

Issue Analysis Form

Date: June 12, 2018

Item: Fort Powhatan Solar – Special Exception

Lead Department: Community Development

Contact Person: Douglas Miles, Planning Manager



Description and Current Status

The case applicant is proposing to build a 150 MW solar electric generating facility and the use will utilize ground-mounted and fixed-tilt or single axis tracking system. The applicant's solar panels will be installed in various phases throughout the large subject property located north of Route 10 in the Wards Creek and Fort Powhatan Road area.

Government Path

- | | | |
|--|---|--|
| Does this require IDA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require BZA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require Planning Commission action? | <input checked="" type="checkbox"/> Yes | No May 24, 2018
Recommended for
Approval by 5-0 vote |
| Does this require Board of Supervisors action? | <input checked="" type="checkbox"/> Yes | |
| Board of Supervisors Public Hearing June 12, 2018 | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does this require a Public Hearing? June 12, 2018 | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If so, before what date? | n/a | |

Fiscal Impact Statement

N/A There will be no cost to the County. However if this Special Exception is approved it will allow for County residents and business owners to offset their energy bills and it will allow for this utility-scale solar energy provider to produce green electricity. Utility-scale solar energy providers will be treated as a commercial business land use and they will be taxed by the County accordingly under both the prevailing County and State rates.

Prince George County Impact

The approved Solar Facilities Zoning Ordinance Amendment includes new State Code definitions that describe the solar facilities equipment and the utility-scale solar energy projects. The approved amendment included solar energy land use siting requirements being added into the Zoning Ordinance for utility-scale solar energy land uses that will send electrical power back into the utility grid as a renewable power source and solar energy uses will continue to grow in Prince George County and across the State of VA.

Notes

N/A

Board of Supervisors
County of Prince George, Virginia

Ordinance

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia this 12th day of June, 2018:

Present:

Alan C. Carmichael, Chairman
Donald Hunter, Vice Chairman
Floyd M. Brown, Jr.
Marlene J. Waymack
T. J. Webb

Vote:

SPECIAL EXCEPTION SE-18-01 REQUEST OF FORT POWHATAN SOLAR LLC, PURSUANT TO § 90-53 (59) TO PERMIT A LARGE-SCALE SOLAR ENERGY FACILITY. THE COMPREHENSIVE PLAN CALLS FOR AGRICULTURAL USES. THE REQUEST IS LOCATED NEAR 17401 WARDS CREEK ROAD AND KNOWN AS TAX MAPS 280(0A)00-042-0, 170(0A)00-001-0, 170(0A)00-003-0, AND 170(0A)00-006-0 IN AN A-1, GENERAL AGRICULTURAL ZONING DISTRICT.

BE IT ORDAINED by the Board of Supervisors of Prince George County that the Special Exception Application identified as SE-18-01 is granted as an amendment to the official zoning map with the following conditions:

1. This Special Exception is granted for a large-scale solar energy facility use to Fort Powhatan Solar LLC or any successors as owner / operator of the solar energy facility and is located on Tax Maps 170(0A)00-001-0, 170(0A)00-003-0, 170(0A)00-006-0 and 280(0A)00-042-0. This Special Exception may be transferred provided that Condition 11 is met relative to the proper surety.
2. All site activity required for the construction, expansion and the operation of the solar energy facility shall be limited to the following days and times: All pile driving shall be limited to the hours from sunrise to sunset Monday through Saturday. No Sunday pile driving shall occur during site construction, expansion or operation of the facility. All other normal on-site construction activity is permitted Monday through Sunday in accordance with the provisions of the County Noise Ordinance, as amended from time to time, and as enforced by the Prince George County Police Department.
3. All construction roads and construction areas shall remain dust-free by the use of a water truck or other approved method to keep sediment on the premises and not

be of a general nuisance to the adjoining property owners during site construction and/or site expansion for a solar energy facility.

4. The applicant, owner or operator of the solar energy facility shall install a security fence a minimum of six (6) feet in height around the perimeter of the solar energy facility and it shall be approved as part of the site plan submitted for the development of the property.
5. Prior to any site construction, a site parking and staging plan shall be submitted to the County subject to approval and be submitted for various stages of the site construction process. All subsequent construction processes shall also adhere to submitting a parking and staging plan prior to work commencing for expansion or decommissioning.
6. Site construction lighting shall be minimized and shall be directed downward and away from residential uses. Post construction lighting shall be limited to security lighting only as approved by any federal, state or county agency for the appropriate lighting needed.
7. The applicant, owner or operator shall coordinate directly with Fire, EMS and Emergency Management to provide solar energy materials, educational information and/or training to the respective personnel responding to the solar energy facility project in regards to how to safely respond to any emergencies that may occur on the premises.
8. A minimum fifty (50) foot buffer shall be maintained from all roads and all adjacent properties, either occupied or unoccupied. The required site landscaping and screening materials will be reviewed at the time of site plan review to properly meet the screening requirements for the solar energy facility use.
9. A Construction Traffic Management Plan and mitigation measures shall be developed by the applicant, owner or operator and shall be submitted to the Virginia Department of Transportation (VDOT) and Prince George County for review and approval. The Plan shall address traffic control measures, pre-and post-construction road evaluation and any necessary repairs to the public roads that are required as a result of any damage from the solar energy facility construction and/or expansion. All VDOT permits will be received and be approved by VDOT prior to site construction occurring on the premises.
10. A decommissioning plan shall be developed by the applicant, owner or operator prior to the approval of a site plan or any building permits being issued for a solar energy facility. If the solar energy facility 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, owner or operator shall provide notice to Prince George County in writing once

the property becomes inactive as a solar energy facility use. The decommissioning of the site shall commence within six (6) months of receipt of such notice from the applicant, owner or operator by Prince George County. This shall be known as the "Decommissioning Plan" under Zoning Ordinance Section 90-16 (ii) (e) which shall include the following: (1) anticipated life of the solar energy facility project; (2) the estimated cost of the decommissioning in the future as expressed in current dollars; (3) how said estimate was determined; (4) the manner in which the project will be decommissioned and (5) the name and physical address of the person or entity responsible for the decommissioning plan and a performance bond for the life of the use.

