

Issue Analysis Form

Date: July 12, 2022

Item: Special Exception Request # SE-22-02

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

Lead Department: Community Development

Contact Person: Tim Graves, Planner



Description and Current Status

The applicant would like to develop and operate a Community Solar Garden (Large-scale solar facility) on a 47-acre portion of a 631-acre property on James River Drive. They are requesting a special exception pursuant to Section § 90-53 (59) of the Zoning Ordinance. Staff found that the request adheres to the Solar Energy Facility Siting Policy.

On June 23, 2022, the Planning Commission held a public hearing and determined the project IS in Substantial Accord with the Comprehensive Plan by a 5-0 vote. Following this determination, they held a public hearing for the Special Exception request and recommended **APPROVAL**, subject to recommended conditions contained in the draft ordinance, by a 5-0 vote.

Staff, on behalf of the Planning Commission, has attached the draft ordinance for consideration and is requesting a motion to **APPROVE** the ordinance.

Sample Motion:

"I move that the Board approve Special Exception request SE-22-02, subject to the specified conditions."

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	Completed June 23, 2022
Does this require Board of Supervisors action?	<input checked="" type="checkbox"/> Yes	Public Hearing on July 12, 2022
Does this require a Public Hearing?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If so, before what date?	N/A	

Fiscal Impact Statement

At a minimum, the proposed use would generate additional tax revenue from increased real estate taxes and machinery & tools taxes. Staff estimated additional revenue to the county of at least \$868,080 over 40 years compared to the current land use.

County Impact

The special exception would allow the new solar energy facility to open in the County and provide residents and the surrounding community with sustainable electricity generation.

Notes

Attached: Draft Ordinance; Staff report; Application and attachments; Community Meeting Summary; Public Comment 6-15-22; Public notice documents; Powerpoint Presentation

Board of Supervisors
County of Prince George, Virginia

DRAFT 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 July, 2022:

Present:

Marlene J. Waymack, Chair
Donald R. Hunter, Vice-Chair
Floyd M. Brown, Jr.
Alan R. Carmichael
T. J. Webb

Vote:

SPECIAL EXCEPTION SE-22-02: Powell Creek Solar, LLC requests a special exception pursuant to § 90-53 (59) to permit a large-scale solar energy facility in an A-1 (General Agricultural) Zoning District. The 5-megawatt facility is proposed on an approximately 47-acre portion of the 631-acre subject property, with the development area situated along James River Drive, west of the intersection with Nobles Road. The subject property is identified as Tax Map 270(03)00-003-0 and addressed as 14921 James River Drive. On June 23, 2022, the Prince George County Planning Commission found the request to be in substantial accord with the Prince George County Comprehensive Plan.

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

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

3. **Site Plan Requirements.** The Solar Energy Facility shall meet all conditions for Site Plan Requirements as defined in the Prince George County, Virginia: Solar Energy Facility Siting Policy in effect as of the date of Special Exception application (the “Siting Policy.”) The materials submitted for Site Plan review shall include an Invasive Species Management Plan with satisfactory compliance with the recommendations provided by DCR as referenced in the Staff Report.
4. The Solar Energy Facility shall be constructed in accordance with the County-approved grading plan as approved by County staff prior to the commencement of any construction activities, and in accordance with the Erosion and Sediment Control Plan.
5. **Operations.** The Solar Energy Facility shall meet all conditions for operations in the Siting Policy.
6. **Buffers.** The Solar Energy Facility shall meet all conditions for buffer setbacks and landscape requirements as required in the Siting Policy.
7. **Wildlife Corridors.** The applicant shall identify an access corridor for wildlife to navigate through the Solar Energy Facility. The proposed wildlife corridor shall be shown on the site plan submitted to the County. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.
8. **Height of Structures.** Solar Energy Facility structures shall meet all required conditions for structure height in the Siting Policy.
9. **Development Standards.** The project shall meet all Development Standards as defined under “Development Standards” in the Siting Policy.
10. **Inspections.** The owner of the Solar Energy Facility (“Owner”) will allow designated County representatives or employees access to the facility for inspection purposes at any time during the construction process and thereafter upon 24 hours advance notice. The Owner will maintain current contact information on file with the Planning Manager.
11. Owner shall coordinate directly with Fire, EMS and Emergency Management to provide solar energy materials, educational information and/or training to the respective personnel responding to the solar energy facility project in regards to how to safely respond to any emergencies that may occur on the premises.
12. **Compliance.** The Solar Energy Facility shall be designed, constructed, and tested to meet relevant local, state, and federal standards as applicable.
13. **Decommissioning.** The Solar Energy Facility shall meet all conditions for Decommissioning as specified in the Siting Policy. Decommissioning shall commence no later than the 40th anniversary of the commercial operation date.

Exhibit A

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

15. This Special Exception shall become null and void if the use of a 5MW scale solar energy facility is abandoned for a period of twenty-four (24) consecutive months. This Special Exception shall become null and void if the construction process has not started within 36 months of the date of Special Exception Approval.

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

17. The Project will be taxed in accordance with § 58.1-2606.1 (effective July 1, 2022). Local taxation for solar photovoltaic projects five megawatts or less (i.e. Virginia Machinery and Tools Tax). Should the Machinery and Tools Tax levied against the project amount to a sum less than what is shown in Exhibit A during any year of operations (based on the actual installed MW capacity of the project), then the Owner shall be responsible for paying to the County substantial cash payments in excess of the Machinery and Tools Tax to reach the total amount in Exhibit A for that given year. While the project size is estimated at 5MWac, the final payment amount of any substantial cash payments will be prorated to account for actual installed project MWac size.

Any substantial cash payments made by the Owner to the County are intended for substantial public improvements, the need for which is not generated solely by the granting of this permit, so long as such improvements are reasonably related to the solar facility that is the subject of this permit. The Owner

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

and the County acknowledge and agree that the County may identify in future budget years qualifying substantial public improvements that will be funded by the annual substantial cash payments to be provided by the Owner.

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

Adopted on July 12, 2022 and becoming effective immediately.



BOARD OF SUPERVISORS STAFF REPORT

Public Hearing July 12, 2022

SE-22-02 – Powell Creek Solar Facility

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

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

I. Request

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

II. Property

Address: 14921 James River Drive

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

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

Legal Owner: Ronald Heretick

RE Taxes Paid?: Yes, Current

Zoning District: A-1 General Agricultural

Current Use: Agricultural

Comp Plan Land Use: Agricultural

Planning Area: Rural Conservation Area

Previous Zoning Cases: None

III. Meeting Information

Applicant-led Community Meetings: March 2 and March 15, 2022 @ Burrowsville Ruritan Club
Planning Commission Public Hearing: June 23, 2022
Board of Supervisors Public Hearing: July 12, 2022

IV. Background

Preliminary application submitted October 8, 2021. Comment letter dated December 8, 2021.
Formal application submitted February 3, 2022.

V. Applicant Proposal

The applicant proposes to develop a Community Solar Garden, which allows off-site energy customers to subscribe to a certain amount of the energy output of a facility in exchange for a credit on an energy bill. The outward appearance and layout of the proposed facility is comparable to existing solar facilities in PG County, but with a smaller footprint compared to larger projects previously approved in the County.

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

This project will be subject to paying Machine & Tools taxes. The Applicant has volunteered to pay a minimum amount in M&T taxes or cash payments, so if the the M&T taxes do not amount to a certain threshold, the Applicant proposes to provide cash payments to cover the difference.

VI. Exhibits

Exhibit 1 – Aerial View (showing general project area)

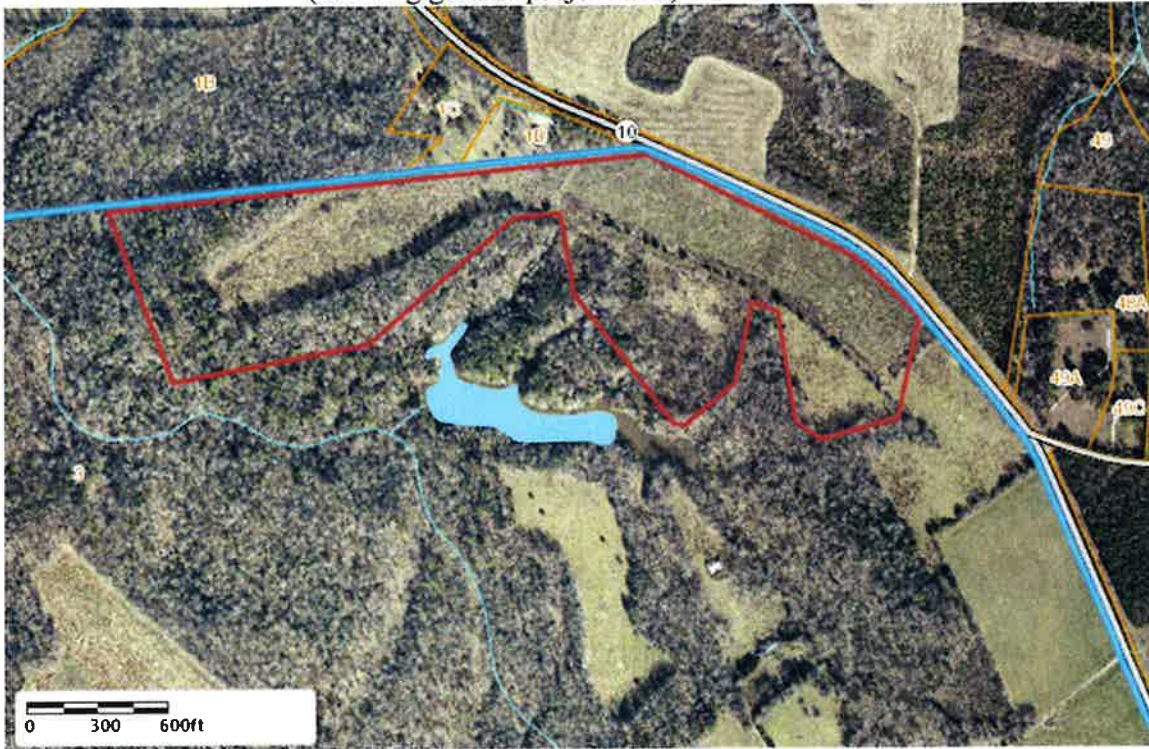
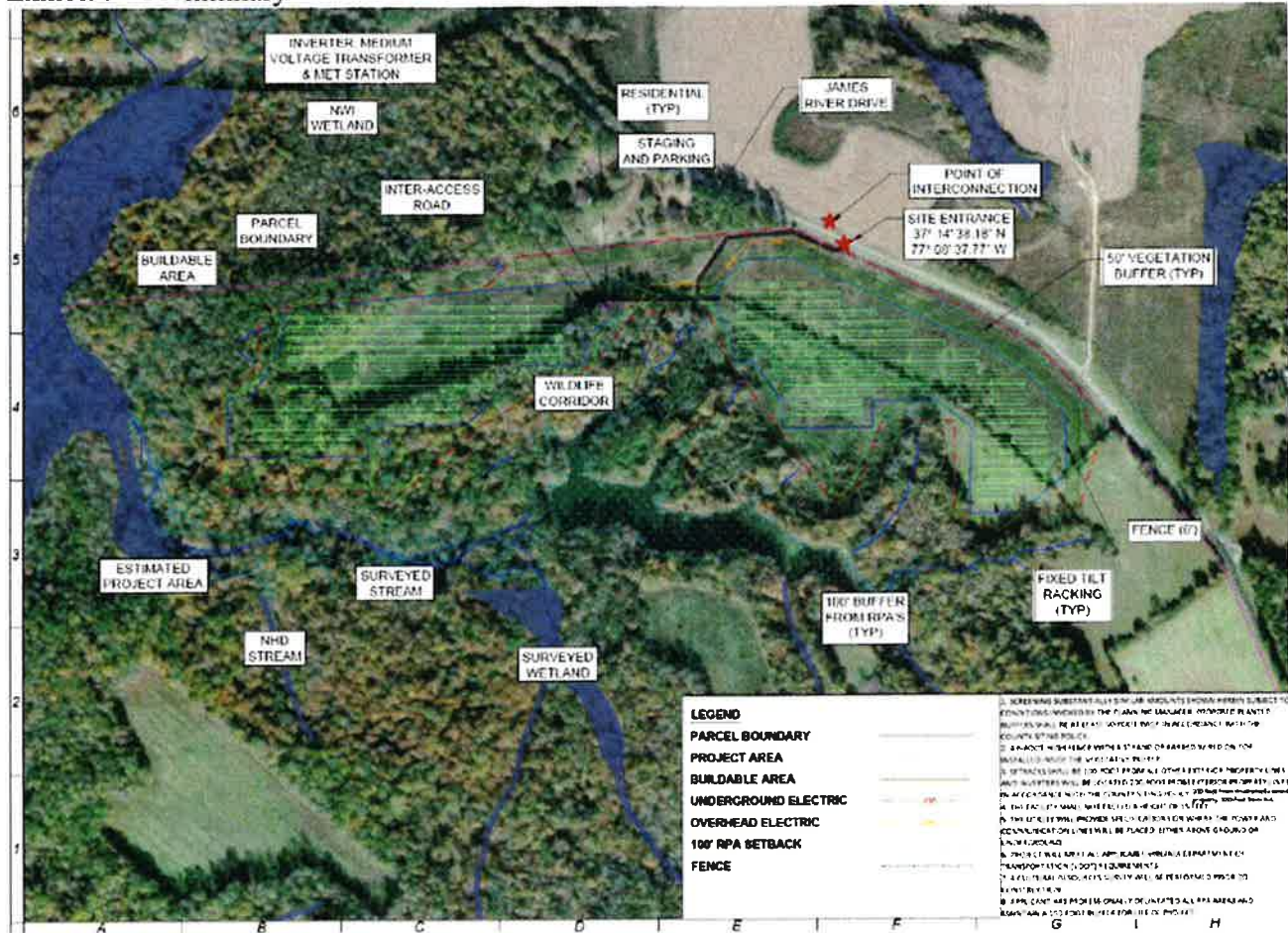


