



**AGENDA  
POWHATAN COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING  
AUGUST 22, 2016  
6:00 PM CALL TO ORDER**

- 1. Call to Order**
- 2. Invocation**
- 3. Pledge of Allegiance**  
Powhatan Robotics Club
- 4. Requests to Postpone Agenda Items and Additions, Deletions or Changes in the Order of Presentation**
- 5. Formal Approval of Agenda**
- 6. Public Comment (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board) - for anything not to be addressed at a public hearing scheduled for this date**
- 7. Consent Agenda**

**All matters listed under the Consent Agenda are considered by the Board to be routine and will be enacted by one resolution in the form or forms listed below. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.**

- |    |   |         |
|----|---|---------|
| a. | Approve Regular Meeting Minutes – July 25, 2016   | Page 5  |
| b. | Resolution R-2016-61 Amending the Fiscal Year 2017 Powhatan County Operating Budget by Unbudgeting and Unappropriating \$280,000 for the Other Capital Improvement Program  | Page 17 |
| c. | Resolution R-2016-62 Amending the Fiscal Year 2017 Powhatan County Operating Budget by Budgeting and Appropriating \$10,000 in the Grants Fund for TRIAD  | Page 27 |
| d. | Resolution R-2016-63 Amending the Fiscal Year 2017 Powhatan County Operating Budget by Transferring \$1,348 from the Contingency for the Capital Region Collaborative (CRC) Organizing Council’s Project Manager Position | Page 31 |

- e. Resolution R-2016-64 Amending the Fiscal Year 2017 Powhatan County Operating Budget by Budgeting and Appropriating \$58,433 in TANF and Victim Witness Grant Funds Page 35
- 8. Appointment to Boards, Commissions, Committees, etc.**
- a. Appointment/Reappointment of a Member to the Anti-Litter Council Page 39
  - b. Appointment of a Member to the Piedmont Criminal Justice Board Page 43
  - c. Appointment/Reappointment of a Member to the Local Emergency Planning Committee Page 47
- 9. Old Business**
- a. Update on Strategic Plan Page 51
  - b. Update on Economic Development Strategic Plan Page 65
  - c. Building Permit and Planning/Zoning Monthly Report Page 66
  - d. Broadband Update Page 71
  - e. Legislative Agenda Page 73
  - f. Audit Committee Page 79
- 10. New Business – Time Certain 6:35 PM**
- a. Goochland-Powhatan Community Services FY 2017 and FY 2018 Performance Contract Page 89
- 11. Certificates of Appreciation, Special Resolutions and Proclamations – Time Certain 6:30 PM**
- a. Proclamation Recognizing Virginia Department of Transportation’s (VDOT’s) Raymond Mayo for his Service to the Citizens of Powhatan County Page 95
- 12. Public Hearings – Time Certain 7:00 PM**
- a. Ordinance O-2016-26 Granting a Conditional Use Permit (16-01-CUP) to Virginia Solar, LLC to Operate a Solar Energy Farm at 4325 Old Buckingham Road Page 97

- b. Ordinance O-2016-27 Amending the Proffered Conditions Approved by the Board of Supervisors for Case #09-04-REZC to Amend Proffered Condition #4 Page 215
- c. Ordinance O-2016-28 Amending the Proffered Conditions Approved by the Board of Supervisors for Case #05-13-REZC to Amend Proffered Condition #3 Reducing the Cash Proffer Amount Page 233
- d. Ordinance O-2016-29 – County of Powhatan (16-02-AZ) Requests the Amendment of Section 83-162 of the Zoning Ordinance by Adding “Heavy Vehicle/Equipment Repair” as a Conditional Use in the A-10 District. Page 269

**13. Public Comment (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board) - for anything not to be addressed at a public hearing scheduled for this date**

**14. County Attorney Comments**

**15. County Administrator Comments**

**16. Board Comments**

**17. Closed Meeting, as authorized by the Code of Virginia, Section 2.2-3711(A), to discuss the following matter(s):**

- a. One (1) matter concerning the salary or performance of specific personnel - §2.2-3711(A)(1) of the Code of Virginia;
- b. Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. - §2.2-3711(A)(7) of the Code of Virginia.

**18. Closed Meeting Certification**

**19. Adjournment**

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**VIRGINIA: AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD  
IN THE POWHATAN VILLAGE BUILDING AUDITORIUM, 3910 OLD  
BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, ON  
JULY 25, 2016 AT 6:00 P.M.**

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**Board of Supervisors Present:** David T. Williams, District 1  
Larry J. Nordvig, District 2, Vice-Chairman  
Angela Y. Cabell, District 3  
William E. Melton, District 4, Chairman  
Carson L. Tucker, District 5

**County Staff Members Present:** Tom Lacheney, County Attorney  
Patricia A. Weiler, County Administrator  
March Altman, Deputy County Administrator  
Charla Schubert, Finance Director  
Steve Singer, Fire and Rescue Chief  
Linda Jones, Human Resources Manager  
Ed Howland, Planning and Zoning Manager

**Guests Present:** None

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**1. Call to Order**

Chairman Melton called the meeting to order and at 6:00 p.m. Chairman Melton stated to let the record show all Board of Supervisors members are present at the meeting.

**2. Invocation**

Mr. Nordvig provided the invocation.

**3. Pledge of Allegiance**

Ms. Cabell led the Pledge of Allegiance.

**4. Requests to Postpone Agenda Items and Additions, Deletions or  
Changes in the Order of Presentation**

There were no requests to amend the Agenda.

**5. Formal Approval of Agenda**

Mr. Tucker motioned to approve the agenda as presented. Mr. Nordvig seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE

**VOTE 5-0**  
**MOTION Passed**

- 6. Public Comment (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board) - for anything not to be addressed at a public hearing scheduled for this date**

Chairman Melton opened the public comment period.

Sheriff Brad Nunnally announced a “meet the sheriff” opportunity being held at the Village Building on Thursday, July 28, from 6:30 – 8:30 p.m. The program is an opportunity to discuss services and programs being offered by the Sheriff’s office and to discuss citizen concerns.

Sheriff Nunnally reported that the Sheriff’s office, through a grant, is offering to assist with providing air conditioning to citizens in need.

Seeing there were no other speakers, Chairman Melton closed the public comment period.

**7. Consent Agenda**

**All matters listed under the Consent Agenda are considered by the Board to be routine and will be enacted by one resolution in the form or forms listed below. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.**

- a. Approve Regular Meeting Minutes – June 27, 2016
- b. Accept Treasurer’s Report dated May 31, 2016
- c. Authorize the Treasurer of Powhatan County to issue a refund of \$11,760 of three years of excess utilities taxes paid by Blessed Sacrament Huguenot School, located at 2501 Academy Road
- d. Authorize the Treasurer of Powhatan County to issue a refund of \$3,525.67 of real estate taxes paid by a disabled veteran and subject to exemption pursuant to Va. Code §58.1-3219.5
- e. Resolution R-2016-48 Amending the Fiscal Year 2016 Powhatan County Operating Budget by Budgeting and Appropriating \$22,936 in the General Fund for Expenditure Refunds for Sheriff Security and Insurance Recoveries

- f. Resolution R-2016-49 Amending the Fiscal Year 2016 Powhatan County Operating Budget by Budgeting and Appropriating \$16,368 for Comcast PEG Fees Collected
- g. Resolution R-2016-50 Amending the Fiscal Year 2016 Powhatan County Operating Budget by Budgeting and Appropriating \$8,410.19 in the Grants Fund for Donations for the Triad, Library E-rate, Animal Shelter, Project Lifesaver, K9 Bane, Sheriff Deputies Hospitality Fund, Robotics and Earth Day
- h. Resolution R-2016-51 Amending the Fiscal Year 2016 Powhatan County Operating Budget by Budgeting and Appropriating \$29,052.32 for Four for Life, Fire Programs, Victim Witness and Byrne Justice Assistance Grants
- i. Resolution R-2016-52 Amending the Fiscal Year 2016 Powhatan County Operating Budget by Transferring \$163,000.00 from General Fund Debt Service to the Capital Projects Fund to Reduce the Lease Proceeds Revenue Budget for School Buses
- j. Resolution R-2016-53 Amending the Fiscal Year 2017 Powhatan County Operating Budget by Transferring \$3,200 from General Fund Contingency to the Fire Department for Narcan
- k. Resolution R-2016-57 Amending the Fiscal Year 2017 Powhatan County Operating Budget by Transferring \$2,010 from Contingency to the Fire Department for Automatic External Defibrillator (AED) Equipment

Mr. Tucker motioned to approve the Consent agenda as presented. Chairman Melton seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE

**VOTE 5-0**  
**MOTION Passed**

**8. Appointment to Boards, Commissions, Committees, etc.**

- a. Appointment/Reappointment to the Economic Development Authority

Mr. Williams recommended the appointment of Bob Gibson to the Economic Development Authority for a four-year term. Chairman Melton seconded the recommendation.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE

**VOTE 5-0**  
**MOTION Passed**

- b. Appointment/Reappointment of a Parent Representative to the Powhatan Community Policy and Management Team (CPMT)

Mr. Tucker recommended the reappointment of Karen Alexander as the Parent Representative to the Powhatan Community Policy and Management Team (CPMT) for a two-year term. Mr. Nordvig seconded the recommendation.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE

**VOTE 5-0**  
**MOTION Passed**

**9. Old Business**

- a. Update on Strategic Plan

Ms. Weiler presented and the Board discussed the update on the Strategic Plan.

- b. Update on Economic Development Strategic Plan

Mr. Altman presented and the Board discussed the update on the Economic Development Strategic Plan.

- c. Building Permit and Planning/Zoning Monthly Report

Mr. Altman presented and the Board discussed the Building Permit and Inspections and Planning/Zoning Monthly Report. Mr. Altman stated that the new format for the report is being worked on by Staff and should be completed for the August report.

- d. Update on the 2016 Bond Issuance

Ms. Weiler presented and the Board discussed an update on the 2016 Bond Issuance.

**11. Certificates of Appreciation, Special Resolutions and Proclamations**  
**– Time Certain 6:30**

- a. Recognition of Floyd Greene

Mr. Tucker read a Resolution recognizing Floyd Greene in the form of a motion. Mr. Williams seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE

**VOTE 5-0**  
**MOTION Passed**

Mr. Williams thanked Mr. Greene for his outstanding service to the Emergency Management System of Powhatan County and wished for a long and happy retirement for him.

Chairman Melton stated that he cannot thank Mr. Greene enough for what he has done to guide and protect the citizens of Powhatan County and for making this a better community to live in.

Mr. Nordvig thanked Mr. Greene for protecting his family and his neighbors.

Mr. Greene spoke about his tenure with Powhatan County, stated that his heart has always been with Powhatan, and thanked the Board for their support over the past 26 years.

**10. New Business**

- a. Resolution R-2016-45 Adopting the Powhatan County Procurement Policy

Ms. Schubert presented and the Board discussed Staff's recommendation to adopt the Powhatan County Procurement Policy.

Mr. Tucker motioned to adopt the Powhatan County Procurement Policy. Mr. Williams seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE

**VOTE 5-0**  
**MOTION Passed**

- b. Resolution R-2016-54 Approving Lease Financing Terms for the Two Fire Trucks

Ms. Schubert presented and the Board discussed Staff's recommendation to approve R-2016-54 approving lease financing terms for the two fire trucks.

Mr. Williams motioned to approve Resolution R-2016-54 as presented. Mr. Tucker seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE

**VOTE 5-0**  
**MOTION Passed**

- c.. Resolution R-2016-55 Amending the Fiscal Year 2016 Powhatan County Operating Budget by Budgeting and Appropriating an Additional \$60,000 for the Purchase of Two Ambulances and Authorizing the County Administrator to Execute All Documents Upon County Attorney Approval

Ms. Schubert presented and the Board discussed Staff's recommendation to amend the Fiscal Year 2016 Budget by budgeting and appropriating an additional \$60,000 for the purchase of two ambulances and authorizing the County Administrator to execute all documents upon County Attorney approval.

Mr. Tucker motioned to approve Resolution R-2016-55 as presented. Chairman Melton seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE

**VOTE 5-0**  
**MOTION Passed**

- d. Resolution R-2016-59 Authorizing the County Administrator to Execute Documents for the Field Improvements Project Upon Approval of the County Attorney

Ms. Schubert presented and the Board discussed Staff's recommendation to authorize the County Administrator to execute documents for the Field Improvements Project upon approval of the County Attorney.

Mr. Tucker motioned to approve Resolution R-2016-59 as presented. Chairman Melton seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE

**VOTE 5-0**  
**MOTION Passed**

- e. Resolution R-2016-46 Amending the Powhatan County Employee Handbook dated July 27, 2016

Ms. Jones presented and the Board discussed Staff's recommendation to amend the Powhatan County Employee Handbook dated July 27, 2016.

The Board recommended that a clause be added in the Tuition Reimbursement section that addresses re-payment of funds by an employee if he/she voluntarily terminates employment within a certain period of time after benefiting from the Tuition Reimbursement program.

Chairman Melton motioned to approve Resolution R-2016-46 as amended. Mr. Nordvig seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE

**VOTE 5-0**  
**MOTION Passed**

- f. Resolution R-2016-47 Amending the Powhatan County Compensation and Classification Plan

Ms. Jones presented and the Board discussed Staff's recommendation to amend the Powhatan County Compensation and Classification Plan.

Chairman Melton motioned to approve Resolution R-2016-47 as presented. Mr. Tucker seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE

**VOTE 5-0**  
**MOTION Passed**

**12. Public Hearings – Time Certain 7:00 PM**

- a. Ordinance O-2016-24 Granting a Conditional Use Permit (16-03-CUP) to Blanton and Debora Gordon to operate a country inn at 1659 Ballsville Road

Mr. Altman presented Ordinance O-2016-24 granting a Conditional Use Permit to Blanton and Debora Gordon to operate a country inn at 1659 Ballsville Road.

Chairman Melton opened the Public Hearing on Ordinance O-2016-24. Seeing there were no speakers, Chairman Melton closed the Public Hearing.

Mr. Tucker motioned to approve Ordinance O-2016-24 as presented. Chairman Melton seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE

**VOTE 5-0**  
**MOTION Passed**

- b. Disposition of 3977 Old Buckingham Road and Authorize the Chairman of the Board of Supervisor to Execute the Deed to Transfer a 3.129-acre Portion of 3977 Old Buckingham Road to the Powhatan County School Board

Mr. Altman presented Staff's recommendation for the disposition of 3977 Old Buckingham Road and authorize the Chairman of the Board of Supervisors to execute the Deed to transfer a 3.129-acre portion of 3977 Old Buckingham Road to the Powhatan County School Board.

Chairman Melton opened the Public Hearing on the disposition of 3977 Old Buckingham Road. Seeing there were no speakers, Chairman Melton closed the Public Hearing.

Mr. Tucker motioned to approve the disposition of the property and authorize the Chairman of the Board of Supervisors to execute the Deed to transfer. Mr. Nordvig seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE

**VOTE 5-0  
MOTION Passed**

**13. Public Comment (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board) - for anything not to be addressed at a public hearing scheduled for this date**

Chairman Melton opened the public comment period.

Mr. Nordvig stated that the Board of Supervisors received an email from Mr. Jim Carver with input for tonight's meeting and thanked Mr. Carver for his comments.

Seeing there were no speakers, Chairman Melton closed the public comment period.

**14. County Attorney Comments**

Mr. Lacheney had no comments.

**15. County Administrator Comments**

Ms. Weiler distributed an updated Board of Supervisors meeting calendar and referenced the calendar changes.

Ms. Weiler announced that Bret Schardein has been hired as the new Community Development Director and will begin work on August 22.

**16. Board Comments**

Chairman Melton reported that he asked the County Administrator to clarify some information that was in the local newspaper on July 20 and asked the County Administrator to clarify the information for the record. Ms. Weiler referenced a memorandum she wrote in response to Chairman Melton's request and briefly explained her responses.

Mr. Williams requested that the Board of Supervisors and the School Board be more involved in the audit process in the future.

Mr. Williams asked if Staff or the Board have received any notification of the relocation of Syrian refugees in the County, adding that the governing body is supposed to be notified of the relocation.

Chairman Melton reported that the Sheriff had a picnic for his employees; and he applauds the Sheriff for his efforts to show appreciation for the Sheriff's Office staff.

Mr. Nordvig thanked American Legion Post 201 for handling the activities in support of the Traveling Vietnam Memorial Wall and reported that it was a very successful and powerful event.

**17. Closed Meeting, as authorized by the Code of Virginia, Section 2.2-3711(A), to discuss the following matter(s):**

Mr. Lachenev read the following Closed Meeting motion:

**WHEREAS**, the Board of Supervisors of Powhatan County desires to discuss in Closed Meeting the following matter(s):

- a. Six (6) matters concerning the salary or performance of specific personnel - §2.2-3711(A)(1) of the Code of Virginia;
- b. Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. - §2.2-3711(A)(7) of the Code of Virginia.

WHEREAS, pursuant to §§2.2-3711 (A)(1) and (A)(7) of the Code of Virginia, such discussion(s) may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Powhatan County does hereby authorize discussion of the aforesated matter(s) in Closed Meeting.

Mr. Tucker moved to approve the Closed Meeting resolution read by the County Attorney.  
Mr. Williams seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE.

**VOTE 5-0  
MOTION Passed**

The Board entered Closed Meeting at 7:24 p.m.

**18. Closed Meeting Certification**

Chairman Melton reconvened this Regular Meeting of the Powhatan County Board of Supervisors in open meeting at 8:37 p.m. and requested the Clerk of the Board to conduct a roll call certification vote of the Supervisors, to be included in the minutes of this meeting.

Ms. Weiler, Clerk of the Board, asked to the best of each Supervisor's knowledge, do they certify that:

- (1) the only matters discussed in the closed meeting were public business matters lawfully exempted from open meeting requirements; and
- (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting just conducted?

Ms. Weiler conducted the roll call vote so the Supervisors could so certify:

Mr. Williams	<u>AYE</u>
Mr. Nordvig	<u>AYE</u>
Ms. Cabell	<u>AYE</u>
Mr. Melton	<u>AYE</u>
Mr. Tucker	<u>AYE</u>

Mr. Tucker motioned that the Board of Supervisors authorize a \$7,000 salary increase for the Commissioner of the Revenue for his Master Commissioner of the Revenue's Designation effective July 1, 2016, and until June 30, 2017. Ms. Cabell seconded the motion.

Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE  
David T. Williams voted NAY.

**VOTE 4-1**  
**MOTION Passed**

Mr. Tucker motioned that the Board of Supervisors authorize a 2% salary increase effective July 1, 2016, to the four Constitutional Officers who have signed Agreements with the County. Ms. Cabell seconded the motion.

Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE  
David T. Williams voted NAY.

**VOTE 4-1**  
**MOTION Passed**

**19. Adjournment**

Chairman Melton motioned to adjourn the meeting. Mr. Tucker seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE.

**VOTE 5-0  
MOTION Passed**

The meeting adjourned at 8:39 p.m.

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**William E. Melton, Chairman  
Powhatan County Board of Supervisors**

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**Patricia A. Weiler, Clerk  
Powhatan County Board of Supervisors**

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# Powhatan County Board of Supervisors Agenda Item

Meeting Date: August 22, 2016

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Agenda Item Title: Resolution R-2016-61 Amending the Fiscal Year 2017 Powhatan County Operating Budget by Unbudgeting and Unappropriating \$280,000 for the Other Capital Improvement Program

Motion: Move to approve Resolution R-2016-61 as presented

Dates Previously Considered by Board: May 2, 2016 - R-2016-23 Adoption of Operating Budget R-2016-23  
June 27, 2016 - R-2016-42 Budget and Appropriate Other Capital Program

Summary of Item: The Board of Supervisors approved R-2016-42 on June 27, 2016 budgeting and appropriating the Other Capital Program for FY 2017. Upon review of the resolution it was found that the \$280,000 transfer from the General Fund to the Capital Projects Fund had been budgeted and appropriated with the adoption of the budget, R-2016-23. Therefore the \$280,000 has been budgeted and appropriated twice.

This resolution unbudgets and unappropriates \$280,000.

Staff:  Approve  Disapprove  See Comments

Commission/Board:  Approve  Disapprove  See Comments

*CSW*

County Administrator:  Approve  Disapprove  See Comments

Comments: None

Budget/Fiscal Impact: \$280,000 returned to capital maintenance reserve

Attachments: Resolutions Tracking Spreadsheet

Staff/Contact: Charla W. Schubert, Director of Finance, 598-5780; [cschubert@powhatanva.gov](mailto:cschubert@powhatanva.gov)

**RESOLUTION**  
**AMENDING THE FISCAL YEAR 2017 POWHATAN COUNTY OPERATING BUDGET**  
**BY UNBUDGETING AND UNAPPROPRIATING \$280,000 FOR THE OTHER**  
**CAPITAL IMPROVEMENT PROGRAM**

**WHEREAS**, on May 2 2016, the Powhatan County Board of Supervisors adopted Resolution R-2016-23, which adopted the Fiscal Year 2017 Powhatan Operating Budget in the amount of \$104,924,788; and

**WHEREAS**, the Code of Virginia Section [15.2-2507](#) states that any locality may amend its budget and must first hold a public hearing which is advertised once in the newspaper if any such amendment exceeds one percent of the total expenditures of the currently adopted budget; and

**WHEREAS**, the amendment of the budget in this resolution in the amount of (\$280,000) (-0.267%) does not exceed one percent of the adopted budget and therefore a public hearing was not held.

**NOW, THEREFORE, BE IT RESOLVED** that the FY 2017 Powhatan County Operating Budget is hereby amended and the funds appropriated as shown:

**CAPITAL PROJECTS FUND**

**REVENUES**

Transfer from General Fund - Capital Maintenance Reserve	3-301-095101-0100	\$	(280,000.00)
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**EXPENDITURES**

PC Replacement	4-301-021510-8304	\$	(41,000.00)
Sheriff Vehicles	4-301-012500-8301		(140,000.00)
Other County Vehicles	4-301-012500-8302		(45,000.00)
Parks and Recreation Improvements	4-301-071120-0001		(8,000.00)
Facilities Improvements	4-301-014500-0001		(46,000.00)

**GENERAL FUND**

**REVENUES**

Use of Fund Balance - Capital Maintenance Reserve	3-100-039999-0001	\$	(280,000.00)
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**EXPENDITURES**

Transfer to Capital Projects Fund	4-100-093100-0301	\$	(280,000.00)
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**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON AUGUST 22, 2016.**

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**William E. Melton, Chairman**  
**Powhatan County Board of Supervisors**

**ATTEST:**

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**Patricia A. Weiler, Clerk**  
**Powhatan County Board of Supervisors**

*Recorded Vote:*

*David T. Williams*      —  
*Larry J. Nordvig*      —  
*Angie Y. Cabell*      —

*William E. Melton*      —  
*Carson L. Tucker*      —

**POWHATAN COUNTY RESOLUTION R-2016-23**

**ADOPTING THE OPERATING BUDGET FOR THE FISCAL YEAR  
BEGINNING JULY 1, 2016 AND ENDING JUNE 30, 2017 (FY 2017)  
AND APPROPRIATING THE FUNDS**

**WHEREAS**, the Powhatan County Board of Supervisors has held six budget workshops to discuss, study and consider the proposed FY 2017 Operating Budgets of the County Administrator and the School Board; and

**WHEREAS**, a synopsis of the proposed FY 2017 Operating Budget and the proposed tax rates was published in the Powhatan Today on April 6, 2016; and

**WHEREAS**, a public hearing was held on Monday, April 18, 2016 pursuant to the provisions of Section 15.2-2506 of the Code of Virginia; and

**WHEREAS**, those citizens who appeared and wished to speak at the public hearing on Monday April 18, 2016 were heard.

**NOW, THEREFORE, BE IT RESOLVED** that Powhatan County Board of Supervisors does hereby adopt the FY 2017 Operating Budget and appropriate the funds for expenditure from the accounts and for the purposes as indicated:

**Estimated Revenues**

General Fund	
Property Taxes	\$ 37,900,060
Other Taxes	5,639,970
Other Local Sources	1,068,470
State	6,255,562
Federal	51,242
Total General Fund	<u>50,915,304</u>

**POWHATAN COUNTY RESOLUTION R-2016-23**

**Estimated Revenues (Continued)**

Social Services Fund	
State	445,940
Federal	663,311
Transfer from General Fund	606,313
Total Social Services Fund	<u>1,715,564</u>
CSA Fund	
State	984,996
Transfer from General Fund	823,204
Total CSA Fund	<u>1,808,200</u>
Grants Fund - Law Library	
Other Local	4,000
Total Grants Fund - Law Library	<u>4,000</u>
Fire and Rescue Fund	
Other Local	629,000
State	104,000
Total Fire and Rescue Fund	<u>733,000</u>
Utilities Fund	
Other Local	480,795
Transfer from General Fund	2,240,094
Total Utilities Fund	<u>2,720,889</u>
Capital Projects Fund	
Transfer from General Fund	280,000
Total Capital Projects Fund	<u>280,000</u>
School Operating Fund	
Other Local	272,900
State	21,858,187
Federal	1,314,778
Transfer from General Fund	22,006,130
Total School Operating Fund	<u>45,451,995</u>
School Food Service Fund	
Other Local	760,836
State	15,000
Federal	370,000
Transfer from School Operating	150,000
Total School Food Service Fund	<u>1,295,836</u>
<b>Total - Estimated Revenues and Transfers</b>	<b><u><u>\$ 104,924,788</u></u></b>

**POWHATAN COUNTY RESOLUTION R-2016-23**

Less Interfund Transfers from Other Funds	
Social Services Fund	606,313
CSA Fund	823,204
Utilities Fund	2,240,094
Capital Projects Fund	280,000
School Operating Fund	22,006,130
School Food Service	150,000
Total Transfers from Other Funds	<u>26,105,741</u>
<b>Total Estimated Revenues without Transfers</b>	<b><u><u>\$ 78,819,047</u></u></b>
<b>Expenditures</b>	
<hr/>	
General Fund	
Expenditures	\$ 24,959,563
Transfers to Other Funds	25,955,741
Total General Fund Expenditures & Transfers	<u>50,915,304</u>
Total Social Services Fund Expenditures	1,715,564
Total CSA Fund Expenditures	1,808,200
Total Law Library Fund Expenditures	4,000
Total Fire and Rescue Fund Expenditures	733,000
Total Utilities Fund Expenditures	2,720,889
Total Capital Projects Fund Expenditures	280,000
School Operating Fund	
Expenditures	45,301,995
Transfer to School Food Service Fund	150,000
Total School Fund Expenditures & Transfers	<u>45,451,995</u>
Total School Food Service Fund Expenditures	1,295,836
<b>Total - Expenditures and Transfers</b>	<b><u><u>\$ 104,924,788</u></u></b>
Less Inter-fund Transfers to Other Funds	
General Fund	25,955,741
School Operating Fund	150,000
Total Transfers to Other Funds	<u>26,105,741</u>
<b>Total Expenditures without Transfers</b>	<b><u><u>\$ 78,819,047</u></u></b>

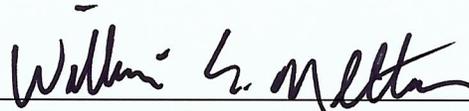
**BE IT FURTHER RESOLVED**, that

1. Only the positions authorized in the FY 2017 Staffing Plan as approved by the Board of Supervisors with a Resolution shall be permitted to be filled subject to the maximum compensation authorized by the Powhatan County Classification and Compensation Plan as approved by the Board of Supervisor with a Resolution; and

**POWHATAN COUNTY RESOLUTION R-2016-23**

2. Board of Supervisors' approval is required for any budget and appropriation over and above the adopted FY 2017 Operating Budget; and
3. Prior to approving any budget amendment or additional appropriation that increases the total budget expenditures by more than 1%, the Board of Supervisors shall hold a public hearing pursuant to Section 15.2-2507 of the Code of Virginia; and
4. Board of Supervisors' approval is required to transfer the budget and appropriation from the General Fund Contingency account; and
5. The County Administrator has the authority to transfer the expenditure budget between accounts (except contingency accounts) with-in each fund but may not increase the total expenditure budget or appropriation of any Fund; and
6. Revenue and expenditure budgets and appropriations approved by the Board of Supervisors in the Grants Fund and Capital Project Fund which are not expended by June 30, 2016 shall be automatically re-appropriated in the Grants Fund and the Capital Projects Fund on July 1, 2016.

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON MAY 2, 2016.**



**William E. Melton, Chairman**  
**Powhatan County Board of Supervisors**

**ATTEST:**



**Patricia A. Weiler, Clerk**  
**Powhatan County Board of Supervisors**

*Recorded Vote:*

<i>David T. Williams</i>	<u><i>Nay</i></u>
<i>Larry J. Nordvig</i>	<u><i>Nay</i></u>
<i>Angela Y. Cabell</i>	<u><i>Aye</i></u>
<i>William E. Melton</i>	<u><i>Aye</i></u>
<i>Carson L. Tucker</i>	<u><i>Aye</i></u>

**RESOLUTION**  
**AMENDING THE FISCAL YEAR 2017 POWHATAN COUNTY OPERATING BUDGET**  
**BY BUDGETING AND APPROPRIATING \$2,144,000 FOR THE OTHER CAPITAL**  
**IMPROVEMENT PROGRAM**

**WHEREAS**, on May 2 2016, the Powhatan County Board of Supervisors adopted Resolution R-2016-23, which adopted the Fiscal Year 2017 Powhatan Operating Budget in the amount of \$104,924,788; and

**WHEREAS**, the Code of Virginia Section 15.2-2507 states that any locality may amend its budget and must first hold a public hearing which is advertised once in the newspaper if any such amendment exceeds one percent of the total expenditures of the currently adopted budget; and

**WHEREAS**, the amendment of the budget in this resolution in the amount of \$2,144,000 (2.043%) does exceed one percent of the adopted budget and a synopsis was published in the Powhatan Today on June 15, 2016; and

**WHEREAS**, a public hearing was held on Monday, June 27, 2016 pursuant to the provisions of Section 15.2-2507 of the Code of Virginia; and

**NOW, THEREFORE, BE IT RESOLVED** that the FY 2017 Powhatan County Operating Budget is hereby amended and the funds appropriated as shown:

**CAPITAL PROJECTS FUND**

**REVENUES**

Transfer from General Fund - Capital Maintenance

Reserve	3-301-095101-0100	\$	638,000.00
Transfer from Fire and Rescue Fund	3-301-095101-0120		225,000.00
Lease Proceeds - Bus	3-301-041040-0005		850,000.00
Lease Proceeds - Engine 3	3-301-041040-0004		351,000.00

**EXPENDITURES**

School Buses	4-301-012600-8301	\$	850,000.00
Engine 3	4-301-012400-8301		575,000.00
Ambulance - Unit 111	4-301-012500-8303		225,000.00
PC Replacement	4-301-012510-8304		41,000.00
Sheriff Vehicles	4-301-012500-8301		140,000.00
Other County vehicles	4-301-012500-8302		45,000.00
Parks and Recreation Improvements	4-301-071120-0001		8,000.00
Facilities Improvements	4-301-014500-0001		180,000.00
Total Projects		\$	2,064,000.00

**WATER AND SEWER CAPITAL PROJECTS FUND**  
**REVENUES**

Transfer from General Fund - Capital Maintenance Reserve  
 3-502-041050-0100 \$ 80,000.00

**EXPENDITURES**

Utility SCADA System 4-502-043400-xxxx \$ 80,000.00

Total Expenditures in Resolution \$ 2,144,000.00

**GENERAL FUND**

**REVENUES**

Use of Fund Balance - Capital Maintenance Reserve  
 3-100-039999-0001 \$ 718,000.00

**TRANSFERS**

Transfer to Capital Projects Fund 4-100-093100-0301 \$ 638,000.00  
 Transfer to Water and Sewer Capital Projects Fund 4-100-093100-0502 80,000.00

**FIRE AND RESCUE FUND**

**REVENUES**

Use of Fund Balance - Fees for Transport Service 3-120-039999-0001 \$ 225,000.00

**TRANSFERS**

Transfer to Capital Projects Fund 4-120-093100-0301 \$ 225,000.00

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON JUNE 27, 2016.**

**William E. Melton, Chairman**  
**Powhatan County Board of Supervisors**

**ATTEST:**

**Patricia A. Weiler, Clerk**  
**Powhatan County Board of Supervisors**

*Recorded Vote:*

David T. Williams Nay  
 Larry J. Nordvig Nay  
 Angie Y. Cabell Aye

William E. Melton Aye  
 Carson L. Tucker Aye

**County of Powhatan  
Amendments to the FY 2017 Budget**

**Total Adopted Budget - All Funds = 104,924,788**  
**1% of Total Adopted Budget - All Funds = 1,049,248**

<b>Res Number</b>	<b>Purpose</b>	<b>Date Adopted</b>	<b>Amount</b>	<b>% of Budget</b>	<b>Public Hearing</b>	<b>Funding Source</b>
R-2016-41	CIP	6/27/2016	620,000	0.591%	NO	Capital Maintenance Reserve & Grant
R-2016-42	Other Capital Improvement Program	6/27/2016	2,144,000	2.043%	YES	Capital Maintenance Reserve, lease proceeds
R-2016-43	Transferring from Clerk of Circuit Court to Contingency	6/27/2016	-	N/A	N/A	Contingency
R-2016-53	Narcan	7/25/2016	-	N/A	N/A	Contingency
R-2016-57	AED Equipment	7/25/2016	-	N/A	N/A	Contingency
R-2016-61	To correct R-2016-42 for amount already budgeted in operating budget		(280,000)	-0.267%	NO	Capital Maintenance Reserve
R-2016-62	Triad Grant		10,000	0.010%	NO	Grant
R-2016-63	CRC Manager		-	N/A	N/A	Contingency
R-2016-64	TANF and Victim Witness Grants		58,433	0.056%	NO	Grants

**Total Amendments = 2,552,433 2.433%**

**Total Amended Budget - All Funds = 107,477,221**



## Powhatan County Board of Supervisors Agenda Item

Meeting Date: August 22, 2016

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Agenda Item Title: Resolution R-2016-62 Amending the Fiscal Year 2017 Powhatan County Operating Budget by Budgeting and Appropriating \$10,000 in the Grants Fund for TRIAD

Motion: Move to approve Resolution R-2016-62

Dates Previously  
Considered by Board: N/A

Summary of Item: The County received \$10,000 in grant funds from Powhatan Community Action Agency for TRIAD and this resolution budgets and appropriates the funds.

Staff:  Approve  Disapprove  See Comments

Commission/Board:  Approve  Disapprove  See Comments

*CSW*

County Administrator:  Approve  Disapprove  See Comments

Comments: None

Budget/Fiscal Impact: Budget and Appropriate \$10,000 grant for specific uses

Attachments: Resolutions Tracking Spreadsheet

Staff/Contact: Charla W. Schubert, Director of Finance and Administration, 804-598-5780, [cschubert@powhatanva.gov](mailto:cschubert@powhatanva.gov)

**RESOLUTION  
AMENDING THE FISCAL YEAR 2017 POWHATAN COUNTY OPERATING BUDGET  
BY BUDGETING AND APPROPRIATING \$10,000 TO THE GRANTS FUND FOR  
TRIAD**

**WHEREAS**, on May 2 2016, the Powhatan County Board of Supervisors adopted Resolution R-2016-23, which adopted the Fiscal Year 2017 Powhatan Operating Budget in the amount of \$104,924,788; and

**WHEREAS**, the Code of Virginia Section [15.2-2507](#) states that any locality may amend its budget and must first hold a public hearing which is advertised once in the newspaper if any such amendment exceeds one percent of the total expenditures of the currently adopted budget; and

**WHEREAS**, the amendment of the budget in this resolution in the amount of \$10,000 (0.010%) does not exceed one percent of the adopted budget and therefore a public hearing was not held.

**NOW, THEREFORE, BE IT RESOLVED** that the FY 2017 Powhatan County Operating Budget is hereby amended and the funds appropriated as shown:

**GRANTS FUND**

**REVENUES**

Triad	3-116-018990-0004	\$	10,000.00
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**EXPENDITURES**

Triad Expenses	4-116-031201-5540	\$	10,000.00
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**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON AUGUST 22, 2016.**

\_\_\_\_\_  
**William E. Melton, Chairman**  
**Powhatan County Board of Supervisors**

**ATTEST:**

\_\_\_\_\_  
**Patricia A. Weiler, Clerk**  
**Powhatan County Board of Supervisors**

*Recorded Vote:*

*David T. Williams*     —  
*Larry J. Nordvig*     —  
*Angie Y. Cabell*     —

*William E. Melton*     —  
*Carson L. Tucker*     —

**County of Powhatan  
Amendments to the FY 2017 Budget**

**Total Adopted Budget - All Funds = 104,924,788**  
**1% of Total Adopted Budget - All Funds = 1,049,248**

<b>Res Number</b>	<b>Purpose</b>	<b>Date Adopted</b>	<b>Amount</b>	<b>% of Budget</b>	<b>Public Hearing</b>	<b>Funding Source</b>
R-2016-41	CIP	6/27/2016	620,000	0.591%	NO	Capital Maintenance Reserve & Grant
R-2016-42	Other Capital Improvement Program	6/27/2016	2,144,000	2.043%	YES	Capital Maintenance Reserve, lease proceeds
R-2016-43	Transferring from Clerk of Circuit Court to Contingency	6/27/2016	-	N/A	N/A	Contingency
R-2016-53	Narcan	7/25/2016	-	N/A	N/A	Contingency
R-2016-57	AED Equipment	7/25/2016	-	N/A	N/A	Contingency
R-2016-61	To correct R-2016-42 for amount already budgeted in operating budget		(280,000)	-0.267%	NO	Capital Maintenance Reserve
R-2016-62	Triad Grant		10,000	0.010%	NO	Grant
R-2016-63	CRC Manager		-	N/A	N/A	Contingency
R-2016-64	TANF and Victim Witness Grants		58,433	0.056%	NO	Grants

**Total Amendments = 2,552,433 2.433%**

**Total Amended Budget - All Funds = 107,477,221**

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Powhatan County  
Board of Supervisors  
Agenda Item

Meeting Date: August 22, 2016

Agenda Item Title: Resolution R-2016-63 Amending the Fiscal Year 2017 Powhatan County Operating Budget by Transferring \$1,348 from the Contingency for the Capital Region Collaborative (CRC) Organizing Council's Project Manager Position

Motion: Move to approve Resolution R-2016-63 as presented

Dates Previously Considered by Board: N/A

Summary of Item: CRC is a cooperative effort between the Richmond Regional Planning District Commission (RRPDC) and the Greater Richmond Chamber of Commerce (GRCC) to identify, prioritize, and implement actions to improve the quality of life within the Richmond Region. CRC co-chairs, Steve Elswick and Jerry Fox, requested last fiscal year that the Region's nine jurisdictions consider funding 50%, or \$50,000, of the CRC Project Manager position. They are requesting that same funding in this fiscal year. Powhatan's share, based on population of 28,706, is proposed at 2.75%, or \$1,348.

The resolution transfers the \$1,348 from the Contingency fund. If this resolution is approved the balance in the contingency fund will be \$93,856.

Staff:  Approve  Disapprove  See Comments

Commission/Board:  Approve  Disapprove  See Comments

County Administrator:  Approve  Disapprove  See Comments

Comments: None

Budget/Fiscal Impact: \$1,348 from Contingency

Attachments: Resolutions Tracking Spreadsheet, Contingency Memo

Staff/Contact: Charla W. Schubert, Director of Finance and Administration, 804-598-5780, [cschubert@powhatanva.gov](mailto:cschubert@powhatanva.gov)

**RESOLUTION  
 AMENDING THE FISCAL YEAR 2017 POWHATAN COUNTY OPERATING BUDGET  
 BY BUDGETING BY TRANSFERRING \$1,348 FROM CONTINGENCY FOR THE  
 CAPITAL REGION COLLABORATIVE (CRC) ORGANIZING COUNCIL’S PROJECT  
 MANAGER POSITION**

**WHEREAS**, on May 2 2016, the Powhatan County Board of Supervisors adopted Resolution R-2016-23, which adopted the Fiscal Year 2017 Powhatan Operating Budget in the amount of \$104,924,788; and

**WHEREAS**, the Code of Virginia Section [15.2-2507](#) states that any locality may amend its budget and must first hold a public hearing which is advertised once in the newspaper if any such amendment exceeds one percent of the total expenditures of the currently adopted budget; and

**WHEREAS**, the amendment of the budget in this resolution is to transfer funds previously budgeted and appropriated and therefore a public hearing was not held.

**NOW, THEREFORE, BE IT RESOLVED** that the FY 2017 Powhatan County Operating Budget is hereby amended and the funds appropriated as shown:

**GENERAL FUND**  
**EXPENDITURES**

Contingency Fund	4-100-081200-0014	\$	(1,348.00)
Capital Region Collaborative (CRC)	4-100-081200-0033	\$	1,348.00

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON AUGUST 22, 2016.**

\_\_\_\_\_  
**William E. Melton, Chairman**  
**Powhatan County Board of Supervisors**

**ATTEST:**

\_\_\_\_\_  
**Patricia A. Weiler, Clerk**  
**Powhatan County Board of Supervisors**

*Recorded Vote:*

*David T. Williams*     —  
*Larry J. Nordvig*     —  
*Angie Y. Cabell*     —

*William E. Melton*     —  
*Carson L. Tucker*     —

Department of Finance

Charla W. Schubert, Director of  
Finance

THE COUNTY OF  
**POWHATAN**  
VIRGINIA

3834 Old Buckingham Road, Suite B  
Powhatan, Virginia 23139

Tel 804.598.5780  
Fax 804.598.5695  
Email: cschubert@powhatanva.gov  
www.powhatanva.gov

August 15, 2016

**TO:** Patricia A. Weiler, County Administrator

**FROM:** Charla W. Schubert, Director of Finance *CWS*

**SUBJECT:** Current Status of Contingency Fund - Account # 4-100-081200-0014

The following is a list of the transfers from the Contingency Fund account during Fiscal Year 2017 and the current status of that account:

<b>Beginning Balance</b>	<b>\$ 99,414.00</b>
R-2015-43, Passport postage	1,000.00
R-2016-53, Narcan	(3,200.00)
R-2016-57, AED's	(2,010.00)
 <u>Proposed Resolutions:</u>	
R-2016-63, CRC Project Manager	(1,348.00)
	<hr/>
<b>Remaining Balance</b>	<b><u><u>\$ 93,856.00</u></u></b>

County of Powhatan  
 Amendments to the FY 2017 Budget

Total Adopted Budget - All Funds = 104,924,788  
 1% of Total Adopted Budget - All Funds = 1,049,248

Res Number	Purpose	Date Adopted	Amount	% of Budget	Public Hearing	Funding Source
R-2016-41	CIP	6/27/2016	620,000	0.591%	NO	Capital Maintenance Reserve & Grant
R-2016-42	Other Capital Improvement Program	6/27/2016	2,144,000	2.043%	YES	Capital Maintenance Reserve, lease proceeds
R-2016-43	Transferring from Clerk of Circuit Court to Contingency	6/27/2016	-	N/A	N/A	Contingency
R-2016-53	Narcan	7/25/2016	-	N/A	N/A	Contingency
R-2016-57	AED Equipment	7/25/2016	-	N/A	N/A	Contingency
R-2016-61	To correct R-2016-42 for amount already budgeted in operating budget		(280,000)	-0.267%	NO	Capital Maintenance Reserve
R-2016-62	Triad Grant		10,000	0.010%	NO	Grant
R-2016-63	CRC Manager		-	N/A	N/A	Contingency
R-2016-64	TANF and Victim Witness Grants		58,433	0.056%	NO	Grants

Total Amendments = 2,552,433 2.433%

Total Amended Budget - All Funds = 107,477,221



## Powhatan County Board of Supervisors Agenda Item

Meeting Date: August 22, 2016

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Agenda Item Title: Resolution R-2016-64 Amending the Fiscal Year 2017 Powhatan County Operating Budget by Budgeting and Appropriating \$58,433 in TANF and Victim Witness grant funds.

Motion: Move to approve Resolution R-2016-64

Dates Previously  
Considered by Board: N/A

Summary of Item: The County receives TANF grant funds each year from the Virginia Department of Social Services to help provide emergency services to the citizens of Powhatan County through the Powhatan County Community Action Agency. The County received additional TANF funds of \$48,750. The County also receives Victim Witness funds each year from the Department of Criminal Justice Services to help provide victim assistance. The County received an additional Victim Witness funds of \$9,683.

This resolution budgets and appropriates the funds.

Staff:  Approve  Disapprove  See Comments

Commission/Board:  Approve  Disapprove  See Comments

*CSW*

County Administrator:  Approve  Disapprove  See Comments

Comments: None

Budget/Fiscal Impact: Budget and Appropriate grants received for specific uses

Attachments: Resolutions Tracking Spreadsheet

Staff/Contact: Charla W. Schubert, Director of Finance, 804-598-5780, [cschubert@powhatanva.gov](mailto:cschubert@powhatanva.gov)

**RESOLUTION  
AMENDING THE FISCAL YEAR 2017 POWHATAN COUNTY OPERATING BUDGET  
BY BUDGETING AND APPROPRIATING \$58,433 FOR TANF AND VICTIM  
WITNESS GRANTS**

**WHEREAS**, on May 2 2016, the Powhatan County Board of Supervisors adopted Resolution R-2016-23, which adopted the Fiscal Year 2017 Powhatan Operating Budget in the amount of \$104,924,788; and

**WHEREAS**, the Code of Virginia Section [15.2-2507](#) states that any locality may amend its budget and must first hold a public hearing which is advertised once in the newspaper if any such amendment exceeds one percent of the total expenditures of the currently adopted budget; and

**WHEREAS**, the amendment of the budget in this resolution in the amount of \$58,433 (0.056%) does not exceed one percent of the adopted budget and therefore a public hearing was not held.

**NOW, THEREFORE, BE IT RESOLVED** that the FY 2017 Powhatan County Operating Budget is hereby amended and the funds appropriated as shown:

**GENERAL FUND**

**REVENUES**

TANF Funds	3-100-033050-0001	\$	48,750.00
Victim Witness	3-100-024040-0016		9,683.00

**EXPENDITURES**

PCAA Services - TANF	4-100-053910-5642	\$	48,750.00
Travel	4-100-031710-5510		952.00
Office Supplies	4-100-031710-6001		8,731.00

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON AUGUST 22, 2016.**

\_\_\_\_\_  
**William E. Melton, Chairman**  
**Powhatan County Board of Supervisors**

**ATTEST:**

\_\_\_\_\_  
**Patricia A. Weiler, Clerk**  
**Powhatan County Board of Supervisors**

*Recorded Vote:*

*David T. Williams*     —  
*Larry J. Nordvig*     —  
*Angie Y. Cabell*     —

*William E. Melton*     —  
*Carson L. Tucker*     —

County of Powhatan  
 Amendments to the FY 2017 Budget

Total Adopted Budget - All Funds = 104,924,788  
 1% of Total Adopted Budget - All Funds = 1,049,248

Res Number	Purpose	Date Adopted	Amount	% of Budget	Public Hearing	Funding Source
R-2016-41	CIP	6/27/2016	620,000	0.591%	NO	Capital Maintenance Reserve & Grant
R-2016-42	Other Capital Improvement Program	6/27/2016	2,144,000	2.043%	YES	Capital Maintenance Reserve, lease proceeds
R-2016-43	Transferring from Clerk of Circuit Court to Contingency	6/27/2016	-	N/A	N/A	Contingency
R-2016-53	Narcan	7/25/2016	-	N/A	N/A	Contingency
R-2016-57	AED Equipment	7/25/2016	-	N/A	N/A	Contingency
R-2016-61	To correct R-2016-42 for amount already budgeted in operating budget		(280,000)	-0.267%	NO	Capital Maintenance Reserve
R-2016-62	Triad Grant		10,000	0.010%	NO	Grant
R-2016-63	CRC Manager		-	N/A	N/A	Contingency
R-2016-64	TANF and Victim Witness Grants		58,433	0.056%	NO	Grants

Total Amendments = 2,552,433 2.433%

Total Amended Budget - All Funds = 107,477,221

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## Powhatan County Board of Supervisors Agenda Item

Meeting Date: August 22, 2016

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Agenda Item Title: Appointment /Reappointment to the Anti-Litter Council

Motion: Move to appoint/reappoint \_\_\_\_\_ to the Anti-Litter Council for a three-year term commencing July 26, 2016, and expiring June 30, 2019.

Dates Previously Considered by Board: N/A

Summary of Item: The Council strives to achieve a reputation for Powhatan as a clean, litter-free county with a strong sense of community and enhanced quality of life for its citizens. The Council raises awareness, and increases involvement among Powhatan citizens and businesses by initiating educational programs, special events, public relations material, recycling and cleanup events, and recognition programs. The Council will work with county officials, government agencies and state lawmakers to communicate ideas and concerns for improving existing laws and future legislation that will reduce litter and increase recycling activities. Furthermore, the Council will work with local law enforcement agencies and courts to enforce current and future anti-litter laws.

The Powhatan Anti-Litter Council is composed of up to seven (7) voting members appointed by the Board of Supervisors including one (1) Board of Supervisors member or Planning Commission member from any electoral district.

Representatives serve a three-year term with no term limit.

The Board received an application from Roscoe Evans to be reappointed to this committee.

Staff:     N/A     Approve            \_\_\_ Disapprove            \_\_\_ See Comments

Commission/Board:     N/A     Approve            \_\_\_ Disapprove            \_\_\_ See Comments

County Administrator:     N/A     Approve            \_\_\_ Disapprove            \_\_\_ See Comments

Comments: None

Budget/Fiscal Impact: None

Attachments: Current Board Matrix

Staff/Contact: Patricia A. Weiler, County Administrator, (804)598-5612, [pweiler@powhatanva.gov](mailto:pweiler@powhatanva.gov)

**Powhatan County Anti-Litter Council – Established May 12, 2003 – Re-established by Resolution April 11, 2011 – Structure amended by Resolution May 5, 2014**

**Voting Members:**

<b><u>Appointee</u></b>	<b><u>Appointed By</u></b>	<b><u>When Appointed</u></b>	<b><u>Term</u></b>	<b><u>Expiration Date</u></b>
Larry Nordvig 1636 Dorset Meadows <a href="mailto:lnordvig@powhatanva.gov">lnordvig@powhatanva.gov</a> Board of Supervisors or Planning Commission member	Board of Supervisors	January 4, 2016	3 Years	coincides with elected term of office January 4, 2019
Betty Handy 3171 Judes Ferry Road 794-7717 <a href="mailto:handybetty@msn.com">handybetty@msn.com</a> Citizen at large	Board of Supervisors	June 1, 2015	3 Years	May 31, 2018
Karen Ylimaki (Chair) 1179 Bradbury Road <a href="mailto:Karen.ylimaki1@gmail.com">Karen.ylimaki1@gmail.com</a> Citizen at large	Board of Supervisors	June 1, 2015	3 Years	May 31, 2018
Roscoe Evans 906 Evans Road <a href="mailto:salvagepartsus@yahoo.com">salvagepartsus@yahoo.com</a> Citizen at large	Board of Supervisors	May 5, 2014	3 Years	June 30, 2016 (two-year initial term)
Elliot Danburg 2673 Liberty Hill Road <a href="mailto:edanburg@att.net">edanburg@att.net</a> Citizen at large	Board of Supervisors	June 27, 2016	3 Years	June 30, 2019
Gay Bartlett 4298 Pierce Road Citizen at large	Board of Supervisors	May 5, 2014	3 Years	June 30, 2017
Vernell Straughter 4629 A Bell Road <a href="mailto:hstraughter@roadrunner.com">hstraughter@roadrunner.com</a> Citizen at large	Board of Supervisors	January 4, 2016	3 Years	January 4, 2019

**Non-Voting Members:**

County Administrator Representative  
Public Works Department Representative  
Virginia Department of Transportation Representative  
Sheriff's Office Representative  
VA Cooperative Extension Representative  
Chamber of Commerce Representative

**Composition:**

The Powhatan Anti-Litter Council is composed of up to seven (7) voting members appointed by the Board of Supervisors including one (1) Board of Supervisors member or Planning Commission member from any electoral district.

**Officers:**

A chair, vice chair, and a secretary shall be chosen from within the voting membership of the council to serve a one year term. The council chairman shall appoint the chairman of each of three subcommittees: Education, Programs, and Judicial.

**Term:**

Members shall serve a three (3) year term. New members may be appointed to serve the unexpired term of any member who leaves office. Members may serve an unlimited number of terms and may be removed from the council by majority vote of the Board of Supervisors. If any member misses more than three (3) meetings in one year, that member shall no longer be a Council member.

**Swear-In:**

No requirements

**Mission:**

The Council strives to achieve a reputation for Powhatan as a clean, litter-free county with a strong sense of community and enhanced quality of life for its citizens. The Council raises awareness, and increases involvement among Powhatan citizens and businesses by initiating educational programs, special events, public relations material, recycling and cleanup events, and recognition programs. The Council will work with county officials, government agencies and state lawmakers to communicate ideas and concerns for improving existing laws and future legislation that will reduce litter and increase recycling activities. Furthermore, the Council will work with local law enforcement agencies and courts to enforce current and future anti-litter laws.

**Meetings:**

Meets the first Wednesday of every month at 1:00 p.m. in the Village Building conference room, 3910 Old Buckingham Road.

**Notification Requirements:**

Meetings shall be posted on the County web site calendar and are open to the public.

**Compensation:**

None

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## Powhatan County Board of Supervisors Agenda Item

Meeting Date: August 22, 2016

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Agenda Item Title: Appointment to the Piedmont Criminal Justice Board – Piedmont Court Services

Motion: Move to appoint \_\_\_\_\_ to the Piedmont Criminal Justice Board

Dates Previously  
Considered by Board: N/A

Summary of Item: The Piedmont Court Services is represented by the eight (8) counties of Amelia, Buckingham, Charlotte, Cumberland, Lunenburg, Nottoway, Powhatan and Prince Edward. Powhatan County currently has two members on the 18-member Community Criminal Justice Board/Piedmont Court Services, for which the staff of seven Probation Officers and one Director supervises felon and misdemeanor cases. The total board consists of sheriffs, county administrators, commonwealth attorneys, elected officials, magistrates, judges, regional jail administrators, other members specifically involved in local law enforcement or administration of the locality from the eight localities that participate in Piedmont Court Services. The CCJB is composed of additional positions entitled "Additional Appointees Representing Governing Bodies." See Resolution dated September 13, 2004.

Staff:                                  N/A   Approve                        \_\_\_ Disapprove                        \_\_\_ See Comments

Commission/Board:                  N/A   Approve                        \_\_\_ Disapprove                        \_\_\_ See Comments

County Administrator:                N/A   Approve                        \_\_\_ Disapprove                        \_\_\_ See Comments

Comments:                            None

Budget/Fiscal Impact:            None

Attachments:                        Current Board Matrix

Staff/Contact:                        Patricia A. Weiler, County Administrator, (804)598-5612, [pweiler@powhatanva.gov](mailto:pweiler@powhatanva.gov)

<b>Appointee</b>	<b>Appointed By</b>	<b>When Appointed</b>	<b>Term</b>	<b>First Appointment Date</b>	<b>Expiration Date</b>
Richard Cox 3801 Marion Harlan Lane Powhatan VA 23139 (804) 598-5601 <a href="mailto:rcox@powhatanva.gov">rcox@powhatanva.gov</a>	Board of Supervisors	March 2, 2015	Unlimited	March 2, 2015	N/A
Robert Beasley Member, Representing the Local Governing Body <a href="mailto:rbeasley@courts.state.va.us">rbeasley@courts.state.va.us</a>	Board of Supervisors	February 2, 2015	Unlimited	February 23, 2012	N/A

**Composition:**

The Piedmont Court Services is represented by the eight (8) counties of Amelia, Buckingham, Charlotte, Cumberland, Lunenburg, Nottoway, Powhatan and Prince Edward. Powhatan County currently has two members on the 18-member Community Criminal Justice Board/Piedmont Court Services, for which the staff of seven Probation Officers and one Director supervises felon and misdemeanor cases. The total board consists of sheriffs, county administrators, commonwealth attorneys, elected officials, magistrates, judges, regional jail administrators, other members specifically involved in local law enforcement or administration of the locality from the eight localities that participate in Piedmont Court Services. The CCJB is composed of additional positions entitled “Additional Appointees Representing Governing Bodies.” See Resolution dated September 13, 2004.

**Term:**

The terms are unlimited.

**Sworn In:**

There is no swearing-in.