11. Unless the large-scale solar energy facility project is owned by a public utility within the Commonwealth of Virginia, the net costs of decommissioning shall be secured by an adequate surety in a form agreed to by the County Attorney, including but not limited to a letter of credit, cash or a guarantee by an investment grade entity, posted within thirty (30) days of the project receiving its occupancy permit or equivalent from Prince George County to operate the use. If an adequate surety is required, the cost estimates of the decommissioning shall be updated at least every five (5) years by the applicant, owner or operator and provided to the County. If the solar energy facility is sold to an entity that is not a public utility, the Special Exception shall not transfer to the purchaser until such time as adequate surety is provided for the solar energy facility. At its option, the County may require that a surety amount be increased based upon the net cost of decommissioning the use as approved by the County Attorney.
12. This Special Exception shall become null and void if the use of a large-scale solar energy facility is abandoned for a period of twenty-four (24) consecutive months.
13. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant, owner or operator to comply with any of the listed conditions or any provision of federal, state or local regulations.

Adopted on June 12, 2018 and becoming effective immediately

**BOARD OF SUPERVISORS
SPECIAL EXCEPTION SUMMARY REPORT**

CASE NUMBER: SE-18-01

APPLICANT: Fort Powhatan Solar, LLC

LOCATION: Near 17401 Wards Creek Road, Disputanta, VA 23842

TAX MAPS: 170(0A)00-003-0, 170(0A)00-001-0, 170(0A)00-006-0 and 280(0A)00-042-0

REQUEST: Special Exception to permit a large-scale solar energy facility

EXISTING ZONING: A-1, General Agricultural Zoning District

EXISTING USE: Agricultural and rural residential uses

PROPOSED USE: Large-scale solar energy facility (150 MW)

UTILITIES: Not applicable for the solar energy facility use

REAL ESTATE TAXES: Delinquent taxes are not owed to the County

MEETING INFORMATION:

Community Meeting: Tuesday, February 20, 2018 at 6:30 p.m. – Applicant Meeting

Planning Commission: Thursday, April 26, 2018 at 6:30 p.m. – Public Hearing

Thirty (30) Day Deferral by the Planning Commission

Thursday, May 24, 2018 at 6:30 p.m. – Regular Meeting

Recommended Approval with Conditions by a 5-0 vote

Board of Supervisors: Tuesday, June 12, 2018 at 7:30 pm – Public Hearing

ATTACHMENTS:

1. Special Exception Application
2. Staff Report and Color Site Map

PRINCE GEORGE COUNTY, VIRGINIA
BOARD OF SUPERVISORS STAFF REPORT
SPECIAL EXCEPTION SE-18-01 FORT POWHATAN SOLAR LLC
PUBLIC HEARING: JUNE 12, 2018

Request:

A Special Exception request to permit a large-scale solar energy facility use in an A-1, General Agricultural Zoning District.

Case Summary:

The applicant is proposing to construct a 150 MW solar electric generating facility and will be constructed on 2,600 +/- acres of land zoned A-1, General Agricultural. The solar panels will be mounted on a racking system with piles driven into the ground secured by a 6-foot security fence with 40-foot wide security access gates to allow access by operations and maintenance personnel and due to the size of this project it will be constructed in phases by the applicant.

Comprehensive Plan:

The 2018 Prince George County Comprehensive Plan identifies this area as appropriate for agricultural uses and the solar energy facility land use will be harvesting the sun for solar energy purposes sent back into the existing utility grid to serve both residential and commercial users.

Zoning Ordinance:

This Special Exception request is pursuant to Section 90-53 (59) which allows for a large-scale solar facility with a Special Exception. A large-scale solar facility is defined as: *a photovoltaic system consisting for solar PV panels, modules, accessory structures and related equipment such as DC to AC inverters, wiring, electric transformers, control systems and storage areas that collect solar energy and convert it into electricity using ten acres or more.*

Existing Use and Surrounding Zoning:

The subject property is zoned A-1, General Agricultural and it contains agricultural fields or remains vacant. The properties to the north, south east and west are zoned A-1 and contain single family dwellings or they are vacant along Nobles Road, Wards Creek Road, and Fort Powhatan Road. **Fort Powhatan itself is an adjacent property located along the James River. It originally was a part of the subject property request and the applicant following the April 26th Planning Commission Public Hearing removed the ten (10) acre historical fort site from their application request. The current property owner can continue to work with the historical society non-profit group to donate the land, provide a deeded access easement and related efforts to turn this historical site over for preservation purposes.**

Community Development – Planning Division:

This proposed solar energy facility project will not use water or sewer utilities in the solar electric generation process and will be in compliance with the County's Noise Ordinance with minimal site construction noise on site. There will be no additional burden to the County's infrastructure including roads, schools, police, fire and rescue squad calls for service. The proposed land use will add to the County's tax base but requires little to no public services to operate in Prince George County. The solar facility will operate year round generating electricity during the daylight hours only. Electric inverters which convert the DC current produced by the solar panels over to AC current which is sent to the Dominion Energy or other utility company distribution lines connected to the site and onward out into the utility grid to provide new power.

The proposed site is adjacent to scattered single-family residential and agricultural properties along Wards Creek Road and Fort Powhatan Road. Staff suggests a minimum fifty (50) feet buffer requirement along the boundaries of the property and adjacent to the roads that are not internal to the project to provide proper screening from the solar panels within Condition 8.

This proposed solar energy project is located within the Chesapeake Bay Preservation Area. The site contains perennial streams and ponds with approximately 287 acres of wetlands and contains a mile of river frontage along the James River. Projects within the Chesapeake Bay Preservation Area must observe vegetative buffers adjacent to the Resource Protection Areas as prescribed in the Zoning Ordinance and shall adhere to the County's Erosion and Sediment Control Ordinance and this will be complied with through the County's site plan review process.