Exhibit 2 – Zoning Map (showing general project area)



Exhibit 3 - Preliminary Site Plan



VII. Planning and Zoning Review Comments

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

9. Estimated Fiscal Impacts:

- a. The project is not exempt from Machine & Tools taxes. The Staff Report for the Planning Commission hearing erroneously stated that this project was exempt from M&T taxes. As public hearing date approached, Staff discovered that a new law would be effective July 1, 2022 which requires that projects that have not been approved (by the Board of Supervisors) prior to July 1, 2022 are not exempt from paying applicable taxes (including M&T taxes) as required by law.
- b. County Staff and the applicant agreed upon the estimated fiscal impacts of the project in comparison with the current land use (Agriculture) and the planned future land use (Agriculture). The application narrative submitted by the applicant includes a table of those estimates. This table is still reasonably accurate since the applicant has volunteered to pay additional cash payments if a minimum amount is not paid to the county each year in the form of M&T taxes.
- c. In summary, it is estimated that the project will provide additional revenue to the County of a minimum of \$868,080 over the expected 40-year life of the project, equivalent to \$18,470 per acre developed.
- d. In addition to new M&T taxes generated, the increased revenue would come primarily from increased real estate taxes.

VIII. Substantial Accord Determination

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

Below is a summary of Staff’s findings on how the proposed facility complies or does not comply with the guidance of the Siting Policy regarding the placement of new facilities within the County.

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

On June 23, 2022, after reviewing the Staff Report for the Substantial Accord (SA-22-01) and holding a public hearing, the Planning Commission determined the proposed facility is in substantial accord with the Comprehensive Plan, for the following reasons:

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

IX. Supplemental Staff Review Comments

Building Inspections Division – Charles Harrison III, Building Official

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

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

1. A low volume commercial entrance will be required for permanent access to the site after construction is complete. Low volume commercial entrances must demonstrate that stopping sight distance is provided at the proposed entrance and meet applicable standards. The application evaluated available sight distance and recommended moving the entrance to the east. VDOT supports the proposed entrance location identified in the Construction Traffic Management Plan (CTMP).
2. VDOT has reviewed the CTMP included as Section 12 of the application. The proposed access routes, parking areas and staging areas are acceptable to VDOT. The application discusses a signage plan to direct trucks to the site. Only signs in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) and Virginia supplement or the VDOT Land Use Regulations will be allowed to be installed in the VDOT maintained right-of-way (ROW).
3. Only public utilities are allowed to cross or be installed within VDOT maintained ROW. This will include the proposed connection shown crossing SR 10 to Dominion Energy's transmission network.
4. VDOT has no objection to the proposed special exception request.

Real Estate Assessor - Carol Crawford, Real Estate Operations Coordinator

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

Environmental Division - Angela Blount, Environmental Program Coordinator

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

Virginia Department of Conservation and Recreation (State Agency)

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

1. The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.
2. According to the information currently in Biotics, natural heritage resources have not been documented within the submitted project boundary including a 100-foot buffer. Please note, a predictive model

identifying potential habitat for natural heritage resources intersects the project boundary. However, based on DCR biologist's review of the proposed project a survey is not recommended for the resource.

3. DCR recommends the development of an invasive species management plan for the project and the planting of Virginia native pollinator plant species that bloom throughout the spring and summer, to maximize benefits to native pollinators. DCR recommends planting these species in at least the buffer areas of the planned facility, and optimally including other areas within the project site. For screening zones outside the perimeter fencing, DCR recommends native species appropriate for the region be used. <https://www.deq.virginia.gov/home/showpublisheddocument?id=2466>. Page 3 of the addendum provides a list of native alternatives for non-natives commonly used for site stabilization including native cover crop species (i.e. Virginia wildrye).
4. In addition, the proposed project will fragment an Ecological Core (C3) as identified in the Virginia Natural Landscape Assessment.
5. The current activity will not affect any documented state-listed plants or insects.
6. There are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

The departments below reviewed this request and had no comments.

Economic Development – *Stacey English, Economic Development Specialist*

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

Fire & EMS Department – *Shawn Jones*

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

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

X. Public Notice and Community Feedback

- The applicant held community meetings prior to submitting its final application and provided a summary of all feedback and explained how the application addresses the feedback. (copy attached)
- Staff notified adjacent property owners by mailing prior to the public hearing.
- Staff ran the required legal ads for this request in the *Progress-Index* prior to the public hearing.
- Staff posted a sign on the property on 6-16-22.
- The applicant reviewed a copy of this report prior to the Planning Commission hearing date.
- Planning Staff did not receive any public comments prior to the public hearing on June 23, 2022. There were no public comments made during the hearing. After the public hearing, Staff learned that one public comment had been submitted on 6-15-22 via the County website comment form prior to the PC meeting by Christopher Stevenson who lives at 15301 James River Drive. A copy is included with this report.

XI. Planning Commission Recommendation

The Planning Commission recommended Approval, subject to the recommended conditions.

XII. Recommended Conditions for the Special Exception

The recommended conditions for this project are consistent with the Siting Policy and intended to ensure applicable code requirements are met and limit any expected impacts on adjacent property owners and the surrounding community. The conditions include revisions from June 23, 2022 prior to the Planning Commission Public Hearing. The Applicant supports the conditions, and the Planning Commission recommended approval with these conditions.

1. This Special Exception is granted for a 5MW scale solar energy facility use to Powell Creek Solar, LLC and is located on Tax Map 270(03)00-003-0 (the “Solar Energy Facility”). This Special Exception may be transferred provided that applicable conditions of the Siting Policy regarding proper surety for Decommissioning are met.
2. Prorated payment of rollback taxes for parcel 270(03)00-003-0 enrolled in the Land Use program shall be a precondition of the County’s issuance of a land disturbance permit pursuant to a site plan prepared for the solar energy facility. Prorated payment will be based on the maximum acreage to be used for the Solar Energy Facility, including acreage for panels, fencing, access roads, and buffer and screening requirements, as such maximum acreage is detailed and delineated in the approved site plan (approximately 47 acres—final acreage will be determined by final site plan approvals and DEQ stormwater approvals), and is not the entire 631 acres associated with parcel 270(03)00-003-0.
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11. Owner shall coordinate directly with Fire, EMS and Emergency Management to provide solar energy materials, educational information and/or training to the respective personnel responding to the solar energy facility project in regards to how to safely respond to any emergencies that may occur on the premises.

12. Compliance. The Solar Energy Facility shall be designed, constructed, and tested to meet relevant local, state, and federal standards as applicable.
13. Decommissioning. The Solar Energy Facility shall meet all conditions for Decommissioning as specified in the Siting Policy. Decommissioning shall commence no later than the 40th anniversary of the commercial operation date.
14. Power Sales. Prior to the issuance of any building permit for the solar energy facility, the Owner shall, subject to applicable confidentiality obligations, advise the County of the intended avenue in which the project power will be sold. Upon the County's request and waiver of any applicable confidentiality obligations by the counterparty, the applicant shall provide the County and legal counsel with a redacted version of the executed power purchase agreement or sale agreement.
15. This Special Exception shall become null and void if the use of a 5MW scale solar energy facility is abandoned for a period of twenty-four (24) consecutive months. This Special Exception shall become null and void if the construction process has not started within 36 months of the date of Special Exception Approval.
16. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant, owner or operator to comply with any of the listed conditions or any provision of federal, state or local regulations.
17. The Project will be taxed in accordance with § 58.1-2606.1 (effective July 1, 2022). Local taxation for solar photovoltaic projects five megawatts or less (i.e. Virginia Machinery and Tools Tax). Should the Machinery and Tools Tax levied against the project amount to a sum less than what is shown in Exhibit A during any year of operations (based on the actual installed MW capacity of the project), then the Owner shall be responsible for paying to the County substantial cash payments in excess of the Machinery and Tools Tax to reach the total amount in Exhibit A for that given year. While the project size is estimated at 5MWac, the final payment amount of any substantial cash payments will be prorated to account for actual installed project MWac size.

Any substantial cash payments made by the Owner to the County are intended for substantial public improvements, the need for which is not generated solely by the granting of this permit, so long as such improvements are reasonably related to the solar facility that is the subject of this permit. The Owner and the County acknowledge and agree that the County may identify in future budget years qualifying substantial public improvements that will be funded by the annual substantial cash payments to be provided by the Owner.