**Mission:**

Piedmont Court Services is an agency dedicated to enhancing public safety, reducing crime, reinforcing offender accountability, promoting lawful and productive lifestyles among offenders, and assisting the Courts in managing offenders by utilizing evidence-based practices and principles and establishing collaborative community partnerships in order to promote offender self-efficacy and to reduce recidivism.

The mission of the Board is to have greater flexibility and involvement in responding to the problem of crime in its communities; to provide more effective protection of society; to promote efficiency and economy in the delivery of correctional services; to provide an increased amount of opportunities and incentives for offenders to make restitution to victims of crimes through financial reimbursement or community service; to operate and utilize programs and services specifically designed to meet the rehabilitative needs of selected offenders; and to provide appropriate post-sentencing alternatives for certain offenders, with the goal of reducing the incidence of repeat offenders.

**Where/When Meet:**

The Board meets twice a year, usually in March and September, for dinner meetings beginning at 6:00 p.m. Meeting locations vary throughout the region. For question, please contact Renée Trent Maxey, Director, at (434) 392-8161 or [maxeypcs@localprobation.net](mailto:maxeypcs@localprobation.net)

**Notification Requirements:**

Notification of upcoming meetings is handled by Piedmont Court Services.

**Compensation:**

None.

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## Powhatan County Board of Supervisors Agenda Item

Meeting Date: August 22, 2016

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Agenda Item Title: Appointment to the Powhatan Local Emergency Planning Committee

Motion: Move to appoint Curt Nellis to replace David Bailey on the Powhatan Local Emergency Planning Committee

Dates Previously Considered by Board: N/A

Summary of Item: In June of each year, the committee may make appointment recommendations to the Powhatan Board of Supervisors. If approved, these recommendations are passed to the Virginia Emergency Response Council (VERC). Members of the Committee are appointed by the Governor of the Commonwealth of Virginia based on the recommendation from both the Powhatan Board of Supervisors and the VERC. Terms are unlimited pursuant to the committee by-laws.

Staff:   N/A   Approve            \_\_\_ Disapprove            \_\_\_ See Comments

Commission/Board:   N/A   Approve            \_\_\_ Disapprove            \_\_\_ See Comments

County Administrator:   N/A   Approve            \_\_\_ Disapprove            \_\_\_ See Comments

Comments: None

Budget/Fiscal Impact: None

Attachments: Current Board Matrix

Staff/Contact: Patricia A. Weiler, County Administrator, (804)598-5612, [pweiler@powhatanva.gov](mailto:pweiler@powhatanva.gov)

**Powhatan Local Emergency Planning Committee**

**Required by the Federal Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), Public Law 99-499.**

<b>Agency</b>	<b>Appointee</b>	<b>Appointed by</b>	<b>When Appointed</b>	<b>Term</b>	<b>First Appointment Date</b>	<b>Expiration Date</b>
Citizen	Randy Fransis	Board of Supervisors	1/25/2016	Unlimited	1/25/2016	N/A
Elected Official	Jamie Timberlake <i>(Commissioner of the Revenue)</i>	Board of Supervisors	1/25/2016	Unlimited	1/25/2016	N/A
County Rep				Unlimited		N/A
Sheriff's Office	Adam Sadler <i>(Sheriff's Office Representative)</i>	Board of Supervisors	1/25/2016	Unlimited	1/25/2016	N/A
Vol. Fire Dept.	Troy Blair <i>(District Chief)</i>	Board of Supervisors	1/25/2016	Unlimited	5/8/2009	N/A
Rescue Squad	Lynne Beach	Board of Supervisors	1/25/2016	Unlimited	5/8/2009	N/A
Media				Unlimited		N/A
Citizen	Bill Donati Sr.	Board of Supervisors	1/25/2016	Unlimited	5/8/2009	N/A
Facility Rep	N/A			Unlimited		N/A
Emergency Mgmt.	Steven Singer <i>(EM Coordinator)</i>	Board of Supervisors	1/25/2016	Unlimited	1/25/2016	N/A
<b>Emergency Mgmt.</b>	<b><i>(Deputy EM Coordinator)</i></b>	<b>Board of Supervisors</b>	<b>1/25/2016</b>	<b>Unlimited</b>	<b>5/8/2009</b>	<b>N/A</b>

**Required by the Federal Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), Public Law 99-499.**

**Composition:**

There should be at least one member on the Committee from each of the following categories: (If one of the below groups cannot provide a member, the committee will continue to be allowed to function.)

- a. Elected state or local official.
- b. Law enforcement, emergency management, firefighting, health, rescue, local environmental, hospital or transportation personnel.
- c. Broadcast or print media.
- d. Citizens or Community groups.
- e. Owners or operators of facilities subject to the requirements of S.A.R.A., Title

**Appointment and Term:**

In June of each year, the committee may make appointment recommendations to the Powhatan Board of Supervisors. If approved, these recommendations are passed to the Virginia Emergency Response Council (VERC). Members of the Committee are appointed by the Governor of the Commonwealth of Virginia based on the recommendation from both the Powhatan Board of Supervisors and the VERC. Terms are unlimited pursuant to the committee by-laws.

**Sworn In:**

There is no swearing in process.

**Purpose of the Committee:**

- a. In accordance with Federal Public Law 99-499, the “Superfund Amendments and Reauthorization Act of 1986”, under Title III, Section 312, receive and process annual Tier I and Tier II hazardous materials inventory reporting information.
- b. Establish procedures for receiving and processing requests from the public for information about and/or copies of emergency response plans, material safety data sheets and chemical inventory forms.
- c. Assist the County with the development, and maintenance of the County Emergency Operations Plan entitled, “Incident Annex 2: Oil and Hazardous Materials Response” and “ESF 10: Oil and Hazardous Materials”.

- d. If requested, observe and critique hazardous materials emergency operations exercises annually.
- e. Educate the public about risks from accidental and routine releases of chemicals, and work with facilities to minimize such risks.
- f. Encourage hazardous materials training of public and quasi-public personnel.
- g. Function as the Powhatan County Disaster Recovery Task Force.
- h. Function as the Powhatan County Citizen Corp Council.
- i. Assist the county and state government when requested in the area of terrorism assistance and community education.
- j. Other support as requested by county government officials.

**Meeting Schedule:**

A schedule of meeting times and locations are determined by the membership of the committee on an annual basis. The Chair may change the location and time of the meetings when deemed necessary and with appropriate notice given to the members. Meetings are held at the Powhatan Emergency Management Office at 3910 Old Buckingham Road, Suite C in Powhatan Virginia.

**Notification Requirements:**

These meetings are posted to the county website and are open to the public and all interested parties.

**Compensation:**

None

POWHATAN COUNTY  
 STRATEGIC ACTION PLAN  
 IMPLEMENTATION STEPS FOR THREE-YEAR PRIORITIES  
 STATUS REPORT

Status  
 as of

August 22, 2016

Highlighted Cells note a change from the July 25, 2016 update

Key Task/Activity	Target Date	
<b>Priority LD 1: Complete the zoning and subdivision ordinance updates</b>		
Champion: Altman		
Supporting Staff: Howland, Dameron, Lacheney, Wall		
1. Zoning Ordinance update adopted by Board of Supervisors (BOS)	Jun-14	COMPLETE
2. Commence Subdivision Ordinance review	May-14	COMPLETE
3. Hold Planning Commission (PC) public hearing and recommend PC approval of Subdivision Ordinance	Sep-14	COMPLETE
4. Conduct a workshop with BOS	Nov-14	COMPLETE
5. Hold BOS public hearing	Dec-14	COMPLETE
6. Hold BOS workshop on Subdivision Ordinance	Feb-15	COMPLETE
7. Hold BOS public hearing and recommend BOS adoption	Mar-15	COMPLETE
8. Implement new Subdivision Ordinance Implementation on hold because BOS has not yet adopted the ORD	TBD	
<b>Priority LD 2: Update the Comprehensive Plan</b>		
Champion: Altman		
Supporting Staff: Howland, Dameron, Stokes		
1. Conduct a workshop with BOS and PC to discuss the options of review or update, the legal requirements and the BOS expectations	Sep-15	COMPLETE
2. Develop tasks, activities <u>and timeline</u> based on BOS direction at the workshop	Jan-16	COMPLETE
3. Planning Commission reviewing Comprehensive Plan	Jun-17	
4. Board of Supervisors review Comprehensive Plan	TBD	

POWHATAN COUNTY  
 STRATEGIC ACTION PLAN  
 IMPLEMENTATION STEPS FOR THREE-YEAR PRIORITIES  
 STATUS REPORT

Status  
 as of

August 22, 2016

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Key Task/Activity	Target Date	
<b>Priority LD 3: Prepare for the County's responsibility to address stormwater management</b>		
Champion: Altman		
Supporting Staff: Public Works, GIS		
1. Meet with representatives of other communities to review and discuss stormwater policies, ordinances, and implementation procedures	Ongoing	
2. Assess staff capabilities, needs, and resources	TBD	
3. Monitor State Code Regulations for potential changes	Ongoing	
4. Complete inventory of stormwater BMPs and outfalls in County, including drainage easements	Jun-16	COMPLETE
5. Develop local policies and procedures and County Code amendments	TBD	
6. Conduct BOS workshop to discuss proposed stormwater management program	TBD	
7. Recommend BOS adopt program	TBD	
<b>Priority EC 1: Create and implement an economic development plan, to include agri-business</b>		
Champion: Altman		
Supporting Staff: Weiler		
1. BOS budgets and appropriates funding	Oct-14	COMPLETE
2. Develop and issue RFP	Oct-14	COMPLETE
3. Review RFP submittals	Dec-14	COMPLETE
4. Board approves contract/authorizes County Administrator to execute	Dec-14	COMPLETE
5. Begin plan development	Jan-15	COMPLETE
6. Complete plan	Aug-15	ONGOING
6a. Consultant presents Findings and Recommendations	Aug-15	COMPLETE
6b. BOS feedback on Findings and Recommendations	Sep-15	COMPLETE
6c. Formulation of Goals, Objectives and Performance Measures	Dec-15	COMPLETE
7. BOS adopts Economic Development Plan	Mar-16	COMPLETE
7a. Consultant conducts Community Meeting to present Plan	Mar-16	COMPLETE
8. Implement Economic Development Plan	Ongoing	ONGOING

POWHATAN COUNTY  
 STRATEGIC ACTION PLAN  
 IMPLEMENTATION STEPS FOR THREE-YEAR PRIORITIES  
 STATUS REPORT

Status  
 as of

August 22, 2016

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Key Task/Activity	Target Date	
<b>Priority EC 2: Redirect and reconstitute the EDA. to include a clear purpose and realignment with the Board's direction and the economic development plan</b>		
Champion: Altman		
Supporting Staff: Weiler		
1. Review EDAs within adjoining communities to learn of best practices	Aug-15	COMPLETE
2. Develop new job description/charter for EDA members	Nov-15	COMPLETE
3. Solicit talent bank resumes of potential EDA candidates	Dec-15	COMPLETE
4. Review resumes and recommend individuals for appointment to EDA	Jan-16	COMPLETE
<b>Priority EC 3: Locate or expand at least one major business during the next 3 years</b>		
Champion: Altman		
Supporting Staff: Weiler		
1. Develop and adopt Economic Development Plan (see EC 1)	Mar 16	COMPLETE
2. Identify sites for business development	Mar 16	COMPLETE
3. Create marketing materials and website	Jun-16	
4. Market development sites to potential businesses	Ongoing	
5. Get commitment from a new/expanded business	Dec-18	
<b>Priority EC4: Re-engineer the building inspection, planning, and zoning processes to be more efficient and business friendly</b>		
Champion: Altman		
Supporting Staff: Planning/Building/Zoning/Public Works		
1. Meet with staff to discuss streamlining the plan review and building inspection process	Sep-14	COMPLETE
2. Review processes with consultant and evaluate consultants recommendations	Sep-15	ONGOING
3. Finalize and implement new processes	Jan-17	
4. Submit funding request for software to improve processes	Mar-16	
5. Select and purchase new software if funding is approved by BOS	Sep-16	
6. Implement new software	Jan-17	

POWHATAN COUNTY  
 STRATEGIC ACTION PLAN  
 IMPLEMENTATION STEPS FOR THREE-YEAR PRIORITIES  
 STATUS REPORT

Status  
 as of

August 22, 2016

Highlighted Cells note a change from the July 25, 2016 update

Key Task/Activity	Target Date	
<b>Priority HS 1: Structure the new fire/EMS/emergency management department</b>		
Champion: Singer		
Supporting Staff: Weiler, Greene, Warner, Schoeffel		
1. Gather input from Fire, Emergency Management and EMS community, volunteers, and staff to determine roles and responsibilities of Fire & EMS Chief position	May-14	COMPLETE
2. Write roles and responsibilities gathered from input into job description	Jul-14	COMPLETE
3. Advertise and interview for Fire and EMS Chief position	Sep-14	COMPLETE
4. Hire Fire & EMS Chief	Dec-14	COMPLETE
5. Submit request to Virginia Department of Fire Program to conduct a study of Powhatan County's Fire and EMS services	Dec-14	COMPLETE
6. Revise Powhatan Code for BOS approved changes as recommended by Fire & EMS Chief	Feb-15	COMPLETE
7. Identify roles of current command structure of Fire/EMS/Emergency Management and analyze personnel needs based on current budget	Feb-15	COMPLETE
8. Recommend to the BOS changes to implement recommendations of Fire & EMS Chief on the command structure and personnel needs	Mar-15	COMPLETE
9. Present to the BOS the recommendations of the Virginia Department of Fire Program study	Jan-16	COMPLETE
10. Revise Powhatan Code for BOS approved changes as recommended by Virginia Department of Fire Program study	Mar-16	N/A
11. Collaborate with volunteers, contractors, and county staff to implement plan, policies and procedures	Mar-16	ONGOING

POWHATAN COUNTY  
 STRATEGIC ACTION PLAN  
 IMPLEMENTATION STEPS FOR THREE-YEAR PRIORITIES  
 STATUS REPORT

Status  
 as of

August 22, 2016

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Key Task/Activity	Target Date	
<b>Priority HS 2: <u>Transfer the responsibility for emergency communications to the County Administrator and relocate the E-911 Center</u></b>		
Champion: Singer		
Supporting Staff: Sheriff, Greene		
1. Engage in discussions between Sheriff and County Administrator to determine the need to transfer E-911 to carry out BOS direction	Jan-15	ONGOING
2. Engage in collaborations among County Administrator, Fire & EMS Chief and the Sheriff on implementation issues (acquire input, discuss pros and cons, briefing to officials as needed)	Jan-15	ONGOING
3. Identify the department to which the E-911 services function will report and identify a physical location for the E-911 function	Dec-15	COMPLETE
4. Present to the Board for approval of recommendations and funding for the location	Mar-16	COMPLETE
5. Develop a plan for relocation of E-911 center/new radio system to ensure there is no disruption of services	Jan-18	
6. Oversee the relocation of the E-911 center to ensure there is no disruption of services	Jan-18	

<b>Priority HS 3: <u>Evaluate the needs of our population and determine how best to respond so that they grow, develop and age healthfully</u></b>		
Champion: Pemberton/Weiler		
Supporting Staff: Howland, Woodel, Martin, TRIAD		
1. Recommend reinstatement of County funding support for Senior Connections, Senior Navigator, Free Clinic, YMCA, the FCS program at the Extension Office and other organizations which support the County's aging population	Mar-15	COMPLETE
2. Assess the potential of a collaboration from agencies coming together for the Resource Council Meeting to determine whether this community partnership can address this goal (e.g., YMCA, Senior Connections, Health Department, Social Services, Extension Office, Recreation)	Jun-15	ONGOING
<ul style="list-style-type: none"> <li>Attend the Resource Council meeting for a discussion of the possibility how human service needs, including needs of the aging, might be addressed</li> </ul>		COMPLETE
<ul style="list-style-type: none"> <li>Develop a needs assessment (e.g., nutrition, recreation, financial education, transportation, support system, affordable housing, safety services)</li> </ul>		COMPLETE

POWHATAN COUNTY  
 STRATEGIC ACTION PLAN  
 IMPLEMENTATION STEPS FOR THREE-YEAR PRIORITIES  
 STATUS REPORT

Status  
 as of

August 22, 2016

Highlighted Cells note a change from the July 25, 2016 update

Key Task/Activity	Target Date	
<ul style="list-style-type: none"> <li>Determine method of communication to disseminate information to community (hire external with Board of Supervisors approval, or internal committee)</li> </ul>		
<ul style="list-style-type: none"> <li>Evaluate what the assessment may bring to the table and then determine how to address all needs</li> </ul>		
<ul style="list-style-type: none"> <li>Delegate to agency to begin addressing needs</li> </ul>		

**Priority HS 4: Develop a recreation department and plan that addresses the needs of all citizens**

Champion: Woodel

Supporting Staff: Altman, Piper, Martin, Howland

1. Assess needs of department; determine whether assistance can be acquired from local universities to complete a community needs assessment	Oct-15	ONGOING
2. Continue to analyze programs in other localities for their "fit" in Powhatan	Nov-15	ONGOING
3. Develop a written plan of action for department needs	<del>Dec-15</del> Sep-16	
4. Determine immediate, affordable community needs and coordinate with services offered by other agencies to create programs for citizens	<del>Dec-15</del> Sep-16	
5. Present recommendations to BOS and implement plan of action if approved	<del>Mar-16</del> Dec-16	

POWHATAN COUNTY  
 STRATEGIC ACTION PLAN  
 IMPLEMENTATION STEPS FOR THREE-YEAR PRIORITIES  
 STATUS REPORT

Status  
 as of

August 22, 2016

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Key Task/Activity	Target Date	
<b>Priority ED 1: Consider how future joint meetings with the School Board may be useful in achieving greater collaboration</b>		
Champion: Weiler		
Supporting Staff: Dr. Jones		
1. Schedule and hold meeting of BOS Chairman and School Board (SB) Chairman to discuss future joint meetings of BOS and School Board	Aug-14	COMPLETE
2. Schedule and hold meeting of BOS Chairman, SB Chairman, County Administrator and Superintendent to discuss future joint meetings of BOS and School Board	Sep-14	COMPLETE
3. Schedule and hold quarterly meetings of BOS Chairman, SB Chairman, County Administrator, and School Superintendent	Dec-14	COMPLETE
	Mar-15	COMPLETE
	Jun-15	COMPLETE
	Sep-15	CANCELLED
	Dec-15	CANCELLED
3a. Schedule and hold quarterly Joint BOS / SB meetings	Jan-16	1/20, 2/3, 2/17
	Mar-16	3/23
	Jun-16	TBD
	Sep-16	TBD
	Dec-16	TBD
4. Schedule and hold a joint BOS/School Board workshop for School Board to present the Schools Facility Study to the BOS	Dec-14	COMPLETE
5. Research consultants to facilitate a joint BOS/School Board workshop on collaboration (Jones and Weiler)	Nov-14	COMPLETE
6. Discuss with consultant the strategy for joint BOS/School Board workshop (Jones and Weiler)	Dec-14	COMPLETE
7. Schedule and hold meeting of BOS Chair, School Board Chair, County Administrator and Superintendent to discuss recommendations of consultant on strategy for joint BOS/School Board workshop	Dec-14	COMPLETE
8. Schedule and hold joint BOS/School Board workshop on collaboration and to determine if the BOS/School Board should hold joint workshops on a regular basis	Feb-15	CANCELLED by BOS
<b>Priority ED 2: Determine the Board's role in a workforce development strategy that supports the County's economic development plan</b>		
Champion: Weiler		
Supporting Staff: Altman, Dr. Jones		
1. Develop the key tasks/activities for this priority once the economic development plan has been adopted by the BOS	TBD	

POWHATAN COUNTY  
 STRATEGIC ACTION PLAN  
 IMPLEMENTATION STEPS FOR THREE-YEAR PRIORITIES  
 STATUS REPORT

Status  
 as of

August 22, 2016

Highlighted Cells note a change from the July 25, 2016 update

Key Task/Activity	Target Date
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**Priority FA 1: Develop and implement a performance-based budgeting approach that aligns the budget with the priorities, goals, and objectives of the Board of Supervisors**

Champion: Schubert

Supporting Staff: Weiler, Beach, Gradwell, Jackson

1. Define the performance based budgeting system to will be used	Jul-17
2. Train staff on mission statements, objectives, and performance measurements	Sep-17
3. Develop a database to store and report department data	Oct-17
4. Develop a BOS policy that ties vision and factors to funding/budget process (How do department objectives tie in to the Boards vision)	Sep-18
5. Present to the board a Performance based budget for FY 2020	Mar-19

**Priority FA 2: Continue to examine, evaluate, and improve systems and processes to enhance and add to the effectiveness of government service delivery, transparency, and accountability**

Champion: Weiler

Supporting Staff: Jackson, Schubert

1. Identify and document all completed BPR between January 2013 and present	<del>Sep-15</del> Sep-16
2. Create an initiative to identify, document, implement and acknowledge system and process improvements - the "Business Process Reengineering (BPR) Initiative"	<del>Sep-15</del> Sep-16
3. Write the BPR Initiative process including acknowledgement system	<del>Sep-15</del> Sep-16
4. Hold a meeting of key personnel from all departments to explain the BPR Initiative	<del>Oct-15</del> Oct-16
5. Identify potential BPR, assign champion and team; develop work plan (key tasks, activities, due dates)	ongoing

POWHATAN COUNTY  
 STRATEGIC ACTION PLAN  
 IMPLEMENTATION STEPS FOR THREE-YEAR PRIORITIES  
 STATUS REPORT

Status  
 as of

August 22, 2016

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Key Task/Activity	Target Date	
<b>Priority FA 3: Review and update the County's financial policies, including school funding and capital projects</b>		
Champion: Schubert		
Supporting Staff: Beach, Gradwell, Weiler, Jackson		
1. Identify and list all the policies	Oct-14	COMPLETE
2. Request best practices from other local jurisdictions	Feb-15	COMPLETE
3. Draft policies	May-15	COMPLETE
4. Meet with BOS Policy Committee to get their revisions to draft policies	Jun-15	COMPLETE
5. Present policies to BOS in workshop	Jul-15	COMPLETE
6. Present policies to BOS for approval	Aug-15	COMPLETE

<b>Priority FA 4: Create an annual prioritized capital improvements plan and other capital maintenance program with consistent viable funding sources</b>		
Champion: Schubert		
Supporting Staff: Altman, Weiler, Piper, Melis, Singer		
1. Schedule and hold meeting of team to determine the calendar for the FY 2016 Five-Year Capital Improvement Plan and Other Capital Programs (FY 2016 CIP)	Oct-14	COMPLETE
2. Schedule and hold meeting with School Superintendent to agree to dates for CIP	Dec-14	COMPLETE
3. Hold Joint BOS/ PC workshop on the Utilities Master Plan	Oct-14	COMPLETE
4. Hold Joint BOS / School Board workshop on the Schools Facility Needs Study	Nov-14	COMPLETE
5. Review FY 2015 CIP with Departments and incorporate changes into the FY 2016	Jan-15	COMPLETE
6. Incorporate Utilities Master Plan and School Board Adopted CIP into the FY 2016 CIP	Jan-15	COMPLETE
7. Present the FY 2016 CIP to the PC	Feb-15	COMPLETE
8. Present the FY 2016 CIP to the BOS	Mar-15	COMPLETE
9. Recommend BOS adopt the FY 2016 CIP	Apr-15	COMPLETE

POWHATAN COUNTY  
 STRATEGIC ACTION PLAN  
 IMPLEMENTATION STEPS FOR THREE-YEAR PRIORITIES  
 STATUS REPORT

Status  
 as of

August 22, 2016

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Key Task/Activity	Target Date	
<b>Priority IN 1: Develop and adopt a utilities master plan</b>		
Champion: Rapp		
Supporting Staff: Melis, Altman		
1. Hold Joint PC and BOS workshop	Oct-14	COMPLETE
2. Present Plan to PC for consideration	Jan-15	COMPLETE
3. Present revised Water and Sewer Service District boundaries to PC for consideration		COMPLETE
	Jan-15	COMPLETE
4. Present Plan to BOS for consideration of adoption	Feb-15	COMPLETE
5. Present revised Water and Sewer Service District boundaries to Board for adoption	Feb-15	COMPLETE
6. Implement plan as growth occurs	Ongoing	ONGOING
<b>Priority IN 2: Finalize the agreement for the Cobbs Creek Regional Reservoir</b>		
Champion: Weiler		
Supporting Staff: Altman, Rapp		
1. Finalize negotiations with Henrico County	May-15	ONGOING
2. Present agreement to BOS for adoption	Jun-15	
	Sept-15	
	Apr-16	
3. Sign and finalize agreement	Jun-15	
	Sept-15	
	Apr-16	
4. Implement agreement	Jun-15	
	Sept-15	
	Apr-16	
<b>Priority IN 3: Secure funding for water tower to serve County, Department of Corrections, and Goochland County</b>		
Champion: Weiler		
Supporting Staff: Rapp, Altman		
1. Funding was included in the FY 2015 State Budget	Complete	COMPLETE

POWHATAN COUNTY  
 STRATEGIC ACTION PLAN  
 IMPLEMENTATION STEPS FOR THREE-YEAR PRIORITIES  
 STATUS REPORT

Status  
 as of

August 22, 2016

Highlighted Cells note a change from the July 25, 2016 update

Key Task/Activity	Target Date	
<b>Priority IN 4: <u>Develop a communications infrastructure master plan for the public safety communications system</u></b>		
Champion: Greene		
Supporting Staff: Singer, Director of IT, Sheriff		
1. Request BOS approval of funding for plan	Oct-14	COMPLETE
2. Develop RFP	Feb-15	COMPLETE
3. Issue RFP	Mar-15	COMPLETE
4. Review submitted proposals	Jun-15	COMPLETE
5. Request BOS to authorize County Administrator to execute contract	Jul-15	COMPLETE
6. Complete plan	Dec-15	COMPLETE
7. Present plan to BOS for approval	Jan-16	COMPLETE

<b>Priority IN 5: <u>Develop a transportation master plan</u></b>		
Champion: Altman		
Supporting Staff: Howland, Dameron, Melis		
1. Conduct workshop with Board on a Route 60 third lane policy	2014	COMPLETE
2. Write and present to BOS for approval a Route 60 third lane policy	Jun-15	ONGOING
3. Complete Route 60 East Special Area Plan funding by the MPO	Jun-16	
4. Complete Route 60 Rural Area Corridor Study being done by MPO staff	Jun-16	
5. Conduct workshop with BOS and PC on all the transportation studies to determine BOS expectation and desired outcome of a transportation master plan	Oct-16	
6. Develop tasks and activities based on direction of BOS from workshop	TBD	

POWHATAN COUNTY  
 STRATEGIC ACTION PLAN  
 IMPLEMENTATION STEPS FOR THREE-YEAR PRIORITIES  
 STATUS REPORT

Status  
 as of

August 22, 2016

Highlighted Cells note a change from the July 25, 2016 update

Key Task/Activity	Target Date	
<b>Priority IN 6: Develop an IT/phone master plan for the County's internal systems</b>		
Champion: IT Director		
Supporting Staff: Stowers		
1. Request BOS approval of funding for plan	Oct-14	COMPLETE
<del>2. Develop and issue RFP</del>	Jun-15	
<del>3. Request BOS to authorize County Administrator to execute contract and budget and appropriate funds</del>	Oct-15	
4. Complete plan	Jan-16 Dec-16	
5. Present plan to BOS for approval and funding	Mar-16 Mar-17	

<b>As of November 16, 2015</b>		
<b>Priority IN 7: Develop a broadband master plan</b>		
Champion: IT Director, Randy Buzzard		
Supporting Staff: Stowers, Jackson, Altman, Weiler, Lachenev		
<del>1. Request BOS approval of funding for plan</del>	Mar-15	
<del>2. Develop and issue RFP</del>	Jun-15	
<del>2a. Update 2011 Plan</del>	Dec-15	
<del>3. Request BOS to authorize County Administrator to execute contract and budget and appropriate funds</del>	Oct-15	
<del>3. Present Plan to BOS</del>	Jan-16	
<del>4. Complete plan — Further action TBD based on BOS</del>	Jan-16	
<del>5. Present plan to BOS for approval and funding</del>	Mar-16	
1. Review 2011 Plan to determine need to update	Oct-15	COMPLETE
2. Actively seek grants to fund Broadband infrastructure	Ongoing	
3. Meet with representatives of other communities and broadband providers to review and discuss optional broadband solutions and funding sources.	Ongoing	COMPLETE
4. Meet with VA Center for Innovative Technology (CIT) to determine how CIT can assist Powhatan	Oct-15	COMPLETE
5. Hold Town Hall meeting to Seek Citizen output	Oct-15	COMPLETE
6. Recommend to BOS forming a Citizen Advisory Committee	Dec-15	COMPLETE

POWHATAN COUNTY  
 STRATEGIC ACTION PLAN  
 IMPLEMENTATION STEPS FOR THREE-YEAR PRIORITIES  
 STATUS REPORT

Status  
 as of

August 22, 2016

Highlighted Cells note a change from the July 25, 2016 update

Key Task/Activity	Target Date	
7. Issue RFP for design and build of broadband infrastructure with funding solution	Apr-16 Jun-16	COMPLETE
8. If recommended and if approved by BOS, form Broadband Authority	TBD	

**Priority RC 1: Evaluate and ensure that the County has active participation in each organization in which the Board determines we must play a valuable role**

Champion: Weiler

Supporting Staff: Timberlake, Martin, Barton

1. Create a form that includes name of organization, contact, benefits, and budget amount.	Nov-15	
2. Ask staff in all departments for information regarding the organizations in which they currently actively participate and collaborate. County Administrator will include Board and County Administrator activity and partnerships. Describe what value being a member of the organization brings to the County	Dec-15	
3. Compile the data provided by the Departments	Jan-16	
4. Describe what value being a member of the organization brings to the County	Dec-15	
5.		
6. Research and identify other opportunities for collaborations	Jan-16	
7. Evaluate new collaborations for the potential benefit to the county's projects	Mar-16	
8. Present to the BOS list and benefits of partnerships and organizations	May-16	
9. Evaluate existing participation and benefits annually with recommendations for funding in the budget	Annually	

POWHATAN COUNTY  
 STRATEGIC ACTION PLAN  
 IMPLEMENTATION STEPS FOR THREE-YEAR PRIORITIES  
 STATUS REPORT

Status  
 as of

August 22, 2016

Highlighted Cells note a change from the July 25, 2016 update

Key Task/Activity	Target Date
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**Priority RC 2: Continue to develop Board and staff relationships with regional partners**

Champion: Weiler

Supporting Staff: Timberlake, Martin, Barton

1. Encourage Staff and Board participation in local government associations	Ongoing	ONGOING
2. Budget funds for Staff and Board to attend the meetings, workshops and educational sessions of local government associations	Annually	ONGOING
3. Continue active participation in the boards and initiatives of the RRPDC	Ongoing	ONGOING

**Priority RC 3: Continue to build strong relationships with our legislative delegation**

Champion: Weiler

Supporting Staff: Leadership Team

1. Participate in all available opportunities to discuss County priorities with local delegates	Ongoing	ONGOING
2. Attend town meetings held by legislators to support their presence in the County	Ongoing	ONGOING
3. Supply legislators with reports and briefings on local matters	Ongoing	ONGOING
4. Submit to delegation County's legislative priorities by September each year	Ongoing	ONGOING

**ECONOMIC DEVELOPMENT STRATEGIC PLAN: A ROADMAP TO SUCCESS**

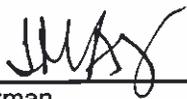
**IMPLEMENTATION SCHEDULE \* - FY 2017**

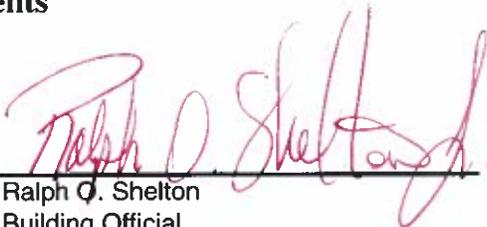
<b>Key Strategies/Recommendations</b>	<b>Econ. Dev. Plan Strategy</b>	<b>Timeline</b>	<b>Resources or Actions Required</b>	<b>Status as of 8/22/16</b>
Acquire www.visitpowhatan.com domain name	TA 3	Complete	Pat Weiler/Randy Buzzard	COMPLETE
Provide Flexible Zoning Ordinance to Encourage Agri-business	TA 9	Complete	Staff	COMPLETE
Provide Dedicated Economic Development Staff (Hire Director of Community Development)	ED 6	Jul-16	Board of Supervisors - Funding	COMPLETE
Establish a Economic Development Website	ED 7	Jul-16	March Altman/Brigid Paciello/Kerri Delaney	COMPLETE
Develop a Business Retention & Expansion Program	ED 11	Jul-16	March Altman	ONGOING
Create a Tourism Website	TA 4	Jul-16	March Altman/Brigid Paciello/Kerri Delaney	COMPLETE
Update Virginia Tourism Website	TA 6	Jul-16	March Altman/Brigid Paciello/Kerri Delaney	ONGOING
Establishment of Transient Occupancy & Meals Tax	TA 13	Aug-16	March Altman/ Pat Weiler/ Charla Schubert	ONGOING
Develop a Marketing/Branding Plan	TA 2	Oct-16	March Altman	ONGOING
Establish a Technology Zone(s)	ED 2 & 4	Dec-16	March Altman	
Review County's Business Tax Structure	ED 2 & 4	Dec-16	March Altman/Charla Schubert	
Create Local Incentive Policy	ED 10	Dec-16	March Altman	
Submit AFID Planning Grant for Agricultural-Agribusiness Strategic Plan	TA 8	Dec-16	March Altman	
Establish a Agribusiness Council	TA 14	Dec-16	Board of Supervisors	
Evaluate Creation of Tourism Zone	TA 15	Dec-16	Funding	

\* - Assumes July 1, 2016 Start Date for Director of Community Development

**Highlighted Cells Note a Change from June 27, 2016 Update**

**Powhatan County Monthly Report  
Building Inspections, Planning and Community Development  
Departments**

  
\_\_\_\_\_  
March Altman  
Community Development Director

  
\_\_\_\_\_  
Ralph O. Shelton  
Building Official

<b>Building Permit Fees:</b>	<u><b>Jun-15</b></u>	<u><b>Jun-16</b></u>
Administrative Fees: (Also Includes Septic Fees, Fire Code, Etc.)	<u>\$ 2,520.75</u>	<u>\$ 2,645.00</u>
Commercial: (New & Alterations)	<u>\$ 444.00</u>	<u>\$ 1,817.02</u>
Residential: Proffers paid on New Construction	<u>\$ 30,044.00</u> <u>\$ 56,792.19</u>	<u>\$ 33,824.00</u> <u>\$ 16,710.85</u>
Residential: (Additions, Alterations, Demo, Pools, Etc.)	<u>\$ 1,662.00</u>	<u>\$ 3,602.76</u>
Trade Permit Fees: (Residential & Commercial)	<u>\$ 7,681.64</u>	<u>\$ 11,391.36</u>
State Levy:	<u>\$ 795.76</u>	<u>\$ 1,011.29</u>
Planning Department Fees:	<u>\$ 8,102.25</u>	<u>\$ 10,668.00</u>
<b>Total Fees for the Month:</b>	<u><b>\$ 108,042.59</b></u>	<u><b>\$ 81,670.28</b></u>
<b>Total Fees for Fiscal Year:</b>	<u><b>\$ 880,791.31</b></u>	<u><b>\$ 1,018,386.93</b></u>

<b>Building Permit Data:</b>	<b><u>Jun-15</u></b>	<b><u>Jun-16</u></b>
<b>Residential (New Construction):</b>		
<b>District 1 Subletts/Manakin/Flatrock</b>	<b><u>5</u></b>	<b><u>7</u></b>
<b>District 2 Powhatan Station/Graceland</b>	<b><u>2</u></b>	<b><u>3</u></b>
<b>District 3 Bethesda/Lees Landing</b>	<b><u>4</u></b>	<b><u>5</u></b>
<b>District 4 Powhatan Courthouse/Ballsville</b>	<b><u>8</u></b>	<b><u>9</u></b>
<b>District 5 Smith's Crossroad/Pineville</b>	<b><u>5</u></b>	<b><u>3</u></b>
<b>Total for the Month:</b>	<b><u>24</u></b>	<b><u>27</u></b>
<b>Total for Fiscal Year:</b>	<b><u>187</u></b>	<b><u>200</u></b>
<b>Commercial:</b>		
<b>District 1 Subletts/Manakin/Flatrock</b>	<b><u>2</u></b>	<b><u>2</u></b>
<b>District 2 Powhatan Station/Graceland</b>	<b><u>1</u></b>	<b><u>0</u></b>
<b>District 3 Bethesda/Lees Landing</b>	<b><u>0</u></b>	<b><u>0</u></b>
<b>District 4 Powhatan Courthouse/Ballsville</b>	<b><u>1</u></b>	<b><u>2</u></b>
<b>District 5 Smith's Crossroad/Pineville</b>	<b><u>0</u></b>	<b><u>1</u></b>
<b>Total for the Month:</b>	<b><u>4</u></b>	<b><u>5</u></b>
<b>Total for Fiscal Year:</b>	<b><u>48</u></b>	<b><u>35</u></b>
<b>Residential Additions, Alterations, Pools, Etc.</b>	<b><u>21</u></b>	<b><u>34</u></b>
<b>Total for Fiscal Year:</b>	<b><u>183</u></b>	<b><u>203</u></b>

TYPE	ADMIN FEE	BLDCOM	NEW HOMES	ADDITIONS/ALTER	TRADE PERMIT FEES	STATE LEVY	PLANNING DEPT FEES	CASH PROFFER	TOTAL
ADDRESS	80.00			2,831.88		56.76			
ADDRESS2				307.88		6.28			
ADMIN									
AMEND									
BLD COM		1,817.02				36.32			
BOND									
BUILD			33,824.00			676.48	1,100.00	16,710.85	
BURN									
COND									
COPY									
CUP							100.00		
DEMO				129.00		2.58			
E & S							2,925.00		
ELE					3,488.90	69.75			
ELE TMP					40.00	0.80			
ELE 2					247.34	4.95			
ELEVAT									
EXTEN									
EVENT							50.00		
FAM									
FIRE3									
GAS					1,200.00	24.00			
GAS 2					285.00	5.70			
GAS 3									
MAP									
MECH					2,043.08	40.26			
MECH 2									
MOBIL									
NSP							350.00		
PLUMB					3,344.04	66.87			
PLUMB 2					358.00	7.16			
POOL				334.00		6.68			
RE-INSPECT	160.00								
READV									
RESB1									
ROAD									
RZP							5,612.50		
SEPT	2,405.00								
SF									
SIGN									
SIGN					305.00	5.10			
SITE							530.50		
SO									
TENT					80.00	1.60			
TOWER									
VAR									
ZO									
ZOLTR									
ZONE									
<b>TOTAL</b>	<b>2,645.00</b>	<b>1,817.02</b>	<b>33,824.00</b>	<b>3,602.76</b>	<b>11,391.36</b>	<b>1,011.29</b>	<b>10,668.00</b>	<b>16,710.85</b>	<b>81,670.28</b>

# ZONING ACTIVITY

	<u>JUNE FY2015</u>	<u>JUNE FY2016</u>
<b>Rezoning requests approved (acreage)</b>		
Agricultural	<u>0</u>	<u>0</u>
Residential	<u>0</u>	<u>0</u>
Commercial	<u>0</u>	<u>0</u>
Industrial	<u>0</u>	<u>0</u>
Conditional Use Permits approved	<u>1</u>	<u>0</u>
Business Licenses approved (zoning review)	<u>31</u>	<u>19</u>
<b>Board of Zoning Appeals Cases</b>		
Variances	<u>0</u>	<u>0</u>
Appeals	<u>0</u>	<u>0</u>
<b>Site Plans</b>		
<b>Commercial</b>		
Filed	<u>0</u>	<u>1</u>
Approved	<u>0</u>	<u>0</u>
<b>Industrial</b>		
Filed	<u>1</u>	<u>0</u>
Approved	<u>0</u>	<u>0</u>
<b>Other</b>		
Filed	<u>1</u>	<u>0</u>
Approved	<u>0</u>	<u>1</u>
Average Review Time (Days)	<u>29</u>	<u>30</u>
<b><u>Subdivision Activity</u></b>		
<b>Preliminary Plats - Number of Lots Approved</b>		
Residential	<u>0</u>	<u>0</u>
Commercial	<u>0</u>	<u>0</u>
Industrial	<u>0</u>	<u>0</u>
Average Review Time (Days)	<u>27</u>	<u>0</u>

**Final Plats - Number of Lots Approved**

Residential	<u>0</u>	<u>0</u>
Commercial	<u>0</u>	<u>0</u>
Industrial	<u>0</u>	<u>0</u>
Average Review Time (Days)	<u>25</u>	<u>0</u>
<b>Subdivision Exception Lots Approved</b>		
Non-Subdivision	<u>5</u>	<u>5</u>
Single Cut	<u>1</u>	<u>0</u>
Charitable Exception	<u>0</u>	<u>0</u>
Family Division	<u>0</u>	<u>0</u>
Large Lot	<u>3</u>	<u>1</u>

**Erosion & Sediment Control**

**Land Disturbance Plans Approved**

Residential	<u>23</u>	<u>27</u>
Agreement In Lieu of an E&S Plan		<u>27</u>
Commercial	<u>1</u>	<u>0</u>
Industrial	<u>0</u>	<u>0</u>
Other	<u>0</u>	<u>0</u>
Average Commercial Review Time	<u>0</u>	<u>0</u>

**Private Road Review**

**Private Roads Approved**

Roads	<u>0</u>	<u>0</u>
Lots	<u>0</u>	<u>0</u>
<b>Family Private Roads Approved</b>		
Roads	<u>0</u>	<u>1</u>
Lots	<u>0</u>	<u>2</u>



# Powhatan County Board of Supervisors Agenda Item

Meeting Date: August 22, 2016

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Agenda Item Title: Broadband Update

Motion: N/A Informational Item only

Dates Previously Considered by Board: July 2014 – Board Vision and 3 Year Priorities  
February 2, 2015 – Adoption of Strategic Action Plan  
October 26, 2015 – Broadband Town Hall Meeting  
December 7, 2015 – Established the Broadband Citizen Advisory Committee  
April 18, 2016 – Presentation of the Powhatan Broadband Citizen Survey  
February 22, March 28, June 27, July 25, 2016 – Staff updates on Strategic Action Plan

Summary of Item:

On May 23, 2016 the County issued a Request for Proposals for Wireless Broadband Network. On June 27, 2016 the County received two proposals; AcelaNet LLC and WideOpen Networks.

The County has awarded the project to AcelaNet LLC. The first phase of the project is to develop a plan for county-wide broadband network with implementation steps and a phased-in installation.

The next meeting of the Broadband Citizens Advisory Committee is August 23, 2016.

Staff:     N/A     Approve            \_\_\_ Disapprove            \_\_\_ See Comments

Commission/Board:     N/A     Approve            \_\_\_ Disapprove            \_\_\_ See Comments

County Administrator:     N/A     Approve            \_\_\_ Disapprove            \_\_\_ See Comments

Comments: None

Budget/Fiscal Impact: None

Attachments: None

Staff/Contact: Patricia A Weiler, County Administrator, 598-5612; [pweiler@powhatanva.gov](mailto:pweiler@powhatanva.gov)

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# Powhatan County Board of Supervisors Agenda Item

Meeting Date: August 22, 2016

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Agenda Item Title: Legislative Agenda

Motion: Move to approve the Legislative Agenda as presented and direct the County Administrator distribute the Legislative Agenda to the surrounding local governments and to schedule a meeting with Senator Sturtevant and Delegate Ware to discuss the Legislative Agenda

Dates Previously Considered by Board: August 15, 2015 Special Meeting

Summary of Item: The Board discussed a DRAFT Legislative Agenda at their special meeting on August 15, 2016. The Board had no changes to the DRAFT.

Staff:     N/A     Approve            \_\_\_ Disapprove            \_\_\_ See Comments

Commission/Board:     N/A     Approve            \_\_\_ Disapprove            \_\_\_ See Comments

County Administrator:     N/A     Approve            \_\_\_ Disapprove            \_\_\_ See Comments

Comments: None

Budget/Fiscal Impact: None

Attachments: DRAFT 2017 Legislative Agenda and Adopted 2016 Legislative Agenda

Staff/Contact: Patricia A Weiler, County Administrator, 598-5612; [pweiler@powhatanva.gov](mailto:pweiler@powhatanva.gov)

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## ***Powhatan County 2017 Legislative Agenda***

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The Powhatan County Board of Supervisors respectfully requests legislation to address the following priorities for the 2017 General Assembly session:

### ***1. Broadband – Affordable Access to High-Speed Internet Services***

The Board seeks assistance from the Commonwealth that will encourage and facilitate the deployment of high-speed internet services (“broadband”) to all underserved and rural areas of the Commonwealth while preserving local land use, permitting, and other regulatory authority. Assistance should include the provision of economic incentives and favorable financing mechanisms, as well as the adoption of budgetary and statutory policies that facilitate greater broadband deployment and usage.

The Board supports continued funding of the Center for Innovative Technology (CIT) Broadband program to provide technical assistance to and support local governments and public-private partnerships to provide broadband infrastructure in un-/underserved areas in the Commonwealth.

### ***2. Mandatory Connection to Water and Sewage Systems***

Amend §15.2-2110 (A) of the Code of Virginia to provide Powhatan County with the authority to require connection to the County’s water and sewage systems by owners of property that may be served, and charge a monthly nonuser fee.

### ***3. Transient Occupancy Tax***

Amend §58.1-3819(A) of the Code of Virginia to allow Powhatan County to levy a transient occupancy tax on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days not to exceed five percent (5%) with any excess over two (2%) percent designated solely for tourism and travel marketing or initiatives.

**4. Amend §15.2-2303.4, Provisions Applicable to Certain Conditional Rezoning Proffers, of the Code of Virginia.**

Joint Resolution directing a study of the current Code of Virginia provisions related to proffers (§15.2-2303 – §15.2-2303.4), best practices for growth management, and the development of new code provisions that provide for equity for the public and private sectors as it relates to the burden of paying for on- and off-site infrastructure improvements resulting from new development. The study committee should include representation from both the Virginia House of Delegates and Senate, the Virginia Association of Counties and the Virginia Municipal League the Virginia Homebuilders Association, the Virginia Local Government Attorney’s Association, the Virginia Chapter of the American Planning Association, and the Urban Land Institute.

**5. Declare the Beaumont Juvenile Correction Facility Surplus and Transfer from the Virginia Department of Juvenile Justice and Virginia Building Authority to the County of Powhatan**

The closure of the Beaumont Juvenile Correction Facility was announced as part of the 2016-2018 Biennium budget for the Commonwealth of Virginia. The facility encompasses a total of approximately 800 acres and 7,000 feet of frontage along the James River. The site is currently served by water and sanitary sewer. The Board requests the Beaumont Juvenile Correction Facility be declared surplus upon its closure and ownership transferred to the County of Powhatan. The County intends to pursue the adaptive reuse of the property and buildings from a correctional institute into an economic development zone and a park to benefit the citizens of Powhatan and the Commonwealth. This will help the County, Central Virginia, and the Commonwealth in three ways; 1) create jobs, 2) add to the local and state tax base, and 3) aid the Commonwealth in achieving its goal of setting aside a significant acreage of environmentally sensitive land.

**6. Full Reimbursement to Localities for the Cost of Political Party Primaries**

The Code of Virginia (§ 24.2-509(A)) permits political parties to choose their candidates by either convention or primary, and requires localities to pay for the cost of primaries (§ 24.2-518). This is an unfunded mandate. Powhatan County respectfully requests legislation requiring full compensation for the cost of political party primary elections conducted by localities at the direction of The Commonwealth.

**7. Fiscal Impact on Localities**

Legislation to amend §30-19.03 of the Code of Virginia to require that all bills with a local fiscal impact must be introduced by the 1<sup>st</sup> day of the General Assembly session. This requirement was previously in §30-19.03:14 of the Code of Virginia and was repealed in 2010. Currently there is no requirement on when bills with a fiscal impact must be introduced, which make it difficult for the Commission on Local Government, the Virginia Municipal League, the Virginia Association of Counties, and localities to advise on the potential fiscal impact of a bill in a time sensitive manner.

**8. Continue Technical Assistance Funding Percentage for Virginia Agricultural Cost-Share Program**

The Board requests that the current level of funding for technical assistance provided to the Soil and Water Conservation Districts to administer the Virginia Agricultural Cost-Share (VACS) program be continued. Technical assistance for cost share projects includes activities such as on-site assessment of required practices, development of plans showing suggested practices, cost estimate of plan implementation, construction oversight and inspection during installation of practices, various administrative duties associated with the processing and tracking of cost-share applications and post construction monitoring of all projects as all practices installed under this program must be maintained for a minimum of 10 years. The 2014 VACS program incorporated changes that now allow for funding of livestock exclusion practices at 100%. This change generated an increased workload associated with processing and monitoring applications, and current funding levels should be maintained to provide for implementation of the program.

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON AUGUST 22, 2016.**

\_\_\_\_\_  
**William E. Melton, Chairman**  
**Powhatan County Board of Supervisors**

**ATTEST:**

\_\_\_\_\_  
**Patricia A. Weiler, Clerk**  
**Powhatan County Board of Supervisors**

*Recorded Vote:*

*David T. Williams*     —  
*Larry J. Nordvig*     —  
*Angie Y. Cabell*     —

*William E. Melton*     —  
*Carson L. Tucker*     —

Board of Supervisors:  
William E. Melton, Chairman  
Carson L. Tucker, Vice-Chairman  
Barry C. Hodge  
Larry J. Nordvig  
David T. Williams

THE COUNTY OF  
**POWHATAN**  
VIRGINIA

3834 Old Buckingham Road, Suite A  
Powhatan, Virginia 23139  
Tel 804-598-5612 Fax 804-598-7835

Website: [www.powhatanva.gov](http://www.powhatanva.gov)

County Administrator  
Patricia A. Weiler

## *Powhatan County 2016 Legislative Agenda*

The Powhatan County Board of Supervisors respectfully requests legislation to address the following priorities for the 2016 General Assembly session:

### ***1. Fully Reimburse Localities for the Cost of Political Party Primaries and Mandatory Voting Machine Upgrades***

The Code of Virginia (§ 24.2-509-A) permits political parties to choose their candidates by either convention or primary, and requires localities to pay for the cost of primaries (§ 24.2-518). Powhatan County respectfully requests legislation requiring full compensation for the cost of political party primary elections conducted by localities at the direction of The Commonwealth. In addition, the County requests full reimbursement in the amount of \$113,105 for the ten optical scanners and 13 ADA compliant ballot marking devices that the County was mandated to purchase this year prior to the June 2015 primary due to the immediate decertification of the WinVote.

### ***2. Department of Transportation – Restore Funding to the Route 711 (Huguenot Trail) Widening Project – VDOT UPC# 86442***

Powhatan County respectfully requests the General Assembly restore the \$7,059,000 in funding removed from the project by the Commonwealth Transportation Board in October 2014. The project was fully funded in the approved 2014-2019 Six-Year Improvement Program. Restoration of full funding for the \$21 million project will widening the corridor between the Powhatan/Chesterfield County limits and Rt. 288 to four (4) lanes and replacement the bridge over Bernard's Creek to improve safety, reduce congestion, and provide reliability along the corridor. VDOT has completed preliminary engineering and is currently acquiring the necessary easements and rights-of way and has begun the relocation of the utilities along the corridor. The project is scheduled to be advertised for construction in the fall of 2015 to facilitate construction commencing spring 2016.

### ***3. Telecommunications - Affordable Access to High-Speed Internet Services***

The Board seeks assistance from the Commonwealth and Federal Government that will encourage and facilitate the deployment of high-speed internet services ("broadband") to all underserved and rural areas of the Commonwealth while preserving local land use, permitting, and other regulatory authority.

Assistance should include the provision of economic incentives and favorable financing mechanisms, as well as the adoption of budgetary and statutory policies that facilitate greater broadband deployment and usage.

The availability of affordable access to high speed internet service is critical to advancing a community's educational and economic well-being and quality of life. Powhatan County supports the Commonwealth in continuing its efforts to promote public-private partnerships to deploy universal, affordable access to broadband in underserved and rural areas. These efforts should focus on the provision of economic incentives, budgetary appropriations, and statutory policies that facilitate greater broadband deployment in the areas of public safety, public education, economic and workforce development, and telemedicine.

Powhatan County seeks assistance from the Commonwealth with securing access to existing regional broadband networks established by funding provided by the Commonwealth or its Authorities, Boards, or Commissions, and funding to support deployment of broadband in the community.

**4. Increase Technical Assistance Funding Percentage for Virginia Agricultural Cost-Share Program and Fully Fund the 100% Agricultural Cost Share Program**

The Board requests legislation to increase the technical assistance percentage allocated to Soil and Water Conservation Districts to administer the Virginia Agricultural Cost-Share (VACS) program from 8% to a level closer to the actual cost of providing the service, which is 20%. Technical assistance for cost share projects includes activities such as on-site assessment of required practices, development of plans showing suggested practices, cost estimate of plan implementation, construction oversight and inspection during installation of practices, various administrative duties associated with the processing and tracking of cost-share applications and post construction monitoring of all projects as all practices installed under this program must be maintained for a minimum of 10 years. The 2014 VACS program incorporated changes that now allow for funding of livestock exclusion practices at 100%. This change has generated upwards of 75 new applications while not providing any additional funding to administer the increased workload associated with processing those applications.

**5. Policy Statement on State Water Control Board Nutrient Allocations**

Powhatan County strongly opposes any legislation that would require or allow the State Water Control Board to revise existing nutrient allocations of existing facilities for the purpose of transferring allocations to new facilities. Powhatan County opposes any new legislation that proposes to amend existing nutrient allocations for facilities with unused or surplus allocations and opposes any legislation that would alleviate the responsibilities of new facilities for their own nutrient loading on the Chesapeake Bay watershed. Powhatan County's Water and Wastewater Master Plan, adopted in 2015, relies on the nutrient allocations currently assigned to the County for future use.

**Approved by the Powhatan County Board of Supervisors on November 16, 2015.**

Signed: William S. Matton  
Chairman, Powhatan County Board of Supervisors



# Powhatan County Board of Supervisors Agenda Item

Meeting Date: August 22, 2016

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Agenda Item Title: Audit Committee

Motion: N/A Informational Item only

Dates Previously  
Considered by Board: August 15, 2016 Board Special Meeting

Summary of Item: At their Special Meeting on August 15, 2016, the Board directed the County Administrator to develop a policy for an audit committee. Section III of the Board of Supervisors Bylaws adopted on January 4, 2016 allows for the creation of an Audit/Finance Committee.

### ***III. BOARD COMMITTEES***

*A. The Board does hereby establish the following standing committee to assist the Board in the performance of its duties:*

*1. Audit/Finance Committee*

*B. There shall be two (2) members of each Committee, and the members of each Committee will be appointed by the Chairman, with the advice and consent of the Board members. The Chairman, with the advice and consent of the Board, shall assign the tasks and responsibilities to be delegated to each Committee.*

Staff:   N/A   Approve      \_\_\_ Disapprove      \_\_\_ See Comments

Commission/Board:   N/A   Approve      \_\_\_ Disapprove      \_\_\_ See Comments

County Administrator:   N/A   Approve      \_\_\_ Disapprove      \_\_\_ See Comments

Comments: None

Budget/Fiscal Impact: None

Attachments: Board of Supervisors Bylaws

Staff/Contact: Patricia A Weiler, County Administrator, 598-5612; [pweiler@powhatanva.gov](mailto:pweiler@powhatanva.gov)

**County of Powhatan, Virginia**

**BOARD OF SUPERVISORS  
BYLAWS**

**BOARD GOVERNANCE AND OPERATION**

The following bylaws for the Board of Supervisors for Powhatan County (Board) are adopted this 4<sup>th</sup> day of January 2016. These bylaws, and any amendments thereof, shall be valid for a period of four (4) years and shall terminate upon the election of a new Board.

**I. BOARD OFFICERS**

The officers of the Board shall be a Chairman and Vice-Chairman.

**A. Board Chairman**

The duties of the Chairman shall be to preside at all meetings of the Board, to perform such other duties as may be prescribed by law or by action of the Board, and sign all legal documents approved by the Board. The Chairman, as a member of the Board, has a vote on all matters before the Board which come to a vote, but does not have an additional vote as Chairman in case of a tie. The Chairman shall maintain order and decorum at all meetings.

**B. Vice-Chairman**

The Vice-Chairman, if present, shall preside in the absence of the Chairman, and shall be empowered to act in all matters in case of the absence or inability of the Chairman to act, or as provided by resolution of the Board. If neither the Chairman nor Vice-Chairman is present for a meeting, but a quorum is present, the senior member of the quorum shall chair the meeting.