Community Development – Inspections Division:

The 2012 Virginia Uniform Statewide Building Code (USBC) and 2012 Virginia Statewide Fire Prevention Code would be applicable to this proposed project. The solar equipment and related wiring would be exempt from permitting if the installer is a publicly regulated utility company and they own the equipment and wiring. Any structures supporting the equipment (except poles or towers installed by the utility company) would require permits. Permits would also be required for any electric service to the property or structures. Permits would be required to be obtained from Prince George County for this use for any items that are not exempted under the USBC.

Real Estate Assessment Information:

The approval and the subsequent construction of this development will have the following real property tax impacts with this real estate analysis information that was prepared in April 2018:

1. The rollback will be triggered upon a change in use and based on the plan presented the following summarizes a full rollback. If a portion of the property remains in a qualifying use, a partial rollback would be calculated on the acreage that is developed or ceases to be utilized as a qualifying use. If the entire acreage were to change use, the roll-back tax is estimated to be \$238,516.06. An accurate estimate of the roll-back tax charge would be difficult to accurately calculate until the final site plan is approved by the County.

A roll-back is the recapture of deferred value and taxes that benefit the property owner when a parcel qualifies for the land use program. The Code of Virginia requires the County to calculate roll-back taxes for the current year plus the five previous tax years when a parcel in the Land Use program converts to a non-qualifying use.

2. The entire parcel will no longer qualify for the Land Use Program and will be valued at Fair Market Value. For the current tax year, the Market Value is \$6,339,300 and the Use Value (Taxable Value) is \$1,976,600. A change in use will increase the taxable value \$4,362,700. The FY2019 Real Estate Tax Rate has not been adopted, however, utilizing the FY2018 rate of \$0.86, the annual increase in real estate taxes is estimated to be \$37,519.22. The potential annual tax impact is summarized below:

FY2019 ASSESSMENT				
Martin Ent.	Current	After	Change	% Change
Land (MV)	\$6,262,700	\$6,262,700	\$6,262,700	N/A
Land (Use Val)	\$1,900,000	\$0	(\$1,900,000)	
Improvements	\$76,600	\$76,600	\$0	
Taxable Value	\$1,976,600	\$6,339,300	\$4,362,700	221%
Taxes (@\$0.86)	\$16,998.76	\$54,517.98	\$37,519.22	221%

3. Real Estate Taxes, and therefore any Roll-back taxes, are attached to the land and not directly to the property owner. Rollback taxes will be assessed and billed to the owner of record at the time the rollback is generated. It is the responsibility of the property owner to negotiate the payment of roll-back taxes with the contract purchaser.

Virginia Department of Transportation:

The submitted application did not include any information as to the number of employees that would be accessing the planned facility or other information that could be used to approximate the average daily trips that would be generated by the solar facility. Accordingly, VDOT cannot determine the type of entrances or exact locations that will be proposed with the final facility.

Determination of the type of entrances will be made during the site plan review process when additional information is made available. All entrances will be required to meet VDOT standards including sight distance and geometric requirements along the impacted state maintained roads.

This proposed project will potentially impact several VDOT maintained roadways during site construction. These include SR 614, Nobles Road, SR 615, Wards Creek Road, and SR 656 Fort Powhatan Road. It is recommended that the County consider requiring the development of a Construction Traffic Management Plan and mitigation measures similar to what has been required by the County for other Special Exception permits granted for other solar energy development projects and that has been done by Planning Staff described under Condition 9.

It is anticipated that the applicant will want to cross VDOT maintained roadways to provide utility interconnections between the proposed sections of solar panels. VDOT has specific regulations concerning the crossing of VDOT roadways with utilities. It is likely that the applicant will have to be registered with the SCC as a utility company and enroll in the "Miss Utility" program as well in order to cross VDOT roadways and this can be reviewed further during site plan review.

Recommendation:

The Planning Commission and Staff recommends approval of the Special Exception request for the large-scale solar energy facility land use and recommends the following conditions to ensure that this use complies with all Federal, State and County Code requirements:

1. This Special Exception is granted for a large-scale solar energy facility use to Fort Powhatan Solar LLC or any successors as owner / operator of the solar energy facility and is located on Tax Maps 170(0A)00-001-0, 170(0A)00-003-0, 170(0A)00-006-0 and 280(0A)00-042-0. This Special Exception may be transferred provided that Condition 11 is met relative to the proper surety.
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3. All construction roads and construction areas shall remain dust-free by the use of a water truck or other approved method to keep sediment on the premises and not be of a general nuisance to the adjoining property owners during site construction and/or site expansion for a solar energy facility.
4. The applicant, owner or operator of the solar energy facility shall install a security fence a minimum of six (6) feet in height around the perimeter of the solar energy facility and it shall be approved as part of the site plan submitted for the development of the property.
5. Prior to any site construction, a site parking and staging plan shall be submitted to the County subject to approval and be submitted for various stages of the site construction process. All subsequent construction processes shall also adhere to submitting a parking and staging plan prior to work commencing for expansion or decommissioning.
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8. A minimum fifty (50) foot buffer shall be maintained from all roads and all adjacent properties, either occupied or unoccupied. The required site landscaping and screening materials will be reviewed at the time of site plan review to properly meet the screening requirements for the solar energy facility use.
9. A Construction Traffic Management Plan and mitigation measures shall be developed by the applicant, owner or operator and shall be submitted to the Virginia Department of Transportation (VDOT) and Prince George County for review and approval. The Plan shall address traffic control measures, pre-and post-construction road evaluation and any necessary repairs to the public roads that are required as a result of any damage from the solar energy facility construction and/or expansion. All VDOT permits will be received and be approved by VDOT prior to site construction occurring on the premises.