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

(Exhibit A is included in the draft ordinance)



Special Exception Permit Application

(FINAL)

Powell Creek Solar Farm

County, VA

Powell Creek Solar, LLC

February 3, 2022
Revisions Made on June 8, 2022

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1. Summary of Application

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

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

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

NV: 1264
 Energy SE-22-0007



SPECIAL EXCEPTION APPLICATION

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

OFFICE USE ONLY
APPLICATION #:
 SE-22-02
DATE SUBMITTED:
 FEB 03 2022
 BY: T/G

APPLICANT FILL-IN ALL BLANKS

REQUEST	REQUEST: Powell Creek Solar Submitted by: Powell Creek Solar, LLC		
	REQUEST PROPERTY ADDRESS / LOCATION: 14921 JAMES RIVER DRIVE Disputanta, VA 23842		
	REQUEST TAX MAP PIN(S): (List all) 270(03)00-003-0	AFFECTED ACREAGE (Each parcel): Project Area: ~ 42 ac Total Parcel Area: 610 ac	ENTIRE PARCEL (Y / N - Each parcel): No
	ATTACHMENTS (Check if Attached; * = Required): <input checked="" type="checkbox"/> APPLICANT STATEMENT* (Specify goals, details, etc.) <input type="checkbox"/> COMMUNITY MEETING SUMMARY <input checked="" type="checkbox"/> PROPOSED CONDITIONS <input checked="" type="checkbox"/> ADDITIONAL ATTACHMENTS: <input checked="" type="checkbox"/> SITE LAYOUT SKETCH OR CONCEPTUAL SITE PLAN* (Show proposed improvements; Use GIS or Engineer Drawing) Application document includes potential tech spec sheets		

Blackwater
 FEMA ✓
 Rural Plan
 A-1

LEGAL OWNER	NAME(S): Ronald Heretick	
	MAILING ADDRESS: (Incl. City, State, Zip): 14921 JAMES RIVER DRIVE Disputanta, VA 23842	
	E-MAIL: ronald.e.h51@gmail.com	PHONE: 804-926-0262

APPLICANT CONTACT	NAME(S): if different than owner): Ken Young, Chief Operating Officer <i>Ken Young</i>	
	RELATION TO OWNER: Project Developer/Land Tenant	
	MAILING ADDRESS: (Incl. City, State, Zip): Apex Clean Energy 120 Garrett Street, Suite 700 Charlottesville, VA 22902	
	E-MAIL: andrew.hull@apexcleanenergy.com	PHONE: 919-724-1806

OFFICE USE ONLY (Completed at the time of application)

ZONING DISTRICT(S): A-1	LAND USE(S) CODE REFERENCE(S): 90-53 (S) Large Scale Solar
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PAYMENT	FEE DUE: Special Exception: \$700 Special Exception Home Occ: \$350	FEE PAID: \$700	PAYMENT TYPE: CHECK / CASH / CREDIT / DEBIT
	CHECK # / TRANSACTION #:	DATE RECEIVED: 2/3 Processed	RECEIVED BY: T/G

2/4 MBS

OWNER AFFIDAVIT

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

NAME: RONALD E HERETICK

NAME: _____

SIGNED: Ronald E Heretick

SIGNED: _____

DATE: 01/31/2022

DATE: _____

AFFIDAVIT

NOTARIZATION:

STATE OF VIRGINIA

COUNTY OF: Chesterfield

Subscribed and sworn before me this 31 day of January, 2022.

Brittany d. Grant
Notary Public

My Commission expires: 04/30, 20 24



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

1999664140002 Missy G.02/04/2022 11:34AM

EG INVOICE

HERETICK, RONALD
2022 Item: INV-00001264
Special Exception
Request 700.00

700.00

Subtotal 700.00
Total 700.00

CHECK 700.00
Check Number 051239

Change due 0.00

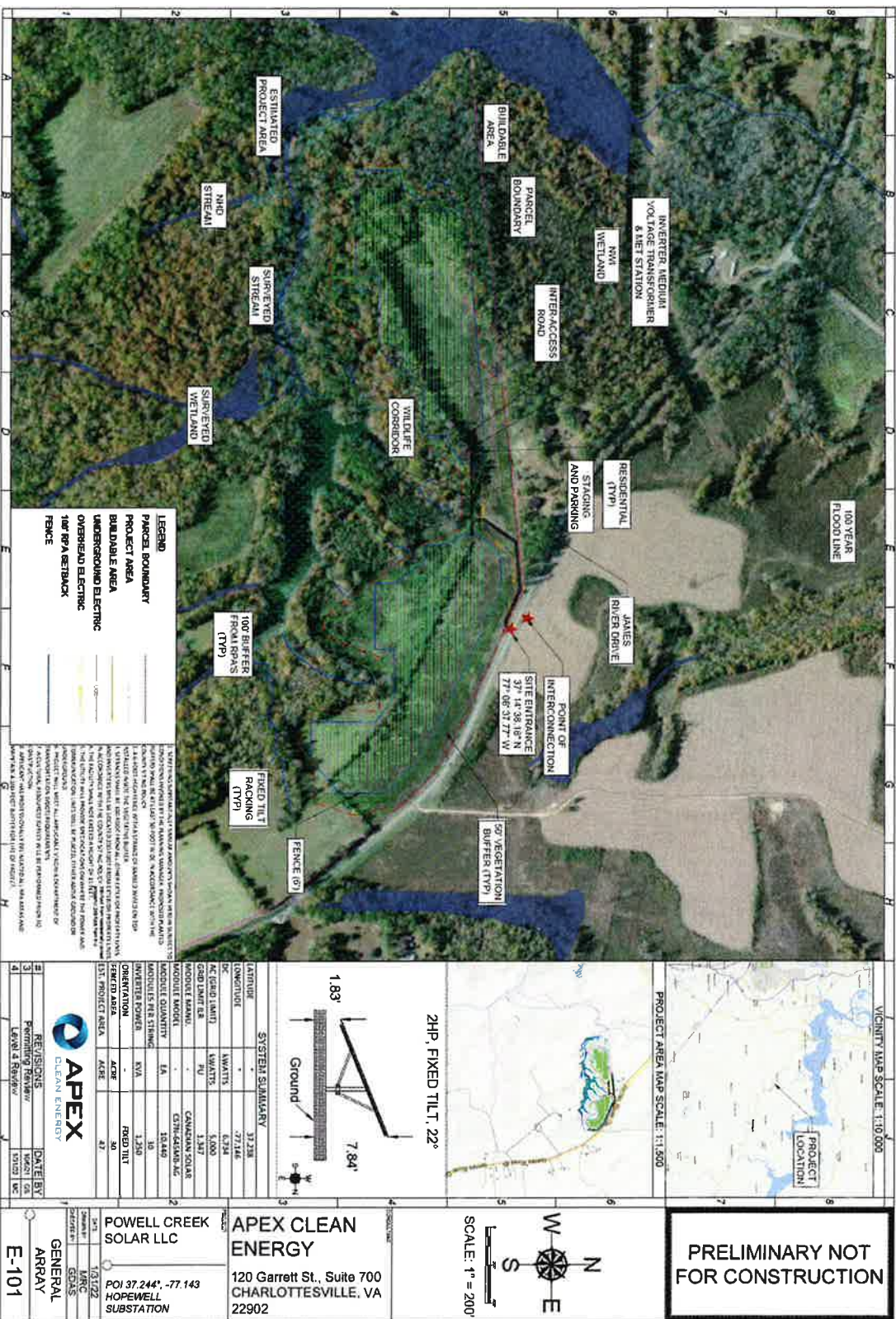
Paid by: HERETICK, RONALD

Thank you for your payment

CUSTOMER COPY

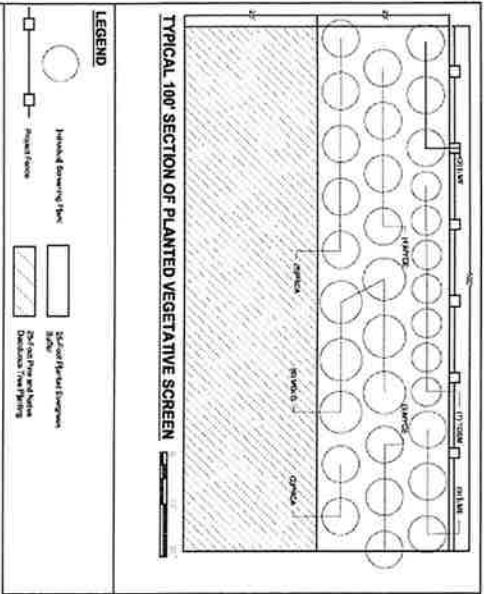
3. Preliminary Site Plan (Digital Copy Provided Separately)

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



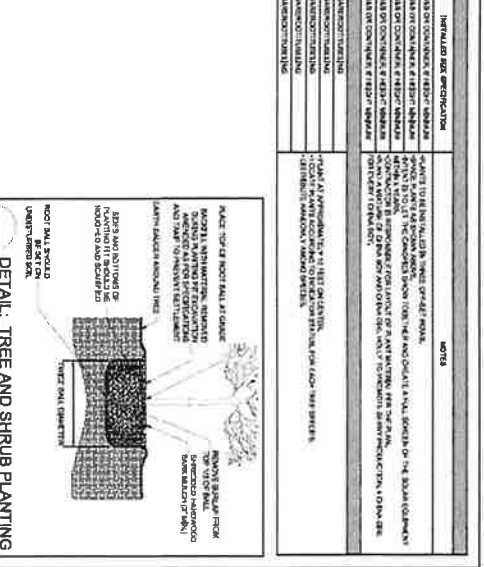
Following County ordinance, the Preliminary Site Plan accounts for the following setbacks: at least 300 feet from residentially-zoned property; 200 feet from R-A; 100 feet from all other exterior property lines; inverters will be located 200 feet from exterior property lines; and the project will not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

4. Landscape and Screening Plan (Digital Copy Provided Separately)



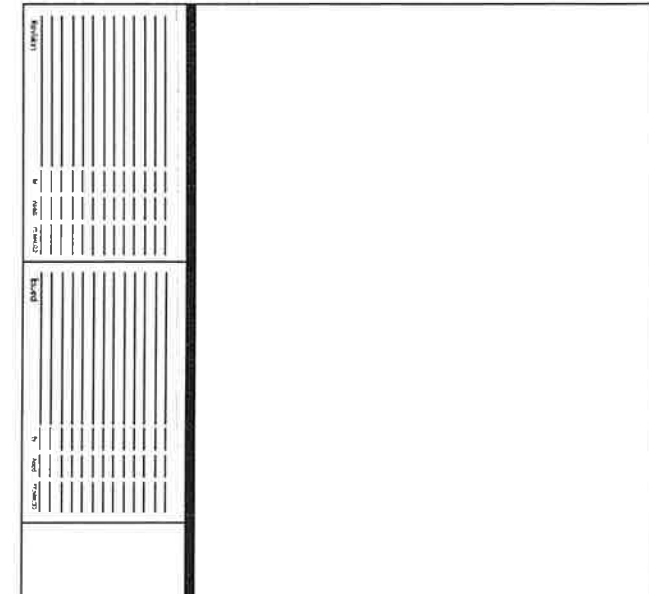
VEGETATION SCREENING PLAN

VEGETATION	SOIL MEDIA VOLUME	SCREENING	APPROXIMATE PLANTING RATE PER 100' SECTION	APPROXIMATE PLANTING RATE PER 100' SECTION	INSTALLATION OR REPLACEMENT	NOTES
1. 10' TREE	100' x 10' x 10'	100'	10'	10'	100'	PLANT TO BE INSTALLED IN THE PLANTING AREA. PLANTING TO BE COMPLETED WITHIN 90 DAYS OF THE COMMENCEMENT OF CONSTRUCTION. PLANTING TO BE COMPLETED WITHIN 90 DAYS OF THE COMMENCEMENT OF CONSTRUCTION. PLANTING TO BE COMPLETED WITHIN 90 DAYS OF THE COMMENCEMENT OF CONSTRUCTION.
2. 5' SHRUB	100' x 5' x 5'	100'	5'	5'	100'	PLANT TO BE INSTALLED IN THE PLANTING AREA. PLANTING TO BE COMPLETED WITHIN 90 DAYS OF THE COMMENCEMENT OF CONSTRUCTION. PLANTING TO BE COMPLETED WITHIN 90 DAYS OF THE COMMENCEMENT OF CONSTRUCTION. PLANTING TO BE COMPLETED WITHIN 90 DAYS OF THE COMMENCEMENT OF CONSTRUCTION.



