Agenda
Board of Supervisors
Isle of Wight County
June 15, 2023

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 - Chairman William M. McCarty, Sr.
6. Citizens' Comments
7. Consent Agenda
   A. Budget Amendment - Federal Asset Forfeiture

      Resolution to Amend the Grant Fund Budget and Appropriate Funding for the Sheriff's Federal Asset Forfeiture ($19,023)
   B. Budget Amendment - Lawnes Point on the James

      Resolution to Amend the Budget and Appropriate the Lawnes Point on the James Subdivision Settlement ($781,259)
   C. Budget Amendment - Schools Budget Realignment

      Resolution to Amend and Realign the FY2022-2023 Schools Categorical Budget
   D. Budget Amendment - Schools Donation

      Resolution to Amend the Budget and Appropriate Bayer Fund Donation to the County Schools' Instructional Category for FY2022-2023 ($5,000)
   E. Budget Amendment - Schools Instructional Funds

      Resolution to Amend the Budget and Appropriate Grant

Funds to the County Schools Instructional Budget Category for FY2022-2023 ($186,912)

F. Street Acceptance - Benns Grant Subdivision

Request for the Virginia Department of Transportation to Accept Certain Streets of the Benn's Grant Subdivision into the Secondary System of State Highways

G. Minutes

- April 6, 2023 Work Session Minutes
- April 13, 2023 Work Session Minutes
- April 27, 2023 Budget Work Session Minutes

8. Regional and Inter-Governmental Reports

A. Regional Reports

9. Appointments

A. Appointments List

10. Special Presentations / Appearances

A. Dominion Smart Meter Program

Dominion Energy Presentation

11. County Attorney's Report

12. Public Hearings

A. VDOT FY 2024-2029 Secondary Six Year Improvement Plan

Resolution to Approve the VDOT FY2024-2029 Secondary Six Year Improvement Plan.

B. ZA-1-23 3Bs Land LLC Rezoning Request

Application (ZA-1-23) of 3Bs LLC, Property Owner, and Steven J. and Kristen M. Lander, Applicants, for a Change in Zoning Classification of 1.98 Acres from Rural Agricultural Conservation (RAC) to Conditional-Suburban Residential (C-

SR) to Create One Lot for Single Family Residential Use

C. CBPA-2-23 Chesapeake Bay Preservation Area Exception for Gayle

   Application (CBPA-2-23) of Michael and Katherine Gayle for a Chesapeake Bay Preservation Area (CBPA) Ordinance Exception for an After-the-Fact Approval of a Platform to Store Small Boats and Equipment with a Seating Area in the Fifty-Foot Seaward Section of the Resource Protection Area (RPA) Buffer at 1 Eagle Nest Lane

D. SUB-29-23 Butler's Point Section Two - Recreation Lot Vacation

   Application (SUB-29-23) of James M. Ensley, Property Owner, to Vacate the "Dedicated Recreation Area" of Butler's Point Section Two to Allow Single Family Residential Use of the Parcel

E. CUP-1-23 Hampton Roads Classical, Inc. Conditional Use Permit Application and Extinguish CUP-4-21 and CUP-9-21

   Application (CUP-1-23) of Hampton Roads Classical, Inc., Applicant, Represented by P. A. Gist, President, and Benns Saint Luke, LLC, Property Owner, Represented by Vincent C. Carollo, Principal, for a Conditional Use Permit for a Primary and Secondary Educational Facility in Two Existing Buildings and a Request by the Property Owner to Extinguish an Active Conditional Use Permit for Kids Come First Daycare and a Conditional Use Permit for Smithfield Sports Complex on the Same Parcel Located at 14353 Benns Church Boulevard

F. Proposed Subdivision Ordinance Revisions

   Proposed Revisions to Article 5, "Development Standards," of the Isle of Wight County Subdivision Ordinance

G. Prairie Solar, LLC Siting Agreement

   Consideration of a Siting Agreement for the Prairie Solar, LLC Project

13. County Administrator's Report

    A. Bradby Park/Tyler's Beach Update

       Staff Report - Bradby Park/Tyler's Beach Update

    B. Carrollton VFD/Rushmere VFD Updates

       Staff Update of Carrollton VFD and Rushmere VFD

    C. Board of Supervisors' Retreat

       Discussion of Holding a Strategic Planning Retreat/Tour

    D. Matters for the Board's Information

14. Unfinished / Old Business

    A. True Blue Solutions

       Follow-up Information Regarding True Blue School Zone Speed Enforcement

    B. Smithfield Water Agreement

       Water Agreement with the Town of Smithfield

    C. CUP-7-22 Prairie Solar, LLC Conditional Use Permit Application and Agricultural & Forestal District Withdrawal Request (Longview A/F District)

       Application (CUP-7-22) of Prairie Solar, LLC, a Subsidiary of Energix, US, Applicant, and Everets Properties, Inc., Property Owner, for a Conditional Use Permit to Establish a Major Utility Service, Specifically a 20 MWac Utility-Scale Solar Facility, on 152 Acres Located at 19604 Longview Drive in the Rural Agricultural Conservation (RAC) Zoning District and a Request for Withdrawal of Approximately 103 Acres of Land Owned by Everets Properties, Inc., from the Longview Agricultural/Forestal District

    D. Camp Community College

       Discussion of County Lease with Camp Community College

15. New Business

A. EXC-6-23 Vance Subdivision Ordinance Waiver Request

Application (EXC-6-23) of Sandra and Douglas Vance, Owners, for a Waiver to Section 3.2.4.A.4 and Section 5.9.1.C of the Subdivision Ordinance to Allow a Family Member Subdivision on a Private Twenty Foot Ingress/Egress Easement Not Built to Public Standards Which Serves More Than Two Lots

B. EXC-7-23 Gibson Accessory Structure Height Exception

Application (EXC-7-23) of Philip H. Gibson, Jr., Property Owner, for a Height Exception to Section 5-2000.D.2. of the Zoning Ordinance for a Proposed Accessory Structure (Two-Story Garage), to be Located at 16055 Mill Swamp Road, Which Will Exceed the Maximum Height Permitted of 125% of the Single-Story Principal Structure by Three Feet

C. ZA-3-23 Riverside Hospital Conditional Zoning Amendment Request

Request of Riverside Smithfield Hospital, Property Owner, To Amend the Conditional Zoning for Property Located at 19339 Benns Church Boulevard in the Conditional-General Commercial (C-GC) Zoning District to Remove the Requirement to Construct the Northern Access Road

D. Joint Meeting with School Board

Discussion of a Joint Meeting with the School Board

16. Adjournment

ISSUE:

Resolution to Amend the Grant Fund Budget and Appropriate Funding for the Sheriff's Federal Asset Forfeiture ($19,023)

BACKGROUND:

The Isle of Wight County Sheriff's Office was awarded $19,023 in Federal Asset Forfeiture Funds as a result of a successful investigation and prosecution of a federal criminal case.

BUDGETARY IMPACT:

The Sheriff's Federal Asset Forfeiture account will be increased by $19,023. These funds are awarded as discretionary for the Sheriff.

RECOMMENDATION:

Adopt a resolution to amend the budget and appropriate federal asset forfeiture funds.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	6/13/2023

RESOLUTION TO AMEND THE FY 2022-23 GRANT FUND BUDGET AND APPROPRIATE FUNDS FROM THE DEPARTMENT OF HOMELAND SECURITY FOR FEDERAL ASSET FORFEITURE

WHEREAS, the County has been awarded funding from the Department of Homeland Security from the Federal Asset Forfeiture Program; and,

WHEREAS, the Board of Supervisors desires to amend the FY 2022-23 Grant Fund Budget and appropriate funds in the amount of $19,023 from the Department of Homeland Security for allowable expenditures by the Sheriff's Office.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Isle of Wight County, Virginia, that the FY 2022-23 Grant Fund Budget is hereby amended and funds appropriated in the amount of $19,023 for allowable expenditures by the Sheriff's Office.

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 15th day of June, 2023.

_____
William M. McCarty, Sr., Chairman

_____
Carey Mills Storm, Clerk

Approved as to Form:

_____
Robert W. Jones Jr., County Attorney

ISSUE:

Resolution to Amend the Budget and Appropriate the Lawnes Point on the James Subdivision Settlement ($781,259)

BACKGROUND:

The Lawnes Point on the James Homeowner's Association (HOA) and the subdivision developer reached a settlement in regard to completing the unaccepted residential roads in the subdivision. The County has received settlement funds on behalf of the HOA to assist in facilitating the roads being repaired and then accepted into the public system for maintenance by VDOT.

A project utilizing the settlement funds will be created in the County's capital budget for Lawnes Point reconstruction, and the County will collaborate with VDOT and the HOA, using existing County Indefinite Services contracts, to complete the project.

BUDGETARY IMPACT:

The Capital Fund Budget will increase by $781,259.

RECOMMENDATION:

Adopt a Resolution to amend the budget and appropriate the settlement funds.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	6/13/2023

RESOLUTION TO AMEND THE FY 2022-23 CAPITAL FUND BUDGET AND APPROPRIATE FUNDS FOR LAWNES POINT ON THE JAMES ROAD REPAIR

WHEREAS, the County has received settlement funds for Lawnes Point on the James road repairs; and,

WHEREAS, the Board of Supervisors desires to amend the FY 2022-23 Capital Fund Budget and appropriate funds in the amount of $781,259 from the bond settlement to prepare roads for Virginia Department of Transportation acceptance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Isle of Wight County, Virginia, that the FY 2022-23 Capital Fund Budget is hereby amended, and funds appropriated in the amount of $781,259 for road repairs.

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 15th day of June, 2023.

_____
William M. McCarty, Sr., Chairman

_____
Carey Mills Storm, Clerk

Approved as to Form:

_____
Robert W. Jones Jr., County Attorney

ISSUE:

Resolution to Amend and Realign the FY2022-2023 Schools Categorical Budget

BACKGROUND:

The Board has previously appropriated funding by category for the Isle of Wight County School Board for FY2022-2023. Based on the School's updated payroll projections and operational costs through the end of the fiscal year, the payroll and expenditure budgets for transportation need to be realigned for FY2022-2023 to ensure payroll and operational costs are within the authorized categorical limit.

BUDGETARY IMPACT:

None. The realignment does not change the overall appropriation to Schools.

RECOMMENDATION:

Adopt a resolution to amend and realign the FY2022-23 Schools Categorical Budget.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	6/14/2023

RESOLUTION TO AMEND AND REALIGN THE ISLE OF WIGHT COUNTY SCHOOL CATEGORICAL BUDGET FOR FY2022-2023

WHEREAS, the Board of Supervisors appropriated funding by category for the Isle of Wight County School Board for the 2022-2023 school year; and,

WHEREAS, the School Board has identified the need to realign the budget for transportation payroll and operating costs for FY2022-2023 based on updated end of the year payroll and operational estimates.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Isle of Wight Virginia that the FY2022-2023 Schools Budget be realigned categorically as listed below:

Category - Educational			
Categories	**2022-2023 Appropriation**	**Category Adjustment**	**2022-2023 Revised Appropriation**
Instruction	$ 50,903,729	$ (250,000)	$ 50,653,729
Administration, Attendance & Health	$ 3,202,863	$ (100,000)	$ 3,102,863
Pupil Transportation	$ 4,491,197	$ 450,000	$ 4,941,197
Operation & Maintenance	$ 6,618,041	$ (50,000)	$ 6,568,041
Debt & Fund Transfers	$ 446,977		$ 446,977
Technology	$ 2,329,885	$ (50,000)	$ 2,279,885
Total General Fund	$ 67,992,692		$ 67,992,692

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 15th day of June, 2023.

William M. McCarty, Sr., Chairman

Carey Mills Storm, Clerk

Approved as to Form:

_____

Robert W. Jones Jr., County Attorney

ISSUE:

Resolution to Amend the Budget and Appropriate Bayer Fund Donation to the County Schools' Instructional Category for FY2022-2023 ($5,000)

BACKGROUND:

In April 2023, Isle of Wight County Schools received approval of an America's Farm Grow Communities donation from the Bayer Fund in the amount of $5,000. The Board may wish to appropriate said donation the Instructional Category in the Schools' FY2022-2023 budget.

BUDGETARY IMPACT:

Approval will increase the Instructional Category in the Schools' FY2022-2023 budget by $5,000.

RECOMMENDATION:

Adopt a resolution to amend the budget and appropriate a Bayer Fund donation to the Instructional Category in the County Schools' FY2022-2023 budget.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	6/14/2023

RESOLUTION TO AMEND THE BUDGET AND APPROPRIATE BAYER FUND GRANT FUNDS TO THE COUNTY SCHOOLS INSTRUCTIONAL BUDGET CATEGORY FOR FY2022-2023

WHEREAS, the Board of Supervisors appropriated funding by category for the Isle of Wight County School Board for the 2022-2023 school year; and,

WHEREAS, the Bayer Fund approved an America's Farmer Grow Communities donation in the amount of $5,000 to the Isle of Wight County Schools; and,

WHEREAS, funding in the amount of $5,000 needs to be appropriated to the Instructional Category in the FY2023-2023 Schools Budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Isle of Wight Virginia that the FY2022-2023 Budget be amended, and funds appropriated in the amount of $5,000 to the Instructional Category in the FY2023-2023 Schools Budget.

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 15th day of June, 2023.

_____
William M. McCarty, Sr., Chairman

_____
Carey Mills Storm, Clerk

Approved as to Form:

_____
Robert W. Jones Jr., County Attorney

ISSUE:

Resolution to Amend the Budget and Appropriate Grant Funds to the County Schools Instructional Budget Category for FY2022-2023 ($186,912)

BACKGROUND:

On July 29, 2022, the Commonwealth of Virginia approved the FY2022-2023 Title IV, Part A, allocation in the amount of $61,401. Isle of Wight County Schools originally budgeted $47,980. An increase in the amount of $13,421 is needed to match the grant allocation.

On September 23, 2022, the Commonwealth of Virginia approved the FY2022-2023 Title I, Part A and Part D, Subpart 2 allocation in the amount of $931,893. County Schools originally budgeted $758,560. An increase in the amount of $173,333 is needed to match the grant allocation.

Additionally, on March 24, 2023, the Commonwealth of Virginia approved the FY2022-2023 Title III Language Acquisition revised allocation in the amount of $4,788. County Schools originally budgeted and received $4,630. An increase in the amount of $158 is needed to match the grant allocation.

BUDGETARY IMPACT:

Approval of this request will increase the appropriation to the Instructional Category in the School's budget by $186,912.

RECOMMENDATION:

Adopt a resolution to amend the budget and appropriate funds to the Instructional Category in the Schools FY2022-2023 budget.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	6/14/2023

RESOLUTION TO AMEND THE BUDGET AND APPROPRIATE GRANT FUNDS TO THE COUNTY SCHOOLS INSTRUCTIONAL BUDGET CATEGORY FOR FY2022-2023

WHEREAS, the Board of Supervisors appropriated funding by category for the Isle of Wight County School Board for the 2022-2023 school year; and,

WHEREAS, the Commonwealth of Virginia revised Title I, Part A, and Title I, Part D, Subpart 2 2022-2023; Title IV, Part A 2022-2023; and Title III 2022-2023 allocations; and,

WHEREAS, the School Board has received additional State funding in the amount of $186,912 for FY2022-2023.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Isle of Wight Virginia that the FY2022-2023 Schools Budget be amended, and funds appropriated to the Instructional Category as listed below:

Category - Educational			
Grants Fund	**2022-2023 Appropriation**	**Change in Appropriation**	**2022-2023 Revised Appropriation**
Title IV Part A	$ 47,980	$ 13,421	$ 61,401
Title I	$ 758,560	$ 173,333	$ 931,893
Title III	$ 4,630	$ 158	$ 4,788
Total General Fund	$ 811,170	$ 186,912	$ 998,082

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 15th day of June, 2023.

_____

William M. McCarty, Sr., Chairman

_____

Carey Mills Storm, Clerk

Approved as to Form:

_____

Robert W. Jones Jr., County Attorney

ISSUE:

Request for the Virginia Department of Transportation to Accept Certain Streets of the Benn's Grant Subdivision into the Secondary System of State Highways

BACKGROUND:

The following new street has met the public service criteria of the Subdivision Street Requirements and is ready to be accepted into the Secondary System of State Highways with concurrence from the Isle of Wight County Planning Department and VDOT:

• **Sycamore Walk** (Route 1077) from (Route 1071) Turner Landing Way to (Route 1074) Cedar Crest Drive 0.14 miles.

BUDGETARY IMPACT:

None. Streets will be maintained by VDOT once accepted.

RECOMMENDATION:

Adopt the Resolution to request the Virginia Department of Transportation to add and maintain the new segment(s) identified on the attached AM 4.3 Form as part of the Secondary System of State Highway.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	6/7/2023
Form AM 4.3	Backup Material	6/7/2023
Subdivision Sketch	Backup Material	6/7/2023

RESOLUTION OF THE BOARD OF SUPERVISORS OF ISLE OF WIGHT COUNTY VIRGINIA, REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE CERTAIN STREETS IN THE SYSTEM OF STATE HIGHWAYS

WHEREAS, street construction in the Benn's Grant Subdivision, Phase 10B-3 has been completed; and,

WHEREAS, the streets of Benn's Grant Subdivision, Phase 10B-3 meet the public service criteria of the Subdivision Street Requirements; and,

WHEREAS, the development sketch and VDOT Form AM 4.3, attached and incorporated herein as part of this resolution, define additions required in the Secondary System of State Highways as a result of construction; and,

WHEREAS, certain segments identified on the incorporated Form AM 4.3 are ready to be accepted into the Secondary System of State Highways.

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Isle of Wight County, Virginia requests the Virginia Department of Transportation to add the segments identified on the incorporated Form AM 4.3 to the Secondary System of State Highway, pursuant to Section 33.2-705 of the Code of Virginia, for which segments the Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Virginia Department of Transportation.

Adopted this 15th day of June 2023.

_____
William M. McCarty, Chairman

_____
Carey Mills Storm, Clerk

Approved as to Form:

_____
Robert W. Jones, Jr., County Attorney

Form AM 4.3
(Rev 05/24/2023)

ICR ID: 39015520
SSAR

VDOT **COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION**
Form AM 4.3

In Isle of Wight County

by Resolution of the governing body adopted 6/15/2023

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes to the secondary system of state highways.