Senior member shall mean the member of the Board with the longest tenure on the Board. If multiple members have equal tenure, then the senior member shall be determined by alphabetical order of the last names of those having equally long tenure.

**II. BOARD ORGANIZATIONAL MEETING**

The Board shall organize annually by the election of officers at the first meeting held in January. The term of office for officers shall be one year. The officers shall serve until the next Board organizational meeting. If new officers are not elected at any such organizational meeting, the existing officers shall continue to serve until such time as new officers are elected.

The first order of business at the organizational meeting shall be the election of the Chairman. The new Chairman shall then assume office and preside over the remainder of the meeting.

The agenda for the organizational meeting shall include setting time, place and dates of regular Board meetings and other items of annual business as appropriate.

### **III. BOARD COMMITTEES**

- A. The Board does hereby establish the following standing committee to assist the Board in the performance of its duties:
  - 1. Audit/Finance Committee
- B. There shall be two (2) members of each Committee, and the members of each Committee will be appointed by the Chairman, with the advice and consent of the Board members. The Chairman, with the advice and consent of the Board, shall assign the tasks and responsibilities to be delegated to each Committee.
- C. The Board may, from time to time, establish other committees to assist the Board in the performance of its duties.

### **IV. BOARDS AND COMMISSIONS**

Unless specifically prohibited by state law, it shall be the policy of the Board that any member of a Board appointed board or commission who is absent from any three consecutive meetings of that board or commission, or is absent from any four meetings of that board or commission within any 12-month period shall be removed from office and a replacement member be appointed to fill the remainder of the term of office.

### **V. BYLAWS**

- A. Amendments to the Bylaws require one month's notice of the proposed amendment in writing to all Board members, and an affirmative vote of 4 of 5 members to pass the amendment.
- B. The Bylaws shall not be suspended except by a 75% vote of those present, and cannot be suspended at a special meeting unless all Board members are present.

### **VI. MEETING PREPARATION AND PROCEDURE**

- A. Agenda Preparation
  - 1. The Clerk, under the direction of the County Administrator and Chairman shall prepare and distribute an agenda for the forthcoming meeting together with the minutes of the previous meeting to members of the Board five (5) calendar days prior to a regularly scheduled Board meeting. The Clerk also provide the press with and post on the County web site a copy of the proposed agenda at least five (5) calendar days prior to the regularly scheduled Board meeting.
  - 2. Any Board member may request items for inclusion on the agenda by presenting a request to the Chairman at least seven (7) calendar days prior to a meeting.

3. Nothing may be added to the agenda once it has been provided to the Board and the press unless there is at least a 75% vote of the Board members present at the meeting to add the item to the agenda.
4. Those items determined by the County Administrator, in consultation with the Chairman, to be administrative in nature may be placed on the Consent Agenda.
5. Any supervisor may object to an item being addressed on the consent agenda by notifying the Chairman (who shall notify the County Administrator) of their desire to move the item from the consent agenda to the action items on the agenda. Any such notification must be provided to the Chairman no later than Noon the day of the meeting. An email message shall suffice as adequate notice.

#### B. Order of Business

The normal order of business at meetings shall be as follows:

1. Call to Order and Roll Call
2. Invocation
3. Pledge of Allegiance.
4. Requests to Postpone Agenda Items and Additions, Deletions or Changes in the Order of Presentation
5. Formal Approval of Agenda
6. Public Comment
7. Consent Agenda
8. Appointment to Boards, Commissions, Committees
9. Old Business
10. New Business
11. Certificates of Appreciation, Special Resolutions and Proclamations
12. Public Hearings – Time Certain 7:00 PM
13. Public Comment
14. County Attorney Comments
15. County Administrator Comments
16. Board Comments
17. Closed Meeting
18. Certification of Closed Meeting
19. Adjournment

The Board reserves the right to add, remove, or change the order of business as needed.

## C. Quorum/Call to Order

### 1. Quorum

At any meeting of the Board a majority of the members of the Board shall constitute a quorum. Should a quorum not be assembled at the appointed hour, the members present may adjourn temporarily in order that an opportunity may be given for a quorum to assemble, without which business cannot be legally transacted. It shall be at the Chairman's discretion to cancel the scheduled meeting when he deems it appropriate having allowed time to elapse, but no more than thirty (30) minutes from the time the meeting was to begin.

### 2. Attendance

All Board Members are encouraged to notify the Chairman (who shall notify the County Administrator) as soon as possible if they are unable to attend a meeting, and in any case such notice should be provided no later than Noon on the day of the meeting.

### 3. Call to Order

Should a quorum be assembled at the hour and place appointed for the meeting, the Chairman, or in the absence of the Chairman, the Vice-Chairman shall assume the chair and declare the meeting in order. Should a quorum be assembled at the hour appointed and the Chairman and Vice-Chairman are absent, the senior member present shall chair the meeting.

## D. Board Minutes and Recording Votes

1. The minutes of the actions and deliberations of the Board shall be kept by the Clerk of the Board, these minutes shall be a permanent record of the Board. The minutes shall become official minutes upon the approval of the Board and shall be maintained in the safekeeping of the Clerk who shall see that they are available for general public examination during the hours that the office is open.
2. The minutes shall constitute the actions and votes of the Board, and not include an exact written transcription of all that was said at the meeting. The audio and/or video recordings of meetings shall be made available on the County web site and at the administration building for a period of 12 months.
3. In content and style, the official minutes shall be as brief and simple as possible and still retain the essential facts of each meeting. A record of all motions and amendments thereto offered, the disposition thereof and the vote thereon, shall be recorded by name. All matters required by law, schedules of accounts and bills acted upon and approved by the Board shall be properly recorded. A record of all persons making presentations and the subject of their presentation shall be noted.
4. Taking of the minutes shall be the responsibility of the Clerk and/or Deputy Clerk. Following proper editing, these unofficial minutes shall be sent to Board members prior to the next regular Board meeting. Minutes of the previous Board meeting shall

not be read to the Board except for the purpose of corrections or omissions. An early procedural matter on the agenda shall be the adoption of the minutes of the previous meeting.

#### E. Tie Votes

1. All questions submitted to the Board shall be determined by a majority of the members voting on the question. In any case in which there shall be a tie vote of the Board, the question shall be passed by until the next regular meeting when it shall again be voted upon even though all members are not present. There shall be no special meetings to address an issue in which there was a tie vote, unless all members agree or the issue is time sensitive and must be resolved prior to the next regular meeting of the Board.
2. In any case in which there is a tie vote after complying with this procedure, the tie vote shall defeat the motion, resolution or issue voted upon.

#### F. Public Comment Period

1. The Board shall have two public comment periods at its regular meetings. The public comment periods shall be limited to thirty (30) minutes, unless unanimous consent of the Board is given to extend time, and a person shall be given three (3) minutes to speak and a person officially representing a group shall be given five (5) minutes to speak. The Chairman may give an individual or group one (1) additional minute to speak and if such time is granted for one person, it shall be granted for any other person requesting the time.
2. No person shall be allowed to speak twice at any one public comment period.
3. People speaking before the Board may not be vulgar, rude or use profane language. The public may speak on any issue that is germane to county business. The public comment period shall not include criticism of specific individuals, or attacks on any person or group (the members of the Board are exempted). No political campaigning or promoting of a business is permitted.
4. Any item scheduled for a specific public hearing shall not be addressed during the public comment period.

#### G. Board Conduct

The members of the Board shall behave in an orderly and decorous manner, and the Board may punish or fine any member for disorderly behavior.

## **VII. RULES OF ORDER FOR MEETINGS**

In the conduct of all meetings, the Board shall follow Robert's Rules of Order, except as provided below:

- A. All ordinances and resolutions submitted to the Board for decision shall be presented by appropriate motion of a member, seconded by another member, and determined by a roll call vote of a majority of the members present and voting. On all other matters presented to the Board, the Chairman may request a motion but there shall be no need for a second. The Clerk shall record the name of each member voting and how he voted.
- B. The Chairman may make a motion.
- C. Any motion to defer an issue to a later date shall be date specific.
- D. The Deputy Sheriff providing security at each Board meeting shall act as the sergeant at arms and if no deputy is present, then the Chairman can designate a sergeant at arms to maintain order if needed.

## **VIII. REMOTE PARTICIPATION IN BOARD MEETINGS**

- A. It is the policy of the Board of Supervisors that individual Board members may participate in meetings of Board of Supervisors by electronic communication means from a remote location that is not open to the public only as permitted by Virginia Code § 2.2-3708.1, as amended, and in compliance with this policy. This policy shall apply strictly and uniformly to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.
- B. An individual member may participate from a remote location only if a quorum (3 members) of the Board of Supervisors is physically assembled at the primary or central meeting location, and the Board has made arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.
- C. Remote participation in a meeting due to an emergency or personal matter may be approved only if, before Noon on the day of the meeting, the requesting member notifies the Chairman of the Board that such member is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter.
- D. Remote participation in a meeting due to a temporary or permanent disability or other medical condition may be approved only if, before Noon on the day of the meeting, the requesting member notifies the Chairman of the Board that such member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance.
- E. As required by law, in the event of any such participation by a member from a remote location, the Board shall record in its minutes the specific nature of the emergency,

personal matter, temporary or permanent disability or other medical condition, and the location from which the Board member participated remotely.

- F. As required by law, remote participation that is due to an emergency or personal matter shall be limited in each calendar year for each individual member to two (2) meetings or 25 percent of the meetings of the Board, whichever is fewer.
- G. An individual member's request for participation from a remote location under this policy shall be considered approved upon communicating the request to the Chairman of the Board, pending review by the County Attorney for compliance with the Code of Virginia and this policy. If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

## **IX. CLOSED MEETINGS**

Any item(s) for discussion in closed session shall be clearly identified no less than five (5) calendar days before the scheduled Board meeting. Details as to the specific item(s) to be discussed, and any documents that will be considered or reviewed in the closed session shall be provided to the Board at least five (5) calendar days prior to the regularly scheduled Board meeting. Any item(s) not so timely identified shall not be discussed in closed session unless a minimum of 75% of the Board members vote to permit a discussion of an item not previously disclosed as required. All closed session information provided to the members of the Board shall be held as strictly confidential.

## **X. SPECIAL MEETINGS**

- A. The Board may hold special meetings when necessary. These meetings shall be held when called by the Chairman on the request of the County Administrator or when requested by two members. Special meetings may be called provided each member is duly notified, or a reasonable attempt has been made to notify each member.
- B. Business that does not come within the purposes set forth in the call of the meeting shall not be transacted at any special meeting of the Board unless unanimous agreement is given to consider additional items of business and all members are present.

## **XI. POSTPONEMENTS**

If the Chairman, in consultation with the County Administrator, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting, the meeting shall be postponed and all items on the agenda shall be deferred one week to the following Monday. If the following Monday falls on a holiday, the agenda shall be deferred one week and one day to the following Tuesday. . Such finding shall be communicated to the members and the press as promptly as possible and all reasonable efforts shall be made to notify the public including, but not limited to, providing such notice on the County web site or by electronic means.

## **XII. COUNTY STAFF**

### **A. COUNTY ADMINISTRATOR**

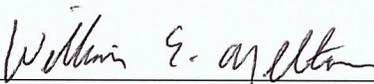
The County Administrator has been delegated the task of managing and supervising county personnel. The individual Board members are therefore encouraged to avoid making any requests to perform tasks or providing any instruction to county staff directly, but should instead make all such requests to the County Administrator. Board members may make requests to county staff for copies of existing documents, data and information.

As a direct employee of the Board, the County Administrator shall be available for consultation by all Board members, and shall provide all members of the Board equal access to all information, staff, and county resources to assist them in the performance of their duties as members of the Board.

### **B. COUNTY ATTORNEY**

1. The Board shall maintain an open door policy with the County Attorney. Members may contact the County Attorney directly for advice or direction on matters related to County business. The opinion of the County Attorney shall go directly to the requesting member and no copy shall be provided to the other members of the Board. If the requesting member decides to take an opinion of the County Attorney to Board action, all of the members of the Board of Supervisors shall be provided with a copy of the opinion (if in writing).
2. The County Administrator may ask the County Attorney for an opinion on any issue concerning County business at any time. Any opinions issued by the County Attorney to the County Administrator shall not be forwarded (by the County Attorney) to the members of the Board of Supervisors unless specifically requested by a member of the Board.
3. The County Attorney shall act as the Parliamentarian at Board of Supervisor meetings.

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON  
JANUARY 4, 2016.**

  
\_\_\_\_\_  
**William E. Melton, Chairman  
Powhatan County Board of Supervisors**

**ATTEST:**

  
\_\_\_\_\_  
**Patricia A. Weiler, Clerk  
Powhatan County Board of Supervisors**

Recorded Vote:

David T. Williams	<u><b>Aye</b></u>
Larry J. Nordvig	<u><b>Aye</b></u>
Angela Y. Cabell	<u><b>Aye</b></u>
William E. Melton	<u><b>Aye</b></u>
Carson L. Tucker	<u><b>Aye</b></u>



Powhatan County  
Board of Supervisors  
Agenda Item

Meeting Date: August 22, 2016

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Agenda Item Title: Goochland Powhatan Community Services FY 2017 and FY 2018 Performance Contract

Motion: Move to approve the Goochland Powhatan Community Services FY 2017 and FY 2018 Performance Contract as presented

Dates Previously Considered by Board: August 18, 2014 – 2015-2016 Performance Contract approve by the Board

Summary of Item: Susan Bergquist, Executive Director, will present the FY 2017 and FY 2018 Performance Contract for Goochland-Powhatan Community Services (GPCS). GPCS provides mental health, mental retardation and substance abuse services to the citizens of Powhatan and Goochland counties. Pursuant to Virginia Code Section [37.2-508](#), the GPCS must submit to the governing body of each county that established it, a performance contract for community mental health, developmental, and substance abuse services for its approval prior to submission of the Contract to the Virginia Department of Behavioral Health and Developmental Services.

Staff:  Approve  Disapprove  See Comments

Commission/Board:  Approve  Disapprove  See Comments

**Goochland- Powhatan  
Community Services Board**

County Administrator:  Approve  Disapprove  See Comments

Comments: None

Budget/Fiscal Impact: \$263,730 in FY 2017 Adopted Budget for Powhatan's share of the CSB's costs.

Attachments: FY 2017 and FY 2018 Performance Contract is available at [www.gpcsb.org/About-Us/Reports-Contracts](http://www.gpcsb.org/About-Us/Reports-Contracts)

Staff/Contact: Patricia A Weiler, County Administrator, 598-5612; [pweiler@powhatanva.gov](mailto:pweiler@powhatanva.gov)



# COMMONWEALTH of VIRGINIA

JACK BARBER, M.D.  
INTERIM COMMISSIONER

DEPARTMENT OF  
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

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Richmond, Virginia 23218-1797

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[www.dbhds.virginia.gov](http://www.dbhds.virginia.gov)

**TO:** Community Services Board or Local Government Department Executive Directors and the Behavioral Health Authority Chief Executive Officer

**FROM:** Paul R. Gilding  
Office of Support Services Director

**SUBJECT:** **FY 2017 AND FY 2018 COMMUNITY SERVICES PERFORMANCE CONTRACT**

**DATE:** May 6, 2016

The FY 2017 and FY 2018 Community Services Performance Contract and Partnership Agreement are available for your information and use on the CSB Community Contracting web page at <http://www.dbhds.virginia.gov/professionals-and-service-providers/csb-community-contracting>. The FY 2017 and FY 2018 CSB Administrative Requirements, a separate document incorporated into the contract by reference, is also available there. The Department is distributing Letters of Notification and the Community Automated Reporting System (CARS) software electronically now. The letters contain initial allocations of state and federal funds to community services boards, the behavioral health authority, and the two local government departments with policy-advisory CSBs, all of which are referred to as CSBs in the contract documents and this memo.

The contract documents incorporate changes in the FY 2016 Community Services Performance Contract that were negotiated last month with the Performance Contract Committee established by the Department and the Virginia Association of Community Services Boards. Language relating to intellectual disability is changed to developmental disabilities throughout the contract. Substantive changes from the FY 2016 are described below.

### **Performance Contract Changes**

1. Section 4.a.2.) on page 3 is revised to move the requirement for CSBs operating residential crisis stabilization programs to achieve a 75 percent utilization rate from Exhibit B.
2. Section 4.d on page 6 is revised to incorporate language about developmental disabilities.
3. Section 4.e.2) on page 6 contains added language requiring case managers to document observations required by the DOJ Settlement Agreement.
4. Section 4.e.7.) on page 7 contains added language about when case managers shall offer education about integrated community options to individuals in the Settlement Agreement population who are living outside of their own or their family's homes.

**FY 2017 AND FY 2018 COMMUNITY SERVICES PERFORMANCE CONTRACT**

May 6, 2016

Page 2

5. Section 4.f on page 10 is revised to clarify what are unacceptable methods for satisfying the requirement for immediate access to emergency services and to require coordination with REACH for individuals with developmental disabilities.
6. Section 4.h on page 11 is revised to require CSB compliance with the new *Certification of Preadmission Screening Clinicians* document that was developed jointly by the Department and the CSBs.
7. Section 4.i on pages 11 and 12 contains additional case management requirements related to the DD wait list and time frames for notifying the Department when an individual has been terminated from all DD waivers and submitting the request to retain a slot form.
8. Sections 6.b.4.)d.) through g.) on pages 13 and 14 are revised to reflect changes in prevention services requirements.
9. Sections 6.b.5.) and 6.) page 15 are revised to reflect changes in DD case management training and compliance with the CMS Final Rule for developmental case management services.
10. Section 6.c.1.) e.) on page 16 is revised to reflect changes in prevention reporting.
11. Section 7.f on page on page 23 is revised to include a requirement for the Department to issue new or revised policy, procedure, and guidance documents via letters, memoranda, or emails from the Commissioner, Deputy Commissioner, or applicable Assistant Commissioner to CSB executive directors and to post them on the Department's web site within 10 business days.
12. In Exhibit B, the requirement for CSBs to report measure I.A on percent of individuals who keep a non-emergency service visit within seven calendar days of discharge from inpatient services is eliminated. The Department will monitor this measure using AVATAR and CCS 3 data.
13. Two new measures are added to Exhibit B on page 45 for community engagement discussions and goals; these will be reported quarterly using the Exhibit B report on page 47.
14. Section E in Exhibit J on pages 63 and 64 is revised to require operating CSBs and the BHA to follow the CSB Executive Director Recruitment Process Guidance issued by the Department and to include OSS staff as a voting member of the search committee when recruiting a new executive director.
15. Two new federal grants are added to section II.A in Exhibit J on page 66, and section II.B on disaster response and emergency service preparedness requirements is rewritten to reflect current requirements.

There are no changes in the **Central Office, State Facility, and Community Services Board Partnership Agreement.**

**CSB Administrative Requirements Changes**

16. Section II.A.5.b. on page 7 is revised to expand significantly the topics that human resource management policies and procedures for operating CSBs and the BHA must address.
17. Sections 9.a and b, 11, and 12 in Appendix B on pages 9 and 10 are revised to reflect changing substance abuse prevention requirements.

## **FY 2017 AND FY 2018 COMMUNITY SERVICES PERFORMANCE CONTRACT**

May 6, 2016

Page 3

### **Contract Process**

Once the Department distributes the CARS software and Letters of Notification, CSBs will submit all of the contract's Exhibit A electronically using CARS software. CARS software contains Table 2: FY 2016 CSB Management Salary Costs, which enables CSBs and the Department to respond to requirements in § 37.2-504 of the Code of Virginia. This table also collects FTE information by program area and for emergency and ancillary services, including numbers of peer providers. Peer providers are staff who self-identify as individuals receiving services and have been hired specifically as peer providers. Staff not hired as peer providers, even if they have a mental health or substance use disorder or intellectual disability, should not be reported as peer providers.

To be accepted for processing by the Department, a performance contract must satisfy the requirements and criteria in Exhibits E and I of the contract.

1. Exhibit A and Table 2 must be submitted to Information Services and Technology in the Department using CARS software and must be complete and accurate.
2. Since the contract is being distributed electronically, the parts of the contract that are submitted on paper should be printed, signed where necessary, and mailed to the Office of Support Services when Exhibit A is submitted. See Exhibit E in the contract. These parts are:
  - signature page of the contract body (page 29)
  - signature page of Exhibit B,
  - Exhibit D (if applicable),
  - Exhibit F (two pages), and
  - Exhibit G.

The Department must receive all parts of the contract submitted on paper before a contract submission will be considered complete.

3. Exhibit A must conform to allocations of state and federal funds in the Letter of Notification, unless amounts have been revised by or changes negotiated with the Department and confirmed by the Department in writing. Total funds in each program area (pages AF-1 through AF-8) must equal total costs shown on Forms 11, 21, 31, and 01 or differences must be explained on the Financial Comments form.
4. Contracts must contain actual appropriated amounts of local matching funds. If a CSB cannot include the minimum 10 percent local matching funds in its contract, it must submit a written request for a waiver of the local matching funds requirement, pursuant to § 37.2-509 of the Code of Virginia and State Board Policy 4010, to the Office of Support Services with its contract. More information about the waiver request process is attached to this memo.

The FY 2017 and FY 2018 contract and other materials described above are due in the Department's Office of Support Services by June 24, 2016, except for Exhibit A that is submitted to Information Services and Technology by the same date. Section 37.2-508 or 37.2-608 of the Code of Virginia authorizes the Department to provide up to six semi-monthly payments of state and federal funds to allow sufficient time to complete local government approval and Department negotiation and approval of the contract. Exhibit E automatically provides the first two semi-monthly July payments, whether or not a contract has been submitted. The process conditions the next four semi-monthly payments (two in August and two in September) on the Department's receipt of a complete performance contract.

**FY 2017 AND FY 2018 COMMUNITY SERVICES PERFORMANCE CONTRACT**

May 6, 2016

Page 4

Once a contract is received in the Department, the Community Contracting Director will review it and notify the CSB within five working days that it is or is not accepted for review by the Department. Unacceptable contracts will need to be revised before the Department will process them. If you have any questions about this memo or the contract documents, please e-mail or call Joel Rothenberg, the Community Contracting Director, at [joel.rothenberg@dbhds.virginia.gov](mailto:joel.rothenberg@dbhds.virginia.gov) or (804) 786-6089 or me at [paul.gilding@dbhds.virginia.gov](mailto:paul.gilding@dbhds.virginia.gov) or (804) 786-4982. Thank you.

Enclosures (4)

pc: Dawn M. Adams  
Peggy S. Balak  
Jack W. Barber, M.D.  
Mary Begor  
Cleopatra L. Booker, Psy.D.  
Gabiella C. Caldwell-Miller  
Connie L. Cochran  
Mindy Conley  
Donald D. Darr  
Sterling G. Deal, Ph.D.  
Andrew Diefenthaler  
Kathy B. Drumwright  
Chris J. Foca  
William R. Frank  
Stacy H. Gill, LCSW  
Marion Y. Greenfield  
Kenneth M. Gunn, Jr.  
Daniel L. Herr, J.D.

Kevin A. Howard  
Virgil Kopf  
Martha Kurgens  
Margaret Anne Lane  
Eric S. Leabough  
Deborah M. Lochart  
Janet S. Lung  
Kate Marshall  
Holly E. Mortlock  
Dev Nair, Ph.D.  
Heather A. Norton  
Diane Oehl  
Susan D. Pauley  
Tammy E. Peacock, Ph.D.  
Stacy L. Pendleton  
Phil R. Peter, MBA  
Mellie E. Randall  
Cecily J. Rodriguez

Beverly D. Rollins  
Joel B. Rothenberg  
Michael A. Schaefer  
Randy B. Sherrod  
Challis H. Smith  
Debbie A. Smith  
Becky L. Sterling  
Gail M. Taylor  
Dawn A. Traver  
Julie M. Truitt  
Allen Wass  
Charlotte Watts, Ph.D.  
Florence B. Wells  
Allyson K. Tysinger, J.D.  
Jennifer M. Faison  
Susan E. Massart  
Mike Tweedy

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Board of Supervisors:  
William E. Melton, Chair  
Larry J. Nordvig, Vice-Chair  
Angela Y. Cabell  
Carson L. Tucker  
David T. Williams  
  
County Administrator  
Patricia A. Weiler

THE COUNTY OF  
**POWHATAN**  
VIRGINIA

3834 Old Buckingham Road, Suite A  
Powhatan, Virginia 23139  
Tel 804-598-5612 Fax 804-598-7835  
Website: www.powhatanva.gov

**PROCLAMATION  
RECOGNIZING VIRGINIA DEPARTMENT OF TRANSPORTATION'S (VDOT'S)  
RAYMOND MAYO FOR HIS SERVICE TO THE  
CITIZENS OF POWHATAN COUNTY**

**WHEREAS**, Raymond Mayo began working in Goochland's VDOT office in 1979 as an A-operator, transferring to the Powhatan office in 1981; and

**WHEREAS**, he continued his education and climbed the career ladder through B-Operator, Foreman, and Superintendent of all maintenance operations at the VDOT Powhatan Area Headquarters, overseeing 21 employees and a \$1.6 million budget to maintain over 350 miles of Powhatan's roads; and

**WHEREAS**, his department responsibilities included pavement repair, right-of-way maintenance, signage, snow removal, and all other maintenance issues; and

**WHEREAS**, Raymond Mayo has served in VDOT for 37years, 35 in Powhatan; and

**WHEREAS**, his commitment, attention to safety and quality of work is respected by those inside VDOT and by the citizens of Powhatan; and

**WHEREAS**, he regularly rode with Supervisors to review problem issues on location; and

**WHEREAS**, Raymond's hallmark has been a positive can-do attitude and an absolute responsiveness to citizens and members of the County Board of Supervisors; and

**WHEREAS**, Raymond Mayo has elected to retire from VDOT.

**NOW, THEREFORE BE IT PROCLAIMED** that the Board of Supervisors of Powhatan County extends its heartfelt gratitude to Mr. Mayo for outstanding performance and responsiveness, wishes him every happiness in retirement, and calls upon all citizens of Powhatan to extend their own congratulations to Raymond upon his much-deserved retirement.

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON AUGUST 22, 2016.**

\_\_\_\_\_  
**William E. Melton, Chairman**  
**Powhatan County Board of Supervisors**

**ATTEST:**

\_\_\_\_\_  
**Patricia A. Weiler, Clerk**  
**Powhatan County Board of Supervisors**

*Recorded Vote:*  
David T. Williams \_\_\_\_  
Larry J. Nordvig \_\_\_\_  
Angela Y. Cabell \_\_\_\_  
William E. Melton \_\_\_\_  
Carson L. Tucker \_\_\_\_

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# Powhatan County Board of Supervisors Agenda Item

Meeting Date: August 22, 2016

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Agenda Item Title: Ordinance O-2016-26 Granting a Conditional Use Permit (16-01-CUP) to Virginia Solar, LLC to operate a solar energy farm at 4325 Old Buckingham Road.

Motion: Move to approve Ordinance O-2016-26 based on public necessity, convenience, general welfare and good zoning practice

Dates Previously Considered by Board: N/A

Summary of Item: The applicant, Virginia Solar, LLC, is requesting approval of a Conditional Use Permit (CUP) to operate a solar energy farm (Scott II Solar) in the A-10, Agricultural District per §83-162(26) of the Zoning Ordinance. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the Countywide Land Use Plan Map. The subject property is 898.4 acres in size and is located on the east side of Old Buckingham Road (Rt. 13) south of its intersection with Old Plantation Road (Rt. 644). Reference to Tax Map Parcels #38-28 and #38-3-1.

At the July 5, 2016 Planning Commission meeting, the Commission conducted a public hearing to consider the request and receive public comment. The Commission voted 4-0 (one member absent) to recommend approval of the request to the Board of Supervisors.

A public hearing has been scheduled for August 22, 2016.

Staff:  Approve  Disapprove  See Comments

Planning Commission/Board:  Approve  Disapprove  See Comments  
**7/5/2016 (4-0)**

County Administrator:  Approve  Disapprove  See Comments

Comments: None

Budget/Fiscal Impact: None

Attachments: O-2016-26, Staff Report, Legal Ads

Staff/Contact: March Altman, Deputy County Administrator, 804-598-5605 [maltman@powhatanva.gov](mailto:maltman@powhatanva.gov)

**ORDINANCE O-2016-26**  
**Granting a Conditional Use Permit to Virginia Solar, LLC**  
**to operate a solar energy farm on Tax Parcels #38-28 and #38-3-1**

**WHEREAS**, on April 8, 2016, Virginia Solar LLC requested a Conditional Use Permit (CUP) to operate a solar energy farm on Tax Parcels #38-28 and #38-3-1, as permitted by § 83-162(26) of the Powhatan County Zoning Ordinance; and

**WHEREAS**, §15.2-1427 and §15.2-1433 of the *Code of Virginia*, 1950, as may be amended from time to time, enable a local governing body to adopt, amend and codify ordinances or portions thereof, and

**WHEREAS**, §15.2-2280, §15.2-2285 and §15.2-2286 of the *Code of Virginia*, 1950, as amended, enables a local governing body to adopt and amend zoning ordinances; and

**WHEREAS**, on July 5, 2016, the Powhatan County Planning Commission held a public hearing on this matter and all of those who spoke on this topic were heard; and

**WHEREAS**, on July 5, 2016, the Powhatan County Planning Commission voted to recommend to the Board of Supervisors, approval of the request to grant the Conditional Use Permit; and

**WHEREAS**, the Powhatan County Board of Supervisors caused to be published a notice of public hearing on this matter in the Powhatan Today on August 10<sup>th</sup> and 17<sup>th</sup>, 2016; and

**WHEREAS**, the full text of this amendment was available for public inspection in the Powhatan County Administrator's Office, County Administration Building, 3834 Old Buckingham Road, Powhatan, Virginia 23139; and

**WHEREAS**, on August 22, 2016, the Powhatan County Board of Supervisors held a public hearing on this matter and all of those who spoke on this topic were heard.

**NOW, THEREFORE, BE IT ORDAINED** by the Powhatan County Board of Supervisors, in accordance with §83-123(f)(4) of the *Code of the County Powhatan*, public necessity, convenience, general welfare, and good zoning practice, that the CUP request submitted by Virginia Solar LLC for a Conditional Use Permit (CUP) to operate a solar energy farm on Tax Parcels #38-28 and #38-3-1 is hereby approved subject to the following conditions:

1. Scott-II Solar LLC or any successors, current or future lessee, sub-lessee, or owner of the solar energy farm (the "Applicant") shall consent to annual administrative inspections by Planning Department Staff for compliance with the requirements of this CUP.
2. The Applicant shall sign the list of the adopted conditions for this CUP signifying acceptance and intent to comply with these conditions.
3. All activities associated with this CUP shall be in compliance with all State and Federal laws. The site shall fully comply with all applicable provisions of Section 83-162 of the Powhatan County Zoning Ordinance throughout the life of this CUP.
4. This conditional use permit (CUP) shall be binding on Scott-II Solar LLC or any

successors, current or future lessee, sub-lessee, or owner of the solar energy farm.

5. The solar energy farm shall consist of one integrated power generation facility and shall be limited to no more than 230 of the 350 acres of the Property identified as “Scott- II Solar LLC,” as shown on the Maximum Extents Plan prepared by Timmons Group dated April 4, 2016.
6. The only means of access to the Scott-II Virginia Solar energy farm shall be from the existing access point (Parcel #38-3-1) serving the Scott I-Virginia Solar energy farm (15-10-CUP) from Old Buckingham Road as shown on the Maximum Extents Plan prepared by Timmons Group dated April 4, 2016.
7. All site activity required for the construction and operation of the solar energy farm shall be limited to the following:
  - a. All clearing and grading of the site, to include the construction and/or the upgrade of any access roads needed for the Project, shall be limited to the hours of 8 a.m. to 6 p.m., Monday through Saturday;
  - b. All piling driving activity shall be limited to the hours of 8 a.m. to 6 p.m., Monday through Friday, and for two, but only two, Saturdays during the period of construction. Applicant may request permission from the County Administrator to conduct piling driving activity on additional Saturdays, but such permission will be granted or denied at the sole discretion of the County Administrator; and
  - c. All other construction activity on site shall be permitted Monday through Sunday in accordance with the provisions of the County’s Noise Ordinance.
8. A minimum one hundred and fifty (150) foot setback shall be maintained from any adjacent residential dwellings that exist at the time of the approval by the Board of Supervisors. A minimum fifty (50) foot setback shall be provided around the perimeter of the solar energy farm. The existing vegetation within the minimum property offset (as indicated by the pink line) as shown on the Scott-II Solar LLC Project Limits and Buffer Map prepared by Timmons Group dated June 16, 2016, shall be maintained. Security fencing shall be permitted within the setbacks.
9. The Applicant shall install a security fence around the solar energy farm that is a minimum six (6) feet in height.
10. Construction lighting shall be minimized and shall be directed downward. Post-construction lighting shall be limited to security lighting only.
11. If the solar energy farm is inactive, completely or substantially discontinuing the delivery of electricity to an electrical grid for a continuous twenty-four (24) month period it shall be considered abandoned. The Applicant shall provide notice to County Staff immediately upon the site becoming inactive and/or shutting down operation. The current owner of the Project ("Project Owner") shall remove the facilities ("decommissioning") within six (6) months of receipt of notice from the County ("County Notice"). If the facility is not removed within the specified time after the County Notice, the County may cause the removal of the solar energy farm with costs being borne by the Project Owner. Unless the solar energy farm is owned by a public

utility in the Commonwealth of Virginia, the costs of decommissioning shall be secured by an adequate surety in a form agreed to by the County Attorney. If the solar energy farm is sold to any entity that is not a public utility, the CUP shall not transfer to the purchaser until such time as the adequate surety is provided.

If a surety is required, the cost estimates of the decommissioning shall be updated every five (5) years and provided to the County. At its option, the County may require the surety amount be increased based on the net cost of decommissioning.

12. The Applicant shall coordinate with the County's emergency services staff to provide materials, education, and/or training to the departments serving the solar energy farm in regard to how to safely respond to on-site emergencies.
13. Scott-II Solar LLC or any successors, current or future lessee, sub-lessee, or owner of the solar energy farm shall provide educational outreach opportunities to learn about solar energy projects to Powhatan County Public Schools.
14. Access roads are to be marked by the Applicant with identifying signage.
15. A Construction Traffic Management Plan and mitigation measures shall be developed by the Applicant and submitted to the Virginia Department of Transportation (VDOT) and the County of Powhatan for review. The Plan shall address traffic control measures, a pre- and post-construction road evaluation, and any necessary repairs to the public road that are required as a result of damage from the Project. If a traffic issue arises during the construction of the Project, the Applicant shall develop appropriate measures to mitigate the issue with input from the County and VDOT.
16. Parking of vehicles or staging of equipment or materials related to the project shall be limited to the 230-acre Project site.

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**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON AUGUST 22, 2016.**

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**William E. Melton, Chairman**  
**Powhatan County Board of Supervisors**

**ATTEST:**

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**Patricia A. Weiler, Clerk**  
**Powhatan County Board of Supervisors**

**Recorded Vote:**

<b>David T. Williams</b>	_____
<b>Larry J. Nordvig</b>	_____
<b>Angela Y. Cabell</b>	_____
<b>William E. Melton</b>	_____
<b>Carson L. Tucker</b>	_____



# 16-01-CUP, Virginia Solar LLC

Staff Report prepared for the Planning Commission Public Hearing

*This report is prepared by the County of Powhatan Department of Community Development Staff to provide information to the Planning Commission and Board of Supervisors to assist in making an informed decision on this matter.*

## I. PUBLIC HEARINGS:

Planning Commission	July 5, 2016	Recommended Approval
Board of Supervisors	July 25, 2016	Deferred by Applicant
Board of Supervisors	August 22, 2016	Public Hearing

## II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Request:	Conditional Use Permit to operate a solar energy farm	
Existing Zoning:	A-10, Agricultural District	
Parcel Size:	894.4 acres, 3.6 acres	
Parcel ID#	38-28, 38-3-1	
Owner:	Scott Timberland Company LP	
Location of Property:	4325 Old Buckingham Road, 2 <sup>nd</sup> parcel unaddressed	
Electoral District:	4	Powhatan Courthouse/Mt. Zion
2010 Land Use Plan Recommendation:	Rural Residential	
Zoning of Surrounding Property:	North:	A-10
	South:	A-10/R-2
	East:	A-10/RR-5
	West:	A-10

## III. EXECUTIVE SUMMARY:

The Applicant, Scott-II Solar LLC., is requesting approval of a Conditional Use Permit (CUP) to operate a solar energy farm on a 230-acre portion of the 894 acre Scott

Timberland Co, LP property. The proposed project will be adjacent to the Scott I – VA Solar project (15-10-CUP) approved by the Board of Supervisors January 25, 2016.

A solar energy farm is listed as a conditional use in the A-10 Agricultural District and the definition is as follows:

*Solar Energy Farm – A system consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity. It is designed to meet demands for a larger area and is typically mounted on the ground.*

Per §83.162(26) of the Zoning Ordinance, solar energy farms are allowed by Conditional Use Permit (CUP) within the A-10 Agricultural District provided the use complies with all applicable requirements as listed in the Powhatan County Zoning Ordinance.

The applicant conducted a community meeting in the Village Building on May 25, 2016 from 6:30 pm to 8:00 pm to discuss the project with interested citizens. The Planning Commissioner and Board of Supervisors member for the district along with Staff attended the meeting. No concerns were expressed by the few citizens in attendance.

The Planning Commission conducted a public hearing at its July 5, 2016 meeting to solicit input from the community regarding the request. During the public hearing one citizen spoke to ask for clarification regarding the map of the site. After closing the public hearing, the Commission discussed the issue and asked several questions of the applicant. The Commission voted 4-0 to recommend approval of the request to the Board of Supervisors.

#### **IV. APPLICABLE CODE SECTIONS:**

The provisions of the Zoning Ordinance that are germane to this conditional use request are as follows:

##### **Section 83-123(F) (4) - Conditional Use Permit Review Standards**

A Conditional Use Permit shall be approved if the applicant demonstrates the proposed conditional use:

- a) Is consistent with the purposes, goals, objectives, and policies of the comprehensive plan and other applicable county-adopted plans;
- b) Complies with all applicable zoning district-specific standards in Articles III through VI;
- c) Complies with all applicable use-specific standards in Article VII: Use Standards;

- d) Complies with all applicable development and design standards in Article VIII: Development Standards;
- e) Complies with all relevant subdivision and infrastructure standards in Chapter 68: Subdivisions of the Powhatan County Code;
- f) Is appropriate for its location and is compatible with the general character of surrounding lands and the uses allowed in the zoning district where proposed;
- g) Adequately screens, buffers, or otherwise minimizes adverse visual impacts on adjacent lands;
- h) Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;
- i) Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;
- j) Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;
- k) Complies with all other relevant county, state and federal laws and standards; and
- l) Is required by the public necessity, convenience, general welfare, or good zoning practice.

**Section 83-123(F) (5) - Expiration**

A Conditional Use Permit shall expire in accordance with any expiration date or provisions in a condition of its approval. A Conditional Use Permit shall automatically expire if a Building Permit, Site Plan, or other county approval, whichever occurs first, for the development granted by the Conditional Use Permit, is not obtained within two (2) years after the date of approval of the Conditional Use Permit, or if no subsequent county approval is required, the development is not completed and operational within two (2) years.

**V. SUBJECT PROPERTY:**

The first subject property (Parcel #38-28) is an 894-acre parcel that includes forested and cleared areas as the parcel has been used for timber harvesting for many years. The second subject parcel (Parcel #38-3-1), which will serve to provide an access road for the project to Rt. 13, is 3.6 acres, and is the site of the former house, 4325 Old Buckingham Road.

The house was purchased and demolished to provide access to the Scott I -VA Solar project.

**VI. LAND USE ANALYSIS:**

Scott-II Solar LLC (the Applicant), proposes to construct, own, and operate the Scott II solar site consisting of a 20 MWAC solar photovoltaic (PV) electricity generating facility located on approximately 349 acres of an 894-acre parcel, as represented by the maximum extents shown in the site plan. The Applicant is seeking a Conditional Use Permit (“CUP”) to permit construction and operation of the facility. The facility will use proven technology which has been used throughout the US. The solar arrays and ancillary equipment will occupy approximately 230 acres of the 349-acres subject to the CUP. The PV modules produce low-voltage direct current (DC) electrical power which is collected and delivered to the inverter and transformer stations located throughout the site where it is converted into medium voltage alternating current (AC). The power from the inverter stations will be collected from across the site to the point of interconnection where it will interconnect with the Dominion Virginia Power distribution line through a pole mounted device. By interconnecting with the distribution lines the facility will help meet local electrical needs first, with the excess then flowing to the overall grid. The perimeter of the facility will be surrounded by a 7’ high chain link fence, topped with 1’ tall barbed wire.

The closest existing residence to any area currently planned to be used is over 400’ away. After construction the day to day operations of the facility will be passive and will make little substantive change to the character of the area. The facility will be monitored remotely on a 24/7 basis to ensure it is operating properly. The facility will be constructed in a single phase and designed for a 35year life. It will produce enough electricity on an annual basis to power approximately 4,800 typical homes.

This Scott II project is separate and independent of Scott-I. The Scott-II project consists of a separate interconnection and will connect to Virginia Power circuit 406 whereas Scott I is on circuit 405. This allows the electricity to flow back to different transformers in the substation. Scott I and Scott II also will each have its own interconnection agreements. There is a shared joint access agreement to allow both projects to use the entrance off Old Buckingham Road that has been recorded with Powhatan County (Book 0885 Page 0211-0225).

The applicant has provided the anticipated construction schedule for Scott I and II below:

	Jan-2016	Feb-2016	Mar-2016	Apr-2016	May-2016	Jun-2016	Jul-2016	Aug-2016	Sep-2016	Oct-2016	Nov-2016	Dec-2016	Jan-2017	Feb-2017	Mar-2017	Apr-2017	May-2017	Jun-2017	Jul-2017	Aug-2017	Sep-2017	Oct-2017	Nov-2017	Dec-2017
Scott I Construction																								
Scott I Peak Construction																								
Scott II Construction																								
Scott II Peak Construction																								

**VII. COMPREHENSIVE PLAN ANALYSIS:**

The 2010 Long-Range Comprehensive Plan designates the subject properties as Rural Residential on the Countywide Land Use Plan Map. This request is generally consistent and in accord with the Comprehensive Plan.

**VIII. PUBLIC SERVICE ANALYSIS:**

Environmental:

Shaun Reynolds (Powhatan County Community Development) stated that the project should conform to all wetland and stream buffers per county ordinance.

Public Safety:

Pat Schoeffel (Powhatan County Fire Department) had no comments on this request.

Virginia Department of Health:

Richard Michniak (VDH) had no comments on this request:

Transportation:

The Virginia Department of Transportation stated that they take no exception to this request for the identified proposed access point, given the conditions of the commercial access permit.

Public Utilities:

Johnny Melis (Powhatan Utilities/General Services) stated that the parcel is outside of the County's Water and Wastewater Service District.

Other County Departments:

No comments were received from other agencies or County Departments.

**IX. APPLICANT'S POSTIONS:**

The applicant's justification for the proposed request is contained in the application.

**X. STAFF COMMENT:**

In accordance with the Comprehensive Plan, public necessity, convenience, general welfare and good zoning practice, staff recommends that, if the request submitted by Scott-II Solar LLC to operate a solar energy farm on a portion of parcel 38-28 and parcel 38-3-1 is approved by the Planning Commission, it be subject to the following conditions below.

**XI. PLANNING COMMISSION RECOMMENDATION:**

In accordance with the Comprehensive Plan, Section 83-123(F)(4), of the Powhatan Zoning Ordinance, and public necessity, convenience, general welfare and good zoning practice, the Planning Commission recommends *approval* of the request submitted by Scott-II Solar LLC to operate a solar energy farm on the properties subject to the following conditions:

1. Scott-II Solar LLC or any successors, current or future lessee, sub-lessee, or owner of the solar energy farm (the “Applicant”) shall consent to annual administrative inspections by Planning Department Staff for compliance with the requirements of this CUP.
2. The Applicant shall sign the list of the adopted conditions for this CUP signifying acceptance and intent to comply with these conditions.
3. All activities associated with this CUP shall be in compliance with all State and Federal laws. The site shall fully comply with all applicable provisions of Section 83-162 of the Powhatan County Zoning Ordinance throughout the life of this CUP.
4. This conditional use permit (CUP) shall be binding on Scott-II Solar LLC or any successors, current or future lessee, sub-lessee, or owner of the solar energy farm.
5. The solar energy farm shall consist of one integrated power generation facility and shall be limited to no more than 230 of the 350 acres of the Property identified as “Scott- II Solar LLC,” as shown on the Maximum Extents Plan prepared by Timmons Group dated April 4, 2016.
6. The only means of access to the Scott-II Virginia Solar energy farm shall be from the existing access point (Parcel #38-3-1) serving the Scott I-Virginia Solar energy farm (15-10-CUP) from Old Buckingham Road as shown on the Maximum Extents Plan prepared by Timmons Group dated April 4, 2016.
7. All site activity required for the construction and operation of the solar energy farm shall be limited to the following:
  - a. All clearing and grading of the site, to include the construction and/or the upgrade of any access roads needed for the Project, shall be limited to the hours of 8 a.m. to 6 p.m., Monday through Saturday;
  - b. All piling driving activity shall be limited to the hours of 8 a.m. to 6 p.m., Monday through Friday, and for two, but only two, Saturdays during the period of construction. Applicant may request permission from the County Administrator to conduct piling driving activity on additional Saturdays, but such permission will be granted or denied at the sole discretion of the County Administrator; and
  - c. All other construction activity on site shall be permitted Monday through Sunday in accordance with the provisions of the County’s Noise Ordinance.
8. A minimum one hundred and fifty (150) foot setback shall be maintained from any adjacent residential dwellings that exist at the time of the approval by the Board of

Supervisors. A minimum fifty (50) foot setback shall be provided around the perimeter of the solar energy farm. The existing vegetation within the minimum property offset (as indicated by the pink line) as shown on the Scott-II Solar LLC Project Limits and Buffer Map prepared by Timmons Group dated June 16, 2016, shall be maintained. Security fencing shall be permitted within the setbacks.

9. The Applicant shall install a security fence around the solar energy farm that is a minimum six (6) feet in height.
10. Construction lighting shall be minimized and shall be directed downward. Post-construction lighting shall be limited to security lighting only.
11. If the solar energy farm is inactive, completely or substantially discontinuing the delivery of electricity to an electrical grid for a continuous twenty-four (24) month period it shall be considered abandoned. The Applicant shall provide notice to County Staff immediately upon the site becoming inactive and/or shutting down operation. The current owner of the Project ("Project Owner") shall remove the facilities ("decommissioning") within six (6) months of receipt of notice from the County ("County Notice"). If the facility is not removed within the specified time after the County Notice, the County may cause the removal of the solar energy farm with costs being borne by the Project Owner. Unless the solar energy farm is owned by a public utility in the Commonwealth of Virginia, the costs of decommissioning shall be secured by an adequate surety in a form agreed to by the County Attorney. If the solar energy farm is sold to any entity that is not a public utility, the CUP shall not transfer to the purchaser until such time as the adequate surety is provided.

If a surety is required, the cost estimates of the decommissioning shall be updated every five (5) years and provided to the County. At its option, the County may require the surety amount be increased based on the net cost of decommissioning.

12. The Applicant shall coordinate with the County's emergency services staff to provide materials, education, and/or training to the departments serving the solar energy farm in regard to how to safely respond to on-site emergencies.
13. Scott-II Solar LLC or any successors, current or future lessee, sub-lessee, or owner of the solar energy farm shall provide educational outreach opportunities to learn about solar energy projects to Powhatan County Public Schools.
14. Access roads are to be marked by the Applicant with identifying signage.
15. A Construction Traffic Management Plan and mitigation measures shall be developed by the Applicant and submitted to the Virginia Department of Transportation (VDOT) and the County of Powhatan for review. The Plan shall address traffic control measures, a pre- and post-construction road evaluation, and any necessary repairs to the public road that are required as a result of damage from the Project. If a traffic issue arises during the construction of the Project, the Applicant shall develop appropriate measures to mitigate the issue with input from the County and VDOT.
16. Parking of vehicles or staging of equipment or materials related to the project shall

be limited to the 230-acre Project site.

**XII. PROPOSED RECOMMENDATION:**

In accordance with the Comprehensive Plan, Section 83-123(F)(4), of the Powhatan Zoning Ordinance, and public necessity, convenience, general welfare and good zoning practice, the Board of Supervisors (*approves / denies / defers*) the request submitted by Scott-II Solar LLC to operate a solar energy farm on the properties subject to the conditions presented above.

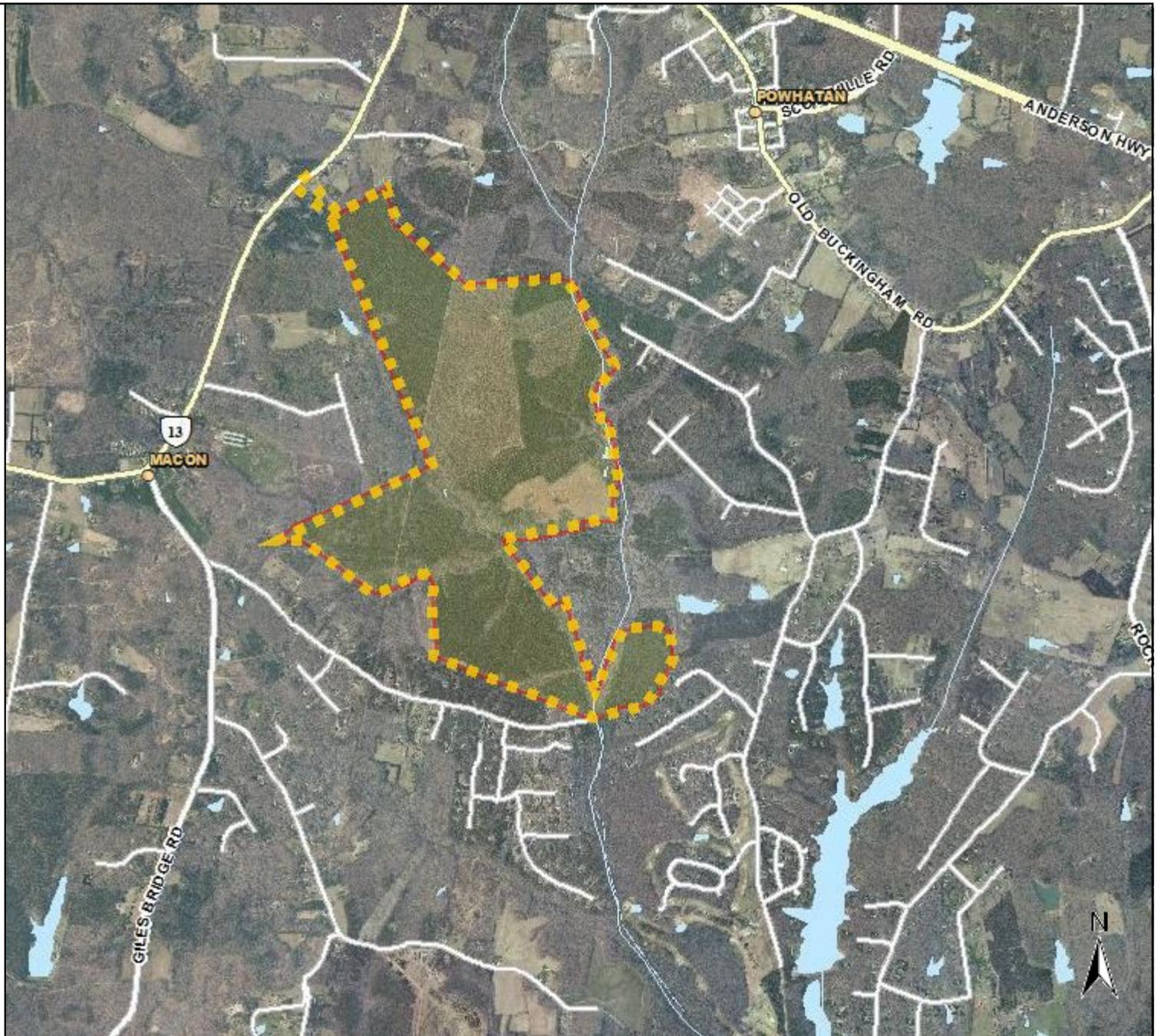
Attachment(s):

1. Map of the General Area of Proposal
2. Zoning Map of Area
3. Maximum Extents Plan prepared by Timmons Group dated April 4, 2016
4. Scott-II Solar LLC Project Limits and Buffer Map prepared by Timmons Group dated June 16, 2016
5. Application for Conditional Use Permit submitted by Virginia Solar LLC
6. Letter from VDOT, dated May 17, 2016
7. List of Adjacent Property Owners
8. Letter to Adjacent Property Owners
9. Affidavit of Mailing

# Powhatan County Virginia

## Legend

● Places



**Title: 15-10-CUP area map**

**Date: 12/17/2015**

DISCLAIMER: Maps and data are for display purposes only and are not intended for legal uses. No warranty, expressed or implied, is made by the County of Powhatan as to the accuracy of the data.

Feet  
0 600 1200 800 400  
1:36,000 / 1"=3,000 Feet

# Powhatan County Virginia

## Legend

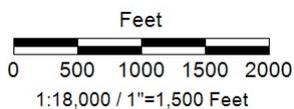
-  Places
-  Parcel ID Labels
-  Parcels
- Zoning**
-  Agricultural Forestal District
-  Agriculture A-10
-  Agricultural/Animal Confinement
-  Commercial
-  Courthouse Square Center
-  Industrial - 1
-  Industrial - 2
-  Mining
-  Office
-  Residential - 2
-  Rural Residential 5
-  Residential Commercial
-  Residential Utility
-  Rural Residential



**Title: 15-13-CUP zoning map**

**Date: 12/17/2015**

DISCLAIMER: Maps and data are for display purposes only and are not intended for legal uses. No warranty, expressed or implied, is made by the County of Powhatan as to the accuracy of the data.