GENERAL PLANTING NOTES:

- 1. ALL PLANTING SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS (ASLA) PRACTICE STANDARD FOR PLANTING AND THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS (ASLA) PRACTICE STANDARD FOR PLANTING AND THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS (ASLA) PRACTICE STANDARD FOR PLANTING.
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- 3. ALL PLANTING SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS (ASLA) PRACTICE STANDARD FOR PLANTING AND THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS (ASLA) PRACTICE STANDARD FOR PLANTING AND THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS (ASLA) PRACTICE STANDARD FOR PLANTING.
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Stantec

1000 15th Street, NW
Atlanta, GA 30335
Phone: 404.531.5000
Fax: 404.531.5001
www.stantec.com

CONCEPTUAL PLANNING PLAN

PROJECT NO. 20200728
SCALE AS SHOWN
DRAWING NO. 1 OF 1
REVISION 0

5. Project Narrative

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

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

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

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

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

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

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

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

5.1. Conformity with Prince George County Comprehensive Plan

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

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

1. Diversify the Local Economy and Tax Base

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

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

2. Protecting Natural Environment

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

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

3. Encouraging Innovative and Environmentally Friendly Land Uses

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

5.2. Racking and Panels

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

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

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

5.3. Inverter

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

5.4. Transformer and Interconnection

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

5.5. Impact on Neighbors and General Public

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

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

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

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

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

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

5.6. Community Outreach

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

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

6. Documentation of Right to Use Property for Proposed Facility

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

Recording Requested By and
When Recorded Return to:

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

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

Consideration: \$22,500.00

MEMORANDUM OF GROUND LEASE FOR SOLAR ENERGY SYSTEM

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

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

NOW THEREFORE, Landlord and Tenant hereby agree as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

[signature page follows]

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

LANDLORD:

By: Ronald E Heretick
Name: Ronald E. Heretick

STATE OF Virginia
COUNTY OF Chesterfield ss.

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



Brittany L. Grant
Notary Public

TENANT:

ACE VA DER, LLC,
A Delaware limited liability company

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

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

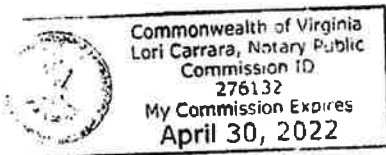
By: Apex Clean Energy Holdings, LLC,
a Delaware limited liability company,
its Manager

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

STATE OF VIRGINIA

CITY OF CHARLOTTESVILLE

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



Lori Carrara
Notary Public

My Commission Expires: 4/30/22

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

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

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

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

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

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

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

7. Utility Comments Confirming Line Capacity

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

FW: Apex Clean Energy - Powell Creek DER



Lewis.D.Golay@dominionenergy.com

To Tim Marvich



10/29/2020

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

Lewis D. Golay Jr.

Distribution Generations Contracts Administrator III

Electric Wholesale Interconnection

O: (757) 671-3504

C: (757) 803-5012

Tie Line 8-727-3504

From: Tim Marvich <tim.marvich@apexcleanenergy.com>

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

To: Generator Interconnection <GeneratorInterconnects@dominionenergy.com>

Cc: Harlan Smouse <harlan.smouse@apexcleanenergy.com>

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

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

Good afternoon,

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

37.244118, -77.143986

Thank you,

Tim

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

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

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

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

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

9. Potential Fiscal Impacts to Prince George County

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

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

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

Estimated Revenue Impacts Comparison

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

Notes

Projects with <=5MW with interconnection request before June 30, 2022 are exempt from M&T taxes. SB502 and HB1087 will remove exemption for projects approved on or after July 1, 2022.

* Assumes escalation (See sheet 2 "Escalation")

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

This style box means manual input necessary

10. Proposed Project Conditions

ARTICLE III. SAMPLE SOLAR ENERGY FACILITY SPECIAL EXCEPTION CONDITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

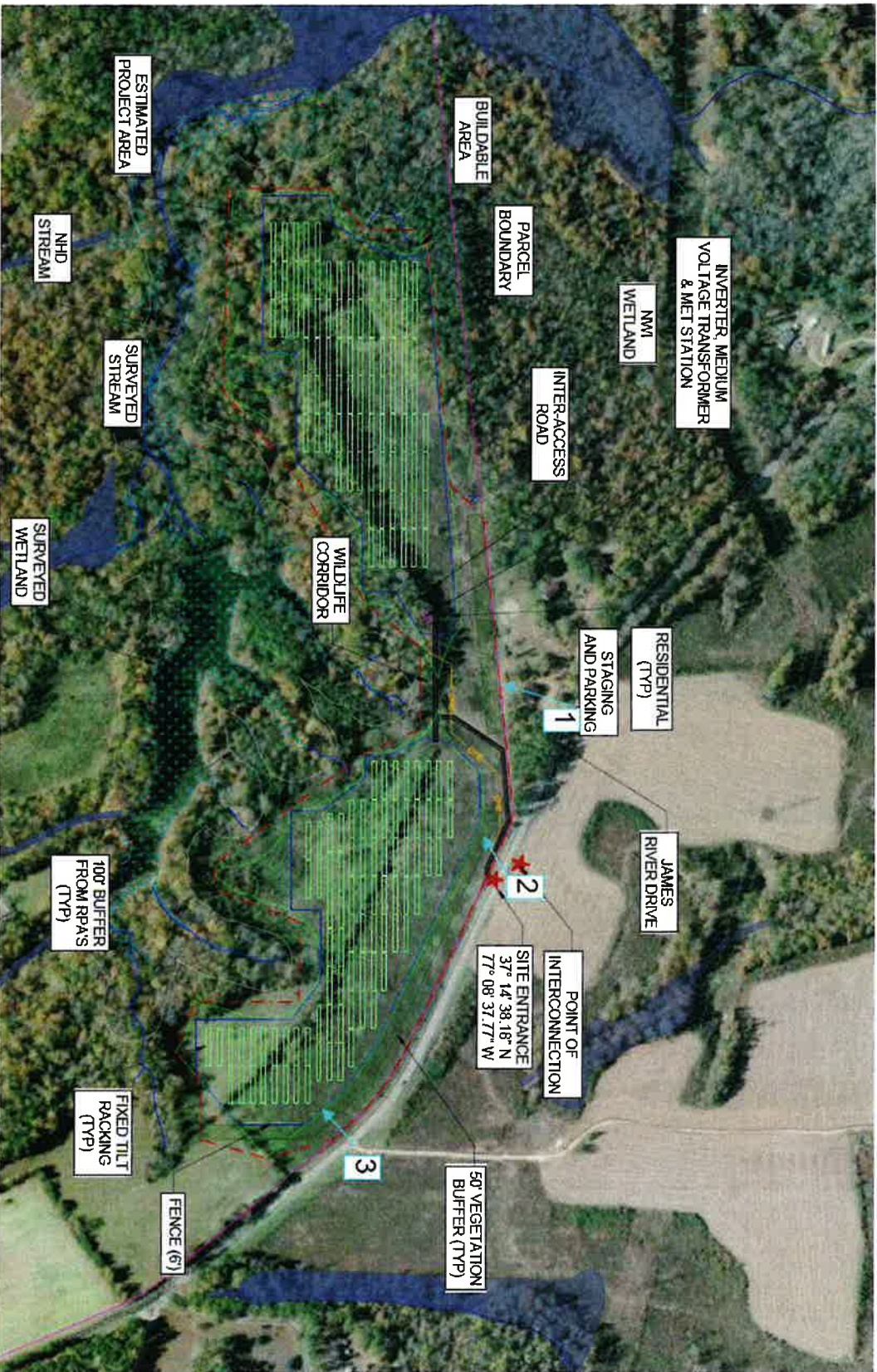
11. Photographic Simulations

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

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

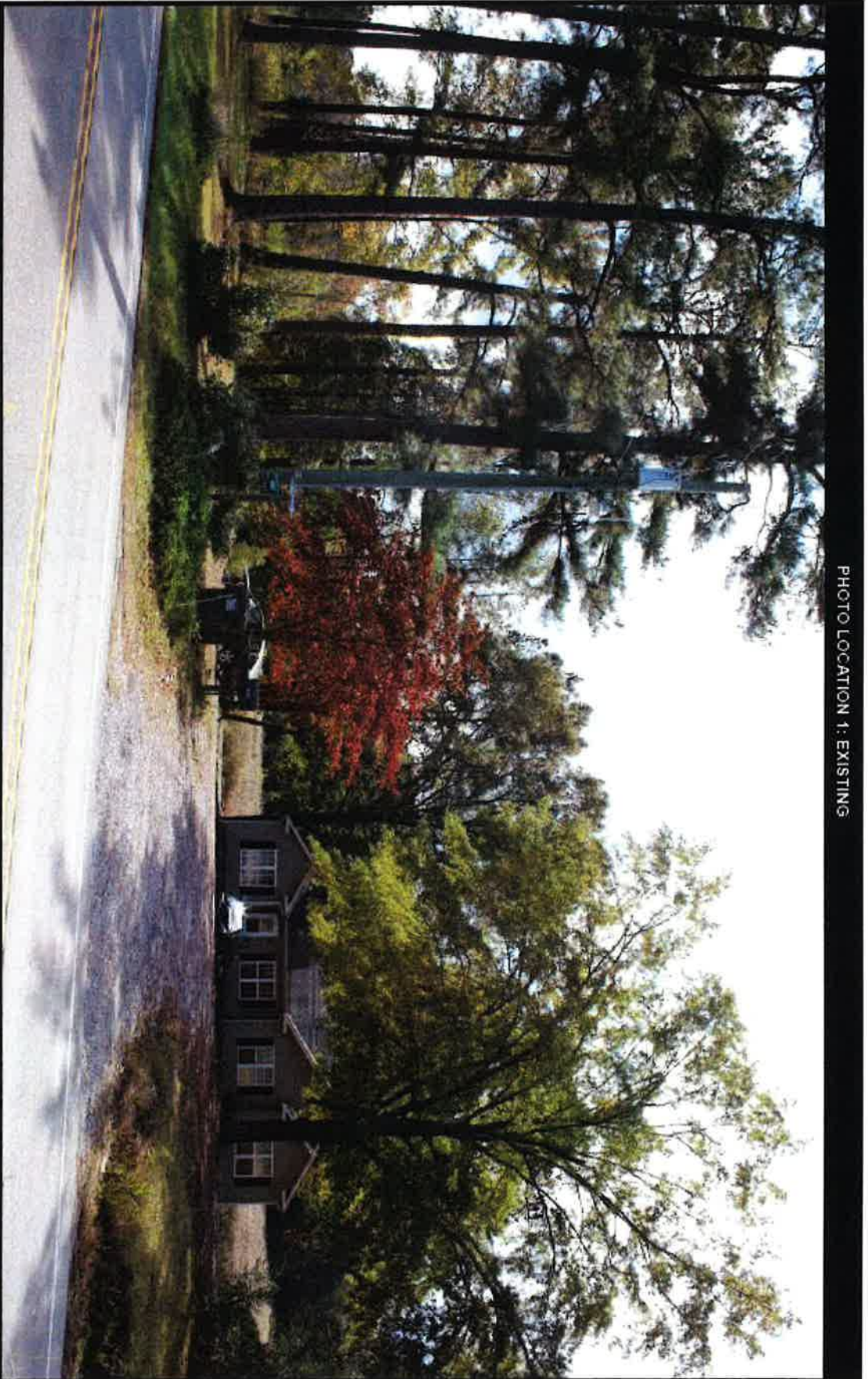
Each photo was taken from the north side of James River Drive so as to provide the full viewshed perspective. Photo locations with orientatoin of photos are shown below.

