Agenda
Board of Supervisors
Isle of Wight County
October 17, 2024

1. Call to Order (5:00 P.M.)
2. Approval of Agenda
3. Closed Meeting
4. Reconvene Open Meeting at 6:00 P.M.
5. Invocation - Vice-Chairman Don Rosie
6. Citizens' Comments
7. Consent Agenda
   A. Appointment of Temporary Clerk of the Board of Supervisors

      Motion to Appoint the Clerk of the Board of Supervisors
   B. Budget Amendment - Asset Forfeiture

      Resolution to Amend the Budget and Appropriate Funding for Asset Forfeiture ($12,741)
   C. Budget Amendment - Military Surplus Program

      Resolution to Amend the Budget and Appropriate Proceeds from the Sale of Military Surplus Equipment ($74,261)
   D. Budget Amendment - Schools Direct Aid Appropriation

      Resolution to Amend the Budget and Appropriate Funding to the Isle of Wight County Public Schools' FY2024-25 Operating Budget ($1,771,130)
   E. Budget Amendment - Schools Encumbered/Unencumbered Funds Reappropriation

      Resolution to Reappropriate County Schools Encumbered

and Unencumbered Funding ($819,407)

F. Budget Amendment - Smithfield Food Tour

Resolution to Amend the Budget and Appropriate Funding for the Smithfield Food Tour ($13,500)

G. Budget Amendment - Teacher Quality Partnership

Resolution to Amend the Budget and Appropriate Teacher Quality Partnership Program Grant Funds ($1,393,837)

H. Budget Amendment - Wallace Foundation Grant

Resolution to Amend the Budget and Appropriate Wallace Foundation Grant Funds ($50,000)

I. Down Syndrome Awareness Month

Resolution to Recognize the Month of October as Down Syndrome Month

J. National Disability Employment Awareness Month

Resolution to Recognize the Month of October as National Disability Employment Awareness Month

K. Rett Syndrome Awareness Month

Resolution to Recognize the Month of October as Rett Syndrome Awareness Month

L. Minutes

. August 1, 2024 Work Session Minutes
. August 15, 2024 Regular Meeting Minutes
. September 5, 2024 Work Session

8. Regional and Inter-Governmental Reports

A. Regional Reports

9. Appointments

A. Appointments List

10. Special Presentations / Appearances

A. VACo Achievement Award

VACo Recognition of the RISE Program

11. County Attorney's Report

12. Public Hearings

A. CSUP-24-1 Garage Ministry Conditional Use Permit Request

Application (CSUP-24-1) of Anthony Robinette, Property Owner, for a Conditional Use Permit to Establish a Religious Assembly Use on Approximately 1.25 Acres Located at 5293 Old Stage Highway (Rte. 10) in the Rural Agricultural Conservation Zoning District

B. REZN-4-24 Hewitt Conditional Residential Rezoning Request

Application (REZN-24-4) of Christopher and Jessica Hewitt, Owners, for a Change in Zoning Classification from Rural Agricultural Conservation (RAC) to Conditional-Rural Residential (C-RR) of 3.19 Acres and to Conditional-Rural Agricultural Conservation (C-RAC) of the Remainder of 34.9 Acres

13. County Administrator's Report

A. Bradby Park Update

Staff Update re: Bradby Park Development

B. Matters for the Board's Information

14. Unfinished / Old Business

A. Benns Church Blvd/Turner Dr Intersection Improvements

Consideration of Potential Benns Church Blvd/Turner Dr Intersection Improvements as Outlined in the Benns Church Master TIA

B. Real Estate Reassessment Schedule

Consideration of a Three-Year Real Estate Reassessment

Schedule

C. 2025 Legislative Priorities

   Consideration of Items for 2025 Legislative Priorities

D. Farmers Market

   Consideration of Transferring Funding to the Economic Development Authority for the Proposed Farmers Market

15. New Business

A. EXC-24-5 Highway Corridor Overlay District Exception for Air Station General

   Application of Air Station General, LC (EXC-24-5), Applicant, for an Exception to Section 6-1010.A.2 of the Zoning Ordinance Pertaining to the Highway Corridor Overlay District Architectural and Design Guidelines for Non-Residential Uses

B. REZN-24-8 Shirley T. Holland Intermodal Park Phase III Conditional Zoning Amendment

   Application of the Isle of Wight County Economic Development Authority, Owner, for an Amendment to Conditional Zoning to Remove All References to Design Criteria for Signage in the Proffered Conditions for Property Within the Shirley T. Holland Intermodal Park Phase III

C. VACo Voting Credentials

   Motion to Designate the County's Voting Delegate and Alternate Delegate Authorized to Vote at the VACo Annual Business Meeting

16. Adjournment

ISSUE:

Motion to Appoint the Clerk of the Board of Supervisors

BACKGROUND:

The Board's Clerk will be out of the office for an extended period of time. The Board may wish to appoint the County Administrator or his designee as the temporary Clerk of the Board of Supervisors to serve in the absence of the Clerk.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Adopt a motion to appoint the County Administrator as the Clerk of the Board of Supervisors for the remainder of calendar year 2024.

ISSUE:

Resolution to Amend the Budget and Appropriate Funding for Asset Forfeiture ($12,741)

BACKGROUND:

The County reappropriates budgeted and appropriated, but unexpended, restricted, committed, encumbered and assigned funds through the annual budget ordinance. For FY25, the budgeted and reappropriated "rollover" from FY24 totaled $24,380 for the Commonwealth's Attorney and Sheriff combined. In FY24, there were additional Asset Forfeiture funds received that were previously unbudgeted and unappropriated in the amount of $12,741 for the Commonwealth's Attorney and Sheriff. The County is required by statute to budget and appropriate all funds to be expended. Staff requests the Board of Supervisors to budget and appropriate this additional funding.

	Rollover	**Additional Funds**	**Total**
Commonwealth's Attorney	$21,715	$ 6,604	$28,319
Sheriff	$ 2,665	$ 6,137	$ 8,802
	$24,380	$12,741	$37,121

BUDGETARY IMPACT:

The $24,380 FY24 rollover to FY25 has already been budgeted and appropriated through the annual budget ordinance adoption. Adoption of this resolution will increase the FY 2024-25 Budget by $12,741.

RECOMMENDATION:

Adopt a resolution to amend the budget and appropriate funding.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	10/17/2024

RESOLUTION TO AMEND THE FY 2024-2025 BUDGET AND APPROPRIATE FUNDING FOR STATE ASSET FORFEITURE FUNDS

WHEREAS, the County of Isle of Wight, Virginia receives funding from State Asset Forfeiture Funds for use by the County's Sheriff and Commonwealth's Attorney that is reappropriated annually through the Budget Ordinance when funds remain unspent; and,

WHEREAS, the Board of Supervisors desires to amend the FY 2024-2025 Budget for additional State Asset Forfeiture Funds received in FY 2023-24 totaling $12,741; and,

WHEREAS, the Board of Supervisors needs to appropriate $12,741 ($6,604 for the Commonwealth Attorney and $6,137 for the Sheriff) for program expenditures.

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED, by the Board of Supervisors of the County of Isle of Wight, Virginia that the FY 2024-25 Budget is amended and funds appropriated in the amount of $12,741 for use by the Sheriff and Commonwealth's Attorney for allowable program expenditures.

BE IT FURTHER RESOLVED that the County Administrator of Isle of Wight County, Virginia is authorized to make the appropriate accounting adjustments and to do all things necessary to give this resolution effect.

Adopted this 17th day of October 2024.

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Joel C. Acree, Chairman

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Carey Mills Storm, Clerk

Approved as to form:

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Robert W. Jones Jr., County Attorney

ISSUE:

Resolution to Amend the Budget and Appropriate Proceeds from the Sale of Military Surplus Equipment ($74,261)

BACKGROUND:

The Isle of Wight County Sheriff's Office has participated in the Military Surplus Program for the past 10 years. Once the equipment is no longer needed by the agency, depending on the classification, it may be sold and removed from the Agency inventory.

The Isle of Wight County Sheriff's Office sold at public auction several military surplus items no longer needed by the office. The surplus items generated sales in the amount of $74,261. The Sheriff's Office desires to use the funds, generated from military surplus equipment sold at public auction, to purchase and maintain capital items that support the mission of the Sheriff's Office.

BUDGETARY IMPACT:

An appropriation will increase the FY2024-25 budget by $74,261.

RECOMMENDATION:

Adopt a resolution to amend the budget and appropriate funding.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	10/17/2024

RESOLUTION TO AMEND THE FY 2024-25 OPERATING BUDGET AND APPROPRIATE FUNDING FOR THE SALE OF MILITARY SURPLUS EQUIPMENT

WHEREAS, the Isle of Wight County Sheriff's Office desires to use funding, generated from military surplus equipment sold at public auction, to purchase and maintain capital items that support the mission of the Sheriff's Office; and,

WHEREAS, the Board of Supervisors desires to amend the FY 2024-25 Sheriff's Office Budget in the amount of $74,261 from the sale of military surplus equipment; and,

WHEREAS, the Board of Supervisors needs to appropriate $74,261 for the purchase and maintenance of capital items by the Sheriff's Office.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Isle of Wight County, Virginia, that the FY 2024-25 Sheriff's Office Budget is hereby amended, and funds appropriated in the amount of $74,261 for the purchase and maintenance of capital items.

BE IT FURTHER RESOLVED that the County Administrator of Isle of Wight County, Virginia, is authorized to make the appropriate accounting adjustments and to do all things necessary to give this resolution effect.

Adopted this 17th day of October 2024.

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Joel C. Acree, Chairman

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Carey Mills Storm, Clerk

Approved as to Form:

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Robert W. Jones Jr., County Attorney

ISSUE:

Resolution to Amend the Budget and Appropriate Funding to the Isle of Wight County Public Schools' FY2024-25 Operating Budget ($1,771,130)

BACKGROUND:

The Board has previously appropriated $95,980,636 to the County Schools' FY2024-25 Operating Budget. Based on revised for State, federal, and other funding estimates, the County Schools budget will receive additional net revenues in the amount of $1,771,130.

The revisions are as follows:

Original Budget	$ 95,980,636
Budget Amendments:	
State Funds	$ 1,696,990
Federal Funds	$ 309,640
Building Rentals	$ 14,500
Correction from Original Appropriation	$ (250,000)
Total Proposed Budget Appropriation	$ 1,771,130
Proposed Revised Budget	$ 97,751,766

BUDGETARY IMPACT:

This direct aid will increase the Schools' FY2024-25 Operating Budget by $1,771,130.

RECOMMENDATION:

Adopt a resolution to amend the budget and appropriate funding to the School's operating budget.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	10/17/2024

RESOLUTION TO AMEND AND APPROPRIATE ADDITIONAL FUNDING TO THE COUNTY SCHOOLS' FY2024-25 BUDGET

WHEREAS, the Board of Supervisors appropriated funding by lump sum to the Isle of Wight County School Board for the FY2024-25 school year; and,

WHEREAS, the Isle of Wight County School Board is requesting a budget amendment and appropriation in the amount of $1,771,130.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Isle of Wight County, Virginia, that the Public Schools' FY2024-25 budget is hereby amended and funds appropriated in the amount of $1,771,130.

BE IT FURTHER RESOLVED that the County Administrator of Isle of Wight County, Virginia is authorized to make the appropriate accounting adjustments and to do all things necessary to give this resolution effect.

Adopted this 17th day of October, 2024.

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Joel C. Acree, Chairman

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Carey Mills Storm, Clerk

Approved as to Form:

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Robert W. Jones Jr., County Attorney

ISSUE:

Resolution to Reappropriate County Schools Encumbered and Unencumbered Funding ($819,407)

BACKGROUND:

The Isle of Wight County School Board is requesting the reappropriation of encumbered funds in the amount of $225,738 and unencumbered funds in the amount of $593,669.

Description	Textbook Fund	Food Services	Facilities Fund	Grant Fund	Total
Proposed Budget Amendment:					
Encumbered Funds (Purchase Orders)	$ 394	$ 2,925	$ 22,575	$ 199,844	$ 225,738
Unencumbered Funds	$ 222,740	$ -	$ 242,978	$ 127,951	$ 593,669
Total Proposed Budget Amendment	**$ 223,134**	**$ 2,925**	**$ 265,553**	**$ 327,795**	**$ 819,407**

BUDGETARY IMPACT:

Reappropriation of the funds will increase the Schools appropriation by $819,407.

RECOMMENDATION:

Adopt a resolution to reappropriate School funds.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	10/17/2024

RESOLUTION TO AMEND AND APPROPRIATE FUNDING TO THE COUNTY SCHOOLS' FY2024-25 BUDGET FOR FUNDS UNEXPENDED IN FY2023-24

WHEREAS, the Board of Supervisors appropriated funding by lump sum to the Isle of Wight County School Board for the FY2024-25 school year; and,

WHEREAS, the Isle of Wight County School Board is requesting a budget amendment and appropriation in the amount of $819,407.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Isle of Wight County, Virginia, that the Public Schools' FY2024-25 budget is hereby amended and funds appropriated in the amount of $819,407.

BE IT FURTHER RESOLVED that the County Administrator of Isle of Wight County, Virginia is authorized to make the appropriate accounting adjustments and to do all things necessary to give this resolution effect.

Adopted this 17th day of October, 2024.

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Joel C. Acree, Chairman

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Carey Mills Storm, Clerk

Approved as to Form:

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Robert W. Jones Jr., County Attorney

ISSUE:

Resolution to Amend the Budget and Appropriate Funding for the Smithfield Food Tour ($13,500)

BACKGROUND:

The Tourism Department is in the process of implementing a food tour in Smithfield. Revenues/expenditures directly related to the food tour will need to be accounted for in the County's budget.

BUDGETARY IMPACT:

Amendment of the budget will increase the revenues and expenditures of the Tourism Department by $13,500.

RECOMMENDATION:

Adopt a resolution to amend the budget and appropriate food tour funding.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	10/16/2024
Food Tour Description	Backup Material	10/11/2024

RESOLUTION TO AMEND THE FY 2024-25 OPERATING BUDGET AND APPROPRIATE FUNDING FOR THE SMITHFIELD FOOD TOUR

WHEREAS, the Board of Supervisors desires to amend the FY 2024-25 Budget and provide an appropriation in the amount of $13,500 from the sale of food tour tickets for the costs of the Smithfield Food Tour.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Isle of Wight County, Virginia, that the FY 2024-25 Budget is hereby amended, and funds appropriated in the amount of $13,500 for the Smithfield Food Tour program.

BE IT FURTHER RESOLVED that the County Administrator of Isle of Wight County, Virginia, is authorized to make the appropriate accounting adjustments and to do all things necessary to give this resolution effect.

Adopted this 17th day of October 2024.

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Joel C. Acree, Chairman

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Carey Mills Storm, Clerk

Approved as to Form:

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Robert W. Jones Jr., County Attorney

FOOD TOUR LANGUAGE

Sink Your Teeth Into Smithfield: A Food & History Walking Tour

Discover the culinary delights of Downtown Smithfield at our brand new tour!

Spend the afternoon savoring tastes of pork, seafood, desserts, and more while uncovering the fascinating history of the pork and peanut industries that put Smithfield on the map.

Whether you're a first time visitor or returning, experience Smithfield in a completely unique way. Sample delicious food and snacks from up to 8 establishments while learning from our knowledgeable (and fun!) local guides.

Highlights:

- Enjoy views of the Pagan River and Victorian houses as you stroll Church Street
- Sample a variety of cuisines: perhaps Southern, British, Thai and more
- Hear from the talented creators behind the dishes
- Step inside historic locations as you learn their captivating past

Be sure to wear comfortable shoes and bring water – we'll be standing during most of the tour, and some locations may not offer beverages.

AT A GLANCE

Duration: 2 hours
Date/Time: Offered Fridays 2:30-4:30pm
Walking: __ miles
Meeting Spot: Smithfield Station, 416 South Church Street, Smithfield VA 23430. Parking is free at this location.
Tickets: $75
Capacity: 6-10 guests, ages 21+

We'll make stops at up to 8 of the following establishments:

Smithfield Station
Fresh seafood in a gorgeous waterfront setting

Wharf Hill Brewing Co.
Comfort food and original craft brews in an historic building

The Fiddlin Pig
British favorites from scratch in an authentic British pub

Smithfield Inn
Southern favorites at an historic inn George Washington slept at

Taste of Smithfield

Chili Hill Food & Farm

Signature dishes at Smithfield Foods' flagship restaurant

Thai food made with locally grown Asian produce

Smithfield Ice Cream Parlor
Abundant flavors in a retro-inspired space

Smithfield Gourmet Bakery
Decadent desserts in a quaint café setting

SMITHFIELD FOOD & HISTORY WALKING TOUR FAQs

How much food is provided?

Small samples are provided by each of our food partners. We prefer to emphasize quality over quantity, but for most people, there is enough food for a full meal. You certainly won't want to eat immediately before or after the tour!

What if it rains? What if it's cold outside?

The tour goes on! We can eat inside at most places and will provide umbrellas in case of rain. If the weather is unsafe, the tour will be modified or cancelled and appropriate considerations regarding refunding/rescheduling will be taken.

Are tickets refundable?

Tickets are non-refundable. If the tour is cancelled due to inclement weather or other circumstances, tickets will be refunded.

ISSUE:

Resolution to Amend the Budget and Appropriate Teacher Quality Partnership Program Grant Funds ($1,393,837)

BACKGROUND:

The U.S. Department of Education recently announced new grant awards for the Teacher Quality Partnership (TQP) Program to recruit, prepare, develop, and retain a strong, effective, and diverse educator workforce for classrooms across the country.

The Tidewater Education Consortium (TEC) is comprised of the Public Schools of Isle of Wight County, Portsmouth, and Suffolk. The TEC received over $8.5 million, to be allocated incrementally over the next five years, for implementation of the TQP Program. **It should be noted that the grant funds will be divided among the three participating school districts.** It should be further noted that Isle of Wight County Schools will serve as the regional fiscal agent for the grant funding.

The award allocations begin on October 1, 2024 and are anticipated to be provided as follows:

FY2024-25 - $1,393,837
FY2025-26 - $1,394,728
FY2026-27 - $1,902,757
FY2027-28 - $1,907,004
FY2028-29 - $1,911,703

BUDGETARY IMPACT:

Acceptance of the grant will increase the Schools budget by $1,393,837.

RECOMMENDATION:

Adopt a resolution to amend the budget and appropriate grant funds.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	10/17/2024

RESOLUTION TO AMEND AND APPROPRIATE FUNDING TO THE COUNTY SCHOOLS' FY2024-25 BUDGET FOR THE TEACHER QUALITY PARTNERSHIP PROGRAM GRANT

WHEREAS, the Board of Supervisors appropriated funding by lump sum to the Isle of Wight County School Board for the FY2024-25 school year; and,

WHEREAS, the Isle of Wight County School Board is requesting a budget amendment and appropriation in the amount of $1,393,837.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Isle of Wight County, Virginia, that the Public Schools' FY2024-25 budget is hereby amended and funds appropriated in the amount of $1,393,837.

BE IT FURTHER RESOLVED that the County Administrator of Isle of Wight County, Virginia is authorized to make the appropriate accounting adjustments and to do all things necessary to give this resolution effect.

Adopted this 17th day of October, 2024.

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Joel C. Acree, Chairman

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Carey Mills Storm, Clerk

Approved as to Form:

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Robert W. Jones Jr., County Attorney

ISSUE:

Resolution to Amend the Budget and Appropriate Wallace Foundation Grant Funds ($50,000)

BACKGROUND:

The Wallace Foundation recently announced a $50,000 grant to Isle of Wight County Schools for participation in the Rural Principal Pipeline project. The grant will allow for research and the development of more opportunities for the professional development of future principals in Isle of Wight County.

BUDGETARY IMPACT:

The grant will increase the appropriation to Schools by $50,000.

RECOMMENDATION:

Adopt a resolution to amend the budget and appropriate grant funds.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	10/17/2024

RESOLUTION TO AMEND AND APPROPRIATE FUNDING TO THE COUNTY SCHOOLS' FY2024-25 BUDGET FOR WALLACE FOUNDATION GRANT FUNDING

WHEREAS, the Board of Supervisors appropriated funding by lump sum to the Isle of Wight County School Board for the FY2024-25 school year; and,

WHEREAS, the Isle of Wight County School Board is requesting a budget amendment and appropriation in the amount of $50,000.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Isle of Wight County, Virginia, that the Public Schools' FY2024-25 budget is hereby amended and funds appropriated in the amount of $50,000.

BE IT FURTHER RESOLVED that the County Administrator of Isle of Wight County, Virginia is authorized to make the appropriate accounting adjustments and to do all things necessary to give this resolution effect.

Adopted this 17th day of October, 2024.

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Joel C. Acree, Chairman

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Carey Mills Storm, Clerk

Approved as to Form:

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Robert W. Jones Jr., County Attorney

ISSUE:

Resolution to Recognize the Month of October as Down Syndrome Month

BACKGROUND:

Down Syndrome is a genetic condition that causes varying degrees of cognitive delays. According to the Centers for Disease Control and Prevention, approximately 1 in every 775 babies born in the United States is born with Down Syndrome.

It can be diagnosed prenatally and is sometimes identified at birth by the presence of certain physical characteristics such as low muscle tone, small stature, an upward slant to the eyes, and a single deep crease across the center of the palm. It is important to note that each person with Down syndrome is a unique individual and may possess these characteristics to different degrees, or not at all.

A great deal of progress has been made with medical technology and individuals with Down syndrome are living much longer. Recent data shows that as many as 80% of adults with Down syndrome reach the age of 60 years old.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Adopt a resolution to recognize the month of October as Down Syndrome Awareness Month.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	10/9/2024

RESOLUTION TO RECOGNIZE THE MONTH OF OCTOBER AS DOWN SYNDROME AWARENESS MONTH

WHEREAS, according to the Centers for Disease Control and Prevention, approximately 1 in every 775 babies born in the United States is born with Down Syndrome; and,

WHEREAS, Down Syndrome is a genetic condition that causes varying degrees of cognitive delays; and,

WHEREAS, Down Syndrome can be diagnosed prenatally and is sometimes identified at birth by the presence of certain physical characteristics such as low muscle tone, small stature, an upward slant to the eyes, and a single deep crease across the center of the palm – although each person with Down syndrome is a unique individual and may possess these characteristics to different degrees, or not at all; and,

WHEREAS, due to advances in medical technology, individuals with Down syndrome are living longer than ever before with recent data showing that as many as 80% of adults with Down syndrome reach age 60.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Isle of Wight, Virginia recognize the month of October as Down Syndrome Awareness Month.

Adopted this 17th day of October 2024.

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Joel C. Acree, Chairman

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Carey Mills Storm, Clerk

Approved as to Form:

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Robert W. Jones Jr., County Attorney

ISSUE:

Resolution to Recognize the Month of October as National Disability Employment Awareness Month

BACKGROUND:

National Disability Employment Awareness Month (NDEAM) is an opportunity to raise awareness of the many contributions of people with disabilities to America's workplaces and economy. The theme for the commemoration of NDEAM 2024 is "Access to Good Jobs for All."

People realize that good jobs change lives, and all workers—including disabled workers—deserve the opportunity to prepare for, obtain and succeed in them. Creating a welcoming workplace environment that recognizes the talents of all people, including people with disabilities, is a critical part to an inclusive community and strong economy.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Adopt a resolution to recognize October as National Disability Employment Awareness Month.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	10/9/2024

RESOLUTION TO RECOGNIZE THE MONTH OF OCTOBER AS NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH

WHEREAS, National Disability Employment Awareness Month (NDEAM) is an opportunity to raise awareness of and commemorate the many contributions of people with disabilities to America's workplaces and economy; and,

WHEREAS, the theme for NDEAM 2024 is "Access to Good Jobs for All."; and,

WHEREAS, good jobs change lives, and all workers—including disabled workers—deserve the opportunity to prepare for, obtain and succeed in them; and,

WHEREAS, workplaces welcoming of the talents of all people, including people with disabilities, are a critical part to an inclusive community and strong economy.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Isle of Wight, Virginia recognizes the month of October as National Disability Employment Awareness Month.

Adopted this 17th day of October 2024.

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Joel C. Acree, Chairman

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Carey Mills Storm, Clerk

Approved as to Form:

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Robert W. Jones Jr., County Attorney

ISSUE:

Resolution to Recognize the Month of October as Rett Syndrome Awareness Month

BACKGROUND:

Rett Syndrome is a rare genetic neurological disorder that typically becomes apparent after 6-18 months of age and almost exclusively in girls. It affects 1 in 10,000 females and is much more rare in males.

Rett Syndrome leads to severe impairments, affecting nearly every aspect of life including the ability to speak, walk, eat, and breathe easily with the hallmark of condition being nearly constant repetitive hand movements while awake.

In March 2023, the U. S. Food and Drug Administration announced the approval of a drug as the first approved treatment for Rett Syndrome, but currently, there is no known cure.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Adopt a resolution to recognize October as Rett Syndrome Awareness Month.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	10/9/2024

RESOLUTION TO RECOGNIZE THE MONTH OF OCTOBER AS RETT SYNDROME AWARENESS MONTH

WHEREAS, Rett Syndrome is a rare genetic neurological disorder that typically becomes apparent after 6-18 months of age and almost exclusively in girls; and,

WHEREAS, Rett Syndrome affects 1 in 10,000 females and is much more rare in males; and,

WHEREAS, Rett Syndrome leads to severe impairments, affecting nearly every aspect of life including the ability to speak, walk, eat, and breathe easily with the hallmark of Rett syndrome being nearly constant repetitive hand movements while awake; and,

WHEREAS, in March 2023, the U. S. Food and Drug Administration announced the approval of a drug as the first approved treatment for Rett Syndrome, but currently, there is no known cure.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Isle of Wight, Virginia recognize the month of October as Rett Syndrome Awareness Month.

Adopted this 17th of October 2024.

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Joel C. Acree, Chairman

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Carey Mills Storm, Clerk

Approved as to Form:

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Robert W. Jones Jr., County Attorney

ISSUE:

. August 1, 2024 Work Session Minutes
. August 15, 2024 Regular Meeting Minutes
. September 5, 2024 Work Session

BACKGROUND:

The above-noted minutes are offered for review and adoption by the Board.

BUDGETARY IMPACT:

None

RECOMMENDATION:

. August 1, 2024 Work Session Minutes
. August 15, 2024 Regular Meeting Minutes
. September 5, 2024 Work Session

ATTACHMENTS:

Description	Type	Upload Date
August 1, 2024 Work Session	Cover Memo	10/3/2024
August 15, 2024 Regular Meeting Minutes	Cover Memo	10/3/2024
September 5, 2024 Work Session	Cover Memo	10/3/2024

WORK SESSION OF THE ISLE OF WIGHT COUNTY BOARD OF SUPERVISORS HELD IN THE ROBERT C. CLAUD, SR. BOARD ROOM OF THE ISLE OF WIGHT COUNTY COURTHOUSE LOCATED AT 17090 MONUMENT CIRCLE, ISLE OF WIGHT, VIRGINIA ON THURSDAY, THE FIRST DAY OF AUGUST IN THE YEAR TWO THOUSAND AND TWENTY-FOUR

BOARD MEMBERS PRESENT:
Joel C. Acree, District 4, Chairman
Don G. Rosie, II, District 5, Vice-Chairman
Rudolph Jefferson, District 3
William M. McCarty, Sr., District 2
Renee Rountree, District 1

STAFF MEMBERS PRESENT:
Randy R. Keaton, County Administrator
Donald T. Robertson, Assistant County Administrator
Robert W. Jones, Jr., County Attorney
Carey Mills Storm, Clerk

CALL TO ORDER

Chairman Acree called the work session to order at 6:00 p.m.

APPROVAL OF AGENDA

Supervisor McCarty moved that the agenda be approved as amended to move the public hearing following the County Administrator's report and add a discussion following the public hearing regarding the County's sign ordinance. The motion passed unanimously (5-0) with Supervisors Acree, Rosie, McCarty, Jefferson and Rountree voting in favor of the motion and no Supervisor voting against the motion.

INVOCATION

Assistant County Administrator Robertson delivered the invocation and led the Pledge of Allegiance.

COUNTY ADMINISTRATOR'S REPORT

Jenilee Hallman of Parks & Recreation provided an update on upcoming County Fair events related to a Truck & Tractor Pull beginning on September 7th; the Seafood Fest; ground entertainment; various competitions; and, main-stage entertainment. She advised that this will be Danny Byrum's last year volunteering for the Fair and Supervisor McCarty noted the importance of recognizing Mr. Byrum's previous commitment to the Fair in significant ways during the course of this year's Fair.

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Lynn Briggs, Chairperson, Energy Task Force, provided an update on the Task Force's progress to date. She began with the Task Force's members and meeting schedule; its mission and goals; anticipated deliverables; areas of strength for energy growth in the County; weaknesses for energy growth; high priorities; and, long-range planning.

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Gerald Gwaltney, Commissioner of Revenue, explained the differences between a standard reassessment process and a desktop review. He reported on the State requirements for counties and explained the advantages and disadvantages of more frequent reassessments and associated timeline comparison. He reviewed the three options for consideration by the Board. He recommended that the Board move forward with the three-year reassessment cycle.

Chairman Acree, Vice-Chairman Rosie and Supervisor spoke against conducting a desktop review. Supervisors Jefferson and Rountree spoke in favor of a desktop review.

County Attorney Jones suggested that all three options be advertised for public hearing at the Board's September 19, 2024 meeting.

Brian Carroll, Chairman of the Fire Rescue Board and Chris Edwards, Chief of the Smithfield Fire Department, addressed the Board regarding the need to make the County code less restrictive with regard to prohibited burning from May 1st to September 30th.

County Attorney Jones offered to send a copy of the current and model ordinance. He recommended the matter be placed on the Board's September work session to discuss any concerns.

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The Board took a break and returned to the County Attorney's report.

County Attorney Jones reported that DEQ has advised that the County will no longer be doing its stormwater management and that DEQ will be doing it.

Vice-Chairman Rosie suggested that the Loblolly Pine designation that is part of the Chesapeake Bay program be challenged as the County's property is not in Chesapeake Bay tidal waters.

County Administrator Keaton requested direction from the Board regarding creation of an audit committee.

Supervisor Rountree moved that an audit committee be formed. The motion passed unanimously (5-0) with Supervisors Acree, Rosie, McCarty, Jefferson and Rountree voting in favor of the motion and no Supervisor voting against the motion.

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Supervisor McCarty moved that the Planning Commission be directed to conduct an extensive review of the sign ordinance after taking into account local business and staff input regarding compliance and violations. The motion passed unanimously (5-0) with Supervisors Acree, Rosie, McCarty, Jefferson and Rountree voting in favor of the motion and no Supervisor voting against the motion.

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Supervisor McCarty moved to direct the Planning Commission to create a subcommittee to address energy task force concerns as reported by the Energy Task Force, including the priorities outlined in the report. The motion passed unanimously (5-0) with Supervisors Acree, Rosie, McCarty, Jefferson and Rountree voting in favor of the motion and no Supervisor voting against the motion.

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County Administrator Keaton advised that the presentation by Congresswoman Kiggans will be on August 12, 2024 at Riverside Hospital.

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County Administrator Keaton advised that he has signed the contract for the Growth Scenario Study which will be starting up soon.

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Chairman Acree opened the public hearing and called for persons to speak in favor of or in opposition to the Election Board's request to move the polling place for the Beaver Dam Precinct which is currently at the BFW Post 4411 to the Carrsville Community Center.

Supervisor Rosie moved that the polling place for the Beaver Dam Precinct which is currently at the BFW Post 4411 be moved to the Carrsville Community Center. The motion passed unanimously (5-0) with Supervisors Acree, Rosie, McCarty, Jefferson and Rountree voting in favor of the motion and no Supervisor voting against the motion.

ADJOURNMENT

At 10:30 p.m., the work session was declared adjourned.

_____
Joel C. Acree, Chairman

_____
Carey Mills Storm, Clerk

REGULAR MEETING OF THE ISLE OF WIGHT COUNTY BOARD OF SUPERVISORS HELD IN THE ROBERT C. CLAUD, SR. BOARD ROOM OF THE ISLE OF WIGHT COUNTY COURTHOUSE LOCATED AT 17090 MONUMENT CIRCLE, ISLE OF WIGHT, VIRGINIA ON THURSDAY, THE FIFTEENTH DAY OF AUGUST IN THE YEAR TWO THOUSAND AND TWENTY-FOUR

BOARD MEMBERS PRESENT:
Don G. Rosie, II, District 5, Vice-Chairman
Rudolph Jefferson, District 3
William M. McCarty, Sr., District 2
Renee Rountree, District 1

BOARD MEMBER ABSENT
Joel C. Acree, District 4, Chairman

STAFF MEMBERS PRESENT:
Randy R. Keaton, County Administrator
Donald T. Robertson, Assistant County Administrator
Robert W. Jones, Jr., County Attorney
Carey Mills Storm, Clerk

CALL TO ORDER

At 5:00 p.m., Vice-Chairman Rosie preceded over the meeting in the absence of Chairman Acree.

APPROVAL OF AGENDA

Supervisor McCarty moved that the agenda be approved with the addition of a discussion under New Business concerning the Nike Park missile. The motion was adopted unanimously (4-0) with Supervisors Rosie, Jefferson, Rountree and McCarty voting in favor of the motion; no Supervisor voting against the motion; and, Chairman Acree absent from the meeting.

CLOSED MEETING

Pursuant to Section 2.2-3711(A) of the *Code of Virginia*, Supervisor Rountree moved to enter a closed meeting for the limited purpose of: A discussion regarding the appointment of specific appointees to County boards, committees, or authorities as set forth in the agenda, as well as a discussion regarding the Clerk, pursuant to subsection 1; consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to Siting Agreements and Conditional Use Permits procedure pursuant to subsection 8; and, consultation with legal counsel regarding actual or probable litigation regarding zoning violations, contractual claims, condemnation and eminent domain issues, where such consultation would adversely affect the negotiating or litigation posture of this public body pursuant to subsection 7.

The motion passed unanimously (4-0) with Supervisors Jefferson, Rosie, McCarty and Rountree voting in favor of the motion and no Supervisors voting against the motion.

Upon motion of Supervisor McCarty and all voting in favor (4-0), the Board reconvened into open meeting.

County Attorney Jones reminded the Board that in accordance with Section 2-10(G) of the Board's Rules & Procedure, all those who participated in the closed meeting are reminded that all matters discussed in closed meeting are to remain confidential, as provided under the Virginia Freedom of Information Act, and that such matters as were discussed in closed meeting should not be acted upon or discussed in public by any participant unless and until a public, formal action of the Board of Supervisors is taken on that particular subject matter.

Upon motion of Supervisor McCarty and all voting in favor (4-0), the following Resolution was adopted:

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and,

WHEREAS, Section 2.2-3712(D) of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors.

VOTE

AYES: Rosie, Jefferson, McCarty, Rountree

NAYS: 0

ABSENT DURING VOTE: 0

ABSENT DURING MEETING: Acree

CITIZENS' COMMENTS

Brian Carroll of Stallings Creek Drive spoke in opposition to the Cavalier solar project citing concerns with increased traffic, road maintenance, ground maintenance, wildlife and noise.

Herb DeGroft cited concerns with the Board's transparency and accountability issues related to tonight's FY2024-25 budget book presentation and the School's Capital Project finances. He inquired when the Board will be conducting its public hearing on the $1.6 million in additional funds received by the State and given to the School Board.

John Byrum of Five Forks Road spoke in favor of the Cavalier solar project stating that AES has been a good neighbor.

CONSENT AGENDA

Following an overview by County Administrator Keaton, on motion of Supervisor Jefferson, the following Consent Agenda was adopted unanimously (4-0) with Supervisors Rosie, Jefferson, Rountree and McCarty voting in favor of the motion; no Supervisor voting against the motion; and, Chairman Acree absent from the meeting:

A. Resolution to Amend the FY2024-25 Operating Budget and Appropriate Funding for Emergency Response Pharmacy Compliance ($158,000)

B. Resolution to Amend the FY2024-25 Operating Budget and Appropriate Funding for Pass Through Dominion Energy Funding from VDEM ($80,000)

C. Resolution to Amend the FY2024-25 Operating Budget and Appropriate Funding for Replacement of County Vehicles ($99,972)

D. Resolution Declaring the Official Intent of the County of Isle of Wight, Virginia, to Reimburse Itself for Capital Expenditures Related to the Acquisition of Various Vehicles ($973,000)

E. Authorization to Acquire Previously Budgeted Vehicles for County Operations

Replacement Vehicles - Sheriff Vehicles and Other GF Vehicles

- Investigations - Two Durango - $49,000
- Patrol - Five Durango - $60,700
- Public Works Solid Waste - 2024 Peterbuilt - $250,000
- Parks & Recreation – 2025 F550 (Dump Bed) - $90,000
- Parks & Recreation – 2025 Chevy 2500 Hd - $54,000
- Economic Development – 2025 Chevy Malibu - $31,000
- Information Technology – 2025 Ford Explorer
- Emergency Services – 2025 Chevrolet Tahoe - $70,000
- Community Development – 2025 Maverick - $34,500

New Vehicles – Sheriff Vehicles and GF Vehicles

. Patrol – Two Durango

. Tourism – 2025 Maverick - $34,500

F. Tanker Acquisition for the Carrollton Volunteer Fire Department in the amount of $650,980

G. Acceptance of Low Bid of $1,768,283 from Phillips Construction to Extend William A. Gwaltney Way in the Shirley T. Holland Industrial Park, Phase 2

H. June 13, 2024 Regular Meeting Minutes and July 11, 2024 Meeting Minutes

REGIONAL AND INTER-GOVERNMENTAL REPORTS

No reports were offered.

APPOINTMENTS

Supervisor McCarty moved that Joanna Wiggins be appointed to replace Michelle Manfred on the Blackwater Regional Library Board. The motion was adopted unanimously (4-0) with Supervisors Rosie, Jefferson, Rountree and McCarty voting in favor of the motion; no Supervisor voting against the motion; and, Chairman Acree absent from the meeting.

Supervisor McCarty moved that the following individuals be appointed to serve on the Audit Committee: Dale Baugh; Richard Grice; Michael Stanton; the County Administrator; the County's CFO; the School's CFO; Supervisor Rountree; and, Supervisor McCarty. The motion was adopted unanimously (4-0) with Supervisors Rosie, Jefferson, Rountree and McCarty voting in favor of the motion; no Supervisor voting against the motion; and, Chairman Acree absent from the meeting.

Vice-Chairman Rosie moved that Charlene Herrala be appointed to serve on the Blackwater Regional Library Board as the At-Large member District 5. The motion was adopted unanimously (4-0) with Supervisors Rosie, Jefferson, Rountree and

McCarty voting in favor of the motion; no Supervisor voting against the motion; and, Chairman Acree absent from the meeting.

SPECIAL PRESENTATIONS

The Board received the FY2024-25 Budget Book for its information and reference.

The Board received a presentation from Jimmy Sanderson with Davenport & Associates on options for financing the School's upcoming capital projects.

Responsive to her request, Mr. Sanderson offered to provide Supervisor Rountree with the percentage of debt as compared to assessed value.

Following an update from George Bowman, VDOT Assistant Resident Administrator for the Franklin residency regarding transportation maintenance and projects throughout the County, the Board requested the following:

Supervisor Jefferson requested attention be given to the BMP in Rushmere and removal of the debris along the roadway. Owens Lane, James Way and Burwells Bay Road need to be repaved and a pothole repaired on Burwells Bay Road.

Supervisor Rountree requested attention be given to the ditches at Sweet Haven Church.

Supervisor McCarty requested the areas that have been previously patched on Smith's Neck Road be repaired. He encouraged citizens to adopt a highway.

County Administrator Keaton reported a drainage issue at Benns Grant intersection.

COUNTY ATTORNEY'S REPORT

Concerning the Board's desire to create a three year versus a four-year assessment cycle, County Attorney Jones reported that the matter would be advertised for public hearing at the Board's September 19, 2024 meeting.

PUBLIC HEARINGS

A. Application (CUP-3-24) of Todd Christiansen, Applicant, and Isle of Wight County School Board, Property Owner, for a Conditional Use Permit for a Modular Classroom on Approximately 0.5 Acres Located at Carrsville Elementary School, 5355 Carrsville Highway (Rte. 58) in the Village Center Zoning District.

Trenton Blowe, Planner II, Department of Community Development, presented the request for a Conditional Use Permit for a modular classroom at Carrsville Elementary School. Following a project description and strengths and weaknesses, he relayed the Planning Commission's and staff's recommendation to approve the application as submitted.

Vice-Chairman Rosie opened the public hearing and called for those in favor of or in opposition to the application.

Herb DeGroft of District 5 inquired if this modular building is to replace the existing one or in addition to the existing one.

Mr. Blowe advised that this modular building is in addition to the existing modular building.

Vice-Chairman Rosie closed the public hearing.

Supervisor Jefferson moved that the application be approved which was adopted unanimously (4-0) with Supervisors Rosie, Jefferson, Rountree and McCarty voting in favor of the motion; no Supervisor voting against the motion; and, Chairman Acree absent from the meeting.

B. Application (CUP-7-24) of Jeremy Kooiman and Lucy Kooiman, Property Owners, for a Conditional Use Permit to Operate a Short-Term Rental on Approximately Two Acres Located at 214 Shivers Mill Lane in the Suburban Residential Zoning District.

Caleb Kitchen, Planner 1, Department of Community Development, presented the Conditional Use Permit request to continue the establishment of a short-term

rental property. He reviewed the strengths and weaknesses and the Planning Commission's and staff's recommendation.

Vice-Chairman Rosie opened the public hearing and called for those in favor of or in opposition to the application.

Lucy Kooiman, applicant, advised that she and her husband have been operating a short-term rental for the past six years. She advised that her neighbor has attempted to shut their business down for the past six years and that Judge Farmer had recently declared that there was not sufficient evidence to suggest that the short-term rental is a nuisance. She addressed the two complaints by her neighbor involving noise and trash.

Brian Peoples, representing Mr. Ornoff, stated because short-term rentals can have an effect on other individuals, they are appropriate in some locations and not others. He recalled that the Board had previously denied the Kooiman's application for a Conditional Use Permit in 2020 for an accessory use apartment residence because it was determined by the Board that it was injurious to the neighbors. He referred to two letters in opposition which he would pass out to the Board at the end of his presentation. He stated that the harms recognized by the Board include difficulties with parking, loud noises, disposing of cigarettes in the yard, and trespassing.

Thomas Finderson of Sugar Hill Road spoke in favor noting that seniors will have the ability to short-term lease to support their budgets. He spoke highly of the Kooiman's stating that they are good people who have integrity and attend church, care about their property and the community.

Albert Burckard of District 2 spoke in favor of the approval of the Conditional Use Permit noting that the Kooiman's have responded to any voiced objection.

Ms. Kooiman disagreed with Attorney Peoples' comment that some neighborhoods are not appropriate for short-term rentals. She stated her other neighbors have supported them for the last six years and she addressed the concerns expressed with loud noises, cigarettes, parking and trespassing by Mr. Ornoff.

Vice-Chairman Rosie closed the public hearing.

County Attorney Jones, in response to Mr. Finderson' s comments, advised that under consideration tonight is whether or not the property is appropriate for the use, not whether or not the applicant is a good person or contributes to charities. He continued that the previous ruling by this Board regarding an accessory apartment does not pertain to this application.

Supervisor Jefferson moved that the Conditional Use Permit be approved with the following conditions: Commercial vehicles used by guests are not permitted to use the on-site parking spaces; no parking of vehicles associated with the short-term rental are to occur in the cul-de-sac circle or along Anna Drive; and, an outdoor smoking receptacle shall be installed for the disposal of cigarette butts.

The motion was adopted (3-1) with Supervisors Rosie, Jefferson and McCarty voting in favor of the motion; Supervisor Rountree voting against the motion; and, Chairman Acree absent from the meeting.

C. Application of Elk Development, LLC, Applicant, and William Pennie, Jr. and Teresa L. Crocker, Property Owners, for a Conditional Use Permit for a Major Utility Service, Specifically a 3.0 MW Utility-Scale Solar Energy Generation Facility, on Approximately 27.32 Acres on a 94.21-Acre Tract Located on Old Stage Highway in the Rural Agricultural Conservation (RAC) Zoning District.

Mr. Blowe provided a site and project description, staff analysis on public utilities, environmental assessment, historical resources, economic impact, viewshed analysis, department and agency reviews, and staff analysis of strengths and weaknesses. He continued that the applicant after the June Planning Commission meeting has submitted a revised layout to show compliance with ordinance requirements. He advised that the Planning Commission unanimously (10-0) recommended denial of the application and staff recommends approval with the conditions outlined in the agenda package.

Vice-Chairman Rosie opened the public hearing and called for those in favor of or in opposition to the application.

Rob Hickox with Pivot Energy began with an overview of that organization and presented a revised layout of the project developed in conjunction with the

Planning Commission and reviewed solutions to community concerns. He reviewed technology and equipment and site design and construction.

David Tucker of District 3 spoke against the application.

George Beringo of Wrenn's Mill Estates spoke against the application citing concerns with water sources and location to existing homes.

Cynthia Rowell of Kings Point Avenue spoke against the application citing concerns with noise, appearance, smell, pollinators, and the effect on property values.

Chloe Hodges with Energy Rights spoke in favor of the application emphasizing the importance of decisions to remain local and that the State not be allowed to take away that control. She addressed economic benefits such as stable income for landowners.

Michael Keizer of Morgart's Beach Road advised that he just wanted to be left alone and be able to do whatever he wants on his property. He asked that the Board support the applicant by approving it.

Dennis Latimer of Wrenn's Mill Estate spoke in opposition.

Herb DeGroft spoke in favor citing the need for auxiliary power.

William Crocker of Morgart's Beach Road and the landowner spoke in favor stating that this will be additional revenue for the County that will not require any County services such as fire, rescue, schools. He stated revenue generated by this will supplement him in his retirement.

Darlene Beringo of Wrenn's Mill Estates spoke in opposition stating that she understands the concept of someone being able to do what they want with their land, but sometimes that can't be done as it affects other people.

Vice-Chairman Rosie closed the public hearing.

Mr. Hickox responded to questions regarding a Town Meeting held on June 7, 2023 at the Smithfield Library and that while his mailing went out to all surrounding

properties, including Wrenn's Mill Estate, no one attended the meeting. Trees will provide screening, as well as the buffer, which is 50 feet at its minimum. He advised that training will be provided to local EMS and also have a remote shut off in the event of a fire.

Supervisor Jefferson remarked that only three individuals from Wrenn's Mill Estate attended the meeting tonight and he did not feel that number is a good representation of that subdivision. He stated that he would like additional time to speak to individuals in that neighborhood before acting.

Supervisor Jefferson moved to table the matter until the Board's September 19, 2024 meeting to allow him additional time to speak with citizens. The motion was adopted unanimously (4-0) with Supervisors Rosie, Jefferson, Rountree and McCarty voting in favor of the motion; no Supervisor voting against the motion; and, Chairman Acree absent from the meeting.

D. Application (CUP-7-23) of Elk Development, LLC, Applicant, and William Sawyer, Property Owner, for a Conditional Use Permit for a Major Utility Service, Specifically a Three-Megawatt Utility-Scale Solar Energy Generation Facility, on Approximately 28.84 Acres Located on Orbit Road in the Rural Agricultural Conservation Zoning District and a Request to Withdraw 22.02 Acres from the Courthouse Agricultural and Forestal District.

Mr. Blowe represented the application beginning with a site and project description, staff analysis involving public facilities, environmental assessment, historical resources and viewshed. He continued with Department and agency reviews, staff analysis of strengths and weaknesses and the recommendations of the Planning Commission and staff's to deny the application.

County Attorney Jones advised that this CUP is not large enough to have a siting agreement; however, a payment agreement is being proposed in the amount of $45,000 60 days after the receipt of a CUP, $45,000 within 30 days after approval of the final building permit and $45,000 within 30 days of the commencement of operation. He noted that if the payment agreement and the CUP is accepted is proof that the project is in substantial compliance with the Comprehensive Plan.

Vice-Chairman Rosie opened the public hearing and called for those in favor of or in opposition to the application.

Mr. Hickox of Pivot Energy spoke in favor and advised that a community meeting held in Windsor had not been attended by the public. He advised that it is an open site not requiring tree removal and is ideally located in proximity to a 3-phase utility service and substation.

David Tucker spoke in opposition to the application.

Chloe Hodges, Energy Rights, offered to share studies underway on decommissioning and she advised that there is language being worked out currently based on legislation that was passed by the General Assembly to mitigate farmland and forestry concerns. She remarked she would like to be a voice on how these projects can benefit communities, what are the things we need to look out for and protect ourselves from and ensuring adequate setbacks.

Melissa Vice of Carrollton, daughter and on behalf of Clay Sawyer, remarked that the location that is being proposed is a family farm where two of her grandchildren live, as well as her father, Clay Sawyer. She advised that her son also farms the existing land who works with Babb Farms.

John Byrum of Five Forks Road remarked there is a demand for renewable energy.

Mr. Hickox advised that stormwater will be contained on site and that the Dominion interconnection is being suspended with a signed interconnection agreement on hand.

Vice-Chairman Rosie closed the public hearing.

Supervisor McCarty moved to approve the application with staff's recommendations and conditions; accept the payment agreement upon the County Attorney's approval; and, approve the request for the withdrawal from the Agricultural/Forestal District. The motion was adopted unanimously (3-1-1) with Supervisors Jefferson, Rountree and McCarty voting in favor of the motion; Vice-Chairman Rosie voting against the motion; and, Chairman Acree absent from the meeting.

E. Ordinance to Repeal Chapter 14A - Stormwater Management Repeal and Reenact Chapter 6 - Erosion and Sedimentation Control, Appendix B-2 Coastal Primary Sand Dune Ordinance and Chapter 17 Wetlands Zoning

County Attorney Jones advised that the Commonwealth of Virginia has revised some mandated language in the wetlands zoning and the coastal primary sand dune ordinance and they have provided model ordinances that they have mandated that localities must adopt related to erosion and sediment control. He advised that the Department of Environmental Quality has removed the County as a stormwater management authority. He continued that the following ordinance would adopt the new model ordinances as well as repeal existing stormwater management. He advised that Article 9 of the stormwater ordinance should not be repealed, just Articles 1-8.

Vice-Chairman Rosie opened the public hearing and called for those in favor of or in opposition to the application.

No one appeared and spoke.

Vice-Chairman Rosie closed the public hearing.

Supervisor McCarty moved that the following Ordinance be adopted as amended to repeal stormwater articles 1-8:

AN ORDINANCE TO AMEND THE ISLE OF WIGHT COUNTY CODE BY REPEALING CHAPTER 14A – STORMWATER MANAGEMENT AND REPEALING AND REENACTING CHAPTER 6. - EROSION AND SEDIMENT CONTROL, APPENDIX B-2. - COASTAL PRIMARY SAND DUNE ORDINANCE, AND CHAPTER 17. - WETLANDS ZONING

WHEREAS, The Virginia Department of Environmental Quality rescinded the County's MS4 designation in 2016 and has recently approved the County's request to opt out of the Virginia Stormwater Management Program and implement a Virginia Erosion and Sediment Control Program: and

WHEREAS, the Code of Virginia was recently amended, requiring the County to adopt model ordinances for erosion and sedimentation control, wetlands zoning, and coastal primary sand dunes; and

WHEREAS, the Board of Supervisors of Isle of Wight County, Virginia, has deemed it necessary and appropriate to update its current ordinances in order to more clearly set forth local ordinances for the benefit of the public, in order to accurately reflect current practices, to correct inaccuracies, and conform to those provisions set forth in the Code of Virginia (1950, as amended).

NOW, THEREFORE, BE IT ORDAINED by the Isle of Wight County Board of Supervisors that Chapter 14A. STORMWATER MANAGEMENT is hereby repealed.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Isle of Wight County Board of Supervisors, Virginia, that CHAPTER 6. - EROSION AND SEDIMENT CONTROL of the Isle of Wight County Code be repealed and reenacted as follows:

CHAPTER 6. - EROSION AND SEDIMENT CONTROL

Sec. 6.1. - Purpose of chapter.

A. This ordinance shall be known as the 'Erosion and Sediment Control Ordinance of Isle of Wight County." The purpose of this ordinance is to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources of the County by establishing requirements for the effective control of soil erosion, sediment deposition and non-agricultural runoff and by establishing procedures whereby these requirements shall be administered and enforced.

B. This ordinance is authorized by § 62.1-44.15:54 of the Code of Virginia.

Sec. 6.2 . -Definitions.

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise.

"Agreement in lieu of a plan" means a contract between the County and the owner that specifies conservation measures that must be implemented to comply with the requirements of this ordinance for the construction of a (i) single-family detached residential structure or (ii) farm building or structure on a parcel of land

with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent; this contract may be executed by the County in lieu of formal site plan.

"Applicant" means any person submitting an erosion and sediment control plan for approval in order to obtain authorization for land-disturbing activities to commence.

"Board" means the State Water Control Board.

"Certified inspector for ESC" means an employee or agent of the VESCP authority who (i) holds a certificate of competence from the department in the area of project inspection or (ii) is enrolled in the department's training program for project inspection and successfully completes such program within one year after enrollment.

"Certified plan reviewer for ESC" means an employee or agent of the VESCP authority who (i) holds a certificate of competence from the department in the area of plan review, (ii) is enrolled in the department's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, landscape architect, land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia, or professional soil scientist as defined in § 54.1-2200.

"Certified program administrator for ESC" means an employee or agent of the VESCP authority who holds a certification from the department in the classification of program administrator or (ii) is enrolled in the department's training program for program administration and successfully completes such program within one year after enrollment.

"Chesapeake Bay Preservation Act" means Article 2.5 (§ 62.1-44.15:67 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

"Chesapeake Bay Preservation Area" means any land designated by a local government pursuant to Part III (9VAC25-830-70 et seq.) of the Chesapeake Bay Preservation Area Designation and Management Regulations and § 62.1-44.15:74 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a

Resource Protection Area and a Resource Management Area as defined in the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830).

"Clearing" means any activity which removes the vegetative ground cover including, root mat removal or topsoil removal.

"County" means the County of Isle of Wight

"Department" means the Virginia Department of Environmental Quality.

"District" or "Soil and Water Conservation District" refers to the Peanut Soil and Water Conservation District, a political subdivision of this Commonwealth organized in accordance with the provisions of Articles 3 (section 10.1-506, et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia as amended.

"Erosion and sediment control plan" or "plan" means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives.

"Erosion impact area" means an area of land that is not associated with a current land-disturbing activity but is subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

"Farm building or structure" means the same as that term is defined in § 36-97 of the Code of Virginia and also includes any building or structure used for agritourism activity, as defined in § 3.2-6400, and any related impervious surfaces including roads, driveways, and parking areas.

"Excavating" means any digging, scooping or other methods of removing earth materials.

"Filling" means any depositing or stockpiling of earth materials.

"Grading" means any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.

"Land disturbance" or “land-disturbing activity” means a man-made change to the land surface that may result in soil erosion or has the potential to change its runoff characteristics, including the clearing, grading, excavating, transporting, and filling of land.

"Land-disturbing permit or approval" means a permit or an approval allowing a land-disturbing activity to commence issued by County after the requirements of § 62.1-44.15:55 of the Code of Virginia have been met.

"Natural channel design concepts" means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bank full storm event within its banks and allows larger flows to access its bank full bench and its floodplain.

"Owner" means the same as provided in § 62.1-44.3 of the Code of Virginia. For a land-disturbing activity that is regulated under Article 2.4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia and this ordinance, "owner" also includes the owner or owners of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a property.

"Peak flow rate" means the maximum instantaneous flow from a prescribed design storm at a particular location.