A Copy Testee Signed (County Official):_____

Report of Changes in the Secondary System of State Highways

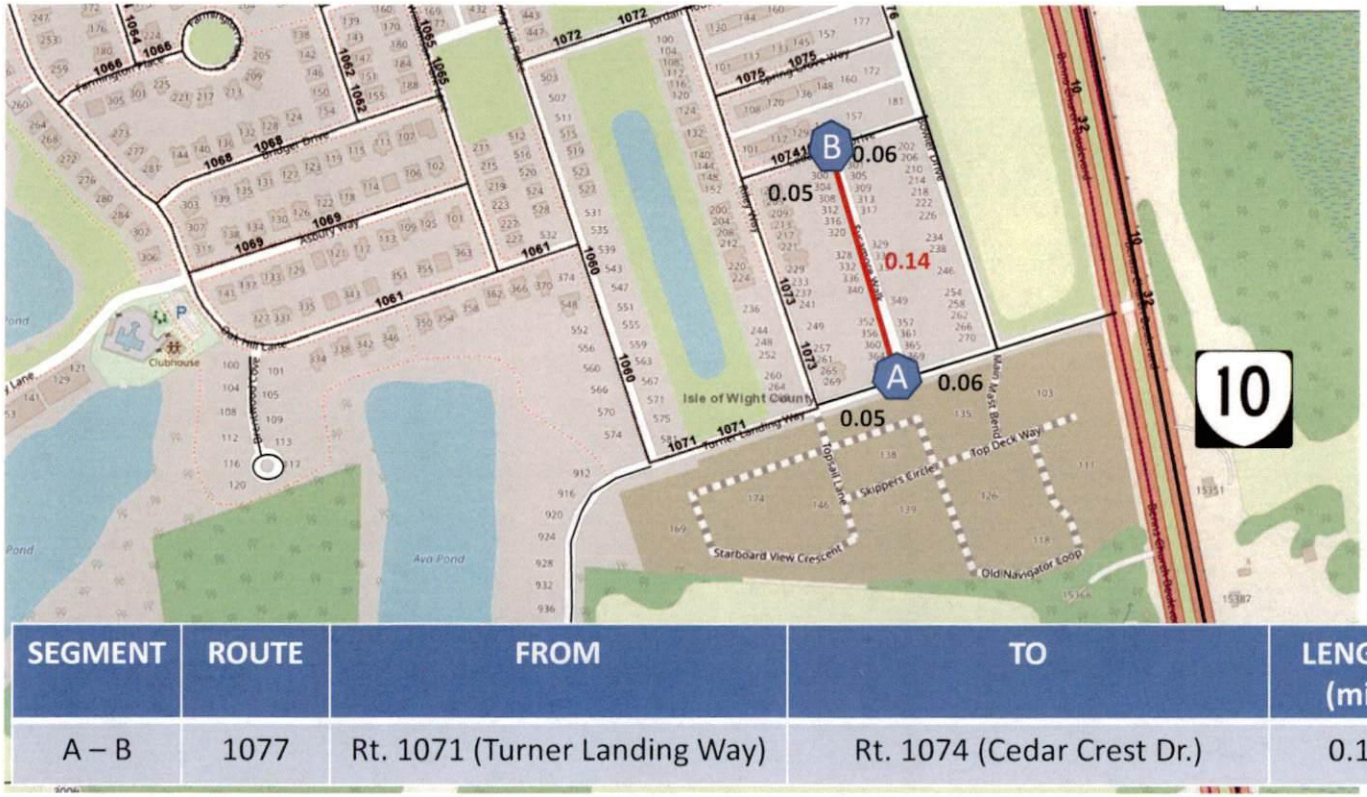
Project/Subdivision: **046 Benn's Grant Phase 10B-3**

CHANGE TYPE	RTE NUM & STREET NAME	CHANGE DESCRIPTION	FROM TERMINI	TO TERMINI	LENGTH	NUMBER OF LANES	RECORDATION REFERENCE	ROW WIDTH
Addition	Rt. 1077 - Sycamore Walk	New subdivision street §33.2-705	Rt. 1071 (Turner Landing Way)	Rt. 1074 (Cedar Crest Dr.)	0.14	2	Instrument #220001108	50

046 Benn's Grant Phase 10B-3– SSAR Street Acceptance

ICR: 39015520 – Isle of Wight County

Route 1077 – Sycamore Walk



SEGMENT	ROUTE	FROM	TO	LENGTH (mi.)	ACTION
A – B	1077	Rt. 1071 (Turner Landing Way)	Rt. 1074 (Cedar Crest Dr.)	0.14	§ 33.2-705 -Addition

ISSUE:

- April 6, 2023 Work Session Minutes
- April 13, 2023 Work Session Minutes
- April 27, 2023 Budget Work Session Minutes

BACKGROUND:

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

BUDGETARY IMPACT:

None

RECOMMENDATION:

Adopt the following sets of minutes:

- April 6, 2023 Work Session Minutes
- April 13, 2023 Work Session Minutes
- April 27, 2023 Budget Work Session Minutes

ATTACHMENTS:

Description	Type	Upload Date
April 6, 2023 Work Session Minutes	Cover Memo	5/25/2023
April 13, 2023 Work Session Minutes	Cover Memo	5/25/2023
April 27, 2023 Budget Work Session	Cover Memo	6/9/2023

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 SIXTH DAY OF APRIL IN THE YEAR TWO THOUSAND AND TWENTY-THREE

BOARD MEMBERS PRESENT:

William M. McCarty, District 2, Chairman
Joel C. Acree, District 4, Vice-Chairman
Richard L. Grice, District 1
Don G. Rosie, II, District 5
Rudolph Jefferson, District 3

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

INVOCATION

Supervisor Rosie delivered the invocation and led the Pledge of Allegiance.

APPROVAL OF AGENDA

Supervisor Rosie moved that discussions regarding an Energy Task Force and Dominion Energy be added to the agenda. The motion was adopted unanimously (5-0) with Supervisors McCarty, Acree, Rosie, Grice and Jefferson voting in favor of the motion and no Supervisor voting against the motion.

//

Dispatchers from the Isle of Wight Sheriff's office were recognized followed by a motion by Supervisor Grice that the following Resolution be adopted:

RESOLUTION TO DESIGNATE THE WEEK OF
APRIL 9-15, 2023 AS NATIONAL PUBLIC SAFETY
TELECOMMUNICATORS WEEK

WHEREAS, emergencies can occur at any time that require police, fire or emergency medical services; and,

WHEREAS, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and,

WHEREAS, the safety of our officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Isle of Wight County emergency communications center; and,

WHEREAS, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and,

WHEREAS, Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and ensuring their safety; and,

WHEREAS, Public Safety Telecommunicators of the Isle of Wight County Emergency Communications Center have contributed to the apprehension of criminals, suppression of fires and treatment of patients; and,

WHEREAS, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Isle of Wight, Virginia that the week of April 9-15, 2023 be designated as National Public Safety Telecommunicators Week

in honor of the men and women whose diligence and professionalism keep our County and citizens safe.

BE IT FURTHER RESOLVED that the Board urges all citizens to take note of this special week and give due honor to our County's Public Safety Telecommunicators.

The motion was adopted unanimously (5-0) with Supervisors McCarty, Acree, Rosie, Grice and Jefferson voting in favor of the motion and no Supervisor voting against the motion.

Supervisor Jefferson recommended that the Resolution be displayed on all marquees throughout the County in honor of its dispatchers.

//

Paul Matticks, VDOT Residency Administrator, introduced Shannon Ternes, an engineer in the VDOT Special Projects Department, who addressed the Board regarding the lifting cables replacement project to be performed on each of the towers of the James River Bridge.

Chairman McCarty remarked that patients being transported to Riverside Hospital or Hampton Sentara could be put at risk during the bridge closure and he inquired if VDOT has contacted any first responders. Mr. Ternes responded that VDOT is currently in the process of doing that.

When asked if the James River Bridge lift cable project could be postponed until after the new Riverside Hospital is built in the County, Mr**.** Ternes responded that funding is already in place for that project and deferring it could potentially complicate funding scenarios for other VDOT projects. He encouraged the Board to contact VDOT with any concerns as that project is not anticipated to be awarded until late August or early September.

Responsive to Supervisor Grice's inquiry if other needed bridge maintenance could be done while the bridge is shut down, Mr. Ternes replied that VDOT needs to be 100% focused during the cable replacement project and would not want another component to risk delaying the reopening of the bridge.

Supervisor Rosie inquired how VDOT would address something unexpected happening during the replacement of the cables. Mr. Ternes responded that VDOT engineers and the contractor will be on site the entire construction period and will be able to make decisions very quickly.

Supervisor Grice inquired if a barge not large enough to require bridge openings would be able to pass under the bridge. Mr. Ternes replied that VDOT has developed plans delineating a maximum range that a barge can be in the channel.

//

Mr. Chris Gullickson, Director of Development & Transportation Policy, Virginia Port Authority, provided an update on the Port of Virginia and its six terminals. He stated the Port was a relief valve and benefited the entire supply chain nationwide and the Commonwealth in being able to attract new opportunities and investments to the State of Virginia. He stated that the Port Authority owns the following facilities: Norfolk International Terminals; Virginia International Gateway; Newport News Marine Terminal; Virginia Inland Port; Portsmouth Marine Terminal; and, Newport News Marine Terminal. He advised that the Port runs a fleet of 20,000 chassis, with an average age of 3.6 years old and has access to many markets and witnessed record growth during COVID.

//

Supervisor Grice advised that the Board has been asked by a member of the Smithfield Town Council that the size of the Energy Task Force be increased to include a member from Windsor and Smithfield.

It was the consensus of the Board that no action was necessary as the two existing at-large seats can be filled with Town Council from either Town.

//

Supervisor Acree requested that a Dominion Power representative be invited to speak to the Board regarding the new meters that are being installed. Specifically,

this representative should know the intent of the new meters and if there are any programs available for people already struggling to pay their power bills.

County Administrator Keaton offered to make the necessary arrangements to have a Dominion Power representative speak to the Board.

//

Following a break, County Administrator Keaton delivered the following message:

Honorable Members of the Board:

I am pleased to submit the FY 2023-24 budget for Isle of Wight County to the Board of Supervisors and our citizens. This Budget was prepared to meet the needs of a growing community by providing cost efficient and effective public services. The team of staff responsible for preparing the budget has attempted to create a document that is more transparent and understandable to every citizen and addresses the basic responsibilities of local government.

The FY 2023-24 budget is notable for the fact that for the first time in 16 years, there will be a proposed reduction in the real estate tax rate from $.85 to $.75. The personal property tax rate has been returned from $3.90 to $4.50. One penny of real estate tax is expected to generate $618,500 based on preliminary information from the reassessment company.

One of the key priorities for the upcoming fiscal year is to fund the necessary functions of Isle of Wight County while preparing for future needs.

The General Fund budget totals $94,079,563. The largest source of these funds is from General Property taxes ($70.3 million) or 75% of the budget. The largest uses of County funds are for Education ($30.1 million, 32%), Public Safety ($15.9 million, 17%), and Debt Service ($12.1 million, 13%). Our goals include diversifying our revenue sources to become less dependent on property taxes and reducing debt service as a percentage of our expenditures.

Revenue Highlights

Real Property Taxes – Housing starts declined slightly in 2022 (-3% from the previous year) but at a slower rate. There were 302 housing starts in 2022 compared to 312 in 2021. In 2022, 84% of all housing starts occurred in the northern end of the county, 56% in the Newport District and 27% in the Town of Smithfield. Commercial development and construction were basically non-existent in FY23 and represented only 1% of the total new construction assessments. A 23.5% change in assessments is forecast for FY 24 with total value of $6,146,792,000 and revenue of $45,108,737 based on the proposed tax rate of $.75 and a collection rate of 98%.

Personal Property – Motor Vehicles – The value of used motor vehicles declined by 9% in 2022 relative to 2021 according to J.D. Power. In response to the decrease in values, the Board of Supervisors voted to return the personal property tax rate to its previous rate of $4.50. The Car Tax Relief percentage increased from 35% to 37%. A 4% growth is forecast for FY 24 with revenue of $14,100,000.

Machinery & Tools Tax – The Machinery and Tools category has experienced volatility during the past three years. An increase of 1% over current revenues for the M&T tax is expected to generate revenue of $5,190,000.

Sales & Use Tax – The U.S. Supreme Court Case of *South Dakota v. Wayfair* ruled that states may charge sales tax on purchases made from out-of-state sellers. The 2019 Virginia General Assembly adopted legislation enabling the Commonwealth to collect sales tax on out-of-state sellers. This has resulted in an increase in sales tax to the state and localities. Online sales tax now represents nearly 36% of all retail sales for Isle of Wight County. An increase of 6% is forecast for the current fiscal year compared to last year. The upcoming year's revenue forecast of 3% growth will generate $4,300,000 which is an increase of 7.5% over the FY23 budget.

Public Service Corporation Taxes – Public Service assessments are adjusted annually based on the real estate sales ratio as determined by the Department of Taxation. As real estate sale prices exceed assessments, the county's sales ratio declines. It is anticipated that the assessments will decrease 3.7% in the next fiscal year which will result in revenue of $1,350,000.

Recordation and Wills Tax – The tax on recordation of real property has followed the real estate market and continued to increase over the last several years. After collecting $906,000 in FY21, we saw a decline to $852,700 in FY22. I am projecting $700,000 for FY24 which is a decrease of $150,000 over last year's budgeted amount.

Building Permits – Building permit fee revenue reflects the decrease in housing starts throughout the County. $591,000 was received in FY22 and we expect to collect more than $400,000 in FY23. I am estimating $400,000 in FY24 which is a decrease of $150,000 over last year.

Utilities Fund – Due to a 5.7% increase in the price of water from the Western Tidewater Water Authority, a 59-cent increase in the price/1000 gallons of water is proposed. This will result in a monthly increase of $2.95 or 3.9% for the typical customer who uses 5000 gals/month.

Expenditure Highlights

Public Schools – An increase of $2,791,814 is proposed in local operating funds for the Isle of Wight County Public Schools. A restoration of the local capital maintenance appropriation in the amount of $250,000 is also proposed. $715,830 is included in debt service to finance $7.9 million in improvements at Smithfield High School and Windsor High School for enhanced Career & Technical Program options for students.

Public Safety – The budget continues the replacement schedule for Sheriff's Office vehicles by lease financing 7 new vehicles. A part-time kennel assistant in the Animal Control department is proposed to be upgraded to a full-time Shelter Manager.

Fire and Rescue Response – In previous years, emergency volunteer responders who lived in Isle of Wight County could receive a tax credit for one vehicle up to $500. A revised program was approved in FY23 which provides all volunteer responders regardless of where they live or the value of their vehicle with a payment based on years of service. The annual payment ranges from $100 to $500. The total cost of this program is $115,000.

Public Works – The bulk of the increase in Public Works is a result of a $2 increase in tipping fees by SPSA and an estimated increase of 1000 tons of solid waste.

Debt Service – Older debt service payments reached their peak in FY20 and have continued to decline. Bonds totaling $18.5 million were issued in February 2022 to fund the remainder of Hardy Elementary School, the replacement of Fire and Rescue equipment and other County projects. Our total Debt Service budget for the General Fund in FY24 will be $12.1 million. $7.4 million of the payments will be for principal.

Personnel

Isle of Wight County competes for employees across the Hampton Roads region. We completed a new compensation study in FY23 which brought our salary ranges more in line with our neighboring localities. To maintain our competitiveness, I have included a 4% general wage increase plus an annualized payment of $1,000 for all full-time employees. The effective increase will range from 7.5% for our lower paid employees to 4.5% for higher paid employees. Part-time employees will receive a pro-rated amount.

The County's contribution for Deferred Compensation has not increased in over 19 years. A $15/month increase is proposed which will bring the total to $50/month that is offered to employees on a matching basis. We currently have 195 employees that participate in deferred compensation. The increase will cost approximately $35,000.

A vision/dental plan is proposed for employees that already have Health Insurance such as those with TRICARE. We estimate ten employees will be eligible with a County cost of $11,746. The employees will pay 19% of the total cost. Employees who decline our insurance represent a significant cost savings for the County but those plans often do not have adequate vision and dental coverage. We anticipate that this benefit will make us more competitive in attracting qualified employees.

The County Health Plan experienced another good year with a 1.6% increase in rates. We are continuing the same County/Employee cost sharing plan for health insurance established in FY20. We are also continuing the High Deductible Health Plan (with Health Savings Account) which was added last year. This plan has the potential to provide savings for employees and the County.

New Positions

Six new full-time positions are proposed in the FY24 budget, (Emergency Services, Parks and Recreation, and Public Works. One new part-time position is proposed in Commonwealth Attorney and two current part-time positions are proposed to be converted to full-time positions, (Animal Control and Voter Registrar)

Fleet Upgrades

In addition to new vehicles for the Sheriff's department, a total of 5 other vehicles are proposed to replace aging or high mileage vehicles in the following departments: Public Works, Parks and Recreation, and Emergency Services

Capital Budget

Consistent with the Board's adoption of the FY24-33 Capital Improvements Program, a Capital Budget of $7 million is included to move various capital projects forward. Significant capital expenditures include Parks & Recreation (Tyler's Beach) $750,000, Water line and Water tank projects ($3.1 million), Capital Reserve $500,000 and various Transportation projects ($2.2 million).

The Capital Budget is fully funded with existing bonds, General Fund transfer, and grants.

Acknowledgements

I would like to thank all the Constitutional Officers, Department Heads, and staff for submitting conservative and well-researched budget requests. I have been impressed with the creativity and cost-saving suggestions from all our staff. I would especially like to thank Don Robertson, Stephanie Humphries, Teresa Morgan, and Marina Hitchings for organizing the budget requests and preparing countless budget scenarios. This has truly been a team effort.

//

County Administrator Keaton provided an overview of the proposed FY2024-33 Capital Improvements Program (CIP) which has been drafted for the Board's review in the amount of $7 million.

//

County Administrator Keaton informed the Board of a request received from the School Division for additional funds for school security in the amount of $2 million, the new Westside Elementary School and the enhancements to the fleet building.

//

County Administrator Keaton informed the Board that the School Division is having a tough time working with Columbia Gas to serve the new Hardy Elementary School. He stated if Columbia Gas is not successful in getting their line upgraded and put in place, it could impact the start of the new school.

ADJOURNMENT

At 8:50 p.m., Chairman McCarty declared the work session adjourned.

_____
William M. McCarty, Sr., 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 THIRTEENTH DAY OF APRIL IN THE YEAR TWO THOUSAND AND TWENTY-THREE

BOARD MEMBERS PRESENT:

William M. McCarty, District 2, Chairman
Richard L. Grice, District 1
Don G. Rosie, II, District 5
Rudolph Jefferson, District 3

ABSENT:

Joel C. Acree, District 4, Vice-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

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

APPROVAL OF AGENDA

Supervisor Jefferson moved that the agenda be approved as presented. The motion was adopted unanimously (4-0) with Supervisors McCarty, Jefferson, Rosie and Grice voting in favor and Supervisor Acree absent from the meeting.

INVOCATION

Supervisor Rosie delivered the invocation and led the Pledge of Allegiance to the flag.

COUNTY ADMINISTRATOR'S REPORT

County Administrator Keaton commented that the overall increase in this year's proposed budget is $5.1 million with a $3.6 million increase in property taxes following a $.10 reduction in the Real Estate tax rate.

He provided an overview of the following anticipated revenues:

. $3,608,000 increase in Real Property taxes
. $600,000 increase in Personal Property taxes
. $400,000 increase in interest revenue
. $375,000 increase in business equipment
. $300,000 increase in the Sales & Use tax
. $285,000 increase in the Business License tax
. $214,000 increase in the Comp Board
. $125,000 increase in the Utility tax
. $100,000 increase in Delinquent taxes
. $100,000 increase in Consumer Utility tax
. $100,000 increase in EMS revenue
. $60,000 increase in tax penalties and interest
. $52,000 increase in various items
. $50,000 increase in M&T tax
. $50,000 increase in the Meals tax

Supervisor Grice pointed out that the anticipated revenues are predicated on a 25% residential assessment increase and the method used to adjust for the new assessment numbers is not fairly distributed among residential and commercial because there is only a 10% increase in commercial. He then suggested an increase in the M&T tax to $1.95 in an effort to build up the County's reserve fund.

Responsive to Mr. Gwaltney's offer to develop various models and share them with the Board, Chairman McCarty requested that a model be done that shows the impact to County businesses.

For the benefit of the public, Mr. Gwaltney advised that the County is mandated under the *Code of Virginia* as a locality under 50,000 population to reassess every four years.

County Administrator Keaton provided an overview of decreases in the proposed FY2023-24 budget, as follows:

. $150,000 decrease in Recordation/Wills tax
. $150,000 decrease in Building Permits & Fees
. $150,000 decrease in Communications tax
. $52,000 decrease in Public Service taxes

County Administrator provided an overview of anticipated expenses in the FY2023-24 budget, as follows:

. $2,791,814 increase – School System Operating
. $1,038,000 increase – 4% + $1,000 cost of living
. $545,000 increase – new positions
. $250,000 increase – School Capital Maintenance
. $250,000 increase – Transfer to Social Services
. $129,500 increase - Volunteer Fire Rescue Departments
. $110,000 increase – Landfill Post Closure
. $84,000 increase – Blackwater Library
. $58,700 increase – Real Estate Assessment

County Administrator Keaton was requested to advise the Board what the cost would be to provide a 3% raise plus $2,000 as a cost-of-living increase for employees.

County Administrator Keaton provided a highlight involving anticipated expenses, as follows:

. $2,050,000 decrease – Non-Departmental
. $614,000 decrease – Debt Services
. $300,000 decrease – Economic Development Incentives
. $201,600 decrease – Transfer to Public Utilities
. $200,000 decrease – Legal Fees

County Administrator Keaton asked the Board to relay any comments/recommendations on his proposed budget for further discussion at the Board's upcoming budget work session on April 27, 2023.

ADJOURNMENT

At 8:10 p.m., Chairman McCarty declared the work session adjourned.

_____
William M. McCarty, Sr., Chairman

_____
Carey Mills Storm, Clerk

BUDGET 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 TWENTY-SEVENTH DAY OF APRIL IN THE YEAR TWO THOUSAND AND TWENTY-THREE

BOARD MEMBERS PRESENT:

William M. McCarty, District 2, Chairman
Joel C. Acree, District 4, Vice-Chairman
Richard L. Grice, District 1
Don G. Rosie, II, District 5
Rudolph Jefferson, District 3

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 McCarty called the budget work session to order at 6:00 p.m.

