



## ***County of Prince George, Virginia***

*"A global community where families thrive and businesses prosper"*

### **INTEROFFICE MEMORANDUM**

TO: Alex W. Bresko, Jr., Chairman  
R. Steven Brockwell, Vice-Chairman  
Tammy Anderson  
Floyd M. Brown, Sr.  
Imogene S. Elder  
V. Clarence Joyner, Jr.  
Joseph E. Simmons

FROM: Tim Graves, Planner I

RE: June 2022 Planning Commission Work Session & Business Meeting

DATE: June 16, 2022

CC: Jeff Stoke, County Administrator  
Julie C. Walton, Director  
Dan Whitten, County Attorney  
Andre Greene, Planner II  
Missy Greaves-Smith, Office Manager

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The Planning Commission's Work Session will be **Tuesday, June 21, 2022 at 5:30 p.m.** in the Board Room. County offices will be closed Monday, June 20, 2022 to observe the Juneteenth Federal and State holiday.

The Planning Commission's regular Business Meeting will be **Thursday, June 23, 2022 at 6:30 p.m.** in the Board Room.

Please contact me at (804)722-8678 or via e-mail at [tgraves@princegeorgecountyva.gov](mailto:tgraves@princegeorgecountyva.gov) with any questions.

## Agenda

Draft Business Meeting Minutes  
April 28, 2022

Draft Business Meeting Minutes  
May 26, 2022

Special Exception SE-22-05  
Clark Golf Course

Substantial Accord SA-22-01  
Powell Creek Solar Project

Special Exception SE-22-02  
Powell Creek Solar Project

Substantial Accord SA-22-02  
IPS Solar Project (Krenicky)

Special Exception SE-22-03  
IPS Solar Project (Krenicky)

Communications

Upcoming Cases  
July 2022

Copy of Solar Energy Facility  
Siting Policy



Begin

**TAB 1**

## **AGENDA – BUSINESS MEETING**

Planning Commission of Prince George County, Virginia

**Thursday, June 23, 2022 at 6:30 p.m.**

County Administration Bldg. Boardroom, Third Floor  
6602 Courts Drive, Prince George, Virginia

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### **CALL TO ORDER – Chairman Bresko**

Roll Call - Clerk

### **INVOCATION**

### **PLEDGE OF ALLEGIANCE TO THE U.S. FLAG**

### **ADOPTION OF AGENDA [1] – Chairman Bresko**

### **PUBLIC COMMENTS - Chairman Bresko**

The Public Comment period is open to anyone who wishes to speak to the Commissioners on any items not being heard as a Public Hearing item this evening. Please state your name and address, you will have three (3) minutes to speak.

### **ORDER OF BUSINESS**

**A-1.** Adoption of April 28, 2022 Business Meeting Minutes [2] **Chairman Bresko**

**A-2.** Adoption of May 26, 2022 Business Meeting Minutes [3] **Chairman Bresko**

### **PUBLIC HEARINGS**

**P-1. SPECIAL EXCEPTION SE-22-05:** Request of Christopher and Marisela Clark to permit a golf course within a R-A (Residential-Agricultural) Zoning District, pursuant to Prince George County Zoning Ordinance Section 90-103(3). The subject property is approximately 48.56 acres in size, located at 8399 and 8401 Golf Course Drive, and is identified as Tax Maps 450(06)00-00A-2, 450(06)01-001-0 and 450(06)01-002-0. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Agriculture uses. [4] **Tim Graves**

**P-2. SUBSTANTIAL ACCORD SA-22-01:** Determination by the Prince George County Planning Commission on whether the large-scale solar facility proposed by Powell Creek Solar, LLC in Special Exception Request SE-22-02 on Tax Map 270(03)00-003-0 is in substantial accord with the Prince George County Comprehensive Plan. The Comprehensive Plan Future Land Use Map indicates the property is planned for Agriculture uses and the Solar Energy Facility Siting Policy provides guidance for the siting of new facilities within the County. [5] **Tim Graves**

**P-3. SPECIAL EXCEPTION SE-22-02:** Powell Creek Solar, LLC requests a special exception pursuant to § 90-53 (59) to permit a large-scale solar energy facility in an A-1 (General Agricultural) Zoning District. The 5-megawatt facility is proposed on an

approximately 47-acre portion of the 631-acre subject property, with the development area situated along James River Drive, west of the intersection with Nobles Road. The subject property is identified as Tax Map 270(03)00-003-0 and addressed as 14921 James River Drive. [6] **Tim Graves**

**P-4. SUBSTANTIAL ACCORD SA-22-02:** Determination by the Prince George County Planning Commission on whether the large-scale solar facility proposed by IPS Solar in Special Exception Request SE-22-03 on Tax Map 510(0A)00-070-0 is in substantial accord with the Prince George County Comprehensive Plan. The Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses and the Solar Energy Facility Siting Policy provides guidance for the siting of new solar facilities within the County. [7] **Andre Greene**

**P-5. SPECIAL EXCEPTION SE-22-03:** IPS Solar requests a special exception pursuant to § 90-103 (57) to permit a large-scale solar energy facility in a R-A (Residential-Agricultural) Zoning District. The 4-megawatt facility is proposed on an approximately 26.3-acre portion of a 73.436-acre subject property, situated between South Crater Road and Gatewood Road. The subject property is identified as Tax Map 510(0A)00-070-0 and addressed as 14016 South Crater Road. [8] **Andre Greene**

**COMMUNICATIONS – [9] Tim Graves**

- A. Actions of the Board of Zoning Appeals
- B. Actions of the Board of Supervisors
  - a. BOS Recap
- C. Upcoming Cases for July 2022 [10]
  - a. Subdivision Waiver SW-22-01: Cogle-Jordan Private Road Exception
  - b. Special Exception SE-22-06: Skalsky Borrow Pit

**ADJOURNMENT – Chairman Bresko**

Begin

**TAB 2**

**DRAFT MINUTES**  
Planning Commission  
County of Prince George, Virginia

April 28, 2022

County Administration Building, Board Room, Third Floor  
6602 Courts Drive, Prince George, Virginia 23875

This meeting was held in person and electronically in accord with Virginia Code Section 15.2-1413. The meeting was accessible by:

Zoom: <https://zoom.us/j/5053851421?pwd=V2pjSHFneFRLUUE2bjNqQnR3emZoUT09>

Meeting ID: 505 385 1421

Password: 200726

One tap mobile

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+13017158592,,91749744760#,,1#,106239# US (Germantown)

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+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

**MEETING CONVENED.** The Regular Meeting of the Prince George County Planning Commission was called to order at 6:30 p.m. on Thursday, April 28, 2022 in the Board Room, County Administration Building, 6602 Courts Drive, Prince George, Virginia by Mr. Alex W. Bresko, Chairman.

**ATTENDANCE.** The following members responded to Roll Call:

Mr. Simmons	Absent
Mrs. Elder	Present
Mr. Bresko	Present
Mr. Joyner	Present
Mrs. Anderson	Present
Mr. Brown	Present
Mr. Brockwell	Present

Also present: Julie C. Walton, Deputy County Administrator, Dan Whitten, County Attorney, Tim Graves, Planner I and Missy Greaves-Smith, Administrative Support Specialist II

**INVOCATION.** Mr. Brown provided the Invocation.

**PLEDGE OF ALLEGIANCE TO THE FLAG.** Mr. Brockwell led in the Pledge of Allegiance to the United States flag.

**ADOPTION OF THE AGENDA.** Mr. Bresko asked the Commissioners for a motion to approve the meeting Agenda for the April 28, 2022 Planning Commission. Mr. Joyner made a motion to approve the meeting Agenda and Mrs. Elder seconded the motion.

Roll Call:

In favor: (6) Brown, Brockwell, Elder, Anderson, Bresko, Joyner

Opposed: (0)

Absent: (1) Simmons

**PUBLIC COMMENT PERIOD.** At 6:33 p.m., Mr. Bresko opened the Public Comment Period to anyone who wished to come forward to speak to the Commissioners on topics that were not on the Agenda as a Public Hearing item. Citizens were asked to limit their comments to three (3) minutes.

With no one present or on Zoom indicating they wished to speak, the Public Comment Period was closed at 6:33 p.m.

**ORDER OF BUSINESS.** Mr. Bresko asked the Commissioners to review the minutes of the March 21, 2022 Work Session of the Planning Commission. Ms. Anderson made a motion to approve the March 21, 2022 Work Session Minutes. The motion was seconded by Mr. Brockwell.

Roll Call:

In favor: (6) Brown, Brockwell, Elder, Anderson, Bresko, Joyner

Opposed: (0)

Absent: (1) Simmons

Mr. Bresko asked the Commissioners to review the minutes of the March 24, 2022 Planning Commission meeting. Mrs. Elder made a motion to approve the meeting minutes of the March 24, 2022 meeting as written. The motion was seconded by Mrs. Anderson.

Roll Call:

In favor: (6) Brown, Brockwell, Elder, Anderson, Bresko, Joyner

Opposed: (0)

Absent: (1) Simmons

Mrs. Walton presented the revised copy of the 2021 Annual Report of the Prince George County Planning Commission to the Commissioners. Mrs. Walton stated that the suggested changes were made after the Commissioners met at the Work Session Monday, April 25, 2022.

With no further questions, Chairman Bresko asked for a motion. Mr. Brown made a motion to approve the 2021 Annual Report and Mr. Brockwell seconded the motion.

Roll Call:

In favor: (5) Brown, Brockwell, Elder, Bresko, Joyner

Opposed: (0)

Abstained: (1) Anderson

Absent: (1) Simmons

## **PUBLIC HEARING.**

**P-1. SPECIAL EXCEPTION – SE-22-01: [SPECIAL EXCEPTION SE-22-01:** Request of Duncan and Suzanne Fung pursuant to Prince George County Zoning Ordinance Section 90-103(9) to permit an Assembly Hall within a R-A (Residential Agricultural) Zoning District. The subject property is approximately 33.7 acres in size, located at 9501 Lake Fungs Road, and is identified as Tax Map 460(0A)00-034-0. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Agriculture uses.

Mrs. Walton presented a brief overview of the Fung's Special Exception to the Commissioners since the case was presented and the Public Hearing was held last month. The Fung's request was to operate an assembly hall and wedding venue within the R-A (Residential Agriculture) zoning district of their property near Golf Course Drive in Disputanta. The address of the venue property has been recently changed, per the request of the Commissioners, to 9501 Lake Fungs Road.

Mrs. Walton reviewed the background of the property, highlighting that the applicants built a 5,700 square foot residential dwelling in 2021 and they requesting to use this structure as an assembly hall and wedding venue.

Mrs. Walton reviewed some of the suggested changes that were discussed at the previous meeting. Changing the venue entrance from the private drive off Golf Course Drive to the driveway off Lake Fungs Road from Robin Road was one of the major concerns that was addressed. Mrs. Walton also briefly reviewed the staff comments and indicated that the applicant has met with a design engineer as requested by the Virginia Department of Health.

Mrs. Walton reviewed the Recommended Conditions:

- The hours of operation for the Assembly Hall shall be Monday thru Saturday from noon until 10:00 P.M. All outdoor wedding ceremonies shall conclude by 7:00 P.M. All reception activities, to include dancing and music, shall be limited to indoors. There shall be no more the four (4) events held per month. *(This condition addresses the frequency of events and associated noise)*
- Ingress and egress to the Assembly Hall shall be restricted to Lake Fungs Road. The applicant's access gate located off Golf Course Drive shall be locked prior to each planned wedding event and a sign posted stating access to the wedding venue is from Lake Fungs Road. *(This condition addresses site accessibility)*
- The applicant shall provide adequate off-street parking. *(This condition addresses public safety)*
- The applicant shall take appropriate measures to ensure compliance with the Prince George County noise ordinance which is enforced by the Police Department *(This condition addresses noise)*
- The applicant shall obtain and hold all required and licensures from both state permits and local regulatory agencies.

- Occupancy shall not exceed 150 persons per event. *(This condition addresses public safety)*

Staff recommends approval of the request with the recommended conditions. Mrs. Walton explained that the new access point and change of address off Lake Fungs Road, the reduction in the number of events per month to four, and additional gate and signage at the Golf Course Road access were among the recommended conditions.

Mr. Brown asked for clarification on the number of events allowed per month. He asked if there was a specific time period between events noted in the conditions. Mrs. Walton explained that most weddings and events are typically held on the weekends and that he must adhere to the noise ordinance.

Condition #1, was referenced by Mr. Bresko:

*The hours of operation for the Assembly Hall shall be Monday thru Saturday from noon until 10:00 P.M. All outdoor wedding ceremonies shall conclude by 7:00 P.M. All reception activities, to include dancing and music, shall be limited to indoors. There shall be no more the four (4) events held per month.*

At 6:45 p.m., Mr. Bresko opened the Public Hearing to anyone wishing to speak on SE-22-01. Citizens were asked to state their name and address and limit their comments to three (3) minutes.

Brian Hayes, 9005 Golf Course Drive, stated he had a few questions.

- What is the ruling of anyone using the driveway near his house off of Golf Course drive?
  - Mr. Bresko stated that the entrance to the venue has been changed, the entrance will be gated off and signage will be posted.
- What will be the new address?
- What is the penalty if he does not follow the rules?

Paula Anderson, 9380 Robin Road, stated concerns about the amount of traffic the venue will generate and the dirt and dust from the gravel road.

Mr. Bresko asked Mr. Fung to address the citizens' questions and concerns. Mr. Fung stated that the previous address of 9099 Golf Course Drive has been changed with the County's GIS. He confirmed he would remove the old mailbox on Golf Course Drive.

Mr. Bresko asked for clarifications about the gate down the driveway off Golf Course Road. Mr. Fung explained that guests will be given the address of Lake Fungs Road not Golf Course Drive, and temporary signage on the day of events will be posted to direct guests to Lake Fungs Road.

Ms. Anderson asked about the discussion from the last meeting in reference to using King Drive during the week. Mr. Fung stated the gate had nothing to do with King Drive. Mr. Fung explained that now that the address has been changed, all guests will be using the entrance on Lake Fung Road.



Mr. Bresko asked Mr. Fung if he uses the access at Golf Course Drive for his personal use. Mr. Fung stated that he has a legal easement to the driveway and he does use it occasionally. Mr. Whitten confirmed he has an easement.

Mr. Fung addressed the question about the additional traffic on Lake Fungs Road. He explained that the road is a two (2) lane road with signage posted for the speed limit of 10 MPH.

Mrs. Walton responded to Mr. Hayes' question about consequences of not following the guidelines and rules. She stated Condition #13 addresses violations of any of the conditions and could result in the revoking of the Special Exception.

At 6:58 p.m., Mr. Bresko closed the Public Hearing.

Mr. Brockwell made the motion to forward request SE-22-01 to the Board of Supervisors with a recommendation for approval, subject to the recommended conditions in the Staff Report, and the reason(s) for this recommendation is that it is compatible with the Comprehensive Plan and current surrounding uses and zoning districts. This motion was seconded by Mrs. Elder.

Roll Call:

In favor: (5) Brown, Brockwell, Elder, Bresko, Joyner

Opposed: (0)

Abstained: (1) Anderson

Absent: (1) Simmons

**P-2. COMPREHENSIVE PLAN AMENDMENT CPA-22-01:** Request of Prince George County to amend the Prince George County Comprehensive Plan to incorporate the adopted Solar Energy Facility Siting Policy as a new Appendix D.

Mrs. Walton presented the Comprehensive Plan Amendment for including the Solar Energy Facility Siting Policy that was approved by the Board of Supervisors (BOS) last year. The County has received applications from several solar companies; therefore, the County has decided to incorporate the Policy into the Comprehensive Plan. Mrs. Walton confirmed that no changes have been made to the Policy. This will assist the applicants and the Boards by giving clear guidance in the application process with information that is needed for consideration.

Mr. Bresko opened the Public Hearing for the Comprehensive Plan Amendment at 7:05 p.m.

With no one present wishing to speak and no one on Zoom indicating they wished to speak, the Public Hearing was closed at 7:06 p.m.

Mrs. Elder made a motion to forward Comprehensive Plan Amendment CPA-22-01 to the BOS with the recommendation of approval and the motion was seconded by Mr. Joyner.

Roll Call:

In favor: (6) Elder, Anderson, Bresko, Joyner, Brown, Brockwell

Opposed: (0)  
Absent: (1) Simmons

**PLANNER'S COMMUNICATION TO THE COMMISSION.** Mr. Graves presented to the Commissioners the following updates:

1. Actions of the Board of Zoning Appeals (BZA)
  - a. April 25, 2022 postponed Special Exception to the BZA for multiple dogs at a residence to allow the applicant time to address public concerns
  - b. No meetings are scheduled for May
2. Actions of the Board of Supervisors (BOS)
  - a. April 12 Jeff Stoke was appointed was the County Administrator
3. Planning Commission Communications
  - a. Upcoming Cases for May
    - i. Draft Fee Schedule
    - ii. Special Exception – SE-22-04 – Hauling Hass
  - b. Training Session - May 5<sup>th</sup> from 1:00 -5:00 p.m. in the Board Room

**ADJOURNMENT.** At 7:12 p.m., Mr. Bresko asked the Commissioners if they had any additional questions. If not, he would entertain a motion to adjourn. Mr. Brockwell made a motion to adjourn until the Planning Commission Training Session on Thursday, May 5, 2022 in the Board Room located on the third floor of the Administration Building and Mrs. Elder seconded the motion. Roll was called on the motion.

Roll Call:

In favor: (6) Elder, Anderson, Bresko, Joyner, Brown, Brockwell

Opposed: (0)

Absent: (1) Simmons

Begin

**TAB 3**

**DRAFT MINUTES**  
Planning Commission  
County of Prince George, Virginia

May 26, 2022

County Administration Building, Board Room, Third Floor  
6602 Courts Drive, Prince George, Virginia 23875

This meeting was held in person and electronically in accord with Virginia Code Section 15.2-1413. The meeting was accessible by:

Zoom: <https://zoom.us/j/5053851421?pwd=V2pjSHFneFRLUUE2bjNqQnR3emZoUT09>

Meeting ID: 505 385 1421

Password: 200726

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+13017158592,,91749744760#,,1#,106239# US (Germantown)

Dial by your location

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+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

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**MEETING CONVENED.** The Regular Meeting of the Prince George County Planning Commission was called to order at 6:30 p.m. on Thursday, May 26, 2022 in the Board Room, County Administration Building, 6602 Courts Drive, Prince George, Virginia by Mr. Alex W. Bresko, Chairman.

**ATTENDANCE.** The following members responded to Roll Call:

Mr. Simmons	Present
Mrs. Elder	Present
Mr. Bresko	Present
Mr. Joyner	Present
Mrs. Anderson	Present
Mr. Brown	Absent
Mr. Brockwell	Present

Also present: Julie C. Walton, Deputy County Administrator, Dan Whitten, County Attorney, Tim Graves, Planner I and Teresa Knott, Clerk to the Board of Supervisors

**INVOCATION.** Mr. Simmons provided the Invocation.

**PLEDGE OF ALLEGIANCE TO THE FLAG.** Mr. Bresko led in the Pledge of Allegiance to the United States flag.

**ADOPTION OF THE AGENDA.** Mr. Bresko asked the Commissioners for a motion to approve the meeting Agenda for the May 26, 2022 Planning Commission. Mr. Joyner made a motion to approve the meeting Agenda and Mr. Brockwell seconded the motion.

Roll Call:

In favor: (6) Simmons, Brockwell, Elder, Anderson, Bresko, Joyner

Opposed: (0)

Absent: (1) Brown

**PUBLIC COMMENT PERIOD.** At 6:33 p.m., Mr. Bresko opened the Public Comment Period to anyone who wished to come forward to speak to the Commissioners on topics that were not on the Agenda as a Public Hearing item. Citizens were asked to limit their comments to three (3) minutes.

With no one present or on Zoom indicating they wished to speak, the Public Comment Period was closed at 6:33 p.m.

**ORDER OF BUSINESS.** Mr. Bresko asked the Commissioners to review the minutes of the April 25, 2022 Work Session of the Planning Commission. Mrs. Elder made a motion to approve the April 25, 2022 Work Session Minutes. The motion was seconded by Ms. Anderson.

Roll Call:

In favor: (5) Simmons, Brockwell, Elder, Anderson, Bresko

Opposed: (0)

Abstained: (1) Joyner

Absent: (1) Brown

Mr. Bresko asked the Commissioners to review the minutes of the May 5, 2022 Training Session of the Planning Commission. Mr. Simmons commented that Dr. Chandler did an excellent job and he made a motion to approve the May 5, 2022 Training Session Minutes. The motion was seconded by Mrs. Elder.

Roll Call:

In favor: (6) Simmons, Brockwell, Elder, Anderson, Bresko, Joyner

Opposed: (0)

Absent: (1) Brown

Mrs. Walton presented OA-22-02 - Fee Schedule. Mrs. Walton reviewed the staff recommended fee schedule update with the Commissioners. She explained that staff would recommend that the Board of Supervisors (BOS) amend Section 2 to the County Code related to Planning and Zoning applications. This amendment would resolve and update reference terms on the applications. Mrs. Walton stated that all of the proposed changes are to help clarify existing fees, no fee changes or increases have been proposed.

Mrs. Walton explained that no action of the Planning Commission would be required, due to the Fee Schedule being under Chapter 2, an Administrative Chapter of the County Code rather than

the Zoning Chapter. The BOS would vote on the Fee Schedule change; however, the BOS would appreciate the Planning Commission's review and consensus before the revisions are presented to them.

Mrs. Walton reviewed Section 2-2. – Fees.

REQUESTED ACTION	[DELETE COLUMN]	FEE
Rezoning	base fee	\$1,050.00 <b>Base Fee</b>
<del>rezone to:</del> <b>to: A-1</b>	<del>A-1, A-2</del>	no additional fee
<b>to: R-A, R-E</b>	<del>R-A, R-E</del>	<b>Base Fee plus</b> \$88.00/acre
<b>to: All other zoning districts</b>	<del>MHP, R-1, R-2, R-3</del>	<b>Base Fee plus</b> \$140.00/acre
[DELETE ROW]	<del>B-1, B-2, B-3, PB, NB, PUD</del>	\$140.00/acre
[DELETE ROW]	<del>I-1, I-2</del>	\$140.00/acre
Amend Zoning Case		\$1,050.00
Amend Comprehensive Plan		\$700.00
<b>Amend Zoning Ordinance</b>		<b>\$700.00</b>
Traffic Impact Analysis Review (TIA)		\$700.00
Special Exception ( <b>Conditional Use Permit</b> )		\$700.00
Special Exception Home Occupation		\$350.00
Conditional Use Permit <b>[DELETE ROW]</b>		<del>\$875.00</del>
<b>Special Exception to BZA</b>		<b>\$250.00</b>
Variance/Appeal/ <b>Other BZA Public Hearing Request</b>		\$350.00
Administrative Variance		\$50.00 (+ \$300 if forwarded to the BZA)
<b>Major Site Plan Review (including Engineering Plans required by Subdivision Ordinance)</b>		\$350.00 + \$35.00 per acre of land disturbance
<b>Amendment of Approved Major Site Plan</b>		\$250.00 + \$35.00 per acre of land disturbance
Minor Site Plan Review ( <b>including amendment of approved Minor Site Plan</b> )		\$250.00
Site Plan Re-Review		\$250.00 per review <b>starting with the 4<sup>th</sup> submittal</b>
Residential Subdivision Land Disturbance Permit/E&S Fee		\$200.00 + \$20.00 per acre disturbed
Commercial Land Disturbance Permit/E&S Fee		\$400.00 + \$25.00 per acre disturbed
Agreement in Lieu (Residential)		\$35.00
LDP Re-inspection Fee		\$40.00
LDP Dormant <b>Project Review Fee</b>		\$75.00

Zoning Compliance <del>Confirmation</del> Letter		\$44.00
Subdivision Plat Review (including Family Divisions <del>and Resubdivisions</del> ):		2—5 lots: \$275 6+ lots: \$350.00 + \$35.00 per lot
[DELETE ROW]	2—5 lots	\$275.00
[DELETE ROW]	6+ lots	\$350.00 + \$35.00 per lot
Other Plat Reviews including Boundary Line Adjustment Plat, Vacation Plat, Consolidation Plat, Easement or ROW Plat <del>or Plat Recordation</del>		\$50.00
Recordation Plat Review		\$50.00
Deferral Request (by applicant for public hearing requests)		\$625.00
Zoning Ordinance Change [DELETE ROW]		\$700.00
FEMA Elevation Certificate Review <del>or Floodplain Development Permit Review</del>		\$25.00
FIRM Map Confirmation		\$25.00
DMV Compliance Letter		\$25.00
Residential Group Home Zoning Review		\$25.00
In-Home Day Care Zoning Review		\$25.00
Professional Business Zoning Approval Form		\$25.00
Special Exception to BZA [DELETE ROW]		\$250.00
Administrative Second Dwelling Use		\$200 (\$25 annual renewal fee)

#### GUIDE:

Red font inside table = proposed new text

Strikethrough = remove existing text

Mr. Simmons asked for confirmation that no new fees or increases of fees were submitted. Mrs. Walton assured the Commissioners that the proposed Fee Schedule Amendment was for clarification and no increases nor new fee were proposed. The changes are for reorganization and clarification of the current Fee Schedule.

With no further questions, Chairman Bresko asked for a consensus. Mr. Whitten advised the Commissioner that a motion to support the changes would be appropriate. Mr. Simmons made a motion to forward the Amended Fee Schedule to the Board of Supervisors with the proposed changes with the Planning Commission's consensus. The motion was seconded by Mr. Joyner.

Roll Call:

In favor: (6) Brockwell, Elder, Bresko, Joyner, Simmons, Anderson

Opposed: (0)

Abstained: (0)

Absent: (1) Brown

#### PUBLIC HEARING.

**P-1. SPECIAL EXCEPTION SE-22-04:** Request of John and Sherry Hass to permit a trucking company office with parking/storage of trucks and equipment and truck repair within a B-1 (General Commercial) Zoning District, pursuant to Prince George County Zoning Ordinance Section 90-393(11) “Auto repair garage, wrecking service” and Section 90-393(16) “Motor freight terminal, transshipment facility” and pursuant to conditional zoning case ZM-03-002. The subject property is approximately four (4) acres in size, located at 7901 County Drive, and is identified as Tax Map 450(04)00-00A-1. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses.

Mr. Graves presented the special exception for four (4) acres along County Drive and backing up to Golf Course Drive. The zoning map was displayed to show the parcel next to the Hass property as B-1 zoning and the other surrounding properties with R-A (Residential- Agriculture) zoning.

Property Background Information:

- 2003 - Subject property rezoned under conditional zoning case ZM-03-002 (part of 8.97 acres rezoned to B-1)
- 2005 - Boundary line adjustment established the 4-acre subject property
- 2021-2022 - Applicants purchased the property and applied for Special Exception

Applicants’ Goals:

- Construct a garage/workshop for truck repair
- Construct an office for the trucking company use
- Park trucks and trailers when not in use on the road
- Outside storage of other equipment
- Lease parking space to other motor carriers and/or drivers

Applicants’ Request:

- Special Exception for:
  - 90-393(11) Auto repair garage
  - 90-393(16) Motor freight terminal

Mr. Graves reviewed the Conceptual Plan that the applicants provided. The diagram indicates the proposed placement of the garage and an office building.

Planning & Zoning Staff Review Comments:

Adjacent uses:

- Single-family residential (large lot), vacant

Expected impacts on adjacent properties and roadways:

- Traffic for truck parking/repair
- Occasional noise from truck traffic (no more than existing noise from Route 460)
- Visibility of trucks, trailers and equipment on property

Mitigation of expected impacts:

- Fence/wall and screening
- Specify activities associated with the proposed uses



Compatibility with the Comprehensive Plan:

- Compatible given the current zoning and location on a major trucking corridor
- Complies with conditions of 2003 zoning case
- Site Plan required

Staff Review Comments:

**Building Inspections Division** – *Charles Harrison III, Building Official*

1. The 2018 edition of the Virginia Uniform Statewide Building Code(s) (VUSBC) will be used to conduct Site Plan and Building Code Review(s). The option to design with the 2015 edition of the VUSBC will be acceptable until July 2022 and this request would need to be displayed on any Plan documents.
2. The proposed structure will be required to be designed according to, and meet, the fire protection, use, classification, and fire separation requirements of the (VUSBC).
3. Any construction or improvements to this parcel that is not defined as exempt per the VUSBC/VCC code section(s) 102.3 and/or 108.2 will require all associated construction documents, plan reviews, permits, and inspections. Other items may become apparent during future submission requests.

**Utilities Department** – *Rachael A. Lumpkin, Utility Project Engineer*

1. This parcel is located within the Planning Area. During the site plan process, the applicant will be required to provide estimated water usage and if it is determined that the water usage is equal to or greater than 15 equivalent dwelling units, the public water system shall be extended to serve the property (Code Chapter 82, Division 1, Section 82-31).
2. Public wastewater service is not available and the applicant will need to submit the appropriate documents to the local health department to install a septic system.

**Virginia Department of Health** - *Alice Weathers, Environmental Health Specialist*

1. Applicant needs to work with an Authorized Onsite Soil Evaluator or Professional Engineer who can determine what the sewage disposal system and water supply needs are for the proposed project.

**Virginia Department of Transportation (VDOT)** - *Paul Hinson, Area Land Use Engineer*

1. US 460 County Drive has a functional classification of Principal Arterial and has an average annual daily traffic (AADT) of 14,000 vehicles per day (VPD).
2. The proposed use will require a commercial entrance to serve the proposed shop, office and proposed truck parking areas. The proposed entrance location would be subject to VDOT's Access Management spacing standards for entrances. It appears that the proposed location would meet VDOT's spacing requirements.
3. Based upon the information contained in the application, it is not anticipated that any turn lanes will be warranted.
4. VDOT has no objection to the proposed use.

**Real Estate Assessor** - *Carol Crawford, Real Estate Operations Coordinator*

1. The County is carrying this property in the name of John P. Hass and Sherry S. Hass.

**Economic Development** – *Stacey English, Economic Development Specialist*

1. This parcel is located in our Enterprise Zone, which is a partnership between state and local government that encourages job creation and private investment. The Enterprise Zone accomplishes this by designating Enterprise Zones throughout the state and providing two grant-based incentives, the Job Creation Grant and the Real Property Investment Grant to qualified investors and job creators within the zones, while the locality provides local incentives.

**Environmental Division** - *Angela Blount, Environmental Program Coordinator*

1. Land Disturbance submittal for this project should be for the ultimate buildout of the site.
2. Land disturbance associated with this project in excess of 10,000 sq. ft. will require a Land Disturbance Permit issued by Prince George County.
3. Land disturbance associated with this project which reaches 1 acre and above will require permitting from both Prince George County (Land Disturbance Permit) and the Virginia Department of Environmental Quality (Construction General Permit) for erosion and sediment control and stormwater management.

**The Recommended Conditions:**

1. This Special Exception is granted to John and Sherry Hass for the following uses on Tax Map 450(04)00-00A-1:
  - a. Auto repair garage
  - b. Motor freight terminal
2. The use of the property as an auto repair garage shall be limited to repair of commercial trucks and directly related equipment and shall not include repair of general automotive vehicles.
3. The use of the property as a motor freight terminal shall be limited to office uses for the business and parking and storage of trucks, trailers and equipment related to motor freight trucking and shall not include warehousing and transferring products between trucks/trailers or other modes of shipment.
4. The parking area shall be constructed according to an approved Site Plan prior to the use of the property for the above described motor freight terminal activities.
5. Areas used for truck and trailer parking and equipment storage shall be enclosed by a fence or wall and screened in accordance with the provisions of Section 90-444 (requirements for permitted uses in the M-1 zoning district), or otherwise as approved by the Director of Planning at the time of Site Plan review.
6. The applicants shall obtain certification from an Authorized Onsite Soil Evaluator or Professional Engineer indicating the sewage disposal system and water well have been evaluated to support their proposed usage, with review and approval by the Health Department prior to the granting of a business license.
7. This Special Exception shall become null and void if no Site Plan has been submitted within a period of 24 months from the date of Special Exception Approval, or if no construction has begun within a period of 72 months from the date of Special Exception approval.

8. The Special Exception shall become null and void if the use is abandoned for a period of twenty-four 24 consecutive months.
9. This Special Exception is renewable or transferrable to future owners by approval of the Board of Supervisors without a public hearing so long as there are no deviations from the conditions.
10. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant to comply with any of the listed conditions or any provision of federal, state or local regulations.

Mr. Graves stated that staff recommends approval with the conditions provided. This recommendation is based on the following considerations: the applicant's request appears to be compatible with current and future surrounding land uses and no negative feedback was received from adjacent property owners and community prior to publishing this staff report.

Mr. Simmons asked if the small pond on the adjacent property was near the veterinarian office. Ms. Anderson referred to the previous slide that showed Golf Course Drive near Pump House Road on the backside of the property. This assisted in the Commissioners to visualize the correct location.

Ms. Anderson asked for clarification on the wording of "renting spaces" to other carriers on the property. She inquired if that was for overnight stay or something else.

The applicant, John Hass, responded to the Commissioners. He explained that some of the drivers live in surrounding counties. He would like to offer a secure place for them to park their trucks or personal vehicles.

Mr. Bresko asked Mr. Hass, how many trucks he owned. Mr. Hass stated that his drivers are owner/operators of their own trucks. His company owns the trailers and they rent them from his company. Mr. Bresko followed up with asking, how many trucks does he have running? Mr. Hass stated he had eight (8) trucks but most of the drivers live out of the area.

At 7:04 p.m., Mr. Bresko opened the Public Hearing to anyone wishing to speak for or against the special exception. With no one wishing to speak and no one on Zoom indicating they wished to speak, the Public Hearing was closed at 7:05 p.m.

Mrs. Elder made the motion to forward request SE-22-04 to the Board of Supervisors with a recommendation of approval, subject to the recommended conditions in the Staff Report, and the reason for this recommendation is that it is compatible with the Comprehensive Plan and current surrounding uses and zoning districts. This motion was seconded by Mr. Brockwell.

Roll Call:

In favor: (6) Simmons, Brockwell, Elder, Bresko, Joyner, Anderson

Opposed: (0)

Absent: (1) Brown

**PLANNER'S COMMUNICATION TO THE COMMISSION.** Mr. Graves presented to the Commissioners the following updates:

1. Actions of the Board of Zoning Appeals (BZA)
  - a. No meetings are scheduled for May or June
2. Actions of the Board of Supervisors (BOS)
  - a. May 10 BOS approved a reduced in the real estate tax rate
  - b. May 10 BOS approved the Ordinance Amendment which would establish the standards for the stand alone battery storage system
  - c. May 24 BOS approved the Comprehensive Plan Amendment adding the Solar Facility Siting Policy
  - d. May 24 BOS approved the Special Exception for the Fung Assembly Hall
3. Planning Commission Communications
  - a. Upcoming Cases for June
    - i. Special Exception - SE-22-02 – Powell Creek Solar
    - ii. Special Exception - SE-22-03 – Krenicky Solar Facility
    - iii. Special Exception – SE-22-05 – Clark Golf Course

**ADJOURNMENT.** At 7:12 p.m., Mr. Bresko asked the Commissioners if they had any additional questions. If not, he would entertain a motion to adjourn. A motion to adjourn by Mr. Joyner was seconded by Mr. Brockwell. Roll was called on the motion.

Roll Call:

In favor: (6) Simmons, Brockwell, Elder, Bresko, Joyner, Anderson

Opposed: (0)

Absent: (1) Brown

Begin

**TAB 4**

**SPECIAL EXCEPTION REQUEST – SE-22-05**  
**PLANNING COMMISSION STAFF REPORT – JUNE 23, 2022**

**RESUME**

<b>APPLICANT:</b>	Christopher & Marisela Clark
<b>PROPERTY OWNER:</b>	Same
<b>REQUEST:</b>	Open a 9-hole Golf Course with clubhouses on the site of the former Prince George Golf Course.
<b>STAFF RECOMMENDATION:</b>	Staff recommends Approval, subject to the recommended conditions.

**STAFF REPORT CONTENTS/**

**ATTACHMENTS**

1. Resume
2. Sample Motions
3. Draft Ordinance for Board of Supervisors
4. Staff Report
5. Copy of the Application with Attachments
6. APO letter, map, mailing list, and newspaper ad

## **Sample Motions**

### **APPROVE:**

"I move to forward request SE-22-05 to the Board with a recommendation for APPROVAL, subject to the recommended conditions in the Staff Report, and the reason(s) for this recommendation is/are:"

(EXAMPLES):

- "It is compatible with the Comprehensive Plan and current surrounding uses and zoning districts."
- "It is expected to benefit the general welfare of the community."
- "The expected off-site impacts appear to be adequately addressed by the conditions."
- Other \_\_\_\_\_

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### **APPROVE WITH CHANGES:**

I move to forward request SE-22-05 to the Board with a recommendation for APPROVAL, subject to the following changes:

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### **DENY:**

I move to forward request SE-22-05 to the Board with a recommendation for DENIAL for the following reason(s): (SPECIFY)

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### **POSTPONE:**

I move to POSTPONE request SE-22-05 until \_\_\_\_\_ to allow time for \_\_\_\_\_  
(MEETING DATE)

\_\_\_\_\_  
(ACTION/EVENT)

## County of Prince George, Virginia

Ordinance

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**SPECIAL EXCEPTION SE-22-05:** Request of Christopher and Marisela Clark to permit a golf course within a R-A (Residential-Agricultural) Zoning District, pursuant to Prince George County Zoning Ordinance Section 90-103(3). The subject property is approximately 48.56 acres in size, located at 8399 and 8401 Golf Course Drive, and is identified as Tax Maps 450(06)00-00A-2, 450(06)01-001-0 and 450(06)01-002-0. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Agriculture uses.

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BE IT ORDAINED by the Board of Supervisors of Prince George County that the Special Exception Application identified as SE-22-05 is granted as an amendment to the official zoning map with the following conditions:

1. This Special Exception is granted to Christopher & Marisela Clark for a Golf Course on Tax Maps 450(06)00-00A-2, 450(06)01-001-0 and 450(06)01-002-0.
2. Hours and days of operation shall be 7am to sunset 7 days a week.
3. The applicants shall obtain certification from an Authorized Onsite Soil Evaluator or Professional Engineer indicating the sewage disposal system and water well have been evaluated to support their proposed usage, with review and approval by the Health Department prior to the granting of a business license.
4. Business signage for the golf course use shall be limited to one on-site freestanding sign no greater than sixty (60) square feet located outside of the VDOT right-of-way and meeting setback requirements in the ordinance for business signs, exclusive of the existing permitted sign(s) for the other permitted special exception uses on the property. Off-site directional signage to direct customers to the facility may be permitted in accordance with a sign permit for the property on which the directional signage is located.
5. The owner shall employ effective means to prevent golf balls from crossing onto adjacent properties.
6. This Special Exception shall become null and void if no business license is obtained within 36 months of from the date of Special Exception approval.
7. The Special Exception shall become null and void if the use is abandoned for a period of twenty-four 24 consecutive months.
8. This Special Exception is renewable or transferrable to future owners by approval of the Board of Supervisors without a public hearing so long as there are no deviations from the conditions.
9. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant to comply with any of the listed conditions or any provision of federal, state or local regulations.

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Adopted on \_\_\_\_\_, 2022 and becoming effective immediately.





## PLANNING COMMISSION STAFF REPORT

Public Hearing June 23, 2022

**SE-22-05** – Clark Golf Course

**Applicant:** Christopher & Marisela Clark

**Case Manager:** Tim Graves - (804)722-8678

### I. Request

The applicants would like to open a 9-hole Golf Course with clubhouses on the site of the former Prince George Golf Course. In order for this to be permitted, they are requesting a Special Exception pursuant to Section 90-103(3).

### II. Property

**Address:** 8399 and 8401 Golf Course Drive

**Tax Map:** 450(06)00-00A-2, 450(06)01-001-0 and 450(06)01-002-0

**Zoning District:** Residential Agricultural (R-A)

**Current Use:** Assembly Hall, Room rental home occupation, former golf course

**Site Size:** +/- 48.56 acres total across 3 parcels

**Legal Owner:** Christopher & Marisela Clark

**RE Taxes Paid?:** Yes

**Comp Plan Land Use:** Agriculture

**Planning Area:** Rural Conservation Area

**Previous Zoning Cases:** SE-21-02 (Assembly Hall, Room rental home occupation)

### III. Meeting Information

Planning Commission Public Hearing: June 23, 2022

Board of Supervisors Public Hearing: TBD

### IV. Relevant Background

- Prior use of the property as golf course (Prince George Golf Course) and assembly hall (Chester Plantation)
- July 2021 – Special Exception SE-21-02 granted by BOS for Assembly Hall and Bedroom rental (4 rooms as a home occupation) in the main “Chester Plantation” building
- 2021-2022 –
  - First Tee Estates subdivision divided former golf course property into residential lots
  - Applicants purchased Lot 1 and 2 of the new subdivision, which includes the existing golf course clubhouse buildings and a portion of the former golf course
  - Applicants submitted Special Exception application to open a new (modified) 9-hole golf course

### V. Applicant Proposal

- Create a 9-hole golf course utilizing the fairways, greens and clubhouse left by the former Prince George Golf Course, and including a portion of the Chester Plantation building which also previously served as a clubhouse.
- No new buildings planned at this time
- Utilize existing parking areas
- Hours/days of operation – 7 days a week 7am to sunset
- New signage as permitted by County Code

## VI. Exhibits

Exhibit 1 – Location within the County

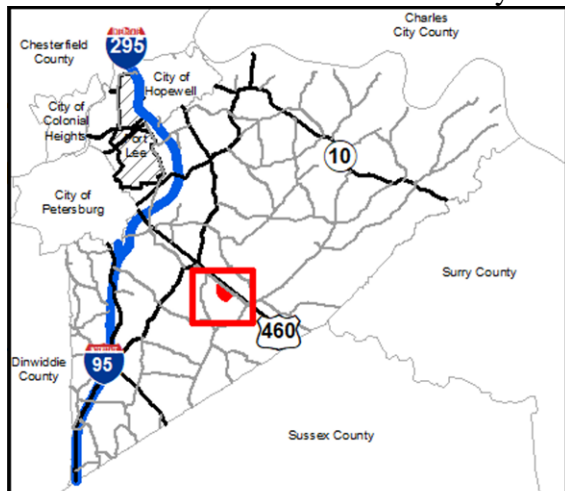


Exhibit 2 – Aerial View





Exhibit 3 – Zoning Map

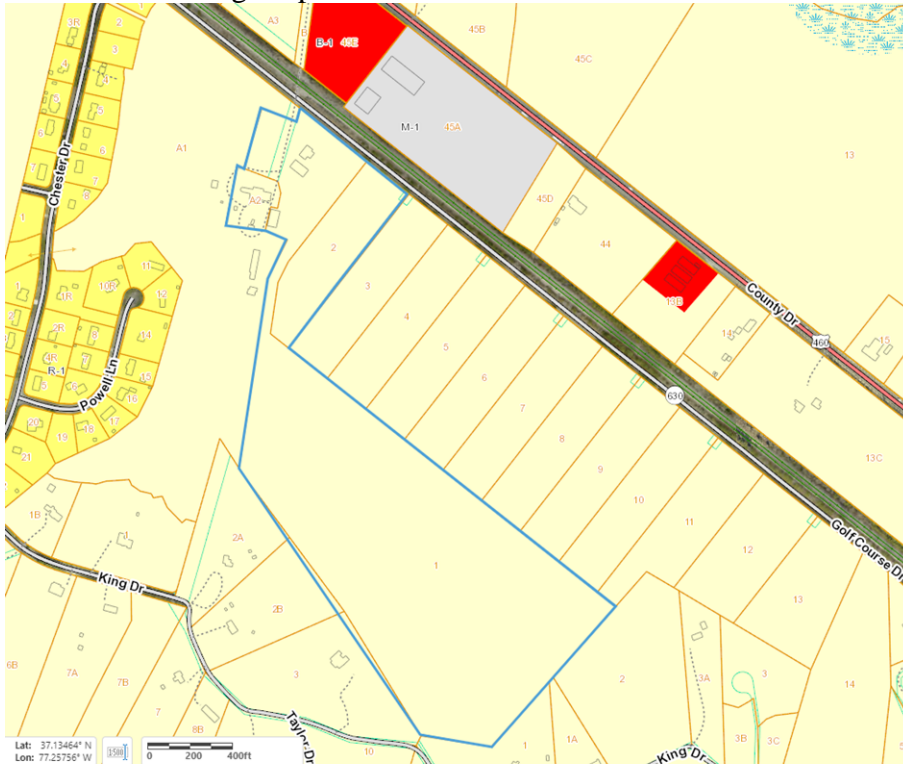


Exhibit 4 – Conceptual Layout

Red = course layout; Blue = walking paths; Yellow = hole numbers



## VII. Planning and Zoning Review Comments

1. Applicable zoning cases: SE-21-02 Chester Plantation (for the B&B and Assembly Hall) on parcel 450(06)00-00A-2 with parking on what is now parcel 450(06)01-001-0.
2. The desired land use, golf course, is permitted by Special Exception under Section 90-103(3) Lodge, hunting club, yacht club, golf course, country club.
3. Site Plan comments: A Site Plan will be required if there is a proposed building addition or land disturbance that will exceed 2,500 SF.
4. Other processes required after SE approval: Building/Zoning Permit for any buildings; Business zoning approval for a business license for the business
5. The applicants have stated that they intend to place new business signage at the property entrance and a directional sign at the corner of Prince George Drive and Golf Course Drive.
  - a. On-site business sign: Should be limited in size by condition to maintain residential-agricultural feel. Staff has recommended a condition limiting the size.
  - b. Off-site directional sign: May be permitted. Depends on exact location and subject to sign permit.
6. Expected impacts from this request:
  - a. Minimal traffic on Golf Course Dr. during operational hours. Mitigation: Not necessary. No increase when compared to uses that have historically occurred on the property.
  - b. Potential for stray balls to land on adjacent properties. Mitigation: Condition requiring corrective action if any issues arise.
7. If approved, the special exception use of a golf course would be in addition to the existing special exception uses of assembly hall and rental of four rooms in the main building.
8. Compatibility with surrounding zoning districts: Yes, no change to zoning
9. Compatibility with existing surrounding uses: Yes, the nature of this use is compatible with surrounding low-density residential uses
10. Compatibility with the Comprehensive Plan: Yes, compatible with Agriculture uses, as depicted on the future land use map

## VIII. Supplemental Staff Review Comments

### **Building Inspections Division – Charles Harrison III, Building Official**

1. Any modifications, renovations, or alterations to the building(s) or building systems will require construction permit applications to be submitted for review and approval prior to commencing work.
2. The proposed use of the existing “Clubhouse” is consistent with the existing use group classification of the building.

### **Virginia Department of Health - Alice Weathers, Environmental Health Specialist**

1. Applicant needs to work with an Authorized Onsite Soil Evaluator or Professional Engineer who can determine what the sewage disposal system and water supply needs are for the proposed project

### **Virginia Department of Transportation (VDOT) - Paul Hinson, Area Land Use Engineer**

1. Based upon the information contained within the special exception application, a commercial entrance will be required to provide access. A commercial entrance must demonstrate that intersection sight distance is available, meet VDOT’s criteria and be paved.
2. VDOT has no objection to the submitted special exception application.

### **Utilities Department – Rachael Lumpkin, Utilities Project Engineer**

1. Water supply and wastewater disposal at this site are private and must be coordinated with the health department. Public water and wastewater are not available.

The departments below reviewed this request and had no comments.

**Economic Development** – *Stacey English, Economic Development Specialist*

**Real Estate Assessor** - *Carol Crawford, Real Estate Operations Coordinator*

**Fire & EMS Department** – *Shawn Jones*

**Environmental Division** - *Angela Blount, Environmental Program Coordinator*

**Police Department / Sheriff's Department** - *Chris Douglas*

## IX. Public Notice and Community Feedback

- Staff notified adjacent property owners by mailing prior to the public hearing.
- Staff ran the required legal ads for this request in the *Progress-Index* prior to the public hearing.
- Staff posted a sign on the property on 6-16-22.
- No comments from the community were received prior to finalizing this report.

## X. Staff Recommendation

Approval, subject to the recommended conditions in the section below.

This recommendation is based on the following considerations:

1. The applicant's request appears to be compatible with current and future surrounding land uses.
2. No negative feedback was received from adjacent property owners and community prior to publishing this staff report.
3. Staff has recommended the below conditions for this request which are intended to ensure applicable code requirements are met and limit any expected impacts on adjacent property owners and the surrounding community. The Applicant has reviewed and supports these conditions.


## XI. Recommended Conditions

1. This Special Exception is granted to Christopher & Marisela Clark for a Golf Course on Tax Maps 450(06)00-00A-2, 450(06)01-001-0 and 450(06)01-002-0.
2. Hours and days of operation shall be 7am to sunset 7 days a week.
3. The applicants shall obtain certification from an Authorized Onsite Soil Evaluator or Professional Engineer indicating the sewage disposal system and water well have been evaluated to support their proposed usage, with review and approval by the Health Department prior to the granting of a business license.
4. Business signage for the golf course use shall be limited to one on-site freestanding sign no greater than sixty (60) square feet located outside of the VDOT right-of-way and meeting setback requirements in the ordinance for business signs, exclusive of the existing permitted sign(s) for the other permitted special exception uses on the property. Off-site directional signage to direct customers to the facility may be permitted in accordance with a sign permit for the property on which the directional signage is located.
5. The owner shall employ effective means to prevent golf balls from crossing onto adjacent properties.
6. This Special Exception shall become null and void if no business license is obtained within 36 months of from the date of Special Exception approval.
7. The Special Exception shall become null and void if the use is abandoned for a period of twenty-four 24 consecutive months.

8. This Special Exception is renewable or transferrable to future owners by approval of the Board of Supervisors without a public hearing so long as there are no deviations from the conditions.
9. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant to comply with any of the listed conditions or any provision of federal, state or local regulations.



Enrgov: SE-22-0011

		<h2 style="margin: 0;">SPECIAL EXCEPTION APPLICATION</h2> <p style="margin: 0;">Department of Community Development and Code Compliance Planning &amp; Zoning Division 6602 Courts Drive, Prince George, VA 23875 (804) 722-8678   <a href="http://www.princegeorgecountyva.gov">www.princegeorgecountyva.gov</a></p>		<div style="border: 1px solid black; padding: 5px;"> <b>OFFICE USE ONLY</b>  <b>APPLICATION #:</b>  <span style="font-size: 1.5em; color: blue;">SE-22-08</span>  <b>DATE SUBMITTED:</b>  <span style="color: red; font-weight: bold;">MAY 06 2022</span>  <span style="color: blue; font-weight: bold;">TWG</span> </div>	
		APPLICANT FILL-IN ALL BLANKS			
REQUEST	<b>REQUEST:</b> <span style="font-size: 1.2em;">Request to open a 9-hole golf course with clubhouse</span>				
	<b>REQUEST PROPERTY ADDRESS / LOCATION:</b> <span style="font-size: 1.2em;">8399 &amp; 8401 Golf Course Drive, Disputanta Va 23842</span>				
	<b>REQUEST TAX MAP PIN(S):</b> (List all)		<b>AFFECTED ACREAGE</b> (Each parcel):		<b>ENTIRE PARCEL (Y / N)</b> - Each parcel:
	<span style="font-size: 1.2em;">450 (06) 00-004-2      1</span> <span style="font-size: 1.2em;">450 (06) 01-001-0      2</span> <span style="font-size: 1.2em;">450 (06) 01-002-0      3</span>		<span style="font-size: 1.2em;">1. Fractional</span> <span style="font-size: 1.2em;">2 42.66</span> <span style="font-size: 1.2em;">3 5.029</span>		<span style="font-size: 1.2em;">1 N</span> <span style="font-size: 1.2em;">2 N</span> <span style="font-size: 1.2em;">3 N</span>
	<b>ATTACHMENTS</b> (Check if Attached; * = Required): <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> <b>APPLICANT STATEMENT*</b> (Specify goals, details, etc.)  <input checked="" type="checkbox"/> <b>PROPOSED CONDITIONS</b>  <input checked="" type="checkbox"/> <b>SITE LAYOUT SKETCH OR CONCEPTUAL SITE PLAN*</b>            (Show proposed improvements; Use GIS or Engineer Drawing)         </div> <div> <input type="checkbox"/> <b>COMMUNITY MEETING SUMMARY</b>  <input type="checkbox"/> <b>ADDITIONAL ATTACHMENTS:</b> </div> </div>				
LEGAL OWNER	<b>NAME(S):</b> <span style="font-size: 1.2em;">Christopher &amp; Marisela Clark</span>				
	<b>MAILING ADDRESS:</b> (Incl. City, State, Zip): <span style="font-size: 1.2em;">8401 Golf Course Drive Disputanta, Va 23842</span>				
	<b>E-MAIL:</b> <span style="font-size: 1.2em;">cp.Clark1@verizon.net</span>		<b>PHONE:</b> <span style="font-size: 1.2em;">804 350 3726</span>		
APPLICANT CONTACT	<b>NAME(S):</b> If different than owner: <span style="font-size: 1.2em;">Same</span>				
	<b>RELATION TO OWNER:</b>				
	<b>MAILING ADDRESS:</b> (Incl. City, State, Zip):				
	<b>E-MAIL:</b>		<b>PHONE:</b>		
OFFICE USE ONLY (Completed at the time of application)					
<b>ZONING DISTRICT(S):</b> <span style="font-size: 1.5em; color: blue;">R-A</span>			<b>LAND USE(S) CODE REFERENCE(S):</b> <span style="font-size: 1.5em; color: blue;">90-103(3)</span>		
PAYMENT	<b>FEE DUE:</b> Special Exception: \$700 Special Exception Home Occ: \$350		<b>FEE PAID:</b>		<b>PAYMENT TYPE:</b> CHECK / CASH / CREDIT / DEBIT
	<b>CHECK # / TRANSACTION #:</b>		<b>DATE RECEIVED:</b>		<b>RECEIVED BY:</b>

# OWNER AFFIDAVIT

The undersigned Property Owner(s) or duly authorized Agent or Representative certifies that this petition and the foregoing answers, statement, and other information herewith submitted are in all respect true and correct to the best of their knowledge and belief.

NAME:

Christopher P. Clark

NAME:

Marisela B. Clark

SIGNED:

Chris P. Clark

SIGNED:

Marisela B. Clark

DATE:

5/6/2022

DATE:

5/6/2022

NOTARIZATION:

STATE OF VIRGINIA

COUNTY OF: City of Petersburg

Subscribed and sworn before me this

6<sup>th</sup>

day of

May

2022

Christina Dawn Grimm

Notary Public

My Commission expires:

4/30

, 20

2023

CHRISTINA DAWN GRIMM,  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES APRIL 30, 2023  
COMMISSION # 7842266



**INVOICE (INV-00002040)**  
**FOR PRINCE GEORGE COUNTY, VA**

**BILLING CONTACT**

Christopher Clark  
8401 Golf Course Drive  
Disputanta, VA 23842



INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
INV-00002040	06/02/2022	06/02/2022	Paid In Full	NONE

REFERENCE NUMBER	FEE NAME	TOTAL
SE-22-0011	PGC Special Exception Request	\$700.00
8399 Golf Course Dr VA 23842		<b>SUB TOTAL</b> \$700.00

REMITTANCE INFORMATION
Prince George County, VA 6602 Courts Drive P.O. Box 68 Prince George, VA 23875

**TOTAL** **\$700.00**

## Legacy Tree Corp dba The Back 9 Golf Course

8399 Golf Club Drive  
Disputanta, Va 23842  
804-350-3726

Request to open a 9-hole golf course with clubhouses.

Parcel Numbers 450(06)00-00A-2, 450(06)01-001-0, 450(06)01-002-0

### General:

With the purchase of lots 1 and 2 of the First Tee Subdivision we intend to re-create a 9 hole golf course utilizing the fairways, greens and clubhouse left by the former owner of the Prince George Golf Course. We intend to also incorporate a portion of the Chester Plantation which historically also served as the clubhouse in days gone by. Pricing will be determined at a later date and the option to play the course twice will be available at a moderately increased price.

We believe this venture will be successful considering the lack of play in the area and the low overhead with a smaller course and it being managed by the owner operator starting out. We will also build a website and use social media in an up-to-date fashion, advertising events, tournaments, special pricing and better marketing to schools, the county and the general public.

We do not have experience running a Golf Course but with help from some of the former employees and local teens there will be a mutual benefit working towards success. With better overall management, we intend to make this a destination course for locals and others. As time goes on, we will improve the fairways, greens and create a park like atmosphere including a fountain in the back pond. We also intend to seek grants and possibly funding from PGC and corporate donors to assist in our launch.

### Course layout:

The new layout will consist of four Par 3s, a hybrid Par3/4, four Par 4s and a single Par 5 for a 9-hole Par 32 for women and Seniors and par 33 for men. This could change slightly depending on modifications such as extending existing holes where feasible. The Back 9 Golf Course will start out being a walking course with pull cart rentals and eventually golf carts depending on business.

The new layout will use all of the existing holes within the boundaries of lots 1 and 2 with a redesign of certain holes to fit the new lot geometries. See Figure 1 on page 2.

The hours would generally be 7am to sunset 7 days a week.

### Clubhouse(s)

#### The White Trailer –

Regarding the trailer on lot 1, we intend to continue using it in its current configuration as the former clubhouse. There are currently 5 toilets between the men's and women's bathrooms and a partial kitchen including coffee maker, ice maker and hotdog warmer. Additionally, the clubhouse would sell merchandise, sandwiches, candy, chips, beer, wine (with appropriate licensing) and soft drinks.

Chester Plantation - We also intend to use the basement and outdoor facility at the Chester Plantation on certain days to function as the Clubhouse Cantina area also selling merchandise, hotdogs, sandwiches, beer/wine (with appropriate license), soft drinks, candy and chips. There are 2 bathrooms

## Legacy Tree Corp dba The Back 9 Golf Course

8399 Golf Club Drive  
Disputanta, Va 23842  
804-350-3726

available to the golfing patrons at the Chester Plantation. This space also has a full kitchen and ice maker.

### Parking:

The existing parking will continue to be used for patrons and is about 1 acre in area.

Figure 1 (lots 3 thru 11 are only shown and will not part of this special exception application)

The plat below has the course layout with the long red arrows designating the course layout, the blue lines with arrows are the walking paths and the yellow numbers delineating the hole numbers. Because these holes are partly from the front 9 and some from the back 9 of the PGGC, there will be new hole numbers placed at each T Box, a new path created where necessary and signs clearly marking the direction of the next hole to play.



**FIGURE 1 THE BACK 9 CLUBHOUSE AND COURSE LAYOUT**

Best Regards,

Christopher and Marisela Clark  
804-350-3726

## Legacy Tree Corp dba The Back 9 Golf Course

8399 Golf Club Drive  
Disputanta, Va 23842  
804-350-3726

May 5, 2022

Amendment to our March 21<sup>st</sup> Request to open a 9-hole golf course with clubhouses.

Parcel Numbers 450(06)00-00A-2, 450(06)01-001-0, 450(06)01-002-0

In response to Questions and comments from your Preliminary SE Application # PSE-22-05 dated April 14<sup>th</sup>, 2022.

