



Buckingham County Planning Commission Agenda
Monday, November 28, 2022 7:00PM
County Administration Building
Peter Francisco Meeting Room
www.buckinghamcountyva.org

You may view the meeting by logging on to <https://youtu.be/TkoIJQhRRBQ>

1. Call to Order by Chairman

Invocation

Pledge of Allegiance

Establishment of Quorums

2. Adoption of Agenda

3. Approval of Minutes

A. October 24, 2022 Regular Meeting

4. Public Comment

5. Old Business

A. Public Hearing Case 22-SUP319 Rosney Creek Solar

B. Public Hearing 22-SUP320 Chris Hucks

C. Case 22-ZMA321 Olympia Moore

7. New Business

A. Introduction Case 22-SUP322 Barbara Hollister

B. Introduction Case 22-SUP323 Buckingham County
Firefighter's Association

8. Reports

A. Building Permits Report

B. Zoning Administrator Report

9. Commission Matters and Concerns

10. Adjournment

**Buckingham County
Planning Commission
October 24, 2022**

At a regular scheduled meeting of the Buckingham County Planning Commission held on Monday, October 24, 2022 at 7:00 p.m. in the Peter Francisco meeting room, located within the Buckingham County Administration Complex, the following members were present: John Bickford; James D. Crews III; Stephen Taylor; Steve Dorrier; Joyce Gooden, Pete Kapuscinski. Also present were Nicci Edmondston, Zoning Administrator, and E.M. Wright, Jr., County Attorney.

Re: Call to Order, Quorum Present, Invocation, and Pledge of Allegiance

Chairman Bickford called the meeting to order. Steve Dorrier gave the invocation, James Crews led the Pledge of Allegiance and it was said by all who were in attendance. Chairman Bickford certified there was a quorum- six of eight members were present. The meeting could continue.

Bickford: Adoption of agenda. Nicci, is there any changes to the agenda?

Edmondston: No.

Bickford: Do I have a motion to approve as presented?

Dorrier: So moved.

Gooden: Second.

Commissioner Dorrier moved, Commissioner Gooden seconded, and was unanimously carried by the Commission to approve agenda as presented.

Bickford: All right. Any discussion? All in favor? Raise your right hand. Approved. We'll move forward. approval of minutes. We have the September 26. regular meeting minutes. Anybody find any changes? If not, I'd like to have a motion to approve as presented.

Taylor: I make a motion.

Crews: Second.

Bickford: I have a motion and a second. Any discussion? All in favor? Raise your right hand. Alright minutes are approved. Thank you. That brings us to public comment period. Do we have any people signed up?

Commissioner Taylor moved, Commissioner Crews seconded, and was unanimously carried by the Commission to approve minutes as presented.

Edmondston: Yes, sir. We have three signed up. The first will be Teresa McManus followed by Eddie Slagle.

Bickford: Okay. Please come forward and take the podium state your full name, address and you got three minutes.

Teresa McManus: So a couple of things. I actually have some questions for you besides the fact that I'd like y'all to put your phones up. But you don't want to do that anyway. I've been doing some planning commission classes. Have you taken any? Have you guys gone online and taken any because I've been taking them? They're really kind of cool. But the one thing that I thought was really good are what are the special skills that planning commissioners should have? They need to learn to listen, have knowledge and understanding of community issues and ordinances being fair and open minded, being prepared, ability to communicate, ability to analyze, and they should have relative experience in contracts in and in other ordinance matters. My question is, I really would like to know, because it's interesting to me, how many of you actually do? How many of you have had any courses in ethics, comprehensive plans, site plans, approval processes, planning law, or zoning? Have you this great classes? I mean, I'm taking him just to brush up on things. So I know what's going on here. Why don't we pay for you to have classes? How do you become a planning commission? Besides the fact that your board of supervisor puts you on here? What are your qualifications for them to put you on here? Because you guys don't listen to us. You don't pay attention to your people in the community. You don't seem to really care. So why are you up there? I know you can't answer which I think is also wrong. You should all have to be... You are all up there because of us. But you won't answer any of our questions at any time. I think it's an atrocity. And I think it all should change.

Edmondston: Eddie Slagle.

Eddie Slagle: Mr. Chairman, Commissioners, Miss Edmondson, my name is Eddie Slagle. 2331. Back mountain road. Dillwyn Virginia 23936. I reside in district two but unfortunately I was annexed to District Two I was in three. And I loved being in three. So no offense to whoever my commissioner is. I'm just here tonight, just to thank Mr. Commissioner Kapuscinski for his work and dedication to this committee, he goes over and beyond. And like I said, not taking anything away from anybody else. But since he was recently put on, he has made an impact. Like I said, I wished I was still in District Three, and he was my Commissioner. But he's made an impact. And we need more people like Commissioner Kapuscinski in our county government. Thank you, sir. Appreciate it. You have a good day.

Edmondston: David Ball.

David Ball: Good evening, David Ball district three. I have one simple, simple question. When I go to library, I can see a copy of the Board of Supervisors meeting packet and everything that's

there. But I've been noticing lately, I haven't seen the planning commission packet there. So I'm kind of wondering why we don't see Planning Commission packets. I mean, are signs being posted on the property notifying us that meetings are coming up? I mean, these questions have been asked and I think are relevant questions. But you know, people want to be able to have that meeting packet book at the library. So if they want to go back and look at past meetings, they want to do research. They want to review it and see where the board has looked at certain policies and certain changes, you know, that they've requested. So there is a real need for having those packets available at the library. Thank you.

Edmondston: That's all the speakers that signed up.

Bickford: I will close the public comment period for old business. I understand we had a delay. We will do that in November. That correct?

Edmondston: Mr. Chairman and members of the Planning Commission, we did receive a letter a formal letter of notification from APEX with the Rosney Creek solar case 22 SUP 319, where they are respectfully requesting to actually delay the public hearing and move it to November 28. So that it gave them a chance to engage with the community a bit more. Mary Margaret, who's on the application and part of Rosney Creek solar LLC is here with us. Should you have any questions regarding that project, but you all received the letter in your packet.

Bickford: You need a vote on that, don't you?

Edmondston: Yes, sir.

Bickford: Okay, before we take the vote do any commissioners have any questions for Miss Hertz sitting here? She's willing to take some questions.

Kapuscinski: Chairman. I don't have any questions but I do have a statement as much as we're not going to be in a public hearing just yet. I'd like to make some comments regarding this particular SUP if it's alright with you.

Bickford: That's fine sir.

Kapuscinski: The SUP is between Rosney Creek energy LLC and the county and Miss Mary Margaret if you if I say something wrong, please correct me but it's between the county and the and Rosney Creek energy LLC. Apex owns the LLC and Aries owns apex. I don't know if you're all aware of that. But it was sold to Aries maybe close to a year ago. Apex energy plants are individually incorporated and they stand on their own. As far as agreements between them and the county. Their balance sheets are their own. There are bonds cited in the current application that apply to decommissioning and landscape and the LLC has already agreed that they would be responsible for any public road damage due to the construction of this power plant site. However, since this LLC is a standalone entity financially responsible for the project. There are issues that the Commission may want to consider and could be covered by adding some

conditions. If approved, if appropriate, the Commission may want to consider the following if you would allow me to say so. Surety to cover any eventual environmental mishaps from the beginning of the construction until decommissioning and removal of all components from the site that no electrical and or battery or panels are stored regardless of the reason on or near the plant at any time for any reason except during construction of the plant. That all damaged or spent components including but not limited to batteries and panels are disposed of immediately outside of Buckingham County in an appropriate manner and in an appropriate location. I don't know but this condition probably should be covered by another bond to allow the county to do this. In the event the LLC is somehow dissolved, or otherwise disappears for any reason. And then surety to cover full reparations of land under the plant back to its original agrarian status. And any and all environmental remediation required as a result of having the plant built and operated at the site. The Commission may want to also recommend that all holding ponds and environmental protections other than vegetation be located inside the buffers, rather than using any buffer area for this sort of thing. And perhaps there should be some consideration regarding neighboring property and setbacks related to those as well as creeks and drainage is and I'm not technically versed in the area. But I have read other county SUPs and the provisions and notices that they're that they're setback quite a bit more than Buckingham is allowed in some cases. Lastly, the Commission may want to recommend that all of the conditions should state that the LLC is responsible in the event of dissolution would fall back onto the parent company or companies, regardless who they are the wording as a matter of contractual language. And I'm not trying to negotiate that here. If the commission agrees, perhaps the zoning director could add these conditions to the SUP for us to pass along to the board of supervisors to further consider and negotiate and make their eventual determination.

Bickford: I would ask that if you could if you could make a copy and provide that to Nicci.

Edmondston: Are these different from conditions 10 11 and 12 And the first one as well?

Kapuscinski: I think maybe you should read them if they are if they're not different. Fine. But if they are, you may want to I'm leaving the wording to you. I just recommended those things. Having read the conditions on the SUP, I saw the property, I don't have any problem with where they're locating it, it's off of its there's no, there's no eye view. I mean, it's on property. I mean, Mr. Davis's property where this stuff is gone is basically rocky, I don't know that he could use it for anything else. And I think Mr. Davis is quite a good steward of the land. So I don't have a problem with that. I just have some difficulty because we deal with the LLC, we're not dealing with apex, we're not dealing with Aries, financially, right, we do have the representation here. But those companies set on their own the balance sheet and that company's not big, it's small, it's a small company. So consequently, if there is something that falls back on the county, the only thing we have are the assets in that small LLC. So it seems to me that what we may need to do is add something that would give us surety that we can take care of things in the event that that this LLC is somehow decommissioned in one way or another.

Bickford: Okay. Understood. If you may run those by Mr. Wright to. Miss Hertz you've heard those do you have a comment at this time on it or you want to hold your till the meeting?

Mary Margret Hertz: I can address a lot of those concerns in a more specific, like decommissioning plan, with, you know, actual steps of further remediation that you talk about. And we can specifically mention batteries in the conditions and that sort of thing. So something that I'll work with Nicci to see what we can do.

Kapuscinski: I'd like to mention miss Mary Margaret, I'm sorry, I don't know your last name. I tell you, they've been unbelievably cooperative. I've gone to the presentation, I asked a lot of questions, they were extremely responsive. So I have no reason not to trust the company. It's just the size of the LLC, the small balance sheet and ultimately what would happen if this thing dissolved and I just would like to make sure that the county is covered.

Hertz: One comment I will make on that too. And I know we talked about that is that it's very common for developers to have project level LLCs and you did a very good job of summarizing our relationship with Aries and all of that so it's industry like common practice because it helps us have a more streamlined financing process. But either way ill look into how other counties have addressed that to.

Bickford: Before Miss Hertz sits down does anyone have any other questions for her? Thank you Miss Hertz. Okay, brings us back, they want to delay until November do i have a motion to approve it?

Kapuscinski: So moved.

Dorrier: Second.

Bickford: Motion seconded. Any further discussion? All right. All in favor, raise your right hand. All right, that passes. So we will see you in November. All right. We have two new cases or new business. Chris Hucks, I'll turn it over to you to introduce.

Edmondston: Yes sir. The introduction tonight for a new case. 22 SUP 320. Landowners Terry Husky applicant is Chris Hucks, the property state 799 Troublesome Creek Road Dillwyn it's actually Buckingham, Virginia 23921. Tax map 123 parcel 48 does contain about 13 acres, and it's in the Maysville magisterial district. It's currently zoned a one agricultural. The applicant this evening wishes to obtain a special use permit to operate a professional service office which will actually be a medical office as he has explained within his narrative at this home located at 799 Troublesome Creek Road. The applicant is asking the planning commission this evening to hold a public hearing for this request. There are 10 conditions that you may consider adding to this request. You may also consider adjustments or amendments or additions to these as well. Our applicant Mr. Hucks is with us this evening to address Comments, questions and concerns.

Bickford: Mr. Hucks would you come forward to the podium please just give us a quick overview of your project application.

Chris Hucks: Good evening. My name is Chris Hucks. I live in the Maysville district at 799 Troublesome Creek Road commissioners Miss Edmondston and citizens of Buckingham, thank you for allowing me to speak tonight, I begin the application process of my plan to transition my current residence into a professional medical office building in which I will provide medical care to both adult and pediatric patients. In other words, their primary care office for our county and loved ones. I live in Buckingham and have been here for over 40 years. I'm committed to this county and want to give back to our community. I began in health care in 1994 on the Dillwyn fire department, and in 1995, I took a EMT course. And since that time, I've been taking care of people. I'm currently a registered paramedic, registered nurse and licensed Family Nurse Practitioner I have extensive experience with adult and pediatric patients critical care Intensive Care Unit experience, family practice and emergency department experience as a nurse practitioner. My wife and I are currently building a new home. And this is allowed for me to transition our current house into my medical office, I would plan on this office being open Monday through Friday hours, likely between 8am and 6pm. With the availability of open hours on the weekends from eight to noon, the number of patients would be likely between 12 to 15 a day, this should not cause any significant traffic hazards or any other concerns. Buckingham is in need of additional primary care in our county. And I would like to become part of this solution. As this process takes several months, my goal would be for the renovation of the office to begin hopefully in January after the anticipated meeting and approval hopefully with the Board of Supervisors, I would aim for an opening date as of June 1 of 2023, if not sooner. Thank you all for your time, and I'll be now happy to receive and field any questions.

Bickford: Turn it over to the Commission for questions. Anybody have questions at this time?

Taylor: Would you need another doctor there with you or just you?

Hucks: So fortunately, with my experience, I have autonomous practice licensed through the board of health and medicine. So no, sir.

Dorrier: Will the state allow you to do that, to operate without a physician?

Hucks: Sure, I'm happy to you know, to help explain more in detail to provide the code. But I can go into further detail. The state board of health back. I can't recall the exact date but otherwise if you have a nurse practitioner that has over five years of experience, then they can apply for what's known as autonomous practice and they are allowed to practice independent of having a physician. It may seem, I guess, not that common because Buckingham does not have a large majority of nurse practitioners in our county. The requirements are, are listed as basically, the nurse practitioner would agree to communicate with a physician or team of specialist warranted in any particular critical or patient that would need a specialist but that's routine anyways, most of the primary care offices in the state are usually ran under a nurse practitioner that does have a physician that, you know, can interact with the provider. But given the lack of primary care physicians, you know, in the state the code allows for a provider with the appropriate amount of experience to be able to practice on their own. In essence, it's an

autonomous license that is granted, but essentially, the Family Nurse Practitioner usually makes the decisions on their own anyways.

Dorrier: Will you be referring to maybe hospitals and talking to hospitals, I mean, I just don't quite understand. If you're a nurse practitioner, how you can operate with a hat being a physician usually have an onboard physician. At these complexes we have around the area, they do have physicians there, and I'm just not, I'm not that familiar. And I just wouldn't want to jump into something I'm not familiar with. In your operation is what im saying.

Hucks: I can go back on my I've been practicing as a paramedic, since 1997, and a registered nurse since 2009. And then completed my master's in family medicine in 2017. And at that time, I actually worked as a nurse practitioner here in Dillwyn when, subsequently, before they ended up closing the practice. From November 18 To the last November of 21, I worked in the emergency department in in Farmville, where at nighttime, there's one mid-level provider such as nurse practitioner or physician assistant, and then there's one physician for however many patients come into the emergency department. So my professional experience I would not request or even, I guess submit an application if I did not feel comfortable handling a large majority of patients or patient cases that comes into a primary care office. So I mean, I'm happy to provide you with any other information that you may want. But I mean, the other you know if I do not have any problems if patients prefer to be treated or seen by physicians that's completely up to the patient and what they feel comfortable with. But there are also a large majority of patients that prefer the treatment and bedside manners that are provided by nurse practitioner. I've completed a bachelor's degrees associated science in paramedic degree, master's in nursing, a master's in business and then a post Master's certificate in family medicine.

Dorrier: You understand where I'm coming from though? How far can you take it? I mean, it's just for you're not a doctor and I just You see what I'm saying, Mr. Chairman, the rest of commissioners understand what I'm saying, I'd just I'd like to see something stated from the state on where you would be ok to operate under these conditions.

Hucks: That's what antonymous practice is, yes, I can, I can provide you with the website to look on there. I'm not, you know, we don't, I can, I'm happy to accept people's opinion on whether, you know, they receive care from a physician or nurse practitioner, there are literally maybe two or three drugs that I can't prescribe that a physician cannot, I'm not taking away from a physician and their acceptance and completion of med school. But as I just listed, I have participated in a significant number of years of education myself. And right now, that would be a large majority of clients and patients in our county that have received care from myself over the past several years, that I think would agree that they feel comfortable being treated by nurse practitioner, nothing, you know, personal if you if anybody wants to get treated by physician, then they're more than welcome to find a physician that is accepting patients.

Bickford: He answered your question. Basically you were asking about the legality of it. And he's answered how.

Hucks: The Virginia code allows for that to happen. I can send that link if you'd like to read it. Verbatim. I didn't copy that here tonight.

Kapuscinski: I think if I might clarify, is there some sort of a document that has to come from the state that allows you to open up a practice?

Hucks: So to open up a practice, there is no specific document that has to come from the state, I have a license, just like a physician has a license.

Kapuscinski: That's the question that was being asked if I'm not mistaken, right?

Hucks: There aren't that many nurse practitioners coming do this. So I can appreciate the not really having a good grasp on that. There are plenty of documents and studies and we can get into the communication between patients that prefer to have physicians and prefer to have nurse practitioners there, like you can google until you want to, read it your desire between and that's the patient preference. And that's, you know, obviously patients that would come want to see me would understand that I'm a nurse practitioner, not a physician.

Kapuscinski: So what you're saying is legally, you have the wherewithal, the states given you the wherewithal to open a practice.

Hucks: I've been doing that for the last six years.

Kapuscinski: I have a question. First of all, are you living at 799 right now?

Hucks: Yes.

Kapuscinski: The house, that's to the right that sits back where the soybean field is at the house, you're building? Is that your house?

Hucks: The newer house as you're going towards route 20? Yeah.

Kapuscinski: Well, this is the house to the right if I'm looking at 799, there's a house being built on the right of that in a soybean field. Is that?

Hucks: Yes.

Kapuscinski: So are you going to have your practice in that house?

Hucks: The plan will be to do some remodeling, and turn the house I'm living in now into my office.

Kapuscinski: So the house you're living in now will then be an office, but it will not be a home?

Hucks: That is correct.

Kapuscinski: So it's not a home based service? That that's what I'm trying to get at.

Edmondston: No, he will not be living there, he will move into his new his new home and this will be the office. And he's aware he's had a couple of conversations with the building inspector that he will have to meet a commercial code for the usage of the practice, just as the very first condition all federal, state and local regulations, ordinances and laws must be strictly adhered to.

Kapuscinski: Will you be handling scheduled three drugs? narcotics. No,

Hucks: no, there wouldn't have been any narcotics. That that requires a DEA license. I'm not trying to open the emergency department.

Kapuscinski: Okay, so you may prescribe something like that, but you're not going to keep anything like that on hand.

Hucks: Correct.

Kapuscinski: How about barbiturates or anything like that?

Hucks: Maybe Tylenol or Motrin.

Kapuscinski: Okay. All right. So and how about any other dangerous drugs? Are they going to be on site?

Hucks: No, sir.

Bickford: Other questions? Yep.

Gooden: Thank you, Mr. Chairman. Congratulations i understand the work of a nurse practitioner. but I had a question. In your presentation that you mentioned a mobile medical service is that just home visits that you're talking about?

Hucks: So in preparation for allowing time, there are a lot of residents here that still due to the pandemic and closure of, they don't have primary care availability. I am in the process of being able to start a home based visit where I would be available to come to the patient's residence to treat them there. Already, there aren't any regulations or anything like that, that I need to go through other than completing supplies, and so forth, and being able to do that. So I'm going to be making that available, hopefully in the next few weeks, to be able to provide to patients sooner than later, as the time period allows for me to open the office.

Gooden: Okay, and you will be doing acute and chronic health care, you will be doing acute?

Hucks: I would take accept any patients, adult chronic medical care, like I have been practicing primary care with all ages, in both Buckingham and in surrounding counties for last several years.

Gooden: Okay. And you'd be doing well checks. Would you be doing like well-baby checks, sports physicals?

Hucks: That's correct. Yes, ma'am.

Gooden: That and the parking space? You said you had anticipated 12 to 15 patients a day? Maybe?

Hucks: It's I mean, that's, that's usually an average.

Gooden: Yes, ma'am. And I was wondering, the parking spaces accommodating how many people do you anticipate being there waiting to be seen?

Hucks: I mean, I guess it would depend on, you know, the volume of particular days or how the total number would be sick. But usually, average primary care waiting room would be less than five or so dependent on the length of the day.

Gooden: And I have a question under number four about the solid waste container. And I wanted to know about the medical, is there a different for the medical waste disposal? Is there a different? Or does that follow? Would that follow under that local and state regulations as far as that kind of disposal?

Hucks: Sure there would be a biohazard sharps containers, that would be a separate contract that would come in and pick up those just like they do in other doctor's offices, and we're not going to put medical waste into the solid waste container. There would be policies, should there be any blood biohazard. They are put in biohazard containers and would have to be picked up by the appropriate company that would handle that type of waste.

Gooden: And that's what I was concerned about. Not so much the sharps container. The sharps but also the drippy fluids.

Hucks: Yeah, I mean, again, we're, I'm not opening an emergency department. So there would not be a significant amount of what I would consider bio hazard materials happening in primary care office.

Gooden: Okay. Then I just want to know how it's going to be disposed of. So you would be contracted with a company to pick this up?

Hucks: I mean, in my experienced office, I mean, they provide a large box that would probably id say, have to be emptied maybe two or three months at the most.

Gooden: The cardboard box with the big red bag. All right. Just so you know, you're talking to another nurse. So that's why I asked about that. And actually, I'm a pediatric nurse practitioner, so I got you. And I know people love seeing nurse practitioners.

Hucks: Well, I did not know that. Thank you.

Gooden: Okay. But that's why I was asking about things like about the acute care and the routine care or just, you know, illnesses, were you just looking at illnesses and the home visits, but I was concerned about the bio hazards there. Sharps containers are easy to dispose of. But it's those other drippy things that come up.

Hucks: Yeah, I mean, you know, I would be happy to provide whichever biohazard company that I would get to handle that.

Gooden: Okay, and there's the access for emergency vehicles should you have a need for that? They would have easy access to your site?

Hucks: Yes, ma'am. I know that, that wouldn't be an issue.

Gooden: All right. Thank you. Okay, those are my questions. Mr. Chairman.

Kapuscinski: I have one for Mr. Edmondson. I noticed when you go through a one, it provides for home based services. Now his is going to be a separate office. I didn't see anything in the SUP for a one for medical services. But I did see one in an NC one. And I also saw one in b one.

Edmondston: Professional services were actually added as a zoning text amendment in spring of 21. Okay, so that's why you wouldn't say that should be updated now. I think our IT director was posting that to our overall Buckingham County website, there were a few zoning text amendments that no, you're correct, Mr. Kapuscinski you would not have seen, and to go back and address and address the homebased service business office. So what that actually is, if you have a home based service business, let's say that I had a lawn care business, in my home, I can actually just have a office set aside. And that's it. People don't come to my office, but I'm allowed to work there. With the home based service business, I could be an attorney or a doctor where I have just my office here, but I cannot see patients they are I have no advertisement, no outside signage or things of that nature. It's just an additional office for the space but not to conduct the business there.

Kapuscinski: But why wouldn't we then wouldn't we consider B one or NC one because they do specifically state medical services.

Edmondston: They do. But it comes down to whether or not there's an option to go there. And if an individual has the ability to pay rent and a deposit and do those type of things. So yes, I do recognize that there are certain zones within the area that allow for that, of course, if the area or

the zoning district that you're in does not allow for that does allow you to make an application for the special use permit to see if the planning commission on the board of supervisors can see if those conditions can maintain the integrity of that zoning district and if it's the right fit, but of course yes, there are zoning districts that allow for this. The majority of my applicants state I own this particular piece of property I do not have the ability to operate a business and you know, either purchase additional property or pay some form of rent in a zoning district in which I did not own property but yes, you are correct. There are zoning districts that exist that allow for by right some of these things.

Kapuscinski: Is his zoning district one of those?

Edmondston: He's A one so he requires a special use permit to make application to see what the final desire is.

Kapuscinski: Okay thank you.

Bickford: Any other questions for the applicant from the Commission here? Appreciate you answering the questions you can go ahead and take a seat we'll make a decision to move this forward or not. How does the Commission feel? Do we want to move it forward to public hearing?

Taylor: Yes.

Gooden: Second.

Bickford: Motion and a second. Any further discussion? All in favor Raise your right hand. Mr. Hucks we'll see you in November. Don't have the date off the top my head.

Edmondston: November 28th.

Commissioner Taylor made a motion, Commissioner Gooden seconded and it was carried unanimously to move case 22-SUP320 on to public hearing.

Bickford: That brings us to our second introduction Olympia Moore.

Edmondston: The next case for introduction is case 22 ZMA. 321. Our landowner and applicant is Olympia Moore her address on file for application is 5563 Friendship Brown Drive Summit North Carolina tax map is 42 its parcel 208. There are approximately 13.77 acres in this parcel. And that is located on North James Madison highway route 15 in New Canton in the Marshall magisterial district. It's currently zoned a One, the applicant is requesting a rezone from agricultural a one to business b one for future commercial use. The applicant is asking the Planning Commission to schedule a public hearing for this request. This proposal is located within the Arvon New Canton village center which surrounds us route 15 entrance into the

county from Fluvanna. It is comprised of several neighborhood businesses such as convenience stores, restaurants and banks, Slate mining, aggregate manufacturing and trucking and industrial uses. Within or adjacent to this village center housing of all types and sizes comprise this area. The area is not currently served by public water and public sewer. However, the village area does contain various infrastructure assets, including railroad access and a water intake located on the James River could be piped to serve us route 15 corridor of the village. Several churches of various denominations dot its landscape and forming unifying core for the community. As in all of the villages, the major land use consideration is to ensure that infill development and redevelopment occurs and that future land uses are compatible with the various land uses in the area. Because of this each request for rezoning special use permits or subdivision within or in the immediate area that would have an impact effect upon the village should be given careful consideration. Also, please note the applicant continues to work with vdot to schedule the traffic impact determination, which is page 10 of the application. Miss Moore is available virtually for us this evening. I do have one thing to add I have a message I was unable to speak directly with v dot miss Moore. But Mr. Edwards did call he did not fill the form. And he had some more questions because there's nothing specific as of yet that this is just future land use, the only thing that he would really be able to determine from a state v dot guideline would be your sight distance, but he wanted to have one more conversation with you and I regarding any other part of the plan that he was not aware of. So I did want to put that out there for you all the commission this evening. So I'll turn it over to Miss Moore to address questions and concerns.

Bickford: Miss Moore could you give us just a quick overview of your application, please.

Olympia Moore: Sure. Yes, my name is Olympia Moore and again, I reside at 5563 Friendship Brown Drive in Summit North Carolina. I want to thank you all for allowing me to speak with you tonight regarding rezoning this property as you can see regarding the application. I do not have any current specific, you know, commercial use in mind for this property. But I do know that Buckingham County, you know is growing there this have you know the Dollar General the Dollar Tree, some other businesses around that area. And I do think that changing the zoning to commercial would only help the county in the future as well.

Bickford: Okay, thank you. Any commissioners have any questions? Yes sir go ahead.

Kapuscinski: Is your property...there's a road near your property called old self road is at the border your property? It leads back to a farm house?

Moore: And what was the name of that road?

Kapuscinski: Old self road? It's a trail. And it's a public it's an easement. But it leads back to a farm on the right hand side going back there. A lot of nice pasture land. And in front toward 15 is where all the wooded area it looks like cut over maybe 10 12-year-old trees. That's your property? Right? Do you own the pasture? Do you own the pasture land to?

Moore: Honestly, I don't know. I just know it is 13.77 acres. I don't know if that road is also included in that. I can find out.

Kapuscinski: I have a question for Miss Edmondson.

Bickford: I was gonna say I'm familiar with the property and it does not go back that far. That's the Lynn Jones farm.

Kapuscinski: So that pasture belongs to the farmer? Hers is the wooded area.

Bickford: The wooded area. It was harvested probably about 25 years ago. Okay. And it's straight. It's directly across from the shed.

Kapuscinski: Yeah, from the shed station. Yeah, I saw it in. But the question for Miss Edmondson is, if we rezone this property, I mean there is you go along that road, you go along old self road on the right hand side. There are a lot of homes. There's a bunch of homes spotted back there and I recognize there's it's a varied area. I mean, there are churches, there's everything in that area. But what happens if you rezone a piece of property, and it butts up against a residential piece of property? Is there an implication there? What happens?

Edmondston: There are setbacks for construction. So if you're if, at this point, the application as it's been submitted by Miss Moore for future development. So there's not a site plan stating that it's going to be one parcel two parcels or any particular type of business, it would be anything that's permitted in a b one. But what any of those businesses they were to construct a building or something for future use. The setbacks are what will keep them away from the property line from an if you're a B, one and you're close to an industrial or another business district or an or an A one, the setbacks would keep you away from that. But do you have something a bit more specific than just a setback?

Kapuscinski: Im a little worried. Well, I wasn't worried. But I'm curious to find out if there's a valuation change that occurs to those neighbors, just because she has a commercial piece of property now that borders their property, does it? Does it affect them tax wise?

Edmondston: Their properties according to the other conversations that I've had with our commissioner of the revenue, the tax base would be impacted to the area that's rezoned to commercial because this has gone from an agricultural land use tax value now to a commercial land use value. Yes, sir. I don't control those rights. I don't know what they are directly off the top of my head. But I do work with our commissioner on the revenue so that she's aware of special use permits that are issued because of course, the usage of that property, even though it hasn't been rezoned, the usage is now commercial or different from just an agricultural use as such the values of the individuals that live nearby there, they're going to retain their agricultural tax value, whatever they've had, because they're not impacted by their parcel being rezoned as such Now, are there any impacts that would say on a real estate analysis that would say what,

what happened to those that could be they would be conducted independent of planning commission board supervisors.

Kapuscinski: So what you're telling me is basically nothing changes? Well, let me ask you this, if in fact, she, if it continued to be in a one piece property, if she decided at some point in time, she had a prospect and the prospect wanted to put an office in or a restaurant, there's nothing wrong with her coming to us at that point in time and asking for a rezoning then is that true?

Edmondston: That is correct. At this time, the application states future commercial use, we don't require at this time as of yet a site plan, you know, or any other studies or copies of contracts or leases stating that you know, she's engaged with any particular company or corporation to come in right now. It is just a request to rezone this 13 acres from a one to be one. But to answer your question. It could happen at a different time with a more specific plan.

Kapuscinski: So may I ask you what, why the why the apparent urgency? I'd like to know what's triggering this desire to do this immediately. Are you considering selling and you think you can get a better value? Or what what's your what is the issue?

Moore: No, honestly, I just like I said, I just inherited this property from my parents. And, you know, I do have family, I do have relatives in Arvon and Dillwyn And, you know, everyone's always talking about, you know, the need for businesses, the need for, you know, different activities. And Buckingham in general, I used to spend my summers in Buckingham, because of my grandparents, you know, live there, and my mom is was raised there. But as of as of right now, specifically, no, I don't have a specific use for it. But yes, just something in the general future. Yes, I would like it to be zoned commercial. And then once it's zoned commercially, we would have a better idea. You know, maybe it will be more attractive to businesses coming to Buckingham.

Bickford: Pete to tag along what she's saying the advantage of having it already zoned business is she can advertise it as business. And that would help the process for a potential person coming in wouldn't have to come in for the hearing. Say it a by right bussiness, they wouldn't have to come before the Planning Commission Board of Supervisors, because shes already had it rezoned. So it's an advantage to do that. And that's probably why on her part.

Kapuscinski: Alright. Well, thank you.

Bickford: Any other questions for Miss Moore?

Dorrier: Miss Moore. You haven't had anybody approach you though yet about a business coming in to your land, right?

Moore: No, not at all. Not at all. You all are my first contact except for Miss Edmondson and rezoning to help me walk through this process. But no one's contacted me, no one has, you know, is interested, you know, a buying or selling it is not my intention to sell. Like I said, the property

has been in my family for years, No, I don't plan on selling. I don't even know how to, you know, divided up or, you know, subdivided or anything like that. There are no immediate plans for any of that, just to simply change the rezoning and then hopefully, you know, with marketing, businesses will be attracted to it.

Kapuscinski: Mr. Chairman, just going back to what you said earlier, though, if we, if we didn't change the zoning on this, and we left it a one and a business did approach her and that business, whatever business it was, at that point in time, it would come before the Planning Commission, and the people, particularly those in the surrounding area, will then have an opportunity to comment correct? All right. Okay. If we changed it to a B, one in the business one in there, there wouldn't be a need for them to come to the planning commission, that would that then eliminate the ability for those people to make comment?

Bickford: If it was changed the business and it was a by right application business. No, it would not have to, it would go to Nicci she would approve it. And if it would not go before the planning commission or nor the Board of Supervisors. Any other questions that the commissioners have? Nicci had noted, this does fit into the new growth area on 15 its in one of our growth zones. And there's business right across you've got the service station by Jeffrey's. Alright, if we have no other questions, what is the pleasure of the commission? Are we going to move forward to public?

Kapuscinski: Mr. Chairman You know, how do we go about this? Because I really, at this point in time, I have reservations. And I don't know if I can state those to the Commission here or not?

Crews: Well, I mean, I think I would feel more comfortable. You know, it had some kind of plan and what they wanted to do with their property.

Bickford: Right. Understand.

Kapuscinski: My concern is, I first of all, it wouldn't be a problem for her to change if she had a business prospect. I mean, it's a matter of coming for the commission, what I like about the fact that she would come before the Commission is there, those people who neighborhood property would have an opportunity to speak up, if we change it, if we change the zoning. And those people still live there. You know, all of a sudden, what we do is we take the ability for them to come here and give us their view. It doesn't, for her, and as much as she's not really actively looking for a prospect, if one does come to her, there's no problem for her coming to us, and asking to change the zone or to get a special use permit. On the other hand, if we do that earlier, like now, then I believe what we're doing is we're taking, we're taking an opportunity for people who may object to come here and object.

Bickford: Well, if they have objections, they can still come here. If we move it to public hearing, they have the right to come and say we don't want her property business, because we don't know what she wants, what's going to come in.

Kapuscinski: I guess I'm looking at it down the road if she brought in a particular business, and that and I mean, they may not have anything to object to right now, because they don't know what kind of business she's going to bring in. If she brought in a store, it might be, they might be happy about it. But if she brought in the garbage disposal company, maybe she maybe they wouldn't, you know what I'm saying? There's nothing for them to object to now.

Bickford: Well, yes. And no, if you understand what a business district is, and then look up the by rights, and can see what goes in.

Kapuscinski: I wish everybody would read that.

Bickford: But I'm not sure they would do that. But that that is a flipside that they do have the opportunity to come here. If this were to move forward to public hearings, they have the opportunity to come forward and state their cases whether they want it to move forward or not. Okay. But yes, it's valid, is valid, what you're saying, all right. How's the other Commissioners feel?

Dorrier: I think as long as they have the opportunity to come forth at a public hearing, I would be okay with it. But I know it like Pete says, If you come in there was a garbage disposal company or something and I couldn't respond to it, then I'd have a problem. So, I mean, I mean, if we let it go to public hearing, then the people would you know, they could come in and talk about it.

Bickford: The public hearing being changed into the business district or waiting until she gets an application some possible applicant? Pete's discussion is waiting till she actually has a applicant that wants to move on the property. So you know what it is. What the business is. On the flip side.

Moore: Well, I am open to, you know, assisting Buckingham grow in any kind of way, you know, economically, I am open to suggestions, I'm not exactly sure you know, what the people in that community want or need. But, you know, as far as economic growth, you know, I am open to suggestions, and moving forward in a more positive light

Bickford: So, that's the question Do you want to move forward with the application to public hearing with the people having the understanding they can come and oppose it now? Or maybe if a business comes in, if it's by right for the business district, they will not have the option to oppose it. That's where you're at right at the moment. Nicci, you don't happen to have the list of some of the things that are by right in business do you? That might help a little bit.

Edmondston: Let me see if I can pull that up for you.

Bickford: That would give you an idea what's permitted and miss Moore may want to know what's in it well.

Edmondston: We went over that I believe I sent that to her when we started this, you know, it is on one of our growth corridors and as you mentioned before, you know, marketability, if her sale is contingent upon rezoning our special use permit you know, that holds up progress of course, you know, hold me she's just asking she is asking for a public hearing to invite the public to hear this request you know, to see what maybe their comments and concerns whether there, you know, in opposition or support of her project. Permitted by right are things that I think you're all very familiar with in the area 15 close to Dillwyn when not in the town but as such antique shops apartments as a secondary use art craft hobby stores, auto truck sales, agricultural industrial equipment new and used barber and beauty shops, caterers, cemeteries, churches, convenience stores, daycare centers, drugstores, dry cleaning laundry service, emergency service facilities, financial institutions, including but not limited to bank savings loans and credit unions, food stores, bakery butchery, candy, funeral homes, garages, golf courses, driving ranges, greenhouses, garden shop, nursery, hardware stores, libraries, lube shop, auto repair, towing service, medical clinics, church owned dwellings, motels, hotels, bed and breakfast, museums off street parking, parks and playgrounds, professional offices, restaurants, retail stores, gift novelty apparel, sporting goods without shooting range, jewelry, etc. Those are permitted by right.

Bickford: It's pretty thorough list. But that does give you some idea of what could go here and if we were to move forward. And those would be by right. Any applicant she was to find if it was one of those it would be by right. It would not be necessary for public hearing.

Kapuscinski: There's no signage right? Mr. Chairman, There's no requirement for signage on the property to tell the neighbors that there's going to be a change in the zoning.

Bickford: Yes.

Edmondston: Yes, she will receive a special use permit sign that she signs just like page 12 of the application saying that she'll post it 21 days' prior. Everyone listed that's an adjacent property owner there receive a letter and then as always, we will post the public hearing notice in the Farmville Herald is the publication that's used two weeks prior.

Bickford: It's a possibility. I know quite a few of them that live there. I don't know if anyone would have any concerns especially with the listed by rights, I think it would probably be welcomed, but I understand your concern.

Kapuscinski: Anything but a shooting range right?

Bickford: What's the pleasure? Do you want to move forward to public hearing? as Nicc's indicated its in one of our growth areas, there's business right across the street on the other side of 15.

Kapuscinski: What are the other motions we can make here?

Bickford: Either the motion to decline or move forward. But okay, yeah. If you don't want to move it forward to public hearing. I guess you could table it to get more information but I don't know that we can get a lot more information.

Kapuscinski: She's already given us everything she's got,

Bickford: Well, it's pretty straightforward application.

Taylor: I make motion to decline.

Kapuscinski: Second.

Bickford: Alright motion to decline. All in favor raise your right hand. Three. All opposed? Three. So we have a tie which means in a public hearing setting it goes to the board of supervisors. We haven't had a public hearing so where do we stand with that?

Edmondston: Can we take just a brief pause.

Bickford: Miss Moore we have a tie here so we have to take a few moments if you will hold tight please.

Edmondston: Mr. Chairman, thank you for that brief. Recess to give me a chance to do a bit more research. So I was able to speak directly with legal counsel Mr. Wright. Of course with the motion that was made and the vote that was taken and that was a tie, the motion fails. And at this point it is declined. The public hearing is declined

Inaudible

Bickford: Alright, so where does that leave Mrs. Moore, she can bring this back again?

Inaudible

Bickford: Alright, so.

Edmondston: She can come back later time, let's say November and ask for public hearing.

Bickford: So she will not have to introduce it again. Just come forward.

Edmondston: Her request for a public hearing has been...

Bickford: Rejected. Right. Okay. Miss Moore. Do you understand the decision? Have you heard us?

Moore: I didn't hear the decision. I couldn't hear what were you saying?

Bickford: Okay, we ended up with a tie and our county attorney has indicated that that means the at this point your application failed to go to public hearing. We are short two commissioners. So if you want to come back in November, talk to Nicci Edmondson, you will be back on the docket and you can bring, bring your application forward and see if it does get approved to move forward to public hearing at that time.

Moore: Okay, all right.

Bickford: So if you decide you want to just contact Miss Edmondson and she'll help you through the hurdles.

Moore: Okay. Did you need more information from me? Would that help going forward for the next hearing?

Bickford: I don't know. I mean, any more information certainly would help is I don't know that that would be that much more change in the attitudes or opinions. But if you have some more information before you if you decide to come forward, yes, ma'am. If you'd bring that it would be, could be beneficial.

Moore: Okay, thank you.

Commissioner Taylor made a motion, Commissioner Kapuscinski seconded and it was carried 3-3-2 by the commission to decline case 22-ZMA321.

Bickford: Thank you. Nicci, that brings us to reports.

Edmondston: Yes, our building permits are included for informational purposes. And I have nothing further as zoning administrator.

Bickford: Commission matters and concerns any commissioners have anything to say? Bring up.

Gooden: Yes, sir. Did you have an answer for me regarding us as commissioners addressing the Board of Supervisors?

Bickford: Yes. I did they talk to Mr. Wright county attorney and the commissioner that spoke at the board of supervisors had violated no bylaws whatsoever, had the authority to do it. His supervisors that appointed him was also was in support of it. So if you feel strongly, normally January's when we do the bylaws, make changes or whatever. You could consider doing something if the commission feels our way at that point. Maybe something along the lines of a conditional sort that addresses code of ethics or something.

Gooden: Code of ethics, right, because again, my objection was the use of we was inadequate.

Bickford: But that's where that stands. So it was no violation.

Gooden: We had no bylaws to address it. Okay.

Bickford: All right. Any other commission matters? All right. Do I have a motion to adjourn?

Dorrier: I move to adjourn.

Crews: Second.

Bickford: All in favor, raise your right hand. We are adjourned.

Commissioner Dorrier moved, Commissioner Crews seconded, and was unanimously carried by the Commission to adjourn the meeting.

There being no further business, Chairman Bickford declared the meeting adjourned.

ATTEST:

Nicci Edmondston
Zoning Administrator

John Bickford
Chairman

Buckingham County Planning Commission
November 28, 2022
Administration Building
7:00 PM
Public Hearing Case 22-SUP319

Owner/Applicant:

Landowner	Ivan P Davis 106 Whetstone Lane Dillwyn VA 23936
Applicant	Rosney Creek Solar LLC 120 Garrett St, Suite 700 Charlottesville VA 22902

Property Information: Tax Map 151 Parcel 21 containing approximately 439 acres, located at 19691 E James Anderson Hwy Dillwyn VA 23936, Curdsville Magisterial District.

Zoning District: Agricultural District (A-1)

Request: The Applicant wishes to Obtain a Special Use Permit to allow for the construction and operation of a 5 MWac utility scale solar facility on approximately 439 acres in Buckingham County.

Background/Zoning Information: The property is located as following; Tax Map 151 Parcel 21 containing approximately 439 acres, Curdsville Magisterial District. The landowner is Ivan P Davis and the applicant is Rosney Creek Solar LLC. This property is zoned Agriculture (A-1). The Zoning Ordinance does not permit a Public Utility Generating Plant as a Permitted Use. However, Within the A-1 Agricultural District, Public utility generating plants, public utility booster or relay stations, transformer substations, meters and other facilities, including railroads and facilities, and water and sewage facilities may be permitted by the Buckingham County Board of Supervisors by a Special Use Permit following recommendation by the Planning Commission in accordance with this ordinance and the Code of Virginia. The Planning Commission may recommend and the Board may impose conditions to ensure protection of the district if the Special Use Permit is approved. Rosney Creek Solar LLC requests a Special Use Permit ("SUP") to allow for the construction and operation of a 5 MWac utility-scale solar facility on approximately 439 acres of private land in Buckingham County, Virginia.

Below are conditions that have been offered by the Applicant. Please review and consider amendments and adjustments to ensure the protection of the integrity of the Zoning District:

1. Inspections. Rosney Creek Solar, LLC or any successors, assignees, current or future lessee, sub-lessee, or owner of the solar energy facility (the "Applicant") consent to annual administrative inspections by Planning Department Staff for verification of compliance with the requirements for this SUP after the completion of the construction of the Project. During construction of the Project, the

SPECIAL USE PERMIT APPLICATION CHECKLIST
BUCKINGHAM COUNTY OFFICE OF ZONING AND PLANNING MINIMUM SUBMISSION
REQUIREMENTS

The following table lists the information necessary to review a special use application. All items are required, unless otherwise stated, and must be submitted in order for the application to be accepted for review. This completed checklist must be submitted with the application.

Adjacent Property Owners List and Affidavit (pages 4, 5 & 6 attached). This list can be obtained from the Clerk of Courts Office: ☒ YES NO

Completed application for special use permit (page 3 attached). If not signed by the owner, a Power of Attorney must accompany the application: ☒ YES NO

Interest Disclosure Affidavit (page 7 attached). Must be signed by the owner: ☒ YES NO

Power of Attorney (page 10 attached). Required if anyone other than the owner is signing the application form or proffer statement on behalf of the owner: ☒ YES NO

Written Narrative (page 11 guidance in preparing the Written Narrative): ☒ YES NO

Fees: ☒ YES NO

Deed: ☒ YES NO

Plat (15 copies). The plat information may be incorporated into the Special Use Permit General Site Plan, in which case, copies of a separate plat are not required. The plat must be prepared by a certified land surveyor or licensed civil engineer and contain the following:

- A. Bearings and distances of a scale of 1" = 100' or less for all property lines and existing and proposed zoning lines: ☒ YES NO
- B. Area of land proposed for consideration, in square feet or acres: YES ☒ NO
- C. Scale and north point: ☒ YES NO
- D. Names of boundary roads or streets and widths of existing right-of-ways: ☒ YES NO

Tax Map (15 copies). Identify property that special use is being considered for and identify by name all adjacent landowners. - site plan identifies all adjacent owners

Special Use General Site Plan (15 copies) The General Site Plan must contain the following:

1. Vicinity Map – Please show scale: ☒ YES NO N/A
2. Owner and Project Name: ☒ YES NO N/A
3. Parcel Identification numbers, name, present zoning, and zoning and use of all abutting or adjoining parcels: ☒ YES NO N/A
4. Property lines of existing and proposed zoning district lines: YES NO ☒ N/A
5. Area of land proposed for consideration, in square feet or acres: ☒ YES NO N/A
6. Scale and north point: ☒ YES NO N/A
7. Names of boundary roads or streets and widths of existing right-of-ways: ☒ YES NO N/A
8. Easements and encumbrances, if present on the property: YES NO ☒ N/A
9. Topography indicated by contour lines: ☒ YES NO N/A
10. Areas having slopes of 15% to 25% and areas having slopes of 25% or greater clearly indicated by separate shading devices (or written indication of "no areas having slopes of 15% to 25% or greater"): ☒ YES NO N/A – attached as separate exhibit
11. Water Courses to include the approximate location of the 100 year floodplain (if applicable) based on FEMA maps (or written indication of "not in floodplain"): YES NO ☒ N/A Not in floodplain
12. Delineation of existing mature tree lines or written indication of "no mature tree lines": YES NO ☒ N/A
13. Proposed roads with right-of-way width that will connect with or pass through the subject property: YES NO ☒ N/A - using existing
14. General locations of major access points to existing streets: ☒ YES NO N/A
15. List of the proposed density for each dwelling unit type, and/or intensity of each non-residential use: YES NO ☒ N/A
16. Location of any open space and buffer areas, woodland conservation areas, storm water management facilities, and community and public facilities: ☒ YES NO N/A
17. Location of existing and proposed utilities, above or underground: ☒ YES NO N/A
18. Vehicular and pedestrian circulation plan, including traffic counts and typical street sections, right-of-way improvements, access points, travel ways, parking, loading, stacking, sidewalks, and trails: YES NO ☒ N/A
19. Layouts and orientation of buildings and improvements, building use, height, setbacks from property lines and restriction lines: ☒ YES NO N/A
20. Location and design of screening and landscaping: YES NO ☒ N/A - extensive existing veg
21. Building architecture: YES NO ☒ N/A
22. Site lighting proposed: YES NO ☒ N/A
23. Area of land disturbance in square feet and acres: ☒ YES NO N/A
24. Erosion and Sediment Control Plan submitted (10,000 square feet or more): YES ☒ NO N/A prior to construction
25. Historical sites or gravesites on general site plan: YES NO ☒ N/A NONE
26. Show impact of development of historical or gravesite areas: YES NO ☒ N/A
27. A copy of the current status of all real estate taxes of all property owned in Buckingham County. If real estate taxes are not current, an explanation in writing and signed by the owner shall accompany this application. Any liens or other judgments against property shall also be explained in writing and signed by the owner: ☒ YES NO N/A

APPLICATION FOR A SPECIAL USE PERMIT

CASE NUMBER: _____
(Case Number Assigned by Zoning Administrator)

DATE OF APPLICATION: 9/2/22

Special Use Permit Request: Request to develop, construct and operate a 5MWac solar project
on a single parcel in Buckingham County, VA

Purpose of Special Use Permit: Construction and operation of 5MWac ground-mounted solar
facility

Zoning District: A-1 Number of Acres: 439

Tax Map Section: 151 Parcel: 21 Lot: 2 Subdivision: _____ Magisterial Dist.: 2

Street Address: 19691 E James Anderson Hwy, Dillwyn, VA 23936

Directions from the County Administration Building to the Proposed Site: _____

Head W on James Anderson Hwy (hwy 60) and travel 6.2 miles: Admin Building will be
on the left

Name of Applicant: Rosney Creek Solar, LLC

Mailing Address:
120 Garrett St, Suite 700, Charlottesville, VA 22902

Daytime Phone: 434-282-3230 Cell Phone: _____

Email: mary-margaret.hertz@apexcleanenergy.com Fax: 434-220-3712

Name of Property Owner: Ivan P Davis

Mailing Address:
106 Whetstone Ln, Dillwyn, VA 23936

Daytime Phone: 434-315-4212 Cell Phone: _____

Email: ipdavisjr@gmail.com Fax: _____

Signature of Owner: [Signature] Date: 8-24-2022

Signature of Applicant: [Signature] Date: 9-2-22

Please indicate to whom correspondence should be sent:

☐ Owner of Property ☐ Contractor Purchaser / Lessee ☒ Authorized Agent ☐ Engineer
☒ Applicant

ADJACENT PROPERTY OWNER'S LIST

(Required)

The applicant shall provide a list of all adjoining landowners, including subject property and all property immediately across the street/road from the subject property. Any body of water does not constitute a boundary line for this purpose, therefore a body of water and the property adjoining the subject property but separated by a body of water is still considered an adjoining landowner. County boundary lines and those adjoining property owners in the next County are considered adjoining property owners if the land adjoins the subject's property. Adjoining landowners can be verified through the Buckingham County Clerk of Courts or the Clerk's Office in the adjoining County, or by personal contact. The list shall include the name, address, town/city, zip code, road route number, tax map section number, parcel number, lot number, and subdivision. The list shall be typewritten or printed legibly. Failure to list all adjoining landowners could delay the process.

1. Name: Davis, Ivan P Jr

Mailing Address: 106 Whetstone Ln, Dillwyn, VA 23936

Physical Address: 106 Whetstone Ln, Dillwyn, VA 23936

Tax Map Section: 151, 138, 139 Parcel: 151-23, 151-22, 151-19, 151-17, 151-20, 138-69, 138-67, 138-78, 138-65, 138-66, 139-4

2. Name: Town of Dillwyn

Mailing Address: P.O. Box 249, Dillwyn, VA 23936

Physical Address: Non-carrier (3A-10-16 NC) & Non-carrier (3A-10-15NC)

Tax Map Section: 138 Parcel: 138-78, 138-68

3. Name: Floyd, Melvin E

Mailing Address: c/o Kevin Floyd, P.O. Box 1178, Chesterfield, VA 23832

Physical Address: 1547 Rosney Rd

Tax Map Section: 151 Parcel: 1 Lot: 2 Subdivision: _____

4. Name: Dunkum, Woodrow M Jr & Karen N

Mailing Address: P.O. Box 24, Dillwyn, VA 23936

Physical Address: Rt 629 - 2 1/2 mi SE of Dillwyn, Lots 1, 2 & 4

Tax Map Section: 152 Parcel: 152-2-4, 152-2-2, 152-2-1

5. Name: Patton, Charles W Sr

Mailing Address: 1293 Rosney Rd, Dillwyn, VA 23936

Physical Address: Rte 629 - 2 1/2 mi SE of Dillwyn, Lot 3

Tax Map Section: 152 Parcel: 152-2-3 Lot: _____ Subdivision: _____

6. Name: Hardiman, Lindberg & Evelyn

Mailing Address: 1177 Rosney Rd, Dillwyn, VA 23936

Physical Address: 1177 Rosney Rd

Tax Map Section: 152 Parcel: 152-33 Lot: _____ Subdivision: _____

7. Name: Wingo, Charles M III & Dorothy Beth

Mailing Address: P.O. Box 309, Lakemont, GA 30552

Physical Address: Rt 60 - 4 mi E of Sprouses Corner, Lot A

Tax Map Section: 151 Parcel: 151-30 Lot: _____ Subdivision: _____

8. Name: Moseley Properties, LLC

Mailing Address: P.O. Box 228, Buckingham, VA 23921

Physical Address: Rt 60- 2 mi E of Sprouses Corner

Tax Map Section: 151 Parcel: 151-46 Lot: _____ Subdivision: _____

9. Name: Kyanite Mining Corporation

Mailing Address: 30 Willis Mtn Plant Ln, Dillwyn, VA 23936

Physical Address: Rte 60 - 2 mi E of Sprouses Corner

Tax Map Section: 151 Parcel: 151-45 Lot: _____ Subdivision: _____

10. Name: Weyerhaeuser Company

Mailing Address: 100 Professional Center, Brunswick, GA 31525

Physical Address: Rts 15-60 - 1 mi E of Sprouses Corner

Tax Map Section: 151 Parcel: 151-14 Lot: _____ Subdivision: _____

ADJACENT PROPERTY OWNERS AFFIDAVIT

STATE OF VIRGINIA
COUNTY OF BUCKINGHAM

This 2nd day of September, year 2022,

I Ken L Young hereby make oath that
(printed name of owner/contract purchaser/authorized agent)

the list of adjoining landowners is a true and accurate list as submitted with my application.

Signed: (to be signed in front of notary public)

[Signature]
(owner / contract purchaser / authorized agent – please circle one)

NOTARY:
COMMONWEALTH OF VIRGINIA

COUNTY OF Albemarle

STATE OF Virginia

Subscribed and sworn to me on the 2nd day of September,

of the year 2022. My Commission expires on 9-30-2026.

Notary Public Signature: [Signature]
Stamp:



INTEREST DISCLOSURE AFFIDAVIT

STATE OF VIRGINIA

COUNTY OF BUCKINGHAM, VIRGINIA

On this 24 day of AUGUST, of the year 2022

I IVAN P. DAVIS, JR (printed name of owner)

hereby make oath that no member of the Buckingham County Board of Supervisors nor the Buckingham County Planning Commission has interest in such property either individually, or by ownership of stock in a corporation owning such land, or by partnership, or as a holder of ten percent (10%) or more of the outstanding shares of stock in or as a director or officer of any corporation owning such land, directly or indirectly by such members of his/her immediate household, except as follows:

NONE

Signature of Owner: (to be signed in front of notary public)

Ivan P. Davis, Jr.

NOTARY PUBLIC

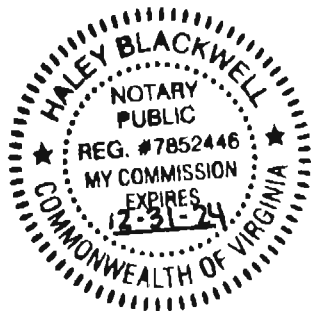
COUNTY OF Buckingham STATE OF Virginia

Subscribed and sworn to me on this 24th day of August,

of the year 2022. My commission expires 12-31-24.

Notary Public Signature: Haley Blackwell

Stamp:



**CULTURAL RESOURCE ASSESSMENT AND RECORD CHECK FOR
PENDING DEVELOPMENT APPLICATIONS**

Case Number / File Name: SUP - Rosney Creek Solar (5MW)

Visual Inspection Findings (describe what is on the property now):

The Property is mostly forested, consisting of timer and hardwoods, with some open fields, a creek (Whispering Creek), and a couple of ponds.

County Records Check (describe the history of this property):

The Property is of important generational significance to the Davis family and contains Whetstone Farm, which is a certified Virginia Century Farm. Historically, forestry has been the main use of the Property.

Were any historical sites or gravesites found on site, or be suspected by a reasonable person to be on the site? Yes _____ No X

If yes, please explain and show on the site plan the location of such and explain any historical significance:

Neither the Virginia Department of Historic Resources VCRIS desktop screening nor the consultation with the Buckingham Historical Society identified any resources of significance.

Will this proposal have any impact on the historical site or gravesite? Yes ____ No ____

If yes, please explain any impact:

N/A

Owner/Applicant Signature:  Date: 9/2/2022

Printed Name: Ken Young Title: COO

APPLICATION FOR A TRAFFIC IMPACT DETERMINATION

Please fill out the following information before presenting to VDOT: Case Number / File

Name: Rosney Creek Solar (5MWac)Applicant: Apex Clean Energy (Mary-Margaret Hertz)[19641] E James Anderson Hwy, Dillwyn, VA 23936 37.509722, -78.452038 Location:Proposed Use: 50-acre Solar Farm For**VDOT use only:** A Traffic Impact Statement is required per 24 VAC 30-155-60. X A Traffic Impact Statement is not required. The traffic generated by the proposed zoning change / development does not exceed normal thresholds. The Traffic Impact Analysis has been waived by the Zoning / Planning Department for the following reasons:

Does the existing entrance meet VDOT requirements for the proposed use? Yes
 No If no, please explain the necessary steps to bring into compliance with the requirements for the proposed use:

Vdot Lynchburg district considers a solar farm entrance a private driveway since they are low volume in the operating state. The existing driveway location is built to the standards of a low volume private entrance. If the county approves your SUP, please submit a plan for your construction entrance that shows either adequate site distance for the entrance or traffic control for the entrance (flaggers).