Photo Locations (1, 2 & 3)



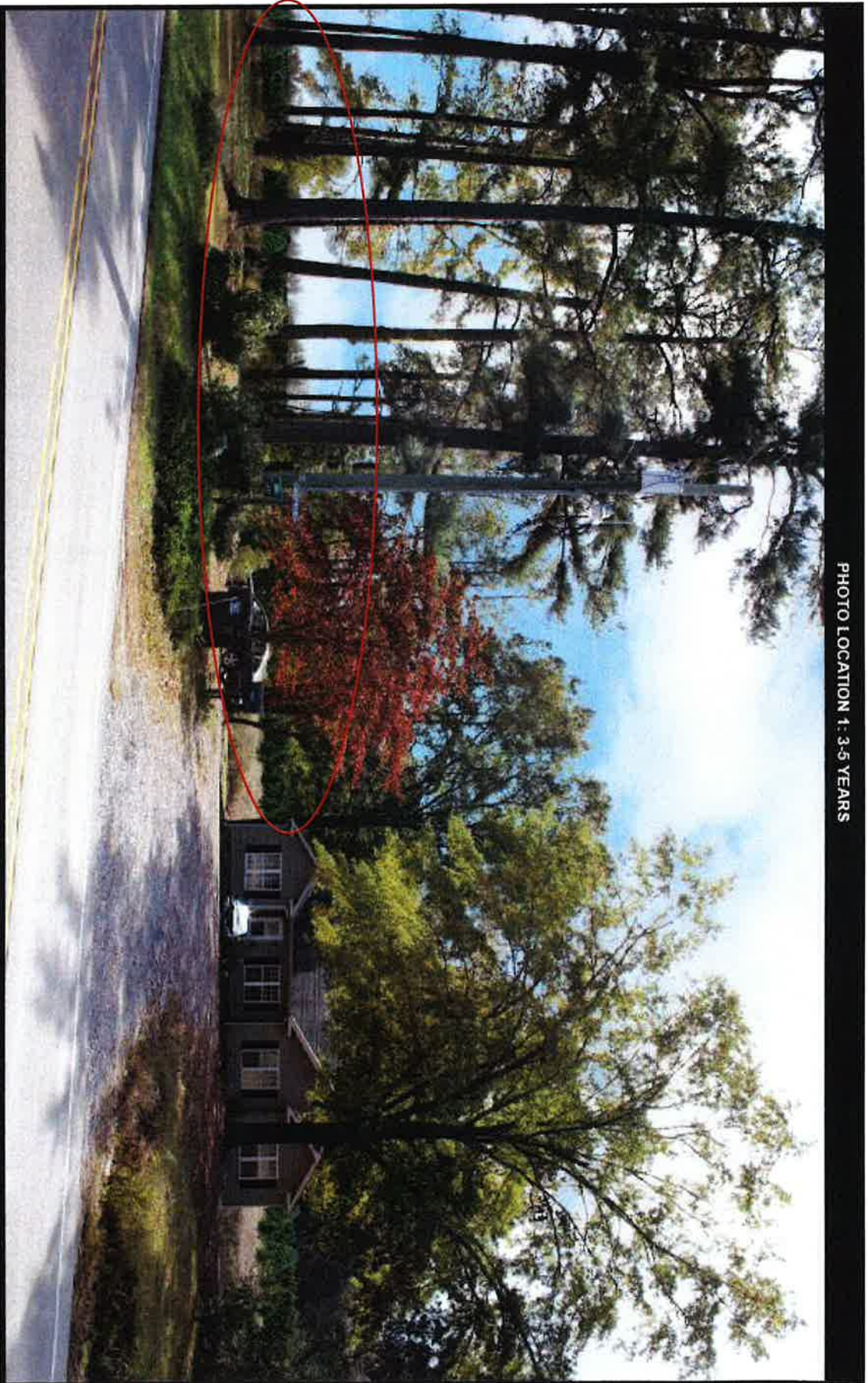
Location 1 (Existing)

PHOTO LOCATION 1: EXISTING



Location 1 (Future)

PHOTO LOCATION 1: 3-5 YEARS



Location 2 (Existing)

PHOTO LOCATION 2: EXISTING



Location 2 (Future)

PHOTO LOCATION 2: 3-5 YEARS



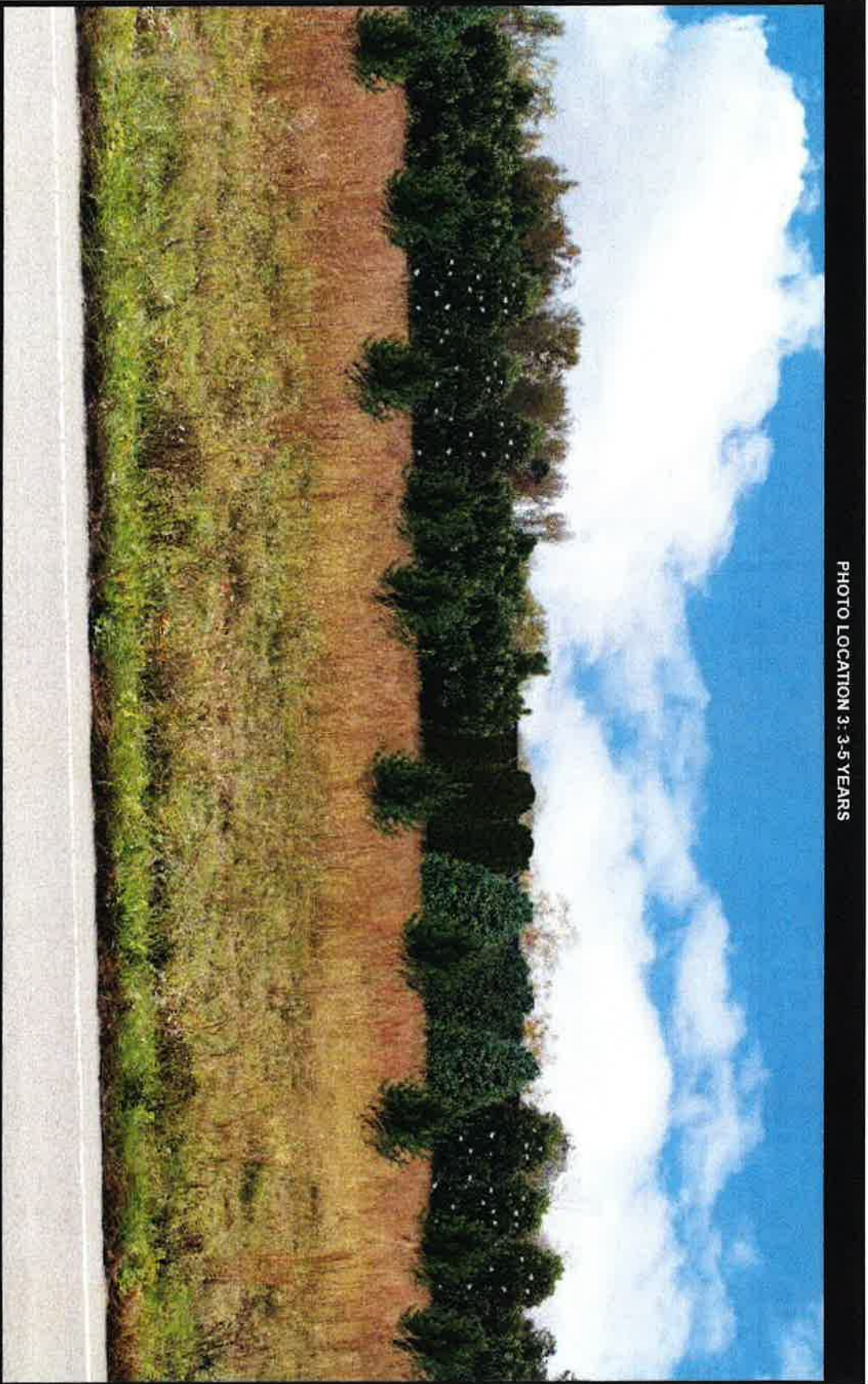
Location 3 (Existing)

PHOTO LOCATION 3, EXISTING



Location 3 (Future)

PHOTO LOCATION 3: 3-5 YEARS



12. Construction Traffic Management Plan

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

Powell Creek Solar, LLC
James River Drive (Route 10)
Garysville, Prince George County, VA

Construction Traffic Management Plan

Introduction

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

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

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

Construction Traffic Routing

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

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

Construction Office, Staging and Employee Parking

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

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

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

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

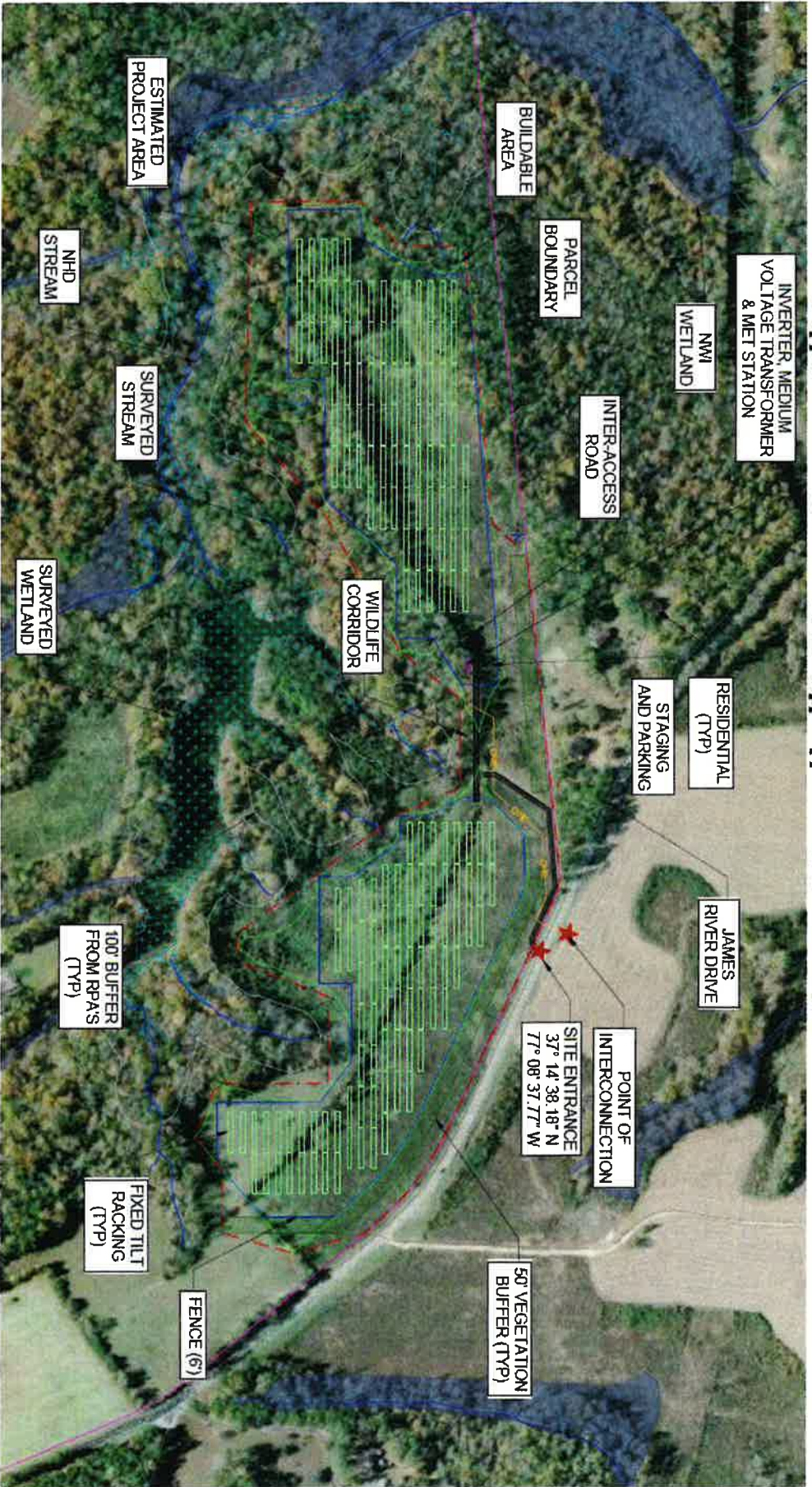
For a project this size, we expect approximately the following total truck and employee vehicle counts:

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

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

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

Figure 2 – Overall Staging and Access Plan



Public Road Evaluation: Pre- and Post-Construction

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

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

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

13. Equipment Specifications

13.1. Solar Module



HiKu

HIGH POWER POLY PERC MODULE
400 W ~ 425 W
CS3W-400 | 405 | 410 | 415 | 420 | 425P

MORE POWER

- 24 % higher power than conventional modules
- Up to 4.5 % lower LCOE
Up to 2.7 % lower system cost
- Low NMOT: 42 ± 3 °C
Low temperature coefficient (Pmax): -0.36 % / °C
- Better shading tolerance

MORE RELIABLE

- Lower internal current,
lower hot spot temperature
- Minimizes micro-crack impacts
- Heavy snow load up to 5400 Pa,
wind load up to 3600 Pa*

* For detailed information, please refer to Installation Manual.