Ms. Alice Weathers, VDH; We acknowledge that parcel 450(06)01-001-0 before it can be approved, we must first have the sewage system evaluated and the contact the office of drinking water for the Well system. These efforts are underway.

Mr. Frank Haltom, PE, County Engineer; We acknowledge that any improvements to the parcels that increase water and sewer demands will require approval from the Virginia Department of Health.

Mr. Charles Harrison III - Building Official / Fire Official; We acknowledge that any modifications, renovations, or alterations to the building(s) or building systems will require construction permit applications to be submitted for review and approval prior to commencing work

Mr. Tim Graves, Planner;

1. Signage – We plan to place new signage at the property entrance and at the corner of Prince George and Golf Course Drive with permission of Standard Motor Products. The signs will be in compliance with local laws and ordinances.
2. Expected Hours and days of operation – 7 days a week, 7 am to sunset.
3. What measures if any will be taken to prevent stray balls from entering adjacent properties. – No measures taken immediately and only as necessary if requested by directly affected parties.
4. Fee of \$700 – acknowledged
5. Site Plan comments: we acknowledge that a Site Plan will be required if there is a proposed building addition or land disturbance that will exceed 2,500 SF. None planned at this time.

Best Regards,

Christopher and Marisela Clark 804-350-3726



## County of Prince George, Virginia

*"A global community where families thrive and businesses prosper"*

June 10, 2022

### PLANNING COMMISSION - NOTICE OF PUBLIC HEARING

Dear owner, agent or occupant of each parcel that is abutting, immediately across the street or road, or within close proximity of the property affected:

This is notification that the Prince George County Planning Commission will hold a public hearing on **Thursday, June 23, 2022 beginning at 6:30 pm** to consider the following request that involves the Prince George County Zoning Ordinance:

**SPECIAL EXCEPTION SE-22-05:** Request of Christopher and Marisela Clark to permit a golf course within a R-A (Residential-Agricultural) Zoning District, pursuant to Prince George County Zoning Ordinance Section 90-103(3). The subject property is approximately 48.56 acres in size, located at 8399 and 8401 Golf Course Drive, and is identified as Tax Maps 450(06)00-00A-2, 450(06)01-001-0 and 450(06)01-002-0. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Agriculture uses.

The public hearing will be held in the Board Room, third floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia 23875, pursuant to §15.2-2204, §15.2-2225, §15.2-2232, and §15.2-2285 of The Code of Virginia (1950, as amended). A copy of the related material may be reviewed or obtained at the Community Development and Code Compliance Department in the County Administration Building between 8:30 a.m.-5:00 p.m., Monday–Friday. All interested persons are invited to participate in the public hearings in person. A live video stream will be available at [https://www.princegeorgecountyva.gov/live\\_stream/](https://www.princegeorgecountyva.gov/live_stream/). Public comments can be submitted prior to 4:30 p.m. on the public hearing date. Public Comment submittal forms and information on accessing this meeting electronically are available at <https://www.princegeorgecountyva.gov>.

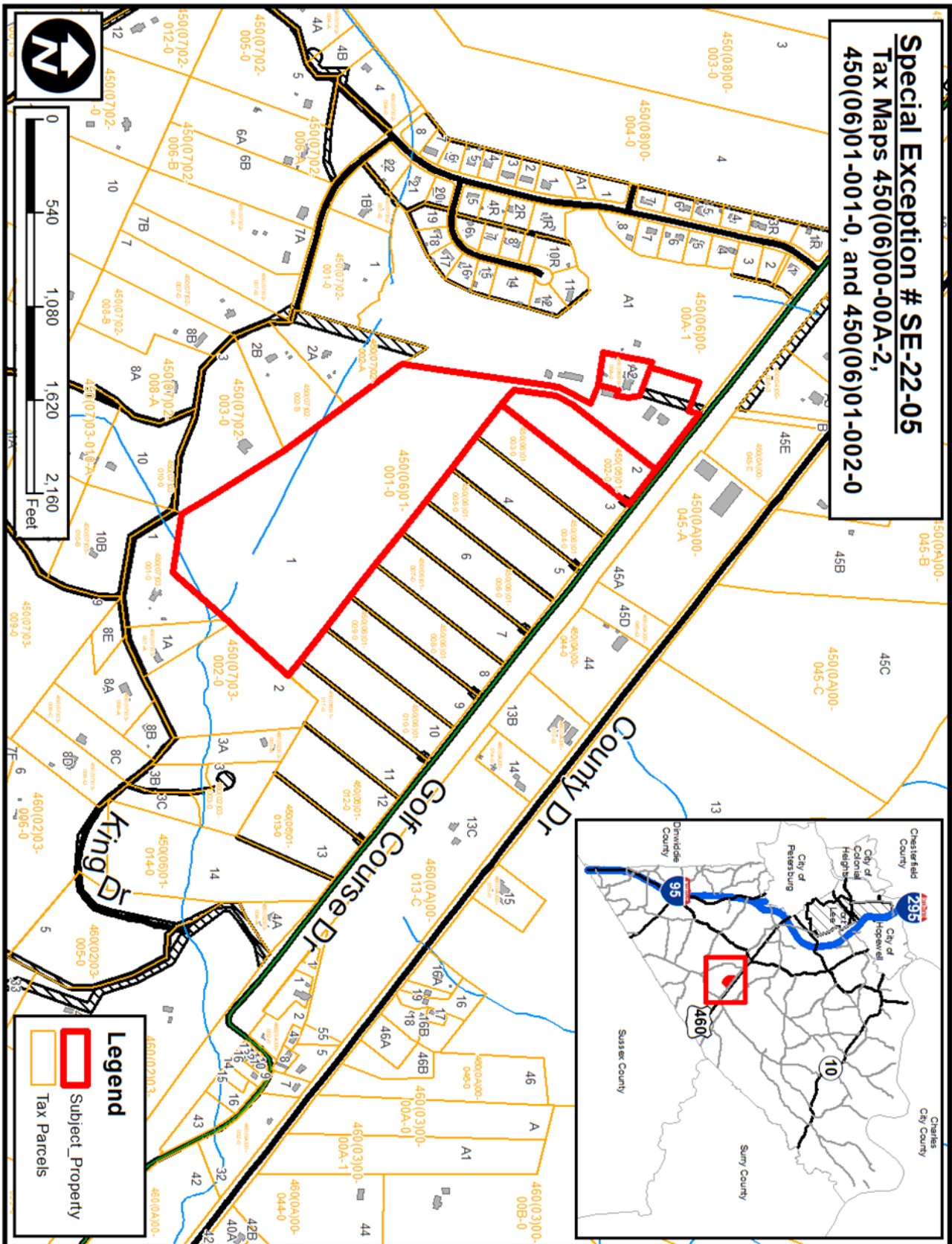
You may also contact Planning and Zoning Division at (804)722-8678 or by e-mail at [planning@princegeorgecountyva.gov](mailto:planning@princegeorgecountyva.gov) with any questions prior to the scheduled meeting. We have included a GIS Map showing the general location of the request.

Sincerely,

A handwritten signature in blue ink that reads "Tim Graves".

Tim Graves  
Planner





ANDERSON TAMMY E  
8620 KING DR  
DISPUTANTA, VA 23842

BLUE CHARLES A  
13200 CRYSTAL DR  
DISPUTANTA, VA 23842

CLARK CHRISTOPHER P & MARISELA  
8401 GOLF COURSE DR  
DISPUTANTA, VA 23842

COCHRAN KIMBERLIE R & JAMES B  
8440 KING DR  
DISPUTANTA, VA 23842

CONNER JACQUELINE L  
8308 KING DR  
DISPUTANTA, VA 23842

DIMBERG LYNN L  
11255 HITCHCOCK RD  
DISPUTANTA, VA 23842

EATON LLC  
8401 COUNTY DR  
DISPUTANTA, VA 23842

FRENCH UDOXIE  
CMR 480 BOX 1869  
APO, AE 09128

GOLF COURSE DRIVE LLC  
7619 ROCK FALLS DR  
RICHMOND, VA 23225

HEARTWOOD ENTERPRISES LLC  
PO BOX 29  
DISPUTANTA, VA 23842

ISHAM WINIFRED A  
8217 POWELL LN  
DISPUTANTA, VA 23842

KNICK NICOLE L  
8690 KING DR  
DISPUTANTA, VA 23842

KUYKENDALL MARK E & SHERYL A  
13221 TAYLOR DR  
DISPUTANTA, VA 23842

LIPTRAP GARY D & DEBORAH H  
8213 POWELL LN  
DISPUTANTA, VA 23842

MAGAZINE SCOTT & LISA  
8227 POWELL LN  
DISPUTANTA, VA 23842

NVR INC  
7501 BOULDERS VIEW DR, STE 450  
RICHMOND, VA 23225

PRICE WILLIAM M  
8316 KING DR  
DISPUTANTA, VA 23842

PRINCE GEORGE GOLF COURSE LLC  
7319 ROSEMEAD LN  
CHESTERFIELD, VA 23838

SHAUG RICHARD C  
PO BOX 163  
DISPUTANTA, VA 23842

SIMMONS JAMES H  
11406 HOLLY ARBOR DR  
CHESTER, VA 23831

WINFIELD KELSEY  
8221 POWELL LN  
DISPUTANTA, VA 23842

**PUBLIC NOTICE  
PRINCE GEORGE COUNTY**

Notice is hereby given to all interested parties regarding the following public meeting: The Prince George County Planning Commission will hold public hearings on Thursday, June 23, 2022 beginning at 6:30 p.m. concerning the following requests:

**SPECIAL EXCEPTION SE-22-05:** Request of Christopher and Marisela Clark to permit a golf course within a R-A (Residential-Agricultural) Zoning District, pursuant to Prince George County Zoning Ordinance Section 90-103(3). The subject property is approximately 48.56 acres in size, located at 8399 and 8401 Golf Course Drive, and is identified as Tax Maps 450(06)00-00A-2, 450(06)01-001-0 and 450(06)01-002-0. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Agriculture uses.

**SUBSTANTIAL ACCORD SA-22-01:** Determination by the Prince George County Planning Commission on whether the large-scale solar facility proposed by Powell Creek Solar, LLC in Special Exception Request SE-22-02 on Tax Map 270(03)00-003-0 is in substantial accord with the Prince George County Comprehensive Plan. The Comprehensive Plan Future Land Use Map indicates the property is planned for Agriculture uses and the Solar Energy Facility Siting Policy provides guidance for the siting of new facilities within the County.

**SPECIAL EXCEPTION SE-22-02:** Powell Creek Solar, LLC requests a special exception pursuant to § 90-53 (59) to permit a large-scale solar energy facility in an A-1 (General Agricultural) Zoning District. The 5-megawatt facility is proposed on an approximately 47-acre portion of the 631-acre subject property, with the development area situated along James River Drive, west of the intersection with Nobles Road. The subject property is identified as Tax Map 270(03)00-003-0 and addressed as 14921 James River Drive.

**SUBSTANTIAL ACCORD SA-22-02:** Determination by the Prince George County Planning Commission on whether the large-scale solar facility proposed by IPS Solar in Special Exception Request SE-22-03 on Tax Map 510(0A)00-070-0 is in substantial accord with the Prince George County Comprehensive Plan. The Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses and the Solar Energy Facility Siting Policy provides guidance for the siting of new solar facilities within the County.

**SPECIAL EXCEPTION SE-22-03:** IPS Solar requests a special exception pursuant to § 90-103 (57) to permit a large-scale solar energy facility in a R-A (Residential-Agricultural) Zoning District. The 4-megawatt facility is proposed on an approximately 26.3-acre portion of a 73.436-acre subject property, situated between South Crater Road and Gatewood Road. The subject property is identified as Tax Map 510(0A)00-070-0 and addressed as 14016 South Crater Road.

The public hearings will be held in the Board Room, third floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia 23875, pursuant to §15.2-2204, §15.2-2225, §15.2-2232, and §15.2-2285 of The Code of Virginia (1950, as amended). A copy of the related material may be reviewed or obtained at the Community Development and Code Compliance Department in the County Administration Building between 8:30 a.m.-5:00 p.m., Monday–Friday. All interested persons are invited to participate in the public hearings in person.



A live video stream will be available at [https://www.princegeorgecountyva.gov/live\\_stream/](https://www.princegeorgecountyva.gov/live_stream/). Public comments can be submitted prior to 5:00 p.m. on the public hearing date. Public Comment submittal forms and information on accessing this meeting electronically are available at <https://www.princegeorgecountyva.gov>.

Tim Graves  
Planner  
(804)722-8678

Begin

**TAB 5**

# **SA-22-01: SUBSTANTIAL ACCORD DETERMINATION**

## **POWELL CREEK SOLAR, LLC - APPLICATION # SE-22-02**

### **STAFF REPORT FOR SECTION 15.2-2232 REVIEW**

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**SUBSTANTIAL ACCORD SA-22-01:** Determination by the Prince George County Planning Commission on whether the large-scale solar facility proposed by Powell Creek Solar, LLC in Special Exception Request SE-22-02 on Tax Map 270(03)00-003-0 is in substantial accord with the Prince George County Comprehensive Plan. The Comprehensive Plan Future Land Use Map indicates the property is planned for Agriculture uses and the Solar Energy Facility Siting Policy provides guidance for the siting of new facilities within the County.

#### **Introduction**

The applicant, Powell Creek Solar LLC, is requesting a special exception for a large-scale solar energy facility to be developed on approximately 47 acres of a parcel totaling 631 acres. The project is further described in the staff report materials for Special Exception Application # SE-22-02.

Section 15.2232(A) and (H) of the Code of Virginia requires a determination by the Planning Commission that the proposed facility is in substantial accord with the Comprehensive Plan unless the facility is exempted under subsection (H). The proposed facility is not exempted; therefore the Planning Commission must make a finding.

The Commission's finding will determine whether the Special Exception request can proceed.

#### **Staff Review**

The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Agriculture uses. The map does not have a separate land use designation for solar facilities, therefore it does not on its own provide enough information to make a Substantial Accord determination. The proposed solar facility can be considered compatible with "Agriculture" future land uses because, due the relatively small scale of this development, the dominant use of the 631-acre property would remain agricultural and forestal-related, and the land could be used for agricultural purposes after the facilities are removed at the end of its life.

The Comprehensive Plan includes the Solar Energy Facility Siting Policy as adopted by the Board of Supervisors. The Policy provides guidance for the placement and design of new solar energy facilities. Below is a summary of Staff's findings on how the proposed facility complies or does not comply with the guidance of the Siting Policy regarding the placement of new facilities within the County.

<b>Policy Guideline</b> Guidance language in Policy	<b>Location Complies with Policy Guidelines?</b>
<b>1. County acreage limit*</b> The County desires an upper limit (2.74%) on the total land acreage of the County which is dedicated to solar energy facilities.	<b>Yes.</b> Approximately 550 acres remain until the limit is exceeded. This project would reduce that number by 47 acres, based on the acreage developed for the project.
<b>2. Minimum total parcel acreage</b> The minimum aggregate parcel size for a solar energy facility is seventy (70) contiguous acres	<b>Yes.</b> The total parcel acreage is 631 acres.
<b>3. Avoid Prince George Planning Area*</b> “Siting of a facility within the Prince George Planning Area should be avoided.”	<b>Yes.</b> The location is outside the Prince George Planning Area.
<b>4. Outside Future Public Service Areas*</b> “Location of solar facilities within areas planned to be serviced by public water or wastewater, as indicated in the most current Water and Wastewater Master Plan, will be discouraged and will not be recommended for approval.”	<b>Yes.</b> The location is not planned to be serviced by public water or sewer in the current plan.
<b>5. Flat land</b> “Mass grading of sites shall be limited to the greatest extent possible. Development of areas with steep contours shall be avoided.”	<b>Yes.</b> The development area does not have steep contours that require mass grading.
<b>6. Avoid key public resources</b> “Sites located near recreational, cultural, or historic resources should be avoided.”	<b>Yes.</b> None on-site according to Virginia Cultural Resources Information System. +/- 1.5 miles to James River Wildlife Refuge walking trail.

*\* except within the M-3 zoning district*

*NOTE: The Siting Policy goes into greater detail to provide guidance for layout design and other application requirements. Staff review these details separately as part of the review for the Special Exception request and decision.*

### **Staff Finding**

Staff finds that the placement of proposed facility within the County is in substantial accord with the Comprehensive Plan because:

1. The request is consistent with the Future Land Use Map because the proposed size and location of the facility would allow agriculture and forestry to remain the dominant use of the property.
2. The proposed size and location of the facility adheres to the guidance of the Siting Policy regarding placement within the County, as summarized above.

**Sample Motions for Substantial Accord SA-22-01 for Application SE-22-02**

**OPTION 1: YES, IN SUBSTANTIAL ACCORD (Consistent with Staff recommendation):**

"I move that request SE-22-02 is in substantial accord with the Comprehensive Plan, for the following reasons:

1. It is compatible with the general guidance of the Future Land Use Map.
2. The proposed size and location of the facility adheres to the guidance of the Siting Policy regarding placement of new facilities within the County.
3. Other \_\_\_\_\_

.....

**OPTION 2: NO, NOT IN SUBSTANTIAL ACCORD:**

“I move that request SE-22-02 is NOT in substantial accord with the Comprehensive Plan, for the following reasons:

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.....

### OPTION 3: POSTPONE:

"I move that we POSTPONE Substantial Accord determination SA-22-01 and Special Exception request SE-22-02 until \_\_\_\_\_ to allow time for \_\_\_\_\_.  
(MEETING DATE) (ACTION/EVENT)

Begin

**TAB 6**

**SPECIAL EXCEPTION REQUEST – SE-22-02**  
**PLANNING COMMISSION STAFF REPORT – JUNE 23, 2022**

**RESUME**

**APPLICANT:** Powell Creek Solar, LLC (Apex Clean Energy)

**PROPERTY OWNER:** Ronald Heretick

**REQUEST:** Special Exception for a Large-scale solar energy facility” pursuant to Section 90-53(59) for a 5MW solar facility within a development area of approximately 47 acres on the 631-acre subject property.

**STAFF RECOMMENDATION:** If the Commission determines that the project is in substantial accord with the Comprehensive Plan, Staff recommends Approval of the Special Exception, subject to the recommended conditions.

**STAFF REPORT CONTENTS/**

**ATTACHMENTS**

1. Resume
2. Sample Motions
3. Draft Ordinance for Board of Supervisors
4. Staff Report
5. Application Package
6. Preliminary Site Plan (11x17”)
7. Community Meeting Summary
8. APO letter, map, mailing list, and newspaper ad

## **Sample Motions**

### **APPROVE:**

"I move to forward request SE-22-02 to the Board with a recommendation for APPROVAL, subject to the recommended conditions in the Staff Report, and the reason(s) for this recommendation is/are:"

(EXAMPLES):

- "It is compatible with the Comprehensive Plan and current surrounding uses and zoning districts."
- "It is expected to benefit the general welfare of the community."
- "The expected off-site impacts appear to be adequately addressed by the conditions."
- Other \_\_\_\_\_

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### **APPROVE WITH CHANGES:**

I move to forward request SE-22-02 to the Board with a recommendation for APPROVAL, subject to the following changes:

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### **DENY:**

I move to forward request SE-22-02 to the Board with a recommendation for DENIAL for the following reason(s): (SPECIFY)

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### **POSTPONE:**

I move to POSTPONE request SE-22-02 until \_\_\_\_\_ to allow time for \_\_\_\_\_  
(MEETING DATE)

\_\_\_\_\_  
(ACTION/EVENT)



## County of Prince George, Virginia

Ordinance

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**SPECIAL EXCEPTION SE-22-02:** Powell Creek Solar, LLC requests a special exception pursuant to § 90-53 (59) to permit a large-scale solar energy facility in an A-1 (General Agricultural) Zoning District. The 5-megawatt facility is proposed on an approximately 47-acre portion of the 631-acre subject property, with the development area situated along James River Drive, west of the intersection with Nobles Road. The subject property is identified as Tax Map 270(03)00-003-0 and addressed as 14921 James River Drive.

---

BE IT ORDAINED by the Board of Supervisors of Prince George County that the Special Exception Application identified as SE-22-02 is granted as an amendment to the official zoning map with the following conditions:

1. This Special Exception is granted for a 5MW scale solar energy facility use to Powell Creek Solar, LLC and is located on Tax Map 270(03)00-003-0 (the “Solar Energy Facility”). This Special Exception may be transferred provided that applicable conditions of the Siting Policy regarding proper surety for Decommissioning are met.
2. Prorated payment of rollback taxes for parcel 270(03)00-003-0 enrolled in the Land Use program shall be a precondition of the County’s issuance of a land disturbance permit pursuant to a site plan prepared for the solar energy facility. Prorated payment will be based on the maximum acreage to be used for the Solar Energy Facility, including acreage for panels, fencing, access roads, and buffer and screening requirements, as such maximum acreage is detailed and delineated in the approved site plan (approximately 47 acres—final acreage will be determined by final site plan approvals and DEQ stormwater approvals), and is not the entire 631 acres associated with parcel 270(03)00-003-0.
3. Site Plan Requirements. The Solar Energy Facility shall meet all conditions for Site Plan Requirements as defined in the Prince George County, Virginia: Solar Energy Facility Siting Policy in effect as of the date of Special Exception application (the “Siting Policy.”) The materials submitted for Site Plan review shall include an Invasive Species Management Plan with satisfactory compliance with the recommendations provided by DCR as referenced in the Staff Report.
4. The Solar Energy Facility shall be constructed in accordance with the County-approved grading plan as approved by County staff prior to the commencement of any construction activities, and in accordance with the Erosion and Sediment Control Plan.
5. Operations. The Solar Energy Facility shall meet all conditions for operations in the Siting Policy.
6. Buffers. The Solar Energy Facility shall meet all conditions for buffer setbacks and landscape requirements as required in the Siting Policy.

7. Wildlife Corridors. The applicant shall identify an access corridor for wildlife to navigate through the Solar Energy Facility. The proposed wildlife corridor shall be shown on the site plan submitted to the County. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.
8. Height of Structures. Solar Energy Facility structures shall meet all required conditions for structure height in the Siting Policy.
9. Development Standards. The project shall meet all Development Standards as defined under "Development Standards" in the Siting Policy.
10. Inspections. The owner of the Solar Energy Facility ("Owner") will allow designated County representatives or employees access to the facility for inspection purposes at any time during the construction process and thereafter upon 24 hours advance notice. The Owner will maintain current contact information on file with the Planning Manager.
11. Owner shall coordinate directly with Fire, EMS and Emergency Management to provide solar energy materials, educational information and/or training to the respective personnel responding to the solar energy facility project in regards to how to safely respond to any emergencies that may occur on the premises.
12. Compliance. The Solar Energy Facility shall be designed, constructed, and tested to meet relevant local, state, and federal standards as applicable.
13. Decommissioning. The Solar Energy Facility shall meet all conditions for Decommissioning as specified in the Siting Policy. Decommissioning shall commence no later than the 40<sup>th</sup> anniversary of the commercial operation date.
14. Power Sales. Prior to the issuance of any building permit for the solar energy facility, the Owner shall, subject to applicable confidentiality obligations, advise the County of the intended avenue in which the project power will be sold. Upon the County's request and waiver of any applicable confidentiality obligations by the counterparty, the applicant shall provide the County and legal counsel with a redacted version of the executed power purchase agreement or sale agreement.
15. This Special Exception shall become null and void if the use of a 5MW scale solar energy facility is abandoned for a period of twenty-four (24) consecutive months. This Special Exception shall become null and void if the construction process has not started within 36 months of the date of Special Exception Approval.
16. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant, owner or operator to comply with any of the listed conditions or any provision of federal, state or local regulations.

17. The Owner shall provide annual substantial cash payments for substantial public improvements (on a per megawatt alternating current (ac) basis), the need for which is not generated solely by the granting of this permit, so long as such improvements are reasonably related to the solar facility that is the subject of this permit. The Owner and the County acknowledge and agree that the County may identify in future budget years qualifying substantial public improvements that will be funded by the annual substantial cash payments to be provided by the Owner.

Attached hereto as Exhibit A and incorporated into this condition is a table of annual substantial cash payments to be paid on a per megawatt ac basis. The annual substantial cash payments will be made in accordance with the amounts included in Exhibit A regardless of any change in applicable law permitting substantial cash payments in a different amount. If a change in applicable law requires substantial cash payments for the Solar Energy Facilities in a certain amount, the annual substantial cash payments made pursuant to these conditions will be applied to any such required amounts. While the project size is estimated at 5MWac, the final payment amount will be prorated to account for installed project MWac size.

The first payment will be due to Community Development on or before the date that is 90 days following the commencement of commercial operation of the solar facility. Subsequent payments will be due to Community Development on each anniversary of the commercial operation date until the solar facility is decommissioned as required by these Conditions. The Owner shall provide written notice to Community Development within ten (10) business days of when the solar facility commences commercial operation. As a condition of this permit, the Owner shall pay all annual substantial cash payments until the decommissioning of the solar facility is complete.

	Payment/Mwac	\$ 1,800
	Esc	2%
<b>Exhibit A</b>		
Operation Year	Payment / MWac	Estimated 5MWac Project Size
1	\$ 1,800	\$ 9,000
2	\$ 1,836	\$ 9,180
3	\$ 1,873	\$ 9,364
4	\$ 1,910	\$ 9,551
5	\$ 1,948	\$ 9,742
6	\$ 1,987	\$ 9,937
7	\$ 2,027	\$ 10,135
8	\$ 2,068	\$ 10,338
9	\$ 2,109	\$ 10,545
10	\$ 2,151	\$ 10,756
11	\$ 2,194	\$ 10,971
12	\$ 2,238	\$ 11,190
13	\$ 2,283	\$ 11,414
14	\$ 2,328	\$ 11,642
15	\$ 2,375	\$ 11,875
16	\$ 2,423	\$ 12,113
17	\$ 2,471	\$ 12,355
18	\$ 2,520	\$ 12,602
19	\$ 2,571	\$ 12,854
20	\$ 2,622	\$ 13,111
21	\$ 2,675	\$ 13,374
22	\$ 2,728	\$ 13,641
23	\$ 2,783	\$ 13,914
24	\$ 2,838	\$ 14,192
25	\$ 2,895	\$ 14,476
26	\$ 2,953	\$ 14,765
27	\$ 3,012	\$ 15,061
28	\$ 3,072	\$ 15,362
29	\$ 3,134	\$ 15,669
30	\$ 3,197	\$ 15,983
31	\$ 3,260	\$ 16,302
32	\$ 3,326	\$ 16,628
33	\$ 3,392	\$ 16,961
34	\$ 3,460	\$ 17,300
35	\$ 3,529	\$ 17,646
36	\$ 3,600	\$ 17,999
37	\$ 3,672	\$ 18,359
38	\$ 3,745	\$ 18,726
39	\$ 3,820	\$ 19,101
40	\$ 3,897	\$ 19,483
<b>Total</b>	<b>\$ 108,724</b>	<b>\$ 543,618</b>

Adopted on \_\_\_\_\_, 2022 and becoming effective immediately.



## PLANNING COMMISSION STAFF REPORT

Public Hearing June 23, 2022

**SE-22-02** – Powell Creek Solar Facility

**Applicant:** Powell Creek Solar, LLC (Apex Clean Energy)

**Case Manager:** Tim Graves - (804)722-8678

### I. Request

The applicant requested a special exception to permit the development of a 5MW solar facility within a development area of approximately 47 acres on the 631-acre subject property. The land use is classified as a “Large-scale solar facility” pursuant to Section 90-53(59).

### II. Property

**Address:** 14921 James River Drive

**Tax Map:** 270(03)00-003-0

**Site Size:** ~47 acres development size  
~631 acres total parcel size

**Legal Owner:** Ronald Heretick

**RE Taxes Paid?:** Yes, Current

**Zoning District:** A-1 General Agricultural

**Current Use:** Agricultural

**Comp Plan Land Use:** Agricultural

**Planning Area:** Rural Conservation Area

**Previous Zoning Cases:** None

### III. Meeting Information

Applicant-led Community Meetings: March 2 and March 15, 2022 @ Burrowsville Ruritan Club

Planning Commission Public Hearing: June 23, 2022

Board of Supervisors Public Hearing: TBD

### IV. Background

Preliminary application submitted October 8, 2021. Comment letter dated December 8, 2021.

Formal application submitted February 3, 2022.

### V. Applicant Proposal

The applicant proposes to develop a Community Solar Garden, which allows off-site energy customers to subscribe to a certain amount of the energy output of a facility in exchange for a credit on an energy bill.

The outward appearance and layout of the proposed facility is comparable to existing solar facilities in PG County, but with a smaller footprint compared to larger projects previously approved in the County.

According to the conceptual site plan included in the application materials, the proposed facility will consist of approximately 30 acres of solar panels within a development area of approximately 47 acres. The development area includes the acreage for panels, fencing, access roads, and buffer and screening requirements. The project has been designed in accordance with the County’s adopted Solar Energy Facility Siting Policy (“the Siting Policy”).

While the project is exempt from paying Machine & Tools taxes, the Applicant proposes to provide cash payments to the County over the life of the project.



## VI. Exhibits

Exhibit 1 – Aerial View (showing general project area)

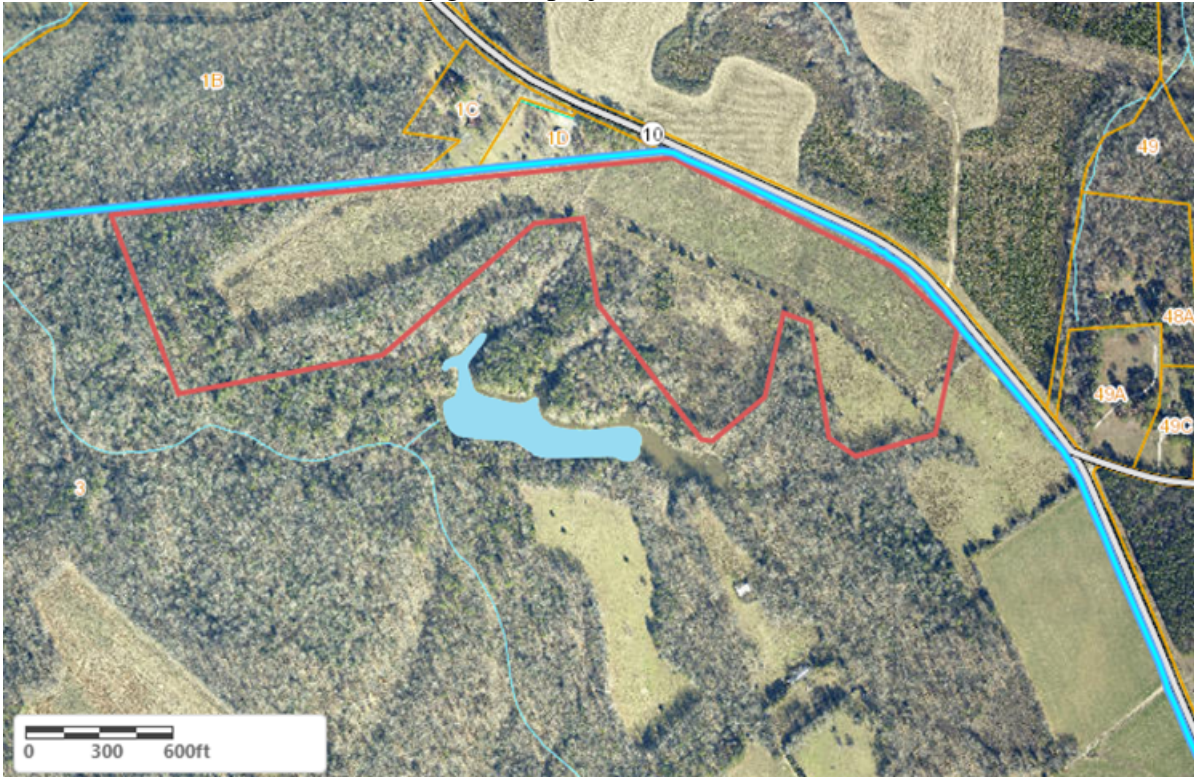
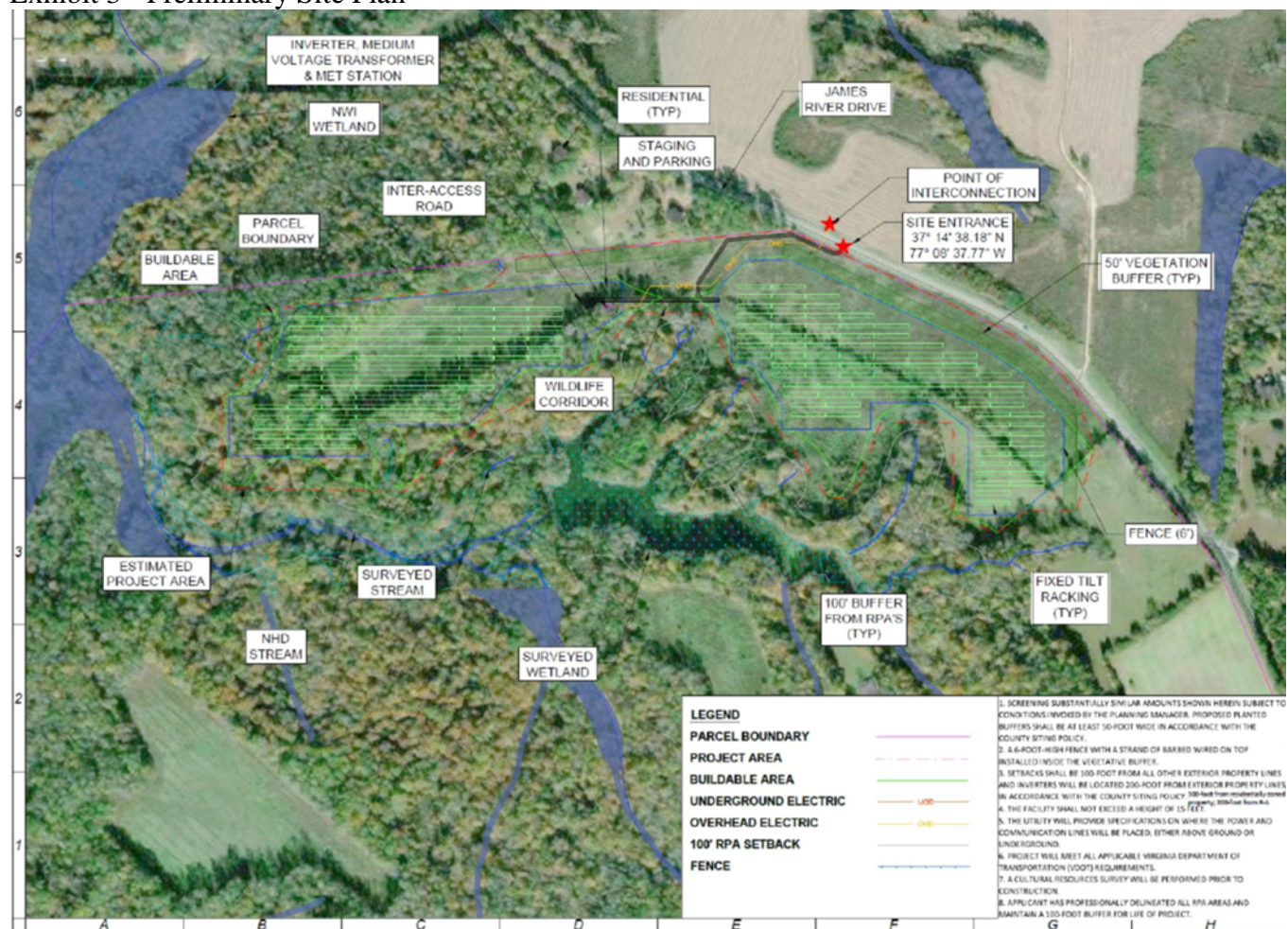


Exhibit 2 – Zoning Map (showing general project area)





### Exhibit 3 - Preliminary Site Plan



## VII. Planning and Zoning Review Comments

1. The subject property is zoned A-1 General Agricultural, as are the surrounding adjacent properties.
2. The proposed land use is permitted by Special Exception in A-1 zoning districts, with appropriate conditions.
3. If the project receives Special Exception approval, the facility layout will be reviewed in detail for compliance with applicable County Code requirements and the Siting Policy during Site Plan review.
4. Land uses on adjacent properties include low-density residential, vacant and agricultural uses to the North and East across James River Drive and to the South and West of the property.
5. Expected impacts on adjacent properties and roadways will be in the form of limited traffic during construction and by the visibility of solar panels on the property.
6. The traffic impacts during construction will be mitigated by the Construction Traffic Management Plan which will be required during Site Plan review. The visual impacts will be mitigated by the existing and proposed vegetative buffers and screening in accordance with the Siting Policy such that the panels are effectively not visible from a public road or adjacent residential home after construction is completed.
7. Other zoning approvals/processes required: Site Plan review, Building Permit review
8. Staff reviewed this project for compliance with the County's Solar Energy Facility Siting Policy and found it meets the standards in the policy for design and layout of the proposed facility, and the applicant has met all the application requirements. The standards of the Siting Policy will be enforced through the recommended special exception conditions.

9. Estimated Fiscal Impacts:
  - a. The project is exempt from Machine & Tools taxes.
  - b. County Staff and the applicant agreed upon the estimated fiscal impacts of the project in comparison with the current land use (Agriculture) and the planned future land use (Agriculture). The application narrative includes a table of those estimates.
  - c. In summary, it is estimated that the project will provide additional revenue to the County of \$868,080 over the expected 40-year life of the project, equivalent to \$18,470 per acre developed.
  - d. The increased revenue compared to current and future land uses would come primarily from voluntary cash payments and increased real estate taxes.
10. Compatibility with the Comprehensive Plan: See “Substantial Accord Determination” below.

### **VIII. Substantial Accord Determination**

Virginia State Code Section 15.2-2232 requires that the Planning Commission determine whether a proposed solar energy facility is in “substantial accord” with the Comprehensive Plan.

Staff prepared a separate document “SA-22-01” for the Commission’s use in making the determination.

Staff finds that the placement of proposed facility within the County is in substantial accord with the Comprehensive Plan because:

1. The request is consistent with the Future Land Use Map because the proposed size and location of the facility would allow agriculture and forestry to remain the dominant use of the property.
2. The proposed size and location of the facility adheres to the guidance of the Siting Policy regarding placement within the County, as summarized above.

If the Planning Commission determines that this request is in Substantial Accord with the Comprehensive Plan, then the Special Exception public hearing and decision will proceed afterward.

If the Planning Commission determines that this request is not in Substantial Accord with the Comprehensive Plan, then the Special Exception public hearing and decision will not proceed.

### **IX. Supplemental Staff Review Comments**

#### **Building Inspections Division – Charles Harrison III, Building Official**

1. The 2018 Virginia Uniform Statewide Building Code and 2018 Virginia Statewide Fire Prevention Code would be applicable to this project.
2. The solar equipment and related wiring would be exempt from permitting if the installer is a publicly regulated utility company and they own the equipment and wiring. Any structures supporting the equipment (except poles or towers installed by the utility company) would require permits. Permits would also be required for any electric service to the property/structures. Permits would be required to be obtained for any items not exempt by the USBC.

#### **Virginia Department of Transportation (VDOT) - Paul Hinson, Area Land Use Engineer**

1. A low volume commercial entrance will be required for permanent access to the site after construction is complete. Low volume commercial entrances must demonstrate that stopping sight distance is provided at the proposed entrance and meet applicable standards. The application evaluated available sight distance and recommended moving the entrance to the east. VDOT supports the proposed entrance location identified in the Construction Traffic Management Plan (CTMP).

2. VDOT has reviewed the CTMP included as Section 12 of the application. The proposed access routes, parking areas and staging areas are acceptable to VDOT. The application discusses a signage plan to direct trucks to the site. Only signs in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) and Virginia supplement or the VDOT Land Use Regulations will be allowed to be installed in the VDOT maintained right-of-way (ROW).
3. Only public utilities are allowed to cross or be installed within VDOT maintained ROW. This will include the proposed connection shown crossing SR 10 to Dominion Energy's transmission network.
4. VDOT has no objection to the proposed special exception request.

**Real Estate Assessor - Carol Crawford, Real Estate Operations Coordinator**

1. This property may be subject to roll-back taxes due to the change in use.

**Environmental Division - Angela Blount, Environmental Program Coordinator**

1. Plan review will be performed by DEQ as it is a 5MW or above facility.

**Virginia Department of Conservation and Recreation (State Agency)**

Planning Staff note: This is an abbreviated version of the comments that were sent to the applicant from DCR in response to their request for review, a copy of which was provided to PG County.

1. The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.
2. According to the information currently in Biotics, natural heritage resources have not been documented within the submitted project boundary including a 100-foot buffer. Please note, a predictive model identifying potential habitat for natural heritage resources intersects the project boundary. However, based on DCR biologist's review of the proposed project a survey is not recommended for the resource.
3. DCR recommends the development of an invasive species management plan for the project and the planting of Virginia native pollinator plant species that bloom throughout the spring and summer, to maximize benefits to native pollinators. DCR recommends planting these species in at least the buffer areas of the planned facility, and optimally including other areas within the project site. For screening zones outside the perimeter fencing, DCR recommends native species appropriate for the region be used. <https://www.deq.virginia.gov/home/showpublisheddocument?id=2466>. Page 3 of the addendum provides a list of native alternatives for non-natives commonly used for site stabilization including native cover crop species (i.e. Virginia wildrye).
4. In addition, the proposed project will fragment an Ecological Core (C3) as identified in the Virginia Natural Landscape Assessment.
5. The current activity will not affect any documented state-listed plants or insects.
6. There are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

The departments below reviewed this request and had no comments.

**Economic Development – Stacey English, Economic Development Specialist**

**Utilities Department - Frank Haltom, Director of Engineering and Utilities**

**Fire & EMS Department – Shawn Jones**

**Police Department / Sheriff's Department - Chris Douglas**

**Virginia Department of Health - Alice Weathers, Environmental Health Specialist**



## **X. Public Notice and Community Feedback**

- The applicant held community meetings prior to submitting its final application and provided a summary of all feedback and explained how the application addresses the feedback. (copy attached)
- Staff notified adjacent property owners by mailing prior to the public hearing.
- Staff ran the required legal ads for this request in the *Progress-Index* prior to the public hearing.
- Staff posted a sign on the property on 6-16-22.
- The applicant reviewed a copy of this report prior to the Planning Commission hearing date.
- No comments from the community were received prior to finalizing this report.

## **XI. Staff Recommendation on the Special Exception**

If the Planning Commission determines that this request is in Substantial Accord with the Comprehensive Plan, then Staff's recommendation for the Special Exception is Approval, subject to the recommended conditions.

The recommendation is based on the following considerations:

1. The applicant's request appears to be compatible with current and future surrounding land uses.
2. No negative feedback was received from adjacent property owners and community prior to publishing this staff report.
3. Staff and the applicant agree on the recommended conditions.
4. The voluntary cash payment offered by the applicant will increase revenue generation from the property in comparison with current or future planned uses.

If the Planning Commission determines that this request is not in Substantial Accord with the Comprehensive Plan, then the Special Exception public hearing and decision will not proceed.

## **XII. Recommended Conditions for the Special Exception**

In their application materials, the applicant provided draft recommendations consistent with the Siting Policy. The recommended conditions for this project are consistent with the Siting Policy and intended to ensure applicable code requirements are met and limit any expected impacts on adjacent property owners and the surrounding community. The Applicant has reviewed and supports these conditions.

1. This Special Exception is granted for a 5MW scale solar energy facility use to Powell Creek Solar, LLC and is located on Tax Map 270(03)00-003-0 (the "Solar Energy Facility"). This Special Exception may be transferred provided that applicable conditions of the Siting Policy regarding proper surety for Decommissioning are met.
2. Prorated payment of rollback taxes for parcel 270(03)00-003-0 enrolled in the Land Use program shall be a precondition of the County's issuance of a land disturbance permit pursuant to a site plan prepared for the solar energy facility. Prorated payment will be based on the maximum acreage to be used for the Solar Energy Facility, including acreage for panels, fencing, access roads, and buffer and screening requirements, as such maximum acreage is detailed and delineated in the approved site plan (approximately 47 acres—final acreage will be determined by final site plan approvals and DEQ stormwater approvals), and is not the entire 631 acres associated with parcel 270(03)00-003-0.
3. Site Plan Requirements. The Solar Energy Facility shall meet all conditions for Site Plan Requirements as defined in the Prince George County, Virginia: Solar Energy Facility Siting Policy in effect as of the date of Special Exception application (the "Siting Policy.") The materials submitted

for Site Plan review shall include an Invasive Species Management Plan with satisfactory compliance with the recommendations provided by DCR as referenced in the Staff Report.

4. The Solar Energy Facility shall be constructed in accordance with the County-approved grading plan as approved by County staff prior to the commencement of any construction activities, and in accordance with the Erosion and Sediment Control Plan.
5. Operations. The Solar Energy Facility shall meet all conditions for operations in the Siting Policy.
6. Buffers. The Solar Energy Facility shall meet all conditions for buffer setbacks and landscape requirements as required in the Siting Policy.
7. Wildlife Corridors. The applicant shall identify an access corridor for wildlife to navigate through the Solar Energy Facility. The proposed wildlife corridor shall be shown on the site plan submitted to the County. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.
8. Height of Structures. Solar Energy Facility structures shall meet all required conditions for structure height in the Siting Policy.
9. Development Standards. The project shall meet all Development Standards as defined under “Development Standards” in the Siting Policy.
10. Inspections. The owner of the Solar Energy Facility (“Owner”) will allow designated County representatives or employees access to the facility for inspection purposes at any time during the construction process and thereafter upon 24 hours advance notice. The Owner will maintain current contact information on file with the Planning Manager.
11. Owner shall coordinate directly with Fire, EMS and Emergency Management to provide solar energy materials, educational information and/or training to the respective personnel responding to the solar energy facility project in regards to how to safely respond to any emergencies that may occur on the premises.
12. Compliance. The Solar Energy Facility shall be designed, constructed, and tested to meet relevant local, state, and federal standards as applicable.
13. Decommissioning. The Solar Energy Facility shall meet all conditions for Decommissioning as specified in the Siting Policy. Decommissioning shall commence no later than the 40<sup>th</sup> anniversary of the commercial operation date.
14. Power Sales. Prior to the issuance of any building permit for the solar energy facility, the Owner shall, subject to applicable confidentiality obligations, advise the County of the intended avenue in which the project power will be sold. Upon the County’s request and waiver of any applicable confidentiality obligations by the counterparty, the applicant shall provide the County and legal counsel with a redacted version of the executed power purchase agreement or sale agreement.
15. This Special Exception shall become null and void if the use of a 5MW scale solar energy facility is abandoned for a period of twenty-four (24) consecutive months. This Special Exception shall become null and void if the construction process has not started within 36 months of the date of Special Exception Approval.

16. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant, owner or operator to comply with any of the listed conditions or any provision of federal, state or local regulations.

17. The Owner shall provide annual substantial cash payments for substantial public improvements (on a per megawatt alternating current (ac) basis), the need for which is not generated solely by the granting of this permit, so long as such improvements are reasonably related to the solar facility that is the subject of this permit. The Owner and the County acknowledge and agree that the County may identify in future budget years qualifying substantial public improvements that will be funded by the annual substantial cash payments to be provided by the Owner.

Attached hereto as Exhibit A and incorporated into this condition is a table of annual substantial cash payments to be paid on a per megawatt ac basis. The annual substantial cash payments will be made in accordance with the amounts included in Exhibit A regardless of any change in applicable law permitting substantial cash payments in a different amount. If a change in applicable law requires substantial cash payments for the Solar Energy Facilities in a certain amount, the annual substantial cash payments made pursuant to these conditions will be applied to any such required amounts. While the project size is estimated at 5MWac, the final payment amount will be prorated to account for installed project MWac size.

The first payment will be due to Community Development on or before the date that is 90 days following the commencement of commercial operation of the solar facility. Subsequent payments will be due to Community Development on each anniversary of the commercial operation date until the solar facility is decommissioned as required by these Conditions. The Owner shall provide written notice to Community Development within ten (10) business days of when the solar facility commences commercial operation. As a condition of this permit, the Owner shall pay all annual substantial cash payments until the decommissioning of the solar facility is complete.

	Payment/Mwac	\$	1,800
	Esc		2%
Exhibit A			
Operation Year	Payment / MWac	Estimated 5MWac Project Size	
1	\$ 1,800	\$	9,000
2	\$ 1,836	\$	9,180
3	\$ 1,873	\$	9,364
4	\$ 1,910	\$	9,551
5	\$ 1,948	\$	9,742
6	\$ 1,987	\$	9,937
7	\$ 2,027	\$	10,135
8	\$ 2,068	\$	10,338
9	\$ 2,109	\$	10,545
10	\$ 2,151	\$	10,756
11	\$ 2,194	\$	10,971
12	\$ 2,238	\$	11,190
13	\$ 2,283	\$	11,414
14	\$ 2,328	\$	11,642
15	\$ 2,375	\$	11,875
16	\$ 2,423	\$	12,113
17	\$ 2,471	\$	12,355
18	\$ 2,520	\$	12,602
19	\$ 2,571	\$	12,854
20	\$ 2,622	\$	13,111
21	\$ 2,675	\$	13,374
22	\$ 2,728	\$	13,641
23	\$ 2,783	\$	13,914
24	\$ 2,838	\$	14,192
25	\$ 2,895	\$	14,476
26	\$ 2,953	\$	14,765
27	\$ 3,012	\$	15,061
28	\$ 3,072	\$	15,362
29	\$ 3,134	\$	15,669
30	\$ 3,197	\$	15,983
31	\$ 3,260	\$	16,302
32	\$ 3,326	\$	16,628
33	\$ 3,392	\$	16,961
34	\$ 3,460	\$	17,300
35	\$ 3,529	\$	17,646
36	\$ 3,600	\$	17,999
37	\$ 3,672	\$	18,359
38	\$ 3,745	\$	18,726
39	\$ 3,820	\$	19,101
40	\$ 3,897	\$	19,483
<b>Total</b>	<b>\$ 108,724</b>	<b>\$</b>	<b>543,618</b>



# **Special Exception Permit Application (FINAL)**

## **Powell Creek Solar Farm County, VA**

Powell Creek Solar, LLC

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February 3, 2022  
*Revisions Made on June 8, 2022*

## **Table of Contents**

<b>1. Summary of Application.....</b>	<b>3</b>
<b>2. Special Exception Application (Attached) .....</b>	<b>4</b>
<b>3. Preliminary Site Plan (Digital Copy Provided Separately) .....</b>	<b>6</b>
<b>5. Project Narrative .....</b>	<b>9</b>
5.1. Conformity with Prince George County Comprehensive Plan .....	10
5.2. Racking and Panels .....	11
5.3. Inverter.....	12
5.4. Transformer and Interconnection .....	12
5.5. Impact on Neighbors and General Public.....	12
5.6. Community Outreach .....	13
<b>6. Documentation of Right to Use Property for Proposed Facility.....</b>	<b>14</b>
<b>7. Utility Comments Confirming Line Capacity.....</b>	<b>20</b>
<b>8. RPAs, Grading, Erosion and Sediment Control Plan &amp; Stormwater Management Plan....</b>	<b>21</b>
<b>9. Potential Fiscal Impacts to Prince George County .....</b>	<b>22</b>
<b>10. Proposed Project Conditions .....</b>	<b>24</b>
<b>11. Photographic Simulations.....</b>	<b>27</b>
<b>12. Construction Traffic Management Plan.....</b>	<b>35</b>
<b>13. Equipment Specifications.....</b>	<b>40</b>
13.1. Solar Module.....	40
13.2. Inverter .....	42
13.3. Single Axis Tracker .....	44
13.4. Fixed Tilt System.....	45

# 1. Summary of Application

Powell Creek Solar, LLC (“the Applicant”), requests a Special Exception Permit for the construction and operation of Powell Creek Solar, a 5 MW alternating current utility-scale solar facility on private land spanning one parcel in Prince George County, Virginia. The Project will be sited on County parcel 270(03)00-003-0 (631 acres) (the “Property”). The Property is currently zoned as A-1 Agriculture, as are all surrounding parcels. Neither the Project area nor the Property are within the County’s planned service areas by public water or wastewater. The Project is being developed by Apex Clean Energy. Apex is a renewable energy company based in Charlottesville, Virginia, with extensive experience developing, constructing and operating utility-scale wind and solar projects nationwide.

The Project is expected to bring significant economic benefits to Prince George County, and the Applicant has designed the Project with the following considerations:

- The Property is in a remote area, with natural vegetation and topography that minimizes visibility from neighboring parcels and public roads. The Project design provides a minimum 100-foot setback from exterior property lines, roadways, delineated RPA areas and proposes vegetative screening in accordance with the County’s siting policy.
- The Project has an advantageous interconnection queue position with Dominion Energy (A queue position), meaning it is first in line for construction on its circuit and transformer at the substation.
- The Property has been historically used for hunting and the Project will not impact neighboring land uses in the area.
- The Project will produce the equivalent of up to approximately 1,000 homes’ worth of clean solar electricity.
- The Project represents an initial capital investment of over \$7 million and will create approximately 25 full-time-equivalent (FTE) jobs during construction of the Project.
- In addition to expected increase in real estate income on the property, the Applicant expects to be providing substantial cash payments to the County in the Conditions of Approval. Projects of this scale are exempt from machinery and tools taxation by state law, but the Applicant is proposing to provide additional payments as part of the greater economic benefit of hosting the Project, and to offset any public costs related to the Project. The Applicant anticipates making payments to the County that are approximately \$883,908 more than current taxes collected for the same acreage (see Section 9).
- At the end of its operational life, the Applicant will decommission the Project in accordance with the steps outlined in this application, and the conditions of the county’s solar siting policy. In accordance with the County’s solar siting policy, the Applicant will provide surety to secure the both the ongoing maintenance costs of the Project’s vegetative screenings, and decommissioning costs prior to operation of the project. As part of decommissioning, the Applicant will return the land to its current use and/or another use permitted by the county and as desired by the Property owner.

INV: 1264  
Energy SE-22-0007



# SPECIAL EXCEPTION APPLICATION

Department of Community Development and Code Compliance  
Planning & Zoning Division  
6602 Courts Drive, Prince George, VA 23875  
(804) 722-8678 | [www.princegeorgecountyva.gov](http://www.princegeorgecountyva.gov)

OFFICE USE ONLY

APPLICATION #:

SE-22-02

DATE SUBMITTED:

FEB 03 2022

BY: TUG

## APPLICANT FILL-IN ALL BLANKS

REQUEST	REQUEST: Powell Creek Solar Submitted by: Powell Creek Solar, LLC		
	REQUEST PROPERTY ADDRESS / LOCATION: 14921 JAMES RIVER DRIVE Disputanta, VA 23842		
	REQUEST TAX MAP PIN(S): (List all) 270(03)00-003-0	AFFECTED ACREAGE (Each parcel): Project Area: ~ 42 ac Total Parcel Area: 610 ac	ENTIRE PARCEL (Y / N) - Each parcel): No
	ATTACHMENTS (Check if Attached; * = Required): <input checked="" type="checkbox"/> APPLICANT STATEMENT* (Specify goals, details, etc.) <input checked="" type="checkbox"/> PROPOSED CONDITIONS <input checked="" type="checkbox"/> SITE LAYOUT SKETCH OR CONCEPTUAL SITE PLAN* (Show proposed improvements; Use GIS or Engineer Drawing)		
LEGAL OWNER	NAME(S): Ronald Heretick		
	MAILING ADDRESS: (Incl. City, State, Zip): 14921 JAMES RIVER DRIVE Disputanta, VA 23842		
	E-MAIL: ronald.e.h51@gmail.com	PHONE: 804-926-0262	
APPLICANT CONTACT	NAME(S): If different than owner): Ken Young, Chief Operating Officer		
	RELATION TO OWNER: Project Developer/Land Tenant		
	MAILING ADDRESS: (Incl. City, State, Zip): Apex Clean Energy 120 Garrett Street, Suite 700 Charlottesville, VA 22902		
	E-MAIL: andrew.hull@apexcleanenergy.com	PHONE: 919-724-1806	
OFFICE USE ONLY (Completed at the time of application)			
ZONING DISTRICT(S): A-1		LAND USE(S) CODE REFERENCE(S): 90-53(S) Large Scale Solar	
PAYMENT	FEE DUE: Special Exception: \$700 Special Exception Home Occ: \$350	FEE PAID: \$700	PAYMENT TYPE: CHECK / CASH / CREDIT / DEBIT
	CHECK # / TRANSACTION #:	DATE RECEIVED: 2/3 Processed 2/4 MGS	RECEIVED BY: TG

Blackwater  
FEMA ✓  
Rural Plan  
A-1

## OWNER AFFIDAVIT

The undersigned Property Owner(s) or duly authorized Agent or Representative certifies that this petition and the foregoing answers, statement, and other information herewith submitted are in all respect true and correct to the best of their knowledge and belief.

NAME:

RONALD E HERETICK

NAME:

SIGNED:

Ronald E Heretick

SIGNED:

DATE:

01/31/2022

DATE:

NOTARIZATION:

STATE OF VIRGINIA

COUNTY OF:

Chesterfield

Subscribed and sworn before me this

31

day of

January, 20 22.

