of high school graduates and an even more unfavorable outlook for male college attendance.

The College's shooting program offers an opportunity to recruit and retain additional students. Youth and high school shooting sports and programs are growing rapidly in the United States, and many of the students who participate in these programs would like to continue in the sport or even compete at the collegiate level. This is the case at nearby Woodbury Forest, for example, which has a competitive shooting program. Shooting sports have proven to be a popular offering at Hampden-Sydney. In fall 2023, tryouts for the Clay Target Team drew more than 30 students competing for 12 spots on the team. Shooting events held in conjunction with the College's Alumni Weekend, Parents Weekend, and Homecoming are highly popular with our alumni, students, and their parents and these events are always fully subscribed.

## **The Economic Impact of the Shooting Program**

While Hampden-Sydney has historically attracted outdoorsmen and young men who enjoy hunting and shooting sports, a state-of-the-art facility and lodge at Slate Hill would be valuable recruiting tools to expand the program and draw more of those students to the College. An expanded shooting program would also have an even larger economic impact on the Farmville and Prince Edward County economies as parents and alumni who have shown support for and interest in shooting sports at Hampden-Sydney would be lodging in the area and shopping and dining at local businesses and restaurants. Shooting programs also tend to attract economically advantaged families, which would be beneficial to the College and the local community as well.

## **Building on the Shooting Program's Recent Success**

The Hampden-Sydney College shooting team competed at the National Collegiate Clay Target Tournament in San Antonio, Texas last March, placing 4<sup>th</sup> in its division. The team had not previously competed in this tournament, but plans to attend this and other regional and national tournaments in the future. Having a state-of-the-art facility and expanded use would enhance the team's preparation for such tournaments and would be crucial to putting Hampden-Sydney's program on the shooting community's map.

Becoming more competitive and having a first-rate shooting facility would allow Hampden-Sydney to host other collegiate teams, including those from several Virginia colleges and universities (e.g., Liberty University, the University of Virginia, Virginia Tech, and Washington and Lee University) as well as teams from colleges and universities beyond Virginia. The visiting teams would benefit the Farmville and Prince Edward economies by lodging at local hotels and dining in nearby restaurants.

## **Slate Hill Is an Ideal Site for a Shooting Facility**

The Slate Hill Plantation site has served as a shooting facility even before it was owned by the College. The secluded property offers an ideal location for a high-quality shooting (shotgun only) facility that is in close proximity to campus. The trees that surround the property and the contours of the land offer a natural sound barrier, and the layout of the proposed facility is intentionally designed to reduce noise and keep all shot within the property boundaries.

## **Use of the Slate Hill Plantation Property for Other Activities**

While development and expansion of the shooting program is a key feature at Slate Hill, the College has used and anticipates continued use of the property for its academic program. Dr. Charles Pearson, archaeologist and Lecturer in History at Hampden-Sydney, teaches occasional courses in historical archaeology and has led numerous archaeological projects at the Venable home site. At just over 250 largely undeveloped acres, the property could also host biology, environmental science, or other field research and occasional classes in history and other disciplines that would explore and contextualize former plantation activity, the founders and founding of the College, the Venable family cemetery, etc. The property may also be used in the future for additional purposes, such as the College's High Adventure Outdoor Education Program activities (e.g., hiking, biking, leadership development activities), the development of a nature trail, an archery range, and a cross country course.

The College owns houses on the Slate Hill property near U.S. Route 15, which it currently leases to faculty and staff members. These employees typically live in these houses for one or two years before purchasing a home in Farmville or Prince Edward County. The College will continue to maintain and rent these homes to its employees. The large chicken coops near U.S. Route 15 are used primarily for storage by the College's Facilities Department. Currently, the College's baseball team is using one of these structures for batting practice.

### **Overview of the Site Plan**

The course and site plans have been designed by Rick Hemingway, designer, owner, and operator of Back Woods Quail Club, a first-class shooting facility in Georgetown, South Carolina that has played host to the National Sporting Clays Association (NSCA) U.S. Open Championships and other prominent events. Mr. Hemingway is a well-known and highly sought-after course designer, whose plan will provide Hampden-Sydney with excellent clay target, skeet, and sporting clays facilities. The plans for the shooting facilities are well within the College's property boundaries and the facilities are designed to enhance the property for shotgun use only, with shot falling within the property boundary. (Please refer to the site plan for more details.) The proposed lodge, skeet and trap fields, and sporting clays course will be open exclusively to the College's alumni, students, faculty and staff members, parents, and team competitions with minimal impact to the neighboring community.