10. A decommissioning plan shall be developed by the applicant, owner or operator prior to the approval of a site plan or any building permits being issued for a solar energy facility. If the solar energy facility 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, owner or operator shall provide notice to Prince George County in writing once the property becomes inactive as a solar energy facility use. The decommissioning of the site shall commence within six (6) months of receipt of such notice from the applicant, owner or operator by Prince George County. This shall be known as the "Decommissioning Plan" under Zoning Ordinance Section 90-16 (ii) (e) which shall include the following: (1) anticipated life of the solar energy facility project; (2) the estimated cost of the decommissioning in the future as expressed in current dollars; (3) how said estimate was determined; (4) the manner in which the project will be decommissioned and (5) the name and physical address of the person or entity responsible for the decommissioning plan and a performance bond for the life of the use.
11. Unless the large-scale solar energy facility project is owned by a public utility within the Commonwealth of Virginia, the net costs of decommissioning shall be secured by an adequate surety in a form agreed to by the County Attorney, including but not limited to a letter of credit, cash or a guarantee by an investment grade entity, posted within thirty (30) days of the project receiving its occupancy permit or equivalent from Prince George County to operate the use. If an adequate surety is required, the cost estimates of the decommissioning shall be updated at least every five (5) years by the applicant, owner or operator and provided to the County. If the solar energy facility is sold to an entity that is not a public utility, the Special Exception shall not transfer to the purchaser until such time as adequate surety is provided for the solar energy facility. At its option, the County may require that a surety amount be increased based upon the net cost of decommissioning the use as approved by the County Attorney.
12. This Special Exception shall become null and void if the use of a large-scale solar energy facility is abandoned for a period of twenty-four (24) consecutive months.
13. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant, owner or operator to comply with any of the listed conditions or any provision of federal, state or local regulations.



County of Prince George, Virginia

“A global community where families thrive and businesses prosper”

June 6, 2018

BOARD OF SUPERVISORS - NOTICE OF PUBLIC HEARING

Dear owner, agent or occupant of each parcel involved that is abutting property and property immediately across the street or the road from the property affected:

This is notification that the Prince George County Board of Supervisors will hold a public hearing on **Tuesday, June 12, 2018 beginning at 7:30 pm** in the Board Room, located on the third floor of the County Administration Building, 6602 Courts Drive, Prince George, Virginia, to consider the following request that involves the Prince George County Zoning Ordinance:

SPECIAL EXCEPTION SE-18-01 REQUEST OF FORT POWHATAN SOLAR LLC, PURSUANT TO § 90-53 (59) TO PERMIT A LARGE-SCALE SOLAR ENERGY FACILITY. THE COMPREHENSIVE PLAN CALLS FOR AGRICULTURAL USES. THE REQUEST IS LOCATED NEAR 17401 WARDS CREEK ROAD AND KNOWN AS TAX MAPS 280(0A)00-042-0, 170(0A)00-001-0, 170(0A)00-003-0, AND 170(0A)00-006-0 IN AN A-1, GENERAL AGRICULTURAL ZONING DISTRICT.

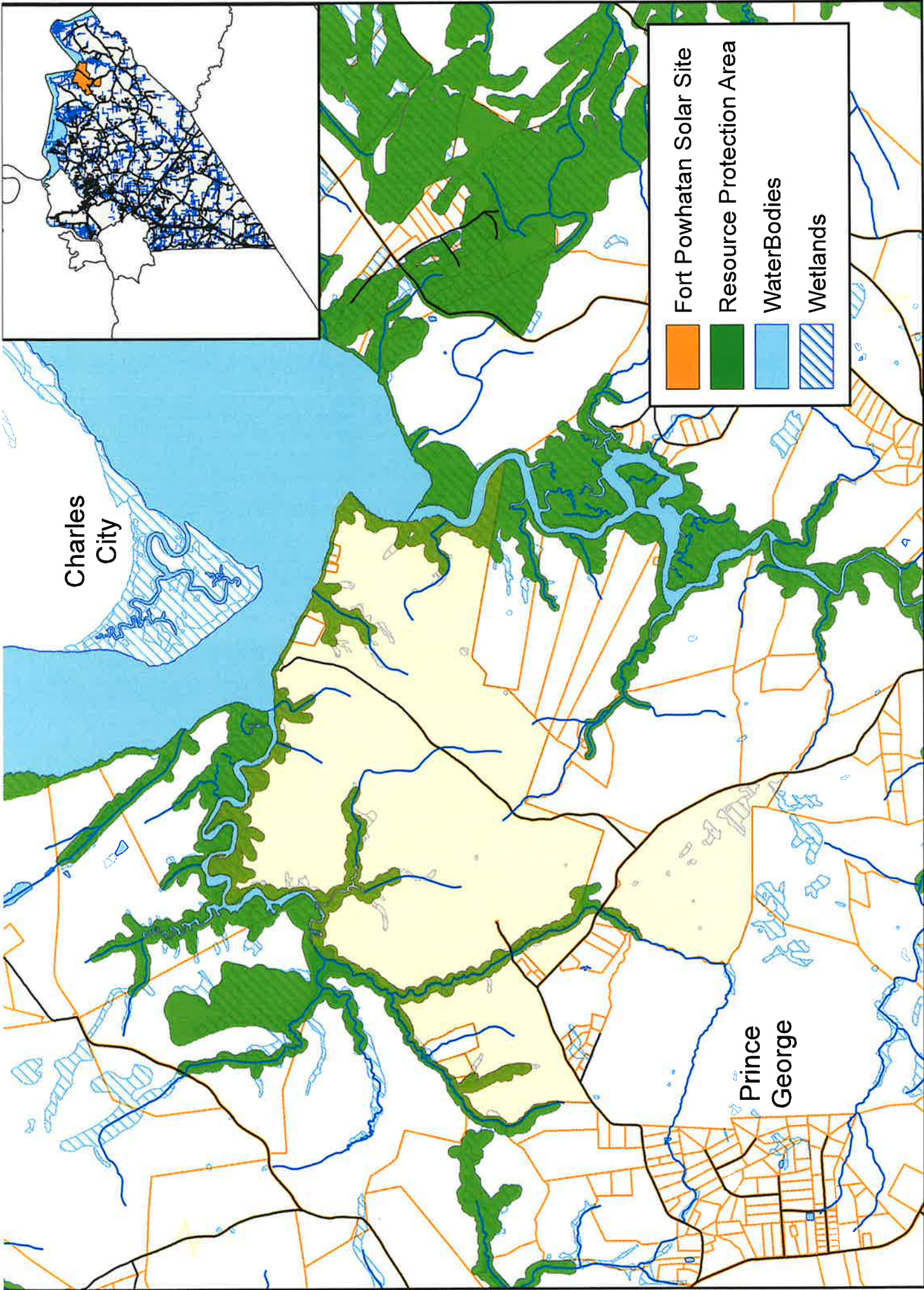
A copy of the related materials may be examined in Planning and Zoning in the County Administration Building or call 804.722.8678 and the department is open from 8:30 am to 5:00 pm Monday - Friday. All interested persons shall have the opportunity to be heard at said public hearing. We have attached a copy of the general location of the request site for your use and they have removed the 10 acre Fort Powhatan parcel from the Special Exception request.