Notary Public

Brittany L. Grant

My Commission expires:

04/30, 20 24





COUNTY OF PRINCE GEORGE  
COMM DEV & CODE COMPLIANCE  
PO BOX 156  
6602 COURTS DR  
PRINCE GEORGE, VA 23875-0156  
(804) 722-8750  
Welcome

19996641-0002 Missy G.02/04/2022 11:34AM

**EG INVOICE**

HERETICK, RONALD

2022 Item: INV-00001264

Special Exception

Request 700.00

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700.00

**Subtotal** 700.00

**Total** 700.00

CHECK 700.00

Check Number 051239

-----  
**Change due** 0.00

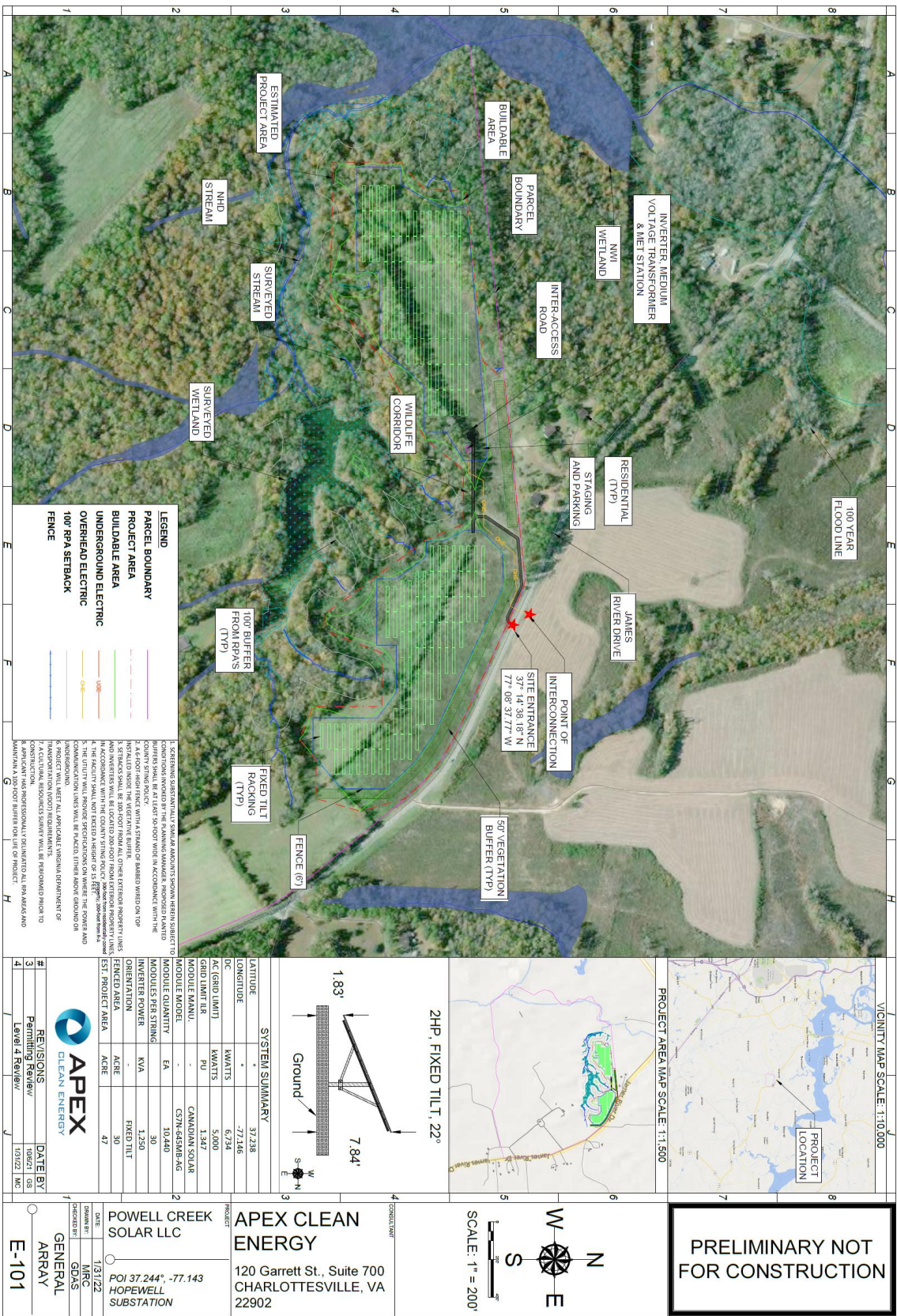
Paid by: HERETICK, RONALD

Thank you for your payment

CUSTOMER COPY

### 3. Preliminary Site Plan (Digital Copy Provided Separately)

Applicant will follow all future Site Plan approval requirements as detailed in Article II #9 of the County's ordinance.



Following County ordinance, the Preliminary Site Plan accounts for the following setbacks: at least 300 feet from residentially-zoned property; 200 feet from R-A; 100 feet from all other exterior property lines; inverters will be located 200 feet from exterior property lines; and the project will not install any substations. The Project area shall be enclosed by security fencing not less than six feet in height and equipped with an appropriate anti climbing device and installed on the interior of the vegetative buffer and maintained throughout the life of the Project. The Project will adhere to vegetative screening as determined necessary and in accordance with the County's Stinging Policy guidelines included in 12.b. Screening. The Project's detailed Landscape and Screening Plan is provided below.





## 5. Project Narrative

The Applicant requests a Special Exception Permit for Powell Creek Solar for the construction and operation of a 5 MWac Utility Scale solar facility (the Project) on a single parcel of 631 acres with a project size of approximately 47 acres of private land located in Prince George County, Virginia. This Property is zoned A-1 Agricultural, and the current use of the Property is hunting. Due to the project's small size, no substations or ancillary structures will be constructed or permanently installed. The Project has an active interconnection study agreement with Dominion Energy and is currently in the A queue position. The Applicant will follow all interconnection permitting requirements/procedures prior to commencing Project operations.

This proposed project has the potential to add 5 MWac of renewable energy to Dominion Energy Virginia's power grid through anticipated participation in the Virginia Shared Solar Program. In general, this program, commonly known as a Community Solar Program, allows a developer of small-scale solar projects to subscribe eligible customers to purchase a share of the output of the solar facility. The customer, through virtual net metering, gets a bill credit from their utility company for the energy being supplied by the shared solar program. This program has the potential to be open to local municipalities, schools, and other organizations that do not have the capital budgets to outright purchase solar energy systems. Also, this program is open to residential and commercial companies who might be unable to have access to rooftop solar because they rent, live in multitenant buildings, or are unable to host a rooftop solar system because their roof is shaded by trees or might not have the structural integrity to support the weight of the solar equipment. Lastly, the program has a Low to Moderate Income (LMI) component that incentivizes projects to seek subscribers that qualify for the LMI metric, thus providing them savings on their electricity bill.

As the crow flies, the Project access road is located approximately 8 miles Prince George County District Court, off James River Drive south/southwest of the Nobles Road and James River Drive intersection. A Preliminary Site Plan along with site specific information can be found in Section 3 (and attached separately as a PDF). Note, the Project's layout will be finalized after field surveys and full photographic simulations are completed and will be submitted to the county along with all required construction, grading and vegetation plans as a part of the full site plan approval process. The array layout in the Preliminary Site Plan is correct in its representation of system size, its general location, and commitments to maintain a wildlife corridor, its perimeter buffer, avoid delineated wetlands and RPA areas, and other noted constraints.

Solar photovoltaic (PV) technology will power this electricity generator. The Project plans to utilize either fixed tilt or single-axis tracking panels mounted on a steel racking system less than 15 feet height from the natural grade below the solar panel, in accordance with County ordinance. The included project site plan (Section 3) depicts the more likely fixed tilt installment with an anticipated panel height of less than 8 feet. The "fenced in" Project area, as shown in the Preliminary Site Plan, covers about 30 acres, however, it is anticipated the total project area will encompass approximately 47 acres. Final acreage will be determined during final site plan approvals and DEQ stormwater approvals. It is as detailed in Section 11, the Applicant worked with a local contractor to produce photographic simulations that depict the Project's relationship to surrounding properties and road/utility corridors or other nearby infrastructure.

It is expected that construction might start as soon as mid 2023 or early 2024, with the Project reaching commercial operation within approximately six months of construction start. The Project is expected to be in operation for a minimum of 35 years. In addition to engaging the County on zoning, the Applicant has filed for interconnection through the Dominion Energy Virginia interconnection queue and is awaiting results of the studies.

In accordance with the Virginia Shared Solar Program legislation, the Applicant has successfully submitted the required registration documents with the Virginia State Corporation Commission (SCC), and hereby confirms it will conform to all SCC rules and regulations as it relates to the operations of this community solar Project.

The Applicant acknowledges that the 2018 Virginia Uniform Statewide Building Code and 2018 Virginia Statewide Fire Prevention Code is applicable to this project and will conform to meet its requirements.

Furthermore, the Applicant acknowledges that it will be reviewed by DEQ for both Stormwater and Erosion and Sediment Control compliance, and that administrative permits such as Land Disturbance and Construction General Permit will be applicable to the project. Notwithstanding, Permit by Rule approval will not be required for this Project given the Project size is not larger than 5MWac (per Virginia Administrative Code 9VAC15-60-30).

## 5.1. Conformity with Prince George County Comprehensive Plan

Section 15.2-2232 of the Code of Virginia provides that any *“public utility facility or public service corporation facility ... whether publicly or privately owned, shall [not] be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the [applicable Planning Commission] as being substantially in accord with the adopted comprehensive plan or part thereof.”*

The Applicant requests that the Planning Commission determine that the Project is substantially in accordance with the 2018 Prince George County Comprehensive Plan (CP). The Project supports the County’s vision values, and goals, as outlined in the CP. In short, the Project diversifies the local tax base and provides significant local revenue that are not offset by demand for public services. Key themes relating to solar land use in the CP:

### 1. Diversify the Local Economy and Tax Base

A primary economic development goal of the CP is to *“Enhance the economic base and employment opportunities in Prince George County”* (CP, pg. 139) with a primary strategy to achieving this goal being to, *“Use the future land use map and the zoning map to identify and reserve land areas suitable for future economic activities.”* (CP, pg.139). Powell Creek Solar Farm will provide a significant boost to the local economy as evidenced by the construction of solar projects in the region including Greenville, Sussex, Mecklenburg, Halifax and Southampton. Solar energy is among the fastest growing industries in the nation and is especially vibrant in the Commonwealth of Virginia. Further, a majority of employers require access to non-fossil, renewable energy when deciding as to where to locate facilities.

The adoption of this growing field can lead to direct economic boosts during construction and long-term economic gains by the local economy and may serve to attract further business development to the region. Additionally, the Project will directly generate significant revenue for the county as described herein.

## **2. Protecting Natural Environment**

A primary goal of the CP is to “*Protect and enhance the natural environment.*” (CP p. 143). Embracing projects like Powell Creek Solar Farm over higher-polluting alternatives helps to ensure a better quality of essential resources such as air and water. Solar facilities conform to the physical characteristics (including wetlands and topography) of the land. While they may displace agricultural or silviculture uses in their immediate footprint, they do not permanently alter the land in a way that would preclude it from returning to its current use at the end of the solar facility’s life. The project is well aware of the County’s natural environment conservation efforts and will abide by its *Chesapeake Bay Protection Articles*. For example, the project has delineated the nearby Resource Protection Areas (RPA) and will ensure a 100-foot buffer for life of project.

Part of protecting natural resources may also involve striking a balance between the economic benefits and environmental destructiveness that can come with harvesting merchantable resources such as timber and minerals. While often not considered, sunlight is a merchantable natural resource available to the County. Projects like Powell Creek Solar Farm harvest sunlight while significantly reducing harmful impacts associated with other resource cultivation, and the Project will increase the county’s revenue.

## **3. Encouraging Innovative and Environmentally Friendly Land Uses**

An additional objective of the CP is that development in agricultural areas should “minimize environmental impacts on the County’s land, air and water resources” (CP p. 123). “The construction methodology for this Project will have very little impervious service, estimated to be under 5% of the entire acreage that is being dedicated to the project. Furthermore, by establishing native ground cover, the Project has the potential to increase water infiltration in the area and boost soil organic matter. We will also keep in place and work around natural vegetative buffering as much as possible, and the project will install vegetative screening in areas to protect public viewshed.

### **5.2. Racking and Panels**

**Racking:** The Project is expected use a fixed-tilt system that does not track the sun and stays in a fixed position throughout the day. Measurements for this system type are included on the Preliminary Site Plan, with specifications from a potential product manufacturer included in Section 13. A row of PV panels will be attached in a linear fashion to each of these racking systems. Other versions of fixed technology or tracking technology may be considered for the Project.

**Panels:** Based on current technology, the Project’s site could contain around 10,000-15,000 photovoltaic solar panels, in total. It is possible that increases in the output per panel may reduce the number of panels needed for the Project. A preliminary site plan can be found in Section 3.

For more details on these types of panels, see Section 13. That said, depending on final engineering, the exact manufacturer and model may be modified, and the final site plan will be submitted for review by the County as part of the Site Plan process prior to construction.

### 5.3. Inverter

The Project's preliminary design includes relatively string inverters which typically have the following dimensions (W x H x D): 26.4" x 35.5" x 11.7". These inverters are typically mounted to the fixed-tilt and single axis tracking system thus eliminating the requirement for inverter pads that are utilized on larger projects that interconnect to transmission networks. That said, there is the potential to switch to central inverter(s) which typically have the following dimensions (W x H x D): 22' x 13' x 7'. These inverters are typically mounted on a concrete pad that will be strategically within the project footprint where the cabling from the modules will be routed and connected. The final decision will be made closer to the start of construction. That being said, both inverters convert the direct-current energy generated by the panels to alternating-current energy that is ready to be transmitted onto the local distribution grid. While the exact manufacturer and model may vary as technology improves between now and the commencement of construction, Section 13 has an example equipment datasheet for one of the options. Again, depending on final engineering, this may be modified slightly, and the final site plan will be available to the County as part of the building permitting process.

### 5.4. Transformer and Interconnection

The Project will be interconnecting with Dominion Energy's existing three-phase distribution system at an on-site or nearby location. The interconnection process will not require any new substation equipment to be constructed on-site. Instead, the Project will be connected by increasing the Project voltage with a step-up transformer and other associated equipment mounted on standard distribution poles so that it is compatible with the existing voltage of the distribution system. This project is in Dominion Energy's interconnection queue and is pending results from the studies.

### 5.5. Impact on Neighbors and General Public

Once construction is complete, the Project is passive, imposing no impacts on the neighbors and producing no pollutants or other emissions. During operations, sound from this project will not exceed the County requirements. At night, there will be no audible noise at the property line emanating from the solar facility components. The inverters produce a low-level hum (the Power Electronic model is listed as producing <79 dBA at 1m distance), only during daylight hours, when the system is generating energy. This noise level has been described as roughly equivalent to that of a dishwasher. Even in idealized sound-travel conditions, the inverse square law shows that, at 100 feet, the sound emitted from this inverter will be reduced to under 50 dBA or the equivalent of a modern refrigerator. As seen in the Preliminary Site Plan, the design positions the inverters at least 200 feet from the perimeter of the Property line. The inverters are the only components that produce any noticeable noise.



The Project will produce no hazardous glare. Solar panels, by design, absorb as much light as possible, and panels reflect/refract much less light than many materials broadly used throughout the area and the County, such as metal roofing on homes and accessory structures. Further, only specific angles between the sun, components of a solar facility, and the vantage point would have any potential of producing a diffused, unobtrusive glare. When employing the use of a fixed-tilt or tracking system, these angles are not achievable from the vantage of neighboring properties.

Landscape buffering will include existing vegetation and, where the existing vegetation is insufficient, additional vegetation will be planted to minimize the visibility from surrounding parcels. In accordance with the land development code, where additional vegetative buffering is required, such as areas that face James River Drive, it will be installed and maintained. Additionally, areas where pollinator friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers are required they will be installed and maintained. The Project will be set back a distance of at least 100 feet, which includes a 50-foot planted buffer, from all public rights-of-way and main buildings on adjoining parcels, and a distance of at least 100 feet from adjacent property lines. Most adjoining properties are in timber or agricultural use.

Solar is a low-impact land use with minimal to no impact on the County's resources. Other forms of development (commercial, residential housing, etc.) require additional services such as roads, utilities, schools, and law enforcement. Solar and this Project will not place any material burden on the County's resources.

As seen on the Preliminary Site Plan, the Applicant currently proposes a single entry and exit for the facility. These locations make use of existing access points. Should the Project propose different points of ingress and egress, it will adhere to the Special Exception Permit Conditions and will be designed in compliance with VDOT regulations.

Once operational, the Project will produce electricity during daylight hours. It will not require regular staff and will only be visited as needed for maintenance of the system or landscaping. After the construction phase, no impact on local traffic is expected from operations of this Project. The Applicant will implement measures to mitigate traffic impacts during the construction process.

## 5.6. Community Outreach

In accordance with the County's Adopted Solar Siting Policy, the Applicant hosted two public (community) meetings (at least 10 days apart) prior to the Planning Commission Public Hearing date. Both community meetings were held locally at the Ruritan Club (Burrowsville) and took place on the following days and times: 1) Wednesday, March 2, at 5:30 p.m.; and 2) Tuesday, March 15, at 10:30 a.m. Across both meetings, 25 citizens signed the Applicant's meeting sign-in sheet which was shared with the County.

The community meetings provided opportunities for adjacent property owners and other Prince George County residents to learn about the project, ask questions, and/or provide comments as feedback on the proposed project. Both meetings abided by all County requirements for public notifications/outreach, time, location and the Applicant shared a summary of input/questions received with the County on March 28, 2022. In accordance with the Ordinance the Applicant confirms it supplied the County a copy of all mailing lists and acceptable social media postings used to promote awareness of and attendance at the meetings.

## 6. Documentation of Right to Use Property for Proposed Facility

Documentation of site control is demonstrated below with the memorandum of lease. The Applicant's affiliate, ACE VA DER, LLC is currently the lessee under the project lease. The lease will be assigned to the Applicant subsequent to approval of the Special Exception request, but before administrative approvals such as the building permit. The memorandum of the lease is in the process of being recorded, and the Applicant will record a memorandum of the assignment of the lease. The Applicant can provide supporting documentation in the form of recorded memos when available and as needed.

---

Recording Requested By and  
When Recorded Return to:

ACE VA DER, LLC  
c/o Apex Clean Energy, Inc.  
Attn: Land Manager  
Court Square Building  
310 4th Street NE, Suite 300  
Charlottesville, VA 22902

**Tax Map No (s):** 270(03)00-003-0

**Consideration: \$22,500.00**

### MEMORANDUM OF GROUND LEASE FOR SOLAR ENERGY SYSTEM

THIS MEMORANDUM OF GROUND LEASE FOR SOLAR ENERGY SYSTEM ("Memorandum") is made and dated as of November 13, 2020 ("Effective Date") by and between Ronald E. Heretick ("Landlord") with a tax mailing address of 14921 James River Drive, Disputanta, VA 23842, and ACE VA DER, LLC, a Delaware limited liability company ("Tenant") with a tax mailing address of c/o Apex Clean Energy, Inc., 310 4th Street NE, Suite 300, Charlottesville, Virginia 22902, in light of the following facts and circumstances:

Landlord and Tenant entered in that certain Ground Lease for Solar Energy System, of even date herewith (the "Lease"), pursuant to which Landlord has leased to Tenant certain real property of Landlord ("Property") located in the County of Prince George/Virginia as more particularly described on the attached Exhibit A and which the Lease and said Exhibit A are hereby incorporated herein as if fully set forth in this Memorandum. Landlord and Tenant have executed and acknowledged this Memorandum for the purpose of providing constructive notice of the Lease. Capitalized terms not otherwise defined in this Memorandum shall have the meanings provided in the Lease.

NOW THEREFORE, Landlord and Tenant hereby agree as follows:

1. **Lease of Property and Easements.** Landlord has leased the Property to Tenant on the terms, covenants and conditions stated in the Lease. The Lease is for the development and operation of a solar energy Project or Projects. As more fully set forth in the Lease, Landlord has granted unto Tenant, and Tenant has accepted from Landlord a ground lease and easements, which include: (i) the sole and exclusive right to use the Property for solar energy conversion purposes, utility-scale energy storage, and other related purposes as set forth herein, and to capture, use and convert unobstructed solar resources over and across the Property, and to install, use, operate, maintain, repair, improve, relocate, replace and remove components of the Solar Energy System and on the Property; (ii) an exclusive lease of the Property and all air rights thereon for solar energy conversion purposes and other related purposes as set forth herein; (iii) an exclusive easement on, over and across the Property for one or more line or lines of poles and/or towers,

with such wires and cables as from time to time are suspended therefrom, and/or overhead and/or underground wires and cables, for the transmission and/or collection of electrical energy and/or for communication purposes (including, without limitation, communications and radio relay systems and telecommunications equipment), and all necessary and proper foundations, footings, towers, poles, crossarms, guy lines and anchors and other appliances and fixtures for use in connection with said towers, wires and cables; (iv) an easement on, over and across the Property for access to any point where any Solar Energy Facilities are or may be located at any time from time to time; (v) an exclusive easement on, over and across the Property for the open and unobstructed access to the solar energy resources found on, below, over and across the Property (such energy resources collectively referred to as the “**Solar Energy Resources**”) to any Improvements on any of the Property and to ensure adequate exposure of the Improvements to the Solar Energy Resources and an easement and right on the Property to prevent measurable diminishment in output due to obstruction or impediment of the sunlight across the Property including but not limited to an easement right to trim, prune, top, cut down, remove or otherwise control all trees (whether natural or cultivated), shrubs, bushes, plants or other vegetation and dismantle, demolish and remove any and all fire and electrical hazards now or hereafter existing on the Property which might impede and/or obstruct receipt of or access to sunlight throughout the Solar Panel Area or interfere with or endanger the Solar Energy System, as determined by Tenant; and (vi) an exclusive easement prohibiting any obstruction to the open and unobstructed access to the Solar Energy Resources throughout the entire Property to and for the benefit of the area existing horizontally three hundred and sixty degrees (360°) from any point where any Solar Energy Facilities are or may be located at any time from time to time (each such point referred to as a “**Site**”) and for a distance from each Site to the boundaries of the Property, together vertically through all space located above the surface of the Property, that is, one hundred eighty degrees (180°) or such greater number or numbers of degrees as may be necessary to extend from each point on and along a line drawn along the surface from each point along the exterior boundary of the Property through each Site to each point and on and along such line to the opposite exterior boundary of the Property; (vii) an easement and right for any audio, visual, view, light, glare, shadow, noise, vibration, electromagnetic or other effect of any kind or nature whatsoever resulting, directly or indirectly, from the Solar Energy System owned, leased, operated or maintained by Tenant, on the Property, including but not limited to rights to cast shadows and reflect glare onto all of Landlord’s property, from the Solar Energy System and/or any and all other related facilities located on the Property, (viii) the right of subjacent and lateral support on the Property to whatever is necessary for the operation and maintenance of the Solar Energy System, including, without limitation, anchors, guy wires and other supports, and (ix) a right to undertake any such purposes or other activities on the Property, whether accomplished by Tenant or a third party authorized by Tenant, that Tenant reasonably determines are required, necessary, useful and/or appropriate, each as applicable, to accomplish any of the purposes or uses set forth in this Lease or that are compatible with such purposes or uses. This Lease and the easements granted herein shall be binding upon Landlord’s heirs, personal representatives, successors and assigns and shall run with the Property for the Term.

2. **Term.** The term of the Lease shall begin on the Effective Date and shall expire five (5) years after the Effective Date, if not extended or sooner terminated as provided in this Lease. Tenant may at its sole discretion extend the term of this Lease for an additional forty (40) year term and followed by (1) additional ten (10) year term.

3. **Ownership.** Landlord shall have no ownership or other interest in any Improvements (as defined in the Lease) installed on the Property.

4. **Assignment.** The Lease provides, among other things, that Tenant and any Transferee shall have the right, subject to certain conditions set forth in the Lease, to sell, convey, lease, assign, mortgage, encumber or transfer to one or more assignees or mortgagees the Lease, or any right or interest in the Lease, or any or all right or interest of Tenant in the Property, or in any or all of the Improvements that Tenant or any other party may now or hereafter install on the Property.

5. **Rights of Mortgagees.** Pursuant to the Lease, any Mortgagee of Tenant or Tenant's assignees has certain rights regarding notice and right to cure any default of Tenant under the Lease, and the right to take possession of the Property and the Project, and to acquire the leasehold estate and the easement interests by foreclosure, as well as other rights as set forth in the Lease.

6. **Purchase Option for Substation Facilities and Operations and Maintenance Facilities.** The Lease provides that Tenant may purchase fee title to a portion of the Property for substation facilities, and operations and maintenance facilities.

7. **Notice.** This Memorandum is prepared for the purpose of giving notice of the Lease and in no way modifies the express provisions of the Lease.

8. **Setback Waiver.** To the extent that any applicable law, ordinance, regulation or permit establishes, or has established, minimum setbacks from the exterior boundaries of the Property, from any structures on the Property (occupied or otherwise) or from any other point of measurement for Improvements constructed on the Property or otherwise within the Project, Landlord hereby waives any and all such setback requirements (the "**Setback Waiver**"). The Setback Waiver is for the benefit of Tenant, the owner(s) of adjacent properties within the Project, and their respective successors and assigns, and shall run with the land. If requested by Tenant, Landlord shall execute and deliver to Tenant one or more separate setback waivers evidencing the intent of this Setback Waiver, in a form provided by Tenant, which Tenant may then record at its expense. This waiver shall survive the termination of this Lease for so long as Improvements exist on real property adjacent to the Property.

9. **Landlord as Tenant's Agent.** Landlord hereby appoints Tenant as Landlord's agent only for the purpose of preparing, executing, applying for, submitting, and/or prosecuting in Landlord's name, any and all Approvals on behalf of Landlord, any environmental impact review, permit, entitlement, approval, authorization or other rights necessary or convenient in connection with Tenant's intended Solar Energy System and Operations from any governmental agency or any other person or entity (collectively "**Approvals**").

10. **Successors and Assigns.** This Memorandum, the Lease and the easements described herein shall burden the Property and shall run with the land. The Lease and this Memorandum shall inure to the benefit of and be binding upon Landlord and Tenant and, to the extent provided in any assignment or other transfer under the Lease, any assignee or Mortgagee, and their respective heirs, transferees, successors and assigns, and all persons claiming under them.

11. **No Conflict.** In the event of any conflict or inconsistency between the provisions of this Memorandum and the provisions of the Lease, the provisions of the Lease shall control. Nothing in this Memorandum shall be deemed to amend, modify, change, alter, amplify, limit, interpret or supersede any provision of the Lease or otherwise limit or expand the rights and obligations of the parties under the Lease and the Lease shall control over this Memorandum in all events.

12. **Multiple Counterparts.** This Memorandum may be executed by different parties on separate counterparts, each of which, when so executed and delivered, shall be an original, but all such counterparts shall constitute one and the same instrument.

*[signature page follows]*

IN WITNESS WHEREOF, the Parties have executed this Memorandum as of the Effective Date.

**LANDLORD:**

By: Ronald E Heretick  
Name: Ronald E. Heretick

STATE OF Virginia  
COUNTY OF Chesterfield ss.

On November 13, 2020 before me, the undersigned, personally appeared Ronald E. Heretick, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Brittany L. Grant  
Notary Public

TENANT:

ACE VA DER, LLC,  
A Delaware limited liability company

By: Apex Clean Energy Finance, LLC,  
a Delaware limited liability company,  
its Sole Member

By: Apex GBR, LLC,  
a Delaware limited liability company,  
its Sole Member

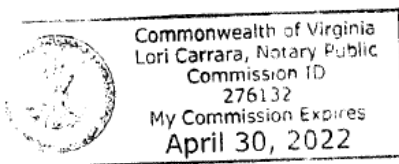
By: Apex Clean Energy Holdings, LLC,  
a Delaware limited liability company,  
its Manager

By: *Jeanine G. Wolanski*  
Name: Jeanine G. Wolanski  
Title: Senior Vice President of Land Management

STATE OF VIRGINIA

CITY OF CHARLOTTESVILLE

The foregoing instrument was acknowledged before me this 13 day of November, 2020 by Jeanine G. Wolanski, as the Senior Vice President of Land Management for Apex Clean Energy Holdings, LLC, a Delaware limited liability company, the Manager of Apex GBR, LLC, a Delaware limited liability company, the Sole Member of Apex Clean Energy Finance, LLC, a Delaware limited liability company, the Sole Member of [Project Entity], LLC, a Delaware limited liability company, on behalf of the company.



*Lori Carrara*  
Notary Public

My Commission Expires: 4/30/22

This instrument prepared by: Eugene Lerman, Esq.  
Apex Clean Energy, Inc.  
310 4<sup>th</sup> Street NE, Suite 300  
Charlottesville, Virginia 22902

**EXHIBIT A**

**LEGAL DESCRIPTION OF PROPERTY**

The Property is all of the following tracts or parcels of land, situated in County of Prince George, Virginia, consisting of 631 acres, more particularly described as follows:

All that certain tract or parcel of land, together with the improvements thereon and the appurtenances thereto belonging, lying, situate and being in Blackwater Magisterial District, Prince George County, Virginia, containing Six Hundred Thirty-One (631) acres, more or less, as indicated on a plat made by F.D.P. Bruner, dated November 25, 1945, entitled "Map of Survey of Property Owned by Burton P. Short part of Bonaccord Farm", reference to which is hereby made for a complete and accurate metes and bounds description of the property hereby conveyed.

BEING the same property acquired by Rudolph S. Heretick and Dorothy Heretick by Deed dated November 30, 1992, recorded in Deed Book 442, page 337 in the Prince George County, Virginia Circuit Court Clerk's Office. The said Rudolph S. Heretick died testate on MAY 26, 1996. By his will, recorded in Will Book 12, page 855 in said Clerk's Office, he devised his one-half interest in the property to his wife, Dorothy Heretick and his son, Ronald E. Heretick, equally.

In the event of inaccuracies in the foregoing legal description, Landlord and Tenant shall amend this Lease to correct such inaccuracies.

INSTRUMENT 210000190  
RECORDED IN THE CLERK'S OFFICE OF  
PRINCE GEORGE CIRCUIT COURT ON  
JANUARY 12, 2021 AT 12:42 PM  
BISHOP KNOTT, CLERK  
RECORDED BY: JZC

## 7. Utility Comments Confirming Line Capacity

The Applicant has previously submitted a distributed generation interconnection request to the applicable utility, Dominion Energy, and the Project is currently under interconnection study. As requested in the County's adopted Solar Siting Policy, below is confirmation of line capacity from Dominion.

FW: Apex Clean Energy - Powell Creek DER



Lewis.D.Golay@dominionenergy.com

To ✓ Tim Marvich



10/29/2020

The location referenced appears to be in Dominion Energy Virginia (DEV) service territory. DEV has a three-phase, 34.5 kV circuit (Hopewell Substation Ckt 313) in the proximity of this location. This location is approximately 9.8 circuit miles from Hopewell Substation. There are two (2) in queue on Ckt 313 for 40MW there one connected and generating, exporting 2.8 MW on to the grid. This circuit emanates from the 112 MVA Hopewell Substation transformer #7. Please note that current DEV interconnection parameters limit aggregate DG capacity interconnected to an 112 MVA substation transformer to no more than 78.4 MVA (70% of substation transformer nameplate). The limitation on 34.5kV is 26MW, Additional parameters may be identified during the study process that could impact interconnection requirements.

*Lewis D. Golay Jr.*

Distribution Generations Contracts Administrator III

Electric Wholesale Interconnection

O: (757) 671-3504

C: (757) 803-5012

Tie Line 8-727-3504

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**From:** Tim Marvich <[tim.marvich@apexcleanenergy.com](mailto:tim.marvich@apexcleanenergy.com)>

**Sent:** Tuesday, October 20, 2020 1:43 PM

**To:** Generator Interconnection <[GeneratorInterconnects@dominionenergy.com](mailto:GeneratorInterconnects@dominionenergy.com)>

**Cc:** Harlan Smouse <[harlan.smouse@apexcleanenergy.com](mailto:harlan.smouse@apexcleanenergy.com)>

**Subject:** [EXTERNAL] Apex Clean Energy - Powell Creek DER

\*\*\*This is an EXTERNAL email that was NOT sent from Dominion Energy. Are you expecting this message? Are you expecting a link or attachment? DO NOT click links or open attachments until you verify them\*\*\*

Good afternoon,

Below are coordinates of a potential DER site in Prince George County, VA. Apex respectfully requests a basic indicative distribution system pre-application snapshot at this location:

37.244118, -77.143986

Thank you,

Tim



## **8. RPAs, Grading, Erosion and Sediment Control Plan & Stormwater Management Plan**

RPAs, Stormwater and runoff management are regulated at the federal, state, and local level. Prior to construction, the Project's design and engineering must conform to all state laws and regulations. This includes providing appropriate methods to protect nearby waterways and neighboring property. Construction cannot begin until the Virginia Department of Environmental Quality (DEQ) has approved the Stormwater Management Plan and Prince George Soil and Water Conservation District has approved the Project's final plans with regard to grading, erosion and sediment control. In addition, in accordance with the County's *Chesapeake Bay Protection Ordinance*, the project has conducted professional delineation of nearby wetlands and RPA areas. In accordance with County and state regulations, the project will follow the minimum 100-foot buffer through the life of project. The provided preliminary site plan in Section 3 incorporates wetland and RPA delineations. The Applicant further confirms identified wetlands have been submitted to the Army Corps of Engineers for validation.

Prior to construction, the Prince George Soil and Water Conservation District will review, approve, and oversee the Project's grading plan in accordance with the County's Grading and Erosion and Sediment Control Plans. E&S designs and calculations are submitted to the County for approval as part of final permitting. Control devices, designed in accordance with the Virginia E&S Control Handbook, will be implemented to capture and treat runoff during construction phase. Common devices include silt fences, filter socks, check dams, diversion ditches, hay/matting, temporary and permanent seeding, sediment basins and traps (ponds. Often, the E&S ponds are converted to permanent stormwater detention ponds with onsite ditching directing water to the ponds.

Virginia's regulations and processes for managing water flow during construction and throughout the operating life are tested by time and achieve the desired outcomes for water management. Furthermore, Virginia's approach to water management apply to all large-scale development with consistent approaches but flexible to address the unique attributes of the particular land use.

As mentioned in the Project Narrative section above (Section 5), the Applicant acknowledges that it will be reviewed by DEQ for both Stormwater and Erosion and Sediment Control compliance, and that administrative permits such as Land Disturbance and Construction General Permit will be applicable to the project. Notwithstanding, Permit by Rule approval will not be required for this Project given the Project size is not larger than 5MWac (per Virginia Administrative Code 9VAC15-60-30).

## **9. Potential Fiscal Impacts to Prince George County**

As stated in the application summary, the Applicant expects to be providing substantial cash payments to the County in the Conditions of Approval (see proposed condition #16 in Section 10 below). Projects of this scale (5MWac and below) are exempt from the Machinery and Tools Tax by state law, but the Applicant is proposing to provide additional payments as part of the greater economic benefit of hosting the Project, and to offset any public costs related to the Project. As stated in Section 10, Condition 16 below, the Applicant is offering \$1,800/MWac. This number is based on the Applicant's experience working across Virginia on similarly sized projects.

Estimated fiscal impacts are provided in the table below. For example, the Applicant estimates an increase in tax revenue of \$324,462 over the current taxes collected for the same parcel acreage. In addition, the Applicant is prepared to propose substantial cash payments to the County on top of its proposed taxes totaling an additional estimated \$543,618 over the life of project. Collectively, the Applicant estimates a project revenue increase for the County of \$868,080 over its anticipated 40 year life. Below we provide a summary table for these amounts.

Estimated Fiscal Impacts		Solar Energy Facility Project: SE-22-02 Powell Creek Solar
<b>Assumptions</b>		
	Staff Input	Notes
Current Land Use	Agriculture / Forestry	There is a single family dwelling. The majority of the property is forested or fields.
Comprehensive Plan Future Land Use	Agriculture	Assume no change from current use
Total Acreage of Parcels Involved	631	Per application
Anticipated Life of Project in Years (LOP)	40	Per application
County Real Estate Property Tax Rate per \$1	\$0.0082	The current tax rate is \$0.82 per \$100 (\$0.0082) in the Budget FY2023

#### Estimated Revenue Impacts Comparison

	Current land use	With project in operation	With Comprehensive Plan Land Future Use	Notes
Assessed RE Value of Total Acreage	\$670,100	\$1,325,188	\$670,100	Current assessed value = for all parcels incl. improvements (accounting for land use program) according to assessor's office. --- Value with project in operation = Autocalc from RE estimate sheet based on partial development of total acreage. --- Value for comp plan land use = no change from current
Annual RE Tax Revenue for Total Acreage (Year 1)	\$5,495	\$10,867	\$5,495	Autocalc: RE value for total parcel acreage X RE tax rate. These values input for year 1 values on Escalation sheet
Annual Revenue from M&T Taxes	\$0	\$0	\$0	This project is assumed exempt from M&T taxes per state code
Annual Revenue from other Business Taxes	\$0	\$0	\$0	N/A
Voluntary cash payment (Year 1)	\$0	\$9,000	\$0	Cash payment for project is Based on \$1,800 per MW (x5 MW), per application
Estimated Real Estate taxes generated over Life of Project*	\$331,898	\$656,360	\$331,898	Autocalc: Estimate from escalation sheet
Estimated M&T Taxes generated over Life of Project	\$0	\$0	\$0	This project is assumed exempt from M&T taxes per state code
Estimated other Business Taxes generated over Life of Project	\$0	\$0	\$0	N/A
Cash Payment Offered over Life of Project	\$0	\$543,618	\$0	Cash payment for project is Based on \$1,800 per MW (x5 MW), per application, with escalation
<b>Total Estimated Revenue over Life of Project*</b>	<b>\$331,898</b>	<b>\$1,199,978</b>	<b>\$331,898</b>	Autocalc: Sum of above
<b>Estimated Increase of Revenue vs. Current Land Use</b>	<b>N/A</b>	<b>\$868,080</b>	<b>\$0</b>	Autocalc
New expenses to the County as a result of development**	No change	Low	No change	

#### Notes

Projects with <5MW with interconnection request before June 30, 2022 are exempt from M&T taxes. SB502 and HB1087

will remove exemption for projects approved on or after July 1, 2022.

\* Assumes escalation (See sheet 2 "Escalation")

\*\* A solar energy facility generally does not result increased demands on public facilities and services because there is virtually no new population or traffic generated after construction is complete.

This style box means manual input necessary

## 10. Proposed Project Conditions

### ARTICLE III. SAMPLE SOLAR ENERGY FACILITY SPECIAL EXCEPTION CONDITIONS

1. This Special Exception is granted for a 5MW scale solar energy facility use to Powell Creek Solar, LLC and is located on Tax Maps 270(03)00-003-0(the “Solar Energy Facility”). This Special Exception may be transferred provided that Condition 10(b) regarding proper surety is met.

2. Prorated payment of rollback taxes for parcel 270(03)00-003-0 enrolled in the Land Use program shall be a precondition of the County’s issuance of a land disturbance permit pursuant to a site plan prepared for the solar energy facility. Prorated payment will be based on the maximum acreage to be used for the Solar Energy Facility, including acreage for panels, fencing, access roads, and buffer and screening requirements, as such maximum acreage is detailed and delineated in the approved site plan (approximately 47 acres—final acreage will be determined by final site plan approvals and DEQ stormwater approvals), and not the entire 631 acres associated with parcel 270(03)00-003-0.

3. Site Plan Requirements. The Solar Energy Facility shall meet all conditions for Site Plan Requirements as defined in the Prince George County, Virginia: Solar Energy Facility Siting Policy in effect as of the date of Special Exception application (the “Solar Energy Facility Policy.”)

4. The Solar Energy Facility shall be constructed in accordance with the County-approved grading plan as approved by County staff prior to the commencement of any construction activities, and in accordance with the Erosion and Sediment Control Plan.

5. Operations. The Solar Energy Facility shall meet all conditions for operations in the Solar Energy Facility Policy.

6. Buffers. The Solar Energy Facility shall meet all conditions for buffer setbacks and landscape requirements as required in the Solar Energy Facility Policy.

7. Wildlife Corridors. The applicant shall identify an access corridor for wildlife to navigate through the Solar Energy Facility. The proposed wildlife corridor shall be shown on the site plan submitted to the County. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.

8. Height of Structures. Solar Energy Facility structures shall meet all required conditions for structure height in the Solar Energy Facility Policy.

9. Inspections. The owner of the Solar Energy Facility (“Owner”) will allow designated County representatives or employees access to the facility for inspection purposes at any time during the construction process and thereafter upon 24 hours advance notice. The Owner will maintain current contact information on file with the Planning Manager.

10. Owner shall coordinate directly with Fire, EMS and Emergency Management to provide solar energy materials, educational information and/or training to the respective personnel responding to the solar energy facility project in regards to how to safely respond to any emergencies that may occur on the premises.

11. Compliance. The Solar Energy Facility shall be designed, constructed, and tested to meet relevant local, state, and federal standards as applicable.

12. Decommissioning. The Solar Energy Facility shall meet all conditions for Decommissioning as specified in the Solar Energy Facility Policy.

13. ~~Power Purchase Agreement Sales.~~ Prior to the issuance of any building permit for the solar energy facility, the Owner shall, subject to applicable confidentiality obligations, advise the County of the intended avenue in which the project power will be sold ~~shall have executed either a power purchase agreement with a third-party, or a sale agreement to transfer the project to a regulated utility.~~ Upon the County's request and waiver of any applicable confidentiality obligations by the counterparty, the applicant shall provide the County and legal counsel with a redacted version of the executed power purchase agreement or sale agreement.

14. This Special Exception shall become null and void if the use of a 5MW scale solar energy facility is abandoned for a period of twenty-four (24) consecutive months.

15. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant, owner or operator to comply with any of the listed conditions or any provision of federal, state or local regulations.

16. (Added Condition) The Owner shall provide annual substantial cash payments for substantial public improvements (on a per megawatt alternating current (ac) basis), the need for which is not generated solely by the granting of this permit, so long as such conditions are reasonably related to the solar facility that is the subject of this permit. The Owner and the County acknowledge and agree that the County may identify in future budget years qualifying substantial public improvements that will be funded by the annual substantial cash payments to be provided by the Owner.

Attached hereto as Exhibit A and incorporated into this condition is a table of annual substantial cash payments to be paid on a per megawatt ac basis. While the project size is estimated at 5MWac, the final payment amount will be prorated to account for installed project MWac size. The first payment will be due on or before the date that is 90 days following the commencement of commercial operation of the solar facility. Subsequent payments will be due on each anniversary of the commercial operation date until the solar facility is decommissioned as required in paragraph 12 of these Conditions. The Owner shall provide written notice to the County within ten (10) business days of when the solar facility commences commercial operation. The payment by Owner, of all annual substantial cash payments until the decommissioning of the solar facility is complete shall be a condition of this permit.

	<b>Payment/Mwac Esc</b>	\$ 1,800 2%
<b>Exhibit A</b>		
<b>Operation Year</b>	<b>Payment / MWac</b>	<b>Estimated 5MWac Project Size</b>
1	\$ 1,800	\$ 9,000
2	\$ 1,836	\$ 9,180
3	\$ 1,873	\$ 9,364
4	\$ 1,910	\$ 9,551
5	\$ 1,948	\$ 9,742
6	\$ 1,987	\$ 9,937
7	\$ 2,027	\$ 10,135
8	\$ 2,068	\$ 10,338
9	\$ 2,109	\$ 10,545
10	\$ 2,151	\$ 10,756
11	\$ 2,194	\$ 10,971
12	\$ 2,238	\$ 11,190
13	\$ 2,283	\$ 11,414
14	\$ 2,328	\$ 11,642
15	\$ 2,375	\$ 11,875
16	\$ 2,423	\$ 12,113
17	\$ 2,471	\$ 12,355
18	\$ 2,520	\$ 12,602
19	\$ 2,571	\$ 12,854
20	\$ 2,622	\$ 13,111
21	\$ 2,675	\$ 13,374
22	\$ 2,728	\$ 13,641
23	\$ 2,783	\$ 13,914
24	\$ 2,838	\$ 14,192
25	\$ 2,895	\$ 14,476
26	\$ 2,953	\$ 14,765
27	\$ 3,012	\$ 15,061
28	\$ 3,072	\$ 15,362
29	\$ 3,134	\$ 15,669
30	\$ 3,197	\$ 15,983
31	\$ 3,260	\$ 16,302
32	\$ 3,326	\$ 16,628
33	\$ 3,392	\$ 16,961
34	\$ 3,460	\$ 17,300
35	\$ 3,529	\$ 17,646
36	\$ 3,600	\$ 17,999
37	\$ 3,672	\$ 18,359
38	\$ 3,745	\$ 18,726
39	\$ 3,820	\$ 19,101
40	\$ 3,897	\$ 19,483
<b>Total</b>	<b>\$ 108,724</b>	<b>\$ 543,618</b>

## **11. Photographic Simulations**

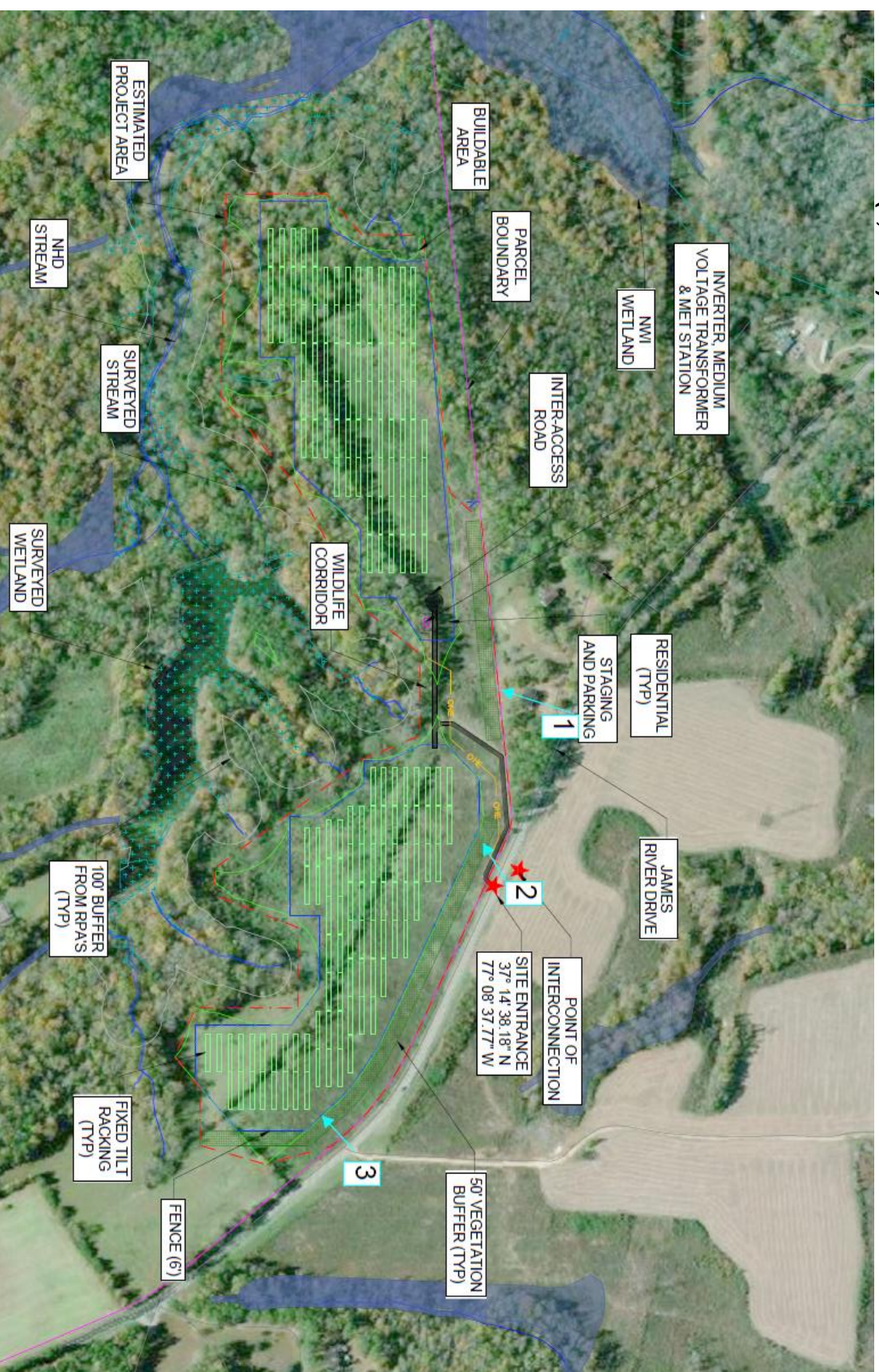
The Applicant retained Stantec Consulting Services Inc. to develop photographic simulations illustrating the relationship of the proposed solar energy facility use to the surrounding properties and uses. The following pages compare existing site conditions from three vantage points (prior to project construction), and what the same locations may look like 3-5 years after construction of the project. The three vantage points were chosen for their proximity to the closest residence to the project site with a potential viewshed of the project, and the closest road to the project, James River Drive. Prior to taking photos, the applicant confirmed its intended locations with the County's Planning & Zoning Division.

The future simulations were modeled to include the stated plantings detailed in the Project's Landscaping Plan (see Section 4), and to account for County ordinance requirements. As the future photos demonstrate, it is anticipated that at 3-5 years out there will be very limited visibility of any panels/equipment. What is visible is anticipated to be sparse and through the top line of trees. This limited visibility is expected to completely disappear as the anticipated height of all planted trees far exceeds the projects estimated panel height of less than 8 feet (see Section 4 for details on expected height of plantings).



Each photo was taken from the north side of James River Drive so as to provide the full viewshed perspective. Photo locations with orientatoin of photos are shown below.

### Photo Locations (1, 2 & 3)





Location 1 (Existing)



PHOTO LOCATION 1: EXISTING



Location 1 (Future)

PHOTO LOCATION 1: 3-5 YEARS





Location 2 (Existing)

PHOTO LOCATION 2: EXISTING



**Location 2 (Future)**

**PHOTO LOCATION 2: 3-5 YEARS**





Location 3 (Existing)

PHOTO LOCATION 3: EXISTING





Location 3 (Future)

PHOTO LOCATION 3: 3-5 YEARS



## **12. Construction Traffic Management Plan**

In response to VDOT comments the received on its preliminary application, The Applicant retained Timmons Group to conduct a project site visit and develop the following analysis.

### **Powell Creek Solar, LLC**

James River Drive (Route 10)  
Garysville, Prince George County, VA

#### **Construction Traffic Management Plan**

##### **Introduction**

Powell Creek is a 5.0 MWac solar energy facility located approximately 1 mile south of Garysville in Prince George Count, VA near the intersections of Route 639 (Flowerdew Hundred Road) and Route 614 (Nobles Road).

Powell Creek will occupy approximately 38.5 acres of the 630-acre tract that will host this project. The project will be permitted in a single phase which encompasses the entire proposed array area plus temporary trailer(s) and temporary staging/parking areas.

Project construction is expected to begin in Q1 2024; construction is anticipated to last approximately 6 months and be substantially complete by Q3 2024.

##### **Construction Traffic Routing**

In order to limit disruption to the surrounding community during construction of the facility, all construction traffic (truck deliveries & employees) will be restricted to James River Drive (Route 10), which provides direct access to the proposed site entrance; site-generated traffic will not use the adjacent secondary/local road network to access the site. The construction access route is depicted on Figure 1 – Construction Access Route – on the following page.

An approved construction traffic routing handout with detailed directions and a map (similar to Figure 1) will be distributed by Apex Solar to all employees, subcontractors, delivery companies, vendors, etc. to ensure that the construction site is accessed properly. Additionally, during the Land Use Permit (LUP) approval process with Virginia Department of Transportation (VDOT), an appropriate signage plan will be agreed upon to direct site-related traffic to the approved route. It is anticipated that signage will be located on James River Drive (Route 10) in the vicinity of the site to direct construction traffic, as well as inform local drivers of increased truck traffic in the area. Signage will also be utilized at the site construction driveway to alert departing construction traffic to the proper routes.



The map displays the James River National Wildlife Refuge and surrounding areas. A green line indicates the 'Delivery Route', which starts near Enon, VA, travels south through Hopewell, Jordan Point, and Beechwood, then west through Rivers Edge, Garysville, and Burrowsville, ending near Taylors Corner. A red line indicates the 'Prohibited Route', which branches off the green route near Hopewell, travels north through Highland and Arlington, and then west through Cedar Level. The map includes various landmarks such as the US Army Fort Lee Military Reservation, James River National Wildlife Refuge, and several towns and roads. Highway shields for routes 10, 36, 106, 156, 609, 614, 616, 5, 658, 618, 155, 614, and 615 are visible.



## Construction Office, Staging and Employee Parking

The Overall Staging and Access Plan is shown on Figure 2 and provides a graphical representation of the project boundary, proposed site entrance, and location of the staging and parking area.

A preliminary sight distance assessment was completed on the proposed entrance at the advisement of VDOT. Per Appendix F of the *Road Design Manual*, an intersection sight distance of 665' and a stopping sight distance of 570' is required (based on a 60-mph design speed). Field measurements indicated sufficient sight distance is available to the east, while sight distance to the west is limited to 485'. Based on this information it is recommended that the site entrance be shifted east by a minimum of 100'. In addressing this recommendation the project has moved the entrance location on it's revised site plan by 200' to build in additional safety. The new entrance is located at: 37° 14' 38.18" N, 77° 08' 37.77" W.

The project's main construction and staging area will be located on the south side of James River Drive, adjacent to the staging and parking area, located at the end of the main driveway. Given the smaller size of this solar project, only 1 entrance is being proposed/provided. This area will contain temporary office trailer(s) for use by construction and project management teams and subcontractors. This area will also contain the necessary parking to accommodate the project's management team, daily workforce, and visitors.

The staging/parking area will provide adequate space to allow delivery trucks to safely park for unloading and maneuver for entry/exit. This area is not designed or intended to store material for extended periods of time. Deliveries will be organized to minimize the time between receipt of material and installation.

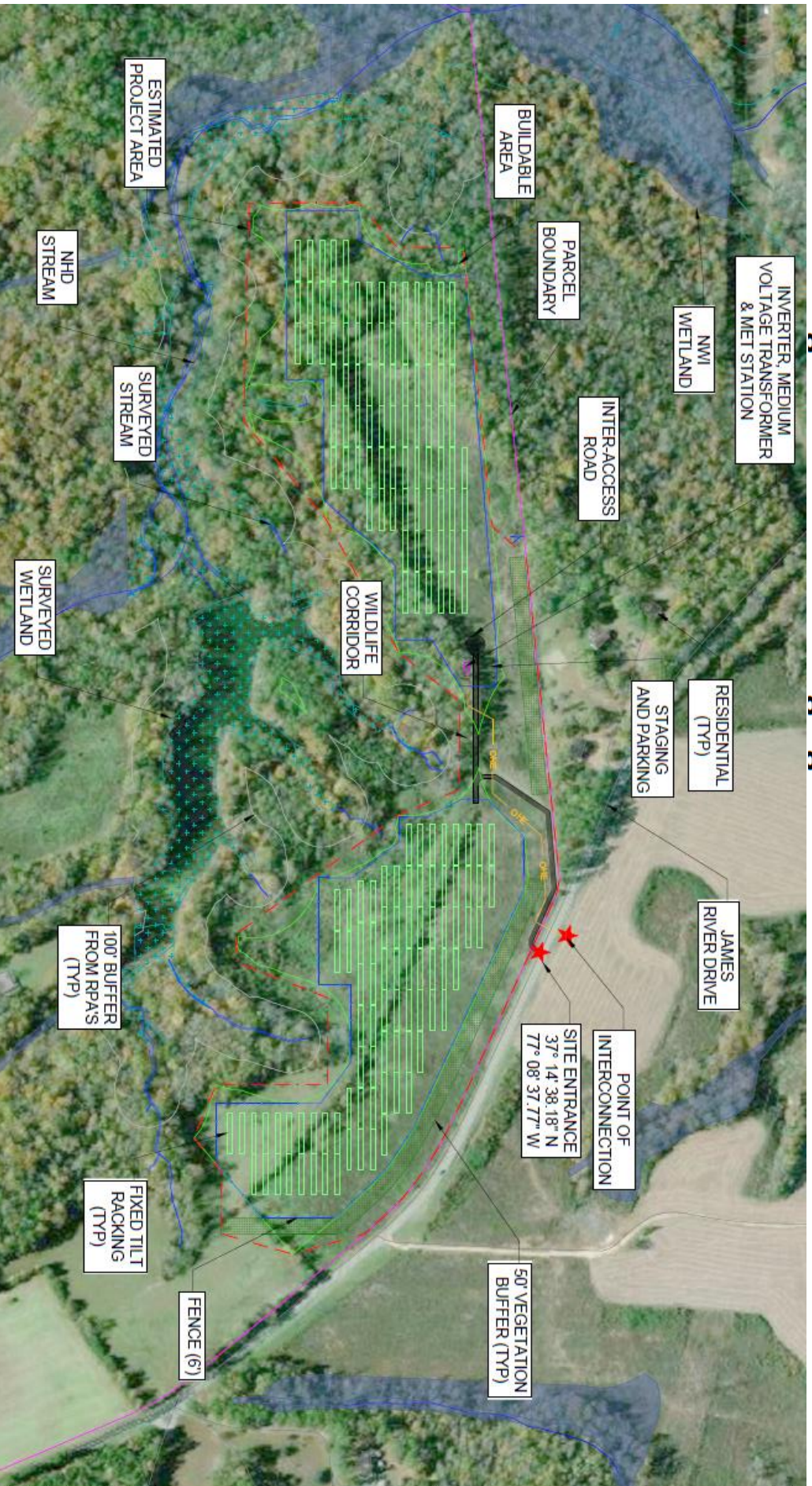
For a project this size, we expect approximately the following total truck and employee vehicle counts:

- Site preparation – 350 (earthwork equipment, clearing, grading)
- Construction/installation deliveries – 2,000 (stone, panels, racks, wire, materials)
- Inspection/final connections – 100 (final connections, testing, close out)
- Employees – 25 (average) to 50 (at peak construction period; limited time)

Over the course of the 6-month construction period, the daily truck volume will vary. During the first & last quarters of the project, there will be a low volume of truck counts, averaging 4 trucks or less per day. In the middle two quarters of the project at peak construction periods, we would expect up to 10 trucks per day, with the average being approximately 6.

The office/staging/parking area will be constructed of gravel to facilitate all-weather access. At the end of construction, this area will be reclaimed to the maximum extent possible.

**Figure 2 – Overall Staging and Access Plan**





### **Public Road Evaluation: Pre- and Post-Construction**

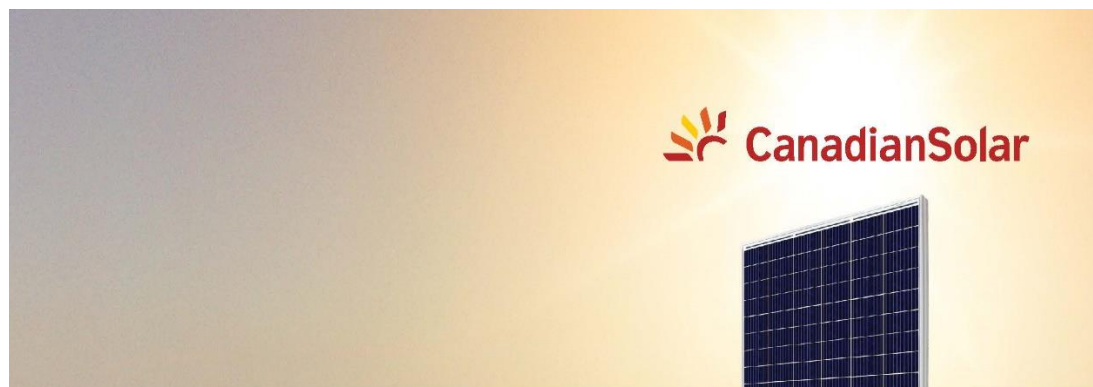
The condition of existing James River Drive (Route 10) within the immediate vicinity of the project boundaries, specifically the proposed construction/permanent driveway, will be assessed and documented prior to beginning construction.

Areas of existing damage or degradation will be identified and noted in the assessment. If amenable to VDOT, it is preferred that mutually agreed upon areas be repaired by VDOT prior to commencement of construction. These repairs would be documented as part of pre-construction activities.

Following construction, James River Drive (Route 10) within the extents noted above will be reassessed, identifying areas that were damaged as a result of the solar energy facility construction. These areas will be reviewed with appropriate VDOT staff and repaired using a VDOT approved subcontractor to match the original road geometrics and applicable specifications.

# 13. Equipment Specifications

## 13.1. Solar Module



### HiKu

HIGH POWER POLY PERC MODULE

400 W ~ 425 W

CS3W-400 | 405 | 410 | 415 | 420 | 425P

#### MORE POWER



24 % higher power than conventional modules



Up to 4.5 % lower LCOE  
Up to 2.7 % lower system cost



Low NMOT:  $42 \pm 3$  °C  
Low temperature coefficient (Pmax):  
-0.36 % / °C



Better shading tolerance

#### MORE RELIABLE



Lower internal current,  
lower hot spot temperature



Minimizes micro-crack impacts



Heavy snow load up to 5400 Pa,  
wind load up to 3600 Pa\*



Enhanced Product Warranty on Materials  
and Workmanship\*



Linear Power Performance Warranty\*

1<sup>st</sup> year power degradation no more than 2%

Subsequent annual power degradation no more than 0.55%

\*According to the applicable Canadian Solar Limited Warranty Statement.