Signature of VDOT Resident Engineer: Scott D. FrederickPrinted Name: SCOTT D. FREDERICK Date: 7-25-2022

SPECIAL POWER OF ATTORNEY AFFIDAVIT

STATE OF VIRGINIA
COUNTY OF BUCKINGHAM

On this 24 day of AUGUST, in the year of 2022

I IVAN P. DAVIS, JR. the owner of 151-21
(printed name of landowner) (Tax Map Number)

Hereby make, constitute, and appoint APEX CLEAN ENERGY
(printed name)

my true and lawful attorney-in-fact, and in my name, place, and stead give unto him/her said full power and authority to do and perform all acts and make all representation necessary, without limitation whatsoever, to make application for said zoning. The right, powers, and authority of said attorney-in-fact herein granted shall commence and be in full force and effect on the day 24 of the month AUGUST in the year of 2022 and shall remain in full force and effect thereafter until actual notice by certified mail with return receipt requested is received by the Zoning / Planning Office of Buckingham County stating that the terms of this power have been revoked or modified.

Signature of Landowner (to be signed in front of Notary Public):

I.P. Davis, Jr.

NOTARY PUBLIC

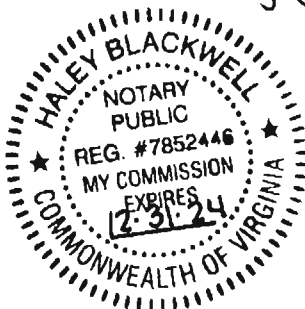
County of Buckingham State of Virginia

Subscribed and sworn before me on the 24th day of August

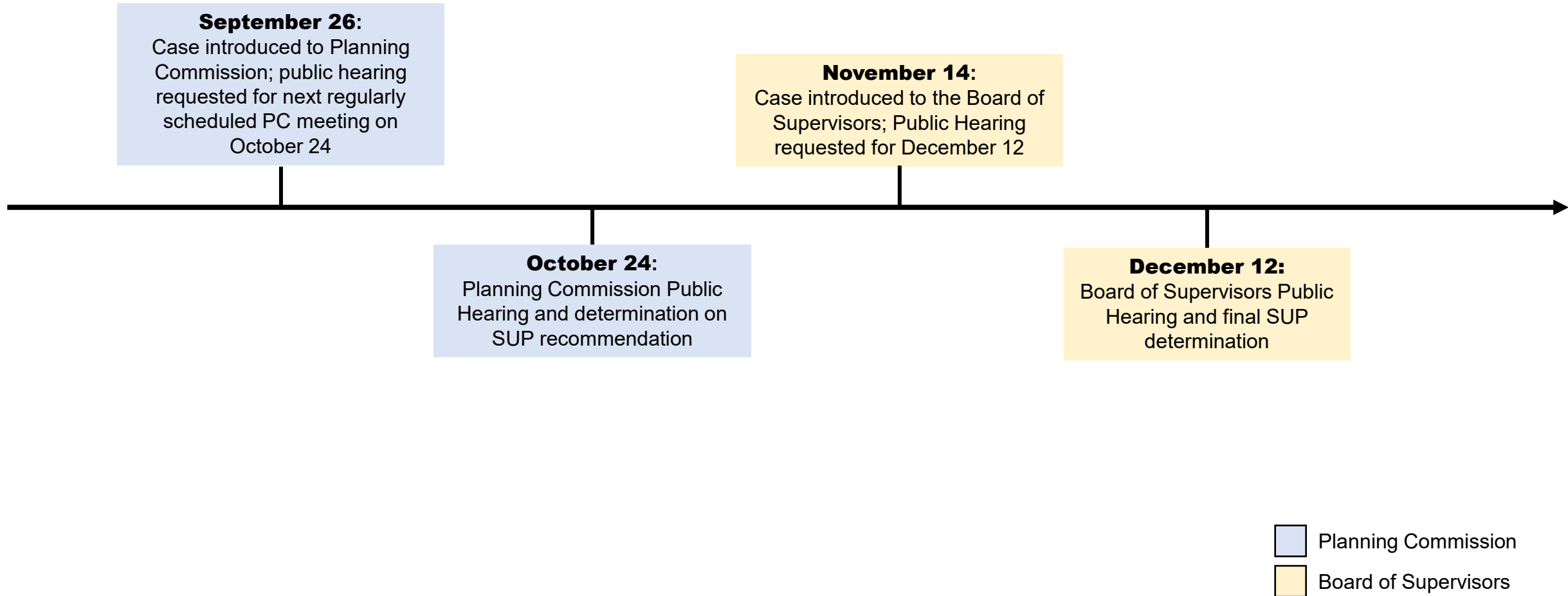
in the year 2022. My commission expires 12-31-24

Signature of Notary Public: J. Blackwell

Stamp:



Proposed Schedule for Rosney Creek Solar SUP



SIGNAGE AT PROPERTY

The Buckingham County Zoning Ordinance requires the following:

The applicant in any case which requires a public hearing shall post signs furnished by the agent on each parcel involved at least 21 days prior to the public hearing indicating that a public hearing is eminent, the date, a rezoning issue, and a County contact number. The signs shall be placed on the VDOT right-of-way closest to the applicant's property line and shall be clearly visible from the road with bottom of the sign not less than one and one half feet above the ground. If more than one public road abuts the property, the signs shall be placed in the same manner as above for each abutting road. If no road abuts a property, then the agent shall define an area for the signs. The agent may ask the applicant that the sign be moved to another area either on the property to achieve greater public visibility. The applicant shall be responsible for keeping the signs free from grass, weeds, and any other plants or vines that may obstruct the public's view. The applicant shall contact the Virginia Department of Transportation for any information concerning where the right-of-way is located. The applicant shall be responsible for the signs should VDOT or their contractor conduct mowing or clearing of the right-of-way in the area where the sign is located.

Any signs required shall be maintained at all times by the applicant up to the time of the final public hearing. No person, except the applicant or the agent or an authorized agent of either, shall remove or tamper with any sign furnished during the period it is required to be maintained under this section. All signs erected under this ordinance shall be removed by the applicant within 15 days following a decision at the final public hearing and shall be returned to the agent. The applicant shall purchase the signs at a fee as determined by the Board of Supervisors and shall be non-refundable. The applicant shall be responsible for the replacement of the sign(s) and shall contact the agent as soon as possible for another sign to be replaced as the manner described above. Should the sign(s) have to be replaced more than twice, this section shall no longer be forced upon the applicant.

I have read, understand and agree to the above requirements.

Applicant/Owner:  _____

Date: 9/2/2022



August 2, 2021

Solar Facility Analyzed:

Martin Trail Solar Farm, LLC
Martin Trail, Clover, VA 24534

Project Owner:

ACE VA DER, LLC
310 4th St. NE, Suite 300
Charlottesville, VA 22902
ATTN: Charlie Johnson

Plan Prepared By:

Uneclipsed Energy, PLLC
2250 Lucien Way, Suite 305
Maitland, FL 32751
407.232.7440

Firm Background:

Uneclipsed Energy, PLLC (Uneclipsed) is a licensed engineering firm affiliated with ESA Solar Energy, LLC and Solar Development Group, LLC (SDG) for solar projects in Florida, Michigan, and Virginia among other states. Since 2002, the team behind these three entities has gained expertise through developing, designing, constructing, operating and maintaining solar PV systems of all sizes, from residential, commercial and municipal projects to large ground-mount utility-scale systems in the United States, Spain, and Italy, totaling thousands of megawatts.

Facility Description:

The proposed solar farm is located on Parcel #6790, 6791, 18007, and 18008 in Halifax County, Virginia. The estimated 7 MWdc / 5 MWac solar farm is expected to include the following components:

- Approximately 14,000 PV modules
- Steel structural racking system, supported by driven piles
- Rack-mounted inverters to convert dc power to low-voltage (480 or 600V) ac power
- Concrete pad-mounted transformers and switchgear required to step up the voltage to medium voltage (distribution level, 12kV – 35kV)
- Underground and overhead wiring as appropriate for solar farm interconnection to electric grid



Decommissioning Process:

The system is expected to be capable of operation for at least thirty-five years, with decommissioning at a time to be agreed upon by the system owner and the landowners leasing the land to the system owner. At the end of the project's life, the system owner shall complete the following list of activities to fully decommission the system. This list is prepared based on current procedures and experience, which will likely improve in the coming years as technology, construction processes and recycling infrastructures improve. Decommissioning activities shall be carried out according to applicable regulations and industry best practices, after obtaining any necessary permits for the decommissioning. The decommissioning activities are as follows, and shall be completed in accordance with the industry best practices, OSHA regulations, and state/federal requirements in effect at the time of decommissioning:

- Prepare a safety plan and train all site personnel as to appropriate safeguards and proper work techniques.
- Contact the Utility Company and communicate the cessation of business.
- Disconnect site electric power at the Point of Common Coupling by the site owner or utility. The utility will be responsible for removing all conductors, power poles, and hardware that is under utility ownership.
- Disconnect all dc source circuit wiring from the combiner boxes.
- Disconnect all dc output circuit wiring from any combiner boxes to inverters.
- Unfasten PV modules from the structural racking system and stack in a staging area (this staging area will be used to store all equipment being removed from the site).
- Remove module home run wiring, raceways, and combiner boxes from the racking system.
- Unbolt the racking system components and stack and remove all driven piers.
- Dig up all buried conductors and backfill trenches.
- Coil and stack wire and conduits. Remove wire connectors and splices, disassemble, and sort as required to maximize recycling value.
- Dismantle Inverters, switchgear, and transformers on site when practical, or remove fully intact equipment pads from the site for off-site handling.
- Remove perimeter fencing and pole foundations.
- Sell to a recycling facility any material that can be recycled, unless the original equipment manufacturer or another organization offers a buy-back program for equipment.
- Dispose of all other materials at appropriate handling facilities.
- Dismantle any site roads and restore any compressed soils (under equipment pads, roads) with a subsoiler or flat lifter. Restore any compacted areas to the proper density and depth to remain consistent with the surrounding fields, adding new fill as necessary.
- Re-seed and re-vegetate disturbed areas of the site, ensuring that the land can return to its original state.



Decommissioning Cost Analysis:

The estimated costs or values for scrap material and disposal are provided in Figure 1 following. The projected estimated cost for each line item is rounded to the nearest \$1,000.

Component	Size	Material	Feet	Quantity	Weight/unit	Weight	2019 Scrap Value	Project Value
Array PV Wire	10 AWG	Copper	250,000		0.057	14,250	\$1.60/lb	\$ 23,000
Array Home Runs	250 kcmil	Alu	70,000		0.321	22,470	\$0.60/lb	\$ 13,000
Module Frames				14,000	2	28,000	\$0.59/lb	\$ 17,000
Posts and Rails			15	7,000	130	910,000	\$0.05/lb	\$ 46,000
							SCRAP VALUE	\$ 99,000
Modules				14,000	50	700,000	(\$2.00/unit)	(\$28,000)
							NET SCRAP VALUE	\$ 71,000

Figure 1: Decommissioning Costs and Values Breakdown

In 2019, the scrap value of the copper and aluminum wiring, aluminum solar module frames, steel posts and structural members is calculated at 75% of the commodity copper and aluminum pricing. It is conservatively assumed that this value will remain steady over time. Figure 2 and Figure 3 on the following page show Copper Pricing and Aluminum Pricing from 1989 through 2019. Steel is assumed to be valued at \$100 per ton, or otherwise equal to \$0.05 per lb. 2019 numbers are used here as they are considered more stable and consistent than those in 2020-2021, which have been more variable due to worldwide markets disruption from the COVID-19 pandemic. This brings the estimated scrap value of the system to approximately \$101,000.

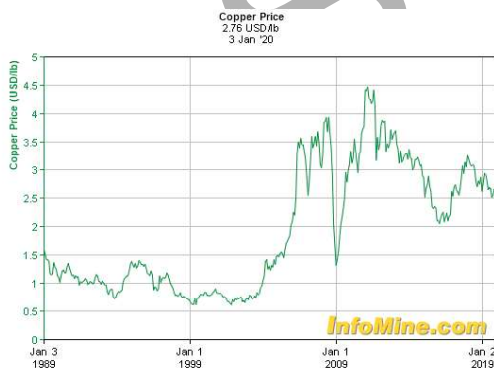


Figure 2: Copper Pricing in USD/lb, 1989-2019



Figure 3: Aluminum Pricing in USD/lb, 1989-2019

The weight of each of the 14,000 solar modules (panels) is due primarily to the top glass within the frame, and we anticipate that the modules will be mostly recyclable during the decommissioning. As



there has been a relatively low number of failed modules worldwide, there has not yet been a high demand for module recycling facilities, however in Europe and in the United States programs have been announced and small facilities exist. We expect that as more solar power is deployed, the recycling opportunities will grow accordingly to meet the demand of equipment disposal. It is estimated that there will be a net cost of \$2.00 per module for disposal, or \$28,000 for this estimate.

Although the bulk of decommissioning tasks are expected to be carried out by laborers, there will also be equipment operators and supervisors. We assume these fully-burdened rates for personnel trained in demolition:

Labor Type	Rate
Supervisor	\$65.00
Equipment Operator	\$55.00
Laborer	\$40.00

In an effort to provide a conservative labor and material cost estimate for the decommissioning of the project, below is a breakdown of the anticipated costs:

Cost Type	Headcount	Hours / Day	Rate	Days	Total Cost
Excavator	1	8	\$ 125.00	20	\$ 20,000
Skid Steer	2	8	\$ 50.00	20	\$ 16,000
Pick-up Trucks	2	8	\$ 14.50	20	\$ 5,000
Supervisor	1	8	\$ 65.00	20	\$ 11,000
Equipment Operator	3	8	\$ 55.00	20	\$ 27,000
Laborer	6	8	\$ 40.00	20	\$ 39,000
Trucking	5	8	\$ 125.00	10	\$ 50,000
Site Restoration					\$ 30,000
Module Disposal					\$ 28,000
Total Expenses					\$ 226,000
Scrap Cost					\$ (99,000)
Net Price					\$ 127,000

Assuming roughly 4 weeks' effort for labor costs, equipment usage, transportation costs, appropriate recycling and disposal costs, and an additional \$30,000 allowance for full site restoration (to include regrading, reseeding, and landscape repair), the costs of the decommissioning would total \$226,000. Subtracting the estimated scrap value of \$99,000, the decommissioning cost would yield a *net cost* of approximately \$127,000.

All estimated costs were calculated using best industry standards and pricing currently available.

Given that 35 years of policy changes, technological improvements, and variable inflation rates have yet to occur, the accuracy of these estimates cannot be guaranteed.



Respectfully submitted by:

A handwritten signature in black ink, appearing to read "DK Click".

David K. Click, PE
President
Uneclipsed Energy, PLLC

David
Click

Digitally signed
by David Click
Date: 2021.08.02
12:23:31 -04'00'



Sample

2021-1031

BOOK 484 PAGE 136

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): 151-21

Consideration: \$ 12,500

MEMORANDUM OF GROUND LEASE
FOR SOLAR ENERGY SYSTEM

THIS MEMORANDUM OF GROUND LEASE FOR SOLAR ENERGY SYSTEM ("Memorandum") is made and dated as of December 9, 2020 ("Effective Date") by and between Whetstone Farm Davis Properties, LLC, a Virginia limited liability company ("Landlord") with a tax mailing address of 106 Whetstone Lane, Dillwyn, VA 23936, 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 [County], 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 adjacent 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:

Whetstone Farm Davis Properties, LLC, a Virginia limited liability company

By: Ivan P. Davis Jr.
Name: Ivan P. Davis Jr.
Title: PRESIDENT

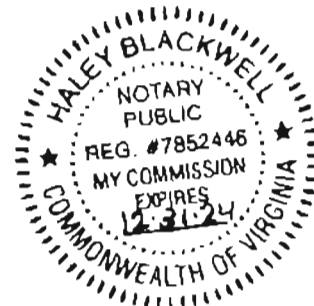
STATE OF Virginia

ss.

COUNTY OF Buckingham

On December 9, 2020 before me, the undersigned, personally appeared Ivan P. Davis Jr., as President, for Whetstone Farm Davis Properties, LLC, a Virginia limited liability company, 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.

Hailey Blackwell
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

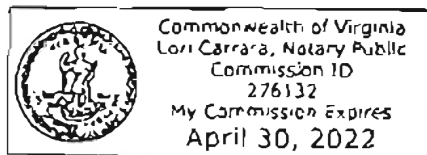
By: Apex Clean Energy Holdings, LLC,
a Delaware limited liability company,
its Manager

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 9 day of December, 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 ACE VA DER, LLC, 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 Buckingham, Virginia, consisting of 439.6 acres, more particularly described as follows.

Now containing 297.7 acres, more or less, being the residue of a parcel containing 305.2 acres, more or less, shown as parcel No. 2 (the unshaded portion), described by a plat of survey prepared by Carroll Gillispie, CLS/SBC, dated September 23, 1966, and recorded with that certain Deed, dated November 28, 1966, among the Land Records of the COUNTY OF BUCKINGHAM, VIRGINIA, in Deed Book 78, beginning at page 381. This property is also described by metes and bounds in this aforesaid Deed dated November 28, 1966.

Being the same property as that conveyed to IVAN P. DAVIS, SR. and MOLLIE P. DAVIS, husband and wife, as tenants by the entirety by deed dated November 28, 1966, from Gertrude P. Davis, widow, and recorded March 15, 1968 among the Land

Records of the COUNTY OF BUCKINGHAM, VIRGINIA, in Deed Book 78, beginning at page 381.

LESS AND EXCEPTING from the original 305.2 acre tract, a 7.5 acre parcel, more or less, conveyed by IVAN P. DAVIS, SR. and MOLLIE P. DAVIS, husband and wife, to IVAN P. DAVIS, JR. and DEBORAH B. DAVIS, husband and wife, by General Warranty Deed dated October 1, 1980, from IVAN P. DAVIS, SR. and MOLLIE P. DAVIS, husband and wife, and recorded December 14, 1980 in the Land Records of the COUNTY OF BUCKINGHAM, VIRGINIA, in Deed Book 119, beginning at page 562. ✓

Together with all its appurtenances, and subject to all other conveyances, exceptions, easements, rights of way, covenants, conditions, restrictions and other instruments of record, or which may be apparent on the premises, as well as ordinances, codes, and regulations, legally affecting the property.

And:

All that certain tract or parcel of land, with improvements thereon and appurtenances thereunto belonging, situated in Curdsville Magisterial District of Buckingham County, Virginia, containing One Hundred Eighty-Eight and seventy/hundredths (188.70) acres, more or less, said lands fronting on U. S. Route #60 and being more particularly described as the residue of a 218.59 acre parcel depicted by a plat of survey prepared by Carroll Gillispie, C.L.S., S.B.C., dated January 8 and March 10, 1976 and recorded in the Clerk's Office of the

Circuit Court of Buckingham County in Deed Book 100, at page 5, after deducting therefrom a parcel of 29.89 acres depicted by a plat of survey prepared by William W. Dickerson, Jr., L.S., dated November 16, 2009, which is attached hereto, made a part hereof and recorded simultaneously herewith in the aforesaid Clerk's Office in Plat Cabinet A, at slide 203E, to which plats reference is hereby made for a more complete and accurate description of the lands hereby conveyed; TOGETHER WITH AND SUBJECT TO a non-exclusive, perpetual easement, for the purposes of ingress and egress, over and through a private road running from said Route #60 in a general northeasterly direction along the entirety of the northwestern boundary line of said 29.89 acre parcel, the centerline of said easement (i.e. the northwestern boundary line of said 29.89 acre parcel) being depicted on the aforesaid plat as "along & of joint-use road". Said lands being a portion of the lands conveyed unto H. Curtis Pearson, Jr., as "Tract T-340 (Rixey)" from GIC Virginia Timberlands, LLC, a Delaware limited liability company, by deed dated January 31, 2008 and recorded in the aforesaid Clerk's Office in Deed Book 355, at page 803 et seq.

Less and except.

a "triangular parcel of approximately 5.4 acres off the southern part of a 29.7 acre parcel conveyed unto Ivan P. Davis, Sr. and Mollie P. Davis, General Partners of the Ivan and Mollie Davis Limited Partnership from Ivan P. Davis, Sr. et ux by deed dated June 20, 2005 and recorded in the aforesaid Clerk's Office in Deed Book 399, at page 45 et seq.; and, a larger parcel of approximately 41.5 acres off the northern part of a 188.70 acre parcel conveyed unto The Ivan and Mollie Davis Family Limited Partnership from H. Curtis Pearson, Jr. by deed dated November 30, 2009 and recorded in the aforesaid Clerk's Office in Deed Book 376, at page 510 et seq.

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

035 Rec Fee
St. R. Tax
Co. R. Tax
Transfer
Clerk
Lib.(145)
T.T.F.
Grantor Tax
036 Proc. Fee
Total \$

3	00
31	25
10	42
14	50
6	50
5	00
107	167

VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF BUCKINGHAM COUNTY

The foregoing instrument with acknowledgement was admitted to record on 6/1/20 at 9:15 A.M. in D.B. 484 Page(s) 186 - 192

Teste: JUSTIN D. MIDKIFF, CLERK

BY: Emily P. King-Cullen, DEPUTY CLERK



OFFICIAL RECEIPT
BUCKINGHAM CIRCUIT COURT
DEED RECEIPT

DATE : 06/01/2021 TIME : 09:19:37 CASE # : D29CLR202101031
 RECEIPT # : 21000002569 TRANSACTION # : 21060100005
 CASHIER : SRH REGISTER # : D729
 INSTRUMENT : 202101031 BOOK : 464
 GRANTOR : WHETSTONE FARM DAVIS PROPERTIES LLC
 GRANTEE : ACE VA DER LLC
 RECEIVED OF : APEX CLEAN ENERGY HOLDINGS LLC
 ADDRESS : 310 4TH STREET NE STE 300 CHARLOTTESVILLE, VA 22902
 DATE OF DEED : 12/09/2020
 CHECK : \$67.67 CHECK NUMBER : 049847
 DESCRIPTION 1 : 297.7 AC
 NAMES : 0
 CONSIDERATION : \$12,500.00 AVAL : \$0.00
 FILING TYPE : DPL
 RECORDED : 06/01/2021
 EX : N
 EX : N
 PAGE : 185
 PAYMENT : FULL PAYMENT
 AT : 09:15
 LDC : CO
 PCT : 100%

OP : D

PAGES : 007

PIN OR MAP : 151-21

ACCOUNT CODE	DESCRIPTION	PAID
035	VIRGINIA OUTDOOR FOUNDATION	\$3.00
039	STATE GRANTEE TAX	\$31.25
106	TECHNOLOGY TRST FND	\$5.00

ACCOUNT CODE	DESCRIPTION	PAID
145	VSLF	\$3.50
213	COUNTY GRANTEE TAX	\$10.42
301	CLERK RECORDING/INDEXING FEE	\$14.50

TENDERED : \$ 67.67
 AMOUNT PAID : \$ 67.67



Special Use Permit Application

Rosney Creek Solar Farm

Buckingham, VA

Rosney Creek Solar, LLC

September 2, 2022

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1. Project Overview

Rosney Creek Solar, LLC (“the Applicant”), requests a Special Use Permit for the construction and operation of Rosney Creek Solar (the “Project”), an approximately 5 MW alternating current ground-mounted solar facility on private land, spanning one parcel in Buckingham County, Virginia. The Project will be sited on county parcel 151-21 (439.6 acres) (the “Property”). The Property is currently zoned as A-1 Agriculture, as are all surrounding parcels. 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 Buckingham 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 exceeds a 500-foot setback from residences, a 75-foot setback from neighboring property lines, and a 50-foot setback from streams and wetlands and proposes maintenance of existing vegetation and timber for sufficient screening.
- The Project has an advantageous interconnection queue position with Dominion Energy (“B” queue position), meaning it is next in line for interconnection study on its circuit and transformer at the Shackleford substation.
- The Property has been historically used for silviculture 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 increases in real estate income on the property, the Applicant will adhere to the requirements of the County’s Revenue Share Ordinance with annual, escalating payments based on the final calculated MWac capacity of the Project. These payments will help contribute to the greater economic benefit of hosting the Project and help to offset any public costs related to the Project (of which there should be few). The Applicant anticipates making payments to the County that are approximately \$575,000 more than current taxes collected for the same acreage (see Section 10.2).

At the end of its operational life, the Applicant will decommission the Project in accordance with common industry practice. A sample decommissioning plan is provided in Section 10.7 of this Application as an example of what will be submitted to the County prior to approval of the building

permits. Further, the proposed conditions in Section 15 describe additional decommissioning requirements that will be adhered to, including the provision of a surety to secure the decommissioning costs prior to project construction. The Property will be restored to near original condition once decommissioning is complete and can return to its pre-development uses as desired by the Property Owner.

Project Contacts

Mary-Margaret Hertz

120 Garrett Street Ste 700

Charlottesville, VA 22902

mary-margaret.hertz@apexcleanenergy.com

(434) 282-3230

Charlie Johnson

120 Garrett Street Ste 700

Charlottesville, VA 22902

charlie.johnson@apexcleanenergy.com

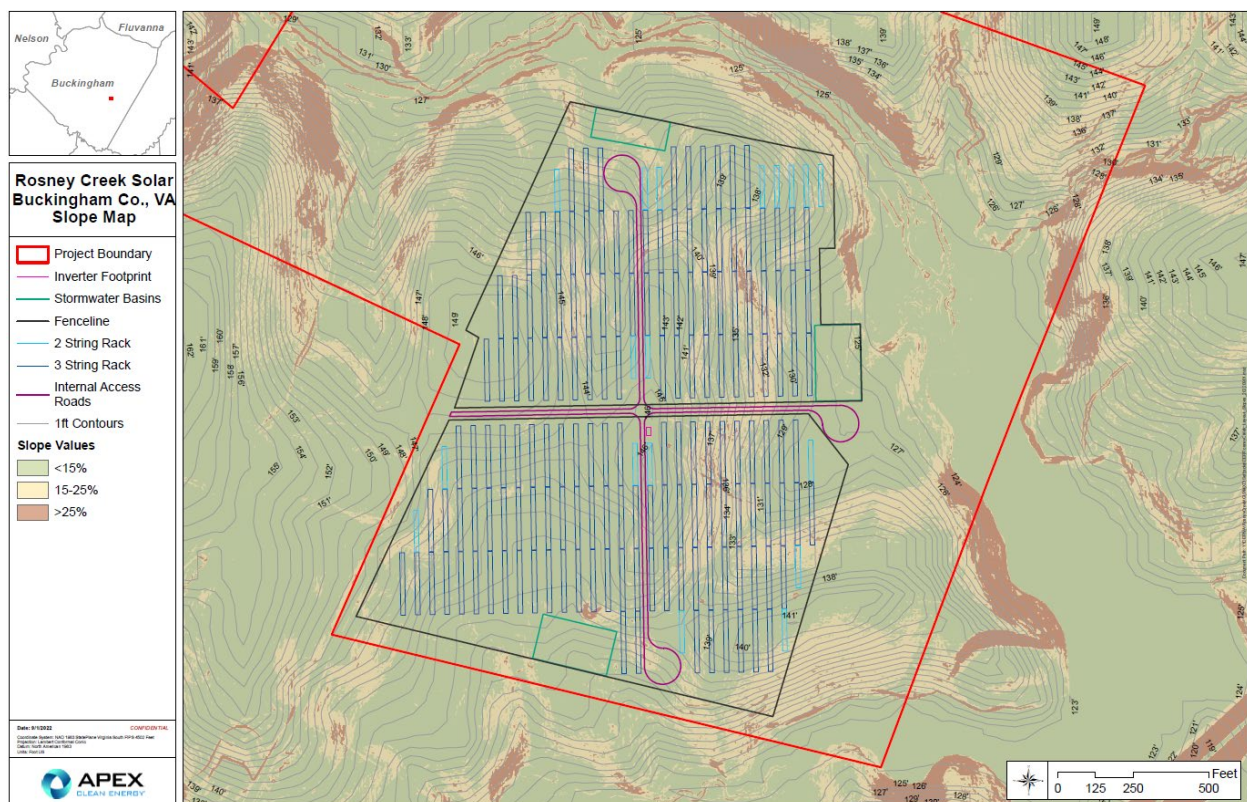
(434) 987-8437

The array layout in the Preliminary Site Plan is correct in its general representation of system size, its general location, its perimeter buffer, and its avoidance of delineated wetlands and RPA areas, and other noted constraints. Although the exact number of panels and locations of Stormwater management features are subject to change, the best estimation of their location is depicted in the Preliminary Site Plan.



As detailed in the Notes section of the above Preliminary Site Plan, setbacks of 500 feet from nearby residences, 75 feet from neighboring property lines and 50 feet from streams and wetlands were applied. However, it is worth noting that, due to the nature of the Property on which the Project is located, these setbacks from residences and public Right of Ways are far exceeded. The Project area shall be enclosed by security fencing installed on the interior of the vegetative buffer that is not less than six feet in height and equipped with an appropriate anti climbing device, which will be maintained through the Project's life. The Project will maintain the vegetation and timber within the setback area to serve as a visual barrier and screening to limit public visibility.

2.1. Slopes (11x17 copy & Digital Copy Provided Separately)



2.2. Special Use General Site Plan Checklist

Item 27 is a separate pdf submitted with this permit application package.

Special Use General Site Plan (15 copies) The General Site Plan must contain the following:

1. Vicinity Map – Please show scale: ☒ YES NO N/A
2. Owner and Project Name: ☒ YES NO N/A
3. Parcel Identification numbers, name, present zoning, and zoning and use of all abutting or adjoining parcels: ☒ YES NO N/A
4. Property lines of existing and proposed zoning district lines: YES NO ☒ N/A
5. Area of land proposed for consideration, in square feet or acres: ☒ YES NO N/A
6. Scale and north point: ☒ YES NO N/A
7. Names of boundary roads or streets and widths of existing right-of-ways: ☒ YES NO N/A
8. Easements and encumbrances, if present on the property: YES NO ☒ N/A
9. Topography indicated by contour lines: ☒ YES NO N/A
10. Areas having slopes of 15% to 25% and areas having slopes of 25% or greater clearly indicated by separate shading devices (or written indication of "no areas having slopes of 15% to 25% or greater"): ☒ YES NO N/A – attached as separate exhibit
11. Water Courses to include the approximate location of the 100 year floodplain (if applicable) based on FEMA maps (or written indication of "not in floodplain"): YES NO ☒ N/A Not in floodplain
12. Delineation of existing mature tree lines or written indication of "no mature tree lines": YES NO ☒ N/A
13. Proposed roads with right-of-way width that will connect with or pass through the subject property: YES NO ☒ N/A - using existing
14. General locations of major access points to existing streets: ☒ YES NO N/A
15. List of the proposed density for each dwelling unit type, and/or intensity of each non-residential use: YES NO ☒ N/A
16. Location of any open space and buffer areas, woodland conservation areas, storm water management facilities, and community and public facilities: ☒ YES NO N/A
17. Location of existing and proposed utilities, above or underground: ☒ YES NO N/A
18. Vehicular and pedestrian circulation plan, including traffic counts and typical street sections, right-of-way improvements, access points, travel ways, parking, loading, stacking, sidewalks, and trails: YES NO ☒ N/A
19. Layouts and orientation of buildings and improvements, building use, height, setbacks from property lines and restriction lines: ☒ YES NO N/A
20. Location and design of screening and landscaping: YES NO ☒ N/A - extensive existing veg.
21. Building architecture: YES NO ☒ N/A
22. Site lighting proposed: YES NO ☒ N/A
23. Area of land disturbance in square feet and acres: ☒ YES NO N/A
24. Erosion and Sediment Control Plan submitted (10,000 square feet or more): YES ☒ NO N/A prior to construction
25. Historical sites or gravesites on general site plan: YES NO ☒ N/A NONE
26. Show impact of development of historical or gravesite areas: YES NO ☒ N/A
27. A copy of the current status of all real estate taxes of all property owned in Buckingham County. If real estate taxes are not current, an explanation in writing and signed by the owner shall accompany this application. Any liens or other judgments against property shall also be explained in writing and signed by the owner: ☒ YES NO N/A

3. Special Use Permit Application Checklist & Form

3.1. Checklist

SPECIAL USE PERMIT APPLICATION CHECKLIST

BUCKINGHAM COUNTY OFFICE OF ZONING AND PLANNING MINIMUM SUBMISSION
REQUIREMENTS

The following table lists the information necessary to review a special use application. All items are required, unless otherwise stated, and must be submitted in order for the application to be accepted for review. This completed checklist must be submitted with the application.

Adjacent Property Owners List and Affidavit (pages 4, 5 & 6 attached). This list can be obtained from the Clerk of Courts Office: ☒ YES ☐ NO

Completed application for special use permit (page 3 attached). If not signed by the owner, a Power of Attorney must accompany the application: ☒ YES ☐ NO

Interest Disclosure Affidavit (page 7 attached). Must be signed by the owner: ☒ YES ☐ NO

Power of Attorney (page 10 attached). Required if anyone other than the owner is signing the application form or proffer statement on behalf of the owner: ☒ YES ☐ NO

Written Narrative (page 11 guidance in preparing the Written Narrative): ☒ YES ☐ NO

Fees: ☒ YES ☐ NO

Deed: ☒ YES ☐ NO

Plat (15 copies). The plat information may be incorporated into the Special Use Permit General Site Plan, in which case, copies of a separate plat are not required. The plat must be prepared by a certified land surveyor or licensed civil engineer and contain the following:

- A. Bearings and distances of a scale of 1" = 100' or less for all property lines and existing and proposed zoning lines: ☒ YES ☐ NO
- B. Area of land proposed for consideration, in square feet or acres: YES ☒ NO
- C. Scale and north point: ☒ YES ☐ NO
- D. Names of boundary roads or streets and widths of existing right-of-ways: ☒ YES ☐ NO

Tax Map (15 copies). Identify property that special use is being considered for and identify by name all adjacent landowners. - site plan identifies all adjacent owners

3.2. Application for Special Use Permit

APPLICATION FOR A SPECIAL USE PERMIT

CASE NUMBER: _____
(Case Number Assigned by Zoning Administrator)

DATE OF APPLICATION: 9/2/2022

Special Use Permit Request: Request to develop, construct and operate a 5MWac solar project
on a single parcel in Buckingham County, VA

Purpose of Special Use Permit: Construction and operation of 5MWac ground-mounted solar
facility

Zoning District: A-1 Number of Acres: 439

Tax Map Section: 151 Parcel: 21 Lot: 2 Subdivision: _____ Magisterial Dist.: 2

Street Address: 19691 E James Anderson Hwy, Dillwyn, VA 23936

Directions from the County Administration Building to the Proposed Site: _____

Head W on James Anderson Hwy (hwy 60) and travel 6.2 miles; Admin Building will be
on the left

Name of Applicant: Rosney Creek Solar, LLC

Mailing Address:
120 Garrett St, Suite 700, Charlottesville, VA 22902

Daytime Phone: 434-282-3230 Cell Phone: _____

Email: mary-margaret.hertz@apexcleanenergy.com Fax: 434-220-3712

Name of Property Owner: Ivan P Davis

Mailing Address:
106 Whetstone Ln, Dillwyn, VA 23936

Daytime Phone: 434-315-4212 Cell Phone: _____

Email: ipdavisjr@gmail.com Fax: _____

Signature of Owner:  Date: 8-24-2022

Signature of Applicant:  Date: 9/2/2022

Please indicate to whom correspondence should be sent:

☐ Owner of Property ☐ Contractor Purchaser / Lessee ☐ Authorized Agent ☐ Engineer
☐ Applicant

4. Adjacent Property Owners List

ADJACENT PROPERTY OWNER'S LIST

(Required)

The applicant shall provide a list of all adjoining landowners, including subject property and all property immediately across the street/road from the subject property. Any body of water does not constitute a boundary line for this purpose, therefore a body of water and the property adjoining the subject property but separated by a body of water is still considered an adjoining landowner. County boundary lines and those adjoining property owners in the next County are considered adjoining property owners if the land adjoins the subject's property. Adjoining landowners can be verified through the Buckingham County Clerk of Courts or the Clerk's Office in the adjoining County, or by personal contact. The list shall include the name, address, town/city, zip code, road route number, tax map section number, parcel number, lot number, and subdivision. The list shall be typewritten or printed legibly. Failure to list all adjoining landowners could delay the process.

1. Name: Davis, Ivan P Jr

Mailing Address: 106 Whetstone Ln, Dillwyn, VA 23936

Physical Address: 106 Whetstone Ln, Dillwyn, VA 23936

Tax Map Section: 151, 138, 139 Parcel: 151-23, 151-22, 151-19, 151-17, 151-20, 138-69, 138-67, 138-78, 138-65, 138-66, 139-4

2. Name: Town of Dillwyn

Mailing Address: P.O. Box 249, Dillwyn, VA 23936

Physical Address: Non-carrier (3A-10-16 NC) & Non-carrier (3A-10-15NC)

Tax Map Section: 138 Parcel: 138-78, 138-68

3. Name: Floyd, Melvin E

Mailing Address: c/o Kevin Floyd, P.O. Box 1178, Chesterfield, VA 23832

Physical Address: 1547 Rosney Rd

Tax Map Section: 151 Parcel: 1 Lot: 2 Subdivision: _____

4. Name: Dunkum, Woodrow M Jr & Karen N

Mailing Address: P.O. Box 24, Dillwyn, VA 23936

Physical Address: Rt 629 - 2 1/2 mi SE of Dillwyn, Lots 1, 2 & 4

Tax Map Section: 152 Parcel: 152-2-4, 152-2-2, 152-2-1

5. Name: Patton, Charles W Sr

Mailing Address: 1293 Rosney Rd, Dillwyn, VA 23936

Physical Address: Rte 629 - 2 1/2 mi SE of Dillwyn, Lot 3

Tax Map Section: 152 Parcel: 152-2-3 Lot: _____ Subdivision: _____

6. Name: Hardiman, Lindberg & Evelyn

Mailing Address: 1177 Rosney Rd, Dillwyn, VA 23936

Physical Address: 1177 Rosney Rd

Tax Map Section: 152 Parcel: 152-33 Lot: _____ Subdivision: _____

7. Name: Wingo, Charles M III & Dorothy Beth

Mailing Address: P.O. Box 309, Lakemont, GA 30552

Physical Address: Rt 60 - 4 mi E of Sprouses Corner, Lot A

Tax Map Section: 151 Parcel: 151-30 Lot: _____ Subdivision: _____

8. Name: Moseley Properties, LLC

Mailing Address: P.O. Box 228, Buckingham, VA 23921

Physical Address: Rt 60- 2 mi E of Sprouses Corner

Tax Map Section: 151 Parcel: 151-46 Lot: _____ Subdivision: _____

9. Name: Kyanite Mining Corporation

Mailing Address: 30 Willis Mtn Plant Ln, Dillwyn, VA 23936

Physical Address: Rte 60 - 2 mi E of Sprouses Corner

Tax Map Section: 151 Parcel: 151-45 Lot: _____ Subdivision: _____

10. Name: Weyerhaeuser Company

Mailing Address: 100 Professional Center, Brunswick, GA 31525

Physical Address: Rts 15-60 - 1 mi E of Sprouses Corner

Tax Map Section: 151 Parcel: 151-14 Lot: _____ Subdivision: _____

11. Name: Seay, James L Sr & James L Jr

Mailing Address: 2841 Quarker Rd, Quinton, VA 23141

Physical Address: Off Rte 629 - 1 mi SE of Dillwyn

Tax Map Section: 138 Parcel: 138-71 Lot: _____ Subdivision: _____

12. Name: _____

Mailing Address: _____

Physical Address: _____

Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____

13. Name: _____

Mailing Address: _____

Physical Address: _____

Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____

14. Name: _____

Mailing Address: _____

Physical Address: _____

Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____

15. Name: _____

Mailing Address: _____

Physical Address: _____

Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____

16. Name: _____

Mailing Address: _____

Physical Address: _____

Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____

5. Adjacent Property Owners Affidavit

See next page

6. Interest Disclosure Affidavit

INTEREST DISCLOSURE AFFIDAVIT

STATE OF VIRGINIA
COUNTY OF BUCKINGHAM, VIRGINIA

On this 24 day of AUGUST, of the year 2022,

I IVAN P. DAVIS, JR (printed name of owner)
hereby make oath that no member of the Buckingham County Board of Supervisors nor
the Buckingham County Planning Commission has interest in such property either
individually, or by ownership of stock in a corporation owning such land, or by
partnership, or as a holder of ten percent (10%) or more of the outstanding shares of
stock in or as a director or officer of any corporation owning such land, directly or
indirectly by such members of his/her immediate household, except as follows:

NONE

Signature of Owner: (to be signed in front of notary public)

Ivan P. Davis, Jr.

NOTARY PUBLIC
COUNTY OF Buckingham STATE OF Virginia

Subscribed and sworn to me on this 24th day of August
of the year 2022. My commission expires 12-31-24.

Notary Public Signature: Haley Blackwell

Stamp:



7. Cultural Resources Assessment and Record Check

Results of the Virginia Department of Historic Resources VCRIS databases search are provided in Section 10.1.3 below.

CULTURAL RESOURCE ASSESSMENT AND RECORD CHECK FOR PENDING DEVELOPMENT APPLICATIONS

Case Number / File Name: SUP - Rosney Creek Solar (5MW)

Visual Inspection Findings (describe what is on the property now):

The Property is mostly forested, consisting of timer and hardwoods, with some open fields, a creek (Whispering Creek), and a couple of ponds.

County Records Check (describe the history of this property):

The Property is of important generational significance to the Davis family and contains Whetstone Farm, which is a certified Virginia Century Farm. Historically, forestry has been the main use of the Property.

Were any historical sites or gravesites found on site, or be suspected by a reasonable person to be on the site? Yes _____ No X

If yes, please explain and show on the site plan the location of such and explain any historical significance:

Neither the Virginia Department of Historic Resources VCRIS desktop screening nor the consultation with the Buckingham Historical Society identified any resources of significance.

Will this proposal have any impact on the historical site or gravesite? Yes _____ No _____

If yes, please explain any impact:

N/A

Owner/Applicant Signature:  Date: 9/2/2022

Printed Name: Ken Young Title: COO

8. Application for a Traffic Impact Determination

Per the County's requirement for Special Use Permits, an Application for a Traffic Impact Determination was submitted to VDOT who considers a solar farm entrance a private driveway. VDOT confirmed that the existing driveway location chosen for access is built to the necessary standards. Prior to Construction, a plan for the construction entrance will be submitted to VDOT that shows either adequate site distance or other traffic control and management measures.

7/25/22, 4:09 PM

App for Traffic Impact Determination_Rosney Creek - Google Docs

APPLICATION FOR A TRAFFIC IMPACT DETERMINATION

Please fill out the following information before presenting to VDOT: Case Number / File

Name: _____

Apex Clean Energy (Mary-Margaret Hertz)

Applicant: _____

[19641] E James Anderson Hwy, Dilwyn, VA 23936 37 509722, -78 452038 Location: _____

50-acre Solar Farm

Proposed Use: _____ For

VDOT use only:

_____ A Traffic Impact Statement is required per 24 VAC 30-155-60.

☒ A Traffic Impact Statement is not required. The traffic generated by the proposed zoning change / development does not exceed normal thresholds.

_____ The Traffic Impact Analysis has been waived by the Zoning / Planning Department for the following reasons:

Does the existing entrance meet VDOT requirements for the proposed use? Yes
_____ No _____ If no, please explain the necessary steps to bring into compliance with the requirements for the proposed use:

Vdot Lynchburg district considers a solar farm entrance a private driveway since they are low volume in the operating state. The existing driveway location is built to the standards of a low volume private entrance. If the county approves your SUP, please submit a plan for your construction entrance that shows either adequate site distance for the entrance or traffic control for the entrance (flaggers).

Signature of VDOT Resident Engineer: Scott D. Frederick

Printed Name: SCOTT D. FREDERICK Date: 7-25-2022

9. Special Power of Attorney Affidavit

SPECIAL POWER OF ATTORNEY AFFIDAVIT

STATE OF VIRGINIA
COUNTY OF BUCKINGHAM

On this 24 day of AUGUST, in the year of 2022

I IVAN P. DAVIS, JR. the owner of 151-21
(printed name of landowner) (Tax Map Number)

Hereby make, constitute, and appoint APEX CLEAN ENERGY
(printed name)

my true and lawful attorney-in-fact, and in my name, place, and stead give unto him/her said full power and authority to do and perform all acts and make all representation necessary, without limitation whatsoever, to make application for said zoning. The right, powers, and authority of said attorney-in-fact herein granted shall commence and be in full force and effect on the day 24 of the month AUGUST in the year of 2022 and shall remain in full force and effect thereafter until actual notice by certified mail with return receipt requested is received by the Zoning / Planning Office of Buckingham County stating that the terms of this power have been revoked or modified.

Signature of Landowner (to be signed in front of Notary Public):

I.P. Davis, Jr.

NOTARY PUBLIC

County of Buckingham State of Virginia

Subscribed and sworn before me on the 24th day of August

in the year 2022. My commission expires 12-31-24.

Signature of Notary Public: J. Blackwell

Stamp:



10. Application Narrative

The Applicant requests a Special Use Permit for Rosney Creek Solar for the construction and operation of a 5 MWac Utility Scale solar facility (the Project) on a single, 439-acre parcel with a project area of approximately 54 acres of private land located in Buckingham County, Virginia.

The Property

This Property is zoned A-1, Agricultural, and is mainly used for silviculture and agriculture. The Project access road is located approximately 6 miles southeast of the Buckingham County Administration Building, off East James Anderson Highway, southeast of the Sprouse's Corner intersection. A Preliminary Site Plan along with site specific information can be found in Section 2 (and attached separately as a PDF). Note, the Project's layout will be finalized after field surveys and other permitting requirements are completed and will be submitted to the County along with any required construction, grading and vegetation plans as a part of the full site plan approval process.

The Project

This proposed project has the potential to add 5 MWac of renewable energy to Dominion Energy Virginia's distribution system 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 utility solar projects (no larger than 5MWac) to subscribe eligible customers to purchase a share of the output of a 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 and own 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 have inadequate roof conditions such as excessive shading or low structural integrity. 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 bills.

Due to the project's small size, which is not to exceed 5MWac of generating capacity, no substations or ancillary structures will be constructed or permanently installed, with the exception of a few telephone poles that support protection devices, and other small, utility-required equipment. The Project has an active interconnection study agreement with Dominion Energy and is currently in an advantageous "B" queue position. The Applicant is currently awaiting results of the studies and will follow all interconnection permitting requirements/procedures prior to commencing Project operations.

It is expected that construction might start as soon as early 2024, with the Project reaching commercial operation within approximately six months of construction start. The Project is expected to be operating for a minimum of 35 years. 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. Given the Project's smaller

size, Permit by Rule approval is not applicable (per Virginia Administrative Code 9VAC15-60-30). However, the Project will be reviewed by DEQ for both Stormwater and Erosion and Sediment Control compliance and the Applicant will work extensively with the County to ensure compliance. The Applicant's commitment to Stormwater and Erosion and Control measures is further detailed in Sections 10.1.5, 10.6, and 15 (#3, #12).

10.1. Conformity with the Buckingham 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 Buckingham County Comprehensive Plan adopted on September 14, 2015 (the “Comprehensive Plan”). The Project supports the County's vision, values, and goals, and endeavors to complement the “desired physical, social and economic development” as outlined in the Comprehensive Plan. The following sections of this narrative explain the Project's relationship to the significant elements of the Comprehensive Plan.

10.1.1. Land Use

The Comprehensive Plan recognizes the need for future commercial development while also balancing the agricultural and rural history of the County. A land use goal of the Comprehensive Plan is to “encourage commercial and industrial development in appropriate areas of the County.” The Comprehensive Plan also recognizes that a significant portion of the County is used as farm and forestry land, the Property included. The Comprehensive Plan states that as of 2012 there were approximately 317,151 acres of commercial forest in the County. The Comprehensive Plan also notes a loss of agricultural land and states that the economic benefits and environmental impacts should be considered to “maintain a balance between development and preservation objectives throughout the County.” Consistent with the Future Land Use Map in the Comprehensive Plan, this Project is located outside of any Village Center/Growth Corridor, High Growth Area, or Recreation, Parks within the County. This Project has been specifically sited in a secluded area of the County on a single parcel. It will not impact adjacent land uses or place demand on public resources. This Project preserves village centers and growth areas for other businesses and residents to locate.

An additional objective of the Project is to minimize the impact of development. Once installed, a solar array can produce energy undisturbed for a minimum of 35 years with minimal upkeep. Native grasses and vegetation are able to thrive within the Project boundary, helping to improve the soil's composition over time. Existing timber and mature vegetation will be allowed to remain and thrive, as the Applicant will keep in place and strive to work around their natural buffering qualities. Furthermore, by taking advantage of natural flow patterns in drainage design and

establishing native ground cover, the Project has the potential to increase water infiltration in the area and boost soil organic matter. Smaller wildlife are able to easily move through the Project area, while the modest acreage of the Project cause minimal impact to the movement patterns of larger wildlife. The aforementioned reasons combined with the non-toxic nature of the equipment and industry-leading decommissioning practices means that the land can return to near original condition at the end of the Project's life. This is vastly different from traditional development.

10.1.2. Community Design

The Applicant has considered the community from the onset of the design process of the Project. As further explained below, the Project will not adversely affect the health, safety, or general welfare of the people residing in the vicinity of the Project, nor impair the character of the district in which it is located or the values of the properties in the surrounding area.

Viewshed

The Project has been sited in a remote area of the County in order to reduce the visual impact of the facility and preserve the rural viewsheds. Due to the natural vegetation and topography of the Property, surrounding roadways and residences will have very limited, if any, views of the equipment associated with the Project. After construction, the Project will be largely invisible from neighboring properties since, from the Project fence line, setbacks of 500 feet from residences, 75 feet from property lines and public rights of way are exceeded. Based on the current Special Use Preliminary Site Plan, the closest neighboring home will be approximately 560 feet from the fence and the solar array will setback approximately 840 feet from E James Anderson Hwy. In addition, solar panels, racking systems, and inverters are generally no greater than seventeen (17) feet in height, and are therefore easily obscured by the existing mature trees on the Property.

A fifty (50) foot buffer of existing landscaping and vegetation and, if needed, newly planted vegetation will be maintained within the setbacks with the intent to further blend the Project to the surrounding natural setting. The Applicant will consult with a professional arborist or forester and leave existing mature vegetation and timber around the perimeter of the Project where possible. Where the existing vegetation is insufficient, additional vegetation will be planted and maintained to minimize the visibility from surrounding parcels and public rights-of-way. Pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers will be installed and maintained where appropriate and as recommended by a professional arborist or forester.

All adjoining properties are zoned A-1 and are mostly used for forestry or agriculture. Given the current adjoining uses, setbacks, and planned vegetative buffers, the Project will be inconspicuous and have a minimal viewshed impact to the surrounding neighbors, therefore helping to preserve the rural character of the community.

Sound

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 be minimal and only during daytime hours when the sun is shining. At night, there will be no audible noise at the property line emanating from the solar facility. The inverters produce a low-level hum

(the Power Electronic model is listed as producing <79 dBA at 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, thereby in compliance with proposed condition #9 in Section 15 of this application. As seen in the Preliminary Site Plan, the design positions the inverters towards the center of the solar array, which is approximately 900 feet from the nearest non-participating landowner's Property line. The inverters are the only components that produce any noticeable noise.

To further reduce unreasonable sound levels created by the Project, the Applicant has proposed an additional condition regulating and limiting site activity during constructions and operations, as further detailed in Section 15, condition #8.

Glare

The Project will produce no hazardous glare. Solar panels, by design, absorb as much light as possible, and panels reflect/refract very little light – often less than two percent. This is comparable to the reflectivity of water, and significantly less reflective than standard glass. Anti-reflective coatings and anti-glare technology are inherent to solar panel design. This combined with the remote location of the Project will significantly inhibit glare on neighboring properties and public roads.

County Resources

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.) would require additional services such as roads, utilities, schools, and law enforcement. This Project will not place any material burden on the County's resources but will increase the County's tax base and associated revenues.

Community Engagement

The Applicant will work diligently to ensure that the public, and in particular, the adjacent property owners, are made aware of the Project and well-informed of the plans. Accompanying this request in Section 4 is a list of adjacent property owners immediately abutting the Property. The Preliminary Site Plan shows the location of each neighbor relative to the Project.

The Applicant plans to hold a community meeting prior to the public hearing with the Planning Commission to present information about the Project and allow opportunities for questions, comments, and other feedback from the community. The Applicant will inform the Zoning Administrator and adjacent property owners in writing of the date, time and location at least seven (7) but no more than fourteen (14) days in advance of the meeting date. At the same time, the Applicant will post an advertisement in the Farmville Herald to inform the broader community of the date, time and location of the meeting. A central, publicly accessible location will be chosen within the county.

Apex Clean Energy is a strong supporter of educators, entrepreneurs, and changemakers in the Buckingham County Community. To show our support and strengthen the positive impacts our projects will have on the surrounding community, we have initiated a Community Grant Program for distribution to support organizations focused on promoting education, conservation and sustainability, and public land access. The first cycle has been completed and local grant winners have already been awarded.

10.1.3. Cultural Resources

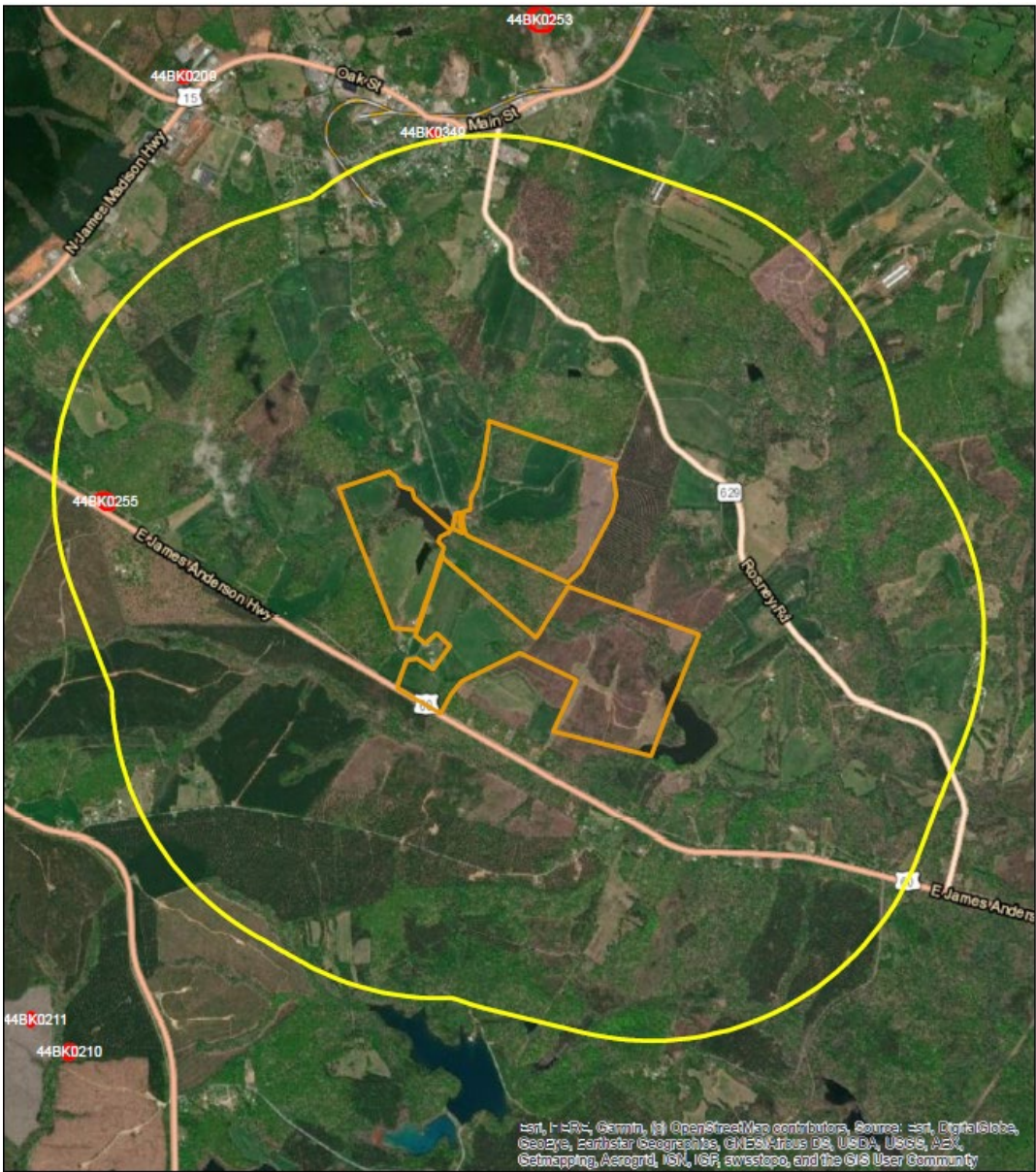
The Comprehensive Plan includes a goal to recognize and preserve the County's historical and cultural resources for future generations. The Comprehensive Plan notes that identification and evaluation are the primary strategies to reaching this goal. In recognition of the importance of these resources, the Applicant has conducted a desktop survey of known cultural and historic resources utilizing the Virginia Department of Historic Resource's (DHR) Virginia Cultural Resource Information System (VCRIS). The results of the desktop screening accompany this application in *Exhibits A-C* below. The primary result of this analysis shows there are no known cultural or historic resources located on the Property.

The Applicant has also conducted visual investigations for cultural resources when visiting the Property and has communicated extensively with the property owner to understand if any known cultural resources, including cemeteries, exist on site. These visual observations and landowner conversations have not resulted in the identification of any cultural or historic resources (including cemeteries) located on the Property other than speculation of a potential railroad segment that does not lie in close proximity of the Project Area.