"Percent impervious" means the impervious area within the site divided by the area of the site multiplied by 100.

"Permittee" means the person to whom the permit is issued.

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the Commonwealth, governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity.

"Responsible Land Disturber" or "RLD" means an individual holding a certificate issued by the department who is responsible for carrying out the land-disturbing activity in accordance with the approved erosion and sediment control plan. The RLD may be the owner, applicant, permittee, designer, superintendent, project manager, contractor, or any other project or development team member. The RLD must be designated on the erosion and sediment control plan or permit as defined in the Virginia Erosion
and Stormwater Management Regulation (9VAC25-875) as a prerequisite for engaging in land disturbance. The RLD must be designated on the erosion and sediment control plan or permit as defined in this ordinance as a prerequisite for engaging in land disturbance.

"Runoff volume" means the volume of water that runs off the land development project from a prescribed storm event.

"Single-family detached residential structure" means a noncommercial dwelling that is occupied exclusively by one family.

"State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

"Transporting" means any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs. (Optional or local definition.)

"Virginia Erosion and Sediment Control Program" or "VESCP" means a program approved by the department that is established by a VESCP authority for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, policies and guidelines, technical materials, and requirements for plan review, inspection, and evaluation consistent with the requirements of the Erosion and Sediment Control Law (ESCL).

"Virginia Erosion and Sediment Control Program authority" or "VESCP authority," for purposes of this ordinance means Isle of Wight County that has been approved by the department to operate a Virginia Erosion and Sediment Control Program in accordance with Article 2.4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1, the State Water Control Law, of Title 62.1 of the Code of Virginia.

“VESCP plan-approving authority" means the County of Isle of Wight Utility Services Department, as may be assisted by consulting services, responsible for determining the adequacy of a plan submitted for land-disturbing activities on a unit or units of lands and for approving plans.

"VPDES Permit" means a General VPDES (Virginia Pollutant Discharge Elimination System) Permit for Discharges of Stormwater from Construction Activities, 9VAC25-880, issued by the department pursuant to § 62.1-44.15 of the Code of Virginia for stormwater discharges from a land-disturbing activity.

Sec. 6.3. - Local Erosion and Sediment Control Program.

Pursuant to § 62.1-44.15:54 of the Code of Virginia, the County hereby establishes a Virginia Erosion and Sediment Control Program (VESCP) and adopts the regulations promulgated by the Board (for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources). In accordance with § 62.1-44.15:52 of the Code of Virginia, any plan approved prior to July 1, 2014 that provides for stormwater management that addresses any flow rate capacity and velocity requirements for natural or man-made channels shall satisfy the flow rate capacity and velocity requirements for natural or man-made channels if the practices are designed to (i) detain the water quality volume and to release it over

48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5, 2, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels.

A. For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements for natural and man-made channels shall be satisfied by compliance with water quantity requirements specified 9VAC25-875-600, unless such land-disturbing activities are in accordance with the grandfathering provisions of 9VAC25-875-490.

B. Pursuant to § 62.1-44.15:53 of the Code of Virginia, an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer for ESC. Inspections of land disturbing activities shall be conducted by a certified inspector for ESC. The Erosion and Sediment Control Program of Isle of Wight County shall contain a certified program administrator for ESC, a certified plan reviewer for ESC, and a certified inspector for ESC (who may be the same person.)

C. The County hereby designates the County's Utility Services Department as the VESCP plan-approving authority.

D. The program and regulations provided for in this ordinance shall be made available for public inspection at the office of the Utility Services Department.

Sec. 6.4. - Regulated Land-Disturbing Activities.

A. Land-disturbing activities that meet one of the criteria below are regulated as follows:

1. Land-disturbing activity that disturbs 10,000 or [smaller area specified by the locality] square feet or more not in an area of a locality designated as a Chesapeake Bay Preservation Area, and not part of a common plan of development or sale, is subject to criteria defined in Article 2 (9VAC25-875-540 et seq.) of Part V of the Virginia Erosion and Stormwater Management Regulation (Regulation).

2. Land-disturbing activity that disturbs 2,500 or smaller area specified by the locality square feet or more and in an area of a locality designated as a Chesapeake Bay Preservation Area is subject to criteria defined in Article 2 (9VAC25-875-540 et seq.) and Article 3 (9VAC25-875-570 et seq.) of Part V unless Article 4 (9VAC25-875-670 et seq) of Part V of the Regulation is applicable, as determined in accordance with 9VAC25-875-480 and 9VAC25-875-490.

Sec. 6.5. - Activities Not Required to Comply With The ESCL

A. Notwithstanding any other provisions of the Erosion and Sediment Control Law for Localities Not Administering a Virginia Erosion and Stormwater Management Program (ESCL), the following activities are not required to comply with the ESCL unless otherwise required by federal law:

1. Disturbance of a land area of less than 10,000 square feet in size or less than 2,500 square feet in an area designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq. of the Code of Virginia)];

2. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs, and maintenance work.

3. Installation, maintenance, or repair of any individual service connection.

4. Installation, maintenance, or repair of any underground utility line when such activity occurs on an existing hard surfaced road, street, or sidewalk, provided the land disturbing activity is confined to the area of the road, street, or sidewalk that is hard surfaced.

5. Installation, maintenance, or repair of any septic tank line or drainage field unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system.

6. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.2 of the Code of Virginia.

7. Clearing of lands specifically for bona fide agricultural purposes; the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops; livestock feedlot operations; agricultural engineering operations, including construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; or as additionally set forth by the board in regulations. However, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163 of the Code of Virginia.

8. Installation of fence and signposts or telephone and electric poles and other kinds of posts or poles.

9. Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Virginia Marine Resources Commission, or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to the ESCL and the regulations adopted pursuant thereto.

10. Land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the VESCP authority shall be advised of the disturbance within seven days

of commencing the land-disturbing activity, and compliance with the administrative requirements of subsections 1.6, 1.7 and 1.8 of this ordinance are required within 30 days of commencing the land-disturbing activity.

11. Discharges to a sanitary sewer or a combined sewer system that are not from a land disturbing activity; and

12. Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company.

Sec. 6.6. - Submission and Approval of Plans; Contents Of Plans.

A. Except as provided herein, no person may engage in any regulated land-disturbing activity until he or she has submitted to the County an erosion and sediment control plan for the regulated land-disturbing activity and such plan has been approved by the County. No approval to begin a land disturbing activity will be issued unless evidence of VPDES permit coverage is obtained where it is required.

Where the land-disturbing activity results from the construction of a (i) single-family detached residential structure or (ii) farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the County.

B. The standards contained within the "Virginia Erosion and Stormwater Management Regulation (9VAC25-875)" and the Virginia Stormwater Management Handbook, as amended and are to be used by the applicant when making a submittal under the provisions of this ordinance and in the preparation of an erosion and sediment control plan. The VESCP plan-approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines. When the standards vary between the publications, the Virginia Erosion and Stormwater Management Regulation shall take precedence.

C. The VESCP plan-approving authority shall review erosion and sediment control plans submitted to it and grant written approval within 60 days of the receipt of the plan if it determines that the plan meets the requirements of the Erosion and Sediment Control Law for Localities not Administering a Virginia Erosion and Stormwater Management Program and 9VAC25-875, and if the person responsible for carrying out the plan certifies that he or she will properly perform the erosion and sediment control measures included in the plan and will comply with the provisions of this ordinance. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of the responsible land disturber to the VESCP authority, as required by 9VAC25-875-300 and 9VAC25-875-550 , who will be in charge of and responsible for carrying out the land-disturbing activity. Failure to provide the name of the responsible land disturber, prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this ordinance.

D. When the plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within 45 days. The notice shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within 45 days, the plan shall be deemed approved, and the person authorized to proceed with the proposed activity.

E. The County shall act on any erosion and sediment control plan that has been previously disapproved within 45 days after the plan has been revised, resubmitted for approval, and deemed adequate.

F. The County may require changes to an approved plan when:

1. The inspection reveals that the plan is inadequate to satisfy applicable regulations; or

2. The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be

effectively carried out, and proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by the VESCP plan-approving authority and the person responsible for carrying out the plans.

G. Variances: The VESCP plan-approving authority may waive or modify any of the standards that are deemed to be inappropriate or too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:

1. At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the VESCP plan-approving authority shall be documented in the plan.

2. During construction, the person responsible for implementing the approved plan may request a variance in writing from the VESCP plan-approving authority. The VESCP plan-approving authority shall respond in writing either approving or disapproving such a request. If the VESCP plan-approving authority does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.

3. The County shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.

H. In order to prevent further erosion, the County may require approval of a plan for any land identified in the local program as an erosion impact area.

I. When a land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

J. As an alternative to submitting soil erosion control and stormwater management plans pursuant to § 62.1-44.15:34 of the Code of Virginia to the County, any person engaging in more than one jurisdiction in the creation and operation of a wetland mitigation or stream restoration bank that has been approved and is operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of (i) a wetlands mitigation or stream restoration bank, pursuant to a mitigation banking instrument signed by the Department, the Marine Resources Commission, or the U.S. Army Corps of Engineers, or (ii) a stream restoration project for purposes of reducing nutrients or sediment entering state waters may submit standards and specifications for Department approval that describe how land-disturbing activities shall be conducted.

Sec. 6.7. - Erosion and Sediment Control Plan; Contents of Plans.

A. An erosion and sediment control plan shall be filed for a development and the buildings constructed within, regardless of the phasing of construction. The erosion and sediment control plan shall be consistent with the criteria, techniques, and methods in 9VAC25875-560. The erosion and sediment control plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives in 9VAC25-875-560. The erosion and sediment control plan may include:

1. Appropriate maps.

2. An appropriate soil and water plan inventory and management information with needed interpretations; and

3. A record of decisions contributing to conservation treatment.

B. The person responsible for carrying out the plan shall provide the name of an individual holding a certificate who will be in charge of and responsible for carrying out the land disturbing activity to the VESMP authority. The VESMP authority may waive the Responsible Land Disturber certificate requirement for an agreement in lieu of a plan in accordance with § 62.1-44.15:34 or § 62.1-44.15:55 of the Code of Virginia.

C. If individual lots or sections in a residential development are being developed by different property owners, all land-disturbing activities related to the building construction shall be covered by an erosion and sediment control plan or an "Agreement in Lieu of a Plan" signed by the property owner.

D. Land-disturbing activity of less than 10,000 square feet on individual lots in a residential development shall not be considered exempt from the provisions of the VESMA, ESCL, or this ordinance if the total land-disturbing activity in the development is equal to or greater than 10,000 square feet.

Sec. 6.8. - Permits; Fees; Security For Performance.

A. Agencies authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities shall not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan, certification that the plan will be followed and evidence of VPDES permit coverage where it is required.

B. No person may engage in any land-disturbing activity until he or she has acquired a land-disturbing permit (unless the proposed land-disturbing activity is specifically exempt from the provisions of this ordinance), has paid the fees, and has posted the required bond.

C. An administrative fee as set forth in the Isle of Wight County Uniform Fee Schedule, as adopted by the Board of Supervisors, as it may be amended, shall be paid to the County at the time of submission of the erosion and sediment control plan.

D. No land-disturbing permit shall be issued until the applicant submits with his or her application an approved erosion and sediment control plan or agreement in lieu of an approved erosion and sediment control plan and certification that the plan will be followed.

E. All applicants for permits shall provide to the County a performance bond with surety, cash escrow, or an irrevocable letter of credit acceptable

to the County Attorney, to ensure that measures could be taken by the County at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him or her by the approved plan as a result of his land-disturbing activity.

The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five percent of the cost of the conservation action. Should it be necessary for the County to take such conservation action, the County may collect from the applicant any costs in excess of the amount of the surety held. Within sixty (60) days of adequate stabilization, as determined by the Utility Services Department in any project or section of a project, such bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof, shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section. These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

Sec. 6.9. - Monitoring, Reports, and Inspections.

A. The responsible land disturber, as provided by § 62.1-44.15:52, shall be in charge of and responsible for carrying out the land-disturbing activity and provide for periodic inspections of the land-disturbing activity. The person responsible for carrying out the plan shall monitor the land-disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.

B. The Utility Services Department shall periodically inspect the land-disturbing activity in accordance with 9VAC25-875-330 to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given

notice of the inspection and shall such inspection in accordance with § 62.1-44.15:60 and the land-disturbing permit.

If the Utility Services Department determines that there is a failure to comply with the plan, notice to comply may be served upon the permittee or person responsible for carrying out the plan. Such notice shall be served by delivery by facsimile, e-mail, or other technology; by mailing with confirmation of delivery to the address specified in the permit application or in the plan certification, if available, or in the land records of the locality; or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

The notice to comply shall specify the measures needed to comply with the land disturbance approval conditions or shall identify the plan approval or land-disturbance approval needed to comply with this article and shall specify a reasonable time within which such measures shall be completed. Upon failure to comply within the specified time, any plan approval or land-disturbance approval may be revoked and the permittee or person responsible for carrying out the plan shall be subject to the penalties provided by this ordinance.

C. Upon issuance of an inspection report denoting a violation of § 62.1-44.15:55 of the Code of Virginia, the Utility Services Department may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.

If land-disturbing activities have commenced without an approved plan, the Utility Services Department may issue an order requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained.

Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land-disturbing activities have commenced without an approved plan, such a stop work order may be issued without regard to whether the alleged violator has been issued a notice to comply as specified in this ordinance. Otherwise, such an order may be issued only after the alleged violator has failed to comply with such a notice to comply.

The stop-work order shall be served in the same manner as a notice to comply and shall remain in effect for a period of seven days from the date of service pending application by the County or permit holder for appropriate relief to the Circuit Court of Isle of Wight County. The County shall serve such order for disturbance without an approved plan upon the owner by mailing with confirmation of delivery to the address specified in the land records. The order shall be posted on the site where the disturbance is occurring and shall remain in effect until permits and plan approvals are secured, except in such situations where an agricultural exemption applies.

If the alleged violator has not obtained an approved plan within seven days from the date of service of the stop work order, the Utility Services Department may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan has been obtained. Such an order shall be served upon the owner by mailing with confirmation of delivery to the address specified in the plan or the land records of the County.

The owner may appeal the issuance of an order to the Circuit Court of Isle of Wight.

Any person violating or failing, neglecting or refusing to obey an order issued by Utility Services Department may be compelled in a proceeding instituted in the Circuit Court of Isle of Wight County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.

Upon completion and approval of corrective action or obtaining an approved plan, the order shall immediately be lifted.

Nothing in this section shall prevent the Utility Services Department from taking any other action authorized by this ordinance or other applicable laws.

Sec. 6.10. - Penalties, Injunctions, and Other Legal Actions.

A. Any person who has violated or failed, neglected, or refused to obey any order, notice, or requirement of the County, any condition of a land-disturbance approval, or any provision of this ordinance shall, upon a finding

of the District Court of Isle of Wight County, be assessed a civil penalty. The civil penalty for any one violation shall be not less than $100 nor more than $1,000, except that the civil penalty for commencement of land-disturbing activities without an approved plan shall be $1,000. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of $10,000, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of $10,000.

B. The Utility Services Department, or the owner of property which has sustained damage, or which is in imminent danger of being damaged, may apply to the Circuit Court of Isle of Wight County to enjoin a violation or a threatened violation of §§ 62.1-44.15:55 or 62.1-44.15:58 of the Code of Virginia, without the necessity of showing that an adequate remedy at law does not exist.
However, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.

C. In addition to any criminal or civil penalties provided under this ordinance, any person who violates any provision of the Erosion and Sediment Control Law may be liable to Isle of Wight County in a civil action for damages.

D. Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed $2,000 for each violation. A civil action for such violation or failure may be brought by the County.

Any civil penalties assessed by a court shall be paid into the treasury of Isle of Wight County, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

E. With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this ordinance, or order of the County, the County may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in Subsection D of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under Subsection A or D.

F. The Commonwealth's Attorney shall, upon request of the County, take legal action to enforce the provisions of this ordinance.

Sec. 6.11. - Appeals and Judicial Review.

A. Final decisions of the County under this ordinance shall be subject to review by the Isle of Wight County Circuit Court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Isle of Wight County Board of Supervisors, Virginia, that APPENDIX B-2. - COASTAL PRIMARY SAND DUNE ORDINANCE of the Isle of Wight County Code be repealed and reenacted as follows:

APPENDIX B-2. - COASTAL PRIMARY SAND DUNE ORDINANCE.

Sec. 1001. – Title, Purpose, and Authority.

The governing body of Isle of Wight County, acting pursuant to Chapter 14 (§ 28.2-1400 et seq.) of Title 28.2 of the Code of Virginia, adopts this ordinance regulating the use and development of coastal primary sand dunes. Whenever coastal primary sand dunes are referred to in this ordinance, such references shall also include beaches.

Sec. 1002. – Definitions.

As used in this ordinance, unless the context requires a different meaning:

"Beach" means the shoreline zone comprised of unconsolidated sandy material upon which there is a mutual interaction of the forces of erosion, sediment transport, and deposition that extends from the low water line landward to where there is a marked change in either material composition or physiographic form such as a dune, bluff, or marsh, or where no such change can be identified, to the line of woody vegetation (usually the effective limit of stormwaves), or the nearest impermeable man-made structure, such as a bulkhead, revetment, or paved road.

"Coastal primary sand dune" or "dune" means a mound of unconsolidated sandy soil that is contiguous to mean high water, whose landward and lateral limits are marked by a change in grade from 10 percent or greater to less than 10 percent, and upon which is growing any of the following species: American beach grass (Ammophila breviligulata); beach heather (Hudsonia tomentosa); dune bean (Strophostyles spp.); dusty miller (Artemisia stelleriana); saltmeadow hay (Spartina patens); seabeach sandwort (Honckenya peploides); sea oats (Uniola paniculata); sea rocket (Cakile edentula); seaside goldenrod (Solidago sempervirens); Japanese sedge or Asiatic sand sedge (Carex kobomugi); Virginia pine (Pinus virginiana); broom sedge (Andropogon virginicus); and short dune grass (Panicum amarum). For purposes of this ordinance, "coastal primary sand dune" shall not include any mound of sand, sandy soil, or dredge spoil deposited by any person for the purpose of temporary storage, beach replenishment, or beach nourishment, nor shall the slopes of any such mound be used to determine the landward or lateral limits of a coastal primary sand dune.

"Commission" means the Virginia Marine Resources Commission.

"Commissioner" means the Commissioner of Marine Resources.

"County," means the governing body of Isle of Wight County.

"Governmental activity" means any of the services provided by the Commonwealth or a county, city, or town to its citizens for the purpose of maintaining public facilities, including but not limited to, such services as constructing, repairing, and maintaining roads; providing streetlights and sewage facilities; supplying and treating water; and constructing public buildings.

"Wetlands board" or "board" means the board created pursuant to § 28.2-1303 of the Code of Virginia.

Sec. 1003. – Permitted uses.

The following uses of and activities in dunes are authorized if otherwise permitted by law:

1. The construction and maintenance of noncommercial walkways that do not alter the contour of the coastal primary sand dune;

2. The construction and maintenance of observation platforms that are not an integral part of any dwelling and that do not alter the contour of the coastal primary sand dune;

3. The planting of beach grasses or other vegetation for the purpose of stabilizing coastal primary sand dunes;

4. The placement of sand fences or other material on or adjacent to coastal primary sand dunes for the purpose of stabilizing such features, except that this provision shall not be interpreted to authorize the placement of any material that presents a public health or safety hazard;

5. Sand replenishment activities of any private or public concern, provided no sand shall be removed from any coastal primary sand dune unless authorized by lawful permit;

6. The normal maintenance of any groin, jetty, riprap, bulkhead, or other structure designed to control beach erosion that may abut a coastal primary sand dune;

7. The normal maintenance or repair of existing roads, highways, railroad beds, and facilities of the United States, this Commonwealth or any of its counties or cities, or of any person, provided no coastal primary sand dunes are altered;

8. Outdoor recreational activities, provided the activities do not alter the natural contour of the coastal primary sand dune or destroy the vegetation growing thereon;

9. The conservation and research activities of the Commission, Virginia Institute of Marine Science, Department of Wildlife Resources, and other conservation-related agencies;

10. The construction and maintenance of aids to navigation that are authorized by governmental authority;

11. Activities pursuant to any emergency declaration by the governing body of any local government or the Governor of the Commonwealth or any public health officer for the purposes of protecting the public health and safety;

12. Governmental activity in coastal primary sand dunes owned or leased by the Commonwealth or a political subdivision thereof; and

13. The construction of living shoreline projects authorized pursuant to a general permit developed under subsection B of § 28.2-104.1.

Sec. 1004. – Application for permitted uses-generally.

A. Any person who desires to use or alter any coastal primary sand dune within this county, other than for the purpose of conducting the activities specified in § 3 of this ordinance, shall first file an application directly with the wetlands board or with the Commission.

B. The permit application shall include the following: the name and address of the applicant; a detailed description of the proposed activities and a map, drawn to an appropriate and uniform scale, showing the area of dunes directly affected, the location of the proposed work thereon, the area of any proposed fill and excavation, the location, width, depth, and length of any disposal area, and the location of all existing and proposed structures, sewage collection and treatment facilities, utility installations, roadways, and other related appurtenances or facilities, including those on adjacent uplands; a description of the type of equipment to be used and the means of equipment access to the activity site; the names and addresses of owners of record of adjacent land; an estimate of cost; the primary purpose of the project; any secondary purposes of the project, including further projects; the public benefit to be derived from the proposed project; a

complete description of measures to be taken during and after the alteration to reduce detrimental offsite effects; the completion date of the proposed work, project, or structure; and such additional materials and documentation as the wetlands board may require.

C. A nonrefundable processing fee shall accompany each permit application. The fee shall be set by the applicable governing body with due regard for the services to be rendered, including the time, skill, and administrator's expense. No person shall be required to file two separate applications for permits if the proposed project will require permits under this ordinance and Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 of the Code of Virginia. Under those circumstances, the fee shall be established pursuant to this ordinance.

Sec. 1005. – Same-Public inspection.

All applications, maps, and documents submitted shall be open for public inspection at the Isle of Wight County Department of Planning and Zoning.

Sec. 1006. – Same-notice of hearing.

Not later than 60 days after receipt of a complete application, the wetlands board shall hold a public hearing on the application. The applicant, local governing body, Commissioner, owner of record of any land adjacent to the coastal primary sand dunes in question, the Virginia Institute of Marine Science, the Department of Wildlife Resources, the State Water Control Board, the Department of Transportation, and any governmental agency expressing an interest in the application shall be notified of the hearing. The Commission or board shall mail or email these notices not less than 20 days prior to the date set for the hearing. The board shall also (i) cause notice of the hearing to be published at least once in the seven days prior to such hearing in a newspaper of general circulation in this county; (ii) post a notice of the hearing on its website at least 14 days prior to such hearing; and (iii) provide a copy of such notice to the Commission for submittal to the Virginia Regulatory Town Hall. The costs of publication shall be paid by the applicant. In the event that the board submits a correct and timely notice for publication and the newspaper fails to publish the notice or publishes the notice incorrectly, the board shall be deemed to have met the notice requirements of this

subsection so long as the notice is published in the next available edition of such newspaper.

Sec. 1007. – Same-decision of board.

A. Approval of a permit application shall require the affirmative vote of three members of a five-member board or four members of a seven-member board.

B. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. Any person may appear and be heard at the public hearing. Each witness at the hearing may submit a concise written statement of his testimony. The board shall make a record of the proceeding, which shall include the application, any written statements of witnesses, a summary of statements of all witnesses, the findings and decision of the board, and the rationale for the decision.

C. The board shall make its determination within 30 days of the hearing. If the board fails to act within that time, the application shall be deemed approved. Within 48 hours of its
determination, the board shall notify the applicant and the Commissioner of its determination. If the board fails to make a determination within the 30-day period, it shall promptly notify the applicant and the Commission that the application is deemed approved.

D. If the board's decision is reviewed or appealed, the board shall transmit the record of its hearing to the Commissioner. Upon a final determination by the Commission, the record shall be returned to the board. The record shall be open for public inspection at the Isle of Wight County Department of Planning and Zoning.

Sec. 1008. – Permit bond; revocation or suspension of permit.

The board may require a reasonable bond or letter of credit in an amount and with surety and conditions satisfactory to it, securing to the Commonwealth compliance with the conditions and limitations set forth in the permit. The board may, after a hearing held pursuant to this ordinance, suspend or revoke a permit if the applicant has failed to comply with any of the conditions or limitations set forth in the permit

or has exceeded the scope of the work described in the application. The board may, after a hearing, suspend a permit if the applicant fails to comply with the terms and conditions set forth in the application.

Sec. 1009. – Responsibility of board.

In fulfilling its responsibilities under this ordinance, the board shall preserve and protect coastal primary sand dunes and beaches and prevent their despoliation and destruction. However, whenever practical, the board shall accommodate necessary economic development in a manner consistent with the protection of these features.

Sec. 1010. – Same-Basis for decision to approve, etc.; granting of approval or denial.

A. In deciding whether to grant, grant in modified form, or deny a permit, the board shall consider the following:

1. The testimony of any person in support of or in opposition to the permit application;

2. The impact of the proposed development on the public health, safety, and welfare; and

3. The proposed development's conformance with standards prescribed in § 28.2-1408 of the Code of Virginia and guidelines promulgated pursuant to § 28.2-1401 of the Code of Virginia.

B. The board shall grant the permit if all of the following criteria are met:

1. The anticipated public and private benefit of the proposed activity exceeds its anticipated public and private detriment.

2. The proposed development conforms with the standards prescribed in § 28.2-1408 of the Code of Virginia and guidelines promulgated pursuant to § 28.2-1401 of the Code of Virginia.

3. The proposed activity does not violate the purposes and intent of this ordinance or Chapter 14
(§ 28.2-1400 et seq.) of Title 28.2 of the Code of Virginia.

C. If the board finds that any of the criteria listed in subsection B of this section are not met, the board shall deny the permit application but allow the applicant to resubmit the application in modified form.

Sec. 1011. – Permits; generally.

A. The permit shall be in writing and signed by the chairman of the board. A copy of the permit shall be transmitted to the Commissioner.

B. No permit shall be granted without an expiration date established by the board. Upon proper application, the board may extend the permit expiration date.

Sec. 1012. – Permit affect.

No permit granted by a wetlands board shall in any way affect the right of any person to seek compensation for any injury in fact incurred by him because of the permitted activity.

Sec. 1013. – Violations.

Any person who knowingly, intentionally, or negligently violates any order, rule or regulation of the commission or wetlands board, any provision of Chapter 14, Article 2 of Title 28.2 of the Code of Virginia, or of this Coastal Primary Sand Dune Zoning Ordinance, enacted pursuant to Chapter 14, Article 2 of Title 28.2 of the Code of Virginia, or any provision of a permit granted pursuant to Chapter 14, Article 2 of Title 28.2 of the Code of Virginia is guilty of a Class I misdemeanor. Following a conviction, every day the violation continues is a separate offense.

Sec. 1014. - Injunctions.

Upon the petition of the commission or the wetlands board to the Circuit Court of the Isle of Wight County, Virginia, the court may enjoin the unlawful act and order the defendant to take any steps necessary to restore, protect, and preserve the

dunes or beaches involved. This remedy shall be exclusive of and in addition to any criminal penalty which may be imposed under Section 28.2-1418 of the Code of Virginia.

Sec. 1015. - Penalties.

A. Without limiting the remedies which may be obtained under this appendix B-2, any person who violates any provision of this appendix B-2 or who violates or fails, negates, or refuses to obey any commission or wetlands board notice, order, rule, or regulation, or permit condition authorized by this appendix B-2 shall, upon such finding by an appropriate circuit court, be assessed a civil penalty not to exceed twenty-five thousand dollars ($25,000.00) for each day of violation. Such civil penalties may, at the discretion of the court assessing them, be directed to be paid into the treasury of the county, city, or town in which the violation occurred for the purpose of abating environmental damage to or restoring dunes or beaches therein, in such a manner as the county may, by order, direct, except that where the violator is the county, city or town itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

B. Without limiting the remedies which may be obtained under this appendix B-2, and with the consent of any person who has violated any provision of this appendix B-2 or who has violated or failed, neglected, or refused to obey any commission or wetlands board order, rule, regulation or permit condition authorized by this appendix B-2, the commission or wetlands board may provide, in an order issued by the commission or wetlands board against such person, for the one-time payment of civil charges for each violation in specific sums, not to exceed ten thousand dollars ($10,000.00) for each violation under subsection a. of this section. Civil charges may be in addition to the cost of any restoration ordered by the commission or wetlands board.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Isle of Wight County Board of Supervisors, Virginia, that CHAPTER 17. - WETLANDS ZONING of the Isle of Wight County Code be repealed and reenacted as follows:

CHAPTER 17. - WETLANDS ZONING

Sec. 17-1. - Title, Purpose and Authority.

The governing body of Isle of Wight County, acting pursuant to Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 of the Code of Virginia, adopts this ordinance regulating the use and development of wetlands.

Sec. 17-2. - Definitions.

As used in this ordinance, unless the context requires a different meaning:

"Back Bay and its tributaries" means the following, as shown on the United States Geological Survey Quadrangle Sheets for Virginia Beach, North Bay, and Knotts Island: Back Bay north of the Virginia-North Carolina state line; Capsies Creek north of the Virginia-North Carolina state line; Deal Creek; Devil Creek; Nawney Creek; Redhead Bay, Sand Bay, Shipps Bay, North Bay, and the waters connecting them; Beggars Bridge Creek; Muddy Creek; Ashville Bridge Creek; Hells Point Creek; Black Gut; and all coves, ponds, and natural waterways adjacent to or connecting with the above-named bodies of water.

"Commission" means the Virginia Marine Resources Commission.

"Commissioner" means the Commissioner of Marine Resources.

"Governmental activity" means any of the services provided by this county to its citizens for the purpose of maintaining this county, including but not limited to such services as constructing, repairing, and maintaining roads; providing sewage facilities and streetlights; supplying and treating water; and constructing public buildings.

"Nonvegetated wetlands" means unvegetated lands lying contiguous to mean low water and between mean low water and mean high water, including those unvegetated areas of Back Bay and its tributaries and the North Landing River and its tributaries subject to flooding by normal and wind tides but not hurricane or tropical storm tides.

"North Landing River and its tributaries" means the following, as shown on the United States

Geological Survey Quadrangle Sheets for Pleasant Ridge, Creeds, and Fentress: the North Landing River from the Virginia-North Carolina line to Virginia Highway 165 at North Landing Bridge; the Chesapeake and Albemarle Canal from Virginia Highway 165 at North Landing Bridge to the locks at Great Bridge; and all named and unnamed streams, creeks, and rivers flowing into the North Landing River and the Chesapeake and Albemarle Canal except West Neck Creek north of Indian River Road, Pocaty River west of Blackwater Road, Blackwater River west of its forks located at a point approximately 6400 feet due west of the point where Blackwater Road crosses the Blackwater River at the village of Blackwater, and Millbank Creek west of Blackwater Road.

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other legal entity.

"Vegetated wetlands" means lands lying between and contiguous to mean low water and an elevation above mean low water equal to the factor one and one-half times the mean tide range at the site of the proposed project in the county, city, or town in question, and upon which is growing any of the following species: saltmarsh cordgrass (Spartina alterniflora), saltmeadow hay (Spartina patens), saltgrass (Distichlis spicata), black needlerush (Juncus roemerianus), saltwort (Salicornia spp.), sea lavender (Limonium spp.), marsh elder (Iva frutescens), groundsel bush (Baccharis halimifolia), wax myrtle (Myrica sp.), sea oxeye (Borrichia frutescens), arrow arum (Peltandra virginica), pickerelweed (Pontederia cordata), big cordgrass (Spartina cynosuroides), rice cutgrass (Leersia oryzoides), wildrice (Zizania aquatica), bulrush (Scirpus validus), spikerush (Eleocharis sp.), sea rocket (Cakile edentula), southern wildrice (Zizaniopsis miliacea), cattail (Typha spp.), three-square (Scirpus spp.), buttonbush (Cephalanthus occidentalis), bald cypress (Taxodium distichum), black gum (Nyssa sylvatica), tupelo (Nyssa aquatica), dock (Rumex spp.), yellow pond lily (Nuphar sp.), marsh fleabane (Pluchea purpurascens), royal fern (Osmunda regalis), marsh hibiscus (Hibiscus moscheutos), beggar's tick (Bidens sp.), smartweed (Polygonum sp.), arrowhead (Sagittaria spp.), sweet flag (Acorus calamus), water hemp (Amaranthus cannabinus), reed grass (Phragmites communis), or switch grass (Panicum virgatum).

"Vegetated wetlands of Back Bay and its tributaries" or "vegetated wetlands of the North Landing River and its tributaries" means all marshes subject to flooding by

normal and wind tides but not hurricane or tropical storm tides, and upon which is growing any of the following species: saltmarsh cordgrass (Spartina alterniflora), saltmeadow hay (Spartina patens), black needlerush (Juncus roemerianus), marsh elder (Iva frutescens), groundsel bush (Baccharis halimifolia), wax myrtle (Myrica sp.), arrow arum (Peltandra virginica), pickerelweed (Pontederia cordata), big cordgrass (Spartina cynosuroides), rice cutgrass (Leersia oryzoides), wildrice (Zizania aquatica), bulrush (Scirpus validus), spikerush (Eleocharis sp.), cattail (Typha spp.), three-square (Scirpus spp.), dock (Rumex sp.), smartweed (Polygonum sp.), yellow pond lily (Nuphar sp.), royal fern (Osmunda regalis), marsh hibiscus (Hibiscus moscheutos), beggar's tick (Bidens sp.), arrowhead (Sagittaria sp.), water hemp (Amaranthus cannabinus), reed grass (Phragmites communis), or switch grass (Panicum virgatum).

"Wetlands" means both vegetated and nonvegetated wetlands.

"Wetlands board" or "board" means a board created pursuant to § 28.2-1303 of the Code of Virginia.

Sec. 17-3. - Permitted uses.

The following uses of and activities in wetlands are authorized if otherwise permitted by law:

A. The construction and maintenance of noncommercial catwalks, piers, boathouses, boat shelters, fences, duck blinds, wildlife management shelters, footbridges, observation decks, and shelters and other similar structures, provided that such structures are so constructed on pilings as to permit the reasonably unobstructed flow of the tide and preserve the natural contour of the wetlands;

B. The cultivation and harvesting of shellfish, and worms for bait;

C. Noncommercial outdoor recreational activities, including hiking, boating, trapping, hunting, fishing, shellfishing, horseback riding, swimming, skeet and trap shooting, and shooting on shooting preserves, provided that no structure shall be constructed except as permitted in subdivision 1 of this section;

D. Other outdoor recreational activities, provided they do not impair the natural functions or alter the natural contour of the wetlands;

E. Grazing, haying, and cultivating and harvesting agricultural, forestry, or horticultural products;

F. Conservation, repletion, and research activities of the Commission, the Virginia Institute of Marine Science, the Department of Wildlife Resources and other conservation-related agencies;

G. The construction or maintenance of aids to navigation that are authorized by governmental authority;

H. Emergency measures decreed by any duly appointed health officer of a governmental subdivision acting to protect the public health;

I. The normal maintenance and repair of, or addition to, presently existing roads, highways, railroad beds, or facilities abutting on or crossing wetlands, provided that no waterway is altered and no additional wetlands are covered;

J. Governmental activity in wetlands owned or leased by the Commonwealth or a political subdivision thereof;

K. The normal maintenance of man-made drainage ditches, provided that no additional wetlands are covered. This subdivision does not authorize the construction of any drainage ditch; and

L. The construction of living shoreline projects authorized pursuant to a general permit developed under subsection B of § 28.2-104.1.

Sec. 17-4. - Application for permitted uses – generally.

A. Any person who desires to use or develop any wetland within this county, other than for the purpose of conducting the activities specified in Section 3 of this ordinance, shall first file an application for a permit directly with the wetlands board or with the Commission.

B. The permit application shall include the following: the name and address of the applicant; adetailed description of the proposed activities; a map, drawn to an appropriate and uniform scale, showing the area of wetlands directly affected, the location of the proposed work thereon, the area of existing and proposed fill and excavation, the location, width, depth, and length of any proposed channel and disposal area, and the location of all existing and proposed structures, sewage collection and treatment facilities, utility installations, roadways, and other related appurtenances or facilities, including those on adjacent uplands; a statement indicating whether use of a living shoreline as defined in § 28.2-104.1 for a shoreline management practice is not suitable, including reasons for the determination; a description of the type of equipment to be used and the means of equipment access to the activity site; the names and addresses of owners of record of adjacent land and known claimants of water rights in or adjacent to the wetland of whom the applicant has notice; an estimate of cost; the primary purpose of the project; any secondary purposes of the project, including further projects; the public benefit to be derived from the proposed project; a complete description of measures to be taken during and after the alteration to reduce detrimental offsite effects; the completion date of the proposed work, project, or structure; and such additional materials and documentation as the wetlands board may require.

C. A nonrefundable processing fee shall accompany each permit application. The fee shall be set by the applicable governing body with due regard for the services to be rendered, including the time, skill, and administrator's expense involved.

Sec. 17- 5. - Same-Public inspection.

All applications, maps, and documents submitted shall be open for public inspection at the Isle of Wight County Department of Planning and Zoning and specified in the public notice for public hearing required under Section 6 of this ordinance.

Sec. 17- 6. - Same-notice of hearing.

Not later than 60 days after receipt of a complete application, the wetlands board shall hold a public hearing on the application. The applicant, local governing body, Commissioner, owner of record of any land adjacent to the wetlands in question,

known claimants of water rights in or adjacent to the wetlands in question, the Virginia Institute of Marine Science, the Department of Wildlife Resources, the State Water Control Board, the Department of Transportation, and any governmental agency expressing an interest in the application shall be notified of the hearing. The Commission or board shall mail or email these notices not less than 20 days prior to the date set for the hearing. The board shall also (i) cause notice of the hearing to be published at least once in the seven days prior to such hearing in a newspaper of general circulation in this county; (ii) post a notice of the hearing on its website at least 14 days prior to such hearing; and (iii) provide a copy of such notice to the Commission for submittal to the Virginia Regulatory Town Hall. The published notice shall specify the place or places within this county where copies of the application may be examined. The costs of publication shall be paid by the applicant. In the event that the board submits a correct and timely notice for publication and the newspaper fails to publish the notice or publishes the notice incorrectly, the board shall be deemed to have met the notice requirements of this subsection so long as the notice is published in the next available edition of such newspaper.

Sec. 17- 7. - Same-decision of board.

A. Approval of a permit application shall require the affirmative vote of three members of a five-member board or four members of a seven-member board.

B. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. Any person may testify at the public hearing. Each witness at the hearing may submit a concise written statement of his testimony. The board shall make a record of the proceeding, which shall include the application, any written statements of witnesses, a summary of statements of all witnesses, the findings and decision of the board, and the rationale for the decision.

C. The board shall make its determination within 30 days of the hearing. If the board fails to act within that time, the application shall be deemed approved. Within 48 hours of its
determination, the board shall notify the applicant and the Commissioner of its determination. If the board fails to make a determination within the 30-day period, it shall promptly notify the applicant and the Commission that the application is

deemed approved. For purposes of this section, "act" means taking a vote on the application. If the application receives less than four affirmative votes from a seven-member board or less than three affirmative votes from a five-member board, the permit shall be denied.

D. If the board's decision is reviewed or appealed, the board shall transmit the record of its hearing to the Commissioner. Upon a final determination by the Commission, the record shall be returned to the board. The record shall be open for public inspection at the same office as was designated under Section 5 of this ordinance.

Sec. 17- 8. - Permit bond; revocation or suspension of permit.

The board may require a reasonable bond or letter of credit in an amount and with surety and conditions satisfactory to it, securing to the Commonwealth compliance with the conditions and limitations set forth in the permit. The board may, after a hearing held pursuant to this ordinance, suspend or revoke a permit if the applicant has failed to comply with any of the conditions or limitations set forth in the permit or has exceeded the scope of the work described in the application. The board may, after a hearing, suspend a permit if the applicant fails to comply with the terms and conditions set forth in the application.

Sec. 17- 9. - Responsibility of board.

In fulfilling its responsibilities under this ordinance, the board shall preserve and prevent the despoliation and destruction of wetlands within its jurisdiction while accommodating necessary economic development in a manner consistent with wetlands preservation and any standards set by the Commonwealth in addition to those identified in § 28.2-1308 to ensure protection of shorelines and sensitive coastal habitats from sea level rise and coastal hazards, including the provisions of guidelines and minimum standards promulgated by the Commission pursuant to §28.2-1301 of the Code of Virginia.

Sec. 17- 10. - Same-Basis for decision to approve, etc.; granting of approval or denial.

A. In deciding whether to grant, grant in modified form, or deny a permit, the board shall consider the following:

1. The testimony of any person in support of or in opposition to the permit application;

2. The impact of the proposed development on the public health, safety, and welfare; and

3. The proposed development's conformance with standards prescribed in § 28.2-1308 of the Code of Virginia and guidelines promulgated pursuant to § 28.2-1301 of the Code of Virginia.

B. The board shall grant the permit if all of the following criteria are met:

1. The anticipated public and private benefit of the proposed activity exceeds its anticipated public and private detriment.

2. The proposed development conforms with the standards prescribed in § 28.2-1308 of the Code of Virginia and guidelines promulgated pursuant to § 28.2-1301 of the Code of Virginia.

3. The proposed activity does not violate the purposes and intent of this ordinance or Chapter 13

(§ 28.2-1300 et seq.) of Title 28.2 of the Code of Virginia.

C. If the board finds that any of the criteria listed in subsection B of this section are not met, the board shall deny the permit application but allow the applicant to resubmit the application in modified form.

Sec. 17- 11. - Permits; generally.

A. The permit shall be in writing and signed by the chairman of the board or his authorized representative. A copy of the permit shall be transmitted to the Commissioner.

B. No permit shall be granted without an expiration date established by the board. Upon proper application, the board may extend the permit expiration date.

Sec. 17- 12. - Affect of permit.

No permit granted by a wetlands board shall in any way affect the applicable zoning and land use ordinances of this county or the right of any person to seek compensation for any injury in fact incurred by him because of the proposed activity.

Sec. 17-12. - Violations; penalty.

Any person who knowingly, intentionally or negligently violates any order, rule or regulation of the wetlands board of Isle of Wight County, Virginia, or any provision of this chapter, or any provision of a permit granted pursuant to this chapter, shall be guilty of a Class I misdemeanor. Following a conviction, every day the violation continues is a separate offense.

The motion was adopted unanimously (4-0) with Supervisors Jefferson, Rountree, Rosie and McCarty voting in favor of the motion; no Supervisor voting against the motion; and, Chairman Acree absent from the meeting.

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COUNTY ADMINISTRATOR'S REPORT

The Board was requested to forward any recommendations for legislative priorities to Assistant County Administrator Robertson so that a draft list for the Board's consideration can be presented at its September 19th meeting.

County Administrator Keaton highlighted matters for the Board's information.

UNFINISHED/OLD BUSINESS

Supervisor McCarty moved to extend the meeting past 11:00 p.m. The motion was adopted unanimously (4-0) with Supervisors Rosie, Jefferson, Rountree and

McCarty voting in favor of the motion; no Supervisor voting against the motion; and, Chairman Acree absent from the meeting.

Ben Saunders, AES, reviewed the changes made to the Sycamore Cross project since the July meeting related to the siting agreement, tax revenue, and reasons for approving the applications.

There was general discussion regarding the penalty amount should the applicant not follow the rules. The applicant stated he would agree to a $50,000 penalty per violation for conditions agreed to by the applicant. The importance of having that in writing was recognized. The applicant stated they are committed to a third-party enforcement, prepping of the roads, limiting construction on White Dove Trail and a project liaison.

Supervisor McCarty moved that the following three applications be tabled until the Board's September 19, 2024 meeting:

A. Application (CUP-8-23) of Sycamore Cross Solar, LLC, Applicant, for a Conditional Use Permit for a Major Utility Service, Specifically a 214 MW Utility-Scale Solar Energy Generation Facility and a Medium Voltage Line Known as Sycamore Cross A, on Approximately 1,795 Acres Located on Mill Swamp Road (Rte. 621) in the Rural Agricultural Conservation Zoning District as well as an Associated Application to Withdraw Approximately 860 Acres from the Moonlight Agricultural and Forestal District.

B. Application (CUP-5-24) of Sycamore Cross Solar , LLC, Applicant, for a for a Conditional Use Permit to Allow the Expansion of an Existing Major Utility Service, Specifically a Six MW Utility-Scale Solar Energy Generation Facility and Associated Six Medium Voltage Lines Known as Sycamore Cross B, on approximately 240 Acres Located on Jones Drive (Rte. 626), Burwells Bay Road (Rte. 621), Mill Swamp Road (Rte. 621) and James Wilson Way.

C. Siting Agreement for the Sycamore Cross Solar, LLC Project

The motion was adopted unanimously (4-0) with Supervisors Rosie, Jefferson, Rountree and McCarty voting in favor of the motion; no Supervisor voting against the motion; and, Chairman Acree absent from the meeting.

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Tony Wilson, Public Works Director, addressed the Board concerning bids received for the construction of an addition to the Windsor Library facility which consists of a new 1800 sf first floor, 680 sf second floor addition, new lighting, flooring paint, and new bathroom fixtures in the existing library. He advised that $337,000 is included in the budget and the bid was $807,000. His recommendation is to invest in a new library and partner with the Town of Windsor.

The consensus of the Board was to allow staff to discuss the possibility of partnering with the Town of Windsor to build a new library facility near the Community Center at the Georgie D. Tyler Middle School. Staff is to discuss a concept for a new facility with Ben Neal and return to the Board with a conceptual drawing and probable cost for consideration.

Mr. Wilson discussed the bids recently received bids for construction of an addition to the Rushmere Volunteer Fire Department. The scope of work includes a 1116 sf addition for bunkrooms, men/women shower facilities, minor storage space, and a new 2886 sf apparatus bay.

Supervisor McCarty moved to approve the low bid with Spacemakers, Inc. in the amount of $1,590,916. The motion was adopted unanimously (4-0) with Supervisors Rosie, Jefferson, Rountree and McCarty voting in favor of the motion; no Supervisor voting against the motion; and, Chairman Acree absent from the meeting.

Staff is to return with a budget amendment.

Jamie Oliver, Transportation Manager, reviewed potential Benns Church Boulevard/Turner Drive intersection improvements as outlined in the Benns Church Master TIA.

Supervisor McCarty moved to direct staff to move forward and arrange the necessary negotiations and proper meetings to move forward. The motion was adopted unanimously (4-0) with Supervisors Rosie, Jefferson, Rountree and

McCarty voting in favor of the motion; no Supervisor voting against the motion; and, Chairman Acree absent from the meeting.

NEW BUSINESS

Supervisor McCarty encouraged movement with regard to getting the missile at Nike Park painted and its placement location identified.

ADJOURNMENT

At 12:00 a.m., the meeting was declared adjourned.

_____
Joel C. Acree, Chairman

_____
Carey Mills Storm, Clerk

WORK SESSION OF THE ISLE OF WIGHT COUNTY BOARD OF SUPERVISORS HELD IN THE ROBERT C. CLAUD, SR. BOARD ROOM OF THE ISLE OF WIGHT COUNTY COURTHOUSE LOCATED AT 17090 MONUMENT CIRCLE, ISLE OF WIGHT, VIRGINIA ON THURSDAY, THE FIFTH DAY OF SEPTEMBER IN THE YEAR TWO THOUSAND AND TWENTY-FOUR

BOARD MEMBERS PRESENT:
Joel C. Acree, District 4, Chairman
Don G. Rosie, II, District 5, Vice-Chairman
Renee Rountree, District 1
William M. McCarty, Sr., District 2 (Remote Participation)

ABSENT
Rudolph Jefferson, District 3

STAFF MEMBERS PRESENT:
Randy R. Keaton, County Administrator
Donald T. Robertson, Assistant County Administrator

CALL TO ORDER

Chairman Acree called the work session to order at 6:00 p.m.

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Pursuant to State Code and the Board's by-laws, a Board member can participate remotely in a meeting if a physical quorum is assembled and if the member has requested and notified the Board that he wishes to appear remotely/electronically. It was noted that Supervisor McCarty will be participating remotely due to a personal matter which will require him to state the nature of his absence and the remote location from which he is participating. Under the Board's by-laws, Supervisor McCarty is eligible to participate remotely as he has not participated remotely up to six (6) meetings this year.

Supervisor McCarty advised that he is in Roanoke and will be participating remotely.

Vice-Chairman Rosie moved that Supervisor McCarty be allowed to participate remotely in the meeting. The motion was adopted (3-0) with Supervisors Acree, Rosie and Rountree voting in favor of the motion; no Supervisor voting against the motion; and, Supervisor Jefferson absent from the meeting.

Supervisor McCarty thereafter joined the work session.

APPROVAL OF AGENDA

Supervisor Rountree moved that the agenda be approved as presented. The motion passed unanimously (4-0) with Supervisors Acree, Rosie, McCarty and Rountree voting in favor of the motion; no Supervisor voting against the motion; and, Supervisor Jefferson absent from the meeting.

INVOCATION

Assistant County Administrator Robertson delivered the invocation.

CONSENT AGENDA

A. Resolution to Recognize and Honor Danny Byrum, County Fair Chairman: Vice-Chairman Rosie moved that the Resolution be adopted. The motion passed unanimously (4-0) with Supervisors Acree, Rosie, McCarty and Rountree voting in favor of the motion; no Supervisor voting against the motion; and, Supervisor Jefferson absent from the meeting.

B. Resolution to Designate September as Hunger Action Month: Supervisor Rountree moved to approve the Consent Agenda. The motion passed unanimously (4-0) with Supervisors Acree, Rosie, McCarty and Rountree voting in favor of the motion; no Supervisor voting against the motion; and, Supervisor Jefferson absent from the meeting.

COUNTY ADMINISTRATOR'S REPORT

Jamie Oliver, Transportation Manager, gave a presentation on potential cost share options for the Board to consider and discuss with the Town of Smithfield and

potential private sector partners relative to the intersection improvements at Benns Church Boulevard/Turner Drive.

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Assistant County Administrator Robertson discussed issues to be considered for inclusion in the Board's 2025 Legislative Priority List. Suggested items for inclusion are Standards for Implementation of Pharmaceutical Program and JLARC Study on Vaping.

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County Administrator Keaton provided information regarding Columbia Gas Transmission's (TCO) Virginia Reliability Project (VRP). VRP will replace approximately 48 miles of 12-inch diameter pipeline with 24-inch diameter pipeline with state-of-the-art steel pipe along with technology that will help enhance and ensure an abundant natural gas supply for Hampton Roads.

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The subject of the Board's Annual Retreat was discussed and it was the consensus of the Board was to hold its annual retreat on Friday, October 25, 2024 at the Hampton Roads Planning District Commission building.

UNFINISHED/OLD BUSINESS

The by-laws of the Audit Committee were discussed and changes proposed to Article 2, Purpose; under Power and Duties; and, Terms of Members. To be added in is recording of meetings, add language regarding appointments, and add in the prayer and the Pledge of Allegiance.

Supervisor Rountree moved to adopt the bylaws of the Audit Committee with corrections. The motion was adopted unanimously (4-0) with Supervisors Acree, Rosie, Rountree and McCarty voting in favor of the motion; no Supervisors voting against the motion; and, Supervisor Jefferson absent from the meeting.

CLOSED MEETING

Pursuant to Section 2.2-3711(A) of the *Code of Virginia*, Supervisor Rountree moved to enter a closed meeting for the limited purpose of discussion on a matter involving the negotiation for sale of real property. The motion passed unanimously (4-0) with Supervisors Acree, Rosie, McCarty and Rountree voting in favor of the motion; no Supervisors voting against the motion; and, Supervisor Jefferson absent from the meeting.

Upon motion of Vice-Chairman Rosie the Board reconvened into open meeting. The motion passed unanimously (4-0) with Supervisors Acree, Rosie, McCarty and Rountree voting in favor of the motion; no Supervisors voting against the motion; and, Supervisor Jefferson absent from the meeting.

The Board was reminded that in accordance with Section 2-10(G) of the Board's Rules & Procedure, all those who participated in the closed meeting are reminded that all matters discussed in closed meeting are to remain confidential, as provided under the Virginia Freedom of Information Act, and that such matters as were discussed in closed meeting should not be acted upon or discussed in public by any participant unless and until a public, formal action of the Board of Supervisors is taken on that particular subject matter.

The following resolution was adopted unanimously (4-0) on motion of Supervisor Rountree with Supervisors Acree, Rosie, McCarty and Rountree voting in favor of the motion; no Supervisors voting against the motion; and, Supervisor Jefferson absent from the meeting:

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and,

WHEREAS, Section 2.2-3712(D) of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors.

VOTE

AYES: Acree, Rosie, McCarty, Rountree

NAYS: 0

ABSENT DURING VOTE: 0

ABSENT DURING MEETING: Jefferson

ADJOURNMENT

At 8:20 p.m., the work session was declared adjourned.

_____
Joel C. Acree, Chairman

_____

Carey Mills Storm, Clerk

BACKGROUND:

The Board of Supervisors has previously directed that an opportunity be provided for monthly status briefings from Board members who serve as representatives on various regional committees and authorities on behalf of the County.

BUDGETARY IMPACT:

None

RECOMMENDATION:

Receive the report.

ATTACHMENTS:

Description	Type	Upload Date
BOS Regional Committees by Org & Member	Cover Memo	2/1/2024

2024
BOARD OF SUPERVISORS'
REGIONAL ORGANIZATIONS (BY MEMBER)

ACREE

- *Hampton Roads Planning District Commission*
- *Western Tidewater Water Authority*
- *Western Tidewater Community Transportation Collaborative*

ROUNTREE

- *Eastern Virginia Regional Industrial Facility Authority*
- *Hampton Roads Workforce Council*
- *Western Tidewater Water Authority*

JEFFERSON

- *Western Tidewater Regional Jail*

McCARTY

- *Hampton Roads Transportation Advisory Committee*
- *Hampton Roads Transportation Planning Organization*
- *Western Tidewater Regional Jail*

ROSIE

- *Hampton Roads Military Federal Facilities Alliance*

KEATON

- *Hampton Roads Planning District Commission*
- *Hampton Roads Transportation Planning Organization*
- *Southeastern Public Service Authority*
- *Western Tidewater Regional Jail*
- *Western Tidewater Water Authority*

2024
BOARD OF SUPERVISORS'
REGIONAL ORGANIZATIONS (BY ORGANIZATION)

Eastern Virginia Regional Industrial Facility Authority	*Rountree*
Hampton Roads Military & Federal Facilities Alliance:	*Rosie*
Hampton Roads Planning District Commission:	*Acree* *Keaton*
Hampton Roads Transportation Accountability Committee:	*McCarty*
Hampton Roads Transportation Planning Organization:	*McCarty* *Keaton*
Hampton Roads Workforce Council	*Rountree*
Southeastern Public Service Authority	*Keaton* *Etheridge - (Alternate)*
Western Tidewater Community Transportation Collaborative	*Acree*
Western Tidewater Regional Jail:	*Jefferson* *McCarty* *Keaton*
Western Tidewater Water Authority:	*Rountree* *Acree* *Keaton*

BACKGROUND:

Board members will consider and make appointments of individuals to various local and region organizations as noted on the Appointments Page.

BUDGETARY IMPACT:

None

RECOMMENDATION:

Appoint individuals to various local and region organizations as noted on the Appointments Page.