#### MANAGEMENT SYSTEM CERTIFICATES\*

ISO 9001:2015 / Quality management system  
ISO 14001:2015 / Standards for environmental management system  
ISO 45001: 2018 / International standards for occupational health & safety

#### PRODUCT CERTIFICATES\*

IEC 61215 / IEC 61730 / CE / MCS / INMETRO  
CEC listed (US California) / FSEC (US Florida)  
UL 61730 / IEC 61701 / IEC 62716  
UNI 9177 Reaction to Fire: Class 1 / Take-e-way



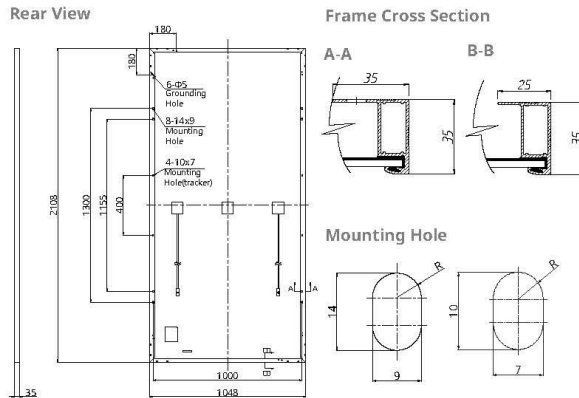
\* The specific certificates applicable to different module types and markets will vary, and therefore not all of the certifications listed herein will simultaneously apply to the products you order or use. Please contact your local Canadian Solar sales representative to confirm the specific certificates available for your product and applicable in the regions in which the products will be used.

CSI Solar Co., Ltd. is committed to providing high quality solar products, solar system solutions and services to customers around the world. Canadian Solar was recognized as the No. 1 module supplier for quality and performance/price ratio in the IHS Module Customer Insight Survey, and is a leading PV project developer and manufacturer of solar modules, with over 50 GW deployed around the world since 2001.

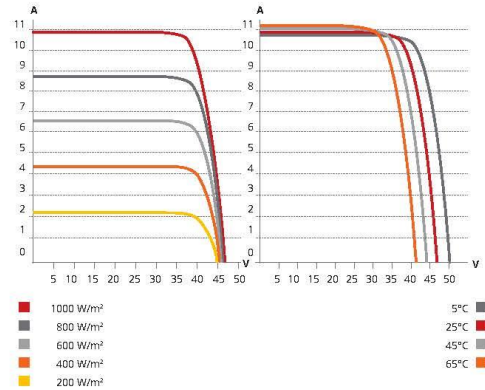
\* For detailed information, please refer to Installation Manual.

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## ENGINEERING DRAWING (mm)



## CS3W-400P / I-V CURVES



## ELECTRICAL DATA | STC\*

CS3W	400P	405P	410P	415P	420P	425P
Nominal Max. Power (Pmax)	400 W	405 W	410 W	415 W	420 W	425 W
Opt. Operating Voltage (Vmp)	38.7 V	38.9 V	39.1 V	39.3 V	39.5 V	39.7 V
Opt. Operating Current (Imp)	10.34 A	10.42 A	10.49 A	10.56 A	10.64 A	10.71 A
Open Circuit Voltage (Voc)	47.2 V	47.4 V	47.6 V	47.8 V	48.0 V	48.2 V
Short Circuit Current (Isc)	10.90 A	10.98 A	11.06 A	11.14 A	11.26 A	11.29 A
Module Efficiency	18.1%	18.3%	18.6%	18.8%	19.0%	19.2%
Operating Temperature	-40°C ~ +85°C					
Max. System Voltage	1500V (IEC/UL) or 1000V (IEC/UL)					
Module Fire Performance	TYPE 1 (UL 61730 1500V) or TYPE 2 (UL 61730 1000V) or CLASS C (IEC 61730)					
Max. Series Fuse Rating	20 A					
Application Classification	Class A					
Power Tolerance	0 ~ + 10 W					

\* Under Standard Test Conditions (STC) of irradiance of 1000 W/m², spectrum AM 1.5 and cell temperature of 25°C.

## MECHANICAL DATA

Specification	Data
Cell Type	Poly-crystalline
Cell Arrangement	144 [2 X (12 X 6)]
Dimensions	2108 X 1048 X 35 mm (83.0 X 41.3 X 1.38 in)
Weight	24.3 kg (53.6 lbs)
Front Cover	3.2 mm tempered glass
Frame	Anodized aluminium alloy
J-Box	IP68, 3 bypass diodes
Cable	4 mm² (IEC), 12 AWG (UL)
Cable Length	500 mm (19.7 in) (+) / 350 mm (13.8 in) (-) or customized length*
Connector	T4 series or H4 UTX or MC4-EVO2
Per Pallet	30 pieces
Per Container (40' HQ)	660 pieces

\* For detailed information, please contact your local Canadian Solar sales and technical representatives.

## ELECTRICAL DATA | NMOT\*

CS3W	400P	405P	410P	415P	420P	425P
Nominal Max. Power (Pmax)	298 W	302 W	305 W	309 W	313 W	317 W
Opt. Operating Voltage (Vmp)	36.0 V	36.2 V	36.4 V	36.6 V	36.8 V	36.9 V
Opt. Operating Current (Imp)	8.27 A	8.33 A	8.39 A	8.45 A	8.51 A	8.57 A
Open Circuit Voltage (Voc)	44.3 V	44.5 V	44.7 V	44.9 V	45.1 V	45.3 V
Short Circuit Current (Isc)	8.79 A	8.86 A	8.92 A	8.99 A	9.08 A	9.11 A

\* Under Nominal Module Operating Temperature (NMOT), irradiance of 800 W/m² spectrum AM 1.5, ambient temperature 20°C, wind speed 1 m/s.

## TEMPERATURE CHARACTERISTICS

Specification	Data
Temperature Coefficient (Pmax)	-0.36 % / °C
Temperature Coefficient (Voc)	-0.28 % / °C
Temperature Coefficient (Isc)	0.05 % / °C
Nominal Module Operating Temperature	42 ± 3°C

## PARTNER SECTION



\* The specifications and key features contained in this datasheet may deviate slightly from our actual products due to the on-going innovation and product enhancement. CSI Solar Co., Ltd. reserves the right to make necessary adjustment to the information described herein at any time without further notice.  
Please be kindly advised that PV modules should be handled and installed by qualified people who have professional skills and please carefully read the safety and installation instructions before using our PV modules.

**CSI Solar Co., Ltd.**  
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## 13.2. Inverter



### SUNNY HIGHPOWER PEAK3 125-US / 150-US

SHP 125-US-20 / SHP 150-US-20



SUNNY HIGHPOWER



Cost effective	Maximum flexibility	Simple in stall, commissioning	Highly innovative
<ul style="list-style-type: none"><li>▪ Modular architecture reduces BOS and maximizes system uptime</li><li>▪ Compact design and high power density maximize transportation and logistic efficiency</li></ul>	<ul style="list-style-type: none"><li>▪ Scalable 1,500 VDC building block with best-in-class performance</li><li>▪ Flexible architecture creates scalability while minimizing land usage</li></ul>	<ul style="list-style-type: none"><li>▪ Ergonomic handling and simple connections enable quick installation</li><li>▪ Centralized commissioning and control with SMA Data Manager</li></ul>	<ul style="list-style-type: none"><li>▪ SMA Smart Connected reduces O&amp;M costs and simplifies field service</li><li>▪ Powered by award winning ennexOS cross sector energy management platform</li></ul>

### SUNNY HIGHPOWER PEAK3 125-US / 150-US

A superior modular solution for large-scale power plants

The PEAK3 1,500 VDC inverter offers high power density in a modular architecture that achieves a cost-optimized solution for large-scale PV integrators. With fast, simple installation and commissioning, the Sunny Highpower PEAK3 is accelerating the path to energization. SMA has also brought its field-proven Smart Connected technology to the PEAK3, which simplifies O&M and contributes to lower lifetime service costs. The PEAK3 power plant solution is powered by the ennexOS cross sector energy management platform, 2018 winner of the Intersolar smarter EAWARD.

SPR01-005-17 Change to product and service, including those resulting from country-specific requirement, as well as deviations from technical data, are subject to change at any time without notice. S&A assumes no liability for typographical or other errors. Please visit [www.SMA-Solar.com](http://www.SMA-Solar.com) for the latest information.

**SMA America, LLC**



### 13.3. Single Axis Tracker



GENERAL AND MECHANICAL		ELECTRONICS AND CONTROLS	
Tracking type	Horizontal single-axis, independent row	Solar tracking method	Astronomical algorithm with backtracking. TrueCapture™ upgrades available for terrain adaptive backtracking and diffuse tracking mode
String voltage	1,500 V <sub>OC</sub>	Control electronics	NX tracker controller with inbuilt inclinometer and backup battery
Typical row size	112 – 120 modules, depending on module string length	Communications	Zigbee wireless communications to all tracker rows and weather stations via network control units (NCUs)
Drive type	NX patent-pending self-locking, distributed drive	Nighttime stow	Yes
Motor type	48 V brushless DC motor	Power supply	ARRAY POWERED: NX Integrated DC pre-combiner & power supply AC POWERED: Customer-provided AC circuit
Array height	Rotation axis elevation 1.9 to 2.5 m / 6'2" to 8'2"	<b>INSTALLATION, OPERATIONS AND SERVICE</b>	
Ground coverage ratio (GCR)	Typical range 28–50%		
Modules supported	Mounting options available for most utility-scale crystalline modules		
Bifacial features	Available with optimized central torque tube gap		
Tracking range of motion	±50°		
Operating temperature range	Array powered: -20°C to 55°C (-4°F to 131°F) AC powered: -40°C to 55°C (-40°F to 131°F)		
Module configuration	2 in portrait. 4 x 1,500 strings per standard tracker. Partial length trackers available.		
Module attachment	Self-grounding, electric tool-actuated fasteners standard. Clamping system optional.		
Materials	Galvanized steel		
Allowable wind speed	Configurable up to 235 kph (145 mph) 3-second gust		
Wind protection	Intelligent wind stowing with self-locking, distributed drive system for maximum array stability in all wind conditions	PE stamped structural calculations and drawings	Included
Foundations	Standard W8 section foundation posts. Typically ~160 piers / MW.	Onsite training and system commissioning	Included
		Installation requirements	Simple assembly using swaged fasteners and bolted connections. No field cutting, drilling or welding.
		Monitoring	NX Data Hub™ centralized data aggregation and monitoring
		Module cleaning compatibility	Compatible with virtually all standard cleaning systems
		DC string monitoring	Available with array-powered option
		Warranty	10-year structural, 5-year drive and control components
		Codes and standards	UL 3703 / UL 2703 / IEC 62817



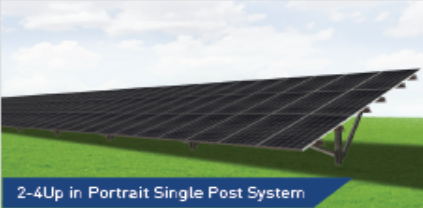
## 13.4. Fixed Tilt System



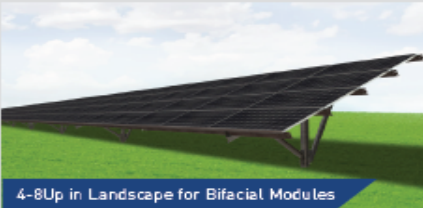
### FAST INSTALL + HANDLES SLOPING GROUND

#### LESS POSTS WITH UNMATCHED SPAN AND UP TO 15% TERRAIN SLOPES

- Supports all poly, glass, and thin film modules
- Rugged design enables 175 mph [78 m/s] wind and 90 psf [4,300 Pa] snow loads
- Pull test and geotech services available
- Galvanized Z purlins have integrated trays for easy wire management
- 10° to 35° tilt with multiple inter-row spacing options



2-4Up in Portrait Single Post System



4-8Up in Landscape for Bifacial Modules



2-4Up in Portrait and 4-8Up in Landscape



East/West Post System

#### GameChange Solar

##### HEADQUARTERS

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Mesa, AZ, USA

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Madrid, Spain

##### ASIA OFFICES

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Mumbai, India  
Dubai, UAE

**DISCLAIMER:** GameChange Solar provides this documentation without warranty in any form either expressed or implied.

GameChange Solar may revise this document at any time without notice.

Rev. 6-29-2021

### FEATURES

- Industry's most flexible racking system handles undulating ground conditions
- Three axes of adjustability demanded by installers for navigating real world site conditions where significant adjustability in the field is required
- The unmatched span capability of MaxSpan™ means there are fewer foundations than competing systems, which means less posts and less post installation cost. As few as 180 posts per MW for 2 up in portrait. 130 posts per MW for 3 up in portrait.
- Over 5" [12.7 cm] vertical adjustment for fast top of post leveling
- Up to 4'-0" [122 cm] high ground clearance to allow for snow and vegetation
- 10° to 35° tilt with multiple inter-row spacing options
- Available for framed modules (including First Solar Series 6") in 2 to 4 portrait and 4 to 8 landscape and for multiple glass on glass module configurations including First Solar Series 4"
- Full layout and engineering analysis for every project
- Integrated grounding and wire management
- WideFlange and roll formed posts available
- South facing and East/West system option
- Single and Dual Post configuration available
- StubPost™ - With adjustable extender to handle rolling ground without grading
  - 35% shorter and lighter stub posts for faster handling and faster post driving
  - Install StubPost™
  - Install extender and base bracket at the same time
- Pre-assembled "Swiss Army Knife" Beam:
  - One worker carry by weight
  - Just bolt it onto post extender, cut zip tie, swing braces and brackets into position, and bolt down
  - All hardware and brackets pre-attached and in assembly kit
  - Super simple staging: one unit replaces previous staging of nuts, bolts, brackets, braces, and beam
- MaxSpan™ with TwistClamps™
  - TwistClamps™ Increase Install Speed 400%
  - 400 modules per worker day versus 100 with nuts and bolts
  - One worker inserts and twists all preassembled TwistClamps™ into purlins
  - Follow-up workers slide modules under TwistClamps™
  - Workers then use torque wrenches to do just one final rotation on the pre-attached serrated flange nyloc nut to reach required torque and simultaneously grounds the module
  - Modules always align even if posts and beams are far out of alignment since workers can slide modules north and south under TwistClamps™
  - No power tools or hardware needed
  - No follow-up torquing operations required

### TEST & CERTIFICATION

- Meet IBC and ASCE standards for structural loading
- Electrical bonding with GameChange top mount clamps or star washers included
- ETL / UL 2703 tested (similar to the relevant sections of IEC 61215 & 61730)
- Wind tunnel tested by industry leader CPP
- Independent assessment by Black & Veatch
- Warranty 20 years - Designed and engineered in USA

### CALCULATIONS

- PE Stamped Drawings - Design loads according to local building codes:
  - ASCE 7, NBC, Eurocode, AS1170, GB 50009
- 100% code compliant designs for any locality

### PULL TEST & GEOTECH

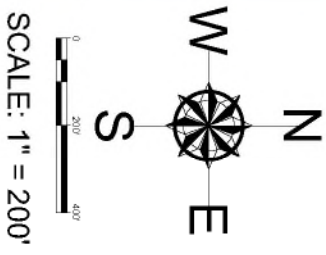
- Vertical and lateral capacity of the post is determined by pull test
- Test data is then analyzed by our in-house engineering team in parallel with geotechnical report to give the most efficient embedment depths, spans and post type

### MATERIAL

- Post: G235 [55 µm] galvanized steel (HDG ASTM A123 option also available)
- Galvanized Purlins, NS Beam, Brace: G90 [20 µm] galvanized steel. Standard up to G180 [40 µm] special order.
- Star bolt or ETL / UL top mount teathed module clamp: stainless steel & magnicoat
- Proprietary Integrated Hardware™: For faster structure assembly, module mounting and reduced O&M cost. Oversized Serrated Flange Nyloc Nut and Oversized Flange Star Bolt with integrated star washer eliminates the need for washers and star washers.



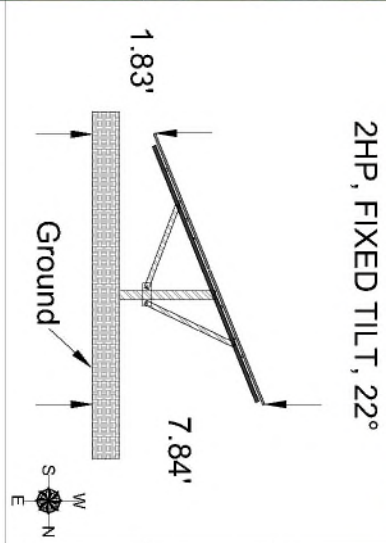
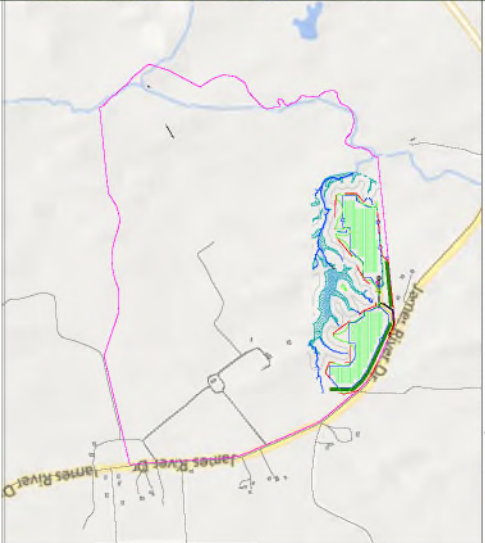
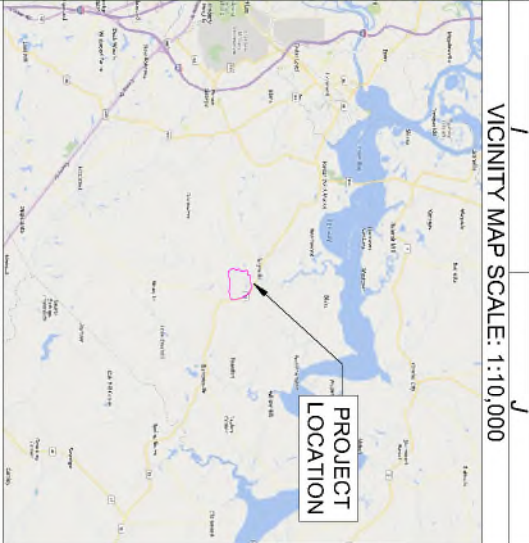
PRELIMINARY NOT  
FOR CONSTRUCTION



**APEX CLEAN ENERGY**  
120 Garrett St., Suite 700  
CHARLOTTESVILLE, VA 22902

**POWELL CREEK SOLAR LLC**  
  
POI 37.244°, -77.143  
HOPEWELL SUBSTATION

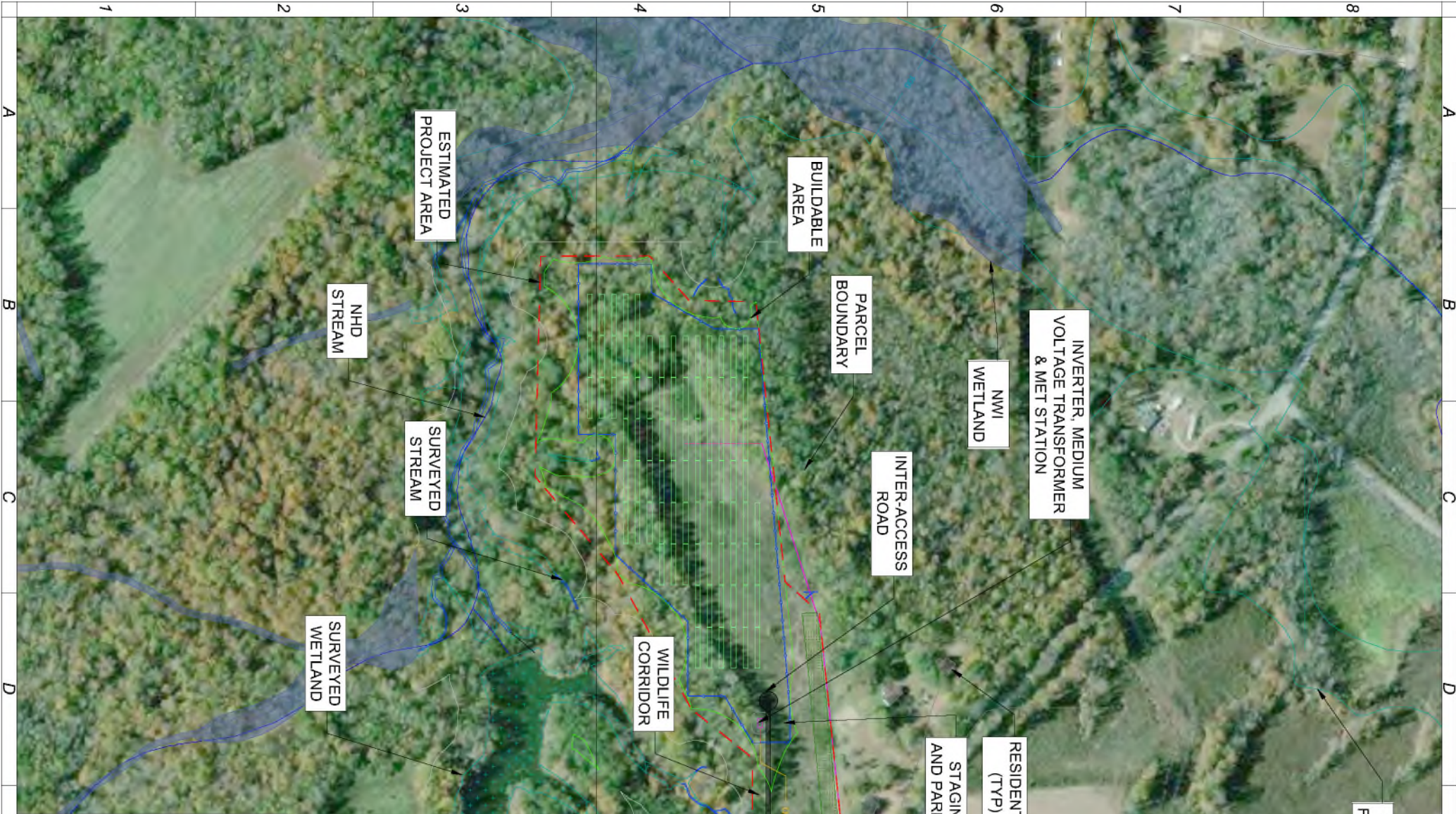
DATE: 1/31/22  
DRAWN BY: MRC  
CHECKED BY: GDAS  
**GENERAL ARRAY**  
E-101



SYSTEM SUMMARY	
LATITUDE	37.238
LONGITUDE	-77.146
DC	6,734 KWATTS
AC (GRID LIMIT)	5,000 KWATTS
GRID LIMIT ILLR	1.347 PU
MODULE MANU.	CANADIAN SOLAR
MODULE MODEL	CS7N-645MB-AG
MODULE QUANTITY	EA 10,440
MODULES PER STRING	30
INVERTER POWER	KVA 1,250
ORIENTATION	- FIXED TILT
FENCED AREA	ACRE 30
EST. PROJECT AREA	ACRE 47

#	REVISIONS	DATE	BY
3	Permitting Review	10/6/21	GS
4	Level 4 Review	1/31/22	MG

- LEGEND**
- PARCEL BOUNDARY**
- PROJECT AREA**
- BUILDABLE AREA**
- UNDERGROUND ELECTRIC**
- OVERHEAD ELECTRIC**
- 100' RPA SETBACK**
- FENCE**
1. SCREENING SUBSTANTIALLY SIMILAR AMOUNTS SHOWN HEREIN SUBJECT TO CONDITIONS INVOKED BY THE PLANNING MANAGER. PROPOSED PLANTED BUFFERS SHALL BE AT LEAST 50 FOOT WIDE IN ACCORDANCE WITH THE COUNTY SITING POLICY.
2. A 6-FOOT-HIGH FENCE WITH A STAND-OF-BARBED WIRED ON TOP INSTALLED INSIDE THE VEGETATIVE BUFFER.
3. SETBACKS SHALL BE 100-FOOT FROM ALL OTHER EXTERIOR PROPERTY LINES AND INVERTERS WILL BE LOCATED 200-FOOT FROM EXTERIOR PROPERTY LINES IN ACCORDANCE WITH THE COUNTY SITING POLICY. 300-foot from residentially-zoned property; 200-foot from R-A.
4. THE FACILITY SHALL NOT EXCEED A HEIGHT OF 15 FEET.
5. THE UTILITY WILL PROVIDE SPECIFICATIONS ON WHERE THE POWER AND COMMUNICATION LINES WILL BE PLACED, EITHER ABOVE GROUND OR UNDERGROUND.
6. PROJECT WILL MEET ALL APPLICABLE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) REQUIREMENTS.
7. A CULTURAL RESOURCES SURVEY WILL BE PERFORMED PRIOR TO CONSTRUCTION.
8. APPLICANT HAS PROFESSIONALLY DELINEATED ALL RPA AREAS AND MAINTAIN A 100-FOOT BUFFER FOR LIFE OF PROJECT.





## **Powell Creek Solar Community Meetings Summary**

**Location:** Ruritan Club Burrowsville (17410 James River Drive, Disputanta, VA)

**Daes/Times:** Wednesday, March 2, at 5:30 p.m. & Tuesday, March 15, at 10:30 a.m

The two community meetings held on Wednesday, March 2, and Tuesday, March 15 at Ruritan Club in Burrowsville were completed successfully with an engaged group of attendees from the general public. Both meetings were held in an open-house format where attendees were greeted as they arrived, provided informational handouts about the project, were walked through the project's informational posterboards, and were given the opportunity to ask any questions they had about the project.

Below is a summary of the main thematic questions and answers from the two meetings.

### **Location, Visibility and Screening**

- The most common questions asked by attendees were to confirm the location of the project, and how it will be screened. The Project team answered these questions by showing attendees the location of the project within the county and its exact address -- using the project site plan posterboard as visual. The project also walked attendees through its landscaping 'before and after' photos printed on posterboards, giving visual of the anticipated viewshed. In addition, the project explained how the County's detailed vegetative screening requirements will protect local viewsheds. Clear examples were provided using Project landscape and site plan posterboards.
- In summary: the panel height is anticipated to be less than 8ft; at the time of initial planning the trees used in vegetative screening are required to be 6ft; and, the anticipated mature height of the planted trees will range from 9ft-18ft. Therefore, tree heights will far exceed panel height.

### **Virginia's Shared Solar Program and Benefits to the Community**

- Some attendees asked informational questions related to how Virginia's Shared Solar Program works and how local residents can benefit from this project. The Project team walked attendees through its provided handout on Virginia's Shared Solar Program, and confirmed the Project's intention to qualify for the VA Shared Solar Program. The Project team further clarified that, should the Project make it into the program, local residents who are customers of Dominion Power could elect to subscribe to portions of power that the project generates. Which could help them save money on their electricity bills.

### **Possible Leaching and Hazardous Materials**

- Several attendees were concerned that various components of a solar farm could leach hazardous materials into the ground or local water supplies. This was answered by assuring attendees that solar farms do not produce toxic or hazardous waste or contain hazardous materials or substances inside the panels, or any other equipment used. Specifically, the project team explained that solar panels were comprised primarily of glass, aluminum, silicon, and copper. It was also explained that wiring methods and components used on a solar farm are not different from the wiring in residences or businesses. Toxic substances are no longer a component of commonly used solar panels so, if a solar panel breaks, there are no hazardous byproducts that will impact the ground or local water supplies.

### **Possible Runoff**

- Some attendees inquired about possible runoff related to land clearing and mass grading. This was answered by providing information about the possible type of racking equipment that would be used and the methods for installing it. The team assured that the Project anticipates only minimal grading given the slope of the land and flexibility of racking technology. The Project Team

also explained that all County and State environmental requirements will be complied with, including a review by DEQ for both Stormwater and Erosion and Sediment Control. Additionally, administrative permits such as the Land Disturbance permit and the Construction General Permit will be applicable to the project.

#### Possible Noise and Glare

- Some nearby residents asked questions related to potential noise and glare created by the project. For example: “Will there be any noise or glare caused by this solar farm that neighbors or passersby will hear or see? What will be causing it?” The Project answered these questions by elaborating on the technical aspects of a solar farm.
- For noise, it was explained that there will be no discernable noise beyond the project boundary. The inverters within the solar farm will produce a consistent, quiet hum similar to an older residential air conditioner. This sound is largely attributed to the cooling fans within the unit, which only run during the day when the solar panels are generating electricity.
- For glare, it was confirmed that solar panels are designed to absorb light rather than reflect it. In addition, many panels are manufactured with an anti-reflective coating to further reduce glare potential. The example of airports’ allowances for solar in close proximity was given to further explain that solar farms produce minimal glare.

#### Panel Removal

- Numerous attendees inquired about assurances that the panels would be removed and would not be left as waste after project operations. This was answered by confirming the County’s requirement that a decommissioning plan be provided as part of the permitting process and that a specific decommissioning bond be put in place before operations. That Team further explained that this plan and bond provide assurances that there will always be money set aside for proper solar equipment removal, even if the owner/operator of a solar farm goes bankrupt and/or is no longer in the picture.

#### Groundcover

- Some folks asked about what type of groundcover would be used and how the understory would be managed. The project confirmed it will follow County requirements for ground cover using native species that benefit birds, and bees, and other beneficial insects. Vegetative overgrowth will be controlled with periodic mowing and occasional use of herbicides, as needed.

#### Impact to Wildlife

- Questions were raised about the impact of solar farms on local wildlife and bird populations, particularly referencing habitat fragmentation due to land clearing, and the possibility for a “lake effect” to impact waterfowl species. The Team attempted to address these concerns by explaining that a wildlife corridor is planned to divide this project, allowing deer and other species to pass through. It was also explained that much of the land in use for The Project is already cleared, so minimal tree removal is necessary. Regarding the “lake effect”, it was explained that no substantive research has been conducted to evaluate the impact of solar farms on waterfowl and that the potential impact of this project was expected to be very low.

#### Number of Homes Powered

- Some residents asked how many homes the project will power. The Project confirmed that based on the anticipated size of 5 megawatts, the Project will generate enough clean electricity to power approximately 1,000 Virginian homes.

#### Taxes

- A few attendees asked how the construction of this project will affect nearby resident taxes. The Project team confirmed that no subsidies or handouts are being contributed from the County's budget and that this Project is unlikely to have any effect on taxes for other citizens. The Project team also explained that any increase in taxes due to the generation of clean electricity will only affect the parcel(s) under the Project and that this increase will be paid to the County by the project owner/operator. The Project team also confirmed that based on the parcels new use, generation of clean electricity, the project developer/owner will be paying the County higher taxes based on its commercial activity, but that those taxes are entirely covered by the project and not nearby residents.

#### Solar Farm Monitoring

- Some questions were asked about how a solar farm is monitored and we clarified that inverters, the "brains" of the solar farm, communicate via cellular data networks to a remote-operations control center. This allows us to monitor the energy output and overall health of the solar farm. We explained that it is imperative for business that the solar farm be operating in peak form and if anything should go wrong, the monitoring enables us to know and address the issue as quickly as possible.

#### Jobs

- A few interested citizens asked about the possibilities for local workers to be involved in O&M related jobs. The team reemphasized the Project's commitment to hiring locally as possible and practicable.

#### Emergency Response

- A few attendees asked if emergency responders will be trained. The Project confirmed a key/lockbox will be provided and the Project will provide the local fire department with the necessary information and training for responding to any emergency situations, however uncommon.

#### Panel Manufacturing

- We received questions about where the solar panels were sourced and if they were imported from China. It was confirmed that panels are manufactured all over the world, including in the USA, and that it is too early for the Project to know where the panels will be made.

#### Batteries

- We were asked if batteries were a component of this project and we confirmed that they are not.

#### Temperature

- Concerns were expressed that a solar farm would raise local temperatures. It was confirmed that based on current panel technology and the small-scale size of the project, the Project will not have any discernable effect on local temperatures.

#### Water Supply

- A question was asked about where water for the solar farms was sourced and it was clarified that solar farms do not require water to develop, construct or operate, but that the panels may on occasion be cleaned to remove dust, pollen and any other buildup.



**County of Prince George, Virginia**  
“A global community where families thrive and businesses prosper”

**June 10, 2022**

**PLANNING COMMISSION - NOTICE OF PUBLIC HEARING**

Dear owner, agent or occupant of each parcel that is abutting, immediately across the street or road, or within close proximity of the property affected:

This is notification that the Prince George County Planning Commission will hold a public hearing on **Thursday, June 23, 2022 beginning at 6:30 pm** to consider the following requests that involve the Prince George County Zoning Ordinance:

**SUBSTANTIAL ACCORD SA-22-01:** Determination by the Prince George County Planning Commission on whether the large-scale solar facility proposed by Powell Creek Solar, LLC in Special Exception Request SE-22-02 on Tax Map 270(03)00-003-0 is in substantial accord with the Prince George County Comprehensive Plan. The Comprehensive Plan Future Land Use Map indicates the property is planned for Agriculture uses and the Solar Energy Facility Siting Policy provides guidance for the siting of new facilities within the County.

**SPECIAL EXCEPTION SE-22-02:** Powell Creek Solar, LLC requests a special exception pursuant to § 90-53 (59) to permit a large-scale solar energy facility in an A-1 (General Agricultural) Zoning District. The 5-megawatt facility is proposed on an approximately 47-acre portion of the 631-acre subject property, with the development area situated along James River Drive, west of the intersection with Nobles Road. The subject property is identified as Tax Map 270(03)00-003-0 and addressed as 14921 James River Drive.

The public hearing will be held in the Board Room, third floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia 23875, pursuant to §15.2-2204, §15.2-2225, §15.2-2232, and §15.2-2285 of The Code of Virginia (1950, as amended). A copy of the related material may be reviewed or obtained at the Community Development and Code Compliance Department in the County Administration Building between 8:30 a.m.-5:00 p.m., Monday–Friday. All interested persons are invited to participate in the public hearings in person. A live video stream will be available at [https://www.princegeorgecountyva.gov/live\\_stream/](https://www.princegeorgecountyva.gov/live_stream/). Public comments can be submitted prior to 4:30 p.m. on the public hearing date. Public Comment submittal forms and information on accessing this meeting electronically are available at <https://www.princegeorgecountyva.gov>.

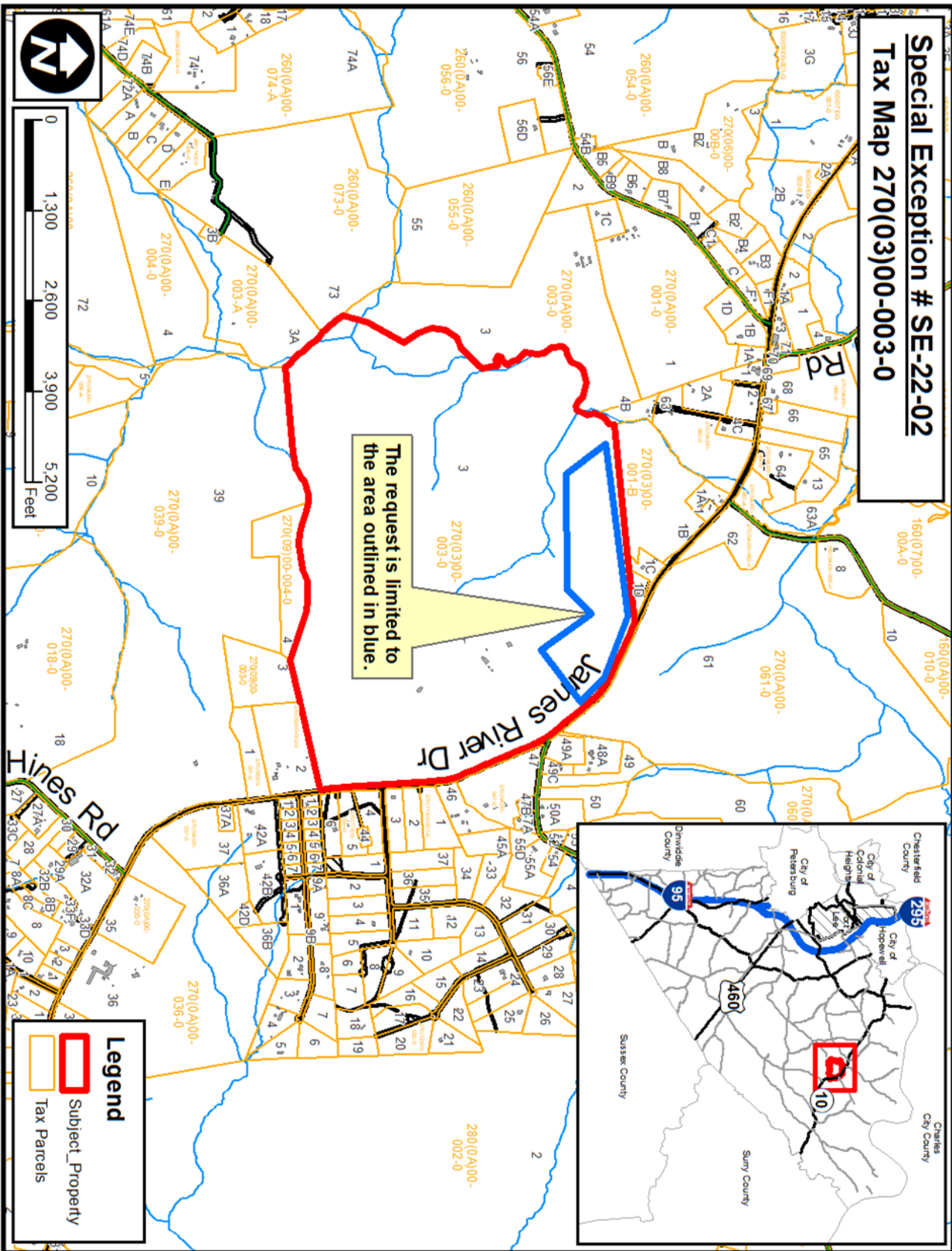
You may also contact Planning and Zoning Division at (804)722-8678 or by e-mail at [planning@princegeorgecountyva.gov](mailto:planning@princegeorgecountyva.gov) with any questions prior to the scheduled meeting. We have included a GIS Map showing the general location of the request.

Sincerely,

A handwritten signature in blue ink that reads "Tim Graves".

Tim Graves  
Planner

# **Special Exception # SE-22-02** **Tax Map 270(03)00-003-0**



The request is limited to the area outlined in blue.

ABERDEEN FARM PROPERTIES LLC  
C/O CAROL M BOWMAN  
15301 JAMES RIVER DR  
DISPUTANTA, VA 23842

AMERICAN TIMBERLAND CO  
PO BOX 540  
SOUTH HILL, VA 23970

BAKER ABBY  
15168 JAMES RIVER DR  
DISPUTANTA, VA 23842

COLLINS JUDY ANN  
13701 GOOSE HAVEN LN  
PRINCE GEORGE, VA 23875

COLLINS KEITH A ET ALS  
C/O WAYNE COLLINS  
12809 BROCKWELL RD  
PRINCE GEORGE, VA 23875

DANIEL EDWINA M  
14820 JAMES RIVER DR  
DISPUTANTA, VA 23842

DOMINION VIRGINIA POWER  
120 TREDEGAR ST  
RICHMOND, VA 23219

EVANS HANNAH M  
15201 CHIEFTAIN RD  
DISPUTANTA, VA 23842

FORD LONNIE III  
15100 JAMES RIVER DR  
DISPUTANTA, VA 23842

GOOD LEROY E & ANNETTE C  
15192 JAMES RIVER DR  
DISPUTANTA, VA 23842

HERETICK RONALD E  
14921 JAMES RIVER DR  
DISPUTANTA, VA 23842

HONEYCUTT LORETTA E  
14980 JAMES RIVER DR  
DISPUTANTA, VA 23842

MLJ COMPANIES LLC TRUSTEE  
/ 15200 CHIEFTAN LAND TRUST  
5919 WARWICK RD  
RICHMOND, VA 23224

PARKER HENRY D JR  
C/O CHARLES BASKERVILLE PC  
PO BOX 871  
PETERSBURG, VA 23804

PELTER WILLIAM K  
14653 JAMES RIVER DR  
NORTH PRINCE GEORGE, VA 23860

POHLKE FREDRIC B  
15006 JAMES RIVER DR  
DISPUTANTA, VA 23842

RIGGAN BEDFORD BROWN JR  
4754 RIGGAN LN  
NORTH PRINCE GEORGE, VA 23860

SEVERIN ULRIKE J  
8522 COUNTRY VIEW LN  
NORTH PRINCE GEORGE, VA 23860

SILVA MICHAEL J A  
16391 LEBANON RD  
SPRING GROVE, VA 23881

UNITED STATES OF AMERICA  
300 WESTGATE CENTER DR  
HADLEY, MA 01035-9589

VARGO BOBBY M & WILLIE G II  
PO BOX 281  
HOPEWELL, VA 23860

VICK KEVIN W & JAMIE N  
407 EVERGREEN AVE  
HOPEWELL, VA 23860

WALKER JOHN S & KIMBERLY S  
3103 GRANBY ST  
HOPEWELL, VA 23860

YOUNG HOWARD W JR & ANNA MARIE  
15106 NOBLES RD  
DISPUTANTA, VA 23842



**PUBLIC NOTICE  
PRINCE GEORGE COUNTY**

Notice is hereby given to all interested parties regarding the following public meeting: The Prince George County Planning Commission will hold public hearings on Thursday, June 23, 2022 beginning at 6:30 p.m. concerning the following requests:

**SPECIAL EXCEPTION SE-22-05:** Request of Christopher and Marisela Clark to permit a golf course within a R-A (Residential-Agricultural) Zoning District, pursuant to Prince George County Zoning Ordinance Section 90-103(3). The subject property is approximately 48.56 acres in size, located at 8399 and 8401 Golf Course Drive, and is identified as Tax Maps 450(06)00-00A-2, 450(06)01-001-0 and 450(06)01-002-0. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Agriculture uses.

**SUBSTANTIAL ACCORD SA-22-01:** Determination by the Prince George County Planning Commission on whether the large-scale solar facility proposed by Powell Creek Solar, LLC in Special Exception Request SE-22-02 on Tax Map 270(03)00-003-0 is in substantial accord with the Prince George County Comprehensive Plan. The Comprehensive Plan Future Land Use Map indicates the property is planned for Agriculture uses and the Solar Energy Facility Siting Policy provides guidance for the siting of new facilities within the County.

**SPECIAL EXCEPTION SE-22-02:** Powell Creek Solar, LLC requests a special exception pursuant to § 90-53 (59) to permit a large-scale solar energy facility in an A-1 (General Agricultural) Zoning District. The 5-megawatt facility is proposed on an approximately 47-acre portion of the 631-acre subject property, with the development area situated along James River Drive, west of the intersection with Nobles Road. The subject property is identified as Tax Map 270(03)00-003-0 and addressed as 14921 James River Drive.

**SUBSTANTIAL ACCORD SA-22-02:** Determination by the Prince George County Planning Commission on whether the large-scale solar facility proposed by IPS Solar in Special Exception Request SE-22-03 on Tax Map 510(0A)00-070-0 is in substantial accord with the Prince George County Comprehensive Plan. The Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses and the Solar Energy Facility Siting Policy provides guidance for the siting of new solar facilities within the County.

**SPECIAL EXCEPTION SE-22-03:** IPS Solar requests a special exception pursuant to § 90-103 (57) to permit a large-scale solar energy facility in a R-A (Residential-Agricultural) Zoning District. The 4-megawatt facility is proposed on an approximately 26.3-acre portion of a 73.436-acre subject property, situated between South Crater Road and Gatewood Road. The subject property is identified as Tax Map 510(0A)00-070-0 and addressed as 14016 South Crater Road.

The public hearings will be held in the Board Room, third floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia 23875, pursuant to §15.2-2204, §15.2-2225, §15.2-2232, and §15.2-2285 of The Code of Virginia (1950, as amended). A copy of the related material may be reviewed or obtained at the Community Development and Code Compliance Department in the County Administration Building between 8:30 a.m.-5:00 p.m., Monday–Friday. All interested persons are invited to participate in the public hearings in person.

A live video stream will be available at [https://www.princegeorgecountyva.gov/live\\_stream/](https://www.princegeorgecountyva.gov/live_stream/). Public comments can be submitted prior to 5:00 p.m. on the public hearing date. Public Comment submittal forms and information on accessing this meeting electronically are available at <https://www.princegeorgecountyva.gov>.

Tim Graves  
Planner  
(804)722-8678

Begin

**TAB 7**

# **SA-22-02: SUBSTANTIAL ACCORD DETERMINATION**

## **IMPACT SOLAR SOLUTIONS (IPS) - APPLICATION # SE-22-03**

### **STAFF REPORT FOR SECTION 15.2-2232 REVIEW**

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**SUBSTANTIAL ACCORD SA-22-02:** Determination by the Prince George County Planning Commission on whether the large-scale solar facility proposed by Impact Solar Solutions in Special Exception Request SE-22-03 on Tax Map 510(0A)00-070 (formerly Tax Maps 510(0A)00-070, 510(0A)00-070-A,B,C,D) is in substantial accord with the Prince George County Comprehensive Plan. The Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses and the Solar Energy Facility Siting Policy, which is Appendix D of the Comprehensive Plan, provides guidance for the siting of new facilities within the County.

#### **Introduction**

The applicant, IPS Solar, is requesting a special exception for a large-scale solar energy facility in the R-A, Residential-Agricultural, Zoning District pursuant to Section 90-103(57) of the Zoning Ordinance. The proposed 4MW facility is to be developed on approximately 26.3 acres of a parcel totaling 75.436 acres. The facility is further described in the staff report materials for Special Exception Application SE-22-03.

Section 15.2232(A) and (H) of the Code of Virginia requires a determination by the Planning Commission that the proposed facility is in substantial accord with the Comprehensive Plan unless the facility is exempted under subsection (H). The proposed facility is not exempted, therefore the Planning Commission must make a finding.

The Commission's finding will determine whether the Special Exception request can proceed to public hearing.

#### **Staff Review**

The proposed solar facility is considered inconsistent with the Comprehensive Plan because the Prince George County Comprehensive Plan Future Land Use Map has the area in question designated for residential uses. Future residential land uses can range from single-family dwellings located on individual lots to multi-family residential type development (duplexes apartments, and/or townhouses). The site in question is presently zoned R-A, Residential-Agricultural, which allows houses to be built on five (5) acre lots and the affected site adjoins properties zoned R-1, General Residential, which allows houses to be built on lots less than 5 acres in size. The development trend in the area is single-family dwellings built on individual lots along Route 301 (South Crater Road). However, the Future Land Use Map does not have a separate land use designation for solar facilities, therefore the Solar Energy Facility Siting Policy adopted as part of the Comprehensive Plan provides guidance for the placement and design of new solar energy facilities. Below is a summary of Staff's findings on how the proposed facility complies or does

not comply with the guidance of the Siting Policy regarding the placement of new facilities within the County.

<b>Policy Guideline</b> Guidance language in Policy	<b>Location Complies with Policy Guidelines?</b>
<b>1. Acreage for facilities*</b> The County desires an upper limit (2.74%) on the total land acreage of the County which is dedicated to solar energy facilities.*	<b>Yes.</b> Approximately 550 acres remain until the limit is exceeded. This project would reduce that number by 26.3 acres.
<b>2. Minimum total parcel acreage</b> The minimum aggregate parcel size for a solar energy facility is seventy (70) contiguous acres	<b>Yes.</b> The total parcel acreage is 75.436 acres.
<b>3. Avoid Prince George Planning Area*</b> “Siting of a facility within the Prince George Planning Area should be avoided.”	<b>No.</b> The location is inside the Prince George Planning Area.
<b>4. Outside Future Public Service Areas*</b> “Location of solar facilities within areas planned to be serviced by public water or wastewater, as indicated in the most current Water and Wastewater Master Plan, will be discouraged and will not be recommended for approval.”	<b>Yes.</b> The location is not planned to be serviced by public water or sewer in the current utilities plan but it is within the Planning Area where utility hook-up is required.
<b>5. Flat land</b> “Mass grading of sites shall be limited to the greatest extent possible. Development of areas with steep contours shall be avoided.”	<b>Yes.</b> The development area does not have steep contours that require mass grading.
<b>6. Avoid key public resources</b> “Sites located near recreational, cultural, or historic resources should be avoided.”	<b>TBD</b>

\* *except within the M-3 zoning district*

*NOTE: The Siting Policy goes into greater detail to provide guidance for layout design and other application requirements. Staff review these details separately as part of the review for the Special Exception request and decision.*

### **Staff Finding**

Staff finds that the placement of proposed facility on Tax Map Number 510(0A)00-070-0 is not in substantial accord with the Comprehensive Plan because:

1. The request is inconsistent with the Future Land Use Map, which calls for Residential uses in this area, because a large-scale solar energy facility is not compatible with higher density residential uses planned for this area.
2. The proposed location of the facility within the Prince George Planning Area does not adhere to the Comprehensive Plan’s Solar Energy Facility Siting Policy, which states, “siting of solar facilities within the Prince George Planning Area should be avoided.”

**Sample Motions for Substantial Accord SA-22-02 for Application SE-22-03**

**OPTION 1: NO, NOT IN SUBSTANTIAL ACCORD (Consistent with Staff recommendation)**

“I move that Special Exception request SE-22-03 is NOT in substantial accord with the Comprehensive Plan, for the following reasons:

1. The request is inconsistent with the Future Land Use Map, which calls for Residential uses in this area, because a large-scale solar energy facility is not compatible with higher density residential uses planned for this area.
2. The proposed location of the facility within the Prince George Planning Area does not adhere to the Comprehensive Plan’s Solar Energy Facility Siting Policy, which states, “siting of solar facilities within the Prince George Planning Area should be avoided.”
3. Other:

\_\_\_\_\_

\_\_\_\_\_

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**OPTION 2: YES, IN SUBSTANTIAL ACCORD**

“I move that Special Exception request SE-22-03 is in substantial accord with the Comprehensive Plan, for the following reasons:

1. It is compatible with the general guidance of the Future Land Use Map.
2. The proposed size and location of the facility adheres to the guidance of the Siting Policy regarding placement of new facilities within the County.
3. Other \_\_\_\_\_

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**OPTION 3: POSTPONE**

“I move that we POSTPONE Substantial Accord determination SA-22-02 and Special Exception request SE-22-03 until \_\_\_\_\_ to allow time for \_\_\_\_\_.  
(MEETING DATE) (ACTION/EVENT)

Begin

**TAB 8**

**SPECIAL EXCEPTION REQUEST – SE-22-03**  
**PLANNING COMMISSION STAFF REPORT – JUNE 23, 2022**

**RESUME**

<b>APPLICANT:</b>	IPS Solar (Jesse Dimond)
<b>PROPERTY OWNER:</b>	Frank and Ethel Krenicky
<b>REQUEST:</b>	Special exception for a “Large-scale solar facility” pursuant to Section 90-103(57) to permit the development of a 4 MW solar facility within a 26.3-acre development area on the 75.46-acre subject property.
<b>STAFF RECOMMENDATION:</b>	If the Planning Commission finds that the request is in substantial accord with the Comprehensive Plan, Staff has provided recommended conditions to apply to the Special Exception.
<b>STAFF REPORT CONTENTS/ ATTACHMENTS</b>	
	<ol style="list-style-type: none"><li>1. Resume</li><li>2. Sample Motions</li><li>3. Draft Ordinance for Board of Supervisors</li><li>4. Staff Report</li><li>5. Application with Attachments</li><li>6. Preliminary Site Plan (11x17”)</li><li>7. Estimated Fiscal Impacts prepared by Staff</li><li>8. APO letter, map, mailing list, and newspaper ad</li></ol>



## **Sample Motions**

### **APPROVE:**

"I move to forward request SE-22-03 to the Board with a recommendation for APPROVAL, subject to the recommended conditions in the Staff Report, and the reason(s) for this recommendation is/are:"

(EXAMPLES):

- "It is compatible with the Comprehensive Plan and current surrounding uses and zoning districts."
- "It is expected to benefit the general welfare of the community."
- "The expected off-site impacts appear to be adequately addressed by the conditions."
- Other \_\_\_\_\_

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### **APPROVE WITH CHANGES:**

I move to forward request SE-22-03 to the Board with a recommendation for APPROVAL, subject to the following changes:

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### **DENY:**

I move to forward request SE-22-03 to the Board with a recommendation for DENIAL for the following reason(s): (SPECIFY)

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### **POSTPONE:**

I move to POSTPONE request SE-22-03 until \_\_\_\_\_ to allow time for \_\_\_\_\_  
(MEETING DATE)

\_\_\_\_\_  
(ACTION/EVENT)

## County of Prince George, Virginia

Ordinance

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**SPECIAL EXCEPTION SE-22-03:** IPS Solar requests a special exception pursuant to § 90-103 (57) to permit a large-scale solar energy facility in a R-A (Residential-Agricultural) Zoning District. The 4-megawatt facility is proposed on an approximately 26.3-acre portion of a 73.436-acre subject property, situated between South Crater Road and Gatewood Road. The subject property is identified as Tax Map 510(0A)00-070-0 and addressed as 14016 South Crater Road.

---

BE IT ORDAINED by the Board of Supervisors of Prince George County that the Special Exception Application identified as SE-22-03 is granted as an amendment to the official zoning map with the following conditions:

1. This Special Exception is granted for a 4MW scale solar energy facility to be a shared solar garden regarded as IPS Solar and is located on Tax Map 510(0A)00-070-0. This Special Exception may be transferred provided that applicable conditions of the Siting Policy regarding proper surety for Decommissioning are met. The maximum acreage for the facility shall be approximately 26.3 acres, including acreage for panels, fencing, access roads, and buffer and screening requirements, with the final acreage determined by final site plan approvals and DEQ stormwater approvals.
2. Payment of all rollback taxes for parcel 510(0A)00-070 enrolled in the Land Use program shall be a precondition of the County's issuance of a land disturbance permit pursuant to a site plan prepared for the solar energy facility.
3. Site Plan Requirements. The Solar Energy Facility shall meet all conditions for Site Plan Requirements as defined in the Prince George County, Virginia: Solar Energy Facility Siting Policy in effect as of the date of the Special Exception Application.
4. The solar energy facility shall be constructed in accordance with the County approved grading plan as approved by County staff prior to the commencement of any construction activities, and in accordance with the Erosion and Sediment Control Plan.
5. Operations. The Solar Energy Facility shall meet all conditions for operations in the Solar Energy Facility Policy.
6. Buffers. The Solar Energy Facility shall meet all conditions for buffer setbacks and landscape requirements as required in the Solar Energy Facility Policy.
7. Wildlife Corridors. The applicant shall identify an access corridor for wildlife to navigate through the Solar Energy Facility. The proposed wildlife corridor shall be shown on the site

plan submitted to the County. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.

8. Height of Structures. Solar Energy Facility structures shall meet all required conditions for structure height in the Solar Energy Facility Policy.
9. Development Standards. The project shall meet all Development Standards as defined under “Development Standards” in the Siting Policy.
10. Inspections. The applicant will allow designated County representatives or employees access to the facility for inspection purposes at any time during the construction process and thereafter upon 24 hours advance notice. The applicant will maintain current contact information on file with the Planning Manager.
11. The applicant, owner or operator shall coordinate directly with Fire, EMS and Emergency Management to provide solar energy materials, educational information and/or training to the respective personnel responding to the solar energy facility project in regards to how to safely respond to any emergencies that may occur on the premises.
12. Compliance. The Solar Energy Facility shall be designed, constructed, and tested to meet relevant local, state, and federal standards as applicable.
13. Decommissioning. The Solar Energy Facility shall meet all conditions for Decommissioning as specified in the Solar Energy Facility Policy. Decommissioning shall commence no later than the 35th anniversary of the commercial operation date.
14. Power Sales. Prior to the issuance of any building permit for the solar energy facility, the applicant shall have executed either a power purchase agreement with a third-party, or a sale agreement to transfer the project to a regulated utility. Upon the County’s request, the applicant shall provide the County and legal counsel with a redacted version of the executed power purchase agreement or sale agreement.
15. This Special Exception shall become null and void if the use of a 4MW scale solar energy facility is abandoned for a period of twenty-four (24) consecutive months. This Special Exception shall become null and void if the construction process has not started within 36 months of the date of Special Exception Approval.
16. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant, owner or operator to comply with any of the listed conditions or any provision of federal, state or local regulations.

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Adopted on \_\_\_\_\_, 2022 and becoming effective immediately.



## PLANNING COMMISSION STAFF REPORT

Public Hearing June 23, 2022

**SE-22-03-** Impact Power Solutions (IPS) Solar Facility

**Applicant:** IPS – Jesse Dimond

**Case Manager:** Andre Greene - (804)722-8678

### I. Request

The applicant has requested a special exception to permit the development of a 4 MW solar facility within a development area of 26.3 acres on the 75.46 acre subject property.

The land use is classified as a “Large-scale solar facility” pursuant to Section 90-103(57).

### II. Property

**Tax Map:** 510(OA)00-070-0

**Zoning District:** R-A General Agricultural

**Site Size:** Approx. 26.3 acres development size  
Approx. 75.46 acres total parcel size

**Current Use:** Agricultural (open farmland and trees)

**Comp Plan Future Land Use:** Residential

**Legal Owner:** Frank and Ethel Krenicky

**Planning Area:** Prince George Planning Area

**RE Taxes Paid?:** Yes, Current

**Previous Zoning Cases:** None

### III. Meeting Information

Two (2) community meetings were held and facilitated by the applicant at a local restaurant located on South Crater Road on November 18, 2021 and January 26, 2022.

Planning Commission Public Hearing: June 23, 2022

Board of Supervisors Public Hearing: TBD

### IV. Background

The applicant submitted a preliminary application on November 23, 2021 and received a comment letter in response on January 7, 2022. A formal special exception application for this request was received on February 22, 2022.

### V. Applicant Proposal

The applicant proposes to develop a Shared Solar Garden, which allows off-site energy customers to subscribe to a certain amount of the energy output of a facility in exchange for a credit on an energy bill.

The outward appearance and layout of the proposed facility is comparable to existing solar facilities in PG County, but with a smaller footprint compared to larger projects previously approved in the County.

According to the conceptual site plan included in the application materials, the proposed facility will contain a development area of approximately 26.3 acres. The development area includes the acreage for panels, fencing, access roads, and buffer and screening requirements.

The project is not exempt from Machinery and Tools Taxes.