**Legend**

- ★ Powhatan County Courthouse
- Approximate Point of Interconnection
- Access Point
- Max. Project Extents - 349 Ac.
- Dominion Extension Line
- 35kV Distribution Line
- Existing Access Road
- Proposed Access Road
- Perennial Stream (R3)
- Intermittent Stream (R4)
- Ephemeral Stream (R6)
- Fighting Creek Park
- Parcel
- Palustrine Emergent (PEM) Wetlands
- Palustrine Forested (PFO) Wetlands

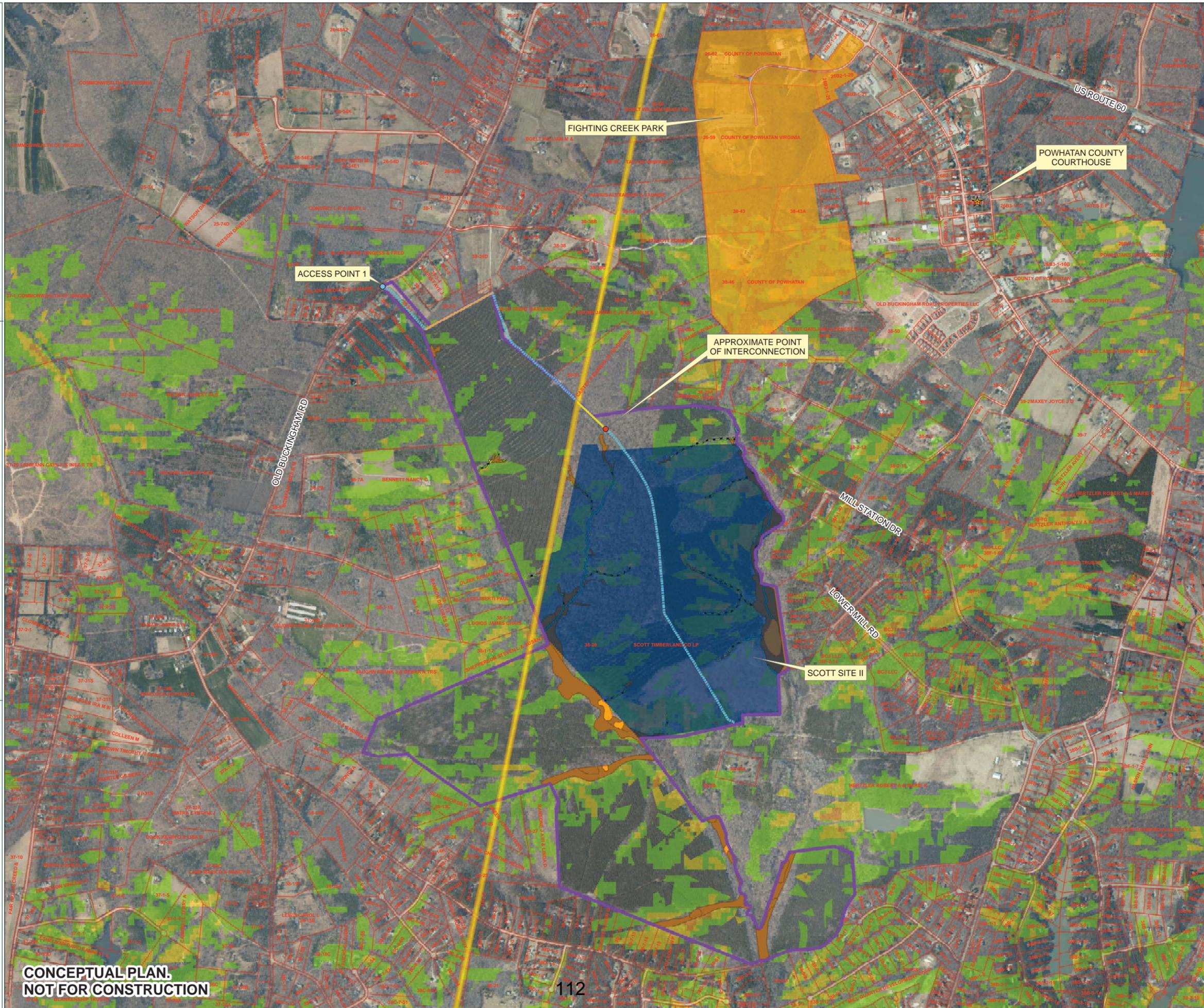
**Slopes**

**Percent Grade**

- 0 - 5
- 6 - 10
- 11 - 15
- 16 - 25
- 26 - 35

**NOTES:**

1. WATERS OF THE U.S. WITHIN THE PROJECT STUDY LIMITS HAVE BEEN GPS LOCATED BY TIMMONS GROUP.
2. WATERS OF THE U.S. HAVE NOT BEEN CONFIRMED BY THE U.S. ARMY CORPS OF ENGINEERS.
3. PROJECT STUDY LIMITS ARE APPROXIMATE.
4. COWARDIN STREAM CLASSIFICATIONS ARE BASED SOLELY ON FIELD OBSERVATIONS. NO FORMAL STREAM ASSESSMENT METHODOLOGY WAS COMPLETED TO DETERMINE THESE COWARDIN CLASSIFICATIONS.



**CONCEPTUAL PLAN,  
NOT FOR CONSTRUCTION**

**TIMMONS GROUP**

**SCOTT II - VIRGINIA SOLAR  
POWATHAN COUNTY, VIRGINIA  
MAXIMUM EXTENTS PLAN**

THIS DRAWING PREPARED AT THE  
CORPORATE OFFICE  
1001 Boulders Parkway, Suite 300 | Richmond, VA 23225  
TEL 804.200.6500 FAX 804.560.1016 www.timmons.com

YOUR VISION ACHIEVED THROUGH OURS

Site Development | Residential | Infrastructure | Technology | Environmental

DATE	REVISION DESCRIPTION
04/04/2016	

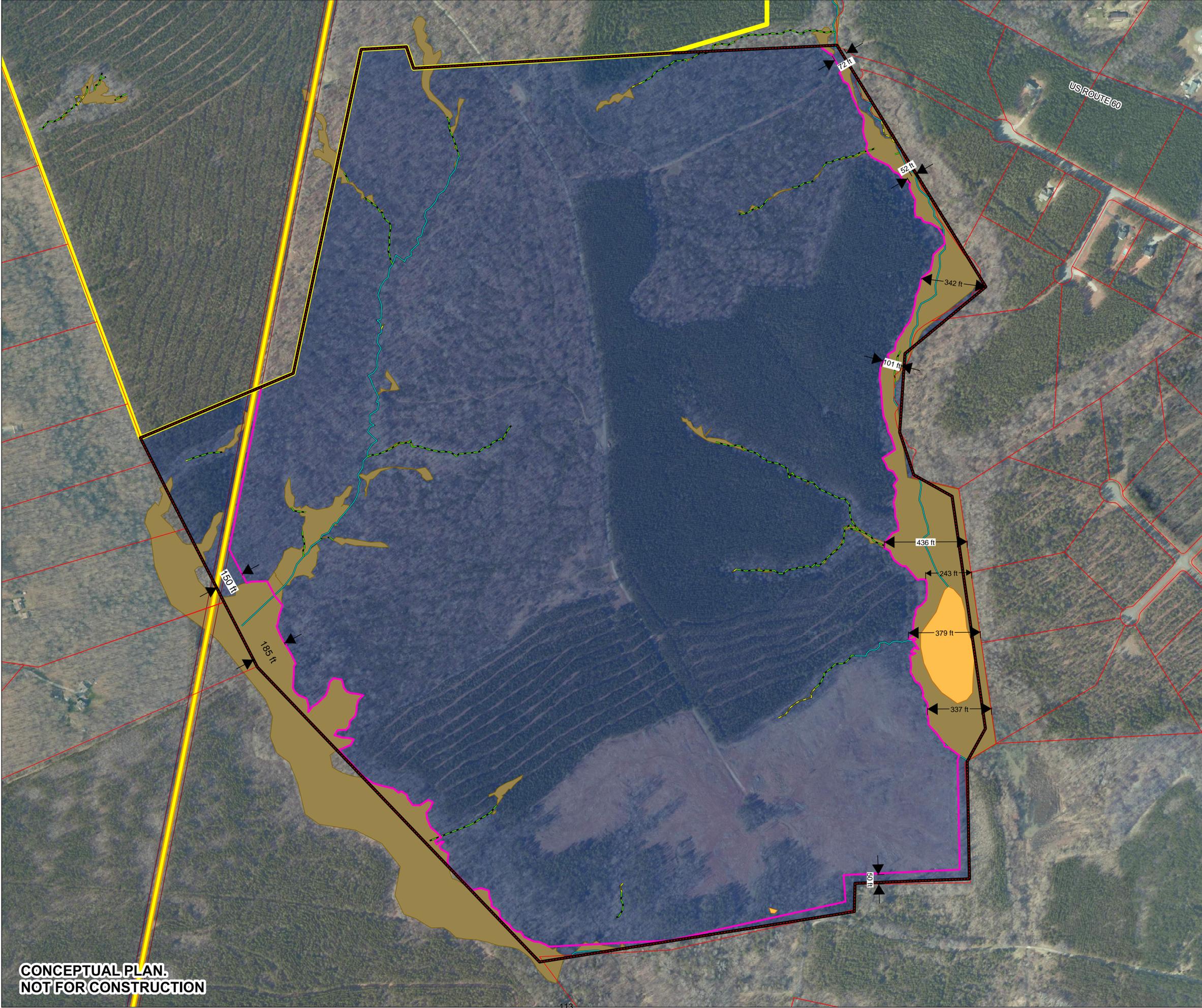
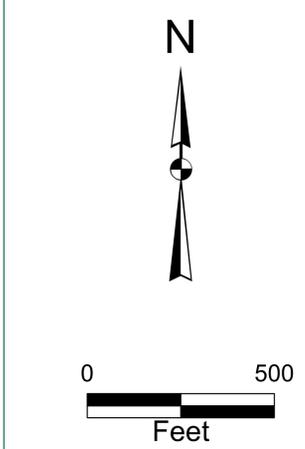
JOB NO.  
36876.007

SHEET NO.  
1 OF 2

- Legend**
- Project Limits - 348.87 Ac.
  - Property Offset
  - Scott I Limits
  - 35kV Distribution Line
  - 30' Distribution Line Buffer
  - Perennial Stream (R3)
  - Intermittent Stream (R4)
  - Ephemeral Stream (R6)
  - Palustrine Emergent (PEM) Wetlands
  - Palustrine Forested (PFO) Wetlands

**NOTES:**

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**CONCEPTUAL PLAN.  
NOT FOR CONSTRUCTION**

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YOUR VISION ACHIEVED THROUGH OURS.

**TIMMONS GROUP**

**SCOTT-II SOLAR LLC.**  
POWHATAN COUNTY, VIRGINIA  
**PROJECT LIMITS AND BUFFER MAP**

Site Development	Residential	Infrastructure	Technology	Environmental
DATE	DATE	REVISION DESCRIPTION		
	06/16/2016			
DRAWN BY	DESIGNED BY	CHECKED BY	SCALE	
			AS SHOWN	
JOB NO.	36876.007	SHEET NO.	1 OF 1	

**APPLICATION FOR CONDITIONAL USE PERMIT  
POWHATAN COUNTY, VIRGINIA**

(NOTE: Please type or print all information)

1. Applicant

NAME: Virginia Solar LLC

ADDRESS: 12610 Lizfield Way, Glen Allen, VA, 23059

TELEPHONE: 919 807 1873

Is the applicant the: Property Owner () Contract Purchaser ()  
*Check appropriate designation*

Other:

technically contract lessee

2. Please list all owners, occupants, or parties in interest of the property:

Scott Timberland Co LP

Virginia Solar LLC

3. The property is located at: (please give exact directions, including Route number of your road or street)

The property can be arrived at either from 4325 Old Buckingham Rd or from the south on Mill Station Dr.

On Mill Station Dr. Take the first left after leaving Mill Quarter Rd. When the road hits a T intersection turn left.

4. The property has a road frontage of 163.37 feet and a depth of 944.28 and consists of 902.01 acres. (Please be exact)

(THIS SECTION TO BE COMPLETED BY COUNTY STAFF)

Case Number 16-01-CUP

Submittal Deadline 4/8/16

PC Meeting 6/7/16

BOS Meeting \_\_\_\_\_







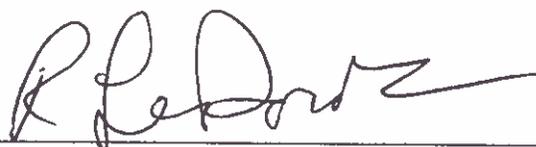


STATEMENT FOR VALIDITY OF INFORMATION

Every applicant shall sign the following document to substantiate the validity of submitted information.

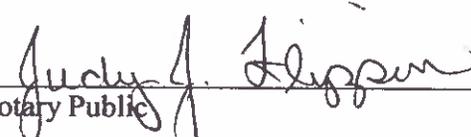
State of Virginia AMELIA  
County of ~~Rowhatah~~ to wit:

I, R. LEE DOWNING II, declare that I have familiarized myself with the rules and regulation pertaining to preparing and filing this application. I further declare that the foregoing statements and answers provided throughout the various sections of this application are in all respects true and correct to the best of my knowledge and belief.

Signed 

Print Name R. LEE DOWNING II

Subscribed and sworn to before me this 17<sup>th</sup> day of APRIL, 2016.

  
Notary Public

JUDY J. FLIPPIN  
NOTARY PUBLIC  
REG. #7598921  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES MARCH 31, 2018

OWNERSHIP DISCLOSURE

Both the Code of Virginia and the County Zoning Ordinance allow the County to request full disclosure of ownership in properties subject to this request. To assist us in obtaining this information, please complete this form in full.

Please list below the names and addresses of all owners or parties in interest of the land subject to this request:

NOTE: If this request is in the name of a corporation, artificial person, joint venture, trust, or other form of ownership, all officers, directors, and any stock holders owning ten percent or more of such stock must be listed.

<u>NAME</u>	<u>ADDRESS (Include Zip Code)</u>
WILLIAM LEE SCOTT	P.O. BOX 727 AMELIA, VA 23002
Jo ANNE SCOTT WEBB	P.O. BOX 727 AMELIA, VA 23002
L.O. SCOTT, JR	P.O. BOX 727 AMELIA, VA 23002

I, R. LEE DOWNING II, do hereby swear and affirm that to the best of my knowledge and belief, the above information is true and that I am the applicant for this request for parcel number(s) 28, 3-1 of tax map number(s) 038 (038-28, 038-3-1) requesting Rezoning, Conditional Use Permit, and Variance/Appeal. **(Please circle one)**

If the above information changes at any time while this case is being considered, I will provide the County with an updated list.

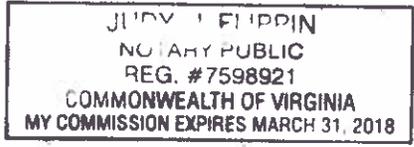
[Signature]  
Signature

STATE OF VIRGINIA AMELIA  
COUNTY OF POWHATAN, to wit:

This day R. LEE DOWNING II personally appeared before me, JUDY J. FLIPPEN, a Notary Public in and for the County and State aforesaid, and swore or affirmed that the matters stated in the foregoing Ownership Disclosure Affidavit are true to the best of his/her knowledge and belief.

Given under my hand this 7<sup>th</sup> day of APRIL, 2016.

[Signature]  
Notary Public



09112015  
CUP

**LIMITED POWER OF ATTORNEY**

**KNOW ALL MEN BY THESE PRESENTS:**

1. That I/We

Name \_\_\_\_\_ Telephone \_\_\_\_\_  
Address \_\_\_\_\_  
Name \_\_\_\_\_ Telephone \_\_\_\_\_  
Address \_\_\_\_\_  
Name \_\_\_\_\_ Telephone \_\_\_\_\_  
Address \_\_\_\_\_  
Name \_\_\_\_\_ Telephone \_\_\_\_\_  
Address \_\_\_\_\_

being all of the owner(s) of the property described as County tax map numbers:

\_\_\_\_\_

and authorized to take such action, do hereby make, constitute and appoint:

2. Name \_\_\_\_\_ Telephone \_\_\_\_\_  
Address \_\_\_\_\_

to act as my/our true and lawful attorney-in-fact for and in my/own name, place and stead with full power and authority I/we would have if acting personally to seek rezoning, conditional use, or variance, and to set forth and offer such legally acceptable voluntarily proffered conditions including any additions, amendments, modifications or deletions thereto that in his discretion are deemed reasonable, appropriate and necessary except as follows:

3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. In witness whereof, I/we have hereto set my/our hand and seal this

7<sup>th</sup> day of APRIL 2016.

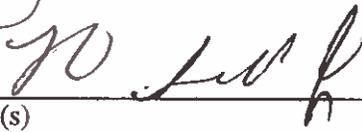
Signature(s)



Signature(s)

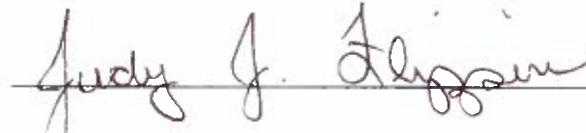


Signature(s)



Signature(s)

Witnessed  
by:



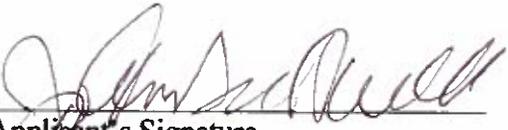
Witnessed  
by:



NOTE: This document, with original signatures, shall be filed with the application and become a permanent part thereof.

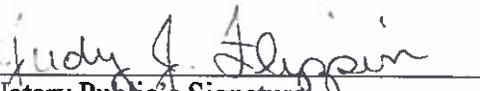
APPLICANT'S PERMISSION FOR INSPECTION OF PROPERTY

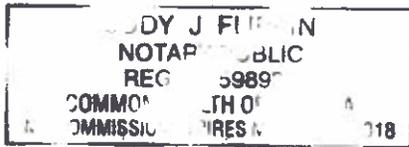
I, JOHNE SCOTT WEBB, hereby grant access to the Planning Director, Zoning Administrator, or assigns thereof, to enter my property during reasonable hours without prior notice to make inspections as deemed necessary for the evaluation of my application for CUP (Specify type of request – rezoning, conditional use permit, private road, variance, etc.).

  
Applicant's Signature

4/7/16  
Date

Subscribed and sworn to before me this 7<sup>th</sup> day of April, 2016.

  
Notary Public's Signature





# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

RICHMOND DISTRICT  
2430 Pine Forest Drive  
COLONIAL HEIGHTS, VA 23834  
[www.VDOT.Virginia.gov](http://www.VDOT.Virginia.gov)

Charles A. Kilpatrick, P.E.  
COMMISSIONER

May 17, 2016

David Dameron  
Zoning Administrator  
Powhatan County Zoning  
3834 Old Buckingham Road  
Powhatan, Virginia 23139

REFERENCE: **16-01-CUP. Virginia Solar LLC**  
**(Powhatan Courthouse/Mt. Zion Electoral District)**  
Date VDOT Received: **04/14/16**

Dear Mr. Dameron:

The Virginia Department of Transportation has reviewed the request submitted for a conditional use permit (CUP) to operate a solar energy farm in the A-10 Agricultural District per §83-162(26) of the Powhatan County Zoning Ordinance. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the Countywide Land Use Plan Map. The property is 898.4 acres in size and is located west of Old Buckingham Road (Rt. 13) south of its intersection with Old Plantation Road (Rt. 644). Reference to Tax Map Parcel #38-28.

The Virginia Department of Transportation is aware of this project and has reviewed and has recommended approval of a proposed commercial entrance from Old Buckingham Road (Rt. 13). VDOT takes no exception to this request for the identified proposed site access point, given the conditions of the commercial access permit.

Should you have any questions, or need any additional information, please do not hesitate to contact me at (804) 674-2560, or Brian Lokker at (804) 674-3874.

Sincerely,

A handwritten signature in cursive script that reads "J.T. Phillippe".

J.T. Phillippe  
Plan Reviewer  
VDOT Richmond District  
Central Area Land Use

June 21, 2016

The Powhatan County *Planning Commission*, on **July 5, 2016, at 7:00 p.m.** in the **Powhatan Village Building Auditorium, 3910 Old Buckingham Road**, will hold a public hearing taking under consideration the following:

**CONDITIONAL USE PERMIT**

**16-01-CUP.** Virginia Solar LLC (Powhatan Courthouse/Mt. Zion Electoral District) requests a conditional use permit (CUP) to operate a solar energy farm in the A-10, Agricultural District per §83-162(26) of the Zoning Ordinance. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the Countywide Land Use Plan Map. The subject property is 898.4 acres in size and is located east of Old Buckingham Road (Rt. 13) south of its intersection with Old Plantation Road (Rt. 644). Reference to Tax Map Parcel #38-28.

As an adjacent property owner, you are being notified of the request. All Planning Commission meetings are open to the public and you are encouraged to attend on the day and time specified above. Copies of the proposed plans, ordinances, or amendments may be reviewed in the Department of Planning and Community Development in the Powhatan County Administration Building between 8:30 AM and 5:00 PM of each business day. Copies of staff reports are available one week prior to the Public Hearing upon request.

If you have any questions or would like more information on the request, please contact the Planning Department at 598-5621.

Sincerely,

Department of Community Development Staff

**AFFIDAVIT**

**CASE #: 16-01-CUP**

**SECTION #: 38-28 and 38-3-1**

**NAME: Virginia Solar, LLC**

**LETTERS MAILED: June 21, 2016**

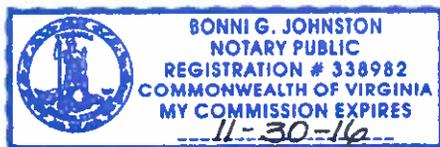
**COMMONWEALTH OF VIRGINIA,  
COUNTY OF POWHATAN, to-wit:**

The undersigned affiant, first being duly sworn, states that this affidavit is made pursuant to Va. Code 15.2-2204 to certify that written notice of a pending public hearing on the above case has been sent by first-class mail to the last known address as shown by the current real estates tax assessment books of the owners of each parcel butting and immediately across the street from the affected property.

  
Signature

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid this day 21 of June, 2016.

  
Notary Public #338982





CONDITIONAL USE PERMIT APPLICATION  
Scott Solar Project

Submitted By:  
Scott-II Solar LLC

Developed By:  
Virginia Solar LLC

Submitted To:  
Powhatan County Planning & Zoning Commission

POWHATAN COUNTY PLANNING & ZONING  
COMMISSION  
April 2016

## Scott II Solar

### Introduction

Viriginai Solar LLC (the Developer) hereby submits on behalf of Scott-II Solar LLC (the Applicant), this proposal to construct, own, and operate the Scott II solar site consisting of a 20 MW<sub>AC</sub> solar photovoltaic (PV) electricity generating facility (the Project) located on approximately 349 acres of a 898 acres parcel, as represented by the maximum extents shown in the site plan. The Applicant is seeking a Conditional Use Permit (“CUP”) to permit construction and operation of the Project. The Project will use proven technology which has been used throughout the US. The solar arrays and ancillary equipment will occupy approximately 230 acres of the 349 acres subject to the CUP. The PV modules produce low-voltage direct current (DC) electrical power which is collected and delivered to the inverter and transformer stations located throughout the site where it is converted into medium voltage alternating current (AC). The power from the inverter stations will be collected from across the site to the point of interconnection where it will interconnect with the Dominion Virginia Power distribution line through a pole mounted device. By interconnecting with the distribution lines the Project will help meet local electrical needs first, with the excess then flowing to the overall grid. The perimeter of the Project will be surrounded by a 7’ high chain link fence, topped with 1’ tall barbed wire. The design, installation, and operations of the facility will comply with all applicable local, state, and national electrical standards and codes that ensure the safety and protections of local residents and the public at large.

The proposed Project will not result in any population increase and there will be no unduly detrimental or injurious damage to property or improvements in the vicinity. The Project is sited on timberland within the Agricultural 10 Zone District. The surrounding properties are all zoned either Agricultural 10, Rural Residential 5, Residential 2 or Residential Utility classifications. Solar electric generation plants and associated facilities are permitted as a conditional use within the Agricultural 10 Zone District. The proposed use will not impair the integrity and character of the land use district. The closest existing residence to any area currently planned to be used is over 400’. After construction the day to day operations of the Project will be passive and will make little substantive change to the character of the area. The Project will be monitored remotely on a 24/7 basis to ensure the Project is operating properly. The Project will be constructed in a single phase and designed for a 35 year life. The Project will produce enough electricity on an annual basis to power approximately 4,800 typical homes.

This Scott II project is separate and independent of Scott-I. This project consists of a separate interconnection. This project will connect to Virginia Power circuit 406 where Scott I is on circuit 405. This allows the electricity to flow back to different transformers in the substation. Scott I and Scott II will also each have their own interconnection agreements. Further, there will be no shared facilities between the projects. There is a shared joint access agreement to allow the projects to both use the entrance off Old Buckingham Rd. that has been recorded with Powhatan County (Book 0885 Page 0211-0225). Finally there is not expected to be any shared ownership between the projects at this point in time.

## Scott II Solar

### Project Rational

Solar generated electricity is rapidly becoming competitive with other forms of energy generation. Growing electricity demands in Virginia are not presently met by existing local generation. The majority of the cost of solar power is realized during facility construction; operating costs are low and fuel is free. The demand for renewable energy is growing at a rapid rate. The result is that once facilities are constructed, solar power will result in a clean, cost-effective, market-dependable source of electricity.

Dominion Virginia Power released its 15 year Integrated Resource Plan last July. In pursuit of this plan Dominion Virginia Power issued a Request for Proposal for solar power generation projects of up to 20MW. Scott I, the previously approved project adjacent to Scott II was purchased by Dominion as part of this RFP. In addition, Virginia is located in an area where wholesale power can be sold directly onto the grid and sent throughout Pennsylvania, Virginia, Maryland, New Jersey, West Virginia, Wisconsin, Delaware, and parts of several adjacent states. All of these facts make Virginia an attractive area to develop solar projects. There is substantial interest from various reputable parties to purchase the power generated by the Scott-I and other solar project throughout Virginia.

### Local Economic Benefits

It is anticipated that there will be a maximum of 240 workers on-site for the Project during the construction period, and it will likely include some local suppliers and contractors. The peak of construction is currently planned for summer/fall 2017. The influx of construction workers will provide a steady source of revenue to local hotels and restaurants.

The Project will have employees or contractors onsite periodically for system inspections, vegetation management, and preventative maintenance following the construction period.

Virginia Solar currently estimates the total Project to be valued at approximately \$38 million. A majority of the cost is associated with the purchase of the equipment for the Project. During development and construction the Project will provide direct and indirect benefits to Powhatan County and support local jobs throughout that period. Based on work done by Chmura Economics and Analytics for Dominion on the Scott I project it is estimated that Scott II will generate for Powhatan County 13 direct jobs, 1 indirect job, and 1 induced job with \$1.3 million economic impact in the year the project is built. During post-construction operation the Project will contribute personal income to workers and the landowner. Chmura estimated this impact to Powhatan County to be 1 direct job and 1 induced job with an economic impact of \$1.2 million per year for the next 35 years. Over the life of the project this means the total economic impact to the county will be approximately \$43 million dollars. A copy of the Chmura report can be found in Appendix F.

### No Local Economic Burdens

**VIRGINIA  
SOLAR**

## **Scott II Solar**

The Project will not cause any long-term burdens to the County. Adjacent, existing land uses will not be impacted during post-construction operations. During construction, the Applicant will take steps to minimize the effect on adjacent landowners.

There will be no increased impact to County services. Whenever possible, construction and related workers will be hired locally. Specialized workers that may be brought in to work on the project will be employed locally only for a short duration. Their employment will not result in an increased impact on schools, police, EMS, or other County resources. There will be no need for new or expanded county public infrastructure as a result of the Project.

There will be minimal to no increased impact on law enforcement. Prevention/deterrence of trespassing will be the main approach to safeguard the solar project, deter crime on site, and reduce the risk of injury to trespassers. Once the project is constructed, the project site will be fenced and locked at all times.

### **Property Tax**

Per state statute § 58.1-3660, as of January 1<sup>st</sup> 2015 and for projects which file their interconnection requests prior to December 31<sup>st</sup> 2018, solar energy equipment, facilities, or devices owned or operated by a business that collects or generates, electric energy are considered certified pollution control equipment and facilities if their capacity is 20MW or less, which has the effect of exempting the Project from the Machinery and Tools tax. This site consists of a 20 MW project equals the 20MW capacity limit. As per state interpretation a project is defined as the size at the point of interconnection. The exemption does not include the land on which the Project is located, which will still be subject to property taxes. The property is currently covered under a special use assessment. As a result of this project a portion of the land will be removed from this special use assessment raising the effective value of the land and subjecting the project to roll back taxes. The estimated roll back tax payment will be approximately \$40,000 and the increase in property tax is \$8,622 per year for the Project.

### **Adjacent Property Values**

The Applicant engaged Kirkland Appraisals, LLC to evaluate the effect of the Project on adjacent property values. This report concluded that the Project will not have any negative effect on the adjacent property values. The report is attached as Appendix B.

### **Land Use Siting Considerations**

There are no areas of environmental concern, special management areas, or county and state parks within the Project area. The closest special management areas are the Powhatan Wildlife Management area, approximately 0.84 miles west of the Project and Amelia Wildlife Management area approximately 2 miles south of the Project. In addition, Fighting Creek Park is approximately 0.2 miles to the northwest of the Project. The Project area does not contain any critical habitats, as identified by the U.S. Fish and Wildlife

## Scott II Solar

Service (USFWS). There are no protected forests, habitats, or parkland on or adjacent to the Project.

### Wildlife

Solar is benign to wildlife. The native grasses planted under the panels, will have a meaningful benefit to habitat and wildlife. As the images below show animals coexist with solar facilities.



### Heat Islanding

When the sun's energy arrives at the Earth's surface it is either reflected or absorbed. The term "heat island" is sometimes used to describe the absorption of sunlight by city hardscapes (buildings, parking lots, etc.) that can result in an increased local temperature. Unlike roofs or roadways, solar panels are designed to absorb solar energy and convert it into electricity. Additionally, solar panels are mounted with space between the panel and the ground underneath, allowing airflow above and below the panels and thus eliminating any "heat island" effect.

### Visual Resources Siting Considerations

The Project is not anticipated to create any negative visual impact for the area. The solar arrays will be no taller than 8' in height at the highest point (as measured from the highest grade for a given structure), and will be made of a non-reflective material. The inverter stations will be approximately 10' tall, and the poles at the point of interconnection will be

**VIRGINIA**  
**SOLAR**

## Scott II Solar

the same as normal electrical distribution poles. Within the Project area all electrical lines will be buried except for possibly those to cross creeks, wetlands, and the main line to the point of interconnection. The Applicant proposes to include a 50' buffer around the perimeter of the Project where it is adjacent to property not owned by the same land owner at the time of construction. Within the buffer, in areas where there is not at least 15' of native timber remaining on the project parcel, a single row of evergreens will be planted within the 50 foot setback where there is an adjacent property with an existing residence. Such evergreens shall be planted on fifteen (15) foot centers and shall be a Meyers Spruce tree or other similar tree (which alternative tree shall be subject to the prior written approval of the Planning Department), and the evergreen installed shall have an anticipated five year height of six (6) to eight (8) feet after planting and an anticipated mature height of thirty (30) to forty (40) feet. It is desired this requirement may be reduced or waived for a certain part of the project perimeter if agreed to, in writing, by the owner of the residence bordering the project at that certain part of the project perimeter. It is also desired the security fence may be located within the 50' buffer.

The Project is located at least 500' from any public right of way. Properties of these areas have suitable timber or farmland to block any view of the project.

The properties adjacent to the Project are either vacant or are developed for single family residences on large lots. The Project is required to maintain setbacks of 50' or 100' from Fighting Creek and wetland areas per existing ordinance, and as a result the project boundary will be over 150' from any existing residences. It is expected and recommended that this 150' offset from any existing residence at the time of the site plan be a condition of the CUP. Per the above proposed requirements in the buffer area the visual impact should be mitigated.

### **Historical, Cultural, and Archaeological Resources Siting Considerations**

The Applicant evaluated the Project site utilizing the Virginia Department of Historic Resources Virginia Cultural Resources Information System (DHR V-CRIS) (Appendix A). The Project Property is not identified on the Virginia Landmarks Register (VLR) nor listed on the National Register of Historic Places (NRHP). Additionally, there are no identified or archaeological resources, or Department of Historic Resources Easements identified within the Project limits or within ½ mile of the Project. There is one site identified in close proximity to the Project – Fighting Creek Plantation DHR ID # 072-0015 which is located just south of the proposed area of development. Based upon the distance from the proposed Project and topographic conditions, it is not anticipated that the Fighting Creek Plantation site will be impacted by the proposed development.

In the event that an unanticipated discovery of an archaeological resource occurs, construction work within a 150'-wide buffer of the discovery shall cease until an archaeologist can record the site and make a determination of the significance of said resource. Once the site has been recorded, and if the site is assessed as “not eligible” for inclusion into the National Register of Historic Places (NRHP), work on that area will

## Scott II Solar

resume pending concurrence from the Virginia Department of Historic Resources (VA DHR) of the assessment. If the site is assessed as “eligible” for inclusion into the NRHP, a mitigation plan will be proposed and sent to the VA DHR for review. All work in the area of the resource will remain halted until the mitigation process will be completed and state and local guidelines are met.

### **Height Restrictions and FAA Hazard Review**

The Project is not located within the vicinity of any airport and will not conflict with airport operations. The nearest airport is Plainview Airport which is 2.9 miles to the east and Saunders Field Airport which is 4.3 miles to the north. FAA Notice of the project is not required as none of the Notice Criteria are exceeded.

### **Solar Facility Construction**

The total estimated timeframe for preconstruction and construction of the solar facility, including the Project interconnection, is 6-to-9 months, which may begin as early as Q1 2017. Construction activities will overlap with one another with grading and access road construction preceding the installation of trackers and associated equipment within each array area.

Temporary staging and assembly areas will be used during the construction period for storage of construction vehicles and equipment, as well as staging of components of the solar facility. All temporary staging, parking, and assembly areas will be located within the Project area boundary.

Construction employees will consist of laborers, electricians, supervisory personnel, support personnel, and construction management personnel. It is expected that most construction workers will commute to the site from nearby communities. It is anticipated that there will be an average of 85-100 workers on-site during the construction period with a maximum of 122-235 workers for the Project. One or more temporary office/construction trailers will be on-site during the construction period and will be removed upon completion of construction. It is expected that the majority of these temporary facilities will be located at an assembly area and a staging area (to be located within the footprint of the Project area) throughout the construction period.

Construction work generally will occur during daylight hours. Non-daylight work hours may be necessary to make up for schedule deficiencies, or to complete critical construction activities including activities that could not be completed during daylight hours. For instance, during hot weather, it may be necessary to start work earlier to avoid pouring concrete during high ambient temperatures. Temporary lighting will be used during the construction period as needed. External lighting of Project facilities will be directed downward and will only be located where required.

For this project it is proposed the construction and operation of the facility shall be limited to the following:

**VIRGINIA  
SOLAR**

## Scott II Solar

1. All clearing and grading of the site, to include the construction and/or the upgrade of any access roads needed for the Project, shall be limited to the hours of 8 a.m. to 6 p.m., Monday through Saturday;
2. All piling driving activity shall be limited to the hours of 8 a.m. to 6 p.m., Monday through Friday. Applicant may request permission for the County Administrator to conduct piling driving activity on Saturdays, but such permission will be granted or denied at the sole discretion of the County Administrator; and
3. All other construction activity on site shall be permitted Monday through Sunday in accordance with the provisions of the County's Noise Ordinance.

The PV modules and other materials for the solar facility will be manufactured off site and will be delivered to the Project area by truck. Upon their arrival, the PV models will be inspected and stored in the temporary staging area. Construction materials such as concrete, pipe, wire and cable, fuels, reinforcing steel, and small tools and consumables will be delivered to the Project by truck. The initial grading work will include the use of excavators, graders, dump trucks, and end loaders, in addition to support pickups, water trucks, and cranes.

### **Solar Facility Operations**

During operations, the Project primarily will be remotely managed on a 24/7 basis. The Project will have employees or contractors onsite periodically for system inspections, vegetation management, and preventative maintenance following the construction period.

### **Equipment**

Regardless of the PV modules chosen for this Project, those modules will be certified in accordance with UL or International Electro-technical Commission (IEC) and compatible with the proposed inverter.

PV module connectors or similar products used for this project will be designed for environmental exposure, not interchangeable, and have an ampacity rating not less than the maximum series fuse rating of the module.

The module interconnection cables will be determined with National Electric Code (NEC) guidance including (i) conditions of use with particular consideration of temperature rise due to solar exposure, (ii) terminal ratings, and (iii) as consideration of over current protection and all possible current sources. Module wiring will be marked as type USE-2 or PV and be sunlight resistant.

Combiner boxes will contain the PV source circuits and will be listed to the appropriate UL standard, or will be IEC approved for outdoor wet applications. Materials, finish and corrosion protection of combiner boxes will be selected for strength, toughness, and durability for the design life of the Project.

## Scott II Solar

Disconnects will be listed to the appropriate UL standard, or will be IEC approved for the application.

PV Inverter systems will be utility grade and specifically designed for PV installations. The inverter systems will be designed for the expected environmental conditions at the site including temperature, humidity, elevation, and seismic vibrations. Inverter voltage, current, and frequency capability will be tailored to the specific PV technology used and the local conditions at the generating facility.

The Medium Voltage Collection System will have a voltage of 34.5 kV. The number of feeder circuits, their configuration and the size of the cables will be optimized to provide a safe, cost-effective system consistent with standard industry practices. All underground and overhead collection/distribution facilities will be constructed to: allow for safe operation of the Project, minimize shading of the PV array, facilitate ease of maintenance and the cost effective collection of energy from each inverter and its delivery to the point of interconnection.

The revenue metering system(s) will meet the independent system operator and utility minimum requirements as indicated in the interconnection agreement. All metering will comply with ANSI and IEEE metering standards.

Performance monitoring / Supervisory Control and Data Acquisition (SCADA). The Project will include specific equipment required by the utility and the independent system operator, (specifically relating to SCADA), for metering and telemetering consistent with the interconnection agreement. The SCADA system also will provide data for the operator to monitor the status of the plant.

### **Interconnection**

The project will interconnect with the existing grid on the parcel. Dominion Virginia Power has informed Scott-II Solar they will need to make some upgrades to their existing distribution system. Based on conversations the principal change needed will be to run an additional set of wires on the same poles as the existing distribution line from Old Buckingham Rd. near the school to the project site. It is understood all work will be within the existing Dominion Virginia Power right of way.

### **Transportation**

There is one proposed access points for the Project from Old Buckingham Rd through tax Parcel 38-3-1. All traffic is expected to arrive and leave through this entrance. The access point will be marked with identifying signage. General construction traffic will consist of passenger vehicles (e.g, pickup trucks) carrying passengers, tools, and minor equipment to and around the construction site. Component deliveries (e.g., solar panels, inverters, concrete trucks, construction equipment, etc.) will vary depending on suppliers and subcontractors. Access to the site will be through the use of Route 60 to Old Buckingham Rd.

## **Scott II Solar**

During construction up to 315 delivery trucks will access the Project site for delivery of materials and equipment. At the height of the construction period there will be approximately 165 trips per day to and from the Project for construction employees to access the Project site. Construction worker vehicles will be parked within a temporary use area inside of the Project boundary.

The Applicant will repair any damage to local roads caused by the project construction. In addition it is proposed a Construction Traffic Management Plan and mitigation measures shall be developed by Scott-II Solar and submitted to the Virginia Department of Transportation (VDOT) and the County of Powhatan for review. The Plan shall address traffic control measures, a pre- and post-construction road evaluation, and any necessary repairs to the public road that are required as a result of damage from the Project. If a traffic issues arises during the construction of the Project, the Applicant shall develop with input from the County and VDOT appropriate measures to mitigate the issue.

Operations and maintenance (O&M) for the Project will not measurably increase vehicular traffic. There are not expected to be any permanent employees stationed at the site. O&M personnel typically will use pick-up trucks, primarily during day light hours. Access to the site will be made via the local/county roads, existing access roads, and the access roads built as part of initial construction. During the operations phase, access to the site will occur at least twice a month. For clarification, Scott Timberland Company, the landowner of the Project site and adjacent property, may use either access point to the Project site for its timber cutting operations, which will continue before and after construction and operation of the Project.

### **Noise**

Noise issues associated with the Project will be limited to construction noise. Construction noise will be temporary (short-term) and consist of increased noise levels associated with construction activities and increased traffic on area roadways. Generally, noise generated from construction of solar energy facilities have maximum noise levels of 80 to 90 A-weighted decibels (dBA) at a distance of 50'. As a point of reference power mowers typically generate around 96 dB of sound and a food blender 88dB when standing next to them. The Project's solar equipment will be setback at least 150', excluding any security fencing, to any existing off-site residential dwelling unit in order to minimize the noise effects during construction. The proposed construction time limits outlined above should ensure there are no noise issues with the site.

### **Water Resources Siting Considerations**

Water will be required during construction and operation of the Project. During construction, water will be required for dust control and soil conditioning. Potable water for drinking and domestic needs during construction will be brought to the Project or purchased from the land owner. During operation, the panels will be washed every few years. Water will be purchased from the land owner for those purposes or brought onto site.

## **Scott II Solar**

The County Floodplain Map was reviewed to determine if the Project will be affected by any floodplains. No part of the Project Area where panels will be located is within the 100 year flood plain.

Several perennial streams, as well as intermittent and ephemeral tributaries to these streams, are mapped on or adjacent to the Project. The Project is being designed to minimize impact to any of these streams and to avoid any crossing. In addition it is planned that overhead or underground electrical lines will be used to cross these streams and wetlands to minimize the impact.

A delineation of wetlands and waters of the U.S. (WUS) has been conducted to document any wetlands or WUS that occur within the Project area. All necessary permits and approvals will be obtained prior to construction.

### **Runoff**

Solar fields are considered a "permeable" surface, as they cause no additional runoff from the site. Panel racks are driven straight into the ground, with no concrete pads or other barriers to inhibit the flow of water into the ground. The ground underneath solar panels is seeded with native vegetation to control runoff and prevent erosion. Solar panels require occasional cleaning to optimize performance (example, twice per year), but cleaning does not use chemicals that may seep into the ground water. The solar project will therefore not affect the ground water level and neighbors wells.

Storm water flow is taken into account during the design of solar arrays and improvements are made where necessary. This design and review process is always conducted in cooperation with county officials and the Department of Environmental Quality responsible for providing land use approvals and construction permits.

### **Sanitation**

During construction, portable sanitary facilities will be stationed at the construction site and maintained by local sanitary facility contractors.

### **Solid Waste or Hazardous Waste**

Construction equipment will contain various materials such as hydraulic oil, diesel fuel, grease, lubricants, solvents, adhesives, paints, and other petroleum-based products contained in construction vehicles. All potentially hazardous materials will be contained, stored, and used in accordance with the manufacturers' instructions and handled in compliance with the applicable standards and regulations. The Project will take all necessary precautions to prevent littering of the site or neighboring properties. Construction waste will be disposed of in accordance with all applicable requirements. Operation of the Project will not generate solid or hazardous waste.

### **Security**

## Scott II Solar

The Project will install and maintain a permanent perimeter/boundary fence around the entire portion of the property containing Project equipment. The design minimum will include a security fence around the perimeter of the Project Site that is 7' tall metal chain-link, topped with 1' tall barbed wire. Safety and security signage will be located every 100' along perimeter fencing. Speed limit signs will be posted on all interior roads. The gates at the project entrances will be located sufficiently back from the County road to allow a truck to pull off of the road before having to open the gate. During construction additional temporary fences will be installed to secure the temporary staging areas.

### **Lighting**

Permanent lighting during operations will be minimized except for what is needed for security and safety, and such lighting will be downward facing.

### **First Responder Training**

In order to promote the safety and welfare of the first responders the Applicant offers to facilitate training for the appropriate fire department(s) and other first responders with training relating to the specific hazards of the Project (e.g. transformer fires, shock hazards).

### **Price of Energy**

Solar projects do not raise the price of energy in a community. The energy sold from a solar facility to the local utility is often as cheap as or cheaper than the same electricity otherwise generated and delivered from a conventional power plant. Solar facilities complement existing power plants and help replace the energy supply that is lost due to the retirement of conventional power plants in the area. Many utilities, as well as large commercial & industrial users, are actively seeking to purchase solar power or solar plants in order to diversify energy supply, reduce over reliance on single fuel sources, and enjoy the budgeting certainty that comes with a source of energy generation (sunlight) that is free, limitless, and clean.

### **Decommissioning**

Decommissioning of the site to remove the Project components and return the land to tilled farmland or another authorized land use will be done by the Applicant at the end of the project life (which could be at least 35 years). Any buried items not utilized in the future authorized land use will be removed to a depth of at least 3' below finished grade. No burial of equipment or materials will be permitted other than that which was in the ground prior to decommissioning, when the power plant was operational.

A sample decommissioning plan is attached.

It is proposed: If the solar energy farm is inactive, completely or substantially discontinuing the delivery of electricity to an electrical grid) for a continuous twenty-four (24) month period it shall be considered abandoned. The Applicant shall provide notice to County Staff immediately upon the site becoming inactive and/or shutting down operation. The current

## Scott II Solar

owner of the Project ("Project Owner") shall remove the facilities ("decommissioning") within six (6) months of receipt of notice from the County ("County Notice"). If the facility is not removed within the specified time after the County Notice, the County may cause the removal of the solar energy farm with costs being borne by the Project Owner. Unless the solar energy farm is owned by a public utility in the Commonwealth of Virginia, the 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. If the solar energy farm is sold to any entity that is not a public utility, the CUP shall not transfer to the purchaser until such time as the adequate surety is provided.

If a surety is required, the cost estimates of the decommissioning shall be updated every five (5) years and provided to the County. At its option, the County may require the surety amount be increased based on the net cost of decommissioning.

### **Agricultural Use of Surrounding land**

The Applicant acknowledges the farming, timber, and ranching activities in the area which may affect the Project. Farming, timber, ranching, swine and animal operations, and other agricultural activities are the primary land use of the Agricultural 10 zone that partially surrounds this project, and that the following activities and practices occur, including but not limited to:

- a. Pesticide spraying (including crop dusting);
- b. Field and ditch burning;
- c. Machinery operations, including well pumps and engines at all hours;
- d. Livestock feeding and feed storage;
- e. Dairy operations;
- f. Grazing and moving of livestock;
- g. Calving, lambing, foal, hatching, and farrowing activities;
- h. Fertilizing;
- i. Composting;
- j. Dust caused by agricultural operations and roads;
- k. Nighttime activities and operations;
- l. Noises associated with agricultural, swine, and/or animal operations;
- m. Strong odors associated with normal agriculture, swine, and/or animal operations.
- n. Flood irrigation and high water runoff, which may result in the flooding of adjacent and nearby properties, including roads, streets, rights-of-way, and easements;
- o. Roaming of livestock; and,
- p. Commercial greenhouses

### **Other Permits**

All power generation projects in the state of Virginia must receive state approval either through a Permit by Rule process administered by the Department of Environmental

## Scott II Solar

Quality, or through the State Corporations Commission (SCC). In either case consultation will take place with the VA Dept. of Environmental Quality, VA Dept. of Game & Inland Fisheries, VA Dept. of Conservation & Recreation, and the VA Dept. of Historical Resources. This will provide for additional environmental, wildlife, habitat, cultural and historic review. In addition there will be additional public review and input and a public meeting will likely be held with additional project information. The below table lists other permits which may need to be filled, with whom, and their current status.

<b>Other Permits</b>		
<b>Permit</b>	<b>Permitting Agency / Authority</b>	<b>Status</b>
<b>VA Permit by Rule Small Renewable Energy Projects (Solar) Or State Corporations Commission</b>	DEQ or SCC	To be applied for
<b>Conditional Use Permit</b>	Powhatan County	Submitted
<b>Storm water and E&amp;S</b>	Powhatan County, DEQ	To be submitted
<b>Building Permit/Grading Permit/Site Plan</b>	Powhatan County	To be submitted
<b>Decommissioning Plan</b>	Powhatan County	To be submitted
<b>Wetland Non Jurisdiction Letter</b>	US Army Corps of Engineers	Pending
<b>ACOE/VA DEQ Wetlands Permits</b>	US Army Corps of Engineers or DEQ	Need to be determined
<b>Aviation</b>	FAA	None required
<b>Air Permit (for construction phase generators)</b>	VA DEQ	Need to be determined

### **Conformance with the Comprehensive Plan**

The Existing Land Use for the Scott Property is Agriculture/Forest/Undeveloped as shown on the 2010 Long-Range Comprehensive Plan (the Plan), Existing Land Use (Map 6). The Scott Property is designated as Rural Residential in the Plan’s Countywide Land Use Pan (Map 7).

The general locations of existing public facilities are identified on Map 3 of the Plan, Public Facilities. These facilities include electrical facilities, and identify existing electrical distribution lines owned by Dominion Virginia Power that roughly bisect the Scott Property. See Map 3. The Plan provides that future locations for facilities should be guided by the locational standards provided in each section within the chapter (Chapter 6: Infrastructure and Facilities). While Chapter 6 does not specifically reference the extension or future location of electrical utility facilities, as these improvements are specifically identified and included in the Plan, their extension would necessarily be expected to occur on nearby or adjacent lands, including the Scott Property. The development of the Project

## Scott II Solar

on the Scott Property meets the County’s objective of “concurrently link[ing] land use planning and development decisions so that ...community facilities have capacity for expected growth and are in place when needed.” By interconnecting with existing distribution lines, the Project will help meet local electrical power needs first, with the excess then flowing to the overall grid.

In addition, Chapter 8 Land Use & Community Character specifically lists as an “Appropriate Land Use” in Rural Residential “Institutional uses, such as schools, churches, public safety facilities, and similar uses.” As necessary utility facilities, electrical facilities are similar to and should be included with the other institutional facilities that are permitted in the Rural Residential land use.

For the reasons generally described in this Application, the Project meets the Rural Residential Policy that “on-site development practices and land management in the rural residential areas should create minimal impact to the environmental quality of surrounding uses.” It also meets the following General Land Use Recommendations (see Chapter 8: Land Use & Community Character):

- Maintain the rural character of the county (Land Use Objective 1)
- Protects the rural character of the area around existing wildlife management areas, the county park, and the new state park in order to discourage incompatible land uses that would conflict (Land Use Objective 8)
- Coordinate land use planning with the provision of infrastructure and community facilities (Land Use Objective 9)
- Promotes sustainable growth that promotes “green” practices and the conservation of energy (Land Use Objective 10)

### Conclusion

Scott-II Solar believes this project will create economic value for the county, will not adversely affect the health, safety or welfare of the people residing in the vicinity of the Project, nor impair the character of the district in which it is located, nor the value of the properties in the surrounding area.

## Scott II Solar

### Proffer Statement offered by the Applicant

1. Scott-II Solar LLC or any successors, assignees, current or future lessee, sub-lessee, or owner of the solar energy farm (the “Applicant”) shall consent to annual administrative inspections by Planning Department Staff for compliance with the requirements of this CUP.
2. The Applicant shall sign the list of the adopted conditions for this CUP signifying acceptance and intent to comply with these conditions.
3. All activities associated with this CUP shall be in compliance with all State and Federal laws. The site shall fully comply with all applicable provisions of Section 83-162 of the Powhatan County Zoning Ordinance throughout the life of this CUP.
4. This conditional use permit (CUP) shall be binding on Scott-II Solar LLC or any successors, assignees, current or future lessee, sub-lessee, or owner of the solar energy farm.
5. The solar energy farm shall consist of one integrated power generation facility and shall be limited to no more than the 349 acres of the Property identified as “Scott II – Virginia Solar,” as shown on the Maximum Extents Plan prepared by Timmons Group dated April 4<sup>th</sup>, 2016.
6. Map Pin Tax Parcel #38-3-1 (“access parcel”) shall be used as the primary access to the solar energy farm.
7. All site activity required for the construction and operation of the solar energy farm shall be limited to the following:
  - a. All clearing and grading of the site, to include the construction and/or the upgrade of any access roads needed for the Project, shall be limited to the hours of 8 a.m. to 6 p.m., Monday through Saturday;
  - b. All piling driving activity shall be limited to the hours of 8 a.m. to 6 p.m., Monday through Friday. Applicant may request permission for the County Administrator to conduct piling driving activity on Saturdays, but such permission will be granted or denied at the sole discretion of the County Administrator; and
  - c. All other construction activity on site shall be permitted Monday through Sunday in accordance with the provisions of the County’s Noise Ordinance.
8. A minimum one hundred and fifty (150) foot setback shall be maintained from any adjacent residential dwellings that exist at of the time of the approval by the Board of Supervisors. A minimum 50’ foot setback shall be provided around the perimeter of the Project where it is adjacent to property not owned by the same property owner as covered in the CUP at the time of the approval by the Board of Supervisors. Within the buffer, in areas where there is not at

## Scott II Solar

least 15' of native timber remaining on the project parcel, a single row of evergreens will be planted within the 50 foot setback where there is an adjacent property with an existing residence. Such evergreens shall be planted on fifteen (15) foot centers and shall be a Meyers Spruce tree or other similar tree (which alternative tree shall be subject to the prior written approval of the Planning Department), and the evergreen installed shall have an anticipated five year height of six (6) to eight (8) feet after planting and an anticipated mature height of thirty (30) to forty (40) feet. This requirement may be reduced or waived if agreed to, in writing, by the owner of the residence. The security fence may be located within the setbacks in accordance with Section 5.

9. The Applicant shall install a security fence around the solar energy farm that is a minimum six (6) feet in height.
10. Construction lighting shall be minimized and shall be directed downward. Post- construction lighting shall be limited to security lighting only.
11. If the solar energy farm is inactive, completely or substantially discontinuing the delivery of electricity to an electrical grid) for a continuous twenty-four (24) month period it shall be considered abandoned. The Applicant shall provide notice to County Staff immediately upon the site becoming inactive and/or shutting down operation. The current owner of the Project ("Project Owner") shall remove the facilities ("decommissioning") within six (6) months of receipt of notice from the County ("County Notice"). If the facility is not removed within the specified time after the County Notice, the County may cause the removal of the solar energy farm with costs being borne by the Project Owner. Unless the solar energy farm is owned by a public utility in the Commonwealth of Virginia, the 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. If the solar energy farm is sold to any entity that is not a public utility, the CUP shall not transfer to the purchaser until such time as the adequate surety is provided. If a surety is required, the cost estimates of the decommissioning shall be updated every five (5) years and provided to the County. At its option, the County may require the surety amount be increased based on the net cost of decommissioning.
12. The Applicant shall coordinate with the County's emergency services staff to provide materials, education, and/or training to the departments serving the solar energy farm in regard to how to safely respond to on-site emergencies.
13. Access roads are to be marked by the Applicant with identifying signage.
14. A Construction Traffic Management Plan and mitigation measures shall be developed by the Applicant and submitted to the Virginia Department of Transportation (VDOT) and the County of Powhatan for review. The Plan shall address traffic control measures, a pre- and post-construction road evaluation, and any necessary repairs to the public road that are required as a

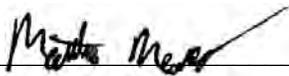
# VIRGINIA SOLAR

## Scott II Solar

result of damage from the Project. If a traffic issues arises during the construction of the Project, the Applicant shall develop with input from the County and VDOT appropriate measures to mitigate the issue.

15. Parking of vehicles or staging of equipment or materials related to the project shall be limited to the Project site.

Scott-II Solar LLC



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Matthew Meares

Authorized Signatory

**Scott H Solar**

# Appendix A – Timmons VCRIS Report

**VIRGINIA**  
**SOLAR**

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**MEMORANDUM**

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**TO:** Mathew Meares, **Virginia Solar**

**FROM:** Rick Thomas, PWS, PWD, **TIMMONS GROUP**

**RE:** Cultural Resource Database Summary – Scott Property  
Powhatan County, Virginia

**DATE:** July 9, 2015

In accordance with the Virginia Department of Environmental Quality (DEQ) Guidance regarding the Solar Permit by Rule (Solar PBR), Timmons Group has completed a preliminary desktop evaluation utilizing the Virginia Department of Historic Resources Virginia Cultural Resources Information System (DHR V-CRIS). The purpose of the desktop evaluation and database query is to provide preliminary compilation of known historic resources within the proposed disturbance zone and within ½ mile of the proposed project. Based upon the results of the evaluation, the Scott Property is not identified on the Virginia Landmarks Register (VLR) nor listed on the National Register of Historic Places (NRHP). Additionally, there are no identified architectural or archaeological resources, individual Historic District Properties, or Department of Historic Resources Easements identified within the project limits.

There is one site identified within close proximity of the project location – Fighting Creek Plantation DHR ID # 072-0015 is located just south of the proposed area of development. Additional data associated with this resource is contained within the attachment. Based upon this sites proximity to the proposed development, view-shed impacts could potentially be a consideration during design development for this project. It appears that there is a significant forested buffer between the proposed development and this property that should provide sufficient screening.

These findings should be presented to the Virginia DEQ as part of the scoping for processing under the Solar PBR. It is our understanding that the DEQ, in consultation with the Virginia Department of Historic Resources, has discretion with respect to the extent and methods for additional cultural resource evaluation with respect to development of this property under the Solar PBR Guidelines. The information contained within this memorandum and the associated attachment will be useful in assisting the DEQ and DHR in development of future study requirements. It should also be noted that the absence of cultural resources within the project limits does not eliminate the possibility of occurrence of cultural resource features, but is more a result of the lack of cultural resource evaluation of the property. Additionally, historic use of the property as a silvicultural operation may have influence cultural resource evaluation scope.



**Legend**

- Architecture Resources
- Individual Historic District Properties
- Archaeological Resources
- DHR Easements
- County Boundaries



Feet



0 120 240 360 480  
1:72,224 / 1"=6,019 Feet

**Title: Scott Solar Site**

**Date: 6/24/2015**

*DISCLAIMER: Records of the Virginia Department of Historic Resources (DHR) have been gathered over many years from a variety of sources and the representation depicted is a cumulative view of field observations over time and may not reflect current ground conditions. The map is for general information purposes and is not intended for engineering, legal or other site-specific uses. Map may contain errors and is provided "as-is". More information is available in the DHR Archives located at DHR's Richmond office.*

*Notice if AE sites: Locations of archaeological sites may be sensitive the National Historic Preservation Act (NHPA), and the Archaeological Resources Protection Act (ARPA) and Code of Virginia §2.2-3705.7 (10). Release of precise locations may threaten archaeological sites and historic resources.*

**Property Information**

**Property Names**

Name Explanation	Name
Historic	Fighting Creek Plantation
Historic/Current	Fighting Creek

**Property Evaluation Status**

NRHP Listing  
 VLR Listing

**Property Addresses**

Current - 1811 Mill Quarter Road Route 620

<b>County/Independent City(s):</b>	Powhatan (County)
<b>Incorporated Town(s):</b>	<i>No Data</i>
<b>Zip Code(s):</b>	23139
<b>Magisterial District(s):</b>	<i>No Data</i>
<b>Tax Parcel(s):</b>	38/-60 & 60A
<b>USGS Quad(s):</b>	POWHATAN

**Additional Property Information**

<b>Architecture Setting:</b>	Rural
<b>Acreage:</b>	4.3

**Site Description:**

1937: 1.1 miles east of Powhatan on Route 60, thence 1 mile south on Route 620, thence 1.5 miles west on a private road. Fighting Creek is a stately old home situated in the middle of a four acre lawn, which was covered in Kentucky Blue Grass and a flower garden surrounded by a border of dwarf boxwood. There were 30 species of trees. Two great spreading elms, one pomegranate, lemon trees and others.