ATTACHMENTS:

Description	Type	Upload Date
Appointments Page	Cover Memo	8/8/2024
Blackwater Library Board	Cover Memo	8/8/2024
Commission on Adults with Disabilities	Cover Memo	8/8/2024
Energy Task Force	Cover Memo	8/8/2024

BOARDS/COMMISSIONS/COMMITTEES

DISTRICT	BOARD/COMMISSION/COMMITTEE	APPOINTEE	CONTACT	EXPIRATION	
District 1	Audit Committee	Vacant			
District 2	Blackwater Regional Library Board	Replace Michelle Manfred with Joanna Wiggins	(757)742-2008	June	2024
District 2	Commission on Adults with Disabilities	Vacant			
District 2	Audit Committee	Vacant			
District 3	Audit Committee	Vacant			
District 3	Historical Archictural Review Committee	Replace Lee Duncan		January	2023
District 3	Energy Task Force	Vacant			
District 4	Economic Development Authority	Reappoint Sharon Cory Stallings	(757) 242-6486	April	2024
District 4	Blackwater Regional Library Board	Replace Conway Henderson		June	2025
District 4	Social Services Board	Reappoint Regina Joyner	(757) 478-6381	June	2023
District 4	Audit Committee	Vacant			
District 4	Historical Architectural Review Committee	Reappoint Durwood Scott	(757) 242-6528	Sept.	2024
District 5	Social Services Board	Reappoint Linda Boone Randolph	(757) 390-6066	June	2024
District 5	Commission on Adults with Disabilities	Vacant			
District 5	Audit Committee	Vacant			
District 5	Agricultural/Forestal District Advisory Council	Replace Emory Auston/Deceased			
District 5	Energy Task Force	Vacant			

NOT BY DISTRICT					
	BOARD/COMMISSION/COMMITTEE	APPOINTEE	CONTACT	EXPIRATION	
Town of Windsor	Economic Development Authority	Replace Reverend Samual Askew			
At-Large	Blackwater Regional Library Board	Replace Rita Gibson w/Charlene Herrala	(757) 377-8654	June	2027
	Camp Community College Board	Reappoint Roderick Hallum	(757) 328-6354	June	2024
	Fire Rescue Advisory Board	Replace Scott Brower w/Chuck Mullins		January	2025
	Hampton Roads Workforce Council	Replace L'Tanya Johnson - County Business Leader		June	2024
	Virginia Alcohol Safety Program	Replace Kimberly Davenport w/Corporal Chad Beale		August	2024
	Children's Services Act-Policy & Mgmt. Team	Replace Nancy Mayo with Dahlis Atkins		August	2024

Carey Mills Storm

From: Ben Neal <bneal@blackwaterlib.org>
Sent: Thursday, July 18, 2024 11:23 AM
To: Carey Mills Storm
Subject: FW: Library Board Member suggestion

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi, Carey,

Received your message. I wanted to make sure you got this that I sent last week, which was a recommendation that Ms. Henderson forwarded along for District 2.

I don't have anyone in mind for Manfred's spot, but I will ask around and get back to you if I find someone interested...ideally by your August meeting.

Ben Neal
Library Director
Blackwater Regional Library
22511 Main Street
Courtland, VA 23837
757-653-0298 Ext. 303
www.blackwaterlib.org

From: Ben Neal
Sent: Tuesday, July 9, 2024 10:26 AM
To: Carey Mills Storm <cstorm@isleofwightus.net>
Subject: FW: Library Board Member suggestion

Carey,

A former board member forwarded me this Library Board recommendation over the holiday. According to the county's GIS for election districts, their address is in District 2, where there is a vacancy. Just forwarding along in case they need some names to start from.

Ben

Ben Neal
Library Director
Blackwater Regional Library
22511 Main Street
Courtland, VA 23837
757-653-0298 Ext. 303
www.blackwaterlib.org

From: Connie and Jim Henderson <jim.or.connie.henderson@att.net>
Sent: Thursday, July 4, 2024 3:31 PM

blackwater regional library

www.blackwaterlib.org

Mr. Randy Keaton
Isle of Wight County Administrator
P.O. Box 80
Isle of Wight, VA 23397

April 22, 2024

Re: Board Appointment

Dear Mr. Keaton,

Isle of Wight County members of the Blackwater Regional Library Board of Trustees, Ms. Michelle Manfred and Ms. Denise Tynes, will reach the end of their term on June 30, 2024. They have both served one full term on the Board and we appreciate their efforts on behalf of the Library.

We respectfully request you appoint a 2 new trustees to serve on our board. These will be new appointees for a term of four years, expiring on June 30, 2028.

Please make sure the "new members" are aware that the Board of Trustees meets nine times a year on the third Wednesday of each month at 3:00 p.m. The meeting usually lasts for approximately two hours. The Board usually meets the Franklin branch. Trustees are also asked to be a member of a committee and these committees usually meet outside of the normal board meeting to discuss business matters in order to expedite regular board meeting time. This could mean a commitment of an additional one to two hours per month.

Enclosed is a general description of duties that can be expected of appointed members for reference.

We appreciate your attention to this matter. Thank you for your continued support of the library and its programs.

Very Best Regards,

Ben Neal
Library Director
757-653-0298 ext. 303
bneal@blackwaterlib.org

Board of Trustees

Board Mission and Vision

A public library board has the primary responsibility for the success of the library, both now and in the future. Trustees have a legal responsibility to successfully maintain a public, nonsectarian library for all residents in the library's service area.

Expectations of a Board of Trustees:

- Attend meetings regularly
- Participate in a Board orientation
- Share skills on committees
- Understand the community and its needs
- Exercise discretion and respect confidentiality outside board meetings
- Avoid conflicts of interest and put personal agendas aside when making decisions
- Actively support the implementation of board decisions
- Have an open mind and respect differing viewpoints
- Respect diversity
- Focus on a secure future for the library

As a governing body, the Board of Trustees:

Advocates for the library within the community by:

- Seeking funding opportunities
- Supporting planned programs of public relations
- Meeting with local officials to communicate library issues
- Representing the library patrons' concerns and their perspectives

Develops a strategic plan that:

- Guides and articulates the goals and objectives to be achieved
- Determines sound decision-making and priorities
- Measures the quality and effectiveness of services and programs
- Reflects contemporary library practices and future trends

Nurtures fiscal responsibility through:

- The preparing of a budget
- Scheduled monitoring of that budget and other financial progress reports
- Pursued opportunities, such as grants, campaign development, and other funds
- Communication of fiscal needs with supporting agencies
- Careful investments

Crafts policies that:

- Comply with all laws
- Form a framework of acceptable expected practices, behaviors, and procedures
- Support the mission, goals, and objectives of the library
- Outline personnel issues
- Describe facilities use and access
- Are adopted, enforced, and updated

Board of Trustees

Ensures qualified leadership by:

- Hiring a library director who manages the day-to-day operations
- Evaluating the director annually

Carey Mills Storm

Blackwater Library Bd.

From: Ben Neal <bneal@blackwaterlib.org>
Sent: Tuesday, April 16, 2024 12:47 PM
To: Carey Mills Storm
Subject: FW: Board appointments

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Carey,

One follow-up, a couple of my board members asked me to forward along the name of Ms. Charlene Herrala as a potentjal board member. "Her cell is 757-377-8654. Home is 757-242-4546 email charlene.herrala@gmail.com ". I believe she's a retired educator and lives on Walters Hwy. I think, if the board is interested, that she might be idea for the seat Ms. Gibson vacated as that is an "at-large" position.

Just passing along as a potential interested person, I did advise they fill out the interest form for County Boards' that's online, but wanted to pass along the name to you as well.

Thanks,

Ben Neal
Library Director
Blackwater Regional Library
22511 Main Street
Courtland, VA 23837
757-653-0298 Ext. 303
www.blackwaterlib.org

From: Ben Neal
Sent: Wednesday, April 10, 2024 11:46 AM
To: Carey Mills Storm <cstorm@isleofwightus.net>
Subject: Board appointments

Hi, Carey,

I hope this message finds you doing well. I received an email from one of my IOW Board Members, Rita Gibson, that she needed to resign as she is moving out of the area for family purposes. I'm including the email below, but we will need a replacement...it would be for a term that ends on June 30, 2027.

" Ben,

I am going to have to resign from the Blackwater Regional Library board. My husband and I have decided to move to Ohio and I will need to get things prepared to sell , etc.

Rita Gibson"

I was also copied on an email that Ms. Henderson sent Mr. McCarty last week resigning. This would be until the term expires on June 30, 2025. "Although we talked on the phone I realized you probably need something in writing to make my resignation official.
Please let me know if I can be of help in any way in the future.
Thanks for your interest in the library.

Conway Henderson
757-238-9890
"

I also have a formal letter to send you requesting a replacement for Michelle Manfred, whose term expires on June 30th. It would be for a four year term from July 1, 2024 to June 30, 2028. Similarly, Ms. Denise Tynes terms ends on June 30th and is eligible for re-appointment.

Let me know if you need anything, or if it'd be helpful to send some potential names.

Warmly,

Ben

Ben Neal
Library Director
Blackwater Regional Library
22511 Main Street
Courtland, VA 23837
757-653-0298 Ext. 303
www.blackwaterlib.org

Carey Mills Storm

From: Conway Henderson <jim.or.connie.henderson@att.net>
Sent: Tuesday, April 16, 2024 1:46 PM
To: Carey Mills Storm
Subject: Message response

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I left a phone message also to respond to your call. I have resigned from the Board of the Blackwater Regional Library. Health problems have meant that I have had to miss several meetings and I do not believe one should serve on the Board if unable to be an active participant.
If there is any way I can still be of help to the library I will be glad to do so.

Conway Henderson

To: Ben Neal <bneal@blackwaterlib.org>
Subject: Library Board Member suggestion

Johanna Wiggins
100 Regata Lane
Smithfield, VA 23430
Cell: 757-742-2008

Johanna is young, uses the library, has two children, has financial expertise. She knows when the board meets and has authority from her job to attend meetings during the day.

Connie Henderson

COMMISSION ON ADULTS WITH DISABILITIES

DISTRICT 1	**APPOINTED**
James Piatak	12/14/2023
3 Poplar Court	
Smithfield, VA 23430	
(757) 871-1797	
DISTRICT 1	
Howard Meissel	12/14/2023
10280 Park Street	
Battery Park, VA 23304	
(757) 630-2872	
DISTRICT 2	
Fred Mitchell	6/13/2024
24266 Sugar Hill Road	
Carrollton, VA 23314	
(757) 870-1199	
DISTRICT 2	Vacant
DISTRICT 3	
Julian K. Wilson	
112 Cattail Lane, Apartment 6	
Smithfield, Virginia 23430	
(757) 870-2502	
DISTRICT 3	
Michael Uzzel	6/13/2024
9471 Central Hill Road	
Windsor, VA 23487	
(757) 357-4380	
DISTRICT 4	
Renea Acree	3/21/2024
100 Whitehead Farm Lane	
Smithfield, VA 23430	
(757) 449-1258	

COMMISSION ON ADULTS WITH DISABILITIES

	APPOINTED
DISTRICT 4	
Melinda Shortridge 106 Robin Lane, Smithfield, VA 23430 (757) 328-1012	3/21/2024
DISTRICT 5	
Carey Mills Storm 17361 Trump Town Road Windsor, VA 23487 (757)377-8649	5/16/2024
DISTRICT 5	Vacant

ENERGY TASK FORCE

Created: February 23, 2023

APPOINTEES	DISTRICT	DATE APPOINTED
Thomas Distefano 15151 Batiste Court Carrollton, VA 23314 (757) 708-0880	2	2/23/23
Lewis Edmonds 23427 John Henry Street Windsor, VA 23487 (757) 871-6550	4	3/16/23
Lynn Barlow Briggs 211 North Mason Street Smithfield, Virginia 23430 (757) 365-1611	1	3/16/23
VACANT	3	
VACANT	5	
AT-LARGE APPOINTEE (Town of Smithfield) Michael G. Smith 104 Commerce Street Smithfield, VA 23430 (757) 576-4203		4/27/23
At-LARGE APPOINTEE (Town of Windsor) Edward (Gibby) Dowdy 9 Bank Street Windsor, VA 23487		6/1/23

TASK FORCES/2

ISSUE:

VACo Recognition of the RISE Program

BACKGROUND:

The Resilient-Independent-Social-Empowerment (R.I.S.E.) Program is the County's therapeutic recreation day program for adults with disabilities. The goal of this program is to promote socialization, independent living skills, and provide opportunities for participating in recreation activities for people with disabilities. This is a great opportunity to be a part of a group that shares common goals and abilities. Activities will include, but most certainly not be limited to group activities, arts & crafts, pop-up field trips, physical activities, outdoor activities, workshops and much more.

The RISE Program has been recognized with a 2024 VACo Achievement Award. A representative from VACo will be in attendance at the Board's meeting on Thursday to present the award.

The RISE program was also recently recognized as the Best New Program of 2023 by the Virginia Recreation & Park Society.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

For the Board's information.

ISSUE:

Application (CSUP-24-1) of Anthony Robinette, Property Owner, for a Conditional Use Permit to Establish a Religious Assembly Use on Approximately 1.25 Acres Located at 5293 Old Stage Highway (Rte. 10) in the Rural Agricultural Conservation Zoning District

BACKGROUND:

An application (CSUP-24-1) has been submitted by Anthony Robinette, property owner, for a conditional use permit to establish a religious assembly use on approximately 1.25 acres located at 5293 Old Stage Highway (Rte. 10) on tax parcel 06-01-027 in the Rural Agricultural Conservation zoning district.

The proposed project is adjacent to agricultural uses, single-family residences, and a religious assembly use. The Rushmere Volunteer Fire Department is located approximately 0.1 miles to the south.

The extant structure currently found on the parcel was constructed in 1921 and operated as Cofer's General Store for many years. The structure is listed as "Moses Alexander House/Cofer's General Store" in the *Architectual Survey of Isle of Wight County and the Town of Windsor in Virginia* published by the Virginia Department of Historic Resources in 2007 and has been assigned VDHR No. 046-5040. However, the structure is recommended as not eligible in the National Register of Historic Places. A mobile home previously existed on the property but was removed around 2008.

The Garage Ministry is currently located in the Town of Smithfield and intends to relocate to this site. This project would include construction of a thirty foot by sixty foot building for a religious assembly. This use is defined by the Zoning Ordinance as, "a use providing regular organized religious worship and related incidental activities within or out of a structure including accessory uses, such as day care facilities, but not including educational facilities, primary or secondary." Seating capacity within the new structure would be approximately 40 seats with meetings typically occurring in the afternoon or evening hours. The concept plan also includes use of the extant Cofer General Store building but the applicant has not yet identified a specific purpose for the structure.

This parcel also lies within the Highway Corridor Overlay District (HCOD) and the subsequent site plan will be reviewed in accordance with the Architectural and

Development Guidelines for all nonresidential uses as described in Section 6-1010 of the Zoning Ordinance.

A full analysis of the consistency of the application with County plans and ordinances is included in the attached Planning Commission staff report.

BUDGETARY IMPACT:

None

RECOMMENDATION:

Based on the identified strengths and weaknesses, staff recommends approval of the Conditional Use Permit with the following conditions:

1. The Cofer General Store structure shall be stabilized and secured, and preserved for future use prior to issuance of a certificate of occupancy for the new structure.
2. A Phase 1 Cultural Resources Survey shall be submitted for approval prior to submission of the site plan.
3. All noise between the hours of 12:01 a.m. and 7:00 a.m. that is plainly audible at the property line is prohibited.

At their September 24, 2024, meeting the Planning Commission recommended approval of the application to only include condition two, by a vote of eight in favor of the motion and zero voting against (8-0) with one abstention.

ATTACHMENTS:

Description	Type	Upload Date
PC Staff Report	Backup Material	9/25/2024
Application and Concept Plan	Backup Material	8/27/2024
Site Images	Backup Material	8/27/2024
Location Map	Backup Material	8/27/2024
Zoning Map	Backup Material	8/27/2024
Land Use Map	Backup Material	8/27/2024
VDOT Comments	Backup Material	8/27/2024
Isle of Wight County Museum Comments	Backup Material	8/27/2024
Ordinance	Ordinance	10/7/2024

PLANNING REPORT

APPLICATION:

Application (CSUP-24-1) of Anthony Robinette, property owner, for a conditional use permit to establish a religious assembly use on approximately 1.25 acres located at 5293 Old Stage Highway (Rte. 10) on tax parcel 06-01-027 in the Rural Agricultural Conservation zoning district

ELECTION DISTRICT:

D3

LOCATION:

The proposed project is located at 5293 Old Stage Highway (Rte. 10) on tax map number 06-01-027. It is adjacent to agricultural uses, single-family residences, and a religious assembly use. The Rushmere Volunteer Fire Department is located approximately 0.1 miles to the south. Property location maps are attached to this staff report.

BACKGROUND:

The extant structure currently found on the parcel was constructed in 1921 and operated as Cofer's General Store for many years. The structure is listed as "Moses Alexander House/Cofer's General Store" in the *Architectual Survey of Isle of Wight County and the Town of Windsor in Virginia* published by the Virginia Department of Historic Resources in 2007 and has been assigned VDHR No. 046-5040. However, the structure is recommended as not eligible for inclusion in the National Register of Historic Places. A mobile home previously existed on the property but was removed around 2008.

DESCRIPTION:

The Garage Ministry is currently located in the Town of Smithfield and intends to relocate to this site. This project would include construction of a thirty foot by sixty foot building for religious assembly. This use is defined by the Zoning Ordinance as, "a use providing regular organized religious worship and related incidental activities within or out of a structure including accessory uses, such as day care facilities, but not including educational facilities, primary or secondary."

Seating capacity within the new structure would be approximately 40 seats with meetings typically occurring in the afternoon or evening hours. The concept plan also includes use of the extant Cofer General Store building, but the applicant has not yet identified a specific purpose for the structure.

COMPREHENSIVE LAND USE PLAN:

The future recommended land use designation for this parcel is Suburban Estate (SE). Appropriate uses for the SE land use designation include single family residences, community facilities, and preserved natural features. Non-residential uses may include parks and trails and community facilities such as schools, churches, libraries, and similar uses which are supportive of the residential use and enhance development when in close proximity.

The proposed use is consistent with the future recommended land use map designation as defined in the County's Comprehensive Plan.

ORDINANCE REVIEW:

The zoning district classification for the subject property is Rural Agricultural Conservation (RAC). The RAC zoning district is intended to preserve and protect areas of the County that are predominantly in agricultural and forestall use and to maintain the existing land base to support those activities.

The applicant is proposing a religious assembly use which requires a conditional use permit (CUP) within the

RAC zoning district.

This parcel also lies within the Highway Corridor Overlay District (HCOD) and the subsequent site plan will be reviewed in accordance with the Architectural and Development Guidelines for all nonresidential uses as described in Section 6-1010 of the Zoning Ordinance.

Section 1-1017 of the Zoning Ordinance provides standards for review of a conditional use application that the Planning Commission and Board of Supervisors shall consider before granting a conditional use permit. They are as follows:

1. That the establishment, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, safety, and general welfare;
2. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially impair the use of other property within the immediate proximity;
3. That adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements have been or will be provided;
4. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets;
5. That the proposed conditional use is not contrary to the goals and objectives of the Isle of Wight County Comprehensive Plan;
6. That the conditional use shall, in all other aspects, conform to the applicable regulations of the zoning district classification in which it is located and to the special requirements established for the specific use;
7. That the use(s) at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.

In addition to the standards and other guidelines described in the Zoning Ordinance, the Board may impose conditions or limitations on any approval, including the posting of performance guarantees. Such conditions may include, but are not necessarily limited to:

1. The number of persons living or working in the immediate area and the proposed hours of operation, as may be applicable;
2. Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities; the access of vehicles to roads; peak period of traffic; and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future;
3. The orderly growth of the neighborhood and community and the fiscal impact on the County;
4. The effect of odors, dust, gas, smoke, fumes, vibration, glare, and noise upon the use of surrounding properties;
5. Facilities for police, fire protection, sewerage, water, trash, and garbage collection and disposal, and the ability of the County or persons to supply such services;
6. The degree to which the development is consistent with generally accepted engineering and planning principles and practices;
7. The structures in the vicinity such as schools, houses of worship, theaters, hospitals, and similar places of public use;
8. The purposes set forth in this ordinance, the County's Comprehensive Plan, and related studies for land use, roads, parks, schools, sewers, water, population, recreation, and the like;
9. The environmental impact, the effect on sensitive natural features, and opportunities for recreation and open space; and
10. The preservation of cultural and historic resources or landmarks.

Should the CUP be approved, the applicant will be required to submit a site plan for review and approval in accordance with Zoning Ordinance requirements and conditions of approval.

AGENCY REVIEW:

The application was forwarded to the following departments for their review:

- Fire Rescue: No concerns submitted;
- Sheriff's Department: No concerns submitted;
- Health Department: No applications filed, perc site will be required;
- Public Utilities: No public utilities are available;
- Virginia Department of Transportation: A moderate volume commercial entrance will be required. An access management exception will need to be obtained for entrance spacing that does not meet Appendix F requirements. See attached comments;
- Isle of Wight County Museum: The site is in close proximity to the Captain John Smith Chesapeake National Historic Trail, Keystone Segment, Historic District; recommends a Phase 1 Cultural Resources Survey of the property. See attached comments.

Please note that should this CUP be approved, it will be subject to review and approval from all associated agencies during site plan review.

STAFF CONCLUSIONS:

Strengths:

1. The application is consistent with the Suburban Estate future recommended land use designation from the Comprehensive Plan.
2. The proposed use will have minimum impact on County facilities and resources.
3. The project will include the use and preservation of an identified historic structure.

Weaknesses:

1. Approval of the project would result in a multiplicity of similar religious assembly uses in the general neighborhood.

STAFF RECOMMENDATION:

Based on the identified strengths and weaknesses, staff recommends approval of the Conditional Use Permit with the following conditions: 1) The Cofer General Store structure shall be stabilized and secured, and preserved for future use prior to issuance of a certificate of occupancy for the new structure. 2) A Phase 1 Cultural Resources Survey shall be submitted for approval prior to submission of the site plan. 3) All noise between the hours of 12:01 a.m. and 7:00 a.m. that is plainly audible at the property line is prohibited.

ATTACHMENTS:

Description	Type	Upload Date
Application and Concept Plan	Backup Material	8/27/2024
Site Images	Backup Material	8/27/2024
Location Map	Backup Material	8/27/2024
Zoning Map	Backup Material	8/27/2024
Land Use Map	Backup Material	8/27/2024
VDOT Comments	Backup Material	8/27/2024
Isle of Wight County Museum Comments	Backup Material	8/27/2024

Isle of Wight County, VA

August 27, 2024

CSUP-24-1

Conditional/Special Use Permit Application

Status: Active

Submitted On: 6/12/2024

Primary Location

5293 OLD STAGE HIGHWAY
SMITHFIELD, VA 23430

Owner

Anthony Robinette
Old Stage Highway 4583
Smithfield, VA 23430

Applicant

Anthony Robinette
757-372-3174
swcharles757@gmail.com
4583 Old Stage Highway
Smithfield, VA 23430

Application Information

Applicant*

Owner

Application Type*

Conditional Use Permit

Are you proposing conditions?*

No

Proposed Use or Activity*

Religious Assembly

For more information on what is permissible in each zone, please see the Table of Permissible Uses

Is this use listed as a conditional use for this zoning district?*

Yes

Section/Article reference of the Isle of Wight County Zoning Ordinance *

Section 4-2003.C

Isle of Wight County Zoning Ordinance

Project Description

Project Name*

The Garage Ministry

Comprehensive Plan Designation*

Religious Assembly

Water Type*

Private Well

Sewer Type*

Private Septic

Detailed Description of use or activity*

Religious Activity

Tax Parcel Information

Are there additional tax parcels associated with this application?*

No

Acres of Project

Total Number of Acres to be Effected

1.25

Total Acres of Property(s)*

1.25

Disclosure and Signature

Please note that additional information on the site layout may be requested by the Zoning Administrator during the review process in order to more effectively review the application and prepare the staff reports for the appropriate reviewing body.

I, the undersigned, certify that this application is complete, accurate and contains all required and requested information, documents, and other submittals, and that all statements made herein are, to the best of my knowledge, true and correct. I further certify that I have exercised due diligence to obtain the most recent, complete, and correct information available. I understand that any section not completed in its entirety may delay the processing of this application.

No application for a Conditional/Special Use Permit shall be certified as complete unless the following information is provided. Ten (10) full size copies of all application documents must be provided in addition to a digital upload on the next screen and one (1) reduced 11" x 17" copy of concept plan. ***The required number of copies may be increased or reduced with permission of the Zoning Administrator, depending on the review needs.*** Applicant(s) must have their signature(s) notarized on the disclosure of real estate holdings.

All plans over 11"x17" in size are required to be folded to be processed for review.

I understand my application will not be processed until I deliver paper copies to Central Permitting at 17140 Monument Circle Building B Isle of Wight, VA 23397.*

☑

Signature*

Anthony Robinette
Jun 12, 2024

Internal Use

Agency Referrals

Department of Conservation & Recreation ☐	**Inspections** ☐
Economic Development ☐	**Sheriff's Office** ☑
Fire Rescue ☑	**Town of Smithfield** ☐
Town of Windsor ☐	**Environmental Planner** ☐
VDOT ☑	**Health Department** ☑
Schools ☐	**Transportation Manager** ☐

Budget & Finance
☐

Commission of Revenue
☐

County Attorney
☐

Stormwater
☐

Public Utilities
☑

Other
☑

If other, describe

County Museum

Number of Reviews

2nd Review
☐

3rd Review
☐

4th Review
☐

5th Review
☐

First Review Comments

Status

Approved

Department

Sheriff's Department

Comments

No Objections

Attachments

Sheriff Comments_Garage Ministry_7.11.24.pdf

Status

Approved

Department

County Museum

Comments

Recommendation that applicant should conduct a Phase 1 Cultural Resources Survey. Museum requesting to be considered as a repository for any discovered artifacts or future finds on the site.

Attachments

Museum Comments_7.16.24.pdf

Status

Approved

Department

Health Department

Comments

No applications have been filed with HD. AOSE report will need to be submitted to accompany an on-site sewage permit package.

Attachments

HD Comments_7.30.24.pdf

Status

Approved

Department

Fire Rescue

Comments

No impact anticipated, no objections.

Attachments

FireRescue Comments_8.3.24.pdf

Status

Approved

Department

VDOT

Comments

1) A moderate volume commercial entrance is required for this proposal in accordance with VDOT Road Design Manual Appendix F.

2) Entrance must meet spacing requirements and sight distance requirements providied in VDOT Road Design Manual Appendix F. An access management exception will have to be obtained for entrance spacing that does not meet what is shown in Appendix F.

3) A site plan shall be provided with details of the entrance including proposed grades and culvert size, entrance radii and pavement section. Provide the VDOT Hampton Roads District Standard Notes on the plan. An electronic copy is available upon request. Required information shall be filled out by the applicant's agent.

Attachments

VDOT Comments_8.5.24.pdf

P&Z Review

Planner/Project Manager

Caleb Kitchen, at 757-365-3660 or ckitchen@iwus.net

Comment Letter Text- Review 1

Planning and Zoning has completed our review of the application. The comments below are advisory and will be considered in formulating the staff report and recommended conditions to accompany the religious assembly use on the property:

1) The existing 1921 structure located on the property is in disrepair. While you may not have identified a specific purpose for this structure, it does need to be stabilized and repaired in a way to prevent further deterioration.

2) We will be recommending as a condition of approval that the provisions of the County's noise ordinance as found in Section 11.2-3.a should also be applicable to the religious assembly use on this property since it is surrounded by other uses and residences. This would be producing an unnecessary or excessive noise "in such a manner or with such volume or duration that it is plainly audible between 12:01 a.m. and 7:00 a.m."

The following comments were submitted by agencies during the review process:

Fire Rescue: No Objections

Sheriff's Department: No Objections

Health Department: No applications have been filed but all non-residential structures require a waste water characterization completed by an engineer to accompany the on-site sewage permit package at site plan review.

Public Utilities: Site will be served by private sewer and private water.

VDOT: Advised that a moderate volume commercial entrance is required for this proposal in accordance with VDOT Road Design Manual Appendix F. See attachments for full comments.

Isle of Wight County Museum: Applicant should complete a Phase I Cultural Resources Survey of the property and to include nearby architectural and archeological resources. See attachments for full comments.

Please be advised that this application is ready to move forward for public hearing at the September 24, 2024 Planning Commission meeting. A representative needs to be present at that meeting along with the subsequent Board of Supervisors meeting to present the application.

Additionally, a zoning notice sign will need to be placed along the frontage of the property no later than September 17th and will need to remain up until a decision by the Board of Supervisors. You will receive a notice in OPENGOV when that sign is ready for pickup at Central Permitting.

Comment Letter Text- Review 2

Comment Letter Text- Review 3

Comment Letter Text- Review 4

Final Decision Letter Text

Public Hearing Information

Total # of Zoning Notice Signs

1

Planning Commission Hearing Date

09/24/2024

Planning Commission Recommendation

–

Board of Supervisors Meeting Date

–

Board of Supervisors Decision

–

Legal Ad

Application (CSUP-24-1) of Anthony Robinette, property owner, for a conditional use permit to establish a religious assembly use on approximately 1.25 acres located at 5293 Old Stage Highway (Rte. 10) on tax parcel 06-01-027 in the Rural Agricultural Conservation zoning district.

COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS

Applicant Anthony J. Robinette

Address 5293 Old Stage Hwy
Street

Smithfield VA 23430
City State Zip

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
5293 Old Stage Hwy Smithfield	1.25 acres undeveloped

OTHER OWNERS OF AFFECTED REAL ESTATE

(Not Required for Corporation whose stock is traded on a national or local stock exchange or having more than 500 shareholders.)

Name of Individuals Corporation/Partnership Business Association	Address

Does any member of the Isle of Wight County Planning Commission or governing body have any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust, or whether a member of the immediate household of any member of the Planning Commission or governing body has any such interest? ☐ Yes ☑ No

If yes, names of members:

I do solemnly swear that the foregoing statement(s) and attachments(s), if any, are complete, correct and true.

Applicant: Anthony J. Robinette Applicant: [signature] Date: July 8, 2024
Printed or Typed Name Signature

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Caleb J. Kitchen.
A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia, this 8th day of July, 2024.

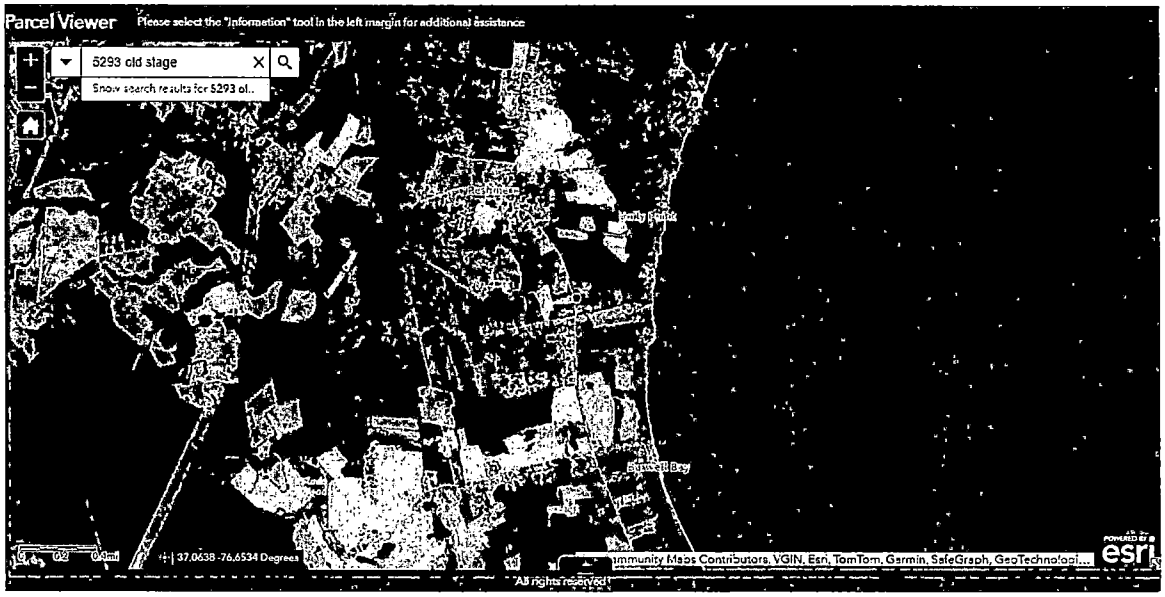
[signature]
Notary Public

My Commission Expires 9/30/2026

CALEB J. KITCHEN
NOTARY PUBLIC
REG. # 8013165
MY COMMISSION EXPIRES
09/30/2026
COMMONWEALTH OF VIRGINIA

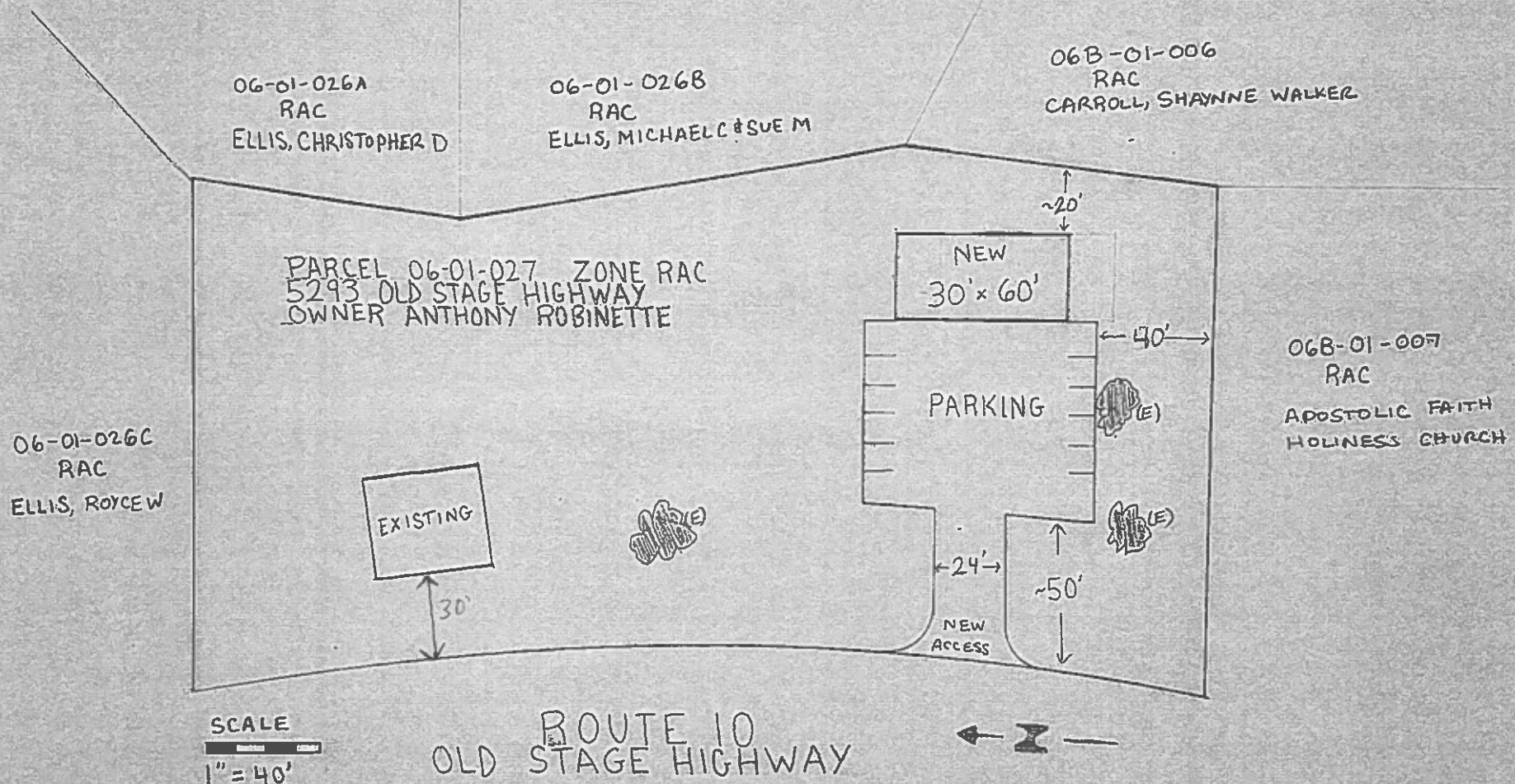
Narrative:

The purpose of the Conditional Use Permit application is to construct a new religious assembly building for the "Garage Ministry". Parcel 06-01-027 owned by Anthony Robinette (the applicant) consists of approximately 1.25 acres of land zoned Rural Agricultural Conservation (RAC) with approximately 350 feet of frontage on route 10, Old Stage Highway. The proposed building consists of a thirty foot by sixty foot building used for religious assembly and related activities to serve the local community and will be the new home of the Garage Ministry which has been in Smithfield for many years. The expected permanent seating capacity will be approximately 40 seats. The garage ministry typically meets in the late afternoon or early evening, opposite traditional church services. This CUP will allow for the use of a property which has been abandoned and turn it into a positive place for the community. Its location, located on route 10 in Rushmere affords easy access from all over the county while providing for a use which is consistent with the nearby land use. The concept plan reutilizes several large trees already located on the property, instantly adding to the aesthetics of the new construction project.



CONCEPT PLAN FOR GARAGE MINISTRY RUSHMERE

JUNE 2024



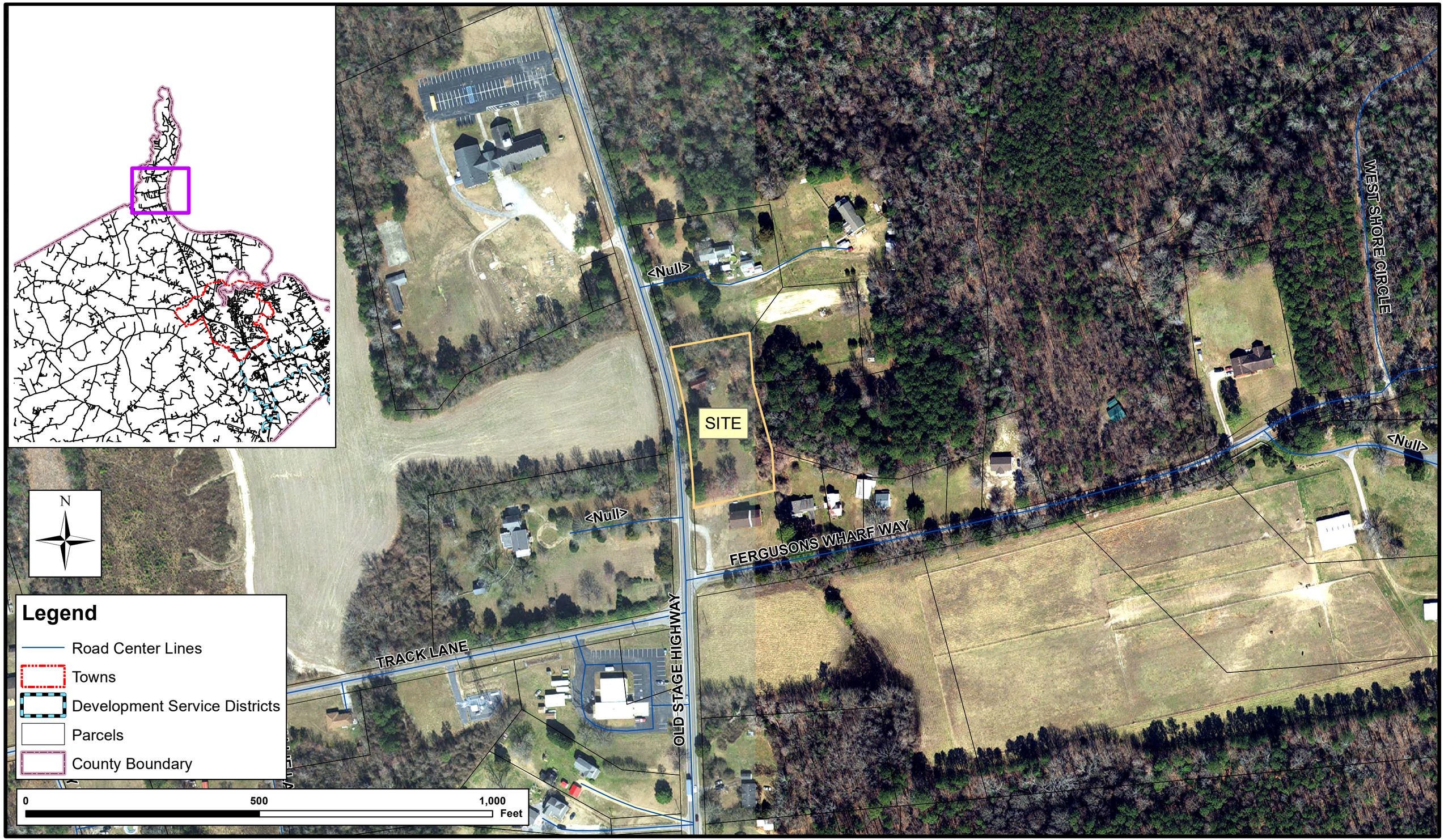
Old Stage Highway facing East toward parcel

Old Stage Highway facing Northeast toward parcel

Old Stage Highway facing Southeast towards parcel

Extant Cofer General Store

CSUP-24-1 Garage Ministry CUP Request - Location Map



CSUP-24-1 Garage Ministry CUP Request - Zoning Map

CSUP-24-1 Garage Ministry CUP Request - Land Use Map

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
23116 Meherrin Road
COURTLAND, VIRGINIA 23837

August 5, 2024

Caleb J. Kitchen
Isle of Wight Planning and Zoning
P. O. Box 80
17140 Monument Circle
Isle of Wight, VA 23397

RE: Garage Ministry - Religious Assembly - CSUP-24-1
5293 Old Stage Highway
Tax Map No. 06-01-027
Isle of Wight County

The Residency has completed its review of the subject conditional use application dated June 2024 and received by the VDOT Land Development Office on July 8, 2024. We offer the following comments:

1) A moderate volume commercial entrance is required for this proposal in accordance with VDOT Road Design Manual Appendix F.

2) Entrance must meet spacing requirements and sight distance requirements provided in VDOT Road Design Manual Appendix F. An access management exception will have to be obtain for entrance spacing that does not meet what is shown in Appendix F.

3) A site plan shall be provided with details of the entrance including proposed grades and culvert size, entrance radii and pavement section. Provide the VDOT Hampton Roads District Standard Notes on the plan. An electronic copy is available upon request. Required information shall be filled out by the applicant's agent.

If you have any questions, please contact me at 757-346-3084 or Jason.fowler@vdot.virginia.gov.

Jsaon Fowler
Land Use Engineer
Virginia Department of Transportation
Franklin Residency

ISLE of WIGHT COUNTY MUSEUM

MEMORANDUM

TO: Caleb J. Kitchen, Planner I

FROM: Jennifer England
Director, Isle of Wight County Museum
Historic Resources Manager, Isle of Wight County

RE: Conditional Use Permit (CSUP-24-1), First Submittal
Garage Ministry Religious Assembly
5293 Old Stage Highway, Tax Map No.

DATE: July 15, 2024

After reviewing the Conditional Use Permit for the Garage Ministry Religious Assembly at 5293 Old Stage Highway, the Isle of Wight County Museum/Isle of Wight County Department of Historic Resources believes that the applicant should pursue a **Phase I Cultural Resources Survey** of the property and to include nearby architectural and archaeological resources.

With construction of a structure so close to property associated with the Captain John Smithfield Chesapeake National Historic Trail, Keystone Segment, which was in April 2024 deemed eligible for listing on the National Register of Historic Places at the national level under Criterion A for exploration and settlement, under Criterion B for its association with Captain John Smith, under Criterion C for ethnic heritage/landscape and under Criterion D for its archaeological potential, this site should be evaluated before proceeding.

As the applicant moves forward with this project, the potential discovery of archaeological artifacts and resources at the site is probable. If the landowner is willing, the museum should be considered a repository for discovered artifacts and future finds on this site as they could further the interpretation or discovery of Isle of Wight County history.

103 Main Street
Smithfield, VA 23430
(757) 356-1014
(757) 357-0114 FAX

ORDINANCE NUMBER ___ _____

AN ORDINANCE TO ISSUE CONDITIONAL USE PERMIT CSUP-24-1 TO ESTABLISH A RELIGIOUS ASSEMBLY USE ON APPROXIMATELY 1.25 ACRES LOCATED AT 5293 OLD STAGE HIGHWAY WITH TAX MAP NUMBER 06-01-027

WHEREAS, Anthony Robinette, property owner, has requested the issuance of a conditional use permit for the property with tax parcel number 06-01-027 which land is depicted on Exhibit "A"; and,

WHEREAS, the procedural requirements of Appendix B, Zoning Ordinance, of the Code of Isle of Wight County, Virginia, 2005 (as amended), have been followed; and,

WHEREAS, in acting upon this request, the Planning Commission and Board of Supervisors have considered the matters enunciated in Section 15.2-2284 of the Code of Virginia (1950), as amended, and Section 1-1017 of the Isle of Wight County Zoning Ordinance with respect to the purposes stated in Code of Virginia (1950), as amended, Section 15.2-2200 and 15.2 2283; and,

WHEREAS, the Planning Commission has made a recommendation to approve the request with conditions;

NOW, THEREFORE, BE IT ORDAINED by the Isle of Wight County Board of Supervisors of Isle of Wight County, Virginia, that:

Section 1. Exhibits.

Exhibit "A", "Property Map", and Exhibit "B" Conditions which are attached hereto, are hereby incorporated as part of this ordinance.

Section 2. Findings.

The Board of Supervisors finds that the proposal for a conditional use permit (CSUP-24-1), as submitted or modified with conditions herein, the expressed purpose of which is to permit a religious assembly use, is in conformity with the standards of the Isle of Wight County Zoning Ordinance, and that it will have no more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood, and will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district, taking into consideration the location, type and height of buildings or structures, the type and extent of landscaping and screening on site and whether the use is consistent with any theme, action, policy or map of the Comprehensive Plan with the conditions set forth below.

These findings are based upon the consideration for the existing use and character of the property, the Comprehensive Plan, the suitability of the property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, the requirements of airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation floodplains, the preservation of agricultural and forestal land, the conservation of properties and their values, and the encouragement of the most appropriate use of land throughout the County.

These findings are based upon a determination that the most reasonable and limited way of

avoiding the adverse impacts of a religious assembly use is by the imposition of the conditions provided herein.

Section 3. Permit Granted.

The conditional use permit for the property be, and is hereby approved for the property, subject to the attached conditions in Exhibit "B" and the general conditions set forth in Section 4 hereof. The conditional use permit specifically allows for a religious assembly use in compliance with the County Zoning Ordinance.

Section 4. Severability.

It is the intention of the Board of Supervisors that the provisions, sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable; and if any phrase, clause, sentence, paragraph, section, and provision of this ordinance hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgement or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrase, clauses, sentences, paragraphs, sections, and provisions of this ordinance, to the extent that they can be enforced notwithstanding such determination.

Section 5. Effective Date

This ordinance shall be effective upon passage and shall not be published or codified. The conditional use authorized by this permit shall be implemented within two (2) years from that date of approval by the Board of Supervisors and shall terminate if not initiated within that time period.

DATE: _____

READ AND PASSED: _____
Chairman, Board of Supervisors

TESTE: _____
Clerk, Board of Supervisors

Approved as to Form:

_____
Robert W. Jones Jr, County Attorney

CSUP-24-1 Exhibit A

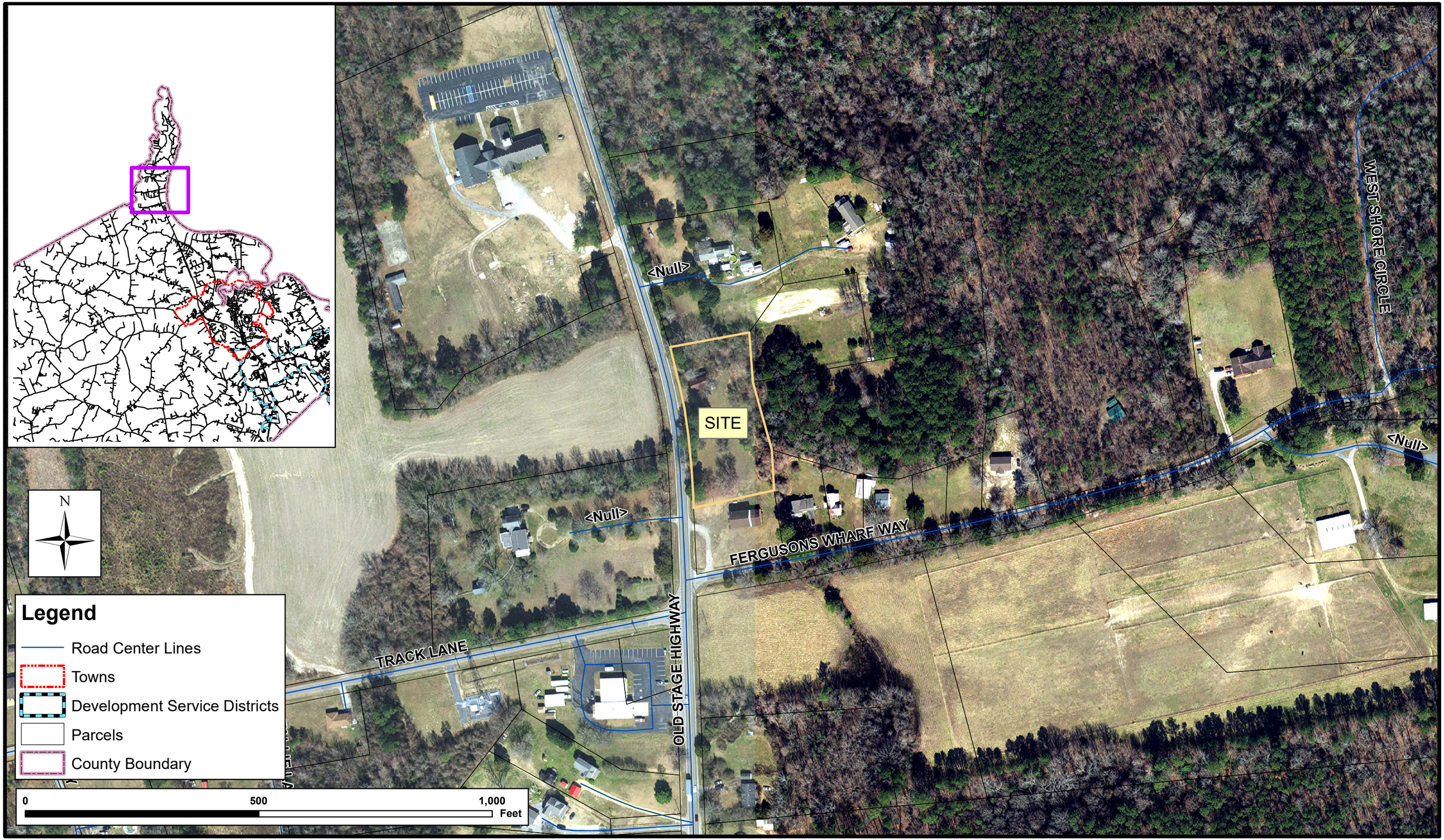


EXHIBIT B – RECOMMENDED CONDITIONS

CSUP-24-1

Staff Recommendations:

1. The Cofer General Store structure shall be stabilized and secured, and preserved for future use prior to issuance of a certificate of occupancy for the new structure.
2. A Phase 1 Cultural Resources Survey shall be submitted for approval prior to submission of the site plan.
3. All noise between the hours of 12:01 a.m. and 7:00 a.m. that is plainly audible at the property line is prohibited.

ISSUE:

Application (REZN-24-4) of Christopher and Jessica Hewitt, Owners, for a Change in Zoning Classification from Rural Agricultural Conservation (RAC) to Conditional-Rural Residential (C-RR) of 3.19 Acres and to Conditional-Rural Agricultural Conservation (C-RAC) of the Remainder of 34.9 Acres

BACKGROUND:

An application (REZN-24-4) has been submitted by Christopher and Jessica Hewitt, owners, for a change in zoning classification from Rural Agricultural Conservation (RAC) to Conditional-Rural Residential (C-RR) of 3.19 acres and to Conditional-Rural Agricultural Conservation (C-RAC) of the remainder of 34.9 acres. The application includes a proffer for no further subdivision of the new lot or remainder.

The proposed lot is part of tax map number 19-01-024B and is located on the west side of Harry Wilson Road (Rt. 652) approximately .8 miles south of Foursquare Road.

The parcel was created in 2023 by Timbervest Partners and recorded as an agricultural, horticultural, or silvicultural parcel which is defined in Section 3.2.3.B.1.a. of the Subdivision Ordinance. This type division of land requires ten acres of bona fide agricultural, horticultural, or silvicultural property where no street right-of-way dedication is involved, and where there is no change in the intensity of use.

These divisions shall have the following notation prominently set forth on the recorded plat: "Residential development on any lots shown will require residential zoning pursuant to Section 3.2.3.C of the Subdivision Ordinance of Isle of Wight County, Virginia, as amended." The owners wish to create one additional lot and have proffered conditions to prohibit the re-subdivision of the new 3.190 acre lot and the 34.92 acre remainder.

The required lot area in the RR zoning district is a minimum of 40,000 square feet. The minimum lot frontage is 120 feet with 150 feet of lot width at the front setback line. The proposed parcel meets the minimum requirements of the RR zoning district.

The proposed lot does not contain a special flood zone designation. The proposed

lot is in the Chesapeake Bay Preservation Area Overlay District and contains a Resource Protection Area or 100-foot buffer.

Following Board of Supervisor's approval, a plat showing the wetlands delineation and the net developable area calculations will be required. Once the plat is approved and signed, it may be recorded to create the new lot.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

The Planning Commission voted to recommend approval of the application, as conditioned, unanimously (9-0) at its September 24, 2024, regular meeting. Based on the information submitted, staff also recommends approval of the rezoning application, as conditioned.

ATTACHMENTS:

Description	Type	Upload Date
PC Staff Report	Cover Memo	10/3/2024
Application	Backup Material	9/18/2024
VDEQ Correspondence	Backup Material	9/18/2024
Location Map	Backup Material	9/17/2024
Zoning Map	Backup Material	9/18/2024
Land Use Map	Backup Material	9/18/2024
Ordinance	Ordinance	10/7/2024

PLANNING REPORT

APPLICATION:

Application (REZN-24-4) of Christopher and Jessica Hewitt, owners, for a change in zoning classification from Rural Agricultural Conservation (RAC) to Conditional-Rural Residential (C-RR) of 3.19 acres and to Conditional-Rural Agricultural Conservation (C-RAC) of the remainder of 34.9 acres. The application includes a proffer for no further subdivision of the new lot or remainder.

ELECTION DISTRICT:

D3

LOCATION:

The proposed lot is part of tax map number 19-01-024B and is located on the west side of Harry Wilson Road (Rt.652) approximately .8 miles south of Foursquare Road.

BACKGROUND:

The parcel was created in 2023 by Timbervest Partners as and recorded as an agricultural, horticultural, or silvicultural parcel which is defined in Section 3.2.3.B.1.a. of the Subdivision Ordinance as the division of land into parcels greater than ten (10) acres for bona fide agricultural, horticultural, or silvicultural purposes where no street right-of-way dedication is involved and where there is no change in the intensity of use, provided such divisions shall have the following notation prominently set forth on the recorded plat: "Residential development on any lots shown will require Residential Zoning pursuant to Section 3.2.3.C of the Subdivision Ordinance of Isle of Wight County, Virginia, as amended."