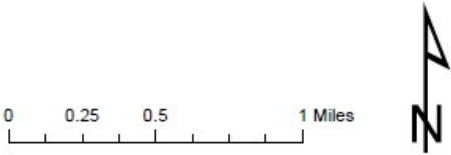
Additionally, the Applicant has initiated coordination with the Buckingham Historical Society by providing the organization with a map of the Property and associated Buckingham County Tax Map Parcel IDs. To date, this coordination has also not resulted in the identification of any cultural or historic resources located within the Property.

The results from the research that has been conducted so far indicate that there is a low likelihood of the Project interfering with any sites of significance and, as stated previously, the Project's size exempts it from further field analysis of archaeological and architectural resources as part of the DEQ's Permit By Rule process (Virginia Administrative Code 9VAC15-60-30).

Exhibit A. Archaeological Resources

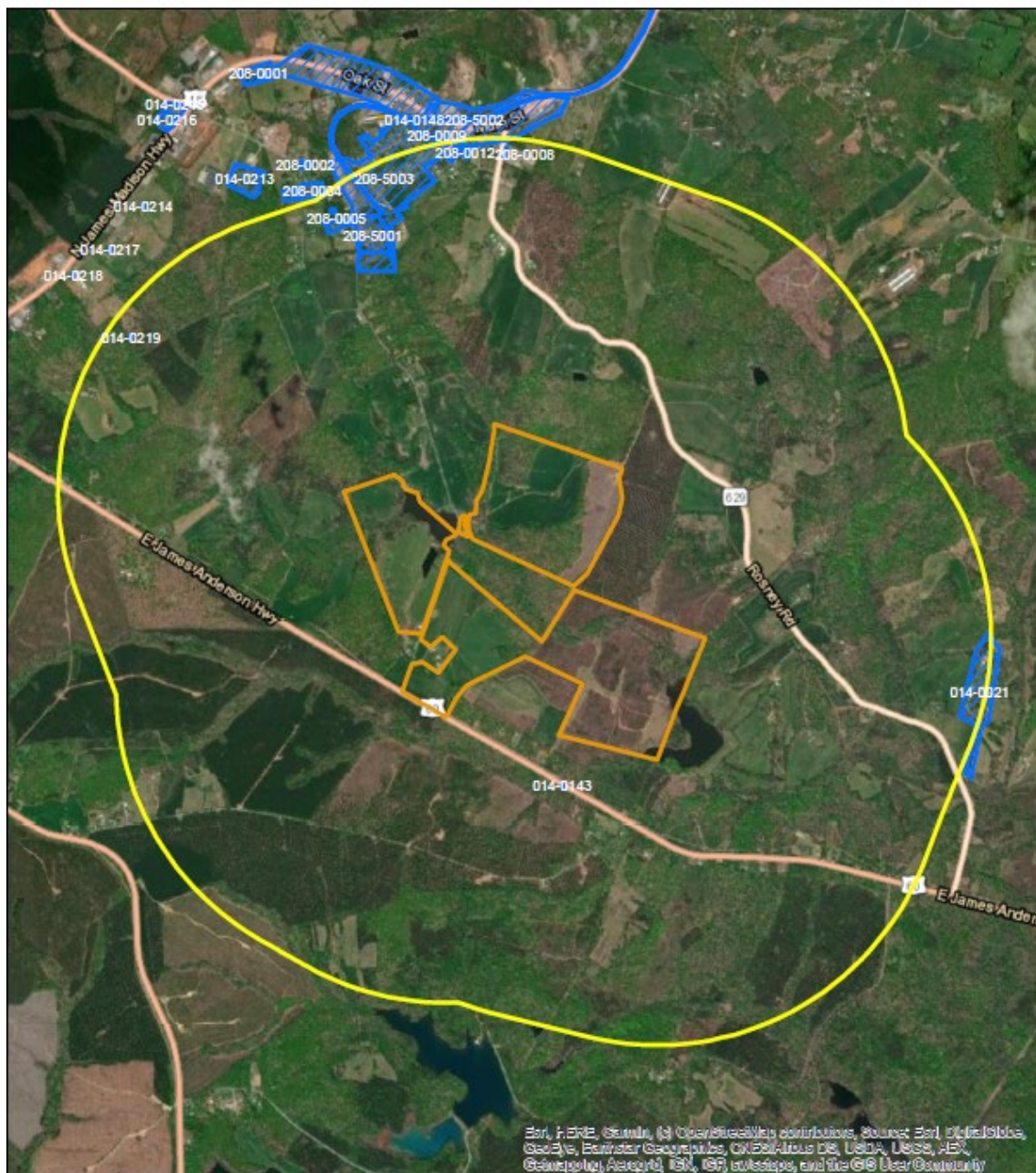


- Project_Area
- One Mile Buffer
- Archaeological Resources



DHR ID	Site Categories	Site Types	Time Periods	Evaluation Status
44BK0255	<Null>	<Null>	Middle Archaic (6500 - 3001 B.C.), Late Archaic (3000 - 1201 B.C.), Early Woodland (1200 B.C. - 299 A.D.)	<Null>
44BK0348	Subsistence/Agriculture	Stable	20th Century (1900 - 1999)	DHR Staff: Not Eligible

Exhibit B. Architecture Resources



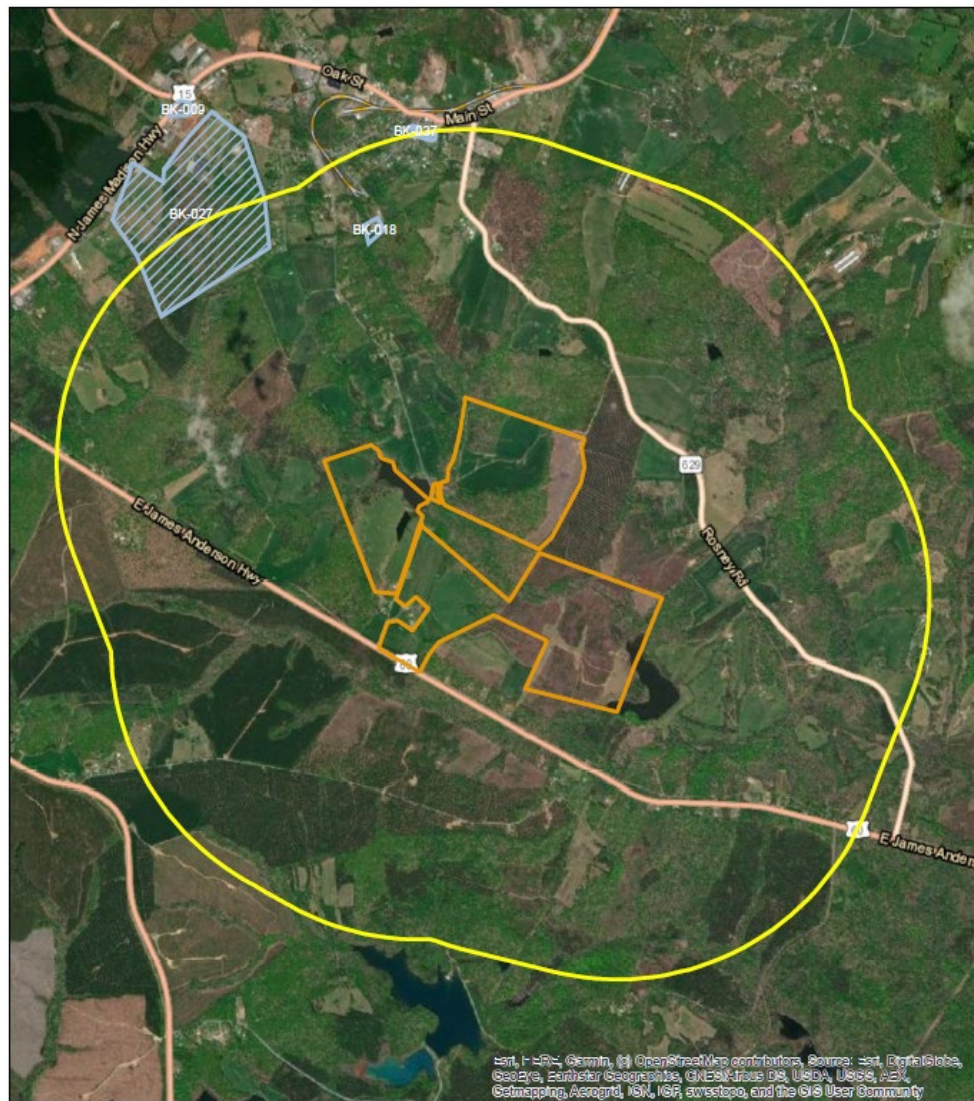
- Project_Area
- One Mile Buffer
- Architecture Resources

0 0.25 0.5 1 Miles



DHR ID	Property Names	Property	Historic District	Evaluation
014-0021	Rosney (Alternate Spelling), Rosny (Historic/Current)	Route 629	<Null>	<Null>
014-0143	Bridge #1020 (Current)	Rt. 60	<Null>	DHR Staff: Not Eligible
014-0148	Bremo-Dillwyn Line (Function/Location), Buckingham Branch Railroad Company (Current), C&O Railroad Abandonment Line (Historic)	<Null>	<Null>	<Null>
014-0219	Mullins House (Historic/Current)	Route 750	<Null>	DHR Staff: Not Eligible
208-0004	House, Lesueur Avenue (Function/Location), Russel Davis House (Historic)	Lesueur Avenue, Route T-1009	<Null>	DHR Staff: Not Eligible
208-0005	House, Route 2 (Function/Location), Woodfin House (Historic/Current)	22 Route 2	<Null>	DHR Staff: Not Eligible
208-0006	Chicken House (Descriptive), House, Route T1001, Dillwyn (Function/Location)	Route T1001	<Null>	DHR Staff: Not Eligible
208-0007	Dillwyn Residency Office (Historic/Current)	P.O. Box 10	<Null>	<Null>
208-0008	Dillwyn Residency (Historic), Timekeeper's Office (Historic/Current)	P.O. Box 10	<Null>	<Null>
208-0010	Single Dwelling, 73 Hancock Street (Function/Location)	73 Hancock Street	Dillwyn Historic District	DHR Staff: Not Eligible
208-0011	Single Dwelling, 74 Conner Street (Function/Location)	74 Conner Street	<Null>	DHR Staff: Not Eligible
208-0012	Single Dwelling, 89 Connor Street (Function/Location)	89 Connor Street	<Null>	DHR Staff: Not Eligible
208-5001	Buckingham Training School (NRHP Listing), Community Center, 245 Camden Street (Function/Location), Ellis Acres Memorial Park (Current), Rosenwald School (Descriptive), Steven J. Ellis Elementary School (Historic)	245 Camden Street	Rosenwald Schools in Virginia MPD	NRHP Listing, VLR Listing
208-5002	Dillwyn Commercial Historic District (Descriptive)	Main Street - Alt Route 15, Oak Street - Alt Route 15, Rosney Road, Route 1003, Route 629	Dillwyn Commercial Historic District	DHR Staff: Potentially Eligible
208-5003	Dillwyn Historic District (Descriptive)	Camden Street, Hancock Street, Main Street, Route 15	Dillwyn Historic District	DHR Board Det. Eligible

Exhibit C. Previous Archaeology Surveys



- Project Area
- One Mile Buffer
- Archaeology Phase 1 Survey

0 0.25 0.5 1 Miles



DHR Report Number	DHR Report Title	Author Affiliation	DHR Report Year	DHR Project Review Number
BK-018	A Phase I Investigation of Cultural Resources for the Proposed Dillwyn Wastewater Treatment Plant Site in Buckingham County, Virginia	Calvert McIlhany	1991	1991-1098
BK-027	A Phase I Investigation of Cultural Resources for the Proposed Buckingham Industrial Park at Dillwyn in Buckingham County, Virginia	Calvert McIlhany	1991	1991-1465
BK-037	An Archaeological Survey of the Proposed Routes 1001, 1004, and 1007 Project, Buckingham County, Virginia	(College of) William and Mary Center for Archaeological Research	2008	2008-0351

10.1.4. Economic Development

Rosney Creek Solar Farm is a low-impact land use that will provide a significant boost to the local economy as evidenced by the construction of solar projects in the region including Greenville, Sussex, Mecklenburg, Halifax and Southampton. Specialty Policy Area #7 of the Comprehensive Plan states that “Buckingham County considers ‘economic development’ high on its list of goals” and also notes the importance of a strong tax base. See Chapter IV, Policy Area #7. The Project represents an initial capital investment of more than \$7 million and will create approximately 25 full-time equivalent (FTE) jobs.

Solar energy is among the fastest growing industries in the nation and is especially vibrant in the Commonwealth of Virginia. Recently, demand for renewable energy has grown dramatically, driven in part by companies with sustainability goals. As of today, over 370 companies worldwide have committed to powering their operations with 100% renewable electricity.¹ Access to solar energy has become an important determinant in siting new businesses.

The Community Facilities and Services section of the Comprehensive Plan includes an objective to “provide adequate public utilities to support current and future growth (of all types) in Buckingham County.” This Project will not only supplement the mix of power generated for the residents of the County but it could also provide members of the community with direct access to the energy it produces. What is unique about this Project, is its eligibility to participate in the Virginia Share Solar Program. Should the Project be awarded capacity in the program, members of the community, including local businesses, can subscribe to offset a portion of their energy use with solar from the Project, potentially generating electricity bill savings that can be reinvested in the business. Further detail of the Community Solar Model is provided at the beginning of this Section 10.

10.1.5. Environment

Embracing projects like Rosney Creek Solar Farm over higher-polluting alternatives helps to protect and enhance the natural environment. Transitioning from fossil fuels to renewable energy has overwhelming positive net benefits for air quality, water resources, climate change, and human health. Solar energy generation produces no carbon emissions, releases no heavy metals or acid gases, and emits no small particles that can cause respiratory problems, unlike other forms of energy generation such as conventional fossil fuel generators which pollute heavily.

Solar facilities conform to the physical characteristics (including wetlands and topography) of the land. The streams and associated wetland data have been accounted for in the Special Use Preliminary Site Plan accompanying this application. All streams and wetlands will be avoided to the extent practicable and no stream crossings are anticipated. During the anticipated 4-6 months of construction, soil stabilization measures will be implemented, including topsoil replacement, which fosters the vegetative cover that will be installed between panels. These measures, amongst others, retard runoff and prevent soil displacement. The Applicant will maintain ground cover for the life of the Project.

¹ <https://www.there100.org/re100-members>

State and regional regulations regulate water flow/runoff during both construction and operations. As detailed in Section 15 (#3) of this Application, the Soil and Water Conservation District will review, approve, and oversee the Project's erosion and sediment control plan and the DEQ will review the Project's stormwater management plan. More information is also provided in Section 10.6 below.

10.1.6. Fire and Rescue, Law Enforcement

The Project would not pose increased security or safety risks. Once the Project is constructed, a permanent perimeter/boundary fence will surround the entire Project. The fence will be posted with security signage and will be metal chain-link fence with a minimum height of six (6) feet and topped with one (1) foot of barbed wire, therefore inaccessible to unauthorized personnel. The Project will be monitored remotely on a 24/7 basis to ensure the Project is operating properly. If any emergency arises, it will be noted by the remote operator who will contact and coordinate with the appropriate local emergency and security personnel and will be able to remotely de-energize the Project. Existing County fire fighting services and equipment are suitable to handle any issues that may arise at the Project, and training will be provided to local emergency services on how to access the Project in case of emergency. The Project's access road will be maintained in good condition to continue to allow easy access to the Project through all phases of its life.

Although it is unlikely that emergency services would be needed at this Project, the Applicant has committed to provide, at the Applicant's expense, materials, education, and training on how to respond to an emergency at the Project. See the Applicant's proposed condition #19 included with the application in Section 15 for further information.

10.1.7. Housing

This Project has been sited more than five hundred (500) feet away from the nearest housing and other residential development. This Project is located outside of areas that are designated for residential growth and is not anticipated to have any effect on the housing stock in the County.

10.1.8. Libraries

The Project will not impact established libraries or the County's future plans regarding libraries.

10.1.9. Parks and Open Spaces

Since the Project is located on land used primarily for forestry resources, the Project will not impact established parks or open spaces within Buckingham County. As noted in the environmental section above, all existing streams, wetlands, and setbacks will be preserved as open space. The Comprehensive Plan does not identify this area of the County for recreation or parks.

10.1.10. Potable Water & Sewage

Because this Project is located in a remote area and outside high growth areas, the Comprehensive Plan does not depict plans to extend public water or sewer lines into the proposed

Property. Based on the Future Land Use Map in the Comprehensive Plan, the Property is expected to remain rural and growth is anticipated to be slow. The Project will not require any buildings with associated plumbing or septic fields and therefore sewage was not included as a consideration in this Project.

10.1.11. Schools

The Project will not impact established schools or the County's future plans regarding schools and other educational facilities.

10.1.12. Telecommunications

The expansion of telecommunications services is a key element of the Comprehensive Plan. Broadband deployment is a point of emphasis but also funded largely by state and federal grants. Other Virginia counties have recognized a link between solar development and the deployment of broadband. In those counties, the revenue generated by solar facilities has been used to expand telecommunications and broadband facilities. While the revenues could be used in the County's discretion to support upgrades, this Project is not expected to have an impact on the existing telecommunications infrastructure in the County.

10.1.13. Transportation

The Comprehensive Plan notes that land use and transportation are linked (See Special Policy Area #4). The Project will be developed with close coordination and approvals by the Virginia Department of Transportation (VDOT) to ensure that construction and operations traffic does not negatively impact the safety of adjoining public roads and to make certain that all entrances abide by VDOT standards. As seen on the Preliminary Site Plan, the Applicant currently proposes a single entry and exit for the facility. The Applicant has facilitated the completion of a Traffic Impact Determination Form with the VDOT to accompany this request and will also prepare a Construction Traffic Management Plan prior to the start of construction as recommended by VDOT staff in Section 8 and as further conditioned in Section 15 (#21 & 22).

During the operations phase, the Applicant anticipates a negligible impact consisting of 1-2 trips a month for maintenance, typically with pick-up trucks for landscaping or other equipment upkeep. The Project will be remotely monitored, so will not require regular staff and will only be visited as needed. No impact on local traffic is expected from the day-to-day operations of this Project.

10.1.14. Solid Waste

At the end of its useful life, the Project will be decommissioned in accordance with the County requirements and the sample decommissioning plan included with this narrative (Section 10.7). To the extent possible, the Applicant will use all reasonable efforts to recycle the equipment and materials.

10.2. Potential Fiscal Impacts to Buckingham County

Per Code of Virginia § 58.1-2606.1. *Local taxation for solar photovoltaic projects five megawatts or less*, projects of this scale (5MWac and below) are no longer exempt from a jurisdiction's assessment of a revenue share ordinance and must defer to such revenue share ordinance where such exists. As a result, and at the County's option, the Applicant proposes to provide annual payments to the County in the amount of \$1,400/MWac that are increased by 10% every 5 years, as described in the Buckingham County Revenue Share for Solar Energy Projects and Energy Storage Systems Ordinance effective as of July 1, 2021. Revenue from these payments will total approximately \$430,000 over the life of the project. In addition, the Applicant estimates an increase of about \$145,000 in real estate tax revenue on the property over the current taxes collected for the same parcel acreage. Collectively, the Project will contribute approximately \$575,000 in revenue to the County over its anticipated 40-year life. Further information about the proposed payments, including a table of annual payments, can be found in the Proposed Conditions that accompany this Application (Section 15 # 18).

Furthermore, the Applicant acknowledges that the County may incur additional costs associated with inspections, permitting and other administrative procedures in relation to the Project. As such, the Applicant is willing to discuss offering a reimbursement for such incurred expenses.

10.3. Federal Aviation Administration

To confirm that Rosney Creek Solar Farm will meet the standards and regulations of the Federal Aviation Administration (FAA), the Applicant utilized the FAA's online Notice Criteria Tool, entering in the coordinates for the four corners of the proposed layout, the anticipated maximum height of the panels, and the site elevation. As evidenced below, the project does not exceed Notice Criteria and no further coordination with the FAA is required.

NE Corner

11/17/21, 3:04 PM

Notice Criteria Tool



Federal Aviation
Administration

« OE/AAA

Notice Criteria Tool

[Notice Criteria Tool - Desk Reference Guide V_2018.2.0](#)

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference [CFR Title 14 Part 77.9](#).

You must file with the FAA at least 45 days prior to construction if:

- your structure will exceed 200ft above ground level
- your structure will be in proximity to an airport and will exceed the slope ratio
- your structure involves construction of a traverseway (i.e. highway, railroad, waterway etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
- your structure will emit frequencies, and does not meet the conditions of the [FAA Co-location Policy](#)
- your structure will be in an instrument approach area and might exceed part 77 Subpart C
- your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
- your structure will be on an airport or heliport
- filing has been requested by the FAA

If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the [Air Traffic Areas of Responsibility map](#) for Off Airport construction, or contact the [FAA Airports Region / District Office](#) for On Airport construction.

The tool below will assist in applying Part 77 Notice Criteria.

Latitude:	<input type="text" value="37"/>	Deg	<input type="text" value="30"/>	M	<input type="text" value="54.52"/>	S	<input type="button" value="N"/>
Longitude:	<input type="text" value="78"/>	Deg	<input type="text" value="28"/>	M	<input type="text" value="44.07"/>	S	<input type="button" value="W"/>
Horizontal Datum:	<input type="button" value="NAD83"/>						
Site Elevation (SE):	<input type="text" value="450"/>	(nearest foot)					
Structure Height :	<input type="text" value="18"/>	(nearest foot)					
Traverseway:	<input type="button" value="No Traverseway"/>						
(Additional height is added to certain structures under 77.9(c))							
User can increase the default height adjustment for Traverseway, Private Roadway and Waterway							
Is structure on airport:	<input checked="" type="radio"/> No <input type="radio"/> Yes						

Results

You do not exceed Notice Criteria.

NW Corner

11/17/21, 3:05 PM

Notice Criteria Tool



Federal Aviation
Administration

« OE/AAA

Notice Criteria Tool

Notice Criteria Tool - Desk Reference Guide V_2018.2.0

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference [CFR Title 14 Part 77.9](#).

You must file with the FAA at least 45 days prior to construction if:

- your structure will exceed 200ft above ground level
- your structure will be in proximity to an airport and will exceed the slope ratio
- your structure involves construction of a traverseway (i.e. highway, railroad, waterway etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
- your structure will emit frequencies, and does not meet the conditions of the [FAA Co-location Policy](#)
- your structure will be in an instrument approach area and might exceed part 77 Subpart C
- your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
- your structure will be on an airport or heliport
- filing has been requested by the FAA

If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the [Air Traffic Areas of Responsibility map](#) for Off Airport construction, or contact the [FAA Airports Region / District Office](#) for On Airport construction.

The tool below will assist in applying Part 77 Notice Criteria.

Latitude:	<input type="text" value="37"/>	Deg	<input type="text" value="30"/>	M	<input type="text" value="55.88"/>	S	<input type="text" value="N"/>
Longitude:	<input type="text" value="78"/>	Deg	<input type="text" value="26"/>	M	<input type="text" value="54.41"/>	S	<input type="text" value="W"/>
Horizontal Datum:	<input type="text" value="NAD83"/>						
Site Elevation (SE):	<input type="text" value="450"/>	(nearest foot)					
Structure Height :	<input type="text" value="16"/>	(nearest foot)					
Traverseway:	<input type="text" value="No Traverseway"/>						
(Additional height is added to certain structures under 77.9(c)) User can increase the default height adjustment for Traverseway, Private Roadway and Waterway							
Is structure on airport:	<input checked="" type="radio"/> No <input type="radio"/> Yes						

Results

You do not exceed Notice Criteria.

SE Corner

11/17/21, 3:00 PM

Notice Criteria Tool



Federal Aviation
Administration

« OE/AAA

Notice Criteria Tool

Notice Criteria Tool - Desk Reference Guide V_2018.2.0

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference [CFR Title 14 Part 77.9](#).

You must file with the FAA at least 45 days prior to construction if:

- your structure will exceed 200ft above ground level
- your structure will be in proximity to an airport and will exceed the slope ratio
- your structure involves construction of a traverseway (i.e. highway, railroad, waterway etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
- your structure will emit frequencies, and does not meet the conditions of the [FAA Co-location Policy](#)
- your structure will be in an instrument approach area and might exceed part 77 Subpart C
- your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
- your structure will be on an airport or heliport
- filing has been requested by the FAA

If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the [Air Traffic Areas of Responsibility map](#) for Off Airport construction, or contact the [FAA Airports Region / District Office](#) for On Airport construction.

The tool below will assist in applying Part 77 Notice Criteria.

Latitude:	<input type="text" value="37"/>	Deg	<input type="text" value="30"/>	M	<input type="text" value="38.28"/>	S	<input type="text" value="N"/>
Longitude:	<input type="text" value="78"/>	Deg	<input type="text" value="26"/>	M	<input type="text" value="48.63"/>	S	<input type="text" value="W"/>
Horizontal Datum:	<input type="text" value="NAD83"/>						
Site Elevation (SE):	<input type="text" value="450"/>	(nearest foot)					
Structure Height :	<input type="text" value="16"/>	(nearest foot)					
Traverseway:	<input type="text" value="No Traverseway"/>						
(Additional height is added to certain structures under 77.9(c)) User can increase the default height adjustment for Traverseway, Private Roadway and Waterway							
Is structure on airport:	<input checked="" type="radio"/> No <input type="radio"/> Yes						

Results

You do not exceed Notice Criteria.

SW Corner

11/17/21, 3:03 PM

Notice Criteria Tool



Federal Aviation
Administration

[« OE/AAA](#)

Notice Criteria Tool

[Notice Criteria Tool - Desk Reference Guide V_2018.2.0](#)

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference [CFR Title 14 Part 77.9](#).

You must file with the FAA at least 45 days prior to construction if:

- your structure will exceed 200ft above ground level
- your structure will be in proximity to an airport and will exceed the slope ratio
- your structure involves construction of a traverseway (i.e. highway, railroad, waterway etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
- your structure will emit frequencies, and does not meet the conditions of the [FAA Co-location Policy](#)
- your structure will be in an instrument approach area and might exceed part 77 Subpart C
- your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
- your structure will be on an airport or heliport
- filing has been requested by the FAA

If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the [Air Traffic Areas of Responsibility map](#) for Off Airport construction, or contact the [FAA Airports Region / District Office](#) for On Airport construction.

The tool below will assist in applying Part 77 Notice Criteria.

Latitude:	<input type="text" value="37"/> Deg <input type="text" value="30"/> M <input type="text" value="41.17"/> S <input type="button" value="N ▼"/>
Longitude:	<input type="text" value="78"/> Deg <input type="text" value="27"/> M <input type="text" value="2.85"/> S <input type="button" value="W ▼"/>
Horizontal Datum:	<input type="button" value="NAD83 ▼"/>
Site Elevation (SE):	<input type="text" value="450"/> (nearest foot)
Structure Height :	<input type="text" value="16"/> (nearest foot)
Traverseway:	<input type="button" value="No Traverseway ▼"/> (Additional height is added to certain structures under 77.9(c)) User can increase the default height adjustment for Traverseway, Private Roadway and Waterway
Is structure on airport:	<input checked="" type="radio"/> No <input type="radio"/> Yes

Results

You do not exceed Notice Criteria.

10.4. Insurance

The Applicant shall maintain a current insurance policy to cover installation and operation of the project beginning with issuance of a Building Permit. The Applicant will maintain and pay for (a) comprehensive commercial general liability insurance with limits of not less than \$5,000,000 per occurrence, and (b) excess liability insurance with a limit of not less than \$10,000,000 in the aggregate, in each case for injury to any person and for damage to property. The Applicant will procure an applicable insurance policy through a reputable insurance carrier who is qualified to do business in Virginia. The Applicant will also ensure that an annual renewal certificate of insurance will be provided to the Town.

10.5. Equipment

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 that will stand less than 17 feet tall from the natural grade. The included Preliminary Site Plan (Section 2) depicts the more likely scenario of single-axis trackers.

Due to technological improvements and/or material availability, the final equipment selection may change. Notwithstanding, the Project's capacity will not exceed a 5MWac design. The County will be made aware of any changes in equipment selection, which will be denoted in the final Site Plan as part of the building permit application process. The following are examples datasheets for the most likely manufacturer, make and model of solar equipment.

10.5.1. Racking and Panels

The Project is expected use a single-axis tracking system that tracks the sun as it moves through the sky and does not stay in a fixed position throughout the day. This racking system is designed to support panel attachment and withstand wind speeds of 120mph. At maximum height, the racking and solar panels will not exceed 17 feet in height. Measurements for this system type are included on the Preliminary Site Plan, with specifications from a potential product manufacturer included in this section below. A row of PV panels will be attached in a linear fashion to each of these racking systems. Other versions of tracking technology or fixed technology may be considered for the Project.

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, but any changes to the model or manufacturer will be submitted for review to the County prior to construction. The solar panel industry is moving away from toxic panel components, and the Applicant will not use solar panels that contain cadmium telluride, lead, or any other toxic substances. For more details on these types of panels, see an example specification sheet in this section below.

Single Axis Tracker Specification Sheet - Example



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 1.9 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	±50°
Operating temperature range	Array powered: -20°C to 55°C (-4°F to 131°F) AC powered: -40°C to 55°C (-40°F to 131°F)
Module configuration	2 in portrait, 4 x 1,500 strings per standard tracker. Partial length trackers available.
Module attachment	Self-grounding, electric tool-actuated fasteners standard. Clamping system optional.
Materials	Galvanized steel
Allowable wind speed	Configurable up to 235 kph (145 mph) 3-second gust
Wind protection	Intelligent wind stowing with self-locking, distributed drive system for maximum array stability in all wind conditions
Foundations	Standard W8 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

Solar Panel Specification Sheet - Example



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*

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



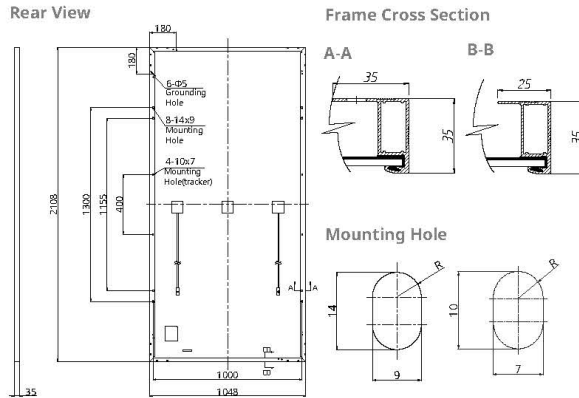
* The specific certificates applicable to different module types and markets will vary, and therefore not all of the certifications listed herein will simultaneously apply to the products you order or use. Please contact your local Canadian Solar sales representative to confirm the specific certificates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

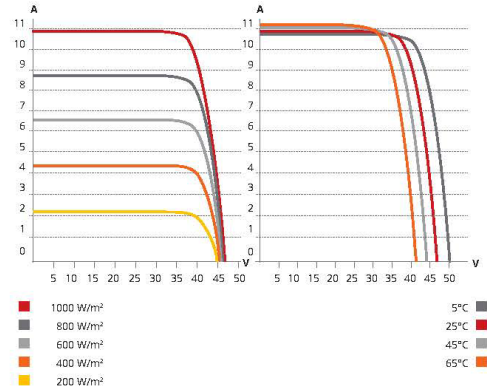
* For detailed information, please refer to Installation Manual.

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 mm² (IEC), 12 AWG (UL)
Cable Length	500 mm (19.7 in) (+) / 350 mm (13.8 in) (-) or customized length*
Connector	T4 series or H4 UTX or MC4-EVO2
Per Pallet	30 pieces
Per Container (40' HQ)	660 pieces

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

ELECTRICAL DATA | NMOT*

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

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

TEMPERATURE CHARACTERISTICS

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

PARTNER SECTION



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

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

Mar. 2021. All rights reserved, PV Module Product Datasheet V5.62_EN

10.5.2. Inverter

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. The Project's preliminary design includes 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 racking 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 a 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 placed within the project footprint where the cabling from the modules will be routed underground (where possible) and connected. By design, inverter placement is central to project, and therefore a comfortable distance from property lines.

The final decision on inverter type will be made closer to the start of construction based on the finalized system design and equipment availability. While the exact manufacturer and model may vary as technology improves between now and the commencement of construction, following this section is 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 provided to the County as part of the building permitting process will reflect the final changes.

Inverter Specification Sheet - Example



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.

10.5.3. Transformer and Interconnection

The Project will be interconnecting with Dominion Energy's existing three-phase distribution system via an electrical line that exists along E James Anderson Highway adjacent to the Property. 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 an advantageous place in Dominion Energy's interconnection queue (holding a "B" position) and is pending results from the studies. Further information about the Project's interconnection status can be found in Section 14 below, titled "Utility Comments Confirming Line Capacity".

The Applicant acknowledges that an executed Interconnection Agreement with Dominion Energy is a condition of building permit approval. The scope of this project does not include Energy Storage or any equipment and facilities other than those described herein and planned for on the Preliminary Site Plan.

10.6. Stormwater Management & Erosion and Sediment Control Plans

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 the County Soil and Water Conservation District has approved the Project's soil and erosion control plan.

Prior to construction, the Soil and Water Conservation District will review, approve, and oversee the Project's erosion and sediment (E&S) control plan. E&S designs and calculations are submitted to the County for approval as part of final permitting. In addition to taking natural flow patterns into consideration for drainage design, 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), and construction entrance/exits. Often, the E&S ponds are converted to permanent stormwater detention ponds with onsite ditching directing water to the ponds.

Stormwater plans, designed in accordance with VSMP and the Virginia Runoff Reduction Method, will be implemented to capture and treat runoff during Project operations. The Golden Rule for engineering a stormwater plan is the quality of water leaving the site once the Project is operational will be as good or better than before construction of the Project commenced. Stormwater design and calculations are reviewed and approved by DEQ prior to construction, with an ongoing maintenance agreement required between the Project owner and DEQ. As further detailed in the proposed conditions (Section 15 #3), a sequential progression plan for construction will be implemented to limit the amount of project area that is disturbed at any one time by implementing temporary stabilization measures in accordance with the Virginia Erosion and

Sediment Control Handbook. Permanent stormwater management measures will be designed for conversion from the perimeter erosion and sediment control measures to meet state water Quantity standards. Typically, stormwater management measures consist primarily of permanent perimeter ditches to intercept and convey site runoff to dry detention basins. The detention basins are designed to provide rate control to meet downstream channel and flood protection requirements. The number and size of the detention basins is dependent upon the site topography and pre-development sub-drainage areas, with basin locations selected in an effort for post-development discharge locations to mimic pre-development locations.

Water Quality requirements are determined using the state's Volume Runoff Reduction Method (VRRM) and typically require preservation of undisturbed forested "open space" and/or proposed reforestation of open space that requires remediation from pre-development land management activities (i.e. farming or silviculture). A pre-development analysis is performed as part of the state's VRRM. Pre-development sub-drainage areas are delineated and considered in locating proposed basins, so post-development discharge conditions can mimic pre-development conditions. A post-development runoff analysis is also performed as part of the VRRM. DEQ Piedmont Regional Office (PRO) will perform the VSMP review. The PRO review typically requires a rigorous three to four-month review process with multiple submittals and technical engineering reviews. 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.

10.7. Decommissioning & Sample Decommissioning Plan

At the end of the Project life, the Project will be decommissioned in accordance with a full-detail decommissioning and rehabilitation plan that will be submitted to Buckingham County prior to approval of building permits. As part of the decommissioning, the land will return to forestry, or another use permitted by the Zoning Ordinance and as desired by the property owner. The Applicant has provided a sample decommissioning plan for a similarly sized project located in Halifax County, VA below for the County to use as reference when reviewing the Project's plan to be provided prior to construction. As detailed in the Sample Decommissioning Plan, all of the Project's facilities will be dismantled and removed. During restoration, the Property will be returned to its previous condition. If it is agreed upon with the County, and the landowner, some or all of the Project access roads may be kept in place for continued use.

Prior to issuance of building permit, a bond, letter of credit or other form of surety will be posted to protect the landowner and community against decommissioning costs. The estimated decommissioning cost will be based upon the final site plan, sealed by a professional engineer, and updated every five years. Most of the Project's components will still have significant market value and are able to be reused or recycled. Despite this, the Project's Decommissioning Plan will not include estimated salvage value in the exercise of estimating the decommissioning cost estimate and associated surety that will be placed with Buckingham County prior to the start of construction.



August 2, 2021

Solar Facility Analyzed:

Martin Trail Solar Farm, LLC
Martin Trail, Clover, VA 24534

Project Owner:

ACE VA DER, LLC
310 4th St. NE, Suite 300
Charlottesville, VA 22902
ATTN: Charlie Johnson

Plan Prepared By:

Uneclipsed Energy, PLLC
2250 Lucien Way, Suite 305
Maitland, FL 32751
407.232.7440

Firm Background:

Uneclipsed Energy, PLLC (Uneclipsed) is a licensed engineering firm affiliated with ESA Solar Energy, LLC and Solar Development Group, LLC (SDG) for solar projects in Florida, Michigan, and Virginia among other states. Since 2002, the team behind these three entities has gained expertise through developing, designing, constructing, operating and maintaining solar PV systems of all sizes, from residential, commercial and municipal projects to large ground-mount utility-scale systems in the United States, Spain, and Italy, totaling thousands of megawatts.

Facility Description:

The proposed solar farm is located on Parcel #6790, 6791, 18007, and 18008 in Halifax County, Virginia. The estimated 7 MWdc / 5 MWac solar farm is expected to include the following components:

- Approximately 14,000 PV modules
- Steel structural racking system, supported by driven piles
- Rack-mounted inverters to convert dc power to low-voltage (480 or 600V) ac power
- Concrete pad-mounted transformers and switchgear required to step up the voltage to medium voltage (distribution level, 12kV – 35kV)
- Underground and overhead wiring as appropriate for solar farm interconnection to electric grid



Decommissioning Process:

The system is expected to be capable of operation for at least thirty-five years, with decommissioning at a time to be agreed upon by the system owner and the landowners leasing the land to the system owner. At the end of the project's life, the system owner shall complete the following list of activities to fully decommission the system. This list is prepared based on current procedures and experience, which will likely improve in the coming years as technology, construction processes and recycling infrastructures improve. Decommissioning activities shall be carried out according to applicable regulations and industry best practices, after obtaining any necessary permits for the decommissioning. The decommissioning activities are as follows, and shall be completed in accordance with the industry best practices, OSHA regulations, and state/federal requirements in effect at the time of decommissioning:

- Prepare a safety plan and train all site personnel as to appropriate safeguards and proper work techniques.
- Contact the Utility Company and communicate the cessation of business.
- Disconnect site electric power at the Point of Common Coupling by the site owner or utility. The utility will be responsible for removing all conductors, power poles, and hardware that is under utility ownership.
- Disconnect all dc source circuit wiring from the combiner boxes.
- Disconnect all dc output circuit wiring from any combiner boxes to inverters.
- Unfasten PV modules from the structural racking system and stack in a staging area (this staging area will be used to store all equipment being removed from the site).
- Remove module home run wiring, raceways, and combiner boxes from the racking system.
- Unbolt the racking system components and stack and remove all driven piers.
- Dig up all buried conductors and backfill trenches.
- Coil and stack wire and conduits. Remove wire connectors and splices, disassemble, and sort as required to maximize recycling value.
- Dismantle Inverters, switchgear, and transformers on site when practical, or remove fully intact equipment pads from the site for off-site handling.
- Remove perimeter fencing and pole foundations.
- Sell to a recycling facility any material that can be recycled, unless the original equipment manufacturer or another organization offers a buy-back program for equipment.
- Dispose of all other materials at appropriate handling facilities.
- Dismantle any site roads and restore any compressed soils (under equipment pads, roads) with a subsoiler or flat lifter. Restore any compacted areas to the proper density and depth to remain consistent with the surrounding fields, adding new fill as necessary.
- Re-seed and re-vegetate disturbed areas of the site, ensuring that the land can return to its original state.



Decommissioning Cost Analysis:

The estimated costs or values for scrap material and disposal are provided in Figure 1 following. The projected estimated cost for each line item is rounded to the nearest \$1,000.

Component	Size	Material	Feet	Quantity	Weight/unit	Weight	2019 Scrap Value	Project Value
Array PV Wire	10 AWG	Copper	250,000		0.057	14,250	\$1.60/lb	\$ 23,000
Array Home Runs	250 kcmil	Alu	70,000		0.321	22,470	\$0.60/lb	\$ 13,000
Module Frames				14,000	2	28,000	\$0.59/lb	\$ 17,000
Posts and Rails			15	7,000	130	910,000	\$0.05/lb	\$ 46,000
Modules				14,000	50	700,000	SCRAP VALUE (\$2.00/unit)	\$ 99,000
							NET SCRAP VALUE	\$ 71,000

Figure 1: Decommissioning Costs and Values Breakdown

In 2019, the scrap value of the copper and aluminum wiring, aluminum solar module frames, steel posts and structural members is calculated at 75% of the commodity copper and aluminum pricing. It is conservatively assumed that this value will remain steady over time. Figure 2 and Figure 3 on the following page show Copper Pricing and Aluminum Pricing from 1989 through 2019. Steel is assumed to be valued at \$100 per ton, or otherwise equal to \$0.05 per lb. 2019 numbers are used here as they are considered more stable and consistent than those in 2020-2021, which have been more variable due to worldwide markets disruption from the COVID-19 pandemic. This brings the estimated scrap value of the system to approximately \$101,000.

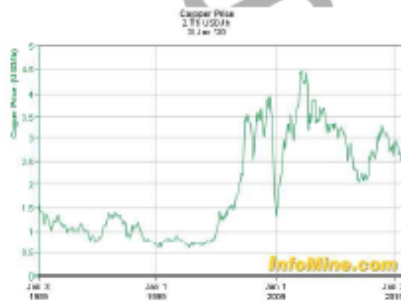


Figure 2: Copper Pricing in USD/lb, 1989-2019

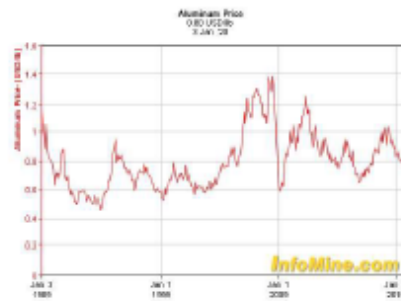


Figure 3: Aluminum Pricing in USD/lb, 1989-2019

The weight of each of the 14,000 solar modules (panels) is due primarily to the top glass within the frame, and we anticipate that the modules will be mostly recyclable during the decommissioning. As



there has been a relatively low number of failed modules worldwide, there has not yet been a high demand for module recycling facilities, however in Europe and in the United States programs have been announced and small facilities exist. We expect that as more solar power is deployed, the recycling opportunities will grow accordingly to meet the demand of equipment disposal. It is estimated that there will be a net cost of \$2.00 per module for disposal, or \$28,000 for this estimate.

Although the bulk of decommissioning tasks are expected to be carried out by laborers, there will also be equipment operators and supervisors. We assume these fully-burdened rates for personnel trained in demolition:

Labor Type	Rate
Supervisor	\$65.00
Equipment Operator	\$55.00
Laborer	\$40.00

In an effort to provide a conservative labor and material cost estimate for the decommissioning of the project, below is a breakdown of the anticipated costs:

Cost Type	Headcount	Hours / Day	Rate	Days	Total Cost
Excavator	1	8	\$ 125.00	20	\$ 20,000
Skid Steer	2	8	\$ 50.00	20	\$ 16,000
Pick-up Trucks	2	8	\$ 14.50	20	\$ 5,000
Supervisor	1	8	\$ 65.00	20	\$ 11,000
Equipment Operator	3	8	\$ 55.00	20	\$ 27,000
Laborer	6	8	\$ 40.00	20	\$ 39,000
Trucking	5	8	\$ 125.00	10	\$ 50,000
Site Restoration					\$ 30,000
Module Disposal					\$ 28,000
Total Expenses					\$ 226,000
Scrap Cost					\$ (99,000)
Net Price					\$ 127,000

Assuming roughly 4 weeks' effort for labor costs, equipment usage, transportation costs, appropriate recycling and disposal costs, and an additional \$30,000 allowance for full site restoration (to include regrading, reseeding, and landscape repair), the costs of the decommissioning would total \$226,000. Subtracting the estimated scrap value of \$99,000, the decommissioning cost would yield a *net* cost of approximately \$127,000.

All estimated costs were calculated using best industry standards and pricing currently available.

Given that 35 years of policy changes, technological improvements, and variable inflation rates have yet to occur, the accuracy of these estimates cannot be guaranteed.



Respectfully submitted by:

A handwritten signature in black ink, appearing to read "DK Click".

David K. Click, PE
President
Uneclipsed Energy, PLLC

David
Click

Digitally signed
by David Click
Date: 2021.08.02
12:23:31 -04'00'



Sample

11. Signage at Property

SIGNAGE AT PROPERTY

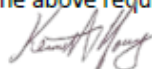
The Buckingham County Zoning Ordinance requires the following:

The applicant in any case which requires a public hearing shall post signs furnished by the agent on each parcel involved at least 21 days prior to the public hearing indicating that a public hearing is eminent, the date, a rezoning issue, and a County contact number. The signs shall be placed on the VDOT right-of-way closest to the applicant's property line and shall be clearly visible from the road with bottom of the sign not less than one and one half feet above the ground. If more than one public road abuts the property, the signs shall be placed in the same manner as above for each abutting road. If no road abuts a property, then the agent shall define an area for the signs. The agent may ask the applicant that the sign be moved to another area either on the property to achieve greater public visibility. The applicant shall be responsible for keeping the signs free from grass, weeds, and any other plants or vines that may obstruct the public's view. The applicant shall contact the Virginia Department of Transportation for any information concerning where the right-of-way is located. The applicant shall be responsible for the signs should VDOT or their contractor conduct mowing or clearing of the right-of-way in the area where the sign is located.

Any signs required shall be maintained at all times by the applicant up to the time of the final public hearing. No person, except the applicant or the agent or an authorized agent of either, shall remove or tamper with any sign furnished during the period it is required to be maintained under this section. All signs erected under this ordinance shall be removed by the applicant within 15 days following a decision at the final public hearing and shall be returned to the agent. The applicant shall purchase the signs at a fee as determined by the Board of Supervisors and shall be non-refundable. The applicant shall be responsible for the replacement of the sign(s) and shall contact the agent as soon as possible for another sign to be replaced as the manner described above. Should the sign(s) have to be replaced more than twice, this section shall no longer be forced upon the applicant.

I have read, understand and agree to the above requirements.

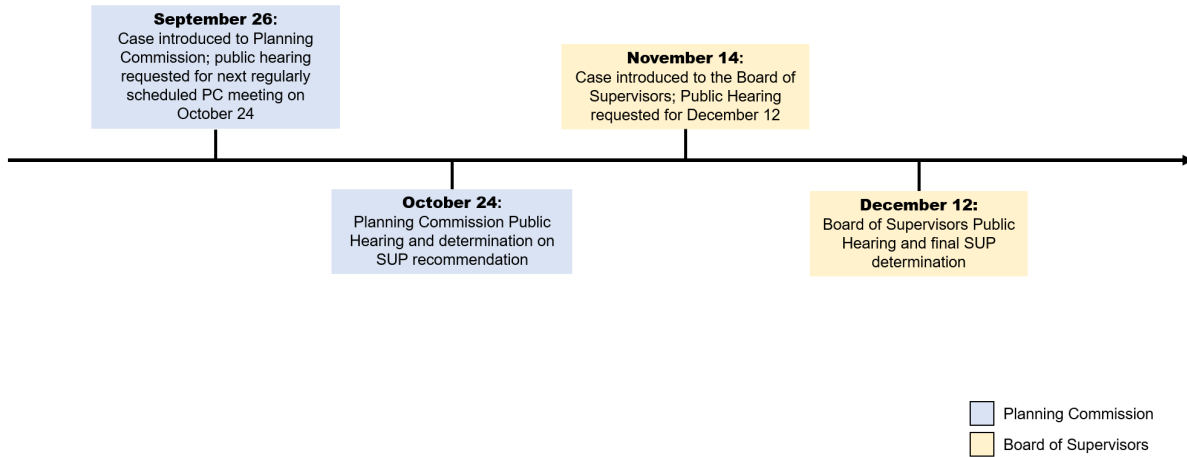
Applicant/Owner: _____



Date: 9/2/2022

12. Tentative Schedule

Tentative Schedule for Rosney Creek Solar SUP



13. Documentation of Right to Use Property for Proposed Facility

Documentation of site control is demonstrated in the following pages 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 Use request, but before administrative approvals such as the building permit. The memorandum of the lease has been 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. Further, the Applicant will notify the County of any change in ownership of the Project. This document is also included as a separate electronic file.

2021-1031

BOOK 484 PAGE 136

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): 151-21

Consideration: \$ 12,500

MEMORANDUM OF GROUND LEASE
FOR SOLAR ENERGY SYSTEM

THIS MEMORANDUM OF GROUND LEASE FOR SOLAR ENERGY SYSTEM ("Memorandum") is made and dated as of December 9, 2020 ("Effective Date") by and between Whetstone Farm Davis Properties, LLC, a Virginia limited liability company ("Landlord") with a tax mailing address of 106 Whetstone Lane, Dillwyn, VA 23936, 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 [County], 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:

Whetstone Farm Davis Properties, LLC, a Virginia limited liability company

By: Ivan P. Davis Jr.
Name: Ivan P. Davis Jr.
Title: PRESIDENT

STATE OF Virginia

ss.

COUNTY OF Buckingham

On December 9, 2020 before me, the undersigned, personally appeared Ivan P. Davis Jr., as President, for Whetstone Farm Davis Properties, LLC, a Virginia limited liability company, 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.

Hailey Blackwell
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

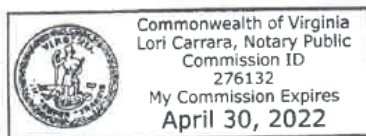
By: Apex Clean Energy Holdings, LLC,
a Delaware limited liability company,
its Manager

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 9 day of December, 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 ACE VA DER, LLC, 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 Buckingham, Virginia, consisting of 439.6 acres, more particularly described as follows:

Now containing 297.7 acres, more or less, being the residue of a parcel containing 305.2 acres, more or less, shown as parcel No. 2 (the unshaded portion), described by a plat of survey prepared by Carroll Gillispie, CLS/SBC, dated September 23, 1966, and recorded with that certain Deed, dated November 28, 1966, among the Land Records of the COUNTY OF BUCKINGHAM, VIRGINIA, in Deed Book 78, beginning at page 381. This property is also described by metes and bounds in this aforesaid Deed dated November 28, 1966.

Being the same property as that conveyed to IVAN P. DAVIS, SR. and MOLLIE P. DAVIS, husband and wife, as tenants by the entirety by deed dated November 28, 1966, from Gertrude P. Davis, widow, and recorded March 15, 1968 among the Land

Records of the COUNTY OF BUCKINGHAM, VIRGINIA, in Deed Book 78, beginning at page 381.

LESS AND EXCEPTING from the original 305.2 acre tract, a 7.5 acre parcel, more or less, conveyed by IVAN P. DAVIS, SR. and MOLLIE P. DAVIS, husband and wife, to IVAN P. DAVIS, JR. and DEBORAH B. DAVIS, husband and wife, by General Warranty Deed dated October 1, 1980, from IVAN P. DAVIS, SR., and MOLLIE P. DAVIS, husband and wife, and recorded December 14, 1980 in the Land Records of the COUNTY OF BUCKINGHAM, VIRGINIA, in Deed Book 119, beginning at page 562. ✓

Together with all its appurtenances, and subject to all other conveyances, exceptions, easements, rights of way, covenants, conditions, restrictions and other instruments of record, or which may be apparent on the premises, as well as ordinances, codes, and regulations, legally affecting the property.

And:

All that certain tract or parcel of land, with improvements thereon and appurtenances thereunto belonging, situated in Curdsville Magisterial District of Buckingham County, Virginia, containing One Hundred Eighty-Eight and seventy/hundredths (188.70) acres, more or less, said lands fronting on U. S. Route #60 and being more particularly described as the residue of a 218.59 acre parcel depicted by a plat of survey prepared by Carroll Gillispie, C.L.S., S.B.C., dated January 8 and March 10, 1976 and recorded in the Clerk's Office of the

Circuit Court of Buckingham County in Deed Book 100, at page 5, after deducting therefrom a parcel of 29.89 acres depicted by a plat of survey prepared by William W. Dickerson, Jr., L.S., dated November 16, 2009, which is attached hereto, made a part hereof and recorded simultaneously herewith in the aforesaid Clerk's Office in Plat Cabinet A, at slide 203E, to which plats reference is hereby made for a more complete and accurate description of the lands hereby conveyed; TOGETHER WITH AND SUBJECT TO a non-exclusive, perpetual easement, for the purposes of ingress and egress, over and through a private road running from said Route #60 in a general northeasterly direction along the entirety of the northwestern boundary line of said 29.89 acre parcel, the centerline of said easement (i.e. the northwestern boundary line of said 29.89 acre parcel) being depicted on the aforesaid plat as "along & of joint-use road". Said lands being a portion of the lands conveyed unto H. Curtis Pearson, Jr., as "Tract T-340 (Rixey)" from GIC Virginia Timberlands, LLC, a Delaware limited liability company, by deed dated January 31, 2008 and recorded in the aforesaid Clerk's Office in Deed Book 355, at page 803 et seq.

Less and except:

a triangular parcel of approximately 5.4 acres off the southern part of a 297.7 acre parcel conveyed unto Ivan P. Davis, Sr. and Mollie P. Davis, General Partners of the Ivan and Mollie Davis Limited Partnership from Ivan P. Davis, Sr. et ux by deed dated June 20, 2005 and recorded in the aforesaid Clerk's Office in Deed Book 399, at page 45 et seq.; and, a larger parcel of approximately 41.5 acres off the northern part of a 188.70 acre parcel conveyed unto The Ivan and Mollie Davis Family Limited Partnership from H. Curtis Pearson, Jr. by deed dated November 30, 2009 and recorded in the aforesaid Clerk's Office in Deed Book 376, at page 510 et seq.

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

035 Rec Fee	3 00	VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF BUCKINGHAM COUNTY
St. R. Tax	31 25	
Co. R. Tax	10 42	The foregoing instrument with acknowledgement
Transfer		was admitted to record on 6/1/2021,
Clerk	14 50	at 9:15 AM, in D.B. 484 Page(s) 186 - 192
Lib.(145)	3 50	
T.T.F.	5 00	Teste: JUSTIN D. MIDKIFF, CLERK
Grantor Tax		BY: <u>Sandy R. King-Cullen</u> , DEPUTY CLERK
036 Proc. Fee		
Total \$	67 67	



OFFICIAL RECEIPT
BUCKINGHAM CIRCUIT COURT
DEED RECEIPT

DATE : 06/01/2021 TIME : 09:19:37 CASE # : 029CLR202101031
 RECEIPT # : 21000002569 TRANSACTION # : 21060100006
 CASHIER : SRH REGISTER # : D729
 INSTRUMENT : 202101031 BOOK : 484 PAGE : 186
 GRANTOR : WHETSTONE FARM DAVIS PROPERTIES LLC
 GRANTEE : ACE VA DER LLC
 RECEIVED OF : APEX CLEAN ENERGY HOLDINGS LLC
 ADDRESS : 310 4TH STREET NE STE 300 CHARLOTTEVILLE, VA 22902
 DATE OF DEED : 12/09/2020
 CHECK : \$67.67 CHECK NUMBER : 049847
 DESCRIPTION 1 : 297.7 AC
 NAMES : 0
 CONSIDERATION : \$12,500.00 AVAL : \$0.00

PAGES : 007 OP : 0

PIN OR MAP : 151-21

ACCOUNT CODE	DESCRIPTION	PAID	ACCOUNT CODE	DESCRIPTION	PAID
035	VIRGINIA OUTDOOR FOUNDATION	\$3.00	145	VSLF	\$3.50
039	STATE GRANTEE TAX	\$31.25	213	COUNTY GRANTEE TAX	\$10.42
106	TECHNOLOGY TRST FND	\$5.00	301	CLERK RECORDING/INDEXING FEE	\$14.50

TENDERED : \$ 67.67
 AMOUNT PAID : \$ 67.67

PAYOR'S COPY

CLERK OF COURT : JUSTIN D. MIDKIFF

RECEIPT COPY 1 OF 2

14. 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 next in line to begin interconnection study. As exhibited below in recent e-mail correspondence with the utility, the Project is now in the B position at the substation.

From: lela.foster@dominionenergy.com <lela.foster@dominionenergy.com>

Sent: Monday, August 29, 2022 11:19 AM

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

Cc: Deepesh Rana <deepesh.rana@apexcleanenergy.com>

Subject: VA21025 ACE VA DER, LLC - Rosney Creek - Now in the B position

Good morning,

There has been some queue movement and VA21025 ACE VA DER, LLC - Rosney Creek has now moved into the B position.

If you would like, we can schedule an updated scoping call for this queue number.

You can also wait until you are in the A position. If you decide to wait, I will reach out once you are in the A position.

How would you like to proceed?