Sincerely,

Douglas Miles

Douglas Miles, CZA
Planning Manager / Zoning Administrator

Attachment



Charles
City

Prince
George

Fort Powhatan Solar Site
Resource Protection Area
WaterBodies
Wetlands



Feet
0 5,000 10,000



FORT POWHATAN SOLAR, LLC

PROPOSED SOLAR PROJECT NARRATIVE

Fort Powhatan Solar, LLC (the "Applicant and Facility Owner") whose is an affiliate of SunEnergy1, LLC the developer and operator is proposing to build a 150 MW (AC) renewable energy generating facility within Prince George County. The facility will be constructed on approximately 3,000 acres of land zoned A-1, General Agricultural. The Fort Powhatan Solar site is located approximately at the intersection of Fort Powhatan Road and Wards Creek Road.

The 150 MW AC project will be a ground-mounted solar photovoltaic facility utilizing a single-axis tracking system. There will be a 6-foot security fence that will enclose the solar farm and 40-foot wide security access gates to allow access by operation and maintenance personal to the site.

The panels do not generate any noise, have no emissions, no odor, no lighting and are remotely monitored on a 24-hour basis. The panels will be mounted on a racking system secured by piles driven into the ground. Geotechnical evaluations will determine the depth of the poles and all work will be in accordance with Virginia Codes and certified by Virginia engineers. The structural design will be designed to withstand local hurricane requirements.

The applicant, Fort Powhatan Solar, LLC will comply with all local building codes, Prince George County regulations, Commonwealth of Virginia Permit by Rule requirements, storm-water and erosion control standards, and Federal Energy Regulatory Commission regulations to ensure a safe and viable development for Prince George County and its residents. The Applicant will follow all Prince George County zoning requirements in regards to setbacks, buffering & height restrictions.

Fort Powhatan Solar, LLC has entered into an Option to Purchase with the below property owner and will own 100% of the generating facility built on the site. The site is comprised of the parcels identified below:

Owner	Parcel #	Owner Address
Martin Enterprises Limited Partnership Phillip W. Dean	280(OA)00-042-0	2301 Wadebridge Rd Midlothian, VA 23113
	170(OA)00-003-0	
	170(OA)00-001-0	
	170(OA)00-006-0	
	180(OA)00-001-A	

→ L.N
5/24/18

RECEIVED
MAY 19 1968

Application for Special Exception – Conditional Use Permit

Fort Powhatan Solar, LLC

Recorded in the Circuit Court Clerk's Office:

Tax Number: 280(OA)00-042-0 (894 AC)

1. Deed Book: 228
2. Page: 585
3. Date: 12/23/79
4. Deed restrictions: Nothing recited that is of record. Blanket statement in the deed states, "This property is conveyed subject to existing easements and restrictions".

Tax Number: 180(OA)00-001-A (10 AC)

1. Deed Book: 228
 2. Page: 585
 3. Date: 12/23/76
 4. Deed restrictions: Nothing recited that is of record. Blanket statement in the deed states, "This property is conveyed subject to existing easements and restrictions".
- LW
5/24/18

Tax Number: 170(OA)00-001-0 (2,132.985)

1. Deed Book: 228
2. Page: 585
3. Date: 12/23/76
4. Deed restrictions: Nothing recited that is of record. Blanket statement in the deed states, "This property is conveyed subject to existing easements and restrictions".

Tax Number: 170(OA)00-003-0 (37.64)

1. Deed Book: 228
2. Page: 585
3. Date: 12/23/76
4. Deed restrictions: Nothing recited that is of record. Blanket statement in the deed states, "This property is conveyed subject to existing easements and restrictions".

Tax Number: 170(OA)00-006-0 (10 AC)

1. Deed Book: 228
2. Page: 585
3. Date: 12/23/76
4. Deed restrictions: Nothing recited that is of record. Blanket statement in the deed states, "This property is conveyed subject to existing easements and restrictions".

**Department of Community
Development & Code
Compliance**



*Julie C. Walton, Director
Dean Simmons, Building Official
Douglas Miles, Planning Mngr.*

County of Prince George, Virginia

"A global community where families thrive and businesses prosper"