//

On motion of Supervisor Jefferson, the agenda was adopted as presented. The motion was adopted unanimously (5-0) with Supervisors McCarty, Acree, Jefferson, Grice and Rosie voting in favor and no Supervisor voting against.

//

Supervisor Rosie delivered the invocation and led the Pledge of Allegiance to the American flag.

//

Captain Tommy Potter, Sheriff's Department, provided an overview of the Patrol and Courts and Civil Process divisions. He called the Board's attention to the County Administrator's proposed budget which includes no funding for an Investigator position, motorcycle replacement, recruitment and incentives, and supplemental pay for education. He advised that the Investigator position, if funded, would not require an additional vehicle.

County Administrator Keaton explained with regard to the Sheriff's Department request for an education supplement, there is a concern that it be offered to more than just one County department. Regarding the recruitment retention, when it was discussed with him, the Sheriff's office at that time was fully staffed and, again, that would be a benefit that should be offered to more than just one County department. With regard to motor vehicles, the Sheriff's Department's motorcycle had not blown its transmission and, with regard to the Sheriff's Department's request for an additional Investigator position, Sheriff Clarke had indicated that a Shelter Manager was more critical than hiring an Investigator. Concluding his comments, County Administrator Keaton confirmed that the Sheriff's Department's budget has increased 27.5% over the last two years.

Vice-Chairman Acree requested County Administrator Keaton to provide the Board with the cost to add an additional Investigator and Patrol Officer position within the Sheriff's Department.

//

Scott Brower, Carrollton Volunteer Fire Department, addressed the Board regarding recruitment.

The consensus of the Board was to add $10,500 back into the Carrollton Volunteer Fire Department budget for training.

//

Following a short break, Chairman McCarty announced that due to the discrepancy between the Governor's budget and the legislators, all counties will be required in June to make an amendment to their budgets.

Dr. Cramer, School Superintendent, advised that the School Division has received $297,850 additional funds from the General Assembly making a deferential of $97,000 to offset the miscalculation of $394,880 from the State.

Supervisor Grice requested that the Board be provided with a category identifying what the items are.

Responsive to Chairman McCarty, Dr. Cramer confirmed that Instructional Assistants were a major request from educators and, if the Board were to fund additional positions, the additional funding provided by the Board would remain for those positions.

//

Supervisor Jefferson moved that Otto Williams be recommended to the Circuit Court Judge for a one-year term on the Equalization Board representing District 3. The motion was adopted unanimously (5-0) with Supervisors McCarty, Acree, Grice, Jefferson and Rosie voting in favor of the motion and no Supervisors voting against the motion.

Supervisor Acree moved that T. Dale Scott be recommended to the Circuit Court Judge for a one-year term on the Equalization Board representing District 3. The motion was adopted unanimously (5-0) with Supervisors McCarty, Acree, Grice, Jefferson and Rosie voting in favor of the motion and no Supervisors voting against the motion.

ADJOURNMENT

At 8:30 p.m., Chairman McCarty declared the budget work session adjourned.

_____
William M. McCarty, Sr., 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
2023 Regional Organizations	Cover Memo	8/3/2023

2023

BOARD OF SUPERVISORS'

REGIONAL ORGANIZATIONS (BY MEMBER)

ACREE

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

GRICE

- *Eastern Virginia Regional Industrial Facility Authority*
- *Hampton Roads Alliance*
- *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*

2023
BOARD OF SUPERVISORS'
REGIONAL ORGANIZATIONS (BY ORGANIZATION)

Eastern Virginia Regional Industrial Facility Authority	*Grice*
Hampton Roads Alliance	*Grice*
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	*Grice*
Southeastern Public Service Authority	*Keaton* *Etheridge - (Alternate)*
Western Tidewater Community Transportation Collaborative	*Acree*
Western Tidewater Regional Jail:	*Jefferson* *McCarty* *Keaton*
Western Tidewater Water Authority:	*Grice* *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	8/3/2023
Board of Equalization	Cover Memo	8/3/2023
Energy Task Force	Cover Memo	8/3/2023

0
Appointees
Replacement for Catherine Funk (See Attached)
Representative for District 5 (See Attached)
Shawn Carr
Don Robertson, Ex-officio
Maggie Richards - Resigned
Representative for District 5
W. Lee Duncan
Reginia Joyner
Replacement for Wilson Holland

EQUALIZATION BOARD

ONE-YEAR TERM: July 1, 2023-June 30, 2024

	APPOINTED	EXPIRES	NEXT REASSESSMENT
DISTRICT 4			
T. Dale Scott 9 Virginia Avenue Windsor, Vireginia 23487	Apr-23	July 2023-June 2024	Jul-24
DISTRICT 5			
VACANT		July 2023-June 2024	Jul-24
DISTRICT 2			
Thomas E. Finderson, Jr. 24661 Sugar Hill Road Carrollton, Virginia 23314 291-6502	Mar-23	July 2023-June 2024	Jul-24
DISTRICT 1			
David L. Holland 106 Lochview Smithfield, Virginia 23430 757-848-3915	Mar-23	July 2023-June 2024	Jul-24
DISTRICT 3			
Otto Williams 17641 Morgarts Beach Road Smithfield, Virginia 23430	Apr-23	July 2023-July 2024	Jul-24

Send letter of recommendation to the County Attorney & Commissioner of Revenue

NOTE: This mandatory Board recommends individuals to the Circuit Court Judge for a one-year term.

BOARDS/10

ENERGY TASK FORCE

Created: February 23, 2023

APPOINTEES	DISTRICT	DATE APPOINTED
Thomas Distefano 15151 Batiste Court Carrollton, VA 23314 (757) 708-0880	2	23-Feb-23
Lewis Edmonds 23427 John Henry Street Windsor, VA 23487 (757) 871-6550	4	16-Mar-23
Lynn Barlow Briggs 211 North Mason Street Smithfield, Virginia 23430 (757) 365-1611	1	16-Mar-23
David Tucker 6251 Old Stage Highway Smithfield, VA 23430 (757) 334-3726	3	16-Mar-23
DISTRICT 5 (VACANT)	5	
AT-LARGE APPOINTEE (Town of Smithfield) Michael G. Smith 104 Commerce Street Smithfield, VA 23430 (757) 576-4203		4/27/2023
At-LARGE APPOINTEE (Town of Windsor) Edward (Gibby) Dowdy 9 Bank Street Windsor, VA 23487		6/1/2023

ISSUE:

Dominion Energy Presentation

BACKGROUND:

Justin Pope, State and Local Affairs, Dominion Energy, will provide information regarding the Smart Meters Program.

Smart meters are part of a system that enables remote two-way communication between the meter and Dominion Energy. The system uses radio frequency mesh technology to securely gather data from the meters. The network access point (router) collects the data and periodically transfers the data to Dominion Energy via a secure cellular network. The routers are strategically placed in the field to ensure information is passed from its source to its destination as quickly and efficiently as possible.

These meters will provide customers with more reliable delivery of energy, better power-outage detection, more responsive problem resolution and remote meter reading.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

For the Board's information.

ISSUE:

Resolution to Approve the VDOT FY2024-2029 Secondary Six Year Improvement Plan.

BACKGROUND:

The Secondary Six Year Improvement Plan for FY24 shows an overall increase of about $74,000 total through FY29. No projects have been removed from the plan. The Rattlesnake Trail paving project had cost savings in the amount of $320,000 in unpaved road funds. These funds have been applied to the next projects in the plan which are Woody Acres and Blairs Creek. For efficiencies these will be VDOT administered and are currently scheduled for completion in the next fiscal year. Construction updates will be provided to residents closer to notice to proceed.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Adopt a Resolution approving the FY2024-2029 SYIP.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	6/15/2023
FY24-29 Six Year Improvement Plan	Backup Material	6/7/2023

RESOLUTION OF THE BOARD OF SUPERVISORS OF ISLE OF WIGHT COUNTY TO APPROVE PRIORITIES FOR THE VIRGINIA DEPARTMENT OF TRANSPORTATION'S SECONDARY SIX-YEAR IMPROVEMENT PROGRAM FOR FY2024 THROUGH FY2029

WHEREAS, Sections 33.2-331 of the Code of Virginia (1950, as amended) provide the opportunity for each county to work with the Virginia Department of Transportation (VDOT) in developing a Secondary Six-Year Improvement Program (SSYIP); and,

WHEREAS, the Board of Supervisors has held a public hearing on the proposed Plan (FY2024-FY2029), in accordance with VDOT policies and procedures, on June 15, 2023, an all citizens of the County had the opportunity to make comments and recommendations concerning the proposed Program; and,

WHEREAS, VDOT Local Program and Residency staff have reviewed and concurred with the proposed SSYIP (FY2024-FY2029).

NOW THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Isle of Wight, Virginia that the Secondary Six-Year Improvement Program for FY2024-2029 is hereby approved, as presented at the public hearing.

BE IT FURTHER RESOLVED that the County Administrator of Isle of Wight County, Virginia is authorized to execute all Program documents and make such accounting adjustments and execute such agreements and contracts for projects as necessary to proceed with the Program as approved.

Adopted this 15th day of June 2023.

_____
William M. McCarty, Chairman

_____
Carey Mills Storm, Clerk

Approved as to Form:

_____
Robert W. Jones, Jr., County Attorney

Secondary System
Isle of Wight County
Construction Program
Estimated Allocations

Fund	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	Total
TeleFee	$75,497	$75,497	$75,497	$75,497	$75,497	$75,497	$452,982
District Grant - Unpaved	$92,300	$130,473	$173,106	$173,106	$173,106	$173,106	$915,197
Total	$167,797	$205,970	$248,603	$248,603	$248,603	$248,603	$1,368,179

Board Approval Date:

Paul Matticks
Residency Administrator Date

Randy R. Keaton
County Administrator Date

SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)

District: Hampton Roads

County: Isle of Wight County

Board Approval Date: 2024-25 through 2028-29

Route	Road Name	Estimated Cost		Traffic Count
PPMS ID	Project #			Scope of Work
Accomplishment	Description			FHWA #
Type of Funds	FROM			Comments
Type of Project	TO			
Priority #	Length	Ad Date		
0646	Rattlesnake Trail	*PE*	$2,509	
104809	0646046649	*RW*	$0	Resurfacing
STATE FORCES/HIRED EQUIPMENT	Rural Rustic Paving Project (Rattlesnake Trail)	*CN*	$471,210	47005
S	Jones Town Drive (Route 637)	*Total*	**$473,719**	
State forces/Hired equip PE CN Only	Dead End			
9999.01	4.4	2/22/2022		
0673	Morgarts Beach Road	*PE*	$10,000	
-25170	0673046735	*RW*	$0	Reconstruction w/o Added Capacity
STATE FORCES/HIRED EQUIPMENT	Route 673 Reconstruct & Surface Treat Non-Hard Surface	*CN*	$576,500	47004
	Route 672 Blounts Corner Road	*Total*	**$586,500**	
State forces/Hired equip PE CN Only	Route 10 Bus-Old Stage Hwy			
9999.05	1.3	5/22/2029		
EN08	S. Church Street	*PE*	$0	
101793	EN08046115	*RW*	$268,710	Facilities for Pedestrians and Bicycles
NON VDOT	Construction of a pedestrian/bicycle trail - Segment 1	*CN*	$1,143,381	25028
STP	South Church Street	*Total*	**$1,412,091**	$71,000 transfer from #T4970 as per CTB (6/11).
Migration	Nike Park Road			
9999.99	1.3	3/3/2017		
EN08	S. Church Street	*PE*	$0	
101794	EN08046115	*RW*	$230,838	Facilities for Pedestrians and Bicycles
NON VDOT	Construction of a pedestrian/bicycle trail	*CN*	$4,829,578	25028
STP	Battery Park Road	*Total*	**$5,060,416**	$71,000 transfer from #T4970 as per CTB (6/11).
Migration	Nike District Park			
9999.99	1.8	3/3/2017		

Date: 6/5/2023

SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)

0258	Main Street	*PE*	$150,181	
102951	0258046626	*RW*	$5,000	Facilities for Pedestrians and Bicycles
NON VDOT	Main Street Pedestrian Improvements	*CN*	$1,337,160	23128
CM	Route 10	*Total*	**$1,492,341**	
LAP Tier 1 PE, RW, CN (PH, RFP)	Route 10 (Intersection)			
9999.99			7/31/2023	
0681	Strawberry Plains	*PE*	$5,000	
-28050	0681046751	*RW*	$0	Reconstruction w/o Added Capacity
STATE FORCES/HIRED EQUIPMENT	ROUTE 681 RECONSTRUCT & SURFACE TREAT NON-HARD SURFACED ROAD	*CN*	$670,000	17004
	Route 620 Broadwater Rd	*Total*	**$675,000**	
State forces/Hired equip PE CN Only	Route 637 Racetrack Rd			
9999.99	2.1			
0644	Turner Drive	*PE*	$8,727	
103021	0644046628	*RW*	$0	Traffic Management/Engineering
NON VDOT	Turner Drive Intersection Improvements at Benns Church Blvd	*CN*	$545,667	25024
STP	Benns Church (Route 10/32)	*Total*	**$554,394**	Locally administered. Balance to be addressed at CN completion
Migration	Benns Church (Intersection)			
9999.99	0.1		4/9/2019	
0699	Woody Acres Way	*PE*	$10,000	
115872	0699046722	*RW*	$0	Reconstruction w/o Added Capacity
STATE FORCES/HIRED EQUIPMENT	Route 699 Reconstruct & Surface Treat Non-Hard Surfaced Road	*CN*	$350,000	17004
MAINT	Route 679 Bethel Church Lane	*Total*	**$360,000**	
State forces/Hired equip PE CN Only	Dead End			
9999.99	0.8		5/10/2024	
0713	Blairs Creek Way	*PE*	$10,000	
119506	0713046734	*RW*	$0	Reconstruction w/o Added Capacity
STATE FORCES/HIRED EQUIPMENT	ROUTE 713 RECONSTRUCT & SURFACE TREAT NON-HARD SURFACE ROAD	*CN*	$275,000	47004
	Route 699 Woody Acres Way	*Total*	**$285,000**	
State forces/Hired equip PE CN Only	Dead End			
9999.99	0.4		7/10/2024	

Date:
6/5/2023

ISSUE:

Application (ZA-1-23) of 3Bs LLC, Property Owner, and Steven J. and Kristen M. Lander, Applicants, for a Change in Zoning Classification of 1.98 Acres from Rural Agricultural Conservation (RAC) to Conditional-Suburban Residential (C-SR) to Create One Lot for Single Family Residential Use

BACKGROUND:

The proposed lot is part of tax map number 55-01-010 and will be located on Shiloh Drive (Rte. 603). The proposed lot will have other adjacent single family detached uses to the east and north across Shiloh Drive and agricultural land to the west and south.

The applicants propose to change the zoning of the lot to Conditional- Suburban Residential (C-SR) for the purpose of creating a single family residential lot. The proposed lot lies within the Windsor Development Service District (DSD) as designated by the Isle of Wight County Comprehensive Plan. The proposed zoning is consistent with the future recommended land use designation of Suburban Residential as shown on the Future Recommended Land Use Map in the Plan.

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

BUDGETARY IMPACT:

None

RECOMMENDATION:

The Planning Commission recommended approval of the rezoning request as conditioned, by a vote of nine in favor and zero against (9-0) at its May 23, 2023, meeting.

Based on the strengths of the application, staff recommends approval of the rezoning application as conditioned.

ATTACHMENTS:

Upload

Description	Type	Date
Staff Report	Cover Memo	5/24/2023
Location Map	Exhibit	5/12/2023
Enlarged Location Map	Exhibit	5/12/2023
Zoning Map	Exhibit	5/12/2023
Land Use Map	Exhibit	5/12/2023
Rezoning Exhibit	Exhibit	4/28/2023
Pic 1	Exhibit	4/28/2023
Pic 2	Exhibit	4/28/2023
Pic 3	Exhibit	4/28/2023
Ordinance	Ordinance	6/5/2023

PLANNING REPORT

APPLICATION:

Application (ZA-1-23) of 3Bs LLC, property owner, and Steven J. and Kristen M. Lander, applicants, for a change in zoning classification of 1.98 acres from Rural Agricultural Conservation (RAC) to Conditional-Suburban Residential (C-SR). The purpose of the application is to create one lot for single family residential use.

ELECTION DISTRICT:

D4

LOCATION:

The proposed lot is part of tax map number 55-01-010 and will be located on Shiloh Drive (Rte. 603). The proposed lot will have other adjacent single family detached uses to the east and north across Shiloh Drive and agricultural land to the west and south.

BACKGROUND:

The applicants propose to change the zoning of the lot to Conditional- Surburban Residential (C-SR) for the purpose of creating a single family residential lot. The proposed lot lies within the Windsor Development Service District (DSD) as designated by the Isle of Wight County Comprehensive Plan. The proposed zoning is consistent with the future recommended land use designation of Suburban Residential as shown on the Future Recommended Land Use Map in the Plan.

DESCRIPTION:

The subject lot proposed to be rezoned is part of a 92 acre parcel. The current land uses of that parcel are approximately 38 acres of agriculture and the remainder in forested land.

According to the County Capital Impact Model, the creation of one single family lot will increase the population by 2.3 people. There will be seven additional vehicle trips a day and 0.4 new students in the existing public schools, in the southern end of the County. There is sufficient school capacity in that area, but only a few public Parks and Recreation facilities in that area, thereby leading to the deficit of such facilities in the model.

COMPREHENSIVE LAND USE PLAN:

The property is designated Suburban Residential (SR) in the Windsor DSD in the Future Recommended Land Use Map of the Comprehensive Plan. The purpose of DSDs is to provide for the majority of residential development for future population growth in areas served by public utilities. The SR designation permits moderate density development in a manner that is consistent with the provision of a high-quality "suburban" character. Significant areas of open space should be provided in this district in order to maintain this character.

Within the boundaries of the DSD, the County has installed or has plans for water and sewer infrastructure and road improvements. Because development is focused within the DSD, the majority of police and E911 response is also focused in these areas, which helps reduce costs.

The proposed use is consistent with the future recommended land use.

ORDINANCE REVIEW:

The required lot area in the C-SR zoning district is a minimum of 30,000 square feet with private sewer and water. The minimum lot frontage is 100 feet and 125 feet of width at the front setback line. The parcel meets the

minimum requirements of the C-SR zoning district.

The property is in the Chesapeake Bay Preservation Area (CBPA) Overlay District and does contain a 100 foot Resource Protection Area (RPA) Buffer Area, which is shown on the zoning exhibit. No development will be permitted within the RPA Buffer Area. There are no wetlands on the proposed new lot.

Minor Subdivision plat approval is required following rezoning of the land.

AGENCY REVIEW:

Staff distributed the application to the following agencies and departments for review and comment, and no concerns were noted:

- Emergency Services
- Environmental Planner
- Virginia Department of Transportation
- Isle of Wight County Museum (Historical Resources)
- County Attorney

STAFF CONCLUSIONS:

Staff considered the strengths and weakness of this application as follows:

Strengths:

1. The application is consistent with the Comprehensive Plan and County ordinances.
2. The application is compatible with the existing land uses in the vicinity and within the guidelines of the future Recommended Land Use Plan Designation for Suburban Residential (SR).

Weaknesses:

1. Staff has not identified any weaknesses at this time.

STAFF RECOMMENDATION:

Staff recommends approval of the conditional rezoning application for one single family residential lot.