1967: Fighting Creek Plantation is located 0.2 mile west of Fighting Creek, 0.9 mile west of Route 620, and 1.8 miles southwest of Powhatan.

1991: Fighting Creek is situated upon a knoll and is surrounded by several large trees. 2 miles south of Powhatan, 1 mile down a private lane off of Rt. 620.

2012 PIF: This home sits in the middle of a 4.3 acre yard, with imposing elm, black walnut, ash, and cedar trees. At the south end of the home is an English garden with boxwood, butterfly bush, hydrangea, dogwood, and other plantings.

1937: A lovely greenhouse covered with various colored glass was at the south end of the house, and a winding walk led from the front porch to the greenhouse.

1991: There are two modern sheds on the property.

2012 PIF: A swimming pool is located at the southwest corner and a metal pole barn sits at the far rear of the property, in front of an ice pit. Dr. Harvie's office was once located over the ice pit. The ice pit holds pottery shards and bottles. There is also a brick well house with a concrete floor.

**Surveyor Assessment:**

1937: Fighting Creek home was named for Fighting Creek, which runs close by the house. The creek was so named because Indians going east would meet Indians going west at this point and a bloody fight would take place. Legend was that some times after a fight the water in the creek would be red from so much blood having been shed.

Dr. Harvey was a very prominent physician in Powhatan, and was vestryman at Emmanuel Church. James B. Harvie, son of Dr. Harvie, fought in the War Between The States; was in the Battle of New Market, and was the last survivor. Before the war, Dr. J.B. Harvie sent to New York and bought a Gazometer in which he made gas for light in his house. The gas was made from oil and tar brought from North Carolina. A Mr. Beverly was sent out from Richmond to teach Dr. Harvie how to make the gas. Peter Venable, Dr. Harvie's coachman, and the coachman for the neighbors, would meet at Dr. Harvie's and have a horse racing Sunday afternoons. The gentlemen would have much pleasure in watching them.

1991: Fighting Creek Plantation house is an unusual mixture of Classical and Italianate elements.

2012 PIF: "Fighting Creek Plantation" is a magnificent stucco home on 4.3 landscaped acres adorned with black walnut, cedar, elm, and holly trees. Originally part of a much larger estate, the home is now surrounded by more than one hundred acres of land that once housed a dairy. The home is believed to have been designed by highly esteemed architect Alexander Jackson Davis, who designed the Powhatan Courthouse in the 1940's. "Fighting Creek" owner Dr. John B. Harvie, a prominent physician in Powhatan and Amelia Counties, was a vestryman at Emmanuel Church, as was Philip St. George Cocke of Belmeade, and it is thought that the two men were friends and used the same architect around the same time for their stately houses.

See PIF for additional details.

2013 NRHP: Fighting Creek, a two-story, five-bay central block symmetrical stucco home with north and south one-story wings was built ca. 1841, at a time when few stucco homes were seen in this rural area. This home is an unusual blend of both Classical Revival

and Italianate elements. According to local tradition, it was designed by renowned New York architect Alexander Jackson Davis (1803-1892), who designed the nearby Gothic Revival Belmead Plantation for Philip St. George Cocke; however, this supposition has not been confirmed in historic records. Fighting Creek is locally significant under Criterion C for Architecture as a well-preserved example of a mid-19th century plantation home. This property in 1840 was originally part of a plantation consisting of 1,699 acres conveyed to Dr. John Brockenbrough Harvie and his wife Elizabeth (Blair) Harvie. The property now retains a mere 4.3 acres of the original 1,699 acre tract, which was in 1724 patented by Colonel William Randolph and managed as a quarter by an overseer, Thomas Hobson. Fighting Creek Plantation, although updated to accommodate 20th and 21st century lifestyles, retains its original floors, Palladian windows, exterior architectural embellishments, and interior spacious, symmetrical rooms. It is one of the few remaining mid-19th century well-preserved plantation homes in Powhatan County, Virginia.

The period of significance begins with the construction of the main manor house in ca. 1841. At this time the John Brockenbrough Harvie family was residing in a one-story frame house, believed to have been the caretaker's cottage, while the main house was being built. The period of significance ends around 1900, after the 1885 death of patriarch Dr. John Brockenbrough Harvie; the conveyance of the property by deed of sale to Malcolm W. Nicholls of Hardin County, Ohio; through the 1893 fire and reconstruction by new owner Nicholls. This range reflects the period when the house was recognized as perhaps the only fine large stucco manor in Powhatan County, Virginia, exemplifying architectural elements characteristic of Southern mid-19th century plantation homes.

See nomination for narrative statement of significance.

**Surveyor Recommendation:** Recommended Eligible

**Ownership**

Ownership Category	Ownership Entity
Private	No Data

**Primary Resource Information**

**Resource Category:** Domestic  
**Resource Type:** Single Dwelling  
**Date of Construction:** 1848Ca  
**Historic Time Period:** Antebellum Period (1830 - 1860)  
**Historic Context(s):** Architecture/Landscape, Domestic  
**Architectural Style:** Italianate  
**Form:** No Data  
**Number of Stories:** 2.0  
**Condition:** Excellent  
**Interior Plan:** Center Hall  
**Threats to Resource:** None Known  
**Architectural Description:**

Undated: Lonely and windswept. Original walls were thought to be of a colonial estate patented by William Randolph who had a plantation called Fighting Creek. The house burned sometime in the 19th century and the walls were used to incorporate this house, which is very Gothic. Arched windows. Painted white. House holders with star finials are on outside of house.

1937: There was a long front porch. There are narrow arched windows on either side of a six-paneled door with arched transom.

2 brick side chimneys; 6/6 windows; metal roof; no shutters or dormers; 6-panel double door and 2 story porch.

The interior contains 14 rooms with 12 foot ceilings; there is a 2 flight open string stair; 5 rooms in the cellar (in bad condition); walls are papered; hardware is modern; no interior cornices; 4 plain mantels; floor boards of varied width (4-6 inches). The house was built in 1837 and is currently in very bad condition.

1958: Stone, 2 story residence, built in the 2nd half of the 19th century, and currently vacant. An old picture of the house shows it to be stone and not covered with plaster. This is one of the few pretentious houses built after the Civil War.

1967: Stone with stucco, 2 stories, hipped roof, two-level pedimented porch. Late 19th century; later addition.

Alternating floorboards. The house has been re-occupied for the last 7 years.

Architecture Summary, 1991: A symmetrical three-part plan, Fighting Creek Plantation house is an unusual mix of Italianate and Classical elements. A two-story, one-bay pedimented porch is imposing on the front facade. The semi-circular arched windows on the first floor are larger than the second floor windows. Each window is topped by an eyebrow lintel. Central fenestrations are composed of double doors surmounted by lunette transom. Narrow side-lights each containing four lights flank the doors. Other ornamentation includes a scored stucco surface, and a corbelled dentil course on the fascia under the eaves.

Description of Additions and Alterations: The south wing has a one story addition to match the north wing.

2012 PIF: Built circa 1841, in the Italianate/Classical Revival style, 2 stories over a basement, and currently in excellent condition. The story central block and wings was constructed of brick with stucco, over a raised foundation of stuccoed brick. Hipped roof with asphalt shingles; a trap door goes from the attic to the roof, where an observation deck once stood. Corbelled dentil course on the fascia under the eaves. There are two interior end brick chimneys. Semi-circular arched windows on the first floor, with eyebrow lintels. Nine 17x31 panes per window, with vertical slide wood sashes, double hung. Open wood two story porch with wood floor, wood railing on the upper porch and a front gable roof.

**Exterior Components**

Component	Component Type	Material	Material Treatment
Porch	2-story, 3-bay	Wood	Columns, Square
Chimneys	Interior End	Brick	<i>No Data</i>
Roof	Hipped	Asphalt	Shingle
Foundation	Raised	Brick	Stucco
Structural System and Exterior Treatment	Masonry	<i>No Data</i>	Stuccoed

**Secondary Resource Information**

**Secondary Resource #1**

**Resource Category:** Commerce/Trade  
**Resource Type:** Office/Office Building.  
**Architectural Style:** *No Data*  
**Form:** *No Data*  
**Date of Construction:** *No Data*  
**Condition:** Demolished  
**Threats to Resource:** Demolition  
**Architectural Description:**  
 2013: Not noted in nomination.  
**Number of Stories:** *No Data*

**Secondary Resource #2**

**Resource Category:** Agriculture/Subsistence  
**Resource Type:** Greenhouse/Conservatory  
**Architectural Style:** *No Data*  
**Form:** *No Data*  
**Date of Construction:** *No Data*  
**Condition:** Demolished  
**Threats to Resource:** Demolition  
**Architectural Description:**  
 2013: Not noted in nomination.  
**Number of Stories:** *No Data*

**Secondary Resource #3**

**Resource Category:** Agriculture/Subsistence  
**Resource Type:** Barn  
**Architectural Style:** No discernible style  
**Form:** *No Data*  
**Date of Construction:** 1990  
**Condition:** Good  
**Threats to Resource:** None Known  
**Architectural Description:**  
 2013: Pole Barn, 1990, Non-contributing Building  
 The pole barn is located near the southwest corner of the property. The prefabricated building has metal siding, dirt floor, and a metal-clad roof. Two large sliding doors are located on the north elevation. This building postdates the property's period of significance.  
**Number of Stories:** *No Data*

**Secondary Resource #4**

**Resource Category:** Domestic  
**Resource Type:** Ice House  
**Architectural Style:** *No Data*

**Form:** *No Data*  
**Date of Construction:** *No Data*  
**Condition:** *No Data*  
**Threats to Resource:** *No Data*  
**Architectural Description:**  
2013: Not noted in nomination.  
**Number of Stories:** *No Data*

### Secondary Resource #5

**Resource Category:** DSS Legacy  
**Resource Type:** Shed  
**Architectural Style:** *No Data*  
**Form:** *No Data*  
**Date of Construction:** *No Data*  
**Condition:** *No Data*  
**Threats to Resource:** *No Data*  
**Architectural Description:**  
2013: Not noted in nomination.  
**Number of Stories:** *No Data*

### Secondary Resource #6

**Resource Category:** DSS Legacy  
**Resource Type:** Shed  
**Architectural Style:** *No Data*  
**Form:** *No Data*  
**Date of Construction:** *No Data*  
**Condition:** *No Data*  
**Threats to Resource:** *No Data*  
**Architectural Description:**  
2013: Not noted in nomination.  
**Number of Stories:** *No Data*

### Secondary Resource #7

**Resource Category:** Social/Recreational  
**Resource Type:** Pool/Swimming Pool  
**Architectural Style:** No discernible style  
**Form:** *No Data*  
**Date of Construction:** 2001  
**Condition:** Excellent  
**Threats to Resource:** None Known  
**Architectural Description:**

2013: Pool, Ca. 2001, Non-contributing Structure  
The in-ground pool with poured concrete apron is located east of the well house. A wood picket fence encloses the pool. This structure postdates the property's period of significance.

### Secondary Resource #8

**Resource Category:** Domestic  
**Resource Type:** Well House  
**Architectural Style:** No discernible style  
**Form:** *No Data*  
**Date of Construction:** 1841  
**Condition:** Remodeled  
**Threats to Resource:** None Known

**Architectural Description:**

2013 NRHP: Well House, ca. 1841, Non-contributing Building  
 The ca. 1841 well house is located a short distance directly east of the pole barn. The walls are composed of brick, while asphalt shingles cover the hipped roof. A replacement door is centered on the west wall. Paired window sash are centered on the north and east walls. Although the building dates from the mid-nineteenth century, it does not retain historic fabric other than the brick walls and thus is non-contributing.

**Number of Stories:** 1

**Exterior Components**

Component	Component Type	Material	Material Treatment
Structural System and Exterior Treatment	Masonry	Brick	American/Common Bond
Roof	Hipped	Asphalt	No Data
Windows	Double-hung	Wood	No Data

**Historic District Information**

**Historic District Name:** No Data  
**Local Historic District Name:** No Data  
**Historic District Significance:** No Data

**CRM Events**

**Event Type: NRHP Listing**

**DHR ID:** 072-0015  
**Staff Name:** NPS  
**Event Date:** 12/3/2013  
**Staff Comment**  
 VIRGINIA, POWHATAN COUNTY, Fighting Creek Plantation,  
 1811 Mill Quarter Rd., Powhatan vicinity, 13000890, LISTED, 12/03/13

**Event Type: VLR Listing**

**DHR ID:** 072-0015  
**Staff Name:** State Review Board  
**Event Date:** 9/19/2013  
**Staff Comment**  
 No Data

**Event Type: NRHP Nomination**

**DHR ID:** 072-0015  
**Staff Name:** Beverly S. Baker  
**Event Date:** 6/1/2013  
**Staff Comment**  
 No Data

**Event Type: DHR Board Det. Eligible**

**DHR ID:** 072-0015  
**Staff Name:** State Review Board  
**Event Date:** 6/21/2012  
**Staff Comment**  
 Fighting Creek Plantation, Powhatan County, #072-0015, Criterion C  
 Property owner Ms. Beverly Baker noted the construction date of the dwelling is ca. 1840-1841, not ca. 1848 as stated in the PIF summary. Ms. Jean McRae said DHR staff recommended the period of significance for the property coincide with the construction date. Ms. Baker said the original owner of Fighting Creek, Dr. Harvie, was friends socially with architect Alexander Jackson Davis. Mr. Metz said that an inventory of architectural drawings by Davis is available online; the drawings are stored in a repository in New York. Ms. Baker noted Dr. Harvie's son was the longest lived VMI survivor of the Civil War Battle of New Market. The SRB recommended that the property is eligible under Criterion C and that the nomination should proceed.

**Event Type: DHR Staff: Eligible**

**DHR ID:** 072-0015  
**Staff Name:** DHR Evaluation Committee  
**Event Date:** 2/16/2012  
**Staff Comment**

Fighting Creek Plantation, Powhatan County, DHR File Number 072-0015  
The ca. 1840-1841 house is located on a 4-acre lot but surrounded by vast undeveloped acreage that is currently wooded. The property includes an early 20th century wellhouse, a modern period in-ground pool and modern pole barn, and a large 19th century ice house pit (contributing site). The large two-story stuccoed brick house has a hipped roof and two interior end chimneys with both Italianate and Classical Revival features. A corbelled cornice survives; cornice brackets (shown in historic photos) may be concealed beneath a vinyl soffit. The front and rear porches date to ca. 1900 and postdate a fire that consumed an earlier frame dwelling located to the rear of the current dwelling, a frame hyphen connecting the two, and elaborate two-story verandas (shown in historic photos). A site visit by staff confirmed that everything inside the brick envelope of the current house – stairs, mantels (except for one Classical Revival mantel), trim, windows, and floors – appears to be original to the mid-19th century. Originally the brick house was stuccoed and then painted to look like ashlar block (visible in 1930s WPA photos). Although the house has been restuccoed, the original treatment is visible in the basement stairwell on what was originally an exterior wall. The house also originally had a belvedere (shown in the WPA photos) which no longer survives, but the ladder that led to it does survive in the attic. One of the side wings is original and the other was added ca. 1970 for a modern kitchen. Legend has it that the house was designed by Alexander Jackson Davis, who designed the Powhatan courthouse in the 1840s and the grand Belmead for Cocke also in the 1840s, but additional research would be required to prove this. Dr. John Brockenbrough Harvie bought this property around 1841 and had the existing dwelling constructed. He was a prominent local physician who knew Cocke.

Fighting Creek Plantation is a grand mid-19th century house with good interior integrity. It is the only Italianate style house mentioned in the 1991 countywide survey of Powhatan County. Fighting Creek Plantation was evaluated at the local level of significance under Criterion C (Architecture) with a period of significance of ca. 1840-1900. The committee recommended that the Fighting Creek Plantation proceed to listing with 33 points.

**Event Type: DHR Staff Site Visit**

**Project Review File Number:** *No Data*  
**Investigator:** Kirchen, Kristin  
**Organization/Company:** DHR  
**Sponsoring Organization:** *No Data*  
**Survey Date:** 2/9/2012  
**Dhr Library Report Number:** *No Data*  
**Project Staff/Notes:**  
Site visit by DHR's Capital Region Preservation office's architectural historian, in support of PIF application.

**Event Type: PIF**

**Project Review File Number:** *No Data*  
**Investigator:** Baker, Jr., Mr. & Mrs. Kemper W.  
**Organization/Company:** Unknown (DSS)  
**Sponsoring Organization:** *No Data*  
**Survey Date:** 11/15/2011  
**Dhr Library Report Number:** Mutual Assurance Society of Virginia  
**Project Staff/Notes:**  
*No Data*

**Event Type: Survey:Phase II/Intensive**

**Project Review File Number:** *No Data*  
**Investigator:** Traceries  
**Organization/Company:** Unknown (DSS)  
**Sponsoring Organization:** *No Data*  
**Survey Date:** 3/28/1991  
**Dhr Library Report Number:** Mutual Assurance Society of Virginia  
**Project Staff/Notes:**  
*No Data*

**Event Type: Survey:Phase I/Reconnaissance**

**Project Review File Number:** *No Data*  
**Investigator:** Fishburne, Junius R.

**Organization/Company:** Unknown (DSS)  
**Sponsoring Organization:** *No Data*  
**Survey Date:** 7/1/1967  
**Dhr Library Report Number:** Mutual Assurance Society of Virginia  
**Project Staff/Notes:**  
Update of HABS survey with interior and exterior photographs

**Event Type: Survey:HABS Inventory**

**Project Review File Number:** 072-0015  
**Investigator:** Wiggins, Robert  
**Organization/Company:** Unknown (DSS)  
**Sponsoring Organization:** *No Data*  
**Survey Date:** 8/1/1958  
**Dhr Library Report Number:** Mutual Assurance Society of Virginia  
**Project Staff/Notes:**  
*No Data*

**Event Type: Survey:WPA Virginia Historical Inventory**

**Project Review File Number:** PO-69  
**Investigator:** Weisiger, Louise B.  
**Organization/Company:** Unknown (DSS)  
**Sponsoring Organization:** *No Data*  
**Survey Date:** 7/28/1937  
**Dhr Library Report Number:** Mutual Assurance Society of Virginia  
**Project Staff/Notes:**  
Fighting Creek survey with three photographs

**Bibliographic Information**

**Bibliography:**

*No Data*

**Property Notes:**

*No Data*

**Project Bibliographic Information:**

Record Type: Book  
Bibliographic Notes: Powhatan County, Virginia 1777-1977  
-----  
DHR CRM Report Number: Mutual Assurance Society of Virginia  
Record Type: MAS Policy  
Bibliographic Notes: 8/28/1805, Declarations, Vol. 4, Policy 393, Reel 4, VDHR.

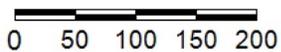


**Legend**

- Architecture Resources
- Architecture Labels
- Individual Historic District Properties
- Archaeological Resources
- Archaeology Labels
- DHR Easements
- USGS GIS Place names
- County Boundaries



Feet



1:2,500 / 1"=208 Feet

**Title: Architecture Labels**

**Date: 6/24/2015**

*DISCLAIMER: Records of the Virginia Department of Historic Resources (DHR) have been gathered over many years from a variety of sources and the representation depicted is a cumulative view of field observations over time and may not reflect current ground conditions. The map is for general information purposes and is not intended for engineering, legal or other site-specific uses. Map may contain errors and is provided "as-is". More information is available in the DHR Archives located at DHR's Richmond office.*

*Notice if AE sites: Locations of archaeological sites may be sensitive the National Historic Preservation Act (NHPA), and the Archaeological Resources Protection Act (ARPA) and Code of Virginia §2.2-3705.7 (10). Release of precise locations may threaten archaeological sites and historic resources.*

# Appendix B – Adjacent Property Values Report



# Kirkland Appraisals, LLC

Richard C. Kirkland, Jr., MAI  
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August 31, 2015

Mr. Matthew Meares  
Virginia Solar, LLC  
106 Woodhall Drive, Suite 200  
Richmond, VA 23229

Dear Mr. Meares:

At your request, I have considered the likely impact of a solar farm proposed to be constructed on an 898.4-acre tract of land located at 298 Old Plantation Road, Powhatan, Virginia. Specifically, I have been asked to give my professional opinion on whether the proposed solar farm will “maintain or enhance adjoining or contiguous property values” and whether “the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located.”

To form an opinion on these issues, I have researched and visited existing and proposed solar farms, researched articles through the Appraisal Institute and other studies, and discussed the likely impact with other real estate professionals. I have not been asked to assign any value to any specific property.

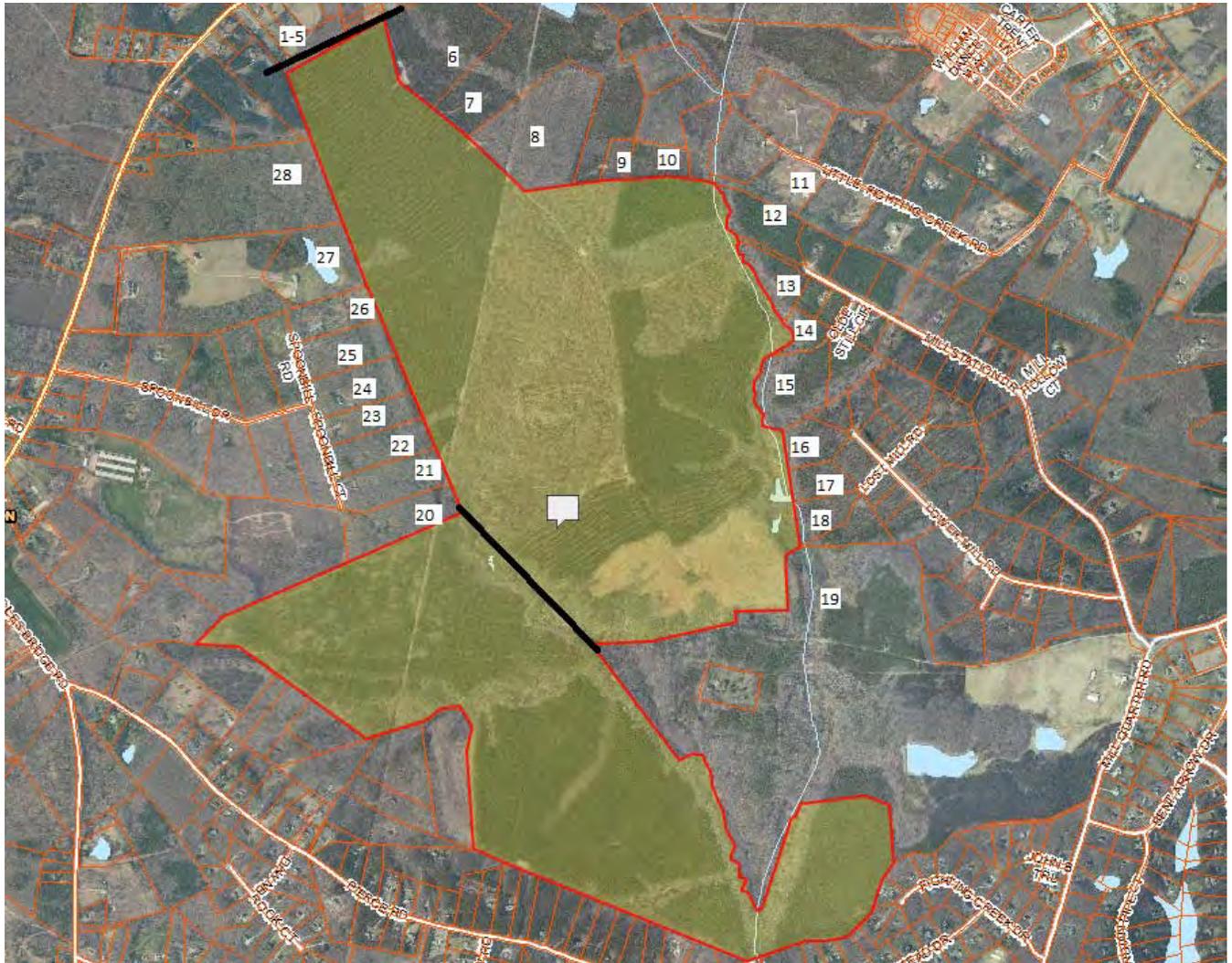
This letter is a limited report of a real property appraisal consulting assignment and subject to the limiting conditions attached to this letter. My client is Virginia Solar, LLC, represented to me by Mr. Matthew Meares. My findings support the Conditional Use Permit application. The effective date of this consultation is August 30, 2015.

## **Proposed Use Description**

The proposed solar farm proposed to be constructed on an 898.4-acre tract of land located at 1580 Goodes Bridge Road, Amelia, Virginia.

Adjoining land is primarily agricultural with a few nearby residential uses. Solar farms are predominately located in residential/agricultural districts as outlined later in this report.

I have considered adjoining uses and included a map to identify each parcel’s location. The proposed solar farm is going to be located near the north end of the tract, so I have focused on that end of the property for adjoining uses as shown on the map below. The breakdown of those uses by acreage and number of parcels is summarized below.



**Adjoining Use Breakdown**

	<b>Acreage</b>	<b>Parcels</b>
Residential	28.83%	78.57%
Agri/Res	43.52%	3.57%
Agricultural	27.65%	17.86%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>

**Surrounding Uses**

#	MAP ID	Owner	GIS Data		% Adjoining		% Adjoining Distance in Feet:
			Acres	Present Use	Acres	Parcels	Home to Panels
1	38-4A	Walker	10.000	Residential	1.48%	3.57%	960
2	38-3-1	Habel	3.610	Residential	0.53%	3.57%	890
3	38-3-2	Litton	7.260	Residential	1.07%	3.57%	965
4	38-36A	Davis	2.000	Residential	0.30%	3.57%	N/A
5	38-36	Taylor	23.170	Agricultural	3.42%	3.57%	N/A
6	38-35	Trent	25.000	Agricultural	3.69%	3.57%	N/A
7	38-32	Crump	60.400	Agricultural	8.93%	3.57%	N/A
8	38-31	CP Fighting Creek LL	28.530	Agricultural	4.22%	3.57%	N/A
9	38-29	Perkins	8.200	Residential	1.21%	3.57%	N/A
10	38-29A	Simmons	6.000	Residential	0.89%	3.57%	N/A
11	38-2-10	Osterman	10.000	Residential	1.48%	3.57%	1,740
12	38F-1-54	King	10.720	Residential	1.58%	3.57%	N/A
13	38F-1-53	Capitol Land Investr	8.170	Residential	1.21%	3.57%	N/A
14	38F-1-51	HOCAV LLC	3.880	Residential	0.57%	3.57%	N/A
15	38F-1-50	Martin	13.240	Residential	1.96%	3.57%	N/A
16	38F-2-18	Dattalo	7.430	Residential	1.10%	3.57%	N/A
17	38F-2-16	Geary	6.180	Residential	0.91%	3.57%	N/A
18	38F-2-15	Hochstetler	7.550	Residential	1.12%	3.57%	N/A
19	38-60	Hertzler	294.477	Agri/Res	43.52%	3.57%	4,965
20	38-1-12	Shepperson	12.990	Residential	1.92%	3.57%	1,600
21	38-1-11	Logios	10.000	Residential	1.48%	3.57%	1,300
22	38-1-10	Celiberti	10.000	Residential	1.48%	3.57%	N/A
23	38-1-9	Olzer	10.000	Residential	1.48%	3.57%	1,145
24	38-1-8	Vaughan	10.000	Residential	1.48%	3.57%	1,010
25	38-1-7	Burns	10.000	Residential	1.48%	3.57%	730
26	38-1-6	Glazebrook	10.000	Residential	1.48%	3.57%	840
27	38-7C	Meador	17.879	Residential	2.64%	3.57%	910
28	38-5A	Walters	49.971	Agricultural	7.38%	3.57%	N/A
		<b>Total</b>	<b>676.657</b>		<b>100.00%</b>	<b>100.00%</b>	1,421

## **I. Market Analysis of the Impact on Value from Solar Farms**

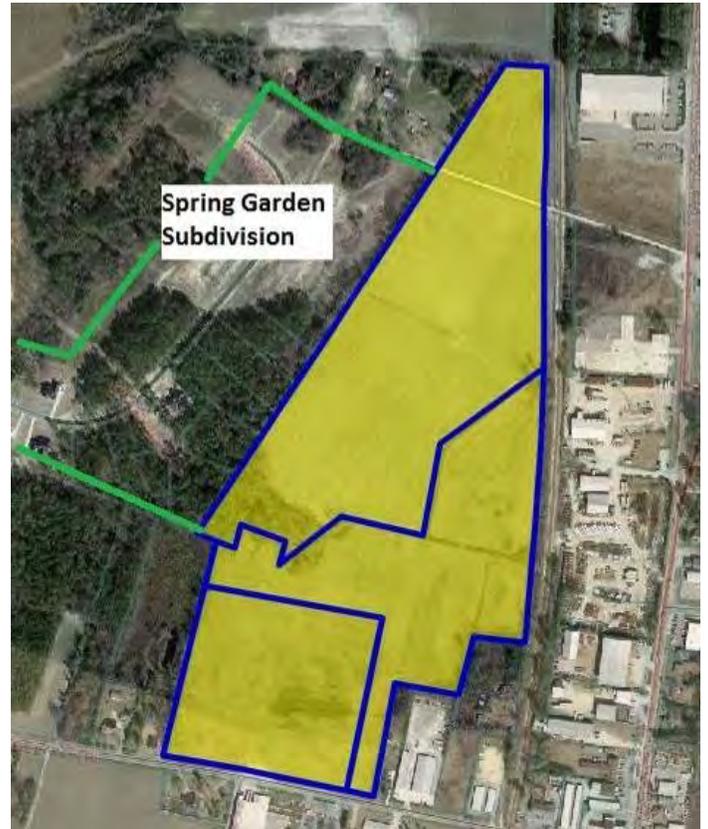
I have researched a number of solar farms to determine the impact of these facilities on the value of adjoining property. I have provided a breakdown of the adjoining uses to show what adjoining uses are typical for solar farms and what uses would likely be considered consistent with a solar farm use. This breakdown is included in the Harmony of Use section of this report.

I also conducted a series of matched pair analyses. A matched pair analysis considers two similar properties with only one difference of note to determine whether or not that difference has any impact on value. Within the appraisal profession, matched pair analysis is a well-recognized method of measuring impact on value. In this case, I have considered residential properties adjoining a solar farm versus similar residential properties that do not adjoin a solar farm. I have also considered matched pairs of vacant residential and agricultural land.

As outlined in the discussion of each matched pair, I concluded from the data and my analysis that there has been no impact on sale price for residential, agricultural, or vacant residential land that adjoins the existing solar farms included in my study.

**1. Matched Pair – AM Best Solar Farm, Goldsboro, NC**

This solar farm adjoins Spring Garden Subdivision which had new homes and lots available for new construction during the approval and construction of the solar farm. The recent home sales have ranged from \$200,000 to \$250,000. This subdivision sold out the last homes in late 2014. The solar farm is clearly visible particularly along the north end of this street where there is only a thin line of trees separating the solar farm from the single-family homes.



Homes backing up to the solar farm are selling at the same price for the same floor plan as the homes that do not back up to the solar farm in this subdivision. According to the builder, the solar farm has been a complete non-factor. Not only do the sales show no difference in the price paid for the various homes adjoining the solar farm versus not adjoining the solar farm, but there are actually more recent sales along the solar farm than not. There is no impact on the sellout rate, or time to sell for the homes adjoining the solar farm.

I spoke with a number of owners who adjoin the solar farm and none of them expressed any concern over the solar farm impacting their property value.

The data presented on the following page shows multiple homes that have sold in 2013 and 2014 adjoining the solar farm at prices similar to those not along the solar farm. These series of sales indicate that the solar farm has no impact on the adjoining residential use.

The homes that were marketed at Spring Garden are shown below.

	<p><b>Americana</b> SqFt: 3,194 Bed / Bath: 3 / 3.5</p>	<p>Price: \$237,900</p>	<p><a href="#">View Now »</a></p>		<p><b>Washington</b> SqFt: 3,292 Bed / Bath: 4 / 3.5</p>	<p>Price: \$244,900</p>	<p><a href="#">View Now »</a></p>
	<p><b>Presidential</b> SqFt: 3,400 Bed / Bath: 5 / 3.5</p>	<p>Price: \$247,900</p>	<p><a href="#">View Now »</a></p>		<p><b>Kennedy</b> SqFt: 3,494 Bed / Bath: 5 / 3</p>	<p>Price: \$249,900</p>	<p><a href="#">View Now »</a></p>
	<p><b>Virginia</b> SqFt: 3,449 Bed / Bath: 5 / 3</p>	<p>Price: \$259,900</p>	<p><a href="#">View Now »</a></p>				

## AM Best Solar Farm, Goldsboro, NC

### Matched Pairs

As of Date: 9/3/2014

### Adjoining Sales After Solar Farm Completed

TAX ID	Owner	Acres	Date Sold	Sales Price	Built	GBA	\$/GBA	Style
3600195570	Helm	0.76	Sep-13	\$250,000	2013	3,292	\$75.94	2 Story
3600195361	Leak	1.49	Sep-13	\$260,000	2013	3,652	\$71.19	2 Story
3600199891	McBrayer	2.24	Jul-14	\$250,000	2014	3,292	\$75.94	2 Story
3600198632	Foresman	1.13	Aug-14	\$253,000	2014	3,400	\$74.41	2 Story
3600196656	Hinson	0.75	Dec-13	\$255,000	2013	3,453	\$73.85	2 Story
	Average	1.27		\$253,600	2013.4	3,418	\$74.27	
	Median	1.13		\$253,000	2013	3,400	\$74.41	

### Adjoining Sales After Solar Farm Announced

TAX ID	Owner	Acres	Date Sold	Sales Price	Built	GBA	\$/GBA	Style
0	Feddersen	1.56	Feb-13	\$247,000	2012	3,427	\$72.07	Ranch
0	Gentry	1.42	Apr-13	\$245,000	2013	3,400	\$72.06	2 Story
	Average	1.49		\$246,000	2012.5	3,414	\$72.07	
	Median	1.49		\$246,000	2012.5	3,414	\$72.07	

### Adjoining Sales Before Solar Farm Announced

TAX ID	Owner	Acres	Date Sold	Sales Price	Built	GBA	\$/GBA	Style
3600183905	Carter	1.57	Dec-12	\$240,000	2012	3,347	\$71.71	1.5 Story
3600193097	Kelly	1.61	Sep-12	\$198,000	2012	2,532	\$78.20	2 Story
3600194189	Hadwan	1.55	Nov-12	\$240,000	2012	3,433	\$69.91	1.5 Story
	Average	1.59		\$219,000	2012	2,940	\$74.95	
	Median	1.59		\$219,000	2012	2,940	\$74.95	

### Nearby Sales After Solar Farm Completed

TAX ID	Owner	Acres	Date Sold	Sales Price	Built	GBA	\$/GBA	Style
3600193710	Barnes	1.12	Oct-13	\$248,000	2013	3,400	\$72.94	2 Story
3601105180	Nackley	0.95	Dec-13	\$253,000	2013	3,400	\$74.41	2 Story
3600192528	Mattheis	1.12	Oct-13	\$238,000	2013	3,194	\$74.51	2 Story
3600198928	Beckman	0.93	Mar-14	\$250,000	2014	3,292	\$75.94	2 Story
3600196965	Hough	0.81	Jun-14	\$224,000	2014	2,434	\$92.03	2 Story
3600193914	Preskitt	0.67	Jun-14	\$242,000	2014	2,825	\$85.66	2 Story
3600194813	Bordner	0.91	Apr-14	\$258,000	2014	3,511	\$73.48	2 Story
3601104147	Shaffer	0.73	Apr-14	\$255,000	2014	3,453	\$73.85	2 Story
	Average	0.91		\$246,000	2013.625	3,189	\$77.85	
	Median	0.92		\$249,000	2014	3,346	\$74.46	

### Nearby Sales Before Solar Farm Announced

TAX ID	Owner	Acres	Date Sold	Sales Price	Built	GBA	\$/GBA	Style
3600191437	Thomas	1.12	Sep-12	\$225,000	2012	3,276	\$68.68	2 Story
3600087968	Lilley	1.15	Jan-13	\$238,000	2012	3,421	\$69.57	1.5 Story
3600087654	Burke	1.26	Sep-12	\$240,000	2012	3,543	\$67.74	2 Story
3600088796	Hobbs	0.73	Sep-12	\$228,000	2012	3,254	\$70.07	2 Story
	Average	1.07		\$232,750	2012	3,374	\$69.01	
	Median	1.14		\$233,000	2012	3,349	\$69.13	

**Matched Pair Summary**

	<b>Adjoins Solar Farm</b>		<b>Nearby Solar Farm</b>	
	<b>Average</b>	<b>Median</b>	<b>Average</b>	<b>Median</b>
Sales Price	\$253,600	\$253,000	\$246,000	\$249,000
Year Built	2013	2013	2014	2014
Size	3,418	3,400	3,189	3,346
Price/SF	\$74.27	\$74.41	\$77.85	\$74.46

**Percentage Differences**

Median Price	-2%
Median Size	-2%
Median Price/SF	0%

The Median Price is the best indicator to follow in any analysis as it avoids outlying samples that would otherwise skew the results. The median sizes and median prices are all consistent throughout the sales both before and after the solar farm whether you look at sites adjoining or nearby to the solar farm. The average for the homes nearby the solar farm shows a smaller building size and a higher price per square foot. This reflects a common occurrence in real estate where the price per square foot goes up as the size goes down. This is similar to the discount you see in any market where there is a discount for buying larger volumes. So when you buy a 2 liter coke you pay less per ounce than if you buy a 16 oz. coke. So even comparing averages the indication is for no impact, but I rely on the median rates as the most reliable indication for any such analysis.

**AM Best Solar Farm, Goldsboro, NC**



View of home in Spring Garden with solar farm located through the trees and panels visible.



View from vacant lot at Spring Garden with solar farm panels visible through trees.

## **2. Matched Pair – White Cross Solar Farm, Chapel Hill, NC**

A new solar farm was built at 2159 White Cross Road in Chapel Hill, Orange County in 2013. After construction, the owner of the underlying land sold the balance of the tract not encumbered by the solar farm in July 2013 for \$265,000 for 47.20 acres, or \$5,606 per acre. This land adjoins the solar farm to the south and was clear cut of timber around 10 years ago. I compared this purchase to a nearby transfer of 59.09 acres of timber land just south along White Cross Road that sold in November 2010 for \$361,000, or \$6,109 per acre. After purchase, this land was divided into three mini farm tracts of 12 to 20 acres each. These rates are very similar and the difference in price per acre is attributed to the timber value and not any impact of the solar farm.

<b>Type</b>	<b>TAX ID</b>	<b>Owner</b>	<b>Acres</b>	<b>Date</b>	<b>Price</b>	<b>\$/Acre</b>	<b>Notes</b>	<b>Conf By</b>
Adjoins Solar	9748336770	Haggerty	47.20	Jul-13	\$265,000	\$5,614	Clear cut	Betty Cross, broker
Not Near Solar	9747184527	Purcell	59.09	Nov-10	\$361,000	\$6,109	Wooded	Dickie Andrews, broker

The difference in price is attributed to the trees on the older sale.

No impact noted for the adjacency to a solar farm according to the broker.

I looked at a number of other nearby land sales without proximity to a solar farm for this matched pair, but this land sale required the least allowance for differences in size, utility and location.

### **Matched Pair Summary**

	<b>Adjoins Solar Farm</b>		<b>Nearby Solar Farm</b>	
	<b>Average</b>	<b>Median</b>	<b>Average</b>	<b>Median</b>
Sales Price	\$5,614	\$5,614	\$6,109	\$6,109
Adjustment for Timber	\$500	\$500		
Adjusted	\$6,114	\$6,114	\$6,109	\$6,109
Tract Size	47.20	47.20	59.09	59.09

### **Percentage Differences**

Median Price Per Acre	0%
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This matched pair again supports the conclusion that adjacency to a solar farm has no impact on adjoining residential/agricultural land.

## **3. Matched Pair – Wagstaff Farm, Roxboro, NC**

This solar farm is located at the northeast corner of a 594-acre farm with approximately 30 acres of solar farm area. This solar farm was approved and constructed in 2013.

After approval, 18.82 acres were sold out of the parent tract to an adjoining owner to the south. This sale was at a similar price to nearby land to the east that sold in the same time from for the same price per acre as shown below.

<b>Type</b>	<b>TAX ID</b>	<b>Owner</b>	<b>Acres</b>	<b>Present Use</b>	<b>Date Sold</b>	<b>Price</b>	<b>\$/AC</b>
Adjoins Solar	0918-17-11-7960	Piedmont	18.82	Agricultural	8/19/2013	\$164,000	\$8,714
Not Near Solar	0918-00-75-9812 et al	Blackwell	14.88	Agricultural	12/27/2013	\$130,000	\$8,739





**Adjoining Use Breakdown**

	<b>Acreage</b>	<b>Parcels</b>
Commercial	3.40%	0.034
Residential	12.84%	79.31%
Agri/Res	10.39%	3.45%
Agricultural	73.37%	13.79%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>

From the above map, I identified four recent sales of homes that occurred adjoining the solar farm both before and after the announcement of the solar farm. I have adjusted each of these for differences in size and age in order to compare these sales among themselves. As shown below after adjustment, the median value is \$130,776 and the sales prices are consistent with one outlier which is also the least comparable home considered. The close grouping and the similar price per point overall as well as the similar price per square foot both before and after the solar farm.

**Matched Pairs**

#	TAX ID	Owner	Date Sold	Sales Price	Acres	Built	GBA	\$/GBA	Style	Parking
6&7	0900 A 011.00	Henson	Jul-14	\$130,000	2.65	2007	1,511	\$86.04	1 Story	2 Garage
12	0900 A 003.00	Amerson	Aug-12	\$130,000	1.20	2011	1,586	\$81.97	1 Story	2 Garage
15	099C A 003.00	Smallwood	May-12	\$149,900	1.00	2002	1,596	\$93.92	1 Story	4 Garage
16	099C A 002.00	Hessing	Jun-15	\$130,000	1.00	1999	1,782	\$72.95	1 Story	2 Garage
		Average		\$134,975	1.46	2005	1,619	\$83.72		
		Median		\$130,000	1.10	2005	1,591	\$84.00		

**Adjustments\***

#	TAX ID	Owner	Date Sold	Sales Price	Acres	Built	GBA	Style	Parking	Total
6&7	0900 A 011.00	Henson	Jul-14	\$130,000	-\$7,500	\$2,600	\$6,453	\$0	\$0	\$131,553
12	0900 A 003.00	Amerson	Aug-12	\$130,000	\$0	\$0	\$0	\$0	\$0	\$130,000
15	099C A 003.00	Smallwood	May-12	\$149,900	\$0	\$6,746	-\$939	\$0	-\$15,000	\$140,706
16	099C A 002.00	Hessing	Jun-15	\$130,000	\$0	\$7,800	-\$14,299	\$0	\$0	\$123,501
		Average		\$134,975	-\$1,875	\$4,286	-\$2,196	\$0	-\$3,750	\$131,440
		Median		\$130,000	\$0	\$4,673	-\$470	\$0	\$0	\$130,776

\* I adjusted all of the comparables to a base line 2011 Year Built and 1,586 s.f. based on Lot 12

I also considered a number of similar home sales nearby that were both before and after the solar farm was announced as shown below. These homes are generally newer in construction and include a number of larger homes but show a very similar price point per square foot.

**Nearby Sales Before Solar Farm Announced**

TAX ID	Owner	Date Sold	Sales Price	Acres	Built	GBA	\$/GBA	Style	Parking
099B A 019	Durrance	Sep-12	\$165,000	1.00	2012	2,079	\$79.37	1 Story	2 Garage
099B A 021	Berryman	Apr-12	\$212,000	2.73	2007	2,045	\$103.67	1 Story	2 Garage
090O A 060	Nichols	Feb-13	\$165,000	1.03	2012	1,966	\$83.93	1 Story	2 Garage
	Average		\$180,667	1.59	2010	2,030	\$88.99		
	Median		\$165,000	1.03	2012	2,045	\$83.93		

**Nearby Sales After Solar Farm Announced**

TAX ID	Owner	Date Sold	Sales Price	Acres	Built	GBA	\$/GBA	Style	Parking
090N A 040	Carrithers	Mar-15	\$120,000	1.00	2010	1,626	\$73.80	1 Story	2 Garage
099C A 043	Cherry	Feb-15	\$148,900	2.34	2008	1,585	\$93.94	1 Story	2 Garage
	Average		\$134,450	1.67	2009	1,606	\$83.87		
	Median		\$134,450	1.67	2009	1,606	\$83.87		

I then adjusted these nearby sales using the same criteria as the adjoining sales to derive the following breakdown of adjusted values based on a 2011 year built 1,586 square foot home. The adjusted values are consistent with a median rate of \$128,665, which is actually lower than the values for the homes that back up to the solar farm.

Nearby Sales Adjusted				Adjustments*					
TAX ID	Owner	Date Sold	Sales Price	Acres	Built	GBA	Style	Parking	Total
099B A 019	Durrance	Sep-12	\$165,000	\$0	-\$825	-\$39,127	\$0	\$0	\$125,048
099B A 021	Berryman	Apr-12	\$212,000	-\$7,500	\$4,240	-\$47,583	\$0	\$0	\$161,157
090O A 060	Nichols	Feb-13	\$165,000	\$0	-\$825	-\$31,892	\$0	\$0	\$132,283
090N A 040	Carrithers	Mar-15	\$120,000	\$0	\$600	-\$2,952	\$0	\$0	\$117,648
099C A 043	Cherry	Feb-15	\$148,900	-\$7,500	\$2,234	\$94	\$0	\$0	\$143,727
	Average		\$165,500	-\$1,875	\$798	-\$30,389	\$0	\$0	\$134,034
	Median		\$165,000	\$0	-\$113	-\$35,510	\$0	\$0	\$128,665

\* I adjusted all of the comparables to a base line 2011 Year Built and 1,586 s.f. based on Lot 12

If you consider just the 2015 nearby sales, the range is \$117,648 to \$143,727 with a median of \$130,688. If you consider the recent adjoining sales the range is \$123,501 to \$131,553 with a median of \$127,527.

This difference is less than 3% in the median and well below the standard deviation in the sales. The entire range of the adjoining sales prices is overlapped by the range from the nearby sales. These are consistent data sets and summarized below.

#### Matched Pair Summary

	Adjoins Solar Farm		Nearby After Solar Farm	
	Average	Median	Average	Median
Sales Price	\$134,975	\$130,000	\$134,450	\$134,450
Year Built	2005	2005	2009	2009
Size	1,619	1,591	1,606	1,606
Price/SF	\$83.72	\$84.00	\$83.87	\$83.87

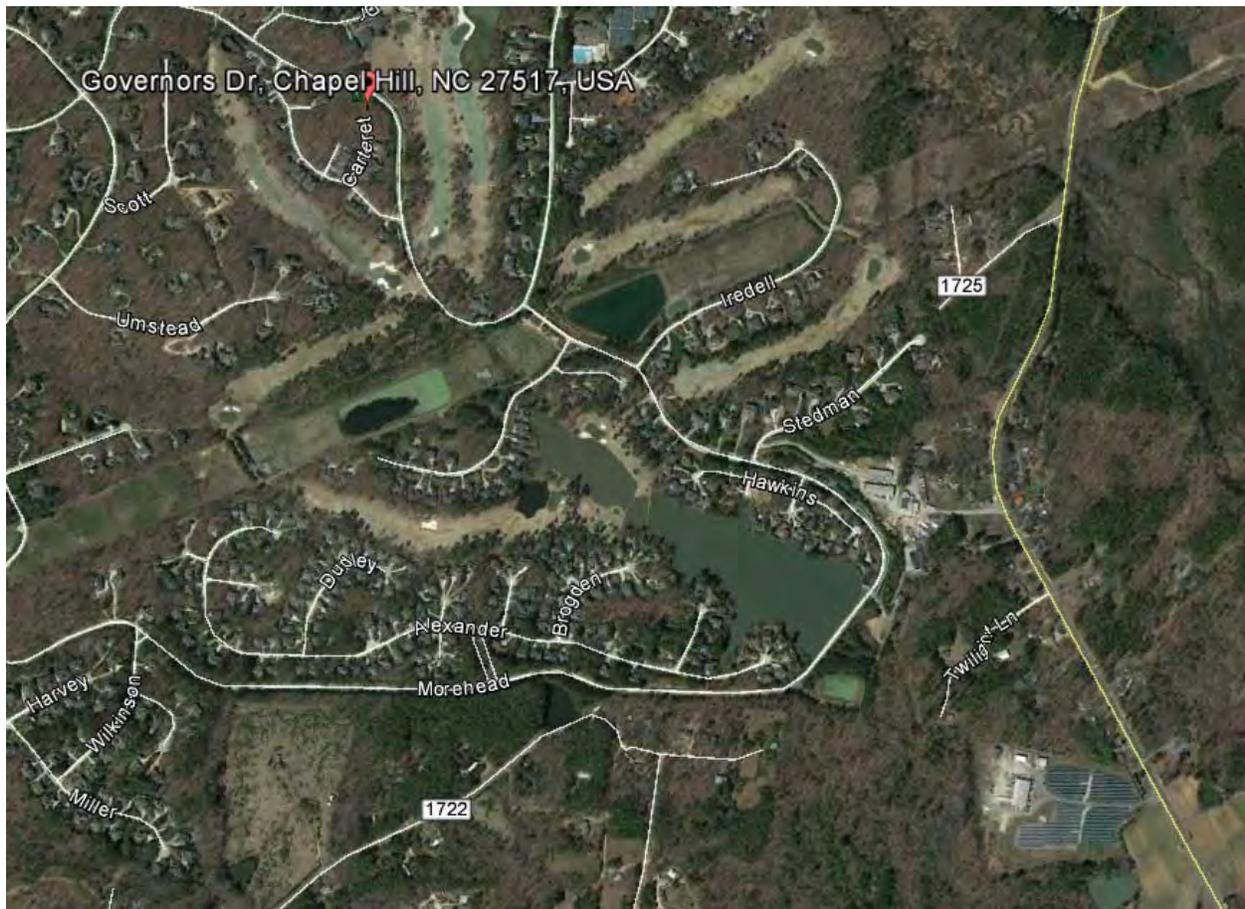
#### Percentage Differences

Median Price	3%
Median Size	1%
Median Price/SF	0%

Based on the data presented above, I find that the price per square foot for finished homes are not being impacted negatively by the presence of the solar farm. The difference in pricing in homes in the neighborhood is accounted for by differences in size, building age, and lot size. The median price for a home after those factors are adjusted for are consistent throughout this subdivision and show no impact due to the proximity of the solar farm. This is consistent with the comments from the broker I spoke with for this subdivision as well.

## II. Harmony of Use/Compatibility

I have visited over 40 solar farms and sites on which solar farms are proposed in North Carolina to determine what uses are compatible with a solar farm. The data I have collected and provide in this report strongly supports the compatibility of solar farms with adjoining agricultural and residential uses. While I have focused on adjoining uses, I note that there are many examples of solar farms being located within a quarter mile of residential developments, including such notable developments as Governor's Club in Chapel Hill, which has a solar farm within a quarter mile as you can see on the following aerial map. Governor's Club is a gated golf community with homes selling for \$300,000 to over \$2 million.



The subdivisions included in the matched pair analysis also show an acceptance of residential uses adjoining solar farms as a harmonious use.

Beyond these anecdotal references, I have quantified the adjoining uses for a number of solar farm comparables to derive a breakdown of the adjoining uses for each solar farm. The chart below shows the breakdown of adjoining uses by total acreage.

Percentage By Adjoining Acreage									All Res	All Comm
	Res	Ag	Res/AG	Park	Sub	Comm	Ind		Uses	Uses
1	<b>Goldsboro</b>	35%	23%	0%	0%	3%	2%	37%	61%	39%
2	<b>Willow Springs</b>	8%	26%	66%	0%	0%	0%	0%	100%	0%
3	<b>Kings Mtn</b>	3%	12%	4%	0%	0%	0%	82%	18%	82%
4	<b>White Cross</b>	5%	51%	44%	0%	0%	0%	0%	100%	0%
5	<b>Two Lines</b>	3%	87%	8%	0%	3%	0%	0%	100%	0%
6	<b>Strata</b>	0%	0%	0%	100%	0%	0%	0%	100%	0%
7	<b>Avery</b>	13%	40%	47%	0%	0%	0%	0%	100%	0%
8	<b>Mayberry</b>	24%	51%	0%	0%	0%	4%	20%	76%	24%
9	<b>Progress I</b>	0%	45%	4%	0%	0%	0%	50%	50%	50%
10	<b>Progress II</b>	1%	99%	0%	0%	0%	0%	0%	100%	0%
11	<b>Sandy Cross</b>	0%	0%	100%	0%	0%	0%	0%	100%	0%
12	<b>Baldenboro</b>	18%	59%	22%	0%	0%	0%	0%	100%	0%
13	<b>Dement</b>	33%	40%	27%	0%	0%	0%	0%	100%	0%
14	<b>Vale Farm</b>	1%	13%	86%	0%	0%	0%	0%	100%	0%
15	<b>Eastover</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%
16	<b>Wagstaff</b>	7%	89%	4%	0%	0%	0%	0%	100%	0%
17	<b>Roxboro</b>	1%	93%	5%	0%	0%	0%	1%	99%	1%
18	<b>McCallum</b>	5%	93%	1%	0%	0%	0%	0%	100%	0%
19	<b>Vickers</b>	21%	58%	13%	0%	0%	2%	6%	92%	8%
20	<b>Stout</b>	52%	38%	0%	0%	0%	0%	10%	90%	10%
21	<b>Mile</b>	0%	36%	45%	0%	0%	0%	18%	82%	18%
22	<b>Sun Fish</b>	19%	57%	23%	0%	0%	0%	0%	100%	0%
23	<b>Freemont</b>	0%	100%	0%	0%	0%	0%	0%	100%	0%
24	<b>Yadkin 601</b>	4%	45%	51%	0%	0%	0%	0%	100%	0%
25	<b>Battleboro</b>	2%	75%	23%	0%	0%	0%	0%	100%	0%
26	<b>Greenville 2</b>	1%	98%	0%	0%	1%	0%	0%	100%	0%
27	<b>Parmele Farm</b>	2%	86%	12%	0%	0%	0%	0%	100%	0%
28	<b>Erwin</b>	63%	9%	0%	0%	22%	2%	3%	94%	6%
29	<b>Star Solar</b>	6%	94%	0%	0%	0%	0%	0%	100%	0%
30	<b>Morgans Corner N</b>	29%	70%	0%	0%	1%	0%	0%	100%	0%
31	<b>Morgans Corner S</b>	16%	84%	0%	0%	0%	0%	0%	100%	0%
32	<b>Whitakers</b>	2%	94%	4%	0%	0%	0%	0%	100%	0%
33	<b>Binks</b>	15%	78%	6%	0%	0%	0%	0%	100%	0%
<b>Average</b>		12%	56%	18%	3%	1%	0%	7%	90%	7%
<b>Median</b>		5%	57%	4%	0%	0%	0%	0%	100%	0%
<b>High</b>		63%	100%	100%	100%	22%	4%	82%	100%	82%
<b>Low</b>		0%	0%	0%	0%	0%	0%	0%	0%	0%

Res = Residential, Ag = Agriculture, Sub = Substation, Com = Commercial, Ind = Industrial.

I have also included a breakdown of each solar farm by number of adjoining parcels rather than acreage. Using both factors provides a more complete picture of the neighboring properties.