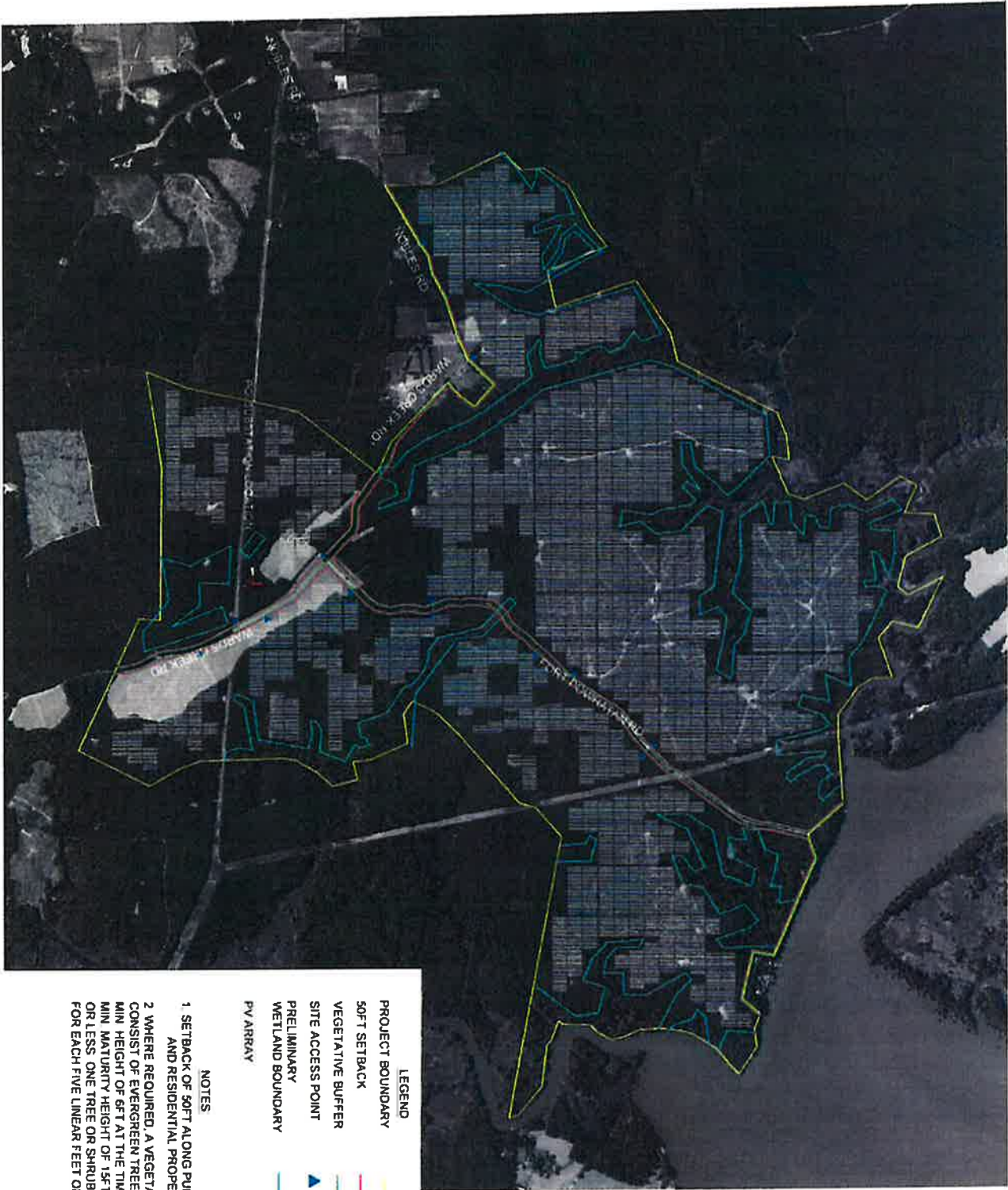
To: Angela Blount, Environmental Program Coordinator
Andrea Erard, County Attorney's Office (POA Review)
Chris Douglas, Prince George Police Department (CPTED)
Dean Simmons, Deputy Director and Building Official
Jeff Stoke, Deputy County Administrator – Econ Devt.
Julie C. Walton, Community Development Director
Paul Hinson, VDOT – Petersburg Residency Office
Brad Owens, Fire, EMS & Emergency Management
Rod Compton, County Real Estate Assessor
Horace Wade III, Planner

From: Douglas Miles, Planning Manager *DM*


Date: March 30, 2018

Subject: **SE-18-01 Fort Powhatan Utility Scale Solar Energy Facility (Sun Energy 1)**

Please provide your Special Exception case review comments in Word format (not in e-mail) to hwade@princegeorgecountyva.gov and to dmiles@princegeorgecountyva.gov by **Friday, April 13, 2018** or before if you have completed your review so we can prepare the staff report analysis.



- LEGEND**
- PROJECT BOUNDARY
 - SOFT SETBACK
 - VEGETATIVE BUFFER
 - SITE ACCESS POINT
 - PRELIMINARY WETLAND BOUNDARY
 - PV ARRAY
- NOTES**
1. SETBACK OF 50FT ALONG PUBLIC RIGHT-OF-WAYS AND RESIDENTIAL PROPERTY BOUNDARIES
 2. WHERE REQUIRED A VEGETATIVE BUFFER SHALL CONSIST OF EVERGREEN TREES OR SHRUBS WITH A MIN HEIGHT OF 6FT AT THE TIME OF PLANTING AND A MIN MATURITY HEIGHT OF 15FT WITHIN FIVE YEARS OR LESS. ONE TREE OR SHRUB SHALL BE PLANTED FOR EACH FIVE LINEAR FEET OF BUFFER YARD

SL10	FORT POWHATAN SOLAR, LLC				 192 Raceway Dr Mooresville, NC 28117 (T) 704-682-0375 (F) 704-682-0352
	9/12/2016				
	12/27/2017	AA2-177	DS	CJM	



APPLICATION FOR SPECIAL EXCEPTION - CONDITIONAL USE PERMIT

Department of Community Development and Code Compliance
6602 Courts Drive
Prince George, VA 23875
Planning Division (804) 722-8678
www.princegeorgecountyva.gov

OFFICE USE ONLY

APPLICATION #:

SE-18-01

DATE SUBMITTED:

MAR 16 2018

ZONING ORDINANCE

SECTION:

(PLEASE FILL-IN ALL BLANKS)

GENERAL PROPERTY INFORMATION

LEGAL OWNER(S) OF PROPERTY REQUESTED FOR PERMIT:

Martin Enterprises, L.P. C/O Phillip Dean

ADDRESS:

2301 Wadebridge Rd

CITY: Midlothian	STATE: VA	ZIP CODE: 23113	PHONE NUMBER: 804-647-4304
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E-MAIL ADDRESS: pwdean2@comcast.net

TAX MAP OF SUBJECT PARCEL: 280(OA)00-042-0, 180(OA)00-001-A, 170(OA)00-001-0, 170(OA)00-003-0 and 170(OA)00-006-0

RECORDED IN THE CIRCUIT COURT CLERK'S OFFICE: Please see the attached document

DEED BOOK _____ **PAGE** _____ **Date** _____ **DEED RESTRICTIONS:**

ACREAGE: Please see the attached document	PARTIAL PARCEL: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	SUBDIVISION: N/A
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PRESENT USE: Agricultural