The Capital Impacts Model results show there is existing capacity for public facilities in the southern service area.

DESCRIPTION:

The owners wish to create one additional lot and have proffered conditions to prohibit the re-subdivision of the new 3.190 acre lot and the 34.92 acre remainder.

COMPREHENSIVE LAND USE PLAN:

The future recommended land use designation for these properties is Rural Agricultural Conservation (RAC) and Environmental Conservation (EC) under the adopted Comprehensive Plan. Appropriate uses for the RAC land use designation include agriculture, horticulture, forest lands, and scattered low-density residential uses. Appropriate uses for the EC land use designation include wetlands, farms, forest uses, open space, and limited park facilities. The area designated as EC should be preserved due to environmental constraints unless site-specific analysis demonstrates there are no environmental concerns in a specific area.

ORDINANCE REVIEW:

The required lot area in the RR zoning district is a minimum of 40,000 square feet. The minimum lot frontage is 120 feet with 150 feet of lot width at the front setback line. The parcel meets the minimum requirements of the RR zoning district.

The proposed lot does not contain a special flood zone designation.

The proposed lot is in the Chesapeake Bay Preservation Area Overlay District and contains a Resource Protection Area or 100-foot buffer.

Following Board of Supervisor's approval, a plat showing the wetlands delineation and the net developable area calculations will be required. Once the plat is approved and signed, it may be recorded to create the new lot.

AGENCY REVIEW:

The following departments have stated no concerns with the application as presented:

- Fire and Rescue
- Transportation Manager
- General Services
- Environmental Planner
- Virginia Department of Transportation
- Health Department
- County Attorney

STAFF CONCLUSIONS:

Strengths:

1. The proposed use is compatible with the existing land uses in the vicinity and within the guidelines of the future Recommended Land Use Plan Designation.

Weaknesses:

1. The new lot will be taken from a subdivision formerly approved as an agricultural exemption lot that are exempt from subdivision plat requirements, however, the applicant did submit a wetlands delineation and demonstrated sufficient buildable area outside of any environmentally sensitive area.

STAFF RECOMMENDATION:

Based on the information submitted, staff recommends approval of the rezoning application.

ATTACHMENTS:

Description	Type	Upload Date
Application	Cover Memo	9/18/2024
VDEQ Correspondence	Backup Material	9/18/2024
Location Map	Backup Material	9/17/2024
Zoning Map	Backup Material	9/18/2024
Land Use Map	Backup Material	9/18/2024
Exhibit	Exhibit	9/17/2024

Application for Rezoning

Project Name: Hewitt Residence

Narrative description of current condition and use of the property:

Tax parcel number 19-01-024B Parcel A consists of > 30 acres of timber-able pine trees held for investment. The property is used for recreational purposes in its current state.

Application for Rezoning

Project Name: Hewitt Residence

Statement of the reasons for seeking rezoning:

Christopher and Jessica Hewitt are seeking rezoning of 3.190 acres of tax parcel 19-01-024B Parcel A from RAC to CRR to construct a single-family dwelling. The rezoning for the 3.190 acres is conditioned on only one new lot being created, and the remainder remaining CRAC.

X Jessica E. Hewitt

Jessica Hewitt
Owner

X

Christopher Hewitt
Owner

Revised 4 7/23

ISLE OF WIGHT
COUNTY, VIRGINIA

APPLICATION FOR REZONING/CONDITIONAL ZONING AMENDMENT

This application should be used to petition for a change to the Official Zoning Map or for an amendment of zoning conditions. The following application requirements are consistent with the procedures set forth in Section 1-1015, *Amendments*, of the Isle of Wight County Zoning Ordinance, as amended.

A. APPLICATION FOR:

[ ] Rezoning

[X] Conditional Rezoning (Are voluntary proffered conditions attached?):_____Yes _____ No

Request to change the subject property(s) from the RAC to the CRR zoning district.

Proposed Use or Activity: One Residential Dwelling with remaining property to be CRAC with no further subdivision

[ ] Amendment to Conditional Zoning

Request to change conditional zoning as follows (Attach current and proposed conditions): _____

B. PROJECT DESCRIPTION:

Project Name: Hewitt Residence

Property Address (if any): _____

Election District: District 3

Comprehensive Plan Designation: RAC

The rezoning will apply to 3.190 acres out of 37.581 total acres

Tax Parcel Identification # 19-01-024B Number of Acres to be Rezoned: 3.19

Requesting Zoning District Change from: RAC to CRR

Tax Parcel Identification # 19-01-024B Number of Acres to be Rezoned: 37.581

Requesting Zoning District Change from: RAC to C-RAC

Tax Parcel Identification #_____ Number of Acres to be Rezoned: _____

Requesting Zoning District Change from: _____ to _____

Proposed Utilities (check all that apply): Public Water_____ Private Well x

Public Sewer_____ Private Septic x

C. **APPLICATION INFORMATION:**

Applicant(s) Name(s): Christopher D Hewitt and Jessica E Hewitt

Address: 227 James St

City, State, Zip Code: Smithfield, VA 23430

Phone No.: 757-621-9436 Email: jhewitt@becpas.com Fax No.: N/A

Property Owner(s) Name(s): Christopher D Hewitt and Jessica E Hewitt

Address: 227 James St

City, State, Zip Code: Smithfield, VA 23430

Phone No.: 757-621-9436 Email: jhewitt@becpas.com Fax No.: N/A

Christ D. Hewitt 7/22/2024

Jessica E. Hewitt 7/22/2024

Applicant Signature **Date**

Owner Signature ***if different*** **Date**

NOTICE: THE ATTACHED CHECKLIST MUST BE COMPLETED, CERTIFIED, AND SUBMITTED OR THE APPLICATION WILL BE CONSIDERED INCOMPLETE.

Remit Application to: Isle of Wight County Central Permitting, 17140 Monument Circle, Suite 100
P. O. Box 80, Isle of Wight, Virginia 23397

FOR OFFICE USE ONLY:

Complete Application Received On: _____ Fees Paid: _____

Tax Query: [ ] Current [ ] Delinquent Distribution Date: _____

Posted/Date to Post: _____

AGENCIES REFERRALS:

_____ Department of Conservation & Recreation
_____ Economic Development
✓ Emergency Services
_____ General Services
✓ Environmental Planner
✓ Health Department
_____ Transportation Manager
_____ Commission of Revenue
_____ Other _____

_____ Inspections
_____ Sheriff's Office
_____ Town of Smithfield
_____ Town of Windsor
✓ VDOT
_____ Schools
_____ Budget & Finance
✓ County Attorney

Verified By: _____ Date: _____

COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS

Applicant: Christopher D Hewitt and Jessica E Hewitt

Address: 227 James St Smithfield, VA 23430

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
Harry Wilson Rd.	19-61-62HB - 37.581 acres

OTHER OWNERS OF AFFECTED REAL ESTATE

(Not Required for Corporation whose stock is traded on a national or local stock exchange or having more than 500 shareholders.)

Name of Individuals Corporation/Partnership Business Association	Address

Does any member of the Isle of Wight County Planning Commission or governing body have any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust, or whether a member of the immediate household of any member of the Planning Commission or governing body has any such interest? Yes No

If yes, names of members:

I do solemnly swear that the foregoing statement(s) and attachments(s), if any, are complete, correct, and true.

Applicant: Jessica E Hewitt (Printed or Typed Name) Applicant: Jessica E. Hewitt (Signature) Date: 7/22/2024

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Allison E Wilson,
A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia, this 22 day of July, 20 24.

Notary Public

My Commission Expires 12/31/2028

ALLISON E. WILSON
NOTARY PUBLIC
REG. #00277197
MY COMMISSION EXPIRES
DEC. 31, 2028
COMMONWEALTH OF VIRGINIA

REZONING/CONDITIONAL ZONING AMENDMENT APPLICATION CHECKLIST

****Both checklist and application required upon submission to central permitting or application will not be accepted****

In conjunction with Section 1-1015, *Amendments*, of the Isle of Wight County Zoning Ordinance, as amended, the following information shall be submitted for a Rezoning/Conditional Zoning Amendment Application. Please note that it is the applicant's responsibility to ensure that the application is in compliance with all Federal, State and County regulations.

No application for an exception shall be certified as complete unless the following information is provided. ***The required number of copies may be increased or reduced with permission of the Zoning Administrator, depending on the review needs.*** Applicant(s) must have their signature(s) notarized on the disclosure of real estate holdings.

☐ **Ten (10) copies of the following:**

- ☐ original, executed application
- ☑ a statement of the reasons for seeking a rezoning, and if applicable, a statement of proffered conditions with owner(s) original, notarized signature.
- ☑ narrative description of current condition and use of the property, which shall include the tax parcel identification number
- ☑ full size concept plan of the site to show all existing and proposed physical improvements and such other information as is necessary to clearly indicate to the reviewing body that adequate provisions have been made for compliance with all standards for that particular use, the extent of the property to be so used on a given parcel or parcels, and information defining the requested exceptions. The plan shall be prepared by the appropriate authorized design professional licensed to practice in Virginia. No person shall prepare or certify design elements of site plans which are outside the limits of their professional expertise and license. Such document shall be drawn to scale and shall include the following information:
  - A vicinity map at a scale of no less than one (1) inch equals two thousand (2,000) feet
  - Title of drawing
  - Date of drawing
  - Existing wood line
  - North arrow
  - Scale bar
  - Current zoning of parcel(s), including tax map number(s) and owner(s)
  - Current zoning of adjacent parcel(s), including tax map number(s) and owner(s)
  - Street names including route number and width(s) of the right-of-way(s)
- ☒ any additional information required for the proposed use in accordance with Section 5-5000, *Supplementary Use Regulations,* of the Zoning Ordinance.
- ☒ Community Impact Statement. Required for residential subdivisions of five (5) or more lots, planned development, commercial, industrial, or miscellaneous rezoning/conditional zoning amendment applications. Please refer to Section 1-1015.F for detailed requirements of the Community Impact Statement.
- ☑ Water Quality Impact Assessment. For any rezoning in the Chesapeake Bay

Preservation Area prepared in accordance with Appendix B-1 of the County Code for applications containing any of the following:

- will disturb any portion of the 100-foot buffer area of a Resource Protection Area
- (RPA), or any component identified in Section 3000.B.1 of the Chesapeake Bay Preservation Area Ordinance;
- contains ten (10) acres or more for any use, other than a development of single family detached residential lots;
- contains twenty-five (25) acres or more for the development of single family detached residential lots; or,
- any other development that may warrant such assessment due to the unique
- characteristics of the site or intensity of the proposed use or development, as may be required by the Zoning Administrator.

☐ Planned Development supplemental information shall be submitted in accordance with Section 4-14005, *Submission Requirements,* of the Zoning Ordinance

☑ **One (1) original executed application**

☑ **One (1) digital copy of ALL application documents**

☐ **One (1) reduced 11"x17" copy of concept plan**

☒ **Voluntary Proffer Statement if applicable**

☒ **Waiver and Release of Claims if cash proffer is proposed**

☑ **Application fee submitted with the application. Checks should be made payable to treasurer, Isle of Wight, County**

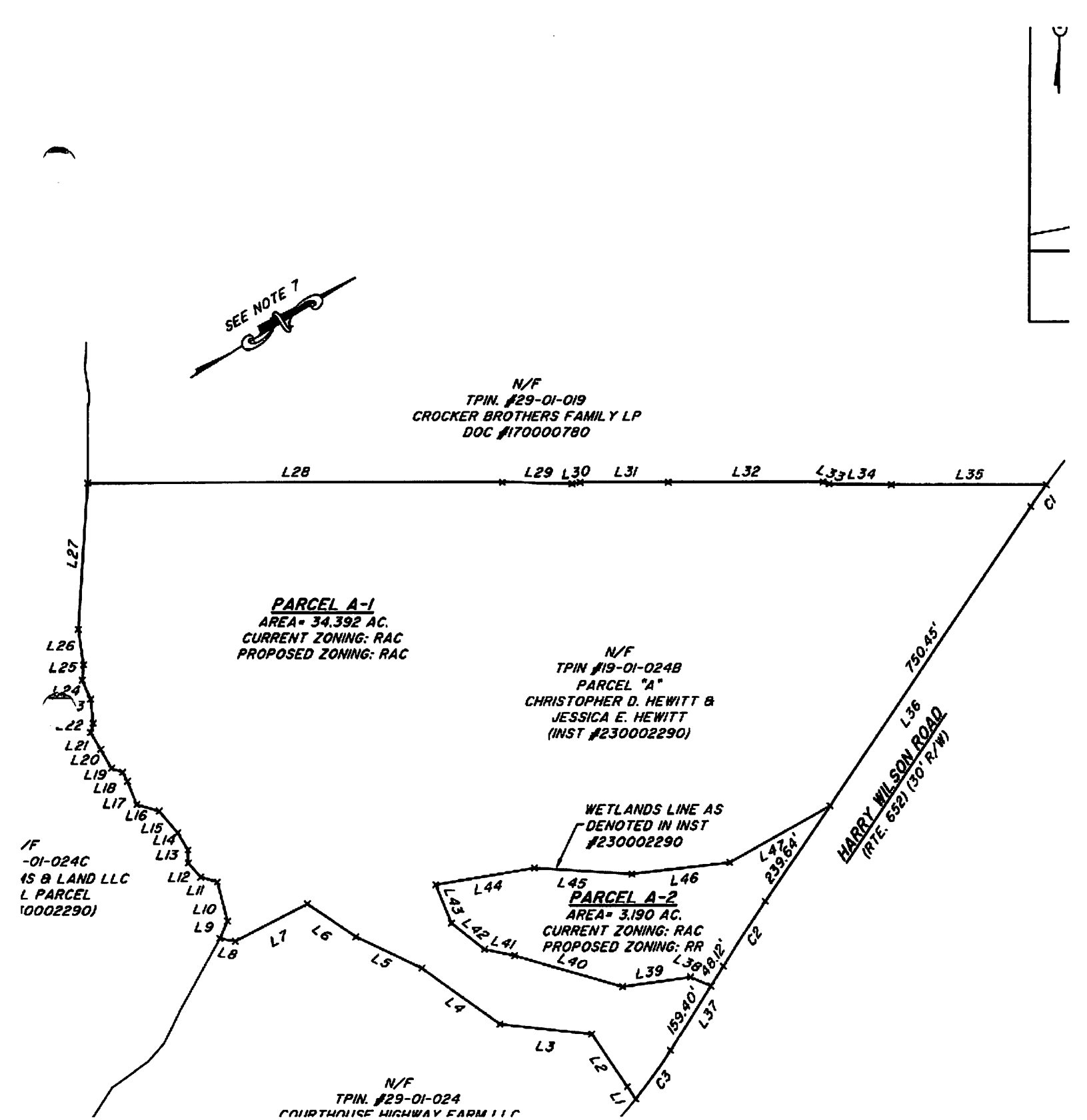
☑ **Other information may be necessary to demonstrate compliance with all other applicable federal, state and County standards and regulations.**

☑ **All real estate taxes must be paid and current at the time of submittal; otherwise, the submittal will be refused at the counter. Proof of the most recent tax payment to the County must accompany the application.**

I, the undersigned, certify that this application is complete, accurate and contains all required and requested information, documents and other submittals, and that all statements made herein are, to the best of my knowledge, true and correct. I further certify that I have exercised due diligence to obtain the most recent, complete and correct information available. I understand that any section not completed in its entirety may delay processing of this application and the date of the Planning Commission public hearing and that the submittal of a complete application does not guarantee the application will be placed on the next available Planning Commission agenda.

Christopher D. Hewitt Jessica E. Hewitt
Name

Christ D. Hewitt Jessica E. Hewitt 7/22/2024
Signature Date


SEE NOTE 7
N/F
TPIN. #29-01-019
CROCKER BROTHERS FAMILY LP
DOC #170000780
L28
L29
L30
L31
L32
L33
L34
L35
C1
L27
PARCEL A-1
AREA= 34.392 AC.
CURRENT ZONING: RAC
PROPOSED ZONING: RAC
N/F
TPIN #19-01-024B
PARCEL "A"
CHRISTOPHER D. HEWITT &
JESSICA E. HEWITT
(INST #230002290)
750.45'
L36
HARRY WILSON ROAD
(RTE. 652) (30' R/W)
L26
L25
L24
L22
L21
L20
L19
L18
L17
L16
L15
L14
L13
L12
L11
L10
L9
L8
L7
L6
L5
L4
L3
L2
L1
C3
WETLANDS LINE AS
DENOTED IN INST
#230002290
L44
L45
L46
L47
239.64'
C2
L43
L42
L41
L40
L39
L38
48.12'
159.40'
L37
PARCEL A-2
AREA= 3.190 AC.
CURRENT ZONING: RAC
PROPOSED ZONING: RR
/F
-01-024C
IS & LAND LLC
L PARCEL
0002290)
N/F
TPIN. #29-01-024

APPROVAL BLOCK:

THIS SUBDIVISION PLAT HAS BEEN FOUND TO BE IN CONFORMANCE WITH THE ISLE OF WIGHT COUNTY SUBDIVISION ORDINANCE AND MUST BE RECORDED WITH THE OFFICE OF THE CLERK OF CIRCUIT COURT OF ISLE OF WIGHT COUNTY WITHIN SIX MONTHS OF THE DATE OF APPROVAL. APPROVAL WILL BE DEEMED VOID AFTER SIX MONTHS AND THE PLAT MUST BE RESUBMITTED FOR APPROVAL.

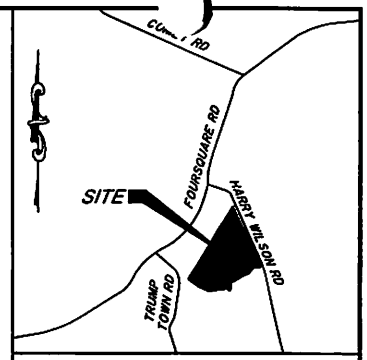
DATE OF APPROVAL: _____ SUBDIVISION AGENT _____

DATE OF APPROVAL: _____ VDOT ENGINEER _____

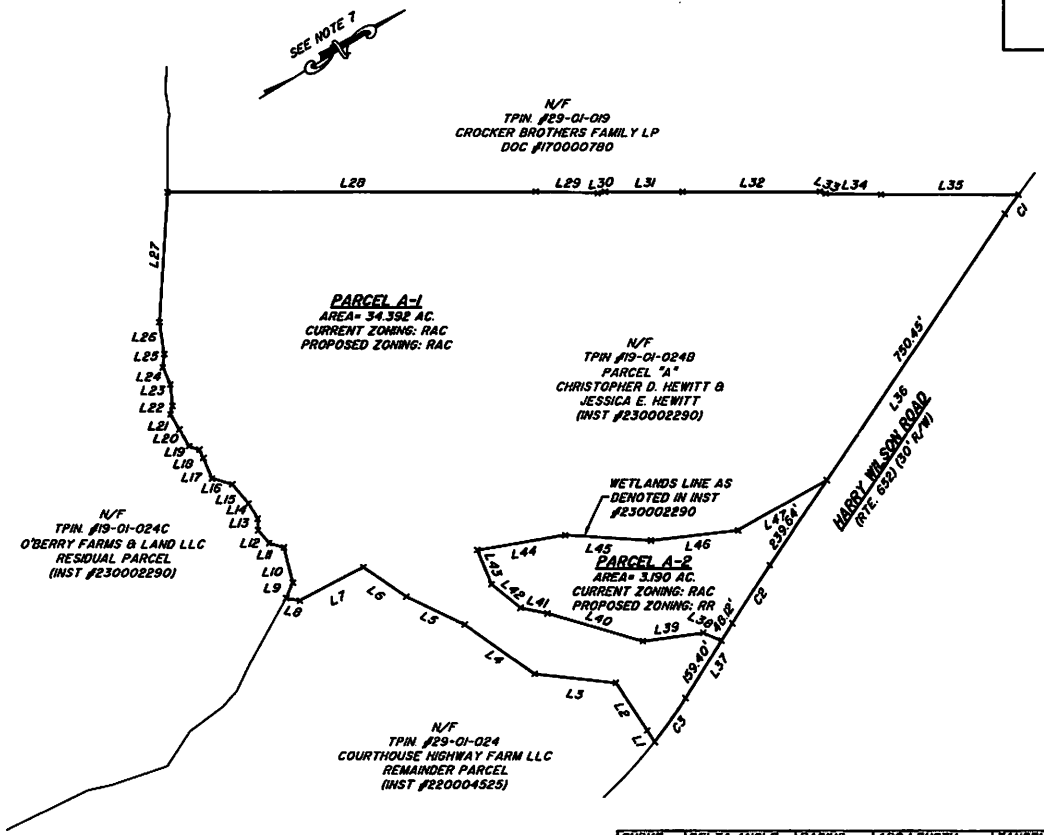
NOTES

1. SMALL FILLED CIRCLES "●" DENOTE IRON PIN SET.
2. SMALL EMPTY CIRCLES "○" DENOTE IRON PIN FOUND.
3. THE OWNER OF THIS PROPERTY (T.P. 19-01-024B) IS CHRISTOPHER D. HEWITT & JESSICA E. HEWITT
4. THIS PROPERTY IS CURRENTLY ZONED RAC RURAL AGRICULTURAL DISTRICT. PROPOSED ZONING IS RR RURAL RESIDENTIAL.
5. THE PROPERTY ENCOMPASSED BY THIS SUBDIVISION LIES IN FLOOD ZONE "X" AND FLOOD ZONE "A" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY 510093C PANEL 0275E DATED 12-02-2015
6. PLAT REFERENCES:
   INST #230002290
   INST #220004525
7. COORDINATES SHOWN ON THIS REZONING EXHIBIT ARE BASED ON THE ISLE OF WIGHT COUNTY, VIRGINIA 1983 -SOUTH ZONE (1994 HARN ADJUSTMENT), U.S. SURVEY FOOT
8. ANY NEW STRUCTURES MUST BE BUILT TO MEET THE MINIMUM REQUIRED YARD SETBACKS IN ACCORDANCE WITH THE IWCZO AND THE NDSO. ANY VARIATION THERETO MUST BE IN COMPLIANCE WITH THE SAID ORDINANCE.
   NDSO SETBACKS:
   FRONT SETBACK - 60'
   SIDE SETBACK - 17.5' (TOTAL OF 35' WITH A 15' MINIMUM)
   REAR SETBACK - 35'
9. AREA TABLE
   FORMER AREA TAX PARCEL 19-01-024B = 37.582 ACRES
   NEW AREA TAX PARCEL 19-01-024A1 = 34.392 ACRES
   NEW AREA TAX PARCEL 19-01-024A2 = 3.190 ACRES
10. WHERE SEPTIC TANKS ARE TO BE INSTALLED ON INDIVIDUAL LOTS, THERE SHALL BE AN APPROVAL OF A PRIMARY DRAINFIELD AND A 100% RESERVE DRAINFIELD BY THE HEALTH DEPARTMENT AT THE TIME APPLICATION IS MADE FOR A SEPTIC TANK PERMIT. APPROVAL OF THIS PLAT DOES NOT INDICATE THAT THE INDIVIDUAL LOT IS SUITABLE FOR APPROVAL OF A PRIMARY AND 100% RESERVE DRAINFIELD. (SECTION 4000.B.8 CBPAO)

    ALL ON-SITE SEWAGE DISPOSAL SYSTEMS NOT REQUIRING A VIRGINIA POLLUTION DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT SHALL BE PUMPED PUT AT LEAST ONCE EVERY FIVE (5) YEARS. (SECTION 4000.B.7 CBPAO)
11. NO ZONING PERMIT OR BUILDING PERMIT SHALL BE ISSUED FOR ANY LOT UNTIL A WELL OR WATER SOURCE HAS BEEN APPROVED BY THE COUNTY HEALTH DEPARTMENT.



VICINITY MAP
SCALE 1"=2000'



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 87°46'53" W	31.75'
L2	S 87°46'53" W	133.00'
L3	S 37°31'53" W	192.00'
L4	S 66°46'53" W	200.00'
L5	S 56°46'53" W	151.89'
L6	S 63°23'00" W	122.26'
L7	S 03°39'51" W	168.58'
L8	S 41°25'37" W	32.77'
L9	N 35°21'48" W	39.61'
L10	N 73°11'51" W	64.65'
L11	S 48°07'09" W	36.01'
L12	S 79°37'40" W	39.02'
L13	N 59°37'37" W	27.47'
L14	S 89°58'26" W	48.17'
L15	S 80°27'49" W	59.24'
L16	S 47°34'46" W	48.97'
L17	N 8°30'29" W	31.58'
L18	N 84°50'42" W	21.62'
L19	S 80°58'25" W	24.85'
L20	N 88°39'29" W	45.30'
L21	N 85°10'28" W	41.18'
L22	N 44°21'50" W	20.05'
L23	N 64°33'28" W	50.34'
L24	N 82°32'36" W	43.83'
L25	N 83°30'02" W	31.87'
L26	N 66°35'35" W	78.16'
L27	N 35°07'48" W	305.09'
L28	N 3°09'03" E	662.64'
L29	N 32°34'00" E	143.30'
L30	N 22°32'00" E	17.00'
L31	N 3°08'00" E	182.30'
L32	N 3°11'00" E	322.00'
L33	N 3°22'00" E	14.00'
L34	N 32°02'37" E	129.29'
L35	N 3°15'37" E	323.42'
L36	S 24°54'41" E	990.09'
L37	S 28°38'41" E	207.32'
L38	S 33°43'33" W	46.46'
L39	S 25°23'59" W	142.79'
L40	S 47°25'29" W	233.98'
L41	S 43°03'46" W	63.69'
L42	S 70°00'54" W	87.71'
L43	N 8°07'06" W	86.60'
L44	N 21°37'08" E	208.07'
L45	N 34°48'13" E	202.32'
L46	N 24°41'20" E	205.93'
L47	N 0°44'19" E	238.94'

CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C1	3°09'32"	1015.00'	56.06'	28.04'	56.05'	S 23°19'45" E
C2	1°41'00"	5485.00'	161.15'	80.58'	161.14'	S 23°45'14" E
C3	6°11'02"	1163.10'	125.53'	62.83'	125.47'	S 23°30'10" E

COMMONWEALTH OF VIRGINIA
TIMOTHY M. FALLON
LAND SURVEYOR
PRELIMINARY

TIM FALLON LAND SURVEYING, PLLC
15139 CARROLLTON BLVD, SUITE C
P.O. BOX 139
CARROLLTON, VIRGINIA, 23314

DRAWN BY: MAD	DATE: 07-15-2024
COMP BY: MAD	DATE: 07-15-2024
CHECKED BY TMF	DATE: 07-15-2024
FINAL BY: TMF	DATE: 07-15-2024
PROJECT # 24124	

REZONING EXHIBIT
OF
P.I.D. #19-01-024
(INST #230002290)
ISLE OF WIGHT COUNTY, VIRGINIA

0' 100' 200' 400'
GRAPHIC SCALE: 1"=200'

SCALE: = 1"=200' | DATE: 07-15-2024 | SHEET 1 OF 1

Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE
5636 Southern Boulevard, Virginia Beach, Virginia 23462
(757) 518-2000
www.deq.virginia.gov

Travis A. Voyles
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4020

Craig R. Nicol
Regional Director

March 29, 2024

Ms. Jessica Hewitt
102 Robin Lane
Smithfield, Virginia 23430

SENT VIA E-MAIL: jhewitt@becpas.com
RECEIPT CONFIRMATION REQUESTED

Re: Virginia State Surface Waters Determination No. SSWD-000061
Harry Wilson Road, Isle of Wight, Virginia

Dear Ms. Hewitt:

Pursuant to the Virginia Water Protection (VWP) Permit Program Regulations 9VAC25-210-45 and 9VAC25-210-10 of the Virginia Administrative Code, the Virginia Department of Environmental Quality (DEQ or department) has enclosed the above referenced Preliminary Virginia State Surface Waters Determination for Parcel 19-01-024B.

The map entitled *Exhibit 2: Site Map, Harry Wilson Road Wetland Delineation, Smithfield, VA*; dated March 11, 2024 (copy enclosed) provides a preliminary determination of the locations of state surface waters and/or wetlands, as reviewed by DEQ, on the above listed property. The basis for this delineation includes application of the State Water Control Law, VWP Regulation, the Corps' 1987 Wetland Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain, the positive indicators of wetland hydrology, hydric soils, hydrophytic vegetation, and/or the presence of an ordinary high-water mark.

☒ This approval includes the classification of delineated surface waters according to the Cowardin system (i.e., emergent, scrub-shrub, or forested), stream type, and/or open water type, as indicated on the map referenced herein.

☐ This approval does NOT include the classification of delineated surface waters according to the Cowardin system (i.e., emergent, scrub-shrub, or forested), stream type, and/or open water type, as indicated on the map referenced herein.

Activities that discharge fill to, dredge, drain or otherwise cause significant alteration or degradation of state surface waters, including wetlands, on this site may require a VWP Permit. You may also be

required to obtain other federal, state, and/or local authorizations from a United States Army Corps of Engineers (USACE) District Office, the Virginia Marine Resource Commission (VMRC), and/or a local wetlands board. This state surface waters determination is valid for 5 years from the date of issuance in absence of a permit decision, or when a permit decision applies, the determination is valid for the life of the VWP general permit coverage or individual permit.

Please contact me at gavin.washburn@deq.virginia.gov or (804) 347-6393 if you have any questions.

Respectfully,

Gavin Washburn
VWP Permit Writer/Inspector

Enclosures: Delineation Map

cc: Rick Harris, COVA Environmental
Taylor Hollingsworth, U.S. Army Corps of Engineers

Wetland/Water	Latitude	Longitude	Cowardin Class	Area (Acres) / Length (feet)	
1	36.945057°N	-76.712441°W	PFO1E	7.02 acres	Non-Tidal
2	36.946349°N	-76.713325°W	PFO4B	23.03 acres	Non-Tidal
3	36.947465°N	-76.712303°W	R4UBCx	0.18 acres / 953 linear feet	Non-Tidal

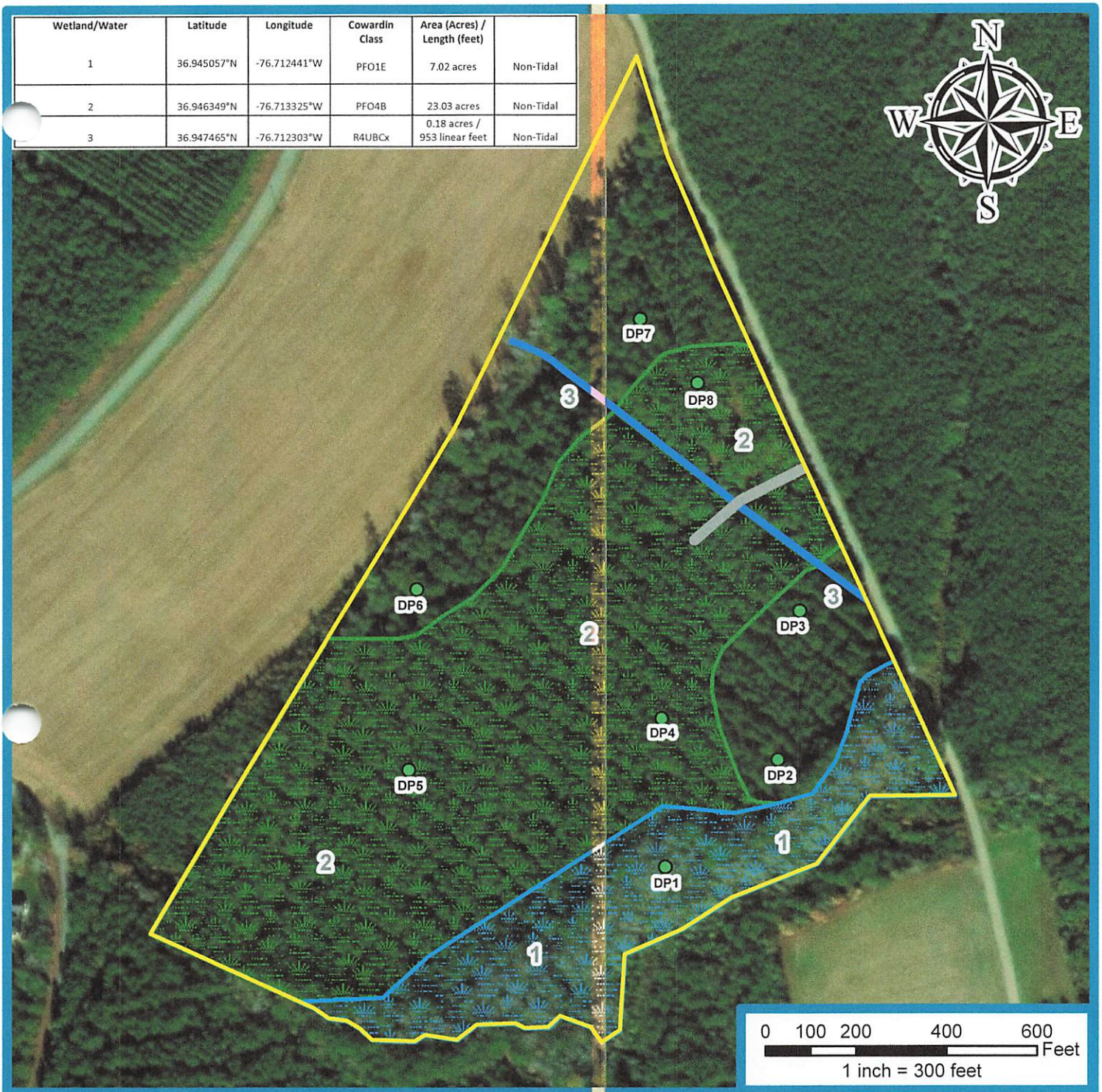


Exhibit 2: Site Map, Harry Wilson Road Wetland Delineation, Smithfield, VA

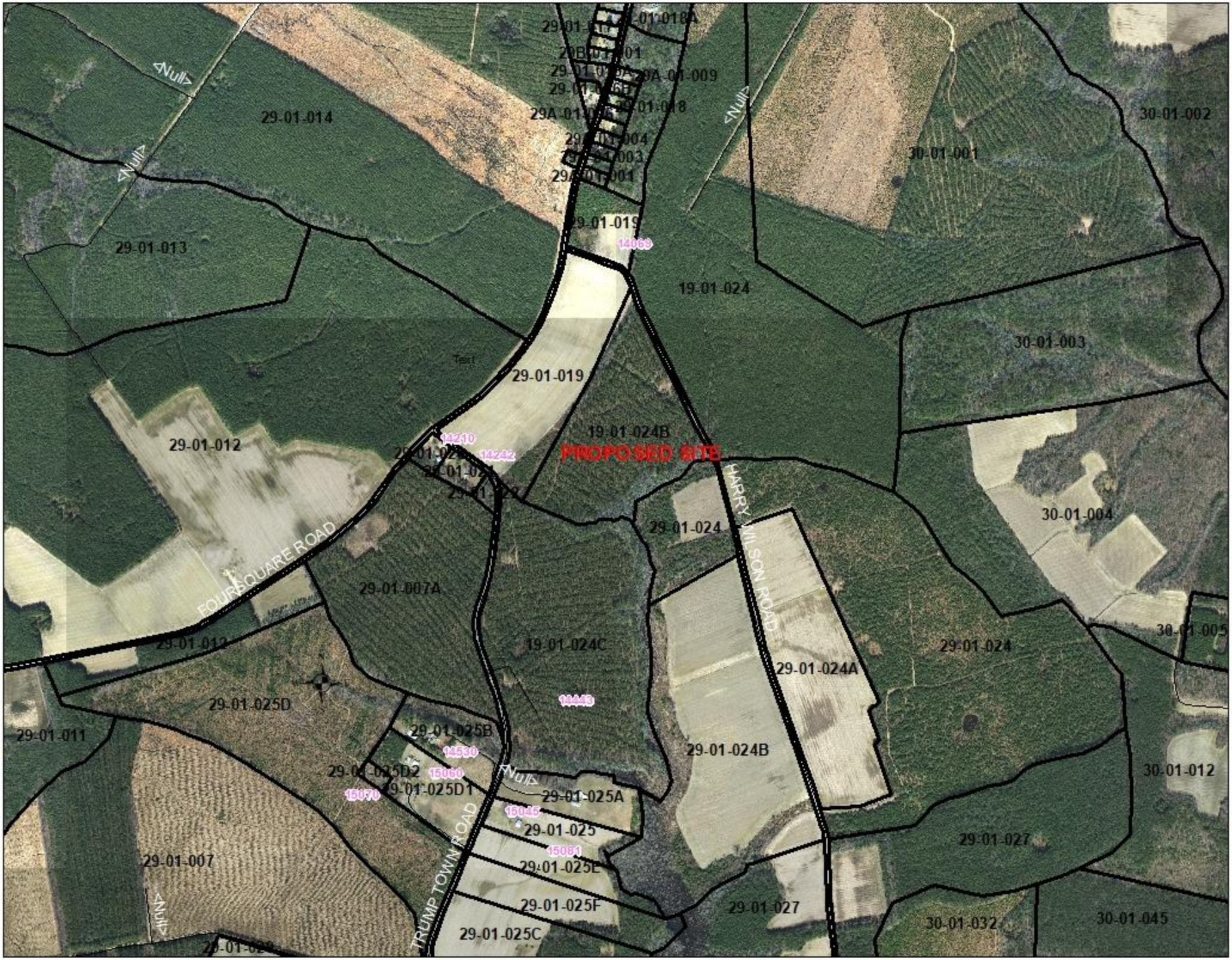
Source: ESRI GIS User Community Aerial Basemap; Data Collected via Trimble R1 GNSS Sub-Meter Receiver

Legend

- Study Area ~ 41.52 acres
- PFO1E Wetlands ~ 7.02 acres
- PFO4B Wetlands ~ 23.03 acres
- Gravel Forest Road in PFO4B Wetlands
- Ditch (R4UBCx Wetlands) ~ 0.18 acres / 953 linear feet
- Data Point

COVA Project #: 2024-008
Date: 03/11/2024
Created By: Rick Harris
VA PWD #: 3402000173

COASTAL VIRGINIA
ENVIRONMENTAL SERVICES


PROPOSED SITE
FOUR SQUARE ROAD
HARRY WILSON ROAD
TRUMP TOWN ROAD
29-01-014
29-01-013
29-01-012
29-01-019
19-01-024
19-01-024B
19-01-024C
29-01-024
29-01-024A
29-01-024B
29-01-007A
29-01-025D
29-01-025B
29-01-025D2
29-01-025D1
29-01-025A
29-01-025
29-01-025E
29-01-025F
29-01-025C
29-01-007
29-01-011
29-01-027
30-01-001
30-01-002
30-01-003
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30-01-012
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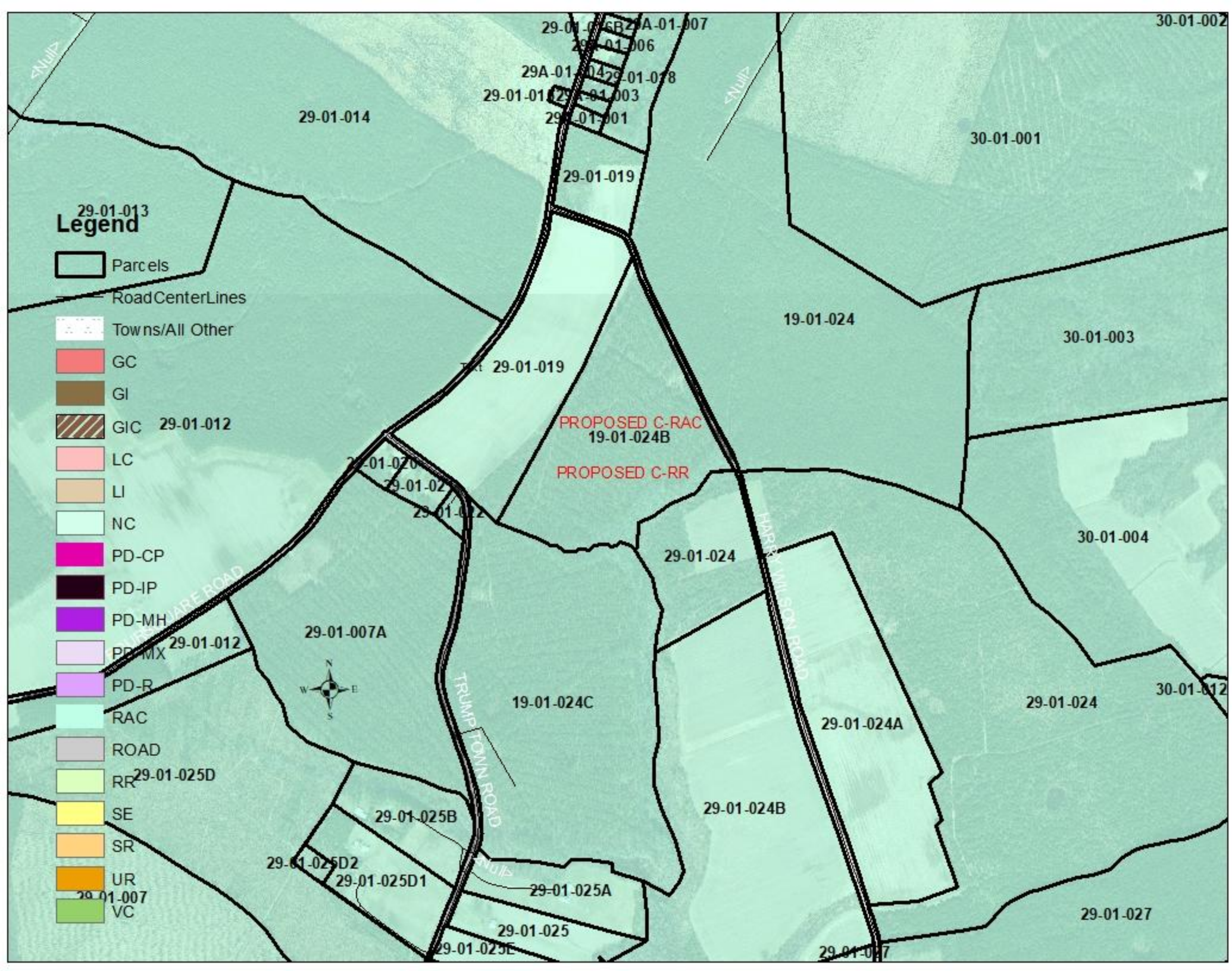
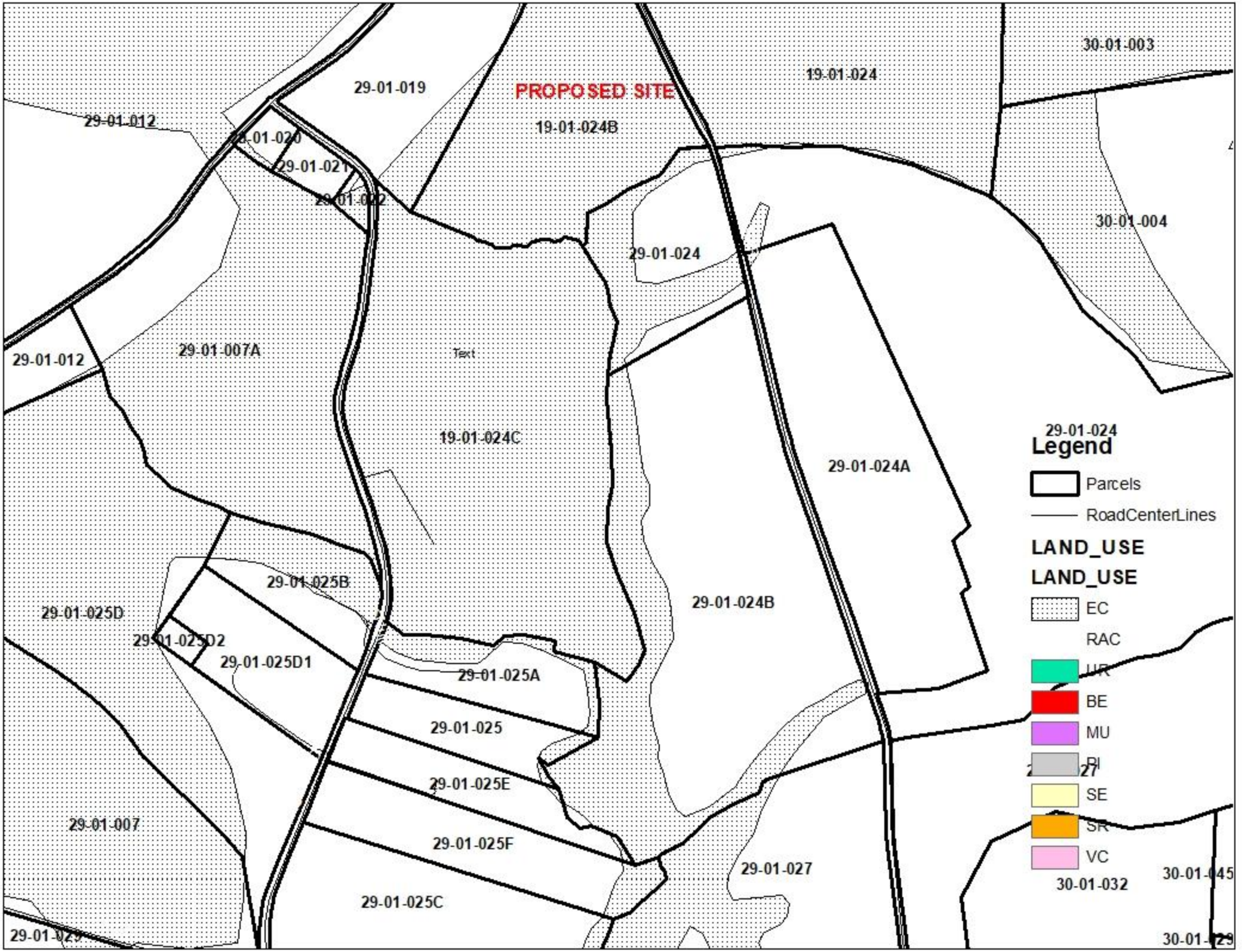

Legend
Parcels
RoadCenterLines
Towns/All Other
GC
GI
GIC
LC
LI
NC
PD-CP
PD-IP
PD-MH
PD-MX
PD-R
RAC
ROAD
RR
SE
SR
UR
VC
29-01-014
29-01-013
29-01-012
29-01-019
29-01-007A
29-01-025D
29-01-025B
29-01-025D2
29-01-025D1
29-01-007
29-01-025A
29-01-025
29-01-025E
19-01-024
PROPOSED C-RAC
19-01-024B
PROPOSED C-RR
29-01-024
19-01-024C
29-01-024A
29-01-024B
29-01-027
30-01-001
30-01-002
30-01-003
30-01-004
30-01-012
TRUMPTOWN ROAD
HARRY WILSON ROAD


PROPOSED SITE
29-01-019
19-01-024B
19-01-024
30-01-003
30-01-004
29-01-012
29-01-020
29-01-021
29-01-022
29-01-024
29-01-007A
Text
19-01-024C
29-01-024A
29-01-024B
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29-01-025D
29-01-025D2
29-01-025D1
29-01-025A
29-01-025
29-01-025E
29-01-025F
29-01-025C
29-01-007
29-01-027
30-01-032
Legend
Parcels
RoadCenterLines
LAND_USE
LAND_USE
EC
RAC
UR
BE
MU
RI
SE
SR
VC

ORDINANCE NUMBER _____

AN ORDINANCE TO REZONE AND AMEND THE OFFICAL ZONING MAP OF ISLE OF WIGHT COUNTY TO CHANGE THE ZONING FROM RURAL AGRICULTURAL CONSERVATION TO CONDITIONAL RURAL RESIDENTIAL FOR 3.19 ACRES AND CONDITIONAL RURAL AGRICUTURAL CONSERVATION FOR 34.9 ACRES LOCATED ON HARRY WILSON ROAD WITH TAX MAP NUMBER 19-01-024B FOR THE CREATION OF ONE RURAL RESIDENTIAL PARCEL

WHEREAS, Christopher and Jessica Hewitt, property owners, have requested a change in zoning from Rural Agricultural Conservation to Conditional Rural Residential for 3.19 acres and Conditional Rural Agricultural Conservation for 34.9 acres of land located on Harry Wilson Road with tax map number 19-01-024B for the purpose of creating one rural residential parcel as depicted on Exhibit "A"; and,

WHEREAS, the proposed rezoning and amendment to the official zoning map have been advertised and reviewed by the Planning Commission in compliance with the requirements of state law; and,

WHEREAS, the procedural requirements of Appendix B, Zoning Ordinance, of the Code of Isle of Wight County, Virginia, 2005 (as amended), have been followed; and,

WHEREAS, in acting upon this request, the Planning Commission and Board of Supervisors have considered the matters enunciated in Section 15.2-2284 of the Code of Virginia (1950), as amended, and Section 1-1015 of the Isle of Wight County Zoning Ordinance with respect to the purposes stated in Code of Virginia (1950), as amended, Section 15.2-2200 and 15.2 2283; and,

NOW, THEREFORE, BE IT ORDAINED by the Isle of Wight County Board of Supervisors of Isle of Wight County, Virginia, that:

Section 1. Exhibits.

Exhibit "A", "Property Map" and Exhibit "B", "Conditions," which are attached hereto, are hereby incorporated as part of this ordinance.

Section 2. Findings.

The Board of Supervisors finds that the proposed rezoning application, REZN-24-4, as submitted for the express purpose to establish a 3.19 acre residential lot, is in harmony with the standards of the Isle of Wight County Zoning Ordinance, and that it will have no more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood, and will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district, taking into consideration the location, type and height of buildings or structures, the type and extent of landscaping and screening on site and whether the use is consistent with any theme, action, policy or map of the Comprehensive Plan with the conditions set forth below.

These findings are based upon the consideration for the existing use and character of the property, the Comprehensive Plan, the suitability of the property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as

determined by population and economic studies and other studies, the transportation requirements of the community, the requirements of airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation floodplains, the preservation of agricultural and forestal land, the conservation of properties and their values, and the encouragement of the most appropriate use of land throughout the County.

Section 3. Conditional Zoning Amendment.

A. The conditional zoning of the property shown on the attached Exhibit A is an amendment to the official zoning map, and the map is hereby amended to limit the uses to only include uses as listed in the proffered conditions shown on Exhibit B.
B. The foregoing conditional zoning shall remain in effect until a subsequent amendment changes the zoning of the property.

Section 4. Severability.

It is the intention of the Board of Supervisors that the provisions, sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable; and if any phrase, clause, sentence, paragraph, section, and provision of this ordinance hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgement or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrase, clauses, sentences, paragraphs, sections, and provisions of this ordinance, to the extent that they can be enforced notwithstanding such determination.

Section 5. Effective Date

This ordinance shall be effective upon passage and shall not be published or codified.

DATE: _____

READ AND PASSED: _____
Chairman, Board of Supervisors

TESTE: _____
Clerk, Board of Supervisors

Approved as to Form:

_____
Robert W. Jones Jr, County Attorney

EXHIBIT A

29-01-018
29-01-019
29-01-014
30-01-
19-01-024
29-01-012
29-01-019
FOURSQUARE ROAD
19-01-024B
PROPOSED SITE
01-020
29-01-021
29-01-022
TRUMP TOWN ROAD
01-007A
19-01-024C
29-01-024
HARRY WILSON ROAD
29-01-024
29-01-024A
29-01-024B

EXHIBIT B

Application for Rezoning

Project Name: Hewitt Residence

Statement of the reasons for seeking rezoning:

Christopher and Jessica Hewitt are seeking rezoning of 3.190 acres of tax parcel 19-01-024B Parcel A from RAC to CRR to construct a single-family dwelling. The rezoning for the 3.190 acres is conditioned on only one new lot being created, and the remainder remaining CRAC.

X Jessica E. Hewitt

Jessica Hewitt
Owner

X

Christopher Hewitt
Owner

ISSUE:

Staff Update re: Bradby Park Development

BACKGROUND:

Staff will provide an update regarding the development of Bradby Park. Site Plan drawings (30%) have been submitted for comment and are now being finalized.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

For the Board's information.

BACKGROUND:

The matters attached to this Board report are included as a means of providing information to the Board relative to matters of interest. These items do not require any action by the Board.

BUDGETARY IMPACT:

None

RECOMMENDATION:

For the Board's information.