ATTACHMENTS:

Description	Type	Upload Date
Location Map	Exhibit	5/12/2023
Enlarged Location Map	Exhibit	5/12/2023
Zoning Map	Exhibit	5/12/2023
LAND USE MAP	Exhibit	5/12/2023
Rezoning Exhibit	Exhibit	4/28/2023
Pic 1	Exhibit	4/28/2023
Pic 2	Exhibit	4/28/2023
Pic 3	Exhibit	4/28/2023
Resolution	Resolution	5/17/2023

BABB LOCATION MAP

Legend

- Parcels
- RoadCenterLines
- natural heritage

N
W E
S

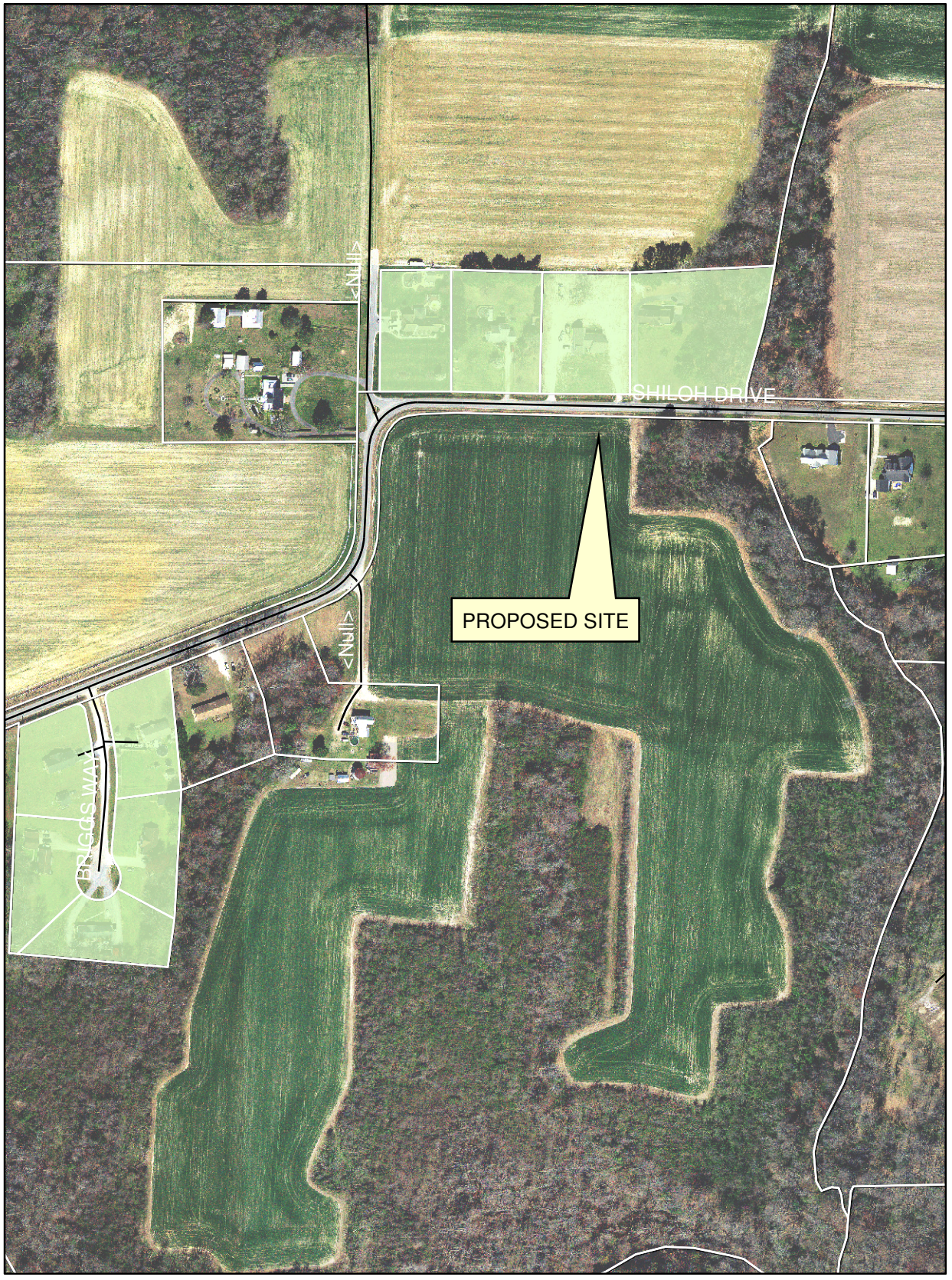
BABB ENLARGED LOCATION MAP

Legend

- Parcels
- RoadCenterLines
- natural heritage

N
W E
S

BABB ZONING MAP

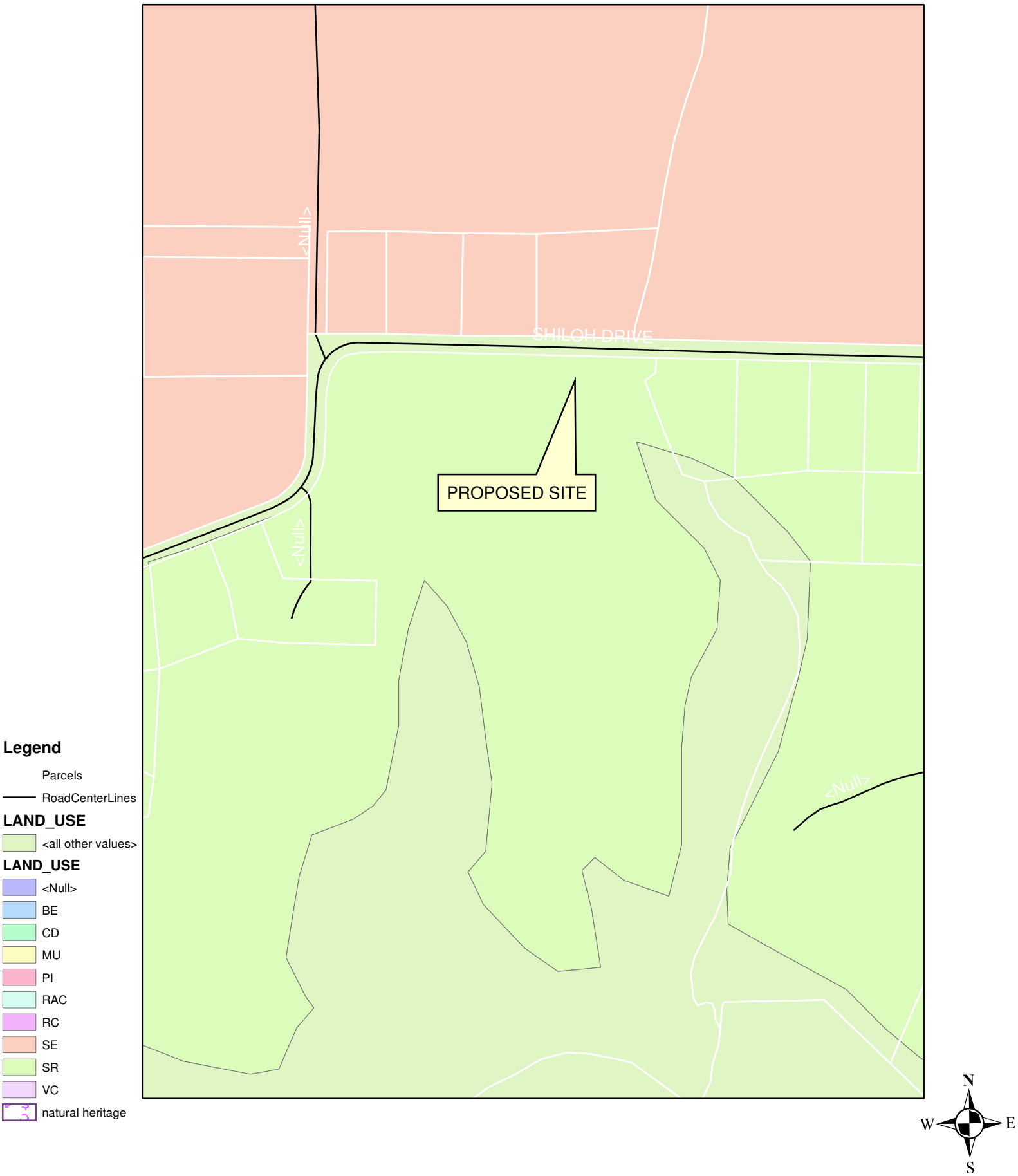


Legend

- Parcels
- RoadCenterLines
- Towns/All Other
- GC
- GI
- GIC
- LC
- LI
- NC
- PD-MH
- PD-MX
- PD-R
- RAC
- ROAD
- RR
- SE
- SR
- UR
- VC
- natural heritage

N
W E
S

BABB LAND USE MAP



THIS SUBDIVISION OF PROPERTY AS IT APPEARS ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS.

DATE _____ _____ OWNER.

DATE _____ _____ OWNER.

DATE _____ _____ OWNER.

STATE OF VIRGINIA
CITY/COUNTY OF _____ TO WIT:

I. _____. A NOTARY PUBLIC IN AND FOR THE CITY AND THE STATE AFORESAID DO HEREBY CERTIFY THAT THE ABOVE PERSONS WHOSE NAMES ARE SIGNED TO THE FOREGOING WRITING HAVE ACKNOWLEDGED THE SAME BEFORE ME IN MY CITY AND STATE AFORESAID.
GIVEN UNTO MY HAND THIS _____ DAY OF _____, 20 ____.
MY COMMISION EXPIRES _____

_____
NOTARY PUBLIC

I HEREBY CERTIFY THAT THIS SUBDIVISION WAS MADE BY ME AT THE DIRECTION OF THE OWNERS AND THAT THIS SUBDIVISION IS ENTIRELY WITHIN THE BOUNDARIES OF LAND OWNED BY THEM AND THAT STEEL PINS, AS SHOWN ON THIS PLAT BY SMALL CIRCLES, HAVE ACTUALLY BEEN PLACED AND THEIR LOCATIONS CORRECTLY SHOWN AND THAT THE PLAT DETAILS MEET THE STANDARDS FOR PLATS AS ADOPTED UNDER VC 42.1-82 OF THE VIRGINIA PUBLIC RECORDS ACT (42.1-76, ET. SEQ.).
SOURCE OF TITLE AND LAST PLACE OF RECORD: (INSTRUMENT NUMBER - 130004363
RECORDED IN THE CLERK'S OFFICE OF ISLE OF WIGHT COUNTY, VIRGINIA

DATE 01/18/23 F. Hunter Walters LAND SURVEYOR #2651

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 RESIDENT ENGINEER: _____

NOTES:

1. WHERE SEPTIC TANKS ARE TO BE INSTALLED ON INDIVIDUAL LOTS, THERE SHALL BE AN APPROVAL OF A PRIMARY DRAINFIELD AND 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. ALL ON-SITE SEWAGE DISPOSAL SYSTEMS NOT REQUIRING A VIRGINIA POLLUTION DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT SHALL BE PUMPED OUT AT LEAST ONCE EVERY FIVE (5) YEARS.
2. THE ZONING OF THIS PARCEL IS "RR - RURAL RESIDENTIAL"
3. THE LOT SHOWN ON THIS PLAT IS NOT SERVED BY PUBLIC WATER OR SEWER.
4. 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.
5. THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.
6. THIS PROPERTY IS LOCATED WITHIN THE CHESAPEAKE BAY PRESERVATION AREA (CBPA).
7. THERE ARE NO WETLANDS LOCATED ON THIS LOT HOWEVER, THE 100' RESOURCE AREA BUFFER LINE DOES EXTEND INTO THE LOT AS SHOWN HERE.

ACREAGE TABLE

92.27	Ac. Tax Parcel 55-01-010 (From Tax Records)
-1.983	Ac. To Lot "B"
-0.089	Ac. Dedicated From Centerline For Future Widening
90.198	Ac. Residue Tax Parcel 55-01-010
1.625	Ac. Net Developable Area (Lot "B")

NEW PARCEL "B" INCL. 0.000 AC. OF WETLAND CRITICAL AREA

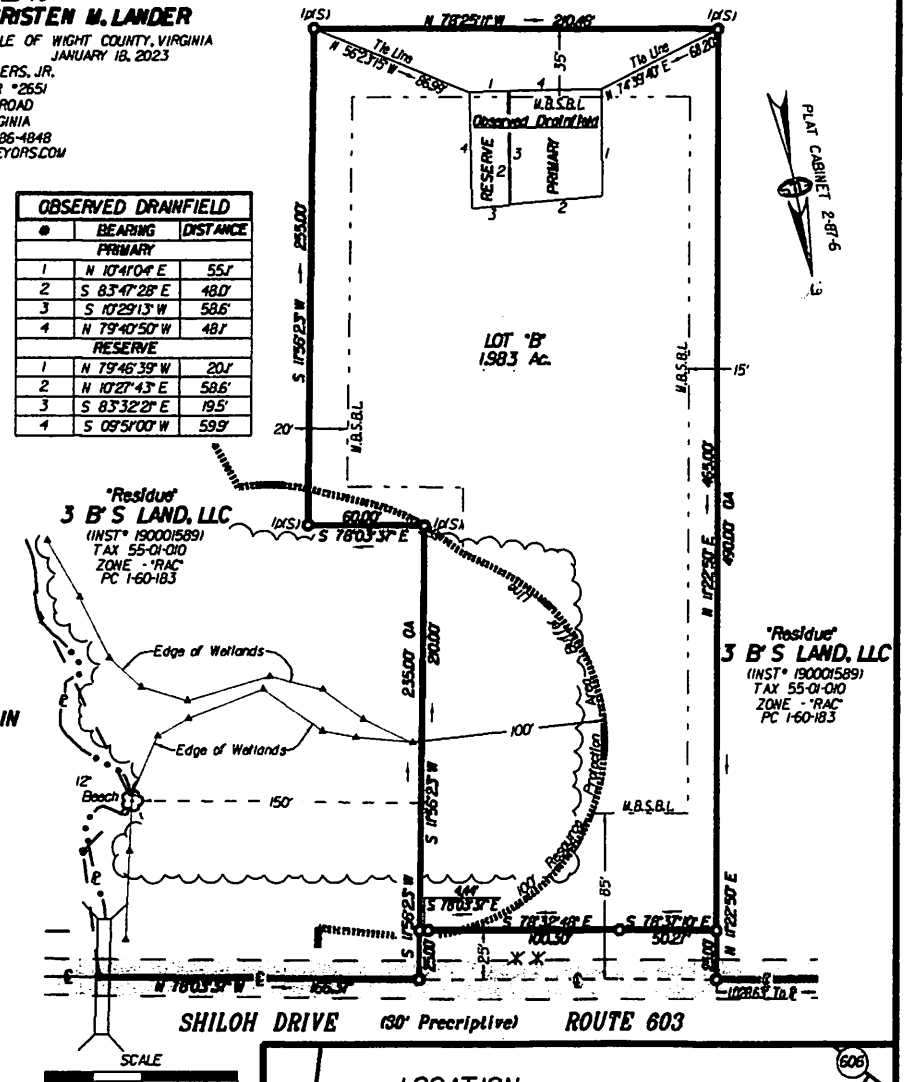
PLAT # 22-154

3 B'S LAND, LLC
TO BE CONVEYED TO
STEVEN J. LANDER AND KRISTEN M. LANDER
WINDSOR MAGISTERIAL DISTRICT ISLE OF WIGHT COUNTY, VIRGINIA
SCALE 1" = 50' JANUARY 18, 2023

F. HUNTER WALTERS, JR.
LAND SURVEYOR #2651
306 COLLINS ROAD
SUFFOLK, VIRGINIA
PHONE # (757) 986-4848
HUNTER@ECSURVEYORS.COM

THE PROPERTY SHOWN HEREON APPEARS TO BE IN FLOOD HAZARD AREA ZONE X AS SHOWN ON COMMUNITY PANEL NO. 5103C0255 F FLOOD INSURANCE RATE MAP FOR ISLE OF WIGHT COUNTY, VIRGINIA EFFECTIVE DECEMBER 02, 2015.

OBSERVED DRAINFIELD		
#	BEARING	DISTANCE
PRIMARY		
1	N 10°41'04" E	55.1'
2	S 83°47'28" E	48.0'
3	S 10°29'13" W	58.6'
4	N 79°40'50" W	48.1'
RESERVE		
1	N 79°46'39" W	20.1'
2	N 10°27'43" E	58.6'
3	S 83°32'21" E	19.5'
4	S 09°51'00" W	59.9'



ALLEN KEITH GRIFFIN
JANE M. GRIFFIN
(INST# 110005227)
TAX 55-01-010
PC 2-87-6
ZONE - "RAC"

LEGEND

- ● - IRON PIN SET - Ip(S) (5/8" X 2' REBAR)
- ● - IRON PIN FD. - Ip(F)
- ● - COMPUTED POINT
- ▲ - WETLAND FLAG
- ℄ - PROPERTY LINE
- R/W - RIGHT OF WAY
- — - - - MINIMUM BUILDING SET SET BACK LINE (M.B.S.B.L.)

OWNER(S) ADDRESS: 3 B'S LAND, LLC
P.O. BOX 491
WINDSOR, VIRGINIA 23487
TELEPHONE: (757) 353-0490

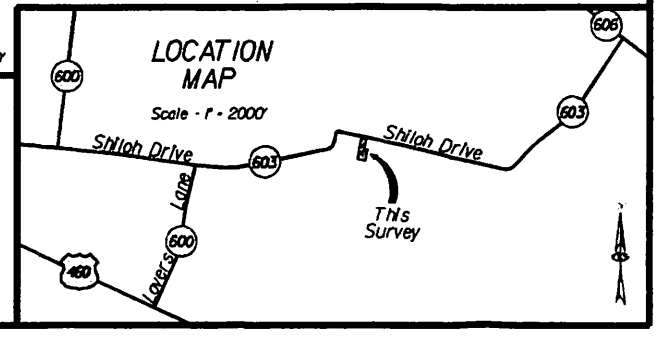
SUBJECT PARCEL: TAX MAP 55-01-010
GRANTOR(S): WAYNE C. BRIGGS, EVELYN B. ARTIS, SHERMAN HOLLAND, III, WILLIAM K. HOLLAND, BEVERLY H. WALKUP, GILBERT RAWLINGS, VELLA M. CAMERON, OTELIA CLARICE EL AMIN, VELLA BRIGGS GILLIAM, ROBIN A DELK, JACQUELINE DELK WILLIAM DELK, TRACEY R. DELK-HART, DION DAWSON DELK, CHERITA H. SEARS AND MILTON CARGILL, JR.
GRANTEE(S): 3 B'S LAND, LLC
DEED DATE: JANUARY 11, 2019
RECORD DATE: APRIL 30, 2019
LAND RECORD: INSTRUMENT # 190001589

XX - 25' DEDICATION OF RIGHT OF WAY FROM CENTERLINE FOR PUBLIC USE

SEAL

COMMONWEALTH OF VIRGINIA
F. Hunter Walters
F. HUNTER WALTERS, JR.
Lic. No. 2651
01/18/23
LAND SURVEYOR

LOCATION MAP



ORDINANCE NUMBER: _____

AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF ISLE OF WIGHT COUNTY TO CHANGE THE ZONING FROM RURAL AGRICULTURAL CONSERVATION TO CONDITIONAL SUBURBAN RESIDENTIAL FOR 1.98 ACRES LOCATED ON SHILOH DRIVE WITH TAX MAP PARCEL NUMBER 55-01-010

WHEREAS, 3B's LLC, owner, and Stephen J. and Kristen M. Lander, applicants, have requested a change in zoning from Rural Agricultural Conservation to Conditional Suburban Residential for 1.98 acres with tax parcel identification number 55-01-010 located on Shiloh Drive for the purposes of creating one single family residential lot which land is 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 Planning Commission has made a recommendation as stated in Exhibit "B" and,

WHEREAS, a public hearing before the Isle of Wight County Board of Supervisors was duly advertised as required by law and held on June 15, 2023, at which public hearing the public was presented with the opportunity to comment on the proposed rezoning;

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," "Planning Commission Recommendation," Exhibit "B," "Property Map," and Exhibit "C," "Proffered Conditions" are attached hereto and are hereby incorporated as part of this ordinance.

Section 2. Findings.

The Board of Supervisors finds that the proposed rezoning application, ZA-1-23, as submitted for the express purpose to establish a 1.98 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 and other public services, the conservation

of natural resources, the preservation of floodplains, the preservation of agricultural and forestall 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 B" is hereby amendment and the official zoning map be, and is hereby, amended.

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.

The 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

BABB LOCATION MAP

Legend

- Parcels
- RoadCenterLines
- natural heritage

N
W E
S

EXHIBIT B

RESOLUTION NUMBER PC-23-5

ISLE OF WIGHT COUNTY PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION TO THE BOARD OF SUPERVISORS RELATING TO A CONDITIONAL REZONING REQUEST ZA-1-23 TO CHANGE THE ZONING FROM RURAL AGRICULTURAL CONSERVATION TO CONDITIONAL SUBURBAN RESIDENTIAL OF 1.983 ACRES ON PROPERTY WITH TAX MAP PARCEL 50-01-010 FOR ONE RESIDENTIAL LOT

WHEREAS, 3Bs Land LLC, property owner, and Steven J. and Kristen M. Lander, applicants, have requested a change in zoning from RAC, Rural Agricultural Conservation, to C-SR, Conditional Suburban Residential for the purposes of creating one residential lot; and

WHEREAS, the procedural requirements for the consideration of this request by the Planning Commission have been met.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of Isle of Wight County, that:

Section 1. Findings.