The proposed lodge, to be constructed at some point in the near future, will likely be designed to reflect architectural elements of the original Venable Slate Hill Plantation house. The driveway leading from U.S. Route 15 to the shooting facility site will be straightened and improved and its layout will not encroach on the property of adjacent landowners.

The proposed site plan mitigates impact and environmental exposure in multiple ways. First, the expanded range will be re-oriented away from the adjoining property owner. Second, an indoor laser range to be included in the lodge (when built) will enable the teams to practice technique and form without firing live rounds.

### **Continued Safe Operation**

Hampden-Sydney College is well positioned to apply for a third permit to expand usage of the Slate Hill property. In the three years the College's shooting team has been using the Slate Hill Plantation property, the College has had no complaints and has fully complied with, and operated solely within the requirements of, its special use permit.

### **Level of Use and Participation in Shooting Activity**

While Hampden-Sydney currently plans to use the range for shooting practice for up to three hours per day on weekdays, and for special events and practices for up to six hours per event on Saturdays, the College would like to have the flexibility to schedule shooting activity between dawn and dusk from Monday through Saturday as the program grows and evolves. Shooting events that take place on Sundays will only occur between 12:00 p.m. and dusk. Non-shooting activities may take place at times when shooting is not occurring. All non-shooting events and events outside of regular team practices will be subject to a comprehensive approval process by appropriate Hampden-Sydney administrators and the Dean of Students. The accessibility to the range would allow for the shooting team and other members of the Hampden-Sydney community to use the facility to its full potential.

The College owns houses on the Slate Hill property near U.S. Route 15, which it currently leases to faculty and staff members. These employees typically live in these houses for one or two years before purchasing a home in Farmville or Prince Edward County. The College will continue to maintain and rent these homes to its employees. The large chicken coops near U.S. Route 15 are used primarily for storage by the College's Facilities Department. Currently, the College's baseball team is using one of these structures for batting practice.

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Currently, the shooting team has twelve members and usage for special events is capped at 30 individuals. As the College works to attract young men who are interested in shooting, either to compete on the team or to shoot recreationally, the course will see additional use and users. The College anticipates having sufficient resources to support more than one shooting team. The new course plan would offer twice the current capacity. The following table provides more detail about anticipated use of the Slate Hill property.

| <b>ANTICIPATED USES OF THE SLATE HILL PROPERTY OWNED BY HAMPDEN-SYDNEY COLLEGE</b> |                                          |                                   |                                          |                                  |                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------------------------------------------------------------|------------------------------------------|-----------------------------------|------------------------------------------|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Event/Program/Use</b>                                                           | <b>Frequency</b>                         | <b>Anticipated # of Attendees</b> | <b>Time Frame</b>                        | <b>Division of the College</b>   | <b>Notes</b>                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Shooting Practices</b>                                                          | Up to 6 times per week (Monday-Saturday) | 30-60 depending on team need      | Academic year (late August to early May) | Student Affairs                  | Frequency may increase and number of participants may grow closer to 60 if a "B team" and/or club team is created in the future.                                                                                                                                                                                                                                                                          |
| <b>Shooting Competitions</b>                                                       | 2-5 times per semester                   | 50-100 depending on events        | Academic year (late August to early May) | Student Affairs                  | We expect several competitions with other colleges and high schools each academic year.                                                                                                                                                                                                                                                                                                                   |
| <b>Alumni/Parent Shooting Events</b>                                               | Up to 10 times per year                  | 50-200+ depending on events       | Year round                               | Alumni Relations                 | We anticipate several parent/alumni events each semester and summer.                                                                                                                                                                                                                                                                                                                                      |
| <b>Baseball Batting Practice</b>                                                   | 5-6 times per week                       | 30-50 depending on team need      | Academic year (late August to early May) | Athletics                        | This occurs in the existing chicken coops near U.S. Route 15. Use is lighter in the fall and heavier in the spring.                                                                                                                                                                                                                                                                                       |
| <b>Other College Events and Use</b>                                                | 10-20 times per semester                 | 10-100+ depending on event type   | Year round                               | Assigned Division of the College | Slate Hill offers many opportunities for academic pursuits, including biological, environmental, or other science research; archaeology; and historical research and contextualization of plantation activity and the Venable Cemetery. The property is also conducive to the pursuits of the College's Outdoor Education Program, such as hiking and biking tours and leadership development activities. |