ATTACHMENTS:

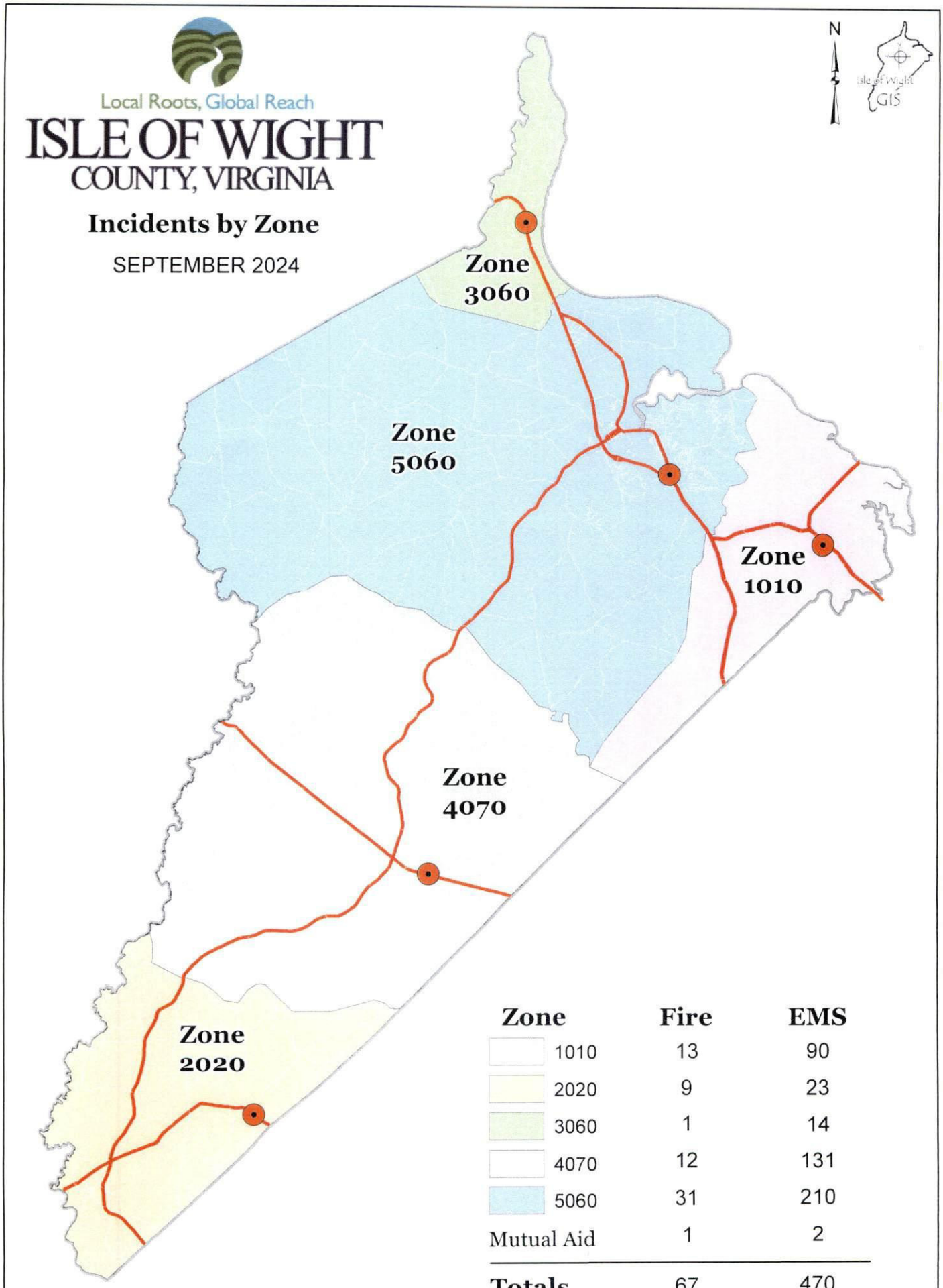
Description	Type	Upload Date
Incidents by Zone Map - September 2024	Backup Material	10/14/2024
Incidents by Zone Data - September 2024	Backup Material	10/14/2024
Correspondence from Western Tidewater Free Clinic	Backup Material	10/14/2024

Local Roots, Global Reach

ISLE OF WIGHT COUNTY, VIRGINIA

Incidents by Zone

SEPTEMBER 2024



Zone	Fire	EMS
1010	13	90
2020	9	23
3060	1	14
4070	12	131
5060	31	210
Mutual Aid	1	2
Totals	67	470

ISLE OF WIGHT

Incidents by Zone

Agency: IWFR, Event date/Time range: 09/01/2024 00:00:00 - 09/30/2024 23:59:59

Station/Beat Code	Nature Code	Self Init	CFS	Total	% Total	Avg Disp Time	Avg Resp Time	Avg Scene Time	Total Call Time	Avg Call Time
	RESCUE MUTUAL AID	0	1	1	100%	0:02:33	0:13:49	2:19:13	2:35:35	2:35:35
	Subtotals for MUTA	**0**	**1**	**1**	**100%**	**0:02:33**	**0:13:49**	**2:19:13**	**2:35:35**	**2:35:35**
	Totals for	**0**	**1**	**1**	**100%**	**0:02:33**	**0:13:49**	**2:19:13**	**2:35:35**	**2:35:35**
1010	ABDOMINAL PAIN	0	3	3	3%	0:02:36	0:07:56	1:52:58	6:10:34	2:03:31
	ABRASIONS BRUISES ETC	0	2	2	2%	0:00:46	0:11:13	0:11:00	0:45:58	0:22:59
	ACCIDENT UNKNOWN INJURIES	1	11	12	12%	0:01:24	0:04:14	0:34:21	7:54:13	0:39:31
	ACCIDENT WITH ENTRAPMENT	0	1	1	1%	0:02:44	0:03:15	1:27:29	1:33:28	1:33:28
	ACCIDENT WITH INJURIES	0	1	1	1%	0:01:33	0:04:20	0:00:55	0:06:48	0:06:48
	ALARM - MEDICAL	0	2	2	2%	0:02:08	0:07:51	0:02:18	0:24:34	0:12:17
	ASSAULT WITH INJURIES	0	1	1	1%	0:00:06	0:08:13	0:24:16	0:32:35	0:32:35
	CARDIAC ARREST	0	1	1	1%	0:00:45	0:08:19	0:15:53	0:24:57	0:24:57
	CHEST PAIN	0	5	5	5%	0:00:43	0:08:10	0:56:16	4:27:24	0:53:29
	CHILD OR ANIMAL LOCKED IN CAR	0	1	1	1%	0:00:05	0:05:37	0:12:22	0:18:04	0:18:04
	CHOKING	0	2	2	2%	0:00:35	0:04:25	0:39:39	1:29:18	0:44:39
	DIABETIC PROBLEMS	0	2	2	2%	0:01:39	0:08:54	1:47:23	3:55:52	1:57:56
	DIFFICULTY BREATHING	0	16	16	16%	0:01:31	0:06:00	1:08:41	20:19:28	1:16:13
	FALLS AND RELATED INJURIES	0	10	10	10%	0:01:32	0:06:10	0:54:25	10:21:14	1:02:07
	HEAD INJURY	0	1	1	1%	0:01:44	0:07:13	3:06:03	3:15:00	3:15:00
	HEART PROBLEMS	0	1	1	1%	0:00:48	0:09:54	0:00:47	0:11:29	0:11:29
	LIFT ASSIST	0	3	3	3%	0:01:37	0:08:32	0:46:52	2:51:03	0:57:01
	OVERDOSE	0	1	1	1%	0:00:27	0:11:06	0:29:43	0:41:16	0:41:16
	PAIN	0	5	5	5%	0:01:43	0:09:38	0:43:50	4:35:57	0:55:11
	SEIZURE	0	2	2	2%	0:00:57	0:04:31	0:50:39	1:52:14	0:56:07

Station/Beat Code	Nature Code	Self Init	CFS	Total	% Total	Avg Disp Time	Avg Resp Time	Avg Scene Time	Total Call Time	Avg Call Time
	SICK / ILL OR RESCUE	0	11	11	11%	0:01:09	0:06:13	0:51:46	10:44:18	0:58:34
	STROKE	0	4	4	4%	0:00:55	0:05:15	0:59:58	4:24:35	1:06:09
	UNCONSCIOUS OR FAINTING	0	1	1	1%	0:02:03	0:10:17	1:40:41	1:53:01	1:53:01
	WELFARE CHECK	0	2	2	2%	0:00:43	0:05:39	0:50:36	1:10:03	0:35:02
	Subtotals for EMS	**1**	**89**	**90**	**87%**	**0:01:16**	**0:07:12**	**0:52:02**	**90:23:23**	**0:59:04**
	CARBON MONOXIDE ALARM	0	1	1	1%	0:00:52	0:12:25	0:06:13	0:19:30	0:19:30
	FIRE ALARM	0	1	1	1%	0:00:36	0:05:57	0:03:26	0:09:59	0:09:59
	FIRE DEPT COMMUNITY RELATIONS	1	1	2	2%	0:00:06	0:10:13	0:17:08	0:44:36	0:22:18
	FIRE OTHER NOT LISTED	1	3	4	4%	0:03:23	0:07:33	0:31:39	2:47:00	0:41:45
	SMELL OF GAS INSIDE/OUTSIDE	1	1	2	2%	0:01:17	0:14:26	0:29:17	1:14:18	0:37:09
	STRUCTURE FIRE	0	3	3	3%	0:01:24	0:06:50	0:12:49	1:03:11	0:21:04
	Subtotals for FIRE	**3**	**10**	**13**	**13%**	**0:01:16**	**0:09:34**	**0:16:45**	**6:18:34**	**0:25:18**
	Totals for 1010	**4**	**99**	**103**	**100%**	**0:01:16**	**0:07:41**	**0:44:59**	**96:41:57**	**0:52:18**
2020	ABDOMINAL PAIN	0	1	1	3%	0:01:41	0:11:29	1:37:54	1:51:04	1:51:04
	ACCIDENT WITH ENTRAPMENT	0	1	1	3%	0:02:08	0:05:13	0:20:37	0:27:58	0:27:58
	ALLERGIC REACTIONS	0	1	1	3%	0:01:37	0:09:36	0:44:52	0:56:05	0:56:05
	BLEEDING/HEMORRHAGING	0	1	1	3%	0:00:28	0:01:10	2:59:55	3:01:33	3:01:33
	CHEST PAIN	0	2	2	6%	0:01:12	0:07:02	1:16:02	2:48:32	1:24:16
	DIFFICULTY BREATHING	0	2	2	6%	0:01:33	0:07:08	0:39:43	1:36:48	0:48:24
	FALLS AND RELATED INJURIES	0	3	3	9%	0:01:13	0:10:18	0:54:42	3:18:38	1:06:13
	LIFT ASSIST	0	2	2	6%	0:01:53	0:09:51	0:08:56	0:41:20	0:20:40
	PAIN	0	3	3	9%	0:02:44	0:11:19	0:30:49	2:14:38	0:44:53
	POSSIBLE DOA	0	1	1	3%	0:02:01	0:07:34	0:30:01	0:39:36	0:39:36
	SICK / ILL OR RESCUE	0	5	5	16%	0:01:35	0:11:03	0:36:16	4:04:28	0:48:54
	UNCONSCIOUS OR FAINTING	0	1	1	3%	0:01:08	0:08:05	0:54:02	1:03:15	1:03:15
	Subtotals for EMS	**0**	**23**	**23**	**72%**	**0:01:36**	**0:08:19**	**0:56:09**	**22:43:55**	**1:06:04**

Station/Beat Code	Nature Code	Self Init	CFS	Total	% Total	Avg Disp Time	Avg Resp Time	Avg Scene Time	Total Call Time	Avg Call Time
	FIRE ALARM	0	7	7	22%	0:00:54	0:08:53	0:03:50	1:28:24	0:12:38
	FIRE OTHER NOT LISTED	0	1	1	3%	0:00:06	0:18:55	0:27:29	0:46:30	0:46:30
	STRUCTURE FIRE	0	1	1	3%	0:01:35	0:11:08	0:25:10	0:37:53	0:37:53
	Subtotals for FIRE	**0**	**9**	**9**	**28%**	**0:00:52**	**0:12:59**	**0:18:50**	**2:52:47**	**0:32:20**
	Totals for 2020	**0**	**32**	**32**	**100%**	**0:01:27**	**0:09:15**	**0:48:41**	**25:36:42**	**0:59:19**
3060	ACCIDENT UNKNOWN INJURIES	1	0	1	7%	0:00:24	0:04:07	1:08:46	1:13:17	1:13:17
	BLEEDING/HEMORRHAGING	0	1	1	7%	0:00:45	0:03:38	1:23:20	1:27:43	1:27:43
	CARDIAC ARREST	0	1	1	7%	0:02:34	0:07:45	1:48:45	1:59:04	1:59:04
	DIFFICULTY BREATHING	0	2	2	13%	0:01:13	0:21:42	0:39:52	2:05:33	1:02:47
	FALLS AND RELATED INJURIES	0	1	1	7%	0:01:43	0:05:14	1:55:39	2:02:36	2:02:36
	LIFT ASSIST	0	1	1	7%	0:03:47	0:14:27	0:09:02	0:27:16	0:27:16
	OBSTETRICS	0	2	2	13%	0:02:13	0:14:38	1:25:47	3:25:15	1:42:38
	PAIN	0	3	3	20%	0:01:22	0:10:03	0:32:34	2:11:56	0:43:59
	SEIZURE	0	1	1	7%	0:01:26	0:06:01	1:20:59	1:28:26	1:28:26
	STROKE	0	1	1	7%	0:04:15	0:13:34	1:24:22	1:42:11	1:42:11
	Subtotals for EMS	**1**	**13**	**14**	**93%**	**0:01:58**	**0:10:07**	**1:10:55**	**18:03:17**	**1:23:00**
	FIRE ALARM	0	1	1	7%	0:01:21	0:00:00	0:00:00	0:08:21	0:08:21
	Subtotals for FIRE	**0**	**1**	**1**	**7%**	**0:01:21**	**0:00:00**	**0:00:00**	**0:08:21**	**0:08:21**
	Totals for 3060	**1**	**14**	**15**	**100%**	**0:01:55**	**0:10:07**	**1:10:55**	**18:11:38**	**1:16:13**
4070	ABDOMINAL PAIN	0	6	6	4%	0:02:08	0:16:27	0:59:41	7:49:40	1:18:17
	ABRASIONS BRUISES ETC	3	3	6	4%	0:00:19	0:09:15	0:18:37	2:20:29	0:23:25
	ACCIDENT UNKNOWN INJURIES	1	7	8	6%	0:01:24	0:06:18	0:49:10	7:28:39	0:56:05
	ACCIDENT WITH INJURIES	1	1	2	1%	0:00:11	0:06:14	0:17:00	0:46:48	0:23:24
	ALARM - MEDICAL	0	3	3	2%	0:01:36	0:10:07	0:47:25	2:08:20	0:42:47

Station/Beat Code	Nature Code	Self Init	CFS	Total	% Total	Avg Disp Time	Avg Resp Time	Avg Scene Time	Total Call Time	Avg Call Time
	ATTEMPT SUICIDE	0	1	1	1%	0:00:50	0:22:26	0:46:31	1:09:47	1:09:47
	BACK PAIN (NON TRAUMATIC)	0	1	1	1%	0:01:28	0:11:45	1:13:50	1:27:03	1:27:03
	BITE	0	1	1	1%	0:00:12	0:06:42	0:09:16	0:16:10	0:16:10
	CARDIAC ARREST	0	4	4	3%	0:00:50	0:08:53	0:37:49	3:10:11	0:47:33
	CHEST PAIN	0	7	7	5%	0:01:25	0:11:27	0:59:46	8:28:25	1:12:38
	DIABETIC PROBLEMS	1	0	1	1%	0:00:00	0:00:00	0:00:04	0:00:04	0:00:04
	DIFFICULTY BREATHING	0	11	11	8%	0:01:20	0:10:44	0:57:24	12:44:19	1:09:29
	FALLS AND RELATED INJURIES	0	12	12	8%	0:01:21	0:10:05	0:37:33	9:47:45	0:48:59
	HEART PROBLEMS	0	3	3	2%	0:02:22	0:09:10	1:06:23	3:53:45	1:17:55
	HEAT AND COLD EXPOSURE	0	1	1	1%	0:01:48	0:18:43	1:07:27	1:27:58	1:27:58
	LIFT ASSIST	0	5	5	3%	0:01:38	0:07:13	0:20:46	2:28:04	0:29:37
	MEDIC STANDBY	7	0	7	5%	0:00:01	0:00:00	7:15:04	50:45:35	7:15:05
	OVERDOSE	0	1	1	1%	0:02:06	0:02:29	1:00:03	1:04:38	1:04:38
	PAIN	0	7	7	5%	0:01:17	0:10:12	1:01:55	8:30:21	1:12:54
	POSSIBLE DOA	0	1	1	1%	0:00:18	0:10:36	0:16:08	0:27:02	0:27:02
	PSYCHIATRIC PROBLEMS	0	3	3	2%	0:00:10	0:16:12	0:48:43	2:12:09	0:44:03
	SICK / ILL OR RESCUE	1	24	25	17%	0:01:43	0:11:56	1:01:23	31:16:09	1:15:03
	STABBING	0	1	1	1%	0:01:57	0:03:02	0:55:34	1:00:33	1:00:33
	STROKE	0	6	6	4%	0:01:06	0:07:26	1:25:41	8:42:38	1:27:06
	UNCONSCIOUS OR FAINTING	1	7	8	6%	0:01:32	0:07:19	1:03:12	8:31:59	1:04:00
	Subtotals for EMS	**15**	**116**	**131**	**92%**	**0:01:13**	**0:10:12**	**1:02:15**	**177:58:31**	**1:10:28**
	BURNING COMPLAINT	0	1	1	1%	0:04:26	0:08:54	0:02:42	0:16:02	0:16:02
	FIRE ALARM	0	2	2	1%	0:01:18	0:04:05	0:20:37	0:31:54	0:15:57
	FIRE OTHER NOT LISTED	0	1	1	1%	0:00:08	0:03:23	0:17:26	0:20:57	0:20:57
	STANDBY	3	0	3	2%	0:00:00	0:00:00	5:01:09	15:03:27	5:01:09
	STRUCTURE FIRE	0	4	4	3%	0:01:09	0:10:30	1:26:10	6:31:17	1:37:49
	TRANSFORMER FIRE OR POWER LINE	0	1	1	1%	0:01:30	0:07:28	1:10:50	1:19:48	1:19:48

Station/Beat Code	Nature Code	Self Init	CFS	Total	% Total	Avg Disp Time	Avg Resp Time	Avg Scene Time	Total Call Time	Avg Call Time
	Subtotals for FIRE	**3**	**9**	**12**	**8%**	**0:01:42**	**0:06:52**	**1:23:09**	**24:03:25**	**1:28:37**
	Totals for 4070	**18**	**125**	**143**	**100%**	**0:01:18**	**0:09:36**	**1:06:18**	**202:01:56**	**1:13:59**
5060	EXTRICATION	0	1	1	0%	0:01:33	0:06:59	0:08:12	0:16:44	0:16:44
	Subtotals for No Summary Code	**0**	**1**	**1**	**0%**	**0:01:33**	**0:06:59**	**0:08:12**	**0:16:44**	**0:16:44**
	ABDOMINAL PAIN	0	3	3	1%	0:00:59	0:10:43	0:57:51	3:28:37	1:09:32
	ABRASIONS BRUISES ETC	0	4	4	2%	0:01:36	0:09:02	0:20:57	2:06:20	0:31:35
	ACCIDENT UNKNOWN INJURIES	1	3	4	2%	0:01:32	0:03:43	1:08:21	4:54:26	1:13:37
	ACCIDENT WITH INJURIES	0	3	3	1%	0:00:41	0:06:38	1:08:38	3:47:53	1:15:58
	ALARM - MEDICAL	0	4	4	2%	0:02:43	0:11:57	0:37:52	3:30:10	0:52:33
	ALLERGIC REACTIONS	1	3	4	2%	0:02:09	0:09:02	0:44:53	3:44:16	0:56:04
	BACK PAIN (NON TRAUMATIC)	0	1	1	0%	0:00:14	0:24:43	1:07:32	1:32:29	1:32:29
	BLEEDING/HEMORRHAGING	0	3	3	1%	0:01:40	0:12:42	0:57:53	3:36:47	1:12:16
	CHEST PAIN	1	12	13	5%	0:01:25	0:09:22	0:46:37	12:15:24	0:56:34
	CHOKING	0	1	1	0%	0:01:50	0:08:29	0:04:31	0:14:50	0:14:50
	DIABETIC PROBLEMS	0	5	5	2%	0:01:47	0:11:11	0:52:15	5:26:02	1:05:12
	DIFFICULTY BREATHING	0	19	19	8%	0:01:20	0:09:40	1:02:13	23:11:07	1:13:13
	FALLS AND RELATED INJURIES	0	19	19	8%	0:01:27	0:10:13	0:58:14	21:08:01	1:06:44
	FRACTURES OR BROKEN BONES	0	5	5	2%	0:00:44	0:09:45	1:15:50	7:11:32	1:26:18
	HEAD INJURY	0	2	2	1%	0:01:11	0:08:27	0:40:08	1:39:32	0:49:46
	HEADACHE	0	3	3	1%	0:00:32	0:10:13	0:38:33	2:27:53	0:49:18
	HEART PROBLEMS	0	4	4	2%	0:01:48	0:09:50	1:10:05	5:26:50	1:21:43
	HEAT AND COLD EXPOSURE	0	1	1	0%	0:00:54	0:11:12	1:26:45	1:38:51	1:38:51
	LIFT ASSIST	0	12	12	5%	0:01:26	0:10:06	0:15:13	5:20:57	0:26:45
	MEDIC STANDBY	1	0	1	0%	0:00:00	0:00:00	2:21:15	2:21:15	2:21:15
	OVERDOSE	0	1	1	0%	0:02:33	0:07:57	0:12:39	0:23:09	0:23:09
	PAIN	0	14	14	6%	0:01:39	0:09:36	0:56:40	15:50:57	1:07:56

Station/Beat Code	Nature Code	Self Init	CFS	Total	% Total	Avg Disp Time	Avg Resp Time	Avg Scene Time	Total Call Time	Avg Call Time
	POSSIBLE DOA	0	2	2	1%	0:01:16	0:07:20	0:36:04	1:29:19	0:44:40
	PSYCHIATRIC PROBLEMS	0	1	1	0%	0:00:13	0:08:29	1:03:39	1:12:21	1:12:21
	SEIZURE	1	10	11	5%	0:01:15	0:11:17	1:00:56	13:28:15	1:13:29
	SICK / ILL OR RESCUE	0	58	58	24%	0:01:31	0:10:30	0:58:27	68:07:57	1:10:29
	STROKE	0	2	2	1%	0:01:18	0:13:25	0:50:36	2:10:37	1:05:19
	UNCONSCIOUS OR FAINTING	1	9	10	4%	0:01:03	0:07:28	0:46:20	9:01:07	0:54:07
	Subtotals for EMS	**6**	**204**	**210**	**87%**	**0:01:22**	**0:10:07**	**0:53:36**	**226:46:54**	**1:04:30**
	ARCING WIRES DOWN POWER LINES	0	4	4	2%	0:01:44	0:09:04	0:29:44	2:42:08	0:40:32
	BOMB/BOMB THREAT	0	1	1	0%	0:00:30	0:54:14	0:48:03	1:42:47	1:42:47
	BRUSH FIRE	0	1	1	0%	0:02:08	0:09:34	0:26:43	0:38:25	0:38:25
	BURNING COMPLAINT	0	1	1	0%	0:01:39	0:15:21	0:04:41	0:21:41	0:21:41
	CAR FIRE	0	2	2	1%	0:00:21	0:04:29	0:06:42	0:23:04	0:11:32
	CARBON MONOXIDE ALARM	0	1	1	0%	0:01:23	0:04:07	0:04:57	0:10:27	0:10:27
	FIRE ALARM	0	11	11	5%	0:01:14	0:06:43	0:12:47	3:31:26	0:19:13
	FIRE DEPT COMMUNITY RELATIONS	1	0	1	0%	0:00:00	0:05:01	0:05:15	0:10:16	0:10:16
	FIRE OTHER NOT LISTED	0	3	3	1%	0:02:24	0:10:11	0:37:48	2:31:10	0:50:23
	SMELL OR ODOR OF SMOKE	1	0	1	0%	0:00:01	0:00:00	0:00:00	0:08:13	0:08:13
	STANDBY	1	0	1	0%	0:00:00	0:00:00	0:23:21	0:23:21	0:23:21
	STRUCTURE FIRE	0	4	4	2%	0:01:35	0:04:48	0:48:11	3:38:17	0:54:34
	Subtotals for FIRE	**3**	**28**	**31**	**13%**	**0:01:18**	**0:12:21**	**0:22:34**	**16:21:15**	**0:32:37**
	Totals for 5060	**9**	**233**	**242**	**100%**	**0:01:21**	**0:10:37**	**0:43:56**	**243:24:53**	**0:54:00**
SRY	RESCUE MUTUAL AID	0	2	2	100%	0:02:05	0:22:19	0:54:13	2:37:12	1:18:36
	Subtotals for MUTA	**0**	**2**	**2**	**100%**	**0:02:05**	**0:22:19**	**0:54:13**	**2:37:12**	**1:18:36**
	Totals for SRY	**0**	**2**	**2**	**100%**	**0:02:05**	**0:22:19**	**0:54:13**	**2:37:12**	**1:18:36**

Station/Beat Code	Nature Code	Self Init	CFS	Total	% Total	Avg Disp Time	Avg Resp Time	Avg Scene Time	Total Call Time	Avg Call Time
SUF	FIRE MUTUAL AID	0	1	1	100%	0:01:21	0:00:00	0:00:00	0:14:36	0:14:36
	Subtotals for MUTA	**0**	**1**	**1**	**100%**	**0:01:21**	**0:00:00**	**0:00:00**	**0:14:36**	**0:14:36**
	Totals for SUF	**0**	**1**	**1**	**100%**	**0:01:21**	**0:00:00**	**0:00:00**	**0:14:36**	**0:14:36**
WIND	ANIMAL COMPLAINT	1	0	1	100%	0:00:01	0:04:23	1:17:36	1:22:00	1:22:00
	Subtotals for No Summary Code	**1**	**0**	**1**	**100%**	**0:00:01**	**0:04:23**	**1:17:36**	**1:22:00**	**1:22:00**
	Totals for WIND	**1**	**0**	**1**	**100%**	**0:00:01**	**0:04:23**	**1:17:36**	**1:22:00**	**1:22:00**

Western Tidewater FREE CLINIC
Helping Hands. Health. Hope.

July 24, 2024

Mr. Randy Keaton, County Administrator
Isle of Wight County
PO Box 80
Isle Of Wight, VA 23397-0080

Dear Randy,

On behalf of the entire team at Western Tidewater Free Clinic (WTFC), I would like to express our sincere gratitude for your generous donation of $15,809.00 on 7/19/2024. Your support plays a crucial role in helping us provide essential medical care to the uninsured and underserved within our community.

Last year, we provided 11,419 visits to 1,473 unique patients. Our patients are diverse, and yet they all share one thing: ***they need our help***. Thanks to you, we can ensure these neighbors receive the high-quality and compassionate care they deserve.

We recently had the privilege of serving Jeremy*, a gentleman welcomed into our health home. He was immediately connected to multiple services and resources, including a vision appointment. It was evident that Jeremy was in desperate need of prescription eyeglasses. He was quickly scheduled for an appointment with Nadia, one of our dedicated pharmacy technicians, who quickly went above and beyond to assist him.

When Nadia met Jeremy, he had accepted the unfortunate reality that he would never be able to afford eyeglasses. The cost of purchasing them was simply beyond his means. He had just been getting by, relying on one pair of readers which had been taped and tied together over the years. When Jeremy learned that Nadia had ordered him free eyeglasses, ***he wept in gratitude***. A weight had been lifted off his shoulders. The prospect of clear vision had never been a reality until that moment.

Donors like you, Randy, offer patients like Jeremy renewed hope and possibility. Things that many of us take for granted are often just dreams for our patients – you make them realities. Thank you for helping us make a difference in the lives of Jeremy and all of our patients.

With deep gratitude,

Ashley

Ashley O. Greene
Executive Director

*Name is protected for privacy

Randy, thank you for the continued support of the County for our work and mission!

Western Tidewater Free Clinic, Inc. is a not-for-profit, tax-exempt 501(c)3 organization – donations to which are tax deductible to the fullest extent allowed by law on all solicitations. No goods or services were received in exchange for this contribution. Please keep this written acknowledgement of your donation for your personal records.

ISSUE:

Consideration of Potential Benns Church Blvd/Turner Dr Intersection Improvements as Outlined in the Benns Church Master TIA

BACKGROUND:

The Board has previously discussed options for the Benns Church Blvd/Turner Dr intersection. At the Board's Work Session on October 3, 2024, staff provided an update regarding the project options and funding. Subsequently, staff has received feedback from the project stakeholders indicating overall agreement in principle relative to the proposed cost share requirements.

BUDGETARY IMPACT:

TBD

RECOMMENDATION:

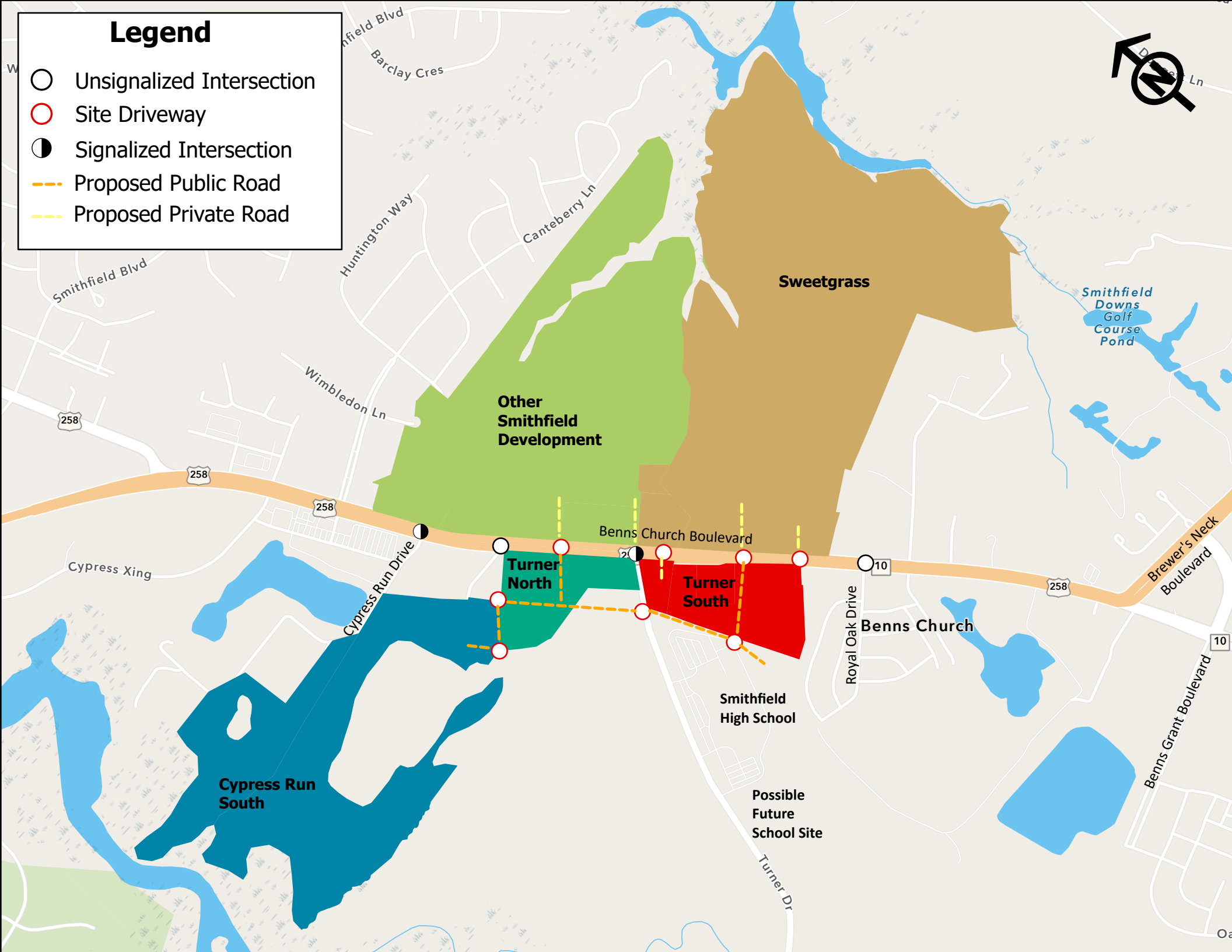
Per the Board's discussion and direction.

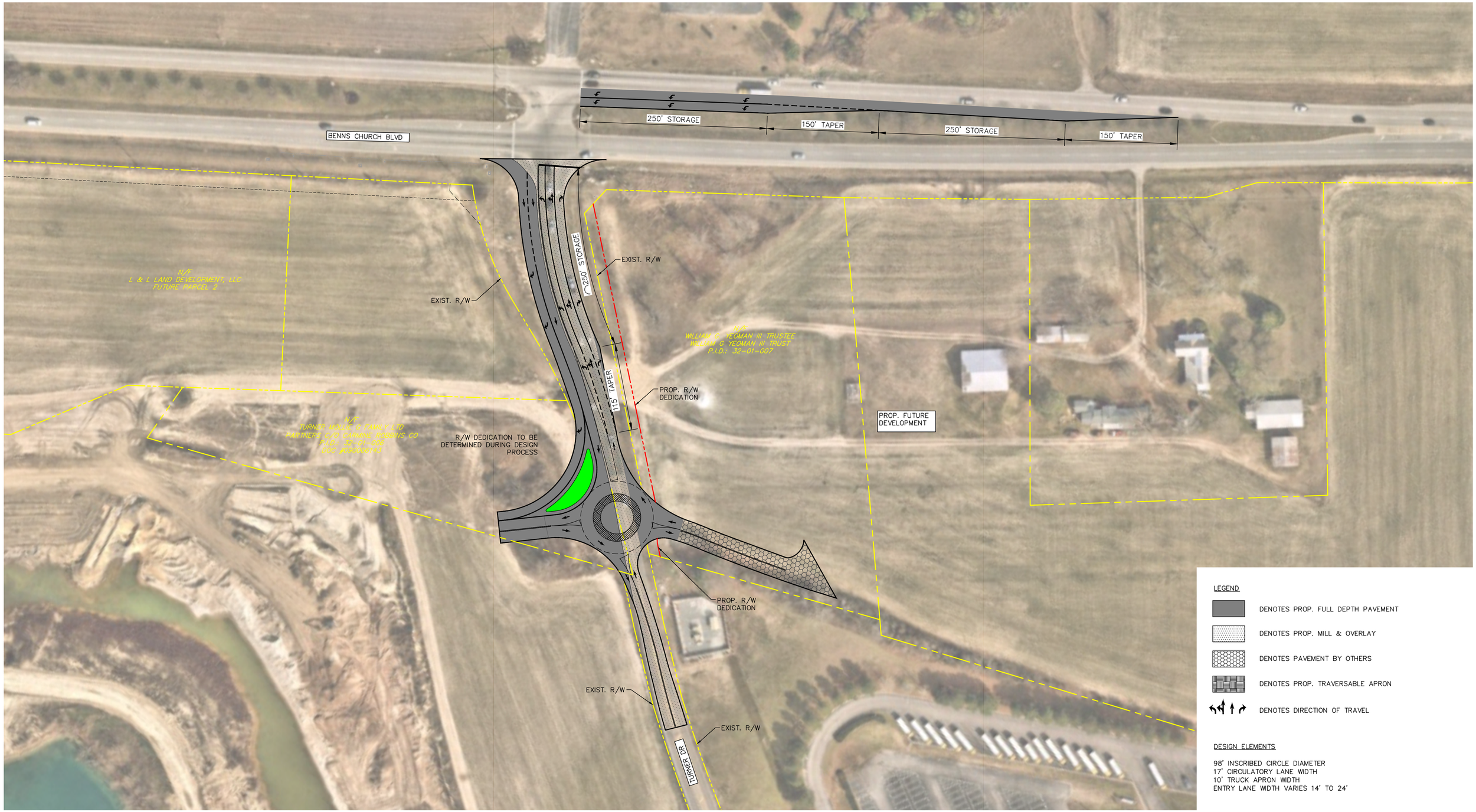
ATTACHMENTS:

Description	Type	Upload Date
Turner Dr Proposal	Backup Material	9/3/2024
Benns Church Blvd/Turner Dr Intersection	Backup Material	9/5/2024
Turner Dr Alternative	Backup Material	9/5/2024

Benns Church/Turner Dr Improvements											
2029 Build Out Scenario (per page 43-44, Figure 5, Master Plan)											
*revised 08/16/2024											
	Contribution as % of New Dev ONLY *(PM Peak)*		**Contribution as $ of funding Needed** *($4,513,268)*		**Contribution as % per Private Proposal**	**Contribution as $ per Private Proposal**		**New proposal 08.16.2024 as %**		**New proposal 08.16.2024 as $**	
Turner North	13%		$ 586,725		13%	$ 600,000					
Frontier 1 (Wawa?), Frontier 2, H&L								*13%*		*$ 586,725*	***IOW County***
Turner South	17%		$ 767,256		9%	$ 400,000					
Layden commercial								*11%*		*$ 496,459*	***Town of Smithfield***
Cypress Run South	13%		$ 586,725		24%	$ 1,059,000					
Promentory residential and commercial								*20%*		*$ 902,654*	***Town of Smithfield***
Sweetgrass	33%		$ 1,489,378		11%	$ 500,000					
Sweetgrass								*12%*		*$ 541,592*	***IOW County***
IOW Middle School	4%		$ 180,531		17%	$ 785,000					
IOW Middle School								*4%*		*$ 180,531*	
IOW other future growth								*20%*		*$ 902,654*	
Other Smfd Dev ***(at 50% bld out in 2029)***	21%		$ 947,786		26%	$ 1,156,000					
Town future growth								*20%*		*$ 902,654*	***Town of Smithfield***
								100%		**$ 4,513,268**	**match requirement**
	100%		**$ 4,558,401**		**100%**	**$ 4,500,000**					
					IOW TOTAL =	***$ 1,083,184***					
						plus grant funds, plus project administration					
					Town TOTAL=	**$ 2,301,767**					
						$1,399,113 Layden and Promentory currently in review					

#NAME?					
Revenue Sharing Grant Cost Share *$4,513,268 match*					
**revised 08/16/2024*					
		New proposal 08.16.2024 as %		**New proposal 08.16.2024 as $**	
Turner North					
Frontier 1 (Wawa?), Frontier 2, H&L		*13%*		*$ 586,725*	***IOW County**
Turner South					
Layden commercial		*11%*		*$ 496,459*	***Town of Smithfield**
Cypress Run South					
Promentory residential and commercial		*20%*		*$ 902,654*	***Town of Smithfield**
Sweetgrass					
Sweetgrass		*12%*		*$ 541,592*	***IOW County**
IOW Middle School					
IOW Middle School		*4%*		*$ 180,531*	***IOW County**
IOW other future growth		*20%*		*$ 902,654*	***IOW County**
Other Smfd Dev ***(at 50% bld out in 2029)***					
Town future growth		*20%*		*$ 902,654*	***Town of Smithfield**
		100%		**$ 4,513,268**	**match requirement**


Legend
Unsignalized Intersection
Site Driveway
Signalized Intersection
Proposed Public Road
Proposed Private Road
Barclay Cres
Huntington Way
Canteberry Ln
Smithfield Blvd
Wimbledon Ln
Sweetgrass
Smithfield Downs Golf Course Pond
Other Smithfield Development
258
Benns Church Boulevard
Turner North
Turner South
Cypress Xing
Cypress Run Drive
Royal Oak Drive
Benns Church
Brewer's Neck Boulevard
10
Benns Grant Boulevard
Smithfield High School
Possible Future School Site
Cypress Run South
Turner Dr



NORTH

GRAPHIC SCALE IN FEET
0 30 60 120

CONCEPTUAL DESIGN EXHIBIT

BENNS CHURCH BLVD AT TURNER DRIVE

SEPTEMBER 2023

Kimley»Horn
©2023 KIMLEY-HORN AND ASSOCIATES, INC.
4525 MAIN STREET, SUITE 1000,
VIRGINIA BEACH, VA 23462
PHONE: 757-213-8600
FAX: 757-213-8601

WWW.KIMLEY-HORN.COM

ISSUE:

Consideration of a Three-Year Real Estate Reassessment Schedule

BACKGROUND:

At its regular meeting on September 17, 2024, the Board held a public hearing to receive public comment regarding a three-year real estate reassessment schedule.

Gerald Gwaltney, Commissioner of Revenue, has previously provided information regarding the potential advantages/disadvantages of implementing various schedules for real estate reassessments.

BUDGETARY IMPACT:

None.

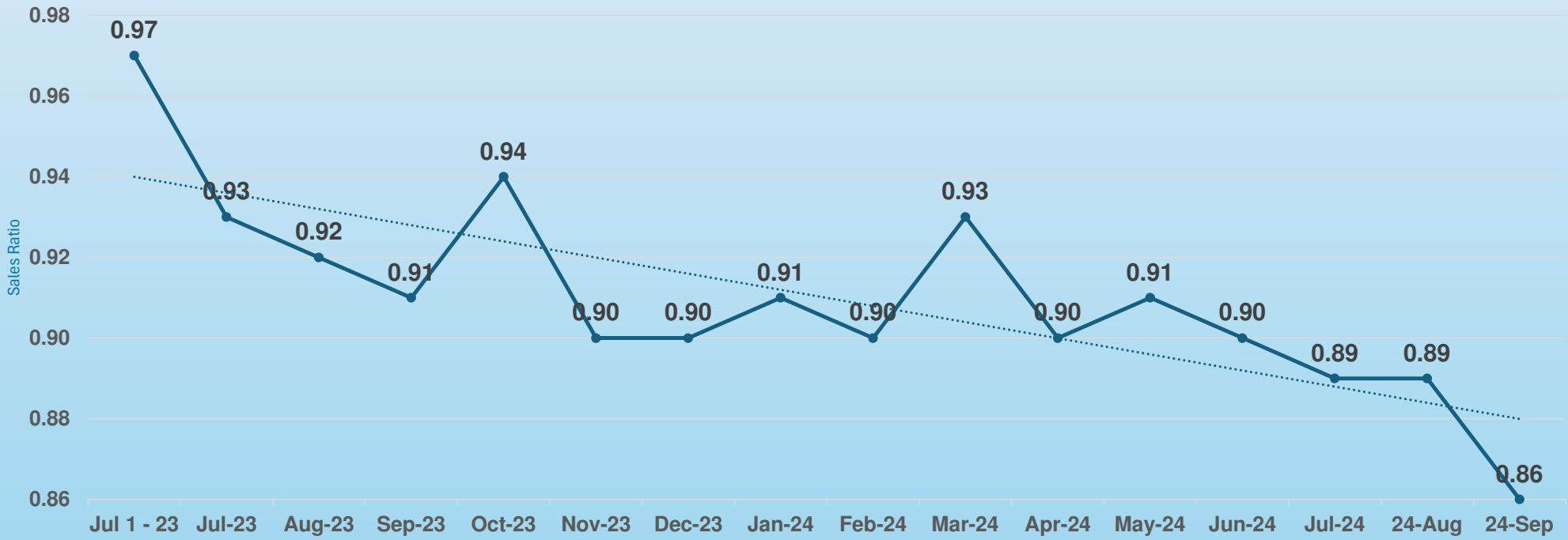
RECOMMENDATION:

Per the Board's discussion and direction.

ATTACHMENTS:

Description	Type	Upload Date
Commissioner's Analysis	Backup Material	10/14/2024

Valid Sales Ratio July 2023 - Sept 2024



3-Year Cycle Reassessment

PROS

- Stabilizes tax rate
- Less variance between assessments and sale prices
- Minimizes market increases
- Allows more equitable assessments
- Increases Public Service Revenue (approximately $500,00)

CONS

- Annual cost higher ($208,000 vs. $156,000)
- Taxpayer objections to more frequent reassessments
- “Sticker Shock” is still there, only smaller
- New developments equal higher reassessment costs as contract is based on number of parcels in county

ISSUE:

Consideration of Items for 2025 Legislative Priorities

BACKGROUND:

Staff will briefly review and discuss the County's proposed legislative priority list for the 2025 Legislative Agenda.

Items included in the list of legislative priorities for consideration are:

- Additional Sales Tax for Educational Purposes
- Education Funding Support from the Commonwealth
- Unfunded Mandates
- Transportation Funding
- Proffer/Impact Fee Legislation
- Public Notice Advertisement
- Clerk's Fee Revenue
- Septic Pump-Out Oversight
- Funding for EMS Pharmaceutical Requirements

BUDGETARY IMPACT:

None

RECOMMENDATION:

Per the Board's discussion and direction.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	10/11/2024
Draft 2025 Legislative Priority List	Backup Material	10/17/2024

RESOLUTION ESTABLISHING ISLE OF WIGHT COUNTY'S LEGISLATIVE PRIORITIES FOR THE 2025 SESSION OF THE GENERAL ASSEMBLY

WHEREAS, the General Assembly considers numerous issues that affect local governments both directly and indirectly; and,

WHEREAS, the County of Isle of Wight, Virginia has specific interest in matters dealing generally with local governments, as well as matters directly impacting the County of Isle of Wight; and,

WHEREAS, such interest should be shared with Isle of Wight County's General Assembly Delegation so that it may know of the County's position on these important issues.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Board of Supervisors of the County of Isle of Wight, Virginia endorses the attached legislative proposals for the 2025 General Assembly Session and directs that both this resolution and the legislative priorities be forwarded to Isle of Wight County's General Assembly Delegation and that staff work with and assist the Delegation as appropriate.

Adopted this 17th day of October, 2024.

_____
Joel C. Acree, Chairman

_____
Carey Mills Storm, Clerk

Approved as to form:

_____
Robert W. Jones, Jr., County Attorney

2025

Isle of Wight County
Legislative Priorities

ISLE OF WIGHT COUNTY
2025 LEGISLATIVE PRIORITY LIST

LOCAL ISSUES

- Additional Sales Tax for Educational Purposes
- Education Funding Support from the Commonwealth
- Unfunded Mandates
- Transportation Funding
- Proffer/Impact Fee Legislation
- Public Notice Advertisement
- *Clerk's Fee Revenue*
- *Septic Pump-Out Oversight*
- *Funding for EMS Pharmaceutical Requirements*

ADDITIONAL SALES TAX FOR EDUCATION PURPOSES

ISSUE:

The Code of Virginia authorizes "the qualifying locality" to, if initiated by a resolution of the local governing body and **approved by the voters at a referendum**, impose an additional local sales and use tax at a rate not to exceed one percent, as determined by the governing body. The bill requires the governing body to specify in the enacting ordinance the time period, not to exceed 20 years, for which the tax would be imposed. Revenue from the tax shall be used solely for capital projects for new construction or major renovation of schools in the locality enacting the tax.

The bill removes the limit on the amount that "the qualifying locality" may appropriate to an incorporated town that has not complied with the provisions of its charter relating to the elections of local officials. Under current law, such amount is limited to the amount the town would have received from local sales and use tax for educational purposes if such election had been held.

In the Code of Virginia, § 58.1-602, "qualifying locality" currently means Charlotte County, Gloucester County, Halifax County, Henry County, Mecklenburg County, Northampton County, Patrick County, Pittsylvania County, or the City of Danville.

COUNTY POSITION:

Isle of Wight County urges the General Assembly to adopt legislation to amend the Code of Virginia (§ 58.1-602) to add "Isle of Wight County" as a qualifying locality for the purpose of imposing an additional local sales and use tax at a rate not to exceed one percent, as determined by the governing body to be used solely for capital projects for new construction or major renovation of schools.

EDUCATION FUNDING SUPPORT FROM THE COMMONWEALTH

ISSUE:

The Joint Legislative Audit and Review Commission (JLARC) has previously produced reports relative to state and local funding of the Standard of Quality (SOQ) for primary and secondary education in Virginia. In this regard, the Isle of Wight County remains concerned about the following issues:

- Localities pay 100 percent of the cost of teachers and other instructional expenses beyond the minimum requirements of the state Standards of Quality, which represents significant costs to localities.
- School divisions spend significantly less to operate and maintain facilities than in the past due to unfunded mandates from the State.

It is essential for the state to fully fund its constitutional responsibilities and all mandates associated with K-12 public education. Full state funding should be achieved without reduction to other parts of state public education budgets or to the other core services. Should state general funding diminish, local autonomy should be increased and state education mandates reduced.

COUNTY POSITION:

Isle of Wight County supports full State funding for public education, including the Standards of Quality (SOQ) as previously recommended by the Board of Education, where these recommendations coincide with prevailing local practice; targeted incentive programs; capital and maintenance support; and teacher salaries. Full State funding should be achieved without reduction to other parts of State public education budgets or to other core services. The State must recognize that local school divisions continue to spend billions of dollars above the required local effort.

The County opposes proposals to divert State or local education funds from local school divisions.

UNFUNDED MANDATES

ISSUE:

Unfunded mandates placed on localities by the State have detrimentally affected local tax rates and the ability of local governments to address local needs and priorities.

There are many programs required by the State to be implemented at the local level. Several of these programs are inadequately funded or not funded at all by the State. Unfunded mandates place a financial burden on localities to implement those programs. The problem is further exacerbated when existing funding from the State to provide programs is unexpectedly reduced or eliminated, but the requirement to provide the program still exists.

When funding for a mandated program is altered, the mandate should be suspended until full funding is restored. When legislation with a cost to localities is passed by the General Assembly, the cost should be borne by the Commonwealth, and the legislation should contain a sunset clause providing that the mandate is not binding on localities until funding by the Commonwealth is provided.

The Commonwealth provides operational funding for certain Constitutional required governmental functions via the State Compensation Board. In this regard, the Compensation Board establishes minimum salaries for certain positions funded by the State. As competition for qualified employees has intensified at the State and local levels, so has the need to adjust salaries and the funding for those Compensation Board-funded positions.

The funding provided to localities by the Compensation Board for many positions at the local level is woefully inadequate, particularly those positions assigned to law enforcement functions within the local Sheriff's offices.

It should be noted and emphasized that providing insufficient funding for State responsibilities and services, such that State agencies require local funding supplements to provide those services is also an unfunded mandate.

COUNTY POSITION:

The County requests that the General Assembly adequately fund the State's share for required programs that must be implemented at the local level.

The County requests that the General Assembly adequately fund the State's share for required programs that must be implemented at the local level and/or eliminate the service requirement of the mandate.

The County requests that the General Assembly review and appropriate increased funding for Compensation Board funded positions, particularly those positions assigned to law enforcement functions within the local Sheriff's offices.

TRANSPORTATION FUNDING

ISSUE:

Isle of Wight County appreciates the funding provided by the State to address the transportation needs of the Commonwealth; however, funding falls woefully short of fully addressing the construction, repair, and maintenance needs of Virginia's highway system, particularly as it relates to secondary roads.

COUNTY POSITION:

The General Assembly should take the appropriate actions necessary to increase funding for the Six-Year Secondary Road Plan.

The General Assembly should closely monitor and evaluate the implementation of "Smart Scale" and all other processes employed in recent years for distributing transportation funds.

Isle of Wight County supports innovative regional funding solutions to address transportation construction, repair, and maintenance needs throughout the Commonwealth.

PROFFER/IMPACT FEES

ISSUE:

Many localities in the Commonwealth have used voluntary proffers as a means of ensuring that the impacts of new residential developments on public infrastructure and public services are not borne solely by existing residents of the impacted community.

In 2016, the General Assembly adopted legislation that provides that *no locality shall (i) request or accept any unreasonable proffer in connection with a rezoning or a proffer condition amendment as a condition of approval of a new residential development or new residential use or (ii) deny any rezoning application or proffer condition amendment for a new residential development or new residential use where such denial is based in whole or in part on an applicant's failure or refusal to submit an unreasonable proffer or proffer condition amendment.*

During the 2019 General Assembly Session, language was added to clarify that nothing should be interpreted to prohibit communications between an applicant or owner and the locality or to prohibit presentation, analysis, or discussion of the potential impacts of new residential development or other new residential use on the locality's public facilities.

COUNTY POSITION:

Isle of Wight County supports changes to the conditional zoning law to allow greater flexibility in the process for determining impacts (operational and capital) to be addressed when considering an application for development. Isle of Wight County also supports legislation that grants localities additional tools to adequately meet increasing needs for public services driven by new development without burdening current residents with the cost of new growth through increased real estate taxes. Such additional tools may include broad impact fee authority for all counties, and adequate public facilities provisions.

PUBLIC NOTICE ADVERTISEMENT

ISSUE:

The Code of Virginia requires localities to utilize a "newspaper of general circulation" in that locality as the primary source for public notification. Many public notices are "wordy" and relatively lengthy because of statutorily required language and the annual costs associated with public notifications are significant.

As subscriptions to hard-copy newspapers continue to decline and the use of electronic media (websites, social media, etc.) increases, electronic means of communication offer more options and a greater reach for public notification.

COUNTY POSITION:

The County requests the General Assembly to adopt legislation to authorize the use of electronic media as the primary source for public notification or amend the statutory requirements for the language used in newspaper ads such that a brief description could be provided in newspapers with a more complete description/notification provided on the locality's website.

CLERK OF CIRCUIT COURT FEE REVENUE

ISSUE:

The 2023 General Assembly directed the Secretary of Public Safety and Homeland Security (the Secretary) to establish a work group to study existing fire service needs, analyze sustainability of current funding, and review alternative funding models from other states. The work group was charged with creating a needs assessment survey that analyzes existing fire service needs, the sustainability of current funding, any gaps in current funding, how other states fund fire and EMS services, and best practices from other states.

The Secretary was further directed to report the work group's findings and any recommendations to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology.

COUNTY POSITION:

The County requests the General Assembly to adopt legislation in alignment with the findings of the work group.

SEPTIC PUMP-OUT OVERSIGHT

ISSUE:

The Chesapeake Bay Preservation Act (CBPA) regulations require local governments to administer the on-site septic system (OSS) program for all properties located within locally designated Chesapeake Bay Preservation Area (CBPA). The locality must notify and require that all such systems be either pumped out or inspected at least once every five years. The County has approximately 5,267 septic systems which fall under this requirement. There is only one staff person dedicated to the implementation of this program among other assigned duties. Due to the continued growth of the County and limited resources, the County requests the transition of oversight for the OSS pump out program to VDH for the following reasons:

- The County does adequate staff resources to reach the goal of 100 percent septic compliance within the CBPA. There is not enough time for one staff member to fulfill regular job responsibilities in addition to coordinating the growing septic compliance program. During peak season, septic mailings could equate to 70% of the Environmental Planners' workload interfering with other responsibilities.
- This task is placed on to the Environmental Planner who sends notifications, responds to phone calls, and tracks pump-outs. Typically there is a high volume of phone calls associated with the notification process in regard to the five-year pump-out and inspection requirements.
- Cost of implementing the program is another main concern. The cost of mailings varies year to year, depending on the postage and compliance obtained. Each system receives up to three notices a year until they come into compliance. As of today's date, there are 2,686 properties which are not in compliance. The cost of postage alone could equate to $1,773 per mailing. This cost does not include ink, paper, envelopes, or staffs time. The total cost alone per year could range from $6,000-10,000 in a small rural community. This cost could increase if the staff members did not print and stuff the envelopes themselves. And again, staff time is not included in that estimate.
- VDH is the ideal agency to administer and enforce the OSS program. VDH is responsible for the review and permitting of all on-site

wastewater systems. VDH already has a system to keep track of the yearly inspections of alternative OSS systems so including five-year pump-outs or inspections should be an achievable task. VDH also has the ability to require sewage haulers to submit quarterly reports of properties that have been pumped out and inspected, thereby eliminating the need of the property owner to submit receipts to the County.

Within the past three years, the County has reached a 51 percent compliance rate with known septic systems. Almost half of the required septic systems in the County are either not being pumped-out or inspected every five years or the pump-outs or inspection are not being reported.

Two critical aspects to any transition plan are ensuring that VDH is provided sufficient resources to create a complete inventory of septic systems within the CBPA. To assist with the transition the County is willing to provide all parcels with known septic systems in the CBPA, the dates of last pump-out or inspection, and all septic receipts received within the past five years.

COUNTY POSITION:

The County requests the General Assembly to adopt legislation to transition oversight of the septic pump-out program to the Virginia Department of Health (VDH). The County requests to be added to the list of localities subject to the provisions of Chapter 429 of the Acts of the Assembly (2019 HB 2322), directing the Virginia Department of Health (VDH) to develop a plan for the oversight and enforcement by VDH of the Chesapeake Bay Preservation Act regulations septic pump-out program.

FUNDING FOR EMS PHARMACEUTICAL REQUIREMENTS

ISSUE:

The Drug Quality and Security Act (DQSA) was enacted by the U.S. Congress in 2013. Title II of the DQSA has a provision titled the Drug Supply Chain Security Act (DSCSA) which prevents hospital pharmacies from taking medications from EMS agencies. DSCSA has an enforcement date of November 27, 2024.

The Virginia Board of Pharmacy (VBOP) adopted Emergency Regulatory Amendments regarding EMS agencies' Advanced Life Support prehospital care to patients. The VBOP Amendments were based on anticipated regulations that were slated to be adopted by the U.S. Drug Enforcement Agency (DEA) in April 2024 that would have been helpful but were not adopted. This has resulted in a great deal of inconsistency with compliance and an overall decrease in the quality of EMS response across the Commonwealth.

Compliance with these regulations places an unfunded mandate on localities this has resulted in a lack of consistency relative to the level of EMS service provided across the Commonwealth.

COUNTY POSITION:

The County requests the General Assembly to provide funding support to assist volunteer agencies in implementing the necessary requirements for compliance with the Drug Supply Chain Security Act and to ensure consistent implementation throughout the Commonwealth.

ISSUE:

Consideration of Transferring Funding to the Economic Development Authority for the Proposed Farmers Market

BACKGROUND:

The Board has previously adopted a motion a provide funding in an amount up to $1.4 million for a proposed facility for the farmers market. The Board may wish to further discuss this matter relative to consideration of transferring funding to the County's Economic Development Authority (EDA) to facilitate development of the facility.

It should be noted that the EDA agrees in concept to partner with the County and the Town of Smithfield and serve as the landlord and fiscal agent for the proposed relocation of the Smithfield Farmers Market subject to the negotiation of terms acceptable to the EDA including, but not limited to, design, management and ongoing maintenance, and review and approval by legal counsel.