ZONING CLASSIFICATION

LAND USE CLASSIFICATION:	PRESENT ZONING: A-1, General Agricultural
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OWNER AGENT/REP

AGENT OR REPRESENTATIVE OF PROPERTY OWNER(S), IF ANY (SPECIFY INTEREST): Kenny Habul

NAME: Fort Powhatan Solar, LLC (the Project Developer, SunEnergy1, LLC an affiliate of Fort Powhatan Solar, LLC holds an option to purchase the property from Martin Enterprises L.P)

ADDRESS: 192 Raceway Drive

CITY: Mooresville	STATE: NC	ZIP CODE: 28117	PHONE NUMBER: 704-662-0375
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E-MAIL: project.development@sunenergy1.com

PROJECT DESCRIPTION

PROVIDE A GENERAL DESCRIPTION OF THE PROJECT: (ATTACH A SEPARATE LETTER IF NECESSARY)

Fort Powhatan Solar, LLC (the Applicant) is proposing to construct a solar facility at the subject parcels above. The facility will be a ground-mounted solar photovoltaic facility utilizing a single-axis tracking system. The panels will be mounted on a racking system secured by piles driven into the ground. The entire solar facility will be enclosed by a security fence.

The panels will not generate any noise, have no emission nor odor. The facility will not require lighting after construction and are remotely monitored on a 24-hour basis.

There will be no additional burden to Prince George County infrastructure including the roadway system, water services, sewer services, schools nor fire/police.

The applicant has entered into an option to purchase with the current property owner, Martin Enterprises Limited Partnership.

AFFIDAVIT

A. The undersigned (1) Property Owner or (7) duly authorized agent or representative certifies that this petition and the foregoing answers, statement, and other information herewith submitted are in all respect true and correct to the best of their knowledge and belief.

SIGNED: [Signature] DATE: 2/26/18

MAILING ADDRESS: 192 Raceway Drive

CITY/STATE/ZIP: Mooresville, NC 28117

PHONE NUMBER: 704-662-0375

E-MAIL ADDRESS: project.development@sunenergy1.com

STATE BELOW THE NAME, ADDRESS, AND PHONE NUMBER OF PERSON(S) TO BE CONTACTED REGARDING THIS APPLICATION IF OTHER THAN ABOVE PERSON(S):

NAME: Linda Nwadike

MAILING ADDRESS: 192 Raceway Drive

CITY/STATE/ZIP: Mooresville/NC/28117

PHONE NUMBER: 704-662-0375 ext 104

E-MAIL ADDRESS: Linda.Nwadike@sunenergy1.com

STATE OF ~~VIRGINIA~~ North Carolina

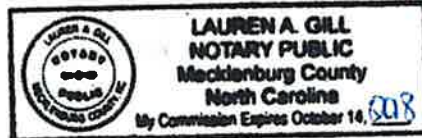
COUNTY OF: ~~PRINCE GEORGE~~ Iredell

Subscribed and sworn before me this 26th day of February, 2018.

[Signature]

Notary Public

My Commission expires: October 14, 2018



AFFIDAVIT

LAUREN A. GILL
NOTARY PUBLIC
Mecklenburg County
North Carolina
My Commission Expires October 16, 2011





FORT POWHATAN SOLAR, LLC

PROPOSED SOLAR PROJECT NARRATIVE

Fort Powhatan Solar, LLC (the “Applicant and Facility Owner”) whose is an affiliate of SunEnergy1, LLC the developer and operator is proposing to build a 150 MW (AC) renewable energy generating facility within Prince George County. The facility will be constructed on approximately 3,000 acres of land zoned A-1, General Agricultural. The Fort Powhatan Solar site is located approximately at the intersection of Fort Powhatan Road and Wards Creek Road.

The 150 MW AC project will be a ground-mounted solar photovoltaic facility utilizing a single-axis tracking system. There will be a 6-foot security fence that will enclose the solar farm and 40-foot wide security access gates to allow access by operation and maintenance personal to the site.

The panels do not generate any noise, have no emissions, no odor, no lighting and are remotely monitored on a 24-hour basis. The panels will be mounted on a racking system secured by piles driven into the ground. Geotechnical evaluations will determine the depth of the poles and all work will be in accordance with Virginia Codes and certified by Virginia engineers. The structural design will be designed to withstand local hurricane requirements.

The applicant, Fort Powhatan Solar, LLC will comply with all local building codes, Prince George County regulations, Commonwealth of Virginia Permit by Rule requirements, storm-water and erosion control standards, and Federal Energy Regulatory Commission regulations to ensure a safe and viable development for Prince George County and its residents. The Applicant will follow all Prince George County zoning requirements in regards to setbacks, buffering & height restrictions.

Fort Powhatan Solar, LLC has entered into an Option to Purchase with the below property owner and will own 100% of the generating facility built on the site. The site is comprised of the parcels identified below:

Owner	Parcel #	Owner Address
Martin Enterprises Limited Partnership Phillip W. Dean	280(OA)00-042-0	2301 Wadebridge Rd Midlothian, VA 23113
	170(OA)00-003-0	
	170(OA)00-001-0	
	170(OA)00-006-0	
	180(OA)00-001-A	

Application for Special Exception – Conditional Use Permit

Fort Powhatan Solar, LLC

Recorded in the Circuit Court Clerk's Office:

Tax Number: 280(OA)00-042-0 (894 AC)

1. Deed Book: 228
2. Page: 585
3. Date: 12/23/79
4. Deed restrictions: Nothing recited that is of record. Blanket statement in the deed states, "This property is conveyed subject to existing easements and restrictions".

Tax Number: 180(OA)00-001-A (10 AC)

1. Deed Book: 228
2. Page: 585
3. Date: 12/23/76
4. Deed restrictions: Nothing recited that is of record. Blanket statement in the deed states, "This property is conveyed subject to existing easements and restrictions".