### **U.S. Route 15 and Possible Alternative Access**

Should this development permit be granted, the College is prepared to work with Virginia Department of Transportation to improve the entrance to Slate Hill in accordance with appropriate VDOT standards and with the required review and approval of improvement plans. The intent of these improvements is to provide ease of access to the property with a focus on the safety of visitors to Slate Hill. Longer term, the College may pursue opportunities for pedestrian access to the property via an easement that runs south from the College's Sagebrook Apartments on Abilene Road. This may provide a secondary access option for College staff, faculty, and students. Additionally, the College will likely contract and offer supplemental transportation services via shuttle to the Slate Hill property for larger scale events to reduce traffic to and from the property along U.S. Route 15 and to reduce the need for large scale parking facilities on the property.

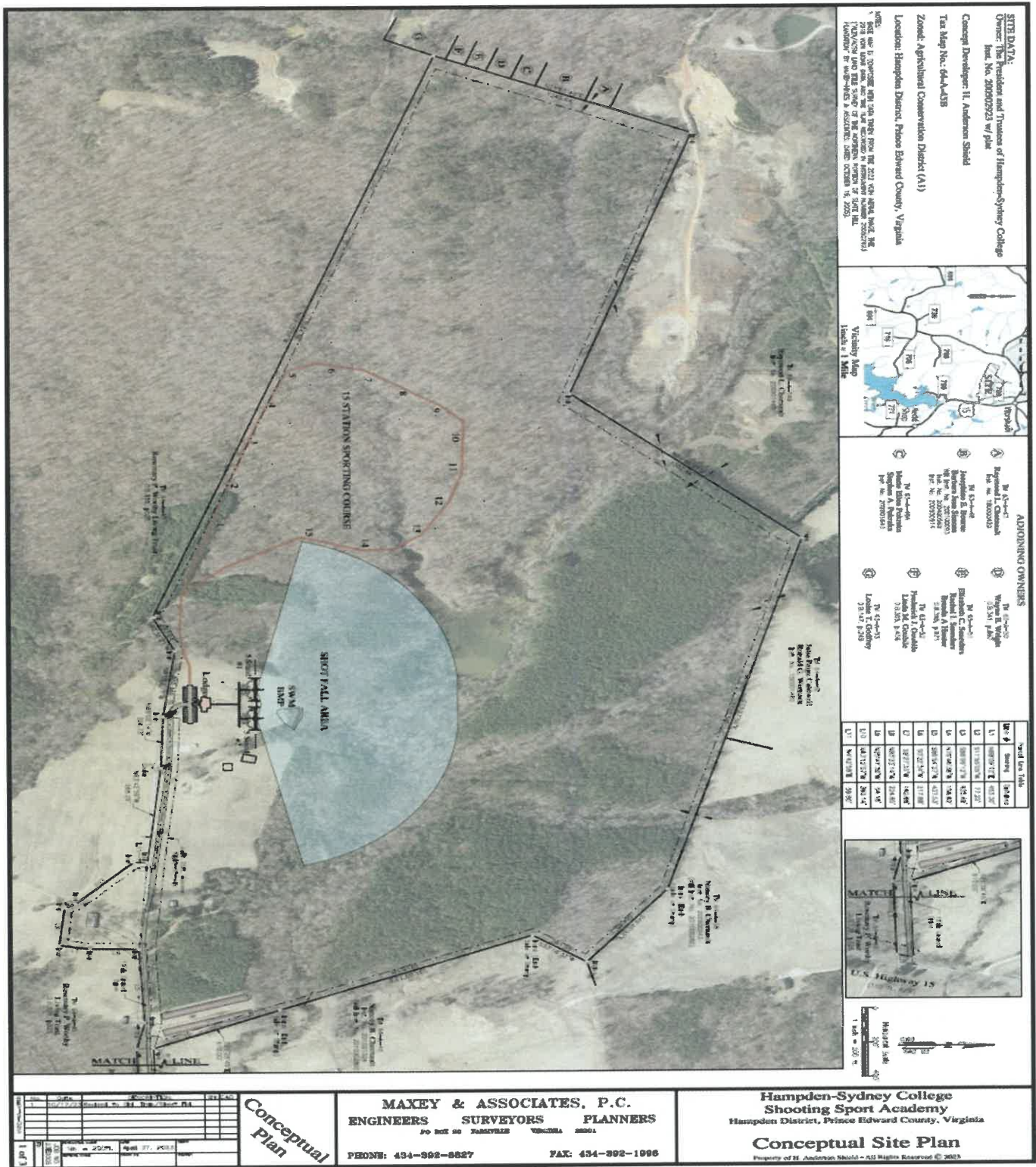


## **The Venable Family, the Slate Hill Plantation, and the 250<sup>th</sup> Anniversary of the College's Founding**

In addition to the new shooting facility, the College plans to restore the cemetery at Slate Hill, where Nathaniel Venable and many other Venable family members are buried. The renovation will provide the Hampden-Sydney community with opportunities to gain a better understanding of, and appreciation for, the Venable family's contributions to the founding of Hampden-Sydney College nearly 250 years ago, and to the family's contributions to the American Revolution, the founding of the United States, and its many public service contributions.