BUDGETARY IMPACT:

TBD

RECOMMENDATION:

Per the Board's discussion and direction.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	10/17/2024

RESOLUTION TO BUDGET AND APPROPRIATE FUND BALANCE FOR THE SMITHFIELD FARMERS MARKET FACILITY

WHEREAS, the Isle of Wight County Board of Supervisors desires to commit funding to the Isle of Wight County Economic Development Authority for development of the proposed Smithfield Farmers Market in partnership with the Town of Smithfield; and,

WHEREAS, the Isle of Wight County Board of Supervisors desires to amend and appropriate funding from unassigned fund balance to the FY2024-25 Budget in the amount of $1,400,000 for transfer to the Economic Development Authority.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors of Isle of Wight County, Virginia that unassigned fund balance in the amount of $1,400,000 be budgeted and appropriated to the FY2024-25 Budget for transfer to the Economic Development Authority for development of the Smithfield Farmers Market facility.

BE IT FURTHER RESOLVED that the County Administrator of Isle of Wight County, Virginia is authorized to make the appropriate accounting adjustments and to do all things necessary to give this resolution effect.

Adopted this 17th day of October, 2024.

_____
Joel C. Acree, Chairman

_____
Carey Mills Storm, Clerk

Approved as to Form:

_____
Robert W. Jones Jr., County Attorney

ISSUE:

Application of Air Station General, LC (EXC-24-5), Applicant, for an Exception to Section 6-1010.A.2 of the Zoning Ordinance Pertaining to the Highway Corridor Overlay District Architectural and Design Guidelines for Non-Residential Uses

BACKGROUND:

Air Station General, LC has submitted an application (EXC-24-5) for an exception to Section 6-1010.A.2 of the Zoning Ordinance pertaining to the Highway Corridor Overlay District architectural and design guidelines for non-residential uses.

The subject property is located immediately south of the Town of Windsor in the Windsor Development Service District (DSD) on the east side of Walters Highway (Route 258) in Phase III of the Shirley T. Holland Intermodal Park and is further identified as Tax Map Parcels 53-01-080A and 53-01-081. The property is also located in the Route 258 Highway Corridor Overlay (HCO) District, which extends 500 feet on both sides of Route 258/Walters Highway.

The applicant has contracted to purchase the property from the Isle of Wight County Economic Development Authority (EDA) to construct a 240,000 square foot cold storage distribution facility with container storage. The function of the facility for the end cross-dock operator is dependent on the warehouse having substantial dock doors and abundant land area for truck movement and on-site container storage.

The Board previously approved exceptions to the following HCO development criteria on July 13, 2023, for a 130,000 square foot cross-dock warehousing and distribution facility:

1. Section 6-1010.A.5: Not less than sixteen percent (16%) of the total area of any facade visible from a public way (excluding work areas) shall consist of windows and doors;
2. Section 6-1010.A.6.: Large work area doors or open bays shall not open toward or face the highway; and
3. Section 6-1010.B.8.: Loading areas shall be permitted only in the side or rear yards and shall be visually screened from public rights-of-way, and adjacent property using the screening zone standards found in

The previously approved exceptions would still apply to the new facility. A concept plan of the currently proposed cold storage facility is attached for illustrative purposes.

The applicant requests an additional exception to Section 6-1010.A.2 of the architectural and design guidelines of the HCO District that prohibits the use of corrugated metal for exterior facades of non-residential uses, due to the specialized material needed to support the use of a cold storage facility. Due to the need to control the interior temperature of the building, the walls must meet specific requirements to include a light colored, metal exterior wall with insulated foam installed adjacent to the interior wall.

In order to mitigate the viewshed impact from Route 258, the applicant will move the loading dock doors to the rear of the building and include light green vertical elements on the facade to break up the monolithic appearance of the building.

The site layout, building elevations, and color palette for proposed facility are attached for reference.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

The Planning Commission recommended approval of the exception request by a vote of nine voting in favor of the motion and no members voting against the motion (9-0) at their September 24, 2024, regular meeting. Staff also recommends approval of the request.

ATTACHMENTS:

Description	Type	Upload Date
Statement of Reason for Exception	Backup Material	9/13/2024
Conceptual Layout	Backup Material	9/13/2024
Color Scheme	Backup Material	9/13/2024
Conceptual Elevations	Backup Material	9/13/2024
Color Palette	Backup Material	9/13/2024
Site Photo1	Backup Material	6/20/2023
Site Photo2	Backup Material	6/20/2023

Site Photo 3	Backup Material	6/20/2023
2023 HCO Exception approval	Backup Material	9/13/2024
PC staff report	Backup Material	10/7/2024

ISLE OF WIGHT COUNTY, VIRGINIA
APPLICATION FOR EXCEPTIONS

HIGHWAY CORRIDOR OVERLAY DISTRICT EXCEPTIONS
AIR STATION GENERAL, LC
240,000+/- SF COLD STORAGE DISTRIBUTION FACILTY AND CONTAINER STAGING OPERATION
US 258 – WALTERS HIGHWAY
Tax Map Parcel numbers:

Parcel 53-0l-080A (0.43 +/- Acres)
Parcel 53-01-080C (3.52 +/- Acres)
Parcel 53-01-081 (131.41 +/- Acres with 34.4 +/-Acres Uplands)

REFRIDGERATED GOODS DISTRIBUTION FACILITY AND CONTAINER STAGING WAREHOUSE is a specialized hub for primary market goods distribution. Summarized briefly, specific

Air Station General, LC, a Hampton Roads based Real Estate Development Partnership, ("Air Station") has contracted to purchase the Subject property from Isle of Wight County Economic Development Authority. The development team includes Kevin Lefcoe, CEO, Lefcoe' Development Company, Steve Paden, W. Keith Woodard and Brian Bolger, Woodard Group General Contractors, Scott Courtney, PE, Resource International Engineers, and JonathanCovington, Covington Hendrix Architects.

The Subject facility is a state of the art 240,000+/- SF cold storage distribution facility and container staging warehouse facility (See attached elevation and site plan exhibits). The upland area of the irregular shaped Walters Highway site consists of approximately 35 acres. The function of the facility for the end cross dock operator is dependent upon the single building warehouse, with substantial dock door installations, and abundantland area for truck movement and on site container management.

Air Station is requesting a waiver in the "Proposed Use or Activity" section in County Zoning Code Sec. 6-1010 - Architectural and development guidelines for all nonresidential uses"
https://library.municode.com/va/isle_of_wight_county/codes/code_of_ordinances?nodeId=APXBZO_ARTVIOVDI_S6-1010ARDEGUALNOUS

The specific exceptions are due to the nature of the use (cold storage distribution facility and container staging warehouse facility).The facility cannot meet the requirements in the ordinance regarding number of windows and bay doors facing the highway. In order to mitigate the applicable exceptions:

1) Privacy fencing and landscaping will be installed along the development property fronting US 258, which is intended to limit the view of vehicular movement and staging facing US 258.
2) The exception for modifying the window requirement is - the installation of glass inserts in the active shipping/receiving areas is not practical for physical plant management and safety. The alternative - in addition to windows to be installed for the office entry on one side of the building, architectural detailing of color accented siding attractively applied on the frontage façade at intervals.
3) The building and truckways' configuration on the property is dictated by the geography of the site. The Subject development area is surrounded by adjacent wetlands. These environmental constraints hem the development in to the delineated uplands area on which the facility is to be constructed. The cross-dock shipping model makes any other building placement impossible.
4) Building elevation 36' positioned approximately 150' from roadway with extensive landscaping
5) This submission is modified from an earlier approval with accepted metal panels
6) The product is a specific refrigerated use for refrigerated products (produce distribution, medical supplies, feed, etc.)
7) This submission no longer has bay door loading fronting US 258. Previous approval included frontage loading.

NOTE: (Architectural concept renderings and lighting cut sheets are attached).

For additional consideration,

1. A Preliminary Site Plan is in third review process for approval.
2. The Virginia Port Authority Port Centric Logistics team endorses the project and is supporting marketing to logistics company operators.
3. The Subject is an economic development project intended to employ 200+
4. Virginia Department of Transportation ("VDOT") has been consulted. The site plan (attached) includes VDOT comments for US 258 improvements to be included in the developer's plan, pursuant to Air Station's Traffic Turn Lane Access Warrant & general impact analysis (copy attached).

ARM Resource
Engineers and Scientists
An ARM Group Company
P.O. Box 6160 • 9560 Kings Charter Drive • Ashland, VA 23005
(804) 550-9200 • FAX (804) 550-9259

REVISIONS:

DESIGNED: MQF
DRAWN: MQF
CHECKED: MSC
DATE: 05-31-2024

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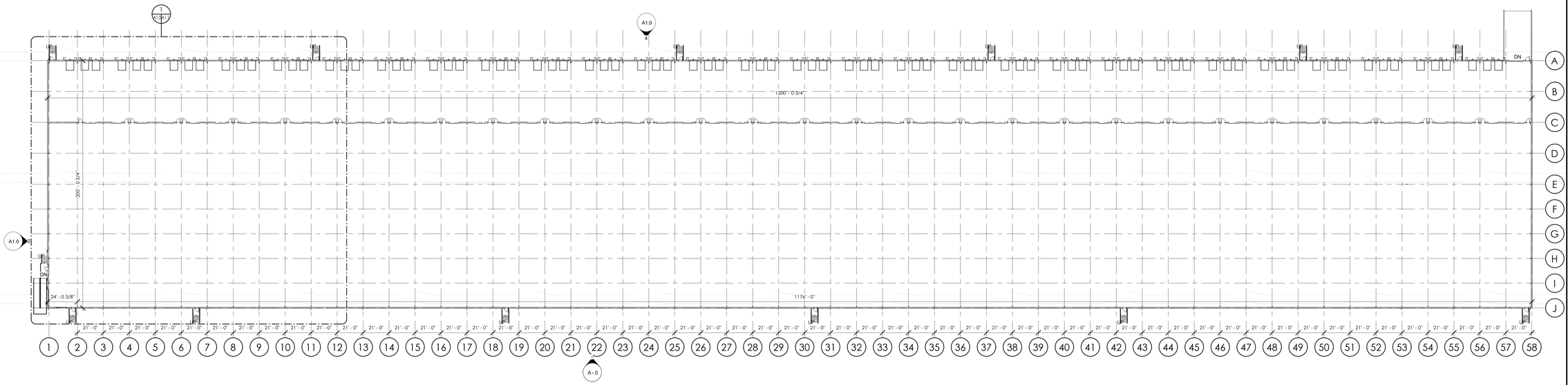
AIR STATION GENERAL SITE PLAN
WINDSOR, VIRGINIA

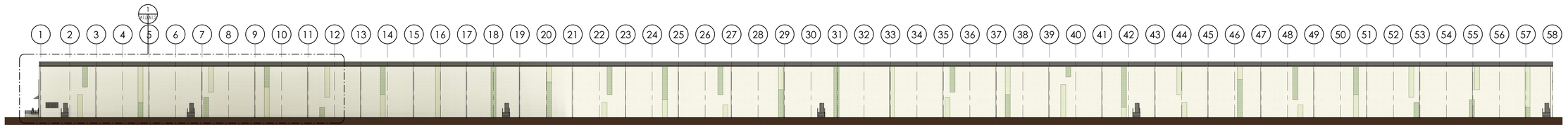
CONCEPT SITE LAYOUT PLAN

PROJECT NO.:
202301602.00
SHEET:

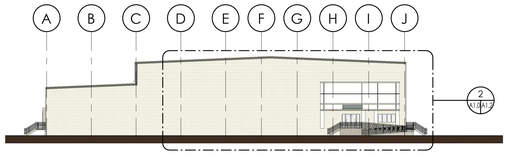
H:\202301602 AIR STATION SITE PLAN\SITE PLAN\PRODUCE-SITE-AST.dwg Plotted: Sep 10, 2024-11:27am



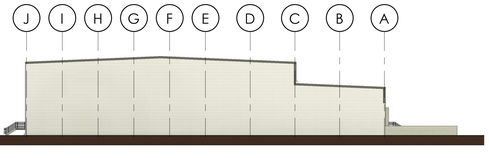
OVERALL FLOOR PLAN
1" = 30'-0"



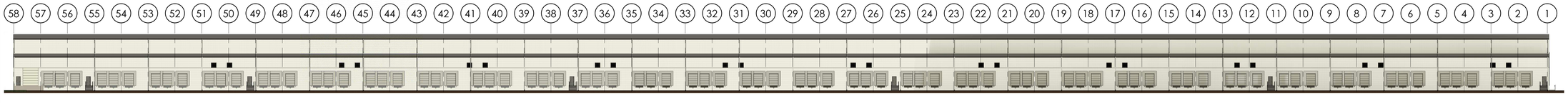
1 A1.0A1.1 OVERAL FRONT ELEVATION
1" = 30'-0"



2 A1.0A1.1 OVERALL LEFT SIDE ELEVATION
1" = 30'-0"



3 A1.0 OVERALL RIGHT SIDE ELEVATION
1" = 30'-0"



4 A1.0A1.1 OVERALL REAR ELEVATION
1" = 30'-0"

NEW COLD STORAGE FACILITY FOR
PROJECT AIR STATION
258 DEVELOPMENT ISLE OF WIGHT COUNTY, VA

NOT FOR CONSTRUCTION

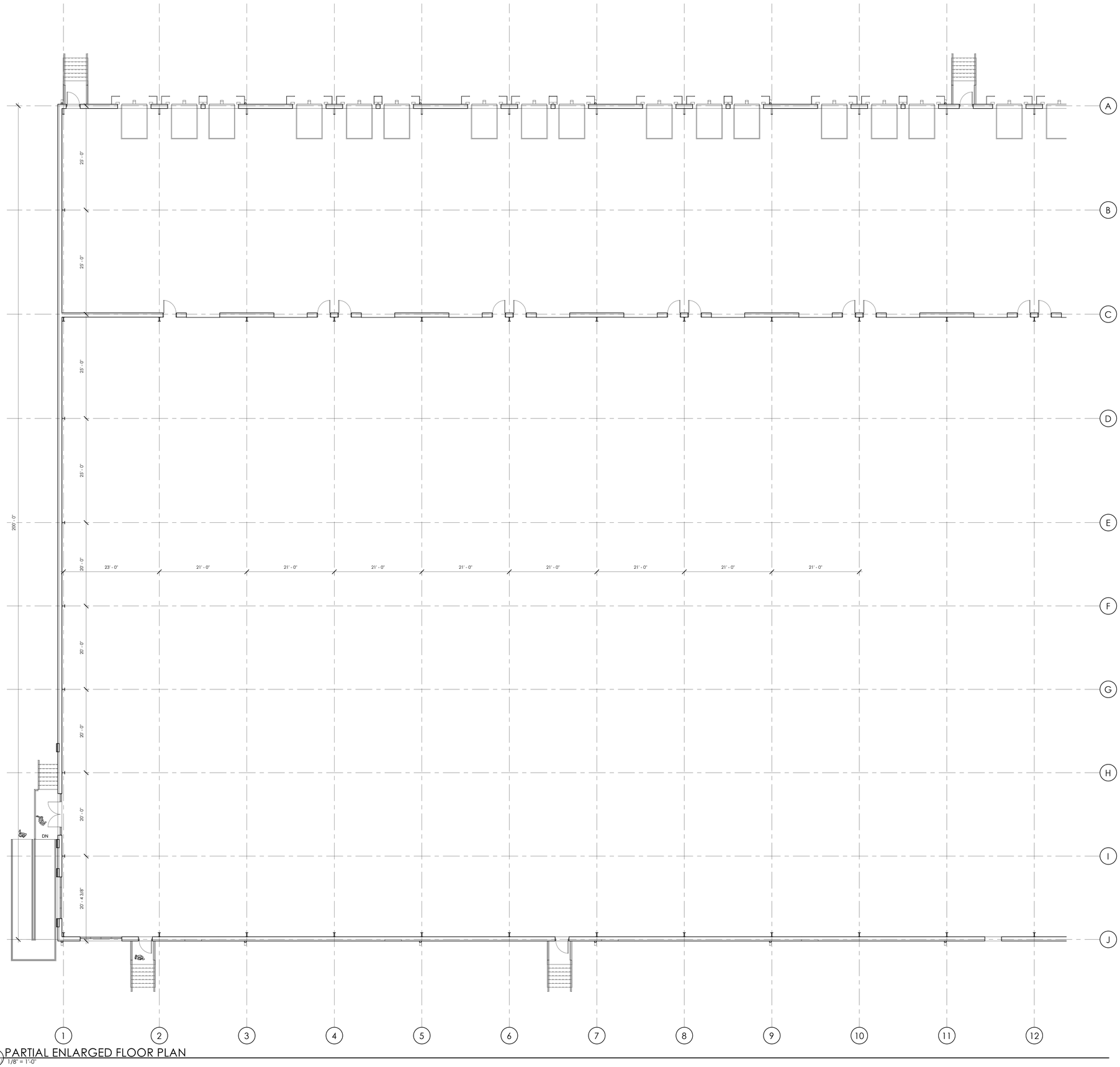
COVINGTON HENDRIX ANDERSON ARCHITECTS
360 Southport Circle Suite 104
Virginia Beach, VA 23452
www.covingtonhendrix.com
v:757.491.6656 f:757.499.0926

REVIEW

CHA PROJECT	22154
ISSUE DATE	09/03/24
REVISION NO.	DATE

OVERALL FLOOR PLAN, OVERALL EXTERIOR ELEVATIONS

A1.0



1/1041 PARTIAL ENLARGED FLOOR PLAN
1/8" = 1'-0"

NOT FOR CONSTRUCTION

NEW COLD STORAGE FACILITY FOR
PROJECT AIR STATION
258 DEVELOPMENT ISLE OF WIGHT COUNTY, VA

COVINGTON HENDRIX ANDERSON ARCHITECTS
360 Southport Circle
Virginia Beach, VA 23452
www.covingtonhendrix.com
v:757.491.0654 f:757.499.0936

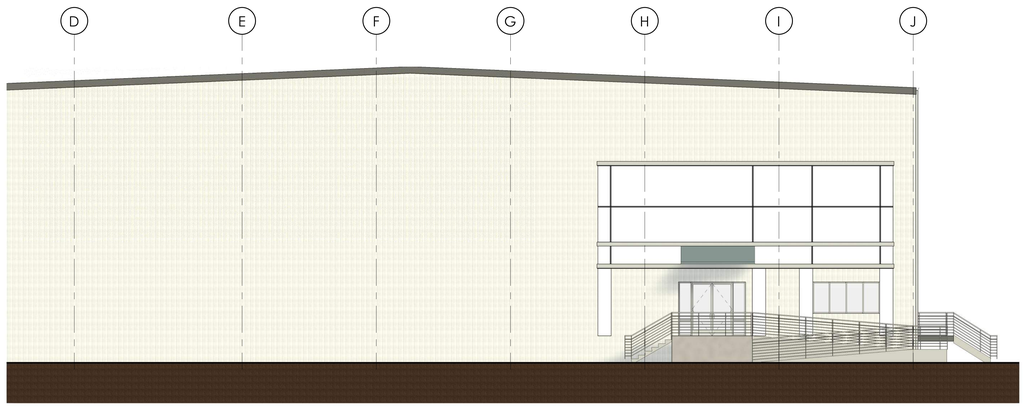
COMMONWEALTH OF VIRGINIA
REG. NO. 11394
09/03/24
REVIEW

CHA PROJECT	22154
ISSUE DATE	09/03/24
REVISION NO.	DATE

ENLARGED PARTIAL FLOOR PLAN

A1.1

1 PARTIAL ENLARGED FRONT ELEVATION
1/8" = 1'-0"



2 ENLARGED LEFT SIDE ELEVATION
1/8" = 1'-0"

NEW COLD STORAGE FACILITY FOR
PROJECT AIR STATION
258 DEVELOPMENT ISLE OF WIGHT COUNTY, VA

NOT FOR CONSTRUCTION

COVINGTON HENDRIX ANDERSON ARCHITECTS
360 Southport Circle Suite 100
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COMMONWEALTH OF VIRGINIA
REGISTERED
ARCHITECT
09/03/24

REVIEW

CHA PROJECT	22154
ISSUE DATE	09/03/24
REVISION NO.	DATE

ENLARGED PARTIAL EXTERIOR ELEVATIONS

A1.2

3D VIEW APPROACH FROM EAST ON 258

3D VIEW APPROACH FROM WEST ON 258

3D VIEW FACILITY MAIN ENTRANCE

NEW COLD STORAGE FACILITY FOR

PROJECT AIR STATION

258 DEVELOPMENT ISLE OF WIGHT COUNTY, VA

NOT FOR CONSTRUCTION

COVINGTON HENDRIX ANDERSON ARCHITECTS
160 Southport Circle
Virginia Beach, VA
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V: 757.491.8654 F: 757.499.0936

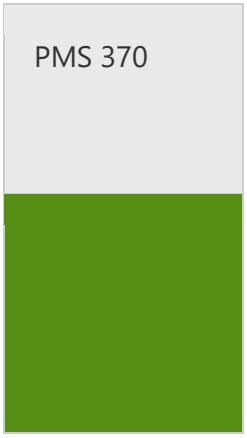
COMMONWEALTH OF VIRGINIA
REGISTERED
ARCHITECT
09/03/24
REVIEW

CHA PROJECT	22154
ISSUE DATE	09/03/24
REVISION NO.	DATE

SCHEMATIC 3D VIEWS

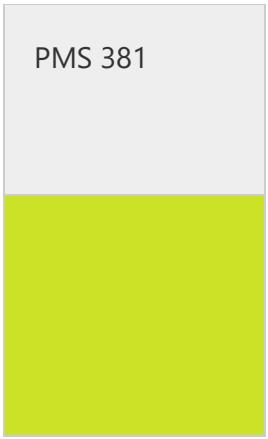
A1.4

Walters Highway Corridor Overlay Color Palette



PMS Color Palette

381-Lighter Green



PMS Color Palette

381-Lighter Green

Local Roots, Global Reach

ISLE OF WIGHT COUNTY, VIRGINIA

DEPARTMENT OF COMMUNITY DEVELOPMENT

July 27, 2023

Kevin Lefcoe
Air Station General, LC
1206 Laskin Road, Suite 150
Virginia Beach, VA 23451

SUBJECT: Conditional Approval of Application EXC-8-23 for of Air Station General, LC, applicant, for exceptions to Sections 6-1010.A.5-6 and 6-1010.B.8 of the Zoning Ordinance pertaining to the Highway Corridor Overlay District architectural and design guidelines for non-residential uses located on property with tax map numbers 53-01-080A and C and 53-01-081

Dear Mr. Lefcoe,

Please be advised that at its meeting on July 13, 2023, the Isle of Wight County Board of Supervisors considered the request EXC-8-23 for exceptions to the following sections of the Zoning Ordinance:

1. Section 6-1010.A.5: Not less than sixteen percent (16%) of the total area of any facade visible from a public way (excluding work areas) shall consist of windows and doors;
2. Section 6-1010.A.6.: Large work area doors or open bays shall not open toward or face the highway and
3. Section 6-1010.B.8.: Loading areas shall be permitted only in the side or rear yards and shall be visually screened from public rights-of-way, and adjacent property using the screening zone standards found in Article VIII.

The Board approved the exception requests with the following condition:

1. Retain existing tree and shrub vegetation along the entirety of the site frontage in the fifty-foot (50') HCO District front setback, factoring in site entrances, and incorporate this into the landscape screening design for visual and noise attenuation.

The next step in your process is to submit a subdivision application together with a boundary line adjustment plat followed by a preliminary site plan application for review and approval. If you should have any questions, please do not hesitate to contact me at (757) 365-6210 or by email at aring@iwus.net.

Sincerely,

Amy M. Ring, Director

P. O. Box 80
17140 Monument Circle
Isle of Wight, VA 23397
(757) 357-9206
www.co.isle-of-wight.va.us

PLANNING REPORT

APPLICATION:

Application of Air Station General, LC (EXC-24-5), applicant, for an exception to Section 6-1010.A.2 of the Zoning Ordinance pertaining to the Highway Corridor Overlay District architectural and design guidelines for non-residential uses

ELECTION DISTRICT:

D4

LOCATION:

The subject property is located immediately south of the Town of Windsor in the Windsor Development Service District (DSD) on the east side of Walters Highway (Route 258) in Phase III of the Shirley T. Holland Intermodal Park and is further identified as Tax Map Parcels 53-01-080A and 53-01-081. The property is also located in the Route 258 Highway Corridor Overlay (HCO) District, which extends 500 feet on both sides of Route 258/Walters Highway.

BACKGROUND:

The applicant has contracted to purchase the property from the Isle of Wight County Economic Development Authority (EDA) to construct a 240,000 square foot cold storage distribution facility with container storage. The function of the facility for the end cross-dock operator is dependent on the warehouse having substantial dock doors and abundant land area for truck movement and on-site container storage.

The Board previously approved exceptions to the following HCO development criteria on July 13, 2023, for a 130,000 square foot cross-dock warehousing and distribution facility:

1. Section 6-1010.A.5: Not less than sixteen percent (16%) of the total area of any facade visible from a public way (excluding work areas) shall consist of windows and doors;
2. Section 6-1010.A.6.: Large work area doors or open bays shall not open toward or face the highway; and
3. Section 6-1010.B.8.: Loading areas shall be permitted only in the side or rear yards and shall be visually screened from public rights-of-way, and adjacent property using the screening zone standards found in Article VIII.

The previously approved exceptions would still apply to the new facility. A concept plan of the currently proposed cold storage facility is attached for illustrative purposes.

DESCRIPTION:

The applicant requests an additional exception to Section 6-1010.A.2 of the architectural and design guidelines of the HCO District that prohibits the use of corrugated metal for exterior facades of non-residential uses, due to the specialized material needed to support the use of a cold storage facility. Due to the need to control the interior temperature of the building, the walls must meet specific requirements to include a light colored, metal exterior wall with insulated foam installed adjacent to the interior wall.

In order to mitigate the viewshed impact from Route 258, the applicant will move the loading dock doors to the rear of the building and include light green vertical elements on the facade to break up the monolithic appearance of the building.

The site layout, building elevations, and color palette for proposed facility are attached for reference.

COMPREHENSIVE LAND USE PLAN:

The Comprehensive Plan's Future Land Use Designation for this property is the Windsor Development Service District (DSD) and, more specifically, Planned Industrial (PI) and Environmental Conservation (EC).

DSDs are specific areas in the County identified for development to occur. Outside of the DSD boundaries all land is intended to stay in rural and agricultural uses and environmental protection. Within the boundaries of the DSD, the County has installed or has plans for water and sewer infrastructure and road improvements.

The Planned Industrial (PI) designation is where manufacturing, warehousing, and distribution is planned to occur. It consists of some light industrial and all heavy industrial and manufacturing uses, as well as warehousing, distribution, and uses which may negatively impact surrounding development. Preservation of environmental features still occurs, and development is connected to residential uses with vehicular and pedestrian access but should be buffered. Example of PI include the Shirley T. Holland Intermodal Park and International Paper.

The Environmental Conservation (EC) designation includes all of the important environmental features of the County that we want to protect. It encompasses familiar wetland types such as marshes, rivers, streams, and their tributaries resource protection areas and buffers, as well as forested wetlands.

ORDINANCE REVIEW:

The subject property is zoned Conditional - Light Industrial (C-LI) and is part of the Shirley T. Holland Intermodal Park, Phase III. The conditional rezoning proffers for Phase III were reviewed, and the proposed warehousing and distribution use is consistent with the uses permitted.

Section 6-1015 of the Zoning Ordinance outlines the procedure for exception requests in the HCO District. A request for an exception must be made in writing to the Zoning Administrator for consideration by the Board of Supervisors following a recommendation by the Planning Commission. In formulating their decision, the Board of Supervisors shall consider the following:

1. Such exception shall be no less beneficial to the residents or occupants of the development as well as neighboring property, that would be obtained under the applicable regulation.

   Finding: The current regulation affords greater visual and noise relief than the exception would, because it prohibits truck bays and loading areas along the public road frontage; however, the proposed privacy fencing and landscaping screening should help to mitigate both the visual impact and noise to neighboring property and the highway corridor.

2. That the exception is reasonable because of the high level of design and construction that will be incorporated in the development.

   Finding: The applicant has committed to incorporating architectural features to a warehousing and distribution building and site design as proposed to meet the spirit of the Ordinance as much as practicable.

3. That the exception will result in design and construction that is in accordance with accepted engineering and building standards.

   Finding: Both a site plan and building plans will be required to be submitted and reviewed for compliance with applicable codes and ordinances by Building Inspections, Utilities, VDOT and Planning and Zoning.

AGENCY REVIEW:

The application did not require other agency review.

STAFF CONCLUSIONS:

Strengths:

1. The proposed use is consistent with the Comprehensive Plan future land use designations and C-PI zoning of the property.
2. The proposed use is consistent with the approved rezoning proffers for the Shirley T. Holland Intermodal Park Phase III pertaining to allowable uses.

Weaknesses:

1. The building materials are not consistent with Section 6-1010.A.2 of the Ordinance, however, the applicant will move the dock doors to the rear of the building which will mitigate noise and building appearance impacts.

STAFF RECOMMENDATION:

Staff recommends approval of this request with the condition the site be developed in substantial conformance with the concept plans proposed by the applicant.

ATTACHMENTS:

Description	Type	Upload Date
Statement of Reason for Exception	Backup Material	9/13/2024
Conceptual Layout	Backup Material	9/13/2024
Color Scheme	Backup Material	9/13/2024
Conceptual Elevations	Backup Material	9/13/2024
Color Palette	Backup Material	9/13/2024
Site Photo1	Backup Material	6/20/2023
Site Photo2	Backup Material	6/20/2023
Site Photo 3	Backup Material	6/20/2023
2023 HCO Exception approval	Backup Material	9/13/2024

ISSUE:

Application of the Isle of Wight County Economic Development Authority, Owner, for an Amendment to Conditional Zoning to Remove All References to Design Criteria for Signage in the Proffered Conditions for Property Within the Shirley T. Holland Intermodal Park Phase III

BACKGROUND:

Isle of Wight County Economic Development Authority, owner, submitted an application for an amendment to conditional zoning to remove all references to design criteria for signage in the proffered conditions for property within the Shirley T. Holland Intermodal Park Phase III.

On August 22, 2013, the County Board of Supervisors approved a rezoning of 890 acres of land owned by the Industrial Development Authority (IDA) to Conditional-Limited Industrial (C-LI), and accepted conditions associated with the rezoning in a Proffer Statement dated June 7, 2013, which were amended January 18, 2023.

Due to the reduced developable acreage in Phase III of the Intermodal Park based on the most recent wetlands delineation, the EDA requests a proffer amendment for all Phase III acreage to allow greater flexibility for signage for the few remaining developable tracts. Approximately 104 acres of developable upland acreage remain available along Buckhorn Drive on the eastern side of the Phase III territory in three separated tracts. A main entrance on Route 258 or Buckhorn Drive with an identification sign that would serve the whole Park is no longer feasible at this time. A map showing the remaining upland acreage is attached to this staff report.

Item 2 in Section I of the current proffer statement states that no company signs shall be allowed on US Route 258 or Buckhorn Drive frontage. No signs shall be allowed on the rear of buildings facing US Route 258 or Buckhorn Drive or on the rear of other buildings with visibility from US Route 258 or Buckhorn Drive (other than markers for businesses/addresses on rear doors and similar directional signage). The only signs currently allowed along US Route 258 and Buckhorn Drive are “Shirley T. Holland Intermodal Park” entrance signs. The proposed proffer amendment would remove item 2 in its entirety. Due to the limited number of potential businesses in the Park along Route 258 or Buckhorn Drive, the cumulative visual impact of signage along these roads would be minimal. In

addition, the current sign regulations would only permit one detached sign and a maximum wall signage area of 200 square feet without an exception from the Board of Supervisors. A redline draft of the proposed proffer amendment is attached to this staff report.

The proposed changes do not change the use or density of the approved conditions for the properties. Section 1-1016.G of the Zoning Ordinance states where an amendment to the proffered conditions is requested by the applicant, and where such amendment does not affect conditions of use or density, the board of supervisors may waive the requirements of a public hearing. The applicant requests that the Board waive the public hearing and approve the proposed changes.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Because the proposed conditional zoning amendment does not impact the use or density for the use of the property, and the proposed signage changes will have minimal visual impacts to Route 258 and Buckhorn Drive, staff recommends approval of the request.

ATTACHMENTS:

Description	Type	Upload Date
Statement of Reason for Amendment and Background Info	Backup Material	10/7/2024
Property Description	Backup Material	10/7/2024
Redline Proffer Statement Changes	Backup Material	10/7/2024

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA

Economic Development Authority

TO: The Honorable Board of Supervisors

FROM: Kristi R. Sutphin, EDA Secretary-Treasurer / Economic Development Director

SUBJECT: Request for Amendment to Proffer Statement Associated with Conditional Rezoning for Shirley T. Holland Intermodal Park, Phase III

DATE: September 12, 2024

On August 22, 2013, the County Board of Supervisors approved a rezoning of 890 acres of land owned by the Industrial Development Authority (IDA) to Conditional-Limited Industrial (C-LI), and accepted conditions associated with the rezoning in a Proffer Statement dated June 7, 2013, which were amended January 18, 2023 (attached, with redline proposed changes). As its EDA Secretary-Treasurer, I am transmitting this memorandum on behalf of the Economic Development Authority (EDA), successor in interest to IDA, and respectfully request the Board of Supervisors consider and approve an amendment to these proffers that would remove all references to design criteria related to signage requirements.

The EDA acted at its regular meeting in July 2024 to authorize me to make this request of the Board of Supervisors. The request stems most immediately from EDA / County staff working with a contract purchaser, Project Air Station, that wishes to develop a distribution center on Phase III acreage along U.S. 258, subject to this proposed amendment.

Beyond just the desire of this developer, and in recognition of far less density contemplated today compared to the master plan a decade ago (see attached mapped of today's developable uplands), the EDA desires this amendment for all Phase III acreage. Approximately 104 acres of developable upland acreage remain available along Buckhorn Drive on the eastern side of the Phase III territory in three (3) separated tracts.

Our hope is to help keep Project Air Station on a good time track for closing on the property, and respectfully request that this matter be placed on the next available Regular Meeting agenda for consideration and action on the amendment. This information will be presented in more detail at that meeting.

The EDA appreciates your assistance with this important economic development initiative.

Attachments

cc: EDA Board of Directors
Randy R. Keaton, County Administrator
Robert W. Jones, Jr., County Attorney
Amy Ring, Director of Community Development

Local Roots, Global Reach

ISLE OF WIGHT
COUNTY, VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT

January 27, 2023

Chris Morello
Economic Development Authority
PO Box 80
Isle of Wight, VA 23397

SUBJECT: Conditional Zoning Amendment Request (ZA-8-22) to Amend Proffered Conditions for the Shirley T. Holland Intermodal Park Phase III in the Conditional Limited Industrial (C-LI) Zoning District

Dear Mr. Morello,

Please be advised that at its meeting on January 18, 2023, the Isle of Wight County Board of Supervisors approved the conditional zoning amendment request to amend the proffered conditions for the Shirley T. Holland Intermodal Park Phase III in order to reflect the Park's current ownership as well as remove Article IV of the proffer statement which requires all properties be served by public water and sewer.

A copy of the revised proffer statement is attached for your records. Please feel free to contact me at (757) 365-6210 or by email at aring@iwus.net, should you have any questions.

Sincerely,

Amy M. Ring
Community Development Director

P. O. Box 80
17140 Monument Circle
Isle of Wight, VA 23397
(757) 357-9206
www.co.isle-of-wight.va.us

COUNTY OF ISLE OF WIGHT
AMENDED PROFFER STATEMENT

Applicant's name(s): Economic Development Authority of Isle of Wight County

Owner's name(s): Economic Development Authority of Isle of Wight County

Project name: Shirley T. Holland Intermodal Park, Phase III

Date: January 18, 2023

Parcel-Tax Map Numbers and deed book reference: See Table Following Proffer Statement

These amended proffers are made as of the 18th of January, 2023, by the Economic Development Authority of Isle of Wight County (collectively "Owner"), of Tax Map Numbers 53-01-080A, 53-01-080B, 53-01-080C, 53-01-081, 54-01-070A, 60-01-045, 61-01-002, containing approximately 889.57 acres of land which is referred to herein as the "Property". Isle of Wight County approved a change in the zoning of the Property from Rural Agriculture Conservation (RAC), to Conditional - Limited Industrial (C-LI) in 2013. The rezoning application was associated with a larger effort to rezone approximately 969.13 acres, of which the above 889.57 acres is a part of and of which the remaining 79.56 acres (Tax Map Number 53-01-082B) is located within the Windsor Town Limits. The rezoning application was for the purposes of developing an industrial park heretofore known as the Shirley T. Holland Intermodal Park, Phase III. Owner voluntarily proffers that the development of the Property proposed for rezoning under this application shall be in strict accordance with the conditions set forth below.

These proffered conditions ("Proffers") are the only conditions offered on this rezoning, and any prior proffered conditions on the Property are hereby superseded by these proffers and any and all previous proffers on the Property are hereby void and of no further force and effect.

All improvements, land, easements, dedications, gifts, proffers and other conveyances to the County shall be in fee simple, without cloud of title or encumbrance of any kind.

I. Development of the Property

1. Development of the Property associated with this rezoning application shall be generally consistent as determined by the reviewing authority with the Conceptual Master Plan prepared by Moffatt & Nichol dated December 2012, as determined during preliminary and final site plan approval and/or preliminary and final subdivision construction plan approval. The Owner reserves the right to subsequently modify the Master Plan subject to the following provisions, as determined by the reviewing authority:

    i. Proposed modifications adhere to the restrictions listed in the Land Use section below.
    ii. Impacts of the proposed modifications are documented and are not more adverse than those presented in the Environmental Assessment included within the rezoning application for the Conceptual Master Plan, unless accompanied by mitigation measures subject to approval by both the County and / or the Town of Windsor (as applicable).

iii. The proposed modifications remain consistent and in accordance with all other provisions of this Proffer Statement.
iv. The proposed modifications are approved in writing by both the County and Town of Windsor prior to any preliminary site plan review.

2. All buildings shall be in accordance with the design criteria as follows:

No company signs shall be allowed on the rear of buildings facing Buckhorn Drive. or on the rear of other buildings with visibility from Buckhorn Drive. (other than markers for businesses/addresses on rear doors and similar directional signage). No signage shall be located on the face of the building facing Buckhorn Drive, unless a principal customer entrance is located on such face. The only signs allowed along Buckhorn Drive. shall be the "Shirley T. Holland Intermodal Park" entrance signs.

No company signs shall be allowed on US Route 258 frontage. No signs shall be allowed on the rear of buildings facing US Route 258 or on the rear of other buildings with visibility from US Route 258 (other than markers for businesses/addresses on rear doors and similar directional signage). The only signs allowed along US Route 258 shall be the "Shirley T. Holland Intermodal Park" entrance signs.

3. The total impervious footprint (buildings, paved parking lots, roadways) shall not exceed 60% of the total subject property area.

II. Land Use

1. The Property shall be used as permitted under the Conditional - Limited Industrial zoning designation and more specifically for the following uses:

a. Custom manufacturing
b. Industry, Type I
c. Warehousing and distribution
d. Industry, Type II
e. Reconstructed Wetland

2. The following uses shall be expressly prohibited on the Property:
   a. Agricultural Uses
      i. Fertilizer Storage
      ii. Assembly and Repair of Storage Equipment
      iii. Forestry, Silvicultural
      iv. Agricultural Farming Operation
      v. Timbering
      vi. Sawmill
   b. Civic Uses
      i. Adult Care Center
   c. Commercial Uses
      i. Adult Entertainment Establishment
      ii. Laundry
      iii. Lawn and Garden Services
      iv. Mini Warehouse
      v. Motor Vehicle Repair Service/Major

d. Industrial Uses
    i. Construction Yard
    ii. Convenience Center
    iii. Meat Packing
    iv. Recycling Center
    v. Abattoir or Livestock Processing
    vi. Asphalt Plant
    vii. Industry, Type III
    viii. Landfill, Industrial
    ix. Landfill, Rubble
    x. Transfer Station
    xi. Resource Extraction
    xii. Scrap and Salvage Service
    xiii. Petroleum Storage for resale purposes
    xiv. Manufacture or production of aluminum
    xv. Sand, gravel, or brick operations
e. Miscellaneous Uses
    i. Aviation Facility, General

III. Environmental Protection

1. The Property shall meet or exceed all applicable federal and state regulations pertaining to environmental protection.

2. Prior to development, the Owner shall survey the property for endangered or threatened species. The Owner shall take action to avoid or mitigate impact to any endangered or threatened species and their habitats observed during this survey, as approved by the Department of Conservation and Recreation and/or the Army Corps of Engineers.

3. Low Impact Development (LID) measures, such as permeable pavement/pavers/rain gardens, bio-retention filters, and/or rainwater harvesting shall be the preferred stormwater management techniques unless the Owner demonstrates such measures are inappropriate for site conditions, infeasible or economically impractical. These LID measures serve as enhanced stormwater techniques appropriate for increasing opportunity through development for providing groundwater recharge to the degree feasible as agreed upon by the Owner and Isle of Wight County.

4. Except where impacts to existing wetlands are noted on the Planned Setbacks figure by Moffatt & Nichol, dated December 2012, or future impacts are approved subject to other provisions, 100-ft buffers of natural vegetation shall be maintained around existing wetlands and streams.

5. The approximately 26-acre tract of the former Eure property that was not initially analyzed in the Environmental Assessment (See Section 12) shall be reanalyzed if any development is to occur on this 26-acre tract.

6. An update to the Phase 1 Environmental Site Assessment shall be completed 6 months prior to construction activities to confirm that there have been no changes to site conditions. Construction activities include any site disturbing activities over 2,500 square feet.

IV. Archaeology

A Phase I Archaeological Study for each building site shall be submitted to the Zoning Administrator for their review and approval prior to final site plan approval. A treatment plan shall be submitted to, and approved by, the Zoning Administrator for all sites in the Phase I study that are recommended for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Zoning Administrator and a treatment plan for said sites shall be submitted to, and approved by, the Zoning Administrator for sites that are determined to be eligible for inclusion on the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Zoning Administrator prior to land disturbance within the study area. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site and shall be adhered to during the clearing, grading and construction activities thereon.

V. Transportation

Each development exceeding 250,000 square feet shall submit a traffic impact analysis as part of the construction permitting and approval process. Traffic impact analysis submitted will be reviewed by the County and the Town of Windsor.

The primary access to the site for ingress and egress will be via a Park entrance at US Route. 258. The owner will construct the entrance at US Route 258 before all others. Details of this entrance are described in the improvements below.

The Owner, at its sole cost and expense, shall cause to be constructed the following transportation improvements in accordance with the recommended improvements contained in the Traffic Impact Analysis for Shirley T. Holland Intermodal Park Phase III dated July 2012:

Total Developed S.F.	Improvement
500,000	Intersection Improvements at US Route 258 and Park Entrance Intersection, including turn lanes described below: a) 200' right turn lane with 200' taper on northbound US Route 258 b) 300' left turn lane with 200' taper on southbound US Route 258 c) 200' left turn lane with 200' taper existing the site at US Route 258 d) Construct two lanes of the STHIP Phase III site road on the four-lane right-of-way from US Route 258 to access buildings 1,2, & 3.
2,500,000	Second Entrance to park along Buckhorn Drive, including the improvements described below: a) 200' right turn taper on southbound Buckhorn Drive

b) Construct the two-lane spine road that connects US Route 258 with Buckhorn Drive
c) At the intersection of the access road and the spine road, install a 125' left turn lane with a 200' taper on the spine road eastbound
d) At the intersection of the access road and the spine road, install a 100' left turn lane with a 100' taper on the access road southbound

VI. Easements, Rights-of-Way and Buffers

1. The Owner shall observe existing easements and right-of-ways on the subject property unless modifications are agreed to in writing by the holder of the respective easements and right-of-ways.
2. The Owner shall provide a 30' wide easement to the City of Norfolk as agreed for by the Owner and The City of Norfolk for the future reconstruction of the segment of the "Portsmouth Branch" water pipeline within the property in exchange for the abandonment of the existing easement (City of Norfolk 30' Aqueduct Easement, D.B. 367, PG. 393).
3. The Owner shall provide access easements to all existing and future utility services for maintenance of facilities located within the property as agreed upon with the respective service providers.
4. The Owner shall provide access to the Griffin Properties retained by the Griffin families in the purchase agreement dated December 5, 2011.

VII. General

1. Successors and Assigns - This Proffer Statement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns. Any obligation(s) of Owner hereunder shall be binding upon and enforceable against any subsequent owner or owners of the Property or any portion thereof.
2. Severability - In the event that any clause, sentence, paragraph, subparagraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall he confined in its operation to the clause, sentence, paragraph, subparagraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, subparagraph, section or provision hereof.
3. Void if Application is not approved - In the event that the Application is not approved by the County, these Proffers shall be null and void.

Table of Parcel Tax-Map Numbers and Deed Book Locations

Tax Parcel	Owner	Previous Owner	Parcel Size[1] (Acres)	Deed Book & Page
53-01-080A	Ind. Dev. Authority IOW	Whitley	0.425	DB 179 Pg. 117
53-01-080B	Ind. Dev. Authority IOW	Whitley	0.446	DB 229 Pg. 246
53-01-080C	Ind. Dev. Authority IOW	Whitley	3.516	DB 229 Pg. 246
53-01-081	Ind. Dev. Authority IOW	Eure	134.411	DB-229 Pg. 248
54-01-070A[3,4]	Ind. Dev. Authority IOW	Griffin	231.019	Inst. # 110004903
60-01-045	Ind. Dev. Authority IOW	Sustainable Forests LLC[2]	439.323	DB-85 Pg. 568 DB-105 Pg. 556 DB-138 Pg. 469
61-01-002[3]	Ind. Dev. Authority IOW	Sustainable Forests LLC[2]	80.426	DB-162 Pg. 469

[1]Parcel acreages totaling 898.81 acres were initially identified by the Virginia Mass Appraisal Network (VaMaNet) service, which is linked through the Isle of Wight County GIS mapping tools (VaMaNet acreages were used due to the inconsistencies of prevision and/or available acreage data contained within the actual deeds). Subsequent boundary surveys of subject properties indicate the total size of the parcels to be rezoned by the County is 911.02 acres, which is reflected in the table above. The 911.02 acres will be referenced throughout the zoning application except where appropriate to reference the acreages from VaMaNet. Unless noted otherwise, any reference to the 898.81 acres within the application is intended to represent the entire 911.02 acres and not exclude an area representing the difference in acreages between the two sources.

[2] Sustainable Forests LLC is a subsidiary of International Paper Company

[3] Sections of these two parcels were sold back to Griffin in November / December of 2011. Acreage shown is after property sales were finalized.

[4] Parcel 53-01-082A was combined with this parcel as part of the deed.

SIGNATURE PAGE

Applicant: Economic Development Authority of Isle of Wight County, Virginia
Printed or Typed Name

Applicant: Carroll E. Keen Jr. Date: 1/27/23
Signature - Chairman

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Gloria Banks Spratley,
A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia, this 27th day of January, 2023.

Gloria Banks Spratley
Notary Public

My Commission Expires June 30, 2025

GLORIA BANKS SPRATLEY NOTARY PUBLIC REG # 7543850 MY COMMISSION EXPIRES 6/30/2025 COMMONWEALTH OF VIRGINIA

Owner: Economic Development Authority of Isle of Wight County, Virginia
Printed or Typed Name

Owner: Carroll E. Keen Jr. Date: 1/27/23
Signature – Chairman

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Gloria Banks Spratley
A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia, this 27th day of January, 2023.

Gloria Banks Spratley
Notary Public

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GLORIA BANKS SPRATLEY NOTARY PUBLIC REG # 7543850 MY COMMISSION EXPIRES 6/30/2025 COMMONWEALTH OF VIRGINIA

COUNTY OF ISLE OF WIGHT
AMENDED PROFFER STATEMENT

Applicant's name(s): Economic Development Authority of Isle of Wight County

Owner's name(s): Economic Development Authority of Isle of Wight County

Project name: Shirley T. Holland Intermodal Park, Phase III

Date: ~~January 18, 2023~~ September 19, 2024

~~**Parcel Tax Map Numbers and deed book reference**: See Table Following Proffer Statement~~

These amended proffers are made as of the ~~18th~~ ____ of ~~January~~September, ~~2023~~2024, by the Economic Development Authority of Isle of Wight County (collectively "Owner"), of Tax Map Numbers ~~53-01-080A~~, 53-01-080B, ~~53-01-080C~~, 53-01-081, 54-01-070A, and 60-01-045, ~~61-01-002,~~ containing approximately ~~889.57~~ 893.035 acres of land which is referred to herein as the "Property". Isle of Wight County approved a change in the zoning of the Property from Rural Agriculture Conservation (RAC), to Conditional - Limited Industrial (C-LI) in 2013. The rezoning application was associated with a larger effort to rezone approximately 969.13 acres, of which the above ~~889.57~~ 893.035 acres is a part of and of which the remaining 79.56 acres (Tax Map Number 53-01-082B) is located within the Windsor Town Limits. The rezoning application was for the purposes of developing an industrial park heretofore known as the Shirley T. Holland Intermodal Park, Phase III. Owner voluntarily proffers that the development of the Property proposed for rezoning under this application shall be in strict accordance with the conditions set forth below.

These proffered conditions ("Proffers") are the only conditions offered on this rezoning, and any prior proffered conditions on the Property are hereby superseded by these proffers and any and all previous proffers on the Property are hereby void and of no further force and effect.

All improvements, land, easements, dedications, gifts, proffers and other conveyances to the County shall be in fee simple, without cloud of title or encumbrance of any kind.

I. Development of the Property

1. Development of the Property associated with this rezoning application shall be generally consistent as determined by the reviewing authority with the Conceptual Master Plan prepared by Moffatt & Nichol dated December 2012, as determined during preliminary and final site plan approval and/or preliminary and final subdivision construction plan approval. The Owner reserves the right to subsequently modify the Master Plan subject to the following provisions, as determined by the reviewing authority:

    i. Proposed modifications adhere to the restrictions listed in the Land Use section below.
    ii. Impacts of the proposed modifications are documented and are not more adverse than those presented in the Environmental Assessment included within the rezoning application for the Conceptual Master Plan, unless accompanied by mitigation measures subject to approval by both the County and / or the Town of Windsor (as

applicable).

iii. The proposed modifications remain consistent and in accordance with all other provisions of this Proffer Statement.

iv. The proposed modifications are approved in writing by both the County and Town of Windsor prior to any preliminary site plan review.

~~2. All buildings shall be in accordance with the design criteria as follows:~~

~~No company signs shall be allowed on the rear of buildings facing Buckhorn Drive. or on the rear of other buildings with visibility from Buckhorn Drive. (other than markers for businesses/addresses on rear doors and similar directional signage). No signage shall be located on the face of the building facing Buckhorn Drive, unless a principal customer entrance is located on such face. The only signs allowed along Buckhorn Drive. shall be the "Shirley T. Holland Intermodal Park" entrance signs.~~

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~~3.~~2. The total impervious footprint (buildings, paved parking lots, roadways) shall not exceed 60% of the total subject property area.

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      ii. Laundry
      iii. Lawn and Garden Services
      iv. Mini Warehouse

v. Motor Vehicle Repair Service/Major

d. Industrial Uses
   i. Construction Yard
   ii. Convenience Center
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   iv. Recycling Center
   v. Abattoir or Livestock Processing
   vi. Asphalt Plant
   vii. Industry, Type III
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   ix. Landfill, Rubble
   x. Transfer Station
   xi. Resource Extraction
   xii. Scrap and Salvage Service
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e. Miscellaneous Uses
   i. Aviation Facility, General

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1. The Property shall meet or exceed all applicable federal and state regulations pertaining to environmental protection.

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4. Except where impacts to existing wetlands are noted on the Planned Setbacks figure by Moffatt & Nichol, dated December 2012, or future impacts are approved subject to other provisions, 100-ft buffers of natural vegetation shall be maintained around existing wetlands and streams.

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6. An update to the Phase 1 Environmental Site Assessment shall be completed 6 months prior to construction activities to confirm that there have been no changes to site conditions. Construction activities include any site disturbing activities over 2,500 square feet.

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2,500,000 Second Entrance to park along Buckhorn Drive, including the improvements described below:

a) 200’ right turn taper on southbound Buckhorn Drive
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VI. Easements, Rights-of-Way and Buffers

1. The Owner shall observe existing easements and right-of-ways on the subject property unless modifications are agreed to in writing by the holder of the respective easements and right-of-ways.

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3. The Owner shall provide access easements to all existing and future utility services for maintenance of facilities located within the property as agreed upon with the respective service providers.

4. The Owner shall provide access to the Griffin Properties retained by the Griffin families in the purchase agreement dated December 5, 2011.

VII. General

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2. Severability - In the event that any clause, sentence, paragraph, subparagraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall he confined in its operation to the clause, sentence, paragraph, subparagraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, subparagraph, section or provision hereof.

3. Void if Application is not approved - In the event that the Application is not approved by the County, these Proffers shall be null and void.

Table of Parcel Tax Map Numbers and Deed Book Locations

Tax Parcel	Owner	Previous Owner	Parcel Size[1] (Acres)	Deed Book & Page
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53-01-081	Ind. Dev. Authority IOW	Eure	134.411	DB-229 Pg. 248
54-01-070A[3,4]	Ind. Dev. Authority IOW	Griffin	231.019	Inst. # 110004903
60-01-045	Ind. Dev. Authority IOW	Sustainable Forests LLC[2]	439.323	DB-85 Pg. 568 DB-105 Pg. 556 DB-138 Pg. 469
61-01-002[3]	Ind. Dev. Authority IOW	Sustainable Forests LLC[2]	80.426	DB-162 Pg. 469

[1] Parcel acreages totaling 898.81 acres were initially identified by the Virginia Mass Appraisal Network (VaMaNet) service, which is linked through the Isle of Wight County GIS mapping tools (VaMaNet acreages were used due to the inconsistencies of prevision and/or available acreage data contained within the actual deeds). Subsequent boundary surveys of subject properties indicate the total size of the parcels to be rezoned by the County is 911.02 acres, which is reflected in the table above. The 911.02 acres will be referenced throughout the zoning application except where appropriate to reference the acreages from VaMaNet. Unless noted otherwise, any reference to the 898.81 acres within the application is intended to represent the entire 911.02 acres and not exclude an area representing the difference in acreages between the two sources.

[2] Sustainable Forests LLC is a subsidiary of International Paper Company

[3] Sections of these two parcels were sold back to Griffin in November / December of 2011. Acreage shown is after property sales were finalized.

[4] Parcel 53-01-082A was combined with this parcel as part of the deed.

SIGNATURE PAGE

Applicant: Economic Development Authority of Isle of Wight County, Virginia
Printed or Typed Name

Applicant: Kristi R Sutphin Date: 9/12/24
Signature - Secretary-Treasurer

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Gloria Banks Spratley
A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia, this 12TH day of September, 2024.