12 Years Enhanced Product Warranty on Materials and Workmanship*

25 Years Linear Power Performance Warranty*

1st year power degradation no more than 2%
Subsequent annual power degradation no more than 0.55%

*According to the applicable Canadian Solar Limited Warranty Statement.

MANAGEMENT SYSTEM CERTIFICATES*

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

PRODUCT CERTIFICATES*

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

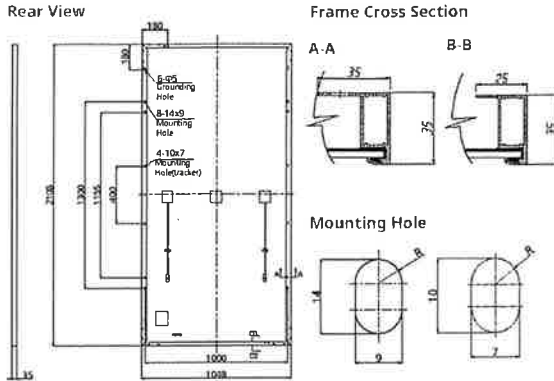


* The specific certificates applicable to different module types and markets will vary, and therefore not all of the certifications listed herein will simultaneously apply to the products you order or use. Please contact your local Canadian Solar sales representative to confirm the specific certificates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

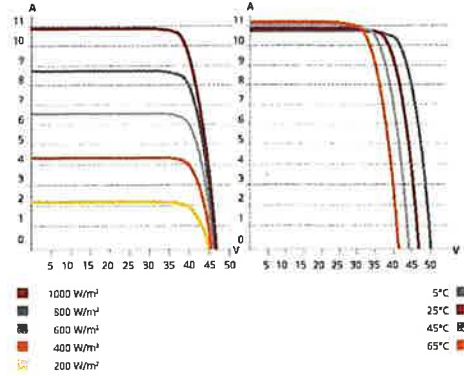
CSI Solar Co., Ltd. is committed to providing high quality solar products, solar system solutions and services to customers around the world. Canadian Solar was recognized as the No. 1 module supplier for quality and performance/price ratio in the IHS Module Customer Insight Survey, and is a leading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

CSI Solar Co., Ltd.
 199 Lushan Road, SND, Suzhou, Jiangsu, China, 215129, www.csisolar.com, support@csisolar.com

ENGINEERING DRAWING (mm)



CS3W-400P / I-V CURVES



ELECTRICAL DATA | STC*

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

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

MECHANICAL DATA

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

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

ELECTRICAL DATA | NMOT*

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

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

TEMPERATURE CHARACTERISTICS

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

PARTNER SECTION



* The specifications and key features contained in this datasheet may deviate slightly from our actual products due to the on-going innovation and product enhancement. CSI Solar Co., Ltd. reserves the right to make necessary adjustment to the information described herein at any time without further notice.

Please be kindly advised that PV modules should be handled and installed by qualified people who have professional skills and please carefully read the safety and installation instructions before using our PV modules.

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13.2. Inverter



SUNNY HIGHPOWER PEAK3 125-US / 150-US



Cost effective

- Modular architecture reduces BOS and maximizes system uptime
- Compact design and high power density maximize transportation and logistical efficiency

Maximum flexibility

- Scalable 1,500 VDC building block with best-in-class performance
- Flexible architecture creates scalability while maximizing land usage

Simple install, commissioning

- Ergonomic handling and simple connections enable quick installation
- Centralized commissioning and control with SMA Data Manager

Highly innovative

- SMA Smart Connected reduces O&M costs and simplifies field service
- Powered by award-winning ennexOS cross-sector energy management platform

SUNNY HIGHPOWER PEAK3 125-US / 150-US

A superior modular solution for large-scale power plants

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

Technical Data	Sunny Highpower PEAK3 125-US	Sunny Highpower PEAK3 150-US
Input (DC)		
Maximum array power	187500 Wp STC	225000 Wp STC
Maximum system voltage		1500 VDC
Rated MPPT voltage range	705 V ... 1450 V	880 V ... 1450 V
MPPT operating voltage range	684 V ... 1500 V	855 V ... 1500 V
MPPT trackers		1
Maximum operating input current		180 A
Maximum input short-circuit current		325 A
Output (AC)		
Nominal AC power	125000 W	150000 W
Maximum apparent power	125000 VA	150000 VA
Output phases / line connections		3 / 3-PE
Nominal AC voltage	480V	600 V
Compatible transformer winding configuration		Wye-grounded
Maximum output current		151 A
Rated grid frequency		60 Hz
Grid frequency / range		50 Hz, 60 Hz / ±6 Hz ... ±6 Hz
Power factor at rated power / adjustable displacement		1 / 0.0 leading ... 0.0 lagging
Harmonics (THD)		<3%
Efficiency		
CEC efficiency	98.5 %	99.0 %
Protection and safety features		
Ground fault monitoring: I _{iso} / Differential current		● / ●
DC reverse polarity protection		●
AC short circuit protection		●
Monitored surge protection (Type 2); DC / AC		● / ●
Protection class / overvoltage category (as per UL 840)		1 / IV
General data		
Device dimensions (W / H / D)		770 / 830 / 444 mm (30.3 / 32.7 / 17.5 in.)
Device weight		98 kg (216 lbs)
Operating temperature range		-25°C ... +60°C (-13°F ... +140°F)
Storage temperature range		-40°C ... +70°C (-40°F ... +158°F)
Audible noise emission (full power @ 1m and 25°C)		<69 dB(A)
Internal consumption at night		<5 W
Topology		Transformerless
Cooling concept		OptiCool (forced convection, variable speed fans)
Enclosure protection rating		Type 4X (as per UL 50E)
Maximum permissible relative humidity (non-condensing)		100%
Additional information		
Mounting		Rock mount
DC connection		Terminal lugs - up to 600 kcmil CU/AL
AC connection		Screw terminals - up to 300 kcmil CU/AL
LED indicators (Status/Fault/Communication)		●
SMA Speechwire (Ethernet network interface)		● (2 x RJ45 ports)
Data protocols: SMA Modbus / SunSpec Modbus		● / ●
Integrated Plant Control / On Demand 24/7		● / ●
Grid capable / SMA Hybrid Controller; compatible		- / ●
SMA Smart Connected (proactive monitoring and service)		●
Certifications		
Certifications and approvals		UL 62109, UL 1998, CAN/CSA C22.2 No.62109
FCC compliance		FCC Part 15, Class A
Grid interconnection standards		IEEE 1547, UL 1741 SA - CA Rule 21, HECO Rule 14H
Advanced grid support capabilities		L/HERT, L/HVRT, Volt/VAr, Volt/Watt, Frequency/Watt, Ramp Rate Control, Fixed Power Factor
Warranty		
Standard		5 years
Optional extensions		10 / 15 / 20 years
Type designation	SHP 125-US-20	SHP 150-US-20
Technical data as of May 2020	● Standard features	○ Optional features
	- Not available	

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www.SMA-America.com

SMA America, LLC

13.3. Single Axis Tracker



GENERAL AND MECHANICAL

Tracking type	Horizontal single-axis, independent row
String voltage	1,500 V _{DC}
Typical row size	112 - 120 modules, depending on module string length
Drive type	NX patent-pending self-locking, distributed drive
Motor type	48 V brushless DC motor
Array height	Rotation axis elevation 1.8 to 2.5 m / 6'2" to 8'2"
Ground coverage ratio (GCR)	Typical range 28-50%
Modules supported	Mounting options available for most utility-scale crystalline modules
Bifacial features	Available with optimized central torque tube gap
Tracking range of motion	±60°
Operating temperature range	Array powered: -20°C to 55°C (-4°F to 131°F) AC powered: -40°C to 55°C (-40°F to 131°F)
Module configuration	2 in portrait, 4 x 1,500 strings per standard tracker. Partial length trackers available.
Module attachment	Self-grounding, electric tool-actuated fasteners standard. Clamping system optional.
Materials	Galvanized steel
Allowable wind speed	Configurable up to 235 kph (145 mph) 3-second gust
Wind protection	Intelligent wind stowing with self-locking, distributed drive system for maximum array stability in all wind conditions
Foundations	Standard WB section foundation posts. Typically ~160 piers / MW.

ELECTRONICS AND CONTROLS

Solar tracking method	Astronomical algorithm with backtracking. TrueCapture™ upgrades available for terrain adaptive backtracking and diffuse tracking mode
Control electronics	NX tracker controller with inbuilt inclinometer and backup battery
Communications	Zigbee wireless communications to all tracker rows and weather stations via network control units (NCUs)
Nighttime stow	Yes
Power supply	ARRAY POWERED: NX Integrated DC pre-combiner & power supply AC POWERED: Customer-provided AC circuit

INSTALLATION, OPERATIONS AND SERVICE

PE stamped structural calculations and drawings	Included
Onsite training and system commissioning	Included
Installation requirements	Simple assembly using swaged fasteners and bolted connections. No field cutting, drilling or welding.
Monitoring	NX Data Hub™ centralized data aggregation and monitoring
Module cleaning compatibility	Compatible with virtually all standard cleaning systems
DC string monitoring	Available with array-powered option
Warranty	10-year structural, 5-year drive and control components
Codes and standards	UL 3703 / UL 2703 / IEC 62817

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MKT-000077-C

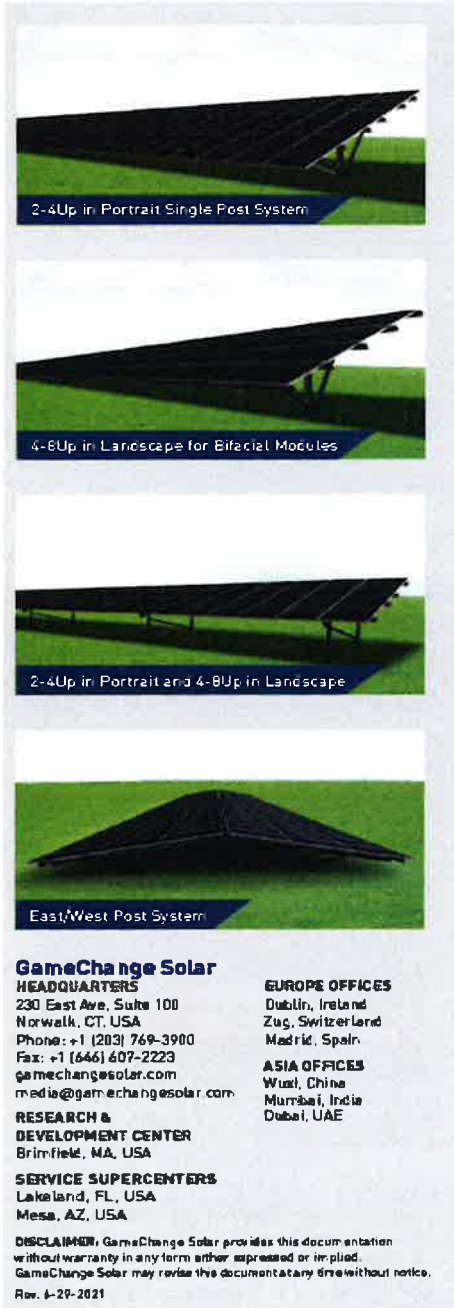
13.4. Fixed Tilt System



FAST INSTALL + HANDLES SLOPING GROUND

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

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



FEATURES

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

TEST & CERTIFICATION

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

CALCULATIONS

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

PULL TEST & GEOTECH

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

MATERIAL

- Post: G235 [55 µm] galvanized steel (HDG ASTM A123 option also available)
- Galvanized Purlins, N5 Beam, Brace: G90 [20 µm] galvanized steel. Standard up to G180 [40 µm] special order.
- Star bolt or ETL / UL top mount teathed module clamp: stainless steel & magnicoat
- Proprietary Integrated Hardware™: For faster structure assembly, module mounting and reduced O&M cost. Oversized Serrated Flange Nylon Nut and Oversized Flange Star Bolt with integrated star washer eliminates the need for washers and star washers.