Percentage By Number of Parcels Adjoining								All Res	All Comm	
	Res	Ag	Res/AG	Park	Sub	Comm	Ind	Uses	Uses	
1	<b>Goldsboro</b>	47%	3%	0%	0%	3%	3%	43%	53%	47%
2	<b>Willow Springs</b>	42%	37%	21%	0%	0%	0%	0%	100%	0%
3	<b>Kings Mtn</b>	40%	30%	10%	0%	0%	0%	20%	80%	20%
4	<b>White Cross</b>	33%	20%	40%	0%	7%	0%	0%	100%	0%
5	<b>Two Lines</b>	38%	46%	8%	0%	8%	0%	0%	100%	0%
6	<b>Strata</b>	71%	0%	14%	14%	0%	0%	0%	100%	0%
7	<b>Avery</b>	50%	38%	13%	0%	0%	0%	0%	100%	0%
8	<b>Mayberry</b>	42%	8%	0%	0%	0%	25%	25%	50%	50%
9	<b>Progress I</b>	0%	50%	25%	0%	0%	0%	25%	75%	25%
10	<b>Progress II</b>	20%	80%	0%	0%	0%	0%	0%	100%	0%
11	<b>Sandy Cross</b>	17%	0%	83%	0%	0%	0%	0%	100%	0%
12	<b>Bladenboro</b>	62%	28%	7%	0%	3%	0%	0%	100%	0%
13	<b>Dement</b>	83%	6%	11%	0%	0%	0%	0%	100%	0%
14	<b>Vale Farm</b>	10%	20%	70%	0%	0%	0%	0%	100%	0%
15	<b>Eastover</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%
16	<b>Wagstaff</b>	65%	30%	3%	0%	0%	0%	3%	98%	3%
17	<b>Roxboro</b>	33%	50%	8%	0%	0%	0%	8%	92%	8%
18	<b>McCallum</b>	77%	15%	4%	0%	0%	0%	4%	96%	4%
19	<b>Vickers</b>	47%	32%	5%	0%	0%	5%	11%	84%	16%
20	<b>Stout</b>	78%	6%	0%	0%	0%	0%	17%	83%	17%
21	<b>Mile</b>	0%	36%	45%	0%	0%	0%	18%	82%	18%
22	<b>Sun Fish</b>	78%	4%	17%	0%	0%	0%	0%	100%	0%
23	<b>Freemont</b>	14%	86%	0%	0%	0%	0%	0%	100%	0%
24	<b>Yadkin 601</b>	44%	28%	28%	0%	0%	0%	0%	100%	0%
25	<b>Battleboro</b>	53%	33%	7%	0%	7%	0%	0%	100%	0%
26	<b>Greenville 2</b>	38%	50%	0%	0%	13%	0%	0%	100%	0%
27	<b>Parmele Farm</b>	21%	68%	5%	0%	5%	0%	0%	100%	0%
28	<b>Erwin</b>	67%	5%	0%	0%	5%	19%	5%	76%	24%
29	<b>Star Solar</b>	38%	63%	0%	0%	0%	0%	0%	100%	0%
30	<b>Morgans Corner N</b>	71%	19%	0%	0%	5%	0%	5%	95%	5%
31	<b>Morgans Corner S</b>	69%	31%	0%	0%	0%	0%	0%	100%	0%
32	<b>Whitakers</b>	71%	24%	6%	0%	0%	0%	0%	100%	0%
33	<b>Binks</b>	90%	5%	5%	0%	0%	0%	0%	100%	0%
<b>Average</b>		46%	29%	13%	0%	2%	2%	6%	90%	7%
<b>Median</b>		44%	28%	6%	0%	0%	0%	0%	100%	0%
<b>High</b>		90%	86%	83%	14%	13%	25%	43%	100%	50%
<b>Low</b>		0%	0%	0%	0%	0%	0%	0%	0%	0%

Res = Residential, Ag = Agriculture, Sub = Substation, Com = Commercial, Ind = Industrial.

Both of the above charts show a marked residential and agricultural adjoining use for most solar farms. Every single solar farm considered included an adjoining residential use except for Progress I, which included an adjoining residential/agricultural use. These comparable solar farms clearly support a compatibility with adjoining residential uses along with agricultural uses.

### **III. Specific Factors on Harmony of Use**

I have completed a number of Impact Studies and I have found that the most common areas for impact on adjoining values typically follow the following hierarchy with descending levels of potential impact. I will discuss each of these categories and how they relate to a solar farm.

1. Hazardous material
2. Odor
3. Noise
4. Traffic
5. Stigma
6. Appearance

#### **1. Hazardous material**

The solar farm presents no potential hazardous waste byproduct as part of normal operation. Any fertilizer, weed control, vehicular traffic, or construction will be significantly less than typically applied in a residential development or even most agricultural uses.

The various solar farms that I have inspected and identified in the addenda have no known pending environmental impacts associated with the development and operation.

#### **2. Odor**

The solar panels give off no odor of which I am aware.

The various solar farms that I have inspected and identified in the addenda produced no noticeable odor off site.

#### **3. Noise**

These are passive solar panels with no associated noise beyond a barely audible sound from the electric motor during tracking. The transformer reportedly has a hum that can only be heard in close proximity to this transformer and the buffers on the property are sufficient to make emitted sounds inaudible from the adjoining properties. No sound is emitted from the facility at night.

There will be minimal onsite traffic generating additional noise.

The various solar farms that I have inspected were inaudible from the roadways. I heard nothing on any of these sites associated with the solar farm.

#### **4. Traffic**

The solar farm will have no onsite employee's or staff. Maintenance of the site is minimal and relative to other potential uses of the site, such as a residential subdivision. The additional traffic on this site is insignificant.

#### **5. Stigma**

There is no stigma associated with solar farms and solar farms and people generally respond favorably towards such a use. While an individual may express concerns about proximity to a solar farm, there is no specific stigma associated with a solar farm. Stigma generally refers to things such as adult establishments, prisons, rehabilitation facilities, and so forth.

I see no basis for an impact from stigma due to a solar farm.

## 6. Appearance

Solar farm panels have no associated stigma at this time and in smaller collections are found in yards and roofs in many residential communities. Larger solar farms using fixed panels are a passive use of the land that is considered in keeping with a rural/residential area. As shown below, solar farms are comparable to larger greenhouses. This is not surprising given that a greenhouse is essentially another method for collecting passive solar energy. The greenhouse use is well received in residential/rural areas and has a similar visual impact as a solar farm.



The fixed solar panels are all less than 12 feet high, which means that the visual impact of the solar panels will be similar in height to a typical greenhouse or lower than a single story residential dwelling. This property could be developed with single family housing that would have a much greater visual impact on the surrounding area given that a two-story home with attic could be three to four times as high as these proposed panels. The panels will be located behind a chain link fence.

## 7. Conclusion

On the basis of the factors described above, it is my professional opinion that the proposed solar farm will be in harmony with the area in which it is to be developed.

## IV. Market Commentary

I have surveyed a number of builders, developers and investors regarding solar farms over the last year. I have received favorable feedback from a variety of sources; below are excerpts from my conversations with different clients or other real estate professionals.

I spoke with Betty Cross with Keller Williams Realty in Chapel Hill, who sold the tract of land adjoining the White Cross Road solar farm. She indicated that the solar farm was not considered a negative factor in marketing the property and that it had no impact on the final price paid for the land.

I spoke with Lynn Hayes a broker with Berkshire Hathaway who sold a home at the entrance to Pickards Mountain where the home exits onto the Pickard Mountain Eco Institute's small solar farm. This property is located in rural Orange County west of Chapel Hill. This home closed in January 2014 for \$735,000. According to Ms. Hayes the buyer was excited to be living near the Eco Institute and considered the solar farm to be a positive sign for the area. There are currently a number of 10 acre plus lots in Pickards Meadow behind this house with lots on the market for \$200,000 to \$250,000.

A new solar farm was built on Zion Church Road, Hickory at the Two Lines Solar Farm on the Punch property. After construction of the solar farm in 2013, an adjoining tract of land with 88.18 acres sold for \$250,000, or \$2,835 per acre. This was a highly irregular tract of land with significant tree cover between it and the solar farm. I have compared this to a current listing of 20.39 acres of land that is located southeast just a little ways from this solar farm. This land is on the market for \$69,000, or \$3,428 per acre. Generally, a smaller tract of land would be listed for more per acre. Considering a size adjustment of 5% per doubling in size, and a 10% discount for the likely drop in the closed price off of the asking price, I derive an indicated value per acre of the smaller tract of \$2,777 per acre. This is very similar to the recently closed sale adjoining the solar farm, which further supports the matched pair analysis earlier in this report.

Rex Vick with Windjam Developers has a subdivision in Chatham County off Mt. Gilead Church Road known as The Hamptons. Home prices in The Hamptons start at \$600,000 with homes over \$1,000,000. Mr. Vick expressed interest in the possibility of including a solar farm section to the development as a possible additional marketing tool for the project.

Mr. Eddie Bacon, out of Apex North Carolina, has inherited a sizeable amount of family and agricultural land, and he has expressed interest in using a solar farm as a method of preserving the land for his children and grandchildren while still deriving a useful income from the property. He believes that solar panels would not in any way diminish the value for this adjoining land.

I spoke with Carolyn Craig, a Realtor in Kinston, North Carolina who is familiar with the Strata Solar Farms in the area. She noted that a solar farm in the area would be positive: "A solar farm is color coordinated and looks nice." "A solar farm is better than a turkey farm," which is allowed in that area. She would not expect a solar farm will have any impact on adjoining home prices in the area.

Mr. Michael Edwards, a broker and developer in Raleigh, indicated that a passive solar farm would be a great enhancement to adjoining property: "You never know what might be put on that land next door. There is no noise with a solar farm like there is with a new subdivision."

These are just excerpts I've noted in my conversations with different clients or other real estate participants that provided other thoughts on the subject that seemed applicable.

## **V. Conclusion**

The matched pair analysis shows no impact in home values due to the adjacency to the solar farm as well as no impact to adjacent vacant residential or agricultural land. Matched pairs in Goldsboro, Chapel Hill, and Roxboro show no impact on adjoining property value. The solar farm at Pickards Mountain Eco Institute shows no impact on lot and home marketing nearby. The criteria for making downward adjustments on property values such as appearance, noise, odor, and traffic all indicate that a solar farm is a compatible use for a rural/residential transition area.

Over a hundred similar solar farms have been approved adjoining agricultural uses and residential developments in the last few years in North Carolina. The adjoining residential uses have included single family homes up to \$260,000 on lots as small as 0.74 acres. The solar farm at the Pickards Mountain Eco Institute adjoins a home that sold in January 2014 for \$735,000 and in proximity to lots being sold for

\$200,000 to \$250,000 for homes over a million dollars. Clearly, adjoining agricultural uses are consistent with a solar farm.

Based on the data and analysis in this report, it is my professional opinion that the solar farm proposed at the subject property will not substantially injure the value of adjoining or abutting property and that the proposed use is in harmony with the surrounding area.

If you have any further questions please call me any time.

Sincerely,



Richard C. Kirkland, Jr., MAI  
State Certified General Appraiser

### ***Limiting Conditions and Assumptions***

Acceptance of and/or use of this report constitutes acceptance of the following limiting conditions and assumptions; these can only be modified by written documents executed by both parties.

- ❖ The basic limitation of this and any appraisal is that the appraisal is an opinion of value, and is, therefore, not a guarantee that the property would sell at exactly the appraised value. The market price may differ from the market value, depending upon the motivation and knowledge of the buyer and/or seller, and may, therefore, be higher or lower than the market value. The market value, as defined herein, is an opinion of the probable price that is obtainable in a market free of abnormal influences.
- ❖ I do not assume any responsibility for the legal description provided or for matters pertaining to legal or title considerations. I assume that the title to the property is good and marketable unless otherwise stated.
- ❖ I am appraising the property as though free and clear of any and all liens or encumbrances unless otherwise stated.
- ❖ I assume that the property is under responsible ownership and competent property management.
- ❖ I believe the information furnished by others is reliable, but I give no warranty for its accuracy.
- ❖ I have made no survey or engineering study of the property and assume no responsibility for such matters. All engineering studies prepared by others are assumed to be correct. The plot plans, surveys, sketches and any other illustrative material in this report are included only to help the reader visualize the property. The illustrative material should not be considered to be scaled accurately for size.
- ❖ I assume that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. I take no responsibility for such conditions or for obtaining the engineering studies that may be required to discover them.
- ❖ I assume that the property is in full compliance with all applicable federal, state, and local laws, including environmental regulations, unless the lack of compliance is stated, described, and considered in this appraisal report.
- ❖ I assume that the property conforms to all applicable zoning and use regulations and restrictions unless nonconformity has been identified, described and considered in this appraisal report.
- ❖ I assume that all required licenses, certificates of occupancy, consents, and other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
- ❖ I assume that the use of the land and improvements is confined within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in this report.
- ❖ I am not qualified to detect the presence of floodplain or wetlands. Any information presented in this report related to these characteristics is for this analysis only. The presence of floodplain or wetlands may affect the value of the property. If the presence of floodplain or wetlands is suspected the property owner would be advised to seek professional engineering assistance.
- ❖ For this appraisal, I assume that no hazardous substances or conditions are present in or on the property. Such substances or conditions could include but are not limited to asbestos, urea-formaldehyde foam insulation, polychlorinated biphenyls (PCBs), petroleum leakage or underground storage tanks, electromagnetic fields, or agricultural chemicals. I have no knowledge of any such materials or conditions unless otherwise stated. I make no claim of technical knowledge with regard to testing for or identifying such hazardous materials or conditions. The presence of such materials, substances or conditions could affect the value of the property. However, the values estimated in this report are predicated on the assumption that there are no such materials or conditions in, on or in close enough proximity to the property to cause a loss in value. The client is urged to retain an expert in this field, if desired.
- ❖ Unless otherwise stated in this report the subject property is appraised without a specific compliance survey having been conducted to determine if the property is or is not in conformance with the requirements of the

Americans with Disabilities Act (effective 1/26/92). The presence of architectural and/or communications barriers that are structural in nature that would restrict access by disabled individuals may adversely affect the property's value, marketability, or utility.

- ❖ Any allocation of the total value estimated in this report between the land and the improvements applies only under the stated program of utilization. The separate values allocated to the land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
- ❖ Possession of this report, or a copy thereof, does not carry with it the right of publication.
- ❖ I have no obligation, by reason of this appraisal, to give further consultation or testimony or to be in attendance in court with reference to the property in question unless further arrangements have been made regarding compensation to Kirkland Appraisals, LLC.
- ❖ Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of Kirkland Appraisals, LLC, and then only with proper qualifications.
- ❖ Any value estimates provided in this report apply to the entire property, and any proration or division of the total into fractional interests will invalidate the value estimate, unless such proration or division of interests has been set forth in the report.
- ❖ Any income and expenses estimated in this report are for the purposes of this analysis only and should not be considered predictions of future operating results.
- ❖ This report is not intended to include an estimate of any personal property contained in or on the property, unless otherwise stated.
- ❖ This report is subject to the Code of Professional Ethics of the Appraisal Institute and complies with the requirements of the State of North Carolina for State Certified General Appraisers. This report is subject to the certification, definitions, and assumptions and limiting conditions set forth herein.
- ❖ The analyses, opinions and conclusions were developed based on, and this report has been prepared in conformance with, our interpretation of the guidelines and recommendations set forth in the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA).
- ❖ This is a Real Property Appraisal Consulting Assignment.

## **Certification – Richard C. Kirkland, Jr., MAI**

I certify that, to the best of my knowledge and belief:

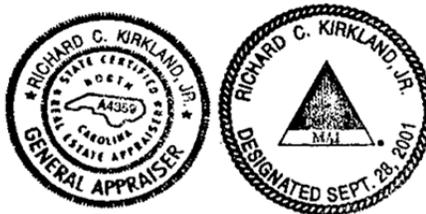
1. The statements of fact contained in this report are true and correct;
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions;
3. I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved;
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment;
5. My engagement in this assignment was not contingent upon developing or reporting predetermined results;
6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of the appraisal;
7. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute;
8. The reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
9. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives;
10. I have not made a personal inspection of the property that is the subject of this report, and;
11. No one provided significant real property appraisal assistance to the person signing this certification.
12. As of the date of this report I have completed the requirements of the continuing education program of the Appraisal Institute;
13. I have not appraised this property within the last three years.

Disclosure of the contents of this appraisal report is governed by the bylaws and regulations of the Appraisal Institute and the National Association of Realtors.

Neither all nor any part of the contents of this appraisal report shall be disseminated to the public through advertising media, public relations media, news media, or any other public means of communications without the prior written consent and approval of the undersigned.



Richard C. Kirkland, Jr., MAI  
State Certified General Appraiser





# Kirkland Appraisals, LLC

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Raleigh, North Carolina 27603  
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[www.kirklandappraisals.com](http://www.kirklandappraisals.com)

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## **PROFESSIONAL EXPERIENCE**

<b>Kirkland Appraisals, LLC</b> , Raleigh, N.C. Commercial appraiser	2003 – Present
<b>Hester &amp; Company</b> , Raleigh, N.C. Commercial appraiser	1996 – 2003

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## **PROFESSIONAL AFFILIATIONS**

<b>MAI</b> (Member, Appraisal Institute) designation #11796	2001
<b>NC State Certified General Appraiser</b> # A4359	1999
<b>VA State Certified General Appraiser</b> # 4001017291	
<b>OR State Certified General Appraiser</b> # C001204	

## **EDUCATION**

<b>Bachelor of Arts in English</b> , University of North Carolina, Chapel Hill	1993
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## **CONTINUING EDUCATION**

Forecasting Revenue	2015
Wind Turbine Effect on Value	2015
Supervisor/Trainee Class	2015
Business Practices and Ethics	2014
Subdivision Valuation	2014
Uniform Standards of Professional Appraisal Practice Update	2014
Introduction to Vineyard and Winery Valuation	2013
Appraising Rural Residential Properties	2012
Uniform Standards of Professional Appraisal Practice Update Supervisors/Trainees	2012
Rates and Ratios: Making sense of GIMs, OARs, and DCFs	2011
Advanced Internet Search Strategies	2011
Analyzing Distressed Real Estate	2011
Uniform Standards of Professional Appraisal Practice Update Business Practices and Ethics	2011
Appraisal Curriculum Overview (2 Days – General)	2009
Appraisal Review - General	2009
Uniform Standards of Professional Appraisal Practice Update	2008
Subdivision Valuation: A Comprehensive Guide	2008
Office Building Valuation: A Contemporary Perspective	2008
Valuation of Detrimental Conditions in Real Estate	2007
The Appraisal of Small Subdivisions	2007
Uniform Standards of Professional Appraisal Practice Update	2006
Evaluating Commercial Construction	2005
Conservation Easements	2005

Uniform Standards of Professional Appraisal Practice Update	2004
Condemnation Appraising	2004
Land Valuation Adjustment Procedures	2004
Supporting Capitalization Rates	2004
Uniform Standards of Professional Appraisal Practice, C	2002
Wells and Septic Systems and Wastewater Irrigation Systems	2002
Appraisals 2002	2002
Analyzing Commercial Lease Clauses	2002
Conservation Easements	2000
Preparation for Litigation	2000
Appraisal of Nonconforming Uses	2000
Advanced Applications	2000
Highest and Best Use and Market Analysis	1999
Advanced Sales Comparison and Cost Approaches	1999
Advanced Income Capitalization	1998
Valuation of Detrimental Conditions in Real Estate	1999
Report Writing and Valuation Analysis	1999
Property Tax Values and Appeals	1997
Uniform Standards of Professional Appraisal Practice, A & B	1997
Basic Income Capitalization	1996

**Scott II Solar**

# Appendix C – Transportation Statement

**VIRGINIA**  
**SOLAR**



# SCOTT II SOLAR PROJECT TRANSPORTATION STATEMENT

**Scott II Solar / 20MWAC / Powhatan County, VA / Projected Q4 2017 COD**

# Scott II Solar

## 1. Purpose

This is a summary of transportation information for construction materials, equipment, and photovoltaic components to assist in the coordination and planning for the Scott II Solar Energy Project construction and O&M period.

## 2. Background

The Scott II Solar Project is in Powhatan County, Virginia. The site is located off of Old Buckingham Rd. and will be accessed from the address 4317 Old Buckingham Rd., in the unincorporated area of Powhatan County. The site is approximately 903 acres comprised of several contiguous parcels (tax ID 038-28, 38-3-1) of undeveloped land, which is used for timber. Approximately 350 acres of the site will be used for this project. There is one proposed access point. The primary access point during construction and operations will be Old Buckingham Road at the address listed above. General construction traffic would access the site from Buckingham road and would utilize existing public roads. The proposed development consists of the installation of a 20MW photovoltaic solar energy facility.

Construction activity is comprised of temporary disturbance for construction of access roads, laydown/staging areas, overhead and underground electrical feeder collection systems, a meteorological station, installation of solar panels, and water tanks.

## 3. Project Schedule

Construction start date is tentatively scheduled for Q1 2017. Expected hours of performing work will be between 6:00 AM and 8:00 PM. As weather conditions may impact the productivity of the work, extended hours may occur as needed. Additional hours may be necessary to make up schedule deficiencies or to complete critical construction activities. Some activities may continue 24 hours per day, seven days per week. These activities include, but are not limited to, refueling equipment, staging material for the following day's construction activities, quality assurance/control, and commissioning. The project is expected to take 6-9 months to build. The high degree of variability in timing is due to weather and the availability of the solar components.

## 4. Construction Traffic Routes

General construction traffic will access the site from all directions along Old Buckingham road to the site and will utilize existing public roads. General construction traffic consists of personal vehicles (e.g, pickup trucks) carrying passengers, tools, and minor equipment to and around the construction site. Due to the remote location of the project, there will be little impact to current public traffic.

Component deliveries (e.g., solar panels, inverters, concrete trucks, construction equipment, etc.) will vary depending on suppliers and subcontractors. Access to the site will be through use either Old Buckingham road to directly access the site.

## 5. Construction Traffic

### a. Types of Vehicles

During construction, there will be a variety of vehicle types on the Project site, ranging from pickup trucks to oversized semitrailer trucks.

Types of vehicles include the following:

**VIRGINIA  
SOLAR**

## Scott II Solar

Construction equipment, including bulldozers, graders, forklifts, trailers, plows, trenchers, etc.

Delivery of ready-mixed concrete with traditional ready-mix truck deliveries, if needed.

Delivery of electrical conductor and fiber optic spools on flatbed semitrailer trucks.

- Delivery of major components on flatbed semitrailer trucks.
- Delivery of miscellaneous materials via enclosed semitrailer trucks.
- Pickup trucks for construction workers.

### b. Vehicle Loads

All vehicle loads for the project will be supported by appropriate quantity of wheels and axles in compliance with Virginia rules and regulations.

### c. Traffic Frequency and Volume

All construction material and equipment will be delivered by truck. Vehicles delivering components, and materials, collector system materials, etc., will be delivered to the site.

The estimated total number of vehicle deliveries for the project is summarized below:

DELIVERIES	VEHICLE TYPE	TOTAL FOR PROJECT
Delivery of ready-mixed concrete with traditional ready mix truck deliveries	Concrete	0-10
Delivery of electrical conductor and fiber optic spools on flat bed semis	Semi	100
Delivery of major components on flatbed semitrailer trucks	Semi	100
Delivery of miscellaneous materials via enclosed semis	Semi	100
Total		300 to 310

During the construction phase of the project will require an average of 85-100 construction workers, and at peak period of construction, the construction work force will range between 122-235 workers. The peak construction period typically occurs for roughly one month roughly  $\frac{3}{4}$  of the way through the project construction period when the solar panels are being set.

<b>Construction Duration, Overall (months)</b>	<b>4 to 8</b>
<b>Total Work Days</b>	<b>88 to 175</b>
Workdays per week	5
Hours per day	8
Traffic Trips per Work Day*	157
Total Trips During Construction (Entire Duration)**	27475
*Based on driving to site and away from site with no leaving for lunch. Further based on carpooling of 3 individuals per car.	
**Based on the maximum number of work days: 175 work days x 157 trips per work day = 27475	

# VIRGINIA SOLAR

## Scott II Solar

### **6. Changes in Types and Frequency of Traffic Due to Plant Operation**

Operations and maintenance (O&M) for the Scott II Solar Energy Project will not measurably increase vehicular traffic. There are not expected to be any permanent employees stationed at the site. O&M personnel will typically use pick-up trucks, primarily during day light hours. Access to the site will be made daily via the local/county roads, existing access roads, and the access roads built as part of initial construction. During the operations phase, access to the site will occur at least twice a month.

### **7. Conclusion**

Based on the current regulations (24VAC30-155-40), a traffic study is required for rezonings or other administrative land use actions that will “substantially affect” a state-controlled highway. “Substantial affect” is defined within the code as a “proposal that generates more than 5,000 vehicle trips per day at the site’s connection to a state-controlled facility”. Since this project results in less than 5,000 vehicle trips per day, a traffic study should not be required.

# Appendix D – Decommissioning Plan

Scott II Solar

# SCOTT II SOLAR PROJECT

Scott II Solar / 20MW<sub>AC</sub> / Powhatan County, VA / Projected Q4 2017 COD

**Decommissioning Plan**  
*for the*  
**Scott II Solar Project**

**4325 Old Buckingham Road Powhatan, VA 23139**  
**Conditional Use Permit**

*Prepared for:*  
Powhatan County

*Project Proponent:*  
Virginia Solar LLC

# Scott II Solar

## Table of Contents

1. Introduction .....	3
2. Project Background .....	3
3. Decommissioning Requirements.....	3
4. Existing Site Conditions .....	3
5. Description of Work to Install Solar farm.....	3
5.1. Major Activities.....	3
5.2. System Overview and Components.....	5
5.2.1. Combiner Boxes: .....	5
5.2.2. Inverters:.....	5
5.2.3. Transformers, Recloser, Disconnect Switch: .....	5
5.2.4. Underground Cables and Conduits:.....	5
5.2.5. Access and Internal Roads: .....	6
5.2.6. Buildings and Enclosures: .....	6
5.2.7. Security Fencing:.....	6
5.2.8. Project Life .....	6
5.2.9. SCADA and Communications Equipment Enclosure: .....	6
6. Decommissioning Process.....	7
7. Decommissioning, Closure and Restoration Financials .....	9

# Scott II Solar

## 1. Introduction

Virginia Solar LLC is proposing to construct, own and operate an approximately 20 megawatt (MW) capacity photovoltaic (“PV”) Scott II solar project (“Project”). The Project will be on tax parcels 038-28, 38-3-1 consisting of approximately 349 acres in Powhatan County, VA. The Project provides this Decommissioning Plan to comply with Conditional Use Permit Application XXXXX.

## 2. Project Background

The Project is located at a physical address of 4325 Old Buckingham Road Powhatan, VA 23139. The solar farm will consist of 91,238 solar modules, associated solar module racking system and foundations, 10 solar inverters, 10 medium voltage step-up transformers, and associated electrical equipment and materials necessary to connect to the Virginia Electric and Power Company (“Dominion”) distribution system. Based on the general construction details presented for the tracker system, the tracker foundation, the main electrical components such as inverters, switchgear, transformers, and cables, it is estimated that approximately 95% of these listed components contain steel, copper and aluminum that can be recycled at existing recycling and salvage centers.

## 3. Decommissioning Requirements

The Project must ensure the decommissioning of the solar farm and provide a bond, cash, certified check, parent guarantee from an investment grade company, or irrevocable letter of credit in favor of Powhatan County.

## 4. Existing Site Conditions

The solar farm will span tax parcels 038-28, 38-3-1, approximately 349 acres. The parcels are currently used for timber. The solar farm will only disturb approximately 210 acres. The overall topography is generally rolling hills to flat.

## 5. Description of Work to Install Solar farm

### 5.1. Major Activities

**Trenching:** Trenching requirements for the direct buried electrical conductors, direct buried conduit, and telecommunication lines would consist of a trench up to approximately three feet deep and one to four feet wide. The trenches would be filled with base material above and below the conductors and communications lines to ensure adequate thermal conductivity and electrical insulating characteristics. The topsoil from trench excavation would be set aside before the trench is backfilled and would ultimately comprise the uppermost layer of the trench. Excessive material from the foundation and trench excavations would be used for site leveling.

## Scott II Solar

**Foundations:** The solar modules will be installed on steel racking structures. The posts for the racking structures will be driven approximately 5-6 feet into the ground using a post-driving machine. The solar inverters and medium voltage step-up transformers will be set on concrete pads approximately 12-18 inches deep or on steel skids.



Solar Post for the Racking System

**Modules Racking System:** Galvanized beams and other structural members will be bolted to the foundation posts of the racking system. The solar modules are then mounted on these structural members using different pieces of hardware.



**Solar Inverters and Medium Voltage Step-Up Transformers:** The solar inverters and medium voltage step-up transformers will be offloaded from delivery trucks and placed on concrete foundations or steel skids. These pieces of equipment will be bolted to the concrete foundation or the steel skids. The underground electrical and communication cables will be routed and connected to these pieces of equipment.

## 5.2. System Overview and Components

Photovoltaic (PV) is a solar energy technology. Solar energy technology refers to the generation of electrical current from sun light. PV solar modules absorb sunlight and use silicone cells to generate electrical current. The PV Modules are mounted on a single axis tracking racking system.

- 5.2.1. **Combiner Boxes:** Combiner boxes allow for the paralleling of multiple conductors/feeder inputs and allow for fewer outputs.
- 5.2.2. **Inverters:** Inverters are high speed switching and power conversion devices which transform direct current (DC) to alternating current (AC). In the case of the Project, there are 10 solar inverters.
- 5.2.3. **Transformers, Recloser, Disconnect Switch:** Transformers are an apparatus for reducing or increasing the voltage of an alternating current. There are 10 medium voltage step-up transformers on this project for distribution to the Dominion distribution system. The Recloser and Disconnect Switch are protection devices that allow the Project or Dominion to isolate the solar farm from the Dominion distribution system.
- 5.2.4. **Underground Cables and Conduits:** Underground power (AC and DC) cables, communication and grounding cables on the Project will be either direct burial or placed in conduit. The cables will be rated for whichever

## Scott II Solar

application is chosen. The cables will be located in a conduit as per code when transitioning from below grade to above grade.

- 5.2.5. **Access and Internal Roads:** The project will have internal roads to provide access to project equipment. Internal access roads to project equipment will have an aggregate base over compacted native soils.
- 5.2.6. **Buildings and Enclosures:** The Project will not contain any permanent occupied building structures after construction is complete and the plant is operating except for a possible walk in control enclosure. The site will have an approximately 40' long by 8' high and 8' wide storage container used for storing spare parts and materials. The site will be unmanned.
- 5.2.7. **Security Fencing:** To ensure security of the facility, the property will be fenced with seven foot high chain link fencing topped by one foot of three strands of barbed wire. Access to the site will be controlled via locked access gates.



- 5.2.8. **Project Life:** The facility has an estimated useful life of at least 35 years with an opportunity for extension depending on equipment replacements or refurbishments.
- 5.2.9. **SCADA and Communications Equipment Enclosure:** Supervisory Control and Data Acquisition (SCADA) refers to the entire communication and control components. The SCADA equipment for the solar farm will be mounted in a floor mounted enclosure. The SCADA system includes an internet router, server(s), a firewall, battery backup, and other hardware to monitor the solar farm.

## 6. Decommissioning Process

Decommissioning consists of the removal of above- and below-ground facility components, management of excess wastes and materials, and the restoration of native habitat. The exact procedures for decommissioning will depend upon the future use of the project location (e.g., decommissioning for open space habitat will involve returning the land to natural conditions). Decommissioning activities are expected to take between 6 - 8 months. All removal of equipment will be done in accordance with applicable regulations.

### 6.1. Site Preparation

Prior to the removal of equipment and restoration, the Site will be prepared before remitted to a contractor for decommissioning and salvage. These preparatory measures will include electrical inspections as well as inspections of water tanks, access routes, drainage crossings, security fences, and gates to ensure all such components are safe and functional. Following these inspections, preparatory measures may be required including, but not limited to, electrical improvements, road improvements, as-needed vegetation clearing, fencing and gate repair, and removal and disposal of materials generated from the above-listed activities. Costs associated with these preparatory tasks are discussed in the next section.

### 6.2. Equipment Removal

After the facility has been disconnected from the utility power grid and all electrical components have been disconnected within the facility, equipment will be dismantled and removed. Decommissioning will be undertaken by licensed subcontractors using similar techniques and equipment to those used in the construction of the Project. The following describes the methods for dismantling and removal of various Project Components:

#### **PV arrays and associated equipment**

- Disconnect all wiring, cables and electrical interconnections.
- Remove PV arrays from racks.
- Dismantle and remove all racks and extract all pile-drive support structures (see Equipment foundations).

#### **Inverter units**

- Remove inverter units from bases.
- If concrete foundations have been used for inverter units or the substation they will be removed (see Equipment foundation).

#### **Generation Tie-Line cables**

- All above ground cables will be removed and transported off-site to an approved recycling facility or landfill. Underground cable runs will be cut off and will either remain in place, or be removed and recycled or taken to a landfill. All underground cable left in place will be cut off at a minimum depth of three feet below the ground surface.

#### **Equipment foundations**

- The inverter units and pile-drive support structures for the solar arrays will have foundations that require removal. Other underground infrastructure requiring removal may include any concrete protective electrical structures. All

## Scott II Solar

foundation structures and any below ground concrete will be fully removed from the ground and that the affected area will be backfilled as necessary with native soil.

- Should a structure break during excavation, any portion below 3 feet in depth will remain in place with the exception of any concrete foundations for inverter units, which will be entirely removed.

### Access roads

- Landowners shall be consulted to determine if any access roads are desired to remain in place for future use.
- Should roads be removed, all aggregate and other underlying materials will be excavated.
- As necessary, all compacted areas will be disced or tilled to restore soil densities consistent with the surrounding area.

### Other components

- Fences, gates, and guards, will be removed.

### 6.3. Site Restoration

The current Project location is primarily used for grazing. The project location will be restored to a state similar to its former condition or to a condition required for the future intended land use, should another use be determined.

### 6.4. Managing Excess Materials and Waste

A variety of excess materials and wastes will be generated during decommissioning. Most of the materials are reusable or recyclable and some equipment has manufacturer take-back and/or recycling requirements. All materials will be removed and disposed of off-site at appropriate facility(ies). The Project will coordinate with manufacturers, contractors, waste firms, and other entities to maximize the reuse or recycling of materials and will segregate materials to be recycled, reused and/or disposed of. Recyclable materials will be transported offsite managed at approved facilities following federal, state, and county waste management regulations. All residual waste will be removed by a licensed contractor and transported to an approved landfill. No waste materials will remain on the Project site.

#### 6.4.1. PV PANELS

The Project will coordinate the collection and recycling of the PV modules and for minimizing the potential for modules to be discarded. If there is no possibility for reuse, PV panels will either be returned to the manufacturer for appropriate recycling/disposal or will be transported to a recycling facility where the glass, metal and semiconductor will be recycled. Best management practices at the time of decommissioning shall be utilized.

#### 6.4.2. RACKS AND SUPPORTS

All steel racks and pile-driven supports will be transported offsite and recycled at an approved recycling facility.

#### 6.4.3. INVERTER UNITS

All metal components of the inverters, including any fans and other fixtures, if used, will be recycled at an approved recycling facility. Transformers will be transported off-site for reuse. If no reuse option is available, transformers will be recycled or disposed at an approved facility.

#### 6.4.4. GRAVEL AND AGGREGATES

## Scott II Solar

Should access roads be removed any used gravel or aggregates will be tested for contamination prior to removal if required. All uncontaminated materials will be transported offsite for salvage processing and then reused for construction fill. In the unlikely event that the used gravel or aggregates are found to be contaminated and no construction site which accepts contaminated fill can be found, all will be disposed at an approved facility.

### 6.4.5. CONCRETE

All concrete, including all foundations, will be broken down and transported to an approved landfill or recycling facility.

### 6.4.6. CABLES AND WIRING

All copper and/or aluminum wiring will be reused whenever possible. If reuse is not feasible, all materials will be recycled at market value. Associated electronic equipment (e.g., isolation switches, fuses, metering) will also be removed and sent to either an approved recycling or disposal facility.

### 6.4.7. FENCING

All functional (i.e., those segments not requiring additional repair) chain-link will be removed and stored for reuse on other construction sites. Should reuse not be feasible, all fencing materials will be recycled at a metal recycling facility.

### 6.4.8. DEBRIS AND RESIDUAL WASTE

Any remaining debris or residual waste will be collected and all recyclable materials will be sorted. All sorted materials will be removed and sent to either an approved recycling or disposal facility.

## 7. Decommissioning, Closure and Restoration Financials

The Project is currently seeking a building permit for the installation of the solar farm. The total decommissioning estimate for including labor, materials, and equipment and disposal costs is \$1,569,756. Upon decommissioning, many of the materials and components of the solar farm may be able to be sold for salvage/reuse. The total salvage value is estimated to be \$2,046,590. As a result, the final security amount is \$0. A detailed calculation of the final security amount is shown in Exhibit A.

The Project proposes to fund the final security amount through the use of a bond, letter of credit, an investment grade corporate guarantee, cash or certified check. The value of the security shall be based on the estimated cost of executing the decommissioning of the solar farm less the salvage value of the solar farm equipment and materials. The security shall remain in full force and effect until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the Conditional Use Permit.

## Scott II Solar

### EXHIBIT A Cost Estimate

ITEM	UNITS	UNIT Rate	QNTY	EXT COST
<b>Concrete Demo</b>				\$88,222
Equipment In/Out	EA	\$ 1,500	9	\$13,636
Operator	HR	\$ 82	196	\$16,169
Laborer	HR	\$ 59	145	\$8,564
Excavator	HR	\$ 151	51	\$7,681
Breaker	HR	\$ 148	51	\$7,541
Forklift	HR	\$ 23	51	\$1,171
Water Truck	HR	\$ 113	73	\$8,230
Loader	HR	\$ 75	73	\$5,470
Pickup	HR	\$ 17	73	\$1,238
Hauling/Disposal Fee	LOAD	\$ 815	23	\$18,523
<b>Site Restoration</b>				\$38,728
Equipment In/Out	EA	\$ 1,500	5	\$6,857
Operator	HR	\$ 82	55	\$4,517
Grader	HR	\$ 255	55	\$14,005
Water Truck	HR	\$ 113	110	\$12,415
Pickup	HR	\$ 17	55	\$934
<b>Fence Removal</b>				\$90,452
Equipment In/Out	EA	\$ 1,500	2	\$3,000
Operator	HR	\$ 82	80	\$6,587
Laborer	HR	\$ 59	720	\$42,394
Loader	HR	\$ 75	120	\$9,025
Pickup	HR	\$ 17	320	\$5,446
Hauling/Disposal Fee	LOAD	\$ 1,500	16	\$24,000
<b>Module Removal</b>	Removal			\$275,015
Equipment In/Out	EA	\$ 1,500	2	\$3,231
Operator	HR	\$ 82	258	\$21,280
Laborer	HR	\$ 59	1508	\$88,766
Forklift	HR	\$ 23	258	\$5,944
Pickup	HR	\$ 17	388	\$6,598
Hauling/Disposal Fee	LOAD	\$ 815	183	\$149,196

## Scott II Solar

ITEM	UNITS	UNIT Rate	QNTY	EXT COST
<b>Pile &amp; Tracker Removal</b>				\$386,437
Equipment In/Out	EA	\$ 1,500	9	\$14,090
Operator	HR	\$ 82	751	\$61,877
Laborer	HR	\$ 59	1,503	\$88,494
Pile Driver	HR	\$ 276	451	\$124,445
Forklift	HR	\$ 23	301	\$6,914
Pickup	HR	\$ 17	601	\$10,232
Hauling/Disposal Fee	LOAD	\$ 815	99	\$80,385
<b>UG/OH Cable &amp; Conduit Removal</b>				\$690,902
Equipment In/Out	EA	\$ 1,500	24	\$35,797
Electrician	HR	\$ 75	3,102	\$231,194
Operator	HR	\$ 82	1,938	\$159,561
Crane	HR	\$ 78	29	\$2,239
Excavator	HR	\$ 151	955	\$144,030
Forklift	HR	\$ 23	955	\$21,956
Water Truck	HR	\$ 113	239	\$27,006
Pickup	HR	\$ 17	1,432	\$24,371
Hauling/Disposal Fee	LOAD	\$ 1,500	30	\$44,747
<b>Estimated Decommissioning Total</b>				<b>\$1,569,756</b>

## Scott II Solar

Unit Quantity	Description	Salvage Value US\$	Salvage Rate %	Unit	Total	Comments
1,791	Estimated Steel Salvage	\$216.00	75%	Ton	\$290,181	Global Scrap Register Pricing East coast 9-1-15
1	Transformers, Switchgear, Inverters	\$17,272.73	100%	Lot	\$17,273	
1	Equipment and Office Container	\$2,000.00	100%	Unit	\$2,000	
88,387	Panel Repurpose or Recovery	\$20.00	30%	Each	\$530,322	
827,157	Estimated Copper Salvage	\$1.92	75%	Lb.	\$1,189,865	Global Scrap Register Pricing East coast 9-1-15
160,278	Estimated Aluminum Salvage	\$0.14	75%	Lb.	\$16,949	Global Scrap Register Pricing East coast 9-1-15
0	Fence and fence posts	\$0.00	75%	Ton	\$0	
	Total Salvage Value				\$2,046,590	

SAMPLE

# Appendix F – Chmura Economic Benefits



**CHMURA**  
Economics & Analytics

The Economic and Fiscal  
Benefits of the Proposed  
Dominion Scott Timber Solar  
Project in Powhatan County,  
Virginia

Prepared for Dominion Virginia Power  
September 15, 2015

## Table of Contents

BACKGROUND .....	3
ECONOMIC IMPACT IN POWHATAN COUNTY .....	3
ECONOMIC IMPACT IN VIRGINIA .....	5
TAX REVENUE FOR COUNTY AND STATE GOVERNMENT .....	6
APPENDIX: IMPACT ANALYSIS GLOSSARY .....	7

## Background

Dominion Virginia Power (Dominion) is planning to construct a new solar-based electricity-generating station— Scott Timber Solar Project— in Powhatan County, Virginia. Chmura Economics & Analytics (Chmura) was contracted to evaluate the economic and fiscal impacts of this project in Powhatan County and the state of Virginia.

The economic benefit of a power station in a local economy occurs in two phases. The first takes place during the development and construction period of the facility, which, for the Scott Timber Solar Project in Powhatan County, is expected to last from 2015 to 2017.<sup>1</sup> The second phase is the ongoing operation of the generating station, which is expected to commence in December 2016, and the first full year of operation will be 2017. For both cases, the direct, indirect, and induced impacts<sup>2</sup> in spending and job creation are estimated in this report through the use of IMPLAN Pro<sup>®</sup> models. In addition, tax revenue is estimated for Powhatan County and the state of Virginia.

The preliminary estimate of the total cost of the proposed power station is \$40.8 million. Of this, 12% is expected to be spent on soft costs such as architecture, engineering, and other professional services; 61% will be spent on equipment; and the remaining 27% is expected to be spent on the development and construction of the generating plant facility.<sup>3</sup>

Although Dominion will use regional firms for supplies and services whenever possible, not every product and service needed for the construction and operations of the solar generating station is available in Powhatan County or in Virginia. Consequently, some of the services and products will be purchased from firms located outside the county and state.<sup>4</sup> Chmura used information from Dominion to estimate the percentage of demand that is expected to be met within Powhatan or Virginia.

## Economic Impact in Powhatan County

Table 1 details the estimated economic impact of the proposed Scott Timber Solar Project in Powhatan County. From 2015 to 2017, it is estimated that the development and construction of the plant will generate a cumulative \$1.0 million direct economic impact in Powhatan County. This will directly create a cumulative total of 13 jobs during the construction period, with the majority of them in construction trades. The cumulative indirect impacts in Powhatan County are expected to total \$0.1 million and will support one job at firms supporting the development and construction with services such as site

<sup>1</sup> The project cannot proceed without the approval of the State Corporation Commission (SCC). Dominion anticipates a SCC decision in 2016. If approved by the SCC, the project would be constructed in 2016 with a commercial operation date anticipated in December 2016. Development activities will continue through the remainder of 2015 and into 2016.

<sup>2</sup> Direct impact is defined as the economic activity generated by the project under consideration. Indirect impact is the secondary economic activity generated by the project due to suppliers to the development, construction, or ongoing operations. The induced impact is economic activity generated when the workers at the power station and their suppliers spend their income at retail stores, restaurants, and professional offices.

<sup>3</sup> Source: Dominion.

<sup>4</sup> For example, the majority of equipment is assumed to be purchased from out-of-state.

preparation and transportation. The cumulative induced impacts are expected to produce \$0.1 million in spending that will support one cumulative job in the county during the development and construction period. The induced jobs are concentrated in consumer service-related industries such as restaurants, professional offices, and retail stores. On an annual average basis, the development and construction of the Powhatan plant is expected to inject \$0.4 million into the Powhatan economy and support 5 jobs per year from 2015 to 2017.

**Table 1: Estimated Economic Impact of Scott Timber Solar Project in Powhatan County**

Year		Direct	Indirect	Induced	Total
<b>One-time Development and Construction</b>					
2015	Spending (\$Million)	\$0.1	\$0.0	\$0.0	\$0.1
	Employment	1	0	0	1
2016	Spending (\$Million)	\$0.9	\$0.1	\$0.1	\$1.2
	Employment	11	1	1	13
2017	Spending (\$Million)	\$0.0	\$0.0	\$0.0	\$0.0
	Employment	0	0	0	0
<b>Total (2015-2017)</b>	<b>Spending (\$Million)</b>	<b>\$1.0</b>	<b>\$0.1</b>	<b>\$0.1</b>	<b>\$1.3</b>
	<b>Employment</b>	<b>13</b>	<b>1</b>	<b>1</b>	<b>14</b>
<b>Annual Average (2015-2017)</b>	<b>Spending (\$Million)</b>	<b>\$0.3</b>	<b>\$0.0</b>	<b>\$0.0</b>	<b>\$0.4</b>
	<b>Employment</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>5</b>
<b>Ongoing Operation</b>					
Annual, 2017 Onward	Spending (\$ Million)	\$0.9	\$0.1	\$0.2	\$1.2
	Employment	1	0	1	2

Note: Impacts are measured in the year when they occur. Numbers may not sum due to rounding

Source: IMPLAN Pro 2013, Dominion, and Chmura

From December 2016 onward, the economic impact of the Scott Timber Solar Project will come from its ongoing operations. In this study, the operational impact is estimated for 2017, the first full year of operation. The station is expected to hire one permanent employee.<sup>5</sup> The total annual economic impact (direct, indirect, and induced) of the ongoing operations of the plant in Powhatan County is estimated to be \$1.2 million (measured in 2017 dollars), which can support two jobs. In terms of direct impact, the solar power plant is estimated to have an annual direct spending impact of \$0.9 million<sup>6</sup> while employing one worker. An additional indirect impact of \$0.1 million will benefit other Powhatan County businesses that support the utility plant operations. Induced impact will create one job, with associated annual spending of \$0.2 million per year.<sup>7</sup>

<sup>5</sup> Source: Dominion.

<sup>6</sup> The direct spending figure is representative of the gross sales of the generating station estimated by the IMPLAN model. The model treats the facility as a stand-alone business. As a result, the \$0.9 million includes spending on labor, equipment, fuel inputs, and profits.

<sup>7</sup> The indirect and induced jobs include both full-time and part-time jobs in those industries.

## Economic Impact in Virginia

The economic impact of the Scott Timber Solar Project in Virginia is larger than that in Powhatan County. This is because many Virginia businesses outside the county can also benefit from the construction and operations of the Scott Timber Solar Project. During the construction phase, the state of Virginia (Table 2) is expected to see a cumulative direct economic impact of \$14.5 million from 2015 to 2017. This will directly create 250 cumulative jobs during the construction phase in Virginia, with the majority of them in construction trades. The cumulative indirect impact in Virginia is expected to total \$3.8 million and will support 23 jobs in development and construction. The cumulative induced impact is expected to total \$6.7 million, supporting 49 jobs in the state during the development and construction phase, with these jobs concentrated in consumer service-related industries. On an annual average basis, the construction of the Scott Timber Solar Project is expected to inject \$8.4 million into Virginia's economy and support 107 jobs per year from 2015 to 2017.

**Table 2: Estimated Economic Impact of Scott Timber Solar Project in Virginia**

Year		Direct	Indirect	Induced	Total
<b>One-time Development and Construction</b>					
2015	Spending (\$Million)	\$1.3	\$0.4	\$0.6	\$2.3
	Employment	23	2	5	30
2016	Spending (\$Million)	\$13.1	\$3.5	\$6.0	\$22.6
	Employment	226	21	44	290
2017	Spending (\$Million)	\$0.1	\$0.0	\$0.0	\$0.1
	Employment	1	0	0	2
<b>Total (2015-2017)</b>	<b>Spending (\$Million)</b>	<b>\$14.5</b>	<b>\$3.8</b>	<b>\$6.7</b>	<b>\$25.1</b>
	<b>Employment</b>	<b>250</b>	<b>23</b>	<b>49</b>	<b>322</b>
<b>Annual Average (2015-2017)</b>	<b>Spending (\$Million)</b>	<b>\$4.8</b>	<b>\$1.3</b>	<b>\$2.2</b>	<b>\$8.4</b>
	<b>Employment</b>	<b>83</b>	<b>8</b>	<b>16</b>	<b>107</b>
<b>Ongoing Operation</b>					
Annual, 2017 Onward	Spending (\$ Million)	\$0.9	\$0.2	\$0.3	\$1.4
	Employment	1	0	1	2

Note: Impacts are measured in the year when they occur. Numbers may not sum due to rounding

Source: IMPLAN Pro 2013, Dominion, and Chmura

The statewide total economic impact (direct, indirect, and induced) of the ongoing operations of the power plant is estimated to be \$1.4 million, which would support 2 jobs per year beginning in 2017. The direct impact for the state is the same as that for Powhatan County: \$0.9 million in spending and one permanent employee. The indirect impact for the state is estimated to total \$0.2 million, in businesses that support the plant operations. Induced impact will create one job, with associated annual spending of

\$0.3 million per year.<sup>8</sup> The beneficiaries of the induced impact are mostly restaurants, professional offices, and retail establishments.

## Tax Revenue for County and State Government

The presence of the proposed Scott Timber Solar Project in Powhatan County will also bring in tax revenue for the county and state governments. In order to be conservative, only tax revenue from the direct impact is estimated in this section.<sup>9</sup>

Powhatan County does not have a business, professional, and occupational license (BPOL) tax.<sup>10</sup> As a result, during the construction phase, the county will not collect any tax revenue from construction spending from 2015 to 2017. The state government is expected to receive \$264,526 in cumulative individual income tax and \$8,791 in cumulative corporate income tax during the construction phase (Table 3).

**Table 3: Tax Revenue for County and State Government from Scott Timber Solar Project**

		<b>County Government</b>	<b>State Government</b>
Cumulative Construction (2015-2017)	Local BPOL Tax	\$0	
	Individual Income Tax		\$264,526
	Corporate Income Tax		\$8,791
<b>Total Construction (2015-2017)</b>		<b>\$0</b>	<b>\$273,317</b>
Annual 2017 Onward	Individual Income Tax		\$8,519
<b>Total Annual Taxes (2017 Onward)</b>		<b>Not Available Now</b>	<b>\$8,519</b>

Source: Chmura Economics & Analytics

After the power plant is in operation, the Virginia government is expected to receive \$8,519 per year in individual income tax, based on the estimated wage of the worker in the Powhatan plant. The estimated state tax revenue does not include Dominion's corporate income tax.

While the solar asset constructed on the property will be exempt from taxation per Virginia regulations, the county will continue to collect property taxes on the assessed value of the property that will be paid to the county on an annual basis.

<sup>8</sup> The statewide indirect and induced impacts include those impacts in Powhatan County.

<sup>9</sup> This approach is recommended by Burchell and Listokin in *The Fiscal Impact Handbook*.

<sup>10</sup> Source: [http://www.powhatanva.gov/index.asp?Type=B\\_BASIC&SEC=%7BB62A5A5F-66B6-4767-9BEA-4BD32730F0CD%7D](http://www.powhatanva.gov/index.asp?Type=B_BASIC&SEC=%7BB62A5A5F-66B6-4767-9BEA-4BD32730F0CD%7D).

## Appendix: Impact Analysis Glossary

*IMPLAN Professional*—an economic impact assessment modeling system. It allows the user to build economic models to estimate the impacts of economic changes in states, counties, or communities. It was created in the 1970s by the Forestry Service and is widely used by economists to estimate the impact of specific events on the overall economy.

*Input-Output Analysis*—an examination of business-business and business-consumer economic relationships capturing all monetary transactions in a given period, allowing one to calculate the effects of a change in an economic activity on the entire economy (impact analysis).

*Direct Impact*—economic activity generated by a project or operation. For construction, this represents activity of the contractor; for operations, this represents activity by tenants of the property.

*Overhead*—construction inputs not provided by the contractor.

*Indirect Impact*—secondary economic activity that is generated by a project or operation. An example might be a new office building generating demand for parking garages.

*Induced (Household) Impact*—economic activity generated by household income resulting from direct and indirect impacts.

*Ripple Effect*—the sum of induced and indirect impacts. In some projects, it is more appropriate to report ripple effects than indirect and induced impacts separately.

*Multiplier*—the cumulative impacts of a unit change in economic activity on the entire economy.



# COMMONWEALTH *of* VIRGINIA

DEPARTMENT OF TRANSPORTATION  
RICHMOND DISTRICT  
2430 Pine Forest Drive  
COLONIAL HEIGHTS, VA 23834  
[www.VDOT.Virginia.gov](http://www.VDOT.Virginia.gov)

Charles A. Kilpatrick, P.E.  
COMMISSIONER

May 17, 2016

David Dameron  
Zoning Administrator  
Powhatan County Zoning  
3834 Old Buckingham Road  
Powhatan, Virginia 23139

REFERENCE: 16-01-CUP. Virginia Solar LLC  
(Powhatan Courthouse/Mt. Zion Electoral District)  
Date VDOT Received: 04/14/16

Dear Mr. Dameron:

The Virginia Department of Transportation has reviewed the request submitted for a conditional use permit (CUP) to operate a solar energy farm in the A-10 Agricultural District per §83-162(26) of the Powhatan County Zoning Ordinance. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the Countywide Land Use Plan Map. The property is 898.4 acres in size and is located west of Old Buckingham Road (Rt. 13) south of its intersection with Old Plantation Road (Rt. 644). Reference to Tax Map Parcel #38-28.

The Virginia Department of Transportation is aware of this project and has reviewed and has recommended approval of a proposed commercial entrance from Old Buckingham Road (Rt. 13). VDOT takes no exception to this request for the identified proposed site access point, given the conditions of the commercial access permit.

Should you have any questions, or need any additional information, please do not hesitate to contact me at (804) 674-2560, or Brian Lokker at (804) 674-3874.

Sincerely,

***J.T.P.***

J.T. Phillippe  
Plan Reviewer  
VDOT Richmond District  
Central Area Land Use

**AFFIDAVIT**

**CASE #: O-2016-26**

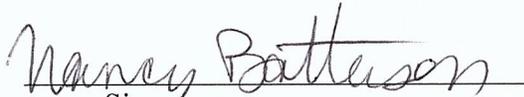
**SECTION #: 38-28 and 38-3-1**

**NAME: Virginia Solar, LLC (16-01-CUP)**

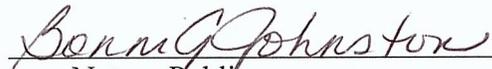
**LETTERS MAILED: August 10, 2016**

**COMMONWEALTH OF VIRGINIA,  
COUNTY OF POWHATAN, to-wit:**

The undersigned affiant, first being duly sworn, states that this affidavit is made pursuant to Va. Code 15.2-2204 to certify that written notice of a pending public hearing on the above case has been sent by first-class mail to the last known address as shown by the current real estates tax assessment books of the owners of each parcel butting and immediately across the street from the affected property.

  
Signature

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid this day 10 of August, 2016.

  
Notary Public #338982



August 10, 2016

The Powhatan County *Board of Supervisors*, on **August 22, 2016, at 7:00 p.m.** in the **Powhatan Village Building Auditorium, 3910 Old Buckingham Road**, will hold a public hearing taking under consideration the following:

**CONDITIONAL USE PERMIT**

**O-2016-26 Virginia Solar LLC (16-01-CUP) (Powhatan Courthouse/Mt. Zion Electoral District)** requests a conditional use permit (CUP) to operate a solar energy farm in the A-10, Agricultural District per §83-162(26) of the Zoning Ordinance. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the Countywide Land Use Plan Map. The subject property is 898.4 acres in size and is located east of Old Buckingham Road (Rt. 13) south of its intersection with Old Plantation Road (Rt. 644). Reference to Tax Map Parcel #38-28.