Gloria Banks Spratley
Notary Public

GLORIA BANKS SPRATLEY NOTARY PUBLIC REG # 7543850 MY COMMISSION EXPIRES 6/30/2025 COMMONWEALTH OF VIRGINIA

My Commission Expires June 30, 2025

Owner: Economic Development Authority of Isle of Wight County, Virginia
Printed or Typed Name

Owner: Kristi R Sutphin Date: 9/12/24
Signature – Secretary-Treasurer

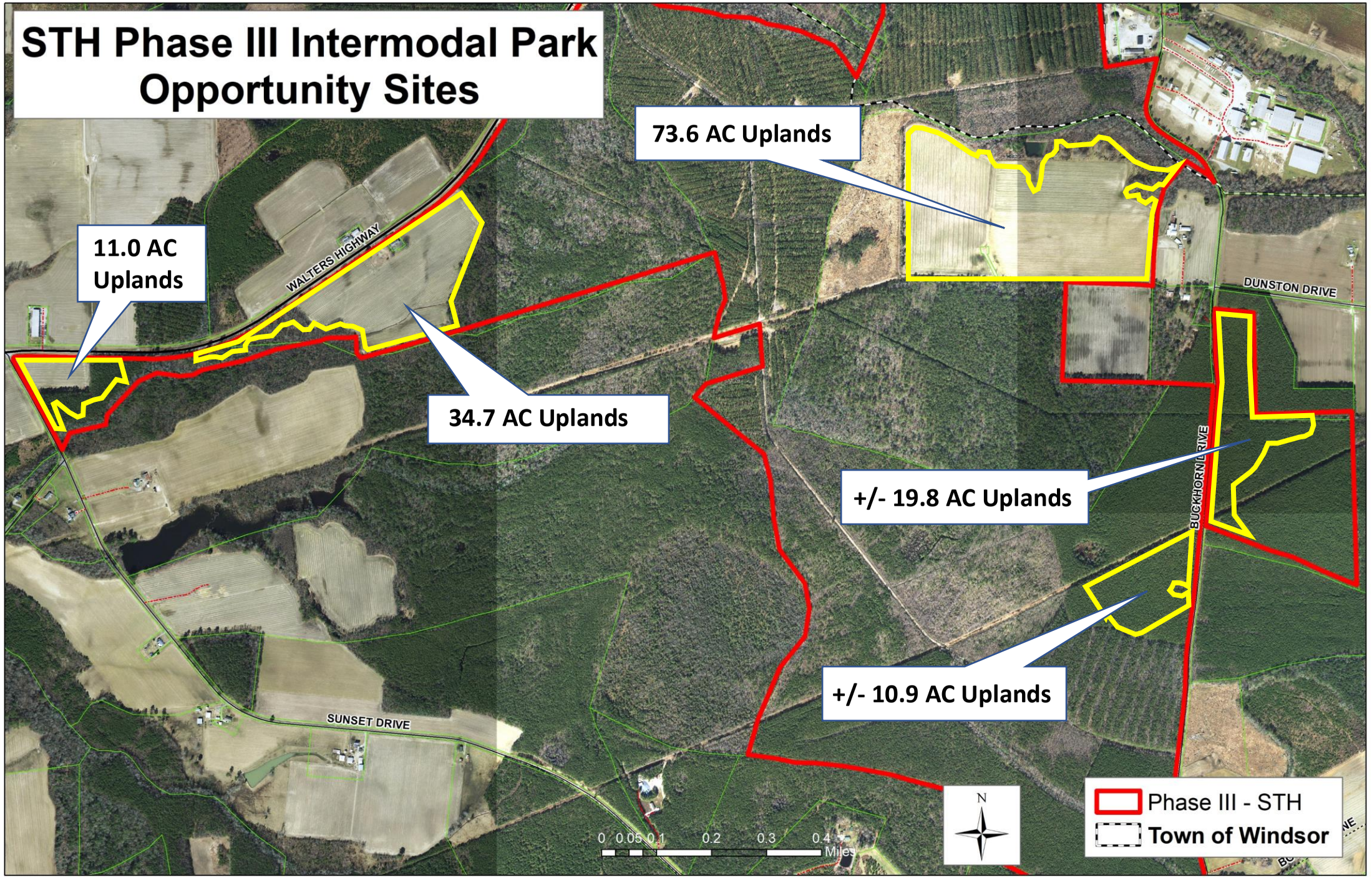
Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Gloria Banks Spratley
A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia, this 12TH day of September, 2024.

Gloria Banks Spratley
Notary Public

GLORIA BANKS SPRATLEY NOTARY PUBLIC REG # 7543850 MY COMMISSION EXPIRES 6/30/2025 COMMONWEALTH OF VIRGINIA

My Commission Expires June 30, 2025


STH Phase III Intermodal Park
Opportunity Sites
73.6 AC Uplands
11.0 AC
Uplands
WALTERS HIGHWAY
34.7 AC Uplands
DUNSTON DRIVE
BUCKHORN DRIVE
+/- 19.8 AC Uplands
+/- 10.9 AC Uplands
SUNSET DRIVE
0 0.05 0.1 0.2 0.3 0.4
Miles
N
Phase III - STH
Town of Windsor

Narrative Description of Property

The subject property is located in Isle of Wight County, Virginia, and today consists of four parcels totaling approximately 893.035 acres. An additional parcel of 79.56 acres, which was not part of the 2013 rezoning, is located within the Town of Windsor limits. The subject property is located on the south boundary of the Town of Windsor and is situated between Walters Highway (U.S. Route 258) on its western boundary and Buckhorn Drive (State Route 610) on its eastern boundary. The southern boundary closely parallels Sunset Drive, separated by other rural parcels between its southern boundary and Sunset Drive.

A substantial section of the property, approximately 525 acres, was formerly known as the International Paper Property by virtue of its deeded ownership to Sustainable Forests LLC, a real estate holding subsidiary of International Paper. Isle of Wight County purchased the International Paper Property in August 2007. This property is also known today by the following Isle of Wight Tax Parcel Identification Number: 60-01-045.

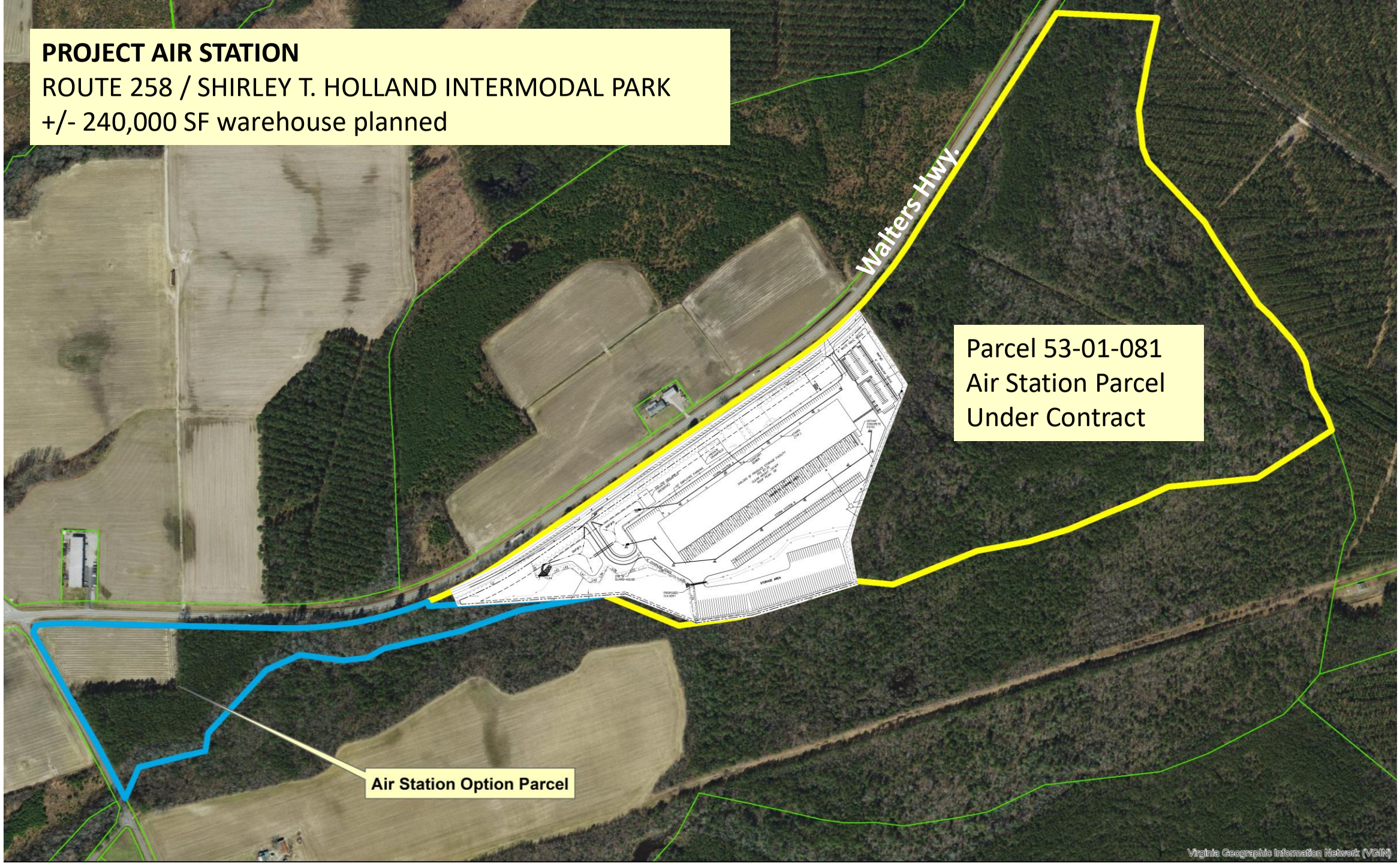
Other sections of the property include approximately 231 acres formerly owned by the Griffin family, approximately 134 acres formerly owned by the Eure family, and approximately 5 acres formerly owned by the Whitley family.

The other properties were purchased in late 2008 through 2011. The Whitley Properties had the following Isle of Wight Tax Parcel Identification Numbers: 53-01-080A, 53-01-080B and 53-01-080C. In addition, parcel 60-01-003 comprising 19.4 acres was also purchased from the Whitley family but was not included in the 2013 rezoning application. The Eure Property has a tax parcel number of 53-01-081. In 2023, Whitley Tax Parcels 53-01-080A and 53-01-080C were consolidated with Eure Tax Parcel 53-01-081 in anticipation of a property sale to a developer. The Griffin property originally had two tax parcel numbers: 53-01-082A and 54-01-070A but were combined into 54-01-070A as part of a deed transfer. Although the original Griffin property totaled 263 acres, sections of the original Griffin and International Paper properties were transferred to the Griffins as part of a deed transfer, resulting in the final acreages described previously.

The site is mostly undeveloped. Prior usage of the International Paper site was for timber farming. Some portions of the property have been timbered, and some portions are still wooded. The Griffin, Eure and Whitley properties were used as a mix of farmland and wooded areas, with housing on the former Whitley Property, consisting of less than one acre. Farming continues on portions of the Griffin and Eure properties.

The property is located adjacent to a 4.88-acre parcel (parcel 60-01-045A) owned by the City of Virginia Beach for the Gaston water pipeline that enters the property from the west. An easement runs across the property for an underground natural gas high-pressure transmission as well. The City of Norfolk also owns a 0.9-acre property (parcel 53-01-082) that is enclosed by the subject property to maintain a pump station for the Gaston pipeline.

Access to the property is provided from Walters Highway (U.S. Route 258) at a point approximately one mile south of its intersection with Windsor Boulevard (U.S. Route 460) and along Buckhorn Drive (State Route 610). Approximately 5,400 feet of road frontage exists along Walters Highway (U.S. Route 258), and approximately 8,400 feet of total frontage exists along Buckhorn Drive (State Route 610). There is an unpaved road that provides access through the property in the mostly east-west direction. Logging roads provide some additional access to interior portions of the property as well.


PROJECT AIR STATION
ROUTE 258 / SHIRLEY T. HOLLAND INTERMODAL PARK
+/- 240,000 SF warehouse planned
Walters Hwy.
Parcel 53-01-081
Air Station Parcel
Under Contract
Air Station Option Parcel
Virginia Geographic Information Network (VGIN)

COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS

Applicant Isle of Wight County Economic Development Authority

Address P.O. Box 80
Street

Isle of Wight | VA | 23397
City | State | Zip

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
53-01-080B, 53-01-081, 54-01-070A, 60-01-045	Shirley T. Holland Intermodal Park, Phase III

OTHER OWNERS OF AFFECTED REAL ESTATE

(Not Required for Corporation whose stock is traded on a national or local stock exchange or having more than 500 shareholders.)

Name of Individuals Corporation/Partnership Business Association	Address

Does any member of the Isle of Wight County Planning Commission or governing body have any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust, or whether a member of the immediate household of any member of the Planning Commission or governing body has any such interest? ☐ Yes ☑ No

If yes, names of members:

I do solemnly swear that the foregoing statement(s) and attachments(s), if any, are complete, correct and true.

Applicant: Isle of Wight County Economic Development Authority (Printed or Typed Name) Applicant: Kristi R Suhpl (Signature) Date: 9/11/24

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Gloria Banks Spratley,
A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia, this 11th day of September, 2024.

Gloria Banks Spratley
Notary Public

My Commission Expires June 30, 2025

GLORIA BANKS SPRATLEY NOTARY PUBLIC REG # 7543850 MY COMMISSION EXPIRES 6/30/2025 COMMONWEALTH OF VIRGINIA

Form not required per Amanda Landrus on July 12, 2024

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT

AFFIDAVIT OF OWNERSHIP

This _____ day of _____, _____.
(day) *(month)* *(year)*

I _____, owner of _____,
(owner) *(address and/or tax map number)*

give my permission to: _____, to make
(applicant)
application to Isle of Wight County Department of Community Development for the aforementioned property.

_____

(signature of owner) *(printed name)*

Commonwealth of Virginia

County of Isle of Wight

Subscribed and sworn to before me _____,

A Notary Public in and for the County of Isle of Wight, Commonwealth

of Virginia, this _____ day of _____, 20_____.

_____

Notary Public

My Commission Expires_____

Public Facilities & Services

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Introduction

The subject property of this zoning application will be served by public facilities provided by Isle of Wight County and the Town of Windsor, as well as utilities and services provided by private entities such as Verizon for telecommunication services and Allied Waste for trash removal. The purpose of this section is to document: the existing condition and capacities of public facilities; the forecasted consumption of public resources resulting from the future development of the subject property; planned improvements to utilities; and recommendations to manage any conflicts arising between forecasted consumption and planned capacity. Availability of private utilities in the area is also documented.

Isle of Wight County provides the following facilities and services to its citizens and businesses;

- Fire, Rescue and Emergency
- Police
- Animal Control
- Public Schools and Education
- Water
- Sewer

Private services that are accessed throughout the County include:

- Natural Gas
- Electricity
- Telecommunications
- Trash & Waste Management

Windsor provides the following facilities and services to its citizens and businesses:

- Volunteer Fire, Rescue and Emergency
- Police
- Water

The Commonwealth of Virginia, through the Virginia Department of Transportation (VDOT), maintains and improves the state road network within Isle of Wight County. Transportation facilities and related impacts including the state managed road network are covered in the Traffic Impact Analysis.

Development of the subject property will impact public services, facilities and utilities. These impacts are addressed within this section.

Development of the subject property will result in approximately 4.6 million square feet of industrial space over the construction lifecycle of this project. It is estimated that build out will occur over a long horizon and the timing of increases in demand for services and facilities is considered in this section.

An analysis was performed to address the impact this property's development would have on increased consumption of facilities and services. The identification of potential demands for services that might approach or exceed their forecasted capacity was analyzed. Recommendations to address instances where demand for services might strain capacities are a critical component of this section.

The overall conclusion reached and presented throughout is that the development of the subject property as an intermodal park does not consume public facility utilities and services at a level that would exceed their current and forecasted capacities. The subject property as an intermodal park will provide an economic contribution to the county that outweighs the costs of additional public services required to accommodate the facility. Additional tax revenue and employment opportunities generated by the proposed development are keynote contributors to the said economic contribution.

This section on facilities is segmented into four broad categories.

1. Utilities
2. Public Services
3. Conclusions
4. Recommendations

For Utilities and Public Services, this report further covers:

- Existing Conditions
- Current Capacity
- Demand from Subject Property Development
- Requirements to Deliver to the Subject Property
- Conclusions
- Recommendations

Utilities

Site development will be dictated by both the availability of utility services and the need to develop around the existing utility easements located within the subject property. Topographic surveys, subsurface utility explorations, and record research were used to locate utilities within the subject property. The availability of utility services for development was assessed using survey data, discussions with representatives of the service providers, and analysis of the proposed development's likely requirements. A preliminary engineering report for water and sewer services was prepared to document the service needs of the proposed development and the available capacity of those services.

Existing Utilities on Site
The following easements are located on the site:

- Columbia Gas
- Lake Gaston Pipeline
- Norfolk Aqueduct Pipeline
- AT&T Long Distance Cable
- Verizon
- Dominion Power

The Columbia Gas high pressure line runs in a mostly southwest to northeast direction across the property. There is a 50' easement associated with the high pressure line. Roads may cross over but permanent structures cannot be built on top of this line.

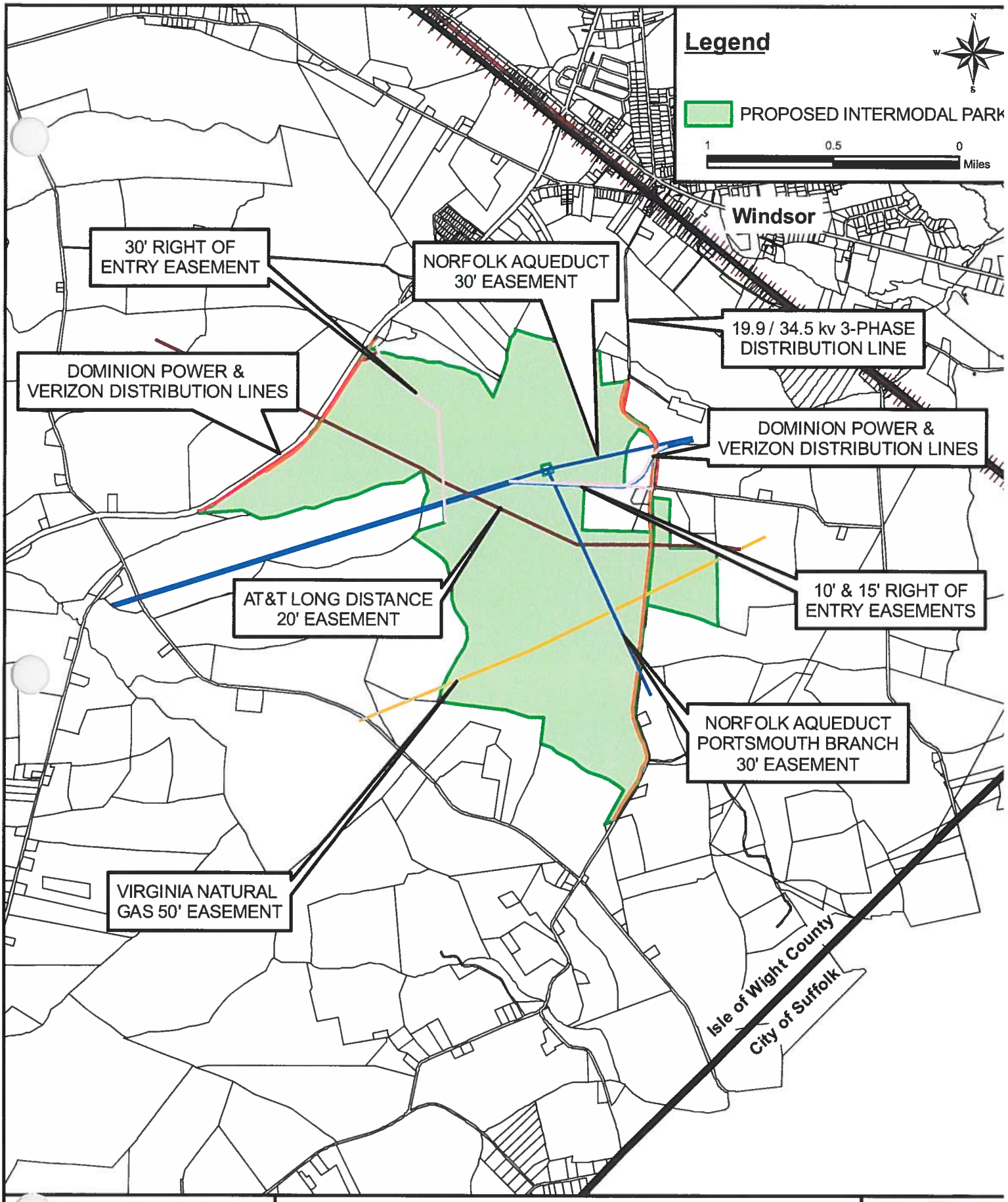
The Lake Gaston Pipeline and the Norfolk Aqueduct Pipeline run in a mostly west to east direction across the property. There are two 30' easements associated with the pipelines plus an additional 15' Right-of-Entry easement associated with the Lake Gaston Pipeline. Permanent structures cannot be built on top of this line. A second pipeline associated with the Norfolk Aqueduct, known as the Portsmouth Branch, runs south to north across the site to the point where it intersects with the main Norfolk Aqueduct pipeline. This pipeline is not in service, but according Ken Turner of Norfolk, the City would like to maintain the easement in the event the pipeline needs to be reactivated. According to the City, the pipeline would need to be reconstructed prior to being placed back in service.

The AT&T Long Distance Cable runs west to east across the property. There is a 20' easement associated with the underground cable. The cable is reported as abandoned by Rick Rice of AT&T; however, AT&T would still like to preserve the right of way in an event that something is constructed over top of the existing line. Removal of the cable and relocation of the easement may improve the flexibility of the site layout. This would require AT&T's permission and will be left to the developer to coordinate if needed.

Verizon fiber and copper cable lines run buried along US 258. Additional buried copper cable lines run the entire eastern boundary of the property along Buckhorn Drive.

Dominion Power overhead utility lines exist along US 258 and also on Buckhorn Drive from Old Suffolk Road to Dunston Drive. An underground distribution line that serves the Lake Gaston elevated weir also exists on the western portion of the property.

Figure 4 on the following page shows the easements located on the property.



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Shirley T. Holland Phase III Intermodal Park

Figure 4 - Existing Property Utility Easements

Summary of Utility Services Needed for Development

A preliminary engineering report completed by Resource International analyzed the water and sanitary sewer needs of the site and concluded that construction of a utility corridor along U.S. 258 is the most economical means of providing utility service to the site. In conjunction with extending the water and sanitary sewer utilities, a new water tower and two sanitary sewer lift stations will be necessary to provide the forecasted utility demands at full build out.

The gas pipeline located within the site will provide gas service to the development. A facility to tap into this line and reduce pressure to service levels will be necessary. Electricity will be provided by Virginia Dominion Power and is available for initial development. Additional capacity improvements to the site will be necessary as the park develops, but there is capacity in the general vicinity of the park that will support such improvements as the need arises.

Service demands for the fully developed site have been estimated for each utility. Several data sources including the Hampton Roads Sanitation District (HRSD), Columbia Gas, Dominion Power, commercial developers, and current usage records of the existing Shirley T. Holland Intermodal Park facilities were used. Listed below are utility consumption standards to guide required improvements and expansions to the utilities infrastructure.

Electricity

Existing Conditions
The current state of the electrical utilities is adequate. Existing electricity is available from Dominion Virginia Power with a 115 kV transmission line approximately 500 feet from the northern section of the property and a 500 kV transmission line in close proximity to the southeast. A smaller capacity line along U.S. 258 is also present. All distribution lines are fed from the Myrtle Substation located in Windsor.

Current Capacity
An underground distribution line that supplies the Lake Gaston Pipeline elevated weir connects into a 7.2/12.5 kV 3-phase above ground distribution line along US 258. A 19.9/34.5 kV 3-phase line extends from Windsor to the Commonwealth Cotton Gin, approximately 400 feet north of Dunston Drive. A step down then occurs to a 7.2 kV 1-phase line that runs along Dunston Drive. No distribution lines exist south of Dunston Drive.

Figure 5 on the following page shows existing electrical utilities at the subject property.

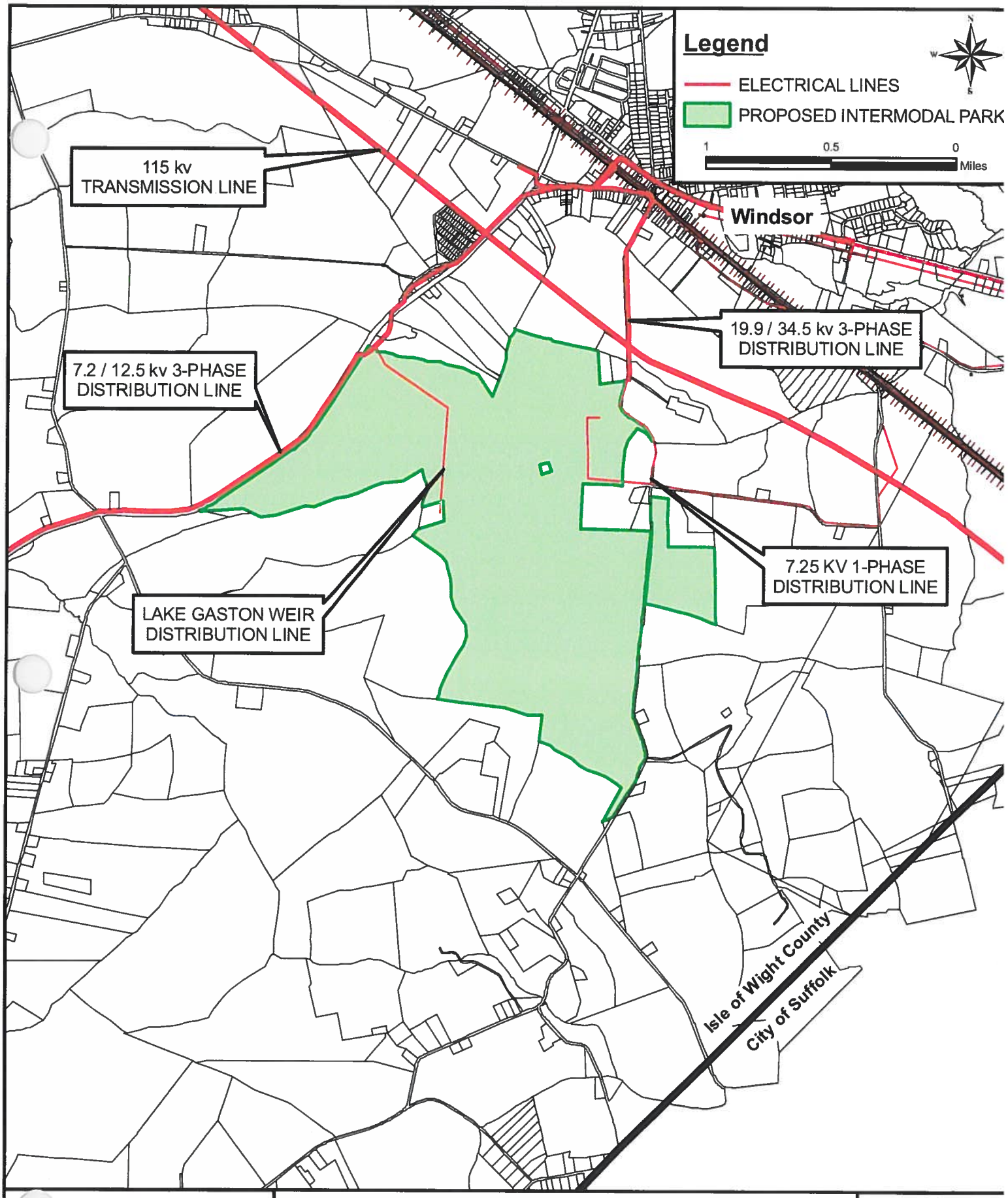
Demand from Subject Property Development
The proposed development electricity requirements are approximately 165,000 kWh per day.

Requirements to Deliver to the Subject Property
At least a 15 kV 3-phase line is recommended for the anticipated electricity loads of this development.

Conclusions
The 19.9/34.5 kV 3-phase line that exists northeast of the property will provide sufficient electricity for this development. It is possible that the 7.2/12.5 kV line along US 258 can also contribute to electrical requirements. Distribution lines that are installed above ground along poles are at the cost of Dominion Power. Underground distribution lines are more aesthetically pleasing and recommended for delivery on site. Underground delivery of electricity will be paid for by the developer of the property.

From conversations with Belinda Winstead at Dominion Power, the protocol for determining how electricity will be delivered to a site is arrived at once a final site plan has been developed. Typically Dominion Power does not establish distribution lines for an area that is in the early stages of planning a development.

Recommendations
Power lines in the immediate vicinity can support initial development of the site. Additional capacity to the site will likely be from extending the 19.9/34.5 kV 3-phase lines south along Buckhorn Dr. Specific improvements will be made as site development progresses and arrangements are negotiated with Dominion Power.



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Shirley T. Holland Phase III Intermodal Park

Figure 5 - Existing Electrical Infrastructure

Natural Gas

Existing Conditions
In Isle of Wight County, all natural gas service is provided by Columbia Gas Transmission, a subsidiary of Columbia Energy Group. Currently, a 12" high pressure steel transmission line traverses the site. Columbia Natural Gas-Virginia indicated that capacity on this line has been limited in the past but that there are improvements nearing completion that will provide sufficient capacity for the park's full development.

Current Capacity
There is currently natural gas capacity on the site.

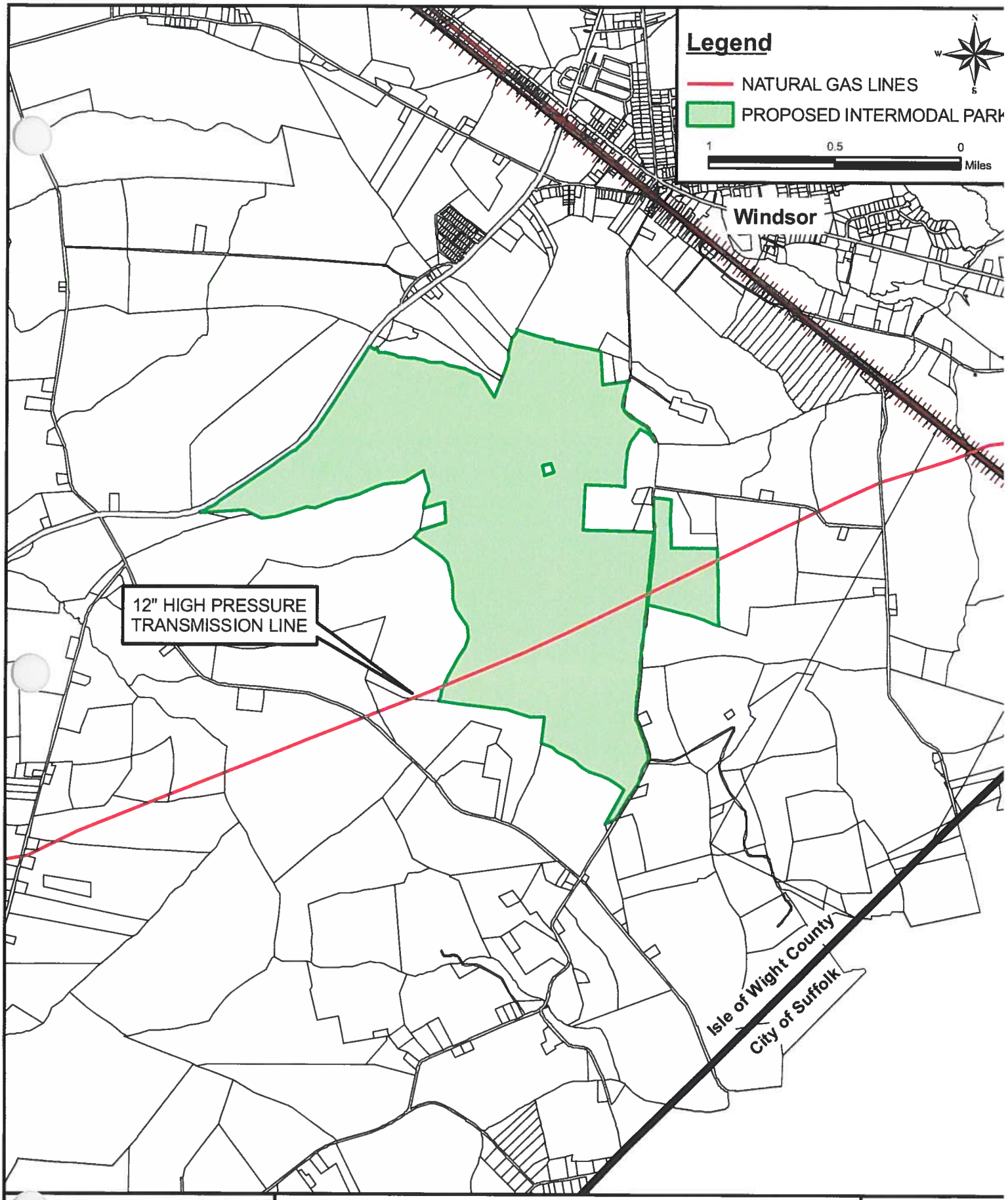
Figure 6 on the following page shows existing natural gas utilities on the subject property.

Demand from Subject Property Development
Estimates from the Isle of Wight Intermodal Park Concept report predict that 66.4 MCF/hr (MCF is 1,000 cubic feet) will be required to adequately service the proposed development at full build out.

Requirements to Deliver to the Subject Property
A pressure reducing station will be needed to connect a supply line for the site to the existing 12" high pressure steel transmission line. The supply line would be constructed to distribute gas to each of the proposed building sites.

Conclusions
Sufficient natural gas service is located on site but will require improvements to access it.

Recommendations
The developer of the site should work with Columbia Natural Gas to have the needed service provided. In order to reduce or eliminate costs of installing a connection to the existing pipeline, a line extension agreement should be considered. Under a line extension agreement, Columbia Natural Gas funds and constructs necessary gas lines in return for a commitment to meet or exceed an agreed upon demand schedule for gas.



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Shirley T. Holland Phase III Intermodal Park

Figure 6 - Existing Natural Gas Infrastructure

Water

A Utilities Report completed by Resource International on September 30, 2009 assessed the water requirements at Shirley T. Holland Phase III and the availability of water to the site. A copy of this report is provided on CD in the Supplemental Information section of this rezoning application. Select information from this report is discussed and documented in the following sections.

Existing Conditions

Water is currently not available at the site; however, there is an existing 8" water line that runs south along Walters Highway (US Route 258) to the south end of Curve Drive, approximately ¼ mile northwest of the site.

Figure 7 shows existing potable water utilities near the subject property.

Current Capacity

In February 2006, Isle of Wight County and the City of Suffolk, Member Jurisdictions of the Western Tidewater Water Authority, entered into the Western Tidewater Regional Water Agreement to provide 12 million gallons of water per day to the Member Jurisdictions, with 3 million gallons per day allocated to Isle of Wight County.

To meet the needs of the Member Jurisdictions through 2015 and beyond, the Water Authority entered into the Norfolk-WTWA Raw Water Sales Agreement, which supplements the Authority's existing water sources initially with an additional 3 million gallons of raw water per day and increasing to 15 million gallons per day over time to help meet water demands through 2048. The raw water delivered from Norfolk will be treated at Suffolk's G. Robert House Jr. Water Treatment Plant and delivered to Isle of Wight County by the Interconnect Transmission Main, which is dually owned and operated by Suffolk and Isle of Wight within each respective entity's jurisdiction.

As of the date of this agreement, the safe yield total is 15.04 million gallons per day and will increase to 27.04 million gallons per day through 2048. According to the agreement schedule, Isle of Wight's safe yield of 3.01 million gallons per day in year 2011 will increase to 6.76 million gallons per day in year 2048.

Demand from Subject Property Development

Water demand from the subject property will mostly depend upon the specific tenant facilities, facility operations, and the number of persons employed. The referenced numbers for determining preliminary water demand of the subject property are derived from the May 2009 Commonwealth of Virginia *Guidance for Conducting a Comprehensive Public Drinking Water Supply Needs Assessment.* Using the employment estimates developed in Section 11 of this application and a consumption rate of 86 gallons per day, a demand forecast of between 115,000 gallons per day and **310,000 gallons** per day is presented as a likely range of usage. The range is highly dependent on whether the park ultimately remains dry warehousing or diversifies with several industry types.

Fire-Flow Requirements for Subject Property Development

The procedure for determining fire-flow requirements for buildings or portions of buildings constructed is detailed in Appendix B "Fire-Flow Requirements for Buildings" of the International Fire Code. The following are terms and conditions detailed in Appendix B that are provided for calculation of the fire-flow demands of the subject property.

Fire-Flow: The flow rate of a water supply, measured at 20 pounds per square inch residual pressure, that is available for fire fighting.[1]

Fire-Flow Calculation Area: The fire-flow calculation area shall be the total floor area of all floor levels within the exterior walls, and under the horizontal projections of the roof of a building.[2]

Occupancy Classification: For the purposes of using the International Fire Code, and the intended high-cube warehouse use for development of the subject property, the chosen occupancy classification for development of the subject property is **Factory Industrial F-1 Moderate-hazard Occupancy**. Factory industrial uses which are not classified as Factory Industrial Group F-2 shall be classified as F-1 Moderate Hazard and shall include, but not be limited to, the following:[3] aircraft, appliances, athletic equipment, automobiles and other motor vehicle, bakeries, beverages, bicycles, boats, brooms or brushes, business machines, cameras and photo equipment, canvas and similar fabric, carpet and rugs (includes cleaning), disinfectants, dry cleaning and dyeing, electric generation plants, electronics, engines (including rebuilding), food processing, furniture, hemp products, jute products, laundries, leather products, machinery, metals, millwork, motion picture and television filming, musical instruments, optical goods, paper mills or products, photographic film, plastic products, printing or publishing, recreational vehicles, refuse incineration, shoes, soaps and detergents, textiles, tobacco, trailers, upholstering, wood, and woodworking (cabinets).

Construction Classification: Buildings and structures erected or to be erected, altered, or extended in height or area shall be classified in one of five construction types:[4] Types I and II, Type III, Type IV, or Type V. For the purposes of determining fire-flow demand as part of this application for rezoning, the assumed building type construction is **Type IIB**. This type of construction consists of using light non combustible materials for exterior walls, floors, and roofs. Type IIB, although noncombustible, has no requirements for fire-resistance of building elements; therefore, an appropriately conservative calculation of fire-flow demand can be made.

The fire-flow requirements for buildings other than family dwellings shall be specified as indicated in Table 105.1 of the International Fire Code. The assumed worst case scenario for this calculation is the 1,100,000 square foot warehouse as shown on the

[1] International Fire Code. Appendix B. Section B102.1 Definitions
[2] International Fire Code. Appendix B. Section B104.1 General
[3] International Fire Code. Definitions. Page 19
[4] International Building Code. Chapter 6 Types of Construction. Section 602.1

subject property Master Plan. According to Table 105.1, for Type IIB construction of this warehouse, the minimum required fire-flow is 8,000 gallons per minute for a flow duration of 4 hours. The resulting required water storage capacity for fire-flow would be 1,920,000 gallons.

A reduction in required fire-flow of up to 75 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.[5] The resulting fire-flow shall not be less than 1,500 gallons per minute for the prescribed duration as specified in Table B105.1. Use of an automatic sprinkler system for the subject warehouse would result in a minimum required fire-flow of 2,000 gallons per minute for a flow duration of 4 hours. The resulting required water storage capacity for fire-flow would be **480,000 gallons**.

Automatic Sprinkler System Demand Capacity for Subject Property Development

The National Fire Protection Association (NFPA) 13 *Standard for the Installation of Sprinkler Systems*, provides the minimum requirements for the design and installation of automatic fire sprinkler systems and exposure protection sprinkler systems.[6] The following are terms and conditions detailed in NFPA 13 that are provided for calculation of the automatic sprinkler system demands of the subject property:

Classification of Occupancy: Occupancy classifications for NFPA 13 shall relate to the sprinkler system design, installation, and water supply requirements only.[7] For the purposes of determining sprinkler system demand, it is assumed the **Ordinary Hazard (Group 2)** designation is appropriate for the subject property. Ordinary Hazard Group 2 occupancies shall be defined as occupancies or portions of other occupancies where the quantity and combustibility of contents are moderate to high, stockpiles do not exceed 12 feet, and fires with moderate to high rates of heat release are expected.[8]

Water Demand Requirements: NFPA 13 Chapter 11 provides several methods for calculating the water demand requirements of an automatic sprinkler system for various occupancy classifications. Some of these methods require specific design of the sprinkler layout for a building, and the resulting demand is calculated from sprinkler head spacing and various other criteria. For the purposes of this rezoning application, the water supply requirements for the sprinkler system are calculated assuming an area of sprinkler operation of 2500 square feet. Using Figure 11.2.3.1.5 of NFPA 13, the water supply required is 450 gallons per minute. This is added to the hose stream demand provided in Table 11.2.3.1.1 of 250 gallons per minute at duration of 60 to 90 minutes, for a total of 700 gallons per minute. The resulting required water storage capacity for an automatic sprinkler system is approximately **63,000 gallons**.

[5] International Fire Code. Appendix B. Section B105.2 Exception
[6] National Fire Protection Association 13. Chapter 1 Administration. 1.1 Scope
[7] National Fire Protection Association 13. Chapter 5 Classification of Occupancies and Commodities. 5.1
[8] National Fire Protection Association 13. Chapter 5. Ordinary Hazard (Group 2). 5.3.2

The following table provides a summary of the water requirements for the subject property:

Shirley T. Holland Phase III Water Demand

Potable Water	**310,000 gallons / day**
Fire-Flow	**480,000 gallons / 4 hours**
Automatic Sprinkler System	**63,000 gallons / 1.5 hours**
TOTAL WATER DEMAND	**853,000 gallons (peak)**

This water demand volume was determined assuming that water was available to all buildings in the intermodal park during the emergency event, and that no inflow of water was coming into the water tower during these events. This is a conservative volume estimate that can be determined in further accuracy as tenants utilize the building and water needs are more accurately refined.

Modeling conducted by Resource International shows that connecting into the Town of Windsor water system will not provide adequate fire flow to Shirley T. Holland Phase III under these conditions with the existing facilities; however, the Town's system could provide water in adequate quantities to a storage tank and for initial development.

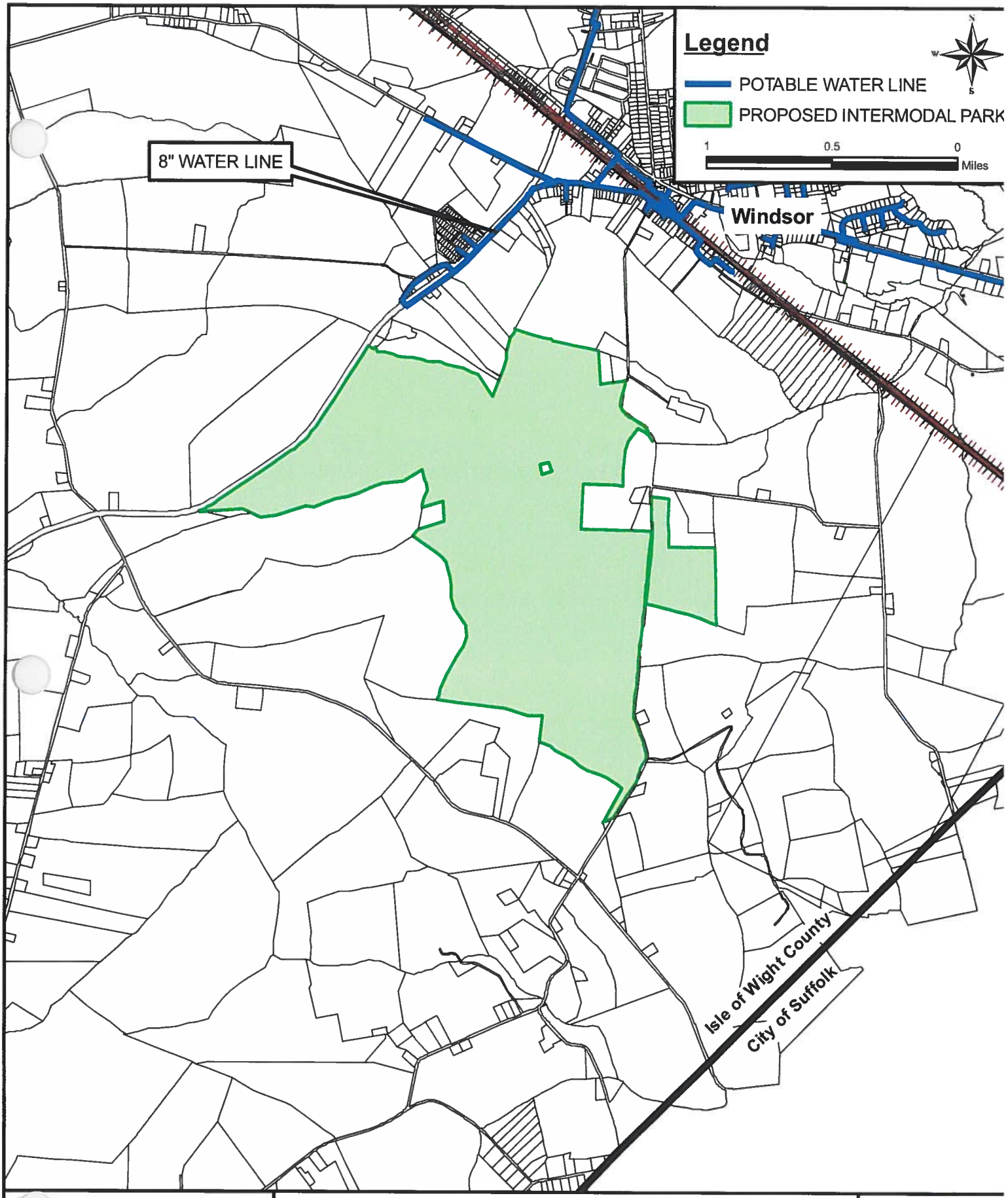
Conclusions

A standard size 1,000,000 gallon water tank is sufficient to store the minimum 853,000 gallons of water required. The proposed tank site is on the western edge of the property near the Lake Gaston pipeline elevated weir. Additional information regarding the water tower is documented in the Utilities Report completed by Resource International.

Initial development can be supported by the Town of Windsor water supply by including construction of a water tower. Long term build out of the site, or desire to include different industry types may encounter capacity limitations.

Recommendations

Initial development should use the Town of Windsor water supply but a proffer is included to limit site's employment to 2,500 persons unless water is provided from an additional source, such as the Norfolk-WTWA Raw Water Sales Agreement. This proffer will permit the development of the envisioned distribution centers but also support diversification of the park tenants if the opportunity presents itself both in terms of providing the necessary water supply and protecting the Town of Windsor's supply.



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Shirley T. Holland Phase III Intermodal Park

Figure 7 - Existing Potable Water Infrastructure

Telecommunications

Existing Conditions

Telecommunications for the region are available from Cavalier Telephone Company, Cox Communications and Verizon. Current telephone data shows sufficient capacity for the development.

Verizon has copper and fiber cable that borders the property along Walters Highway (Route 258). Copper cable is present along Buckhorn Drive as well. There are currently no utilities that encroach on the proposed development site.

There is an AT&T fiber line that traverses the site; however, this line is dedicated to long distance usage and cannot be tapped into.

Figure 8 on the following page shows existing telecommunications lines on the subject property.

Current Capacity

Verizon has stated the available cable lines that surround the site are adequate for providing T-1 service for the proposed development.

Demand from Subject Property Development

At a minimum, T-1 services are required. The typical bandwidth of T-1 is approximately 1.54 Mega bits (Mb).

Requirements to Deliver to the Subject Property

Connection to the existing telecommunication utilities is required. Construction of new copper cable lines can be provided by Verizon for free. Construction of new fiber cable lines can be provided by Verizon at a cost to the developer based on the type of services required.

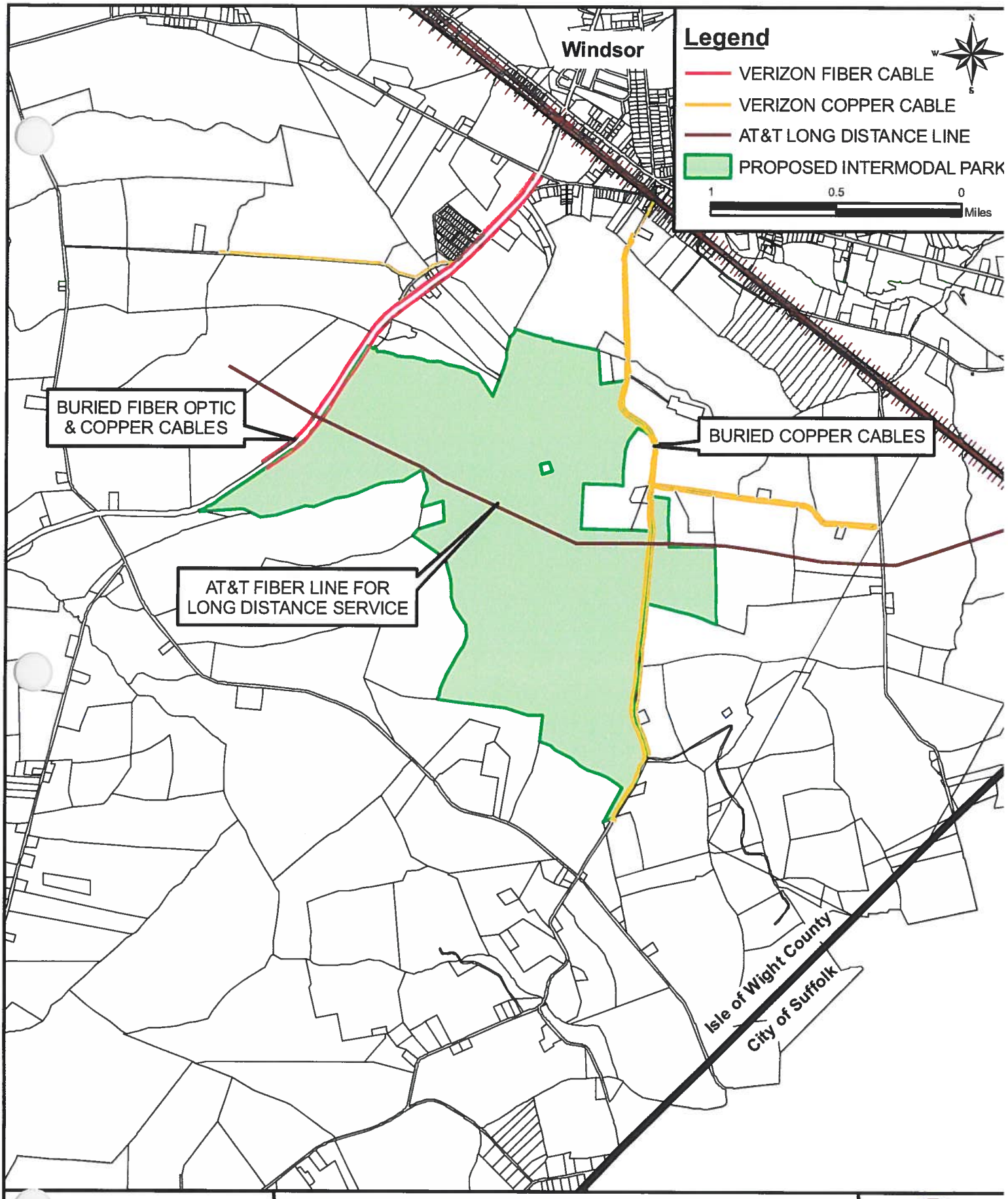
In order for Verizon to begin construction of new utilities a final site plan for the development is required. A 10' to 15' easement along the connecting roads must be established, or Verizon may install utilities within the roadway right-of-way at the direction of the right-of-way owner.

Conclusions

Provide a connection capable of providing T-1 service from the existing telecommunication utilities to the property.

Recommendations

It is recommended that copper cable lines be constructed on the site by Verizon. Copper cable is capable of T-1 service, and is installed at no cost for the developer. It is possible that Verizon may install fiber optic cable for free to service the subject property if the amount of customers justifies doing so.



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Shirley T. Holland Phase III Intermodal Park

Figure 8 - Existing Telecommunications Infrastructure

Wastewater

Existing Conditions

The subject property currently has no wastewater utilities on site. The closest access to service is an existing 20" diameter interceptor located along Route 460 in Windsor.

Current Capacity

This interceptor is currently operating at about 130,000 gallons per day, with a capacity of more than 3 million gallons per day. Connection to this line may require a waiver from HRSD as the project site is outside of the service area for that interceptor.

Demand from Subject Property Development

The wastewater flow demand is calculated based on the Regional Sewage Flow Projection Data issued by the Hampton Roads Sanitation District (HRSD) in November, 2007. The following table presents the project sewer flow data pertinent to calculating demand of the subject property.

Summary of Wastewater Demand

Building Classification	Flow (GPD/ Unit)	Total Area (SF)	Unit	Peak Factor	Flow Duration (Hours)	Maximum Peak Flow (GPM)	Average Flow (GPM)
High Cube Warehouse	13[1]	2578	People	5.6[3]	16	196	35
Manufacturing	20[2]	1036	People	5.6[3]	16	121	22

[1] EPA flow for Industrial building
[2] MA 310 CMR 15.203
[3] TR-16

The proposed development wastewater and sewage requirements are approximately 304,320 gallons per day assuming a build out in accordance with the Master Plan.

Requirements to Deliver to the Subject Property

"Topography in the area and the size of the property creates long sewer runs and unless multiple pump stations are used, the depth of the sewer lines exceed 20 feet with pump stations even deeper. A potential layout with reasonable depths for lines and manholes requires two pump stations. Once the individual force mains from each pump stations are combined into one force main, the force main will need to be 8". The Phase III force main will discharge into HRSD's force main at the intersection of US Route 460 and US Route 258."[9]

[9] Resource International. *Isle of Wight Utilities Report.* 2009

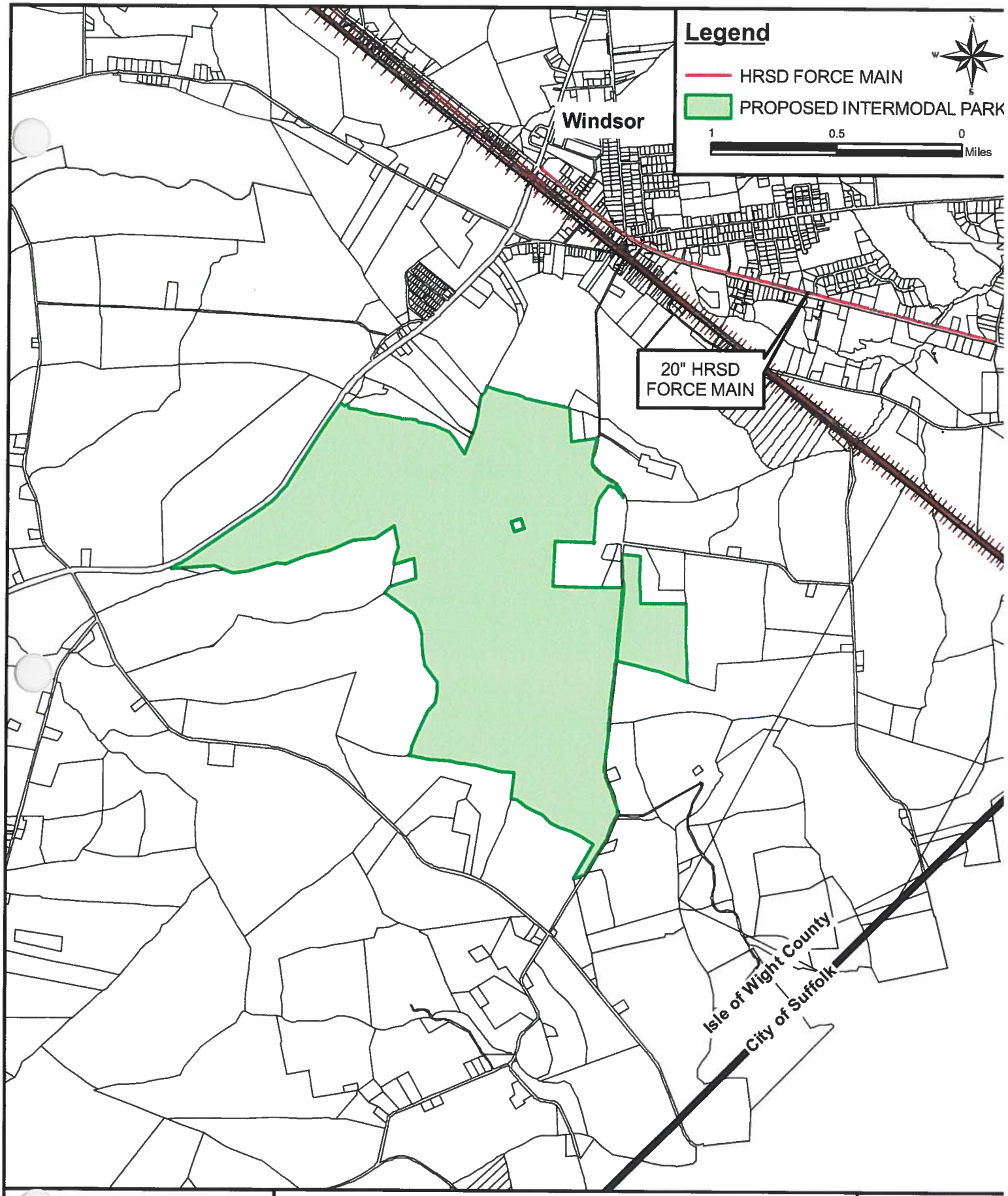
Conclusions

The existing system has adequate capacity to service the park provided a force main is constructed between the subject property and the interceptor at the intersection of US Route 460 and US Route 258. A waiver from HRSD will be needed as the park is outside of the service area used to size the interceptor. However, according to HRSD, the interceptor has sufficient capacity for the park.