As the College approaches the significant milestone of its 250<sup>th</sup> anniversary during its 2025-26 academic year, the proposed project at Slate Hill will only add to Hampden-Sydney College's ability to fulfill its longstanding mission of forming good men and good citizens for generations to come.

# Comprehensive Conceptual Plan for Shooting Sports at Slate Hill



**SITE DATA**  
 Owner: The President and Trustees of Hampshire-Sydney College  
 Ref. No. 200202923 of plan  
 Concept Developer: H. Anderson Shield  
 Tax Map No.: 64A-435  
 Zone: Agricultural Conservation District (A1)  
 Location: Hampshire District, Prince Edward County, Virginia  
 Notes: SEE REF. 11-200202923 FROM THE 2002 CPA MAPS, HOUS. INC. 2008 FOR ROAD DATA AND THE 2004 MAPS TO ESTABLISH BOUNDARIES. 200202923 IS A PRELIMINARY PLAN AND SHOULD BE USED AS A REFERENCE ONLY. THIS PLAN IS VALID FOR 180 DAYS FROM THE DATE OF ISSUANCE. DATE: OCTOBER 14, 2008.



- ADJOINING OWNERS**
- Regional Council  
Ref. No. 1000000
  - Hampshire & Sydney  
Ref. No. 20020000  
Ref. No. 20020001  
Ref. No. 20020002
  - James Blair Park  
Ref. No. 20020003
  - Wayne H. Wilson  
Ref. No. 20020004
  - Blanton C. Stinson  
Ref. No. 20020005
  - Richard A. Hunter  
Ref. No. 20020006
  - Richard L. O'Connell  
Ref. No. 20020007
  - Land 20020008

| Lot # | Owner              | Area   |
|-------|--------------------|--------|
| 1     | Regional Council   | 11.27  |
| 2     | Hampshire & Sydney | 42.44  |
| 3     | Hampshire & Sydney | 104.47 |
| 4     | Hampshire & Sydney | 111.00 |
| 5     | Hampshire & Sydney | 142.46 |
| 6     | Hampshire & Sydney | 122.46 |
| 7     | Hampshire & Sydney | 24.47  |
| 8     | Hampshire & Sydney | 24.47  |
| 9     | Hampshire & Sydney | 24.47  |



| DATE     | BY                       | REVISION             |
|----------|--------------------------|----------------------|
| 10/14/08 | MAXEY & ASSOCIATES, P.C. | CONCEPTUAL SITE PLAN |