As an adjacent property owner, you are being notified of the request. All Planning Commission meetings are open to the public and you are encouraged to attend on the day and time specified above. Copies of the proposed plans, ordinances, or amendments may be reviewed in the Department of Planning and Community Development in the Powhatan County Administration Building between 8:30 AM and 5:00 PM of each business day. Copies of staff reports are available one week prior to the Public Hearing upon request.

If you have any questions or would like more information on the request, please contact the Planning Department at 598-5621.

Sincerely,

Department of Community Development Staff

ALLEN LAYTON L & THELMA C  
1624 OLMSTEAD DRIVE  
POWHATAN, VA 23139

BAKER KEMPER W JR & BEVERLY S  
1811 MILL QUARTER DRIVE  
POWHATAN, VA 23139

BESS BESSIE VIRGINIA  
4551 HICKY HILL ROAD  
KENTS STORE, VA 23084

BRATCHER FELECIA  
4170 PIERCE RD  
POWHATAN, VA 23139

BURNS DAVID C & BONNIE B  
4350 SPOONBILL ROAD  
POWHATAN, VA 23139

CAMPBELL GLENN T & CATHERINE W  
3940 FIGHTING CREEK DRIVE  
POWHATAN, VA 23139

CAPITOL LAND INVESTMENTS LLC  
14321 W SALISBURY RD  
MIDLOTHIAN, VA 23113

CELIBERTI PAUL  
3508 JONWARN CT  
POWHATAN, VA 23139

CLARK STEPHEN D & ANDREA G  
4499 OLD BUCKINGHAM ROAD  
POWHATAN, VA 23139

CLINE JAMES & DONNA S  
1626 OLMSTEAD DRIVE  
POWHATAN, VA 23139

COX EDWYN P  
21 GILLIES LANE  
BATH, ME 4530

CP FIGHTING CREEK LLC  
2317 MAGNOLIA RD  
RICHMOND, VA 23223

CRUMP JAMES E JR & JOAN M &  
RAYMOND W  
2300 GWYNMILL LANE  
POWHATAN, VA 23139

DATTALO PATRICK V &  
R MARIE C GUAY  
2711 ELLESMERE DR  
MIDLOTHIAN, VA 23113

DAVIS JERRY LEE  
1634 OLMSTEAD DRIVE  
POWHATAN, VA 23139

DAVIS KELVIN A & DEBRA  
5525 STONEY MEADOW DR  
DISTRICT HEIGHTS, MD 20747

DOBRICK KATHY ANN  
4156 PIERCE ROAD  
POWHATAN, VA 23139

ENDERS KAREN G  
4182 PIERCE RD  
POWHATAN, VA 23139

GAROPPO DELLA DEAN TRUSTEE  
660 GREENCASTLE RD  
N CHESTERFLD VA 23236-2604

GEARY CHRISTOPHER & ANDREA  
3329 DOUBLE RIDGE TERR  
POWHATAN, VA 23139

GIBSON DENNIS G JR & REBEKAH  
1620 OLMSTEAD DR  
POWHATAN, VA 23139

GLAZEBROOK STEPHEN P & STEPHANIE G  
4360 SPOONBILL CT  
POWHATAN, VA 23139

WOOTEN BRYON KEITH & KAREN W  
TRS  
3944 FIGHTING CREEK DRIVE  
POWHATAN, VA 23139

HABEL JASON M & CHRISTINA  
4325 OLD BUCKINGHAM RD  
POWHATAN, VA 23139

HAYTON DONNIE L & AMBER K  
4174 PIERCE ROAD  
POWHATAN, VA 23139

HERTZLER ROBERT A & MARIE K  
1963 MILL QUARTER  
POWHATAN, VA 23139

HOCAY LLC  
P O BOX 4309  
MIDLOTHIAN, VA 23112

HOCHSTETLER ANTHONY B &  
JOANNA ROSE  
4942 VALLEY CREST DR APT 202  
MIDLOTHIAN, VA 23112

KING JAMIE HOGAN  
8619 SHADY MIST DR  
NORTH CHESTERFIELD, VA 23235

LARAFFA JOSEPH & JAMIE L  
1630 OLMSTEAD DRIVE  
POWHATAN, VA 23139

LITTON PAUL E & PATRICIA G  
4317 OLD BUCKINGHAM RD  
POWHATAN, VA 23139

LOGIOS JAMES CHRIS  
4310 SPOONBILL COURT  
POWHATAN, VA 23139

MAGILL ROBERT E & SUZANNE M  
4318 PIERCE RD  
POWHATAN, VA 23139

MARTIN ROBERT M & KAREN E  
309 AMBERLEIGH CT SE  
WHITE, GA 30184

MCATEER PETER J JR &  
CAMILLE MAHAN MCATEER  
4224 PIERCE RD  
POWHATAN, VA 23139

MEADOR RICHARD L & TRACIE G  
4421 OLD BUCKINGHAM RD  
POWHATAN, VA 23139

MELTON MICHAEL E & PATRICIA A  
4375 OLD BUCKINGHAM ROAD  
POWHATAN, VA 23139

MIZELLE SHANE A  
4160 PIERCE ROAD  
POWHATAN, VA 23139

NILES GERALD E & JERRI J  
4040 FOXREST TERRACE  
POWHATAN, VA 23139

OLIVER THELMA DAVIS  
9004 FLINTWOOD CT  
FT WASHINGTON, MD 20744

OLZER RICHARD N  
8113 WHIRLAWAY DRIVE  
MIDLOTHIAN, VA 23112

OSTERMAN CHARLES H JR &  
KATHERINE M  
3885 LITTLE FIGHTING CREEK ROAD  
POWHATAN, VA 23139

PERKINS LIZZIE  
C/O HAMILTON E PERKINS  
309 HODDER LANE  
HIGHLAND SPRINGS, VA 23075

PHINNEY DUSTIN M & BROOKE R  
4280 PIERCE RD  
POWHATAN, VA 23139

ROBBINS SHIRLEY F  
4194 PIERCE RD  
POWHATAN, VA 23139

SCOTT TIMBERLAND CO LP  
15830 GOODES BRIDGE RD  
AMELIA, VA 23002

SEAL KATHERINE P  
1847 FAIRPINE DR  
POWHATAN, VA 23139

SHEPPERSON STEVEN L & SUSAN C  
4300 SPOONBILL CT  
POWHATAN, VA 23139

SHUST CHRISTOPHER M & SHELLEY B  
3985 MILL STATION DRIVE  
POWHATAN, VA 23139

SIMMONS LIZZIE  
C/O HAMILTON E PERKINS  
309 HODDER LANE  
HIGHLAND SPRINGS, VA 23075

STAFFORD D EDWIN SR  
3950 FIGHTING CREEK DRIVE  
POWHATAN, VA 23139

STARR CRAIG E & LOIS D  
4218 RICHWINE RD  
RICHMOND, VA 23234

TAYLOR WINFRED ET AL  
4820 POWHATAN LAKES ROAD  
POWHATAN, VA 23139

TRENT GARLAND  
C/O MARIE TRENT BELL  
948 WHITE OAK DRIVE  
OXON HILL, MD 20745

TUCKER JOHN R & STEPHANIE BASS  
4190 PIERCE RD  
POWHATAN, VA 23139

VAUGHAN JAMES I & PAMELA B  
4340 SPOONBILL ROAD  
POWHATAN, VA 23139

VAUGHN FRANK J & DEBRA N TRS  
4459 OLD BUCKINGHAM RD  
POWHATAN, VA 23139

WALKER MICHAEL H & AMANDA E  
4355 OLD BUCKINGHAM RD  
POWHATAN, VA 23139

WALLER WALTER E & LINDA G  
4166 PIERCE RD  
POWHATAN, VA 23139

WALLING SUSAN L  
4178 PIERCE RD  
POWHATAN, VA 23139

WALTERS MELBA W & DEBORAH B  
GROSS  
C/O DEBORAH B GROSS  
4509 BELMAR DR  
RICHMOND, VA 23234

HABEL JASON M & CHRISTINA  
4325 OLD BUCKINGHAM ROAD  
POWHATAN VA 23139

BLAIR FREDERICK & MARIE  
4332 OLD BUCKINGHAM ROAD  
POWHATAN VA 23139

MORRIS KEITH & MICHELE  
4335 OLD BUCKINGHAM ROAD  
POWHATAN VA 23139

**NOTICE OF PUBLIC HEARING**  
**POWHATAN COUNTY BOARD**  
**OF SUPERVISORS**

The Board of Supervisors of Powhatan County, pursuant to Section 15.2-2204 of the Code of Virginia, will conduct a public hearing in the Village Building Auditorium, located at 3910 Old Buckingham Road, Powhatan, Virginia, at **7:00 p.m. on Monday, August 22, 2016**. The purpose of the public hearing is to receive public comment on the following:

- 1. O-2016-26: Virginia Solar LLC (16-01-CUP), (Powhatan Courthouse/Mt. Zion Electoral District)** requests a conditional use permit (CUP) to operate a solar energy farm in the A-10, Agricultural District per §83-162(26) of the Zoning Ordinance. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the County-wide Land Use Plan Map. The subject property is 898.4 acres in size and is located west of Old Buckingham Road (Rt. 13) south of its intersection with Old Plantation Road (Rt. 644). Reference to Tax Map Parcels #38-28 and #38-3-1.
- 2. O-2016-27: Walmart Real Estate Business Trust (16-08-REZC), (Subletts/Manakin/Flat Rock Election District)** requests the amendment of the proffer statement for Case #09-04-REZC to allow the use of the \$250,000 contributed to the County for the design and construction of a future parallel access road contained in proffered condition #4 to purchase and equip a ladder truck to support fire suppression operations of the Powhatan County Fire and Rescue Department.
- 3. O-2016-28: Milhaus Corporation (16-04-REZC), Bethesda/Lees Landing Electoral District)** requests the amendment of the proffer statement for the Tilman's Farm Subdivision (Case #05-13-REZC) by reducing the cash proffer to \$1,880.00 per dwelling unit.
- 4. O-2016-29: County of Powhatan (16-02-AZ) –** An Ordinance amending and reenacting provisions contained in Section 83-162, Conditional Uses, of Article III, Rural Districts, of the Zoning Ordinance of the County of Powhatan by adding heavy equipment/vehicle repair as a conditional use in the Agricultural-10 (A-10) zoning district.

Copies of the proposed Ordinance(s) may be reviewed at the Powhatan County Administrator's Office located at 3834 Old Buckingham Road, Suite A, Powhatan, Virginia, during normal business hours. All interested persons are invited to attend and participate in the public hearings. Persons requiring special assistance to attend and participate in these hearings should contact the Powhatan County Administrator's Office at (804) 598-5612 at least three days prior to the meeting.



# Powhatan County Board of Supervisors Agenda Item

Meeting Date: August 22, 2016

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Agenda Item Title: Ordinance O-2016-27 Amending the proffered conditions approved by the Board of Supervisors for Case #09-04-REZC to amend proffered condition #4

Motion: Move to approve Ordinance O-2016-27 based on public necessity, convenience, general welfare and good zoning practice

Dates Previously  
Considered by Board: N/A

Summary of Item: The applicant, Wal-Mart Real Estate Business Trust, requests the amendment of the proffer statement for Case #09-04-REZC, specifically proffered condition #4, to allow the \$250,000 contributed by Wal-Mart to the County for design and construction of a roadway to be used to purchase and equip a ladder truck for use by the Powhatan Fire and Rescue Department for fire suppression. The 2010 Long-Range Comprehensive Plan designates the subject properties as Commerce Center.

At the August 2, 2016 Planning Commission meeting, the Commission conducted a public hearing to consider the request and receive public comment. The Commission voted 4-0 (one member absent) to recommend approval of the request to the Board of Supervisors.

A public hearing has been scheduled for August 22, 2016.

Staff:   N/A   Approve                         Disapprove                         See Comments

Planning  
Commission/Board:   X   Approve                         Disapprove                         See Comments  
**8/5/2016 (4-0)**

County Administrator:       Approve                         Disapprove                         See Comments

Comments: None

Budget/Fiscal Impact: None

Attachments: O-2016-27, Staff Report, Legal Ads

Staff/Contact: March Altman, Deputy County Administrator, 804-598-5605 [maltman@powhatanva.gov](mailto:maltman@powhatanva.gov)

**ORDINANCE O-2016-27**

**An Ordinance amending the proffered conditions originally approved by the Board of Supervisors for Case #09-04-REZC to allow the use of the \$250,000 contributed to the County for design and construction of a future parallel access road contained in proffered condition #4 toward the purchase of a ladder truck and equipment to support fire suppression operations of the Powhatan County Department of Fire and Rescue.**

**WHEREAS**, the applicant, Walmart Real Estate Business Trust, at the request of the County of Powhatan, has voluntarily submitted a request to the Powhatan County Board of Supervisors to amend the proffered conditions approved as part of rezoning case #09-04-REZC, which rezoned approximately 34 acres located at 1932 Anderson Highway and 1950 Anderson Highway, further identified as Tax Parcel #42-6-1 and Tax Parcel 42-6-4, from Residential-Commercial (R-C) District and Light Industrial (I-1) with proffered conditions to Commercial (C) District with proffered conditions to allow for the development of the Walmart Store; and

**WHEREAS**, proffered condition #4 of Case #09-04-REZC provided for the contribution of \$250,000 for the design and construction of a future parallel access road; and

**WHEREAS**, the County has requested, and the applicant has voluntarily agreed, that the amendment of proffered condition #4 to allow the \$250,000 to be used toward the purchase of a ladder truck and equipment to support fire suppression operations of the County's Fire and Rescue Department; and

**WHEREAS**, §15.2-1427 and §15.2-1433 of the *Code of Virginia*, 1950, as may be amended from time to time, enable a local governing body to adopt, amend and codify ordinances or portions thereof, and

**WHEREAS**, §15.2-2280, §15.2-2285 and §15.2-2286 of the *Code of Virginia*, 1950, as amended, enables a local governing body to adopt and amend zoning ordinances; and

**WHEREAS**, the Planning Commission advertised and held a public hearing to consider the proposed rezoning on August 2, 2016 and all of those who spoke on this topic were heard; and

**WHEREAS**, Walmart Real Estate Business Trust, at the request of the County of Powhatan, voluntarily submitted an amended statement of proffer in conjunction with the rezoning request; and

**WHEREAS**, the Planning Commission voted to recommend approval of the request to amend the proffer statement approved for case #09-04-REZC; and

**WHEREAS**, public necessity, convenience, general welfare, and good zoning practice support approval of this request to amend the proffer statement;

**WHEREAS**, the Powhatan County Board of Supervisors caused to be published a notice of public hearing on this matter in the Powhatan Today on August 10<sup>th</sup> and 17<sup>th</sup>, 2016; and

**WHEREAS**, the full text of this amendment was available for public inspection in the Powhatan County Administrator's Office, County Administration Building, 3834 Old Buckingham Road, Powhatan, Virginia 23139; and

**WHEREAS**, on August 22, 2016, the Powhatan County Board of Supervisors held a public hearing on this matter and all of those who spoke on this topic were heard.

**NOW, THEREFORE, BE IT ORDAINED**, that the proffer statement that was approved by the Board of Supervisors on October 14, 2010 for Case #09-04-REZC, is hereby amended, to allow the contributed funds contained in proffered conditions #4, revised as attached, to be used toward the purchase and equipping of a ladder truck to support fire suppression operations of the Powhatan County Department of Fire and EMS.

**APPROVED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON AUGUST 22, 2016.**

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**William E. Melton, Chairman**  
**Powhatan County Board of Supervisors**

**ATTEST:**

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**Patricia A. Weiler, Clerk**  
**Powhatan County Board of Supervisors**

***Recorded Vote:***

***David T. Williams*** \_\_\_\_\_

***Larry J. Nordvig*** \_\_\_\_\_

***Angela Y. Cabell*** \_\_\_\_\_

***William E. Melton*** \_\_\_\_\_

***Carson L. Tucker*** \_\_\_\_\_



## 16-08-REZC – Walmart Real Estate Business Trust

Staff Report prepared for the Planning Commission

*This report is prepared by the County of Powhatan Department of Community Development Staff to provide information to the Planning Commission and Board of Supervisors to assist in making an informed decision on this matter.*

### I. PUBLIC HEARINGS:

Planning Commission	August 2, 2016	Recommended Approval
Board of Supervisors	August 22, 2016	Public Hearing

### II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Proposed Zoning:	Amend Proffered Condition #4	
Existing Zoning:	Commercial (09-04-REZC)	
Parcel Size:	34± Acres	
Parcel ID#	42-6-1 and 42-6-4	
Owner(s):	Wal-Mart Real Estate Business Trust	
Location of Property:	1932 Anderson Highway 1950 Anderson Highway	
Electoral District:	#1 Sublettes/Manakin/Flat Rock	
Land Use Plan Recommendation:	Commerce Center	
Zoning of Surrounding Property:	North:	I-1, Light Industrial
	South:	R-C, Residential-Commercial
	East:	R-C, Residential-Commercial; A-10, Agricultural-10; M, Mining;
	West:	R-C, Residential-Commercial; A-10, Agricultural-10

**III. EXECUTIVE SUMMARY:**

The applicant, Wal-Mart Real Estate Business Trust, requests the amendment of the proffer statement for Case #09-04-REZC, specifically Proffer #4, to allow the \$250,000 contributed by Wal-Mart to the County for design and construction of a roadway to be used to purchase and equip a ladder truck for use by the Powhatan Fire and Rescue Department for fire suppression. The 2010 Long-Range Comprehensive Plan designates the subject properties as Commerce Center.

The County asked Wal-Mart if the company would be willing to consider amending the proffered condition to allow the use of the roadway funding to assist with the purchase of a ladder truck, which would assist the County in responding to fire/rescue calls for service at our public schools, particularly Powhatan High School, Wal-Mart, and the proposed apartments at Winterfield Place Phase II. After considering the County's request, Wal-Mart agreed to request the change to the proffered condition.

On August 2, 2016 the Planning Commission conducted a public hearing to solicit citizen input on the request. During the public hearing one citizen spoke expressing concern with the money being moved. After the closing of the public hearing, the Commission voted 4-0 to recommend approval of the request to the Board of Supervisors.

**IV. SUBJECT PROPERTY:**

The subject property consists of a total of 34± acres located at 1932 and 1950 Anderson Highway at the intersection of Anderson Highway and Luck Stone Road. The property was subdivided into 2 lots, Tax Parcels #42-6-1 and 42-6-4. The property is currently zoned Commercial (C). The parcels involved are outlined in yellow below.



**V. LAND USE ANALYSIS:**

In 2009 the applicant requested a rezoning of the subject property from Residential-Commercial (R-C) and Light Industrial (I-1) with conditions to Commercial (C) with conditions to allow for the development of a retail center containing a Wal-Mart store. The request was approved by the Board of Supervisors in October 2010. The subject parcel has access from Anderson Highway and Luck Stone Road.

**VI. COMPREHENSIVE PLAN ANALYSIS:**

The 2010 Long-Range Comprehensive Plan designates the subject properties as Commerce Center on the Countywide Land Use Plan Map. The property complies with the Commerce Center requirements of the 2010 Comprehensive Land Use Plan. The request to amend the proffer statement as related to the use of the contributed funding does not conflict with the Plan.

**VII. PROFFERED CONDITION(S):**

The applicant has requested the amendment of Proffered Condition #4 (09-04-REZC), which currently states:

Prior to issuance of a certificate of occupancy for any improvements constructed on the Property after approval of this rezoning, a seventy (70) foot wide right of way for a future public roadway shall be dedicated to the

County at the location shown on the Conceptual Development Plan as "Potential Future Parallel Access Road By Others (70Ft R.O.W.)" (the "70 Foot Right of Way"). The dedicated right of way shall be subject to relocation with the mutual agreement of the County and the owner of the adjacent property. The final site plan for the Property shall allow for a connection of the Property to the roadway within the 70 Foot Right of Way at the time it is constructed. The owner or developer of the Property shall contribute Two Hundred Fifty Thousand Dollars (\$250,000.00) to the County to be used for payment of costs relating to the design and construction of the roadway within the 70 Foot Right of Way and any extension thereof, it being understood that the County shall have the right to use such funds for costs relating to any portion of such roadway and not only to the portion located within the 70 Foot Right of Way. Such payment shall be made prior to issuance of a building permit for any improvements to be constructed on the Property after approval of this rezoning. This proffer shall not obligate the owners of the Property to construct any improvements within the 70 Foot Right of Way or between the Property and the 70 Foot Right of Way. By its acceptance of this proffer, the County agrees that the roadway to be constructed within the 70 Foot Right of Way shall not be a limited access roadway and that the owners of the adjacent property will have a right to use such roadway subject to compliance with standard requirements.

The applicant, at the request of the County, has proposed a revision to Proffered Condition #4. With approval of the request, Proffered Condition #4 of Case #09-04-REZC shall be amended, as follows:

Prior to issuance of a certificate of occupancy for any improvements constructed on the Property after approval of this rezoning, a seventy (70) foot wide right of way for a future public roadway shall be dedicated to the County at the location shown on the Conceptual Development Plan as "Potential Future Parallel Access Road By Others (70Ft R.O.W.)" (the "70 Foot Right of Way"). The dedicated right of way shall be subject to relocation with the mutual agreement of the County and the owner of the adjacent property. The final site plan for the Property shall allow for a connection of the Property to the roadway within the 70 Foot Right of Way at the time it is constructed. The owner or developer of the Property shall contribute Two Hundred Fifty Thousand Dollars (\$250,000.00) to the County to be used for payment of costs relating to the design and construction of the roadway within the 70 Foot Right of Way and any extension thereof, it being understood that the County shall have the right to use such funds for costs relating to any portion of such roadway and not only to the portion located within the 70 Foot Right of Way. In the alternative, such payment may be used for the purchase and equipping of a ladder fire truck so long as the purchase and equipping of the ladder fire truck is done no later than June 30, 2017. Such payment shall be made

prior to issuance of a building permit for any improvements to be constructed on the Property after approval of this rezoning. This proffer shall not obligate the owners of the Property to construct any improvements within the 70 Foot Right of Way or between the Property and the 70 Foot Right of Way. By its acceptance of this proffer, the County agrees that the roadway to be constructed within the 70 Foot Right of Way shall not be a limited access roadway and that the owners of the adjacent property will have a right to use such roadway subject to compliance with standard requirements.

All other conditions of Case #09-04-REZC shall remain in full force and effect.

**VIII. PLANNING COMMISSION RECOMMENDATION:**

In accordance with Article II, of the Powhatan Zoning Ordinance, and in accordance public necessity, convenience, general welfare and good zoning practice, the Planning Commission recommends *approval* of the request submitted by Wal-Mart Real Estate Business Trust to amend the proffer statement for Case #09-04-REZC revising Proffered Condition #4 allowing that the \$250,000 payment to the County may be used for the purchase and equipping of a ladder fire truck so long as the purchase and equipping of the ladder fire truck is done no later than June 30, 2017.

**IX. PROPOSED RESOLUTION:**

In accordance with Article II, of the Powhatan Zoning Ordinance, and in accordance public necessity, convenience, general welfare and good zoning practice, the Board of Supervisors (*approves / denies / defers*) the request submitted by Wal-Mart Real Estate Business Trust to amend the proffer statement for Case #09-04-REZC revising Proffered Condition #4 allowing that the \$250,000 payment to the County may be used for the purchase and equipping of a ladder fire truck so long as the purchase and equipping of the ladder fire truck is done no later than June 30, 2017.

Attachment(s):

1. Vicinity Map
2. Zoning Map
3. Application for Proffer Amendment
4. Amended Proffered Condition #4 for Case #09-04-REZC
5. Affidavit of Mailing
6. Adjacent Property Owners

# Vicinity Map

Luck Stone Quarry

Subject Property

Anderson Highway

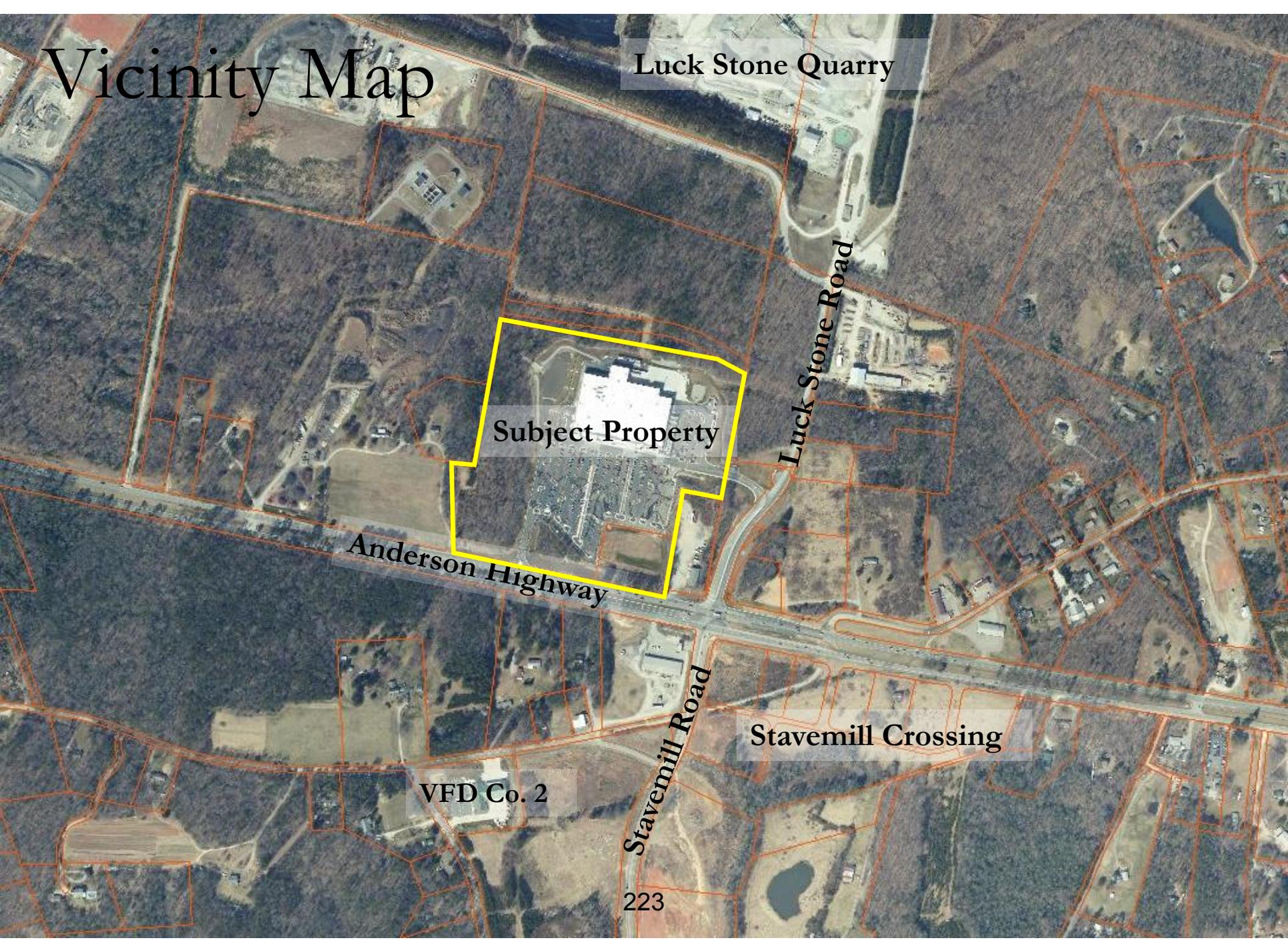
Luck Stone Road

Stavemill Crossing

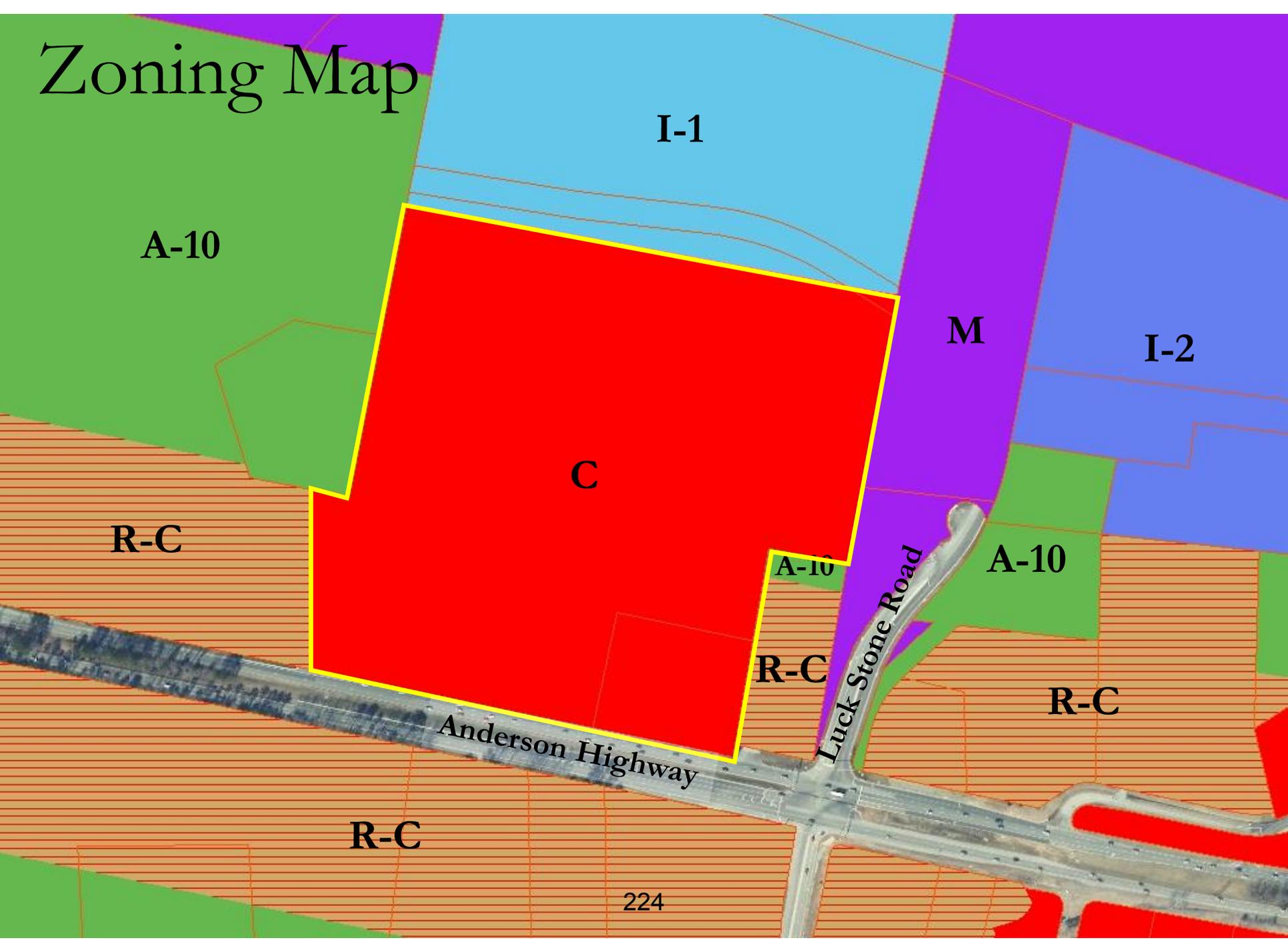
VFD Co. 2

Stavemill Road

223



# Zoning Map



I-1

A-10

M

I-2

C

R-C

A-10

A-10

R-C

R-C

Anderson Highway

Luck Stone Road

R-C

224

# Future Land Use Map

**Commerce Center**

**Commerce Center**

**Commerce Center**

**Commerce Center**

**Village Center**

**PROFFER AMENDMENT APPLICATION**

*\*Please Type or Print\**

<i>For office use only</i>	Case # <u>16-08-REZC</u>
Date of Pre-application meeting _____	Date Filed _____

The applicant, at the request of the Board of Supervisors, has given consideration to and agrees to apply for a proffer amendment per the attached documentation.

**APPLICANT INFORMATION**

Owner/Applicant: Wal-Mart Real Estate Business Trust Telephone: (479) 204-1385

Address: 2001 SE 10th Street, Bentonville, Arkansas 72716 Owner (X) Lessee ( )  
Attention: Dennis Laughlin, Realty Manager

Who Should Correspondence or Questions regarding this Application be directed to:

Name: Edward B. Kidd Telephone: (804) 697-1445

Address: Troutman Sanders, 1001 Haxall Point, Richmond, Virginia 23219

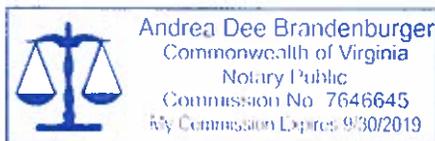
**PARCEL INFORMATION AND REQUEST**

Tax Map 42-6 Section # 1/4 Magisterial District District 1

Location 1932/1950 Anderson Highway Area (acres/sq. ft.) in Approx. 34 acres

Current Zoning Commercial Previous Case Number 09-04-REZC

**SIGNATURE**



Signed Edward B. Kidd Attorney in fact

Print Name: Edward B. Kidd, attorney-in-fact  
Pursuant to Power of Attorney dated  
September 28, 2009

Commonwealth of Virginia, City of Richmond

Subscribed and sworn to before me this 5th day of July, 2016

Notary Public Andrea Brandenburger, Commission No. 7646645

My Commission Expires September 30, 2019

**AMENDED PROFFER FOR CASE #09-04-REZC**

4. At the request of the County of Powhatan, this Proffer #4 is amended and restated as follows:

Prior to issuance of a certificate of occupancy for any improvements constructed on the Property after approval of this rezoning, a seventy (70) foot wide right of way for a future public roadway shall be dedicated to the County at the location shown on the Conceptual Development Plan as "Potential Future Parallel Access Road By Others (70Ft R.O.W.)" (the "70 Foot Right of Way"). The dedicated right of way shall be subject to relocation with the mutual agreement of the County and the owner of the adjacent property. The final site plan for the Property shall allow for a connection of the Property to the roadway within the 70 Foot Right of Way at the time it is constructed. The owner or developer of the Property shall contribute Two Hundred Fifty Thousand Dollars (\$250,000.00) to the County to be used for payment of costs relating to the design and construction of the roadway within the 70 Foot Right of Way and any extension thereof, it being understood that the County shall have the right to use such funds for costs relating to any portion of such roadway and not only to the portion located within the 70 Foot Right of Way. In the alternative, such payment may be used for the purchase and equipping of a ladder fire truck so long as the purchase and equipping of the ladder fire truck is done no later than December 31, 2016. Such payment shall be made prior to issuance of a building permit for any improvements to be constructed on the Property after approval of this rezoning. This proffer shall not obligate the owners of the Property to construct any improvements within the 70 Foot Right of Way or between the Property and the 70 Foot Right of Way. By its acceptance of this proffer, the County agrees that the roadway to be constructed within the 70 Foot Right of Way shall not be a limited access roadway and that the owners of the adjacent property will have a right to use such roadway subject to compliance with standard requirements.

By its acceptance of this amendment, the County acknowledges that all requirements set forth herein to be performed by the property owners, including payment of the \$250,000, have been fully completed to the satisfaction of the County.

**WAL-MART REAL ESTATE BUSINESS TRUST,**  
a Delaware statutory trust

By:  (SEAL)

Name: Romona West

Title: Se. Director, Realty Management

**AFFIDAVIT**

**CASE #: O-2016-27**

**NAME: Walmart Real Estate Business Trust (16-08-REZC) (Subletts/Manakin/Flat Rock Electoral District)**

**LETTERS MAILED: August 10, 2016**

**COMMONWEALTH OF VIRGINIA,  
COUNTY OF POWHATAN, to-wit:**

The undersigned affiant, first being duly sworn, states that this affidavit is made pursuant to Va. Code 15.2-2204 to certify that written notice of a pending public hearing on the above case has been sent by first-class mail to the last known address as shown by the current real estates tax assessment books of the owners of each parcel butting and immediately across the street from the affected property.

*Nancy Baertsen*  
Signature

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid this day 10 of August, 2016.

*Bonni G. Johnston*  
Notary Public #338982



August 10, 2016

Dear Adjoining Landowner,

The Powhatan County *Board of Supervisors*, on **August 22, 2016 at 7:00 p.m.** in the **Powhatan Village Building Auditorium, 3910 Old Buckingham Road**, will hold a public hearing taking under consideration the following:

**REZONING REQUEST**

**O-2016-27: Walmart Real Estate Business Trust (16-08-REZC) (Subletts/Manakin/Flat Rock Election District)** requests the amendment of the proffer statement for Case #09-04-REZC to allow the use of the \$250,000 contributed to the County for the design and construction of a future parallel access road contained in proffered condition #4 to purchase and equip a ladder truck to support fire suppression operations of the Powhatan County Fire and Rescue Department.

As an adjacent property owner, you are being notified of the request. All Planning Commission meetings are open to the public and you are encouraged to attend on the day and time specified above. Copies of the proposed plans, ordinances, or amendments may be reviewed in the Department of Planning and Community Development in the Powhatan County Administration Building between 8:30 AM and 5:00 PM of each business day. Copies of staff reports are available one week prior to the Public Hearing upon request.

If you have any questions or would like more information on the request, please contact the Planning Department at 598-5621.

Sincerely,

Community Development Department Staff

GRILES DAVID T & LOUSIE B  
17231 POOR HOUSE RD  
AMELIA, VA 23002

WALMART REAL ESTATE BUSINESS  
TRUST  
2001 SE 10TH ST  
BENTONVILLE, AR 72716

RT KENMARE LLC  
13630 HAILSHAM CIRCLE  
MIDLOTHIAN, VA 23113

URBINE PROPERTIES LLC  
1956 URBINE ROAD  
POWHATAN, VA 23139

LUCK QUARRIES INC  
P O BOX 29682  
RICHMOND, VA 23242

LUCK STONE CORPORATION  
C/O LUD COORDINATOR  
P O BOX 101  
MANAKIN, VA 23103

URBINE FAMILY LLC  
1980 ANDERSON HIGHWAY  
POWHATAN, VA 23139

POWHATAN STATION LLC  
725 PETERSBURG ROAD  
POWHATAN VA, 23139

BLUE & GRAY SELF STORAGE  
POWHATAN LLC  
10717-A HULL STREET RD  
MIDLOTHIAN, VA 23112

POWHATAN STATION LLC  
725 PETERSBURG ROAD  
POWHATAN, VA 23139

URBINE SHERRI LYNNE  
1968 ANDERSON HWY  
POWHATAN, VA 23139

**NOTICE OF PUBLIC HEARING**  
**POWHATAN COUNTY BOARD**  
**OF SUPERVISORS**

The Board of Supervisors of Powhatan County, pursuant to Section 15.2-2204 of the Code of Virginia, will conduct a public hearing in the Village Building Auditorium, located at 3910 Old Buckingham Road, Powhatan, Virginia, at **7:00 p.m. on Monday, August 22, 2016**. The purpose of the public hearing is to receive public comment on the following:

1. **O-2016-26: Virginia Solar LLC (16-01-CUP), (Powhatan Courthouse/Mt. Zion Electoral District)** requests a conditional use permit (CUP) to operate a solar energy farm in the A-10, Agricultural District per §83-162(26) of the Zoning Ordinance. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the County-wide Land Use Plan Map. The subject property is 898.4 acres in size and is located west of Old Buckingham Road (Rt. 13) south of its intersection with Old Plantation Road (Rt. 644). Reference to Tax Map Parcels #38-28 and #38-3-1.
2. **O-2016-27: Walmart Real Estate Business Trust (16-08-REZC), (Subletts/Manakin/Flat Rock Election District)** requests the amendment of the proffer statement for Case #09-04-REZC to allow the use of the \$250,000 contributed to the County for the design and construction of a future parallel access road contained in proffered condition #4 to purchase and equip a ladder truck to support fire suppression operations of the Powhatan County Fire and Rescue Department.
3. **O-2016-28: Milhaus Corporation (16-04-REZC), Bethesda/Lees Landing Electoral District)** requests the amendment of the proffer statement for the Tilman's Farm Subdivision (Case #05-13-REZC) by reducing the cash proffer to \$1,880.00 per dwelling unit.
4. **O-2016-29: County of Powhatan (16-02-AZ) –** An Ordinance amending and reenacting provisions contained in Section 83-162, Conditional Uses, of Article III, Rural Districts, of the Zoning Ordinance of the County of Powhatan by adding heavy equipment/vehicle repair as a conditional use in the Agricultural-10 (A-10) zoning district.

Copies of the proposed Ordinance(s) may be reviewed at the Powhatan County Administrator's Office located at 3834 Old Buckingham Road, Suite A, Powhatan, Virginia, during normal business hours. All interested persons are invited to attend and participate in the public hearings. Persons requiring special assistance to attend and participate in these hearings should contact the Powhatan County Administrator's Office at (804) 598-5612 at least three days prior to the meeting.

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## Powhatan County Board of Supervisors Agenda Item

Meeting Date: August 22, 2016

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Agenda Item Title: Ordinance O-2016-28 Amending the proffered conditions approved by the Board of Supervisors for Case #05-13-REZC to amend proffered condition #3 reducing the cash proffer amount

Motion: Move to (approve/deny/defer) Ordinance O-2016-28 based on public necessity, convenience, general welfare and good zoning practice

Dates Previously Considered by Board: N/A

Summary of Item: The applicant, Milhaus Corporation, requests the amendment of the proffer statement for Tilman’s Farm Subdivision (Case #05-13-REZC), specifically Proffer #3, to reduce the cash proffer amount from \$6,395 to \$1,880, and amend the zoning district map. The subject properties include 52 platted lots in Sections 1 and 2, and the 333-acre unplatted area of the subdivision. Tilman’s Farm Subdivision is located on the east side of Maidens Road (Rt. 522) approximately 0.6 miles south of Huguenot Trail (Rt. 711). The property was rezoned from A-1 to R-5 with proffered conditions in 2005. The 2010 Long-Range Comprehensive Plan designates the subject properties as Rural Residential.

At the August 2, 2016 Planning Commission meeting, the Commission conducted a public hearing to consider the request and receive public comment. The Commission voted 3-1 (one member absent) to recommend denial of the request to the Board of Supervisors.

A public hearing has been scheduled for August 22, 2016.

Staff:   N/A   Approve                             Disapprove                             See Comments

Planning Commission/Board:        Approve                        X   Disapprove                             See Comments  
**8/2/2016 (3-1)**

County Administrator:   N/A   Approve                             Disapprove                             See Comments

Comments: None

Budget/Fiscal Impact: None

Attachments: O-2016-28, Staff Report, Legal Ads

Staff/Contact: March Altman, Deputy County Administrator, 804-598-5605 [maltman@powhatanva.gov](mailto:maltman@powhatanva.gov)

**ORDINANCE O-2016-28**

**An Ordinance amending the proffered conditions originally approved by the Board of Supervisors for Case #05-13-REZC by reducing the amount of the cash proffer contained in proffered condition #3, and amending the zoning district map accordingly.**

**WHEREAS**, the applicant, Milhaus Corporation, has submitted a request to the Powhatan County Board of Supervisors to amend the proffered conditions approved as part of rezoning case #05-13-REZC, which rezoned 721<sup>±</sup> acres on the east side of Maidens Road approximately 0.6 miles south of Huguenot Trail, from Agricultural-1 (A-1) District to Rural Residential-5 (R-5) District with proffered conditions to create the Tilman's Farm Subdivision; and

**WHEREAS**, the applicant has requested the amendment of proffered condition #3 of case #06-03-REZC for the parcels identified as tax parcels #16-51, #16B-1B-10, #16B-1B-11, #16B-1B-13, #16B-1B-17, #16B-1B-22, #16B-1B-23, #16B-1B-25, #16B-2C-5, #16B-2C-6, #16B-2C-7, #16B-2C-8, #16B-2C-9, #16B-2C-10, #16B-2C-11, #16B-2C-12, #16B-2C-14, #16B-2C-16, #16B-2C-17, #16B-2D-2, #16B-2D-3, #16B-2D-4, #16B-2D-5, #16B-2D-6, #16B-2D-8, #16B-2D-9, #16B-2D-10, #16B-2D-11, #16B-2D-13, #16B-2D-14, #16B-2D-15, #16B-2D-16, #16B-2D-17, #16B-2D-18, #16B-2D-19, #16B-2D-20, #16B-2D-21, #16B-2E-1, #16B-2E-2, #16B-2E-3, #16B-2E-4, #16-2F-1, #16-2F-2, #16-2F-4, #16-2F-5, #16-2F-6, #16-2F-7, #16B-2G-1, #16B-2G-2, #16B-2G-3, #16B-2G-4, #16B-2G-7, and #16B-2G-8; and

**WHEREAS**, §15.2-1427 and §15.2-1433 of the *Code of Virginia*, 1950, as may be amended from time to time, enable a local governing body to adopt, amend and codify ordinances or portions thereof, and

**WHEREAS**, §15.2-2280, §15.2-2285 and §15.2-2286 of the *Code of Virginia*, 1950, as amended, enables a local governing body to adopt and amend zoning ordinances; and

**WHEREAS**, the Planning Commission advertised and held a public hearing on the proposed rezoning, on August 2, 2016 and all of those who spoke on this topic were heard; and

**WHEREAS**, the applicant has submitted an amended statement of proffer in conjunction with the rezoning request (Case #16-04-REZC); and

**WHEREAS**, the Planning Commission voted to recommend denial of the request to amend the proffered conditions; and

**WHEREAS**, public necessity, convenience, general welfare, and/or good zoning practice support approval of this amended proffer amendment;

**WHEREAS**, the Powhatan County Board of Supervisors caused to be published a notice of public hearing on this matter in the Powhatan Today on August 10<sup>th</sup> and 17<sup>th</sup>, 2016; and

**WHEREAS**, the full text of this amendment was available for public inspection in the Powhatan County Administrator's Office, County Administration Building, 3834 Old Buckingham Road, Powhatan, Virginia 23139; and

**WHEREAS**, on August 22, 2016, the Powhatan County Board of Supervisors held a public hearing on this matter and all of those who spoke on this topic were heard.

**NOW, THEREFORE, BE IT ORDAINED**, that the proffer statement that was approved by the Board of Supervisors for Case #05-13-REZC, as amended by #06-03-REZC, is hereby amended, by reducing the cash proffer from \$6,395.00 to \$1,880.00 contained in proffer #3, as submitted for Case #16-04-REZC, shall read as follows:

3. The applicant, subdivider, and/or assignee(s), shall pay the following to the County of Powhatan prior to the issuance of each building permit, for infrastructure improvements within the County.
  - a. \$1,880.00 per dwelling unit, if paid prior to July 1, 2016.
  - b. The amount approved by the Board of Supervisors not to exceed \$1,880.00 per dwelling unit adjusted upward by any increase in the Consumer Price Index (CPI) between July 1, 2016 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2016.
  - c. In the event the cash payment is not used for which proffered within 7 years of receipt, the cash payment shall be returned in full to the payor.

**APPROVED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON AUGUST 22, 2016.**

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**William E. Melton, Chairman**  
**Powhatan County Board of Supervisors**

**ATTEST:**

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**Patricia A. Weiler, Clerk**  
**Powhatan County Board of Supervisors**

**Recorded Vote:**

*David T. Williams* \_\_\_\_\_  
*Larry J. Nordvig* \_\_\_\_\_  
*Angela Y. Cabell* \_\_\_\_\_  
*William E. Melton* \_\_\_\_\_  
*Carson L. Tucker* \_\_\_\_\_



## 16-04-REZC – Milhaus Corporation Tilman’s Farm Subdivision

Staff Report prepared for the Planning Commission

*This report is prepared by the County of Powhatan Department of Community Development Staff to provide information to the Planning Commission and Board of Supervisors to assist in making an informed decision on this matter.*

### I. PUBLIC HEARINGS:

Planning Commission	August 2, 2016	Recommended Denial
Board of Supervisors	August 22, 2016	Public Hearing

### II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Proposed Zoning:	Request to reduce cash proffer								
Existing Zoning:	Rural Residential-5 (05-13-REZC)								
Parcel Size:	721.3± Acres (total)								
Parcel ID#	16-51 and 52 platted lots (see application)								
Owner(s):	Milhaus Corporation								
Location of Property:	East side of Maidens Road approximately 0.6 miles south of Huguenot Trail								
Electoral District:	#3 Bethesda/Lees Landing								
Land Use Plan Recommendation:	Rural Residential								
Zoning of Surrounding Property:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">North:</td> <td>A-10, Agricultural-10; I-1, Industrial-1</td> </tr> <tr> <td>South:</td> <td>A-10, Agricultural-10; RR-5, Rural Residential-5</td> </tr> <tr> <td>East:</td> <td>A-10, Agricultural-10</td> </tr> <tr> <td>West:</td> <td>A-10, Agricultural-10; R-2, Single-Family Residential-2</td> </tr> </table>	North:	A-10, Agricultural-10; I-1, Industrial-1	South:	A-10, Agricultural-10; RR-5, Rural Residential-5	East:	A-10, Agricultural-10	West:	A-10, Agricultural-10; R-2, Single-Family Residential-2
North:	A-10, Agricultural-10; I-1, Industrial-1								
South:	A-10, Agricultural-10; RR-5, Rural Residential-5								
East:	A-10, Agricultural-10								
West:	A-10, Agricultural-10; R-2, Single-Family Residential-2								

**III. EXECUTIVE SUMMARY:**

The applicant, Milhaus Corporation, requests the amendment of the proffer statement for Tilman's Farm Subdivision (Case #05-13-REZC), specifically Proffer #3, to reduce the cash proffer amount from \$6,395 to \$1,880, and amend the zoning district map. The total acreage of the Tilman's Farm Subdivision is approximately 721.3 acres. Of that total acreage, the subject properties include 52 platted lots in Sections 1 and 2, and the 333-acre unplatted area of the subdivision. Tilman's Farm Subdivision is located on the east side of Maidens Road (Rt. 522) approximately 0.6 miles south of Huguenot Trail (Rt. 711). The property was rezoned from A-1 to R-5 with proffered conditions in 2005. The proffered conditions were amended in 2006 (06-03-REZC) to allow for one (1) additional building lot, increasing the number of lots to 144. The 2010 Long-Range Comprehensive Plan designates the subject properties as Rural Residential.

The Planning Commission conducted a public hearing at their August 2, 2016 meeting to solicit input from citizens regarding the request. During the public hearing no citizens spoke. After closing the public hearing, the Commission discuss the request and voted 3-1 to recommend denial of the request to the Board of Supervisors.

**IV. SUBJECT PROPERTY:**

The subject property consists of a total of 721.3<sup>±</sup> acres located on the east side of Maidens Road approximately 0.6 miles south of Huguenot Trail. The property was subdivided into a total of 144 lots over 4 sections. Of these lots, 83 lots have been platted as Sections 1 & 2. Sections 3 & 4 remain unplatted. The applicant has included 52 platted lots in Sections 1 & 2 and the 333-acre unplatted portion of the property (shown as Section 3 & 4 on the attached plat) in this request. The property is currently zoned Rural Residential (RR-5). The overall lot layout for Tilman's Farm Subdivision is outlined in yellow below.



**V. LAND USE ANALYSIS:**

The applicant requested a rezoning of the subject property from A-1 to R-5, Rural Residential-5, with proffered conditions in order to create a 143 lot subdivision in 2005. The subdivision has two (2) access points from Maidens Road at Tilmans Farm Drive (the main entrance) and Fernfield Drive. Sections 1 and 2 of the subdivision have been constructed creating 83 lots. Sections 3 and 4 of the subdivision, which will contain 61 lots, remain unplatted.

**VI. COMPREHENSIVE PLAN ANALYSIS:**

The 2010 Long-Range Comprehensive Plan designates the subject properties as Rural Residential on the Countywide Land Use Plan Map. The Tilman's Farm Subdivision complies with the Rural Residential requirements of the 2010 Comprehensive Land Use Plan, which recommends a residential density range of 0.10 units/acre (1-unit/acre) to 0.20 units/acre (1-unit/5-acres) lot minimum for parcels in the Rural Residential Area. The subject properties range in size from approximately 2.2 to 6.3 acres. The request to amend the proffer statement as related to the cash proffer amount for the development does not conflict with the Plan.

**VII. PROFFERED CONDITION(S):**

The applicant has requested the amendment of Proffered Condition #3 (05-13-REZC), which currently states:

3. The applicant, subdivider, and/or assignee(s), shall pay the following to the County of Powhatan prior to the issuance of each building permit, for infrastructure improvements within the County.
  - a. \$6,395.00 per dwelling unit, if paid prior to July 1, 2005.
  - b. The amount approved by the Board of Supervisors not to exceed \$6,395.00 per dwelling unit adjusted upward by any increase in the Consumer Price Index (CPI) between July 1, 2004 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
  - c. In the event the cash payment is not used for which proffered within 7 years of receipt, the cash payment shall be returned in full to the payor.

With approval of this request, Proffered Condition #3 of Case #05-13-REZC shall be amended, as follows:

3. The applicant, subdivider, and/or assignee(s), shall pay the following to the County of Powhatan prior to the issuance of each building permit, for infrastructure improvements within the County.
  - a. ~~\$6,395.00~~ 1,880.00 per dwelling unit, if paid prior to July 1, ~~2005~~ 2016.
  - b. The amount approved by the Board of Supervisors not to exceed ~~\$6,395.00~~ 1,880.00 per dwelling unit adjusted upward by any increase in the Consumer Price Index (CPI) between July 1, ~~2004~~ 2016 and July 1 of the fiscal year in which the payment is made if paid after June 30, ~~2005~~ 2016.
  - c. In the event the cash payment is not used for which proffered within 7 years of receipt, the cash payment shall be returned in full to the payor.

All other conditions of Case #05-13-REZC, as revised by 06-08-REZC, shall remain in full force and effect.

The revised language is consistent with the Board of Supervisors Cash Proffer Guidelines adopted September 21, 2015.

**VIII. PLANNING COMMISSION RECOMMENDATION:**

In accordance with Article II, of the Powhatan Zoning Ordinance, and in accordance public necessity, convenience, general welfare and good zoning practice, the Planning Commission recommends *denial* of the request submitted by Milhaus Corporation to amend the proffer statement for Tilman's Farm Subdivision (Case #05-13-REZC) revising

Proffered Condition #3 reducing the case proffer amount from \$6,395.00 to \$1,880.00, and to amend the County's Zoning District Map.

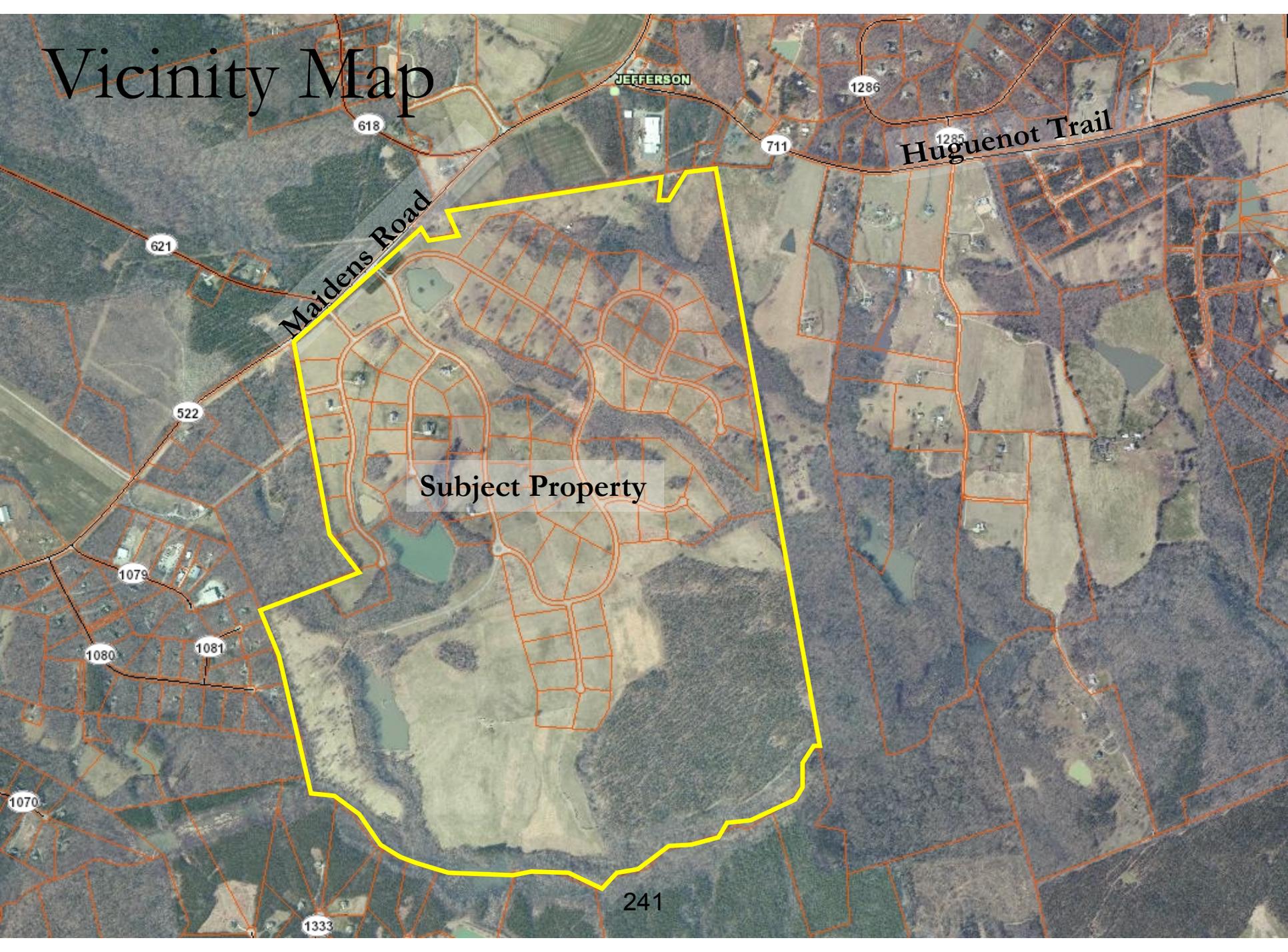
**IX. PROPOSED RESOLUTION:**

In accordance with Article II, of the Powhatan Zoning Ordinance, and in accordance public necessity, convenience, general welfare and good zoning practice, the Board of Supervisors (*approves / denies / defers*) of the request submitted by Milhaus Corporation to amend the proffer statement for Tilman's Farm Subdivision (Case #05-13-REZC) revising Proffered Condition #3 reducing the case proffer amount from \$6,395.00 to \$1,880.00, and to amend the County's Zoning District Map.