## VI. Exhibits

Exhibit 1 – Aerial View

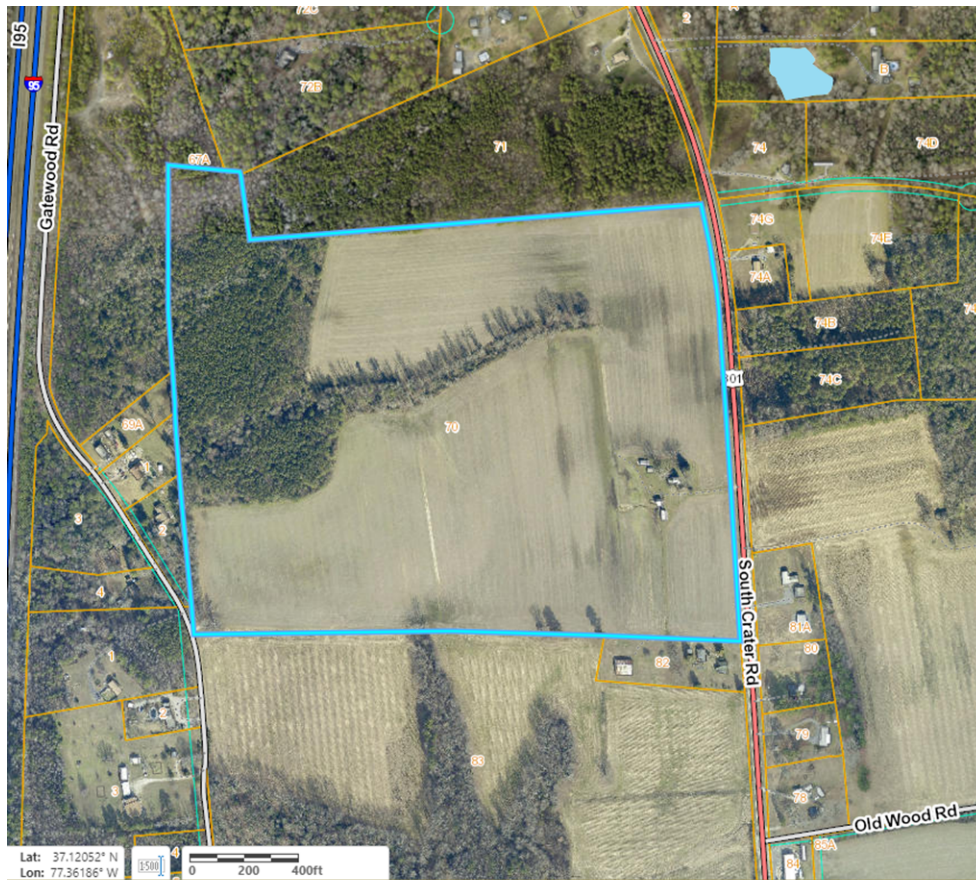
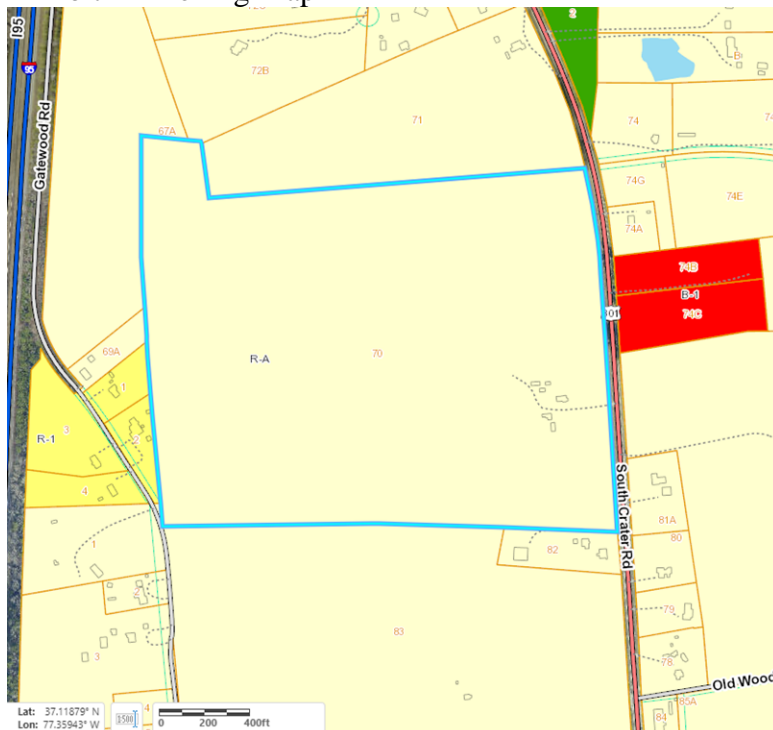
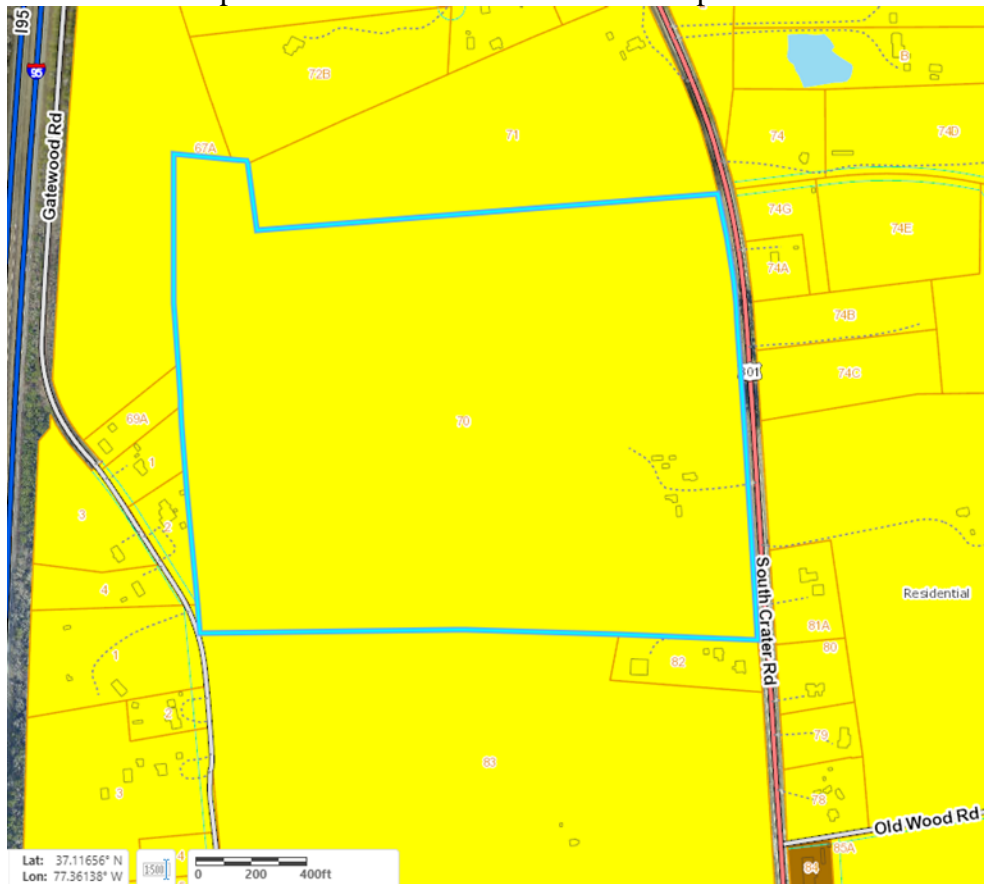


Exhibit 2 – Zoning Map

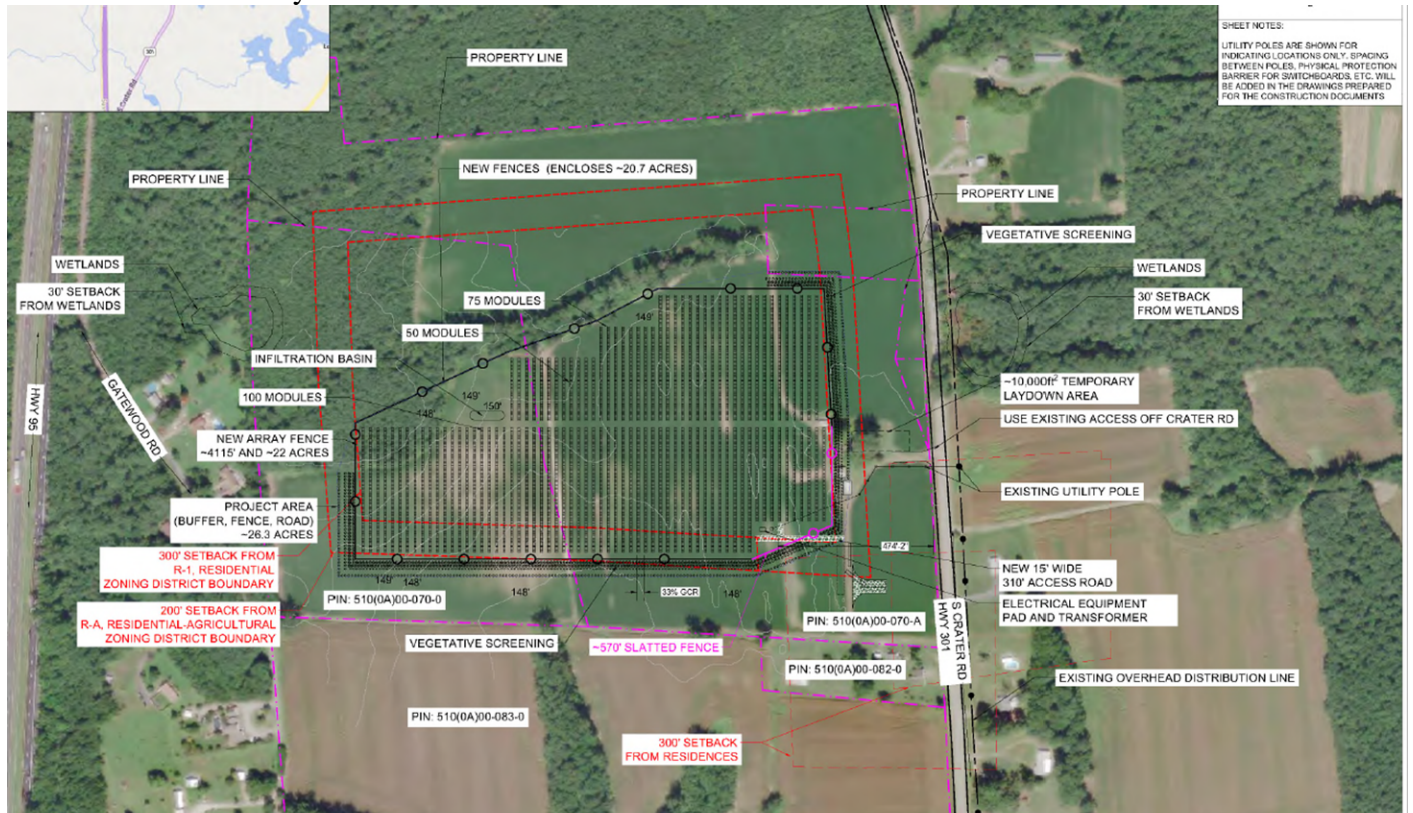




### Exhibit 3 – Comprehensive Plan Future Land Use Map



### Exhibit 4 – Preliminary Site Plan





## **VII. Planning and Zoning Review Comments**

1. The subject property is zoned R-A, Residential Agricultural. Adjoining properties are zoned as follows:  
North- R-A, Residential Agricultural and R-E, Residential Estates  
South- R-A, Residential Agricultural  
East- R-A, Residential Agricultural and B-1, General Business (two parcels on the opposite side of Route 301)  
West- R-1, Limited Residential and R-A, Residential Agricultural.
2. The proposed land use is permitted by Special Exception in the R-A zoning district, with appropriate conditions.
3. If the project receives Special Exception approval, the facility layout will be reviewed in detail for compliance with applicable County Code requirements and the Solar Facilities Siting Policy during Site Plan review.
4. Land uses on adjacent properties include low-density residential development, farmland, trees and accessory structures (i.e. sheds).
5. Expected impacts on adjacent properties and roadways will be in the form of limited traffic during construction, noise during construction (installation of pilings) and by the visibility of solar panels.
6. The expected traffic impacts during construction are expected to be mitigated by the Construction Traffic Management Plan which will be required during Site Plan review, and the expected visual impacts are expected to be mitigated by the existing and proposed vegetative buffers in accordance with the Siting Policy. Noise can be mitigated thru the County's noise ordinance along with conditions attached to the request.
7. Other zoning approvals/processes required: Site Plan and Building Permit Review.
8. Staff reviewed this project for compliance with the County's Solar Energy Facility Siting Policy and found that it meets the standards in the policy regarding design and layout of the proposed facility. However, it does not meet all the standards relating to placement within the County, specifically it is located in the Prince George Planning Area. The policy states that location of facilities within the Planning Area should be avoided.
9. Estimated Fiscal Impacts:
  - a. The project is not exempt from Machine & Tools taxes.
  - b. County Staff estimated fiscal impacts of the project in comparison with the current land use (Agriculture/Vacant) and the planned future land use (Residential). A comparison table has been included in this staff report packet.
  - c. In summary, it is estimated that the project will provide additional revenue to the County of \$762,732 over the expected 35-year life of the project compared to the current land use, or equivalent to \$29,001 per acre developed. If the property was developed with residential uses, there would be an estimated revenue increase of \$16.2 million, not including any costs to the county to serve the new development.
  - d. The increased revenue for the solar facility project would come primarily from increased machine & tools taxes and real estate taxes.

## **VIII. Substantial Accord Determination**

Virginia State Code Section 15.2232 requires that the Planning Commission determine whether a proposed solar energy facility is in "substantial accord" with the Comprehensive Plan.

Staff prepared a separate document "SA-22-02" for the Commission's use in making a determination.

Staff has reviewed the application and has determined that the request (SE-22-03) is not in substantial accordance with the Comprehensive Plan and has also determined it to be not to be in substantial accordance with the Solar Energy Siting Policy adopted by the County for the following reasons:

1. The request is inconsistent with the Future Land Use Map because the Future Land Use Map has the area in question designated for Residential uses.
2. The proposed location of the facility within the Prince George Planning Area does not adhere to the Comprehensive Plan's Solar Energy Facility Siting Policy, which states, "siting of solar facilities within the Prince George Planning Area should be avoided."

If the Planning Commission determines that this request is in Substantial Accord with the Comprehensive Plan, then the Special Exception public hearing and decision will proceed afterward.

If the Planning Commission determines that this request is not in Substantial Accord with the Comprehensive Plan, then the Special Exception public hearing and decision will not proceed.

If the applicant does not agree with the decision, they could choose to appeal the Commission's decision to the Board of Supervisors. Section 15.2-2232(B) of the State Code states:

*"The owner or owners or their agents may appeal the decision of the commission to the governing body within 10 days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the governing body shall overrule the commission."*

## **IX. Supplemental Staff Review Comments**

### **Building Inspections Division – Charles Harrison III, Building Official**

1. This request has been evaluated under the provisions of the 2018 Virginia USBC and the 2018 Virginia SFPC. Please note all structures to be erected on this property not meeting the exemption criteria of Section(s) 102.3 and 108.2 of the 2018 VCC/USBC will be required to be permitted and meet all provisions of the Virginia USBC and the Virginia SFPC.

### **Virginia Department of Transportation (VDOT) - Paul Hinson, Area Land Use Engineer**

1. The Construction Traffic Management Plan (CTMP) drawing with the latest revision date of 4-19-22 is acceptable as submitted.
2. Revise the Construction Analysis Impacts Plans, Krenicky Community Solar Garden report as follows:
  - Section A. is not required. You may delete is desired. U.S. 301 is a primary highway at the entrance to the site,
  - Delete Section B. No conditions survey is required as U.S. 301 is a primary highway at the entrance to the site,
  - Delete Section E. VDOT will determine maintenance needs during the project.
  - Delete Section F. No maintenance of traffic is required.
  - Section G is not required by VDOT. Allowable hours are unrestricted.
  - Delete Section H. There are no required haul routes to this site.

### **Real Estate Assessor - Carol Crawford, Real Estate Operations Coordinator**

1. These parcels are currently in the Land Use Program and may be subject to roll-back taxes.

### **Environmental Division - Angela Blount, Environmental Program Coordinator**

1. Plan Review will be performed by DEQ.

2. Further comments will be given upon Site Plan submission.

The departments below reviewed this request and had no comments.

**Economic Development** – *Stacey English, Economic Development Specialist*

**Utilities Department** - *Frank Haltom, Director of Engineering and Utilities*

**Fire & EMS Department** – *Shawn Jones*

**Police Department / Sheriff's Department**

**Virginia Department of Health** - *Alice Weathers, Environmental Health Specialist*

## **X. Public Notice and Community Feedback**

- Staff notified adjacent property owners by mailing prior to the public hearing.
- Staff ran the required legal ads for this request in the *Progress-Index* prior to the public hearing.
- Staff posted a sign on the property on June 13, 2022.
- No comments from the community were received prior to finalizing this report.
- The applicant held community meetings prior to submitting its final application and provided a summary of all feedback and explained how the application addresses the feedback.

## **XI. Staff Recommendation on Special Exception**

The applicant did not submit any conditions or proffers as part of the application.

If the Commission finds that the request is in Substantial Accord with the Comprehensive Plan, Staff recommends the following conditions apply to the Special Exception to ensure compliance with the Siting Policy:

1. This Special Exception is granted for a 4MW scale solar energy facility to be a shared solar garden regarded as IPS Solar and is located on Tax Map 510(OA)00-070-0. This Special Exception may be transferred provided that applicable conditions of the Siting Policy regarding proper surety for Decommissioning are met. The maximum acreage for the facility shall be approximately 26.3 acres, including acreage for panels, fencing, access roads, and buffer and screening requirements, with the final acreage determined by final site plan approvals and DEQ stormwater approvals.
2. Payment of all rollback taxes for parcel 510(OA)00-070 enrolled in the Land Use program shall be a precondition of the County's issuance of a land disturbance permit pursuant to a site plan prepared for the solar energy facility.
3. Site Plan Requirements. The Solar Energy Facility shall meet all conditions for Site Plan Requirements as defined in the Prince George County, Virginia: Solar Energy Facility Siting Policy in effect as of the date of the Special Exception Application.
4. The solar energy facility shall be constructed in accordance with the County approved grading plan as approved by County staff prior to the commencement of any construction activities, and in accordance with the Erosion and Sediment Control Plan.
5. Operations. The Solar Energy Facility shall meet all conditions for operations in the Solar Energy Facility Policy.

6. **Buffers.** The Solar Energy Facility shall meet all conditions for buffer setbacks and landscape requirements as required in the Solar Energy Facility Policy.
7. **Wildlife Corridors.** The applicant shall identify an access corridor for wildlife to navigate through the Solar Energy Facility. The proposed wildlife corridor shall be shown on the site plan submitted to the County. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.
8. **Height of Structures.** Solar Energy Facility structures shall meet all required conditions for structure height in the Solar Energy Facility Policy.
9. **Development Standards.** The project shall meet all Development Standards as defined under “Development Standards” in the Siting Policy.
10. **Inspections.** The applicant will allow designated County representatives or employees access to the facility for inspection purposes at any time during the construction process and thereafter upon 24 hours advance notice. The applicant will maintain current contact information on file with the Planning Manager.
11. The applicant, owner or operator shall coordinate directly with Fire, EMS and Emergency Management to provide solar energy materials, educational information and/or training to the respective personnel responding to the solar energy facility project in regards to how to safely respond to any emergencies that may occur on the premises.
12. **Compliance.** The Solar Energy Facility shall be designed, constructed, and tested to meet relevant local, state, and federal standards as applicable.
13. **Decommissioning.** The Solar Energy Facility shall meet all conditions for Decommissioning as specified in the Solar Energy Facility Policy. Decommissioning shall commence no later than the 35th anniversary of the commercial operation date.
14. **Power Sales.** Prior to the issuance of any building permit for the solar energy facility, the applicant shall have executed either a power purchase agreement with a third-party, or a sale agreement to transfer the project to a regulated utility. Upon the County’s request, the applicant shall provide the County and legal counsel with a redacted version of the executed power purchase agreement or sale agreement.
15. This Special Exception shall become null and void if the use of a 4MW scale solar energy facility is abandoned for a period of twenty-four (24) consecutive months. This Special Exception shall become null and void if the construction process has not started within 36 months of the date of Special Exception Approval.
16. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant, owner or operator to comply with any of the listed conditions or any provision of federal, state or local regulations.



## **Application for Special Exception**



Thursday June 9, 2022  
Prince George County

Impact Power Solutions (IPS) is requesting a Special Exception for a period of Thirty-Five years to construct a 4 MW AC photovoltaic shared solar garden (solar farm) on approximately 26.3 acres of land in Prince George County known as PID: 510(0A)00-070-0, with a total size of 75.436 acres. As the Prince George County Community continues to grow; the growth is guided by the current comprehensive plan. The solar array is located within a residential planned area. The community will benefit from the solar array as it is intended provide power directly into the distribution network. This build will add short term and permanent jobs, improve the infrastructure, and preserve the land for future use. The land will be returned to a field when the solar is no longer used in the future. Solar is a permitted use through the County's special exception process and is the preferred use of the landowner. We have also received positive comments from multiple adjacent landowners that they prefer a silent and visually buffered neighbor over other development types. This sites selection is well placed in an open flat field that is next to a Dominion 3-phase power line with capacity to transport the power needed to the substation. Once developed, the project will be surrounded by woods and a tree line visual barrier.

1. Design and Interconnection .....	3
2. Construction.....	3
3. Operations & Emergency Response .....	4
4. Transportation Plan .....	4
5. Landscaping .....	4
6. Storm Water Management .....	5
7. Agricultural Soil Preservation.....	5
8. Decommissioning Plan .....	7
9. Fire Prevention.....	8
10. Visual Impact Analysis .....	8
11. Insurance Information .....	9
12. Economic Impact Analysis .....	9
13. State Code Clarification.....	10
14. Exhibit List.....	11

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## **1. Design and Interconnection:**

Each megawatt will consist of approximately four thousand one hundred solar panels. The panels are mounted on a steel and aluminum racking structure that generally averages approximately seven feet above grade. The installation will not exceed a maximum height of ten feet above grade. The racking system is installed in the ground with pilings (I-beams) that are driven directly into the ground at a depth usually between six feet and ten feet depending on soil conditions. The racking system manufacturer's engineer will provide certification that the design of the foundations and panels are within accepted professional standards, given local soil and climate controls. The equipment is designed to withstand wind up to one hundred fifty MPH and fifty pounds per square foot of snow. Each garden will have one concrete equipment pad, typically less than five hundred square feet, to support interconnection and metering equipment. The only proposed grading that will occur is for the roads and concrete equipment pads. Demonstrative equipment specifications are attached as **Exhibit C**.

The panels will be arranged into rows arranged from North to South or East to West. Arrays arranged from East to West are stationary and do not move. Arrays arranged from North to South track the sun by pivoting on a single axis. Some rows of solar panels will connect to an inverter. The inverters will be connected by directionally bored underground conduit that is housed inside a PVC housing which will be installed two feet below the surface. The conduit will lead to the concrete equipment. The inverters transform the direct current power generated by the photovoltaic system to alternating current power, which is then connected to the existing three-phase power distribution line at the point of interconnection. All electrical conduits within the array fence will be buried.

The solar array will be contained within an area protected by a seven-foot "deer style" chain link fence with wooden posts. The proposed design will not have any adverse effects the neighboring properties, including no direct sight, odors, dust, gas, smoke, fumes, vibrations, glare, or noise during operation. During construction we intend to follow general good practices and any recommendations from the County. The existing tree lines will act as a visual barrier and an additional visual barrier will be added at the recommendation from neighbors and County Board members. There will be signage along the fence, including utility hazard, company information, and contact information on the fence. The solar garden will comply with all applicable state, county, city, and federal regulations. No exterior lighting is proposed for the project. We do not request the city to provide any services or county personnel.

Due to the facilities size, wildlife corridors are not expected to be needed. This facility is small in scale and will not have a large impact on any wildlife. Small animals and birds will be able to fly over or use the area because the fence allows for them to enter. Larger animals like deer will be able to go around the facility due to its small size.

## **2. Construction:**

IPS would like to begin construction as soon as June 2023 and complete the project before December 2023. The construction process typically takes approximately three months. Operating hours during construction will be 8am-6pm. The site will have a portable toilet for workers. No water supply will be required. Any waste or debris will be gathered in a dumpster that will be removed during construction progress as necessary. Multiple truckloads of equipment will be delivered throughout the construction period. In addition, crews in passenger vehicles, pickup trucks, bobcats, and skid steer loaders on tracks will be on site almost every day throughout the construction

process. IPS will use appropriate temporary (construction-related) erosion and sediment control best management practices through construction. IPS agrees to the Site Rules attached as **Exhibit D**.

### **3. Operations & Emergency Response:**

The solar garden site will operate and be monitored 24 hours a day, 365 days a year after construction has been completed. It will be monitored remotely through a computer data acquisition system (DAS) so that appropriate personnel can be dispatched to investigate potential problems. Additionally, twice a year qualified solar operations and maintenance crews will perform maintenance on the array and inspect the solar components, array, and fence.

Construction, maintenance and decommissioning of the garden will be conducted in accordance with the Innovative Power Systems Safety Manual, which is attached as **Exhibit E**. The proposed contacts for emergency response as well as ongoing maintenance and operations are local and easily accessible. No chemicals will be used, stored, or disposed of on the modules unless they are certified organic cleaning products.

Drainage, weeds, screening, general operations, maintenance, stray voltage or electrical:  
Impact Power Solutions, Inc.  
jamieb@ips-solar.com  
612-801-5999

### **4. Transportation Plan:**

Construction and operation and maintenance crews will access to the site by a twelve-foot-wide gravel road that has a twenty foot entrance off the driveway that is connected S Crater Rd to the East part of the property. To ensure safe access to the site during and after construction of the shared solar garden, IPS is committed to incorporating all reasonable road improvements and traffic related recommendations from the County and VDOT. We intend to use the existing access road on Paul Vlk's properties to the proposed solar array and will make improvements as needed. Construction will take approximately three months and will involve multiple semi-trailer deliveries. Once complete the array will be only require access biannual inspection and cutting the grass to prevent weeds. Road access will be controlled for erosion control during construction. Construction crew parking will be located entirely within the site. No additional permanent parking is required. Maintenance crews will park within the site access road and turnaround area.

### **5. Landscaping:**

IPS has voluntarily agreed to seed with native pollinator friendly vegetation underneath the panels and in surrounding areas within the project site. Seeding will be done as soon as is suitable for good germination. IPS will contract with a local company to maintain the grounds. Vegetation will be mowed and maintained on an as needed basis and in a manner as to maximize weed and erosion control. Ground cover within the fenced portion of the array will not exceed 36 inches in height.

IPS will be responsible for maintaining any existing drain tile system underneath the array and replacing any damage to tile occurring during construction, or any time prior to or during decommissioning. Existing drain tile lines will be identified upon the completion of the ALTA survey prior to construction.

## **6. Storm Water Management Measures**

A licensed civil engineering firm will determine storm water management measures. Measures will include an analysis of the existing topography, the use of erosion control logs and silt fences where necessary, and establishment a germinated indigenous pollinator friendly vegetative base underneath the project site before construction begins to prevent erosion. The indigenous pollinator friendly seed mix will improve the quality of water and any wetlands nearby by slowing down the velocity of water runoff, improving the permeability of the soil, promoting insect and wildlife habitat, and not using row crop pesticides.

## **7. Agricultural Soil Preservation:**

IPS is willing to obtain a certification letter from a licensed landscape architect or other soil conservation professional stating that the property will be in as good or better condition for farming by following the measures outlined in this section.

When considering the design of this project we have put significant focus on minimizing potential project effects on future agricultural land use. This plan includes measures that have been developed to maintain and / or improve the quality of soil resource with the expectation that the site can be returned to row crop agricultural use at the end of the project operation. Our goal is to improve and maintain soil health during the operational phase of the project by sustaining soil functions including groundwater recharge, carbon sequestration, water quality and minimizing soil loss due to erosion. Our lease has a 25-year standard operating term with the possibility of 10 years extension. Allowing the land to rest for 35 years will provide an opportunity for it to regain the benefits of natural organic processes that don't happen when the land is constantly worked with modern farming practices.

### **Agricultural Soil Protection Practices:**

1. To the extent practical, the solar facility will be developed without modifying grades.
2. Wherever possible facility roads are laid out over existing farm roads.
3. While the entire site needs to be accessed during construction, routine access patterns will avoid crossing agriculture soils unless necessary.
4. When practical, use lower ground pressure tracked equipment and farm carts to haul construction materials across fields.
5. Pile drivers will be track mounted to lessen the soil compaction caused.
6. Construction equipment travel will be limited in agricultural fields when soils are visibly saturated.
7. Use perimeter roads around fields to avoid crossing fields with heavy equipment such as dump trucks or cement trucks.
8. Cover crops and deep-rooted perennial vegetation will be used to promote the development of soil structure and reduce compaction potential.
9. When trenches need to be installed across farmland, the topsoil will be segregated from the subsoil and substrata. When the trench is backfilled care will be taken to replace topsoil back at the top of the trench.

**Maintain Vegetative Cover During Construction** - Vegetative cover is important to promote soil health and minimize erosion losses. Maintaining healthy vegetative cover will help reduce the proliferation of noxious and invasive weeds. The goals of maintaining vegetative cover are:

1. Protect soils from erosion losses and promote healthy soil by establishing and maintaining a vegetated surface and healthy root zone during construction and throughout the operational phase.
2. Increase organic matter content of the soil to improve soil structure, increase the pool of nutrients available for cycling and promote long term carbon sequestration.
3. During construction temporary erosion control will be provided by mulching and the use of temporary vegetative cover as well as other measures outlined in the storm water management measures.
4. When possible, seeding will be conducted using the Virginia Pollinator Smart Manuel <https://www.dcr.virginia.gov/natural-heritage/pollinator-smart>. At times seeding will occur outside optimal windows however monitoring will be conducted to ensure if the seeding is not successful. The area which failed will be reseeded during the next optimal seeding window.

**Establish and Maintain Permanent Vegetative Cover** - A properly designed and maintained vegetative cover will improve the surrounding agricultural community, surface, and ground water quality, increase biodiversity, and improve onsite soil health. The goal is to have a vegetative community that stabilizes the site to minimize erosion. The permanent vegetative cover is designed to be sustainable with low maintenance and high ecological and agricultural significance.

1. The seed mix will be chosen using the guidance of the Virginia New Site Scorecard. It will be monitored using the Virginia Vegetation Monitoring Plan and will be periodically evaluated using the Virginia Established Site Scorecard
2. During establishment, mowing may be required to initially control undesirable species before they can become established.
3. After successful establishment of the permanent vegetative community, mowing may be required for general maintenance and potential weed and shrub control. Mowing will be limited and only used when necessary. Mowing should not occur within 24 hours after a significant rainfall event when the soil would be susceptible to compaction.

**Temporary Roads and Parking Surfaces** - Existing roads will utilized as much as possible for temporary access during construction. Temporary roads that are not located along existing roads and that require heavy equipment to cross agricultural fields during construction will use the following:

1. Install geotextile matting designed for soil separation over exposed topsoil (or subsoil if topsoil is stripped) surface prior to placing a 4-inch layer of crushed rock for the road surface.
2. Complete removal of the temporary access fill and geotextile required for temporary access during construction or decommissioning will be removed upon completion of task.
3. The topsoil and subsoil should be decompacted by tillage after the roads are removed and seeded as described above.

Decompaction

1. At decommissioning in areas where topsoil was stripped to install slabs, pads, or gravel access roads they will be removed to expose the original subsoil.
2. This subsoil will then be decompacted up by deep tillage using a deep ripper or heavy-duty chisel plow.
3. After the subsoil is decompacted, all stone and rock material 4 inches and larger in size and in greater quantities than surrounding areas, will be removed and disposed of at the edge of the field away from wetlands.
4. Topsoil will then be applied in these areas to match adjacent grades.
5. Agricultural restoration will be completed when soils are not excessively wet, frozen or incapable of vegetative stabilization.

## **8. Decommissioning Plan:**

IPS has contractual obligations to the landowner regarding decommissioning arising out of Section 4.4 of the lease. These obligations include removal of all equipment, timelines for removal, owner's rights to remove the solar facility upon failure by the Project Company, and establishment of a monetary security for removal in the form of a bond, escrow, or letter of credit. The project company will hold a separate monetary surety of 120% for the ongoing maintenance of the project vegetative buffers for a minimum of (3) years following the first date that power is supplied to the electrical grid.

The purpose of the security is to ensure there is sufficient money available to return the project site to an appropriate condition at the end of the project's useful life, or earlier. The County will be the designated beneficiary of the fund and will be provided a copy of the document establishing the security before construction commences.

IPS or its successors agree to be responsible for all decommissioning costs and agree that any future buyer or successor of the project will assume the same decommissioning responsibilities. Installation by IPS will be done with no significant or permanent alterations to the land. Upon removal, the project site shall be restored to pre-construction conditions as is reasonably practical, including removal of structures, foundation, and restoration of soil and vegetation. The system will be dismantled and removed using minimal impact construction equipment and materials will be safely recycled or disposed. Appropriate temporary construction-related erosion and sediment control best management practices (BMP) during the decommissioning of the project.

IPS expects that decommissioning will occur 25-35 years after the date that the system becomes operational. Decommissioning will occur if the array is not used for twelve consecutive months. All structures, foundations, electrical equipment all internal or perimeter access roads will be removed. Soils and vegetation will be restored. Disposal of structures and foundations shall meet the provisions of Prince George County Solid Waste Ordinance or successor ordinance.

Installation by IPS will be done with no significant or permanent alterations to the land. The system will be dismantled and removed using minimal impact construction equipment and materials will be safely recycled or disposed. Appropriate temporary construction-related erosion and sediment control best management practices will be used during the decommissioning of the project.

Decommissioning requirements:



The decommissioning party shall:

- a. Obtain any permits required for the decommissioning, removal, and legal disposal of the system components prior to the commencement of the decommissioning activities.
- b. Remove and dispose of all equipment and components.
- c. Remove all hazardous materials (if any) and transport them to be disposed of by licensed contractors at an appropriate facility in accordance with rules and regulations.
- d. If appropriate, grading, and re-vegetation in accordance with permits and in compliance with all applicable rules and regulations.
- e. Preserve and reclaim the soils on the project site to a level of pre-project quality
- f. Reclaim soils in the access driveway and equipment pad areas by removing imported aggregate material and concrete foundations and replacing with soils as needed.
- g. Remove non-biodegradable electrical conduits and backfill trenches with the native soils removed.

#### Equipment Removal Procedure:

The decommissioning of the project proceeds in reverse order of the installation:

- a. The solar system shall be disconnected from the utility power grid.
- b. PV modules shall be disconnected, unattached, collected, and removed.
- c. Site aboveground and underground electrical interconnection and distribution materials shall be removed and recycled off site by an approved recycler.
- d. PV module support racking shall be removed and recycled off site by an approved recycler.
- e. PV modules support steel and support posts shall be removed and recycled off site by an approved recycler.
- f. Electrical devices, including transformers and inverters, shall be removed, and recycled off-site by an approved recycler.
- g. Concrete pads shall be removed and recycled by an approved recycler.
- h. Fencing shall be removed and recycled by an approved recycler.

Nonfunctioning solar components consist of valuable recyclable materials including silver, semiconductor material, steel, aluminum, copper, and plastics that have a significant salvage value. Due to changing market conditions and prices or raw materials, estimating scrap value 25 years in the future is impractical. Also, it is more likely that the System components would be used for continued electrical generation than for scrap.

### **9. Fire Prevention:**

This solar array will meet the requirements of the 2012 International Fire Code, specifically to sections 605.11 – 605.11.2 for clearance, markings, and location of underground DC conductors. The solar garden will meet the international Building Code (IBC), National Electric Code (NEC), and local electric and fire code. NEC code is produced by the National Fire Protection Agency (NFPA) with safety of the public, contractors, and firefighters as the entire objective. Solar specific Code has been included in the NEC for over a decade. Safety is paramount in our solar PV facilities, as we need them to function optimally for their entire system life.

### **10. Visual Impact Analysis:**

The existing vegetation / tree lines will act as a visual barrier and an additional visual barrier will be added at the recommendation from neighbors and County Board members. The site plan identifies the existing tree line and additional visual barrier locations. Suggested spacing and plant types can be found in the site plans.

## **11. Insurance Information:**

IPS's or its successor will provide a certificate of insurance meeting the following requirements:

- Insurance provider must be rated B+ or better by "Best."
- Limits of \$2,000,000 for each occurrence.
- Coverage against claims for damages resulting from bodily injury, wrongful death, and property damage arising out of the Interconnection Customer's ownership and/or operating of the Generation System under the interconnection agreement.
- Contain a severability of interest clause of cross-liability insurance

We at IPS sincerely appreciate all the help we have received from your staff with regard to our applications and we look forward to collaborating with you further to develop a great project that we can all be proud of.

## **12. Economic Impact Analysis:**

The proposed project is many times smaller than a Utility Scale project, which can often be 1,000 acres or larger. Unlike those projects, this one is a shared Solar Garden. Shared Solar Gardens have different economics than utility scale projects which act like a power plant that sell power directly to the electric utility.

The proposed shared solar garden is a way for a group of people (the community) who do not have a good spot for solar panels to be treated by the utility as though the power from the garden is being produced on their property. When the garden puts power into the electric grid it receives a bill credit from the utility. The developer sells that bill credit to a subscriber, and the subscriber uses it to offset the power that they consume through their electric bill. The subscriber pays less per watt for the bill credit than their power costs and therefore saves the subscriber money. Also, the developer pays to build the project, so there are no up-front costs to subscribers.

Since income from subscribers is the source of revenue for the development (rather than selling power to the utility such as utility scale projects) the developer will acquire subscription contracts prior to building the array. The community of subscribers typically consist of large power consumers such as cities, counties, school districts, churches, and local businesses that are likely to remain Dominion customers through the life of the solar project. IPS will begin soliciting subscribers once we have a permit to build the project and receive notice to proceed with the project from the electric utility.

This development will be an opportunity for the local community to save money by participating in solar. It provides the same economic benefits as a utility scale solar project, but on a smaller scale such as creating jobs like steel manufacturing for the racking system, employing electricians, installation crews and maintenance crews.

The tax revenue regarding different land use types like agricultural vs. solar array vs. R-E depends on the assessor's office land value assessment for each type. Because they were unwilling to provide any information or assistance,

the following statements are speculative. This is especially the case for homes as we don't know the methodology for valuing the homes for tax purposes.

The properties (510(OA)00-070-0 – 510(OA)00-070-D) in 2021 have a value of \$349,400.00. The current taxes for them as an agricultural parcel are at a rate of \$.86 per \$100 of value and should be \$3,004.84. With the solar array being added, we are unsure how the assessor's office would tax the parcel, so we suggest not increasing the value of the property, but rather adding a machinery and tools tax for the solar array. We estimate the machinery and tools tax over 35 years to be worth \$316,881.79 or an average of \$9,053.77 per year. This was calculated at a rate of \$1.50 per \$100 of value and a 3% property value increase each year. Regarding homes, if we use the same 20.7 acres, split into (13) 1.5-acre lots, which is somewhat consistent with the neighborhoods nearby. This leaves 1.2 acres for roads ROWs and a drainage pond if needed. If these lots were valued at \$175,000.00 with a dwelling that would bring in \$1,505.00 per year in taxes per home or \$19,565.00 per year for all (13) homes.

There are Two major items to consider in the tax revenue calculation. The first is the property owners right to use their land in a way that fits within the land use rights of the County, which the solar array is allowed by the Counties ordinance. This array also is a way for the family to keep the property in the family for another generation. The second is the additional need for public utilities and services. This will add to the need for schools, fire, police, and public healthcare needs. It will also require public utilities like power, water, sewer, and roads, which will directly or indirectly come at a cost to everyone in the community.

The project represents an initial capital investment of approximately \$8,000,000. In addition, the project does not require the installation or use of any additional Public Services. Once operational, it will provide approximately 4 MWh of clean energy to the local distribution grid, which is enough to power approximately 1,200 homes annually. Solar energy is clean, safe, and ecologically beneficial. Also, the array will emit no carbon pollution, release no heavy metals, acid gases or small particles, require no water to operate, and displace traditional sources of electric generation. In fact, this project will offset 10,936,640 pounds of carbon annually, which is equal to planting 6,076 trees each year or removing 1,080 cars from the road for an entire year.

Construction is expected to take approximately 2 - 4 months. It is anticipated that a high percentage of the non-major equipment investment in the project will go directly to regional laborers, businesses, and suppliers. This project is expected to create approximately 35 full-time-equivalent on site full-time temporary construction jobs and 2 permanent positions. Construction jobs will be sourced regionally include laborers, tradesmen, surveyors, and electricians. This project is also anticipated to generate several million in additional economic stimulus for the region both in direct payments for materials and services and additional revenue by spending at hotels, restaurants, and retail businesses.

No capital expenditures will be required by the County to support the project due to the nature of solar facilities and the minimal impact to the County infrastructure. The project will incur fees for required applications and construction-related permits.

### **13. State Code Clarification:**

Virginia State Code has a few sections that I would like to clarify. These sections are [§ 56-585.1:3](#), [§ 56-585.1:12](#), and [§ 56-594.3](#). Section [§ 56-585.1:3](#) is a pilot program for community solar development. In Virginia, Community solar is a separate utility-owned pilot program that hasn't really gone anywhere. The remaining (2)

sections (§ 56-585.1:12, and § 56-594.3) discuss shared solar, which our facility falls under. Section § 56-594.3 is the current code that sets guidelines for our facility. Our business model would follow the current state guidelines when installation begins.

**14. Exhibit List:** PG County Note: highlight = Exhibit not printed for Staff Report (not specific to this application)

- A. Application Form
- B. Site Plan
- C. Equipment Specs
- D. Site Rules
- E. IPS Safety Manuel
- F. VA New Site Scorecard
- G. VA Vegetation Monitoring Plan
- H. VA Established Site Scorecard
- I. SCC Requirement Confirmation
- J. DEQ Application
- K. Real Estate Valuation Study
- L. Offtake Agreement
- M. Screening Suggestions
- N. Dominion Status Email





# SPECIAL EXCEPTION APPLICATION

Department of Community Development and Code Compliance  
Planning & Zoning Division  
6602 Courts Drive, Prince George, VA 23875  
(804) 722-8678 | [www.princegeorgecountyva.gov](http://www.princegeorgecountyva.gov)

OFFICE USE ONLY

APPLICATION #:

SE-22-03

DATE SUBMITTED:

FEB 22 2022

BY: YWG

## APPLICANT FILL-IN ALL BLANKS

REQUEST	REQUEST:			
	Krenicky - Community Solar Garden			
	REQUEST PROPERTY ADDRESS / LOCATION:			
	14016 South Crater Road			
REQUEST	REQUEST TAX MAP PIN(S): (List all)		AFFECTED ACREAGE (Each parcel):	ENTIRE PARCEL (Y / N - Each parcel):
	510(0A)00-070-0, 510(0A)00-070-A, 510(0A) 00-070-B, 510(0A)00-070-C, 510(0A)00-070-D		20.7 Acres	No
	ATTACHMENTS (Check if Attached; * = Required):			
	<input checked="" type="checkbox"/> APPLICANT STATEMENT* (Specify goals, details, etc.) <input type="checkbox"/> PROPOSED CONDITIONS <input checked="" type="checkbox"/> SITE LAYOUT SKETCH OR CONCEPTUAL SITE PLAN* (Show proposed improvements; Use GIS or Engineer Drawing)			
LEGAL OWNER	NAME(S):			
	Frank G Krenicky and Ethel R Krenicky			
	MAILING ADDRESS: (Incl. City, State, Zip):			
	14110 S Crater Road, South Prince George, VA 23805			
LEGAL OWNER	E-MAIL:		PHONE:	
	Paul Vlk - pvlk@hajoca.com		Paul Vlk - 804-245-4043	
	NAME(S): If different than owner):			
	IPS Solar - Jesse Dimond			
APPLICANT CONTACT	RELATION TO OWNER:			
	Project Developer			
	MAILING ADDRESS: (Incl. City, State, Zip):			
	2670 Patton Road, Roseville, MN 55113			
APPLICANT CONTACT	E-MAIL:		PHONE:	
	jessed@ips-solar.com		651-285-2253	
	OFFICE USE ONLY (Completed at the time of application)			
	ZONING DISTRICT(S):		LAND USE(S) CODE REFERENCE(S):	
PAYMENT	R-A		90-103(57)	
	FEE DUE:		FEE PAID:	
	Special Exception: \$700 Special Exception Home Occ: \$350			
	CHECK # / TRANSACTION #:		DATE RECEIVED:	
PAYMENT			RECEIVED BY:	

# OWNER AFFIDAVIT

The undersigned Property Owner(s) or duly authorized Agent or Representative certifies that this petition and the foregoing answers, statement, and other information herewith submitted are in all respect true and correct to the best of their knowledge and belief.

NAME:

FRANK G. KRENICKY

NAME:

ETHEL R. KRENICKY

SIGNED:

*Frank G. Krenicky*

SIGNED:

*Ethel R. Krenicky*

DATE: 12-16-21

DATE: 12-16-21

NOTARIZATION:

STATE OF VIRGINIA

CITY Richmond

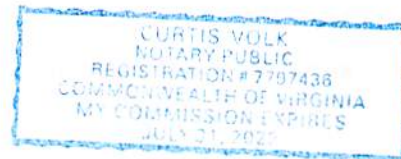
COUNTY OF: Richmond

Subscribed and sworn before me this 16 day of December, 20 21.

*[Signature]*

Notary Public

My Commission expires: 7/31, 20 22



AFFIDAVIT



COUNTY OF PRINCE GEORGE  
COMM DEV & CODE COMPLIANCE  
PO BOX 156  
6602 COURTS DR  
PRINCE GEORGE, VA 23875-0156  
(804) 722-8750  
Welcome

19996768-0001 Missy G.03/01/2022 01:22PM

**EG INVOICE**

Dimond, Jessie (IPS Solar)

2022 Item: INV-00001359

Special Exception

Request 700.00

-----  
700.00

**Subtotal** 700.00

**Total** 700.00

CHECK 700.00

Check Number 001330

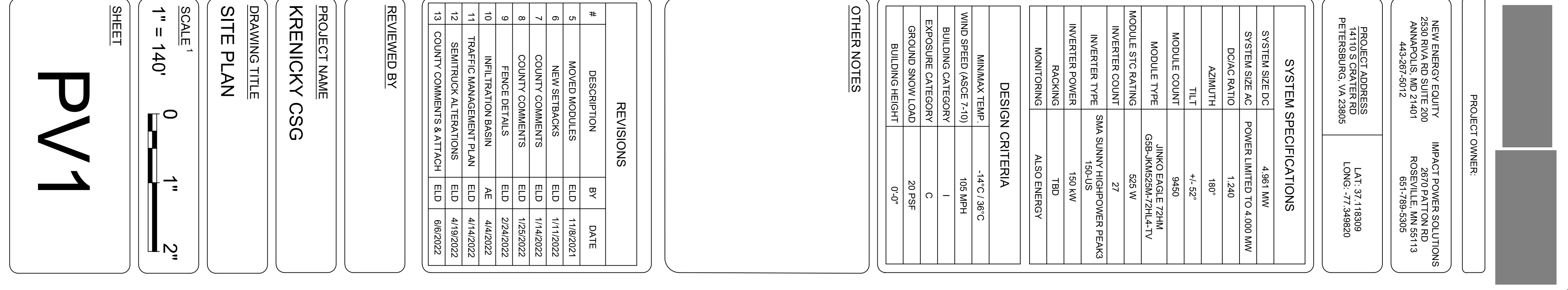
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**Change due** 0.00

Paid by: Dimond, Jessie (IPS Solar)

Thank you for your payment

CUSTOMER COPY









PROJECT OWNER:

NEW ENERGY EQUITY  
2530 RIVA RD SUITE 200  
ANNAPOLIS, MD 21401  
443-287-5012

IMPACT POWER SOLUTIONS  
2670 PATTON RD  
ROSEVILLE, MN 55113  
651-785-5305

PROJECT ADDRESS  
14155 CRATER RD  
PETERSBURG, VA 23805

LAT: 37.118309  
LONG: -77.349820

SYSTEM SPECIFICATIONS

SYSTEM SIZE DC	4,961 MW
SYSTEM SIZE AC	POWER LIMITED TO 4,000 MW
DC/AC RATIO	1,240
AZIMUTH	180°
TILT	+/- 52°
MODULE COUNT	9450
MODULE TYPE	JINKO EAGLE 72HM G5B-JKM52M-72HL4-1V
MODULE STC RATING	525 W
INVERTER COUNT	27
INVERTER TYPE	SMA SUNNY HIGHPOWER PEAK3 150-US
INVERTER POWER	150 kW
RACKING	TBD
MONITORING	ALSO ENERGY

DESIGN CRITERIA

MIN/MAX TEMP.	-14°C / 36°C
WIND SPEED (ASCE 7-10)	105 MPH
BUILDING CATEGORY	I
EXPOSURE CATEGORY	C
GROUND SNOW LOAD	20 PSF
BUILDING HEIGHT	0'-0"

OTHER NOTES

REVISIONS

#	DESCRIPTION	BY	DATE
5	MOVED MODULES	ELD	11/8/2021
6	NEW SETBACKS	ELD	1/11/2022
7	COUNTY COMMENTS	ELD	1/14/2022
8	COUNTY COMMENTS	ELD	1/25/2022
9	FENCE DETAILS	ELD	2/24/2022
10	INFILTRATION BASIN	AE	4/4/2022
11	TRAFFIC MANAGEMENT PLAN	ELD	4/14/2022
12	SEMI-TRUCK ALTERATIONS	ELD	4/19/2022
13	COUNTY COMMENTS & ATTACH	ELD	6/6/2022

REVIEWED BY

PROJECT NAME

KRENICKY CSG

DRAWING TITLE

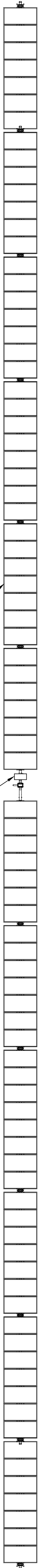
SAT RACKING DETAIL

SCALE: 1'

NTS

SHEET

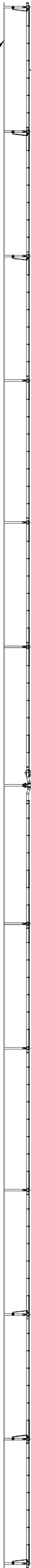
PV/2



SOLAR PANELS

TRACKER MOTOR

1 SINGLE AXIS TRACKER TOP DOWN VIEW  
NTS

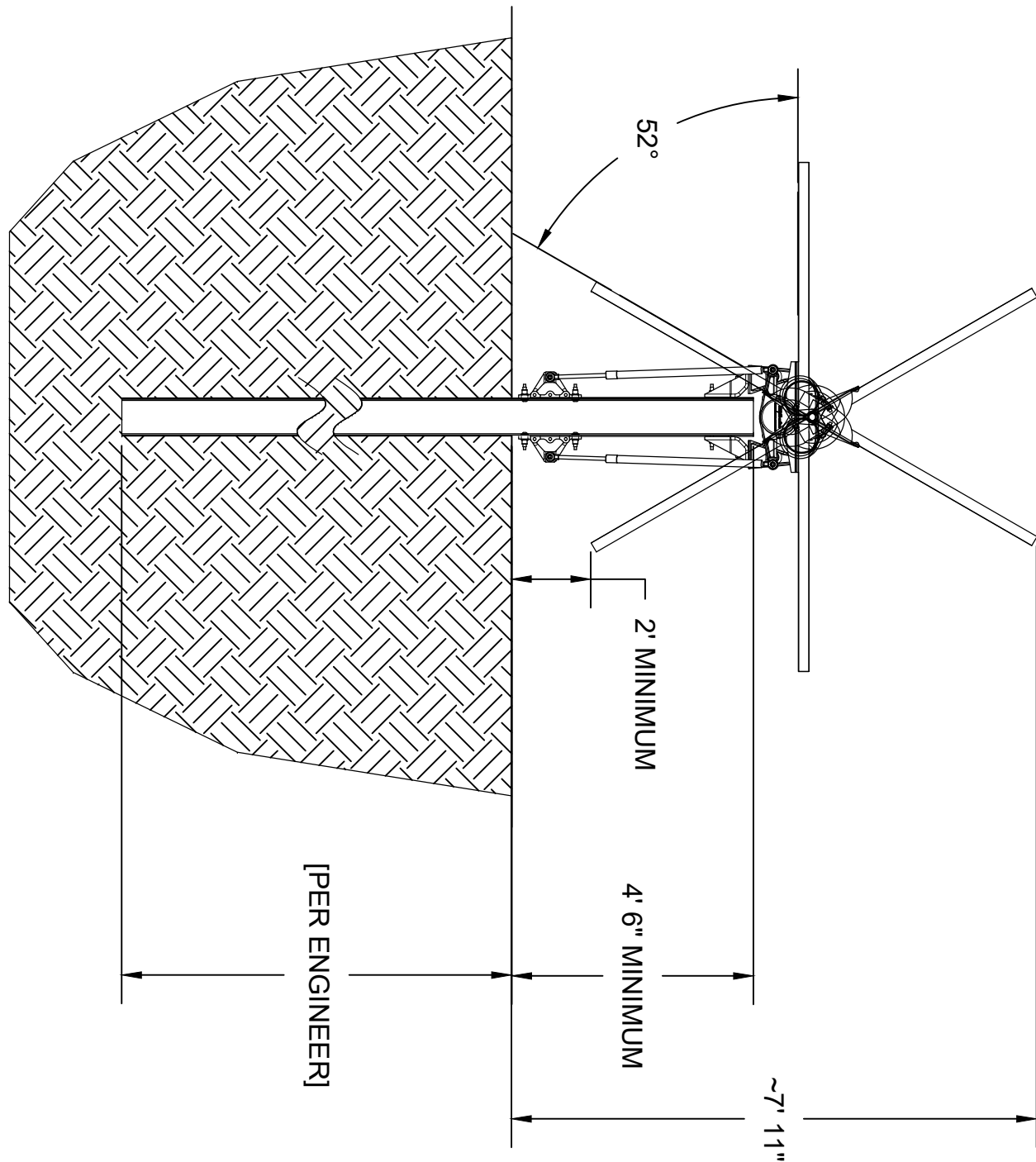


SOLAR PANELS

TRACKER MOTOR

GRADE

2 SINGLE AXIS TRACKER EAST-WEST ELEVATION  
NTS



~7' 11"

2' MINIMUM

4' 6" MINIMUM

[PER ENGINEER]

3 SINGLE AXIS TRACKER NORTH-SOUTH ELEVATION  
NTS



PROJECT OWNER:

NEW ENERGY EQUITY  
2530 RIVA RD SUITE 200  
ANNAPOLIS, MD 21401  
443-287-5012

IMPACT POWER SOLUTIONS  
2670 PATTON RD  
ROSEVILLE, MN 55113  
651-785-5305

PROJECT ADDRESS  
14115 SPARTAN RD  
PETERSBURG, VA 23805

LAT: 37.118309  
LONG: -77.349820

SYSTEM SPECIFICATIONS	
SYSTEM SIZE DC	4,961 MW
SYSTEM SIZE AC	POWER LIMITED TO 4,000 MW
DC/AC RATIO	1,240
AZIMUTH	180°
TILT	+/- 52°
MODULE COUNT	9450
MODULE TYPE	JINKO EAGLE 72HM G5B-KM52M-72HL4-1V
MODULE STC RATING	525 W
INVERTER COUNT	27
INVERTER TYPE	SMA SUNNY HIGHPOWER PEAK3 150-US
INVERTER POWER	150 kW
RACKING	TBD
MONITORING	ALSO ENERGY

DESIGN CRITERIA	
MIN/MAX TEMP.	-14°C / 36°C
WIND SPEED (ASCE 7-10)	105 MPH
BUILDING CATEGORY	I
EXPOSURE CATEGORY	C
GROUND SNOW LOAD	20 PSF
BUILDING HEIGHT	0-0"

OTHER NOTES

REVISIONS		
#	DESCRIPTION	BY DATE
5	MOVED MODULES	ELD 11/8/2021
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8	COUNTY COMMENTS	ELD 1/25/2022
9	FENCE DETAILS	ELD 2/24/2022
10	INFILTRATION BASIN	AE 4/4/2022
11	TRAFFIC MANAGEMENT PLAN	ELD 4/14/2022
12	SEMITRUCK ALTERATIONS	ELD 4/19/2022
13	COUNTY COMMENTS & ATTACH	ELD 6/6/2022

REVIEWED BY

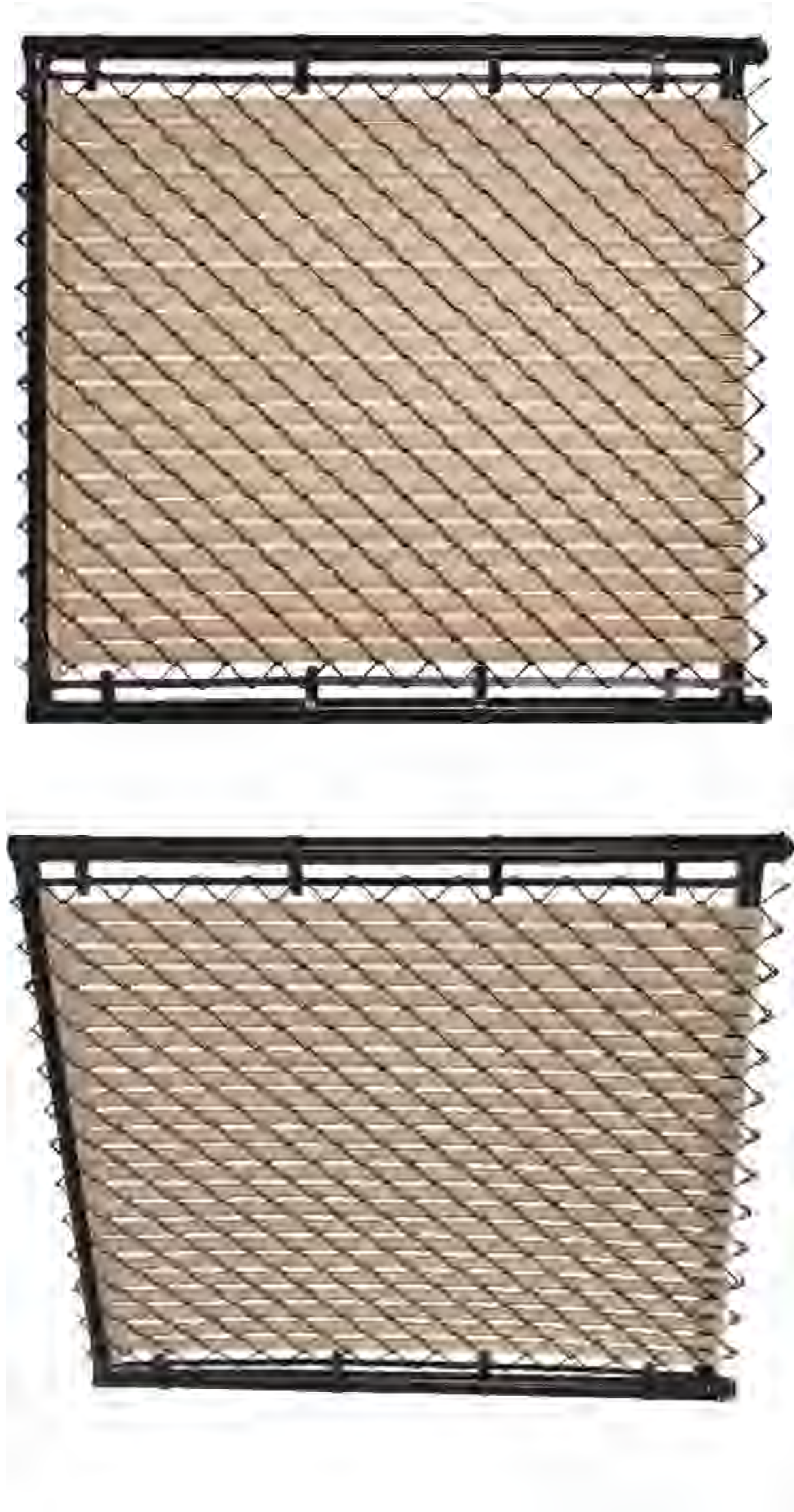
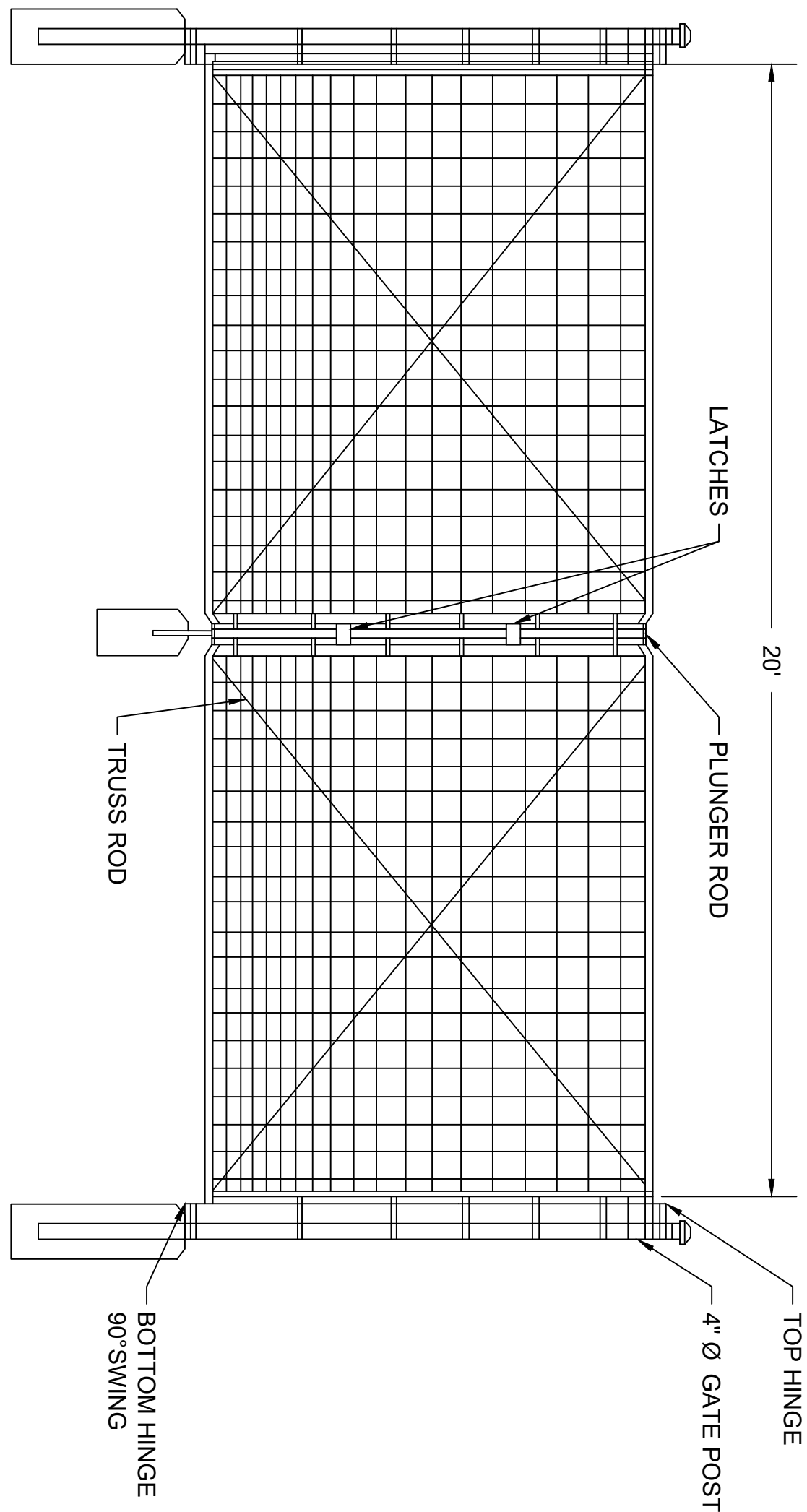
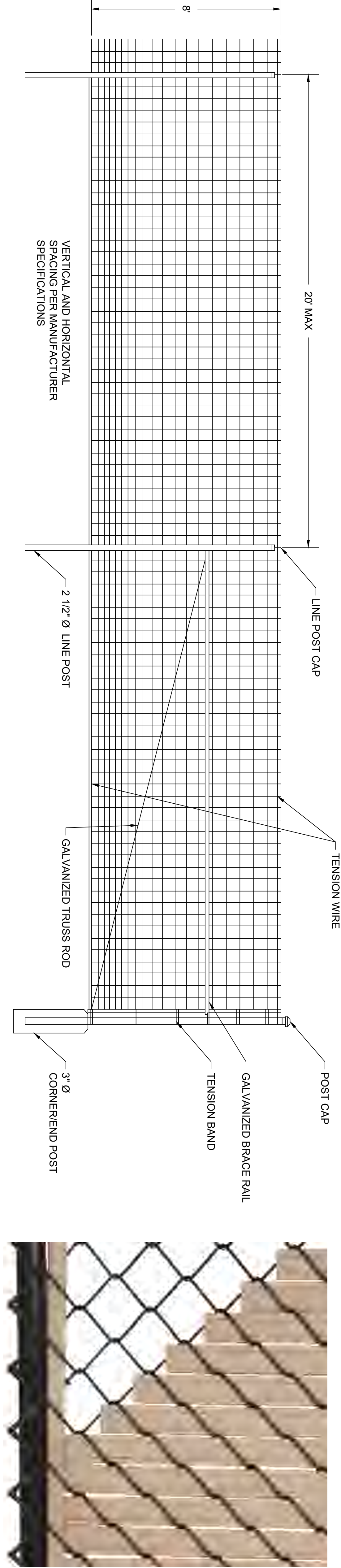
PROJECT NAME  
KRENICKY CSG

DRAWING TITLE  
FENCE DETAIL

SCALE: 1"  
NTS

SHEET

PV/3



4 FENCE SLATS

NTS

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





1 EASTERN RED CEDAR DETAIL

Scale: N.T.S.