Lela Foster

Distributed Generation Contracts Administrator III
Dominion Energy – Power Delivery
Electric Wholesale Interconnection

Dominion Energy
5272 Godwin Blvd
Suffolk, VA 23434

Cell: 757-613-4340

E-mail: lela.foster@dominionenergy.com



*NOTE: The submission of an interconnection request **does not** constitute an indication of a customer's commitment to sell the output of a facility to Dominion. For information on submitting a legally enforceable obligation (LEO) form or requesting a power purchase agreement (PPA), please see the information and links provided on the company's web site at the following location: <https://www.dominionenergy.com/virginia/large-business-services/using-our-facilities/parallel-generation-and-interconnection>*

15. Proposed Project Conditions

1. **Inspections.** Rosney Creek Solar, LLC or any successors, assignees, current or future lessee, sub-lessee, or owner of the solar energy facility (the “Applicant”) consent to annual administrative inspections by Planning Department Staff for verification of compliance with the requirements for this SUP after the completion of the construction of the Project. During construction of the Project, the county and its assigns and designees shall have access to the site for inspections and to assure compliance with the conditions of the SUP.
2. **Compliance with Conditions.** The Applicant shall sign the list of the adopted conditions for this SUP signifying acceptance and intent to comply with these conditions.
3. **Compliance with Laws; Erosion and Sediment Control and Stormwater.** That all federal, state, and local laws, regulations, permit requirements and ordinances will be adhered to including but not limited to:
 - a. All active solar systems and solar equipment used in this Project shall meet the requirements of the National Electrical Code (NEC), National Electrical Safety Code (NESC), American Society of Civil Engineers (ASCE), American National Standards Institute (ANSI), Institute of Electrical and Electronics Engineers (IEEE), Underwriters Laboratories (UL), or International Electrotechnical Commission (IEC) as applicable and comply with state building code and shall be inspected by a county building inspector through the building permit process.
 - b. An Erosion and Sediment Control Plan must be submitted to the County and approved by the Soil and Water Conservation District prior to any land disturbance. Prior to Applicant’s submission of the Erosion and Sediment Control Plan, the Applicant will contact the County’s erosion and sediment control reviewer and use reasonable efforts to arrange a meeting on the Property with the Applicant’s engineer. The County may obtain an independent third party review of the Erosion and Sediment Control Plan at the expense of the Applicant.
 - c. The erosion and sediment control plan shall be prepared in accordance with the Virginia Erosion and Sediment Control Handbook. As an additional precaution, the erosion and sediment control plan will be implemented as a sequential progression, demonstrating that not more than 25% of the Project Area be disturbed at any one time during construction without temporary seeding or other stabilization in accordance with the Virginia Erosion and Sediment Control Handbook. Nothing in this condition shall prevent continued construction activities after areas have been stabilized in accordance with the Virginia Erosion and Sediment Control Handbook, and such stabilized areas will not be subject to the 25% limitation in sentence 2 of this condition; however continued construction activities, excluding maintenance of erosion and sediment control and stormwater management features or associated activities, shall not be re-initiated in a previous Phase until at least 50% vegetative cover (as determined by an independent inspector) has been established in that Phase or 60 days after a Phase has been temporarily stabilized, whichever is sooner. During this period, The applicant shall take continued action implementing best management practices to promote successful establishment of vegetative cover in a Phase. The erosion and sediment control plan will provide the means and measures in accordance with the Virginia Erosion and Sediment Control Handbook to achieve stabilization of the disturbed areas and to comply with this condition.
 - d. During the construction of the Project, the Applicant shall require the following:

- i. All Erosion and Sediment control facilities will be inspected by a qualified third party inspector: (i) at least every four calendar days; or (ii) at least once every five calendar days and within 24 hours following any runoff producing storm event. Any discrepancies should be noted and corrective action should be taken to ensure facilities are operating properly. Corrective measures include regularly cleaning out sediment basins and traps, stabilizing eroded banks or spillway structures, cleaning inlets and outlets and repairing damaged silt fence shall be prioritized.
 - ii. Runoff at stormwater outfalls will also be observed just as often for characteristic land disturbance permit (clarity, solids, etc.)
 - iii. A record of the amount of rainfall at the Project during land disturbing activities.
 - iv. A record of major land disturbing activities, including dates when clearing, grading and excavating occurred in each Phase. Dates when construction activities are either temporarily or permanently ceased in the Phase should be recorded along with stabilization areas.
 - e. The County may inspect the Project during construction as determined by the County and shall retain all enforcement rights under applicable law.
 - f. A Stormwater Management Plan must be submitted to the Virginia Department of Environmental Quality (VDEQ) and approved by VDEQ prior to any land disturbance. The Applicant will obtain approval of a Stormwater Pollution Prevention Plan ("SWPPP"). The Applicant and its contractor will have operational day-to-day control of the Project and must implement the SWPPP measures. The Applicant and its contractors will ensure that the applicable subcontractors are trained on appropriate best management practices and requirements in the SWPPP.
 - g. The Project shall fully comply with all applicable provisions of the Buckingham County Zoning Ordinance, to the extent not modified herein, throughout the life of this SUP.
4. **Expiration.** The building permit application must be submitted within 2 years of obtaining the Special Use Permit and the commercial generation of solar electricity shall begin within 24 months of the approval of the building permit or this SUP shall be null and void. The building permit deadline will be extended for 12 months (3 years total), and the construction time period extended by 12 months (30 months total) by administrative approval of the County Administrator after consultation with the Board of Supervisors due to delays in state permits, interconnection approval, or other good cause demonstrated by the Applicant. Any timeframe under which the Commonwealth is under an Executive Order of the Governor declaring a statewide emergency will toll the timeframe specified in this condition.
5. **Definitions.** All racking, solar modules, inverters, breakers, switches, cabling, communications components, and other ancillary components necessary to convert solar energy to electricity and interconnect to the electrical transmission are considered "Solar Equipment" and subject to the requirements for such, together with setback requirements of that district and other requirements, unless otherwise stated in these conditions. Solar Equipment shall not include access roads and transmission lines and poles. "Project Area" shall include all areas within the Property line boundary that include, but not limited to the following: Solar Equipment, ingress/egress, access roads, fencing, parking, laydown areas, setbacks, buffers, storage area, wetlands, erosion and sediment control features, storm water management features, and other ancillary components. Battery storage and

other energy storage methods are not approved as part of this SUP and will require separate special use permitting. The Project will not exceed 5MWac in capacity.

6. **Binding Obligation.** This SUP shall be binding on the Applicant or any successors, assignees, current or future lessee, sub-lessee, or owner of the solar energy facility.
7. **General Plan.** The construction of the Project shall be in substantial conformance with these conditions and in general conformance with the Special Use Preliminary Site Plan prepared by Apex Clean Energy dated August 31, 2022 (the "General Plan"). Modifications to the General Plan shall be permitted at the time of building permit based on state and federal approvals and final engineering and design requirements that comply with these conditions.
8. **Construction Hours.** All site activity required for the construction and operation of the solar energy facility shall be limited to the following:
 - a. All pile driving activity shall be limited to the hours from the earlier of sunrise or 8 a.m. to the later of 6 p.m. or sunset, Monday through Saturday. Applicant may request permission from the Zoning Administrator to conduct piling driving activity on Sunday, but such permission will be granted or denied at the sole discretion of the Zoning Administrator; and
 - b. All other construction activity within the Project Area shall be limited to the hours from the earlier of sunrise or 8 a.m. to the later of 6 p.m. or sunset, Monday through Sunday in accordance with the provisions of the County's Noise Ordinance and shall not be unreasonably loud for a sustained duration of time as monitored at the property line of the Project Area.
9. **Sound.** After completion of construction, the solar energy facility, during normal operation, but excluding maintenance, shall not produce noise that exceeds 50 dbA as measured at the property lines of the project boundary, unless the owner of the adjoining affected property has given written agreement to a higher level.
10. **Setback from Existing Residential Dwellings.** A minimum five hundred (500) foot setback shall be maintained from Solar Equipment to any adjoining or adjacent residential dwellings that exist at the time of the approval by the Board of Supervisors. This requirement may be reduced or waived for the life of the solar energy facility, if agreed to, in writing, by the owner of the residence. Transmission lines and poles, security fence, and project roads may be located within the setbacks only where necessary. During construction, the setback may be used for the staging of materials and parking if the buffer is not disturbed. The Applicant shall retain and maintain existing vegetation and timber in the setback that are under the control of the Applicant and located on the Property.
11. **Setback to Property Lines and Rights of Way.**
 - a. **Property Line.** A minimum of a fifty (50) foot setback from Solar Equipment to the property line shall be provided around the perimeter of the Solar Equipment where it is adjacent to property not owned by the same property owner as covered in the SUP at the time of the approval by the Board of Supervisors.
 - b. **Right of Way.** The Applicant shall provide a minimum of a seventy-five (75) foot setback from Solar Equipment to any adjoining public right of way.

- c. Transmission lines and poles, security fence, and project roads may be located within the setbacks only where necessary.

12. **Setback to Perennial Streams and Connected Wetlands.** As an additional erosion and sediment control and stormwater management precaution, a minimum fifty (50) foot setback shall be maintained from Solar Equipment to the edge of all perennial streams and connected wetlands located within the Project Area. Transmission lines and poles, project roads, erosion and sediment control and stormwater management features may be located within the setbacks where necessary.

13. **Buffer.**

- a. Within the setback, the Applicant shall retain at least a fifty (50) foot buffer of existing vegetation and timber with the intent to substantially obscure from view the Solar Equipment and security fence from the property line. Along the property line if there is no vegetation or timber to retain the Applicant will supplement the buffer with new plantings in the fifty (50) foot buffer.
- b. Along existing public right-of-way (ROW) where there is existing timber, the Applicant shall retain at least a fifty (50) foot buffer of existing vegetation and timber with the intent to substantially obscure from view the Solar Equipment and security fence from the public right-of-way. Along existing public rights-of-way where there is not at least 50' of vegetation and timber remaining to substantially obscure from view the Solar Equipment and security fence, the Applicant will create a buffer of at least fifty (50) feet. The new buffer will include timber, evergreens, cedars or other vegetation as determined by the Applicant with the advice of a professional arborist and subject to the prior written approval of the Zoning Administrator prior to the issuance of a building permit. All plantings installed in the buffer shall have an anticipated five-year height of six (6) to eight (8) feet after planting and an anticipated mature height of at least twenty (20) feet. Any new plantings shall be planted during the appropriate time of year after the completion of construction of the Project. The buffer may be included in the setback area.
- c. The Applicant will maintain all buffer areas with the advice and support of a professional arborist or forester for the duration of the Project's operational life. Such maintenance may include thinning, trimming, seeding, or other modifications to the buffer to ensure the health of the vegetated buffer areas, public safety, and the energy efficiency of the Project. In the event the health of the vegetation with the buffer area is compromised and no longer substantially obscures the visibility of the Solar Equipment and security fence, the Applicant will plant a new buffer, or supplement the remaining buffer, including timber, evergreens, cedars, or other vegetation as determined by the Applicant with the advice of a professional arborist or forester.
- d. A performance bond reflecting the estimated costs of anticipated landscaping maintenance, as determined by the Applicant with the advice of a professional arborist or forester, shall be posted by the Applicant prior to construction. This ensures buffer landscaping is adequately maintained for the life of the Project.

14. **Fencing.** The Applicant shall install a security fence around the Solar Equipment that is a minimum six (6) feet in height. Fencing must be installed on the interior of the vegetative buffer required in this section so that it is screened from the ground level view of adjacent property owners. The fencing shall be always maintained while the facility is in operation.

15. **Lighting.** Construction lighting shall be minimized and shall be directed downward. Post-construction lighting shall be limited to security lighting only and shall be full cut-off lighting pointed in a down direction.
16. **Interconnection.** The Project shall not receive a building permit until evidence has been given to Buckingham County that the electric utility company has a signed an interim interconnection service agreement or interconnection service agreement with the permittee.
17. **Payments.** The Applicant proposes to offer payments in the amount of \$1,400/MWac over the operational life of the project. There are two avenues by which this may be accomplished at the County's sole discretion:
- a. The County may amend its current Revenue Share Ordinance by removing the exemption of solar projects that are 5MW or less to comply with Va. Code § 58.1-2606.1. Local taxation for solar photovoltaic projects five megawatts or less; or
 - b. The Applicant will make substantial cash payments in accordance with Va. Code 15.2-2288.8 and Exhibit D below, less any Machinery and Tools ("M&T") tax assessed. During any year after the solar facility commences commercial operations, should the M&T Tax levied against the project amount to a sum less than the substantial cash payment amounts set forth for that year in the Maximum Annual Payment column of Exhibit D, then the Owner shall pay to the County the difference between the Annual Payment in Exhibit D and the amount paid for M&T Tax. In the event the M&T Tax is greater than the Annual Payment, then no Annual Payment shall be owed. Exhibit D attached hereto is incorporated into this condition. In the event that the actual installed MWac capacity of the Project as of the Commercial Operation Date varies from that amount indicated in Exhibit D, then Exhibit D shall be amended and the Annual Payments therein shall be adjusted pro rata.
 - c. Any payments in excess of the Machinery and Tools Tax are substantial cash payments (2022 Va. Code § 15.2-2288.8. *Special exceptions for solar photovoltaic projects*) made by the Owner to the County and are intended for substantial public improvements, 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 any annual substantial cash payments in the sole discretion of the County.

Project Size (MWac)	5
Payment (\$/MWac)	\$ 1,400.00
Esc (every 5 years)	10%
Exhibit D	
Operation Year	Maximum Annual Payment
1	\$ 7,000
2	\$ 7,700
3	\$ 7,700
4	\$ 7,700
5	\$ 7,700
6	\$ 7,700
7	\$ 8,470
8	\$ 8,470
9	\$ 8,470
10	\$ 8,470
11	\$ 8,470
12	\$ 9,317
13	\$ 9,317
14	\$ 9,317
15	\$ 9,317
16	\$ 9,317
17	\$ 10,249
18	\$ 10,249
19	\$ 10,249
20	\$ 10,249
21	\$ 10,249
22	\$ 11,274
23	\$ 11,274
24	\$ 11,274
25	\$ 11,274
26	\$ 11,274
27	\$ 12,401
28	\$ 12,401
29	\$ 12,401
30	\$ 12,401
31	\$ 12,401
32	\$ 13,641
33	\$ 13,641
34	\$ 13,641
35	\$ 13,641
36	\$ 13,641
37	\$ 15,005
38	\$ 15,005
39	\$ 15,005
40	\$ 15,005
Total	\$ 432,277

18. **Decommissioning.** If the solar energy facility is inactive completely for a continuous twelve (12) month period it shall be considered abandoned. The Applicant shall provide notice to County Administrator immediately upon the Project becoming abandoned, inactive and/or shutting down operation. The Applicant or its successor and/or assign ("Project Owner") shall decommission the Project within twelve (12) months of abandonment. The decommissioning shall be in accordance with a Decommissioning Agreement between the Applicant, Project Owner and the County. If the Project (or relevant part) is not removed within the specified time, the County may cause the removal of the Project with costs being borne by the Project Owner as will be provided for in the approved Decommissioning Agreement. The costs of decommissioning shall be secured by an adequate surety in a form agreed to by the County Attorney, including but not limited to a bond, letter of credit, cash, or a parent guarantee by an investment grade entity. The Applicant's cost estimate of the decommissioning shall not include the salvage value of the Solar Equipment. If the solar energy facility is sold to any entity that is not a public service corporation, the SUP shall not transfer to the purchaser until such time as the adequate surety is provided. If a surety is required, the cost estimates of the decommissioning shall be updated by the Applicant every five (5) years and be provided to the County. At its option, the County may require the surety amount be increased based on the net cost of decommissioning which includes the estimated salvage value of the equipment. The Decommissioning Agreement shall be agreed upon and the surety shall be provided before the issuance of the building permit.
19. **Decommissioning Timeframe.** The Project shall be decommissioned within twelve (12) months. The decommissioning shall require (i) the removal of any Project facilities installed or constructed thereupon, (ii) the filling in and compacting of all trenches or other borings or excavations made in association with the Project and (iii) the removal of all debris caused by the Project from the surface and 36" below the surface of the Property.
20. **Training of Emergency Services.** The Applicant shall coordinate with the County's emergency services staff to provide materials, education, and/or training to the departments serving the solar energy facility regarding how to safely respond to on-site emergencies. Prior to construction, the Applicant shall ensure that emergency services staff has keys and other access to the Property and the Applicant shall provide the County and emergency services with safety data sheets (SDSs) on the Solar Equipment for the life of the project.
21. **Access Roads and Signage.** Access roads are to be marked by the Applicant with identifying signage. The manufacturers' or installers' identification and appropriate warning signage shall be posted on or near the panels in a clearly visible manner. The signage must identify the owner and provide a 24-hour emergency contact phone number. Each access gate must also have the signage that identifies the owner and provides a 24-hour emergency contact phone number.
22. **Construction Management.** The following measures will be taken:
- a. A Construction Traffic Management Plan and mitigation measures shall be developed by the Applicant and submitted to the Virginia Department of Transportation (VDOT) and Buckingham County for review. The Plan shall address traffic control measures, an industry standard pre- and post-construction road evaluation, and any necessary localized repairs (i.e., potholes, wash-boarding of

gravel, shoulder rutting, culvert crushing, etc.) to the public road that are required as a result of damage from the Project.

- b. During construction, each project entrance will have a dedicated wash station to mitigate natural debris from unintentionally leaving the Project Area. The Applicant will take all reasonable precautions to minimize impact and damage to public roads including regular maintenance, washing and sweeping. If a traffic issue arises during the construction of the Project, the Applicant shall immediately develop with input from the County and VDOT and implement appropriate measures to mitigate the issue.
23. **Parking.** Parking of vehicles or staging of equipment or materials related construction or decommissioning of the Project shall be limited to the Project Area.
24. **Glare.** All panels will use anti reflective coatings. Exterior surfaces of the collectors and related equipment shall have a non-reflective finish and solar panels shall be designed and installed to limit glare to a degree that no after image would occur, towards vehicular traffic and any adjacent building.
25. **Height.** No aspect of the Solar Equipment shall exceed 17 feet in height, as measured from grade at the base of the structure to its highest point. Such height restriction shall not apply to electrical distribution facilities, substations, or transmission lines.
26. **No County Obligations.** Nothing in this SUP shall be deemed to obligate the County to acquire any interest in property, to construct, maintain or operate any facility or to grant any permits or approvals except as may be directly related hereto.
27. **Severability of Conditions.** If any one or more of the conditions is declared void for any reason whatever, such decision shall not affect the remaining portion of the permit, which shall remain in full force and effect, and for this purpose, the provisions of this are hereby declared to be severable.
28. **Enforcement.** That any infraction of the above-mentioned conditions could lead to a stop order and discontinuation or revocation of the special use permit in accordance with Virginia law.
29. **Solar Panel Technology.** The Applicant will be restricted from utilizing photovoltaic panels with internal components containing cadmium telluride. Only silicon type panels, or those other panels that have been established as optimal standard best practice shall be utilized by the Applicant.
30. **Ground Cover; Pollinators.** Prior to the start of construction, the Applicant will perform no less than 10 soil tests in areas across the Project Area to achieve an appropriate sample size of Project Area. The soil tests will be used to inform and develop a comprehensive and detailed vegetative management plan with the intended effect to revegetate the Project Area with ground cover. The vegetative management plan may include the optimal seed types, fertilizer rates, and liming rates (if necessary) to be used for temporary and permanent stabilization. Once operational, the Applicant will maintain ground cover in good condition throughout the operation of the Project. Where grubbing is not required for the construction or operation of the solar farm, or for the installation of erosion control and stormwater management features, existing stumps shall remain in

place. Applicant will consider implementation of Pollinator Habitats where appropriate and in accordance with applicable laws and regulations.

county and its assigns and designees shall have access to the site for inspections and to assure compliance with the conditions of the SUP.

2. **Compliance with Conditions.** The Applicant shall sign the list of the adopted conditions for this SUP signifying acceptance and intent to comply with these conditions.

3. **Compliance with Laws; Erosion and Sediment Control and Stormwater.** That all federal, state, and local laws, regulations, permit requirements and ordinances will be adhered to including but not limited to: a. All active solar systems and solar equipment used in this Project shall meet the requirements of the National Electrical Code (NEC), National Electrical Safety Code (NESC), American Society of Civil Engineers (ASCE), American National Standards Institute (ANSI), Institute of Electrical and Electronics Engineers (IEEE), Underwriters Laboratories (UL), or International Electrotechnical Commission (IEC) as applicable and comply with state building code and shall be inspected by a county building inspector through the building permit process.

b. An Erosion and Sediment Control Plan must be submitted to the County and approved by the Soil and Water Conservation District prior to any land disturbance. Prior to Applicant's submission of the Erosion and Sediment Control Plan, the Applicant will contact the County's erosion and sediment control reviewer and use reasonable efforts to arrange a meeting on the Property with the Applicant's engineer. The County may obtain an independent third party review of the Erosion and Sediment Control Plan at the expense of the Applicant.

c. The erosion and sediment control plan shall be prepared in accordance with the Virginia Erosion and Sediment Control Handbook. As an additional precaution, the erosion and sediment control plan will be implemented as a sequential progression, demonstrating that not more than 25% of the Project Area be disturbed at any one time during construction without temporary seeding or other stabilization in accordance with the Virginia Erosion and Sediment Control Handbook. Nothing in this condition shall prevent continued construction activities after areas have been stabilized in accordance with the Virginia Erosion and Sediment Control Handbook, and such stabilized areas will not be subject to the 25% limitation in sentence 2 of this condition; however continued construction activities, excluding maintenance of erosion and sediment control and stormwater management features or associated activities, shall not be re-initiated in a previous Phase until at least 50% vegetative cover (as determined by an independent inspector) has been established in that Phase or 60 days after a Phase has been temporarily stabilized, whichever is sooner. During this period, The applicant shall take continued action implementing best management practices to promote successful establishment of vegetative cover in a Phase. The erosion and sediment control plan will provide the means and measures in accordance with the Virginia Erosion and Sediment Control Handbook to achieve stabilization of the disturbed areas and to comply with this condition.

d. During the construction of the Project, the Applicant shall require the following:

- i. All Erosion and Sediment control facilities will be inspected by a qualified third party inspector:
(i) at least every four calendar days; or (ii) at least once every five calendar days and within 24 hours following any runoff producing storm event. Any discrepancies should be noted and corrective action should be taken to ensure facilities are operating properly. Corrective measures include regularly cleaning out sediment basins and traps, stabilizing eroded banks or spillway structures, cleaning inlets and outlets and repairing damaged silt fence shall be prioritized.
- ii. Runoff at stormwater outfalls will also be observed just as often for characteristic land disturbance permit (clarity, solids, etc.)
- iii. A record of the amount of rainfall at the Project during land disturbing activities.

- iv. A record of major land disturbing activities, including dates when clearing, grading and excavating occurred in each Phase. Dates when construction activities are either temporarily or permanently ceased in the Phase should be recorded along with stabilization areas.
- e. The County may inspect the Project during construction as determined by the County and shall retain all enforcement rights under applicable law.
- f. A Stormwater Management Plan must be submitted to the Virginia Department of Environmental Quality (VDEQ) and approved by VDEQ prior to any land disturbance. The Applicant will obtain approval of a Stormwater Pollution Prevention Plan ("SWPPP"). The Applicant and its contractor will have operational day-to-day control of the Project and must implement the SWPPP measures. The Applicant and its contractors will ensure that the applicable subcontractors are trained on appropriate best management practices and requirements in the SWPPP.
- g. The Project shall fully comply with all applicable provisions of the Buckingham County Zoning Ordinance, to the extent not modified herein, throughout the life of this SUP.

4. Expiration. The building permit application must be submitted within 2 years of obtaining the Special Use Permit and the commercial generation of solar electricity shall begin within 24 months of the approval of the building permit or this SUP shall be null and void. The building permit deadline will be extended for 12 months (3 years total), and the construction time period extended by 12 months (30 months total) by administrative approval of the County Administrator after consultation with the Board of Supervisors due to delays in state permits, interconnection approval, or other good cause demonstrated by the Applicant. Any timeframe under which the Commonwealth is under an Executive Order of the Governor declaring a statewide emergency will toll the timeframe specified in this condition.

5. Definitions. All racking, solar modules, inverters, breakers, switches, cabling, communications components, and other ancillary components necessary to convert solar energy to electricity and interconnect to the electrical transmission are considered "Solar Equipment" and subject to the requirements for such, together with setback requirements of that district and other requirements, unless otherwise stated in these conditions. Solar Equipment shall not include access roads and transmission lines and poles. "Project Area" shall include all areas within the Property line boundary that include, but not limited to the following: Solar Equipment, ingress/egress, access roads, fencing, parking, laydown areas, setbacks, buffers, storage area, wetlands, erosion and sediment control features, storm water management features, and other ancillary components. Battery storage and other energy storage methods are not approved as part of this SUP and will require separate special use permitting. The Project will not exceed 5MWac in capacity.

6. Binding Obligation. This SUP shall be binding on the Applicant or any successors, assignees, current or future lessee, sub-lessee, or owner of the solar energy facility.

7. General Plan. The construction of the Project shall be in substantial conformance with these conditions and in general conformance with the Special Use Preliminary Site Plan prepared by Apex Clean Energy dated August 31, 2022 (the "General Plan"). Modifications to the General Plan shall be permitted at the time of building permit based on state and federal approvals and final engineering and design requirements that comply with these conditions.

7. General Plan. The construction of the Project shall be in substantial conformance with these conditions and in general conformance with the Special Use Preliminary Site Plan prepared by Apex Clean Energy dated August 31, 2022 (the "General Plan"). Modifications to the General Plan shall be

permitted at the time of building permit based on state and federal approvals and final engineering and design requirements that comply with these conditions. The Solar Equipment and accompanying stormwater features shall be limited to no more than 55 acres of the 439.6 acre Property (county parcel 151-21), as depicted on the General Plan.

8. Construction Hours. All site activity required for the construction and operation of the solar energy facility shall be limited to the following:

- a. All pile driving activity shall be limited to the hours from the earlier of sunrise or 8 a.m. to the later of 6 p.m. or sunset, Monday through Saturday. Applicant may request permission from the Zoning Administrator to conduct piling driving activity on Sunday, but such permission will be granted or denied at the sole discretion of the Zoning Administrator; and
- b. All other construction activity within the Project Area shall be limited to the hours from the earlier of sunrise or 8 a.m. to the later of 6 p.m. or sunset, Monday through Sunday in accordance with the provisions of the County's Noise Ordinance and shall not be unreasonably loud for a sustained duration of time as monitored at the property line of the Project Area.

9. Sound. After completion of construction, the solar energy facility, during normal operation, but excluding maintenance, shall not produce noise that exceeds 50 dbA as measured at the property lines of the project boundary, unless the owner of the adjoining affected property has given written agreement to a higher level.

10. Setback from Existing Residential Dwellings. A minimum five hundred (500) foot setback shall be maintained from Solar Equipment to any adjoining or adjacent residential dwellings that exist at the time of the approval by the Board of Supervisors. This requirement may be reduced or waived for the life of the solar energy facility, if agreed to, in writing, by the owner of the residence. Transmission lines and poles, security fence, and project roads may be located within the setbacks only where necessary. During construction, the setback may be used for the staging of materials and parking if the buffer is not disturbed. The Applicant shall retain and maintain existing vegetation and timber in the setback that are under the control of the Applicant and located on the Property.

11. Setback to Property Lines and Rights of Way.

- a. **Property Line.** A minimum of a fifty (50) foot setback from Solar Equipment to the property line shall be provided around the perimeter of the Solar Equipment where it is adjacent to property not owned by the same property owner as covered in the SUP at the time of the approval by the Board of Supervisors.
- b. **Right of Way.** The Applicant shall provide a minimum of a seventy-five (75) foot setback from Solar Equipment to any adjoining public right of way.
- c. Transmission lines and poles, security fence, and project roads may be located within the setbacks only where necessary.

12. Setback to Perennial Streams and Connected Wetlands. As an additional erosion and sediment control and stormwater management precaution, a minimum fifty (50) foot setback shall be maintained from Solar Equipment to the edge of all perennial streams and connected wetlands located within the Project Area. Transmission lines and poles, project roads, erosion and sediment control and stormwater management features may be located within the setbacks where necessary.

13. Buffer.

a. Within the setback, the Applicant shall retain at least a fifty (50) foot buffer of existing vegetation and timber with the intent to substantially obscure from view the Solar Equipment and security fence from the property line. Along the property line if there is no vegetation or timber to retain the Applicant will supplement the buffer with new plantings in the fifty (50) foot buffer.

b. Along existing public right-of-way (ROW) where there is existing timber, the Applicant shall retain at least a fifty (50) foot buffer of existing vegetation and timber with the intent to substantially obscure from view the Solar Equipment and security fence from the public right-of-way. Along existing public rights-of-way where there is not at least 50' of vegetation and timber remaining to substantially obscure from view the Solar Equipment and security fence, the Applicant will create a buffer of at least fifty (50) feet. The new buffer will include timber, evergreens, cedars or other vegetation as determine by the Applicant with the advice of a professional arborist and subject to the prior written approval of the Zoning Administrator prior to the issuance of a building permit. All plantings installed in the buffer shall have an anticipated five-year height of six (6) to eight (8) feet after planting and an anticipated mature height of at least twenty (20) feet. Any new plantings shall be planted during the appropriate time of year after the completion of construction of the Project. The buffer may be included in the setback area.

c. The Applicant will maintain all buffer areas with the advice and support of a professional arborist or forester for the duration of the Project's operational life. Such maintenance may include thinning, trimming, seeding, or other modifications to the buffer to ensure the health of the vegetated buffer areas, public safety, and the energy efficiency of the Project. In the event the health of the vegetation with the buffer area is compromised and no longer substantially obscures the visibility of the Solar Equipment and security fence, the Applicant will plant a new buffer, or supplement the remaining buffer, including timber, evergreens, cedars, or other vegetation as determined by the Applicant with the advice of a professional arborist or forester.

d. A performance bond reflecting the estimated costs of anticipated landscaping maintenance, as determined by the Applicant with the advice of a professional arborist or forester, shall be posted by the Applicant prior to construction. This ensures buffer landscaping is adequately maintained for the life of the Project.

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19. **Decommissioning Timeframe.** The Project shall be decommissioned within twelve (12) months. The decommissioning shall require (i) the removal of any Project facilities installed or constructed

thereupon, (ii) the filling in and compacting of all trenches or other borings or excavations made in association with the Project and (iii) the removal of all debris caused by the Project from the surface and 36" below the surface of the Property.

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Please see proposed change to Condition #7, and the letter of explanation submitted by Apex.



Apex Plaza
120 Garrett Street, Suite 700
Charlottesville, VA 22902
T 434.220.7595 / F 434.220.3712
apexcleanenergy.com

To: Buckingham County Administration
ATTN: Nicci Edmonston
13380 West James Anderson Hwy
Buckingham, VA 23921

From: Mary-Margaret Hertz
Apex Clean Energy
120 Garrett St. Suite 700
Charlottesville, VA 22902

Re: Amendment to Special Use Application for Case 22-SUP319 Rosney Creek Solar

Ms. Edmonston,

In the interest of clarity, we have made a minor revision to the conditions we are proposing for our Special Use Permit application. Our project, Rosney Creek Solar, is a proposed 5MW community solar farm located on one parcel within the County. The amount of land that can be developed for our proposed project is proportional to its maximum energy capacity. As we have explained in prior meetings, our goal for this project is participation in the VA Shared Solar Program which stipulates that participating projects can be no larger than 5MW. When considering the amount of solar equipment and stormwater features, a 5MW project size typically needs up to 55 acres. As such, we hereby propose to modify Condition #7 on page 64 of our application to reflect this change by adding the underscored sentence in the amendment attached to this letter.

The attached Condition #7 replaces the Condition #7 contained in Section 15 (Proposed Project Conditions) of our Special Use Permit Application (Sept. 2, 2022).

Given the minor nature of the change and to keep things simple, we are not submitting an entirely new application. Please let us know, however, if the County requires submission of a full replacement application, and we will do so.

Thank you for your time and consideration.

Regards,

Mary-Margaret Hertz
Development Manager, Distributed Energy Resources
Apex Clean Energy
434.282.3230 | mary-margaret.hertz@apexcleanenergy.com

AMENDMENT TO SPECIAL USE APPLICATION
Case 22-SUP319 (Rosney Creek Solar)

The Special Use Permit Application (dated Sept. 2, 2022) is amended as follows. Within Section 15 (Proposed Project Conditions), Condition #7 shall be deleted and replaced with:

7. **General Plan.** The construction of the Project shall be in substantial conformance with these conditions and in general conformance with the Special Use Preliminary Site Plan prepared by Apex Clean Energy dated August 31, 2022 (the “General Plan”). Modifications to the General Plan shall be permitted at the time of building permit based on state and federal approvals and final engineering and design requirements that comply with these conditions. The Solar Equipment and accompanying stormwater features shall be limited to no more than 55 acres of the 439.6 acre Property (county parcel 151-21), as depicted on the General Plan.

Buckingham County Planning Commission
November 28, 2022
Administration Building
7:00 PM
Public Hearing Case 22-SUP320

Owner/Applicant:

Landowner	Terry Huskey 799 Troublesome Creek Road Dillwyn VA 23936
Applicant	Chris Hucks 799 Troublesome Creek Road Dillwyn VA 23936

Property Information: Tax Map 123 Parcel 48 containing approximately 13 acres, located at 799 Troublesome Creek Road Buckingham VA 23921, Maysville Magisterial District.

Zoning District: Agricultural District (A-1)

Request: The Applicant wishes to Obtain a Special Use Permit to Operate a Professional Services Office/Medical Office at the home located at 799 Troublesome Creek Road Buckingham VA 23921.

Background/Zoning Information: The property is located as following; Tax Map 123 Parcel 48 containing approximately 13 acres, Maysville Magisterial District. The landowner is Terry Huskey and the applicant is Chris Hucks. This property is zoned Agriculture (A-1). The Zoning Ordinance does not permit a Professional Services Office as a Permitted Use. However, Within the A-1 Agricultural District, Professional Services Offices may be permitted by the Buckingham County Board of Supervisors by a Special Use Permit following recommendation by the Planning Commission in accordance with this ordinance and the Code of Virginia. The Planning Commission may recommend and the Board may impose conditions to ensure protection of the district if the Special Use Permit is approved. The applicant requests a Special Use Permit to operate a professional office to provide primary medical care to family members of all ages Buckingham County, Virginia.

Below are conditions that you may consider attaching to the request, if approved. Please review and consider amendments and adjustments to ensure the protection of the integrity of the Zoning District:

1. That all federal, state and local regulations, ordinances and laws be strictly adhered to.
2. Right of ways and roadway shoulders shall not be used for parking.
3. The property shall be kept neat and orderly.

4. That the applicant pursues a commercial solid waste container and follow the County Solid Waste Ordinance.
5. That all documentation submitted by the applicant in support of this special use permit request becomes a part of the conditions except that any such documentation that may be inconsistent with these enumerated conditions shall be superseded by these conditions.
6. Nothing in this approval shall be deemed to obligate the County to acquire any interest in property, to construct, maintain or operate any facility or to grant any permits or approvals except as may be directly related hereto.
7. The County Zoning Administrator and one other County staff member, as appointed by the County Administrator, shall be allowed to enter the property, with proper notice, if a complaint is registered against the property for noncompliance with this permit. Any complaints not solely related to this permit will be given to the appropriate department or agency.
8. In the event that any one or more of the conditions is declared void for any reason whatever, such decision shall not affect the remaining portion of the permit, which shall remain in full force and effect, and for this purpose, the provisions of this are hereby declared to be severable.
9. That any infraction of the above mentioned conditions could lead to a stop order and discontinuation of the special use permit, if it be the wishes of the Board of Supervisors.
10. That the applicant(s) and landowner(s) understands the conditions and agrees to the conditions.

SPECIAL USE PERMIT APPLICATION CHECKLIST
BUCKINGHAM COUNTY OFFICE OF ZONING AND PLANNING MINIMUM SUBMISSION
REQUIREMENTS

The following table lists the information necessary to review a special use application. All items are required, unless otherwise stated, and must be submitted in order for the application to be accepted for review. This completed checklist must be submitted with the application.

Adjacent Property Owners List and Affidavit (pages 4, 5 & 6 attached). This list can be obtained from the Clerk of Courts Office: ☒ YES ☐ NO

Completed application for special use permit (page 3 attached). If not signed by the owner, a Power of Attorney must accompany the application: ☒ YES ☐ NO

Interest Disclosure Affidavit (page 7 attached). Must be signed by the owner: ☒ YES ☐ NO

Power of Attorney (page 10 attached). Required if anyone other than the owner is signing the application form or proffer statement on behalf of the owner: YES ☒ NO

Written Narrative (page 11 guidance in preparing the Written Narrative): ☒ YES ☐ NO

Fees: ☒ YES ☐ NO

Deed: ☒ YES ☐ NO

Plat (15 copies). The plat information may be incorporated into the Special Use Permit General Site Plan, in which case, copies of a separate plat are not required. The plat must be prepared by a certified land surveyor or licensed civil engineer and contain the following:

- A. Bearings and distances of a scale of 1" = 100' or less for all property lines and existing and proposed zoning lines: YES ☐ NO ☐
- B. Area of land proposed for consideration, in square feet or acres: YES ☐ NO ☐
- C. Scale and north point: YES ☐ NO ☐
- D. Names of boundary roads or streets and widths of existing right-of-ways: YES ☐ NO ☐

Tax Map (15 copies). Identify property that special use is being considered for and identify by name all adjacent landowners.

Special Use General Site Plan (15 copies) The General Site Plan must contain the following:

1. Vicinity Map – Please show scale: YES NO N/A
2. Owner and Project Name: YES NO N/A
3. Parcel Identification numbers, name, present zoning, and zoning and use of all abutting or adjoining parcels: YES NO N/A
4. Property lines of existing and proposed zoning district lines: YES NO N/A
5. Area of land proposed for consideration, in square feet or acres: YES NO N/A
6. Scale and north point: YES NO N/A
7. Names of boundary roads or streets and widths of existing right-of-ways: YES NO N/A
8. Easements and encumbrances, if present on the property: YES NO N/A
9. Topography indicated by contour lines: YES NO N/A
10. Areas having slopes of 15% to 25% and areas having slopes of 25% or greater clearly indicated by separate shading devices (or written indication of "no areas having slopes of 15% to 25% or greater"): YES NO N/A
11. Water Courses to include the approximate location of the 100 year floodplain (if applicable) based on FEMA maps (or written indication of "not in floodplain"): YES NO N/A
12. Delineation of existing mature tree lines or written indication of "no mature tree lines": YES NO N/A
13. Proposed roads with right-of-way width that will connect with or pass through the subject property: YES NO N/A
14. General locations of major access points to existing streets: YES NO N/A
15. List of the proposed density for each dwelling unit type, and/or intensity of each non-residential use: YES NO N/A
16. Location of any open space and buffer areas, woodland conservation areas, storm water management facilities, and community and public facilities: YES NO N/A
17. Location of existing and proposed utilities, above or underground: YES NO N/A
18. Vehicular and pedestrian circulation plan, including traffic counts and typical street sections, right-of-way improvements, access points, travel ways, parking, loading, stacking, sidewalks, and trails: YES NO N/A
19. Layouts and orientation of buildings and improvements, building use, height, setbacks from property lines and restriction lines: YES NO N/A
20. Location and design of screening and landscaping: YES NO N/A
21. Building architecture: YES NO N/A
22. Site lighting proposed: YES NO N/A
23. Area of land disturbance in square feet and acres: YES NO N/A
24. Erosion and Sediment Control Plan submitted (10,000 square feet or more): YES NO N/A
25. Historical sites or gravesites on general site plan: YES NO N/A
26. Show impact of development of historical or gravesite areas: YES NO N/A
27. A copy of the current status of all real estate taxes of all property owned in Buckingham County. If real estate taxes are not current, an explanation in writing and signed by the owner shall accompany this application. Any liens or other judgments against property shall also be explained in writing and signed by the owner: YES NO N/A

APPLICATION FOR A SPECIAL USE PERMIT

CASE NUMBER: _____
(Case Number Assigned by Zoning Administrator)

DATE OF APPLICATION: 10-3-2022

Special Use Permit Request: Transition residence into a
professional office.

Purpose of Special Use Permit: To provide primary medical care
to family members of all ages.

Zoning District: 4 Number of Acres: 10

Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____ Magisterial Dist.: _____

Street Address: 799 Troublesome Creek Rd.

Directions from the County Administration Building to the Proposed Site: Turn R on
60 heading East. Turn L on Rt. 631 - L on 799 - residence.

Name of Applicant: Chris Hucks

Mailing Address: 799 Troublesome Creek Rd. Buckingham VA 23921

Daytime Phone: 434-607-0909 Cell Phone: _____

Email: Troublesomecreekmedicine Fax: _____
@gmail.com

Name of Property Owner: Terry Huskey

Mailing Address: 799 Troublesome Creek Rd.

Daytime Phone: 434-969-2507 Cell Phone: _____

Email: _____ Fax: _____

Signature of Owner: [Signature] Date: 10/03/22

Signature of Applicant: [Signature] Date: 9/30/22

Please indicate to whom correspondence should be sent:

☐ Owner of Property ☐ Contractor Purchaser / Lessee ☐ Authorized Agent ☐ Engineer
☒ Applicant

ADJACENT PROPERTY OWNER'S LIST

(Required)

The applicant shall provide a list of all adjoining landowners, including subject property and all property immediately across the street/road from the subject property. Any body of water does not constitute a boundary line for this purpose, therefore a body of water and the property adjoining the subject property but separated by a body of water is still considered an adjoining landowner. County boundary lines and those adjoining property owners in the next County are considered adjoining property owners if the land adjoins the subject's property. Adjoining landowners can be verified through the Buckingham County Clerk of Courts or the Clerk's Office in the adjoining County, or by personal contact. The list shall include the name, address, town/city, zip code, road route number, tax map section number, parcel number, lot number, and subdivision. The list shall be typewritten or printed legibly. Failure to list all adjoining landowners could delay the process.

1. Name: Herbert E. Jr. & Nancy Maxey

Mailing Address: PO Box 257 Buckingham VA 23921

Physical Address: _____

Tax Map Section: 123.3.0 Parcel: _____ Lot: _____ Subdivision: _____

2. Name: Tracy Taylor

Mailing Address: _____

Physical Address: 898 Troublesome Creek Rd. Buckingham

Tax Map Section: 123-4-1 Parcel: _____ Lot: _____ Subdivision: _____

3. Name: Floyd Frazier

Mailing Address: _____

Physical Address: 870 Troublesome Creek Rd. Buckingham

Tax Map Section: 1234-2 Parcel: _____ Lot: _____ Subdivision: _____

4. Name: Jennifer Bartee

Mailing Address: 850 Troublesome Creek Rd. Buckingham

Physical Address: _____

Tax Map Section: R3 4-3 Parcel: _____ Lot: _____ Subdivision: _____

6. Name: Jackie Bowles

Mailing Address: _____

Physical Address: 816 Troublesome Creek Rd. Buckingham

Tax Map Section: 123-44 Parcel: _____ Lot: _____ Subdivision: _____

7. Name: Harry & Jane Fowler

Mailing Address: 639 Troublesome Creek Rd. Buckingham

Physical Address: _____

Tax Map Section: 123-2 Parcel: _____ Lot: _____ Subdivision: _____

8. Name: Charles & Barbara Smith

Mailing Address: _____

Physical Address: Troublesome Creek Rd. Buckingham VA

Tax Map Section: 123-50 Parcel: _____ Lot: _____ Subdivision: _____

9. Name: Chris & Amber Hucks

Mailing Address: _____

Physical Address: 1179 Troublesome Creek Road

Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____

10. Name: _____

Mailing Address: _____

Physical Address: _____

Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____

11. Name: _____

Mailing Address: _____

Physical Address: _____

Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____

ADJACENT PROPERTY OWNERS AFFIDAVIT

STATE OF VIRGINIA
COUNTY OF BUCKINGHAM

This 30th day of September, year 2022

I Chris Huts hereby make oath that
(printed name of owner/contract purchaser/authorized agent)

the list of adjoining landowners is a true and accurate list as submitted with my application.

Signed: (to be signed in front of notary public)

[Signature]
(owner / contract purchaser / authorized agent - please circle one)

NOTARY:
COMMONWEALTH OF VIRGINIA

COUNTY OF Buckingham

STATE OF Virginia

Subscribed and sworn to me on the 30th day of September
of the year 2022. My Commission expires on December 31, 2023.

Notary Public Signature: [Signature]
Stamp:



INTEREST DISCLOSURE AFFIDAVIT

STATE OF VIRGINIA

COUNTY OF BUCKINGHAM, VIRGINIA

On this 30th day of September, of the year 2022

I Chris Hucks (printed name of owner)
hereby make oath that no member of the Buckingham County Board of Supervisors nor
the Buckingham County Planning Commission has interest in such property either
individually, or by ownership of stock in a corporation owning such land, or by
partnership, or as a holder of ten percent (10%) or more of the outstanding shares of
stock in or as a director or officer of any corporation owning such land, directly or
indirectly by such members of his/her immediate household, except as follows:

Signature of Owner (to be signed in front of notary public)

NOTARY PUBLIC

COUNTY OF Buckingham STATE OF Virginia

Subscribed and sworn to me on this 30th day of September

of the year 2022 My commission expires December 31, 2023

Notary Public Signature

Stamp:



**CULTURAL RESOURCE ASSESSMENT AND RECORD CHECK FOR
PENDING DEVELOPMENT APPLICATIONS**

Case Number / File Name: _____

Visual Inspection Findings (describe what is on the property now):

Driveway onto property, with
2-story residence with basement. Small garage.

County Records Check (describe the history of this property):

Huskey family residence since 1980s.

Were any historical sites or gravesites found on site, or be suspected by a reasonable person to be on the site? Yes _____ No ☒

If yes, please explain and show on the site plan the location of such and explain any historical significance:

Will this proposal have any impact on the historical site or gravesite? Yes _____ No ☒

If yes, please explain any impact:

Owner/Applicant Signature:  Date: 9/30/22

Printed Name: Chris Hucks Title: Applicant

SPECIAL POWER OF ATTORNEY AFFIDAVIT

STATE OF VIRGINIA
COUNTY OF BUCKINGHAM

On this _____ day of _____ in the year of _____

I _____ the owner of _____
(printed name of landowner) (Tax Map Number)

Hereby make, constitute, and appoint _____
(printed name)

my true and lawful attorney-in-fact, and in my name, place, and stead give unto him/her said full power and authority to do and perform all acts and make all representation necessary, without limitation whatsoever, to make application for said zoning. The right, powers, and authority of said attorney-in-fact herein granted shall commence and be in full force and effect on the day _____ of the month _____ in the year of _____ and shall remain in full force and effect thereafter until actual notice by certified mail with return receipt requested is received by the Zoning / Planning Office of Buckingham County stating that the terms of this power have been revoked or modified.

Signature of Landowner (to be signed in front of Notary Public)

NOTARY PUBLIC

County of _____ State of _____

Subscribed and sworn before me on the _____ day of _____

In the year _____. My commission expires _____.

Signature of Notary Public: _____

Stamp:

WRITTEN NARRATIVE

The Written Narrative shall describe the relationship of the proposed project to the relevant components of the Comprehensive Plan. Please be very detailed and describe in depth each and every component 1 through 15. The following outline is provided to aid you in preparing the written narrative:

1. Land Use
2. Community Design
3. Cultural Resources
4. Economic Development
5. Environment
6. Fire and Rescue, Law Enforcement
7. Housing
8. Libraries
9. Parks and Open Spaces
10. Potable Water
11. Sewage
12. Schools
13. Telecommunications
14. Transportation
15. Solid Waste

If this proposal is for an event, describe the handling of the entire event, including but not limited to: number of participants, schedule of events, police, security, food, beverages, water, sanitation, emergencies, crowd control, entrances and exits, traffic control, signage, advertisement, parking, fee collection, control of animals, trash disposal, site clean-up, fighting, alcohol, abuse of alcohol and/or illegal substances

SIGNAGE AT PROPERTY

The Buckingham County Zoning Ordinance requires the following:

The applicant in any case which requires a public hearing shall post signs furnished by the agent on each parcel involved at least 21 days prior to the public hearing indicating that a public hearing is eminent, the date, a rezoning issue, and a County contact number. The signs shall be placed on the VDOT right-of-way closest to the applicant's property line and shall be clearly visible from the road with bottom of the sign not less than one and one half feet above the ground. If more than one public road abuts the property, the signs shall be placed in the same manner as above for each abutting road. If no road abuts a property, then the agent shall define an area for the signs. The agent may ask the applicant that the sign be moved to another area either on the property to achieve greater public visibility. The applicant shall be responsible for keeping the signs free from grass, weeds, and any other plants or vines that may obstruct the public's view. The applicant shall contact the Virginia Department of Transportation for any information concerning where the right-of-way is located. The applicant shall be responsible for the signs should VDOT or their contractor conduct mowing or clearing of the right-of-way in the area where the sign is located.

Any signs required shall be maintained at all times by the applicant up to the time of the final public hearing. No person, except the applicant or the agent or an authorized agent of either, shall remove or tamper with any sign furnished during the period it is required to be maintained under this section. All signs erected under this ordinance shall be removed by the applicant within 15 days following a decision at the final public hearing and shall be returned to the agent. The applicant shall purchase the signs at a fee as determined by the Board of Supervisors and shall be non-refundable. The applicant shall be responsible for the replacement of the sign(s) and shall contact the agent as soon as possible for another sign to be replaced as the manner described above. Should the sign(s) have to be replaced more than twice, this section shall no longer be forced upon the applicant.

I have read, understand and agree to the above requirements.

Applicant/Owner: 

Date: 9/30/12

TENTATIVE SCHEDULE FOR A SPECIAL USE PERMIT

The application, site plan, written narrative, and all information requested in this application must be filled out in its entirety and supplied to the Buckingham Zoning / Planning Office and the fee must be paid before this case will be allowed to move forward.

Case will be introduced at a regularly scheduled Planning Commission meeting held on the fourth Monday of every month. Planning Commission may set a Public Hearing at this time to be held during a regularly scheduled meeting. Public Hearings offer an opportunity for citizens to speak concerning the case.

Following the Planning Commission Public Hearing, the Planning Commission may make a recommendation to approve / deny / or table the case for more information. Once the Planning Commission makes a recommendation to approve or deny, this recommendation will be forwarded to the Board of Supervisors at their next regularly scheduled meeting. The Board of Supervisors meetings are held on the second Monday of every month. The Board of Supervisors may set a Public Hearing at this time to be held during a regularly scheduled meeting. The Board of Supervisors will make the final decision to approve or deny the application after the public hearing.

Example Timeline:

January 25	Case is introduced to Planning Commission. Planning Commission sets Public Hearing for next regularly scheduled meeting on February 22.
February 22	Planning Commission Public Hearing. Planning Commission recommends to approve / deny / or table for more information. Once the Planning Commission reaches a decision to approve or deny, this recommendation will be forwarded to the Board of Supervisors at their next regularly scheduled meeting.
March 8	Case is introduced to Board of Supervisors.
April 12	Board of Supervisors may approve / deny / table for more information.

The Planning Commission and the Board of Supervisors has a right to call extra public hearings at their discretion if the Board(s) decide they are needed

You or your agent are encouraged to attend these meetings to answer any questions that may arise concerning your application / proposal. The County strongly encourages the applicant to visit the area around his proposed site and understand what the adjoining landowner concerns are.

Written Narrative

My name is Chris Hucks. I am a life-long resident of Buckingham County. I volunteered with the local fire department and rescue squad for many years. My intention, for this special use permit; is to transition my previous home residence; into a facility that will provide medical care to families; including adult and pediatric patients. There is a great need for this in our county; and I hope to help in providing this important service.

Land Use:

The land is at 799 Troublesome Creek Road; which is state route 631; just off of route 60; in a centrally located area of our county. There will need to be remodeling of the residence; to transition into a professional medical office; but will plan to get started on this as soon as the application is approved

Community Design:

The name of the business will be Troublesome Creek Medicine, PLLC. As there will be some delay; to transition the office; I will be planning on implementing a mobile medical care service; to provide care to those in need; until the office can be completed.

Cultural Resources:

Troublesome Creek Medicine will help provide culturally competent medical care to its patients

Economic Development:

My goal will be to provide competent, compassionate, and efficient medical services to my patients; and continue to grow as needed; given the determined need and necessary growth to provide continuity of care to all.

Environment:

The office is centrally located with adequate space for parking.

Fire and Rescue; Law Enforcement:

No expected impact to above.

Housing: N/A

Libraries: N/A

Parks and Open Spaces: N/A

Potable Water:

Business will have drinking water.

Sewage:

Business will have appropriate sewage for services; tank was recently serviced.

Schools: N/A

Telecommunications:

Business will have phone and internet services

Transportation:

The goal will be for those to easily access healthcare at my facility; and be able to provide care at their home/residence if needed

Solid Waste: N/A

SITE PLAN

799 Troublesome Creek Road

Buckingham, VA 23921

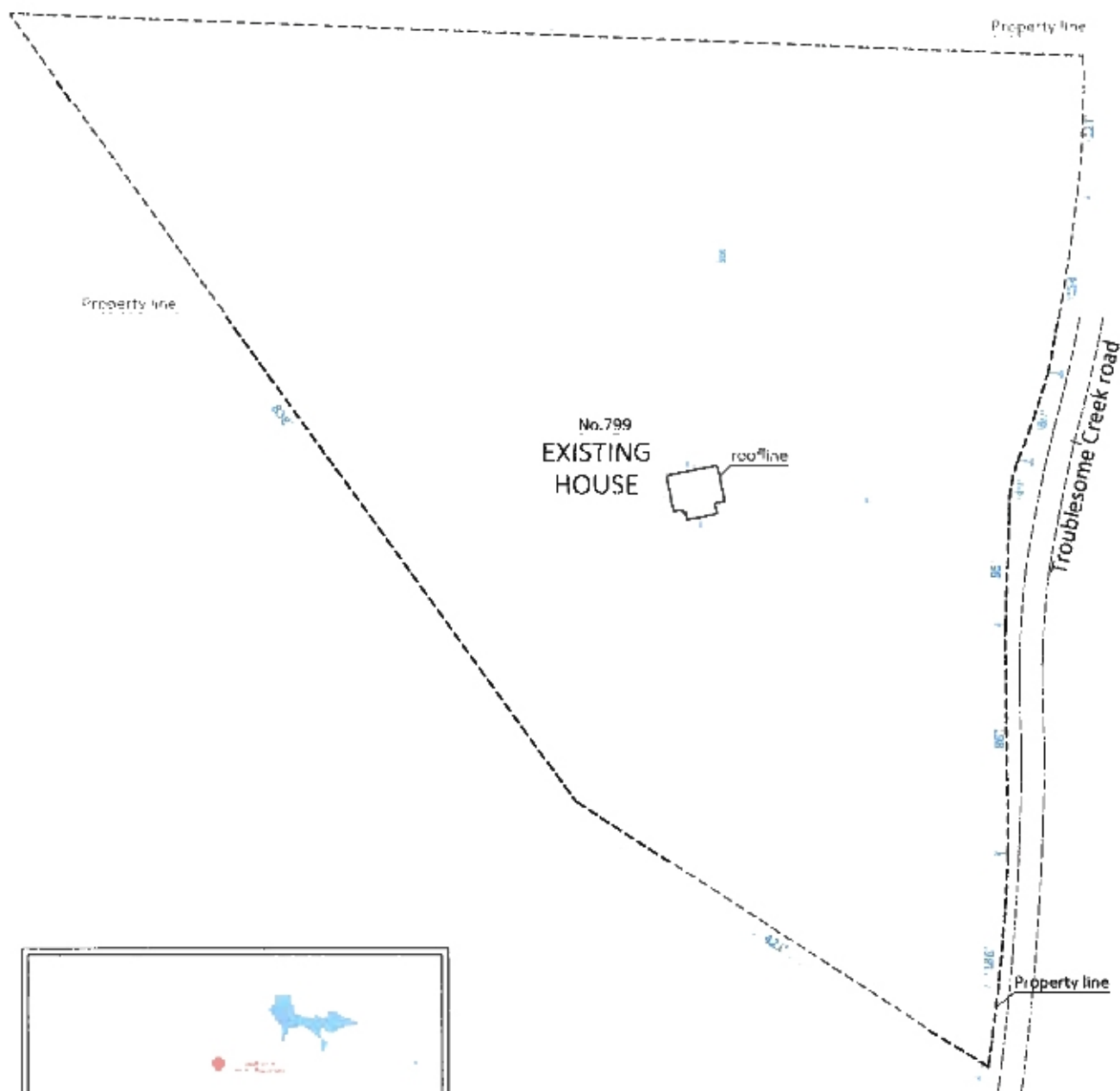
Parcel ID: 123-48

Lot area: 13.0 Acres

Paper Size: 11"x17"



scale 1"=90'



Created by:



Watson and Duggan PLLC

Surveyors
2011 Town of Harrison, VA 22860
Tel: 703.231.1111

48.99
Terry O. Husky
J.R. 101.14

2011 Survey of the
J.R. 101.14
J.R. 101.14

Proposed 101.14 and
J.R. 101.14

Page 1
of 1



Legend
 - Boundary Line
 - Proposed Boundary
 - Existing Boundary
 - Proposed 101.14 and J.R. 101.14

- Notes**
1. This survey is subject to any extension of record and other pertinent facts which may be shown in any of the records.
 2. This survey is based on current field survey.
 3. See Plat of 101.14 and J.R. 101.14.
 4. See 101.14 and J.R. 101.14.

Approved for Recordation in
Buckingham County, VA

Plat Of Family Division Survey
 New House 631
 Being a portion of the 101.14 and J.R. 101.14
 Terry O. Husky
 Great Book 101.14 page 751
 2011 Survey of 101.14 and J.R. 101.14
 2011 Survey of 101.14 and J.R. 101.14



109-2818

123-1-2
639

123-1-1

613

123-1-2A

123-48
799

123-1-3

123-1-4

478

TRoublesome Creek

898

123-4-1

820

123-4-2

850

123-4-3

123-49

123-4-4

794

846

123-4-5

758

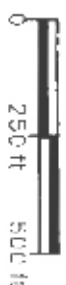
123-4-6

123-50



BUCKINGHAM COUNTY

Hucks



www.buckcountysc.gov

Printed 09/30/2022

123-15
Map © Thunderbolt, 2011 © OpenStreetMap contributors

THIS DEED OF GIFT, made this 24th day of September, 1963, by and between FRANK O. HUSKEY and MARGARET B. HUSKEY, husband and wife, hereinafter referred to as party of the first part, and TERRY O. HUSKEY and RITA J. HUSKEY, husband and wife, as tenants by the entireties with the right of survivorship as at common law, hereinafter referred to as party of the second part.