A. The Isle of Wight County Planning Commission finds that the proposed rezoning is reasonable, and warranted due to a change in circumstances affecting the property, and has considered the following factors and finds that the proposed rezoning does not conflict with:

1. the existing use and character of property within the County;

2. the Comprehensive Plan;

3. the suitability of the property for various uses;

4. the trends of growth or change;

5. the current or future requirements of the community as to land for various purposes as determined by population and economic studies and other studies;

6. the transportation requirements of the community;

7. the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services;

8. the conservation of natural resources;

9. the preservation of flood plains;

10. the preservation of agricultural and forestal land;

11. the conservation of properties and their values;

12. the encouragement of the most appropriate use of land throughout the County;

Section 2. Recommendation to Board of Supervisors.

The Planning Commission recommends to the Board of Supervisors that the request, ZA-1-23, be:

Y a. Granted as submitted, and that the Board of Supervisors adopt the proposed Ordinance without modification.

___b. Denied, and that Board of Supervisors do not adopt the proposed Ordinance.

___c. Granted with the modifications set forth on the attached listing of specific recommendations, and that the Board of Supervisors adopt the proposed Ordinance with such modifications.

DATE: 5/23/23

READ AND PASSED: _____
Chairman, Isle of Wight County Planning Commission

TESTE: _____
Secretary, Isle of Wight County Planning Commission

Approved as to Form:

_____
Robert W. Jones, Jr., County Attorney

EXHIBIT C

Rezoning Application

Applicant: 3B's Land, LLC

Property: Tax Map Parcel 55-01-010

REASONS FOR APPLICATION: The applicant desires to create a residential building lot from the subject tract of land, which will include a single-family dwelling house.

NARRATIVE: The property which is the subject of this application is composed of 97.27 acres. The tract is located on Shiloh Drive and has road frontage on Shiloh Drive. The property is currently zoned RAC. The last deed in the chain of title is a deed to the applicants, dated April 30, 2019, recorded as Instrument No. 191589.

REQUESTED ACTION: The applicant respectfully requests that the zoning classification of the property be changed to permit the creation of one, 1.98 acre residential building lot.

3B's Land, LLC by Bryan Babb

ISSUE:

Application (CBPA-2-23) of Michael and Katherine Gayle for a Chesapeake Bay Preservation Area (CBPA) Ordinance Exception for an After-the-Fact Approval of a Platform to Store Small Boats and Equipment with a Seating Area in the Fifty-Foot Seaward Section of the Resource Protection Area (RPA) Buffer at 1 Eagle Nest Lane

BACKGROUND:

The property is located at 1 Eagle Nest Lane on tax map parcel 14-12-001. The property is located off of Days Point Road and is directly adjacent to Summerwind Vineyard and Winery along with a few residential homes. Directly behind the home is Tormentor Creek, a tidal tributary of the Pagan River.

When the current owners purchased the property in late 2020, there was a semi-cleared path down to an existing dock/pier in the rear yard. The owners indicated they hired a contractor to build a platform to connect to the existing dock to store and secure small boats from high tide events and allow ease of access to the boats as well as have a seating area. A cease and desist order to was issued to the property owner on October 11, 2022, due to the CBPA RPA Buffer Area violation of building a structure in the RPA without required approvals.

The house was built in 1943, before the effective date of the Chesapeake Bay Preservation Act and adoption of the local CBPA ordinance, but does not encroach into the RPA Buffer Area.

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:

At its meeting on May 23, 2023, the Planning Commission did not find that the exception request met the approval criteria established in Section 5002(c) of the CBPA Ordinance and recommended denial of the request by a vote of nine in favor and zero against the motion (9-0).

Based on the analysis of the application, staff also recommends denial of this request.

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Cover Memo	5/24/2023
Application	Proposal	5/3/2023
WQIA	Backup Material	5/3/2023
Location Map	Backup Material	5/3/2023
DEQ comments	Backup Material	5/16/2023
Ordinance	Ordinance	6/5/2023

PLANNING REPORT

APPLICATION:

Application (CBPA-2-23) of Michael and Katherine Gayle for a Chesapeake Bay Preservation Area (CBPA) Ordinance exception for an after-the-fact approval of a platform to store small boats and equipment with a seating area in the fifty-foot seaward section of the Resource Protection Area (RPA) buffer at 1 Eagle Nest Lane on Tax Map Number 14-12-001

ELECTION DISTRICT:

D3

LOCATION:

The property is located at 1 Eagle Nest Lane on tax map parcel 14-12-001. The property is located off of Days Point Road and is directly adjacent to Summerwind Vineyard and Winery along with a few residential homes. Directly behind the home is Tormentor Creek, a tidal tributary of the Pagan River.

BACKGROUND:

When the current owners purchased the property in late 2020, there was a semi-cleared path down to an existing dock/pier in the rear yard. The owners indicated they hired a contractor to build a platform to connect to the existing dock to store and secure small boats from high tide events and allow ease of access to the boats as well as have a seating area. A cease and desist order to was issued to the property owner on October 11, 2022, due to the CBPA RPA Buffer Area violation of building a structure in the RPA without required approvals.

The house was built in 1943, before the effective date of the Chesapeake Bay Preservation Act and adoption of the local CBPA ordinance. The house itself does not encroach into the RPA Buffer Area, which is not permitted by the ordinance.

DESCRIPTION:

This request is for an exception to allow a 515 square foot platform, which includes a 145 square foot connection between the platform and the existing dock. The platform, if completed, would be within zero feet of the wetlands and would connect to the existing pier. The platform outline of 370 square feet was built before the cease and desist was issued. The 145 square-foot connection between the platform and the dock has not been constructed.

The upland runoff sheet flows into the wetlands and then into Tormentor Creek, a tributary to the Pagan River, as described by the Water Quality Impact Assessment (WQIA). The purpose of the CBPA RPA Buffer Area is to provide for natural nonpoint source pollution attenuation and sediment control from upland areas adjacent to wetlands and riparian areas for Chesapeake Bay and tributary water quality management.

To compensate for the encroachment into the seaward portion of the RPA Buffer Area, the applicants have proposed compensatory landscaping consisting of one (1) canopy tree, three (3) understory trees, and three (3) small shrubs, with the plantings to be placed within the RPA Buffer Area as shown on the landscape plan.

The proposed landscaping is based on the total square footage of the platform and is in compliance with the state Riparian Buffers Modification and Mitigation Guidance Manual. The plantings proposed are native, including White Oak, Dogwood, and Wax Myrtle.

The WQIA observes the site is relatively flat and consists of Type B and D soils, indicating that water will not infiltrate into the soils and, therefore, will create off-site runoff. Soil conditions might be improved by creating planting beds using soil amendments to allow improved infiltration.

COMPREHENSIVE LAND USE PLAN:

The Comprehensive Plan categorizes this sensitive environmental area as Environmental Conservation (EC), an area dominated by environmental features that are particularly sensitive to development, including wetlands, flood prone areas, streams and stream buffers, unique habitat areas, and RPAs defined by the local CBPA Ordinance.

Appropriate land uses in this area include: wetlands, farms and forest uses, open space, and limited park facilities in appropriate locations, greenways, blueways, and trails.

ORDINANCE REVIEW:

CBPA Article 4, Section 4002, provides performance standards in RPAs and outlines permitted modifications and encroachments. Development is not permitted to extend into the 100-foot RPA Buffer Area, unless an exception is warranted due to loss of buildable area. Under Subsection 4002(b)2., permitted encroachments must be the "minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities" and "may not extend into the seaward fifty feet of the buffer area." This exception request involves development that does extend into the seaward 50 feet, a highly sensitive area for development. There is sufficient buildable area outside of the RPA buffer to accommodate the boat and equipment storage platform.

CBPA Article 5, Section 5002 regulates exception requests and covers five criteria that must be met in order to grant an exception. These are as follows:

1) That the strict application of the ordinance would produce an undue hardship and will not confer upon the applicant any special privileges denied by this ordinance to other property owners in the CBPA areas;

Finding: Encroachments in the seaward 50 feet of the buffer area are similarly restricted on all lots where the RPA buffer exists. A review of County permit records indicates that nearby parcels where encroachments occur received exceptions and/or were required to avoid the seaward 50 feet of the buffer. Therefore, this would not constitute a unique hardship and would grant a special privilege to the applicants.

2) The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;

Finding: The applicant failed to contact the County prior to construction to apply for the necessary exceptions, which resulted in the construction of a platform not permitted by the ordinance. This is a self-created hardship.

3) The exception request is the minimum necessary to afford relief;

Finding: A cleared path and dock/pier were already established on this property, and no relief is necessary to allow for buildable area on the property.

4) The exception request will be in harmony with the purpose and intent of this ordinance, not injurious to the neighborhood, or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and

Finding: The platform and connection do not meet the purpose or intent of the CBPA ordinance, which is to safeguard water quality through protection of existing buffers and establishment of buffers where they do not exist. The platform and connection, if completed, would be within zero feet of the wetlands behind the house, which means there is little opportunity to intercept runoff before it travels into the wetlands, which is the purpose and intent of the RPA Buffer Area. This is potentially injurious to water quality and is inconsistent with the CBPA Ordinance.

5) Reasonable and appropriate conditions are imposed, which will prevent the exception request from causing a

degradation to water quality.

Finding: If this exception were approved, staff recommends: a) the applicant be required to install the mitigation landscaping in the rear yard near the wetlands; and, b) the connection between the platform and dock not be completed. The connection would make access easier to the dock, but is not necessary for the proposed use. If the connection is eliminated, it would reduce impacts by 145 square feet.

AGENCY REVIEW:

Comments from the Department of Environmental Quality (DEQ) are attached, and a summary is found below.

DEQ agrees with County staff. DEQ states the proposed use does not meet the definition of a water-dependent facility, because the small boats can be carried or transported and stored outside of the RPA. The seating area is also not water dependent. As an alternative, the small boat storage and seating could either be added to the current dock or moved outside of the RPA.

Based upon the above requirements and findings, the Board of Supervisors may choose not to grant the requested exception and require the removal of the platform frame as suggested by County staff. Such a decision would be consistent with the application of regulatory requirements. Should the Board determine that removal of the platform frame is not an appropriate solution and wishes to approve the exception request, then the alternative suggested by County staff would be to permit completion of the elevated platform only, eliminate the connection, and require mitigation within the disturbed areas according to Table A of the *Buffer Manual.*

The square footage of the platform alone is less than 400 SF, therefore, only one mitigation planting unit would be appropriate. If the entire structure is to be completed DEQ recommends requiring two landscaping units which should include; two canopy trees, four understory trees, and six shrubs.

STAFF CONCLUSIONS:

Staff finds the following strengths and weaknesses for this request:

Strengths:

1. Proposed landscaping mitigation does meet requirements of the *Riparian Buffers Guidance Manual.*

Weaknesses:

1. The applicants' request does not meet the five criteria the must be found in order to grant and exception.
2. The proposed use does not qualify as a water-dependent use and does not need to be located adjacent to the water.
3. The request is an after-the-fact approval for development without necessary permits. Development without prior approvals is not equitable for property owners who follow the required process for approval.

STAFF RECOMMENDATION:

Based on the above findings, staff recommends denial of the exception request.

ATTACHMENTS:

Description	Type	Upload Date
Application	Proposal	5/3/2023
WQIA	Backup Material	5/3/2023
Location Map	Backup Material	5/3/2023
DEQ comments	Backup Material	5/16/2023
Resolution	Resolution	5/23/2023

STOKES ENVIRONMENTAL ASSOCIATES, LTD.

26 January 2023

Isle of Wight, Central Permitting
17140 Monument Circle, Suite 100
P.O. Box 80
Isle of Wight, Virginia 23397

RE: Request for a CBPA Exception;
Small Boat Storage Platform
1 Eagle Nest Lane
Smithfield, Virginia

Hello:

With the attached information including the items requested in the Exception Application Checklist, on behalf of our Client, Michael & Katherine Gayle, we are requesting a Chesapeake Bay Preservation Ordinance Exception for the installation of a small platform to store small boats and equipment within the seaward 50-foot RPA. This application is intended to remedy a Notice of Violation for Unauthorized Construction in a Resource Protection Area at the subject site located at 1 Eagle Nest Lane in Smithfield.

Stokes Environmental Assoc., Ltd. has been authorized to act as an agent and consultant by the owners for this application.

Please do not hesitate to contact me if you have any questions or need additional information regarding this request.

With best regards.

Sincerely,
Stokes Environmental Associates, Ltd.

David A. Balsley

Attachment: Exception Application

4101 Granby Street • Suite 404 • Norfolk, Virginia 23504 • Office (757) 623-0777 • FAX (757) 623-2785

Local Roots, Global Reach

ISLE OF WIGHT
COUNTY, VIRGINIA

SUBMITTAL CHECKLIST FOR EXCEPTION APPLICATIONS

In accordance with Section 5002, *Exceptions*, of the Chesapeake Bay Preservation Area Ordinance, and in accordance with Section 6-1015, *Exceptions*, Section 6-2011, *Exceptions*, and Section 9-1013, *Exceptions*, of the Isle of Wight County Zoning Ordinance, the following information shall be submitted for an exception 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 and minimum number of copies are provided, unless the number of required copies is reduced by the Zoning Administrator:

☑ 1. Ten (10) copies of the original, executed application and one (1) original executed application. Both the applicant(s) and the property owner(s) must have their signature(s) notarized on page 2 of the application.

☑ 2. The appropriate fees have been submitted with the application. Checks should be made payable to: Treasurer, Isle of Wight County.

☑ 3. Ten (10) copies of a statement of the reasons for seeking such exception.

☑ 4. Ten (10) copies of a narrative description of the property which shall include the Tax Parcel Identification Number.

☑ 5. One (1) copy of the most recent deed(s) for the property(s) associated with the application.

☑ 6. A 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)
- Ten (10) full size copies, with one (1) reduced 11-inch X 17 inch copy shall be submitted
- 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.

☑ 7. **<u>For CBPA Exception applications</u>, a major water quality impact assessment which meets the criteria in Section 4003 of the Chesapeake Bay Preservation Area Ordinance must be submitted at the time of application.**

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

☑ 9. 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.

David A. Balsley, Agent
Printed or Typed Name

Signature

26 January 2023
Date

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR EXCEPTIONS

This application should be used to petition for an exception for certain uses which, because of their unique characteristics, but which may, under the right set of circumstances and conditions be acceptable.

A. APPLICATION FOR (CHECK ALL THAT APPLY):

[x] Chesapeake Bay Preservation Area Ordinance Exception

[ ] Newport Development Service Overlay District Exception

[ ] Highway Corridor Overlay District Exception

[ ] Signage Exception

[ ] Subdivision Ordinance Waiver

[ ] Other (please list) _____

The proposal is a request to Section (s) 5002 of the Chesapeake Bay Preservation Area Ordinance, the Isle of Wight County Zoning Ordinance, or the Isle of Wight County Subdivision Ordinance.

Proposed Use or Activity: Constructing a small boat storage platform in order to be able to store small boats above the effect of the tidal reach.

B. PROJECT DESCRIPTION:

Project Name: 1 Eagle Nest Lane

Property Address (if any): 1 Eagle Nest Lane, Smithfield, VA

Comprehensive Plan Designation: _____

The exception will apply to 0.0105 acres out of 13.76 total acres

Tax Parcel Identification # 14-12-001 Number of acres to be effected: 0.0105

Proposed Utilities (check all that apply): Public Water X Private Well ____

Public Sewer ____ Private Septic ____

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

Michael A. Gayle 20 JAN 2023

Applicant Signature **Date**

Owner Signature *if different* **Date**

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: MARY LYALL STOKES Date: 01/20/23

MARY LYALL STOKES
NOTARY PUBLIC
REG. #8006583
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES DECEMBLR 31, 2026

1 EAGLE NEST WAY, ISLE OF WIGHT COUNTY:

STATEMENT OF REASON FOR SEEKING CBPA EXCEPTION

The property owners, Michael & Katherine Gayle, are seeking an Exception to the Chesapeake Bay Preservation Are Ordinance for construction of a small boat storage platform; the platform will be located within the seaward 50 feet of the Resource Protection Area buffer.

The reason for the exception is to provide for the storage of small boats including paddleboards, canoes, and kayaks in a location which will be secure from high tide events, yet reasonably close to the water access which is an existing dock. The platform will also house storage boxes for boating equipment such as paddles, life jackets, and other associated gear. On the site, the slopes adjacent to the existing dock are quite steep which makes safe storage of small boats difficult, and also means that locating a storage area further landward increases the difficulty of carrying the boats to and from the water access. The surface of the existing dock cannot be used for storage because the dock surface is regularly inundated by high tide events. A platform as shown on the concept plan was selected as a reasonable solution to this problem, as it provides for secure storage of small boats and the associated gear.

NARRATIVE DESCRIPTION

OF

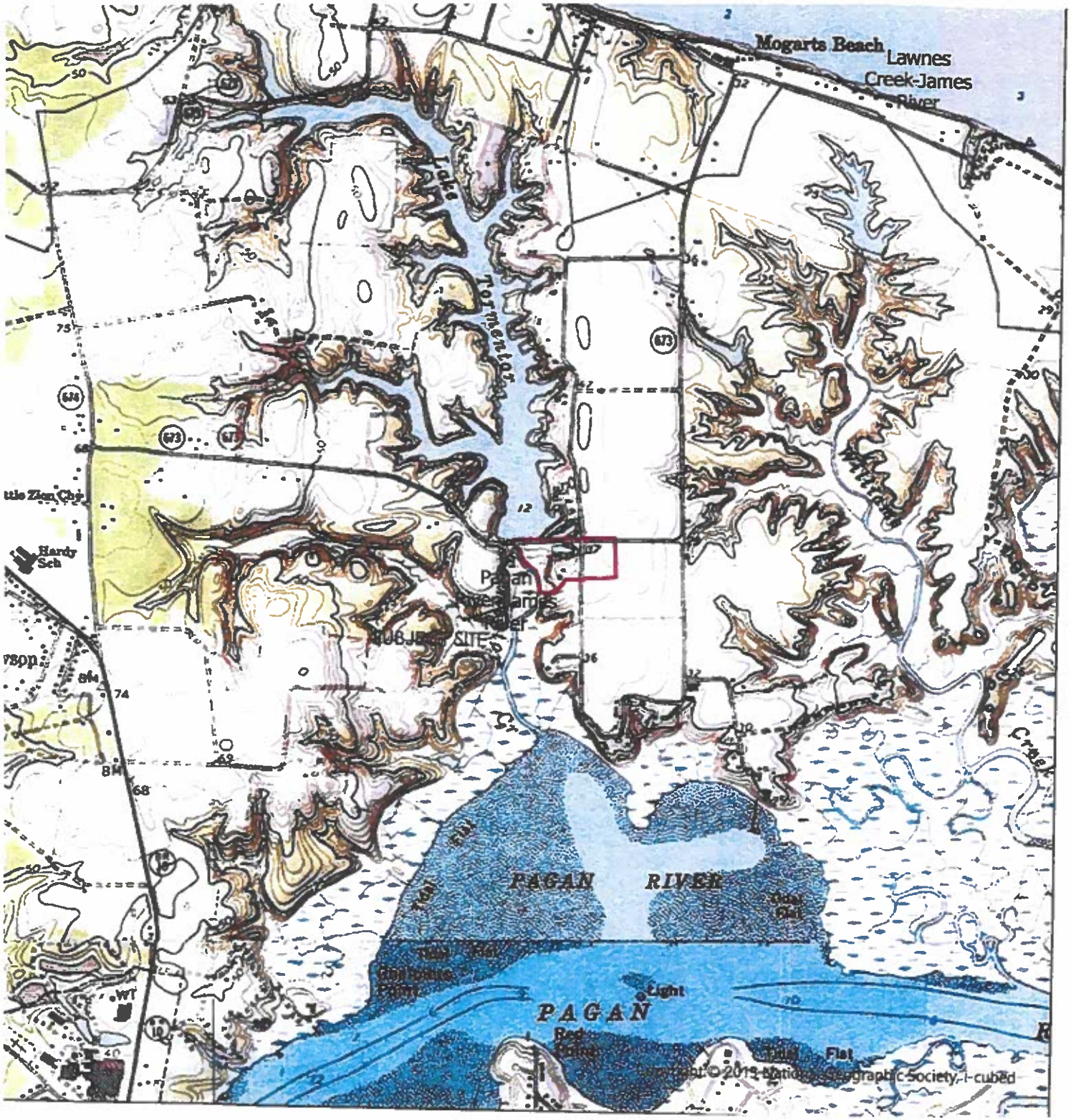
PROPERTY LOCATED AT 1 EAGLE NEST LANE
SMITHFIELD

INCLUSIVE OF PARCELS 14-12-001 & 14-12-002

The site includes two land parcels totaling 13.76 acres of land extending south of Days Point Road, west of Eagle Nest Lane, and north of an access lane dividing this property from the adjacent lot known as Parcel 14-02-027B. The property extends west to Tormentor Creek, a tributary to the Pagan River. The legal descriptions of the parcels provided in the deed are as follows:

Parcel 1 (14-12-001) includes all of that certain lot, piece, or parcel of land situate, lying and being in Hardy Magisterial District, Isle of Wight County, Virginia, and designated as Lot 1 on the certain plat of survey entitled "Plat of Lots 1, 2, 3, and 4 Being the Property of Ronald H. Pack and Christina H. Pack, Deed Book 348/532. Located in Hardy Magisterial District, Isle of With County, Virginia" made by Emin B. Holley JR., Certified Land Surveyor, Scale: 1"=200' dated February 23, 1995, which plat is recorded in the Clerk's Office of the Circuit Court for Isle of Wight County, Virginia, in Plat Cabinet 2, Slide 20, Page 9, reference being made to the plat of survey for a more complete description of the real estate herby conveyed.