PLANTING SCHEDULE

TYPE : EASTERN RED CEDAR

HEIGHT : 6' MIN AT TIME OF PLANTING

NUMBER OF ROWS: 3

SPACING: 10' O.C.

TYPE : PRAGNESE VIBURNUM

HEIGHT : 4' MIN WITHIN 3 YEARS OF PLANTING

NUMBER OF ROWS: 3

SPACING: 10' O.C.

PROJECT OWNER:

NEW ENERGY EQUITY  
2530 RIVA RD SUITE 200  
ANNAPOLIS, MD 21401  
443-287-5012

IMPACT POWER SOLUTIONS  
2670 PATTON RD  
ROSEVILLE, MN 55113  
651-785-5305

PROJECT ADDRESS  
14115 CRATER RD  
PETERSBURG, VA 23805

LAT: 37.118309  
LONG: -77.349820

SYSTEM SPECIFICATIONS	
SYSTEM SIZE DC	4,961 MW
SYSTEM SIZE AC	POWER LIMITED TO 4,000 MW
DC/AC RATIO	1,240
AZIMUTH	180°
TILT	+/- 52°
MODULE COUNT	9450
MODULE TYPE	JINKO EAGLE 72HM G5B-MK052M-72HL4-1V
MODULE STC RATING	525 W
INVERTER COUNT	27
INVERTER TYPE	SMA SUNNY HIGHPOWER PEAK3 150-US
INVERTER POWER	150 kW
RACKING	TBD
MONITORING	ALSO ENERGY

DESIGN CRITERIA	
MIN/MAX TEMP.	-14°C / 36°C
WIND SPEED (ASCE 7-10)	105 MPH
BUILDING CATEGORY	I
EXPOSURE CATEGORY	C
GROUND SNOW LOAD	20 PSF
BUILDING HEIGHT	0'-0"

OTHER NOTES

REVISIONS		
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12	SEMITRUCK ALTERATIONS	ELD 4/19/2022
13	COUNTY COMMENTS & ATTACH	ELD 6/6/2022

REVIEWED BY

PROJECT NAME  
KRENICKY CSG

DRAWING TITLE  
SCREENING PLAN

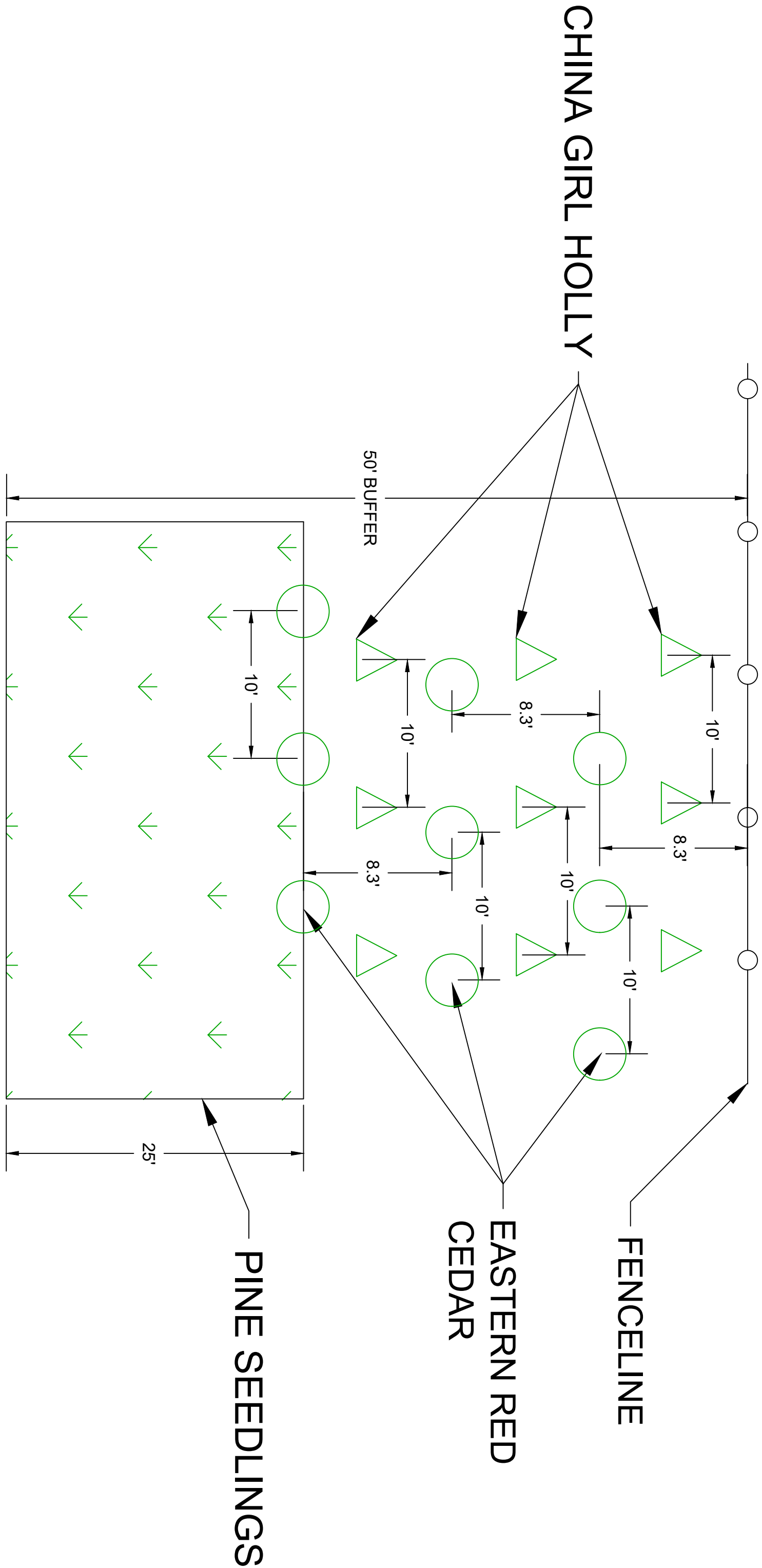
SCALE 1'  
NTS

SHEET

PV4

2 CHINA GIRL HOLLY SHRUB DETAIL

Scale: N.T.S.



3 PLAN VIEW

Scale: N.T.S.





PROJECT OWNER:

NEW ENERGY EQUITY  
2530 RIVA RD SUITE 200  
ANNAPOLIS, MD 21401  
443-267-5012

IMPACT POWER SOLUTIONS  
2670 PATTON RD  
ROSEVILLE, MN 55113  
651-785-5305

PROJECT ADDRESS  
14115 S CRATER RD  
PETERSBURG, VA 23805

LAT: 37.118309  
LONG: -77.349820

SYSTEM SPECIFICATIONS	
SYSTEM SIZE DC	4,961 kW
SYSTEM SIZE AC	POWER LIMITED TO 4,000 MW
DC/AC RATIO	1,240
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TILT	+/- 52°
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INVERTER TYPE	SMA SUNNY HIGHPOWER PEAK3
INVERTER POWER	150 kW
RACKING	TBD
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MIN/MAX TEMP.	-14°C / 36°C
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GROUND SNOW LOAD	20 PSF
BUILDING HEIGHT	0-0"

OTHER NOTES

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10	INLET TRACTION BASIN	AE 4/4/2022
11	TRAFFIC MANAGEMENT PLAN	ELD 4/14/2022
12	SEMI-TRUCK ALTERATIONS	ELD 4/19/2022
13	COUNTY COMMENTS & ATTACH	ELD 6/6/2022

REVIEWED BY

PROJECT NAME

KRENICKY CSG

DRAWING TITLE

PHOTO SIMULATIONS

SCALE: 1" = 100'

NTS

SHEET

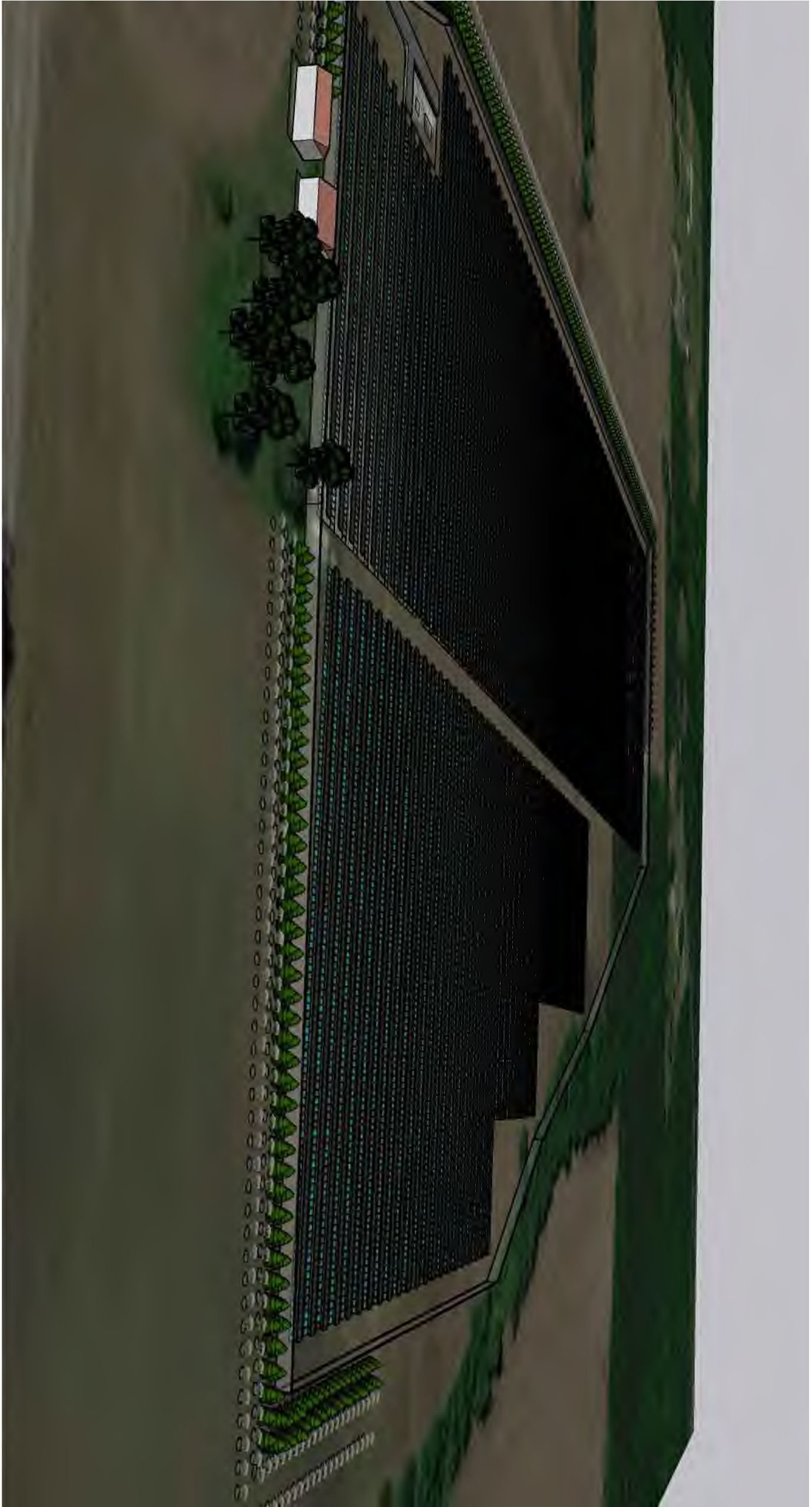
PV/5



1 VIEW FACING NORTH ON S CRATER RD/HWY 301  
NTS

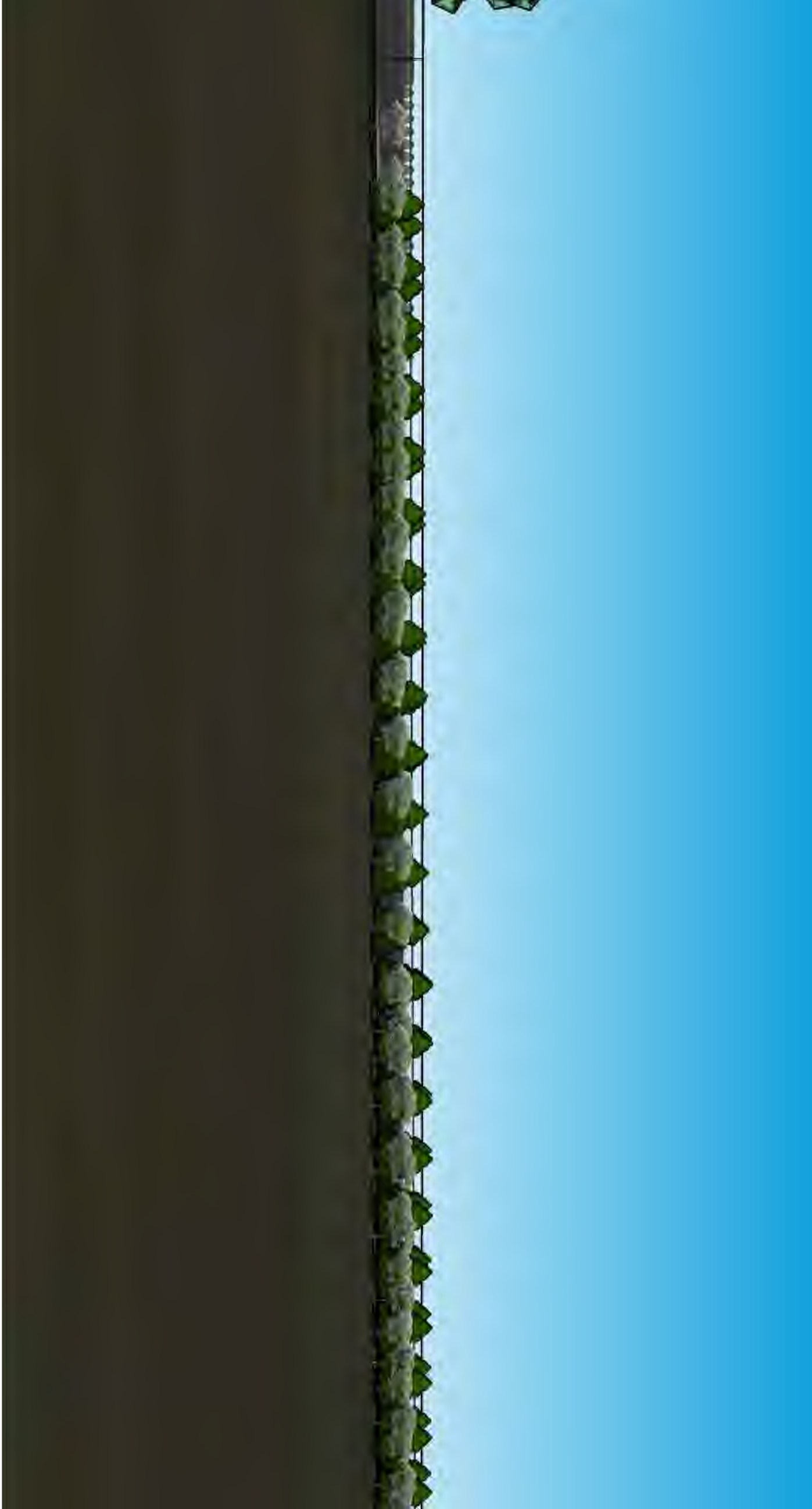


1 VIEW FACING SOUTH ON S CRATER RD/HWY 301  
NTS

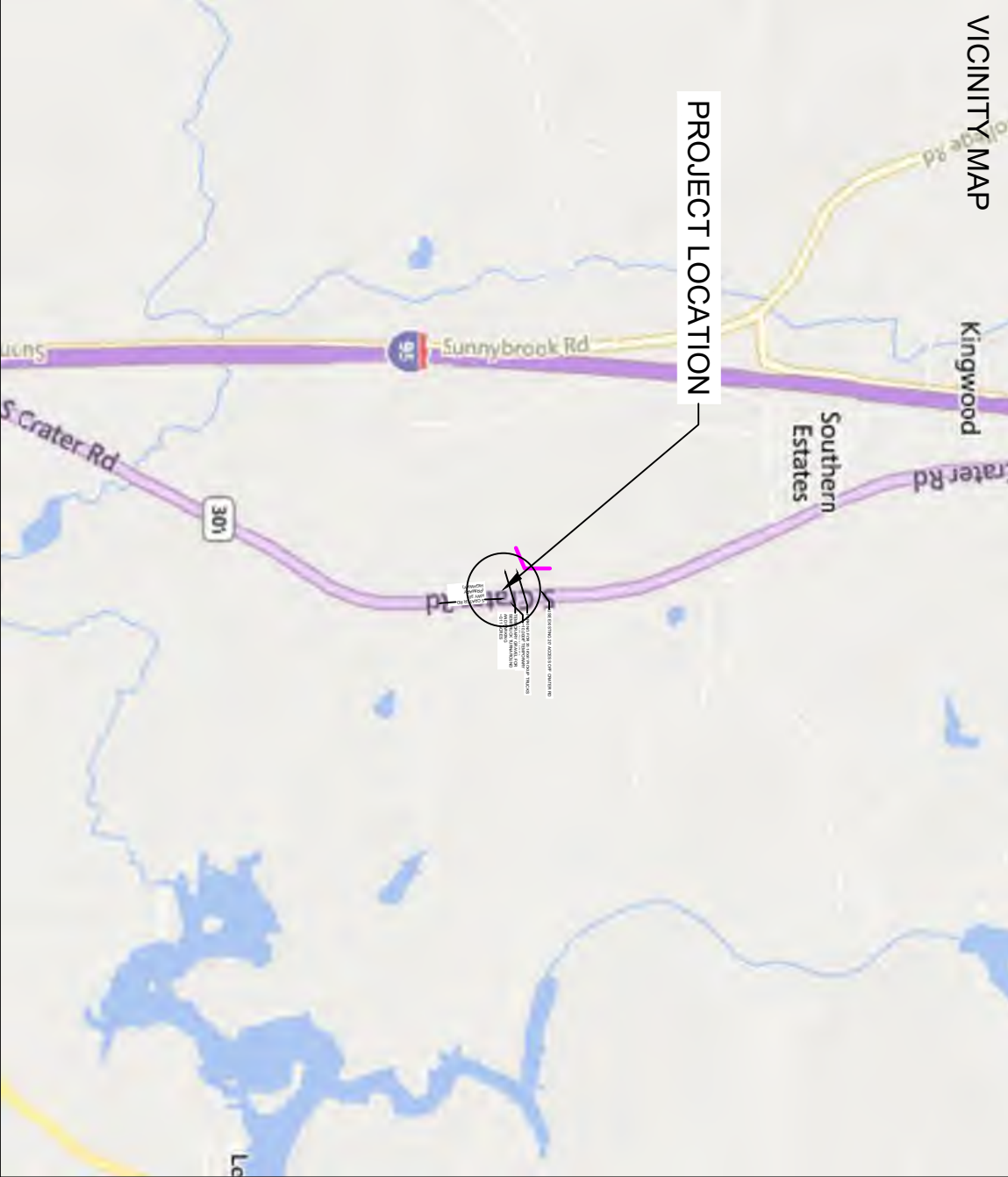


4 AERIAL VIEW 250' HIGH  
NTS

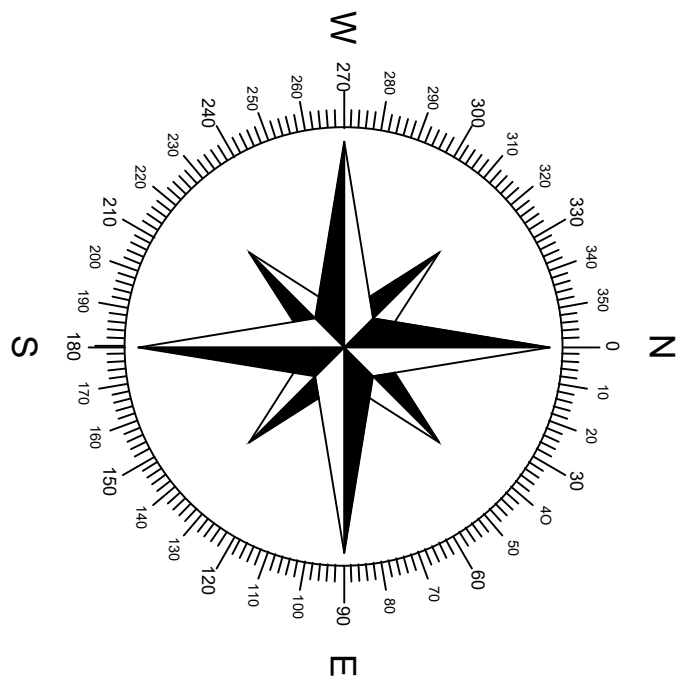
3 VIEW FACING WEST ON S CRATER RD/HWY 301  
NTS







SPACE FOR PE STAMP:



SHEET NOTES:

UTILITY POLES ARE SHOWN FOR INDICATING LOCATIONS ONLY. SPACING BETWEEN POLES, PHYSICAL PROTECTION BARRIER FOR SWITCHBOARDS, ETC., WILL BE ADDED IN THE DRAWINGS PREPARED FOR THE CONSTRUCTION DOCUMENTS

SYSTEM SPECIFICATIONS

SYSTEM SIZE DC	4,961 MW
SYSTEM SIZE AC	POWER LIMITED TO 4,000 MW
DC/AC RATIO	1.240
AZIMUTH	180°
TILT	+/- 52°
MODULE COUNT	9450
MODULE TYPE	JINKO EAGLE 72HM G5B-KK052M-72HL-4,1V
MODULE STC RATING	525 W
INVERTER COUNT	27
INVERTER TYPE	SMA SUNNY HIGHPOWER PEAK3 150-US
INVERTER POWER	150 kW
RACKING	TBD
MONITORING	ALSO ENERGY

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EXPOSURE CATEGORY	C
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OTHER NOTES

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12	SEMITRUCK ALTERATIONS	ELD	4/19/2022
13	COUNTY COMMENTS & ATTACH	ELD	6/6/2022

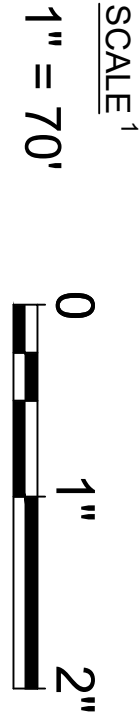
REVIEWED BY

PROJECT NAME

KRENICKY CSG

DRAWING TITLE

SOIL TYPES



SHEET

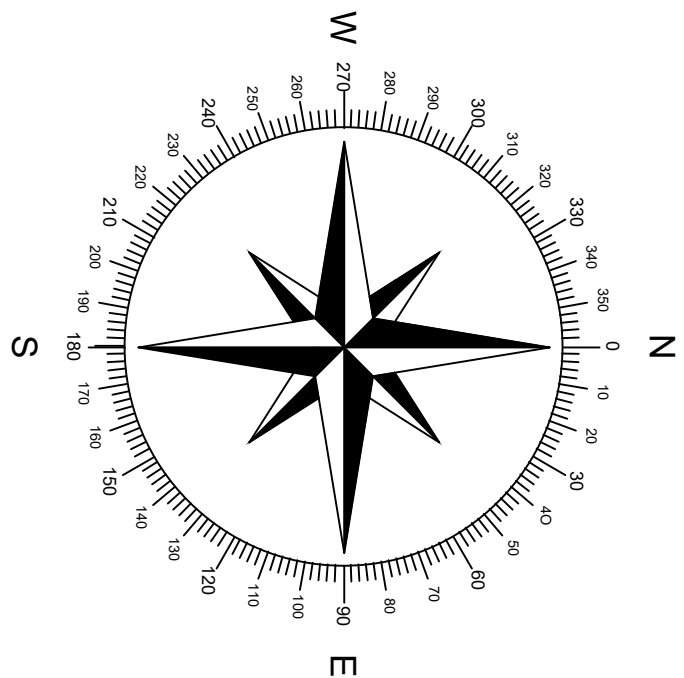
PV6



Map Unit	Map Unit Name	Acres	Percent
2C3	Ackwater silty clay loam, 6 to 10 percent slopes, severe	3.2	4.0%
4A	Aycock silt loam, 0 to 2 percent slopes	1.8	2.3%
4B	Aycock silt loam, 2 to 6 percent slopes	3.6	4.5%
7B	Bonneau loamy sand, 0 to 6 percent slopes	12.3	15.3%
11B	Emporia fine sandy loam, 2 to 6 percent slopes	0.2	0.2%
16	Lynchburg loam	5.3	6.6%
17	Lynchburg-Slagle complex	4.1	5.0%
18A	Montross silt loam, 0 to 2 percent slopes	33.9	42.2%
18B	Montross silt loam, 2 to 6 percent slopes	3.4	4.2%
24	Rains loam	3.3	4.0%
25B	Slagle sandy loam, 2 to 6 percent slopes	9.4	11.8%
Totals for Area of Interest		8	



SPACE FOR PE STAMP.



UTILITY POLES ARE SHOWN FOR INDICATING LOCATIONS ONLY. SPACING BETWEEN POLES, PHYSICAL PROTECTION BARRIER FOR SWITCHBOARDS, ETC. WILL BE ADDED IN THE DRAWINGS PREPARED FOR THE CONSTRUCTION DOCUMENTS

SYSTEM SPECIFICATIONS	
SYSTEM SIZE DC	4.861 MW
SYSTEM SIZE AC	POWER LIMITED TO 4.000 MW
DC/AC RATIO	1.240
AZIMUTH	180°
TILT	+/- 52°
MODULE COUNT	9460
MODULE TYPE	JUNCO FACI 727H4 G86-JHNM29M12H4-1V
MODULE STC RATING	526 W
INVERTER COUNT	27
INVERTER TYPE	SMA SUNNY HIGH-POWER PEAK3 150-US
INVERTER POWER	150 kW
RACKING	TBD
MONITORING	ALSO ENERGY
DESIGN CRITERIA	
MIN/MAX TEMP	-14°C / 36°C
WIND SPEED (ASCE 7-10)	105 MPH
BUILDING CATEGORY	I
EXPOSURE CATEGORY	C
GROUND SNOW LOAD	20 PSF
BUILDING HEIGHT	0-0"

DESIGN CRITERIA	
MINMAX TEMP	-14°C / 36°C
WIND SPEED (ASCE 7-10)	105 MPH
BUILDING CATEGORY	I
EXPOSURE CATEGORY	C
GROUND SNOW LOAD	20 PSF
BUILDING HEIGHT	0-0"

REVISIONS			
#	DESCRIPTION	BY	DATE
5	MOVED MODULES	ELD	11/8/2021
6	NEW SETBACKS	ELD	1/11/2022
7	COUNTY COMMENTS	ELD	1/14/2022
8	COUNTY COMMENTS	ELD	1/25/2022
9	FENCE DETAILS	ELD	2/24/2022
10	INFILTRATION BASIN	AE	4/4/2022
11	TRAFFIC MANAGEMENT PLAN	ELD	4/14/2022
12	SEMI-TRUCK ALTERATIONS	ELD	4/19/2022
13	COUNTY COMMENTS & ATTACH	ELD	6/6/2022


REVIEWED BY

PROJECT NAME	KRENICKY CSG
--------------	--------------

DRAWING TITLE

TRAFFIC MANAGEMENT PLAN

**SCALE** 1"  
1" = 140'

A horizontal graphic scale bar with alternating black and white segments. It is marked with '0' at the left end, '1"' at the first segment boundary, and '2"' at the second segment boundary.

SHEET

# PVT









# THE MOST DEPENDABLE SOLAR BRAND

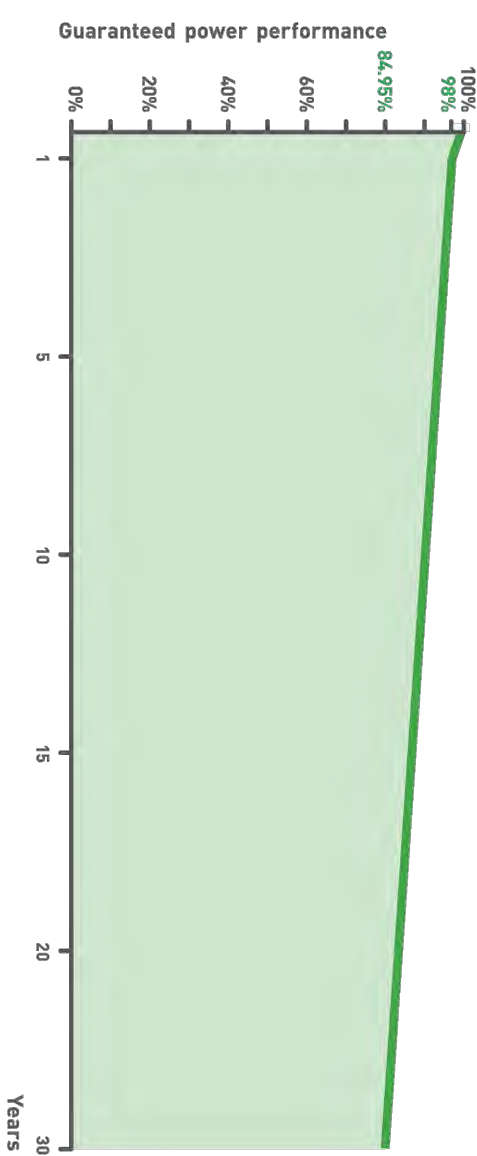
## EAGLE 72HM 65b

515-535 WATT • HALF CELL BIFACIAL  
Positive power tolerance of 0~+3%

- NYSE-listed since 2010, Bloomberg Tier 1 manufacturer
- Best-selling module globally for last 4 years
- Top performance in the strictest 3rd party labs
- Automated manufacturing utilizing artificial intelligence
- Vertically integrated, tight controls on quality
- Premium solar panel factories in USA and Malaysia

### LINEAR PERFORMANCE WARRANTY

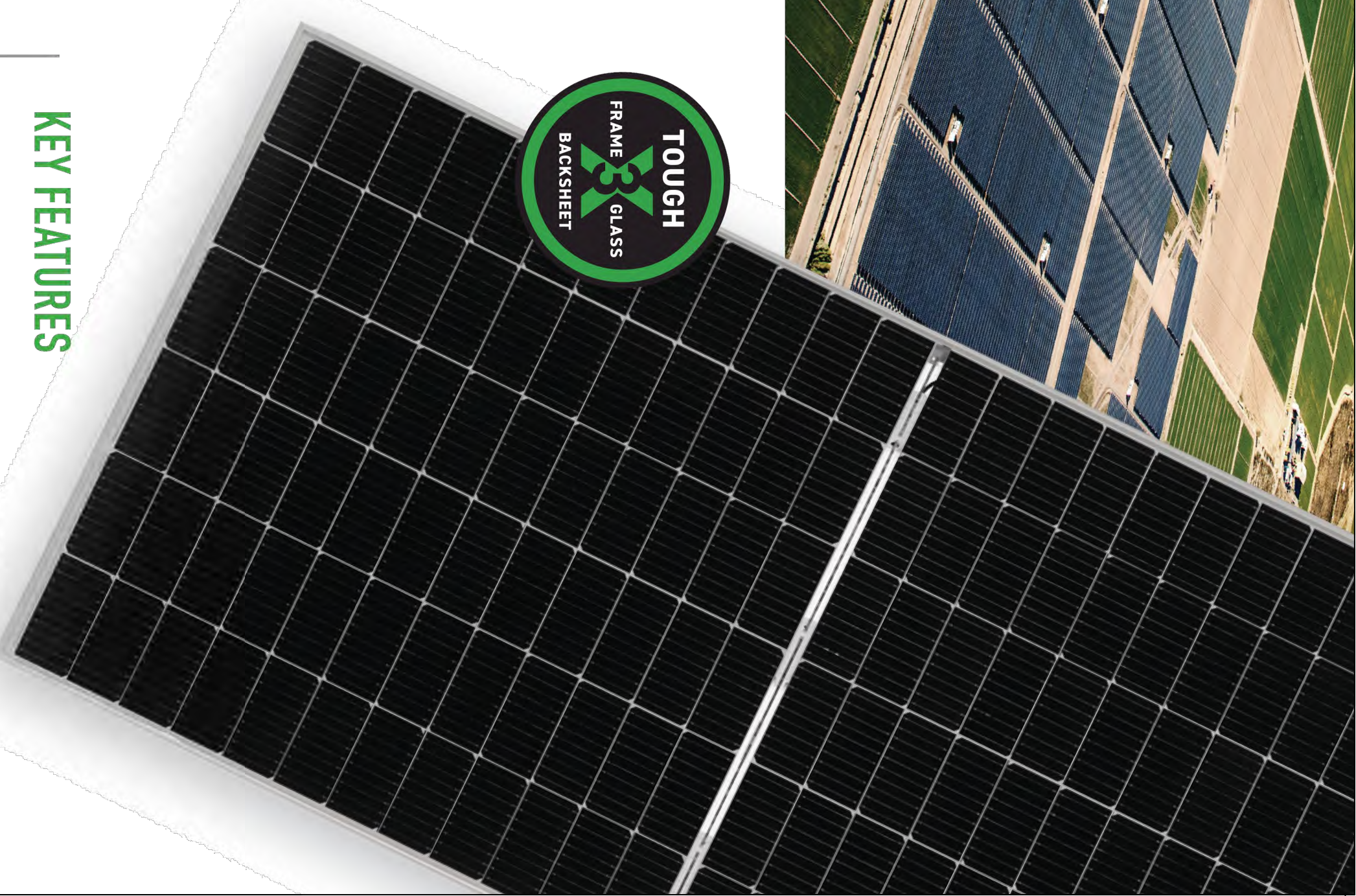
30-Year Performance Warranty



- ISO9001:2015 Quality Standards
- ISO14001:2015 Environmental Standards
- IEC61215, IEC61730 certified products
- ISO45001:2018 Occupational Health & Safety Standards
- UL61730 certified products



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### KEY FEATURES

**Multi Busbar Half Cell Technology**  
High efficiency half cut solar cells deliver high power in a small footprint.

**Bifacial Power Gain**  
Bifacial cell architecture allows backside bonus and more lifetime power yield.

**Light-Weight Design**  
Use of transparent backsheet allows for easy installation and lower BOS cost.

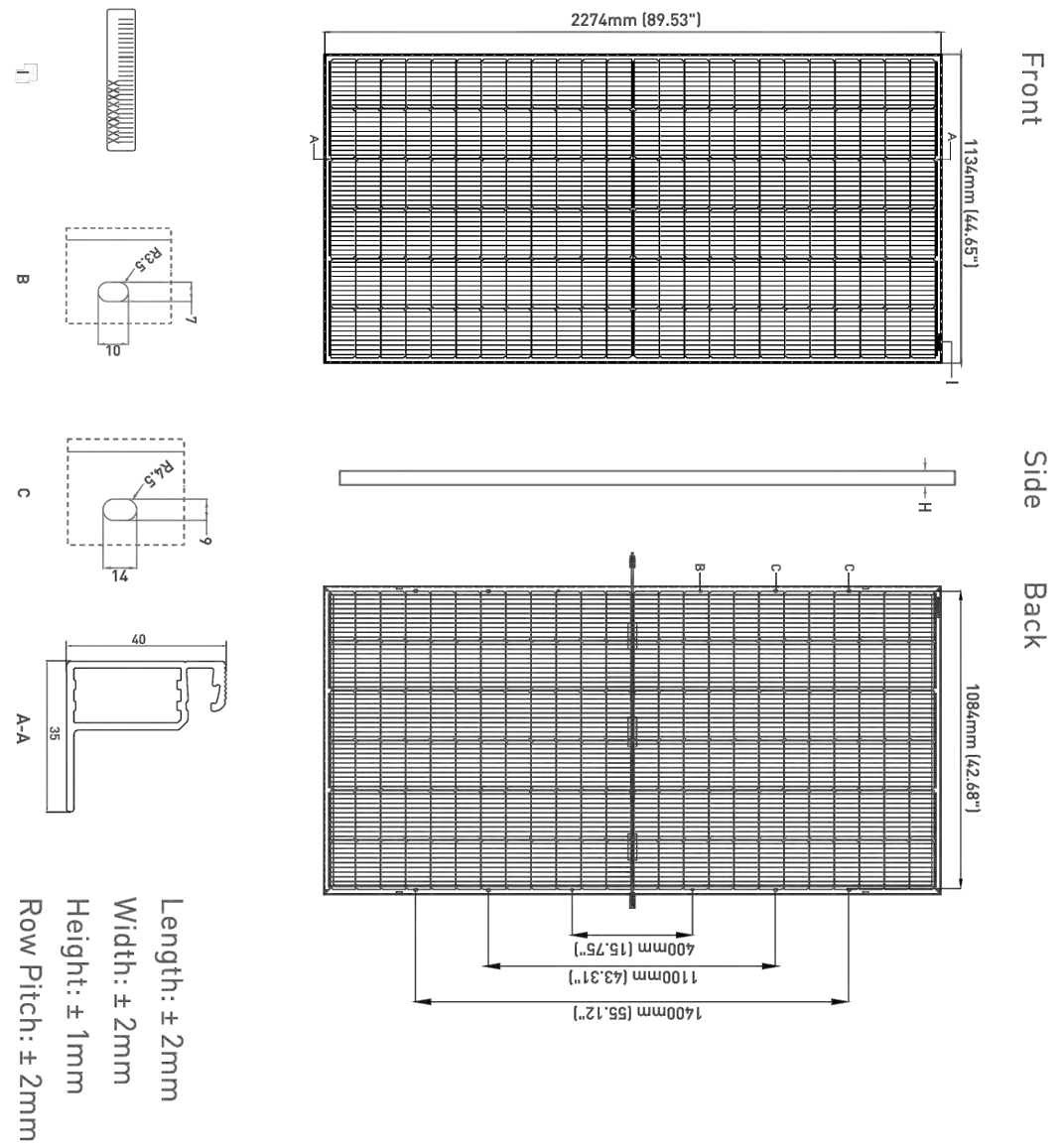
**Thick and Tough**  
Fire Type 1 rated module engineered with a thick frame, 3.2mm front side glass, and thick backsheet for added durability.

**Shade Tolerant**  
Twin array design allows continued performance even with shading by trees or debris.

**Protected Against All Environments**  
Certified to withstand humidity, heat, rain, marine environments, wind, hailstorms, and packed snow.



### ENGINEERING DRAWINGS



### MECHANICAL CHARACTERISTICS

No. of Half Cells	144 (2x72)
Dimensions	2274x136x40mm (89.53x44.65x1.57in)
Weight	29.4kg (64.82lbs)
Front Glass	3.2mm, Anti-Reflection Coating High Transmission, Low Iron, Tempered Glass
Frame	Anodized Aluminum Alloy
Junction Box	IP68 Rated
Output Cables	12 AWG, 1400mm (55.12in) or Customized Length
Fire Type	Type 1
Pressure Rating	5400Pa (Snow) & 2400Pa (Wind)
Hailstone Test	59mm Hailstones at 34m/s

### TEMPERATURE CHARACTERISTICS

Temperature Coefficients of Pmax	-0.35%/°C
Temperature Coefficients of Voc	-0.28%/°C
Temperature Coefficients of Isc	0.048%/°C
Nominal Operating Cell Temperature (NOCT)	45±2°C
Refer. Bifacial Factor	70±5%

### MAXIMUM RATINGS

Operating Temperature (°C)	-40°C~+85°C
Maximum System Voltage	1500VDC (UL and IEC)
Maximum Series Fuse Rating	30A

### PACKAGING CONFIGURATION

(Two pallets = One stack)  
27pcs/pallets, 54pcs/stack, 540pcs/40 HQ Container

### BIFACIAL OUTPUT-REARSIDE POWER GAIN

5%	Maximum Power (Pmax)	541Wp	546Wp	551Wp	557Wp	562Wp
	Module Efficiency (%)	20.97%	21.17%	21.38%	21.58%	21.78%
15%	Maximum Power (Pmax)	592Wp	598Wp	604Wp	610Wp	615Wp
	Module Efficiency (%)	22.97%	23.19%	23.41%	23.64%	23.86%
25%	Maximum Power (Pmax)	644Wp	650Wp	656Wp	663Wp	669Wp
	Module Efficiency (%)	24.96%	25.21%	25.45%	25.69%	25.93%

### ELECTRICAL CHARACTERISTICS

Module Type	JKM515M-72HL4-TV	JKM520M-72HL4-TV	JKM525M-72HL4-TV	JKM530M-72HL4-TV	JKM535M-72HL4-TV
STC	NOCT	STC	NOCT	STC	NOCT
Maximum Power (Pmax)	515Wp	383Wp	520Wp	387Wp	530Wp
Maximum Power Voltage (Vmp)	40.40V	37.49V	40.50V	37.60V	40.61V
Maximum Power Current (Imp)	12.75A	10.22A	12.84A	10.29A	13.02A
Open-circuit Voltage (Voc)	49.12V	46.36V	49.20V	46.44V	49.35V
Short-circuit Current (Isc)	13.47A	10.88A	13.54A	10.94A	13.71A
Module Efficiency (STC %)	19.97%	20.17%	20.36%	20.55%	20.75%

**\*STC:** ☀ Irradiance 1000W/m<sup>2</sup>    🌡 Cell Temperature 25°C  
**NOCT:** ☀ Irradiance 800W/m<sup>2</sup>    🌡 Ambient Temperature 20°C

\*Power measurement tolerance: ±3%

AM = 1.5    🌬 Wind Speed 1m/s  
AM = 1.5

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PROJECT OWNER:

IMPACT POWER SOLUTIONS  
2870 PATTON RD  
ROSELLE, MN 55113  
651-759-5385

PROJECT ADDRESS  
14155 CRATER RD  
PETERSBURG, VA 23805

LAT: 37.118399  
LONG: -77.349820

#### SYSTEM SPECIFICATIONS

SYSTEM SIZE DC	5,368 MW
SYSTEM SIZE AC	4,000 MW
DC/AC RATIO	1,342
AZIMUTH	180°
TILT	+/- 52°
MODULE COUNT	10225
MODULE TYPE	JINKO EAGLE 72HM G5B-JKM525M-72HL4-TV
MODULE STC RATING	525 W
INVERTER COUNT	16
INVERTER TYPE	CPS SCH275KTL-DOUS-800
INVERTER POWER	250 kW
RACKING	TBD
MONITORING	ALSO ENERGY

#### DESIGN CRITERIA

MIN/MAX TEMP.	-14°C / 36°C
WIND SPEED (ASCE 7-10)	105 MPH
BUILDING CATEGORY	I
EXPOSURE CATEGORY	C
GROUND SNOW LOAD	20 PSF
BUILDING HEIGHT	0-0"

#### OTHER NOTES

#### REVISIONS

#	DESCRIPTION	BY	DATE
0	ORIGINAL DESIGN	TMP	10/7/2020
1	ONLINE EDIT	TMP	6/18/2021
2	NEE COMMENTS	TMP	8/2/2021
3	NEW SETBACKS	TMP	8/12/2021
4	CUP	ELD	10/5/2021
5	MOVED MODULES	ELD	11/8/2021
6			
7			

DRAWN BY

TIM POLLNOW

PROJECT NAME

KRENICKY CSG

DRAWING TITLE

EQUIPMENT DOCUMENTS

SCALE 1'

NTS

SHEET

# E1



# Exhibit G

## SITE RULES

IPS will use commercially reasonable efforts to follow and to cause its personnel to follow the following rules while on the Premises. Lessor may bar further access to the Premises by any individual who commits repeated, material violations of these rules after such individual has received at least three written warnings of a particular material violation from Lessor describing, and including reasonable evidence documenting, such material violation. In addition, any individual violating rules (d)(i), (iv), or (vi) at least three times after receipt of a third written warning with documented evidence of such violation, will be immediately expelled from the Premises and will be banned from the Premises thereafter. The rules are as follows:

- a) When not in active use by IPS, all access gates, as well as all interior gates, will remain closed at all times.
- b) Smoking is prohibited except in designated construction areas and in vehicles. IPS will employ reasonable precautions to prevent fires and will be responsible for all damage caused by IPS.
- c) IPS will keep the Premises clean and free of debris created by IPS, its contractors, or others brought on to the Premises by IPS. IPS will not use the Premises for storage of items that are not related to, used or to be used in connection with, or for the benefit of all or a portion of the Project.
- d) At no time will any of employees of IPS bring any of the following onto the Premises:
  - i. weapons of any type, including but not limited to, guns, bows and arrows, or sling shots;
  - ii. animal calling devices;
  - iii. fishing equipment or nets;
  - iv. dogs, cats or any other animals;
  - v. alcoholic beverages;
  - vi. illegal drugs or related paraphernalia.
- e) IPS, its employees, contractors, agents and any individual allowed onto the Premises by IPS will use reasonable efforts to confine their activities on the Premises to the designated access routes and to the areas upon which operations are then being conducted.

- 
- f) No wood, plants, animals (dead or alive), antlers, artifacts or any other item that was not originally brought onto the Premises by IPS personnel will be removed from the Premises by such personnel, except that IPS can burn, remove and clear wood, plants and brush on the Premises.
  - g) A speed limit of 25 miles per hour (15 miles per hour at night) will be strictly observed while using roads on the Premises.
  - h) This Agreement does not cover or include any right or privilege of hunting or fishing on the Premises, all such rights being expressly reserved to Lessor.

**From:** SCCeFile <SCCeFile@scc.virginia.gov>  
**Sent:** Tuesday, October 5, 2021 3:40 PM  
**To:** jessed@ips-solar.com  
**Subject:** RE: IPS Development Virginia LLC - State Corporation Commission (SCC)  
**Attachments:** BE14755592-15071525-CERT.pdf

Our records indicate **IPS Development Virginia LLC is active and current.**

Please see attached.

If you need further assistance, please visit our FAQ's and tutorials on our website at

<https://scc.virginia.gov/pages/Business-FAQs>.

---

Confidential

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**From:** jessed@ips-solar.com <jessed@ips-solar.com>  
**Sent:** Tuesday, October 5, 2021 4:16 PM  
**To:** SCCeFile <SCCeFile@scc.virginia.gov>; ScclInfo <ScclInfo@scc.virginia.gov>  
**Subject:** IPS Development Virginia LLC - State Corporation Commission (SCC)

Good Afternoon,

We are proposing a community solar garden in Prince George County, VA and they have the below requirement as part of their Solar Special Use Permit application. Can you please confirm that IPS Development Virginia LLC is a current valid business in Virginia and has satisfied the requirements of the SCC to conduct business in the state and that nothing additional is needed?

- Written verification that all required submittals to the State Corporation Commission (SCC) have been submitted for a solar energy facility use (if applicable).

Thanks,

**Jesse Dimond**  
*Senior Project Developer*  
M: (651) 285-2253  
[ips-solar.com](http://ips-solar.com)

# Commonwealth of Virginia



## STATE CORPORATION COMMISSION

Richmond, October 23, 2020

This is to certify that the certificate of organization of

### **IPS Development Virginia LLC**

was this day issued and admitted to record in this office and that the said limited liability company is authorized to transact its business subject to all Virginia laws applicable to the company and its business.

Effective date: October 23, 2020



STATE CORPORATION COMMISSION

Attest:

A handwritten signature in cursive script, reading "Bernard J. St. John".

Interim Clerk of the Commission

**Virginia Department of Environmental Quality  
Small Renewable Energy Projects (Solar)  
Local Governing Body Certification Form**

Facility Name and Location:

Krenicky Community Solar Garden      Prince George County, VA

Applicant's Name:

Impact Power Solutions

Applicant's Mailing Address:

2670 Patton Road  
Roseville, MN 55113

Telephone Number and Email Address:

651-789-5305  
info@ips-solar.com

The applicant or his representative is submitting an application for a small renewable energy permit by rule from the Virginia Department of Environmental Quality. In accordance with § 10.1 - 1197.6 B 2 of the Code of Virginia, before such permit application can be considered complete, the applicant must obtain a certification from the governing body of the locality or localities in which the small renewable energy project will be located that the project complies with all applicable land use ordinances.

**The undersigned requests that a responsible official of the local governing body sign the certification statement below. In addition, by signing below, the applicant affirms that he has also submitted this form to other localities, if any, in which the proposed project will be located.**

Applicant's signature:

Date:

***The undersigned local government representative certifies that the proposed small renewable energy project complies with all applicable land use ordinances, as follows:***

(Check one block)

☐

The proposed facility **complies with** all applicable land use ordinances.

☐

The proposed facility **does not comply** with all applicable land use ordinances.

Signature of authorized local government representative:

Date:

Type or print name:

Title:

County, City or Town:



August 16, 2021

Jamie Borell

IPS Development Virginia LLC

2530 Riva Road, Suite 200

Annapolis, MD 21401

**Re: Shared Solar Program in the service territory of Dominion Energy Arcadia**

Dear Mr. Borell,

This Memorandum of Understanding (“MOU”) sets forth the preliminary intentions of Arcadia’s support for IPS Development Virginia LLC’s participation in the Shared Solar Program being hosted by Dominion Energy Virginia. Arcadia plans to provide subscriber management services for Virginia Shared Solar projects developed by IPS Development Virginia LLC. It is understood that a minimum of 30% of the subscribed solar energy must be allocated to low-income customers.

First and foremost, our customer-friendly product offering was designed to make shared solar a good fit for everyone, particularly Low to Moderate Income (LMI) households, who are more likely to face a high energy cost burden, move more frequently, and have lower credit scores. There is no doubt that a LMI household struggling to make ends meet would be better off if they subscribed to a shared solar project managed by Arcadia.

IPS Development Virginia LLC is particularly excited about some of the successes Arcadia has had in reaching out directly to LMI customers. For example, Arcadia is working with a housing authority in New York, affordable housing properties in Maryland and Rhode Island, and signing up low- to moderate-income customers directly across all our active shared solar markets.

Arcadia is extremely excited to subscribe low-income customers in this partnership with IPS Development Virginia LLC. We understand the importance of democratizing solar access and have the technical and financial experience necessary to ensure that this takes place.

**Contact:**

Madeline Gould

Policy Manager, Arcadia

madeline.gould@arcadia.com

866-526-0083

**Signature page follows**

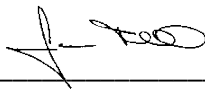
**Arcadia Power, Inc**

By: \_\_\_\_\_

Name: Joel Gamoran

Title: General Manager

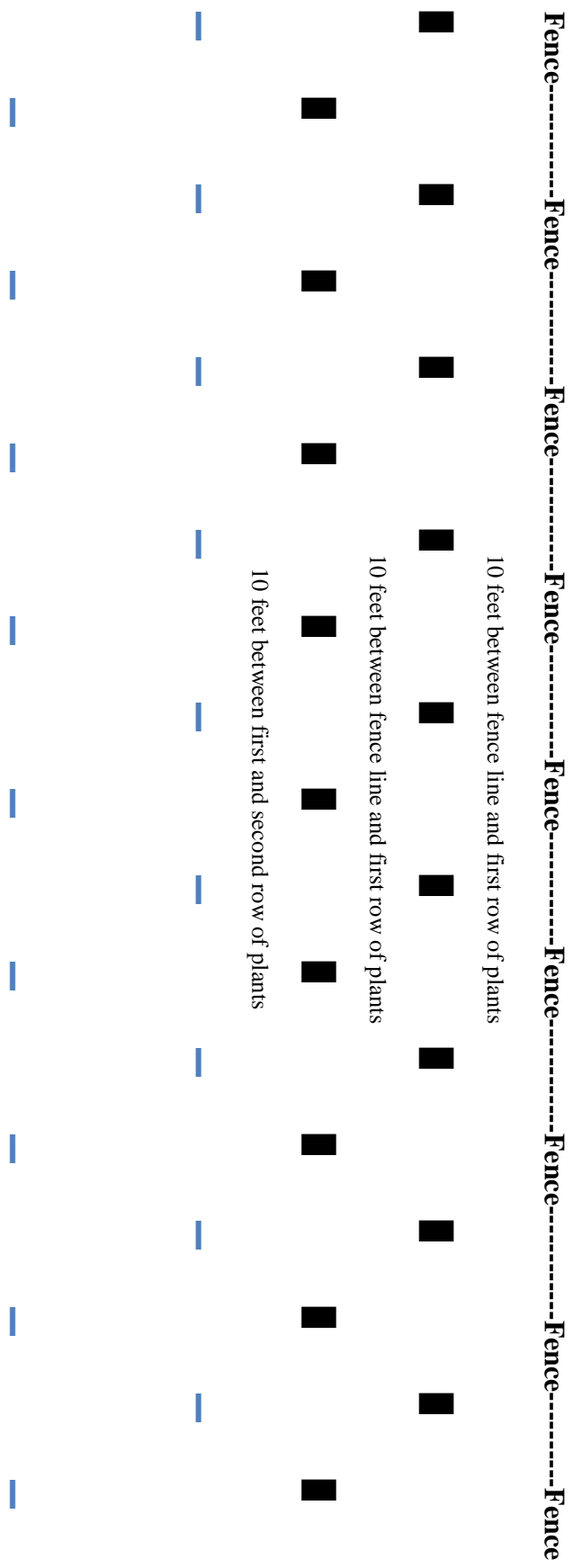
**IPS Development Virginia LLC**

By: \_\_\_\_\_

Name: Jamie Borell

Title: Manager

SCREENING SUGGESTIONS



(10 feet between each plant – planted in staggered rows to fill in gaps)

- : Nellie Stevens Holly, Eastern Red Cedar
- : Pragnese Viburnum, China Girl Holly, Evergreen Leatherleaf Viburnum



Nellie Stevens Holly - <https://www.google.com/search?q=Nellie+Stevens+Holly>

Eastern Red Cedar - <https://www.google.com/search?q=eastern+red+cedar>

Pragnese Viburnum - <https://www.google.com/search?q=pragnese+viburnum>

China Girl Holly - <https://www.google.com/search?q=china+girl+holly>

Evergreen Leatherleaf Viburnum - <https://www.google.com/search?q=evergreen+leatherleaf+viburnum>

**From:** Lewis.D.Golay@dominionenergy.com  
**Sent:** Wednesday, November 17, 2021 3:59 PM  
**To:** Ian Santos-Meeker  
**Cc:** Jesse Dimond; mike.nester@dominionenergy.com  
**Subject:** RE: Re: Re: VA20375 Krenicky - County permit

Ian,  
At this time here is the what I can provide.