Attachment(s):

1. Vicinity Map
2. Zoning Map
3. Future Land Use Map
4. Application for Rezoning
5. Preliminary Plan, Tilman's Farm by E.D. Lewis & Associates P.C., revision date July 26, 2006
6. Proffer Statement (Case #05-13-REZC)
7. Affidavit of Mailing
8. Adjacent Property Owners

# Vicinity Map



Maidens Road

Huguenot Trail

JEFFERSON

Subject Property

618

711

1286

1285

621

522

1079

1080

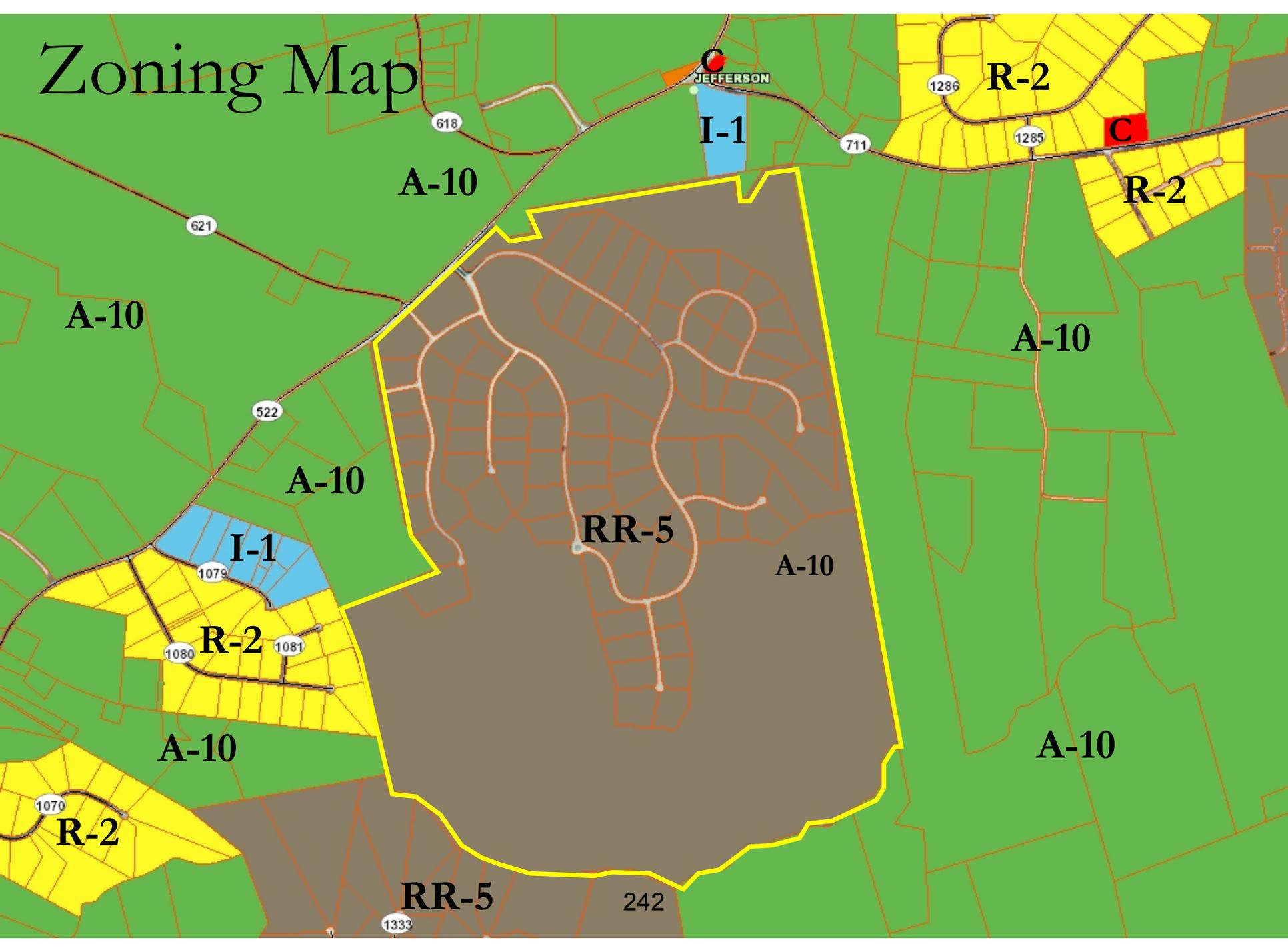
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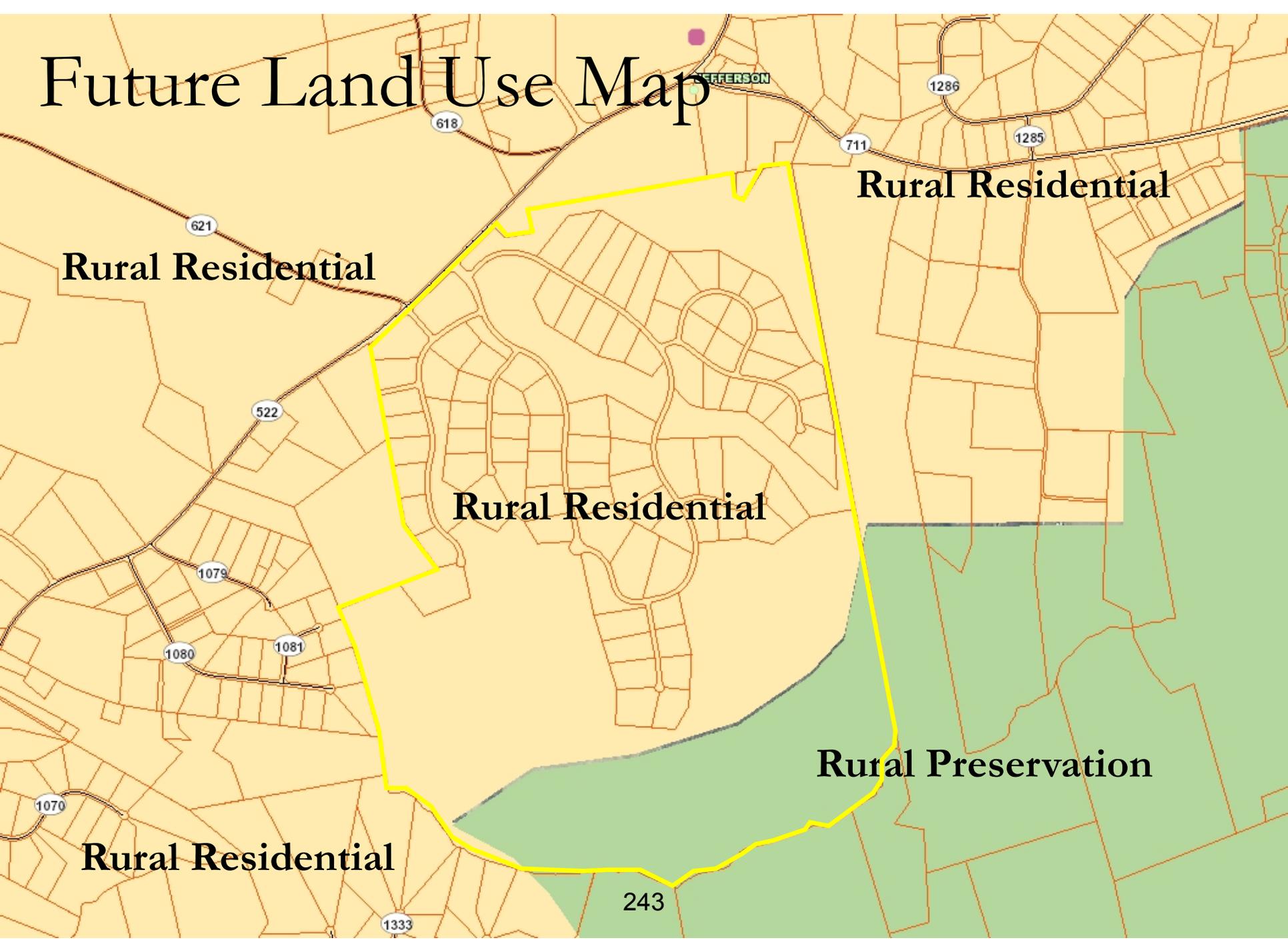
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# Zoning Map



# Future Land Use Map



**Rural Residential**

**Rural Residential**

**Rural Residential**

**Rural Preservation**

**Rural Residential**

243

REZONING APPLICATION

\*Please Type or Print\*

For office use only Case # 16-04-REZC Date of Pre-application meeting 5/18/2016 Date Filed 6/2/2016

APPLICANT INFORMATION

Owner/Applicant Milhams Corporation Telephone (804) 282-9029 Address 5407 Patterson Avenue Richmond, Va 23226 Contract Purchaser See Attached Telephone Address

Who Should Correspondence or Questions regarding this Application be directed to:

Name Gary L. Scottow, LA (ED Lewis & Assoc) telephone (804) 285-3948 Address 2116 Spencer Road Richmond, VA 23220

PARCEL INFORMATION AND REQUEST

Tax Map 16-51 Section # Magisterial District Spence District Location East Side of Maiden Rd (522), South of Huguenot Trail (R4711) Area (acres/sq. ft.) in Property 721.3 ac (31,419,828 sq ft) In Rezoning 721.3 ac (31,419,828 sq ft) Are there any Deed Restrictions? Yes No X (If yes, attach copy of restrictions) Current Zoning R-5 Requested Zoning R-5

Describe in Detail the Proposed Use of Property:

Planned Residential Community consisting of 143 single family residential lots

**COMPREHENSIVE PLAN + IMPACT**

Property is in Which Area of Policy Map NA Rezoning in Conformance?

Property is in Which Area of Land Use Plan Map Rural Residential Rezoning in Conformance? Yes

Impacts on Surrounding Uses/Public Facilities to be addressed through Proffers: N/A

Need for Dedication of Right-of-Way according to Thoroughfare Plan NA

Need for Buffer Areas along Property Lines N/A # ft. width \_\_\_\_\_

Need for Tree Retention in Buffers (> 4" Diameter) N/A Need for Inter-parcel Access \_\_\_\_\_

Need for Conservation Easement (Residential) N/A Need for Inter-parcel Access \_\_\_\_\_

Need to Assist County with Cost of Providing Public Facilities N/A

Need for a Fire Protection Plan to be prepared and approved by Fire Department N/A

Need for Architectural Design Standards to Assure Compatibility of Structures N/A

Minimum House Sizes to Assure Compatibility with Surrounding Subdivisions N/A Sq. Ft.

Limitations on Uses Which May Impact Adjacent Properties N/A

Limitations on Access to Existing Roads to protect their Traffic Carrying Capacity: N/A

Turn lane, taper N/A, Internal Subd. Rd. (Reverse frontage lots) N/A, Shoulders/Ditches

2nd entrance/exit N/A, Paired Driveways

**CONCEPTUAL DEVELOPMENT PLAN**

A conceptual development is required for all rezoning applications by Section 25.12 of the Zoning Ordinance and shall at a minimum include:

1. Drawn to an appropriate scale, a plot plan or survey plat showing the dimensions of the property.
2. For the rezoning tract, drawn to an appropriate scale, show the location and dimensions of existing structures, right-of-ways, easements, boundaries, water courses, lakes, cemeteries, historic sites, major electrical and natural gas transmission lines.
3. The location and dimensions of proposed buffer areas, right-of-way dedications, internal roads, access to existing roads, and lot arrangement.
4. In the case of residential development, state the proposed number of dwelling units and average acreage per dwelling.
5. For the rezoning tract, show existing uses adjacent to the property to be zoned.

ADJACENT LAND OWNER LIST

<u>TAX MAP #</u>	<u>NAME</u>	<u>ADDRESS</u>
015-24-4	Eric Capek	2803 Fairgate Rd, Middletown, Va 23112
015-24-5	Eric Capek	2803 Fairgate Rd, Middletown, Va 23112
015B-1-19	Gary C. & Jennie A. Ringer	2860 Spicewood Dr. Powhatan, Va 23139
015B-1-18	William E. Lockwood	3270 Jefferson Woods Ct. Powhatan, Va 23139
015B-1-15	Victoria S. & Jimmie R. Hall	4710 Jefferson Woods Dr. Powhatan, Va 23139
015B-1-14	Arthur R. & Nannie A. Gregory	4013 Jefferson Woods Dr. Powhatan, Va 23139
015-45J	Brandon M & Lara Y. Chapman	5864 Montpelier Dr. Williamsburg, Va 23188
016A-2-20	Jeremiah & Jamie Truitt	2862 M.71 Mount Ct. Powhatan, Va 23139
016A-2-21	Stephen & Theresa Jennip	15130 Fire Light Pl. Mechanicsville, Va 23120
016A-2-22	Philip E. & Eunice I Cordron	3863 M.71 Mount Ct. Powhatan, Va 23139
016A-2-31	Charles E. Slate Jr.	48 Tanglewood Rd Palmyra, Va 22963
016A-2-32	Steven & Wendy Rorak	2859 M.71 Mount Dr. Powhatan, Va 23139
016A-2-33	Darin K. Vauter	3858 M.71 Mount Dr. Powhatan, Va 23139
016-52B	Three Bridge Investment, LLC	2150 Carter Gallie Blvd Powhatan, Va 23139
016-54	Carol Ann Breit	5602 Grove Ave, Richmond, Va 23226
016-55	Carol Ann Breit	5602 Grove Ave, Richmond, Va 23226
016-68	Bonnie L. Tilman & Carol Tilman Lewis	3605 Huguenot Tr. Powhatan, Va 23139
016-46A	Leona Girolama ET AL	3231 Ludgate Rd Onusta, Va 23031
016-46	Leona Girolama ET AL	3231 Ludgate Rd Onusta, Va 23031
016-48	Michael D. Thomas	3631 Huguenot Tr. Powhatan, Va 23139



**STATEMENT FOR VALIDITY OF INFORMATION**

Every applicant shall sign the following document to substantiate the validity of submitted information.

**State of Virginia**  
**County of Powhatan to wit**

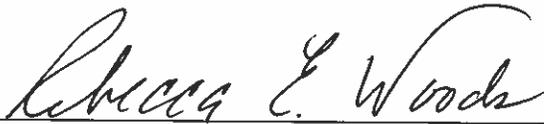
I, being duly sworn, depose and say that I am the ~~Lessee~~ Owner of the property involved in the application. If I am not the Lessee/Owner, I will produce a copy of a contract to purchase the property or I will present written certification contract to purchase the property or I will present written certification from the owner granting me the right to submit this application.

I, declare that I have familiarized myself with the rules and regulation pertaining to preparing and filing this application. I further declare that the foregoing statements and answers provided throughout the various sections of this application are in all respects true and correct to the best of my knowledge and belief.

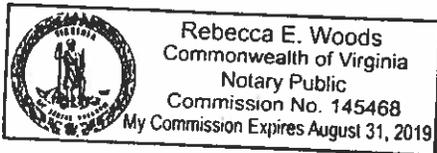
Signed 

Print Name Herbert E. Fitzgerald, III Mgr.  
Milhams Corporation

Subscribed and sworn to before me this 25<sup>th</sup> day of May, 2016.

Notary Public   
Reg # 145468

My Commission Expires August 31, 2019



**STATEMENT FOR VALIDITY OF INFORMATION**

Every applicant shall sign the following document to substantiate the validity of submitted information.

**State of Virginia**  
**County of Powhatan to wit**

I, being duly sworn, depose and say that I am the ~~Lessee~~ Owner of the property involved in the application. If I am not the Lessee/Owner, I will produce a copy of a contract to purchase the property or I will present written certification contract to purchase the property or I will present written certification from the owner granting me the right to submit this application.

I, declare that I have familiarized myself with the rules and regulation pertaining to preparing and filing this application. I further declare that the foregoing statements and answers provided throughout the various sections of this application are in all respects true and correct to the best of my knowledge and belief.

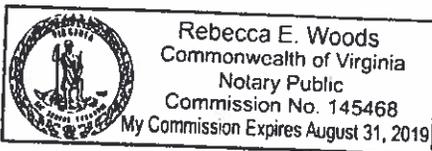
Signed *Thomas M. Kellam, Pres.*

Print Name Thomas M. Kellam, Pres.  
Homeplaces, Ltd.

Subscribed and sworn to before me this 26<sup>th</sup> day of May, 2016.

Notary Public *Rebecca E. Woods*  
Res # 145468

My Commission Expires August 31, 2019



**STATEMENT FOR VALIDITY OF INFORMATION**

Every applicant shall sign the following document to substantiate the validity of submitted information.

**State of Virginia**  
**County of Powhatan to wit**

I, being duly sworn, depose and say that I am the ~~Lessee~~ Owner of the property involved in the application. If I am not the Lessee/Owner, I will produce a copy of a contract to purchase the property or I will present written certification contract to purchase the property or I will present written certification from the owner granting me the right to submit this application.

I, declare that I have familiarized myself with the rules and regulation pertaining to preparing and filing this application. I further declare that the foregoing statements and answers provided throughout the various sections of this application are in all respects true and correct to the best of my knowledge and belief.

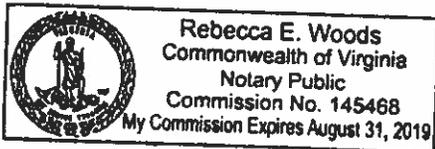
Signed 

Print Name Horace A. Gray  
Gray Homes, Inc.

Subscribed and sworn to before me this 24<sup>th</sup> day of May, 2016.

Notary Public   
Reg. 145468

My Commission Expires August 31, 2019



**\*\*\*PROFFERS MUST BE SUBMITTED TWO WEEKS PRIOR TO PLANNING\*\*\*  
COMMISSION AND BOARD OF SUPERVISORS MEETINGS.**

**STATEMENT OF PROFFER**

CASE # 05-13-REZC

Pursuant to Section 15.2-2296 of the Code of Virginia and Article 24 of the Powhatan County Zoning Ordinance. I do hereby voluntarily proffer, as the owner of record of the property which is the subject of this rezoning request, the following conditions:

To amend proffer  
#3 of approved zoning  
Case # 05-13-REZC  
as shown:

3. The applicant, subdivider, and/or assignee(s), shall pay the following to the County of Powhatan prior to the issuance of each building permit, for infrastructure improvements within the County.
- a. ~~\$6,395.00~~ <sup>\$1800.00</sup> per dwelling unit, if paid prior to July 1, 2005, or
  - b. The amount approved by the Board of Supervisors not to exceed ~~\$6,395.00~~ <sup>\$1800.00</sup> per dwelling unit adjusted upward by any increase in the Consumer Price Index (CPI) between July 1, 2004 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
  - c. In the event the cash payment is not used for which proffered within 7 years of receipt, the cash shall be returned in full to the payor.

I hereby acknowledge that the Rezoning of the Subject Property gives rise to the need for these conditions.

[Signature]  
Owner of Record - Signature

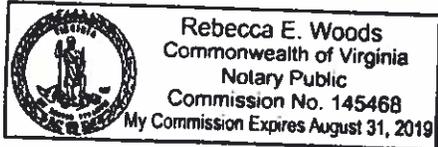
5-24-16  
Date

Type or print name Herbert E Fitzgerald, III Manager  
Milhaus Corp.

COMMONWEALTH OF VIRGINIA,  
COUNTY OF Henrico, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Herbert E. Fitzgerald, III, whose name is signed to the above, on this 24<sup>th</sup> day of May 2016.

Notary Public Rebecca E. Woods  
Reg # 145468  
My Commission expires: August 31, 2019



**\*\*\*PROFFERS MUST BE SUBMITTED TWO WEEKS PRIOR TO PLANNING\*\*\*  
COMMISSION AND BOARD OF SUPERVISORS MEETINGS.**

**STATEMENT OF PROFFER**

CASE # 05-13-REZZ

Pursuant to Section 15.2-2296 of the Code of Virginia and Article 24 of the Powhatan County Zoning Ordinance. I do hereby voluntarily proffer, as the owner of record of the property which is the subject of this rezoning request, the following conditions:

To amend proffer  
#3 of approved zoning  
Case # 05-13-REZZ  
as shown:

3. The applicant, subdivider, and/or assignee(s), shall pay the following to the County of Powhatan prior to the issuance of each building permit, for infrastructure improvements within the County.
- a. ~~\$6,295.00~~ <sup>16</sup> ~~per dwelling unit~~, if paid prior to July 1, 2005; or
  - b. The amount approved by the Board of Supervisors not to exceed ~~\$1800.00~~ <sup>16</sup> ~~\$6,295.00~~ per dwelling unit adjusted upward by any increase in the Consumer Price Index (CPI) between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
  - c. In the event the cash payment is not used for which proffered within 7 years of receipt, the cash shall be returned in full to the payor.

I hereby acknowledge that the rezoning of the Subject Property gives rise to the need for these conditions.

Thomas M. Kellan  
Owner of Record - Signature

5-26-16  
Date

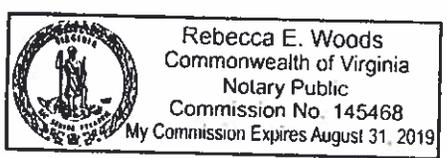
Type or print name Thomas M. Kellan, Pres  
Homeplaces, Ltd.

COMMONWEALTH OF VIRGINIA,  
COUNTY OF Henrico, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Thomas M. Kellan, whose name is signed to the above, on this 26 day of May, 2016.

Notary Public Rebecca E. Woods Reg.# 145468

My Commission expires: August 31, 2019





**OWNERSHIP DISCLOSURE**

Both the Code of Virginia and the County Zoning Ordinance allow the County to request full disclosure of ownership in properties subject to this request. To assist us in obtaining this information, please complete this form in full.

Please list below the names and addresses of all owners or parties in interest of the land subject to this request:

**NOTE: If this request is in the name of a corporation, artificial person, joint venture, trust, or other form of ownership, all officers, directors, and any stock holders owning ten percent or more of such stock must be listed.**

<u>NAME</u>	<u>ADDRESS (Include Zip Code)</u>

I, Herbert E. Fitzgerald III, Mgr., do hereby swear and affirm that to the best of my knowledge and belief, the above information is true and that I am the applicant for this request for parcel number(s) \* of tax map number(s) 1600 requesting Rezoning, Conditional Use Permit, and Variance/Appeal. (Please circle one) *See attached sheet*

If the above information changes at any time while this case is being considered, I will provide the County with an updated list.

[Signature] Signature

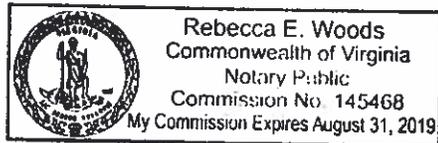
STATE OF VIRGINIA  
COUNTY OF ~~POWHATAN~~, to wit:  
HENRICO

This day 24<sup>th</sup> of May, 2016 personally appeared before me, Rebecca E. Woods, a Notary Public in and for the County and State aforesaid, and swore or affirmed that the matters stated in the foregoing Ownership Disclosure Affidavit are true to the best of his/her knowledge and belief.

Given under my hand this 24<sup>th</sup> day of May, 2016.

Notary Public Rebecca E. Woods  
REG # 145468

My commission expires: August 31, 2019



**OWNERSHIP DISCLOSURE**

Both the Code of Virginia and the County Zoning Ordinance allow the County to request full disclosure of ownership in properties subject to this request. To assist us in obtaining this information, please complete this form in full.

Please list below the names and addresses of all owners or parties in interest of the land subject to this request:

**NOTE: If this request is in the name of a corporation, artificial person, joint venture, trust, or other form of ownership, all officers, directors, and any stock holders owning ten percent or more of such stock must be listed.**

<u>NAME</u>	<u>ADDRESS (Include Zip Code)</u>

I, Thomas M. Kellan, do hereby swear and affirm that to the best of my knowledge and belief, the above information is true and that I am the applicant for this request for parcel number(s) \* of tax map number(s) 168 requesting Rezoning, Conditional Use Permit, and Variance/Appeal. (Please circle one) \* see attached sheet

If the above information changes at any time while this case is being considered, I will provide the County with an updated list.

Thomas M. Kellan <sup>Homegrown LLC</sup> Signature

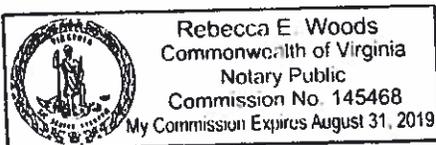
STATE OF VIRGINIA  
COUNTY OF ~~POWHEATAN~~ HENRICO, to wit:

This day Thomas M. Kellan personally appeared before me, Rebecca E. Woods a Notary Public in and for the County and State aforesaid, and swore or affirmed that the matters stated in the foregoing Ownership Disclosure Affidavit are true to the best of his/her knowledge and belief.

Given under my hand this 26 day of May, 2016.

Notary Public Rebecca E. Woods  
Reg # 145468

My commission expires: August 31, 2019



**OWNERSHIP DISCLOSURE**

Both the Code of Virginia and the County Zoning Ordinance allow the County to request full disclosure of ownership in properties subject to this request. To assist us in obtaining this information, please complete this form in full.

Please list below the names and addresses of all owners or parties in interest of the land subject to this request:

**NOTE: If this request is in the name of a corporation, artificial person, joint venture, trust, or other form of ownership, all officers, directors, and any stock holders owning ten percent or more of such stock must be listed.**

<u>NAME</u>	<u>ADDRESS (Include Zip Code)</u>

I, Horace A. Gray, do hereby swear and affirm that to the best of my knowledge and belief, the above information is true and that I am the applicant for this request for parcel number(s) \* of tax map number(s) 16B requesting Rezoning, Conditional Use Permit, and Variance/Appeal. (Please circle one)

*\* see attached sheet*

If the above information changes at any time while this case is being considered, I will provide the County with an updated list.

[Signature] Signature

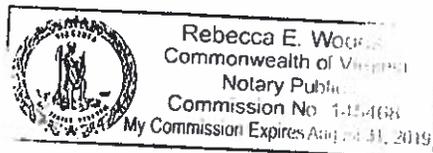
STATE OF VIRGINIA  
COUNTY OF POWhatan, to wit:  
Henrico

This day Horace A. Gray personally appeared before me, Rebecca E. Woods, a Notary Public in and for the County and State aforesaid, and swore or affirmed that the matters stated in the foregoing Ownership Disclosure Affidavit are true to the best of his/her knowledge and belief.

Given under my hand this 25 day of May, 2016.

Notary Public Rebecca E. Woods  
Res # 145468

My commission expires: August 31, 2019



Tilman's Farm		Powhatan, VA												
Section #:	Block #:	Lot #:	Tax Map #:	Owner:	Section #:	Block #:	Lot #:	Tax Map #:	Owner:	Section #:	Block #:	Lot #:	Tax Map #:	Owner:
Section 1	B	13	016B-1B-13	Milhaus Corporation	Section 2	E	1	016B-2E-1	Milhaus Corporation					
	B	22	016B-1B-22	Milhaus Corporation		E	2	016B-2E-2	Milhaus Corporation					
	B	23	016B-1B-23	Milhaus Corporation		E	3	016B-2E-3	Milhaus Corporation					
	B	25	016B-1B-25	Milhaus Corporation		E	4	016B-2E-4	Milhaus Corporation					
	B	11	016B-1B-11	Homeplaces, LTD										
	B	17	016B-1B-17	Homeplaces, LTD	Section 2	F	1	016B-2F-1	Milhaus Corporation					
	B	10	016B-1B-10	Gray Homes, Inc		F	2	016B-2F-2	Milhaus Corporation					
Section 2	C	5	016B-2C-5	Milhaus Corporation		F	4	016B-2F-4	Milhaus Corporation					
	C	6	016B-2C-6	Milhaus Corporation		F	5	016B-2F-5	Milhaus Corporation					
	C	7	016B-2C-7	Milhaus Corporation		F	6	016B-2F-6	Milhaus Corporation					
	C	8	016B-2C-8	Milhaus Corporation		F	7	016B-27-7	Milhaus Corporation					
	C	9	016B-2C-9	Milhaus Corporation	Section 2	G	1	016B-2G-1	Milhaus Corporation					
	C	10	016B-2C-10	Milhaus Corporation		G	2	016B-2G-2	Milhaus Corporation					
	C	11	016B-2C-11	Milhaus Corporation		G	3	016B-2G-3	Milhaus Corporation					
	C	12	016B-2C-12	Milhaus Corporation		G	4	016B-2G-4	Milhaus Corporation					
	C	14	016B-2C-14	Milhaus Corporation		G	7	016B-2G-7	Milhaus Corporation					
	C	16	016B-2C-16	Milhaus Corporation		G	8	016B-2G-8	Milhaus Corporation					
	C	17	016B-2C-17	Milhaus Corporation										
Section 2	D	2	016B-2D-2	Milhaus Corporation										
	D	3	016B-2D-3	Milhaus Corporation										
	D	4	016B-2D-4	Milhaus Corporation										
	D	5	016B-2D-5	Milhaus Corporation										
	D	6	016B-2D-6	Milhaus Corporation										
	D	8	016B-2D-8	Milhaus Corporation										
	D	9	016B-2D-9	Milhaus Corporation										
	D	10	016B-2D-10	Milhaus Corporation										
	D	11	016B-2D-11	Milhaus Corporation										
	D	13	016B-2D-13	Milhaus Corporation										
	D	14	016B-2D-14	Milhaus Corporation										
	D	15	016B-2D-15	Milhaus Corporation										
	D	16	016B-2D-16	Milhaus Corporation										
	D	17	016B-2D-17	Milhaus Corporation										
	D	18	016B-2D-18	Milhaus Corporation										
	D	19	016B-2D-19	Milhaus Corporation										
	D	20	016B-2D-20	Milhaus Corporation										
	D	21	016B-2D-21	Milhaus Corporation										

**APPLICANT'S PERMISSION FOR INSPECTION OF PROPERTY**

I, Herbert E. Fitzgerald, III <sup>Mr.</sup>, hereby grant access to the Planning Director, Zoning Administrator, or assigns thereof, to enter my property during reasonable hours without prior notice to make inspections as deemed necessary for the evaluation of my application for Rezoning (Proffer reduction) (Specify type of request – rezoning, conditional use permit, private road, variance, etc.).

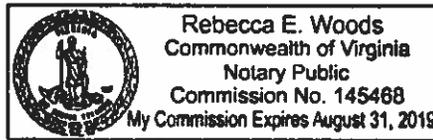
[Signature]  
Applicant's Signature

Date 5-24-16

Subscribed and sworn to before me this 24<sup>th</sup> day of May, 2016

[Signature]  
Notary Public's Signature  
Reg # 145468

August 31, 2019  
Commission Expiration Date



**APPLICANT'S PERMISSION FOR INSPECTION OF PROPERTY**

I, Thomas M. Kellam, Pres., hereby grant access to the Planning Director, Zoning Administrator, or assigns thereof, to enter my property during reasonable hours without prior notice to make inspections as deemed necessary for the evaluation of my application for Rezoning (Cash Pledge Reduction) (Specify type of request – rezoning, conditional use permit, private road, variance, etc.).

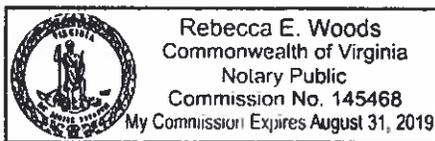
Thomas M. Kellam, Pres.  
Applicant's Signature

Date 5-26-16

Subscribed and sworn to before me this 26<sup>th</sup> day of May, 2016

Rebecca E. Woods  
Notary Public's Signature  
Reg # 145468

August 31, 2019  
Commission Expiration Date



**APPLICANT'S PERMISSION FOR INSPECTION OF PROPERTY**

I, Horace A. Gray, hereby grant access to the Planning Director, Zoning Administrator, or assigns thereof, to enter my property during reasonable hours without prior notice to make inspections as deemed necessary for the evaluation of my application for Retaining (Cash Proffer Reduction) (specify type of request – rezoning, conditional use permit, private road, variance, etc.).

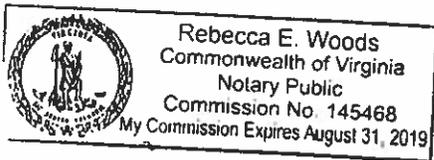
Applicant's Signature [Signature]

Date 5/25/16

Subscribed and sworn to before me this 25 day of May, 2016

[Signature]  
Notary Public's Signature Reg# 145468

August 31, 2019  
Commission Expiration Date



LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

1. That I/We

Name Herbert E. Fitzgerald, III <sup>Mgr.</sup> Telephone (804) 232-9029  
Address Milhaus Corporation, 5407 Patterson Ave, Suite 100, Richmond, Va 23226  
Name Thomas M. Kellam, Pres. Telephone (804) 740-8100  
Address Homeplaces, Ltd. 107 Colony Lake Dr., Henrico, Va 23238  
Name Horace A. Gray Telephone (804) 238-3577 / (804) 814-1211(c)  
Address Gray Homes, Inc 5407 Patterson Ave, Suite 200, Richmond, Va 23226  
Name \_\_\_\_\_ Telephone \_\_\_\_\_  
Address \_\_\_\_\_

being all of the owner(s) of the property described as County tax map numbers:

See attached spreadsheet

and authorized to take such action, do hereby make, constitute and appoint:

2. Name Gary Lee Sutton, L.A. Telephone (804) 235-3948  
Address E.D. Lewis & Associates, P.C. 2116 Gyence Rd, Richmond, Va 23220

to act as my/our true and lawful attorney-in-fact for and in my/own name, place and stead with full power and authority I/we would have if acting personally to seek rezoning, conditional use, or variance, and to set forth and offer such legally acceptable voluntarily proffered conditions including any additions, amendments, modifications or deletions thereto that in his discretion are deemed reasonable, appropriate and necessary except as follows:

3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. In witness whereof, I/we have hereto set my/our hand and seal this

<sup>At 5:25 PM + 26 PM</sup>  
24 day of May 2016.

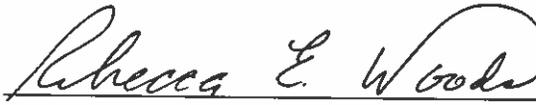
  
Signature(s) milhaus corp mark 5/24/16

  
Signature(s) Gray Homes, INC. President 5/25/16

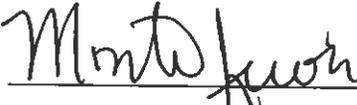
  
Signature(s) M Kellan Homes Inc Pres. 5-26-16

Signature(s)

Witnessed  
by:

  
\_\_\_\_\_

Witnessed  
by:

  
\_\_\_\_\_

NOTE: This document, with original signatures, shall be filed with the application and become a permanent part thereof.

Tilman's Farm		Powhatan, VA												
Section #:	Block #:	Lot #:	Tax Map #:	Owner:	Section #:	Block #:	Lot #:	Tax Map #:	Owner:	Section #:	Block #:	Lot #:	Tax Map #:	Owner:
Section 1	B	13	016B-1B-13	Milhaus Corporation	Section 2	E	1	016B-2E-1	Milhaus Corporation					
	B	22	016B-1B-22	Milhaus Corporation		E	2	016B-2E-2	Milhaus Corporation					
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	B	25	016B-1B-25	Milhaus Corporation		E	4	016B-2E-4	Milhaus Corporation					
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	B	17	016B-1B-17	Homeplaces, LTD	Section 2	F	1	016B-2F-1	Milhaus Corporation					
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Section 2	C	5	016B-2C-5	Milhaus Corporation		F	4	016B-2F-4	Milhaus Corporation					
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	D	14	016B-2D-14	Milhaus Corporation										
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	D	18	016B-2D-18	Milhaus Corporation										
	D	19	016B-2D-19	Milhaus Corporation										
	D	20	016B-2D-20	Milhaus Corporation										
	D	21	016B-2D-21	Milhaus Corporation										

AFFIDAVIT

CASE #: O-2016-28

NAME: Milhaus Corporation (16-04-REZC) (Bethesda/Lees Landing Electoral District)

LETTERS MAILED: August 10, 2016

COMMONWEALTH OF VIRGINIA,  
COUNTY OF POWHATAN, to-wit:

The undersigned affiant, first being duly sworn, states that this affidavit is made pursuant to Va. Code 15.2-2204 to certify that written notice of a pending public hearing on the above case has been sent by first-class mail to the last known address as shown by the current real estates tax assessment books of the owners of each parcel butting and immediately across the street from the affected property.

Nancy Patterson  
Signature

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid this day 10 of August, 2016.

Bonni G. Johnston  
Notary Public #338982



August 10, 2016

Dear Adjoining Landowner,

The Powhatan County *Board of Supervisors*, on **August 22, 2016 at 7:00 p.m.** in the **Powhatan Village Building Auditorium, 3910 Old Buckingham Road**, will hold a public hearing taking under consideration the following:

**REZONING REQUEST**

**O-2016-28: Milhaus Corporation (16-04-REZC) (Bethesda/Lees Landing Electoral District)** requests the amendment of the proffer statement for the Tilman's Farm Subdivision (Case #05-13-REZC) by reducing the cash proffer to \$1,880.00 per dwelling unit.

As an adjacent property owner, you are being notified of the request. All Planning Commission meetings are open to the public and you are encouraged to attend on the day and time specified above. Copies of the proposed plans, ordinances, or amendments may be reviewed in the Department of Planning and Community Development in the Powhatan County Administration Building between 8:30 AM and 5:00 PM of each business day. Copies of staff reports are available one week prior to the Public Hearing upon request.

If you have any questions or would like more information on the request, please contact the Planning Department at 598-5621.

Sincerely,

Community Development Department Staff

CAPEK ERIC  
2803 FAIRGATE RD  
MIDLOTHIAN, VA 23112

GREGORY ARTHUR R & NANNIE A  
4013 JEFFERSON WOODS DRIVE  
POWHATAN, VA 23139

RENGER GARY C & JEANIE A  
2860 SPENCERWOOD DRIVE  
POWHATAN, VA 23139

BREIT CAROL ANN  
5602 GROVE AVENUE  
RICHMOND, VA 23226

TRUITT JEREMIAH & JAMIE  
3862 MILL MOUNT CT  
POWHATAN, VA 23139

SLATE CHARLES E JR  
48 TANGLEWOOD ROAD  
PALMYRA, VA 22963

BEAN DAWN  
3291 COLSTON CT  
POWHATAN, VA 23139

MCINERNEY ADAM M & POLIXENI G  
1749 FOXFIRE CIR  
RICHMOND, VA 23238

TRIPLETT DAVY SCOTT  
420 N 18TH ST #207  
RICHMOND, VA 23223

HOMEPLACES LTD  
107 COLONY LAKE DRIVE  
RICHMOND, VA 23238

CHAPMAN BRANDON M & LARA Y  
5864 MONTPELIER DR  
WILLIAMSBURG, VA 23188

HALL VICTORIA S & JIMMIE R HALL  
4010 JEFFERSON WOODS DRIVE  
POWHATAN, VA 23139

MILHAUS CORPORATION  
5407 PATTERSON AVE STE 100  
RICHMOND, VA 23226

TILMAN BONNIE L &  
CAROL TILMAN LEWIS  
3605 HUGUENOT TRAIL  
POWHATAN, VA 23139

JENNINGS STEPHEN & THERESA  
15730 FIRE LIGHT PL  
MOSELEY, VA 23120

ROARK STEVEN & WENDY  
3859 MILL MOUNT DR  
POWHATAN, VA 23139

CALE FREDERIC C &  
NANCY HEILMAN CALE  
3765 TILMAN'S FARM DRIVE  
POWHATAN, VA 23139

TILMAN'S FARMS HOMEOWNERS  
ASSOCIATION  
5407 PATTERSON AVENUE STE 100  
RICHMOND, VA 23226

MAGGIE ROBBIE J & LAURIE A  
3323 COPELAND WAY  
POWHATAN, VA 23139

MCCURLEY JOHN M & MAUREEN A  
3303 COLSTON CT  
POWHATAN, VA 23139

JASTRAM JOHN D & SARAH E  
4017 JEFFERSON WOODS DRIVE  
POWHATAN, VA 23139

LOCKWOOD WILLIAM E  
3230 JEFFERSON WOODS CT  
POWHATAN, VA 23139

THREE BRIDGE INVESTMENTS LLC  
2150 CARTER GALLIER BLVD  
POWHATAN, VA 23139

DEVED DEAN F SR  
9077 BARBETTE CT  
MECHANICSVILLE, VA 23116

COUDRON PHILIP E & EUNICE I  
3863 MILLMOUNT COURT  
POWHATAN, VA 23139

VAUTER DARIN K & KARIN L  
3858 MILL MOUNT DRIVE  
POWHATAN, VA 23139

CAMPOLONGO CHRISTOPHER J &  
LILIAN C CAMPOLONGO  
3900 SHERFIELD CT  
MIDLOTHIAN, VA 23113

HARDING NORMAN A III & ALISON A  
3586 TIMBERVIEW RD  
POWHATAN, VA 23139

GRAY HOMES INC  
5407 PATTERSON AVE STE 200-C  
RICHMOND, VA 23226

WOODY MICHAEL C  
3295 COLSTON CT  
POWHATAN, VA 23139

ARNOLD JASON B & BETSY L  
3294 COLSTON CT  
POWHATAN, VA 23139

WHITCOMB JOHN M & TIFFANY B  
3773 TILMANS FARM DRIVE  
POWHATAN, VA 23139

DOWDY DAVID S & AMY G  
3326 COPELAND WAY  
POWHATAN, VA 23139

ALLEN CHARLIE B & JANET H  
P O BOX 1020  
POWHATAN, VA 23139

WILSON ROGER DEREK & JODI LYNN  
2242 ROSE FAMILY DR  
MIDLOTHIAN, VA 23112

TOWN & COUNTRY CUSTOM BUILDERS  
INC  
1301 DALTRY LN  
MIDLOTHIAN, VA 23112

BON AIR HOMES LLC  
6802 HULL STREET RD  
RICHMOND, VA 23224

HOLLOWAY STEVE D & REBECCA B  
3302 COLSTON CT  
POWHATAN, VA 23139

BIRINGER BUILDERS INC  
1301 DALTRY LN  
MIDLOTHIAN, VA 23112

ADAMS CHRISTOPHER M & FIANNA M  
3328 COPELAND WAY  
POWHATAN, VA 23139

HANRAHAN DAVID J JR & HOLLY J  
3355 RIVERLY DR  
POWHATAN, VA 23139

MCCLURE W V INC  
T/A MAIN STREET HOMES  
P O BOX 461  
MIDLOTHIAN, VA 23113

MEASE DOUGLAS F & LISA S  
3319 COPELAND WAY  
POWHATAN, VA 23139

TIMBERCREEK BUILDING & DESIGN LLC  
2670 DORSET MEADOWS DR  
POWHATAN, VA 23139

DANIELS KEVIN E & HEIDI S  
3315 COPELAND WAY  
POWHATAN, VA 23139

NAPIER SIGNATURE HOMES INC  
3300 RIVERGLADE ROAD  
POWHATAN, VA 23139

PATTERSON STEVEN J & MARY L  
3359 RIVERLY DR  
POWHATAN, VA 23139

TINCHER LONNIE R &  
SUSAN J A HARRIS  
3646 NEW CHAPEL CT  
POWHATAN, VA 23139

SHIFLETT WALTER C III  
2621 JUDES FERRY RD  
POWHATAN, VA 23139

**NOTICE OF PUBLIC HEARING**  
**POWHATAN COUNTY BOARD**  
**OF SUPERVISORS**

The Board of Supervisors of Powhatan County, pursuant to Section 15.2-2204 of the Code of Virginia, will conduct a public hearing in the Village Building Auditorium, located at 3910 Old Buckingham Road, Powhatan, Virginia, at **7:00 p.m. on Monday, August 22, 2016**. The purpose of the public hearing is to receive public comment on the following:

- 1. O-2016-26: Virginia Solar LLC (16-01-CUP), (Powhatan Courthouse/Mt. Zion Electoral District)** requests a conditional use permit (CUP) to operate a solar energy farm in the A-10, Agricultural District per §83-162(26) of the Zoning Ordinance. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the County-wide Land Use Plan Map. The subject property is 898.4 acres in size and is located west of Old Buckingham Road (Rt. 13) south of its intersection with Old Plantation Road (Rt. 644). Reference to Tax Map Parcels #38-28 and #38-3-1.
- 2. O-2016-27: Walmart Real Estate Business Trust (16-08-REZC), (Subletts/Manakin/Flat Rock Election District)** requests the amendment of the proffer statement for Case #09-04-REZC to allow the use of the \$250,000 contributed to the County for the design and construction of a future parallel access road contained in proffered condition #4 to purchase and equip a ladder truck to support fire suppression operations of the Powhatan County Fire and Rescue Department.
- 3. O-2016-28: Milhaus Corporation (16-04-REZC), Bethesda/Lees Landing Electoral District)** requests the amendment of the proffer statement for the Tilman's Farm Subdivision (Case #05-13-REZC) by reducing the cash proffer to \$1,880.00 per dwelling unit.
- 4. O-2016-29: County of Powhatan (16-02-AZ) –** An Ordinance amending and reenacting provisions contained in Section 83-162, Conditional Uses, of Article III, Rural Districts, of the Zoning Ordinance of the County of Powhatan by adding heavy equipment/vehicle repair as a conditional use in the Agricultural-10 (A-10) zoning district.

Copies of the proposed Ordinance(s) may be reviewed at the Powhatan County Administrator's Office located at 3834 Old Buckingham Road, Suite A, Powhatan, Virginia, during normal business hours. All interested persons are invited to attend and participate in the public hearings. Persons requiring special assistance to attend and participate in these hearings should contact the Powhatan County Administrator's Office at (804) 598-5612 at least three days prior to the meeting.



# Powhatan County Board of Supervisors Agenda Item

Meeting Date: August 22, 2016

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Agenda Item Title: Ordinance O-2016-29 – County of Powhatan (16-02-AZ) requests the amendment of Section 83-162 of the Zoning Ordinance by adding “heavy vehicle/equipment repair” as a conditional use in the A-10 District.

Motion: Move to approve/ Ordinance O-2016-29 based on public necessity, convenience, general welfare and good zoning practice

Dates Previously Considered by Board: N/A

Summary of Item: An Ordinance amending and reenacting provisions contained in Section 83-162, Conditional Uses, of Article III, Rural Districts, of the Zoning Ordinance of the County of Powhatan to allow “heavy vehicle/equipment repair and servicing” establishments by conditional use in the Agricultural-10 (A-10) District. The Planning Department received a request from a Planning Commissioner to consider a zoning ordinance amendment permitting the use as a conditional use in the A-10 zoning district.

At the August 2, 2016 Planning Commission meeting, the Commission conducted a public hearing to consider the request and receive public comment. The Commission voted 4-0 (one member absent) to recommend approval of the request to the Board of Supervisors.

A public hearing has been scheduled for August 22, 2016.

Staff:  Approve  Disapprove  See Comments

Planning Commission/Board:  Approve  Disapprove  See Comments  
**8/2/2016 (4-0)**

County Administrator:  Approve  Disapprove  See Comments

Comments: None

Budget/Fiscal Impact: None

Attachments: O-2016-29, Staff Report, Legal Ads

Staff/Contact: March Altman, Deputy County Administrator, 804-598-5605 [maltman@powhatanva.gov](mailto:maltman@powhatanva.gov)

**An Ordinance amending and reenacting provisions contained in Section 83-162, Conditional Uses, of Article III, Rural Districts, of the Zoning Ordinance of the County of Powhatan.**

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN** that Section 83-162, of the Zoning Ordinance of the County of Powhatan, is amended and reenacted as follows:

**ARTICLE III – RURAL DISTRICTS**

**Sec. 83-160. – Agricultural-10 (A-10) District.**

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**Sec. 83-162. - Conditional uses.**

The following uses are allowable as principal uses in the A-10 District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

- (1) Farm winery, special impact;
- (2) Horse racetrack or show grounds;
- (3) Livestock market;
- (4) Sawmill, commercial;
- (5) Farm worker housing;
- (6) Manufactured home park;
- (7) Assisted living facility;
- (8) Continuing care retirement community;
- (9) Hospice facility;
- (10) Rooming or boarding house;
- (11) Telecommunications tower;
- (12) Community center;
- (13) Museum;
- (14) College or university;
- (15) Private school;
- (16) Vocational or trade school;

- (17) Correctional facility;
- (18) Fire training facility;
- (19) Nursing home;
- (20) Cemetery;
- (21) Club or lodge;
- (22) Halfway house;
- (23) Shelter for victims of domestic violence;
- (24) Airport;
- (25) Helicopter landing facility;
- (26) Solar energy farm;
- (27) Utility use, major;
- (28) Animal grooming;
- (29) Animal shelter;
- (30) Pound;
- (31) Kennel, commercial;
- (32) Kennel, private, less than two acres;
- (33) Veterinary clinic;
- (34) Conference or training center;
- (35) Country club;
- (36) Fairground;
- (37) Golf course;
- (38) Marina, commercial;
- (39) Recreation facility, commercial indoor;
- (40) Recreation facility, commercial outdoor;
- (41) Recreation facility, nonprofit;
- (42) Shooting range, commercial;
- (43) Antique store;
- (44) Art gallery;
- (45) Auction facility;
- (46) Farmers' market;
- (47) Flea market;
- (48) Campground/recreational vehicle park;
- (49) Country inn;
- (50) Commercial landscaping operation;

- (51) Asphalt or concrete plant;
- (52) Brewery or distillery;
- (53) Micro brewery or micro distillery;
- (54) Winery;
- (55) Convenience center, county-;
- (56) Heavy vehicle/equipment repair and servicing.

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In all other respects said Zoning Ordinance of the County of Powhatan shall remain unchanged and be in full force and effect.

**APPROVED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON AUGUST 22, 2016.**

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**William E. Melton, Chairman  
Powhatan County Board of Supervisors**

**ATTEST:**

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**Patricia Weiler, Clerk  
Powhatan County Board of Supervisors**

**Recorded Vote:**

**David T. Williams** \_\_\_\_\_  
**Larry J. Nordvig** \_\_\_\_\_  
**Angela Y. Cabell** \_\_\_\_\_  
**William E. Melton** \_\_\_\_\_  
**Carson L. Tucker** \_\_\_\_\_



**16-02-AZ –  
Heavy Equipment/Vehicle Repair  
Conditional Use in Agricultural-10 (A-10) District**

Staff Report prepared for the Planning Commission Public Hearing

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*This report is prepared by the County of Powhatan Department of Community Development Staff to provide information to the Planning Commission and Board of Supervisors to assist in making an informed decision on this matter.*

**I. PUBLIC HEARINGS**

Planning Commission	August 2, 2016	Recommended Approval
Board of Supervisors	August 22, 2016	Public Hearing

**II. SUMMARY OF AMENDMENT**

An Ordinance amending and reenacting provisions contained in Section 83-162, Conditional Uses, of Article III, Rural Districts, of the Zoning Ordinance of the County of Powhatan to allow “heavy vehicle/equipment repair and servicing” establishments by conditional use in the Agricultural-10 (A-10) District. The Planning Department received a request from a Planning Commissioner to consider a zoning ordinance amendment permitting the use as a conditional use in the A-10 district.

The ordinance currently allows “agricultural support (direct)” as a by-right use in the A-20, A-10 and A-C zoning districts. Section 83-521, Definitions, of the Zoning Ordinance defines “agricultural support (direct)” as:

“uses that provide support and services to animal and crop production and dairying, or other related agricultural use, which are limited to and that operate on the site of on-going agricultural uses. These uses include: agricultural processing, agri-education, animal care businesses, customer operators (haymaking, brush hogging, crop storage, hauling, fencing, barn construction); direct market businesses for the sale of products produced on-site (e.g., pick your own), farm co-ops, farm-based tourism events, farm machinery repair, pet farms, products combining recreation and consumption of agricultural products, portable sawmills, stables, wetlands mitigation banks, and similar uses. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)”

Included in the definition is “farm machinery repair.” This provision allows for the establishment of farm machinery repair establishments as a by-right use in the A-20, A-10 and A-C districts.

Section 83-521, Definitions, of the Zoning Ordinance defines “heavy vehicle/equipment repair and servicing” as:

“a heavy vehicle/equipment repair and servicing use is an establishment engaged in the repair and servicing of heavy vehicles and equipment of 12,000 or more pounds gross vehicular weight (GVW). (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)”

There are similarities between farm machinery that is used (front end loaders, row crop tractors, combines, etc.) and heavy equipment from a size and weight perspective. Some farmers use what could be referred to as “heavy equipment” as part of their farm operations. The repair of “heavy equipment” that is used as part of a farm operation is by-right given the provisions of the County’s zoning ordinance. The proposed amendment will allow heavy equipment repair by conditional use in the A-10 allowing the Planning Commission and Board of Supervisors to place conditions upon the operation to limit its impacts on surrounding properties on a case-by-case basis.

The Planning Commission and staff discussed the proposed amendment at the July 5, 2016 workshop. The Commission was comfortable with the proposed amendment given that conditions can be placed on the operation on a case-by-case basis. A public hearing has been advertised for August 2, 2016 to solicit citizen comment regarding the proposed amendment to the County of Powhatan’s Zoning Ordinance.

The Planning Commission conducted a public hearing to solicit input from citizens on the proposed amendment at their August 2, 2016 meeting. No citizens spoke during the public hearing. After discussing the proposed amendment, the Commission voted 4-0 to recommend approval of the request to the Board of Supervisors.

### **III. STAFF RECOMMENDATION:**

The staff recommends approval of the proposed amendment to amend and re-enact provisions contained in Section 83-162, Conditional Uses, of Article III, Rural Districts, of the Zoning Ordinance of the County of Powhatan to add “heavy vehicle/equipment repair and servicing” as a conditional use in the Agricultural-10 (A-10) District.

### **VI. PLANNING COMMISSION RECOMMENDATION:**

In accordance with Section 83-123(b), of the Powhatan Zoning Ordinance, and in accordance public necessity, convenience, general welfare and good zoning practice, the Planning Commission recommends *approval* of the request submitted by the County of Powhatan to amend and re-enact provisions contained in Section 83-162, Conditional Uses, of Article III, Rural Districts, of the Zoning Ordinance of the County of Powhatan to add “heavy vehicle/equipment repair and servicing” as a conditional use in the Agricultural-10 (A-10) District

**V. PROPOSED RESOLUTION:**

In accordance with Section 83-123(b), of the Powhatan Zoning Ordinance, and in accordance public necessity, convenience, general welfare and good zoning practice, the Board of Supervisors (*approves / denies / defers*) the request submitted by the County of Powhatan to amend and re-enact provisions contained in Section 83-162, Conditional Uses, of Article III, Rural Districts, of the Zoning Ordinance of the County of Powhatan to add “heavy vehicle/equipment repair and servicing” as a conditional use in the Agricultural-10 (A-10) District

Attachment(s):

1. Copy of the Proposed Zoning Ordinance Amendment (16-02-AZ)

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