Tax Number: 170(OA)00-001-0 (2,132.985)

1. Deed Book: 228
2. Page: 585
3. Date: 12/23/76
4. Deed restrictions: Nothing recited that is of record. Blanket statement in the deed states, "This property is conveyed subject to existing easements and restrictions".

Tax Number: 170(OA)00-003-0 (37.64)

1. Deed Book: 228
2. Page: 585
3. Date: 12/23/76
4. Deed restrictions: Nothing recited that is of record. Blanket statement in the deed states, "This property is conveyed subject to existing easements and restrictions".

Tax Number: 170(OA)00-006-0 (10 AC)

1. Deed Book: 228
2. Page: 585
3. Date: 12/23/76
4. Deed restrictions: Nothing recited that is of record. Blanket statement in the deed states, "This property is conveyed subject to existing easements and restrictions".

SPECIFIC LIMITED POWER OF ATTORNEY

MARTIN ENTERPRISES, L.P., a Virginia limited partnership (“Principal”), whose principal office address is 2301 Wadebridge Road, Midlothian, VA 23113, by and through **PHILLIP W. DEAN** and **J. HARVIE MARTIN, III**, its sole General Partners, does hereby grant a limited and specific power of attorney to, and by this specific power of attorney does hereby make, constitute, and appoint, **Kenny Habul, Bradley Fite, Linda Nwadike, and Kelly Hoyt**, all duly authorized representatives of: (i) **FORT POWHATAN SOLAR, LLC**, a Virginia limited liability company, whose principal office address is 192 Raceway Drive, Mooresville, NC 28117, Telephone No. (704) 662-0375, and (ii) **SUNENERGY1, LLC**, a North Carolina limited liability company, whose principal office address is 192 Raceway Drive, Mooresville, NC 28117, Telephone No. (704) 662-0375; as its true and lawful Attorneys-in-Fact, any of whom may act, in its place and stead for the limited purpose of applying for a special exception-conditional use permit and site plan approval process through the Planning and Zoning Department of Prince George County, Virginia; to allow for the operation of a utility scale solar photovoltaic system (the “Project”), on Tax Parcel(s) 280(OA)00-042-0, 170(OA)00-003-0, 170(OA)00-001-0, 170(OA)00-006-0 & 180(OA)00-001-A (the “Land”), in the aforesaid County by Fort Powhatan Solar, LLC.

This power of attorney is effective upon execution. This power of attorney may be revoked by Principal at any time, and shall automatically be revoked upon the earlier of: (a) final action or withdrawal of the application to which this form applies; (b) purchase of the Land by SunEnergy1, LLC or its related affiliate; or (c) on December 31, 2019; *however*, any person relying on this power of attorney shall have full rights to accept and rely upon the authority of the attorneys-in-fact until actual notice of revocation.

SIGNATURES AND ACKNOWLEDGEMENTS ON FOLLOWING PAGE

EXHIBIT 1 - [Illegible Title]

ARTICLE 1. [Illegible text]

ARTICLE 2. [Illegible text]

ARTICLE 3. [Illegible text]

ARTICLE 4. [Illegible text]

SIGNATURES AND ACKNOWLEDGEMENTS

PRINCIPAL: MARTIN ENTERPRISES, L.P.

Dated: 3-11-2018

Phillip W Dean (SEAL)
By: PHILLIP W. DEAN
Title: General Partner

Dated: 3-7-2018

J Harvie Martin III (SEAL)
By: J. HARVIE MARTIN, III,
Title: General Partner

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Chesterfield to-wit:

The foregoing instrument was personally signed and acknowledged by PHILLIP W. DEAN, General Partner of Martin Enterprises, L P., before me this 11th day of March, 2018.

Notary Registration No.: 1157405; My commission expires: 2/30/19

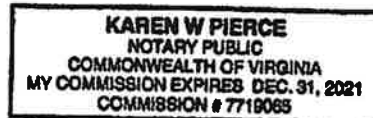
Helen McCallum
Notary Public
Print Name: Helen McCallum

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Stafford, to-wit:

The foregoing instrument was personally signed and acknowledged by J. HARVIE MARTIN, III, General Partner of Martin Enterprises, L P., before me this 7 day of March, 2018.

Notary Registration No.: #7719065; My commission expires: 12-31-2021

Karen W Pierce
Notary Public
Print Name: KAREN W PIERCE



COMMISSION & EXPIRES
MY COMMISSION EXPIRES DEC. 31, 2021
COMMONWEALTH OF VIRGINIA
NOTARY PUBLIC
KAREN W. PIERCE

**PUBLIC NOTICE
COUNTY OF PRINCE
GEORGE**

Public Notice is hereby given to all interested persons regarding the following public meeting: The Prince George County Board of Supervisors will hold a public hearing on Tuesday, June 12, 2018 beginning at 7:30 p.m. concerning the following public hearing request: SPECIAL EXCEPTION SE-18-01 REQUEST OF FORT POWHATAN SOLAR LLC, PURSUANT TO § 90-53 (59) TO PERMIT A LARGE-SCALE SOLAR ENERGY FACILITY. THE COMPREHENSIVE PLAN CALLS FOR AGRICULTURAL USES. THE REQUEST IS LOCATED NEAR 17401 WARDS CREEK ROAD AND KNOWN AS TAX MAPS 280(OA)00-042-0, 170(OA)00-001-0, 170(OA)00-003-0, AND 170(OA)00-006-0 IN AN A-1, GENERAL AGRICULTURAL ZONING DISTRICT. The meeting will be held in the Board Room, on the third floor, of the County Administration Building, pursuant to §15.2-2204, §15.2-2225 and §15.2-2285, The Code of Virginia (1950, as amended). A copy of the related material may be examined in Planning and Zoning in the County Administration Building and is open from 8:30 a.m. to 5:00 p.m., Monday - Friday, 804.722.8678. All interested persons shall have the opportunity to be heard at said public hearing.

Percy C. Ashcraft
County Administrator