Project Krenicky has submitted an Interconnection Request, VA20375, to initiate a location-specific study to identify the grid and protection modifications needed to accommodate the proposed interconnection.

You may also communicate to the county that the Utility needs to conduct a complete study which includes a Feasibility, System Impact, and Facilities Study to identify any modifications needed to accommodate the proposed interconnection.

*Lewis D. Golay Jr.*

Distribution Generations Contracts Administrator III  
Electric Wholesale Interconnection  
C: (757) 803-5012

---

**From:** Ian Santos-Meeker <ians@ips-solar.com>  
**Sent:** Monday, November 15, 2021 4:45 PM  
**To:** Lewis D Golay (DEV Trans Distribution - 1) <Lewis.D.Golay@dominionenergy.com>  
**Cc:** Jesse Dimond <jessed@ips-solar.com>; Mike Nester (DEV Trans Distribution - 1) <mike.nester@dominionenergy.com>  
**Subject:** [EXTERNAL] Re: Re: VA20375 Krenicky - County permit

**CAUTION! This message was NOT SENT from DOMINION ENERGY**

Are you expecting this message to your DE email? Suspicious? Use PhishAlarm to report the message. Open a browser and type in the name of the trusted website instead of clicking on links. DO NOT click links or open attachments until you verify with the sender using a known-good phone number. Never provide your DE password.

Hi Lewis,

I've listed below notes from our scoping call with Dominion on 6/03/2021. To fulfill our permitting requirement, please confirm that these notes are accurate.

Project: VA20375 Krenicky  
Project Size: 5MWAC  
Queue Position: B  
Substation: Poe Substation  
Project Distance from Substation: 6.6 miles  
Transformer: #4

Transformer details: Transformer #4 at the POE substation has approximately 52.5MW of capacity for DER. There is an existing 19.8MW of energized DER connected to this transformer and 1MW of DER in queue ahead of project VA20375. Plenty of capacity remains to interconnect this project.

Circuit: #355

Circuit Details: Circuit #355 is 34.5kV, 3-phase with 477 conductors and can handle up to 26MW of DER. The study will determine if a new circuit will be required. If a new circuit is required, we could double build two miles and put one of the earlier queued projects on the double build instead of building a new circuit for 6.6 miles.

Thanks,

Ian

On Fri, Nov 12, 2021 at 1:19 PM [Lewis.D.Golay@dominionenergy.com](mailto:Lewis.D.Golay@dominionenergy.com) <[Lewis.D.Golay@dominionenergy.com](mailto:Lewis.D.Golay@dominionenergy.com)> wrote:

Ian,

We provide written scopes as the teams provide the information. I'm not sure I can provide written notice to the County without a study review.

*Lewis D. Golay Jr.*

Distribution Generations Contracts Administrator III

Electric Wholesale Interconnection

C: (757) 803-5012

---

**From:** Ian Santos-Meeker <[ians@ips-solar.com](mailto:ians@ips-solar.com)>

**Sent:** Friday, November 12, 2021 10:08 AM

**To:** Lewis D Golay (DEV Trans Distribution - 1) <[Lewis.D.Golay@dominionenergy.com](mailto:Lewis.D.Golay@dominionenergy.com)>

**Cc:** Jesse Dimond <[jessed@ips-solar.com](mailto:jessed@ips-solar.com)>

**Subject:** [EXTERNAL] Re: VA20375 Krenicky - County permit

**CAUTION! This message was NOT SENT from DOMINION ENERGY**

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Hi Lewis,

Understood. We are simply looking for the information you already provided us in our scoping call for VA20375. I have my notes from the call, but was never given anything in writing. Per the county's request, they would like the information to be verified by the utility. Can your team provide a document that lists the info you provided us on the scoping call? Alternatively, if I sent you my notes can you verify in writing that they are accurate for this project? The first option would seem more official, but I think either one can work.

Thanks,

Ian

On Fri, Nov 12, 2021 at 8:11 AM [Lewis.D.Golay@dominionenergy.com](mailto:Lewis.D.Golay@dominionenergy.com) <[Lewis.D.Golay@dominionenergy.com](mailto:Lewis.D.Golay@dominionenergy.com)> wrote:

Ian,

Each Interconnection Request undergoes a location-specific study to identify grid and protection modifications needed to accommodate the proposed interconnection to ensure the safety, reliability, and operability of the grid for all Customers.

*Lewis D. Golay Jr.*

Distribution Generations Contracts Administrator III

Electric Wholesale Interconnection

C: (757) 803-5012

---

**From:** Ian Santos-Meeker <[ians@ips-solar.com](mailto:ians@ips-solar.com)>

**Sent:** Tuesday, November 9, 2021 12:40 PM

**To:** Lewis D Golay (DEV Trans Distribution - 1) <[Lewis.D.Golay@dominionenergy.com](mailto:Lewis.D.Golay@dominionenergy.com)>

**Cc:** Jesse Dimond <[jessed@ips-solar.com](mailto:jessed@ips-solar.com)>

**Subject:** [EXTERNAL] VA20375 Krenicky - County permit



**CAUTION! This message was NOT SENT from DOMINION ENERGY**

Are you expecting this message to your DE email? Suspicious? Use PhishAlarm to report the message. Open a browser and type in the name of the trusted website instead of clicking on links. DO NOT click links or open attachments until you verify with the sender using a known-good phone number. Never provide your DE password.

Hi Lewis,

Prince George County has the below requirement for the Krenicky special exception permit:

"Written comments from the relevant electric company regarding the capacity of the transmission lines or other electrical infrastructure as part of any Special Exception application."

I only have notes from the scoping call we had for this project. Do you have a summary of the scoping call details in writing that you can send me?

Thanks,

--

**Ian Santos-Meeker**

*Project Manager*

o: (651) 789-5305

c: (612) 723-5954

[ips-solar.com](http://ips-solar.com)



***Building Better Energy.***

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--

**Ian Santos-Meeker**

*Project Manager*

o: (651) 789-5305

c: (612) 723-5954

[ips-solar.com](http://ips-solar.com)



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--

**Ian Santos-Meeker**

*Project Manager*

o: (651) 789-5305

c: (612) 723-5954

[ips-solar.com](http://ips-solar.com)



**Building Better Energy.**

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## Construction Analysis Impacts and Plans

### Krenicky

### Community Solar Garden

#### Project Location

14110 S Crater Rd  
Petersburg, VA 23805  
Latitude: 37.118309  
Longitude: -77.349820

#### Analysis

For the ground mounted solar array located below in Figure 1, there will be minimal impact to the traffic in this area. Having successfully constructed many other projects like this in the past, New Energy Equity has detailed knowledge of how many vehicles and crew members it takes to construct a project of this size.

Throughout an 8-week construction period, up to an additional twenty-five (25), 52' semi-trailer trucks will deliver materials to site. In addition to this, approximately fifteen (15) construction workers will be commuting to site during the construction of the project. These workers will be primarily driving pick-up trucks and will be parked on site 6 days per week.

The 2-lane road being utilized for this project is S Crater Road/US-Route 301 S. The project is located approximately 8.5 miles south of Petersburg. Major deliveries on Designated Haul Roads will likely be routed from the north to south via Route I-95 S to S Crater Road/US-Route 301 S. No significant traffic delays are anticipated during any part of the construction of this ground mounted solar array.

#### Construction Management Plan

- A. Developer and its contractors shall use only that portion of S Crater Road from the access driveway for the Subject Property south of Route I-95 S ("Designated Haul Roads") for purposes of transporting equipment, machinery and materials to Developer's land for the installation of the Solar Energy Farm ("Hauling Activities") and shall not use other County roads for such purposes. Developer shall require its contractors to exclusively use the Designated Haul Roads for such purposes.
- B. Construction Period Meetings. Beginning with commencement of project construction and before delivery of materials and equipment to the Subject Property, the Developer and the County Board's representative shall meet from time to time upon the reasonable request of the Developer or the County's representative to discuss the expected use of the Designated Haul Roads, including the construction schedule. The County's representative, in consultation with the Prince George County Board, shall have authority to act on behalf of the County on matters relating to use of Designated Haul Roads.



- C. The Developer shall have its representative inspect and photograph or video the Designated Haul Roads prior to use by Developer (the “Initial Evaluation”) and then again when the installation of the solar farm is complete. Developer shall reimburse the County for the reasonable cost of such inspections and analysis by the County’s representative within 30 days of billing by the County.
- D. Maintenance Activities. While Hauling Activities are in progress, the County shall perform regular maintenance activities on the Designated Haul Roads as it deems necessary to maintain such roads to the normal standard for Prince George County roads. The County shall inform Developer of maintenance plans and coordinate with Developer to ensure that work is not duplicated. The County may also perform additional maintenance on the Designated Haul Roads over and above what it normally performs on such roads as the County deems necessary. The County shall inform Developer of plans to perform additional maintenance and review with Developer prior to commencing work. This work may include application of water, magnesium or calcium chloride, gravel, class 5 aggregate mix, or other materials to the road surface, as well as grading, as may be necessary to alleviate dust nuisance, eliminate traffic hazards, and maintain the road in substantially the same performing condition as before construction of said Solar Energy Farm began. In the event the County is required to perform non-regular maintenance or maintenance in excess of what it performs on other, similar roads, Developer shall reimburse the County for all reasonable non-regular and excess maintenance activities undertaken by the County at a rate of \$100 per hour (includes the cost of a truck or grader, plus operator) plus the cost of materials applied to the Designated Haul Roads.
- E. Repair of Damage to the Designated Haul Roads. When Hauling Activities over any Designated Haul Roads are completed, the Developer shall repair any damage caused to the Designated Haul Roads by Developer.
- F. Maintenance of Traffic. The Developer shall, throughout Project construction, provide and maintain all traffic control devices as set forth below for the safe and efficient movement of the public on the Designated Haul Roads. Should any such road become impassable at any time, the Developer shall notify local law enforcement immediately and make necessary accommodations for the traveling public and emergency vehicles. Maintenance of traffic shall be in conformance with the Virginia Department of Transportation (“VDOT”); this includes, but is not limited to, the following:
- i. To advise, warn, and alert the traveling public of construction on all roads, streets, and public trails approaching or crossing the Subject Property;
  - ii. To control and guide traffic to the Subject Property;

- iii. Developer shall at all times ensure that no construction traffic related to the Solar Energy Farm parks on any public County road. All parking, loading, unloading and waiting of said Solar Energy Farm related construction vehicles shall occur on the Subject Property or designated laydown area.
- G. Road Use Times. The Developer shall use the Designated Haul Roads for transporting materials to or from the Subject Property only during the hours of 7:30 a.m. to 5:30 p.m., Monday through Saturday.
- H. Obligation to Restore. If there is a Measurable Impairment of the Designated Haul Roads or related appurtenances, including bridges, culverts, traffic control devices, and other road fixtures caused by Hauling Activities, as reasonably determined by the County's representative, the Developer shall repair (or cause to be repaired) such damage and restore such road to the condition it was in prior to the damage caused by Hauling Activities conducted by the Developer. The Parties shall rely upon the Initial Evaluation and the Final Evaluation for purposes of determining whether the repair has been performed and completed in accordance with this Agreement. The Parties agree that at a minimum each of the Designated Haul Roads shall be returned to at least the same condition they were in prior to the commencement of Hauling Activities.
- I. Hauling and Related Activities.
- i. Transportation and delivery of solar panel racking structures, panels, electrical equipment and other materials and equipment to be used in connection with each Party's respective Project;
  - ii. Movement and operation of assembly cranes to each Party's respective Site;
  - iii. Transportation related to other activities required for each Party's respective Project, including passenger vehicles of construction personnel, equipment installers, inspectors, and other Authorized Users in connection with the development of each respective Project;
  - iv. Temporary parking by Authorized Users shall be allowed so long as adequate room is left on the roadway for vehicular traffic to pass. The Access Road may be used by maintenance staff for the purpose of maintaining, repairing, replacing and operating the Projects;
- J. Fencing.
- i. Contractor shall provide and install the fence to the configuration and details as shown on the permit set of plans.
  - ii. Contractor shall provide fencing for construction equipment, laydown, and storage as necessary and according to applicable AHJ requirements.

- K. Lighting. As a consideration to the neighboring community, Contractor will use lighting equipment that minimizes the diffusion of light upward or off Site. Contractor will manage its lighting and noise and limit its activities during darkness to comply with applicable codes and restrictions and Site Information.

#### Construction Mitigation Plan

- A. Fugitive Dust Control Plan. It is not anticipated that the area disturbed will create a dust control problem, however if the project degrades air quality or creates a nuisance for adjacent properties or roadways as a result of blowing dust, the contractor will apply water to the site on a regular basis to eliminate the nuisance.
- B. Burning Operations. The prescribed fire plan should be on site during the burn and adhered to by personnel conducting the burn. It is important that the persons preparing the plan and conducting the burn consider the location of all potential smoke sensitive areas in order to eliminate any adverse effects from the smoke. In addition to evaluating smoke sensitive areas within a sixty-degree arc downwind from the burn, consider possible wind direction shifts and down drainage smoke drift in all directions. In the absence of significant wind, residual smoke usually flows to low areas and may create hazardous conditions during night and early morning hours, especially when combined with fog.
- C. Construction Hours. The Developer shall use the Designated Haul Roads for transporting materials to or from the Subject Property only during the hours of 7:30 a.m. to 5:30 p.m., Monday through Saturday.
- D. Construction Complaints. The Contractor manager will provide contact information to be available to receive, acknowledge, and address complaints. Complaints will be acknowledged within 24 hours. Addressing the complaints with a remediation plan will be sent within 72 hours of receipt.



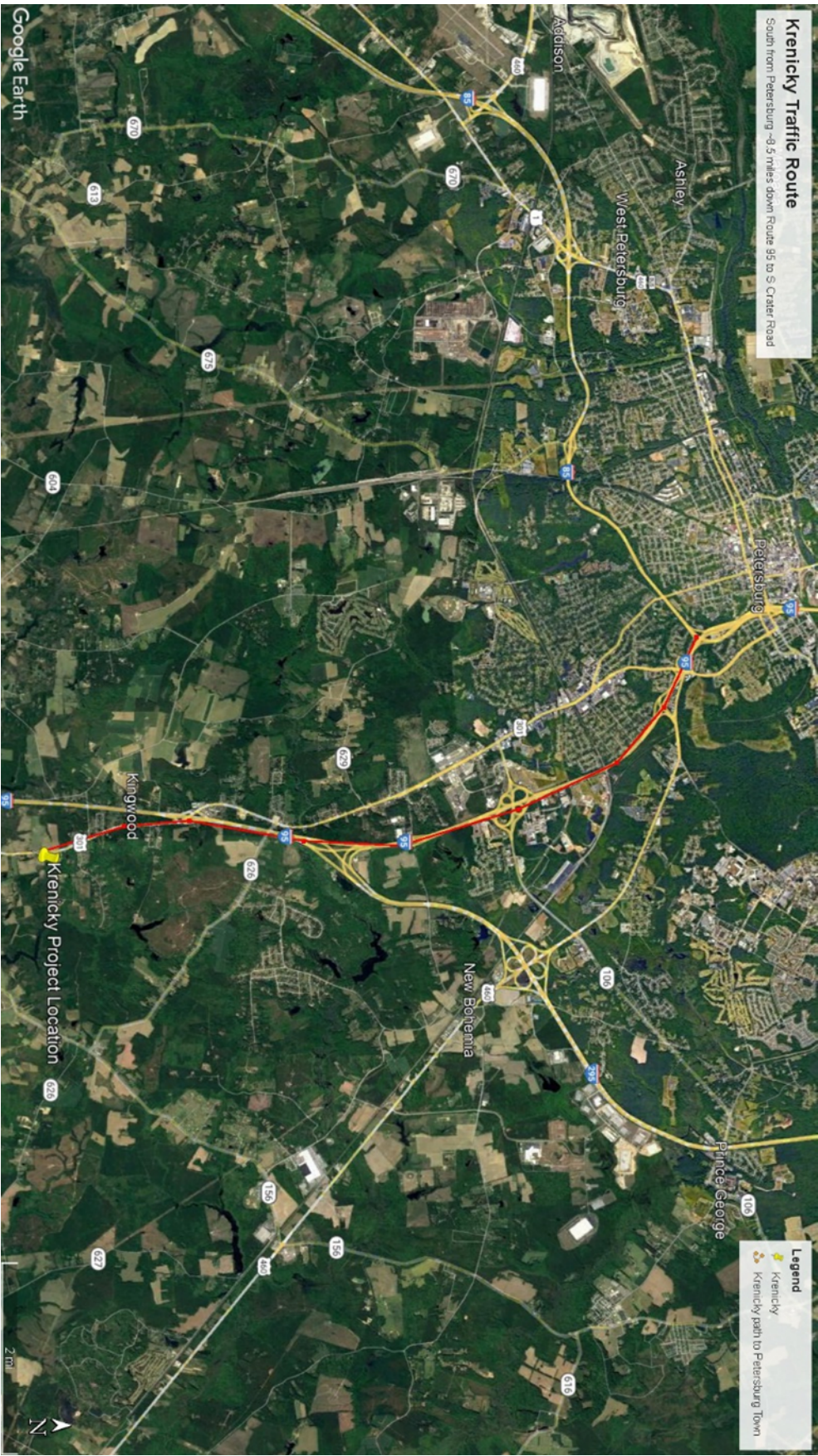


Figure 1 Krenicky Project Location and Traffic Route



## Neighborhood Outreach:

Sent Certified Letters to the adjoining neighbors on 10/12/21. Included site plans, brief project description, and contact information to discuss the project. Received a few phone calls and discussed the projects with all neighbors that replied to the letters.

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Certified Mail Fee \$3.75	0543 1
Extra Services & Fees (check box, add fee as appropriate)	
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<input type="checkbox"/> Certified Mail Restricted Delivery \$0.00	
<input type="checkbox"/> Adult Signature Required \$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	
Postage \$1.36	Postmark Here
Total Postage and Fees \$5.11	10/12/2021
Sent To: <u>Cot Camp III</u> <u>Krenicky</u>	
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<input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	
Postage \$1.36	Postmark Here
Total Postage and Fees \$5.11	10/12/2021
Sent To: <u>Quillen</u> <u>Krenicky</u>	
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Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$0.00	
<input type="checkbox"/> Return Receipt (electronic) \$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery \$0.00	
<input type="checkbox"/> Adult Signature Required \$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	
Postage \$1.36	Postmark Here
Total Postage and Fees \$5.11	10/12/2021
Sent To: <u>Walker</u> <u>Krenicky</u>	
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<input type="checkbox"/> Adult Signature Required \$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	
Postage \$1.36	Postmark Here
Total Postage and Fees \$5.11	10/12/2021
Sent To: <u>Blum Jr.</u> <u>Krenicky</u>	
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Extra Services & Fees (check box, add fee as appropriate)	
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Postage \$1.36	Postmark Here
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<input type="checkbox"/> Adult Signature Required \$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	
Postage \$1.36	Postmark Here
Total Postage and Fees \$5.11	10/12/2021
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.36	
Total Postage and Fees	\$5.11	10/12/2021

Sent To **Harc & Tucker** **Krenicky**  
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Extra Services & Fees (check box, add fee if applicable)	\$0.00	1
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.36	
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Extra Services & Fees (check box, add fee if applicable)	\$0.00	1
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.36	
Total Postage and Fees	\$5.11	10/12/2021

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**Colonial Heights, VA 23834**

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.36	
Total Postage and Fees	\$5.11	10/12/2021

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## Public Meetings:

11/18/22 – Met with the adjacent neighbors, who had quite a few questions about solar, our projects, and how it will affect them. General comments were positive with some concerns around glare, property valuation, seeing the array, and general safety. Final take away is most neighbors are neutral to the solar array.

## Sign In Sheet

Krenicky Public Meeting (Prince George County, VA) - November 17th, 2021

#	Print Name	Address	PID	Phone #	Email
1	Jesse Diamond	—	—	651-285-2253	—
2	Andre Greene			804-721-0345	S
3	John Calhoun			804-733-0324	
4	Julie Connor			804-733-0324	
5	Robert Lee			804-720-6680	
6	Franklin			804-245-4043	
7	Tom Moulton			804-396-8870	
8	JAMES L STANKE			804-862-9753	
9	Adolph Blaha Jr			804-731-9541	
10					

1/26/22 – Met with neighbors within 1-mile of the property. Fielded questions about the project and provided information about shared solar, solar in general, and what the array would look like. The conversation was intended to be informational and mostly stayed on task. There were (2) questions that were asked that are relevant to this project and the neighbors, which I will answer. The final take away is neighbors further away are more concerned than the adjacent neighbors.

(1) What is the subscription process like? Below is some information on the subscription process. Also added as community solar subscription agreement. (Shared Solar in VA is called Community Solar in most other areas)

- IPS has a letter of intent signed with Arcadia which is a user-friendly renewable energy subscription company. They are looking for more subscribers every day and have subscribers in VA available to subscribe our projects so filling the projects is not expected to be an issue. Our plan to have Arcadia be the subscriber facing entity has been thoroughly vetted and approved by the VA SCC during the process we went through to become a fully licensed shared solar subscriber organization in VA.
- Dominion is currently undergoing a process to update their billing system/customer information platform, which will include net crediting functionality, meaning that the shared solar billing CAN occur on the customer's utility bill if the subscriber organization selects the net crediting option, which we plan to do. This customer information platform update is in process and statute requires Dominion to be finished with the update by July 1, 2023 or earlier.
- From statute (<https://law.lis.virginia.gov/vacode/56-594.3/>):

1. "The Commission ...shall require each utility to file any tariffs, agreements, or forms necessary for implementation of the program within 60 days of the utility's full implementation of a new customer information platform or by July 1, 2023, whichever occurs first."
  2. "Require net crediting functionality as part of any new customer information platform approved by the Commission. Under net crediting, the utility shall include the shared solar subscription fee on the customer's utility bill and provide the customer with a net credit equivalent to the total bill credit value for that generation period minus the shared solar subscription fee as set by the subscriber organization. The net crediting fee shall not exceed one percent of the bill credit value. Net crediting shall be optional for subscriber organizations, and any shared solar subscription fees charged via the net crediting model shall be set to ensure that subscribers do not pay more in subscription fees than they receive in bill credits"
- We are also required to provide consumers with commission approved consumer disclosure forms and allow subscriptions to be transferable and portable if a subscriber moves within a service territory (<https://law.lis.virginia.gov/vacode/56-594.3/>) so subscribers will be informed of what they are signing up for.
  - "A subscriber organization shall not enroll subscribers until after the earlier of when the utility's customer information system is operating, or July 1, 2023." - so no one will subscribe until these subscription related details have been sorted out by Dominion and approved by the Commission. <https://scc.virginia.gov/docketsearch/DOCS/4qzv01!.PDF>
  - Check out the program regulations for more information on how SOs and utilities are required to do billing... See " 20VAC5-340-60. Billing and payment." section - very detailed! <https://scc.virginia.gov/docketsearch/DOCS/4qxr01!.PDF>

(2) What is the interconnection process like and what is the status of this site?

- The Krenicky project currently holds the B queue position at the Poe substation. Dominion's interconnection review process consists of four main engineering reviews. These reviews include the Preliminary Review, Feasibility Study, System Impact Study, and Facility Study, which are conducted in the order listed. Projects in the B position are able to initiate the first of three engineering studies under Dominion's interconnection process. The Krenicky project has completed the Preliminary Review phase and fully executed a Feasibility Study Agreement on December 14th, 2021. The information provided in the Preliminary Review was highly favorable for the construction of this project, most importantly, existing transformer and feeder capacity exist to handle the proposed interconnection. The Feasibility Study will provide an initial cost estimate for any required upgrades to Dominion's infrastructure in order to interconnect the project. This cost estimate will be further refined with the completion of the System Impact Study, and Facility Study. Following the completion of the Feasibility Study, the Krenicky project will proceed to the System Impact Study. Given its B queue position, the Krenicky project must wait for the A project in the queue to complete its final study in order to proceed into the Facilities Study. Due to the high volume of solar applications, Dominion has experienced significant delays in delivery study results. Once the Facilities Study is completed, Dominion will issue the report and facilitate a construction meeting with the developer. The Interconnection Agreement will be issued within 10 business days of the



construction meeting. At this point in time, we anticipate receiving an Interconnection Agreement in August of 2022.

[illegible]

## COMMUNITY SOLAR SUBSCRIPTION AGREEMENT

This Community Solar Subscription Agreement (the "Agreement") is entered into as of the date signed by Seller (the "Effective Date"), by and between you, the "Subscriber" named in the Contract Acceptance, and the owner of a solar photovoltaic system operating a shared solar program pursuant to the Virginia Shared Solar Program as promulgated in 20VAC5-340-10 *et seq.* ("Seller" or "we" of "us") (each a "Party" and collectively the "Parties"), pursuant to which Subscriber will subscribe for Community Solar Credits (defined below) produced by such solar photovoltaic system (the "System"). Refer to Exhibit A for your potential Sellers under this agreement; you will be provided notice of your specific Seller, including the size and location of the System and the approximate date you will begin to receive Community Solar Credits, prior to the counter-execution of this Agreement by such Seller, at which time such notice shall be incorporated into and form a part of this Agreement.

**1. Community Solar Credits.** This Agreement is between "you" or the "Subscriber," and Seller, for your subscription to a percentage of the energy generated by the System (the "Subscription"), which will generate kWh or monetary bill credits that reduce your utility bill ("Community Solar Credits" or "Credits"). For Credits received on your utility bill, you will pay Seller [xx]% of the monetary value of such Credits, and you will retain [xx]% of the monetary value of the Credits.<sup>1</sup> Seller reserves the right to implement net crediting. Net crediting is a form of billing where your subscription price to us will already be factored into the Community Solar Credits you receive on your utility bill. If net crediting is implemented, you will no longer pay anything to us for the Community Solar Credits. Instead, the Community Solar Credits on your utility bill will be equal to only the net amount of savings to which you are entitled. For example, if your portion of solar production is worth \$100, you would simply receive \$10 in Credits on your utility bill, thus providing the same amount of savings.

**2. Subscription Term; Allocation Date; Cancellation or Transfer.** The Subscription Term (the "Term") will commence as of the Effective Date and continue indefinitely until terminated by either Party. You may cancel this Agreement for any reason with no

fee or penalty by notifying Seller. Following your notice to cancel, we will promptly direct the utility to cease allocating Credits to you from the System. In our experience, it could take the utility up to 90 days to process the cancellation. You may also transfer this Agreement to another utility account provided that we determine that such account is eligible to receive Credits from the System, and the owner of such account accepts the terms of this Agreement. Until we notify you in writing that your cancellation or transfer has been processed by the utility, you are required to continue paying for the Credits that you receive for up to 90 days, in accordance with the terms of this Agreement.

**3. Subscription Size; Reallocation; Termination by Seller.** Your initial Subscription size will be calculated by us to generate Credits no greater than your estimated annual electricity usage in the case of kWh credits or no greater than your estimated annual electricity cost in the case of monetary credits. We may adjust your Subscription size at any time without notice, for example if the System underperforms its projected generation capacity, subject to the limitations described above with respect to your estimated annual electricity usage or cost as applicable. We may reallocate your Subscription to an alternative solar photovoltaic system participating in the Net Energy Billing program or Distributed Generation Procurement program at any time, by providing notice to you, in which case Seller may assign this Agreement pursuant to Section 8 below and such alternative system will become the "System" under the terms of this Agreement. You acknowledge and agree that (i) you may not participate in more than one shared solar facility or one multi-family solar facility and (ii) you may not participate in this program if you are already a net-metering customer. We may terminate your Subscription at any time by providing notice to you.

**4. Billing Service Provider.** The initial Billing Service Provider for this Agreement is Arcadia Power, Inc. ("Arcadia"), whose terms of service are available at [legal.arcadia.com](http://legal.arcadia.com). Seller may change the Billing Service Provider at any time by notifying you in writing. On a monthly basis during the Term, we will invoice you for Credits you receive, in an amount equal to 90% of the monetary value of the Credits received on your utility bill. Seller is entitled to process and collect on invoices per the Billing Service Provider's terms of service.

Subscriber authorizes the Billing Service Provider to obtain, review and share the following information with and from the utility, and to share such data with Seller: customer name; billing address and premise address; utility account number; and share solar subscription information, including pricing, subscription size, contract start date and length, and terms of subscription; energy consumption data; energy billing data; and other utility account information as reasonably required by Billing Service Provider. This information will not be disclosed by Seller to third parties except as needed to provide the Subscription, including in connection with the acquisition or financing of the System, or as required by law. This authorization will be effective from the Effective Date until the expiration or termination of the Agreement.

**5. Customer Support Provider.** The initial Customer Support Provider for this Agreement is Arcadia, whose contact information is:

Email: [support@arcadia.com](mailto:support@arcadia.com)

Toll-free phone: 866-526-0083

Seller may change the Customer Support Provider at any time by notifying you in writing. Subscriber should contact the Customer Support Provider in the event of any questions or concerns.

**6. Default.** You will be in default under this Agreement if you fail to make any payment when it is due and such failure continues for a period of ten (10) days. If this Agreement is in default, Seller may terminate this Agreement. Upon any such termination, you will be responsible for paying any outstanding balance for Credits previously received or received for up to 90 days after termination, but will not be liable to us for any other amounts.

**7. Solar Incentives; Environmental Attributes.** You acknowledge that you have no right to, and you disclaim any right to, Solar Incentives or Environmental Attributes related to the System or the solar energy generated by your Subscription. "Solar Incentives" means any accelerated depreciation, installation, or production-based incentives, investment tax credits and subsidies, and all other solar or renewable energy subsidies and incentives. "Environmental Attributes" means, without limitation, carbon trading credits, renewable energy credits or certificates, emissions

reduction credits, emissions allowances, green tags, or tradable renewable credits.

**8. Assignment.** Seller may assign, or transfer its rights and obligations under this Agreement to any third party without the consent of Subscriber. Subscriber is prohibited from assigning this Agreement without Seller's written consent.

**9. Limitation of Liability.** In no event shall either Party be liable to the other, including for claims based on negligence of a Party, for damages under this Agreement that exceed an amount equal to three months of the average invoice to Subscriber under this Agreement.

**10. Governing Law.** The laws of Virginia shall govern this Agreement without giving effect to conflict of laws principles, provided that the Arbitration Provision shall be governed by federal law. Any disputes shall be subject to the limitation of liability described in Section 9.

**11. Arbitration Provision.** PLEASE READ THIS SECTION CAREFULLY. ARBITRATION REPLACES THE RIGHT TO GO TO COURT, INCLUDING THE RIGHT TO A JURY AND THE RIGHT TO PARTICIPATE IN A CLASS ACTION OR SIMILAR PROCEEDING. IN ARBITRATION, A DISPUTE IS RESOLVED BY AN ARBITRATOR INSTEAD OF A JUDGE OR JURY. FOR AVOIDANCE OF DOUBT, BECAUSE THE PARTIES AGREE TO ARBITRATE ALL DISPUTES ARISING FROM OR RELATING TO THIS AGREEMENT, NEITHER PARTY WILL HAVE THE RIGHT TO LITIGATE THAT DISPUTE IN COURT, OR TO HAVE A JURY TRIAL ON THAT DISPUTE, OR ENGAGE IN DISCOVERY EXCEPT AS PROVIDED FOR IN THE JAMS' STREAMLINED RULES.

Any dispute, claim or controversy arising out of or relating to this Agreement or the breach, termination, enforcement, interpretation or validity thereof, including the determination of the scope or applicability of this agreement to arbitrate (a "Dispute"), shall be resolved by arbitration in the JAMS or other accredited arbitration office located closest in mileage to your permanent place of residence before one arbitrator. The arbitration shall be administered by JAMS pursuant to JAMS' Streamlined Arbitration Rules and Procedures. Judgment on the award by the arbitrator may be entered in any court having jurisdiction. This clause shall

not preclude the Parties from seeking provisional remedies in aid of arbitration from a court of appropriate jurisdiction.

- (i) We agree that any Dispute between us shall be resolved exclusively by arbitration as set forth in this Section 11 ("Arbitration Provision"). Either Party may initiate the arbitration process by filing the necessary forms with JAMS (see [www.jamsadr.com](http://www.jamsadr.com) for more details).
- (ii) The arbitration will be administered by JAMS by a single neutral arbitrator agreed on by the Parties within thirty (30) days of the commencement of the arbitration. If the Parties are unable or fail to agree upon the arbitrator within such time, the arbitrator shall be appointed by JAMS in accordance with its rules.
- (iii) In any arbitration arising out of or related to this Agreement, the arbitrator shall award to the prevailing Party, if any, the costs and attorneys' fees reasonably incurred by the prevailing party in connection with the arbitration.

If the arbitrator(s) determine a party to be the prevailing party under circumstances where the prevailing party won on some but not all of the claims and counterclaims, the arbitrator may award the prevailing Party an appropriate percentage of the costs and attorneys' fees reasonably incurred by the prevailing Party in connection with the arbitration.

- (iv) **CLASS ACTION AND CLASS ARBITRATION WAIVER.** ONLY DISPUTES INVOLVING YOU AND SELLER OR THE BILLING OR CUSTOMER SERVICE PROVIDER FOR THIS AGREEMENT MAY BE ADDRESSED IN THE ARBITRATION. DISPUTES MUST BE BROUGHT IN THE NAME OF AN INDIVIDUAL PERSON OR ENTITY AND MUST PROCEED ON AN INDIVIDUAL (NON-CLASS, NON-REPRESENTATIVE) BASIS. THE ARBITRATOR WILL NOT AWARD RELIEF FOR OR AGAINST ANYONE WHO IS NOT A PARTY. IF EITHER PARTY ARBITRATES A DISPUTE, NEITHER PARTY, NOR ANY OTHER PERSON, MAY PURSUE THE DISPUTE IN ARBITRATION AS A CLASS ACTION, CLASS ARBITRATION, PRIVATE ATTORNEY GENERAL ACTION OR OTHER REPRESENTATIVE ACTION, NOR MAY ANY SUCH DISPUTE BE PURSUED ON YOUR OR OUR BEHALF IN ANY LITIGATION IN ANY COURT. CLAIMS REGARDING ANY DISPUTE AND REMEDIES

SOUGHT AS PART OF A CLASS ACTION, CLASS ARBITRATION, PRIVATE ATTORNEY GENERAL OR OTHER REPRESENTATIVE ACTION ARE SUBJECT TO ARBITRATION ON AN INDIVIDUAL (NON-CLASS, NON-REPRESENTATIVE) BASIS ONLY, AND THE ARBITRATOR MAY AWARD RELIEF ONLY ON AN INDIVIDUAL (NON-CLASS, NON-REPRESENTATIVE) BASIS.

- (v) The arbitrator shall have the authority to award any legal or equitable remedy or relief that a court could order or grant under this Agreement. The arbitrator, however, is not authorized to change or alter the terms of this Agreement or to make any award that would extend to any transaction other than yours. All statutes of limitations that are applicable to any Dispute shall apply to any arbitration between the Parties. The arbitrator will issue a decision or award in writing, briefly stating the essential findings of fact and conclusions of law.
- (vi) **Governing Law.** This Arbitration Provision is governed by the Federal Arbitration Act ("FAA"). The arbitrator must apply substantive law consistent with the FAA.
- (vii) **YOUR RIGHT TO OPT OUT.** You may choose to opt out of this Arbitration Provision but only by following the process set forth herein. If you do not wish to be subject to this Arbitration Provision, then you must send us a written opt-out notice so that we receive it within forty-five (45) days of the date of this Agreement at the notice address described in Section 12. Your notice must be sent to us by certified mail, return receipt requested. Upon receipt of an opt-out notice, we will credit you for the standard cost of a certified letter. Your opt-out notice must include your name, address, the date of this Agreement, a statement that you wish to opt out of the Arbitration Provision and must not be sent with any other correspondence. Your decision to opt out of this Arbitration Provision will not affect your other rights or responsibilities under this Agreement, and applies only to this Arbitration Provision.

BECAUSE THE PARTIES HERETO HAVE AGREED TO ARBITRATE ALL DISPUTES, NEITHER OF US WILL HAVE THE RIGHT TO LITIGATE THAT DISPUTE IN COURT, OR TO HAVE A JURY TRIAL ON THAT DISPUTE, OR ENGAGE IN DISCOVERY EXCEPT AS PROVIDED FOR IN THE RULES. FURTHER, YOU WILL NOT HAVE THE RIGHT TO



PARTICIPATE AS A REPRESENTATIVE OR MEMBER OF ANY CLASS PERTAINING TO ANY DISPUTE. THE ARBITRATOR'S DECISION WILL BE FINAL AND BINDING ON THE PARTIES AND MAY BE ENTERED AND ENFORCED IN ANY COURT HAVING JURISDICTION, EXCEPT TO THE EXTENT IT IS SUBJECT TO REVIEW IN ACCORDANCE WITH APPLICABLE LAW GOVERNING ARBITRATION AWARDS. OTHER RIGHTS THAT THE PARTIES HERETO WOULD HAVE IN COURT MAY ALSO NOT BE AVAILABLE IN ARBITRATION.

Notwithstanding any provision to the contrary in this Agreement, in the event that any dispute remains unresolved, you may petition the Virginia State Corporation Commission (the "Commission") to handle the dispute as a formal complaint or may exercise whatever rights and remedies you may have in equity or law. If you wish to contact the Commission, you may do so at the following phone number: 1-800-552-7945. Or you may visit the Commission website at <https://scc.virginia.gov/> for more information on how to file a complaint.

Further, if Subscriber, in good faith, wishes to file any other complaint or dispute with Seller, Subscriber may do so via written notice or electronic mail as soon as possible, at the contact information provided in Section 12, below.

If any term of this Arbitration Provision, other than the Class Action and Class Arbitration Waiver, is deemed or found to be invalid, void or unenforceable for any reason, that term shall be deemed severable and shall not affect the validity or enforceability of any remaining term. The Class Action and Class Arbitration Waiver is non-severable and if it is deemed or found to be invalid, void or unenforceable for any reason, the entire Arbitration Provision set forth in this Section 11 shall be null and void.

**12. Notices.** All notices under this Agreement shall be in writing and shall be by electronic mail. Notices to Subscriber which Seller wishes to provide directly to Subscriber shall be sent to the email address specified in the Contract Acceptance. Notices to Seller shall be sent to the email address set forth below or such other address as Seller may subsequently specify in writing.

**Arcadia**  
**555 11<sup>th</sup> St NW, Suite 400**  
**Washington, D.C. 20004**  
Email: [support@arcadia.com](mailto:support@arcadia.com)  
Phone: (866) 526-0083

with a copy to:

**SELLER, whose contact information is provided in Exhibit A**

**13. Amendment.** This Agreement may only be amended in a writing signed by both Parties. Notwithstanding the foregoing, this Agreement may be amended immediately upon notice to Subscriber of such amendment (an "Amendment Notice"), which may be sent by Seller or by Arcadia. Subscriber may opt-out of such amendment within thirty (30) days of its receipt of the Amendment Notice by notifying Seller pursuant to Section 12, in which case the Seller shall have the right to terminate this Agreement immediately upon such notice rejecting the amendment.

**14. Entire Agreement.** This Agreement contains the entire agreement between the Parties regarding the Subscription for Community Solar Credits. There are no other agreements regarding this Agreement, either written or oral.. Except as otherwise provided herein, if any portion of this Agreement is determined to be unenforceable, the remaining provisions shall be enforced in accordance with their terms or shall be interpreted or re-written so as to make them enforceable.

*[Signature page follows]*

**Electronic Signatures.**

**BY AFFIXING YOUR ELECTRONIC SIGNATURE BELOW, YOU (A) ACKNOWLEDGE THAT YOU HAVE READ THIS AGREEMENT AND ALL EXHIBITS IN THEIR ENTIRETY, AND (B) AGREE TO ALL TERM AND CONDITIONS OF THIS AGREEMENT AND ALL EXHIITS.**

**SUBSCRIBER**

Signed: /s/ Subscriber as named in the Contract  
Acceptance

Date: as specified in the Contract Acceptance

**SELLER**

[\_\_\_\_\_]

Signed: [\_\_\_\_\_]

Date: [\_\_\_\_\_]

Exhibit A

Seller	Location of System	Size of System	Approximate Date of Credit Commencement	Contact Information for Customer Support Provider
				Email: <a href="mailto:support@arcadia.com">support@arcadia.com</a> ; Phone: 866-526-0083
				Email: <a href="mailto:support@arcadia.com">support@arcadia.com</a> ; Phone: 866-526-0083
				Email: <a href="mailto:support@arcadia.com">support@arcadia.com</a> ; Phone: 866-526-0083
				Email: <a href="mailto:support@arcadia.com">support@arcadia.com</a> ; Phone: 866-526-0083
				Email: <a href="mailto:support@arcadia.com">support@arcadia.com</a> ; Phone: 866-526-0083



## Community Solar Subscription Agreement

Version

### Contract Acceptance

Signer

Contract ID

Email

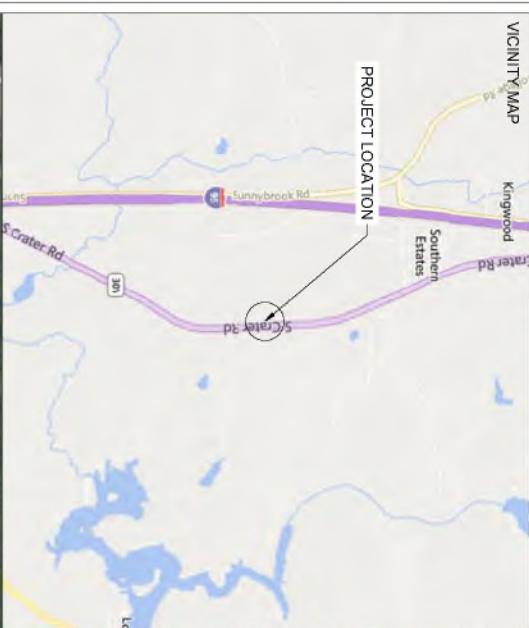
Date

IP Address

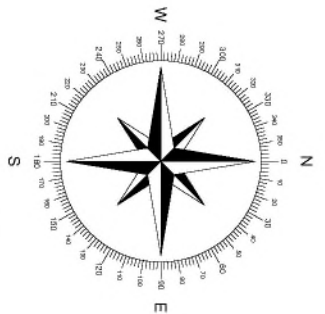
User Agent



VICINITY MAP



SPACE FOR PE STAMP.



SHEET NOTES:

UTILITY POLES ARE SHOWN FOR INDICATING LOCATIONS ONLY. SPACING BETWEEN POLES, PHYSICAL PROTECTION BARRIER FOR SWITCHBOARDS, ETC. WILL BE ADDED IN THE DRAWINGS PREPARED FOR THE CONSTRUCTION DOCUMENTS

PROJECT OWNER:

NEW ENERGY EQUITY  
2330 RIVA RD SUITE 200  
ANNAPOLIS, MD 21401  
443-257-5012

IMPACT POWER SOLUTIONS  
2807 LANTON RD  
ROCKVILLE, MD 20851  
651-788-0305

PROJECT ADDRESS  
1410 S CRATER RD  
PETERSBURG, VA 23905

LAT: 37.118269  
LONG: -77.348620

SYSTEM SPECIFICATIONS	
SYSTEM SIZE DC	4.951 MW
SYSTEM SIZE AC	POWER LIMITED TO 4,000 MW
DC/AC RATIO	1.240
AZIMUTH	180°
TILT	4+/- 52°
MODULE COUNT	9450
MODULE TYPE	JINKO EAGLE 72H4L G5B-JKM529L-72HL4-TV
MODULE STC RATING	27
INVERTER COUNT	525 W
INVERTER TYPE	SMA SUNNY HIGHPOWER PEAKS 150-US
INVERTER POWER	150 MW
RACKING	TBD
MONITORING	ALSO ENERGY

DESIGN CRITERIA	
MAXIMUM TEMP.	-14 C / 58 F
WIND SPEED (ASCE 7-10)	105 MPH
BUILDING CATEGORY	I
EXPOSURE CATEGORY	C
GROUND SNOW LOAD	20 PSF
BUILDING HEIGHT	0'-0"

OTHER NOTES

REVISIONS		
#	DESCRIPTION	DATE
5	MOVED MODULES	ELO 11/6/2021
6	NEW SETBACKS	ELO 11/11/2022
7	COUNTY COMMENTS	ELO 11/14/2022
8	COUNTY COMMENTS	ELO 1/23/2022
9	FENCE DETAILS	ELO 2/24/2022
10	INFILTRATION BASIN	AE 4/4/2022
11	TRAFFIC MANAGEMENT PLAN	ELO 4/14/2022
12	SEMI-RUCK ALTERATIONS	ELO 4/19/2022
13	COUNTY COMMENTS & ATTACH	ELO 6/6/2022

REVIEWED BY

PROJECT NAME

KRENICKY CSG

DRAWING TITLE

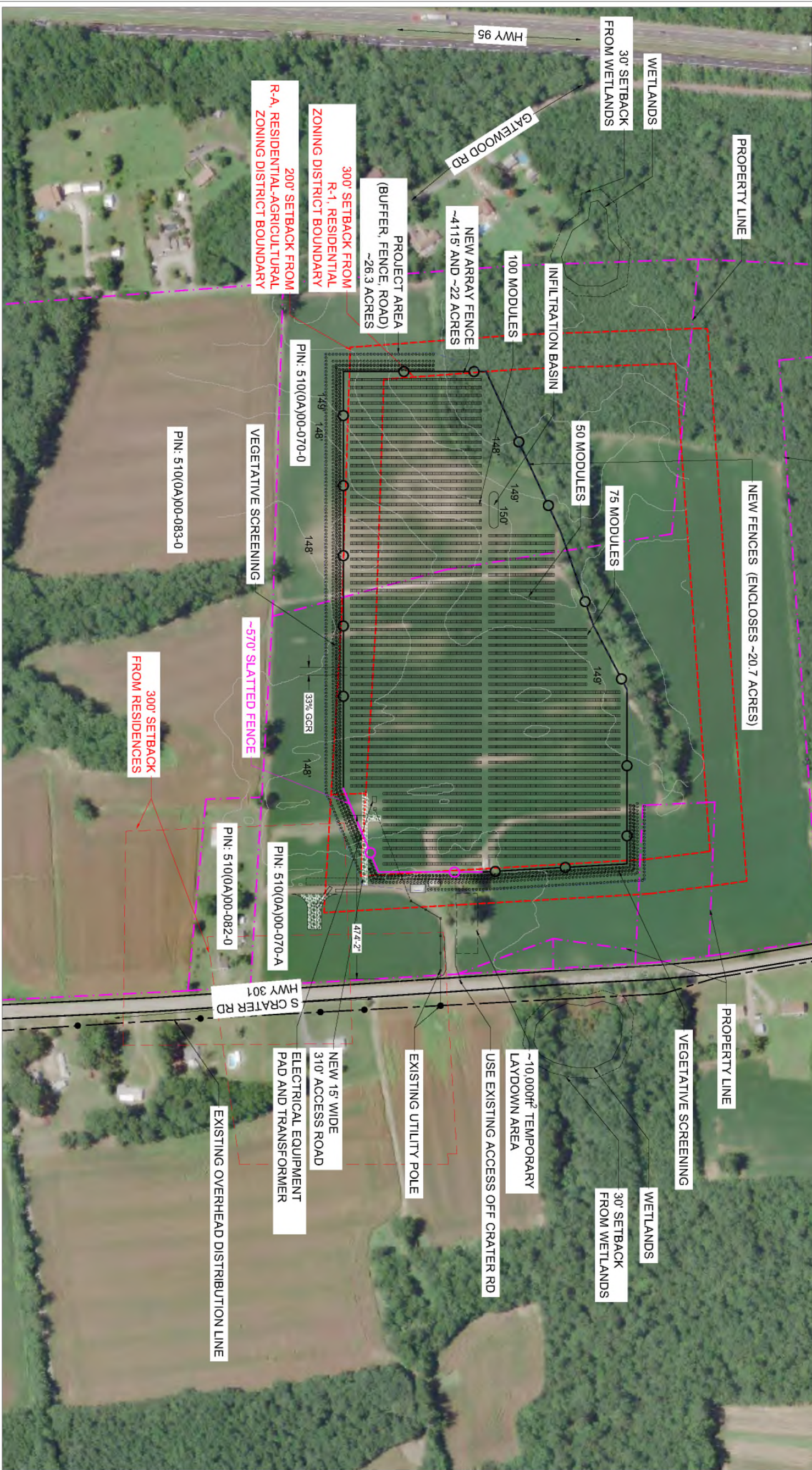
SITE PLAN

SCALE 1"

0 1" 2"

SHEET

PV1





<b>Estimated Fiscal Impacts</b>	<b>Solar Energy Facility Project: SE-22-03 Krenicky Property / IPS Solar</b>		
---------------------------------	--	--	--

<b>Assumptions</b>		<b>Staff Estimates</b>	<b>Notes</b>
Current Land Use	Agriculture / Vacant		There is one single-family dwelling that will be demolished. Remaining land is primarily fields.
Comprehensive Plan Future Land Use	Residential		Sample development based on a future Residential land use: A housing development with approximately 1.5 single-family dwelling units per acre (comparable to other PG subdivisions). (1.5 x Total acreage = 110 lots)
Total Acreage of Parcels Involved	73.436		Per consolidation plat under review
Anticipated Life of Project in Years (LOP)	35		Per applicant
County Real Estate Property Tax Rate per \$1	\$0.0082		The current tax rate is \$0.82 per \$100 (\$0.0082) in the Budget FY2023

<b>Estimated Revenue Impacts Comparison</b>				
	<b>Current land use</b>	<b>With project in operation</b>	<b>With Comprehensive Plan Land Future Use</b>	<b>Notes</b>
Assessed RE Value of Total Acreage	\$210,000	\$529,309	\$39,600,000	Current assessed value = for all parcels incl. improvements (accounting for land use program) according to assessor's office. --- Value with project in operation = Autocalc from RE estimate sheet based on partial development of total acreage. --- Value for comp plan land use = 110 Single-family lots x \$360k RE value per lot = \$39.6 million. \$360k per lot estimate provided by assessor.
Annual RE Tax Revenue for Total Acreage (Year 1)	\$1,722	\$4,340	\$324,720	Autocalc: RE value for total parcel acreage X RE tax rate. These values input for Year 1 values on Escalation sheet
Annual Revenue from M&T Taxes (Year 1)	\$0	\$47,387	\$0	M&T estimates from applicant reviewed by Commissioner of Revenue
Annual Revenue from other Business Taxes (Year 1)	\$0	\$0	\$0	N/A
Voluntary cash payment (Year 1)	\$0	\$0	\$0	Applicant discretion

Estimated Real Estate taxes generated over Life of Project*	\$86,090	\$216,993	\$16,234,207	Autocalc: Estimate from escalation sheet
Estimated M&T Taxes generated over Life of Project	\$0	\$631,830	\$0	M&T estimates from applicant reviewed by Commissioner of Revenue
Estimated other Business Taxes generated over Life of Project	\$0	\$0	\$0	N/A
Voluntary Cash Payment offered over Life of Project *	\$0	\$0	\$0	Applicant discretion
<b>Total Estimated Revenue Impact (over Life of Project)</b>	<b>\$86,090</b>	<b>\$848,823</b>	<b>\$16,234,207</b>	Autocalc: Sum of above
<b>Estimated Increase of Revenue vs. Current Land Use (over Life of Project)</b>	<b>N/A</b>	<b>\$762,732</b>	<b>\$16,148,116</b>	Autocalc
New expenses to the County as a result of development? **	No change	Low	High	

#### Notes

Projects with =<5MW with interconnection request before June 30, 2022 are exempt from M&T taxes. SB502 and HB1087 will remove exemption for projects approved on or after July 1, 2022.

\* Assumes escalation (See sheet 2 "Escalation")

\*\* A solar energy facility typically does not result in increased demands on public facilities and services because there is virtually no new population or traffic generated after construction is complete.

A hypothetical new housing development would increase County needs for public facilities and services capacity i.e. schools, utilities, police, fire & EMS, parks, etc. to serve the additional population.

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## County of Prince George, Virginia

*"A global community where families thrive and businesses prosper"*

June 10, 2022

### PLANNING COMMISSION - NOTICE OF PUBLIC HEARING

Dear owner, agent or occupant of each parcel that is abutting, immediately across the street or road, or within close proximity of the property affected:

This is notification that the Prince George County Planning Commission will hold a public hearing on **Thursday, June 23, 2022 beginning at 6:30 pm** to consider the following requests that involve the Prince George County Zoning Ordinance:

**SUBSTANTIAL ACCORD SA-22-02:** Determination by the Prince George County Planning Commission on whether the large-scale solar facility proposed by IPS Solar in Special Exception Request SE-22-03 on Tax Map 510(0A)00-070-0 is in substantial accord with the Prince George County Comprehensive Plan. The Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses and the Solar Energy Facility Siting Policy provides guidance for the siting of new solar facilities within the County.

**SPECIAL EXCEPTION SE-22-03:** IPS Solar requests a special exception pursuant to § 90-103 (57) to permit a large-scale solar energy facility in a R-A (Residential-Agricultural) Zoning District. The 4-megawatt facility is proposed on an approximately 26.3-acre portion of a 73.436-acre subject property, situated between South Crater Road and Gatewood Road. The subject property is identified as Tax Map 510(0A)00-070-0 and addressed as 14016 South Crater Road.

The public hearing will be held in the Board Room, third floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia 23875, pursuant to §15.2-2204, §15.2-2225, §15.2-2232, and §15.2-2285 of The Code of Virginia (1950, as amended). A copy of the related material may be reviewed or obtained at the Community Development and Code Compliance Department in the County Administration Building between 8:30 a.m.-5:00 p.m., Monday–Friday. All interested persons are invited to participate in the public hearings in person. A live video stream will be available at [https://www.princegeorgecountyva.gov/live\\_stream/](https://www.princegeorgecountyva.gov/live_stream/). Public comments can be submitted prior to 4:30 p.m. on the public hearing date. Public Comment submittal forms and information on accessing this meeting electronically are available at <https://www.princegeorgecountyva.gov>.

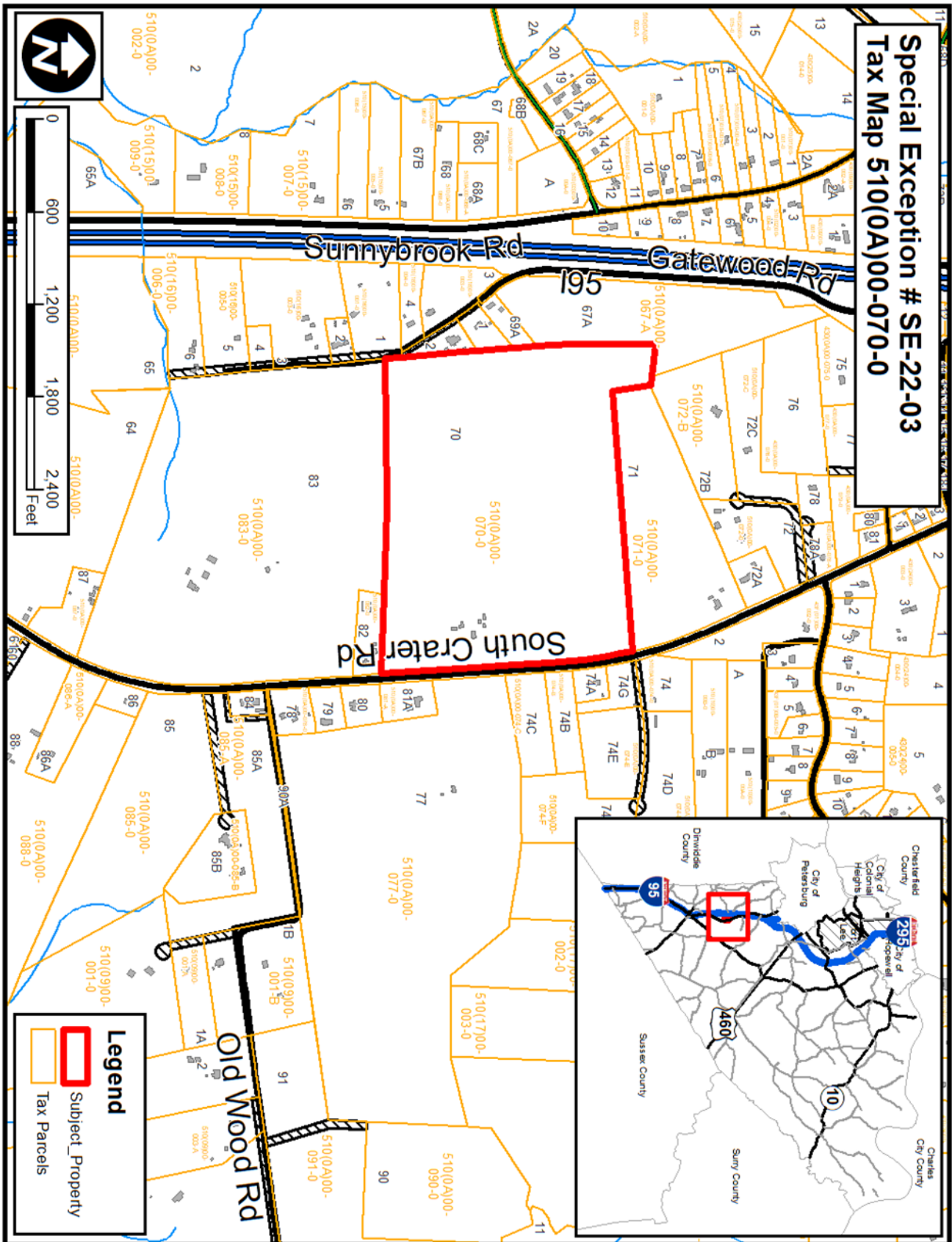
You may also contact Planning and Zoning Division at (804)722-8678 or by e-mail at [planning@princegeorgecountyva.gov](mailto:planning@princegeorgecountyva.gov) with any questions prior to the scheduled meeting. We have included a GIS Map showing the general location of the request.