Parcel 2 (14-12-002) includes all of that certain lot, piece, or parcel of land situate, lying and being in Hardy Magisterial District, Isle of Wight County, Virginia, and designated as Lot 2 on the certain plat of survey entitled "Plat of Lots 1, 2, 3, and 4 Being the Property of Ronald H. Pack and Christina H. Pack, Deed Book 348/532. Located in Hardy Magisterial District, Isle of With County, Virginia" made by Emin B. Holley JR., Certified Land Surveyor, Scale: 1"=200' dated February 23, 1995, which plat is recorded in the Clerk's Office of the Circuit Court for Isle of Wight County, Virginia, in Plat Cabinet 2, Slide 20, Page 9, reference being made to the plat of survey for a more complete description of the real estate herby conveyed.



STOKES ENVIRONMENTAL ASSOCIATES, LTD.

TOPO MAP

EAGLE NEST LANE

SMITHFIELD

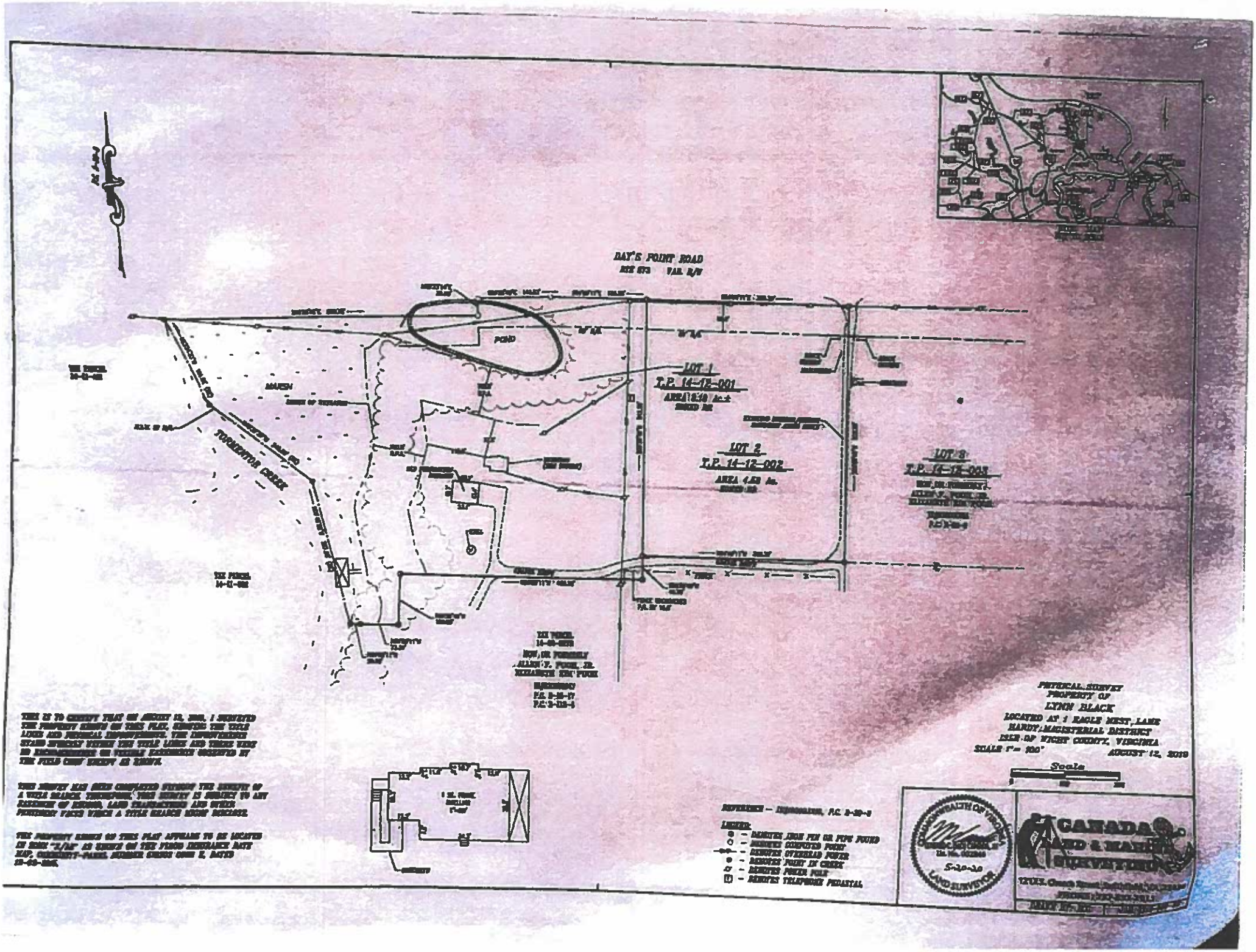
0 5001,000 2,000 Feet

Legend

- Parcel
- Uplands
- Hydrologic Unit: Watershed

HUC: PAGAN RIVER-JAMES

HUC ID: 0208020609



THIS IS TO CERTIFY THAT ON AUGUST 12, 2019, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT, SHOWING THE TITLE LINES AND PHYSICAL IMPROVEMENTS. THE IMPROVEMENTS STAND SUBSTANTIALLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS OBSERVED BY THE FIELD CREW EXCEPT AS SHOWN.

THIS SURVEY HAS BEEN CONDUCTED WITHOUT THE BENEFIT OF A TITLE SEARCH. THEREFORE, THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD, LAND TRANSACTIONS AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.

THE PROPERTY SHOWN ON THIS PLAT APPEARS TO BE LOCATED IN ZONE "X/AE" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 510276 0008 E, DATED 10-02-2006.

STOKES ENVIRONMENTAL ASSOCIATES, LTD.

SITE PLAN

EAGLE NEST LANE

SMITHFIELD, VA

0 90 180 360 Feet

Legend

- ImperviousSurface
- Parcel
- Wetlands
- RPA_100ft:RPA_100ft
- ExisitingWoodLine
- BoatStorage

TOTAL CONSTRUCTION AREA:
515 sq. ft.

STOKES ENVIRONMENTAL ASSOCIATES, LTD.

SITE PLAN-DETAIL

EAGLE NEST LANE

SMITHFIELD, VA

0 10 20 40 Feet

Legend

- ImperviousSurface
- Parcel
- Wetlands
- RPA_100ft:RPA_100ft
- ExisitingWoodLine
- BoatStorage

STOKES ENVIRONMENTAL ASSOCIATES, LTD.

3 May 2023

Ms. Kat Gayle
13790 Voyager Parkway
Colorado Springs, CO, 80921

RE: Major Water Quality Impact Assessment
1 Eagle Nest Lane
Smithfield, VA

Ms. Gayle:

This is to provide a Major Water Quality Impact Assessment for improvements at 1 Eagle Nest Lane, Smithfield, Virginia. The following discussion describes existing and planned impacts within the Resource Protection Area (RPA) and outlines proposed appropriate mitigation to compensate for such impacts in accordance with Isle of Wight, VA Code of Ordinances Sec.4003-Water quality impact assessment) and the Chesapeake Bay Local Assistance Department Riparian Buffer Modification & Mitigation Guidance Manual.

The partially completed planned improvement included an approximately 20x20 foot platform adjacent to an existing dock and pier.

Introduction

The subject project is at a rural single-family residence and consists of an access road to the household, an open fireplace and a boat dock on a 13.76-acre property consisting of two parcels (14.12.001 and 14.12.002). Construction activities involving land disturbance has occurred on southwestern portion of the residential land parcel adjacent to the existing dock, and consists of a partially completed foundation for the planned small boat storage platform.

The project, including limits of disturbance for the improvements, is shown in **Appendix**.

A site diagram with an aerial orthometric image showing current aerial cover of trees, emergent vegetation, grass, paved area, open water area and structures is included in **Appendix**. A GPS coordinate plot of jurisdictional wetland boundaries from a delineation completed on November 8th, 2022 by Stokes Environmental Associates, and the RPA buffer areas present onsite, are also plotted on the map.

Topography

The 2019 Mulberry Island Quadrangle, Virginia USGS Topographic Map, which includes the site and general vicinity of the site, is shown in **Appendix**. This map uses elevation contours from the

National Elevation Dataset 2015 data. Lidar digital elevation map derived from 2016 USGS CoNED Topobathymetric Model (1859-2015): Chesapeake Bay was also retrieved. These two data sources showed the project area to occur at between elevations of 0 to 50 feet above mean sea level (NAVD88). The project area residence is situated adjacent to Tormentor Creek, a tidal tributary of the Pagan River, with steep slopes on the western side close to the wetlands and waterway. The properties directly adjacent to the project site include residential homes and a small vineyard. The road serving the subject property does not receive significant drainage from the project area.

Surface Water Characteristics

According to Lidar elevation survey data and on-site observations, surface water runoff from the development area flows west from the developed area on the subject site directly into Tormentor Creek, which is adjacent to the subject property. The contributing drainage area for runoff to the proposed improvements includes a small area of grass and impervious surface from the existing developed area on the subject property. Runoff flows into the wetlands, then into the waterways. No concentrated flow features were found on the uplands of the subject property.

Floodplains

According to information found in Flood Hazard Boundary Map and Flood Insurance Rate Map 51093C0088E dated 12/2 2015 for Isle of Wight, Virginia in the **Appendix**, the southern portion of the property is within flood zone AE, indicating areas that present a 1% annual chance of flooding and a 26% chance over the life of a 30-year mortgage.

Soils and Land Cover

According to the *NRCS National Cooperative Soil Survey*, the surficial soils within the project area consists of Emporia fine sandy loam and Peawick silt loam, as shown in **Appendix**. These soils are both classified as hydrologic soil group B and D. About 18% of subject area consists of Nevarc and Remlik soils, hydrologic soil group D. For further information about these surficial soils, see the attached map.

Two hand-auger soil samples were collected by Tianshu Huang on 18 November 2022 within the close proximity of the construction site, shown as Data Point DP-3 and DP-4 on the map. The following log was recorded:

DP-3:

Depth			Color	Texture
0	-	4"	5GY 3/1	Loamy Clay
4	-	8"	5GY 4/1	Loamy Clay
8"	-	20"	10 YR 5/6	Clay

DP-4:

Depth			Color	Texture
0	-	3"	10 YR 5/2	Loam
3	-	16"	5GY 5/2	Loam
16"	-	20"	5GY 6/2	Loam

According to National Cooperative Soil Survey, both the Peawick silt loam and Nevarc and Remlik soils found near the construction site has a rate of infiltration less than 0.02 in/hr. K_{sat} of the soil samples collected are less than 0.02 in/hr, indicating the soils on the site are very poorly drained, have very slow runoff and very slow permeability.

Geology and Groundwater Hydrogeology

The subject site is situated within Map Unit Qn in the Atlantic Coastal Plain Physiographic Province of Virginia, which consists of an eastward-thickening wedge of stratified, unconsolidated and semi-consolidated alluvial and marine deposits above a crystalline basement surface. These sediments are composed primarily of gravels, sands, silts, and clays. At the project site, depth to the crystalline basement rocks is greater than 2,500 feet. A geologic map of the site is included in **Appendix**.

The groundwater flow system in the Atlantic Coastal Plain consists of an unconfined, water table aquifer and an underlying sequence of semi-confined to confined aquifers and intervening confining units. The aquifers are composed of permeable sands and gravels through which water readily flows. The confining layers are composed of clayey materials which retard water flow. In the Atlantic Coastal Plain, the confining layers are often "leaky" allowing exchange of water between aquifers.

The regional geologic map shows the site located on Quaternary-age deposits of the Norfolk Formation. The Norfolk Formation consists of fluvial and estuarine clayey sand, organic silt, peat and clay. These materials form the surficial deposits of a broad swale and extensive lowlands bounded on the landward side by river-, bay- and ocean-facing scarps. The Norfolk Member forms a part of the water table, or Columbia aquifer, beneath the site.

Site-specific hydrologic reports and maps were not found to be readily available for the subject site during this investigation. Information regarding the groundwater characteristics in the vicinity of the site was obtained from published information from the Virginia State Water Control Board and the United States Geological Survey. The following discussion is abstracted from these publications.

One unconfined and confined aquifer is present beneath the site in the interval from the ground surface to 100 feet below ground surface (BGS). The uppermost aquifer is the unconfined water table, or Columbia, aquifer. According to hydrogeologic cross sections, the water table aquifer generally occurs in the depth interval from immediately below the surface to approximately 45 feet BGS. Saturated thickness of the Columbia aquifer in this area is approximately 120-150 feet. Precipitation is the principal source of recharge for this aquifer, and averages about 44 inches per

year. Approximately 12 to 20 inches per year of the total precipitation (27 - 45 percent) is estimated to infiltrate the ground surface and reach the Columbia aquifer; the remainder of the annual precipitation is lost due to surface runoff, evaporation, etc. The following median values have been reported for hydraulic characteristics of the Columbia aquifer: well yield of 30 gallons per minute, specific capacity of 6.1 gallons per minute per foot of well drawdown, median transmissivity of 1070 square feet per day, and a horizontal hydraulic conductivity of 28.7 feet per day.

The Yorktown-Eastover confined aquifer system underlies the Columbia aquifer. The Yorktown-Eastover aquifer system is generally separated from the overlying Columbia aquifer by beds of silt, clay and sandy clay which function as an aquitard between the two aquifers. Although the Yorktown Formation is 300 to 400 feet thick, the major water-bearing zones comprising the Yorktown-Eastover aquifer system are restricted to the upper portion of the Yorktown Formation. The remainder of the Yorktown Formation serves as aquitards between the aquifers. The top of the Yorktown-Eastover aquifer system in this area occurs at an approximate depth of 50 feet BGS. Recharge to the Yorktown-Eastover aquifer system is primarily through downward leakage of water from the overlying Columbia aquifer. The following median values have been reported for hydraulic characteristics of the Yorktown aquifer: well yield of 46 gallons per minute, specific capacity of 8.1 gallons per minute per foot of well drawdown, a transmissivity of 2460 square feet per day, and a horizontal hydraulic conductivity of 23.1 feet per day.

The flow of shallow groundwater generally follows the regional topography. Since the topography at the subject site slopes toward the east, recharge of the water table aquifer by infiltration of precipitation should result in groundwater flow in the vicinity of the site that is generally east. However, published reports of groundwater flow directions for the site and adjacent areas were not available, and further research and/or subsurface testing would be necessary to confirm the flow direction and to identify the location and characteristics of deeper groundwater aquifers.

Wetlands and Chesapeake Bay Preservation Areas

The National Wetlands Inventory Map from the US Fish and Wildlife Service Web GIS Publication, updated November 5, 2020, shows designated E2EM1P and PFO4R wetlands downstream of the project area. (see the **Appendix**)

The subject site was evaluated for the presence of jurisdictional wetlands by Tianshu Huang in accordance with the on-site determination methods specified in the U.S. Army Corps of Engineers, 2010, *Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Atlantic and Gulf Coastal Plain Region* (Version 2.0), ed. J. S. Wakeley, R. W. Lichvar, and C. V. Noble. ERDC/EL TR-10-20. Vicksburg, MS: U.S. Army Engineer Research and Development Center. Wetlands onsite include tidal spartina emergent wetlands and adjacent forested wetlands. A GPS coordinate plot of jurisdictional wetland boundaries onsite is shown on the enclosed site diagram.

Chesapeake Bay Preservation Areas are present within the project area, and include a 100 foot Resource Protection Area (RPA) buffer adjacent to hydraulically connected wetlands located a few feet downslope of the project area. These are regulated by the Isle of Wight Chesapeake Bay

Preservation Ordinance. Land cover existing within the RPA prior to disturbance includes forest, grass lawn, and impervious improvements associated with the residential home.

Impacts

Impacts include increased impervious surface and increased volume of runoff, mostly within the RPA buffer. The footprint of the proposed new impervious surfaces and associated underlying foundations as proposed would not significantly impact topographic grade, or shallow subgrade soil as the platform is elevated on 4'x4' piles. Impacts to hydrology within the areas covered by wooden platform include decreased evapotranspiration, increased runoff, decreased recharge, and depressed water table, dryer soil, increased availability of water storage in soil profile, and increased rate of absorption of stormwater in the soil areas under the footprints of the proposed modified impervious surfacing.

Impervious surface consisting of the elevated wooden platform shadows the turf area in the drainage area leading to the wetland that drains into Tormentor Creek on the property. Although flow volumes will be increased, peak rate of flow will not be increased. No substantial effect on the water table in surrounding areas is expected; effects are limited in lateral effect and recharge to surrounding areas is likely dominated by localized balance of infiltration and evapotranspiration, and by the nearby river bank. Runoff is to be treated with onsite best management practices to counter adverse effects of runoff volume on surrounding areas, including peak rate of flow of the runoff, suspended solids, nutrient pollutants, and chemical contaminants potentially present within the flows.

No wetland loss is expected due to the construction.

Other Hydrological Elements

Wetland impacts will be limited to 4" X 4" wooden posts to support the connecting walkway connecting the boat storage platform and the existing walkway to the dock. Wetland and stream circulation patterns will not be affected.

Drainage divides will be maintained in the topography and impervious surface added in the drainage area of the creek will drain to the same creek after treatment with the BMP to maintain peak flow rate and water quality at a suitable condition. There are no other disruptions in the supply of water to wetlands, streams, lakes, rivers or other water bodies;

The wooden boat storage platform will be completed within the seaward 50 feet of the 100-foot RPA zone. The site activities do not involve dredging, filling or effects on shellfish beds, submerged aquatic vegetation, or fish spawning areas. The only effects on the surrounding surfaces will be the placement of 6' wide wooden decking installed with gaps between to allow for water drainage.

Pre- and post-development pollutant load estimates in total runoff from the project area was calculated by the Virginia Runoff-Reduction Method based on the area of turf and impervious

surface across the Hydrologic Soil Group B soils found throughout all of the project area, with the following results:

Pre-development Total Phosphorus (TP) Load	1.35	lb/yr
Final Post-development TP Load	1.35	lb/yr
TP Load Reduction Required	0.00	lb/yr
TP Load Reduction Achieved	0.00	lb/yr
TP Load Remaining	0.00	lb/yr

Impervious surfaces to be built or replaced include the wooden boat storage platform. Approximately 515 square feet of land will be disturbed for constructing the improvements to the home. Changes to types of surfaces in the project area include the following:

PRIOR	square feet	acres	PLANNED	square feet	acres
		0.20	Impervious Cover		0.21
Impervious Cover	8712			9227	
		1.64			1.63
Managed Turf	71438		Managed Turf	71438	
Open Area	319730	11.92	Open Area	319330	11.92
Total	399880	13.76	Total	399880	13.76

Net increase in impervious surface: 0.012 acre

Duration and phasing schedule of construction project remains to be determined, as well as requisite permits from all applicable agencies necessary to develop project which may include but are not limited to:

Mechanical Permit
Plans Inspection
Building Permit
Final Building Inspection
Electrical Inspection
Electrical Permit

Erosion and Sediment Control

Standard erosion and sediment control practices as defined in the Virginia Erosion and Sediment Control Handbook, to be used at the site, shall include, but are not limited to: Minimal disturbance to nearby surfaces by utilizing the 4'x4' support piles for elevated platform; Gaps between wooden

decking surface boards to allow for drainage. Work shall be scheduled such that disturbed soil is not left unstabilized during a period of predicted rain, to the extent possible. An Erosion and Sediment Control Plan will be created only if required by any permitting authority.