**Conceptual Plan**

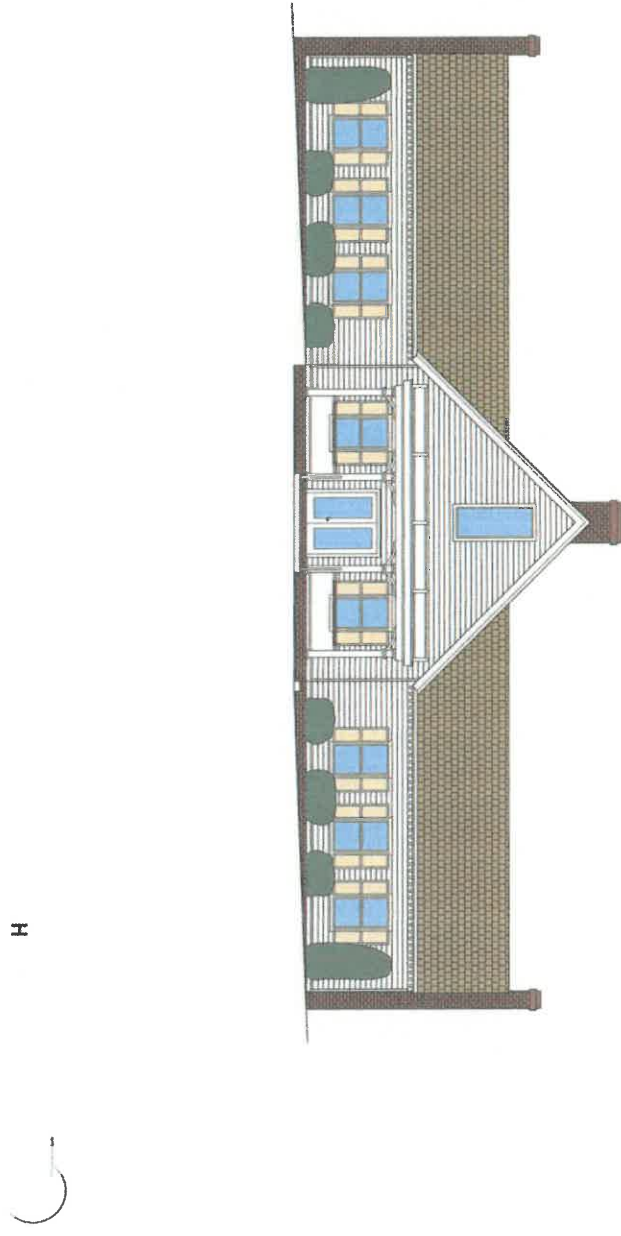
**MAXEY & ASSOCIATES, P.C.**  
 ENGINEERS SURVEYORS PLANNERS  
 401 WEST 40th STREET, VIRGINIA BEACH, VIRGINIA 23064  
 PHONE: 434-992-8827 FAX: 434-992-1996

**Hampshire-Sydney College**  
 Shooting Sport Academy  
 Hampshire District, Prince Edward County, Virginia  
**Conceptual Site Plan**  
 Property of H. Anderson Shield - All Rights Reserved © 2008