Sincerely,

A handwritten signature in black ink that reads "Andre M. Greene".

Andre Greene  
Planner II

**Special Exception # SE-22-03**  
**Tax Map 510(OA)00-070-0**





ADAMS DIANE R  
1212 BRIARCLIFF DR  
COLONIAL HEIGHTS, VA 23834

BUTLER CRAIG R  
PO BOX 63  
FORT KNOX, KY 40121

COTCAMP THEODORE R III  
4400 BAXTER RD  
PRINCE GEORGE, VA 23875

EASTER ALLEN W  
14200 GATEWOOD RD  
SOUTH PRINCE GEORGE, VA 23805

GRIFFIN KEITH A  
13815 S CRATER RD  
SOUTH PRINCE GEORGE, VA 23805

HARE SUSAN C  
27918 CARSON RD  
CARSON, VA 23830

LEE JANE  
14201 S CRATER RD  
SOUTH PRINCE GEORGE, VA 23805

MLN LLC  
270 N E 3RD ST  
BOCA RATON, FL 33432

TUCKER LORI H  
27918 CARSON RD  
CARSON, VA 23830

TYLER KATHERINE L  
14113 S CRATER RD  
SOUTH PRINCE GEORGE, VA 23805

ARBOGAST JIMMY D & YOSHIKO  
14012 GATEWOOD RD  
SOUTH PRINCE GEORGE, VA 23805

BHAGAT MANUBHAI N & PRAGYNA M  
13213 S CRATER RD  
SOUTH PRINCE GEORGE, VA 23805

BLAHA ADOLPH F JR & WANDA J  
14009 GATEWOOD RD  
SOUTH PRINCE GEORGE, VA 23805

JACKSON SAMANTHA A & QUITMAN D  
13626 S CRATER RD  
SOUTH PRINCE GEORGE, VA 23805

KRENICKY FRANK G & ETHEL R  
14110 S CRATER RD  
SOUTH PRINCE GEORGE, VA 23805

LEE GILBERT M & CAROLE T  
14019 S CRATER RD  
SOUTH PRINCE GEORGE, VA 23805

PATEL AMIT H & DHARA A  
2775 DEER RUN DR  
SOUTH PRINCE GEORGE, VA 23805

POWELL MARY LOUISE & JAMES R  
13811 S CRATER RD  
SOUTH PRINCE GEORGE, VA 23805

QUILLEN STEPHEN C & DELORIS  
13919 GATEWOOD RD  
SOUTH PRINCE GEORGE, VA 23805

GRIFFIN WAYNE R  
& RAMSEY-GRIFFIN LISA  
13815 S CRATER RD  
SOUTH PRINCE GEORGE, VA 23805

SNYDER MICHAEL K & SUSAN M  
13632 S CRATER RD  
SOUTH PRINCE GEORGE, VA 23805

WALKER ARNOLD D & STEPHANIE M  
14003 GATEWOOD RD  
SOUTH PRINCE GEORGE, VA 23805

**PUBLIC NOTICE  
PRINCE GEORGE COUNTY**

Notice is hereby given to all interested parties regarding the following public meeting: The Prince George County Planning Commission will hold public hearings on Thursday, June 23, 2022 beginning at 6:30 p.m. concerning the following requests:

**SPECIAL EXCEPTION SE-22-05:** Request of Christopher and Marisela Clark to permit a golf course within a R-A (Residential-Agricultural) Zoning District, pursuant to Prince George County Zoning Ordinance Section 90-103(3). The subject property is approximately 48.56 acres in size, located at 8399 and 8401 Golf Course Drive, and is identified as Tax Maps 450(06)00-00A-2, 450(06)01-001-0 and 450(06)01-002-0. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Agriculture uses.

**SUBSTANTIAL ACCORD SA-22-01:** Determination by the Prince George County Planning Commission on whether the large-scale solar facility proposed by Powell Creek Solar, LLC in Special Exception Request SE-22-02 on Tax Map 270(03)00-003-0 is in substantial accord with the Prince George County Comprehensive Plan. The Comprehensive Plan Future Land Use Map indicates the property is planned for Agriculture uses and the Solar Energy Facility Siting Policy provides guidance for the siting of new facilities within the County.

**SPECIAL EXCEPTION SE-22-02:** Powell Creek Solar, LLC requests a special exception pursuant to § 90-53 (59) to permit a large-scale solar energy facility in an A-1 (General Agricultural) Zoning District. The 5-megawatt facility is proposed on an approximately 47-acre portion of the 631-acre subject property, with the development area situated along James River Drive, west of the intersection with Nobles Road. The subject property is identified as Tax Map 270(03)00-003-0 and addressed as 14921 James River Drive.

**SUBSTANTIAL ACCORD SA-22-02:** Determination by the Prince George County Planning Commission on whether the large-scale solar facility proposed by IPS Solar in Special Exception Request SE-22-03 on Tax Map 510(0A)00-070-0 is in substantial accord with the Prince George County Comprehensive Plan. The Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses and the Solar Energy Facility Siting Policy provides guidance for the siting of new solar facilities within the County.

**SPECIAL EXCEPTION SE-22-03:** IPS Solar requests a special exception pursuant to § 90-103 (57) to permit a large-scale solar energy facility in a R-A (Residential-Agricultural) Zoning District. The 4-megawatt facility is proposed on an approximately 26.3-acre portion of a 73.436-acre subject property, situated between South Crater Road and Gatewood Road. The subject property is identified as Tax Map 510(0A)00-070-0 and addressed as 14016 South Crater Road.

The public hearings will be held in the Board Room, third floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia 23875, pursuant to §15.2-2204, §15.2-2225, §15.2-2232, and §15.2-2285 of The Code of Virginia (1950, as amended). A copy of the related material may be reviewed or obtained at the Community Development and Code Compliance Department in the County Administration Building between 8:30 a.m.-5:00 p.m., Monday–Friday. All interested persons are invited to participate in the public hearings in person.

A live video stream will be available at [https://www.princegeorgecountyva.gov/live\\_stream/](https://www.princegeorgecountyva.gov/live_stream/). Public comments can be submitted prior to 5:00 p.m. on the public hearing date. Public Comment submittal forms and information on accessing this meeting electronically are available at <https://www.princegeorgecountyva.gov>.

Tim Graves  
Planner  
(804)722-8678

Begin

**TAB 9**



## BOS Approves FY23 Budget

The Board of Supervisors at its May 24 meeting gave its approval to the FY '23 Budget.

By unanimous vote, the BOS gave the nod to the spending plan that will guide County Government through June 30, 2023. The plan goes into effect July 1.

The total Budget approved was \$160,016,873. It includes a four cents tax reduction in real estate and a thirty-five cents reduction for personal property tax rates per \$100 of assessed value and an increase in utility fees (30% for water, 3% for sewer). In addition, the budget eliminates the vehicle license fees (decals). The budget includes funding for ongoing capital projects and law enforcement and administrative vehicles. In addition, it includes a 5% scale increase for all pay ranges. However, this does not mean a 5% salary increase for all employees. This budget will fund one new Police Officer, one new IT Technician, and several employee reclassifications.

The Budget also includes General Fund expenditures of \$68,951,487. That includes a contribution to the Public School Division of \$18,553,165.

Other matters that came before the BOS at its meeting:

- Received an update on the FY23 Budget.
- Approved on consent and presented a commendation for Kaitlynn Dean for her attainment of the Girl Scouts Gold Award.
- Approved on consent and presented a commendation for Sydney Turcotte for her attainment of the Girl Scouts Gold Award.
- Approved on consent and presented a commendation for Celeste Philpot for her attainment of the Girl Scouts Gold Award.
- Unanimously adopted the annual fiscal plan for Fiscal year 2022-2023.
- Unanimously approved an award of contract for professional engineering services for the evaluation, design, permitting and construction administration of the Route 156 Water Storage Tank and Pumping Station.
- Unanimously approved the donation of thirty-five surplus vehicle docking stations to Fort Lee Police Department.

- Unanimously approved an appropriation in the amount of \$68,413 for Riverside Regional Jail rainy day funds for distribution back to Riverside Regional Jail.
- Unanimously approved the acceptance of a deed of temporary construction easement located on Parcel ID: 540(02)00-002-A for an outfall ditch.
- Held a public hearing and unanimously approved a Special Exception request of Duncan and Suzanne Fung pursuant to Prince George County Zoning Ordinance Section 90-103(9) to permit an Assembly Hall within a R-A, Residential Agricultural District.
- Held a public hearing and unanimously approved a Comprehensive Plan amendment to incorporate the adopted Solar Energy Facility Siting Policy.

## **BOS Postpones a Pro Rata Share Agreement Between the County and Chappell Creek, LLC**

Chappell Creek, LLC, a subsidiary of Boyd Homes, is the developer for the Chappell Creek development, a 98-lot residential subdivision that requires public utility infrastructure improvements. The subdivision, approved in 2013, included the construction of a 500,000-gallon elevated water storage tank within the development and allowed a temporary connection of the first 20 homes to the Beechwood Manor community well system. Boyd Homes submitted a revised subdivision plan for review in 2019. Since the prior approval, the 2016 Water and Sewer Master Plan was completed, which identified locations for future water tanks. The Master Plan suggested the approved tank within the subdivision was not ideally located, and that a second tank would be required to support the future growth of the area. To avoid this scenario, staff requested they consider eliminating the tank, provide a new community well system within Chappell Creek that could interconnect with Beechwood Manor and make a cash contribution towards the construction of a future water tank located in accordance with the master plan. Therefore, the County and Chappell Creek, LLC desired to enter into a pro rata share agreement that would allow them to pay a cash contribution towards a future tank. Furthermore, the County plans to extend the Central Water System to the Route 10 corridor and abandon the existing wells used to serve customers of the Beechwood Manor Community. Improvements to the existing waterlines within Beechwood Manor are required prior to the connection of the Route 10 water line. Therefore, in lieu of the cash contribution for the future tank, Boyd Homes agrees to complete these improvements within one year of the executed agreement.

The Board of Supervisors at its June 14 meeting decided to postpone the Agreement to its July 12 meeting and instructed the County Engineer to schedule a public meeting with Beechwood Manor and Jordan on the James residents to address any concerns regarding additional connections to the Beechwood Manor/Jordan on the James central well system.

Other matters that came before the BOS at its meeting:

- Received an update on the Prince George Heritage Center Fire/EMS Museum.
- Received a report and had discussion on the Employee Grievance Policy.
- Approved on consent and presented a proclamation for Elder Abuse Awareness Day on June 15, 2022 to members of the Crater District Area Agency on Aging.

- Approved on consent and presented a commendation to Animal Control Officer Samantha Santilli for an animal rescue on May 9, 2022.
- Received a roads maintenance report from the Virginia Department of Transportation.
- Received a report on property screening.
- Unanimously approved an appropriation of funds for Fiscal Year 2022-2023 for Prince George County.
- Unanimously authorized the General Services Department to complete a grant application to the Department of Environmental Quality for partial funding of the annual Clean Community Day Event in April, 2023.
- Unanimously approved a budget amendment and appropriation in the amount of \$100,000 for the Children's Services Act end of year; State funding of \$53,354 and transfer in the amount of \$46,646 from General Fund Contingency.
- Unanimously approved a budget amendment and transfer from General Fund Contingency in the amount of \$78,000 for the Riverside Regional Jail end of year projected budget deficit.
- Unanimously approved proposed revisions to the Prince George County Administrative Policy entitled Procurement Policy.
- Unanimously approved an award of contract in the amount of \$69,790.39 with Atlantic Emergency Solutions for a fire hose.
- Unanimously approved an authority to advertise a public hearing on July 12 for an Ordinance to amend "The Code of the County of Prince George, Virginia," as amended, by amending §§42-1.1, 42-1.2, 42-1.3, 42-1.4, 42-1.5, 42-1.6, 42-1.7, 42-1.8, 42-1.9, 42-1.10, And 42-1.11 to align Chapter 42 Fire Prevention and Protection with the Virginia Code, to eliminate redundancies, to align Chapter 42 with current Policy and to remove language that is already covered in policy.
- Unanimously approved an agreement between the County and Virginia Department of Transportation proposing improvements on Lone Oak Mill Road (Route 658).
- Unanimously approved an authority to advertise a public hearing on July 12 to lease a portion of the Central Wellness Center to the Prince George Youth Wrestling Association.



- Unanimously authorized the Chair to execute an employment contract for the Clerk to the Board of Supervisors.
- Unanimously authorized the Chair to execute an amended employment contract for the County Attorney.
- Unanimously appointed Mr. Ken Robinson and Ms. Helen Leonard to the District 19 Community Service Board.
- Unanimously reappointed Police Chief Keith Early as an alternate to the Riverside Regional Jail Authority.
- Unanimously appointed Mr. Frank Pino and Ms. Elaine Abernethy to the Recreation Advisory Commission.
- Unanimously recommended Mr. David Edwards to the Circuit Court for appointment to the Board of Zoning Appeals.
- Unanimously reappointed Ms. Mary Ann White, Ms. Susan Walters, and Ms. Charlotte Siebert to the Senior Task Force.
- Held a public hearing and unanimously approved an ordinance to waive penalty and interest until August 31, 2022 on Real Estate Taxes, Personal Property Taxes, Stormwater Utility Fees and Public Service Taxes Due June 24, 2022.
- Held a public hearing and unanimously approved the Virginia Department of Transportation Six-Year Plan for Prince George County Secondary Roads Improvement for Fiscal Years 2023 through 2028 and Secondary Roads Construction Budget for Fiscal Year 2023 for Prince George County.
- Held a public hearing and voted 4-1 (with Chair Waymack dissenting) to approve a special exception request of John and Sherry Haas to permit a trucking company office with parking/storage of trucks and equipment and truck repair within a B-1 Zoning District.

Begin

**TAB 10**



## SUBDIVISION WAIVER REQUEST

Department of Community Development and Code Compliance  
Planning & Zoning Division

6602 Courts Drive, Prince George, VA 23875  
(804) 722-8678 | [www.princegeorgecountyva.gov](http://www.princegeorgecountyva.gov)

OFFICE USE ONLY

APPLICATION #:

SW-22-01

DATE SUBMITTED:

RECEIVED

MAY 16 2022

BY: TWG

PLEASE FILL IN ALL BLANKS BELOW

TYPE OF WAIVER REQUESTED: (As authorized by Section 70-208 – Check one)

☐ Minor subdivision exception Section 82-31 / 82-351

☒ Chapter 70 Article VII Standard (provide code reference): 70-724(d)(3)

ATTACHMENTS: (Check all that apply)

☒ APPLICANT STATEMENT (REQUEST DETAILS)\*

Attach additional document(s) to provide details about your request. At a minimum, describe your goals and describe why the situation is unusual or why a strict adherence to the general regulations in this ordinance would result in substantial injustice or hardship, per Section 70-208.

☒ PLAT REVIEW APPLICATION\* (Application #: 5-22-12)

☒ APPLICABLE LEGAL DOCUMENTS OR AFFIDAVITS FROM DIRECTLY AFFECTED PARCEL OWNERS

For requests involving private roads or if otherwise applicable, attach document(s) such as a letter, deed of easement, draft road maintenance agreement, etc. that indicate agreement or acceptance from directly affected property owners.

☐ OTHER: \_\_\_\_\_ \* Required

REQUEST TAX PARCELS: (List all parcel numbers for the request property)

See Draft & Executed Road Maintenance Agreement Attached with all affected owners & their corresponding Parcel Numbers (4200A)00-005-0)

NAME(S):

Ann Jordan Cogle

MAILING ADDRESS: (Incl. City, State, Zip)

See Reverse Side

E-MAIL:

PHONE:

NAME(S): (If different than owner)

Lewis Mychale Jr

RELATION TO OWNER:

Attorney

MAILING ADDRESS: (Incl. City, State, Zip)

PO Box 160 Pr, Geo, Va, 23875

E-MAIL:

PHONE:

lewis@lewismychale.com 804-732-4019

OFFICE USE ONLY (Completed at the time of accepting application)

COMMENTS:

IDENTIFY & LIST OTHER PARCELS AFFECTED:

all described in Executed Road Maintenance Agreement.

OWNER AFFIDAVITS (Attach multiple sheets if necessary)

REQUEST PROPERTY OWNER(S) / AGENT STATEMENT

The undersigned Property Owner(s) or duly authorized Agent or Representative certifies that this petition and the foregoing answers, statement, and other information herewith submitted are in all respect true and correct to the best of their knowledge and belief.

OWNER / AGENT NAME:

F. LEWIS WYCHE, JR

OWNER / AGENT NAME :

ANN JORDAN COGLE

SIGNATURE:

F. Lewis Wyche Jr.

SIGNATURE:

Ann Jordan Cogle

DATE:

4/26/22

DATE:

4/26/22

NOTARIZATION:

STATE OF VIRGINIA

COUNTY OF:

Prince George

Subscribed and sworn before me this

24th day of April, 20 22.

Spring Dawn Hess  
Notary Public

My Commission expires: Sept. 30, 20 23



Spring Dawn Hess  
Commonwealth of Virginia  
Notary Public  
Commission No. 7060106  
My Commission Expires 9/30/2023



From: Ann Jordan Cogle

To: Prince George County Planning Commission  
c/o Department of Community Development and Code Compliance  
6602 Courts Drive,  
Prince George, Virginia 23875

Re: Subdivision/Plat Review Application (S-22-12) and Subdivision Waiver Request (SW-22-01) Submitted May 13, 2022

#### STATEMENT

I, Ann Jordan Cogle, own Prince George County TP #420(OA)00-005 containing 68.694 acres.

I submitted a Subdivision/Plat Review Application #S-22-12 on May 13, 2022 showing the subdivision of the abovementioned parcel of land. I am proposing to convey to my grandson, John A. Jordan, 1.928 acres of the aforementioned parcel shown on the proposed subdivision plat as TP #420(OA)00-005-E.

New parcel (#420(OA)00-005-E) will be served by a 50-foot ingress and egress easement running from Griffin Road to the new parcel (#420(OA)00-005-E). The 50-foot easement serves three other parcels subdivided out of parent parcel #420(OA)00-005. Parcel A as shown on the submitted plat was conveyed in 1983 to its current owner, my son and father of my grandson, John A. Jordan. Parcel C was conveyed in 1984 and Parcel B in 2009.

I continue to own of record Parcel E, which I have executed a deed for to my grandson, John A. Jordan, subject to the approval of the subdivision plat describing said parcel you have before you for consideration, and the granting by the Prince George County Planning Commission of the Subdivision Waiver Request (SW-22-01).

The owners of all four parcels served by the 50-foot easement running from Griffin Road to new parcel #420(OA)00-005-E (parcels A, B, C and E), have entered into a Road Maintenance Agreement which has been executed by all of the current owners and which will provide for the continued upkeep and maintenance of the 50-foot easement, provided the Subdivision Waiver Request is granted. A copy of the executed Road Maintenance Agreement is submitted with the Subdivision Waiver Request.

In support of the approval of the Subdivision/Plat Review Application and the Subdivision Waiver Request, I submit that the original proposed access to the newly subdivided parcel was from Birdsong Road along the shoreline of Hamlin Pond and over the dam of Hamlin Pond to parcel #420(OA)00-005-E. I am very much opposed to access to the new parcel across the dam of Hamlin Pond, as heavy vehicles such as fire trucks and emergency vehicles and heavy construction equipment crossing the dam might upset the integrity of the dam. In addition, the

access as proposed and as shown on the plat submitted for review is a well-maintained and substantial, unimproved, private road which could be used for access to new parcel #420(OA)00-005-E except for the limitation of Section 70-724(d)3. The use of this latter easement will not affect in any way the integrity of the dam of Hamlin Pond.


All of the owners, including the owner of new parcel #420(OA)00-005-E, have joined in a Road Maintenance Agreement to permanently maintain and share the cost of the maintenance of the private road which will continue to serve the three parcels plus the new parcel. Three out of the four owners of the four parcels to be served by said roadway are my family members. John A. Jordan, grantee in the proposed family division deed submitted herewith is my grandson, the son of my son who owns Parcel A.

This statement is submitted in accordance with Prince George County Code Section 70-208.2 and is the logical and most practical alternative to a right-of-way across the dam of Hamlin Pond.

Respectfully Submitted

  
Ann Jordan Cogle

Engron SE-22-0012

		<h2 style="text-align: center;">SPECIAL EXCEPTION FINAL APPLICATION</h2> <p style="text-align: center;">Department of Community Development and Code Compliance Planning &amp; Zoning Division 6602 Courts Drive, Prince George, VA 23875 (804) 722-8678   <a href="http://www.princegeorgecountyva.gov">www.princegeorgecountyva.gov</a></p>		OFFICE USE ONLY	
				APPLICATION #: <b>SE-22-06</b> DATE SUBMITTED: <b>MAY 19 2022</b> BY: <b>TWG</b>	
APPLICANT FILL-IN ALL BLANKS					
REQUEST	REQUEST:			LAND USE(S) CODE REFERENCE(S):	
	Permit Barrow Pit			90-103(21)	
	REQUEST PROPERTY ADDRESS / LOCATION:				
	6002 County Dr. Disputanta, VA 23842				
REQUEST	REQUEST TAX MAP PIN(S) (LIST ALL)		AFFECTED ACREAGE (EACH PARCEL):	ENTIRE PARCEL (Y / N -- EACH PARCEL):	
	340(0A)00-136-0      340(0A)00-108-0		136-0 = 4.7 Ac		
	340(0A)00-137-0		137-0 = 6.4 Ac		
	340(0A)00-139-0		139-0 = 11.3 Ac F11		
REQUIRED ATTACHMENTS (CHECK IF ATTACHED):					
<input checked="" type="checkbox"/> PROJECT DETAILS DOCUMENT(S)			<input type="checkbox"/> COMMUNITY MEETING SUMMARY (IF REQUIRED)		
<input checked="" type="checkbox"/> PROPOSED CONDITIONS			<input checked="" type="checkbox"/> ADDITIONAL ATTACHMENTS:		
<input checked="" type="checkbox"/> CONCEPTUAL SITE PLAN (USE GIS OR ENGINEER DRAWING)					
LEGAL OWNER	NAME(S):				
	Charles Skalsky				
	MAILING ADDRESS (INCL. CITY, STATE, ZIP):				
	6002 County Dr. Disputanta, VA 23842				
APPLICANT CONTACT	E-MAIL:		PHONE:		
	CJSKALSKY@AOL.COM		804-590-7365		
	NAME(S) (IF DIFFERENT THAN OWNER):				
	Michael Ellis Ellis Construction Inc.				
APPLICANT CONTACT	RELATION TO OWNER:				
	None				
	MAILING ADDRESS (INCL. CITY, STATE, ZIP):				
	913 W. City Point Rd Hopewell, VA 23860				
PAYMENT	E-MAIL:		PHONE:		
	Mellis735@gmail.com		804-691-4982		
	OFFICE USE ONLY (COMPLETED AT TIME OF APPLICATION)				
	CURRENT ZONING DISTRICT(S):		CURRENT LAND USE(S):		COMP PLAN FUTURE LAND USE(S):
R-A		Vacant/Agriculture/Former Barrow Pit		Residential	
PAYMENT	FEE DUE:		FEE PAID:		PAYMENT TYPE:
	Special Exception: \$700				CHECK / CASH / CREDIT / DEBIT
	Special Exception Home Occ: \$350				
CHECK # / TRANSACTION #:		DATE RECEIVED:		RECEIVED BY:	

# APPLICANT AFFIDAVIT

The undersigned Property Owner(s) or duly authorized Agent or Representative certifies that this petition and the foregoing answers, statement, and other information herewith submitted are in all respect true and correct to the best of their knowledge and belief.

NAME:

M. Ellis

NAME:

Charles F. Skalsky

SIGNED:

M. Ellis

SIGNED:

Ch. F. Skalsky

DATE:

5-10-22

DATE:

5-10/22

NOTARIZATION:

STATE OF VIRGINIA

COUNTY OF:

Hopewell

Subscribed and sworn before me this

10<sup>th</sup>

day of

May

2022

Notary Public

My Commission expires:

09/30

2022

LATASHA CHEATHAM

NOTARY PUBLIC

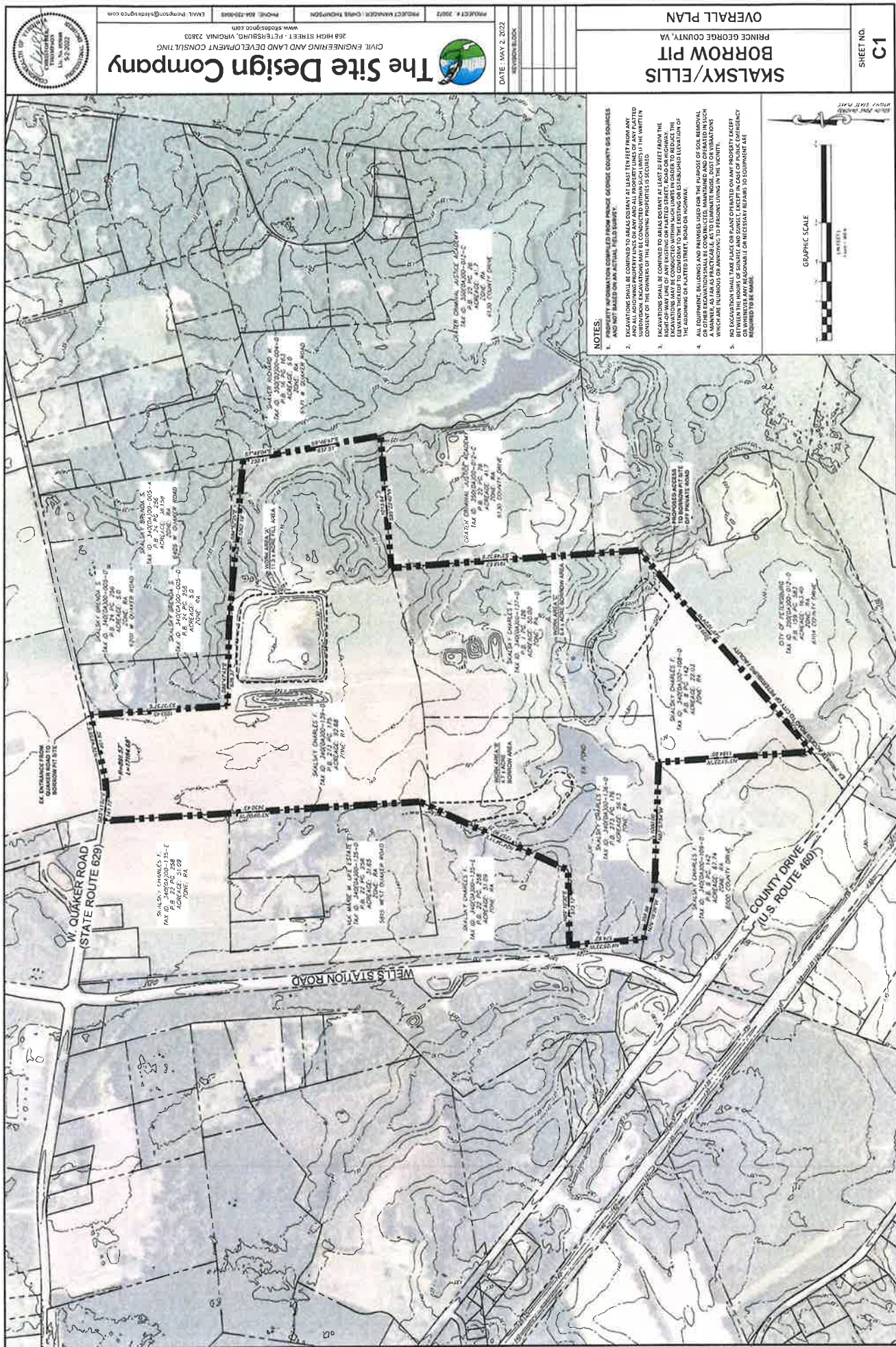
COMMONWEALTH OF VIRGINIA

MY COMMISSION EXPIRES SEPT 30, 2025

COMMISSION # 7959006

AFFIDAVIT





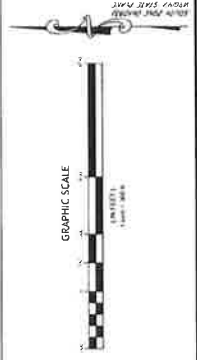
**The Site Design Company**  
CIVIL ENGINEERING AND LAND DEVELOPMENT CONSULTING  
208 HIGH STREET, FLETCHER HILL, VIRGINIA 22033  
www.sitedesign.com  
EMAIL: bmg@ssd@earthlink.net  
PHONE: 804-759-8888  
PROJECT MANAGER: CHRIS THOMPSON  
PROJECT # 20073

DATE: MAY 2, 2007  
REVISION BLOCK

**SKALSKY/ELLIS  
BORROW PIT**  
PRINCE GEORGE COUNTY, VA  
OVERALL PLAN

SHEET NO. **12**

- NOTES:**
1. PROPERTY INFORMATION COMPILED FROM PRINCE GEORGE COUNTY GIS SOURCES AND NOT BASED ON AN ACTUAL FIELD SURVEY.
  2. EXCAVATIONS SHALL BE CONFINED TO AREAS DESIGNATED AT LEAST TEN FEET FROM ANY ADJACENT PROPERTY LINES. EXCAVATIONS MAY BE CONDUCTED WITHIN SUCH LIMITS IF THE WRITTEN CONSENT OF THE OWNERS OF THE ADJACENT PROPERTIES IS OBTAINED.
  3. EXCAVATIONS SHALL BE CONFINED TO AREAS DESIGNATED AT LEAST 25 FEET FROM THE EXISTING ADJACENT PROPERTY LINES. EXCAVATIONS MAY BE CONDUCTED WITHIN SUCH LIMITS IN ORDER TO REDUCE THE DISTURBANCE TO ADJACENT PROPERTIES. EXCAVATIONS SHALL BE CONFINED TO THE ADJUNCTION OF PLATTED STREET, ROAD OR HIGHWAY.
  4. ALL EQUIPMENT, BUILDINGS AND PREMISES USED FOR THE PURPOSE OF SOIL REMOVAL OR OTHER EXCAVATION SHALL BE CONFINED TO AREAS DESIGNATED AT LEAST 25 FEET FROM THE EXISTING ADJACENT PROPERTY LINES. EXCAVATIONS MAY BE CONDUCTED WITHIN SUCH LIMITS IN ORDER TO REDUCE THE DISTURBANCE TO ADJACENT PROPERTIES. EXCAVATIONS SHALL BE CONFINED TO THE ADJUNCTION OF PLATTED STREET, ROAD OR HIGHWAY.
  5. NO EXCAVATION SHALL TAKE PLACE OR PLANT OPERATED ON ANY PROPERTY EXCEPT BETWEEN THE HOURS OF SUNRISE AND SUNSET, EXCEPT IN CASE OF PUBLIC EMERGENCY OR OTHER UNUSUAL CIRCUMSTANCES. ADEQUATE WARNING SHALL BE PROVIDED TO ADJACENT PROPERTIES AND NEIGHBORS. ADEQUATE WARNING SHALL BE PROVIDED TO ADJACENT PROPERTIES AND NEIGHBORS.



Begin

**TAB 11**





# *County of Prince George, Virginia*

*"A global community where families thrive and businesses prosper"*

## **Prince George County, Virginia: Solar Energy Facility Siting Policy**

The intent of this policy is to help guide the placement and design of new solar energy facilities in Prince George County, VA. It provides solar energy facility applicants, property owners, business owners and County residents with guidance on the official policies and standards of Prince George County.

The policy was developed with public input from community meetings for planned or proposed solar projects, independent citizen inquiries, and public hearings for proposed solar energy facilities. The siting policy guidelines shall be considered by applicants when they are selecting sites for solar energy facilities in the County. Prince George County staff members, Planning Commission members and Board of Supervisors members shall consider this policy when evaluating requests for solar energy facilities and related or accessory uses.

Prince George County encourages and promotes the responsible generation of both clean and renewable alternative energy within the County. When solar energy facilities are proposed, locations and site designs shall be evaluated in terms of how they protect and enhance the scenic and natural beauty of the County and mitigate any impacts to surrounding properties and the community.

Solar Energy Facilities are permitted by-right in the M-3 Zoning District, and emphasis should be placed on locations within this district. Prince George County desires an upper limit on the total acreage of approved solar energy facilities across all other allowable districts at 2.74% of the total land acreage (excluding water bodies) in the County or 4,603.5 acres within the County, to allow for future land uses specifically enumerated in the County's Comprehensive Plan.

Prince George County intends to fully comply with all of the applicable provisions of the Virginia State Corporation Commission as it relates to solar power energy generation and applicable federal and state laws, and to preserve the County's local zoning authority in the process for the betterment of our citizens and the business community.

Battery storage components of a solar energy facility and independent battery storage facilities are not addressed in this policy. Applications that include battery storage will be subject to additional conditions and a separate policy.

### **ARTICLE I. ACREAGE FOR FACILITIES**

The County desires an upper limit on the total acreage outside of the M-3 District, dedicated for solar energy facilities at 2.74% of the total land acreage in the County or 4,603.5 acres, to allow for future land uses specifically enumerated in the County's

Comprehensive Plan. The following guidelines shall be used to determine acreage dedicated for this land use:

1. Currently, Solar Energy facilities are permitted by special exception in (R-A) Residential-Agricultural, (A-1) General Agricultural, (B-1) General Business, (M-1) Light Industrial, and (M-2) General Industrial Zoning Districts. They are permitted by-right in the (M-3) Heavy Industrial Zoning District. The above acreage limitation does not apply to any project within the (M-3) Heavy Industrial Zoning District.
2. Site acreage dedicated to solar energy for a project shall be calculated as the aggregate acreage of all parcels for a special exception application, unless the applicant details and delineates the maximum acreage to be used for approval, which includes acreage for panels, fencing, access roads, and buffer and screening requirements.

## **ARTICLE II. PROJECT REVIEW GUIDELINES**

All Special Exception requests for new or expanded solar energy facilities, including the replacement or modification of existing solar energy facilities, shall be reviewed by County Planning Division staff, the Planning Commission and the Board of Supervisors in consideration of the following criteria:

- a. The extent to which the solar energy facility proposal conforms to the general Special Exception criteria contained in the zoning ordinance, and the intent, the application requirements, and general standards for solar energy facilities found within this policy.
- b. The degree to which the following are located and designed to be compatible with the surrounding community character and design:
  - Proposed location of the solar energy facility
  - Site design and facilities, including fencing and other ground-mounted equipment
  - New or modified road, access or utility corridors
  - Mitigation of community impacts

The following text details how staff, the Planning Commission, and the Board of Supervisors are to review each proposal:

1. All potential applicants for a solar energy facility shall meet with County Planning Division staff at least thirty (30) days prior to submitting an application for a new, proposed facility. The County Planning Division staff will provide the potential applicant with information on Prince George County policies and standards for solar energy facilities, and discusses with the applicant possible alternatives to site the solar energy facility in the most appropriate location in Prince George County.
2. Prince George County desires to protect and enhance its agricultural and rural heritage, cultural, and recreational resources.



- a. Siting of a facility within the Prince George Planning Area should be avoided, except within the M-3 District.
  - b. Location of solar facilities within areas planned to be serviced by public water or wastewater, as indicated in the most current Water and Wastewater Master Plan, will be discouraged and will not be recommended for approval, except those permitted by-right in the M-3 District.
  - c. In order to protect the integrity of agricultural soils, mass grading of sites shall be limited to the greatest extent possible. Development of areas with steep contours shall be avoided.
  - d. Sites located near recreational, cultural, or historic resources should be avoided.
3. Prince George County desires to protect, maintain, and improve the quality of the natural environment, including elements such as air, water, natural habitats and wetlands.
- a. Site groundcover for the solar energy facility should consist of a variety of native groundcovers that benefit birds, bees, and other insects. Turf grass shall not be allowed.
  - b. Groundcover should be expeditiously established following the completion of construction activities to minimize erosion and loss of soil.
  - c. Use of synthetic herbicides to control and maintain groundcover shall not be allowed.
  - d. Wildlife corridors shall be considered in the layout and design of the site. Breaks in fencing and equipment shall be provided where appropriate.
  - e. Development on wetlands, forested areas, and other valuable habitats shall be avoided or minimized to the greatest extent possible.
4. All applicants for solar energy facility uses shall provide the following information at the time of initial application:
- a. Schematic layout of the proposed site with location of panels and buffers.
  - b. Buffering, screening, fencing and landscaping schematics with sufficient details to facilitate review for compliance with policy.
  - c. Photographic simulations illustrating the relationship of the proposed solar energy facility use in relation to the surrounding properties and uses, and additional simulations showing the relationship of any new or modified service road or utility corridors to be constructed or modified to serve the proposed solar energy facility use or other nearby infrastructure.

- d. Written verification that all required submittals to the State Corporation Commission (SCC) have been submitted for a solar energy facility use (if applicable).
  - e. Written verification that the applicant is working with the Department of Environmental Quality toward obtaining Solar Permit by Rule approval.
  - f. Documentation justifying the need for the on-site substation should be submitted with the Special Exception application, if a substation is requested in conjunction with the solar energy facility. Documentation should also describe the components of the substation, physical dimensions including height, and endorsement from the grid-operating utility company.
  - g. Written comments from the relevant electric company regarding the capacity of the transmission lines or other electrical infrastructure as part of any Special Exception application.
  - h. Redacted offtake agreement, power purchase agreement, or other documentation that identifies a clear path to an off taker of the electricity generated from the project (prior to building permit).
  - i. An evaluation of fiscal impacts to the County for the proposed land use in comparison with the current land use and the comprehensive plan future land use.
5. The applicant shall be responsible for all fees associated with the filing of their application, including the reasonable cost of any independent analysis deemed necessary by the County.
6. General Requirements:
- a. By applying and being granted the Special Exception request, the applicant and the owner of the land agree to dismantle and remove the solar energy facility and associated facilities from the site within six (6) months of the facility no longer being used for its intended purpose. Dismantling and removal of the facility shall only begin after the required notice is sent to Prince George County.
  - b. All solar energy facility structures, racks and associated facilities shall have a non-reflective finish or appearance. Silicon based, or similar, panels shall be used; cadmium-based panels are prohibited. Solar collectors shall be designed to maximize absorption and minimize glare outward toward adjoining properties and upward toward military and general aviation aircraft or other similar aircraft. Vehicles travelling on adjoining interstate and state-maintained roads shall also be protected from potential glare, including elevated tractor trailer cabs.
7. Public Notice.

- a) Community Meetings: A minimum of two (2) community meetings, a minimum of ten (10) days apart, shall be held by the applicant prior to the Planning Commission Public Hearing date, and shall follow the following guidelines.
- i. The applicant shall notify the Community Development and Code Compliance Department, adjacent property owners, and property owners within a one mile radius of the project in writing of the date, time and the location of the meetings, at least seven (7) but no more than fourteen (14) days, in advance of the first scheduled community meeting. Additionally, the applicant shall supply the County a copy of all mailing lists and media postings used to promote awareness of and attendance at the meetings.
  - ii. The date, time and location of the meetings will be advertised in a newspaper of general circulation in the County by the applicant, and at the applicant's expense, at least seven (7) but no more than fourteen (14) days, in advance of the first meeting date.
  - iii. The applicant shall provide the County with acceptable social media postings containing the specifics of the meetings and contact information, for distribution across the County's available social media platforms and website.
  - iv. The meetings shall be held within the County, at a location open to the general public within the community of the proposed site with adequate lighting, parking and seating facilities, and which can accommodate persons with disabilities from the general public and media.
  - v. The meetings shall give the general public the opportunity to review the proposed application materials and ask questions of the applicant and to provide oral and/or written comments as feedback on their proposal.
  - vi. The applicant shall provide the Community Development and Code Compliance Department with a summary of any oral or written input received from members of the general public and media at the community meetings within two (2) weeks after the second meeting. The summary of input received will be posted on the County's webpage and included with case materials.

#### 8. Development Standards.

- a) The minimum aggregate parcel size for a solar energy facility is seventy (70) contiguous acres.

- b) The design of support buildings and related structures shall, to the greatest extent possible, use materials, colors, textures, screening and landscaping that will screen the solar energy facility use from surrounding homes or surrounding commercial and industrial structures.
- c) Maximum height of primary structures and accessory buildings shall generally be fifteen feet, as measured from the finished grade at the base of the structure to its highest point, including appurtenances.
- d) All facilities shall meet or exceed the current standards and regulations of the State Corporation Commission (SCC) or equivalent, and any other agency of the local, state or federal government with the authority to regulate such infrastructure that are in force at the time of the application or which apply retroactively.
- e) To ensure the structural integrity of the infrastructure, the owner shall certify that it is designed and maintained in compliance with standards contained in applicable local, state and federal building codes and regulations that are in force at the time of the permit approval.
- f) All newly installed utilities (including but not limited to: electric, fiber, cable and telephone lines serving the site) which are visible from the ground-level view of adjacent properties zoned residential, agricultural and/or PUD Planned Unit Development, dwellings not owned by the owner of the subject property, and public rights-of-ways, shall be screened from view or shall be placed underground, unless prohibited by the state/federal agency regulating them.
- g) The facilities shall be enclosed by security fencing not less than six feet in height, and shall be designed to preclude trespassing, and shall be marked with the appropriate warning signs by the operator of the solar energy facility. Fencing shall be located such to allow screening between the fence and any property lines, public rights-of-way, or adjacent residential dwellings not owned by the owner of the subject property.
- h) The facilities, including fencing, shall be significantly screened from the ground-level view of adjacent properties zoned residential, agricultural, or PUD Planned Unit Development, dwellings not owned by the owner of the subject property, and public rights-of-way. A vegetated buffer zone within the setback area of at least fifty (50) feet in width shall be maintained, which shall be landscaped with plant materials unless existing vegetation or natural land forms on the site provide such screening materials or effect. If there is no existing vegetation or the existing vegetation is inadequate to serve as a landscape buffer as determined by the Planning Manager, a staggered triple row of evergreen trees and shrubs



will be planted on approximately 10-foot centers in the 25 feet immediately adjacent to the security fence. New plantings of trees and shrubs shall be approximately six (6) feet in height at the time of planting. In addition, pine seedlings and mixed native hardwoods and softwoods will be installed in the remaining 25 feet of the 50-foot buffer. In the event existing vegetation or land forms providing the screening are disturbed or removed, new plantings shall be provided which accomplish the same screening. Landscaping for screening shall be maintained and replaced by the facility's operator as necessary throughout the lifespan of the facility.

- i) Lighting shall be the minimum necessary for safety and/or security purposes and shall use shielded fixtures to minimize off-site glare toward public rights of way and adjacent properties, and shall be limited to one-foot candle at the property line. No facility shall produce glare which would constitute a nuisance to the public.
  - j) The required setbacks and height limitations shall follow the requirements of the underlying zoning district, or the setbacks listed below, whichever is greater.
    - a. Setbacks for solar energy facilities should comply with the following minimum setbacks:
      - i. 300 feet from residentially-zoned property; 200 feet from R-A
      - ii. 100 feet from all other exterior property lines
      - iii. Inverters located 200 feet from exterior property lines
      - iv. Substations located 500 feet from exterior property lines
    - b. Landscaped buffering required:
      - i. Berms shall be located outside the fence line and planted with appropriate groundcover
      - ii. Vegetative buffers shall be at least 50 feet in width and include predominantly native evergreen species for aesthetics and wildlife habitat as detailed in item 8(h) above.
      - iii. Landscaping and buffer areas that are adjacent to residential dwellings not owned by the property owner or applicant, will have negotiated landscaping, fencing, and buffer areas that may exceed the requirements noted above.
9. Site Plan Requirements. In addition to all State and County site plan requirements, the Applicant shall provide the following plans for review and approval as a part of the site plan for the solar energy facility prior to the issuance of a land disturbance or building permit:
- a. Construction Management Plan. The applicant shall prepare a Construction Management Plan for each applicable site plan for the solar energy facility, which shall address the following:

- i. Construction Traffic Management Plan including mitigation measures shall be developed by the applicant, owner or operator and shall be submitted to the Virginia Department of Transportation (VDOT) and Planning Division for review and approval. The Plan shall address traffic control measures, pre-and post-construction road evaluation, and any necessary repairs to the public roads that are required as a result of any damage from the solar energy facility construction and/or expansion. All VDOT permits must be received and be approved by VDOT prior to site construction occurring on the premises.
  - ii. A site access plan directing employee and delivery traffic to minimize conflicts with local traffic.
  - iii. A site parking and staging plan shall be submitted as a part of the Site Plan approval and be submitted for various stages of the site construction process. All subsequent construction processes shall also adhere to submitting a parking and staging plan prior to the commencement of expansion or decommissioning.
  - iv. Fencing. The applicant shall install temporary security fencing prior to the commencement of construction activities occurring on the solar energy facility.
  - v. Lighting. During construction of the solar energy facility, any temporary construction lighting shall be positioned downward, inward, and shielded to eliminate glare from all adjacent properties.
- b. Construction Mitigation Plan. The applicant shall prepare a Construction Mitigation Plan for each applicable site plan for the solar energy facility to the satisfaction of the Planning Division.

Each plan shall address, at a minimum:

- i. The effective mitigation of dust. All construction roads and construction areas shall remain dust-free by the use of a water truck or other approved method to keep sediment on the premises and not be of a general nuisance to adjoining property owners during site construction and/or site expansion for a solar energy facility.
- ii. Burning operations. Burning operations must follow all local and state burning restrictions and distances from property lines and combustibles. Must address smoke migration so as to not be of a general nuisance to adjoining property owners during burning operations.
- iii. Hours of construction. All pile driving shall be limited to eight (8) hours daily during the hours from sunrise to sunset Monday through Saturday. No Sunday or Holiday pile driving shall occur during site construction, expansion, or operation of the facility. All other normal on-site construction activity is permitted Monday through Sunday in

accordance with the provisions of the County Noise Ordinance, as amended from time to time, and as enforced by the Prince George County Police Department.

- iv. Access and road damage. Must address mitigation of all damage, dirt, and debris on roads as a result of traffic generated by the solar energy facility construction.
  - v. General construction complaints. Provide contact information of responsible project manager capable of causing corrections to be made at the site. Receipt of complaints shall be acknowledged by the project manager within 24 hours and addressed, at a minimum with an acceptable plan of action, within 72 hours of receipt.
- c. Grading Plan. The owner or operator shall construct, maintain, and operate the project in accordance with the approved County Grading and Erosion and Sediment (E&S) Control Plans. An E&S bond or letter of credit will be posted for the construction portion of the project. The grading plan shall:
- i. Clearly show existing and proposed contours;
  - ii. Note the locations and estimated amount of topsoil to be removed (if any) and the percent of the site to be graded;
  - iii. Limit grading to the greatest extent practicable by avoiding steep slopes and laying out arrays parallel to landforms;
  - iv. Require an earthwork balance to be achieved on-site with no import or export of soil, unless it can be demonstrated to the satisfaction of the Planning Division that doing so would create more clearing and grading than by allowing the import or export of soil; and
  - v. Require topsoil to first be stripped from areas proposed to be permanent access roads which will receive gravel, or in any areas where more than a few inches of cut are required, and require an on-site stockpile to be used later to increase the fertility of areas intended to be seeded.
- d. Solar Facility Screening and Vegetation Plan. A separate surety shall be posted for the ongoing maintenance of the project's vegetative buffers in the amount of 120% of the installation cost of all planted vegetation for three (3) years following the first date that power is supplied to the electrical grid.
- i. Site groundcover for the solar energy facility shall consist of a variety of native groundcovers that benefit birds, and bees, and other beneficial insects.

- ii. Groundcover shall be expeditiously established following the completion of construction activities to minimize erosion and loss of soil.
- iii. The use of synthetic herbicides to control and maintain groundcover post-construction shall not be permitted.
- e. The design, installation, maintenance, and repair of the solar energy facility shall be in accordance with the most current National Electrical Code (NFPA 70).

#### 10. Operations.

- a. **Permanent Security Fence.** The applicant shall install a permanent security fence, consisting of chain link, 2-inch square mesh, (or comparable fencing) a minimum of 6 feet in height around the Solar Facility prior to the commencement of operations of the Solar Energy Facility. Failure to maintain the fence in a good and functional condition will result in revocation of the special exception. The security fence shall be placed no closer than the required setback for the facility as stated in Section 12. Buffers.
- b. **Lighting.** Any on-site lighting shall be dark-sky compliant, shielded away from adjacent properties, and positioned downward to minimize light spillage onto adjacent properties.
- c. **Noise.** Daytime noise generated by the facility post-construction will be under and average 67 dBA per day, measured at the property line, throughout the day with no noise emissions at night; provided, however the operator may seek temporary waivers from the Planning Division for specific repair or maintenance needs.
- d. **Ingress/Egress.** Permanent access roads and parking areas will be stabilized with gravel, asphalt, or concrete to minimize dust and impacts to adjacent properties.
- e. All newly installed utilities including but not limited to, electric, fiber, cable and telephone lines serving the site which are visible from the ground-level view of adjacent properties zoned residential, agricultural and/or PUD Planned Unit Development, dwellings not owned by the owner of the subject property, and public rights-of-ways, shall be screened from view or shall be placed underground, unless prohibited by the state/federal agency regulating them.
- f. All solar energy facility structures, racks and associated facilities shall have a non-reflective finish or appearance. Silicon based panels shall be used; cadmium-based panels are prohibited. The solar collectors shall be designed to maximize absorption and minimize glare outward toward adjoining properties and upward toward military and general aviation aircraft or other similar aircraft. Vehicles travelling on adjoining interstate and state-maintained roads shall also be protected from potential glare, including elevated tractor trailer cabs.

- 11. **Height of Structures.** Solar Energy Facility structures shall not exceed 15 feet; however, towers constructed for electrical lines may exceed the maximum permitted



height as provided in the zoning district regulations, provided that no structure shall exceed the height of 25 feet above ground level, unless required by applicable code to interconnect into existing electric infrastructure or necessitated by applicable code to cross certain structures.

## 12. Buffers.

### a. Setbacks.

- i. A minimum 100-foot setback, which includes a 50-foot planted buffer as described in 12(b), shall be maintained from a principal Solar Energy Facility structure or any component of the Facility to the edge of the public right-of-way.
- ii. A minimum 100-foot-setback, which includes a 50-foot planted buffer as described in 12(b), shall be maintained from a principal Solar Energy Facility structure to any adjoining property line which is a perimeter boundary line for the project area.
- iii. A minimum 300-foot setback, which includes fencing, screening and buffers as described in 12(b), 8(h), and 8(j) from residentially-zoned property (200' R-A Zoning).
- iv. A minimum 100-foot setback from all other exterior property lines.
- v. A minimum 200-foot setback from all exterior property lines, except from adjoining residentially-zoned properties, shall be required for placement of all inverters associated with a Solar Energy Facility.
- vi. A minimum 500-foot setback from all exterior property lines shall be required for placement of any required substations associated with a Solar Energy Facility.

- b. Screening. A minimum 50-foot vegetative buffer (consisting of existing trees and vegetation) shall be maintained. If there is no existing vegetation or if the existing vegetation is inadequate to serve as a buffer as determined by the Planning Manager, a staggered triple row of evergreen trees and shrubs will be planted on approximately 10-foot centers in the 25 feet immediately adjacent to the security fence. New plantings of trees and shrubs shall be approximately six (6) feet in height at time of planting. In addition, pine seedlings and native mixed hardwoods and softwoods will be installed in the remaining 25 feet of the 50-foot buffer.

## 13. Coordination of local emergency services.

- a. Applicants for new solar energy facility shall coordinate with the County's Fire, EMS, and Emergency Management staff to provide materials, education and/or training to the departments serving the property with emergency services on how to safely respond to on-site emergencies at the solar energy facility.

## 14. Roll Back Taxes.

- a. Payment of all applicable rollback taxes for parcels in the land use program shall be a pre-condition of the County's issuance of a land disturbance permit.

## 15. Decommissioning.

- a. Decommissioning Plan. A decommissioning plan shall be developed by the applicant, owner or operator prior to the approval of a site plan being issued for a solar energy facility. The purpose of the decommissioning plan is to specify the procedure by which the applicant or its successor would remove the solar energy facility after the end of its useful life and to restore the property for prior or future usage consistent with the Comprehensive Plan or future zoning. If the solar energy facility is inactive completely or substantially discontinuing the delivery of electricity to an electrical grid for a continuous 6-month period it shall be considered abandoned. The applicant, owner or operator shall provide notice to Prince George County in writing once the property becomes inactive as a solar energy facility use. The decommissioning of the site shall commence within six (6) months of receipt of such notice from the applicant, owner or operator by Prince George County. The "notice" shall be known as the "Decommissioning Plan" under Zoning Ordinance Section 90-16 (ii) (e) which shall include the following:
  - i. Anticipated life of the solar energy facility project;
  - ii. The estimated cost of the decommissioning in the future as expressed in current dollars by a State licensed professional engineer;
  - iii. Method estimate was determined;
  - iv. The manner in which the project will be decommissioned; and
  - v. The name and physical address of the person or entity responsible for the decommissioning plan.
- b. Surety. Unless the solar energy facility project is owned by a public utility within the Commonwealth of Virginia, the gross costs of decommissioning shall be secured by an adequate surety in a form agreed to by the County Attorney, including but not limited to a letter of credit, cash or a guarantee by an investment grade entity, posted within 30 days of the project receiving its certificate of completion or equivalent from Prince George County to operate the use. If an adequate surety is required, the cost estimates of the decommissioning shall be updated at least every five (5) years by the applicant, owner or operator, and provided to the County. If the solar energy facility is sold to an entity that is not a public utility, the Special Exception shall not transfer to the purchaser until such time as adequate replacement surety is provided for the solar energy facility. At its option, the County may require that a surety amount be increased based upon the net cost of decommissioning the use and as approved by the County Attorney.
- c. Applicant/Property Owner Obligation. Within six (6) months after the cessation of use of the solar energy facility for electrical power generation or transmission, the applicant or its successor, at its sole cost and expense, shall decommission the solar energy facility in accordance with the decommissioning plan approved by the County. If the applicant or its successor fails to decommission the solar energy

facility within six (6) months, the property owners shall commence decommissioning activities in accordance with the decommissioning plan. Following the completion of decommissioning of the entire solar energy facility arising out of a default by the applicant or its successor, any remaining surety funds held by the County shall be distributed to the property owners in a proportion of the surety funds and the property owner's acreage ownership of the solar energy facility.

d. Applicant/Property Owner Default; Decommissioning by the County.

- i. If the applicant, its successor, or the property owners fail to decommission the solar energy facility within six (6) months, the County shall have the right, but not the obligation, to commence decommissioning activities and shall have access to the property, access to the full amount of the decommissioning surety, and the rights to the solar energy equipment and materials on the property.
- ii. If applicable, any excess decommissioning surety funds shall be returned to the current owner of the property after the County has completed the decommissioning activities.
- iii. Prior to the issuance of any permits, the applicant and the property owners shall deliver a legal instrument to the County granting the County (1) the right to access the property, and (2) an interest in the solar energy facility equipment and materials to complete the decommissioning upon the applicant's and property owner's default. Such instrument(s) shall bind the applicant and property owners and their successors, heirs, and assigns. Nothing herein shall limit other rights or remedies that may be available to the County to enforce the obligations of the applicant, including under the County's zoning powers.

- e. Equipment/Building Removal. Unless otherwise approved by the Planning Manager, all physical improvements, materials, and equipment related to solar energy generation, both surface and subsurface components, regardless of depth underground, shall be removed in the removal process. Perimeter fencing will be removed and recycled or reused.
- f. Infrastructure Removal. Unless otherwise approved by the Planning Division, all access roads will be removed, including any geotextile material beneath the roads and granular material. The exception to removal of the access roads and associated culverts or their related material would be upon written request from the current or future landowner to leave all or a portion of these facilities in place for use by the landowner. Access roads will be removed within areas that were previously used for agricultural purposes and topsoil will be redistributed to provide substantially similar growing media as was present within the areas prior to site disturbance, unless a written request is received from the current or future landowner proposing alternative development plans for the property.

- g.** Partial Decommissioning. Any reference to decommissioning the solar energy facility shall include the obligation to decommission all or a portion of the solar energy facility whichever is applicable with respect to a particular situation. If decommissioning is triggered for a portion, but not the entire solar energy facility, then the applicant or its successor will commence and complete decommissioning, in accordance with the decommissioning plan, for the applicable portion of the solar energy facility; the remaining portion of the solar energy facility would continue to be subject to the decommissioning plan.

*Adopted by the Prince George County Board of Supervisors on August 11, 2020 and effective immediately.*



### **ARTICLE III. SAMPLE SOLAR ENERGY FACILITY SPECIAL EXCEPTION CONDITIONS**

1. This Special Exception is granted for a \_\_\_\_-scale solar energy facility use to \_\_\_\_\_ and is located on Tax Maps \_\_\_\_\_. This Special Exception may be transferred provided that Condition 10(b) regarding proper surety is met.
2. Payment of all rollback taxes for parcels \_\_\_\_\_ enrolled in the Land Use program shall be a precondition of the County's issuance of a land disturbance permit pursuant to a site plan prepared for the solar energy facility.
3. Site Plan Requirements. The Solar Energy Facility shall meet all conditions for Site Plan Requirements as defined in the Solar Energy Facility Policy.
4. The solar energy facility shall be constructed in accordance with the County-approved grading plan as approved by County staff prior to the commencement of any construction activities, and in accordance with the Erosion and Sediment Control Plan.
5. Operations. The Solar Energy Facility shall meet all conditions for operations in the Solar Energy Facility Policy.
6. Buffers. The Solar Energy Facility shall meet all conditions for buffer setbacks and landscape requirements as required in the Solar Energy Facility Policy.
7. Wildlife Corridors. The applicant shall identify an access corridor for wildlife to navigate through the Solar Energy Facility. The proposed wildlife corridor shall be shown on the site plan submitted to the County. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.
8. Height of Structures. Solar Energy Facility structures shall meet all required conditions for structure height in the Solar Energy Facility Policy.
9. Inspections. The applicant will allow designated County representatives or employees access to the facility for inspection purposes at any time during the construction process and thereafter upon 24 hours advance notice. The applicant will maintain current contact information on file with the Planning Manager.
10. The applicant, owner or operator shall coordinate directly with Fire, EMS and Emergency Management to provide solar energy materials, educational information and/or training to the respective personnel responding to the solar energy facility project in regards to how to safely respond to any emergencies that may occur on the premises.
11. Compliance. The Solar Energy Facility shall be designed, constructed, and tested to meet relevant local, state, and federal standards as applicable.
12. Decommissioning. The Solar Energy Facility shall meet all conditions for Decommissioning as specified in the Solar Energy Facility Policy.

13. Power Purchase Agreement. Prior to the issuance of any building permit for the solar energy facility, the applicant shall have executed either a power purchase agreement with a third-party, or a sale agreement to transfer the project to a regulated utility. Upon the County's request, the applicant shall provide the County and legal counsel with a redacted version of the executed power purchase agreement or sale agreement.
14. This Special Exception shall become null and void if the use of a \_\_\_\_ scale solar energy facility is abandoned for a period of twenty-four (24) consecutive months.
15. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant, owner or operator to comply with any of the listed conditions or any provision of federal, state or local regulations.