Stormwater Management

The effects on runoff from the property due to additional impervious surface created will be countered and offset treated with an approved Best Management Practice (BMP), in order to achieve the water quantity and quality requirements listed in the Virginia Stormwater Management Program and calculated by the Virginia Runoff -Reduction Method.

According to calculations, the increase in TN and TP load will be minimal thus no need for extra stormwater management.

Tree Replacement

Approximately 500 sqf of land within RPA zone will be replaced with impervious surface. This impact will be mitigated with one of the following options, at the owner's discretion, in an alternate location of the owner's yard in the RPA.

- One 5" dbh tree of species chosen from attached list
- Three 6' understory trees chosen from attached list
- Three small shrubs or woody groundcover at 15"-18" height

For list of acceptable tree species, see Appendix A of the Riparian Buffer Modification and Mitigation Guidance Manual, attached.

We recommend the following species for the Canopy Tree:
Red maple, white oak, chestnut oak;
Understory trees: Dogwood, American holly;
Shrubs: Wax myrtles, oak-leaf hydrangea, American beatyberry.

Conclusion

Based on the City's Chesapeake Bay Preservation ordinance, this report satisfies the City's review and evaluation requirements in Appendix B-13 of the Isle of Wight, Virginia Unified Development Ordinance for a Major WQIA. Upon the completed review of a WQIA application, the City's Zoning Administrator will determine if the 1 Eagle Nest Lane development is consistent with the purpose and intent of the Isle of Wight Unified Development Ordinance based upon the following criteria:

- There will be no loss of wetlands or woody vegetation within the 100 ft RPA as a result of this project, and indirect effects on these areas are minimal.

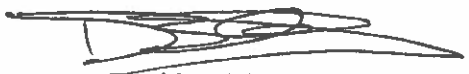
- The development will not result in significant disruption of the hydrology of the site;
- The development will not result in significant degradation to aquatic life;
- Proposed erosion and sediment control concepts are adequate to achieve the reductions in runoff and prevent off site sedimentation;
- Proposed stormwater-management measures are adequate to control the stormwater runoff to achieve the required performance standard for pollutant control;
- Time that it is reasonably necessary for soils to be left in disturbed condition is minimal for most of the project area, which allows good erosion and sediment control to be achieved for the scale of the project area;
- The development, as proposed, is consistent with the purpose and intent of Suffolk, Virginia Unified Development Ordinance;
- The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.

In summary, the 1 Eagle Nest Lane project plans to add impervious surface within existing grass in the 100 ft RPA, as needed for the addition of some improvements including a small boat storage platform adjacent to an existing dock at a single-family residential property. A mitigation Practice is proposed, which satisfies the Virginia Stormwater Management Program requirements.

Please do not hesitate to call me if you have any questions or need further information.

With best regards.

Sincerely,



David Balsley

Appendix: Runoff Reduction Complinace Sheet;
Plant List;
USGS Topo Map;
Tax map;
NWI map;
Soil map;
FEMA flood map;
Wetland delineation map;
Site plan;
Site plan – Detail;
Landscaping plan.

STOKES ENVIRONMENTAL ASSOCIATES, LTD.

SITE PLAN

EAGLE NEST LANE

SMITHFIELD, VA

0 90 180 360 Feet

Legend

- ImperviousSurface
- Parcel
- Wetlands
- RPA_100ft:RPA_100ft
- ExisitingWoodLine
- BoatStorage

TOTAL CONSTRUCTION AREA:
515 sq. ft.

STOKES ENVIRONMENTAL ASSOCIATES, LTD.

SITE PLAN-DETAIL

EAGLE NEST LANE

SMITHFIELD, VA

0 10 20 40 Feet

Legend

- ImperviousSurface
- Parcel
- Wetlands
- RPA_100ft:RPA_100ft
- ExisitingWoodLine
- BoatStorage

GAYLE CBPA EXCEPTION (CBPA-2-23)
LOCATION MAP

Legend

Parcels

RoadCenterLines

natural heritage

N

W E

S

Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

1111 E. Main Street, Suite 1400, Richmond, Virginia 23219
P.O. Box 1105, Richmond, Virginia 23218
(800) 592-5482
www.deq.virginia.gov

Travis A. Voyles
Secretary of Natural and Historic Resources

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

May 5, 2023

Ms. Shaunee Beussink, Environmental Planner
Isle of Wight County
17140 Monument Circle, Suite 101
Isle of Wight, VA 23397

RE: Chesapeake Bay Exception Request, 1 Eagle Nest Lane, Smithfield, VA.

Dear Ms. Beussink:

Per the County's request, the Virginia Department of Environmental Quality (DEQ) appreciates the opportunity to review the above referenced project for compliance with the *Chesapeake Bay Preservation Act* (Bay Act) and the *Chesapeake Bay Preservation Area Designation and Management Regulations* (Regulations). Isle of Wight County has adopted a Chesapeake Bay Preservation Ordinance that incorporates the requirements of the Bay Act and Regulations. The following comments are from the perspective of the Regulations regarding the appropriateness of the landowner's after-the-fact exception request, including the proposed mitigation plan for encroachment into the seaward 50-feet of the Resource Protection Area (RPA).

Background

County records indicate the subject property is 13.76 acres consisting of two parcels with the following improvements: an access road, single family home, concrete pad, and a large boat dock. Of the existing improvements, only the boat dock was located within the RPA. Without County approval, the applicant began construction of an elevated small boat storage platform and seating area within the RPA adjacent to the existing dock. The construction came to the County's attention when only the posts and frame of the 370 square foot (SF) platform had been built. The County ordered construction to be halted. In addition to the platform, the project included construction of a 145 SF connection between the platform and the existing dock, construction for which had not begun. The County informed DEQ that a total of 515 SF of impervious surface was proposed for the project, including the connection. Land disturbance was proposed to be limited to the area necessary to place the necessary 4' x 4' wooden posts that would elevate the proposed platform and connection, estimated to be less than 400 SF. According to the applicant's Major Water

Quality Impact Assessment (WQIA) the placement of the wooden posts for the connection would impact wetlands at the shoreline.

County staff informed DEQ that they recommended removal of the partially completed platform; however, the applicant requested an exception for an encroachment into the seaward 50' of the RPA to complete the project. County staff has stated their recommendation that if the exception is granted, it be conditioned with approval of completion of the small boat platform only, and not include construction of the connection to the existing dock. This change would reduce the area of impervious surface within the RPA by 145 SF, eliminate the proposed wetland impacts, and reduce the area of land disturbance.

Buffer Area Requirements

According to 9 VAC 25-830-140.3 of the Regulations, the RPA buffer is intended to be a 100-foot-wide area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff in order to minimize the adverse effects of human activities on the other components of the RPA, state waters, and aquatic life. Notwithstanding permitted uses, encroachments and vegetation clearing as set forth in the Regulations, the 100-foot-wide buffer area is not reduced in width and *shall be retained if present and established where it does not exist*. Where such buffer must be established, the planting of trees shall be incorporated as appropriate to site conditions and in such a manner to maximize the buffer function, deemed to be a 75% reduction of sediments and a 40% reduction of nutrients.

The County estimates that a total of 515 SF of impervious surfaces will be added to the RPA and the WQIA states that "this impact will be mitigated [sic] the owner's yard in the RPA. The approximate location of the planting is shown in the attached landscaping plan._

- One 5" dbh tree of species chosen from attached list
- Three 6' understory trees chosen from attached list
- Three shrubs or woody groundcover at 15"-18" height."

However, the proposed mitigation would not be adequate mitigation for the 515 SF platform and connector, for which Table A on page 94 of the *Riparian Buffer Modification and Mitigation Guidance Manual (Buffer Manual)* recommends the following mitigation planting standard:

- Two canopy trees at 1.5" to 2" calipers
- Four understory trees at 3/4:" to 1/5" calipers, and
- Six shrubs or woody groundcover at 15"-18" height."

All mitigation plantings should be placed within the area of the RPA that has already been cleared of vegetation in order to meet the buffer area requirements.

Development in the Resource Protection Area

Section 9 VAC 25-830-140.1 of the Regulations describes the types of land development that may be permitted in the RPA, subject to local government approval. These include: (i) water dependent uses; (ii) redevelopment; (iii) development or redevelopment within designated Intensely Developed Areas; (iv) new uses established pursuant to lots or parcels recorded prior to October 1, 1989; (v) private roads or driveways; or (vi) flood control or stormwater management

facilities. The approval of each permitted use requires conditions and is subject to a locally administered approval process.

Pursuant to 9VAC25-830-40, “water-dependent facility" means a development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include (i) ports; (ii) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (iii) marinas and other boat docking structures; (iv) beaches and other public water-oriented recreation areas; and (v) fisheries or other marine resources facilities.

The proposed use does not meet the definition of a water-dependent facility because small boats can be carried or transported and stored outside of the RPA. The seating area is also not water dependent. As an alternative, the small boat storage and seating could either be added to the current dock or moved outside of the RPA.

After-the-Fact Exception Request

As previously stated, County approval for the project was not sought prior to construction. In addition, the unauthorized impervious surfaces encroached upon the seaward 50-feet of the RPA buffer, which has always been discouraged. In order to complete the project, the applicant has requested approval of an “after-the-fact” exception from the Board of Zoning Appeals.

DEQ cannot speculate how the County Board of Zoning Appeals would have ruled on this exception had they been given the opportunity to review it prior to commencement of construction. However, the project is subject to the General Performance Criteria 9 VAC 25-830-130) and the Development Criteria for Resource Protection Areas (9 VAC 25-830-140). In addition, the project is subject to review of the findings listed in 9 VAC 25-150 C 1 as outlined below:

a. The requested exception to the criteria is the minimum necessary to afford relief.
b. Granting the exception will not confer upon the applicant any special privileges that are denied by this part to other property owners who are subject to its provisions and who are similarly situated.
c. The exception is in harmony with the purpose and intent of this part and is not of substantial detriment to water quality.
d. The exception request is not based upon conditions or circumstances that are self-created or self-imposed.
e. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality.
f. Other findings, as appropriate and required by the local government, are met.

Based upon the above requirements and findings, the Board of Zoning Appeals may choose not to grant the requested exception and require the removal of the platform frame as suggested by County staff. Such a decision would be consistent with the application of regulatory requirements. Should the Board determine that removal of the platform frame is not an appropriate solution and wishes to approve the exception request, then the alternative suggested by County staff would be to permit completion of the elevated platform only, eliminate the connection, and require

mitigation within the disturbed areas according to Table A of the *Buffer Manual.* The square footage of the platform alone is less than 400 SF, therefore, only one mitigation planting unit would be appropriate.

The responsibility for reviewing and approving projects is the purview and requirement of the locality consistent with the Bay Act and Regulations. DEQ does not approve individual projects; however, thank you again for the opportunity to comment on this project. If you have any additional questions or concerns, please do not hesitate to contact me.

Kind regards,

Lisa C Dewey

Lisa Dewey
Bay Act Liaison
Office of Watersheds and Local Government Assistance Programs
(804) 659-1331
lisa.dewey@deq.virginia.gov

cc: Justin Williams, DEQ Director, Office of Watersheds and Local Government Assistance Programs

ORDINANCE NUMBER _____

AN ORDINANCE TO GRANT A CHESAPEAKE BAY PRESERVATION AREA ORDINANCE EXCEPTION TO ALLOW AFTER-THE-FACT APPROVAL OF A PLATFORM TO STORE SMALL BOATS AND EQUIPMENT WITH A SEATING AREA IN THE FIFTY-FOOT SEAWARD RESOURCE PRESERVATION AREA BUFFER ON THE PROPERTY WITH TAX PARCEL NUMBER 14-12-001

WHEREAS, Michael and Katherine Gayle, owners and applicants, have requested an exception to the Chesapeake Bay Preservation Area (CBPA) ordinance requirements for after-the-fact approval of a platform to store small boats and equipment with a seating area in the fifty-foot seaward Resource Protection Area buffer in accordance with the County CBPA ordinance on a certain tract of land with tax parcel number 14-12-001 which land is depicted on Exhibit "A"; and,

WHEREAS, the procedural requirements of Appendix B-1, CBPA 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 62.1-44.15:72 of the Code of Virginia (1950), as amended, and Article 5, Section 5002 of the Isle of Wight County CBPA Ordinance with respect to the purposes stated in Code of Virginia (1950), as amended, Section 15.2-2200 and 15.2 2283;

WHEREAS, the Planning Commission has made a recommendation of denial as stated in Exhibit "B"; 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," Exhibit "B", "Planning Commission Recommendation of Denial", and Exhibit "C," "Conditions of Approval," 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 CBPA exception (CBPA-2-23), as submitted or modified with conditions herein, the expressed purpose of which is to permit an after-the-fact installation of a platform to store small boats and equipment with a seating area and to construct a connection to the existing dock in the fifty-foot seaward Resource Protection Area buffer in accordance with the conditions of approval as stated in Exhibit C, and such approval is in conformity with the standards of the Isle of Wight County CBPA Ordinance, and

that the strict application of the Ordinance will produce an undue hardship and will not confer upon the applicants any special privileges denied by this Ordinance to other property owners in the CBPA areas; that the exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels; that the exception request is the minimum necessary to afford relief; that the exception request will be in harmony with the purpose and intent of this ordinance, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and that reasonable and appropriate conditions are imposed which will prevent the exception from causing a degradation of water quality.

These findings are based upon the consideration for the existing use and character of the property, the Comprehensive Plan, the suitability of the property of 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 CBPA exception is by the imposition of the conditions provided herein.

Section 3. Permit Granted.

The CBPA exception for the property be, and is hereby, approved for the property, subject to the conditions listed in Exhibit C and the general conditions set forth in Section 4 hereof. The exception specifically permits a platform to store small boats and equipment with a seating area and a connection to the existing dock in the fifty-foot seaward Resource Protection Area buffer in compliance with the County CBPA 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.

DATE:_____

READ AND PASSED: _____
Chairman, Board of Supervisors

TESTE: _____
Clerk

Approved as to Form:

_____
Robert H. Jones, Jr., County Attorney

EXHIBIT A

GAYLE CBPA EXCEPTION (CBPA-2-23)
LOCATION MAP

Legend

Parcels

RoadCenterLines

natural heritage

N

W E

S

EXHIBIT B

RESOLUTION NO. PC-23-9

ISLE OF WIGHT COUNTY PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION TO THE BOARD OF SUPERVISORS RELATING TO A CHESAPEAKE BAY PRESERVATION AREA ORDINANCE EXCEPTION AFTER-THE-FACT REQUEST FOR A PLATFORM AND CONNECTOR IN THE FIFTY-FOOT SEAWARD RESOURCE PROTECTION AREA BUFFER

WHEREAS, Michael and Katherine Gayle, applicants and property owners, have requested a Chesapeake Bay Preservation Area Exception (CBPA-2-23), after the fact, for a certain tract of land with tax parcel number 14-12-001 situated in Isle of Wight County, Virginia; and

WHEREAS, the procedural requirements for the consideration of this request for a platform in the fifty-foot seaward Resource Protection Area buffer have been met in accordance with Section 5002 of the County Chesapeake Bay Preservation Area (CBPA) Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of Isle of Wight County, that:

Section 1. Findings.

___a. The Planning Commission finds that the proposal for the exception, as submitted or modified herein, meets the following criteria per Section 5002 (c) of the CBPA Ordinance:

1. That the strict application of the ordinance will produce an undue hardship and will not confer upon the applicants any special privileges denied by this ordinance to other property owners in the CBPA areas;

2. That the exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;

3. That the exception request is the minimum necessary to afford relief;

4. That the exception request will be in harmony with the purpose and intent of this ordinance, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and

5. That reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

Yb. The Planning Commission does not find that the proposal for an exception meets the criteria established in Section 5002 (c) of the CBPA Ordinance.

Section 2. Recommendation to Board of Supervisors.

The Planning Commission recommends to the Board of Supervisors that the request, CBPA-2-23, be:

___ a. Granted as submitted, and that the Board of Supervisors adopt the proposed Ordinance without modification.

X b. Denied, and that Board of Supervisors not adopt the proposed Ordinance.

___c. Granted with the modifications set forth on the attached listing of specific recommendations, and that the Board of Supervisors adopt the proposed Ordinance with such modifications.

DATE: 5-23-23

READ AND PASSED: _____
Chairman, Isle of Wight County Planning Commission

TESTE: _____
Secretary, Isle of Wight County Planning Commission

Approved as to Form:

_____
Robert W. Jones, Jr., County Attorney

ISSUE:

Application (SUB-29-23) of James M. Ensley, Property Owner, to Vacate the "Dedicated Recreation Area" of Butler's Point Section Two to Allow Single Family Residential Use of the Parcel

BACKGROUND:

In March of 1987, Butler's Pointe Subdivision was rezoned for a residential subdivision. This subdivision was created in two parts.

The subdivision plat of Butler's Pointe Section One was approved by the County in March 1988 establishing three lots located on the east side of Carroll Bridge Road (Rte. 654).

The subdivision plat of Butler's Pointe Section Two was approved by the County in November 1989 establishing fourteen lots. These lots are located on the east side of Carroll Bridge Road (Rte. 654) and north and south sides of Butler's Pointe Lane (Rte. 1030). The plat of Section Two includes a "Recreation Area" which contains 1.81 acres of land, and is identified as tax map parcel 31-12-000A. This type of amenity was often dedicated as an enhancement for the residents of the subdivision but was not a requirement of approval.

BUDGETARY IMPACT:

None

RECOMMENDATION:

The lot meets the minimum requirements for a residential lot in the NC zoning district. There are no proffered conditions to limit the lot for recreational use.

Staff recommends that the application be approved contingent on approval of a well and wastewater system and no objection from the property owners in the subdivision.

ATTACHMENTS:

Description	Type	Upload Date
Narrative and Application	Backup Material	5/31/2023
Subdivision Plat	Exhibit	5/31/2023

Exhibit	Exhibit	5/31/2023
Location Map	Exhibit	5/31/2023
Zoning Map	Exhibit	5/31/2023
Land Use Map	Exhibit	5/31/2023
Pic1	Exhibit	5/31/2023
Pic 2	Exhibit	5/31/2023
Pic3	Exhibit	5/31/2023
Ordinance	Ordinance	6/5/2023

NARRATIVE

The Butler's Pointe, Section Two Sub-Division Plat was recorded in the Clerk's Office of the Circuit Court of Isle of Wight County in Plat Book 1, Page 383, Slide 2 on November 9, 1989.

At the intersection of Butler's Lane and Route 654 there is a lot designated on said Plat as "Recreation Area".

A lot designated for recreation was a required part of a Subdivision under the then existing Isle of Wight County Subdivision Ordinance. That provision was repealed some years after the Plat of Subdivision was put to record.

I acquired the lot by Deed dated the 16th day of June 2022 and recorded in the Clerk's Office of the Circuit Court of Isle of Wight County on the 24th day of June 2022 as Instrument Number: 220003310. I desire to construct a residential home on the subject property and through my due diligence process I have determined that I must have the reference to "REC AREA" on said lot be vacated.

I have filed an application requesting the Isle of Wight County Board of Supervisors to vacate the term "REC AREA" on the Plat of Subdivision so that Isle of Wight County can issue a building permit for a single-family residence and zoning permit.

There has been little or no activity using that lot for recreational purposes.

As a consequence, I am asking that the Board of Supervisors vacate the "recreational area" use from the Plat of Subdivision.