WITNESSETH: That for and in consideration of ONE DOLLAR (\$1.00) and the love and affection the party of the first part has for the party of the second part, the said party of the first part does hereby grant and convey with GENERAL WARRANTY of title and with ENGLISH COVENANTS of title unto the party of the second part, as tenants by the entireties with the right of survivorship as at common law, the following described real estate, to-wit:

ALL of that certain tract or parcel of land lying and being in Maysville Magisterial District of Buckingham County, Virginia, and containing 13 acres, more or less, and bounded on the northernmost boundary by lands of Huskey, on the easternmost boundary by Virginia Secondary Route #631 and on the southernmost and westernmost boundaries by lands of Dunnivant. Said lands are more particularly described as beginning at a point on Virginia Secondary Route #631 at the intersection of the property line of Huskey and Dunnivant and proceeding N. 52° W. 499 feet to a point, thence N. 30° W. 823 feet to a point, thence S. 80° E. 955 feet to a point on Virginia Secondary Route #631, thence along said Virginia Secondary Route #631 for a distance 948 feet to the point of beginning.

BEING in all respects a portion of the same property conveyed unto Frank O. Huskey and Margaret B. Huskey by deed dated December 16, 1957 and found recorded in Deed Book 62 at page 158 in the Clerk's Office of the Circuit Court of Buckingham County, Virginia.

This Deed of Gift is made expressly subject to all covenants, restrictions and easements now of record on said property as the same may lawfully apply.

WITNESS the following signatures and seals:

Frank O. Huskey (SEAL)
Frank O. Huskey

Margaret B. Huskey (SEAL)
Margaret B. Huskey

STATE OF VIRGINIA

I, the undersigned notary public, do hereby certify that Frank O. Huskey, whose name is signed to the foregoing Deed Of Gift, has acknowledged the same before me in my jurisdiction aforesaid.

My conclusion expires: Feb 11 1986

Notary Public

COUNTY OF BUCKINGHAM, to-wit:

I, the undersigned notary public, do hereby certify that Margaret B. Huskey, whose name is signed to the foregoing Deed Of Gift, has acknowledged the same before me in my jurisdiction aforesaid.

My commission expires: Oct 17 1986

TERESA B. Rush
Notary Public
(for) Teresa A. Burnett

VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF SULLY COUNTY, GA.

The foregoing instrument was acknowledged by _____
was admitted to record on _____ 1986
at _____ M. in O.R. _____
Recording costs paid as shown. _____
Lasted: _____
BY: _____ DEPUTY CLERK

St. R. Tax _____
Cl. R. Tax _____
Scales _____
Clerk _____
Grantor's Tax _____
Total \$ _____

BY: Ann B. Cyrus DEPUTY CLERK

Date: 10/03/22 Cash Register: 001 BUCKINGHAM COUNTY 09:46:38

Cshr: KRISTEN JAMERSON Account#: 000014544 Cust.Transactions:

Type: PAY Dept/Bill#: RE2022 00056360001 P/I Date: 10/03/2022 10/03/2022

Name: HUCKS CHRISTOPHER O & AMBER E HUCKS Bill Date: 4/23/2022 Half: 1

Nam2: Due/PstDt: 6/06/2022

Addr: 799 TROUBLESOME CREEK RD PAdr: TROUBLESOME CREEK RD

BUCKINGHAM VA

Zip: 23921 - 0000

Map#: 109 23B

Desc: RT 631 - 1 MI N OF

MMMI0DD3BL1LLS

BUCKINGHAM 48.99 AC

Acre: 48.990 Dist/Cls 05 / 01 Status

MrtgCo:

SSN: 000 - 00 - 0000 000 - 00 - 0000

Land:	\$111,100	Improve:	\$0	Use:	\$0
Original Bill:	\$288.86	Credits:	\$288.86	Discount:	\$0.00
Penalty Paid:	\$0.00	Int. Paid:	\$0.00	Last Date:	5/17/2022
Amount Owed:	\$0.00	Other:	\$0.00	Setoff Claim#:	000000000
Total Owed:	\$0.00	Penalty:	\$0.00	Interest:	\$0.00

Principal Due: _____

Pen Rate % Int. Fac1

Penalty Due: _____

Interest Due: _____

Total Amount Due:

Aging:

Promise to Pay Date:

F1=Amt Tender F2=Next Ticket F3=Exit

F10=Func1 Menu F20=Attach

Date: 10/03/22 Cash Register: 001 BUCKINGHAM COUNTY 09:50:56

Csnt: KRISTEN JAMERSON Account#: 000005732 Cust,Transactions:

Type: PAY Dept/Bill#: RE2022 00057310002 P/I Date: 10/03/2022 10/03/2022

Name: HUSKEY TERRY O & RITA J HUSKEY Bill Date: 4/28/2022 Half: 2

Nam2: Due/PstDt: 12/05/2022

Addr: 1369 TROUBLESOME CREEK RD PAdr: 1369 TROUBLESOME CREEK RD

BUCKINGHAM VA

Zip: 23921 - 3011

Map#: 109

31

Desc: RT 031 - 2 MI NE OF

MMMIICDBBLLLLLS

BUCKINGHAM 130.35 AC

Acre: 130.350 Dist/Gls 05 / 02 Status

MrtgCo:

SSN: 000 - 00 - 0000 000 - 00 - 0000

Notes w/Rcd

Payment Has Been Made Today!

Land: \$60,200

Improve: \$199,400

Use: \$0

Original bill: \$674.96

Credits: \$583.39

Discount: \$0.00

Penalty Paid: \$0.00

Int Paid: \$0.00

Last Date: 6/13/2022

Amount Owed: \$0.00

Other: \$0.00

Setoff Claim#: 000000000

Total Owed: \$0.00

Penalty: \$0.00

Interest: \$0.00

Principal Due:

Pen Rate % Int Fact

Penalty Due:

Interest Due:

Total Amount Due:

Aging:

Promise to Pay Date:

F1=Amt Tender F2=Next Ticket F3=Exit

F10=Func Menu F20=Attach

APPLICATION FOR A TRAFFIC IMPACT DETERMINATION

Please fill out the following information before presenting to VDOT:

Case Number / File Name: _____

Applicant: Chris Hucks hucksnp@gmail.com

Location: 799 Troublesome Creek Rd.

Proposed Use: Transition residence into professional office building

For VDOT use only:

_____ A Traffic Impact Statement is required per 24 VAC 30-155-60.

☒ A Traffic Impact Statement is not required. The traffic generated by the proposed zoning change / development does not exceed normal thresholds.

_____ The Traffic Impact Analysis has been waived by the Zoning / Planning Department for the following reasons:

Does the existing entrance meet VDOT requirements for the proposed use?

Yes ☒ No _____ If no, please explain the necessary steps to bring into compliance with the requirements for the proposed use:

Signature of VDOT Resident Engineer: P. D. Edwards

Printed Name: Charles D. Edwards Date: 11/1/22



Virginia Department of Health Professions License Lookup

Current as of 11/17/2023 11:00

License Information

License Number	0024174536
Occupation	Licensed Nurse Practitioner
Specialization	Family - Autonomous Practice RX Authority
Name	Christopher O. Hicks
Address	Buckingham, VA 23001
Initial License Date	02/09/2017
Expire Date	09/30/2023
License Status	Current Active
Additional Public Information*	No

[Back to License Lookup Main](#)

This serves as primary source verification of the credential issued by the Commonwealth of Virginia and meets the requirements of the Joint Commission

* "Yes" means that forensic information on the Department must make available to the public pursuant to §54-1-2400 of the Code of Virginia; please note that this may also include proceedings in which a finding of no violation was made. For additional information click on the "Yes" link above. "No" means no documents are available.

[Back to License Lookup](#)

Virginia Administrative Code
Title 18. Professional And Occupational Licensing
Agency 90. Board of Nursing
Chapter 30. Regulations Governing the Licensure of Nurse Practitioners

Part II. Licensure

18VAC90-30-86. Autonomous practice for nurse practitioners other than nurse midwives, certified registered nurse anesthetists, or clinical nurse specialists.

A. A nurse practitioner with a current, unrestricted license, other than someone licensed in the category of certified nurse midwife, certified registered nurse anesthetist, or clinical nurse specialist, may qualify for autonomous practice by completion of the equivalent of two years of full-time clinical experience as a nurse practitioner until July 1, 2022. Thereafter, the requirement shall be the equivalent of five years of full-time clinical experience to qualify for autonomous practice.

1. Full-time clinical experience shall be defined as 1,800 hours per year.
2. Clinical experience shall be defined as the postgraduate delivery of health care directly to patients pursuant to a practice agreement with a patient care team physician.

B. Qualification for authorization for autonomous practice shall be determined upon submission of a fee as specified in 18VAC90-30-50 and an attestation acceptable to the boards. The attestation shall be signed by the nurse practitioner and the nurse practitioner's patient care team physician stating that:

1. The patient care team physician served as a patient care team physician on a patient care team with the nurse practitioner pursuant to a practice agreement meeting the requirements of this chapter and §§ 54.1-2957 and 54.1-2957.01 of the Code of Virginia;
2. While a party to such practice agreement, the patient care team physician routinely practiced with a patient population and in a practice area included within the category, as specified in 18VAC90-30-70, for which the nurse practitioner was certified and licensed; and
3. The period of time and hours of practice during which the patient care team physician practiced with the nurse practitioner under such a practice agreement.

C. The nurse practitioner may submit attestations from more than one patient care team physician with whom the nurse practitioner practiced during the equivalent of five years of practice, but all attestations shall be submitted to the boards at the same time.

D. If a nurse practitioner is licensed and certified in more than one category as specified in 18VAC90-30-70, a separate fee and attestation that meets the requirements of subsection B of this section shall be submitted for each category. If the hours of practice are applicable to the patient population and in practice areas included within each of the categories of licensure and certification, those hours may be counted toward a second attestation.

E. In the event a patient care team physician has died, become disabled, retired, or relocated to another state, or in the event of any other circumstance that inhibits the ability of the nurse practitioner from obtaining an attestation as specified in subsection B of this section, the nurse practitioner may submit other evidence of meeting the qualifications for autonomous practice along with an attestation signed by the nurse practitioner. Other evidence may include employment records, military service, Medicare or Medicaid reimbursement records, or other similar records that verify full-time clinical practice in the role of a nurse practitioner in the category for which the nurse practitioner is licensed and certified. The burden shall be on the nurse practitioner to provide sufficient evidence to support the nurse practitioner's inability to obtain an attestation from a patient care team physician.

F. A nurse practitioner to whom a license is issued by endorsement may engage in autonomous practice if such application includes an attestation acceptable to the boards that the nurse practitioner has completed the equivalent of five years of full-time clinical experience as specified in subsection A of this section and in accordance with the laws of the state in which the nurse practitioner was previously licensed.

G. A nurse practitioner authorized to practice autonomously shall:

1. Only practice within the scope of the nurse practitioner's clinical and professional training and limits of the nurse practitioner's knowledge and experience and consistent with the applicable standards of care;
2. Consult and collaborate with other health care providers based on the clinical conditions of the patient to whom health care is provided; and
3. Establish a plan for referral of complex medical cases and emergencies to physicians or other appropriate health care providers.

Statutory Authority

§§54.1-2400 and 54.1-2957 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 36, Issue 22, eff. July 22, 2020; amended, Virginia Register Volume 38, Issue 4, eff. November 10, 2021; Volume 38, Issue 4, eff. November 10, 2021.

Buckingham County Planning Commission

November 28, 2022

Administration Building

7:00 PM

Introduction Case 22-ZMA321

Owner/Applicant: Landowner Olympia Moore
5563 Friendship Brown Dr
Summit NC 27214

Applicant Olympia Moore
5563 Friendship Brown Dr
Summit NC

Property Information: Tax Map 42 Parcel 208, containing approximately 13.77 acres, located N James Madison (911 address does not exist) Hwy New Canton VA 23123, Marshall Magisterial District.

Zoning District: Agricultural District (A-1)

Request: Zoning Map Amendment-The Applicant is Requesting Rezoning from Agricultural A1 to Business B1 for Future Commercial Use. The Applicant is asking the Planning Commission to schedule a Public Hearing for this request.

Background/Zoning Information: This property is located at N James Madison Highway New Canton, VA 23123, Marshall Magisterial District. This property is currently zoned Agricultural A1, the landowner and applicant is Olympia Moore. This proposal is located within the Arvonja-New Canton Village Center which surrounds U.S. Route 15 near its entrance into the County from Fluvanna County. It is comprised of several neighborhood businesses such as convenience stores, restaurants, and banks. Slate mining, aggregate manufacturing, and trucking are industrial uses within or adjacent to this "Village Center." Housing of all types and sizes comprise this "Village Center" and an adjacent area. The area is not currently served by public water and public sewer. However, the village area does contain various infrastructure assets including railroad access and a water intake located on the James River (could be piped to serve the U.S. Route 15 corridor of the village – growth). Several churches of various denominations dot its landscape and form a unifying core for the community. As in all of the villages, the major land-use consideration is to insure that infill development and redevelopment occurs and that future land-uses are compatible with the varied land-uses in the area. Because of this, each request for rezoning, special use permits, or subdivision within or in the immediate area that would have an effect upon the Village should be given careful consideration. The applicant continues to work with VDOT to schedule the Traffic Impact Determination Analysis, page 10 of the application.

What are the wishes of the Planning Commission?
Set a Public Hearing?
December 27, 2022 7pm?

September 29, 2022

I, Olympia Moore am the owner of the property located at VSH 15 (parcel 42-268) Arvonia, Virginia.

I was willed this property from my parents Calvin and Delores Green who purchased the property back in 2003.

At this present time, I have no plans for this property. I am willing to be open and listen to the needs of the community.

Currently, I am requesting to have the property zoned for commercial use as it would benefit the county for future use.

Thank You,
Olympia Moore

REZONING APPLICATION CHECKLIST

BUCKINGHAM COUNTY OFFICE OF ZONING AND PLANNING MINIMUM SUBMISSION REQUIREMENTS

The following table lists the information necessary to review a rezoning application. All items are required, unless otherwise stated, and must be submitted in order for the application to be accepted for review. This completed checklist must be submitted with the application.

Adjacent Property Owners List and Affidavit (pages 5, 6 & 7 attached). This list can be obtained from the Clerk of Courts Office: ☒ YES ☐ NO

Completed application for rezoning (pages 3 & 4 attached). If not signed by the owner, a Power of Attorney must accompany the application: ☒ YES ☐ NO

Interest Disclosure Affidavit (page 8 attached). Must be signed by the owner: ☒ YES ☐ NO

Power of Attorney (page 11 attached). Required if anyone other than the owner is signing the application form or proffer statement on behalf of the owner: YES ☒ NO

Written Narrative (page 12 guidance in preparing the Written Narrative): ☒ YES ☐ NO

Fees: YES ☐ NO

Deed: YES ☐ NO

Plat (15 copies). The plat information may be incorporated into the Rezoning General Site Plan, in which case, copies of a separate plat are not required. The plat must be prepared by a certified land surveyor or licensed civil engineer and contain the following:

- A. Bearings and distances of a scale of 1" = 100' or less for all property lines and existing and proposed zoning lines: ☒ YES ☐ NO
- B. Area of land proposed for consideration, in square feet or acres: YES ☐ NO
- C. Scale and north point: ☒ YES ☐ NO
- D. Names of boundary roads or streets and widths of existing right-of-ways: YES ☐ NO

Rezoning General Site Plan (15 copies) The General Site Plan must contain the following:

- 1. Vicinity Map – Please show scale: ☒ YES ☐ NO ☒ N/A
- 2. Owner and Project Name: ☒ YES ☐ NO ☒ N/A
- 3. Parcel Identification numbers, name, present zoning, and zoning and use of all abutting or adjoining parcels: ☒ YES ☐ NO ☐ N/A
- 4. Property lines of existing and proposed zoning district lines: ☒ YES ☐ NO ☐ N/A
- 5. Area of land proposed for consideration, in square feet or acres: ☒ YES ☐ NO ☐ N/A
- 6. Scale and north point: ☒ YES ☐ NO ☐ N/A
- 7. Names of boundary roads or streets and widths of existing right-of-ways: ☒ YES ☐ NO ☐ N/A

- Google Images - GIS

8. Easements and encumbrances, if present on the property: YES NO N/A
9. Topography indicated by contour lines: YES NO N/A
10. Areas having slopes of 15% to 25% and areas having slopes of 25% or greater clearly indicated by separate shading devices (or written indication of "no areas having slopes of 15% to 25% or greater"): YES NO N/A
11. Water Courses to include the approximate location of the 100 year floodplain (if applicable) based on FEMA maps (or written indication of "not in floodplain"): YES NO N/A
12. Delineation of existing mature tree lines or written indication of "no mature tree lines": YES NO N/A
13. Proposed roads with right-of-way width that will connect with or pass through the subject property: YES NO N/A
14. General locations of major access points to existing streets: YES NO N/A
15. List of the proposed density for each dwelling unit type, and/or intensity of each non-residential use: YES NO N/A
16. Location of any open space and buffer areas, woodland conservation areas, storm water management facilities, and community and public facilities: YES NO N/A
17. Location of existing and proposed utilities, above or underground: YES NO N/A
18. Vehicular and pedestrian circulation plan, including traffic counts and typical street sections, right-of-way improvements, access points, travel ways, parking, loading, stacking, sidewalks, and trails: YES NO N/A
19. Layouts and orientation of buildings and improvements, building use, height, setbacks from property lines and restriction lines: YES NO N/A
20. Location and design of screening and landscaping: YES NO N/A
21. Building architecture: YES NO N/A
22. Site lighting proposed: YES NO N/A
23. Area of land disturbance in square feet and acres: YES NO N/A
24. Erosion and Sediment Control Plan submitted (10,000 square feet or more): YES NO N/A
25. Historical sites or gravesites on general site plan: YES NO N/A
26. Show impact of development of historical or gravesite areas: YES NO N/A
27. A copy of the current status of all real estate taxes of all property owned in Buckingham County. If real estate taxes are not current, an explanation in writing and signed by the owner shall accompany this application. Any liens or other judgments against property shall also be explained in writing and signed by the owner: YES NO N/A

APPLICATION FOR A ZONING MAP AMENDMENT

CASE NUMBER: _____
(Case Number Assigned by Zoning Administrator)

DATE OF APPLICATION: Sept. 27, 2022

Zoning Map Amendment: _____

Purpose of Zoning Map Amendment: _____

Zoning District: _____ Number of Acres: 13.77

Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____ Magisterial Dist.: 112-109

Street Address: VSH 15 Arvonia, Virginia

Directions from the County Administration Building to the Proposed Site: _____

Name of Applicant: Olympia Moore

Mailing Address: 5563 Franklins Glen Dr Browns Summit, NC

Daytime Phone: _____ Cell Phone: 336-586-3033

Email: Olympia-Moore@gmail.com Fax: _____

Name of Property Owner: Theresa L. ...

Mailing Address: 4500 N. ... Greensboro, NC

Daytime Phone: _____ Cell Phone: 336-586-3233

Email: _____ Fax: _____

Signature of Owner: Olympia Moore Date: Sept. 27, 2022

Signature of Applicant: Olympia Moore Date: Sept. 27, 2022

Please indicate to whom correspondence should be sent:

☒ Owner of Property ☐ Contractor Purchaser / Lessee ☐ Authorized Agent ☐ Engineer
☒ Applicant

APPLICATION FOR A ZONING TEXT AMENDMENT

CASE NUMBER: _____
(Case Number Assigned by Zoning Administrator)

DATE OF APPLICATION: Sept. 27, 2022

Zoning Text Amendment: _____

Purpose of Zoning Text Amendment: _____

Permitted Use List: Yes: _____ No: _____ Special Use Permit List: Yes: _____ No: _____

Zoning District: _____ Number of Acres: 13.17

Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____ Magisterial Dist.: 42-209

Street Address: 55115 Aurora Tr.

Directions from the County Administration Building to the Proposed Site: _____

Name of Applicant: Olympia Home

Mailing Address: 5563 Thornton Plover Summit, NC

Daytime Phone: _____ Cell Phone: 336-580-3223

Email: Olympia Home Fax: _____

Name of Property Owner: Olympia Home

Mailing Address: 5563 Thornton Plover Summit, NC

Daytime Phone: _____ Cell Phone: 336-580-3222

Email: _____ Fax: _____

Signature of Owner: Olympia Home Date: Sept. 27, 2022

Signature of Applicant: Olympia Home Date: Sept. 27, 2022

Please indicate to whom correspondence should be sent:

☒ Owner of Property ☐ Contractor Purchaser / Lessee ☐ Authorized Agent ☐ Engineer ☒ Applicant

ADJACENT PROPERTY OWNER'S LIST

(Required)

The applicant shall provide a list of all adjoining landowners, including subject property and all property immediately across the street/road from the subject property. Any body of water does not constitute a boundary line for this purpose, therefore a body of water and the property adjoining the subject property but separated by a body of water is still considered an adjoining landowner. County boundary lines and those adjoining property owners in the next County are considered adjoining property owners if the land adjoins the subject's property. Adjoining landowners can be verified through the Buckingham County Clerk of Courts or the Clerk's Office in the adjoining County, or by personal contact. The list shall include the name, address, town/city, zip code, road route number, tax map section number, parcel number, lot number, and subdivision. The list shall be typewritten or printed legibly. Failure to list all adjoining landowners could delay the process.

1. Name: Berk - Mar Land LLC

Mailing Address: 267 Hidden Springs Rd, New Canton, Va.

Physical Address: _____

Tax Map Section: 42 Parcel: 42-204 Lot: 204 Subdivision: _____

2. Name: Maurry L Jones

Mailing Address: 510 Hurricane Creek Rd Gurley, AL 35740

Physical Address: _____

Tax Map Section: 42 Parcel: 42-209 Lot: 209 Subdivision: _____

3. Name: Wyllie H Cobb Jr. Roxanna S Cobb

Mailing Address: 2943 Upshaw Rd. Aylett, Va. 23009

Physical Address: _____

Tax Map Section: 42 Parcel: 42-194 Lot: 194 Subdivision: _____

4. Name: Melvin and Shelby Jones

Mailing Address: PO Box 52 New Canton, Va. 23123

Physical Address: _____

Tax Map Section: 42 Parcel: 42-205 Lot: 205 Subdivision: _____

6. Name: _____

Mailing Address: _____

Physical Address: _____

Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____

7. Name: _____

Mailing Address: _____

Physical Address: _____

Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____

8. Name: _____

Mailing Address: _____

Physical Address: _____

Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____

9. Name: _____

Mailing Address: _____

Physical Address: _____

Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____

10. Name: _____

Mailing Address: _____

Physical Address: _____

Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____

11. Name: _____

Mailing Address: _____

Physical Address: _____

Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____

ADJACENT PROPERTY OWNERS AFFIDAVIT

STATE OF VIRGINIA
COUNTY OF BUCKINGHAM

This 29th day of September, year 2022
I Olympia Green Moore hereby make oath that
(printed name of owner/contract purchaser/authorized agent)

the list of adjoining landowners is a true and accurate list as submitted with my application.

Signed (to be signed in front of notary public)

Olympia Green Moore
(owner / contract purchaser / authorized agent – please circle one)

NOTARY:
COMMONWEALTH OF VIRGINIA

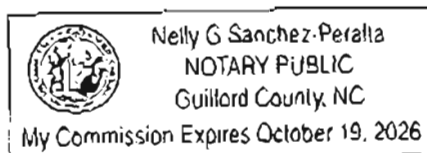
COUNTY OF Rockingham

STATE OF North Carolina

Subscribed and sworn to me on the 29th day of September

of the year 2022. My Commission expires on October 19, 2026.

Notary Public Signature: Nelly G Sanchez-Peralta
Stamp:



INTEREST DISCLOSURE AFFIDAVIT

STATE OF VIRGINIA

COUNTY OF BUCKINGHAM, VIRGINIA

On this 29th day of September, of the year 2022

I Olympia Green Moore (printed name of owner)
hereby make oath that no member of the Buckingham County Board of Supervisors nor
the Buckingham County Planning Commission has interest in such property either
individually, or by ownership of stock in a corporation owning such land, or by
partnership, or as a holder of ten percent (10%) or more of the outstanding shares of
stock in or as a director or officer of any corporation owning such land, directly or
indirectly by such members of his/her immediate household, except as follows:

Signature of Owner: (to be signed in front of notary public)

Olympia Green Moore

NOTARY PUBLIC

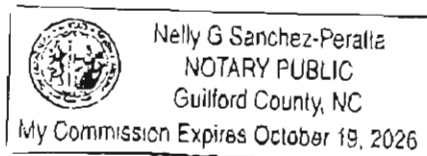
COUNTY OF Rockingham STATE OF North Carolina

Subscribed and sworn to me on this 29th day of September

of the year 2022. My commission expires October 19th, 2026

Notary Public Signature: Nelly G Sanchez-Peralta

Stamp:



**CULTURAL RESOURCE ASSESSMENT AND RECORD CHECK FOR
PENDING DEVELOPMENT APPLICATIONS**

Case Number / File Name: _____

Visual Inspection Findings (describe what is on the property now):

County Records Check (describe the history of this property):

Were any historical sites or gravesites found on site, or be suspected by a reasonable person to be on the site? Yes _____ No ✓ _____

If yes, please explain and show on the site plan the location of such and explain any historical significance:

Will this proposal have any impact on the historical site or gravesite? Yes _____ No ✓ _____

If yes, please explain any impact:

Owner/Applicant Signature: Quinn Moore Date: 5-10-2020

Printed Name: Quinn Moore Title: Quinn Moore

APPLICATION FOR A TRAFFIC IMPACT DETERMINATION

Please fill out the following information before presenting to VDOT:

Case Number / File Name: _____

Applicant: Linnea Mann

Location: VSH 15 Area, Virginia

Proposed Use: _____

For VDOT use only:

_____ A Traffic Impact Statement is required per 24 VAC 30-155-60.

_____ A Traffic Impact Statement is not required. The traffic generated by the proposed zoning change / development does not exceed normal thresholds.

_____ The Traffic Impact Analysis has been waived by the Zoning / Planning Department for the following reasons:

Does the existing entrance meet VDOT requirements for the proposed use?

Yes _____ No _____ If no, please explain the necessary steps to bring into compliance with the requirements for the proposed use:

Signature of VDOT Resident Engineer: _____

Printed Name: _____ Date: _____

SPECIAL POWER OF ATTORNEY AFFIDAVIT

STATE OF VIRGINIA
COUNTY OF BUCKINGHAM

On this _____ day of _____, in the year of _____,

I _____ the owner of _____
(printed name of landowner) (Tax Map Number)

Hereby make, constitute, and appoint _____
(printed name)

my true and lawful attorney-in-fact, and in my name, place, and stead give unto him/her said full power and authority to do and perform all acts and make all representation necessary, without limitation whatsoever, to make application for said zoning. The right, powers, and authority of said attorney-in-fact herein granted shall commence and be in full force and effect on the day _____ of the month _____ in the year of _____ and shall remain in full force and effect thereafter until actual notice by certified mail with return receipt requested is received by the Zoning / Planning Office of Buckingham County stating that the terms of this power have been revoked or modified.

Signature of Landowner (to be signed in front of Notary Public):

NOTARY PUBLIC

County of _____ State of _____

Subscribed and sworn before me on the _____ day of _____

in the year _____. My commission expires _____.

Signature of Notary Public: _____

Stamp:

WRITTEN NARRATIVE

The Written Narrative shall describe the relationship of the proposed project to the relevant components of the Comprehensive Plan. Please be very detailed and describe in depth each and every component 1 through 15. The following outline is provided to aid you in preparing the written narrative:

1. Land Use
2. Community Design
3. Cultural Resources
4. Economic Development
5. Environment
6. Fire and Rescue, Law Enforcement
7. Housing
8. Libraries
9. Parks and Open Spaces
10. Potable Water
11. Sewage
12. Schools
13. Telecommunications
14. Transportation
15. Solid Waste

If this proposal is for an event, describe the handling of the entire event, including but not limited to: number of participants, schedule of events, police, security, food, beverages, water, sanitation, emergencies, crowd control, entrances and exits, traffic control, signage, advertisement, parking, fee collection, control of animals, trash disposal, site clean-up, fighting, alcohol, abuse of alcohol and/or illegal substances

SIGNAGE AT PROPERTY

The Buckingham County Zoning Ordinance requires the following:

The applicant in any case which requires a public hearing shall post signs furnished by the agent on each parcel involved at least 21 days prior to the public hearing indicating that a public hearing is eminent, the date, a rezoning issue, and a County contact number. The signs shall be placed on the VDOT right-of-way closest to the applicant's property line and shall be clearly visible from the road with bottom of the sign not less than one and one half feet above the ground. If more than one public road abuts the property, the signs shall be placed in the same manner as above for each abutting road. If no road abuts a property, then the agent shall define an area for the signs. The agent may ask the applicant that the sign be moved to another area either on the property to achieve greater public visibility. The applicant shall be responsible for keeping the signs free from grass, weeds, and any other plants or vines that may obstruct the public's view. The applicant shall contact the Virginia Department of Transportation for any information concerning where the right-of-way is located. The applicant shall be responsible for the signs should VDOT or their contractor conduct mowing or clearing of the right-of-way in the area where the sign is located.

Any signs required shall be maintained at all times by the applicant up to the time of the final public hearing. No person, except the applicant or the agent or an authorized agent of either, shall remove or tamper with any sign furnished during the period it is required to be maintained under this section. All signs erected under this ordinance shall be removed by the applicant within 15 days following a decision at the final public hearing and shall be returned to the agent. The applicant shall purchase the signs at a fee as determined by the Board of Supervisors and shall be non-refundable. The applicant shall be responsible for the replacement of the sign(s) and shall contact the agent as soon as possible for another sign to be replaced as the manner described above. Should the sign(s) have to be replaced more than twice, this section shall no longer be forced upon the applicant.

I have read, understand and agree to the above requirements.

Applicant/Owner: George P. ...

Date: 11/23/2021

TENTATIVE SCHEDULE FOR A REZONING AMENDMENT

The application, site plan, written narrative, and all information requested in this application must be filled out in its entirety and supplied to the Buckingham Zoning / Planning Office and the fee must be paid before this case will be allowed to move forward.

Case will be introduced at a regularly scheduled Planning Commission meeting held on the fourth Monday of every month. Planning Commission may set a Public Hearing at this time to be held during a regularly scheduled meeting. Public Hearings offer an opportunity for citizens to speak concerning the case.

Following the Planning Commission Public Hearing, the Planning Commission may make a recommendation to approve / deny / or table the case for more information. Once the Planning Commission makes a recommendation to approve or deny, this recommendation will be forwarded to the Board of Supervisors at their next regularly scheduled meeting. The Board of Supervisors meetings are held on the second Monday of every month. The Board of Supervisors may set a Public Hearing at this time to be held during a regularly scheduled meeting. The Board of Supervisors will make the final decision to approve or deny the application after the public hearing.

Example Timeline:

January 25	Case is introduced to Planning Commission. Planning Commission sets Public Hearing for next regularly scheduled meeting on February 22.
February 22	Planning Commission Public Hearing. Planning Commission recommends to approve / deny / or table for more information. Once the Planning Commission reaches a decision to approve or deny, this recommendation will be forwarded to the Board of Supervisors at their next regularly scheduled meeting.
March 8	Case is introduced to Board of Supervisors.
April 12	Board of Supervisors may approve / deny / table for more information.

The Planning Commission and the Board of Supervisors has a right to call extra public hearings at their discretion if the Board(s) decide they are needed.

You or your agent are encouraged to attend these meetings to answer any questions that may arise concerning your application / proposal. The County strongly encourages the applicant to visit the area around his proposed site and understand what the adjoining landowner concerns are.

NOTES:

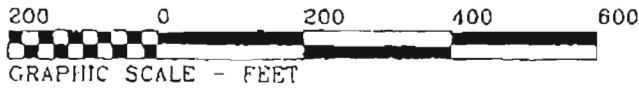
The boundary survey shown is based on a current field survey.

This Plat has been prepared without benefit of a title report and does not therefore necessarily indicate all encumbrances on the property.

Robert L. Lum
Approved for Recordation

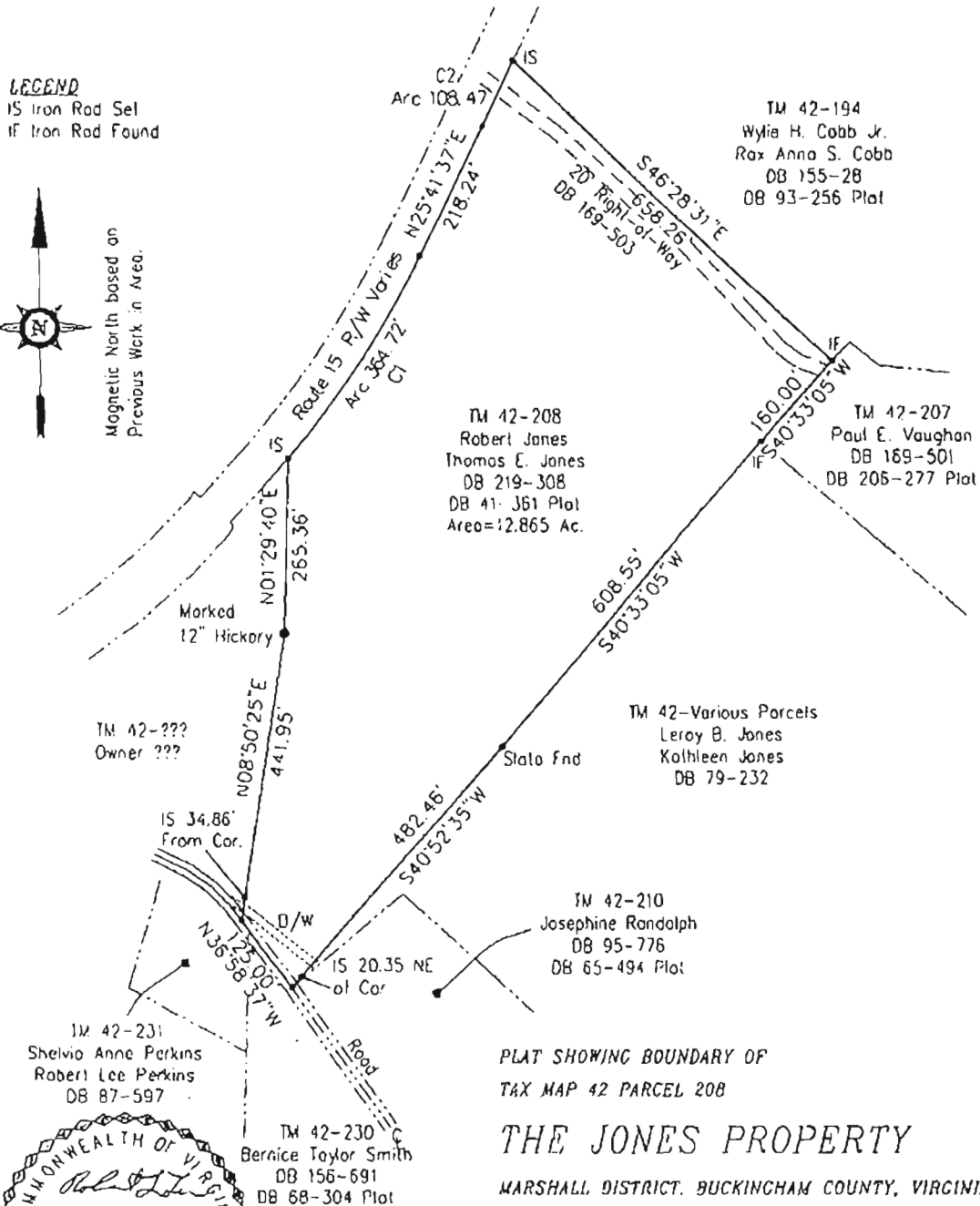
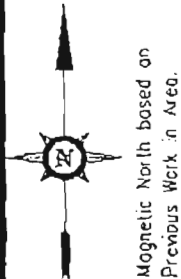
9-1-03
Date

CURVE	RADIUS	TANGENT	LENGTH	DELTA	CHORD	CH. BEARING
C1	1462.39'	183.31'	364.72'	14°17'22"	363.77'	N32°50'18"E
C2	11489.16'	54.23'	108.47'	0°32'27"	108.46'	N25°25'24"E



LEGEND

IS Iron Rod Set
IF Iron Rod Found



PLAT SHOWING BOUNDARY OF
TAX MAP 42 PARCEL 208

THE JONES PROPERTY

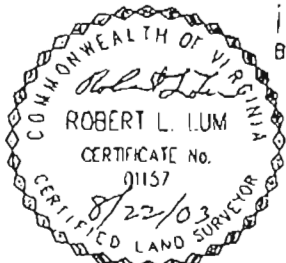
MARSHALL DISTRICT, BUCKINGHAM COUNTY, VIRGINIA

SCALE: 1" = 200' DATE: AUGUST 22, 2003

4200208.dwg

LUM'S LAND SURVEYS, INC.

P.O. BOX 154, PALMYRA, VA. 22963-0154



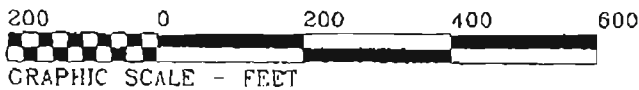
NOTES:

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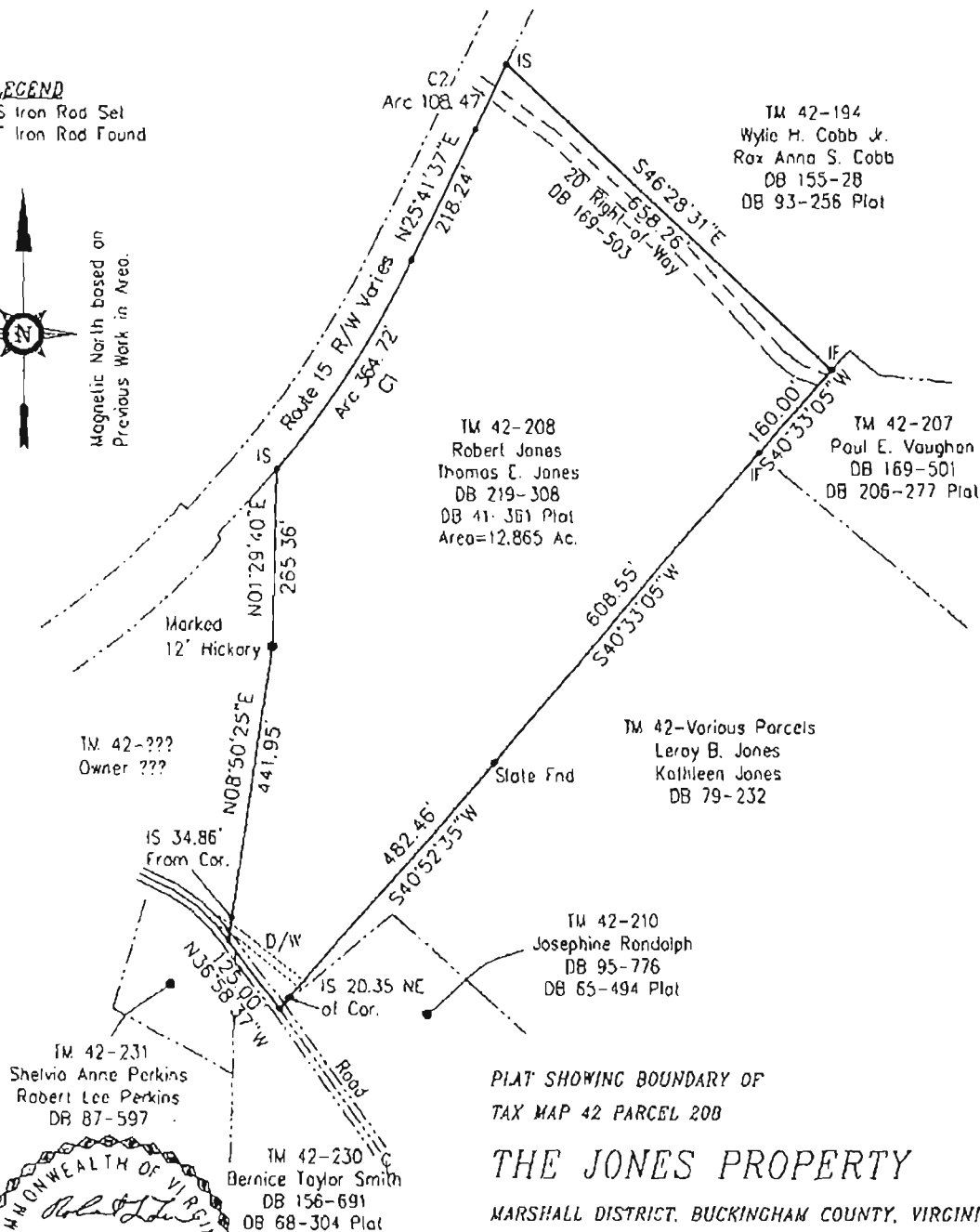
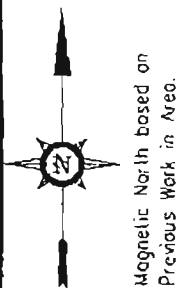
Robert L. Lum
 Approved for Recordation Date 9-1-03

CURVE	RADIUS	TANGENT	LENGTH	DELTA	CHORD	CH. BEARING
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LEGEND

IS Iron Rod Set
 IF Iron Rod Found



PLAT SHOWING BOUNDARY OF
 TAX MAP 42 PARCEL 208

THE JONES PROPERTY

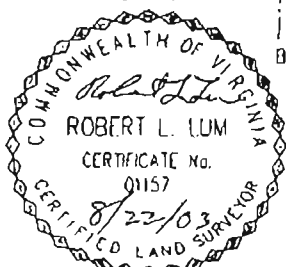
MARSHALL DISTRICT, BUCKINGHAM COUNTY, VIRGINIA

SCALE: 1" = 200' DATE: AUGUST 22, 2003

4200208.dwg

LUM'S LAND SURVEYS, INC.

P.O. BOX 154, PALMYRA, VA. 22963-0154



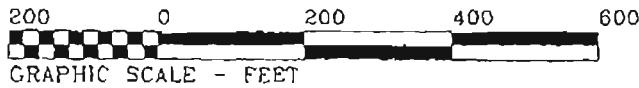
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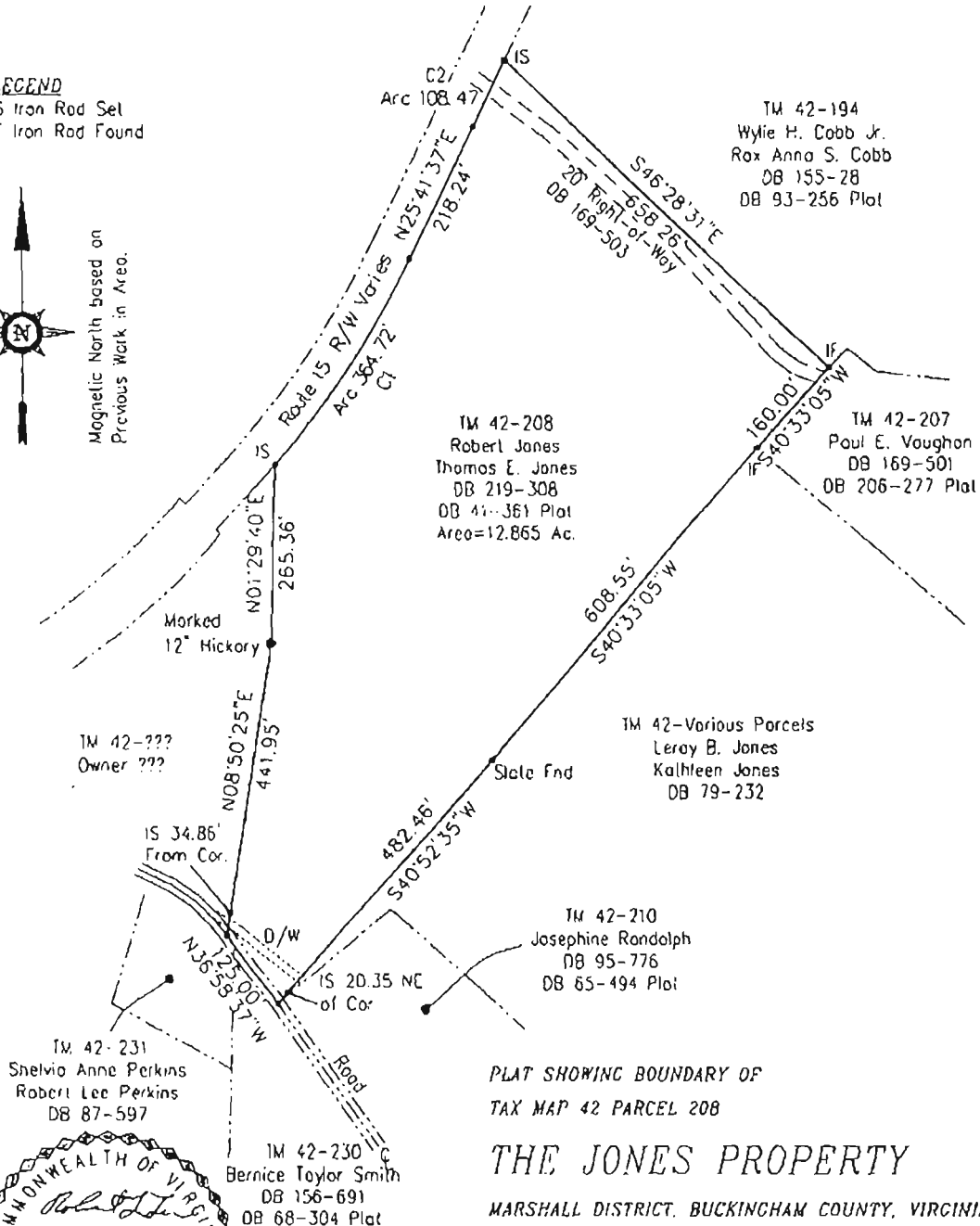
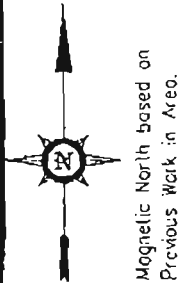
Robert L. Lum
 Approved for Recordation Date 9-11-03

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LEGEND

IS Iron Rod Set
 IF Iron Rod Found



PLAT SHOWING BOUNDARY OF
 TAX MAP 42 PARCEL 208

THE JONES PROPERTY

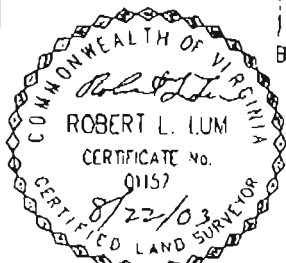
MARSHALL DISTRICT, BUCKINGHAM COUNTY, VIRGINIA

SCALE: 1" = 200' DATE: AUGUST 22, 2003

4200208.dwg

LUM'S LAND SURVEYS, INC.

P.O. BOX 154, PALMYRA, VA. 22963-0154



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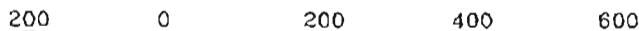
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Approved for Recordation

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GRAPHIC SCALE - FEET

LEGEND

IS Iron Rod Set
IF Iron Rod Found



Magnetic North based on
Previous Work in Area.

TM 42-194

Wylie H. Cobb Jr.
Rox Anna S. Cobb
DB 155-28
DB 93-256 Plat

TM 42-208
Robert Jones
Thomas E. Jones
DB 219-308
DB 41-361 Plot
Area=12.865 Ac.

TM 42-207
Paul E. Vaughan
DB 169-501
DB 206-277 Plot

TM 42-Variou Porcel
Leroy B. Jones
Kathleen Jones
DB 79-232

TM 42-210
Josephine Randolph
DB 95-776
DB 65-494 Plot

IM 42-231
Shelvia Anne Perkins
Robert Lee Perkins
DB 87-597

1 TM 42-230
Bernice Taylor Smith
DB 156-691
DB 68-304 Plot

PLAT SHOWING BOUNDARY OF
TAX MAP 42 PARCEL 20B

THE JONES PROPERTY

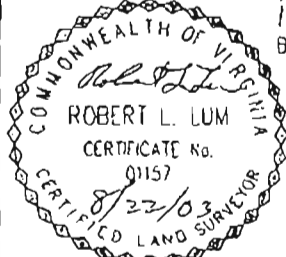
MARSHALL DISTRICT, BUCKINGHAM COUNTY, VIRGINIA

SCALE: 1" = 200' DATE: AUGUST 22, 2003

4200202.dwg

LUM'S LAND SURVEYS, INC.

P.O. BOX 154, PALMYRA, VA. 22963-0154



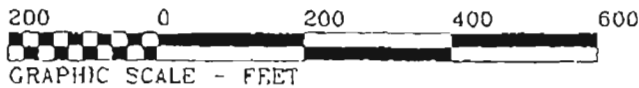
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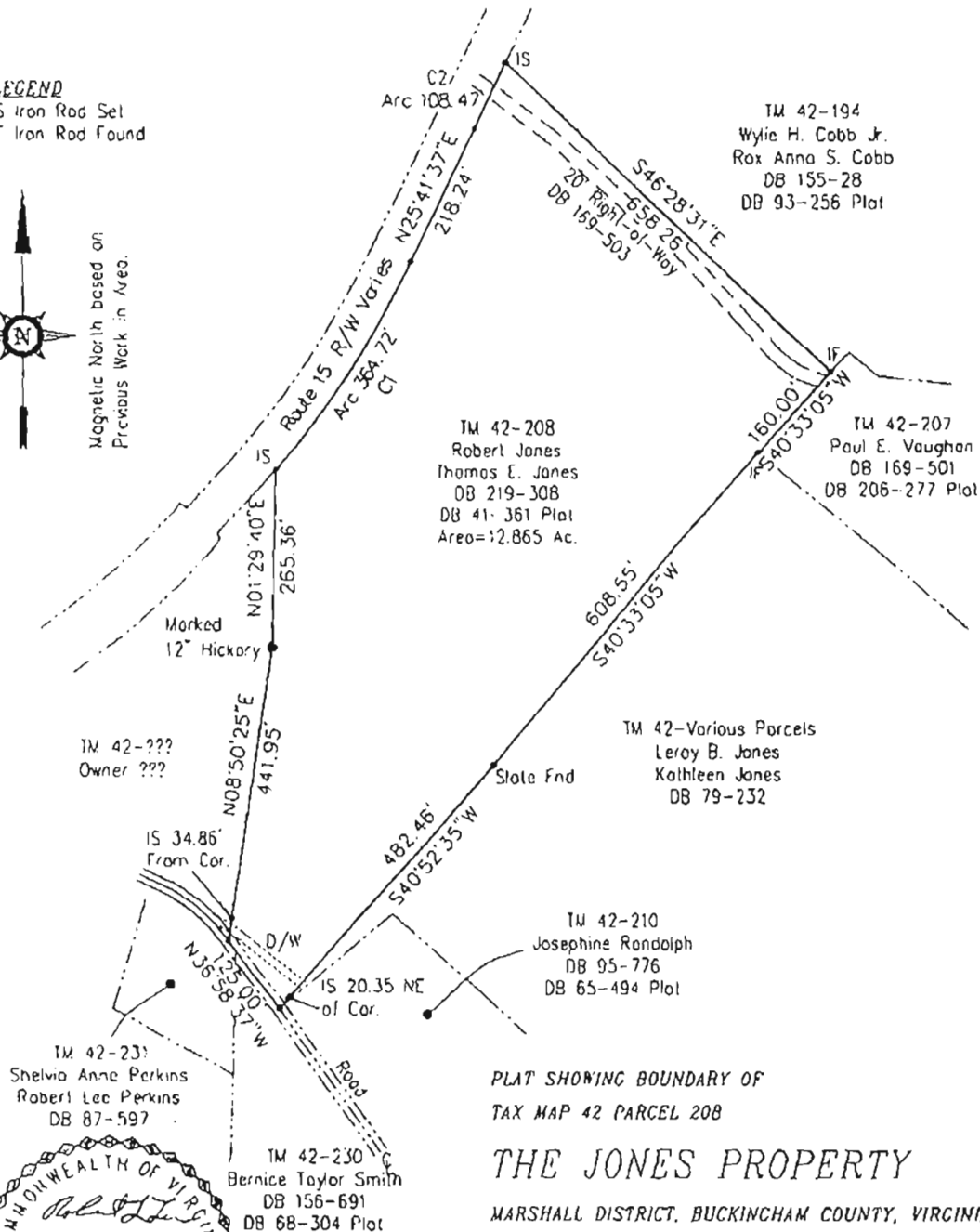
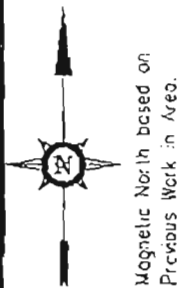
Robert L. Lum 9-11-03
Approved for Recordation Date

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LEGEND

IS Iron Rod Set
IF Iron Rod Found



PLAT SHOWING BOUNDARY OF
TAX MAP 42 PARCEL 208

THE JONES PROPERTY

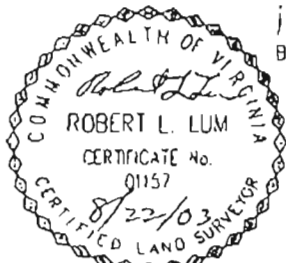
MARSHALL DISTRICT, BUCKINGHAM COUNTY, VIRGINIA

SCALE: 1" = 200' DATE: AUGUST 22, 2003

4200208.dwg

LUM'S LAND SURVEYS, INC.

P.O. BOX 154, PALMYRA, VA. 22963-0154



NOTES.

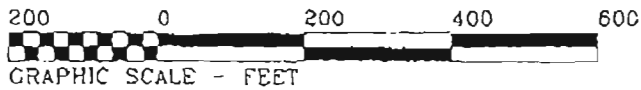
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Approved for Recordation

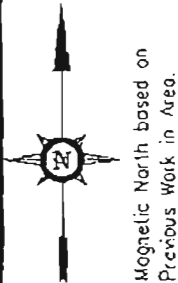
Date _____

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LÊCÊND

IS Iron Rod Set
IF Iron Rod Found



TM 42-194
Wylie H. Cobb Jr.
Rox Anno S. Cobb
DB 155-28
DB 93-256 Plot

TM 42-208
Robert Jones
Thomas E. Jones
DB 219-308
DB 41-361 Plot
Area=12.865 Ac.

TM 42-207
Paul E. Vaughan
DB 169-501
DB 206-277 Plot

TM 42-Vorious Porcel
Leroy B. Jones
Kathleen Jones
DB 79-232

IN 42-???

IM 42-231
Shelvia Anne Perkins
Robert Lee Perkins
DB 87-597

1 IM 42-230
Bernice Taylor Smith
DB 156-691
DB 68-304 Plat

TU 42-210
 Josephine Rondolph
 DB 95-776
 DB 65-494 Plot

PLAT SHOWING BOUNDARY OF
TAX MAP 42 PARCEL 208

THE JONES PROPERTY

MARSHALL DISTRICT, BUCKINGHAM COUNTY, VIRGINIA

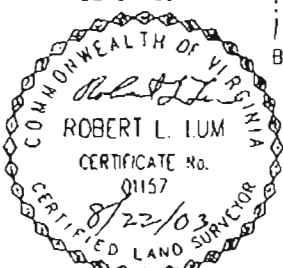
SCALE: 1" = 200' DATE: AUGUST 22, 2003

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LUM'S LAND SURVEYS, INC.