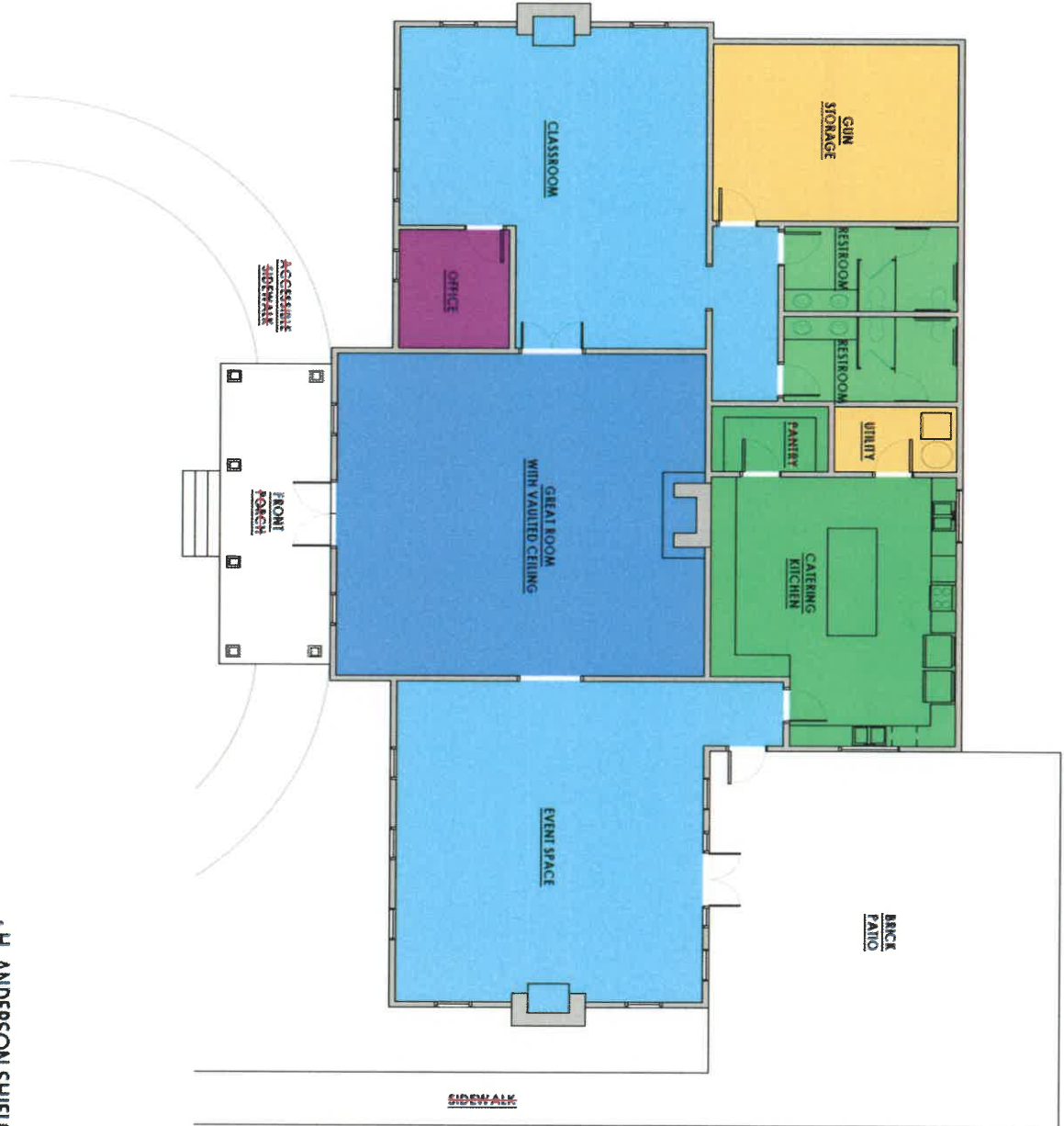




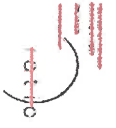
Conceptual Plan for Future Lodge at Slate Hill



Conceptual Plan for Slate Hill Lodge Interior



H. ANDERSON SHIELD  
ARCHITECTS  
P.C.



**From:** Scott Schmolesky <sschmolesky@hsc.edu>  
**Sent:** Tuesday, May 14, 2024 3:40 PM  
**To:** rlove@co.prince-edward.va.us  
**Cc:** Ty Schoolar  
**Subject:** Sundays

Hello Robbie.

Good to speak with you earlier.

If we could strike the option to shoot on Sundays on page 4 of the attached documents, we would appreciate it.

We will not plan on operating the range for any shooting purposes on Sundays. Just let me know if you have any questions.

Best,

Scott.



**Scott Schmolesky**  
Director of High Adventure  
Hampden-Sydney College  
Brown Student Center • PO Box 5, Hampden-Sydney, VA 23943  
(434) 223-6717 • Fax: (434) 223-6040 • Cell: (910) 200-1594 • [www.hsc.edu](http://www.hsc.edu)

*Forming good men and good citizens*





Please publish the following public hearing notice in **THE FARMVILLE HERALD** on **Wednesday, May 8, 2024** and **Wednesday, May 15, 2024**.

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### NOTICE OF PUBLIC HEARING

The Prince Edward County Planning Commission will hold PUBLIC HEARINGS on Tuesday, May 21, 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. A request by Scott Schmolesky on behalf of Hampden-Sydney College to amend the existing Special Use Permit for the purpose of a master plan of development to include expanded use and activities of shooting practices & competition events, as well as outdoor educational program activities such as archery, biking, cross country running, hiking, leadership development and a nature trail on Tax Map Parcel 064-A-45, with an address of 7128 Farmville, Road, Farmville, VA, which is zoned A1, Agricultural Conservation.
2. A request by Nancy Alexander for the purpose of establishment of a short-term tourist rental on Tax Map Parcel 064-A-3, with an address of 161 McFarland Lane, Farmville VA, which is zoned CR, College Residential.