Powell Creek Solar Community Meetings Summary

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

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

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

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

Location, Visibility and Screening

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

Virginia's Shared Solar Program and Benefits to the Community

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

Possible Leaching and Hazardous Materials

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

Possible Runoff

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

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

Possible Noise and Glare

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

Panel Removal

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

Groundcover

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

Impact to Wildlife

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

Number of Homes Powered

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

Taxes

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

Solar Farm Monitoring

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

Jobs

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

Emergency Response

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

Panel Manufacturing

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

Batteries

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

Temperature

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

Water Supply

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

Formstack Submission For: Public Comment

Submitted at 06/15/22 3:08 PM

Name: Christopher Stevenson

Address: 15301 James River Drive
Disputanta 23842

These comments are for the Public Hearing on June 23, 2022, 6:30pm in regards to the proposed solar farm

I am an adjacent landowner (270(0A)00-039-0) to the site of proposed development and I am not in favor of this exemption for the construction of a solar farm. There are multiple reasons for this position:

1) The property under consideration is currently agricultural and as a property owner this addition impacts the quality of rural life. In the 2018 county land use plan it states (page 123): "the economic and quality of life benefits of open space and agricultural and forest land uses should be considered, as well as the adequacy of public facilities and services in the area". This facility will compromise the open space and its presence will not be a public facility or service that benefits the county directly.

2) In this period of drying out in many places of the USA farm land is increasingly necessary and should be conserved.

3) On page 124 of the county plan it states in referring to housing developments that: "This is an inefficient land use pattern that places demands on public services and continues to degrade the County's agricultural and forestall land base. " The same can be said for the proposed solar farm which is a parallel problem. Multiple pop-up facilities like this one by diverse business interests will create a spatially complex, uncoordinated and weak electrical infrastructure while consuming many acres of land. In the public meeting by the solar developer I did not hear of any direct benefit of this proposed facility to the county. The electricity goes onto the grid and is sold on the open market.

4) Finally, the proposed entrance to the farm (inferred from the flagging) is on a blind curve and very dangerous.

Thank you for considering these comments.

Christopher M. Stevenson, Ph.D.
Professor
Virginia Commonwealth University

Would you like these comments entered into the BoS meeting minutes?: YES



County of Prince George, Virginia

"A global community where families thrive and businesses prosper"

June 29, 2022

BOARD OF SUPERVISORS - NOTICE OF PUBLIC HEARING

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

This is notification that the Prince George County Board of Supervisors will hold a public hearing on **Tuesday, July 12, 2022 beginning at 7:30 pm** to consider the following request that involves the Prince George County Zoning Ordinance:

SPECIAL EXCEPTION SE-22-02: Powell Creek Solar, LLC requests a special exception pursuant to § 90-53 (59) to permit a large-scale solar energy facility in an A-1 (General Agricultural) Zoning District. The 5-megawatt facility is proposed on an approximately 47-acre portion of the 631-acre subject property, with the development area situated along James River Drive, west of the intersection with Nobles Road. The subject property is identified as Tax Map 270(03)00-003-0 and addressed as 14921 James River Drive. On June 23, 2022, the Prince George County Planning Commission found the request to be in substantial accord with the Prince George County Comprehensive Plan.

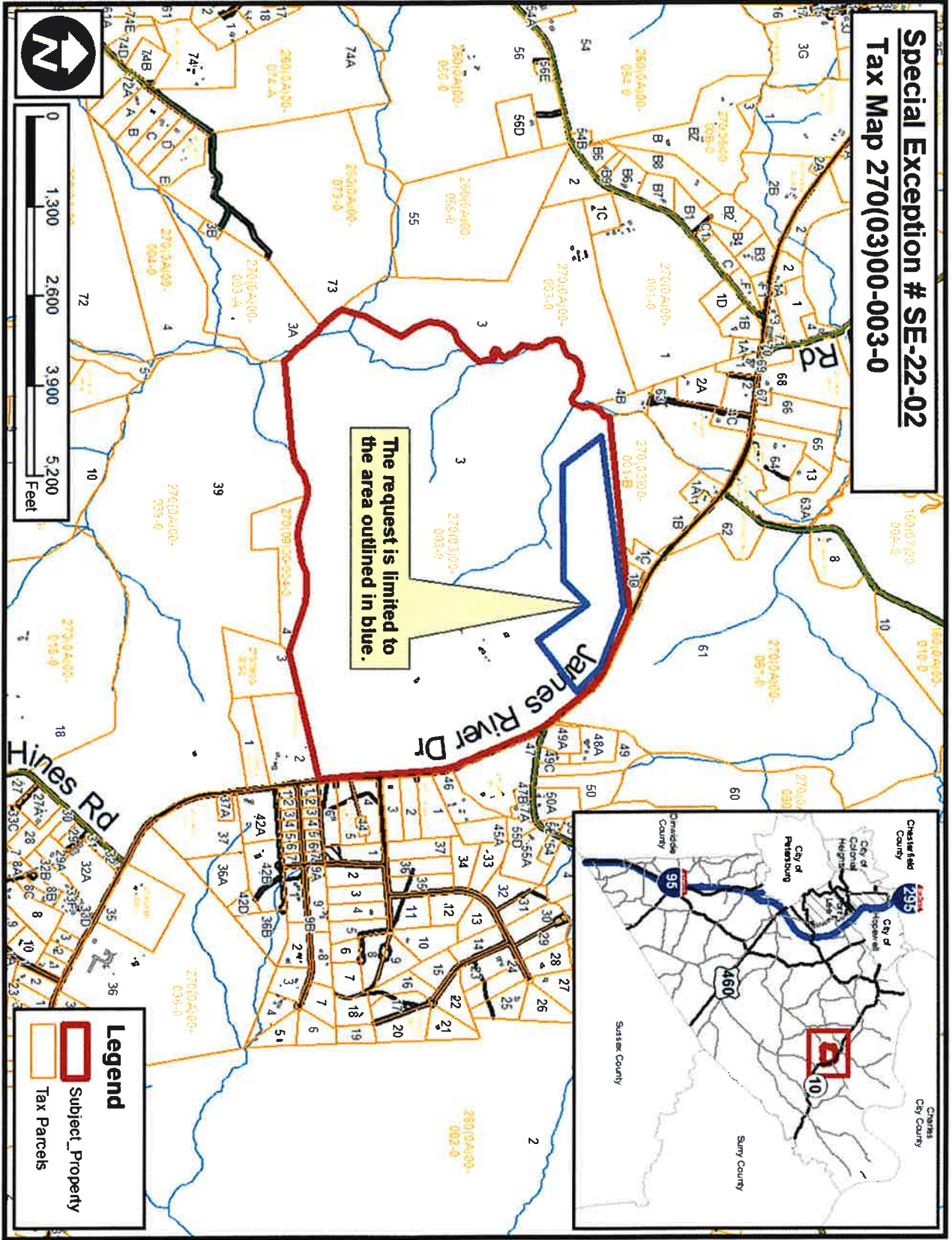
The public hearing will be held in the Board Room, third floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia 23875, pursuant to §15.2-2204, §15.2-2225, §15.2-2232, and §15.2-2285 of The Code of Virginia (1950, as amended). A copy of the related material may be reviewed or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

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

Sincerely,

Tim Graves
Planner

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



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

AMERICAN TIMBERLAND CO
PO BOX 540
SOUTH HILL, VA 23970

BAKER ABBY
15168 JAMES RIVER DR
DISPUTANTA, VA 23842

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

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

DANIEL EDWINA M
14820 JAMES RIVER DR
DISPUTANTA, VA 23842

DOMINION VIRGINIA POWER
120 TREDEGAR ST
RICHMOND, VA 23219

EVANS HANNAH M
15201 CHIEFTAIN RD
DISPUTANTA, VA 23842

FORD LONNIE III
15100 JAMES RIVER DR
DISPUTANTA, VA 23842

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

HERETICK RONALD E
14921 JAMES RIVER DR
DISPUTANTA, VA 23842

HONEYCUTT LORETTA E
14980 JAMES RIVER DR
DISPUTANTA, VA 23842

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

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

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

POHLKE FREDRIC B
15006 JAMES RIVER DR
DISPUTANTA, VA 23842

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

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

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

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

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

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

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

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

**PUBLIC NOTICE
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 public hearings on Tuesday, July 12, 2022 beginning at 7:30 p.m. concerning the following requests:

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

SPECIAL EXCEPTION SE-22-02: Powell Creek Solar, LLC requests a special exception pursuant to § 90-53 (59) to permit a large-scale solar energy facility in an A-1 (General Agricultural) Zoning District. The 5-megawatt facility is proposed on an approximately 47-acre portion of the 631-acre subject property, with the development area situated along James River Drive, west of the intersection with Nobles Road. The subject property is identified as Tax Map 270(03)00-003-0 and addressed as 14921 James River Drive. On June 23, 2022, the Prince George County Planning Commission found the request to be in substantial accord with the Prince George County Comprehensive Plan.

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

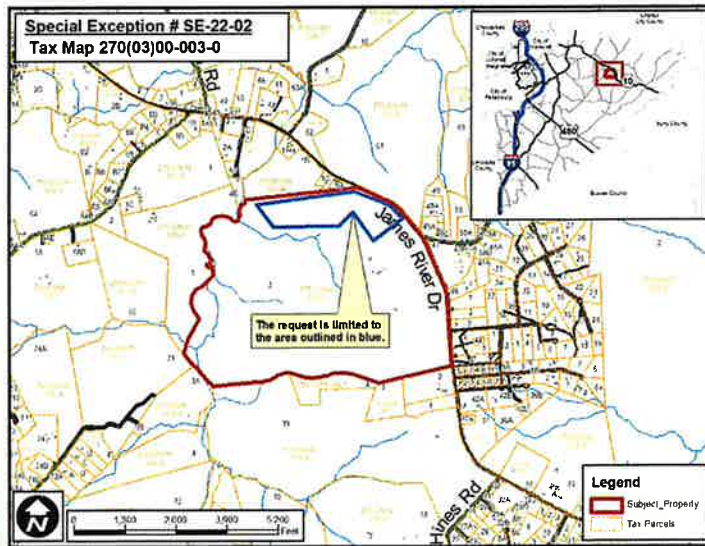
Jeffrey D. Stoke
County Administrator

SPECIAL EXCEPTION SE-22-02:

Powell Creek Solar, LLC requests a special exception pursuant to § 90-53 (59) to permit a large-scale solar energy facility in an A-1 (General Agricultural) Zoning District. The 5-megawatt facility is proposed on an approximately 47-acre portion of the 631-acre subject property, with the development area situated along James River Drive, west of the intersection with Nobles Road. The subject property is identified as Tax Map 270(03)00-003-0 and addressed as 14921 James River Drive. On June 23, 2022, the Prince George County Planning Commission found the request to be in substantial accord with the Prince George County Comprehensive Plan.