P.O. BOX 154, PALMYRA. VA. 22963-0154

01/01/2018 10:00 AM



NOTES

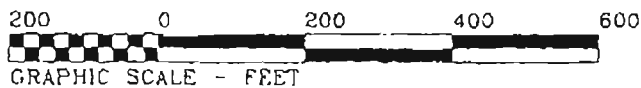
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Approved for Recordation

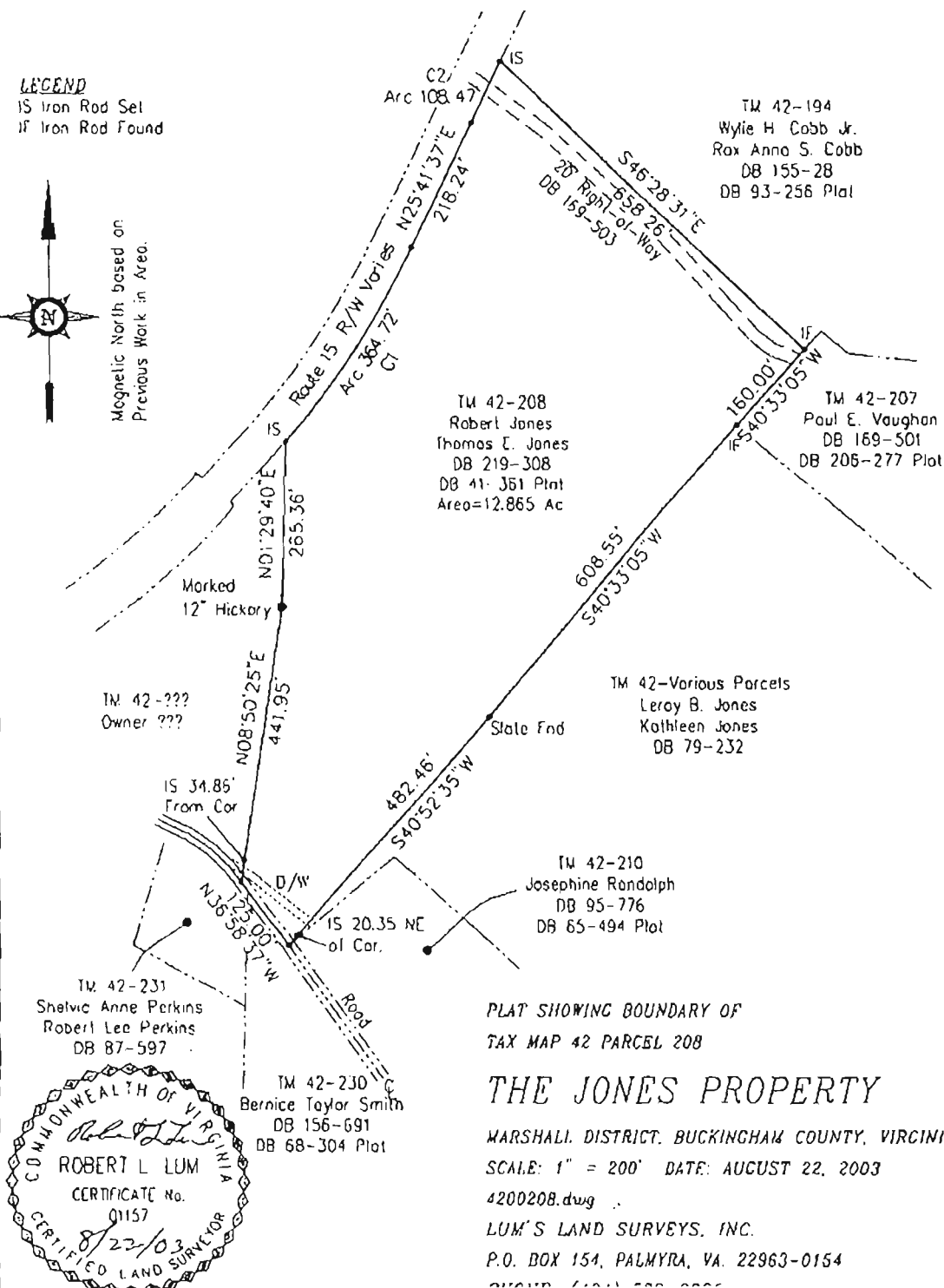
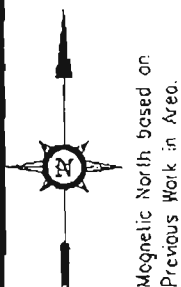
Date _____

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LEGEND

IS Iron Rod Set
IF Iron Rod Found



PLAT SHOWING BOUNDARY OF
TAX MAP 42 PARCEL 208

THE JONES PROPERTY

MARSHALL DISTRICT, BUCKINGHAM COUNTY, VIRGINIA

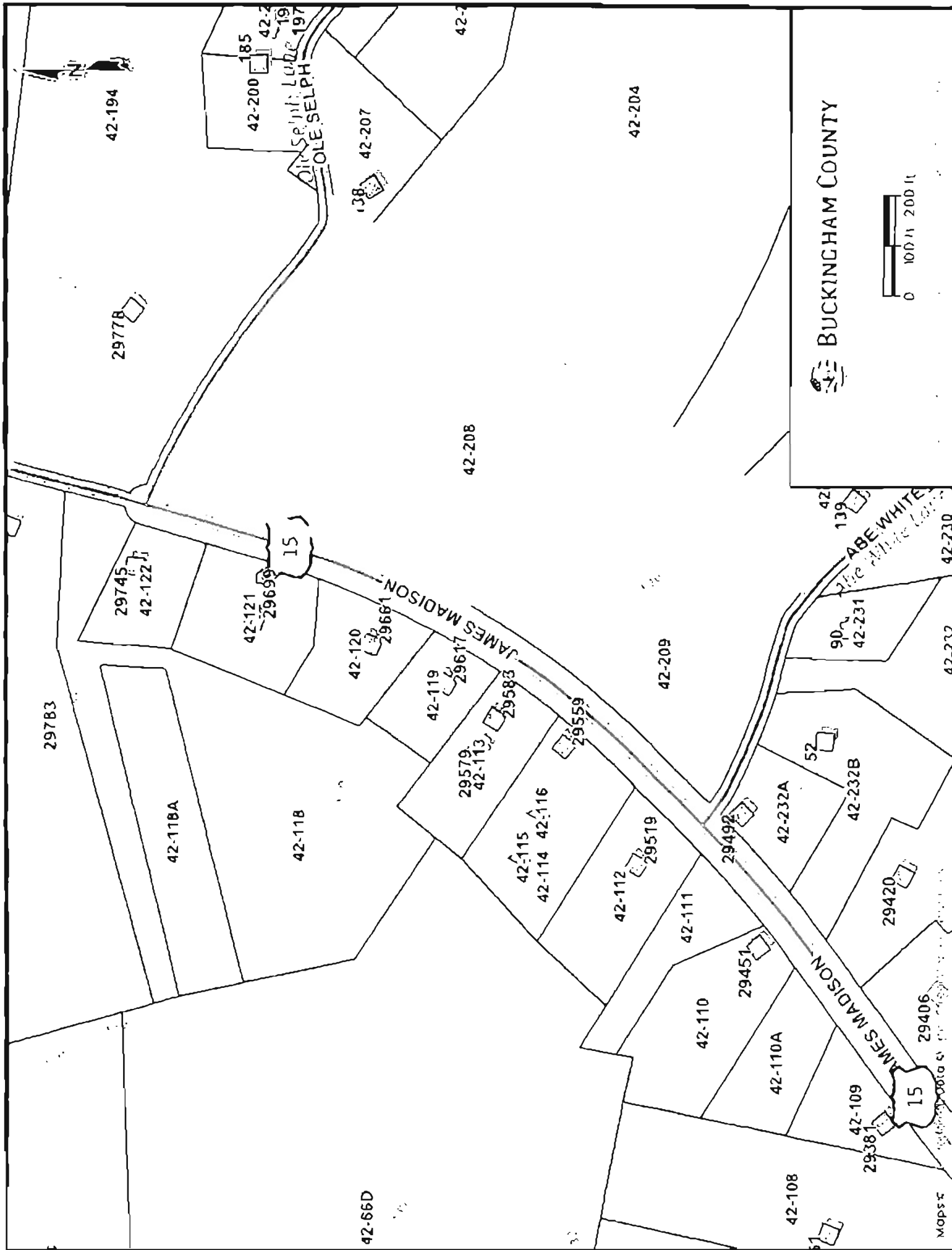
SCALE: 1" = 200' DATE: AUGUST 22, 2003

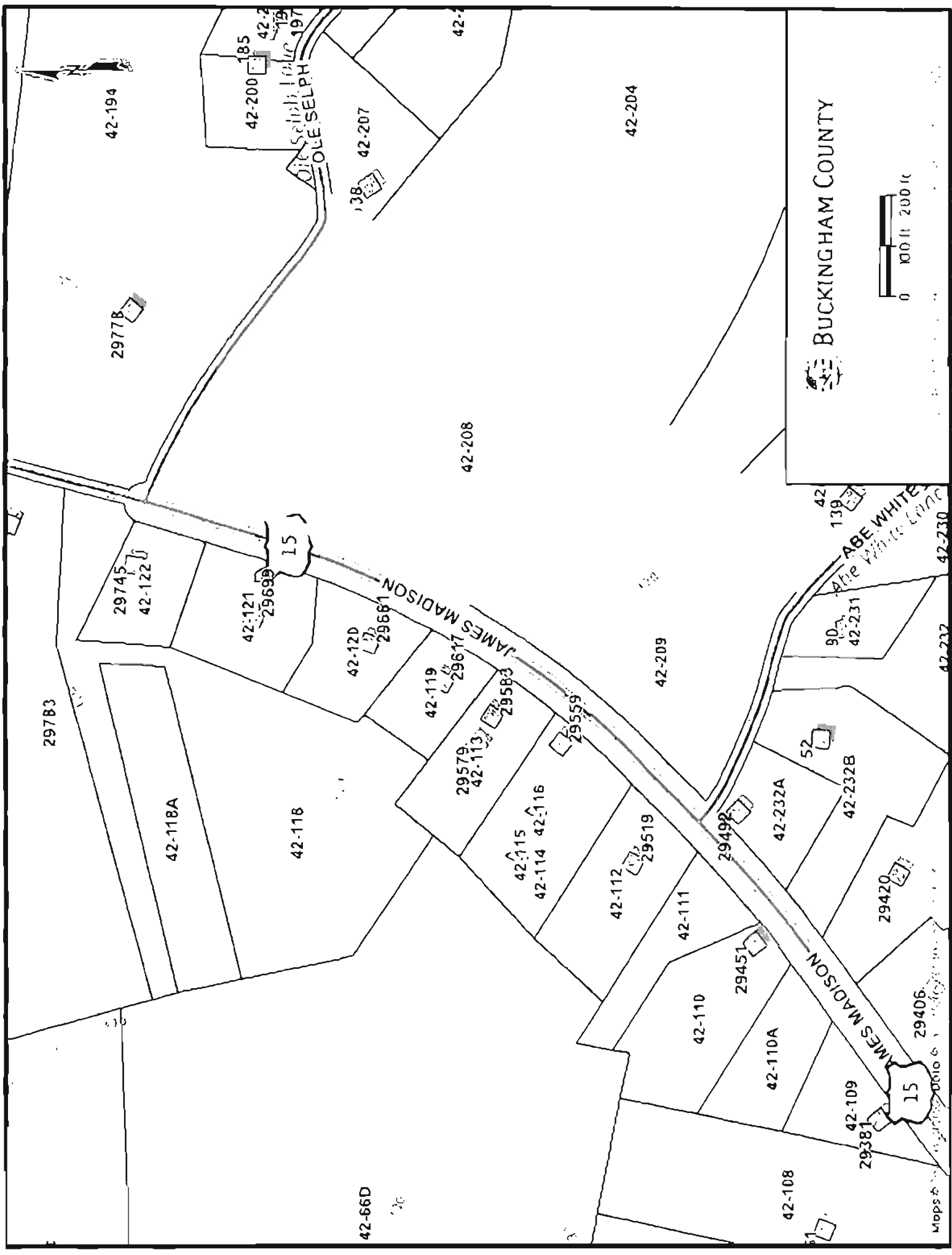
4200208.dwg .

LUM'S LAND SURVEYS, INC.

P.O. BOX 154, PALMYRA, VA. 22963-0154

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BUCKINGHAM COUNTY



42-194

29778

42-200

42-201
185
42-202
197
Old Selph Lane

42-207

42-208

42-204

29783

29745

42-122

42-121

29699

42-120

29661

42-119

29617

29579

42-113

29583

29559

42-209

42-118A

42-118

42-119

29617

29579

42-113

29583

29559

42-115

42-114

42-116

42-112

29519

42-111

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42-108

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42-232B

29420

29406

42-109

29381

42-230

139

90

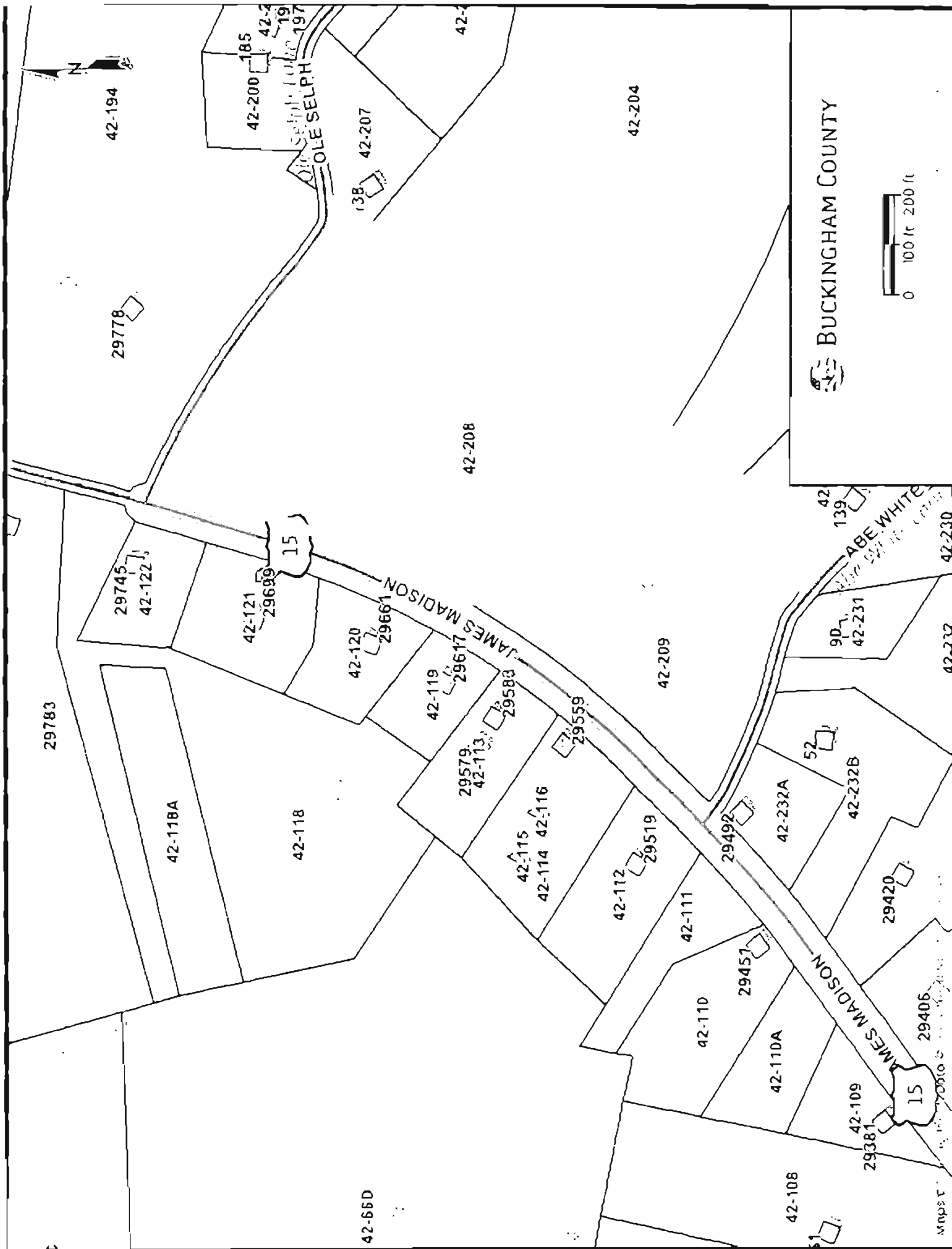
42-231

42-232

42-233

ABE WHITE
Abe White Lane

Map



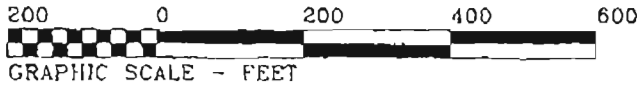
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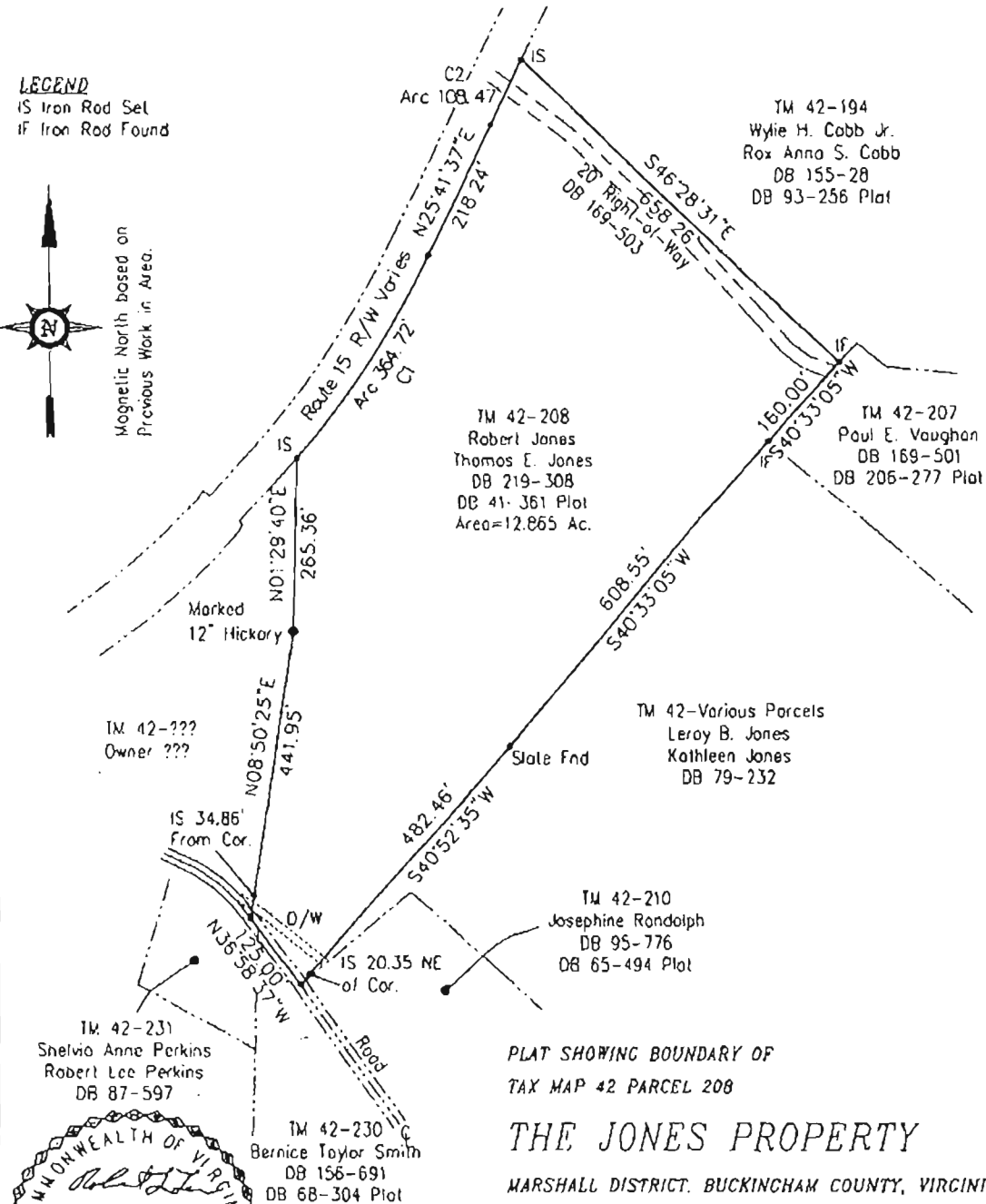
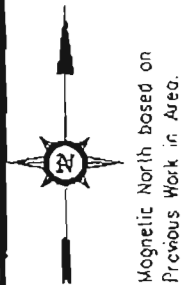
Robert L. Lum
Approved for Recordation Date 9-11-03

CURVE	RADIUS	TANGENT	LENGTH	DELTA	CHORD	CH. BEARING
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LEGEND

IS Iron Rod Set
IF Iron Rod Found



PLAT SHOWING BOUNDARY OF
TAX MAP 42 PARCEL 208

THE JONES PROPERTY

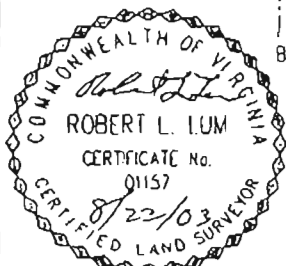
MARSHALL DISTRICT, BUCKINGHAM COUNTY, VIRGINIA

SCALE: 1" = 200' DATE: AUGUST 22, 2003

4200208.dwg

LUM'S LAND SURVEYS, INC.

P.O. BOX 154, PALMYRA, VA. 22963-0154



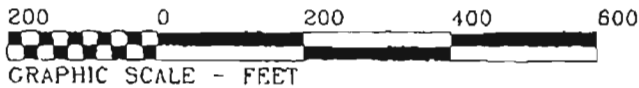
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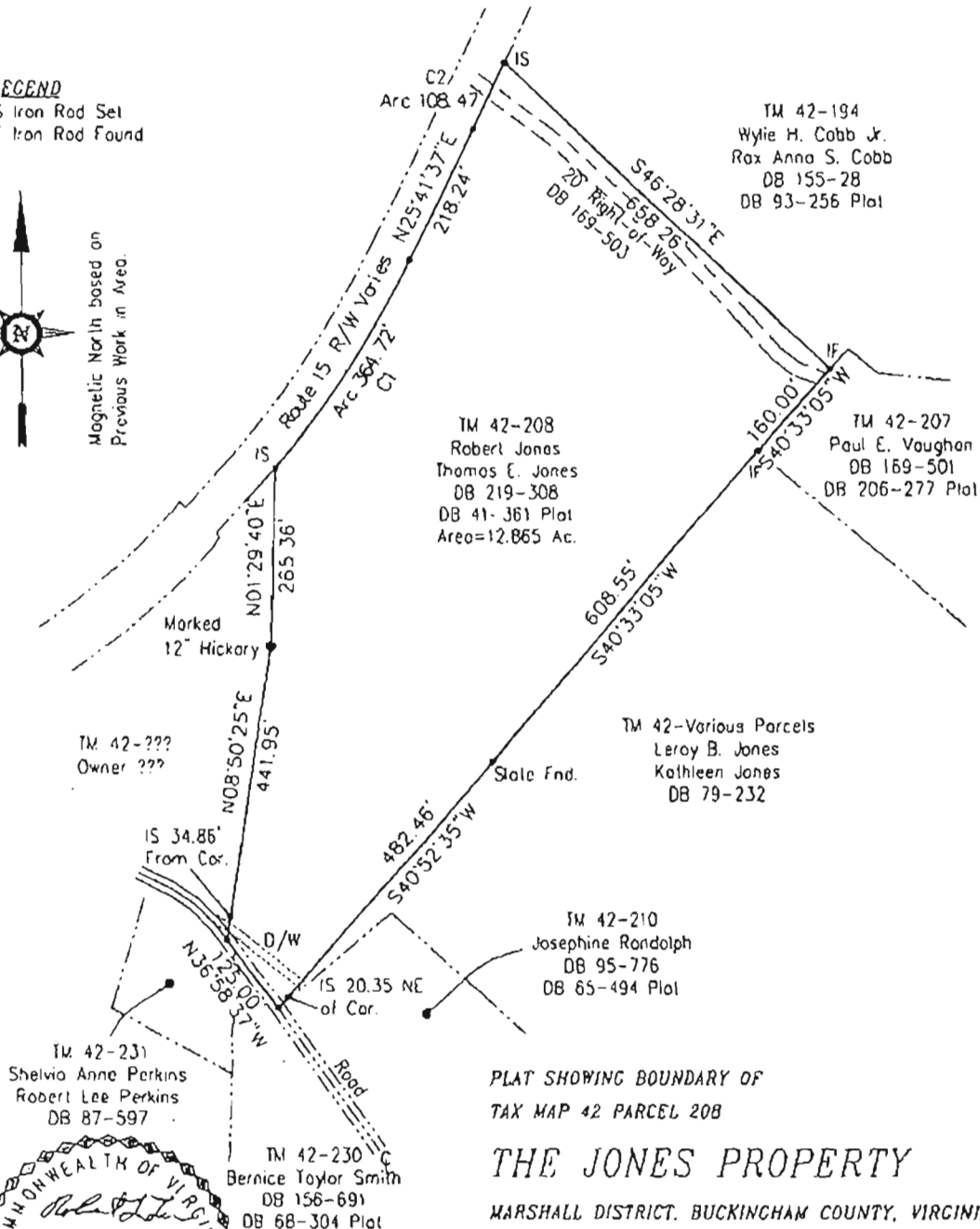
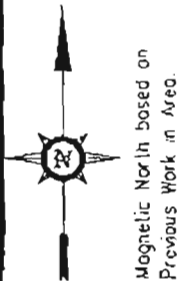
Robert L. Lum
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LEGEND

IS Iron Rod Set
 IF Iron Rod Found



TM 42-231
 Shelia Anne Perkins
 Robert Lee Perkins
 DB 87-597



TM 42-230
 Bernice Taylor Smith
 DB 156-691
 DB 68-304 Plat

PLAT SHOWING BOUNDARY OF
 TAX MAP 42 PARCEL 208

THE JONES PROPERTY

MARSHALL DISTRICT, BUCKINGHAM COUNTY, VIRGINIA

SCALE: 1" = 200' DATE: AUGUST 22, 2003

4200208.dwg

LUM'S LAND SURVEYS, INC.

P.O. BOX 154, PALMYRA, VA. 22963-0154

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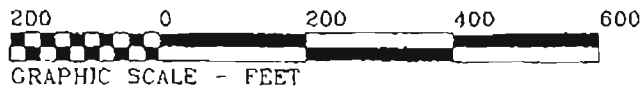
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If Iron Rod Found



Magnelic North based on
Previous Work in Area.

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Wylie H. Cobb Jr.
Rox Anna S. Cobb
DB 155-28
DB 93-256 Plot

TM 42-208
Robert Jones
Thomas E. Jones
DB 219-308
DB 41-361 Plot
Area=12.865 Ac.

TM 42-207
Paul E. Vaughan
DB 169-501
DB 206-277 Plat

TM 42-Vorious Parcels
Leroy B. Jones
Kathleen Jones
DB 79-232

TM 42-???

14. 42-231
 Shelia Anne Perkins
 Robert Lee Perkins
 DB 87-597

TM 42-230
Bernice Taylor Smith
DB 156-691
DB 68-304 Plot

TU 42-210
Josephine Randolph
DB 95-776
DB 65-494 Plot

PLAT SHOWING BOUNDARY OF
TAX MAP 42 PARCEL 208

THE JONES PROPERTY

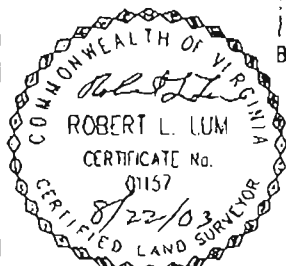
MARSHALL DISTRICT, BUCKINGHAM COUNTY, VIRGINIA

SCALE: 1" = 200' DATE: AUGUST 22, 2003

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LUM'S LAND SURVEYS, INC.

P.O. BOX 154, PALMYRA, VA. 22963-0154



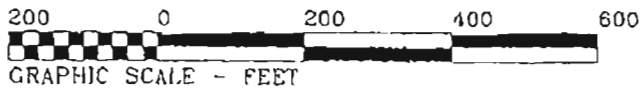
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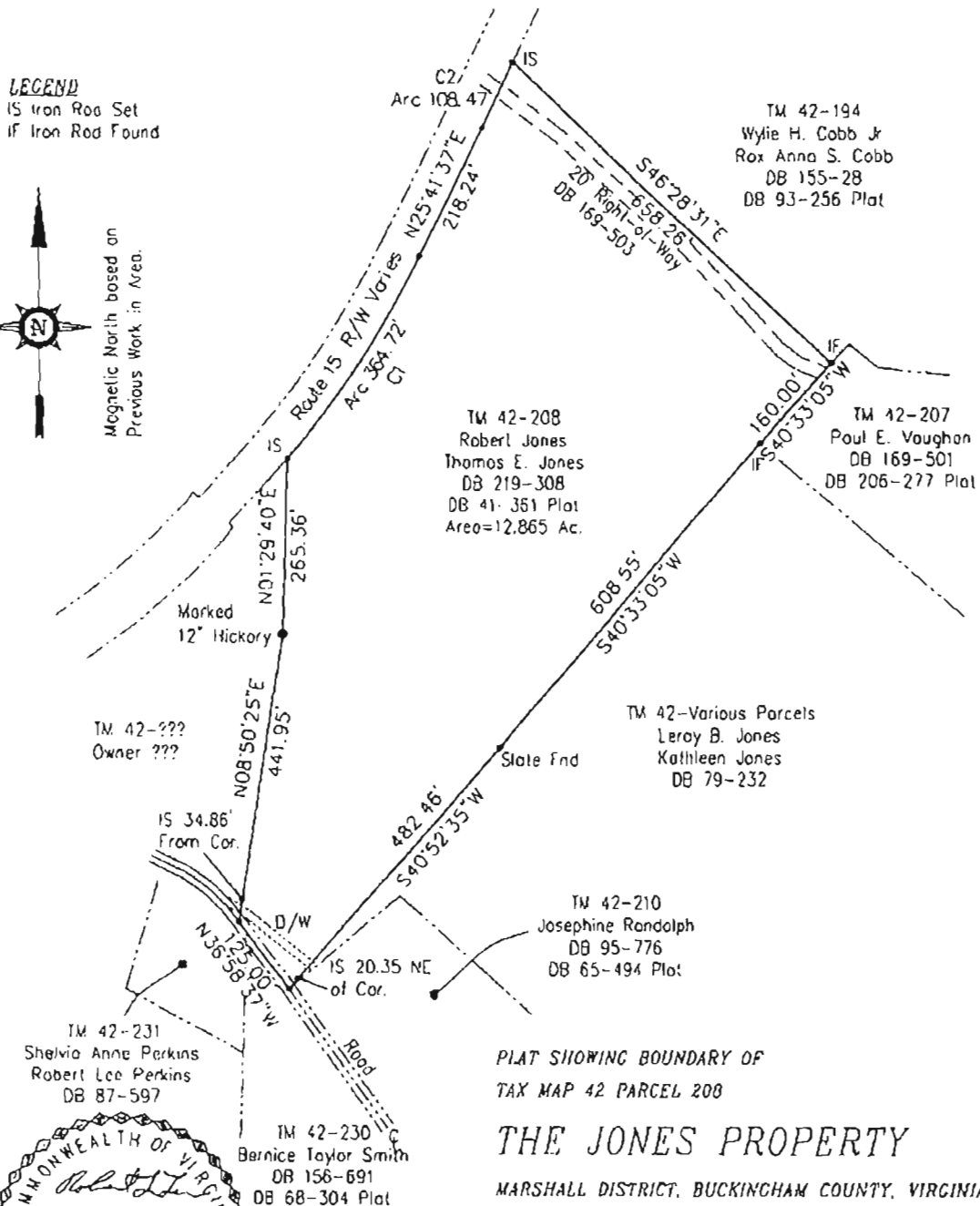
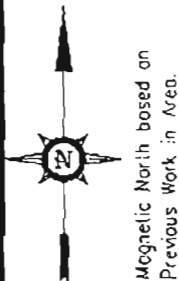
Robert L. Lum 9-11-03
Approved for Recordation Date

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LEGEND

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IF Iron Rod Found



PLAT SHOWING BOUNDARY OF
TAX MAP 42 PARCEL 208

THE JONES PROPERTY

MARSHALL DISTRICT, BUCKINGHAM COUNTY, VIRGINIA

SCALE: 1" = 200' DATE: AUGUST 22, 2003

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LUM'S LAND SURVEYS, INC.

P.O. BOX 154, PALMYRA, VA. 22963-0154



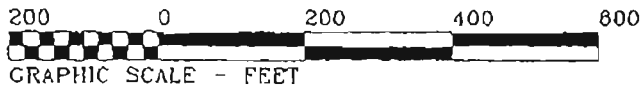
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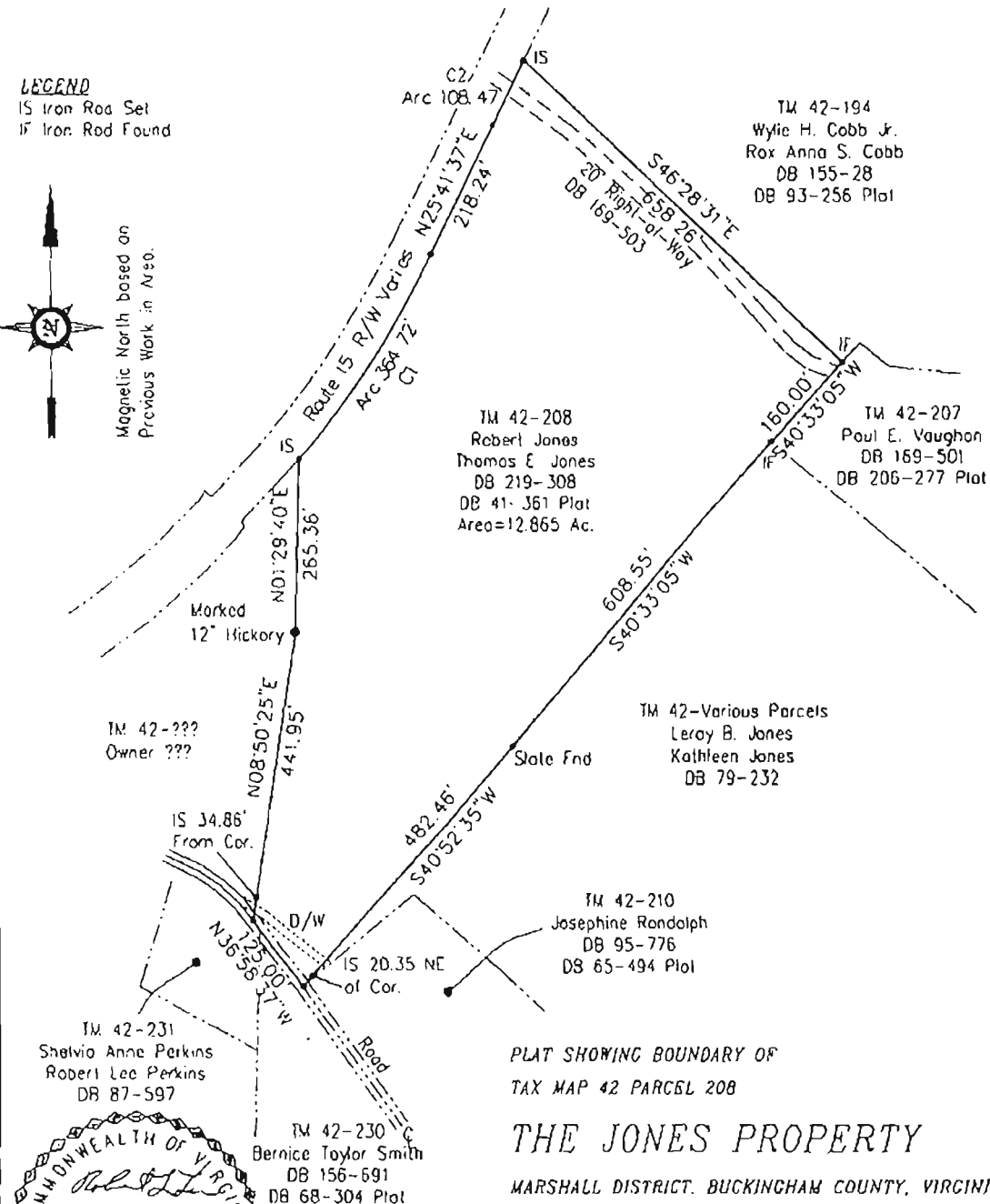
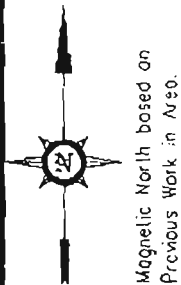
Robert L. Lum
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LEGEND

IS Iron Rod Set
 IF Iron Rod Found



PLAT SHOWING BOUNDARY OF
 TAX MAP 42 PARCEL 208

THE JONES PROPERTY

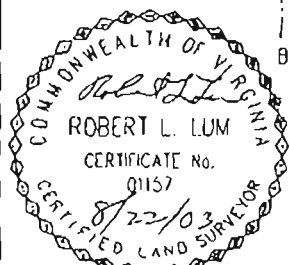
MARSHALL DISTRICT, BUCKINGHAM COUNTY, VIRGINIA

SCALE: 1" = 200' DATE: AUGUST 22, 2003

4200208.dwg

LUM'S LAND SURVEYS, INC.

P.O. BOX 154, PALMYRA, VA. 22963-0154



NOTES:

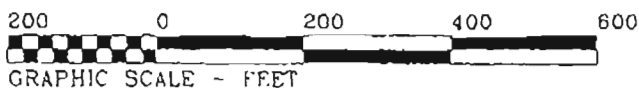
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Date _____

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C1	1462.39'	183.31'	364.72'	14°17'22"	363.77'	N32°50'18"E
C2	11489.16'	54.23'	108.47'	0°32'27"	108.46'	N25°25'24"E

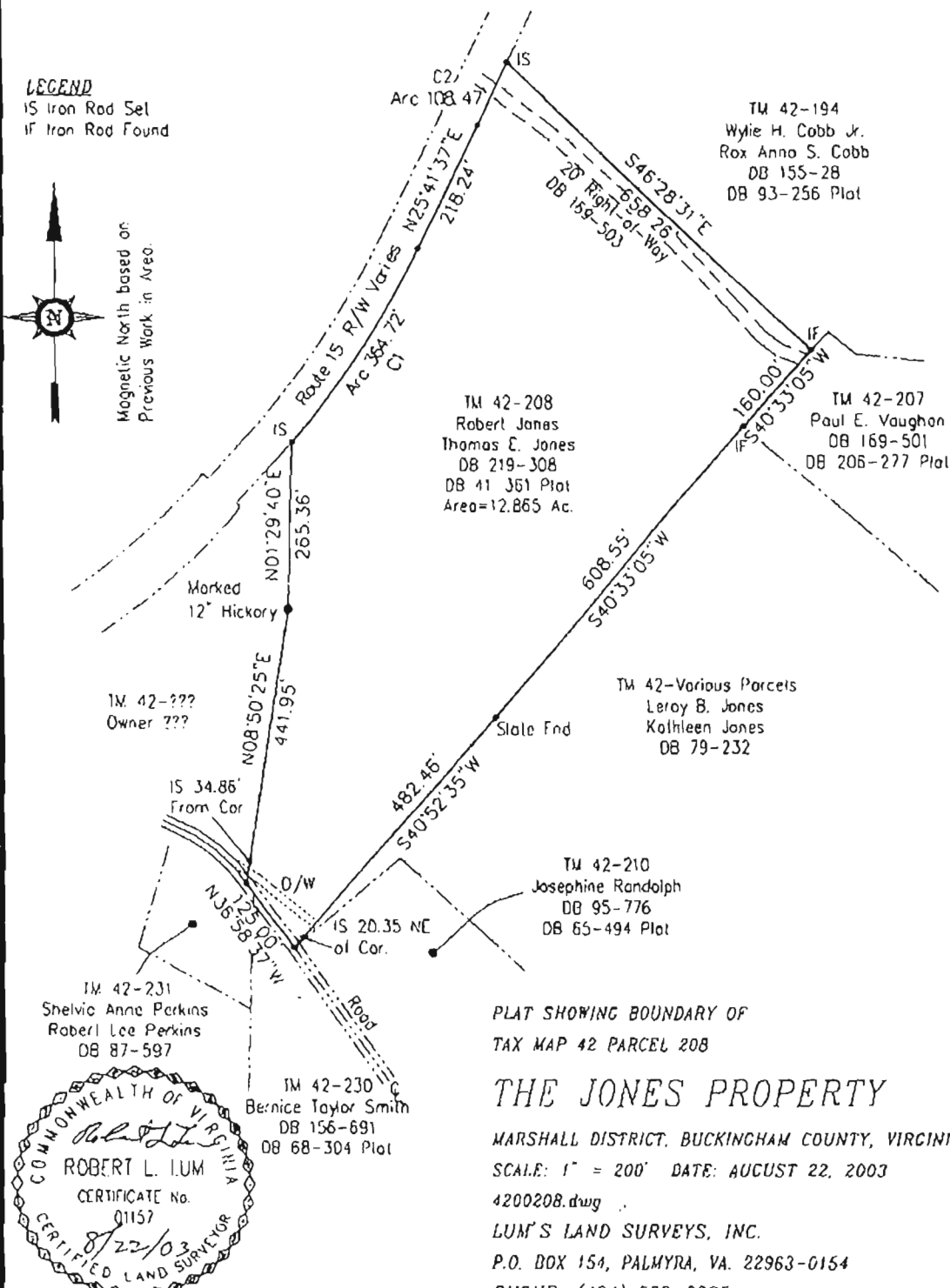


LEGEND

IS Iron Rod Set
IF Iron Rod Found



Magnetic North based on:
Previous Work in Area.



PLAT SHOWING BOUNDARY OF
TAX MAP 42 PARCEL 208

THE JONES PROPERTY

MARSHALL DISTRICT, BUCKINGHAM COUNTY, VIRGINIA

SCALE: 1" = 200' DATE: AUGUST 22, 2003

4200208.dwg

LUM'S LAND SURVEYS, INC.

P.O. BOX 154, PALMYRA, VA. 22963-0154

מחבר: ד"ר יצחק שניידר

NOTES

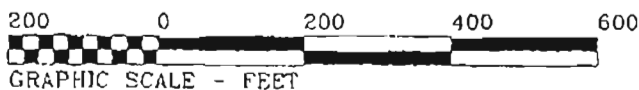
The boundary survey shown is based on a current field survey

This Plat has been prepared without benefit of a title report and does not therefore necessarily indicate all encumbrances on the property.

Approved for Recordation

Date _____

CURVE	RADIUS	TANGENT	LENGTH	DELTA	CHORD	CH BEARING
C1	1462.39'	183.31'	364.72'	14°17'22"	363.77'	N32°50'18"E
C2	11489.16'	54.23'	108.47'	0°32'27"	108.46'	N25°25'24"E

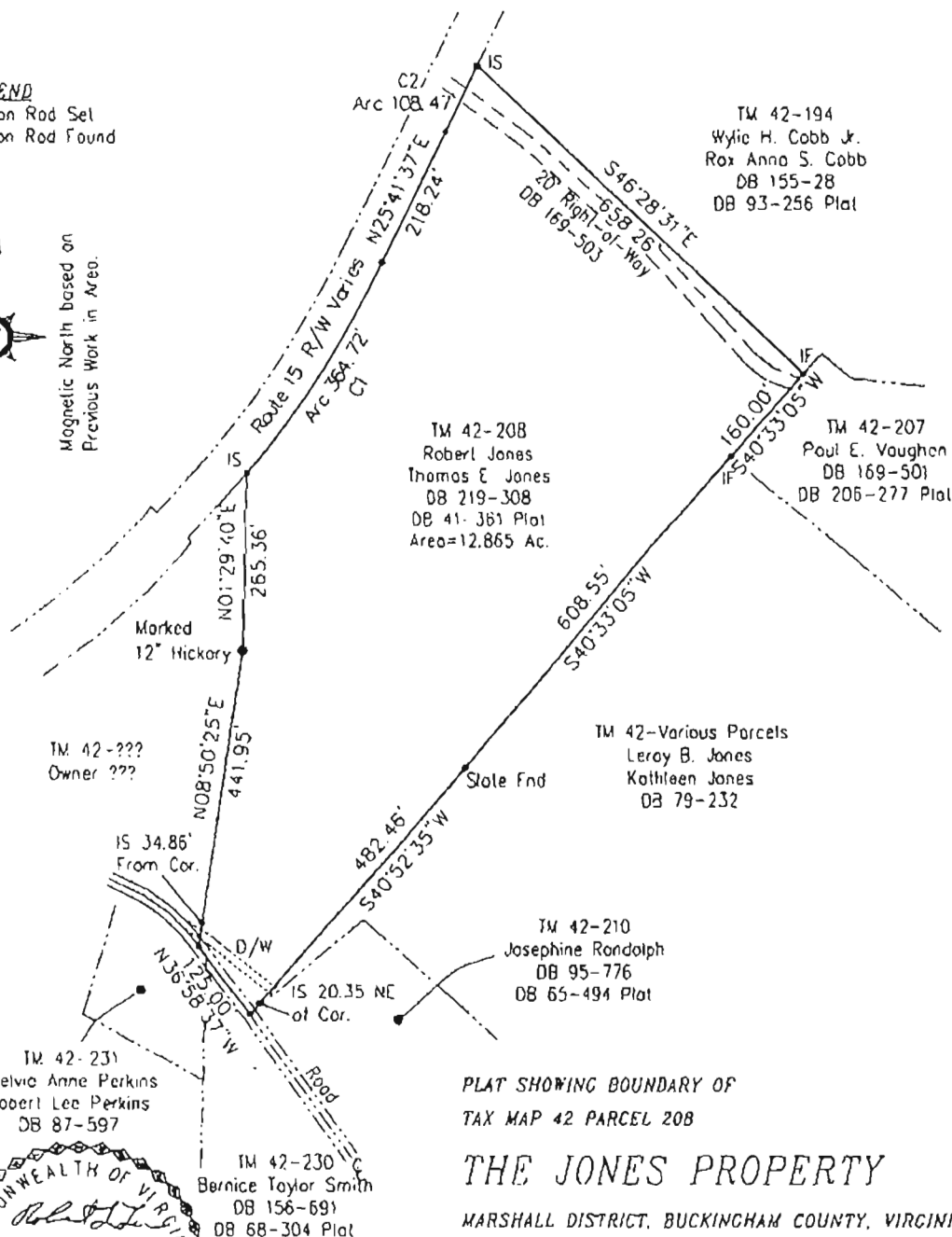


LEGEND

IS Iron Rod Set
If Iron Rod Found



Magnetic North based on
Previous Work in Area.



PLAT SHOWING BOUNDARY OF
TAX MAP 42 PARCEL 208

THE JONES PROPERTY

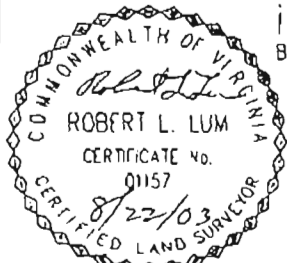
MARSHALL DISTRICT, BUCKINGHAM COUNTY, VIRGINIA

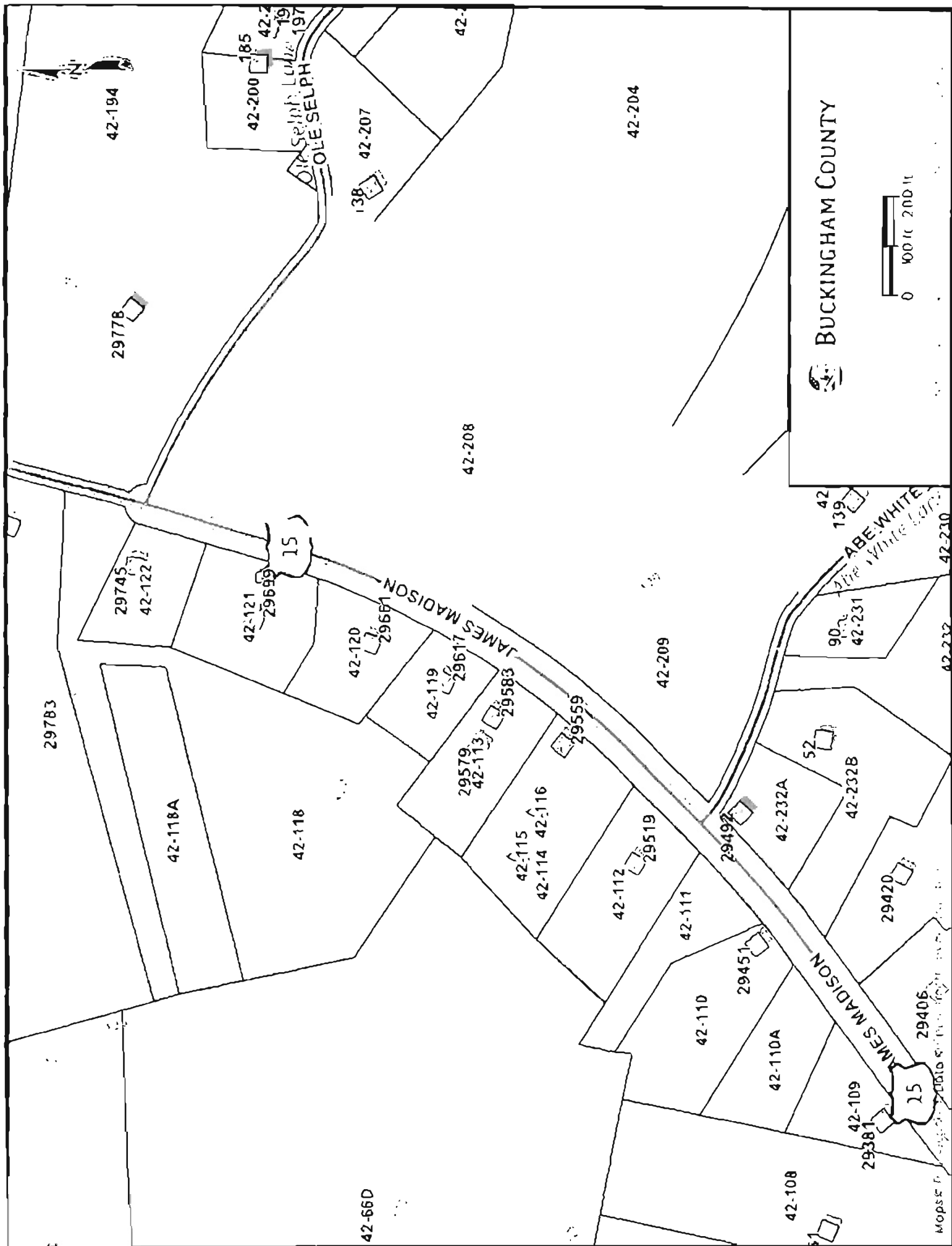
SCALE: 1" = 200' DATE: AUGUST 22, 2003

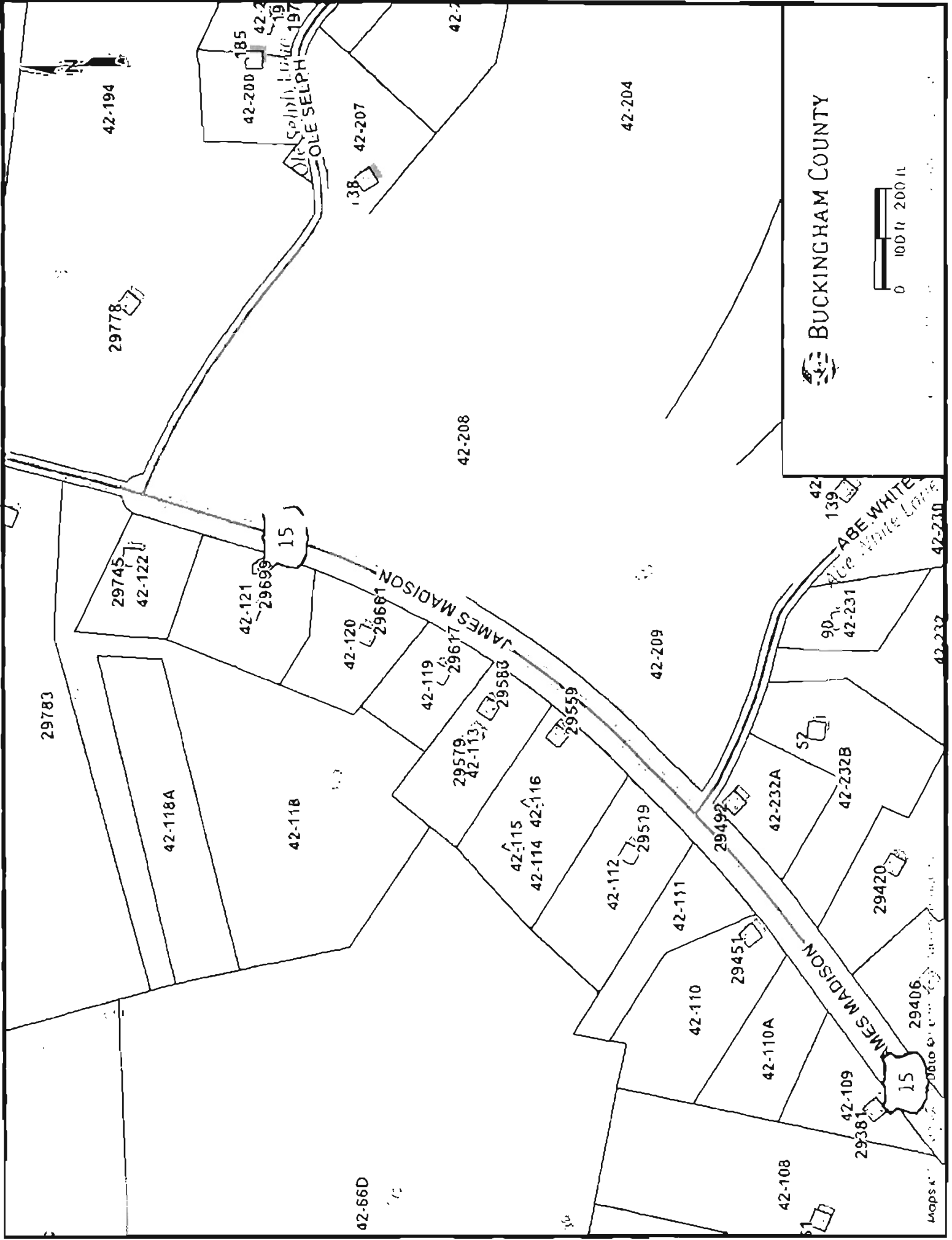
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LUM'S LAND SURVEYS, INC.