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 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.

###





**PLANNING COMMISSION**

John Prengaman  
Chairman

Lew 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)

May 6, 2024

To: Property Owners

From: Robert Love, Director of Planning and Community Development

Subject: Special Use Permit Request – Hampden-Sydney College

The Prince Edward County Planning Commission will hold a public hearing on Tuesday, May 21, 2024 at 7:00 p.m. to receive citizen input on a request by Scott Schmolesky on behalf of Hampden-Sydney College to amend the existing Special Use Permit for the purpose of a master plan of development to include expanded use and activities of shooting practices & competition events, as well as outdoor educational program activities such as archery, biking, cross country running, hiking, leadership development and a nature trail on Tax Map Parcel 064-A-45, with an address of 7128 Farmville, Road, Farmville, VA, which is zoned A1, 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

HAMPDEN-SYDNEY COLLEGE SUP  
SITE CONDITIONS – REVISED 5/21/2024  
Tax Map Parcel # 064-A-45B

**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 amendment dated 04/24/2024 are hereby made part of these development conditions.
2. Final site plan approval for the facilities shall be submitted to the Prince Edward County Community Development Department for final review and approval pursuant to Appendix B of the Prince Edward County Code (Zoning Ordinance).
3. Any proposed expansion of the operation, change of activities or additional facilities or activities shall be submitted to the Prince Edward County Planning and Community Development office for review prior to implementation. Any changes may be subject to Permit amendment procedures, including Public Hearings.
4. All buildings within the property shall be developed as a cohesive entity ensuring that building placement, architectural treatment, parking lot lighting, landscaping, trash disposal, vehicular and pedestrian circulation and other development elements work together functionally and aesthetically.
5. All landscaping shall be mulched and maintained to the reasonable satisfaction of the Prince Edward County Planning and Community Development Director. Any vegetation found to be of poor condition shall be replaced and/or improved at the reasonable direction of the Planning and Community Development Director or his designee.

**ENVIRONMENTAL**

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

**TRANSPORTATION**

9. The existing access connection to Farmville Road (State Route 15) shall be improved in accordance with and permitted by the Virginia Department of Transportation, as a commercial entrance. Permit issuance for the improvement is subject to VDOT review of the site plan submission.
10. The road leading along the edge of the property will be maintained by Hampden-Sydney College in good condition.

11. Adequate area shall be provided on site to accommodate parking of all staff, students, alumni, parents, and visitors. It shall be the responsibility of the Permittee to assure that parking will occur on site and not on any highway, right-of-way, or on adjoining or adjacent parcels unless written consent is provided by the owner or owners thereof.

### **SHOOTING ACTIVITIES**

12. Shooting may occur from dawn till dusk up to three hours of active range time per day on Monday through Friday and up to six hours of active range time on Saturday. Shooting activities shall be prohibited on Sunday. Hours shown are requested by the applicant.
13. A schedule of shooting match events shall be provided to the Prince Edward County Planning and Community Development office prior to the beginning of each school semester.
14. Only shotguns and bird shot will be used during practices and shooting match events.
15. The Hampden-Sydney College will coordinate with neighbors to avoid use of the range during times when hay is being harvested on the adjacent property.
16. All practices and shooting match events will be organized and supervised by an appropriately qualified Range Safety Officer (RSO) within NRA guidelines and shall be in conformance with applicable provisions of federal, state, and local statutes and regulations.
17. All individuals using the range will be properly trained in safety and firearms handling prior to use of the facility.

### **GENERAL**

18. The facility will be maintained by the Hampden-Sydney College in good condition, with hulls and any consumable items disposed of at the end of each practice and shooting match events.
19. All exterior lighting shall be designed and installed so as to minimize glare onto adjoining properties or any public access road. All lighting shall be full cut-off type fixtures.
20. Outdoor storage of trash containers shall be situated at the rear of buildings and shall be appropriately screened.
21. The Permittee is responsible for the appearance of the site including litter pick-up and other orderly site appearance.
22. 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.
23. 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.