SE-22-02 | Powell Creek Solar, LLC

Location Map



SE-22-02 | Powell Creek Solar, LLC

Zoning Map



SE-22-02 | Powell Creek Solar, LLC

Comprehensive Plan Future Land use Map



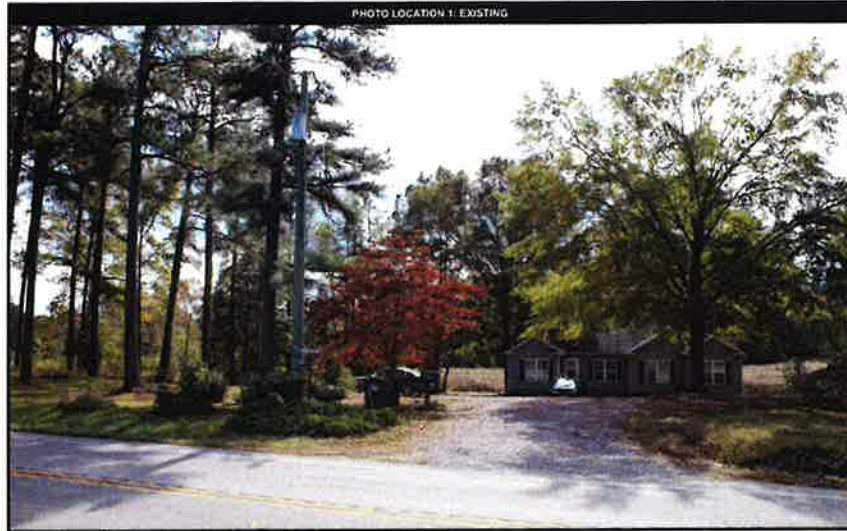
Aerial View



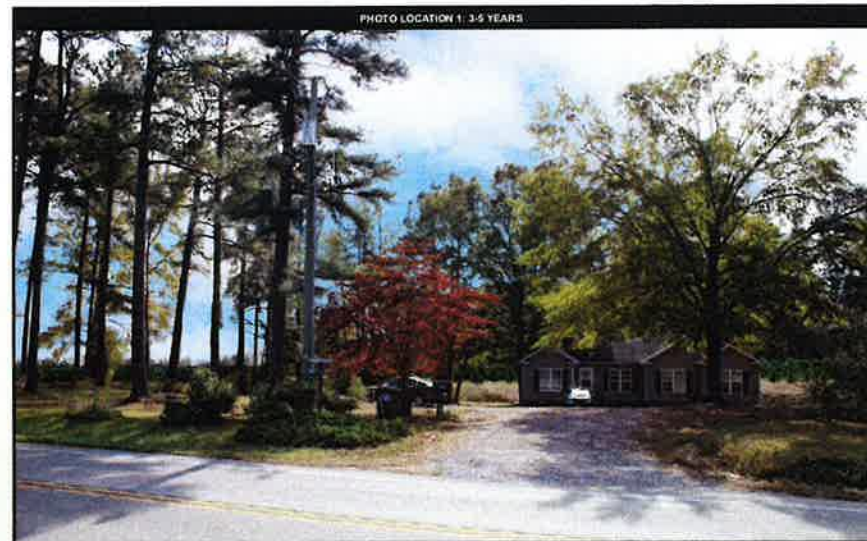
Background

- Preliminary application submitted October 8, 2021.
- Comment letter dated December 8, 2021.
- Formal application submitted February 3, 2022.
- Applicant-led Community Meetings: March 2 and March 15, 2022 @ Burrowsville Ruritan Club

SE-22-02 | Powell Creek Solar, LLC



SE-22-02 | Powell Creek Solar, LLC



SE-22-02 | Powell Creek Solar, LLC



SE-22-02 | Powell Creek Solar, LLC



Planning & Zoning Staff Review Comments (Highlights)

1. Traffic impacts during construction will be mitigated by the Construction Traffic Management Plan which will be required during Site Plan review.
2. Visual impacts will be mitigated by the existing and proposed vegetative buffers and screening in accordance with the Siting Policy such that the panels are effectively not visible from a public road or adjacent residential home after construction is completed.
3. Staff reviewed this project for compliance with the County's Solar Energy Facility Siting Policy and found it meets the standards in the policy for design and layout of the proposed facility, and the applicant has met all the application requirements.
4. The standards of the Siting Policy will be enforced through the recommended special exception conditions.

P&Z Comments on Estimated Fiscal Impacts

1. This project is subject to M&T taxes.*
2. Staff and the applicant agreed on estimated fiscal impacts for the project in comparison with the current land use (Agriculture) and the planned future land use (Agriculture). The application narrative includes a table of those estimates.*
3. In summary, it is estimated that the project will provide additional revenue to the County of at least* \$868,080 over the expected 40-year life of the project, equivalent to \$18,470 per acre developed.
4. The increased revenue compared to current and future land uses would come primarily from increased M&T taxes* and increased real estate taxes.

* A new law effective July 1, 2022 removes the exemption on M&T taxes for projects approved after that date. The applicant has offered to pay up to the annual cash payment amounts if the annual M&T taxes are lower.

Other Staff Review Comments (Highlights)

Department of Conservation and Recreation

1. DCR recommends the development of an invasive species management plan for the project and the planting of Virginia native pollinator plant species that bloom throughout the spring and summer.
2. The current activity will not affect any documented state-listed plants or insects.
3. There are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

Environmental Division

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

Real Estate Assessor

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

Virginia Department of Transportation (VDOT)

1. A low volume commercial entrance will be required for permanent access to the site after construction is complete. VDOT supports the proposed entrance location identified in the Construction Traffic Management Plan (CTMP).
2. VDOT has reviewed the CTMP included in the application. The proposed access routes, parking areas and staging areas are acceptable to VDOT.

Recommended Conditions (Highlights)

1. **Operations.** The Solar Energy Facility shall meet all conditions for operations in the Siting Policy.
2. **Buffers.** The Solar Energy Facility shall meet all conditions for buffer setbacks and landscape requirements as required in the Siting Policy.
3. **Development Standards.** The project shall meet all Development Standards as defined under "Development Standards" in the Siting Policy.
4. **Decommissioning.** The Solar Energy Facility shall meet all conditions for Decommissioning as specified in the Siting Policy. Decommissioning shall commence no later than the 40th anniversary of the commercial operation date.
5. The Project will be taxed in accordance with § 58.1-2606.1 (effective July 1, 2022). Local taxation for solar photovoltaic projects five megawatts or less (i.e. Virginia Machinery and Tools Tax). Should the Machinery and Tools Tax levied against the project amount to a sum less than what is shown in Exhibit A during any year of operations (based on the actual installed MW capacity of the project), then the Owner shall be responsible for paying to the County substantial cash payments in excess of the Machinery and Tools Tax to reach the total amount in Exhibit A for that given year.

(Full list of recommended conditions in the Staff Report / Draft Ordinance)

Planning Commission Recommendation

Approval, subject to the recommended conditions

Questions?



Board of Supervisors
County of Prince George, Virginia

DRAFT 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 July, 2022:

Present:

Marlene J. Waymack, Chair
Donald R. Hunter, Vice-Chair
Floyd M. Brown, Jr.
Alan R. Carmichael
T. J. Webb

Vote:

SPECIAL EXCEPTION SE-22-02: Powell Creek Solar, LLC requests a special exception pursuant to § 90-53 (59) to permit a large-scale solar energy facility in an A-1 (General Agricultural) Zoning District. The 5-megawatt facility is proposed on an approximately 47-acre portion of the 631-acre subject property, with the development area situated along James River Drive, west of the intersection with Nobles Road. The subject property is identified as Tax Map 270(03)00-003-0 and addressed as 14921 James River Drive. On June 23, 2022, the Prince George County Planning Commission found the request to be in substantial accord with the Prince George County Comprehensive Plan.

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

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

3. **Site Plan Requirements.** The Solar Energy Facility shall meet all conditions for Site Plan Requirements as defined in the Prince George County, Virginia: Solar Energy Facility Siting Policy in effect as of the date of Special Exception application (the “Siting Policy.”) The materials submitted for Site Plan review shall include an Invasive Species Management Plan with satisfactory compliance with the recommendations provided by DCR as referenced in the Staff Report.
4. The Solar Energy Facility shall be constructed in accordance with the County-approved grading plan as approved by County staff prior to the commencement of any construction activities, and in accordance with the Erosion and Sediment Control Plan.
5. **Operations.** The Solar Energy Facility shall meet all conditions for operations in the Siting Policy.
6. **Buffers.** The Solar Energy Facility shall meet all conditions for buffer setbacks and landscape requirements as required in the Siting Policy.
7. **Wildlife Corridors.** The applicant shall identify an access corridor for wildlife to navigate through the Solar Energy Facility. The proposed wildlife corridor shall be shown on the site plan submitted to the County. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.
8. **Height of Structures.** Solar Energy Facility structures shall meet all required conditions for structure height in the Siting Policy.
9. **Development Standards.** The project shall meet all Development Standards as defined under “Development Standards” in the Siting Policy.
10. **Inspections.** The owner of the Solar Energy Facility (“Owner”) will allow designated County representatives or employees access to the facility for inspection purposes at any time during the construction process and thereafter upon 24 hours advance notice. The Owner will maintain current contact information on file with the Planning Manager.
11. Owner shall coordinate directly with Fire, EMS and Emergency Management to provide solar energy materials, educational information and/or training to the respective personnel responding to the solar energy facility project in regards to how to safely respond to any emergencies that may occur on the premises.
12. **Compliance.** The Solar Energy Facility shall be designed, constructed, and tested to meet relevant local, state, and federal standards as applicable.
13. **Decommissioning.** The Solar Energy Facility shall meet all conditions for Decommissioning as specified in the Siting Policy. Decommissioning shall commence no later than the 40th anniversary of the commercial operation date.

Exhibit A

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

15. This Special Exception shall become null and void if the use of a 5MW scale solar energy facility is abandoned for a period of twenty-four (24) consecutive months. This Special Exception shall become null and void if the construction process has not started within 36 months of the date of Special Exception Approval.

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

17. The Project will be taxed in accordance with § 58.1-2606.1 (effective July 1, 2022). Local taxation for solar photovoltaic projects five megawatts or less (i.e. Virginia Machinery and Tools Tax). Should the Machinery and Tools Tax levied against the project amount to a sum less than what is shown in Exhibit A during any year of operations (based on the actual installed MW capacity of the project), then the Owner shall be responsible for paying to the County substantial cash payments in excess of the Machinery and Tools Tax to reach the total amount in Exhibit A for that given year. While the project size is estimated at 5MWac, the final payment amount of any substantial cash payments will be prorated to account for actual installed project MWac size.

Any substantial cash payments made by the Owner to the County are intended for substantial public improvements, the need for which is not generated solely by the granting of this permit, so long as such improvements are reasonably related to the solar facility that is the subject of this permit. The Owner

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

and the County acknowledge and agree that the County may identify in future budget years qualifying substantial public improvements that will be funded by the annual substantial cash payments to be provided by the Owner.

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

Adopted on July 12, 2022 and becoming effective immediately.

Ad Preview

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 public hearings on Tuesday, July 12, 2022 beginning at 7:30 a.m. concerning the following requests:

SPECIAL EXCEPTION SE-22-05: Request of Christopher and Marietta Clark to permit a golf course within a R-A (Residential-Agricultural) Zoning District, pursuant to Prince George County Zoning Ordinance Section 10-103(C). The subject property is approximately 48.6 acres in size, located at 8399 and 8401 Golf Course Drive, and is identified as Tax Maps 450(06)00A.2, 450(06)01-001-5, and 450(06)01-002-0. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Agriculture use.

SPECIAL EXCEPTION SE-22-01: Powell Creek Solar, LLC requests a special exception pursuant to § 9B-53 (9) to permit a large-scale solar energy facility in an A-1 (General Agricultural) Zoning District. The 3-megawatt facility is proposed on approximately 47-acre portion of the 43-acre subject property, with the development area situated along James River Drive, west of the intersection with Nobles Road. The subject property is identified as Tax Map 270(01)05-003-0 and assessed as 1473 James River Drive. On June 23, 2022, the Prince George County Planning Commission found the request to be in substantial accord with the Prince George County Comprehensive Plan.

The public hearings will be held in the Board Room, third floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia 22873, pursuant to §§ 15.2-2294, 15.2-2225, 15.2-2226, and 15.2-2285 of the Code of Virginia (1954, as amended). A copy of the related material may be reviewed or obtained at the Community Development and Code Compliance Department in the County Administration Building between 8:30 a.m.-5:00 p.m., Monday-Friday. All interested persons are invited to participate in the public hearings in person. A live video stream will be available at <https://www.princegeorgecountysva.gov/live-stream/>.

Public comments can be submitted prior to 5:00 p.m. on the public hearing date. Public Comment submission forms and information on accessing this meeting electronically are available at <https://www.princegeorgecountysva.gov>.
Jeffrey D. Staks
County Administrator