P.O. BOX 154, PALMYRA, VA. 22963-0154







BUCKINGHAM COUNTY



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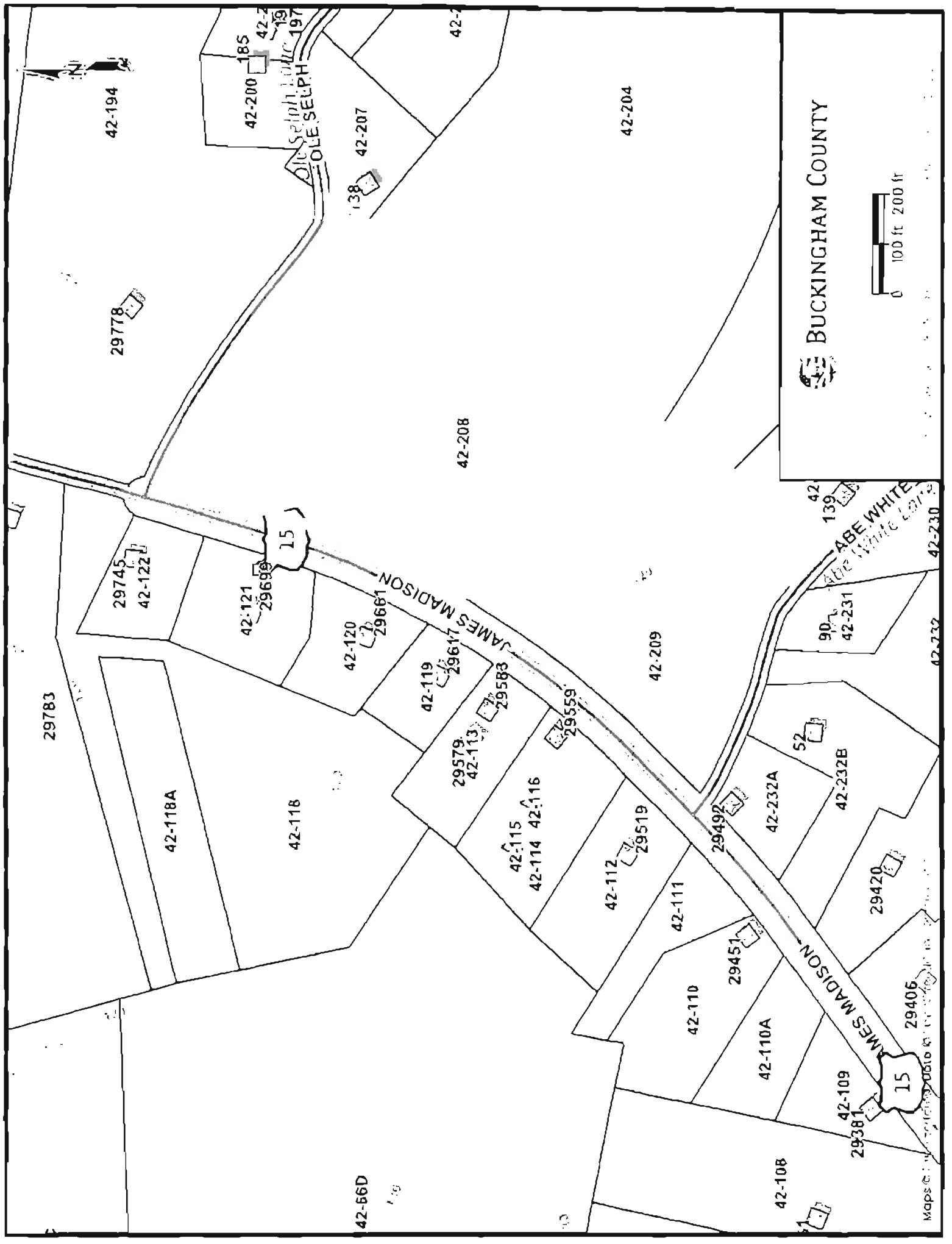
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BUCKINGHAM COUNTY



ABE WHITE
ABE WHITE LANE

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JAMES MADISON

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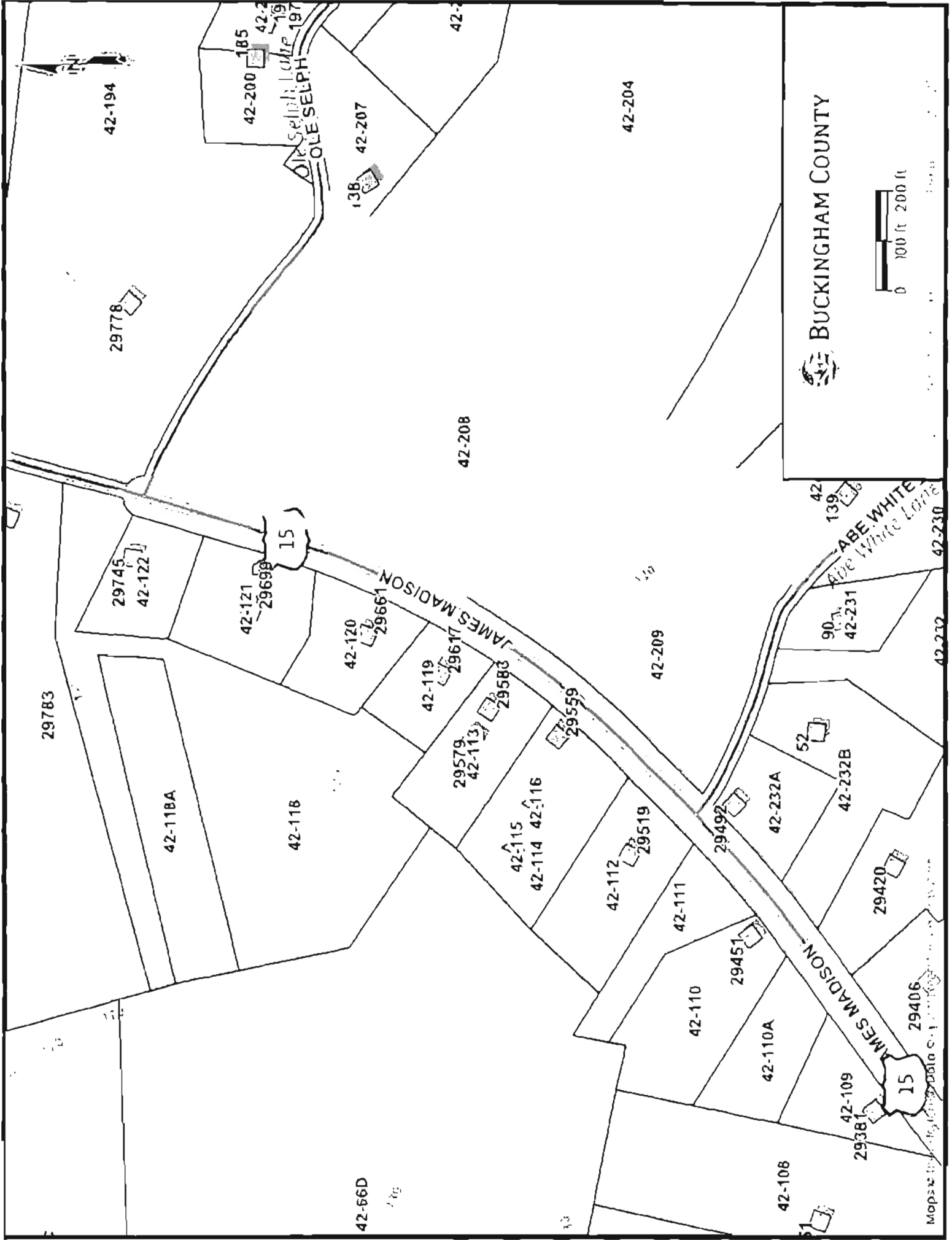
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Maps of Virginia



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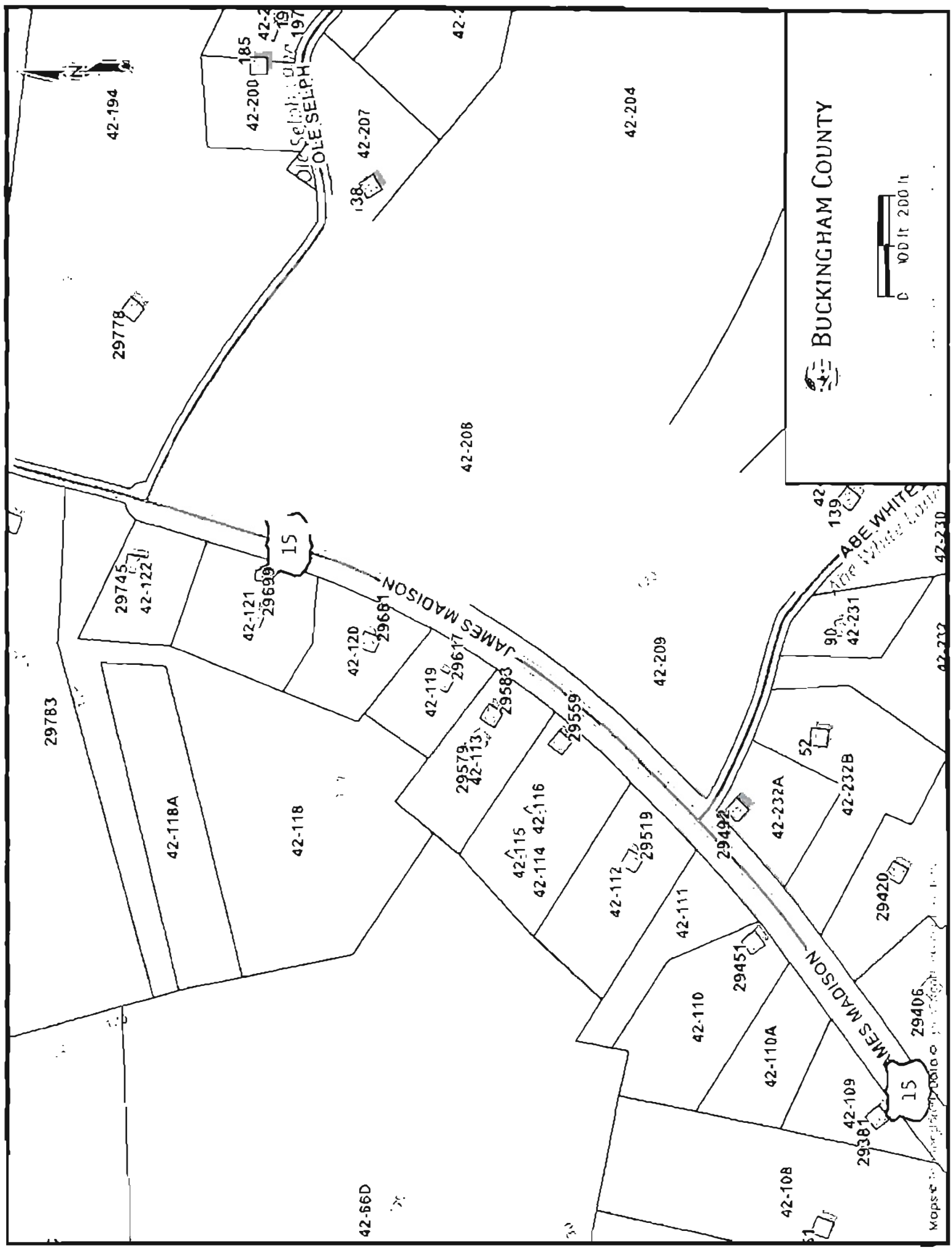
ABE WHITE Lake

JAMES MADISON

JAMES MADISON

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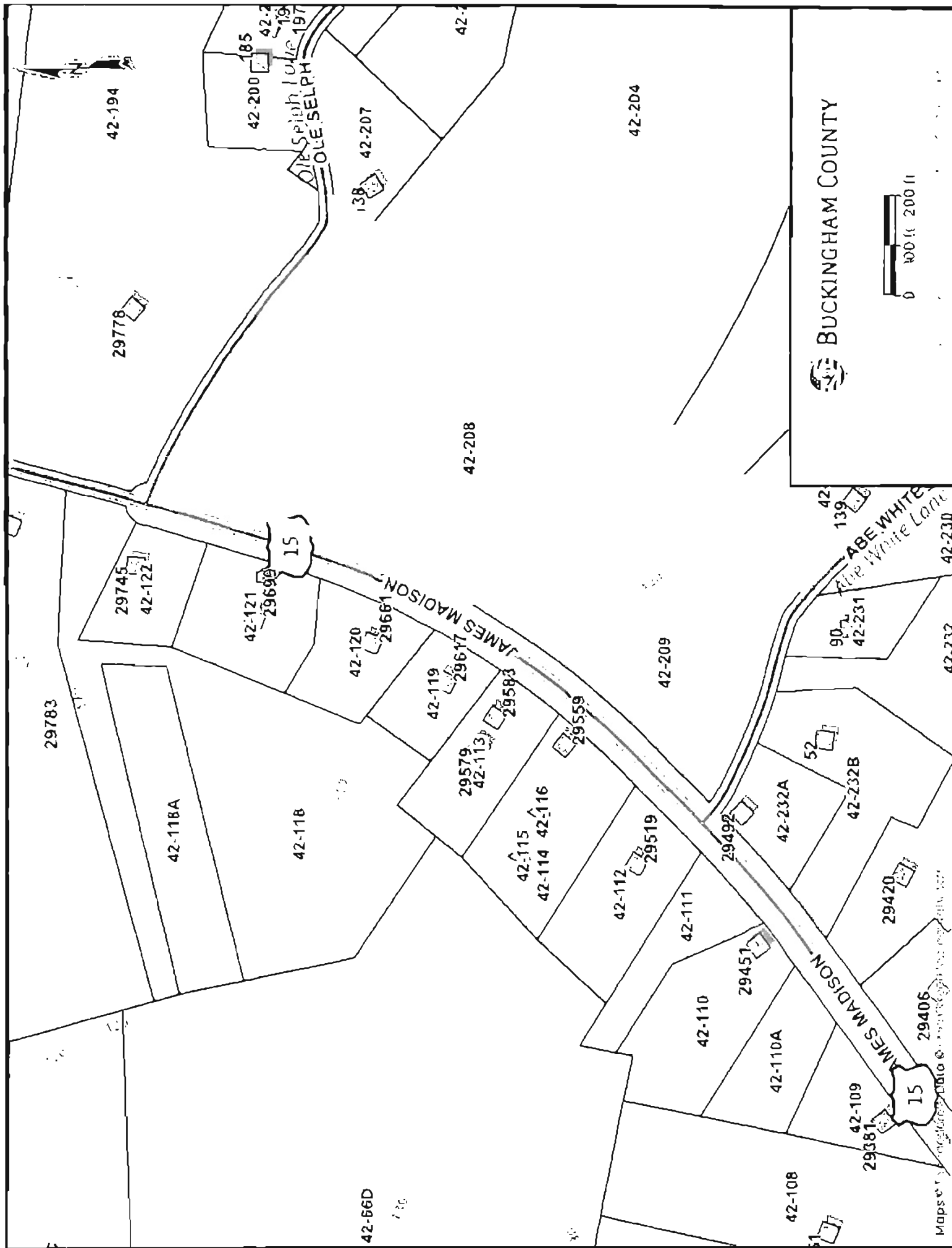
BUCKINGHAM COUNTY

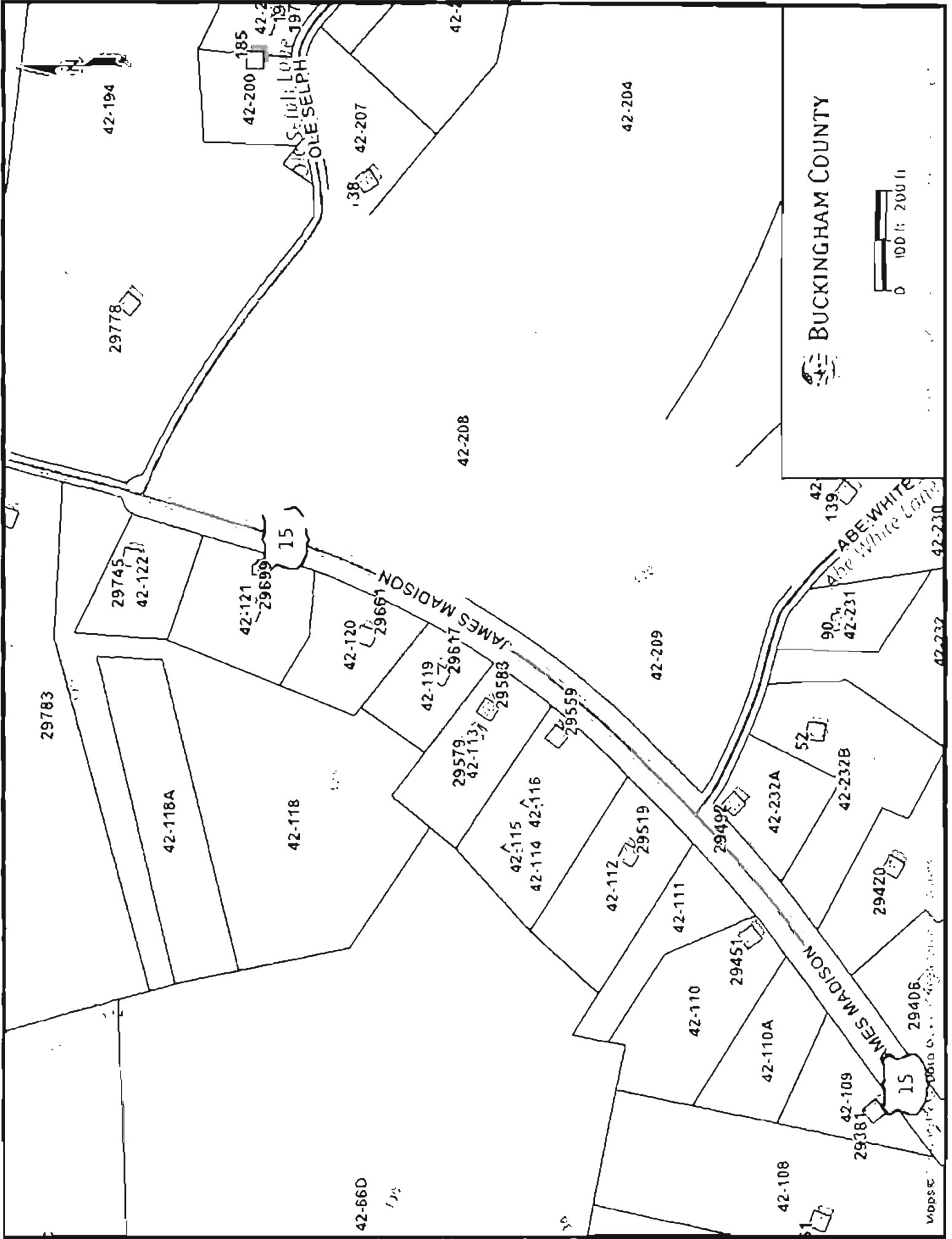


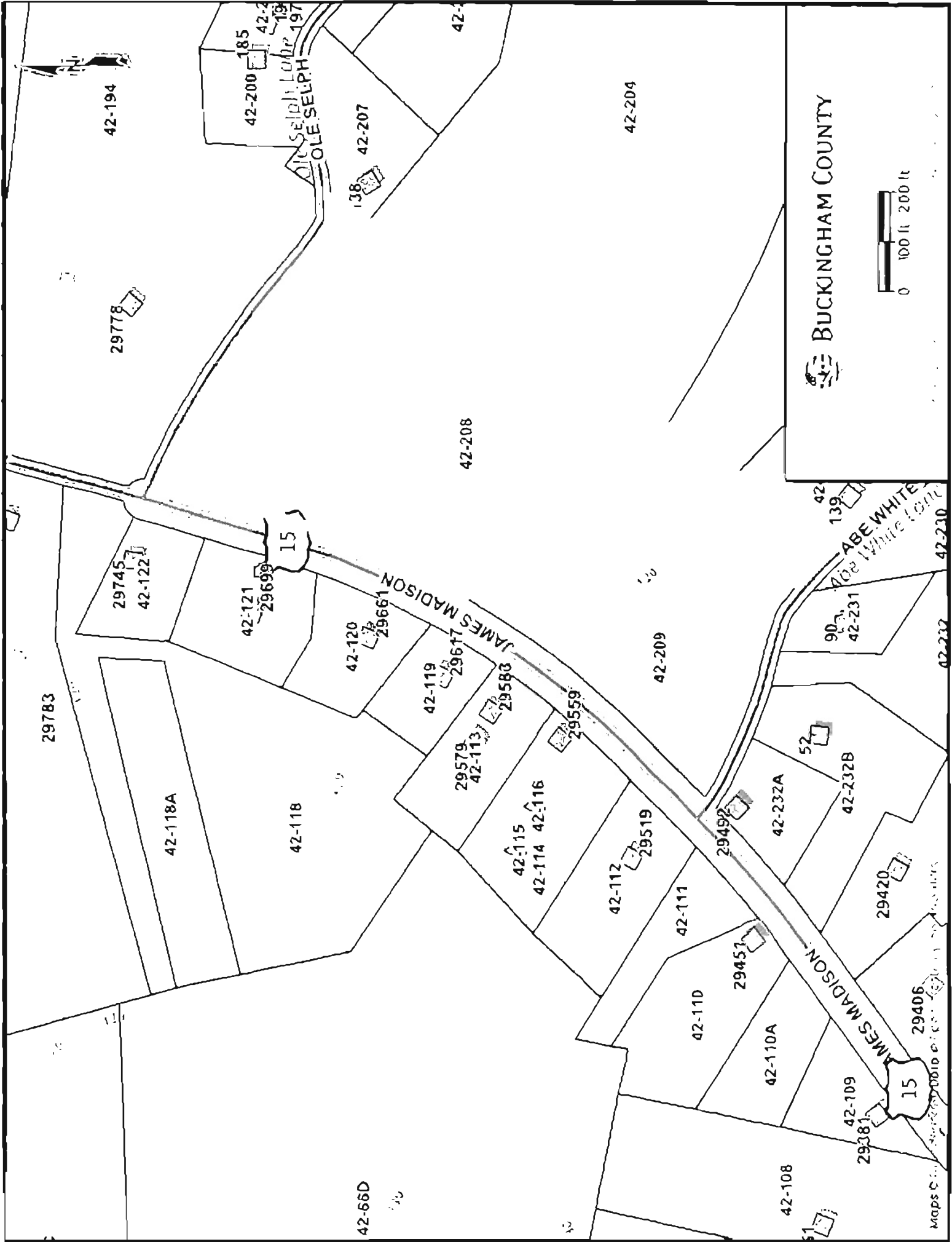
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JAMES MADISON

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BUCKINGHAM COUNTY



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JAMES MADISON

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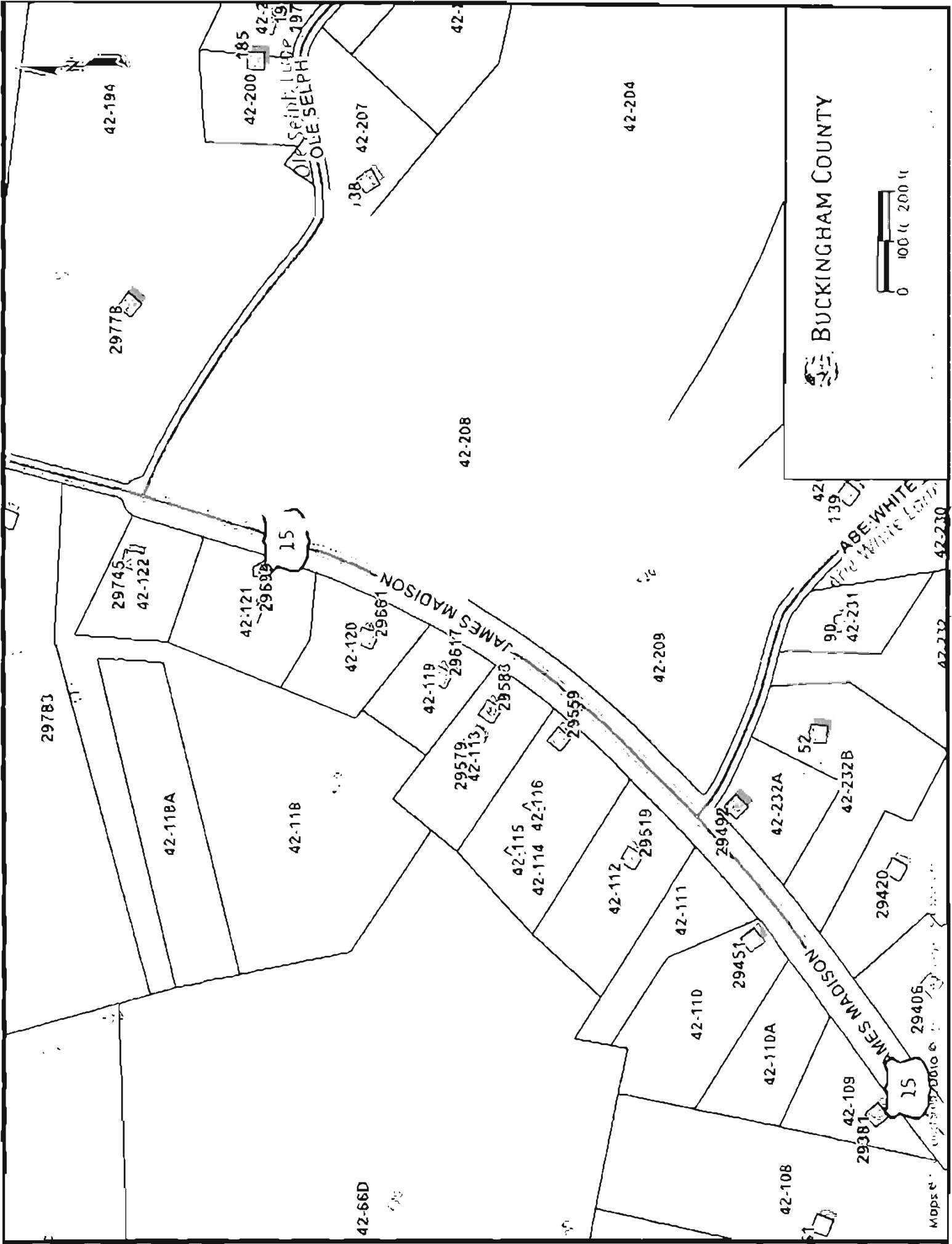
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MAPS OF VIRGINIA



BUCKINGHAM COUNTY

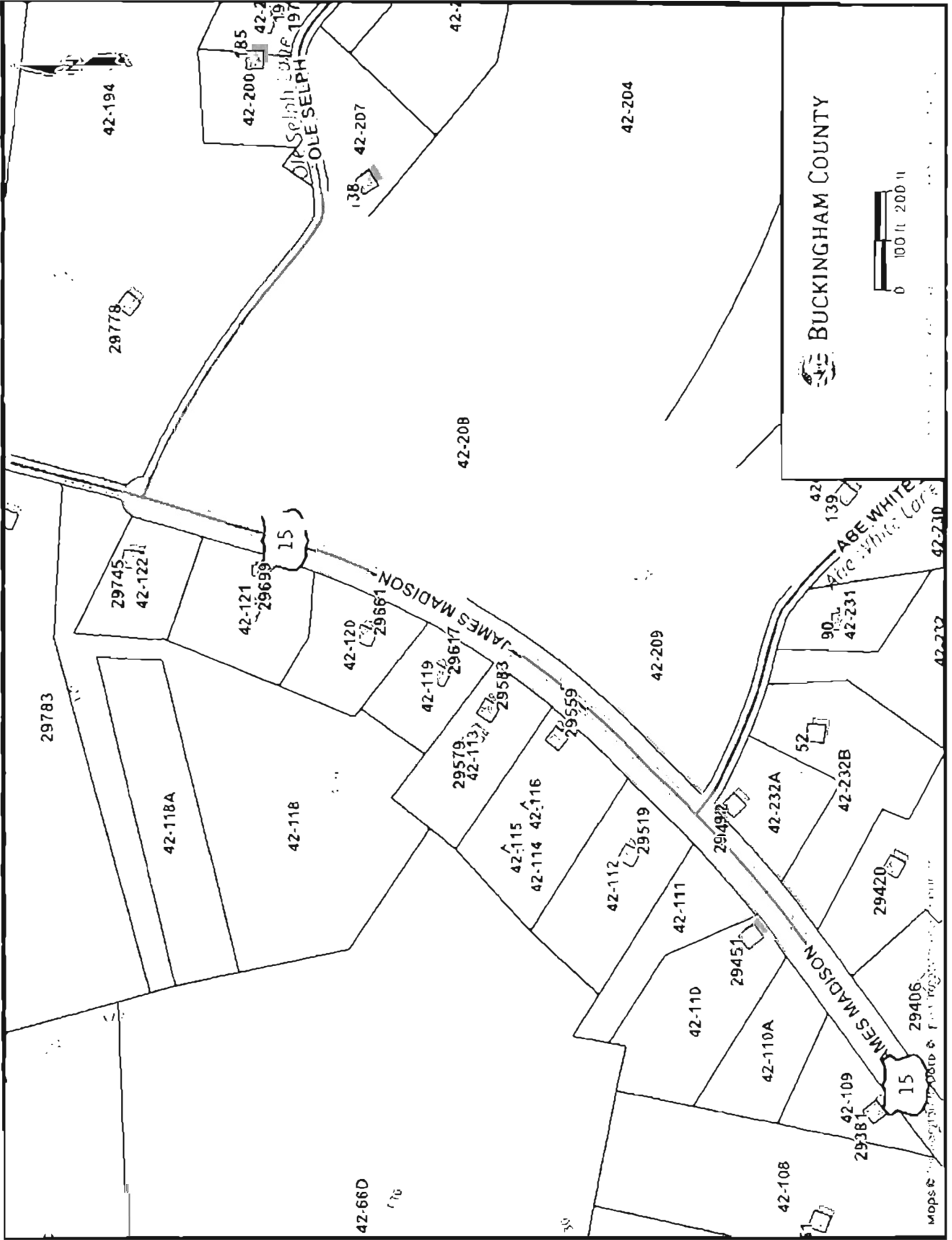


ABE WHITE
The White Estate

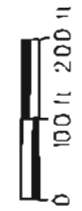
JAMES MADISON

JAMES MADISON

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BUCKINGHAM COUNTY



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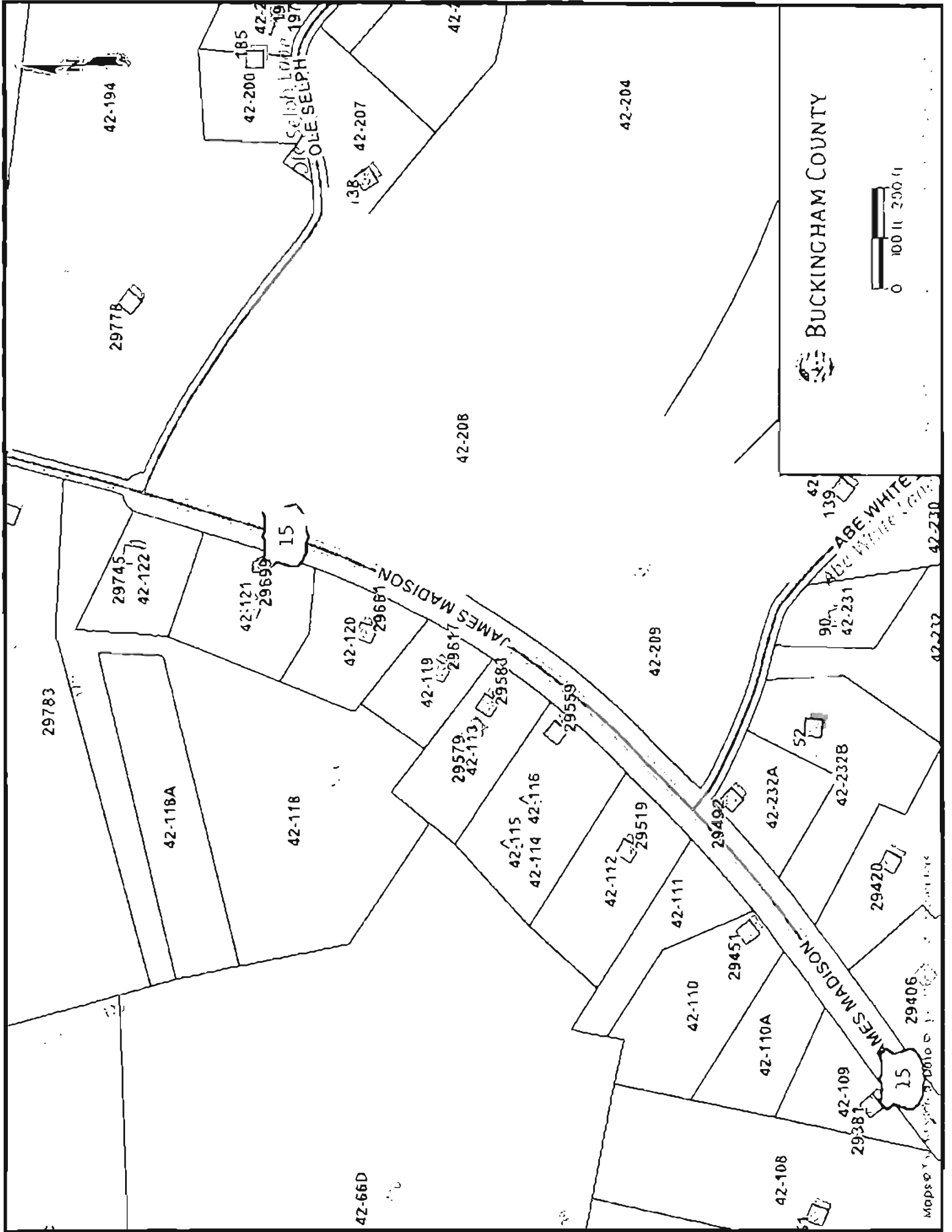
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- Background/Zoning Information:** The property is located at 2870 Rock Mill Road Dillwyn VA 23936, Curdsville Magisterial District. The landowners and applicants are Lawrence and Barbara Hollister. This property is zoned Agriculture (A-1). The Zoning Ordinance does not permit an AirBnB Bed and Breakfast as Permitted by Right Use in an Agricultural A1 Zoning District. The Zoning Ordinance requires that an AirBnB Bed and Breakfast and/or Campground/Campsite and Event Center obtain a Special Use Permit. The submitted application and narrative are attached.

5. That the applicant pursues a commercial solid waste container and follow the County Solid Waste Ordinance.

6. That all documentation submitted by the applicant in support of this special use permit request becomes a part of the conditions except that any such documentation that may be inconsistent with these enumerated conditions shall be superseded by these conditions.

7. Nothing in this approval shall be deemed to obligate the County to acquire any interest in property, to construct, maintain or operate any facility or to grant any permits or approvals except as may be directly related hereto.

8. The County Zoning Administrator and one other County staff member, as appointed by the County Administrator, shall be allowed to enter the property, with proper notice, if a complaint is registered against the property for noncompliance with this permit. Any complaints not solely related to this permit will be given to the appropriate department or agency.

9. In the event that any one or more of the conditions is declared void for any reason whatever, such decision shall not affect the remaining portion of the permit, which shall remain in full force and effect, and for this purpose, the provisions of this are hereby declared to be severable

10. That any infraction of the above mentioned conditions could lead to a stop order and discontinuation of the special use permit, if it be the wishes of the Board of Supervisors.

11. That the applicant(s) and landowner(s) understands the conditions and agrees to the conditions.

Would the Planning Commission find it favorable to hold a Public Hearing?

December 27, 2022? 7pm?

SPECIAL USE PERMIT APPLICATION CHECKLIST
BUCKINGHAM COUNTY OFFICE OF ZONING AND PLANNING MINIMUM SUBMISSION
REQUIREMENTS

The following table lists the information necessary to review a special use application. All items are required, unless otherwise stated, and must be submitted in order for the application to be accepted for review. This completed checklist must be submitted with the application.

Adjacent Property Owners List and Affidavit (pages 4, 5 & 6 attached). This list can be obtained from the Clerk of Courts Office: ☒ YES ☐ NO

Completed application for special use permit (page 3 attached). If not signed by the owner, a Power of Attorney must accompany the application: YES ☒ NO

Interest Disclosure Affidavit (page 7 attached). Must be signed by the owner: ☒ YES ☐ NO

Power of Attorney (page 10 attached). Required if anyone other than the owner is signing the application form or proffer statement on behalf of the owner: YES ☒ NO

Written Narrative (page 11 guidance in preparing the Written Narrative): ☒ YES ☐ NO

Fees: ☒ YES ☐ NO

Deed: ☒ YES ☐ NO

Plat (15 copies). The plat information may be incorporated into the Special Use Permit General Site Plan, in which case, copies of a separate plat are not required. The plat must be prepared by a certified land surveyor or licensed civil engineer and contain the following:

- A. Bearings and distances of a scale of 1" = 100' or less for all property lines and existing and proposed zoning lines: YES ☐ NO ☐
- B. Area of land proposed for consideration, in square feet or acres: YES ☐ NO ☐
- C. Scale and north point: YES ☐ NO ☐
- D. Names of boundary roads or streets and widths of existing right-of-ways: YES ☐ NO ☐

Tax Map (15 copies). Identify property that special use is being considered for and identify by name all adjacent landowners.

APPLICATION FOR A SPECIAL USE PERMIT

CASE NUMBER: _____
(Case Number Assigned by Zoning Administrator)

DATE OF APPLICATION: _____

Special Use Permit Request: Operating short term rentals.

Purpose of Special Use Permit: Short term rentals.

Zoning District: A1 Number of Acres: 472.5

Tax Map Section: 161 Parcel: 20 Lot: N/A Subdivision: N/A Magisterial Dist.: Curdsville

Street Address: 2870 Rock Hill Road, Dillwyn, VA 23936
Directions from the County Administration Building to the Proposed Site: _____

Name of Applicant: Lawrence P. & Barbara D. Hollister
Mailing Address: _____

4800 Moseley Road, Moseley, VA. 23120

Daytime Phone: 804-739-3760 Cell Phone: 804-357-7657 - Lawrence
804-339-0298 - Barbara
Email: lhollister44@gmail.com Fax: N/A
budhollister@gmail.com

Name of Property Owner: Lawrence P. & Barbara D. Hollister
Mailing Address: _____

4800 Moseley Road, Moseley, VA. 23120

Daytime Phone: 804-739-3760 Cell Phone: 804-357-7657 - Lawrence
804-339-0298 - Barbara
Email: lhollister@gmail.com Fax: N/A
budhollister@gmail.com

Signature of Owner: Barbara D. Hollister Date: 11-1-2022

Signature of Applicant: Barbara D. Hollister Date: 11-1-2022

Please indicate to whom correspondence should be sent:

☒ Owner of Property ☐ Contractor Purchaser / Lessee ☐ Authorized Agent ☐ Engineer
☐ Applicant

ADJACENT PROPERTY OWNER'S LIST

(Required)

The applicant shall provide a list of all adjoining landowners, including subject property and all property immediately across the street/road from the subject property. Any body of water does not constitute a boundary line for this purpose, therefore a body of water and the property adjoining the subject property but separated by a body of water is still considered an adjoining landowner. County boundary lines and those adjoining property owners in the next County are considered adjoining property owners if the land adjoins the subject's property. Adjoining landowners can be verified through the Buckingham County Clerk of Courts or the Clerk's Office in the adjoining County, or by personal contact. The list shall include the name, address, town/city, zip code, road route number, tax map section number, parcel number, lot number, and subdivision. The list shall be typewritten or printed legibly. Failure to list all adjoining landowners could delay the process.

1. Name: Michael E. & Christy D. Palmore
Mailing Address: 3759 Rock Mill Road, Dillwyn, VA 23936
Physical Address: 3759 Rock Mill Road, Dillwyn, VA 23936
Tax Map Section: 161 Parcel: 2 Lot: N/A Subdivision: N/A
2. Name: John Bruce & Ellen Kay Dunivant
Mailing Address: P.O. Box 332, Dillwyn, VA 23936
Physical Address: 134 Mountain View Lane, Dillwyn, VA 23936
Tax Map Section: 161 Parcel: 3 Lot: N/A Subdivision: N/A
3. Name: Annie Mac Dunivant G Life Est G
Mailing Address: P.O. Box 716, Scottsville, VA 24590
Physical Address: 95 Mountain View Lane, Dillwyn, VA 23936
Tax Map Section: 161 Parcel: 4 Lot: N/A Subdivision: N/A
4. Name: Kyanite Mining Corporation
Mailing Address: 30 Willis Mountain Plant Lane, Dillwyn, VA 23936
Physical Address: _____
Tax Map Section: 161 Parcel: 10 Lot: A Subdivision: N/A
5. Name: Carroll & Nancy J. Chance Life Est.
Mailing Address: 518 Broken Bridge Road, Dillwyn, VA 23936
Physical Address: 518 Broken Bridge Road, Dillwyn, VA 23936
Tax Map Section: 161 Parcel: 13 Lot: A Subdivision: N/A

6. Name: Albert S. Jamerson, Jr.

Mailing Address: 3701 Rock Mill Road, Dillwyn, VA 23936

Physical Address: 3701 Rock Mill Road, Dillwyn, VA 23936

Tax Map Section: 161 Parcel: 3 Lot: 3A Subdivision: N/A

7. Name: Jim Brown % Anthony Mosley

Mailing Address: 3507 Rock Mill Road, Dillwyn, VA 23936

Physical Address: _____

Tax Map Section: 161 Parcel: 12 Lot: N/A Subdivision: N/A

8. Name: Blue Rock Resources LLC

Mailing Address: P.O. Box 256, Dillwyn, VA 23936

Physical Address: _____

Tax Map Section: 171 Parcel: 30 Lot: N/A Subdivision: N/A

9. Name: Linda W. Falls % Bruce & Linda Falls

Mailing Address: 44 Rocky Mountain Rd., Dillwyn, VA 23936

Physical Address: _____

Tax Map Section: 161 Parcel: 24 Lot: N/A Subdivision: N/A

10. Name: Lorie Bruce & Delma C. Taylor

Mailing Address: 1707 Indian Valley Post Office Road, Indian Valley, VA 24105

Physical Address: _____

Tax Map Section: 161 Parcel: 1-11 Lot: N/A Subdivision: N/A

11. Name: Levi & Dorothy Moseley

Mailing Address: 3507 Rock Mill Road, Dillwyn, VA 23936

Physical Address: 3507 Rock Mill Road, Dillwyn, VA 23936

Tax Map Section: 161 Parcel: 19 Lot: A Subdivision: N/A

12 Name: Murray Lee Oliver

Mailing Address: 3544 Rock Mill Road

Physical Address: 3544 Rock Mill Road

Tax Map Section: 161 Parcel: 17 Lot: D Subdivision: N/A

13 Name: Ethel O. & Orie D. Carter

Mailing Address: 324 Fiske Drive, Detroit, MI. 48214

Physical Address: _____

Tax Map Section: 161 Parcel: 19 Lot: N/A Subdivision: N/A

14 Name: Vivan Emelrin WM & c/o Vivan Hays

Mailing Address: 6189 Rolling Forest Cir., Mechanicsville VA
23111

Physical Address: _____

Tax Map Section: 161 Parcel: 1 Lot: 2A Subdivision: N/A

15 Name: John Preston Smith, Jr.

Mailing Address: 1015 Parkins Mill Drive, Greenville, S.C. 29607

Physical Address: _____

Tax Map Section: 150 Parcel: 62 Lot: N/A Subdivision: N/A

16 Name: Betty Dunivant Zumbro Tr.

Mailing Address: 1060 Pembleton Rd., Dillwyn, VA 23936

Physical Address: 1060 Pembleton Rd., Dillwyn, VA 23936

Tax Map Section: 150 Parcel: 65 Lot: N/A Subdivision: N/A

17 Name: Betty Dunivant Zumbro Tr.

Mailing Address: 1060 Pembleton Rd., Dillwyn, VA 23936

Physical Address: 1060 Pembleton Rd., Dillwyn, VA 23936

Tax Map Section: 150 Parcel: 64 Lot: N/A Subdivision: N/A

18 Name: Betty D. Zumbro, Tr.

Mailing Address: 1060 Pembleton Road, Dillwyn, VA 23936

Physical Address: 1060 Pembleton Road, Dillwyn, VA 23936

Tax Map Section: 150 Parcel: 67 Lot: N/A Subdivision: N/A

19 Name: Faye Rollings-Carter

Mailing Address: 11224 Coleman Lake Rd., Ford, VA 23850

Physical Address: _____

Tax Map Section: 161 Parcel: 8 Lot: _____ Subdivision: N/A

20 Name: Wilson A. & Vivian B. Jones

Mailing Address: 3364 Maple Bridge Rd, Dillwyn, VA 23936

Physical Address: _____

Tax Map Section: 161 Parcel: 2-3 Lot: N/A Subdivision: N/A

9. Name: _____

Mailing Address: _____

Physical Address: _____

Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____

10. Name: _____

Mailing Address: _____

Physical Address: _____

Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____

11. Name: _____

Mailing Address: _____

Physical Address: _____

Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____

ADJACENT PROPERTY OWNERS AFFIDAVIT

STATE OF VIRGINIA
COUNTY OF BUCKINGHAM

This 1 day of November, year 2022

Lawrence P. & Barbara D. Hollister hereby make oath that
(printed name of owner/contract purchaser/authorized agent)

the list of adjoining landowners is a true and accurate list as submitted with my application.

Signed: (to be signed in front of notary public)

Barbara D. Hollister

(owner) contract purchaser / authorized agent – please circle one)

NOTARY:
COMMONWEALTH OF VIRGINIA

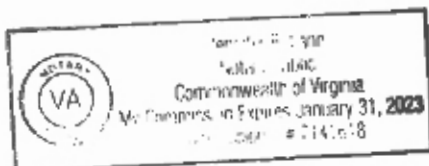
COUNTY OF Buckingham

STATE OF Virginia

Subscribed and sworn to me on the 1 day of November

of the year 2022. My Commission expires on 1/23/23

Notary Public Signature: Jennifer B. Rano
Stamp:



INTEREST DISCLOSURE AFFIDAVIT

STATE OF VIRGINIA
COUNTY OF BUCKINGHAM, VIRGINIA

On this _____ day of _____, of the year _____,

I _____ (printed name of owner)
hereby make oath that no member of the Buckingham County Board of Supervisors nor
the Buckingham County Planning Commission has interest in such property either
individually, or by ownership of stock in a corporation owning such land, or by
partnership, or as a holder of ten percent (10%) or more of the outstanding shares of
stock in or as a director or officer of any corporation owning such land, directly or
indirectly by such members of his/her immediate household, except as follows:

Signature of Owner: (to be signed in front of notary public)

NOTARY PUBLIC
COUNTY OF _____ STATE OF _____

Subscribed and sworn to me on this _____ day of _____,
of the year _____. My commission expires _____.

Notary Public Signature: _____
Stamp:

**CULTURAL RESOURCE ASSESSMENT AND RECORD CHECK FOR
PENDING DEVELOPMENT APPLICATIONS**

Case Number / File Name: _____

Visual Inspection Findings (describe what is on the property now):

Agricultural & Timber

County Records Check (describe the history of this property):

Agricultural & Timber

Were any historical sites or gravesites found on site, or be suspected by a reasonable person to be on the site? Yes _____ No ✓

If yes, please explain and show on the site plan the location of such and explain any historical significance:

Will this proposal have any impact on the historical site or gravesite? Yes _____ No ✓
If yes, please explain any impact:

Owner/Applicant Signature: Barbara D. Hollister Date: 11-1-2022

Printed Name: Barbara D. Hollister Title: Owner

APPLICATION FOR A TRAFFIC IMPACT DETERMINATION

Please fill out the following information before presenting to VDOT:

Case Number / File Name: _____

Applicant: Lawrence P. & Barbara D. Hollister

Location: 2870 Rock Mill Road, Dillwyn, VA 23936

Proposed Use: Short term rental

For VDOT use only:

☐ A Traffic Impact Statement is required per 24 VAC 30-155-60.

☒ A Traffic Impact Statement is not required. The traffic generated by the proposed zoning change / development does not exceed normal thresholds.

☐ The Traffic Impact Analysis has been waived by the Zoning / Planning Department for the following reasons:

Does the existing entrance meet VDOT requirements for the proposed use?

☒ Yes

☐ No

If no, please explain the necessary steps to bring into compliance with the requirements for the proposed use:

Signature of VDOT Resident Engineer: P. D. [Signature]

Printed Name: Andrew D. Edwards

Date: 10/27/22

SPECIAL POWER OF ATTORNEY AFFIDAVIT

STATE OF VIRGINIA
COUNTY OF BUCKINGHAM

On this _____ day of _____, in the year of _____,

I _____ the owner of _____
(printed name of landowner) (Tax Map Number)

Hereby make, constitute, and appoint _____
(printed name)

my true and lawful attorney-in-fact, and in my name, place, and stead give unto him/her said full power and authority to do and perform all acts and make all representation necessary, without limitation whatsoever, to make application for said zoning. The right, powers, and authority of said attorney-in-fact herein granted shall commence and be in full force and effect on the day _____ of the month _____ in the year of _____ and shall remain in full force and effect thereafter until actual notice by certified mail with return receipt requested is received by the Zoning / Planning Office of Buckingham County stating that the terms of this power have been revoked or modified.

Signature of Landowner (to be signed in front of Notary Public):

NOTARY PUBLIC

County of _____ State of _____

Subscribed and sworn before me on the _____ day of _____

in the year _____. My commission expires _____.

Signature of Notary Public: _____

Stamp:

WRITTEN NARRATIVE

The Written Narrative shall describe the relationship of the proposed project to the relevant components of the Comprehensive Plan. Please be very detailed and describe in depth each and every component 1 through 15. The following outline is provided to aid you in preparing the written narrative:

1. Land Use
2. Community Design
3. Cultural Resources
4. Economic Development
5. Environment
6. Fire and Rescue, Law Enforcement
7. Housing
8. Libraries
9. Parks and Open Spaces
10. Potable Water
11. Sewage
12. Schools
13. Telecommunications
14. Transportation
15. Solid Waste

If this proposal is for an event, describe the handling of the entire event, including but not limited to: number of participants, schedule of events, police, security, food, beverages, water, sanitation, emergencies, crowd control, entrances and exits, traffic control, signage, advertisement, parking, fee collection, control of animals, trash disposal, site clean-up, fighting, alcohol, abuse of alcohol and/or illegal substances



Map

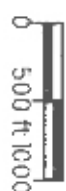
Doc

Map



BUCKINGHAM COUNTY

2870 Rock Mill Rd



W 2870 Rock Mill Rd

1/1/2022

SIGNAGE AT PROPERTY

The Buckingham County Zoning Ordinance requires the following:

The applicant in any case which requires a public hearing shall post signs furnished by the agent on each parcel involved at least 21 days prior to the public hearing indicating that a public hearing is eminent, the date, a rezoning issue, and a County contact number. The signs shall be placed on the VDOT right-of-way closest to the applicant's property line and shall be clearly visible from the road with bottom of the sign not less than one and one half feet above the ground. If more than one public road abuts the property, the signs shall be placed in the same manner as above for each abutting road. If no road abuts a property, then the agent shall define an area for the signs. The agent may ask the applicant that the sign be moved to another area either on the property to achieve greater public visibility. The applicant shall be responsible for keeping the signs free from grass, weeds, and any other plants or vines that may obstruct the public's view. The applicant shall contact the Virginia Department of Transportation for any information concerning where the right-of-way is located. The applicant shall be responsible for the signs should VDOT or their contractor conduct mowing or clearing of the right-of-way in the area where the sign is located.

Any signs required shall be maintained at all times by the applicant up to the time of the final public hearing. No person, except the applicant or the agent or an authorized agent of either, shall remove or tamper with any sign furnished during the period it is required to be maintained under this section. All signs erected under this ordinance shall be removed by the applicant within 15 days following a decision at the final public hearing and shall be returned to the agent. The applicant shall purchase the signs at a fee as determined by the Board of Supervisors and shall be non-refundable. The applicant shall be responsible for the replacement of the sign(s) and shall contact the agent as soon as possible for another sign to be replaced as the manner described above. Should the sign(s) have to be replaced more than twice, this section shall no longer be forced upon the applicant.

I have read, understand and agree to the above requirements.

Applicant/Owner: Barbara D. Hollister

Date: 11-1-2022

TENTATIVE SCHEDULE FOR A SPECIAL USE PERMIT

The application, site plan, written narrative, and all information requested in this application must be filled out in its entirety and supplied to the Buckingham Zoning / Planning Office and the fee must be paid before this case will be allowed to move forward.

Case will be introduced at a regularly scheduled Planning Commission meeting held on the fourth Monday of every month. Planning Commission may set a Public Hearing at this time to be held during a regularly scheduled meeting. Public Hearings offer an opportunity for citizens to speak concerning the case.

Following the Planning Commission Public Hearing, the Planning Commission may make a recommendation to approve / deny / or table the case for more information. Once the Planning Commission makes a recommendation to approve or deny, this recommendation will be forwarded to the Board of Supervisors at their next regularly scheduled meeting. The Board of Supervisors meetings are held on the second Monday of every month. The Board of Supervisors may set a Public Hearing at this time to be held during a regularly scheduled meeting. The Board of Supervisors will make the final decision to approve or deny the application after the public hearing.

Example Timeline:

January 25	Case is introduced to Planning Commission. Planning Commission sets Public Hearing for next regularly scheduled meeting on February 22.
February 22	Planning Commission Public Hearing. Planning Commission recommends to approve / deny / or table for more information. Once the Planning Commission reaches a decision to approve or deny, this recommendation will be forwarded to the Board of Supervisors at their next regularly scheduled meeting.
March 8	Case is introduced to Board of Supervisors.
April 12	Board of Supervisors may approve / deny / table for more information.

The Planning Commission and the Board of Supervisors has a right to call extra public hearings at their discretion if the Board(s) decide they are needed.

You or your agent are encouraged to attend these meetings to answer any questions that may arise concerning your application / proposal. The County strongly encourages the applicant to visit the area around his proposed site and understand what the adjoining landowner concerns are.

Date: 11/01/22 Cash Register: 001 BUCKINGHAM COUNTY 16:28:20

Cshr: TINA COSTELLO Account#: 000009159 Cust.Transactions:

Type: PAY Dept/Bill#: RE2022 00055440001 P/I Date: 11/01/2022 11/01/2022

Name: HOLLISTER LAWRENCE P & BARBARA D Bill Date: 4/28/2022 Half: 1

Nam2: HOLLISTER TR Due/PstDt: 6/06/2022

Addr: 4800 MOSELEY RD PAdr: 2870 ROCK MILL RD

MOSELEY VA

Zip: 23120 - 0000

Map#: 161 20

Desc: RI 633-774 - 2 MT SK CF

MMMIIDDBBLLLLS

ENONVILLE 472.578 AC

Acre: 472.578 Dist/Cls 01 / 01 Status

MrtgCo:

SSN: 000 - 00 - 0000 000 - 00 - 0000

Notes w/Rcd

Land:	\$889,900	Improve:	\$238,700	Use:	\$0
Original Bill:	\$2,934.36	Credits:	\$2,934.36	Discount:	\$0.00
Penalty Paid:	\$0.10	Int Paid:	\$0.00	Last Date:	6/16/2022
Amount Owed:	\$0.00	Other:	\$0.00	Setoff Claim#:	000000000
Total Owed:	\$0.00	Penalty:	\$0.00	Interest:	\$0.00
Principal Due:		Pen Rate	% Int Fact		
Penalty Due:		Interest Due:			
Total Amount Due:		Aging:			

Promise to Pay Date:

F1=Amt Tender F2=Next Ticket F3=Exit

F10=Func Menu F20=Attach

Buckingham County Request for Special Use Permit

Written Narrative

October 29, 2022

2870 Rock Mill Road is owned by Lawrence P. and Barbara D. Hollister, Trust. The property has been in the family, off and on, over the past couple hundred years. The property is part of 2000 acres granted by the King of England to John Pemberton Dunevant. Mr. Dunevant was the great, great, great grandfather of Barbara Dunevant Hollister. The Hollister's purchased the property from the estate of Roger Dale Dunevant, nephew of Barbara Hollister.

There are 472.5 acres of land, in the Curdsville District, off Rock Mill Road, #633. The property is zoned agricultural/timber management. A midcentury modern 2 story house which sits back approximately ¼ miles of Rock Mill Road. The home has 4 large bedrooms, 3 full bathrooms, kitchen, family room upstairs and basement, deck off primary bedroom on the second floor, and a deck 360 degrees around the house. The surrounding area of the house exhibits pleasing landscaping. The view offers rolling hills, open fields and an appreciation of the beautiful standing timber. Nature is at its best, with occasional visitor from the forest, such as bear, deer, coyote, bob cat, possum, fox, skunk, racoon, etc. The forest offers its own symphony at night. The nightingales, owls, katydids, etc. come out at night to make there presents known. It is indeed a place of peace, calm, serenity, and comfort. One can relax and enjoy a "rustic elegance" at its best.

The land is primarily used for timber. Within the past 2 years timber was cut and seedlings replanted. There are trails throughout the property. A large open field surrounds a Quonset Hut, used for storage. Grass is grown in the field and is periodically cut.

The community is agricultural/timber as well. The surrounding neighbors are in the woods, back off the road, or a home surrounded by picturesque, well landscaped yard and forest. Rock Mill Road is a two-lane paved road, offering convenient travel to Farmville, (26 minutes), Dillwyn, (12 minutes), Charlottesville, (55 minutes), Richmond, (1hr. and 20 minutes), Appomattox (30 minutes) and Lynchburg (1hr). Historical parks, museums, theatres movies, bowling, golf ranges, wineries, churches (various religious denominations), lakes, camping sites are available and easily accessible.

The economic development of this property is foreseen by the owners to be used as a short-term rental. The owners have had more than 50 years of experience in long term rentals. The proceeds would be used to put back into the property, off-set paying taxes, insurance, upkeep, utilities, etc.

Environmentally this is farm land/woods in a well-maintained state. The timber has been in a management program with the prior owner and continues with the Hollisters. A creek runs through the property, supported by 7 springs. No ponds are on the property.

The Dillwyn Fire and Rescue Departments are located in Dillwyn, VA, approximately 9 minutes from the property. Farmville Fire and Rescue Departments are located in Farmville, VA, approximately 23 minutes from the property. Appomattox Fire and Rescue Department, located in Appomattox, VA is approximately 28 minutes to the property. The Virginia State Department is 9 minutes from the property (5.5 mi) and The Buckingham County Sheriff's Department is 10 minutes (6.2 mi).

The house has wooded stained siding with a surrounded by a deck on all four sides of the house. Hardwood floors are on the 1st and 2nd floors. There are 4 bedrooms, (offers a full bed, 2 queen beds, 1 king bed, 3 sofas), 3 full bathrooms, updated kitchen, 1 family room areas, and another deck off the master bedroom. A washer, dryer, dishwasher, a security system monitored by the police department, security cameras surrounded the house, and well lighted area.

The Buckingham County Public Library is located 16266 N. James Madison Highway, Dillwyn, Virginia. The library is 6.2 miles from this property.

Parks and Open Spaces are plentiful. The property offers 472.5 acres of space. Appomattox-Buckingham State Forest (12 Miles), Holiday Lake (15 miles), Buckingham County Recreation (6.6 miles), Horsepen Lake (4.8 miles, permit required), Buckingham Community park (6.2 miles), and Lee Wayside (6.6 miles).

Portable water and schools are non-applicable.

The septic tank was inspected when the property was purchased in 2019. There no issues with the septic tank since purchase of the property.

Telecommunications is offered by Firefly.

Transportation is by your own personal choice, such as car, truck, motorcycle, etc.

Solid Waste will be collected in a large can and will be disposed of by one of the following companies in the county: BFI, or Bryant's. This would occur upon opening the Short Term Rental.

We are applying for a Special Use Permit primarily for a Short Term Lease to be used as an AirBnB, Vrbo, etc. (Similar type short term businesses)

WRH
#17-146
#17-398

BOOK 438 PAGE 503

Document Prepared By:
Return to:

F. Acie Allen, Jr.
Attorney at Law
P.O. Box 502
Dillwyn, Virginia 23936
Add to TMF 161-17A

VSB #22911

BOOK 439 PAGE 696

Tax Map:

Assessed Value: \$56,206.00
Consideration: \$36,319.24

Return To: W. Richard Hairfield
Hairfield & Morton, PLC
2800 Buford Road, Suite 201
Richmond, Virginia 23235

THIS DEED is made this 7th day of December, 2016, by and between **ROGER D. DUNEVANT and JOANNA T. DUNEVANT**, husband and wife, hereinafter called Grantors/Parties of the First Part; **BARBARA D. HOLLISTER, LAWRENCE P. HOLLISTER, and KATHERINE LOUISE HOLLISTER MOORE**, as joint tenants with the right of survivorship as at common law and not as tenants in common, hereinafter called Grantees/Parties of the Second Part, whose address is: 4800 Moseley Road, Moseley, Virginia 23120, and **WILLIAM P. DUNEVANT AND ROSE M. DUNEVANT**, husband and wife, Parties of the Third Part/Grantors.

- WITNESSETH -

THAT for and in consideration of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, receipt of which is hereby acknowledged and received, the Grantors/Parties of the First Part do hereby Bargain, Sell, Grant, and Convey with General Warranty and English Covenants of Title, unto the Grantee/Parties of the Second Part, as joint tenants with the right of survivorship as at common law and not as tenants in common the following described real estate, to-wit:

ALL that certain lot, tract or parcel of land, with improvements thereon and appurtenances thereunto belonging, lying and being in Curdsville Magisterial District, Buckingham County, Virginia, on VSR # 633, now known as Rock Mill Road, containing thirteen and sixty-five one/hundredths (13.65) acres, more or less, and being more particularly described as to metes and bounds on a plat of survey by Michael Ray Goin, L.S., dated September 23, 2016, and recorded in the Office of the Clerk of the Circuit Court of Buckingham County in Plat Cabinet A at Slide 257A.

SAID lands being a portion of the same lands conveyed unto Roger D. and Joanna T. Dunevant by deed of Dunevant, found recorded in the Office of the Clerk of the Circuit Court of Buckingham County in Deed Book 323, at Page 409, at Page 702. Said 13.65 acre parcel is to be added to and combined with other lands owned by the Grantees herein as described in Deed Book 193, at Page 385, known as Tax Map 161-17A and is not to be considered a separate parcel of land.


This conveyance is made expressly subject to: any and all conditions, restrictions, reservations, easements, and/or rights of way which are a matter of public record; and, any and all easements and/or rights of way which are apparent from an inspection of the lands hereinabove described or the plat hereinabove referenced.

The Parties of the Third Part join herein in order to release all of their rights under that certain right of first refusal dated August 19, 2013, and found recorded in the Office of the Clerk of the Circuit Court of Buckingham County in Deed 409, at Page 705. By their signature hereon the parties of the Third Party do specifically give up their rights with regard to the subject property concerning the First Right of Refusal.

Witness the following signatures and seal.