Recommendations

A force main along US Route 258 and pump station located at the subject property should be constructed to provide the site with sanitary sewer service to support initial site development. A second pump station will need to be constructed as full build-out of the site is achieved.

Construction of the force main to the intermodal park entrance and first pump station are proposed as part of the initial site development to be funded by the Isle of Wight Industrial Development Authority to increase the attractiveness and resale value of the site.



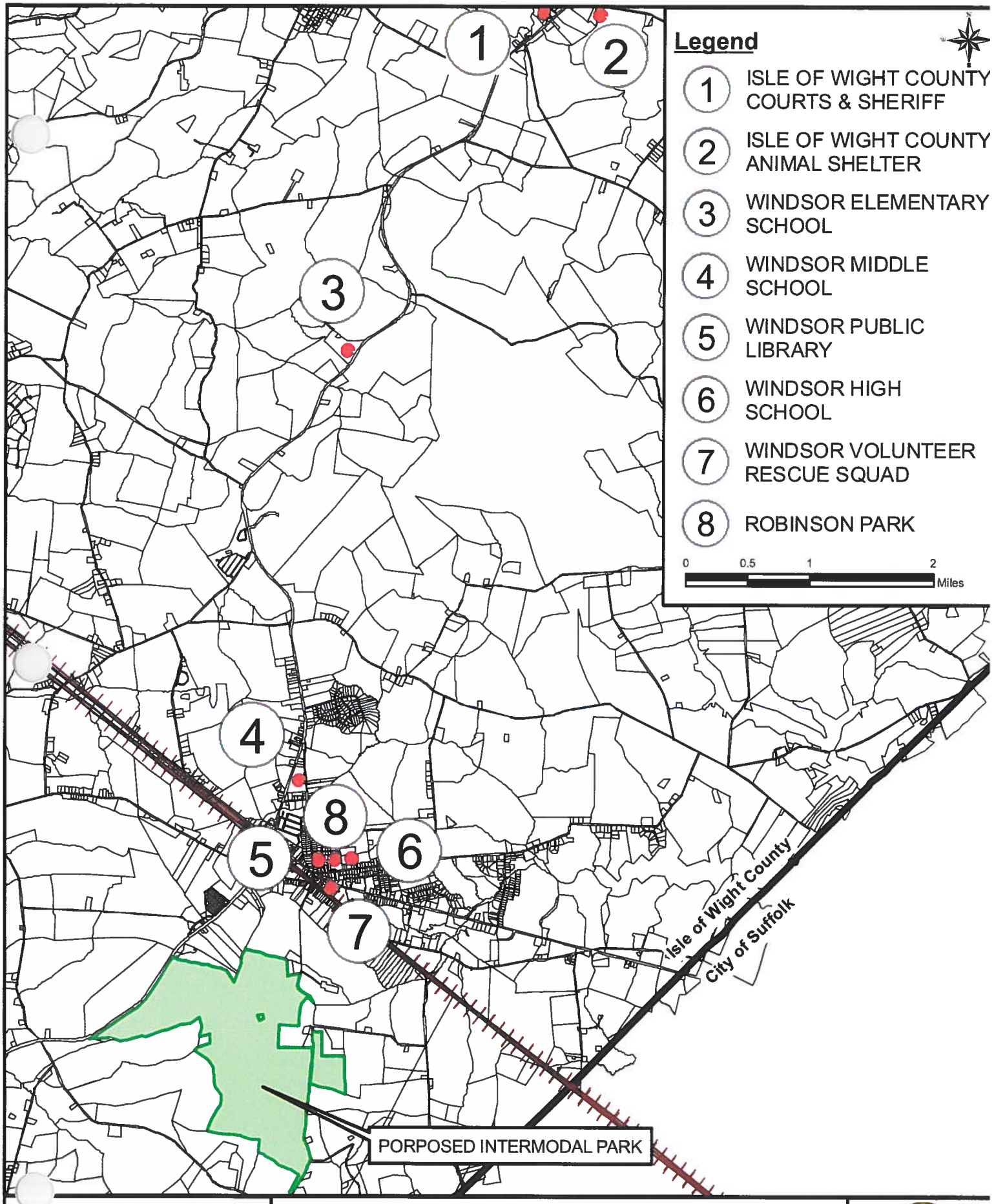
moffatt & nichol

Shirley T. Holland Phase III Intermodal Park

Figure 9 - Existing Wastewater Infrastructure

Public Services

The proposed development will make use of services provided by Isle of Wight County and the Town of Windsor. Most of these services will see manageable impacts from the proposed development based on preliminary analysis, though some services may need to be improved or expanded as the park develops. Where these services may not be able to support the full development, provisions are included in the proffer statement to either limit park development or fund expansion of the services. Figure 10 displays the location of many of the services within the vicinity of the proposed development. Existing conditions of the services along with anticipated impact are discussed in this section.



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Shirley T. Holland Phase III Intermodal Park

Figure 10 - Public Facilities and Services in Vicinity of Proposed Intermodal Park

Animal Control

Existing Conditions
Isle of Wight County offers animal control services along with an animal shelter. The animal shelter is located on Poor House Road off of Route 258, approximately 8.5 miles north of the proposed development. Animal Control is responsible for the entire county which is divided into three zones (north, central, and south).

Current Resources
Animal Control Services are managed by the County Sheriff. The current staff consists of six employees, 1 Supervisor, 4 Animal Control Officers, and 1 Office Clerk. There are five vehicles designated for Animal Control usage.

Demand from Subject Property Development
The proposed development will pose little or no demand on this service.

Requirements to Deliver to the Subject Property
An adequate road system to allow animal control vehicles to access the property is required.

Conclusions
The proposed development does not expect to add animals to the site. Therefore, there should be no additional demand on animal control due to this development.

Recommendations
None

Courts

Existing Conditions
Isle of Wight County contains three separate courts.

- Circuit Court,
- General District Court,
- and Juvenile and Domestic Relations Court.

The three courts are located approximately 8.5 miles north of the proposed development.

Current Resources
Assume existing facilities are adequate for existing demands.

Demand from Subject Property Development
The proposed development will pose little or no demand on this service.

Requirements to Deliver to the Subject Property
This service is not deliverable.

Conclusions
Assuming that the development will not significantly impact this service, the existing facilities are adequate.

Recommendations
None

Fire and Emergency Services

Existing Conditions

Isle of Wight County has five volunteer fire departments and two rescue squads, one of each are located in the Town of Windsor. There are approximately 300 volunteers throughout the County. There are also 35 full and part-time employees that work varying schedules.

The Windsor Volunteer Fire Department is located at 80 E Windsor Boulevard approximately 1.75 miles north of the proposed development site. There are currently 50 members in this organization which is funded by both Isle of Wight County and the Town of Windsor.

The Windsor Volunteer Rescue Squad is located at 19 E Windsor Boulevard and is approximately 1.5 miles north of the proposed development site. There are currently 20 members in this organization.

According to Andy Aigner, Fire and EMS Coordinator of Isle of Wight County, all facilities work together in order to provide adequate services as quickly as possible. Mr. Aigner also mentioned that Isle of Wight County has mutual aid agreements with the cities of Franklin and Suffolk and Southampton County.

Current Resources

The following is the inventory of vehicles for the Isle of Wight County Fire Department & Rescue Squads (Number in parentheses designates how many are in the Windsor facility).

- 13 Fire Engines (3),
- 3 Ladder Trucks,
- 5 Water Shuttle Vehicles (1),
- 1 Heavy Squad Vehicle,
- 9 Ambulances (3),
- And various other support vehicles.

Demand from Subject Property Development

There is a demand for fire suppression water flow as discussed in the water utility potion of this application. Mr. Aigner provided the following statement via email correspondence:

> "I do not believe there will be a significant impact on Emergency Services within the county. With the increase in traffic and the addition of people (new employees to the area) there will be an increase in call volume; however, at this time, I believe the county can absorb this call volume without a major impact to the system. It does not appear at this time we would need to purchase any vehicles that are not currently allocated in the capital budget."

Requirements to Deliver to the Subject Property

An adequate road system to allow access for emergency vehicles and sufficient fire water supply to the site are needed to provide proper emergency service coverage.

Conclusions

Route 258 provides adequate access to the site for Fire & Emergency services for the initial development of the park. As the park develops, however, improvements and additional access to the site may be necessary to support site traffic and emergency services. Water supplies in support of fire fighting are not presently available on site, nor will the proposed extension of a water line to the site provide adequate flow to meet fire fighting demands alone. A water tower will be needed to provide the necessary volume and flow rate for fire fighting.

Recommendations

Park interior roads and facility driveways should have design geometry that permits emergency vehicles to access the buildings on all sides. Incremental improvements to Route 258 are presented in the proffer statement. Prior to or in conjunction with construction of the first building, a water tower or other reservoir must be constructed to support the minimum volume and flow rates for firefighting.

Health Care Facilities

Existing Conditions
The closest hospital to the proposed development site is Sentara Obici Hospital located at 2800 Godwin Boulevard in Suffolk, VA. This hospital is approximately 10 miles east of the site. This facility was established in April 2002.

Another hospital close to the site is Southampton Memorial Hospital located at 100 Fairview Drive in Franklin, VA. This hospital is approximately 12 miles southwest of the site. This facility was established in 1963 and renovated in 2005.

Current Resources
Sentara Obici Hospital currently has 138 beds.

Southampton Memorial Hospital currently has 221 beds.

Demand from Subject Property Development
The proposed development will pose minor demand to the health care facilities due to the hazards that employees of industrial parks are exposed to.

Requirements to Deliver to the Subject Property
Services are typically obtained by driving to the facility. Services are deliverable to the site via ambulance or other emergency care vehicles. From there, the emergency care vehicle can either treat the situation on site or escort it to the hospital or other emergency care facility.

Conclusions
Assume that the development will not significantly impact this service. The existing facilities should be adequate.

Recommendations
None

Law Enforcement

Existing Conditions

The closest form of law enforcement to the proposed development site is the Windsor Police Department; however, law enforcement is mainly provided by the Isle of Wight Sheriff's Office.

A majority of the property lies within the Isle of Wight jurisdiction, while the north portion of the property along Buckhorn Drive is within the Windsor jurisdiction. There is one mile of concurrent jurisdiction along the Isle of Wight and Windsor border in which the Sheriff is the primary respondent. According to the Windsor Chief of Police Robert Porti, the Windsor Police will respond to activity within that concurrent jurisdiction under the Sheriff's (IOWC) authorization.

The Sheriff's Office is approximately 8.5 miles north of the proposed development site. The Sheriff's Office has jurisdiction in Isle of Wight County, including the towns of Smithfield and Windsor. However, deputies concentrate their law enforcement activities in the county since both towns have their own police department (IOW Website).

Current Resources

According to the IOWC website, the Sheriff's Office is comprised of 36 full time sworn officers, seven full time civilian appointees, and an auxiliary division of 10 members.

The Windsor Police Department is comprised of Chief Robert Porti and 4 additional police officers.

Demand from Subject Property Development

The proposed development will pose a minor increase in demand. Incidents common to industrial facilities are activities that could necessitate immediate police services at the subject property. Continued development of the subject property will supply a small increase in demand as new employees move to the area.

Requirements to Deliver to the Subject Property

In order to deliver services an adequate road system to allow easy access for law enforcement vehicles is necessary.

Conclusions

Assume existing conditions are adequate for the existing demand, and no additional services are required for the proposed development.

Recommendations

None

Libraries

Existing Conditions
There are three library branches in Isle of Wight County that operate under the Rawls Regional Library System. The branch closest to the proposed development is the Windsor Brach, which is approximately 1.5 miles north of the site.

Current Resources
Assume existing facilities are adequate for existing demands.

Demand from Subject Property Development
The proposed development will pose little or no demand.

Requirements to Deliver to the Subject Property
None

Conclusions
The proposed development should not impact the existing library facilities.

Recommendations
None

Parks and Recreation

Existing Conditions
There are several parks and recreation services offered through the county. The closest one being Robinson Park which is located on Duke Street in the Town of Windsor, approximately 1.5 miles north of the site. The park is equipped with a recreation area and play area for children.

Current Resources
Assume existing facilities are adequate for existing demands.

Demand from Subject Property Development
The proposed development will pose little or no demand.

Requirements to Deliver to the Subject Property
None

Conclusions
The proposed development does not expect to impact the existing parks and recreational facilities.

Recommendations
None

Schools

Existing Conditions

The proposed development is located within the Isle of Wight County school district, which contains nine schools. Among the nine schools the following three are located within close proximity to the site of the proposed development.

- Windsor Elementary School
- Windsor Middle School
- Windsor High School

Windsor Elementary School is located at 20008 Courthouse Highway in Windsor, VA and is approximately 6 miles from the proposed development site. This facility was constructed in 1997.

Windsor Middle School is located at 23320 North Court Street in Windsor and is approximately 2.5 miles north of the proposed development site. This facility was constructed in 1949 and underwent renovations which were completed in 2001.

Windsor High School is located at 24 Church Street in Windsor, VA and is approximately 1.75 miles north of the proposed development site. This facility was constructed in 1994.

Also present in the area is Paul D. Camp Community College (PDCCC) which provides services for the Counties of Isle of Wight and Southhampton, along with the Cities of Franklin and Suffolk. Day and evening classes are offered at the campuses located in Franklin and Suffolk. Classes offered of interest to the subject property include air conditioning and refrigeration, drafting, electrical technology, industrial technology, and welding. There is also an educational center in the Town of Smithfield at 253 James Street, approximately 15 miles northeast of the proposed development.

In addition to offering classes as a two-year college, there are also credit and non-credit workforce services and training available at the Regional Workforce Development Center on the Franklin Campus. The Franklin Campus is located approximately 14 miles southwest of the proposed development.

Current Resources

School resources were provided by Steven Jenkins, former Chief of Operations for Isle of Wight County Schools. It must be noted that the school capacities have not yet been reviewed and accepted by the school superintendent, which may result in a downward adjustment after the final review.

Windsor Elementary School currently has 644 students enrolled. The facility is capable of enrolling up to 770 students. There are 61 teachers employed at this school.

Windsor Middle School currently has 367 students enrolled. The facility is capable of enrolling up to 500 students. There are 37 teachers employed at this school.

Windsor High School currently has 492 students enrolled. The facility is capable of enrolling up to 710 students. There are 53 teachers employed at this school.

Demand from Subject Property Development

The proposed development will pose little initial demand on this service, though full development may spur residential growth and increase student enrollment closer to each school's capacity.

Requirements to Deliver to the Subject Property

This service is not applicable for delivery to the subject property.

Conclusions

The proposed development will not require immediate expansion of any current school resources. The development of this property does not include residential units, but employees moving to the area may cause a slight increase in demand for public schools.

Recommendations

None

Conclusions

The proposed development should have manageable impacts on the existing public services due to the private and industrial nature of intermodal parks. Proposed cash and development proffers and an expanded tax base will mitigate initial and long term demand increases on public services and utilities. Impacts to private utilities will be addressed through service agreements between the developer and utility owners.

Several of the utilities required to operate an intermodal park of this approximate size are readily available. There are electric distribution lines that run along most of Walters Highway (Route 258), Buckhorn Drive, & Sunset Drive. There are also distribution lines that traverse the site parallel to the transmission lines to the north. Natural gas is accessible through the high pressure steel transmission line that traverses the site. Telecommunications are readily available through Verizon. Copper cable lines which can provide T-1 service border the site along Walters Highway and Buckhorn Drive. Fiber optic cable is also available along Walters Highway. Each of these utilities should have sufficient capacity for initial development, with any long term capacity issues being addressed between the developer and the private service providers.

Potable water, fire-flow water, and wastewater utilities do not currently extend to the site. A proposed utility corridor and water tower, to be funded by the Isle of Wight Industrial Development Authority, will extend these services to the site. Existing capacity is adequate for initial development but long term development of the park will require additional water capacity, likely to be supplied via the recent water agreement between Isle of Wight, Suffolk, and Norfolk.

The existing 20" force main along Windsor Boulevard (Route 460) has enough capacity to handle the proposed development's wastewater output. Connection to this force main will require construction of an additional force main from the site to the nearest connection point, located approximately 1 mile away.

As previously stated there should not be any significant impact on the public services due to the proposed development. The only services possibly affected are the fire department during a fire event and public schools as families move to the area.

Recommendations

In order for the proposed site to be functional, connections to the existing utilities in the area must be established. In some cases utilities are readily available in close proximity to the site, while other utilities will require a long connection.

Dominion Power currently has distribution lines that traverse the site, so a connection to establish site service can be established within a short period of installation time.

For, the existing high pressure transmission line that passes through the site has enough capacity to provide for the intermodal park development. In order to use this resource, a pressure reducing station should be built as close to the transmission line as possible. From there, 4" PMP pipes can be constructed to provide distribution out to the individual building pads.

Potable water and fire water require at least a 16" main line to the site, with 12"distribution lines throughout the site (Isle of Wight County Utilities Report, 2009) . Therefore, a connection will need to be made to the existing 16" water main that runs along the south side of Route 460 and along the west side of Old Mill Road. Several alternatives are being considered for the possible location of a connection to the existing 16" water main. The criteria for developing these alternatives were based on shortest distance, cost, ease of construction, and future compatibility. In addition to making a connection, a source of water must be established. A reliable provider of water must be established to ensure the functionality of this property. This may require the construction of a dedicated water tower in the case of fire water if existing water towers are already devoted to other sites.

Telecommunications are readily available along the east and west borders of the site and only require a connection. Once a site plan has been developed the exact method for providing service will be established.

Wastewater will require at least an 8" sewer line to be constructed throughout the site (Isle of Wight County Utilities Report, 2009). A connection must then be made to the existing 20" force main located along the north side of US Route 460. Several alternatives are being considered for the possible location of a connection to the existing 20" force main. The criteria for developing these alternatives were based on shortest distance, cost, ease of construction, and future compatibility. Because the elevation change between the existing force main and the site is almost negligible, gravity sewers may not be a suitable option. Therefore a sewer system comprised of pumps should be considered. The capacity of the existing wastewater force main is adequate to handle the additional demands of the proposed development.

The existing public services of Isle of Wight County and the Town of Windsor are adequate for development of the subject property.

Not Applicable - No Cash Proffers Proposed

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT

WAIVER AND RELEASE OF CLAIMS

I, _____owner, developer or duly authorized representative for owner or developer, of Tax Map Parcel # _____ on behalf of myself, my descendants, ancestors, dependents, heirs, executors, administrators, assigns, and successors, hereby covenant not to sue and fully release, acquit, and discharge Isle of Wight County, as well as its officers, employees, agents, servants, representatives, assigns, and successors (collectively referred to as "County Releasees") with respect to and from any and all claims, wages, rights, agreements, contracts, covenants, actions, suits, causes of action, obligations, debts, expenses, attorney fees, damages, judgments, orders, and liabilities of whatever kind or nature in law, equity, or otherwise, whether known or unknown, and suspected or unsuspected, which I, or any party for whom I am acting as authorized representative, may have against County Releasees arising out of, or in any way connected with, my payment of a/the voluntary cash proffer amount for said parcel/lot, in the amount of _____ Dollars ($_____), as memorialized in that Deed of Trust, recorded in the Isle of Wight County Circuit Court Clerk's Office as Instrument Number _____, notwithstanding the provisions of Section 15.2-2303.1:1 of the Code of Virginia (1950, as amended).

I acknowledge that I have read the foregoing, understand its contents, and accept and agree to the provisions it contains and hereby execute it voluntarily and knowingly and with full understanding of its consequences.

PLEASE READ CAREFULLY. THIS AGREEMENT INCLUDES A RELEASE OF KNOWN AND UNKNOWN CLAIMS.

_____ _____
Printed Name Date

_____
Signature

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me, _____,
A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia, this_____ day of_____ , 20_____ .

_____ My Commission Expires_____
Notary Public

COUNTY OF ISLE OF WIGHT
AMENDED PROFFER STATEMENT

Applicant's name(s): Economic Development Authority of Isle of Wight County

Owner's name(s): Economic Development Authority of Isle of Wight County

Project name: Shirley T. Holland Intermodal Park, Phase III

Date: ~~January 18, 2023~~ September 19, 2024

~~**Parcel Tax Map Numbers and deed book reference**: See Table Following Proffer Statement~~

These amended proffers are made as of the ~~18th~~ ____ of ~~January~~September, ~~2023~~2024, by the Economic Development Authority of Isle of Wight County (collectively "Owner"), of Tax Map Numbers ~~53-01-080A~~, 53-01-080B, ~~53-01-080C~~, 53-01-081, 54-01-070A, and 60-01-045, ~~61-01-002,~~ containing approximately ~~889.57~~ 893.035 acres of land which is referred to herein as the "Property". Isle of Wight County approved a change in the zoning of the Property from Rural Agriculture Conservation (RAC), to Conditional - Limited Industrial (C-LI) in 2013. The rezoning application was associated with a larger effort to rezone approximately 969.13 acres, of which the above ~~889.57~~ 893.035 acres is a part of and of which the remaining 79.56 acres (Tax Map Number 53-01-082B) is located within the Windsor Town Limits. The rezoning application was for the purposes of developing an industrial park heretofore known as the Shirley T. Holland Intermodal Park, Phase III. Owner voluntarily proffers that the development of the Property proposed for rezoning under this application shall be in strict accordance with the conditions set forth below.

These proffered conditions ("Proffers") are the only conditions offered on this rezoning, and any prior proffered conditions on the Property are hereby superseded by these proffers and any and all previous proffers on the Property are hereby void and of no further force and effect.

All improvements, land, easements, dedications, gifts, proffers and other conveyances to the County shall be in fee simple, without cloud of title or encumbrance of any kind.

I. Development of the Property

1. Development of the Property associated with this rezoning application shall be generally consistent as determined by the reviewing authority with the Conceptual Master Plan prepared by Moffatt & Nichol dated December 2012, as determined during preliminary and final site plan approval and/or preliminary and final subdivision construction plan approval. The Owner reserves the right to subsequently modify the Master Plan subject to the following provisions, as determined by the reviewing authority:

    i. Proposed modifications adhere to the restrictions listed in the Land Use section below.
    ii. Impacts of the proposed modifications are documented and are not more adverse than those presented in the Environmental Assessment included within the rezoning application for the Conceptual Master Plan, unless accompanied by mitigation measures subject to approval by both the County and / or the Town of Windsor (as

applicable).

iii. The proposed modifications remain consistent and in accordance with all other provisions of this Proffer Statement.

iv. The proposed modifications are approved in writing by both the County and Town of Windsor prior to any preliminary site plan review.

~~2. All buildings shall be in accordance with the design criteria as follows:~~

~~No company signs shall be allowed on the rear of buildings facing Buckhorn Drive. or on the rear of other buildings with visibility from Buckhorn Drive. (other than markers for businesses/addresses on rear doors and similar directional signage). No signage shall be located on the face of the building facing Buckhorn Drive, unless a principal customer entrance is located on such face. The only signs allowed along Buckhorn Drive. shall be the "Shirley T. Holland Intermodal Park" entrance signs.~~

~~No company signs shall be allowed on US Route 258 frontage. No signs shall be allowed on the rear of buildings facing US Route 258 or on the rear of other buildings with visibility from US Route 258 (other than markers for businesses/addresses on rear doors and similar directional signage). The only signs allowed along US Route 258 shall be the "Shirley T. Holland Intermodal Park" entrance signs.~~

~~3.~~2. The total impervious footprint (buildings, paved parking lots, roadways) shall not exceed 60% of the total subject property area.

II. Land Use

1. The Property shall be used as permitted under the Conditional - Limited Industrial zoning designation and more specifically for the following uses:

   a. Custom manufacturing
   b. Industry, Type I
   c. Warehousing and distribution
   d. Industry, Type II
   e. Reconstructed Wetland

2. The following uses shall be expressly prohibited on the Property:
   a. Agricultural Uses
      i. Fertilizer Storage
      ii. Assembly and Repair of Storage Equipment
      iii. Forestry, Silvicultural
      iv. Agricultural Farming Operation
      v. Timbering
      vi. Sawmill
   b. Civic Uses
      i. Adult Care Center
   c. Commercial Uses
      i. Adult Entertainment Establishment
      ii. Laundry
      iii. Lawn and Garden Services
      iv. Mini Warehouse

v. Motor Vehicle Repair Service/Major

d. Industrial Uses
   i. Construction Yard
   ii. Convenience Center
   iii. Meat Packing
   iv. Recycling Center
   v. Abattoir or Livestock Processing
   vi. Asphalt Plant
   vii. Industry, Type III
   viii. Landfill, Industrial
   ix. Landfill, Rubble
   x. Transfer Station
   xi. Resource Extraction
   xii. Scrap and Salvage Service
   xiii. Petroleum Storage for resale purposes
   xiv. Manufacture or production of aluminum
   xv. Sand, gravel, or brick operations

e. Miscellaneous Uses
   i. Aviation Facility, General

III. Environmental Protection

1. The Property shall meet or exceed all applicable federal and state regulations pertaining to environmental protection.

2. Prior to development, the Owner shall survey the property for endangered or threatened species. The Owner shall take action to avoid or mitigate impact to any endangered or threatened species and their habitats observed during this survey, as approved by the Department of Conservation and Recreation and/or the Army Corps of Engineers.

3. Low Impact Development (LID) measures, such as permeable pavement/pavers/rain gardens, bio-retention filters, and/or rainwater harvesting shall be the preferred stormwater management techniques unless the Owner demonstrates such measures are inappropriate for site conditions, infeasible or economically impractical. These LID measures serve as enhanced stormwater techniques appropriate for increasing opportunity through development for providing groundwater recharge to the degree feasible as agreed upon by the Owner and Isle of Wight County.

4. Except where impacts to existing wetlands are noted on the Planned Setbacks figure by Moffatt & Nichol, dated December 2012, or future impacts are approved subject to other provisions, 100-ft buffers of natural vegetation shall be maintained around existing wetlands and streams.

5. The approximately 26-acre tract of the former Eure property that was not initially analyzed in the Environmental Assessment (See Section 12) shall be reanalyzed if any development is to occur on this 26-acre tract.

6. An update to the Phase 1 Environmental Site Assessment shall be completed 6 months prior to construction activities to confirm that there have been no changes to site conditions. Construction activities include any site disturbing activities over 2,500 square feet.

IV. Archaeology

A Phase I Archaeological Study for each building site shall be submitted to the Zoning Administrator for their review and approval prior to final site plan approval. A treatment plan shall be submitted to, and approved by, the Zoning Administrator for all sites in the Phase I study that are recommended for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Zoning Administrator and a treatment plan for said sites shall be submitted to, and approved by, the Zoning Administrator for sites that are determined to be eligible for inclusion on the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Zoning Administrator prior to land disturbance within the study area. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site and shall be adhered to during the clearing, grading and construction activities thereon.

V. Transportation

Each development exceeding 250,000 square feet shall submit a traffic impact analysis as part of the construction permitting and approval process. Traffic impact analysis submitted will be reviewed by the County and the Town of Windsor.

The primary access to the site for ingress and egress will be via a Park entrance at US Route. 258. The owner will construct the entrance at US Route 258 before all others. Details of this entrance are described in the improvements below.

The Owner, at its sole cost and expense, shall cause to be constructed the following transportation improvements in accordance with the recommended improvements contained in the Traffic Impact Analysis for Shirley T. Holland Intermodal Park Phase III dated July 2012:

Total Developed S.F.	Improvement
500,000	Intersection Improvements at US Route 258 and Park Entrance Intersection, including turn lanes described below: a) 200' right turn lane with 200' taper on northbound US Route 258 b) 300' left turn lane with 200' taper on southbound US Route 258 c) 200' left turn lane with 200' taper existing the site at US Route 258 d) Construct two lanes of the STHIP Phase III site road on the four-lane right-of-way from US Route 258 to access buildings 1,2, & 3.

2,500,000 Second Entrance to park along Buckhorn Drive, including the improvements described below:

a) 200’ right turn taper on southbound Buckhorn Drive
b) Construct the two-lane spine road that connects US Route 258 with Buckhorn Drive
c) At the intersection of the access road and the spine road, install a 125’ left turn lane with a 200’ taper on the spine road eastbound
d) At the intersection of the access road and the spine road, install a 100’ left turn lane with a 100’ taper on the access road southbound

VI. Easements, Rights-of-Way and Buffers

1. The Owner shall observe existing easements and right-of-ways on the subject property unless modifications are agreed to in writing by the holder of the respective easements and right-of-ways.

2. The Owner shall provide a 30’ wide easement to the City of Norfolk as agreed for by the Owner and The City of Norfolk for the future reconstruction of the segment of the “Portsmouth Branch” water pipeline within the property in exchange for the abandonment of the existing easement (City of Norfolk 30’ Aqueduct Easement, D.B. 367, PG. 393).

3. The Owner shall provide access easements to all existing and future utility services for maintenance of facilities located within the property as agreed upon with the respective service providers.

4. The Owner shall provide access to the Griffin Properties retained by the Griffin families in the purchase agreement dated December 5, 2011.

VII. General

1. Successors and Assigns - This Proffer Statement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns. Any obligation(s) of Owner hereunder shall be binding upon and enforceable against any subsequent owner or owners of the Property or any portion thereof.

2. Severability - In the event that any clause, sentence, paragraph, subparagraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall he confined in its operation to the clause, sentence, paragraph, subparagraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, subparagraph, section or provision hereof.

3. Void if Application is not approved - In the event that the Application is not approved by the County, these Proffers shall be null and void.

Table of Parcel Tax Map Numbers and Deed Book Locations

Tax Parcel	Owner	Previous Owner	Parcel Size[1] (Acres)	Deed Book & Page
53-01-080A	Ind. Dev. Authority IOW	Whitley	0.425	DB 179 Pg. 117
53-01-080B	Ind. Dev. Authority IOW	Whitley	0.446	DB 229 Pg. 246
53-01-080C	Ind. Dev. Authority IOW	Whitley	3.516	DB 229 Pg. 246
53-01-081	Ind. Dev. Authority IOW	Eure	134.411	DB-229 Pg. 248
54-01-070A[3,4]	Ind. Dev. Authority IOW	Griffin	231.019	Inst. # 110004903
60-01-045	Ind. Dev. Authority IOW	Sustainable Forests LLC[2]	439.323	DB-85 Pg. 568 DB-105 Pg. 556 DB-138 Pg. 469
61-01-002[3]	Ind. Dev. Authority IOW	Sustainable Forests LLC[2]	80.426	DB-162 Pg. 469

[1] Parcel acreages totaling 898.81 acres were initially identified by the Virginia Mass Appraisal Network (VaMaNet) service, which is linked through the Isle of Wight County GIS mapping tools (VaMaNet acreages were used due to the inconsistencies of prevision and/or available acreage data contained within the actual deeds). Subsequent boundary surveys of subject properties indicate the total size of the parcels to be rezoned by the County is 911.02 acres, which is reflected in the table above. The 911.02 acres will be referenced throughout the zoning application except where appropriate to reference the acreages from VaMaNet. Unless noted otherwise, any reference to the 898.81 acres within the application is intended to represent the entire 911.02 acres and not exclude an area representing the difference in acreages between the two sources.

[2] Sustainable Forests LLC is a subsidiary of International Paper Company

[3] Sections of these two parcels were sold back to Griffin in November / December of 2011. Acreage shown is after property sales were finalized.

[4] Parcel 53-01-082A was combined with this parcel as part of the deed.

SIGNATURE PAGE

Applicant: Economic Development Authority of Isle of Wight County, Virginia
Printed or Typed Name

Applicant: Kristi R Sutphin Date: 9/12/24
Signature - Secretary-Treasurer

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Gloria Banks Spratley
A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia, this 12TH day of September, 2024.

Gloria Banks Spratley
Notary Public

GLORIA BANKS SPRATLEY NOTARY PUBLIC REG # 7543850 MY COMMISSION EXPIRES 6/30/2025 COMMONWEALTH OF VIRGINIA

My Commission Expires June 30, 2025

Owner: Economic Development Authority of Isle of Wight County, Virginia
Printed or Typed Name

Owner: Kristi R Sutphin Date: 9/12/24
Signature – Secretary-Treasurer

Commonwealth of Virginia
County of Isle of Wight

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A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia, this 12TH day of September, 2024.

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Notary Public

GLORIA BANKS SPRATLEY NOTARY PUBLIC REG # 7543850 MY COMMISSION EXPIRES 6/30/2025 COMMONWEALTH OF VIRGINIA

My Commission Expires June 30, 2025

Real Estate

View Bill

As of	7/22/2024
Bill Year	2023
Bill	9696
Owner	INDUSTRIAL DEV AUTH OF ISLE OF WIGHT
Parcel ID	53-01-081

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	12/5/2023	$0.00	$0.00	$0.00	$0.00	$0.00
2	6/5/2024	$0.00	$0.00	$0.00	$0.00	$0.00
TOTAL		$0.00	$0.00	$0.00	$0.00	$0.00

ISLE OF WIGHT COUNTY

Real Estate

View Bill

As of	7/22/2024
Bill Year	2023
Bill	9700
Owner	INDUSTRIAL DEV AUTHORITY OF ISLE OF
Parcel ID	53-01-080B

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	12/5/2023	$0.00	$0.00	$0.00	$0.00	$0.00
2	6/5/2024	$0.00	$0.00	$0.00	$0.00	$0.00
TOTAL		$0.00	$0.00	$0.00	$0.00	$0.00

ISLE OF WIGHT COUNTY

Real Estate

View Bill

As of	7/22/2024
Bill Year	2023
Bill	9703
Owner	INDUSTRIAL DEV AUTHORITY OF ISLE OF
Parcel ID	54-01-070A

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	12/5/2023	$0.00	$0.00	$0.00	$0.00	$0.00
2	6/5/2024	$0.00	$0.00	$0.00	$0.00	$0.00
TOTAL		$0.00	$0.00	$0.00	$0.00	$0.00

ISLE OF WIGHT COUNTY

Real Estate

View Bill

As of	7/22/2024
Bill Year	2023
Bill	9706
Owner	INDUSTRIAL DEV AUTHORITY OF ISLE OF
Parcel ID	60-01-045

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	12/5/2023	$0.00	$0.00	$0.00	$0.00	$0.00
2	6/5/2024	$0.00	$0.00	$0.00	$0.00	$0.00
TOTAL		$0.00	$0.00	$0.00	$0.00	$0.00

From: Randy Keaton
To: Kristi Sutphin
Subject: RE: Fee Wavier Request
Date: Thursday, August 8, 2024 1:41:39 PM
Attachments: image002.png

Approved.

Randy

From: Kristi Sutphin <ksutphin@isleofwightus.net>
Sent: Thursday, August 8, 2024 12:25 PM
To: Randy Keaton <rkeaton@isleofwightus.net>
Subject: Fee Wavier Request

Randy,

I am working on the application for the proffer amendment for Shirley T. Holland Phase III to remove the outdated signage requirements and would like to request that you waive the application fee.

Thank you,

Kristi R. Sutphin

Director
Department of Economic Development
Isle of Wight County, VA
ksutphin@iwus.net | www.insidetheisle.com
P: 757.365.6249 **C:** 757.274.7245

Narrative Description of Property

The subject property is located in Isle of Wight County, Virginia, and today consists of four parcels totaling approximately 893.035 acres. An additional parcel of 79.56 acres, which was not part of the 2013 rezoning, is located within the Town of Windsor limits. The subject property is located on the south boundary of the Town of Windsor and is situated between Walters Highway (U.S. Route 258) on its western boundary and Buckhorn Drive (State Route 610) on its eastern boundary. The southern boundary closely parallels Sunset Drive, separated by other rural parcels between its southern boundary and Sunset Drive.

A substantial section of the property, approximately 525 acres, was formerly known as the International Paper Property by virtue of its deeded ownership to Sustainable Forests LLC, a real estate holding subsidiary of International Paper. Isle of Wight County purchased the International Paper Property in August 2007. This property is also known today by the following Isle of Wight Tax Parcel Identification Number: 60-01-045.

Other sections of the property include approximately 231 acres formerly owned by the Griffin family, approximately 134 acres formerly owned by the Eure family, and approximately 5 acres formerly owned by the Whitley family.

The other properties were purchased in late 2008 through 2011. The Whitley Properties had the following Isle of Wight Tax Parcel Identification Numbers: 53-01-080A, 53-01-080B and 53-01-080C. In addition, parcel 60-01-003 comprising 19.4 acres was also purchased from the Whitley family but was not included in the 2013 rezoning application. The Eure Property has a tax parcel number of 53-01-081. In 2023, Whitley Tax Parcels 53-01-080A and 53-01-080C were consolidated with Eure Tax Parcel 53-01-081 in anticipation of a property sale to a developer. The Griffin property originally had two tax parcel numbers: 53-01-082A and 54-01-070A but were combined into 54-01-070A as part of a deed transfer. Although the original Griffin property totaled 263 acres, sections of the original Griffin and International Paper properties were transferred to the Griffins as part of a deed transfer, resulting in the final acreages described previously.

The site is mostly undeveloped. Prior usage of the International Paper site was for timber farming. Some portions of the property have been timbered, and some portions are still wooded. The Griffin, Eure and Whitley properties were used as a mix of farmland and wooded areas, with housing on the former Whitley Property, consisting of less than one acre. Farming continues on portions of the Griffin and Eure properties.

The property is located adjacent to a 4.88-acre parcel (parcel 60-01-045A) owned by the City of Virginia Beach for the Gaston water pipeline that enters the property from the west. An easement runs across the property for an underground natural gas high-pressure transmission as well. The City of Norfolk also owns a 0.9-acre property (parcel 53-01-082) that is enclosed by the subject property to maintain a pump station for the Gaston pipeline.

Access to the property is provided from Walters Highway (U.S. Route 258) at a point approximately one mile south of its intersection with Windsor Boulevard (U.S. Route 460) and along Buckhorn Drive (State Route 610). Approximately 5,400 feet of road frontage exists along Walters Highway (U.S. Route 258), and approximately 8,400 feet of total frontage exists along Buckhorn Drive (State Route 610). There is an unpaved road that provides access through the property in the mostly east-west direction. Logging roads provide some additional access to interior portions of the property as well.

COUNTY OF ISLE OF WIGHT
AMENDED PROFFER STATEMENT

Applicant's name(s): Economic Development Authority of Isle of Wight County

Owner's name(s): Economic Development Authority of Isle of Wight County

Project name: Shirley T. Holland Intermodal Park, Phase III

Date: ~~January 18, 2023~~ September 19, 2024

~~**Parcel Tax Map Numbers and deed book reference**: See Table Following Proffer Statement~~

These amended proffers are made as of the ~~18th~~ ____ of ~~January~~September, ~~2023~~2024, by the Economic Development Authority of Isle of Wight County (collectively "Owner"), of Tax Map Numbers ~~53-01-080A~~, 53-01-080B, ~~53-01-080C~~, 53-01-081, 54-01-070A, and 60-01-045, ~~61-01-002,~~ containing approximately ~~889.57~~ 893.035 acres of land which is referred to herein as the "Property". Isle of Wight County approved a change in the zoning of the Property from Rural Agriculture Conservation (RAC), to Conditional - Limited Industrial (C-LI) in 2013. The rezoning application was associated with a larger effort to rezone approximately 969.13 acres, of which the above ~~889.57~~ 893.035 acres is a part of and of which the remaining 79.56 acres (Tax Map Number 53-01-082B) is located within the Windsor Town Limits. The rezoning application was for the purposes of developing an industrial park heretofore known as the Shirley T. Holland Intermodal Park, Phase III. Owner voluntarily proffers that the development of the Property proposed for rezoning under this application shall be in strict accordance with the conditions set forth below.

These proffered conditions ("Proffers") are the only conditions offered on this rezoning, and any prior proffered conditions on the Property are hereby superseded by these proffers and any and all previous proffers on the Property are hereby void and of no further force and effect.

All improvements, land, easements, dedications, gifts, proffers and other conveyances to the County shall be in fee simple, without cloud of title or encumbrance of any kind.

I. Development of the Property

1. Development of the Property associated with this rezoning application shall be generally consistent as determined by the reviewing authority with the Conceptual Master Plan prepared by Moffatt & Nichol dated December 2012, as determined during preliminary and final site plan approval and/or preliminary and final subdivision construction plan approval. The Owner reserves the right to subsequently modify the Master Plan subject to the following provisions, as determined by the reviewing authority:

    i. Proposed modifications adhere to the restrictions listed in the Land Use section below.
    ii. Impacts of the proposed modifications are documented and are not more adverse than those presented in the Environmental Assessment included within the rezoning application for the Conceptual Master Plan, unless accompanied by mitigation measures subject to approval by both the County and / or the Town of Windsor (as

applicable).

iii. The proposed modifications remain consistent and in accordance with all other provisions of this Proffer Statement.

iv. The proposed modifications are approved in writing by both the County and Town of Windsor prior to any preliminary site plan review.

~~2. All buildings shall be in accordance with the design criteria as follows:~~

~~No company signs shall be allowed on the rear of buildings facing Buckhorn Drive. or on the rear of other buildings with visibility from Buckhorn Drive. (other than markers for businesses/addresses on rear doors and similar directional signage). No signage shall be located on the face of the building facing Buckhorn Drive, unless a principal customer entrance is located on such face. The only signs allowed along Buckhorn Drive. shall be the "Shirley T. Holland Intermodal Park" entrance signs.~~

~~No company signs shall be allowed on US Route 258 frontage. No signs shall be allowed on the rear of buildings facing US Route 258 or on the rear of other buildings with visibility from US Route 258 (other than markers for businesses/addresses on rear doors and similar directional signage). The only signs allowed along US Route 258 shall be the "Shirley T. Holland Intermodal Park" entrance signs.~~

~~3.~~2. The total impervious footprint (buildings, paved parking lots, roadways) shall not exceed 60% of the total subject property area.

II. Land Use

1. The Property shall be used as permitted under the Conditional - Limited Industrial zoning designation and more specifically for the following uses:

   a. Custom manufacturing
   b. Industry, Type I
   c. Warehousing and distribution
   d. Industry, Type II
   e. Reconstructed Wetland

2. The following uses shall be expressly prohibited on the Property:
   a. Agricultural Uses
      i. Fertilizer Storage
      ii. Assembly and Repair of Storage Equipment
      iii. Forestry, Silvicultural
      iv. Agricultural Farming Operation
      v. Timbering
      vi. Sawmill
   b. Civic Uses
      i. Adult Care Center
   c. Commercial Uses
      i. Adult Entertainment Establishment
      ii. Laundry
      iii. Lawn and Garden Services
      iv. Mini Warehouse

v. Motor Vehicle Repair Service/Major

d. Industrial Uses
   i. Construction Yard
   ii. Convenience Center
   iii. Meat Packing
   iv. Recycling Center
   v. Abattoir or Livestock Processing
   vi. Asphalt Plant
   vii. Industry, Type III
   viii. Landfill, Industrial
   ix. Landfill, Rubble
   x. Transfer Station
   xi. Resource Extraction
   xii. Scrap and Salvage Service
   xiii. Petroleum Storage for resale purposes
   xiv. Manufacture or production of aluminum
   xv. Sand, gravel, or brick operations

e. Miscellaneous Uses
   i. Aviation Facility, General

III. Environmental Protection

1. The Property shall meet or exceed all applicable federal and state regulations pertaining to environmental protection.

2. Prior to development, the Owner shall survey the property for endangered or threatened species. The Owner shall take action to avoid or mitigate impact to any endangered or threatened species and their habitats observed during this survey, as approved by the Department of Conservation and Recreation and/or the Army Corps of Engineers.

3. Low Impact Development (LID) measures, such as permeable pavement/pavers/rain gardens, bio-retention filters, and/or rainwater harvesting shall be the preferred stormwater management techniques unless the Owner demonstrates such measures are inappropriate for site conditions, infeasible or economically impractical. These LID measures serve as enhanced stormwater techniques appropriate for increasing opportunity through development for providing groundwater recharge to the degree feasible as agreed upon by the Owner and Isle of Wight County.

4. Except where impacts to existing wetlands are noted on the Planned Setbacks figure by Moffatt & Nichol, dated December 2012, or future impacts are approved subject to other provisions, 100-ft buffers of natural vegetation shall be maintained around existing wetlands and streams.

5. The approximately 26-acre tract of the former Eure property that was not initially analyzed in the Environmental Assessment (See Section 12) shall be reanalyzed if any development is to occur on this 26-acre tract.

6. An update to the Phase 1 Environmental Site Assessment shall be completed 6 months prior to construction activities to confirm that there have been no changes to site conditions. Construction activities include any site disturbing activities over 2,500 square feet.

IV. Archaeology

A Phase I Archaeological Study for each building site shall be submitted to the Zoning Administrator for their review and approval prior to final site plan approval. A treatment plan shall be submitted to, and approved by, the Zoning Administrator for all sites in the Phase I study that are recommended for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Zoning Administrator and a treatment plan for said sites shall be submitted to, and approved by, the Zoning Administrator for sites that are determined to be eligible for inclusion on the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Zoning Administrator prior to land disturbance within the study area. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site and shall be adhered to during the clearing, grading and construction activities thereon.

V. Transportation

Each development exceeding 250,000 square feet shall submit a traffic impact analysis as part of the construction permitting and approval process. Traffic impact analysis submitted will be reviewed by the County and the Town of Windsor.

The primary access to the site for ingress and egress will be via a Park entrance at US Route. 258. The owner will construct the entrance at US Route 258 before all others. Details of this entrance are described in the improvements below.

The Owner, at its sole cost and expense, shall cause to be constructed the following transportation improvements in accordance with the recommended improvements contained in the Traffic Impact Analysis for Shirley T. Holland Intermodal Park Phase III dated July 2012:

Total Developed S.F.	Improvement
500,000	Intersection Improvements at US Route 258 and Park Entrance Intersection, including turn lanes described below: a) 200' right turn lane with 200' taper on northbound US Route 258 b) 300' left turn lane with 200' taper on southbound US Route 258 c) 200' left turn lane with 200' taper existing the site at US Route 258 d) Construct two lanes of the STHIP Phase III site road on the four-lane right-of-way from US Route 258 to access buildings 1,2, & 3.

2,500,000 Second Entrance to park along Buckhorn Drive, including the improvements described below:

a) 200’ right turn taper on southbound Buckhorn Drive
b) Construct the two-lane spine road that connects US Route 258 with Buckhorn Drive
c) At the intersection of the access road and the spine road, install a 125’ left turn lane with a 200’ taper on the spine road eastbound
d) At the intersection of the access road and the spine road, install a 100’ left turn lane with a 100’ taper on the access road southbound

VI. Easements, Rights-of-Way and Buffers

1. The Owner shall observe existing easements and right-of-ways on the subject property unless modifications are agreed to in writing by the holder of the respective easements and right-of-ways.

2. The Owner shall provide a 30’ wide easement to the City of Norfolk as agreed for by the Owner and The City of Norfolk for the future reconstruction of the segment of the “Portsmouth Branch” water pipeline within the property in exchange for the abandonment of the existing easement (City of Norfolk 30’ Aqueduct Easement, D.B. 367, PG. 393).

3. The Owner shall provide access easements to all existing and future utility services for maintenance of facilities located within the property as agreed upon with the respective service providers.

4. The Owner shall provide access to the Griffin Properties retained by the Griffin families in the purchase agreement dated December 5, 2011.

VII. General

1. Successors and Assigns - This Proffer Statement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns. Any obligation(s) of Owner hereunder shall be binding upon and enforceable against any subsequent owner or owners of the Property or any portion thereof.

2. Severability - In the event that any clause, sentence, paragraph, subparagraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall he confined in its operation to the clause, sentence, paragraph, subparagraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, subparagraph, section or provision hereof.

3. Void if Application is not approved - In the event that the Application is not approved by the County, these Proffers shall be null and void.

Table of Parcel Tax Map Numbers and Deed Book Locations

Tax Parcel	Owner	Previous Owner	Parcel Size[1] (Acres)	Deed Book & Page
53-01-080A	Ind. Dev. Authority IOW	Whitley	0.425	DB 179 Pg. 117
53-01-080B	Ind. Dev. Authority IOW	Whitley	0.446	DB 229 Pg. 246
53-01-080C	Ind. Dev. Authority IOW	Whitley	3.516	DB 229 Pg. 246
53-01-081	Ind. Dev. Authority IOW	Eure	134.411	DB-229 Pg. 248
54-01-070A[3,4]	Ind. Dev. Authority IOW	Griffin	231.019	Inst. # 110004903
60-01-045	Ind. Dev. Authority IOW	Sustainable Forests LLC[2]	439.323	DB-85 Pg. 568 DB-105 Pg. 556 DB-138 Pg. 469
61-01-002[3]	Ind. Dev. Authority IOW	Sustainable Forests LLC[2]	80.426	DB-162 Pg. 469

[1] Parcel acreages totaling 898.81 acres were initially identified by the Virginia Mass Appraisal Network (VaMaNet) service, which is linked through the Isle of Wight County GIS mapping tools (VaMaNet acreages were used due to the inconsistencies of prevision and/or available acreage data contained within the actual deeds). Subsequent boundary surveys of subject properties indicate the total size of the parcels to be rezoned by the County is 911.02 acres, which is reflected in the table above. The 911.02 acres will be referenced throughout the zoning application except where appropriate to reference the acreages from VaMaNet. Unless noted otherwise, any reference to the 898.81 acres within the application is intended to represent the entire 911.02 acres and not exclude an area representing the difference in acreages between the two sources.

[2] Sustainable Forests LLC is a subsidiary of International Paper Company

[3] Sections of these two parcels were sold back to Griffin in November / December of 2011. Acreage shown is after property sales were finalized.

[4] Parcel 53-01-082A was combined with this parcel as part of the deed.

SIGNATURE PAGE

Applicant: Economic Development Authority of Isle of Wight County, Virginia
Printed or Typed Name

Applicant: _____ Date:_____
Signature - ~~Chairman~~
Secretary-Treasurer

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me _____,
A Notary Public in and for the County of Isle of Wight, Commonwealth

of Virginia, this _____ day of _____, 20_____.

_____

Notary Public

My Commission Expires _____

Owner: Economic Development Authority of Isle of Wight County, Virginia
Printed or Typed Name

Owner: _____ Date: _____
Signature – ~~Chairman~~Secretary-Treasurer

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me _____,
A Notary Public in and for the County of Isle of Wight, Commonwealth

of Virginia, this _____ day of _____, 20_____.

_____

Notary Public

My Commission Expires _____

ISSUE:

Motion to Designate the County's Voting Delegate and Alternate Delegate Authorized to Vote at the VACo Annual Business Meeting

BACKGROUND:

The 2024 Annual Business Meeting of the Virginia Association of Counties (VACo) will be held at 10:00 a.m. on November 12, 2024 at the Omni Homestead in Bath County, Virginia. In order to vote, a County must have paid its membership dues in full, and must submit a completed Voting Credentials Form or a Proxy Statement to VACo by October 18, 2024.

BUDGETARY IMPACT:

None

RECOMMENDATION:

Adopt a motion to designate the County's Voting Delegate and Alternate Delegate authorized to vote at the VACo Annual Business Meeting.

ATTACHMENTS:

Description	Type	Upload Date
Correspondence from VACo	Backup Material	10/1/2024
Voting Credentials Form	Backup Material	10/1/2024

Virginia Association of Counties

Connecting County Governments since 1934

President
Ann H. Mallek
Albemarle County

President-Elect
Ruth Larson
James City County

First Vice President
William M. McCarty
Isle of Wight County

Second Vice President
Victor S. Angry
Prince William County

Secretary-Treasurer
Donald L. Hart, Jr.
Accomack County

Immediate Past President
Jason D. Bellows
Lancaster County

Executive Director
Dean A. Lynch, CAE

General Counsel
Phyllis A. Errico, Esq., CAE

Date: September 26, 2024

To: Chairs, County Board of Supervisors
County Administrators

From: Dean Lynch, CAE
VACo Executive Director

Subject: Voting Credentials for the 2024 VACo Annual Business Meeting

The 2024 Annual Business Meeting of the Virginia Association of Counties will be held on Tuesday, November 12, 2024 at the Omni Homestead Resort (Bath County, VA), beginning at 10 am.

Article VI, VACo Bylaws, states that each county shall designate a representative of its board of supervisors to cast its vote(s) at the Annual Business Meeting.

However, if a member of the board of supervisors cannot be present for this meeting, the Association's Bylaws allow a county to designate a non-elected official from your county or a member of a board of supervisors from another county to cast a proxy vote(s) for your county.

For your county to be certified to vote at the Annual Business Meeting, a completed Voting Credentials Form or Proxy Statement must be submitted to VACo by Friday, October 18, 2024. Completed forms can be emailed to finance@vaco.org or mailed to: VACo, 1207 E Main St. Suite 300, Richmond, VA 23219.

We look forward to your participation at the upcoming VACo Annual Conference, November 9-12, 2024!

1207 E. Main St., Suite 300
Richmond, Va. 23219-3627

Phone: 804.788.6652
Fax: 804.788.0083

Email: mail@vaco.org
Website: www.vaco.org

VACo 2024 Annual Meeting

Voting Credentials Form

Please return completed form to: finance@vaco.org
by Friday, October 18, 2024

Voting Delegate:
(Supervisor) Name:_____

Title:_____

Locality:_____

Alternate Delegate:
(Supervisor) Name:_____

Title:_____

Locality:_____

Verified by:
(County Administrator or Clerk of the Board)
Name:_____

Title:_____

Locality:_____

VACo 2024 Annual Meeting
Proxy Statement Form

_____ County authorizes the following person to cast its votes at the 2024 Annual Meeting of the Virginia Association of Counties on November 12, 2024.

_____, a non-elected official of this county.
-OR-
_____, a supervisor from _____ County.

This authorization is:
☐ Uninstructed. The proxy may use their own discretion to cast _____ County's votes on any issue to come before the annual meeting.

☐ Instructed. The proxy is limited in how they may cast _____ County's votes. The issues on which they may cast those votes and specific voting instructions are attached to this form.
(List issues and specific instructions on a separate sheet and include with this form.)

Authorized by:
Name:_____

Title:_____

Locality:_____