 (SEAL)
William P. Dunevant

 (SEAL)
Rose M. Dunevant

 (SEAL)
Roger D. Dunevant

 (SEAL)
Joanna T. Dunevant

STATE OF VIRGINIA

COUNTY/CITY OF Duchingham, to-wit:

The aforescribed deed, bearing date of December 7, 2016, was subscribed,
sworn and acknowledged before me this 16th day of December,
2016, by William P. Dunevant

My commission expires: March 31, 2020

Barbara B. Palmer
Notary Public



STATE OF VIRGINIA

COUNTY/CITY OF Duckingham, to-wit:

The aforescribed deed, bearing date of December 7, 2016, was subscribed,
sworn and acknowledged before me this 16th day of December,
2016, by Rose M. Dunevant

My commission expires: March 31, 2020.
Notary Public

BOOK 438 PAGE 507

STATE OF VIRGINIA

BOOK 439 PAGE 700

COUNTY/CITY OF Duckingham, to-wit:

The aforescribed deed, bearing date of December 7, 2016, was subscribed,
sworn and acknowledged before me this 16th day of December,
2016, by Roger D. Dunevant

My commission expires: 3/31/2020



Barbara S. Palmer
Notary Public

STATE OF VIRGINIA

BOOK 439 PAGE 701

COUNTY/CITY OF Buckingham, to-wit:

The aforescribed deed, bearing date of December 7, 2016, was subscribed,
 sworn and acknowledged before me this 16th day of December
 2016, by Joanna T. Dunevant

My commission expires: 3/31/2020

Barbara S. Palmore
 Notary Public

035 Rec Fee
 St. R. Tax
 Co. R. Tax
 Transfer
 Clerk
 Lib.(146)
 T.T.F.
 Grantor Tax
 OSB Proc. Fee
 Total \$

11.00
140.50
46.83
1.00
14.50
1.50
5.00
51.50
20.00
294.83

VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF BUCKINGHAM COUNTY

The foregoing instrument with acknowledgement
 was admitted to record on 1-23 20 17,
 at 1:10 P.M. in D.B. 438 Page(s) 503-508
 Teste: MALCOLM BOOKER, JR., CLERK
 BY: Devin Jones, DEPUTY CLERK

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Buckingham, to wit:

The foregoing instrument was re-acknowledged this 10th day of March, 2017, by William P. Dunevant, Rose M. Dunevant, Roger D. Dunevant and Joanna T. Dunevant, Grantors.

My commission expires the 31st day of March, 2020
My notary registration no: FD024741

Brian R. Palmer
Notary Public

This Deed is being re-recorded to correct the Grantee's name, Katherine Louise Hollister Moore.

035 Rec Fee	<u>1.00</u>	VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF BUCKINGHAM COUNTY
St. R. Tax		
Co. R. Tax		
Transfer	<u>14.00</u>	The foregoing instrument with acknowledgement
Clerk	<u>1.00</u>	was admitted to record on <u>3/13</u> 20 <u>17</u>
Lib.(145)	<u>1.00</u>	at <u>11:10 A.M.</u> in D.B. <u>439</u> Page(s) <u>694-702</u>
T.T.F.	<u>5.00</u>	Teste: MALCOLM BOOKER, JR., CLERK
Grantor Tax		BY: <u>Jim Buyer</u> DEPUTY CLERK
036 Proc. Fee	<u>23.00</u>	
Total \$		

18-1295

Document Prepared By:
Return to:

F. Acie Allen, Jr.
Rick Hairfield
Hairfield & Morton, PLC
2800 Buford Road, Ste. 201
Richmond, VA 23235

Tax Map #s:

161-7; 161-13; 161-15; 161-16; 161-17; 161-17B
161-17C; 161-20; 161-21; & 161-23

Assessed:

Consideration:

\$1,104,400.00
\$1,600,000.00

THIS DEED is made this 14th day of June 2018, by and between **JOANNA T. DUNEVANT**, herein called Grantor and **LAWRENCE P. HOLLISTER** and **BARBARA D. HOLLISTER**, as Trustees for the Lawrence P. Hollister and Barbara D. Hollister Family Trust, herein called Grantees whose address is 4800 Moseley Rd.

-WITNESSETH-

Moseley, VA 23120

THAT for and in consideration of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, receipt of which is hereby acknowledged, the Grantors do hereby Grant and Convey with General Warranty and English Covenants of Title, unto the Grantees the following described real estate, to-wit:

SEE ATTACHED SCHEDULE A

THIS conveyance is made expressly subject to: any and all conditions, restrictions, reservations, easements, and/or rights of way which are a matter of public record; and, any and all easements and/or rights of way which are apparent from an inspection of the lands hereinabove described or the plat hereinabove referenced.

Witness the following signature and seal.

Joanna T. Dunevant (SEAL)
Joanna T. Dunevant

STATE OF Virginia
CITY/COUNTY OF Buckingham, to-wit:

The foregoing instrument was acknowledged before me this 20th day of August, 2018, by Joanna T. Dunevant.

My commission expires: 3/31/2020

Barbara B. Palmore
Notary Public



SCHEDULE A

ALL those certain tracts, pieces or parcels of land lying and being in Curdsville District, Buckingham County, Virginia, containing 418.508 acres, more or less, 43.731 acres, more or less, and 10.339 acres, more or less, for a total aggregate of 472.578 acres, more or less, all as shown on plat of survey prepared by Dickerson Surveying LLC, dated July 23, 2018, revised August 10, 2018, and entitled "10 Parcels 472.578 Acres", a copy of which plat is attached hereto and recorded herewith and to which plat reference is hereby made for a more particular description of said real estate.

See Plat Cab A Slide 270 A & B

035 Rec Fee	<u>3100</u>	VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF BUCKINGHAM COUNTY
St. R. Tax	<u>400000</u>	
Co. R. Tax	<u>133233</u>	The foregoing instrument with acknowledgement
Transfer	<u>100</u>	was admitted to record on <u>8-30</u> 20 <u>18</u>
Clerk	<u>4150</u>	at <u>3:20</u> PM. in D.B. <u>454</u> Page(s) <u>497-499</u>
Lib.(145)	<u>450</u>	Teste: DIANE B. BLACKBURN, CLERK
T.T.F.	<u>15000</u>	BY: <u>Diane James</u> , DEPUTY CLERK
Grantor Tax	<u>160000</u>	
036 Proc. Fee	<u>2500</u>	
Total \$	<u>701833</u>	

DICKERSON SURVEYING LLC

505 Court Street P.O. Box 112
Appomattox, Virginia 24522
434-302-8580
Michael Ray Galt
Land Surveyor



- NOTES: 1. ALL EXISTING ENCROACHMENTS AND/OR
APPROPRIATIONS MAY NOT BE SHOWN
2. THIS PLAN HAS BEEN PREPARED WITHOUT
BENEFIT OF A TITLE REPORT
3. THIS PLAN IS BASED ON A CURRENT FIELD
SURVEY AND JUDGMENTS COMPLETED BY
DICKERSON SURVEYING LLC, MICHAEL RAY
GALT, L.S. DATED OCTOBER 21, 2017 BY
P.C.A.-2008 MARCH 12, 2015 BY P.C.A.-2007
AND SEPTEMBER 23, 2016 BY P.C.A.-2008.
HARRISON ON THE CREEK WITH THE PHYSICAL
MONUMENTS INDICATED
4. SEE PGS. 161-2, 13, 15, 16, 17, 17B, 17C, 21 & 23
5. MOBILEY CREEK AS SHOWN ON UNRECORDED
PLAN BY CARROLL GILLESPIE, L.S. NOT SHOWN
6. IT IS NOT THE INTENT OF THIS SURVEY TO COMBINE PARCELS



Course	Bearing	Distance
11	S 57°18'10" W	200.70
12	N 80°03'10" W	124.15
13	N 84°00'51" W	191.04
14	N 80°27'03" W	160.37
15	N 80°58'10" W	21.48
16	N 85°18'52" W	30.00
17	S 79°17'41" W	117.17
18	N 67°06'43" W	676.58
19	N 71°17'20" W	178.50
20	N 53°20'01" W	118.00
21	N 71°03'52" W	280.01
22	N 00°43'11" W	276.10
23	S 80°37'30" W	215.50
24	N 01°00'32" W	408.34
25	S 85°38'30" W	343.35
26	N 82°24'53" W	217.13
27	N 01°00'18" W	301.00
28	S 89°08'32" W	416.01
29	N 04°30'54" W	66.84
30	N 81°21'32" W	125.62
31	N 74°03'30" W	380.00
32	N 64°28'44" W	174.40
33	S 71°09'41" W	503.42
34	S 71°09'41" W	43.80
35	N 79°42'45" W	1068.63
36	N 08°13'01" E	132.53
37	N 81°31'30" E	179.65
38	N 1°24'19" W	13.61
39	S 84°00'51" W	165.71
40	S 85°07'18" E	154.15
41	N 35°18'18" E	200.70
42	S 11°24'01" E	240.44
43	S 09°00'40" E	121.22
44	S 85°17'04" W	109.85
45	S 09°17'04" W	138.00
46	N 87°08'53" W	175.45
47	N 08°11'04" E	83.24
48	N 08°11'04" E	300.32
49	S 09°58'43" E	84.89
50	N 79°17'42" E	171.37
51	N 87°08'53" W	46.23

Curve	Radius	Length	Apex	Chord	Chord' Bear
C1	845.50	82.03	8°10'30"	81.85	N 80°28'47" E
C2	274.79	146.64	10°04'30"	146.62	N 80°23'55" E
C3	671.50	380.30	5°01'30"	371.13	N 80°07'00" E
C4	1264.20	21.23	1°19'18"	21.08	N 87°57'28" E
C5	2301.00	300.18	7°30'33"	300.80	N 78°07'13" E
C6	3705.87	277.20	4°04'30"	277.21	N 80°02'58" E
C7	1440.23	240.43	2°02'30"	240.43	N 80°43'39" E
C8	5748.58	27.72	0°04'30"	27.72	N 84°52'03" E
C9	174.41	168.80	1°48'30"	172.05	N 87°07'04" E
C10	172.00	7.10	0°01'04"	7.10	N 80°23'55" E
C11	637.00	23.20	0°02'03"	23.20	S 55°42'16" W
C12	334.41	104.00	1°23'50"	101.24	S 78°07'40" W
C13	5708.58	17.00	0°02'00"	17.00	N 84°52'03" W
C14	5748.58	27.72	0°04'30"	27.72	N 85°04'39" W
C15	3480.23	475.38	2°02'30"	468.84	S 84°40'23" W
C16	3942.00	380.30	4°02'30"	380.61	S 80°10'58" W
C17	3341.00	312.40	7°30'33"	312.74	S 76°07'13" W
C18	1228.53	31.25	5°18'18"	31.34	S 77°07'28" W
C19	643.19	108.50	3°37'34"	104.78	N 80°27'00" W
C20	616.79	152.27	1°04'30"	152.03	N 84°23'51" W
C21	843.00	83.00	2°38'00"	83.03	N 85°04'39" W
C22	1287.40	428.00	8°02'30"	427.84	N 81°17'00" E
C23	7040.70	37.67	0°17'58"	37.67	N 80°23'55" W

Course	Bearing	Distance
1	S 64°28'47" W	31.47
2	S 28°47'00" W	24.17
3	S 08°07'01" E	102.80
4	S 09°00'57" E	86.50
5	S 13°50'04" W	86.87
6	S 07°18'28" W	121.80
7	S 08°11'17" W	83.43
8	S 18°17'01" E	87.50
9	S 30°40'21" E	80.40
10	S 49°17'51" E	65.17
11	S 08°17'53" E	67.80
12	S 38°12'00" E	65.80
13	S 34°18'30" W	78.70
14	S 07°17'51" W	111.80



SHEET 1 OF 2
10 PARCELS
SCALE: 1" = 500 FT.
472.578 ACRES

SURVEYED FOR: LAWRENCE P. & BUREAU D. HOLLISTER
SOURCE OF TITLE: JAMES T. DUBREYNT
HILL NO. 1750000000 &
DEED REFERENCES IN
INTERNAL PARCELS ABOVE
CURRANCE DISTRICT, BLACKWATER COUNTY
NEVADA

JULY 25, 2018
REVISED AUGUST 10, 2018
300 0 500 1000 1500
GRAPHIC SCALE: FEET

APPROVED:
Michael Ray Galt
MICHAEL RAY GALT
LAND SURVEYOR

BY: *David J. Blum*
DAVID J. BLUM
LAND SURVEYOR

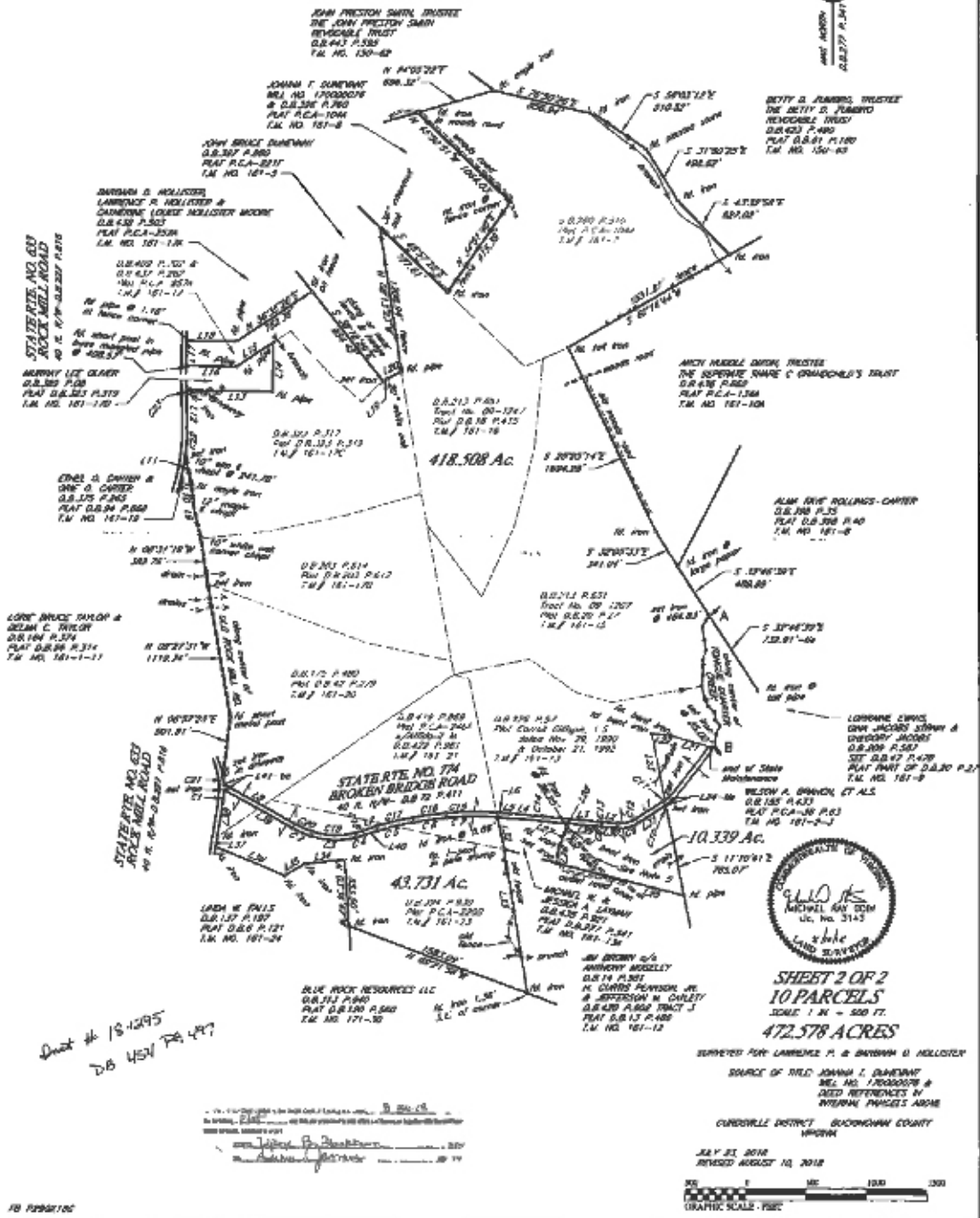
FB 10/20/18

CAB A SLIDE 270A

DICKERSON SURVEYING LLC

500 Court Street P.O. Box 112
Appomattox, Virginia 21022
434-352-8860
Michael Ray Ginn
Lead Surveyor

NOTE: SEE SHEET 1 FOR NOTES



CAB A Slide 270.B

Buckingham County Planning Commission

November 28, 2022

Administration Building

7:00 PM

Introduction Case 22-SUP323

Owner/Applicant: Landowner Buckingham County Firefighter's Association
P O Box 74
Dillwyn VA 23936

Applicant Buckingham County Firefighter's Association
P O Box 74
Dillwyn VA 23936

Property Information: Tax Map 125 Parcel 11 28 acres, located at or near the vicinity of 300 S Constitution Route Dillwyn VA 23936, Maysville Magisterial District.

Zoning District: Agricultural District (A-1) Watershed District (WS-1)

Request: The Applicant wishes to Obtain a Special Use Permit for the Purpose of Operating an Event Center for activities including, but not limited to Fundraising and Training Venue with up to 6,000 attendees. The applicant is asking the Planning Commission to hold a public hearing for this request.

Background/Zoning Information: The property is located at or near the vicinity of 300 S Constitution Route Dillwyn VA 23936, Maysville Magisterial District. The landowner and applicant is the Buckingham County Firefighter's Association. This property is zoned Agriculture (A-1) with a Watershed District (WS-1) Overlay. The Zoning Ordinance does not permit an Event Center as a Permitted by Right Use in an A1 Agricultural Zoning District. However, within the A1 Agricultural Zoning District an Event Center may be permitted by the Buckingham County Board of Supervisors by a Special Use Permit following recommendation by the Planning Commission in accordance with this Ordinance and the Code of Virginia. The submitted application and narrative are attached.

Below are conditions that you may consider attaching to the request if approved:

1. That all federal, state and local regulations, ordinances and laws be strictly adhered to.
2. The facility shall meet all safety requirements of all applicable building codes.
3. Right of ways and roadway shoulders shall not be used for parking. Ample parking for occupants shall be supplied on premises.

5. The Sheriff's Office shall be notified three weeks prior to any event inviting or expecting 301 attendees or more persons.

6. The property shall be kept neat and orderly.

7. That the applicant pursues a commercial solid waste container and follow the County Solid Waste Ordinance.

8. No person shall stage, promote, or conduct any musical or entertainment festival in the County unless there shall have been first obtained from the board a special use permit approving a request for event center for musical or entertainment festival to include, but not limited to, music, car shows, live concerts. Further application must be made for such special entertainment permits in writing on forms provided for the purpose and filed in duplicate with the clerk of the board at least 21 days before the date of such festival/event hosting between 301 and 6000 people. Such applications shall have attached thereto and made a part thereof plans, statements, approvals and other document required by this section. A copy of such applications shall be sent by certified mail by the clerk to each member of the board the day such applications are filed. The board shall act on such applications within ten days from the filing of the same. If granted, the permit shall be issued in writing on a form for the purpose and mailed by the clerk to the applicant at the address indicated. If denied, the refusal shall be in writing and the reasons for such denial stated therein, and mailed by the clerk to the applicant at the address indicated. Such permit shall not be issued unless the following conditions are met and the following plans, statements, and approvals submitted to the board with application:

A. The application for special entertainment permit shall have attached to it a copy of the ticket or badge of admission to the festival, containing the date and time of the festival, together with a statement by the applicant of the total number of tickets to be offered for sale, and the best reasonable estimate by the applicant of the number of persons expected to be in attendance.

B. A statement of the name and address of the promoters of the festival, the financial backing of the festival, and the names of all persons or groups who will perform at the festival.

C. A plan for adequate sanitation facilities and garbage, trash, and sewage disposal for persons at the festival. This plan shall meet the requirements of all state and local statutes, ordinances, and regulations and shall be approved by the Virginia Department of Health.

D. A plan for providing food and water for the persons at the festival. This plan shall meet the requirements of all state and local statutes, ordinances, and regulations and shall be approved by the Virginia Department of Health.

E. A plan for adequate parking facilities and traffic control in and around the festival area.

F. A plan for adequate medical facilities for persons at the festival, approved by the County Director of Emergency Services.

G. A plan for adequate fire protection for persons at the festival, approved by the County Director of Emergency Services.

- H. A statement specifying whether any outdoor lights or lighting is to be utilized, and if so, a plan showing the location of such lights and shielding devices or other equipment to prevent unreasonable glow beyond the property on which the festival is located.
- I. A statement that no music shall be played, either by mechanical device or live performance, in such a manner that the sound emanating from the performance shall be unreasonably audible beyond the property on which the festival is located.
- J. Music shall not be rendered nor entertainment provided between the hours of 9pm and 11am each day.
- K. No person under the age of 18 shall be admitted to any festival unless accompanied by a parent or guardian, who shall remain with the minor at all times.
- L. Applicant to provide certified letters of event for 201-6000 attendees 21 days prior to event.
- M. Applicant is allowed to host up to four events, per calendar year, for attendance between 301 and 6000 people.

9. That all documentation submitted by the applicant in support of this special use permit request becomes a part of the conditions except that any such documentation that may be inconsistent with these enumerated conditions shall be superseded by these conditions.

10. Nothing in this approval shall be deemed to obligate the County to acquire any interest in property, to construct, maintain or operate any facility or to grant any permits or approvals except as may be directly related hereto.

11. The County Zoning Administrator and one other County staff member, as appointed by the County Administrator, shall be allowed to enter the property, with proper notice, if a complaint is registered against the property for noncompliance with this permit. Any complaints not solely related to this permit will be given to the appropriate department or agency.

12. In the event that any one or more of the conditions is declared void for any reason whatever, such decision shall not affect the remaining portion of the permit, which shall remain in full force and effect, and for this purpose, the provisions of this are hereby declared to be severable

13. That any infraction of the above mentioned conditions could lead to a stop order and discontinuation of the special use permit, if it be the wishes of the Board of Supervisors.

14. That the applicant(s) and landowner(s) understands the conditions and agrees to the conditions.

Would it be suitable to the Planning Commission to hold a public hearing?

December 27, 2022? 7pm?

SPECIAL USE PERMIT APPLICATION CHECKLIST
BUCKINGHAM COUNTY OFFICE OF ZONING AND PLANNING MINIMUM SUBMISSION
REQUIREMENTS

The following table lists the information necessary to review a special use application. All items are required, unless otherwise stated, and must be submitted in order for the application to be accepted for review. This completed checklist must be submitted with the application.

Adjacent Property Owners List and Affidavit (pages 4, 5 & 6 attached). This list can be obtained from the Clerk of Courts Office: **YES** **NO**

Completed application for special use permit (page 3 attached). If not signed by the owner, a Power of Attorney must accompany the application. **YES** **NO**

Interest Disclosure Affidavit (page 7 attached). Must be signed by the owner: **YES** **NO**

Power of Attorney (page 10 attached). Required if anyone other than the owner is signing the application form or proffer statement on behalf of the owner. **YES** **NO**

Written Narrative (page 11 guidance in preparing the Written Narrative): **YES** **NO**

Fees: **YES** **NO**

Deed: **YES** **NO**

Plat (15 copies). The plat information may be incorporated into the Special Use Permit General Site Plan, in which case, copies of a separate plat are not required. The plat must be prepared by a certified land surveyor or licensed civil engineer and contain the following:

- A. Bearings and distances of a scale of 1" = 100' or less for all property lines and existing and proposed zoning lines: **YES** **NO**
- B. Area of land proposed for consideration, in square feet or acres: **YES** **NO**
- C. Scale and north point: **YES** **NO**
- D. Names of boundary roads or streets and widths of existing right-of-ways: **YES** **NO**

Tax Map (15 copies). Identify property that special use is being considered for and identify by name all adjacent landowners.

Special Use General Site Plan (15 copies) The General Site Plan must contain the following:

1. Vicinity Map – Please show scale: YES NO N/A
2. Owner and Project Name: YES NO N/A
3. Parcel identification numbers, name, present zoning, and zoning and use of all abutting or adjoining parcels: YES NO N/A
4. Property lines of existing and proposed zoning district lines: YES NO N/A
5. Area of land proposed for consideration, in square feet or acres: YES NO N/A
6. Scale and north point: YES NO N/A
7. Names of boundary roads or streets and widths of existing right-of-ways: YES NO N/A
8. Easements and encumbrances, if present on the property: YES NO N/A
9. Topography indicated by contour lines: YES NO N/A
10. Areas having slopes of 15% to 25% and areas having slopes of 25% or greater clearly indicated by separate shading devices (or written indication of "no areas having slopes of 15% to 25% or greater"): YES NO N/A
11. Water Courses to include the approximate location of the 100 year floodplain (if applicable) based on FEMA maps (or written indication of "not in floodplain"): YES NO N/A
12. Delineation of existing mature tree lines or written indication of "no mature tree lines": YES NO N/A
13. Proposed roads with right-of way width that will connect with or pass through the subject property: YES NO N/A
14. General locations of major access points to existing streets: YES NO N/A
15. List of the proposed density for each dwelling unit type, and/or intensity of each non-residential use: YES NO N/A
16. Location of any open space and buffer areas, woodland conservation areas, storm water management facilities, and community and public facilities: YES NO N/A
17. Location of existing and proposed utilities, above or underground: YES NO N/A
18. Vehicular and pedestrian circulation plan, including traffic counts and typical street sections, right-of-way improvements, access points, travel ways, parking, loading, stacking, sidewalks, and trails: YES NO N/A
19. Layouts and orientation of buildings and improvements, building use, height, setbacks from property lines and restriction lines: YES NO N/A
20. Location and design of screening and landscaping: YES NO N/A
21. Building architecture: YES NO N/A
22. Site lighting proposed: YES NO N/A
23. Area of land disturbance in square feet and acres: YES NO N/A
24. Erosion and Sediment Control Plan submitted (10,000 square feet or more): YES NO N/A
25. Historical sites or gravesites on general site plan: YES NO N/A
26. Show impact of development of historical or gravesite areas: YES NO N/A
27. A copy of the current status of all real estate taxes of all property owned in Buckingham County. If real estate taxes are not current, an explanation in writing and signed by the owner shall accompany this application. Any liens or other judgments against property shall also be explained in writing and signed by the owner: YES NO N/A

APPLICATION FOR A SPECIAL USE PERMIT

CASE NUMBER _____

(Case Number Assigned by Zoning Administrator)

DATE OF APPLICATION November 2, 2022

Special Use Permit Request Fundraising and Training Event Center

Purpose of special Use Permit The special use permit is for the operation of a firefighter fundraising and training venue by the Buckingham County Firefighter's Association.

Zoning District B-1; WS-1 Number of Acres 28

Tax Map Section 125 Parcel 11 Lot Subdivision _____ Magisterial Dist Massville

Street Address: In the vicinity of 300 S. Constitution Route, Dillwyn, Va. 23936

Directions from the County Administration Building to the Proposed Site _____

Route 60 East to Sprouse's Corner, Left on to U.S. 15 North, Left on to Route 209S (Constitution Route), subject property is approximately 1/3 mile from intersection on the left

Name of Applicant Buckingham County Firefighters Association

Mailing Address P.O. Box 74, Dillwyn, Va. 23936

Daytime Phone _____ Cell Phone 434-547-9670

Email ndb0668@gmail.com Fax _____

Name of Property Owner Buckingham County Firefighters Association

Mailing Address P.O. Box 74, Dillwyn, Va. 23936

Daytime Phone _____ Cell Phone 434-547-9670

Email ndb0668@gmail.com Fax _____

Signature of Owner Ben D. Bates, President Date 11/02/2022

Signature of Applicant Gene Date: _____

Please indicate to whom correspondence should be sent

XX Owner of Property _____ Contractor/Purchaser / Lessee _____ Authorized Agent _____ Engineer _____ Applicant _____

Buckingham County Special Use Permit Application

Page 3

ADJACENT PROPERTY OWNER'S LIST

(Required)

The applicant shall provide a list of all adjoining landowners, including subject property and all property immediately across the street/road from the subject property. Any body of water does not constitute a boundary line for this purpose, therefore a body of water and the property adjoining the subject property but separated by a body of water is still considered an adjoining landowner. County boundary lines and those adjoining property owners in the next County are considered adjoining property owners if the land adjoins the subject's property. Adjoining landowners can be verified through the Buckingham County Clerk of Courts or the Clerk's Office in the adjoining County, or by personal contact. The list shall include the name, address, town/city, zip code, road route number, tax map section number, parcel number, lot number, and subdivision. The list shall be typewritten or printed legibly. Failure to list all adjoining landowners could delay the process.

1. Name: Landy Lake LLC

Mailing Address: _____

Physical Address: 9056 Craney Island Rd Mechanicsville VA 23116

Tax Map Section: _____ Parcel: 127-38 lot: _____ Subdivision: _____

2. Name: Douglas C. and Robin M. Branch

Mailing Address: P.O. Box 2006 Appomattox VA 22152

Physical Address: _____

Tax Map Section: _____ Parcel: 138-8 lot: _____ Subdivision: _____

3. Name: Brenda Ann Spencer

Mailing Address: _____

Physical Address: 4724 Pompton Ln Chester VA 23831

Tax Map Section: _____ Parcel: 125-13 lot: _____ Subdivision: _____

4. Name: Bobbie D and Judy S Allen

Mailing Address: 4731 Bell Rd Gillsville VA 23136

Physical Address: _____

Tax Map Section: _____ Parcel: 125-158 lot: _____ Subdivision: _____

5 AC Name Kirk, Tatiana and Johane Degeneste Brown

Mailing Address P.O. Box 221 Dillwyn VA 23836

Physical Address _____

Tax Map Section _____ Parcel 125-12 Lot _____ Subdivision _____

6 AC Name Elizabeth M. Adler

Mailing Address _____

Physical Address 13082 Spica DR, Lone Tree CO, 80124

Tax Map Section _____ Parcel 125-1-6 Lot _____ Subdivision _____

7 AC Name Jackson D Bryant

Mailing Address _____

Physical Address 368 S Constitution RFE Dillwyn VA 23936

Tax Map Section _____ Parcel 125-4-15 Lot _____ Subdivision _____

8 AC Name June S Holly and Corral K. Stirell

Mailing Address _____

Physical Address 2960 Proffitt RD, Charlottesville VA 22911

Tax Map Section _____ Parcel 125-7-4 Lot _____ Subdivision _____

9 AC Name Buckingham Homes Inc

Mailing Address _____

Physical Address 20 Wingo RD, Dillwyn VA 23936

Tax Map Section _____ Parcel 125-4-3 Lot _____ Subdivision _____

10 AC Name Raymond R Hyde

Mailing Address _____

Physical Address 36691 Sunmill Ln, Arceterville VA 20132

Tax Map Section _____ Parcel 125-7-2 Lot _____ Subdivision _____

ADJACENT PROPERTY OWNERS AFFIDAVIT

STATE OF VIRGINIA
COUNTY OF BUCKINGHAM

This 4th day of November, year 2022

I, Brian D. Bates hereby make oath that
(printed name of owner/contract purchaser/authorized agent)

the list of adjoining landowners is a true and accurate list as submitted with my application.

Signed: (to be signed in front of notary public)

Brian D. Bates

(owner / contract purchaser / authorized agent - please circle one)

NOTARY:
COMMONWEALTH OF VIRGINIA

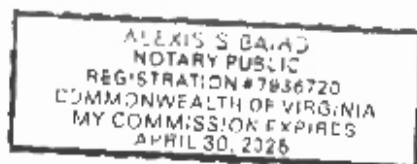
COUNTY OF Buckingham

STATE OF Virginia

Subscribed and sworn to me on the 4 day of November

of the year 2022. My Commission expires on Apr 30 2025.

Notary Public Signature Alexis S. Baird
Stamp



INTEREST DISCLOSURE AFFIDAVIT

STATE OF VIRGINIA

COUNTY OF BUCKINGHAM, VIRGINIA

On this 4th day of November, of the year 2022

I Brian D. Bates - Buckingham County Firefighter's Association (printed name of owner) hereby make oath that no member of the Buckingham County Board of Supervisors nor the Buckingham County Planning Commission has interest in such property either individually, or by ownership of stock in a corporation owning such land, or by partnership, or as a holder of ten percent (10%) or more of the outstanding shares of stock in or as a director or officer of any corporation owning such land, directly or indirectly by such members of his/her immediate household, except as follows:

Signature of Owner: (to be signed in front of notary public)

Brian D. Bates

NOTARY PUBLIC

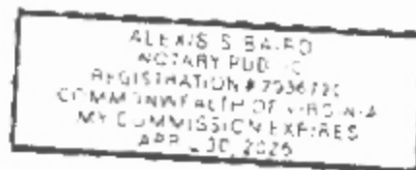
COUNTY OF Buckingham STATE OF Virginia

Subscribed and sworn to me on this 4 day of November

of the year 2022 My commission expires Apr 30 2025

Notary Public Signature Alexis S. Baed

Stamp



**CULTURAL RESOURCE ASSESSMENT AND RECORD CHECK FOR
PENDING DEVELOPMENT APPLICATIONS**

Case Number / File Name: _____

Visual Inspection Findings (describe what is on the property now):

The property has been surface inspected and shows no indications of historic resources or cemeteries (marked or unmarked). The property is presently in mixed growth hardwoods that appear to be in the range of 25-75 years old.

County Records Check (describe the history of this property):

The property has been undeveloped in the historical record. It had previously been owned by the P.H. Glatfelter Company before being sold to L.P. and Mattie Gilliam in 2015. Its historic use has been for forestry.

Were any historical sites or gravesites found on site, or be suspected by a reasonable person to be on the site? Yes _____ No X

If yes, please explain and show on the site plan the location of such and explain any historical significance.

Will this proposal have any impact on the historical site or gravesite? Yes _____ No X

If yes, please explain any impact:

Owner/Applicant Signature: Brian D. Bates 11/02/2022

Printed Name: Brian D. Bates Title: President

APPLICATION FOR A TRAFFIC IMPACT DETERMINATION

Please fill out the following information before presenting to VDOT:

Case Number / File Name: _____

Applicant: Buckingham County Firefighters Association

Location: In the vicinity of 300's Constitution Rte. on the west side

Proposed Use: Endorsing events such as the BCFD Tractor Pull

For VDOT use only:

☐ A Traffic Impact Statement is required per 24 VAC 30-155-60.

☒ A Traffic Impact Statement is not required. The traffic generated by the proposed zoning change / development does not exceed normal thresholds.

☐ The Traffic Impact Analysis has been waived by the Zoning / Planning Department for the following reasons:

Does the existing entrance meet VDOT requirements for the proposed use?

Yes ☐ No ☒ If no, please explain the necessary steps to bring into compliance with the requirements for the proposed use:

The proposed site entrance location offers adequate sight distance to allow for the construction of a commercial entrance to support the proposed use. Owner will need to submit site plans and apply for a VDOT land use permit prior to roadside disturbance.

Signature of VDOT Resident Engineer: _____

Printed Name: Charles D. Edwards Date: 10/31/22

SPECIAL POWER OF ATTORNEY AFFIDAVIT

STATE OF VIRGINIA
COUNTY OF BUCKINGHAM

On this _____ day of _____, in the year of _____

_____ the owner of _____
(printed name of landowner) (Tax Map Number)

Hereby make, constitute, and appoint _____
(printed name)

my true and lawful attorney-in fact, and in my name, place, and stead give unto him/her
said full power and authority to go on, perform all acts and make all representation
necessary, without limitation of power, to make application for said zoning. The
right, powers, and authority of said attorney-in fact herein granted shall commence and
be in full force and effect on the day _____ of _____ month _____
in the year of _____ and shall remain in full force and effect thereafter until
actual notice by certified mail with return receipt requested is received by the Zoning /
Planning Office of Buckingham County stating that the terms of this power have been
revoked or modified.

Signature of landowner to be signed in front of Notary Public

NOTARY PUBLIC

County of _____ State of _____

Subscribed and sworn before me on the _____ day of _____

in the year _____ My commission expires _____

Signature of Notary Public _____
Stamp _____

WRITTEN NARRATIVE

The Buckingham County Firefighter's Association (BCFA) is seeking a special use permit for fundraising and training related activities at the subject property. The BCFA was established for the purpose of facilitating fundraising and training opportunities for its four member fire departments. The primary fundraising activity envisioned at this time is the BCFA Annual Tractor Pull. This event was first held in July 2019 and then again in 2021 and 2022. Each of those was held on property belonging to Buckingham County located approximately ½ mile to the south and west of the subject property. Training activities may include equipment drills and competitions to supplement those that are held at the Buckingham County Fire Training Facility. No live fire training is proposed or planned for the subject property.

The BCFA Tractor Pull meshes well with the Buckingham County Comprehensive Plan's stated goal of economic development, in particular through increased tourism opportunities created by the guests who attend the event. The average attendance at the three tractor pull events has been approximately 3,000 people. While in the County for the event, these people spend money with local businesses, especially in the convenience store, gas station and grocery sectors. As the popularity of the event grows, the BCFA anticipates a maximum attendance of 6,000 people resulting in a significant economic impact for the community while at the same time having a limited financial impact on resources.

Land Use

The proposed SUP for fundraising and training activities will present a different land use for the subject property than has historically been the case. It has previously been in forest production, so while converting it to the proposed use will certainly change its historical use, it will be in alignment with the B-1, WS-1 zoning designation for the property. Those zoning designations anticipate special use permits for assembly halls, community centers, and drive-in theaters in addition to the permitted uses of parks and playgrounds, emergency service facilities, professional offices and the like. The BCFA believes that the proposed land use is totally consistent with these other uses for properties within the B-1, WS-1 zoning districts.

Community Design

The term community design does not appear in the Buckingham County Comprehensive Plan, so the BCFA is not sure how to address this component.

Cultural Resources

The BCFA does not believe that its proposed activities will have any impact on cultural resources, as none were identified on the subject property, nor is the BCFA aware of any on adjacent properties.

Economic Development

As previously stated, the BCFA Tractor Pull meshes well with the Buckingham County Comprehensive Plan's stated goal of economic development, in particular through increased tourism opportunities created by the guests who attend the event. The average attendance at the three tractor pull events has been approximately 3,000 people. While in the County for the

event, these people spend money with local businesses, especially in the convenience store, gas station and grocery sectors. As the popularity of the event grows, the BCFA anticipates a maximum attendance of 6,000 people resulting in a significant economic impact for the community while at the same time having a limited financial impact on resources.

Environment

The proposed activities in the application will adhere to all environmental regulations. The BCFA is securing the services of an engineer to prepare an erosion and sediment control plan for the property and it will be implemented in compliance with local and state regulations. It is anticipated that the majority of the property will be prepared using a forestry mulcher followed by seeding with grass. The track area and internal driveway will encompass approximately 2 acres in total and will involve earth-moving/grading activities. That being the case, no detrimental impacts on the environment are anticipated.

Fire and Rescue, Law Enforcement

The BCFA and its member volunteers have a fantastic working relationship with our partners in law enforcement and EMS. The past three BCFA Tractor Pull events have been a true community effort. This has meant that law enforcement as well as at least one rescue squad have been actively engaged in the planning and execution of these events alongside the members of all 4 volunteer fire departments. While these events do present a workload for law enforcement and EMS personnel that is outside of typical day-to-day activities, the work is in alignment with similar temporally-focused, crowd generating activities such as football games, homecoming parades and the like.

The most significant workload is on the volunteer members of the fire service. This is to be expected. The success of the proposed activities creates a revenue stream to assist in funding the day-to-day operations of the volunteer fire departments. As such, this takes pressure off of local taxpayers, as profits from these fundraising activities support the volunteer fire departments in a manner that will help them to stretch the taxpayer funds thus reducing the inevitable increases sought as expenses continue to rise.

Housing

The BCFA does not anticipate that the proposed activities will have any impact on housing resources in the County.

Libraries

The BCFA does not anticipate that the proposed activities will have any impact on library resources in the County.

Parks and Open Spaces

The BCFA does not anticipate that the proposed activities will have any impact on parks and open spaces in the County.

Potable Water

The BCFA does anticipate a connection to the Buckingham County Water System as the site is developed. This will be so that we will have potable water on-site for events and also to have a hydrant accessible for any training activities that may require that to simulate pumping activities at a fire-scene. These instances, while anticipated, will be rare.

Sewage

The BCFA does not anticipate that the proposed activities will have any impact on sewage resources in the County. For the events that are proposed, the BCFA will use the services of a portable toilet company. These are sanitary, low-maintenance, low-cost solutions for sewage for the anticipated activities at the site.

Schools

The BCFA does not anticipate that the proposed activities will have any impact on school resources in the County.

Telecommunications

The BCFA does not anticipate that the proposed activities will have any impact on telecommunications resources in the County.

Transportation

The BCFA will work with VDOT to prepare an entrance to the property that is consistent with the proposed uses. The impacts on transportation created by the proposed activities will be temporally focused to a 6-8 hour time-frame once or twice a year for the fundraising activities. Training activities will have no appreciable impact on transportation resources.

Solid Waste

The BCFA uses the services of a solid waste contractor to handle all trash generated by the event. This has worked well in the past. If the County could continue to provide one or several dumpsters for events as well, this would certainly be helpful, though not essential to the operations of the fundraising activities.

BCFA Tractor Pull Details

Attendance

The BCFA proposes a maximum attendance of 6000 people to include all guests, event participants and personnel working the event (i.e. Fire, EMS and Law Enforcement). While the average attendance in the past has been 3,000, the BCFA does see the great potential to exceed that number, particularly after securing a site of its own allowing the BCFA to more aggressively market the tractor pull to the public and participants alike.

Schedule of Events

The BCFA has been holding one tractor pull per year. The tractor pull is held in mid-summer on a Saturday afternoon/evening. It is an event that lasts approximately 6-8 hours, concluding sometime around mid night.

It is anticipated that the bandwidth among the membership is limited to no more than two tractor pulls per year, although there are no plans presently to do more than one. While informal discussions of other kinds of fundraising activities are on-going, it is premature to propose any specific types at this time. That being said, in addition to the opportunity to hold up to two tractor pulls per year, prudent planning would dictate that the BCFA ask to hold two additional, as yet undefined, fundraising activities at the subject property each year. This brings the total anticipated fundraising activities to not more than four, or about once a quarter. All this being said, the BCFA presently has plans to hold just one tractor pull per year.

Police and Security

The BCFA has worked with the Buckingham County Sheriff's Department and the Virginia State Police for traffic and security surrounding the annual tractor pull event. This has typically involved State Troopers and Sheriff's Deputies working traffic control on the public roadways, with fire personnel handling the on location traffic and parking. Security has been achieved with Sheriff's Deputies working the crowd and doing effective community policing.

Food and Beverages

The BCFA worked with fire personnel to do food and beverages for the first two events. The third event saw a change of approach to a single vendor to provide all food and beverage services. This achieved several goals. First, it removed the financial exposure for food and beverage purchases from the BCFA. In the event a weather event caused a cancellation of the event, the vendor bore the financial risk, rather than the BCFA. The food vendor then paid a percentage of its sales to the BCFA, actually producing more return to the BCFA than had been the case when the food and beverages were handled by fire personnel. The second benefit to outsourcing the food and beverages is that it allowed the BCFA to utilize the 30+ fire personnel who had been engaged in food-service for other purposes such as parking, crowd control and monitoring the trash.

Water & Sanitation

Previously the event has been held at a location that did not have potable water. The new location is anticipated to have that. For the events that are proposed, the BCFA will use the services of a portable toilet company. These are sanitary, low-maintenance, low-cost solutions for sewage for the anticipated activities at the site.

Emergencies

The BCFA works closely with Law Enforcement, EMS and its member Fire Chiefs to establish a plan to deal with emergencies. This is worked out ahead of time and personnel are briefed on the procedures to follow in the event of an emergency. While it is difficult to anticipate every possible situation, potential emergencies are typically centered around heat exhaustion (mid summer event), a track-related mis-hap, or a severe weather event (micro-burst thunder storms). None of these situations have been an issue in the past, though preparations have been made to handle them. Up to this point, this emergency planning has been informal, owing to the familiarity of all fire, ems and law enforcement entities with one another. It is proposed

that, moving forward, these plans become more formalized and in writing.

Crowd Control

Crowd control has been effectively handled by the fire personnel working in concert with law enforcement. Crowd seating areas are clearly delineated and special access areas are set aside for those with mobility issues. Ingress and egress from the previous venue has worked well and will inform the approach that is used at the new property. This will be made clear in the general site plan.

Entrances and Exits and Traffic Control

It is anticipated that, working with VDOT, the subject property will have a single entrance that is sufficiently wide to facilitate ingress and egress. Traffic flow on the subject property will be designed such that a one-way, circular flow of traffic will be facilitated. Additionally, multiple traffic lanes will be established on the subject property in order to minimize any potential traffic back flow out on to S. Constitution Route. This was not possible on the former site of the previous tractor pulls, so the BCFA sees that has a tremendous improvement in terms of handling traffic on site rather than overflowing on to the roadway.

On site traffic flow and parking will be handled by fire personnel while any traffic control at the entrance or on the roadway will be coordinated with law enforcement.

Signage and Advertisement

Appropriate signage and advertisement on-site will need to be worked out with the County to determine what is appropriate.

Parking

The subject property is 28 acres, making it about 8 acres larger than the property where the event has previously been held. The property lays particularly well and is conducive to more effective traffic flow and parking than was previously possible. It is anticipated that approximately 5 acres will be needed for the event and associated vending, seating, sanitation activities. Approximately 3 acres will be reserved for erosion and sediment control, leaving approximately 20 acres for parking. The formal layout of this will be worked out and confirmed with the BCFA's engineers, including the proposed acreages for each.

Fee Collection

Entrance fees will be collected on-site well within the property entrance. This will be facilitated by creating multiple lanes that incoming traffic will be funneled into in order to facilitate getting traffic off of the roadway. At the head of each lane will be BCFA personnel to take entrance fees quickly and then directing traffic onwards to the parking areas.

Control of Animals

Only service animals are permitted at BCFA events.

Trash Disposal

The BCFA uses the services of a solid waste contractor to handle all trash generated by the event. This has worked well in the past. If the County could continue to provide one or several dumpsters for events as well, this would certainly be helpful, though not essential to the operations of the fundraising activities.

Site Clean-Up

In the past, fire personnel are back on site early on the morning following the event to conduct clean up. Because of the great service that the BCFA has received from its trash vendor, much of this work is done as the event unfolds. In each of the past three events, the site has been effectively cleaned by fire personnel before noon of the day following the event.

Fighting

Fighting is not tolerated and law enforcement are engaged to resolve any conflicts that might arise. This has not been an issue in the past.

Alcohol, Abuse of Alcohol and or Illegal Substances

The BCFA does not serve alcohol at its events. We do not prohibit people from bringing their own to the event, but we do not tolerate any abuse or belligerent behavior. Illegal substances are not tolerated and law enforcement will be engaged to deal with these if they are present. This has not been a problem in the past.

SIGNAGE AT PROPERTY

The Buckingham County Zoning Ordinance requires the following:

The applicant in any case which requires a public hearing shall post signs furnished by the agent on each parcel involved at least 21 days prior to the public hearing indicating that a public hearing is eminent, the date, a rezoning issue, and a County contact number. The signs shall be placed on the VDOT right-of-way closest to the applicant's property line and shall be clearly visible from the road with bottom of the sign not less than one and one half feet above the ground. If more than one public road abuts the property, the signs shall be placed in the same manner as above for each abutting road. If no road abuts a property, then the agent shall define an area for the signs. The agent may ask the applicant that the sign be moved to another area either on the property to achieve greater public visibility. The applicant shall be responsible for keeping the signs free from grass, weeds, and any other plants or vines that may obstruct the public's view. The applicant shall contact the Virginia Department of Transportation for any information concerning where the right-of-way is located. The applicant shall be responsible for the signs should VDOT or their contractor conduct mowing or clearing of the right-of-way in the area where the sign is located.

Any signs required shall be maintained at all times by the applicant up to the time of the final public hearing. No person, except the applicant or the agent or an authorized agent of either, shall remove or tamper with any sign furnished during the period it is required to be maintained under this section. All signs erected under this ordinance shall be removed by the applicant within 15 days following a decision at the final public hearing and shall be returned to the agent. The applicant shall purchase the signs at a fee as determined by the Board of Supervisors and shall be non-refundable. The applicant shall be responsible for the replacement of the sign(s) and shall contact the agent as soon as possible for another sign to be replaced as the manner described above. Should the sign(s) have to be replaced more than twice, this section shall no longer be forced upon the applicant.

I have read, understand and agree to the above requirements.

Applicant/Owner

B. D. Bate, President

Date: 11/04/2022

TENTATIVE SCHEDULE FOR A SPECIAL USE PERMIT

The application, site plan, written narrative, and all information requested in this application must be filled out in its entirety and supplied to the Buckingham Zoning / Planning Office and the fee must be paid before this case will be allowed to move forward.

Case will be introduced at a regularly scheduled Planning Commission meeting held on the fourth Monday of every month. Planning Commission may set a Public Hearing at this time to be held during a regularly scheduled meeting. Public Hearings offer an opportunity for citizens to speak concerning the case.

Following the Planning Commission Public Hearing, the Planning Commission may make a recommendation to approve / deny / or table the case for more information. Once the Planning Commission makes a recommendation to approve or deny, this recommendation will be forwarded to the Board of Supervisors at their next regularly scheduled meeting. The Board of Supervisors meetings are held on the second Monday of every month. The Board of Supervisors may set a Public Hearing at this time to be held during a regularly scheduled meeting. The Board of Supervisors will make the final decision to approve or deny the application after the public hearing.

Example Timeline:

January 25	Case is introduced to Planning Commission. Planning Commission sets Public Hearing for next regularly scheduled meeting on February 22.
February 22	Planning Commission Public Hearing. Planning Commission recommends to approve / deny / or table for more information. Once the Planning Commission reaches a decision to approve or deny, this recommendation will be forwarded to the Board of Supervisors at their next regularly scheduled meeting.
March 8	Case is introduced to Board of Supervisors.
April 12	Board of Supervisors may approve / deny / table for more information.

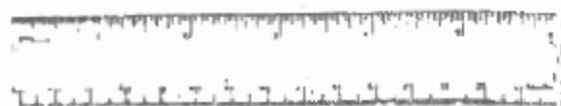
The Planning Commission and the Board of Supervisors has a right to call extra public hearings at their discretion if the Board(s) decide they are needed.

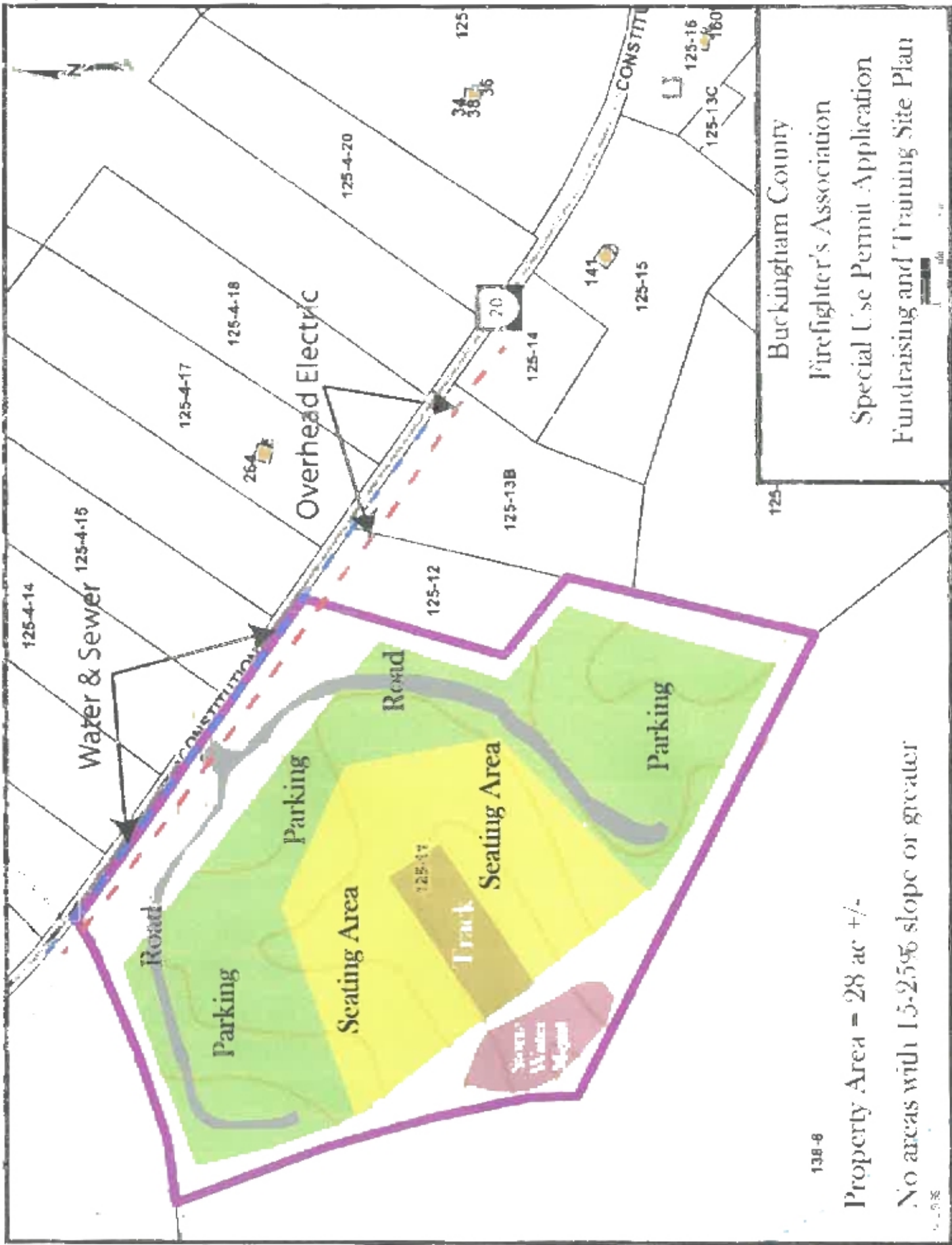
You or your agent are encouraged to attend these meetings to answer any questions that may arise concerning your application / proposal. The County strongly encourages the applicant to visit the area around his proposed site and understand what the adjoining landowner concerns are.

Clarksburg, Dec. 5, 1872



1. ALL INFORMATION CONTAINED
 2. HEREIN IS UNCLASSIFIED
 3. DATE 01-11-01 BY 60322
 4. REASON: 25X
 5. 60322

[illegible]



Buckingham County
 Firefighter's Association
 Special Use Permit Application
 Fundraising and Training Site Plan

138-8

Property Area = 28 ac +/-

No areas with 15-25% slope or greater

44 Building Permits were issued in the amount of \$11823.64 for the month of October 2022

Permit No.	District	Name	Purpose	Cost of Construction	Cost of Permit
18926	Marshall	Foster Fuels	Mechanical	\$5,745.50	\$25.50
19197	Marshall	FL Mullins	Generator	\$2,800.00	\$25.50
19203	Slate River	Sigora Solar	Solar Residential	\$30,638.75	\$51.00
19204	James River	Sigora Solar	Solar Residential	\$55,000.00	\$51.00
19206	Marshall	Michael McNutt	Residential Addittion	\$2,500.00	\$27.82
19207	Curdsville	Rock Wood Products	Commerical Construction	\$239,800.00	\$415.70
19211	James River	Precision Cell	Commerical Construction	\$150,000.00	\$331.50
1921	Marshall	IH McBride	Commerical Construction	\$3,000.00	\$51.00
19213	Slate River	Jes Construction	Residential Addittion	\$11,746.00	\$51.00
19216	Slate River	Rock River	New Dwelling Stickbuilt	\$230,000.00	\$416.28
19217	Slate River	Rock River	New Dwelling Stickbuilt	\$200,000.00	\$333.40
19218	Curdsville	Johnny Massie	Generator	\$0.00	\$51.00
19219	Marshall	Lester Harvey	New Dwelling Stickbuilt	\$120,000.00	\$190.39
19220	Marshall	Lester Harvey	Demolition	\$15,500.00	\$25.50
19221	Curdsville	NHN Inc	Commerical Construction	\$6,500,000.00	\$5,514.64
19222	Curdsville	Aztec Rental	Tent	\$2,570.00	\$25.50
19223	Curdsville	SBA Network	Commerical Addittion	\$25,000.00	\$357.00
19226	James River	Sandy Smith	Generator	\$0.00	\$25.50
19227	Curdsville	Angelo Young	Generator	\$0.00	\$25.50
19228	Maysville	Charles Llewellyn	Mechanical	\$5,000.00	\$25.50
19229	Slate River	Felica Braxton CO Oakwood	Doublewide	\$145,000.00	\$373.23
19230	Slate River	Rock River	New Dwelling Stickbuilt	\$180,000.00	\$404.53
19231	James River	Aztec Rental	Tent	\$2,269.10	\$25.50
19232	Slate River	Rock River	New Dwelling Stickbuilt	\$215,000.00	\$371.34
19233	Slate River	Douglas Cook	Detached Garage	\$23,000.00	\$80.78
19234	James River	Foster Fuels	Mechanical	\$1,006.20	\$51.00
19235	James River	Alan Gough	Electrical	\$0.00	\$51.00
19237	Maysville	Clayton Homes	Doublewide	\$150,000.00	\$451.35
19238	Maysville	Delores Brogan	Residential Addittion	\$4,000.00	\$89.43
19239	Francisco	John Eicher	New Dwelling Stickbuilt	\$150,000.00	\$350.31
19240	Francisco	John Eicher	New Dwelling Stickbuilt	\$150,000.00	\$460.42
19241	Curdsville	New Dark Generators	Generator	\$7,000.00	\$51.00
19242	James River	Richard Seay	Electrical	\$500.00	\$51.00
19243	James River	Tiger Fuel	Generator	\$300.00	\$51.00
19245	James River	John Branch	Residential Addittion	\$0.00	\$93.84
19246	Curdsville	Solar Tyme	Solar Residential	\$26,100.00	\$51.00
19247	Maysville	Parker Oil Company	Generator	\$2,000.00	\$51.00
19248	Slate River	Foster Home Improvements	Electrical	\$1,000.00	\$51.00
19250	Marshall	Clark Home Solutions	Generator	\$18,700.00	\$102.00
19251	Marshall	Daniel Myers	Farm Building- Exempt	\$1,500.00	\$10.00
19252	James River	Southern Air	Generator	\$10,486.00	\$51.00
19253	James River	Teresa Porter	Generator	\$14,067.73	\$51.00
19254	Marshall	Clayton Homes	Doublewide	\$160,000.00	\$330.68
18907		Rock River	Re-Inspection Fee		\$100.00
18962		Alan Smith	Re-Inspection Fee		\$50.00
44					
Cost of permit is calculated based on square footage of structure				\$8,861,229.28	\$11,823.64