Respectfully submitted,

James M. Ensley

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT

SUB-29-23
M# 28032

APPLICATION FOR SUBDIVISION APPROVAL

This application shall be used to request review and approval of all subdivision activity. The following application requirements are consistent with the procedures set forth in Sections 3 and 4 of the Isle of Wight County Subdivision Ordinance, as amended. **Please note that both preliminary and final plats are required for any subdivision of fifty lots or more.**

- **APPLICATION FOR (CHECK ALL THAT APPLY):**

[ ] Preliminary Plat
[ ] Final Plat
[ ] Construction/Development Plans
[✓] Plat Vacation "Recreation"
[ ] Family Member Transfer
[ ] Boundary Line Adjustment

Submittal #: First [✓] Second [ ] Third [ ] Other (please specify) _____
Resubmittals only required to submit application and submittal checklist
Application Number (*resubmittals only*): _____

- **PROJECT DESCRIPTION:**

Project Name: Butler's Pointe, Section Two (1984)
Number of lots proposed: n/a
Election District: D3
Zoning District: NC
Tax Parcel Identification #: 31-12-000A
Proposed Utilities (check all that apply): Public Water ____ Private Well ✓ Public Sewer ____ Private Septic ✓

- **APPLICATION INFORMATION:**

Applicant(s) Name(s): Archer L. Jones, II
Address: 1600 S. Church Street
City, State, Zip Code: Smithfield Virginia 23430
Phone No.: 757.357.2187 Email: Joneslaw@JandJPC.com Fax No.: 757.357.0994
Property Owner(s) Name(s): James M. Ensley
Address: 15421 Bollingwood Drive
City, State, Zip Code: Carrollton Virgnia 23314
Phone No.: 757.775.8989 Email: Jmattensley@gmail.com Fax No.: n/a

"Recreation"

Antelope Points, Section Two (1984)
N/C
TS
NC
31-12-000A

Preche L. Jones, II
1000 S. Church Street
Smithfield Virginia 24733
757-357-0137 JonesLaw@Juno.com 757-357-0911

Jones M. Ensley
1941 Rollingwood Drive
Confederation Virginia 24314
757-725-4784 JmsEnsley@gmail.com n/a

Applicant Signature _____ Date 5/5/2023

Owner Signature *if different* _____ Date 5/5/2023

NOTICE: THE ATTACHED CHECKLIST MUST BE COMPLETED, CERTIFIED, AND SUBMITTED OR THEAPPLICATION 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: ($ 750.00)

Complete Application Received On: _____ Fees Paid: _____
Tax Query: [ ] Current [ ] Delinquent Distribution Date: _____
Posted/Date to Post: _____

AGENCY REFERRALS:

_____Inspections
_____Economic Development
_____Emergency Services
_____Utility Services (SWM/Utilities)
_____Environmental Planner
_____Health Department
_____Transportation Manager
_____Commissioner of Revenue
_____Isle of Wight County Museum (Historic Resources)
_____Department of Historic Resources
_____Department of Environmental Quality
_____Sheriff's Office
_____Town of Smithfield
_____Town of Windsor
_____VDOT
_____Schools
_____Budget & Finance
_____County Attorney

Verified By: _____ Date: 05/05/2023

RECEIVED
MAY 05 2023
CBD

Local Roots, Global Reach

ISLE OF WIGHT COUNTY, VIRGINIA

DEPARTMENT OF PLANNING AND ZONING

#28032
SWR

SUBMITTAL CHECKLIST FOR SUBDIVISION PLAT APPLICATIONS

In accordance with the Isle of Wight County Subdivision Ordinance, the following information shall be submitted for subdivision applications. Please note that it is the applicant's responsibility to ensure that the application complies with all Federal, State and County regulations.

No application for simplified site plan 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.*** A pre-application conference is encouraged for all subdivision applications and may be required (see section 3.2.1.B).

One (1) original executed application.

One (1) digital copy of plat and all application documents

~~Ten (10)~~ 1 paper copies of a preliminary or final plat drawn to scale. Final plats, when deemed complete by the subdivision agent, must be signed in accordance with section 3.2.8. of the Subdivision Ordinance.

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

All real estate taxes must be paid and current at the time of submittal. 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 the processing of this application.

Signature

5/5/23
Date

1-383-2

1-383-2

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT, ESTABLISHED THE MINIMUM LINES AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

James R Butler Jr. 1-2-88

Steven W. Butler 1/2/88

Jane R Butler 1/2/88

STATE OF VIRGINIA
CITY OF Portsmouth TO WIT:

I, Ginger Hawley, A NOTARY PUBLIC IN THE CITY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE PERSONS WHOSE NAME ARE SIGNED TO THE ABOVE WRITING BEARING DATE ON THE 2 DAY OF JANUARY, 1988, HAVE ACKNOWLEDGED THE SAME BEFORE ME IN MY CITY AND STATE AFORESAID.

GIVEN UNDER MY HAND THIS 2 DAY OF JANUARY 1988.

Ginger Hawley
NOTARY PUBLIC

MY COMMISSION EXPIRES: November 13, 1989

I HEREBY CERTIFY (1) THAT THIS PLAT OF SURVEY AND SUBDIVISION WERE MADE BY ME AT THE DIRECTION OF THE OWNERS, (2) THAT THIS SUBDIVISION IS ENTIRLEY WITHIN THE BOUNDARIES OF LAND OWNED BY THE SAID OWNERS, THE SOURCE OF TITLE AND THE PLACE OF RECORD OF THE LAST INSTRUMENT IN THE CHAIN OF TITLE BEING FILED IN D.B. 313 P. 563 IN THE CLERKS OFFICE OF THE CIRCUIT COURT OF ISLE OF WIGHT, VIRGINIA, AND (3) THAT THIS PLAT OF SURVEY AND SUBDIVISION WERE MADE AND ARE IN ACCORDANCE WITH ALL LEGAL REQUIREMENTS RELATING TO SUBDIVISION AND THE PLATTING THEREOF IN THE ISLE OF WIGHT COUNTY, VIRGINIA, GIVEN UNDER MY HAND THIS 31ST DAY OF DEC. 1987.

Stephen I. Boone
STEPHEN I. BOONE, L.S.

THIS PLAT OF SURVEY AND SUBDIVISION ARE HEREBY APPROVED BY THE UNDERSIGNED ON THE DATE INDICATED AND PLAT MAY BE ADMITTED TO RECORD.

HEALTH OFFICER — DATE N/A

HIGHWAY ENGINEER — DATE 6/20/89

BOARD OF SUPERVISORS ISLE OF WIGHT COUNTY, VIRGINIA BY:

W Douglas Carey
AGENT OR REPRESENTATIVE OF GOVERNING BODY — DATE 11/6/89

For Deed see
DB 325-456
+ 336-127

VIRGINIA: IN THE CLERKS OFFICE OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, ON Nov. 9, 1989 AT 1:31 O'CLOCK PM, THIS PLAT WAS RECEIVED AND WITH THE CERTIFICATES ANNEXED THERETO ADMITTED TO RECORD.

TESTE: H. E. Laine, Jr., Clerk

CLERK BY: Laurie K. McCue, DEPUTY CLERK

ADDITIONAL NOTES:

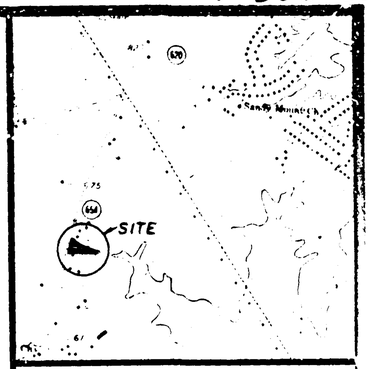
1) A 5' DRAINAGE AND UTILITY EASEMENT ALONG THE SIDE AND REAR OF ALL PROPERTY LINES.

2) A 10' GRADING EASEMENT ALONG THE FRONT OF ALL PROPERTY LINES FOR DRAINAGE PURPOSES.

3) ALL NEW UTILITIES WITHIN BOUNDARIES OF SUBDIVISION TO BE INSTALLED UNDERGROUND.

LEGEND

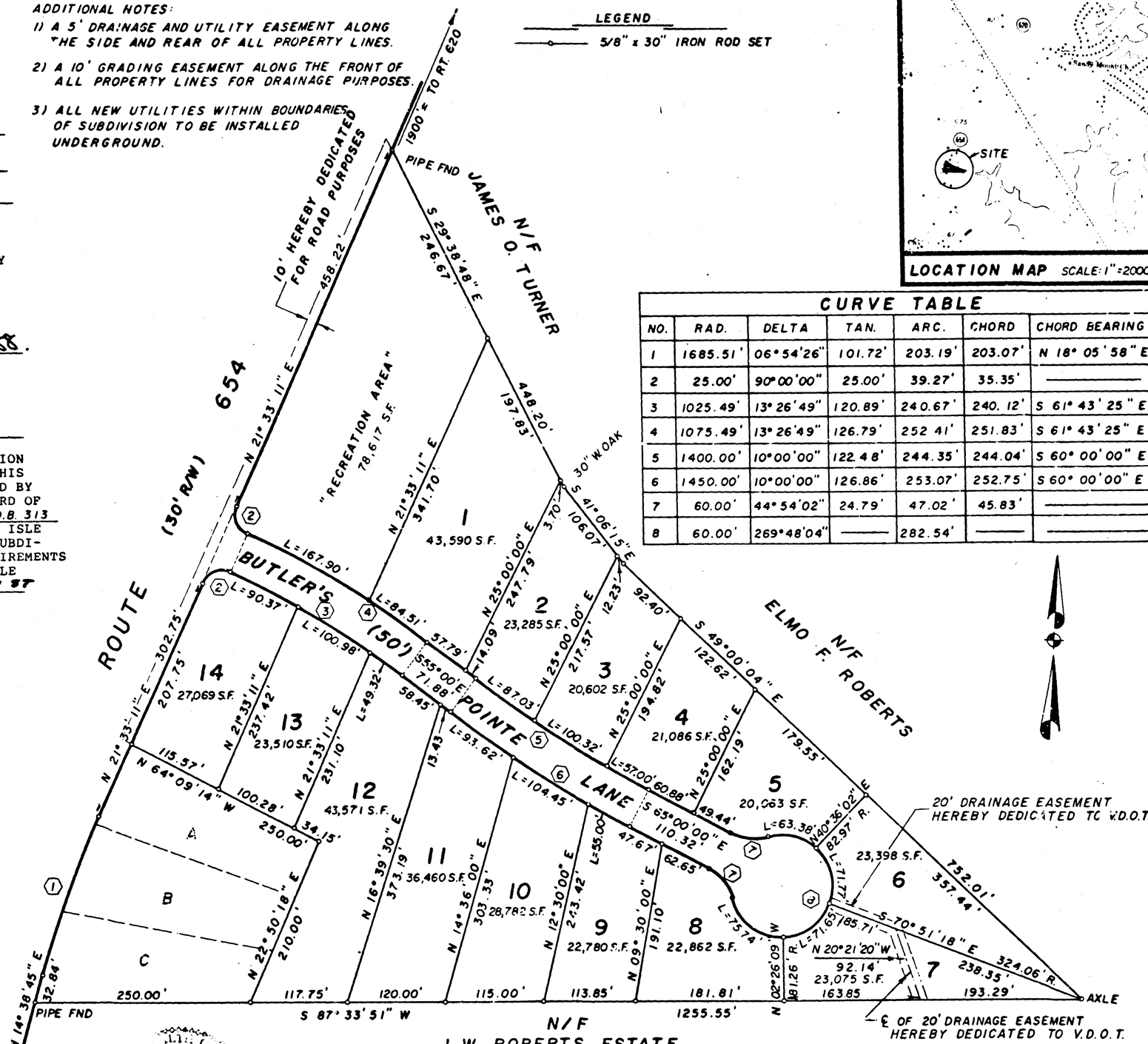
5/8" x 30" IRON ROD SET



LOCATION MAP SCALE: 1" = 2000'

CURVE TABLE

NO.	RAD.	DELTA	TAN.	ARC.	CHORD	CHORD BEARING
1	1685.51'	06°54'26"	101.72'	203.19'	203.07'	N 18° 05' 58" E
2	25.00'	90°00'00"	25.00'	39.27'	35.35'	———
3	1025.49'	13°26'49"	120.89'	240.67'	240.12'	S 61° 43' 25" E
4	1075.49'	13°26'49"	126.79'	252.41'	251.83'	S 61° 43' 25" E
5	1400.00'	10°00'00"	122.48'	244.35'	244.04'	S 60° 00' 00" E
6	1450.00'	10°00'00"	126.86'	253.07'	252.75'	S 60° 00' 00" E
7	60.00'	44°54'02"	24.79'	47.02'	45.83'	———
8	60.00'	269°48'04"	———	282.54'	———	———



SUBDIVISION OF BUTLER'S POINTE, SECTION TWO

PART OF PROPERTY OF
JAMES R. BUTLER ET ALS
D.B. 313, P. 563
NEWPORT MAGISTERAL DISTRICT, ISLE OF WIGHT COUNTY, VIRGINIA
SHEET 1 OF 1

SCALE: 1" = 100'

0 50 100 150

DATE: APRIL 25, 1989

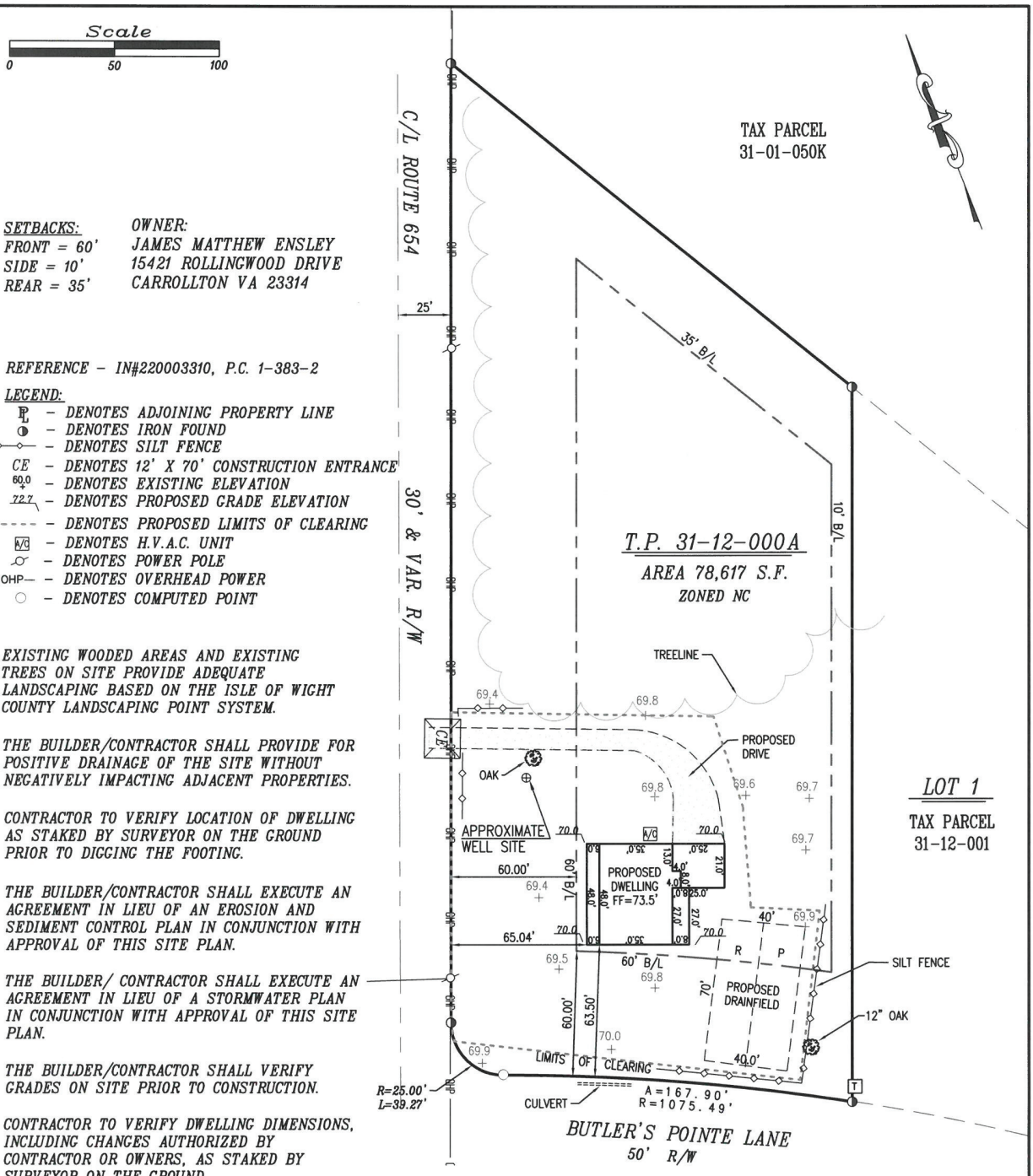
STEPHEN I. BOONE & ASSOCIATES, P.C.
LAND SURVEYORS
PORTSMOUTH, VIRGINIA

NOTES:

1. ALL PARCELS TO BE SERVED BY INDIVIDUAL WELLS AND SEPTIC SYSTEMS.
2. WHERE SEPTIC TANKS ARE TO BE INSTALLED, THERE MUST BE AN APPROVAL ON AN INDIVIDUAL LOT BASIS BY THE HEALTH DEPARTMENT AT THE TIME THAT APPLICATION IS MADE FOR A SEPTIC TANK PERMIT. COUNTY APPROVAL OF THIS PLAT DOES NOT INDICATE THAT THE LAND IS SUITABLE FOR SEPTIC TANK PERMITS.

1-383-2

1-383-2



SETBACKS:
FRONT = 60'
SIDE = 10'
REAR = 35'

OWNER:
JAMES MATTHEW ENSLEY
15421 ROLLINGWOOD DRIVE
CARROLLTON VA 23314

REFERENCE – IN#220003310, P.C. 1-383-2

LEGEND:
- PL – DENOTES ADJOINING PROPERTY LINE
- ◑ – DENOTES IRON FOUND
- —◇—◇— – DENOTES SILT FENCE
- CE – DENOTES 12' X 70' CONSTRUCTION ENTRANCE
- 60.0 – DENOTES EXISTING ELEVATION
- 72.7 – DENOTES PROPOSED GRADE ELEVATION
- - - - – DENOTES PROPOSED LIMITS OF CLEARING
- H/C – DENOTES H.V.A.C. UNIT
- ∽ – DENOTES POWER POLE
- —OHP— – DENOTES OVERHEAD POWER
- ○ – DENOTES COMPUTED POINT

EXISTING WOODED AREAS AND EXISTING TREES ON SITE PROVIDE ADEQUATE LANDSCAPING BASED ON THE ISLE OF WIGHT COUNTY LANDSCAPING POINT SYSTEM.

THE BUILDER/CONTRACTOR SHALL PROVIDE FOR POSITIVE DRAINAGE OF THE SITE WITHOUT NEGATIVELY IMPACTING ADJACENT PROPERTIES.

CONTRACTOR TO VERIFY LOCATION OF DWELLING AS STAKED BY SURVEYOR ON THE GROUND PRIOR TO DIGGING THE FOOTING.

THE BUILDER/CONTRACTOR SHALL EXECUTE AN AGREEMENT IN LIEU OF AN EROSION AND SEDIMENT CONTROL PLAN IN CONJUNCTION WITH APPROVAL OF THIS SITE PLAN.

THE BUILDER/ CONTRACTOR SHALL EXECUTE AN AGREEMENT IN LIEU OF A STORMWATER PLAN IN CONJUNCTION WITH APPROVAL OF THIS SITE PLAN.

THE BUILDER/CONTRACTOR SHALL VERIFY GRADES ON SITE PRIOR TO CONSTRUCTION.

CONTRACTOR TO VERIFY DWELLING DIMENSIONS, INCLUDING CHANGES AUTHORIZED BY CONTRACTOR OR OWNERS, AS STAKED BY SURVEYOR ON THE GROUND. CONTRACTOR TO VERIFY ALL GRADES.

THIS SURVEY HAS BEEN COMPLETED WITHOUT THE BENEFIT OF A TITLE SEARCH. THEREFORE, THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD, LAND TRANSACTIONS AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.

THE PROPERTY SHOWN ON THIS PLAT APPEARS TO BE LOCATED IN ZONE "X" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY – PANEL NUMBER 510303 0135 E, DATED 12-02-2015.

IMPERMEABLE SURFACE AREA

PROPOSED DWELLING	2,709 S.F.
PROPOSED DRIVE	+2,145 S.F.
TOTAL IMPERVIOUS	4,854 S.F.
TOTAL AREA	÷ 78,617 S.F.
TOTAL PERCENTAGE	6.17%

6.17% OF LOT COVERED BY IMPERVIOUS AREA.

25,280 S.F. LIMITS OF CLEARING/DISTURBANCE.

SITE PLAN
FOR
JAMES MATTHEW ENSLEY
LOCATED ON BUTLER POINTE LANE
BUTLER'S POINTE, RECREATION AREA, SECTION TWO
NEWPORT MAGISTERIAL DISTRICT
ISLE OF WIGHT COUNTY, VIRGINIA
SCALE 1"= 50' FEB. 1, 2023

COMMONWEALTH OF VIRGINIA
EDWARD C. (MO)CANADA, III
Lic. No. 002846
2-1-23
LAND SURVEYOR

CANADA LAND & MARINE SURVEYING
1212 S. Church Street Smithfield, VA 23430
PHONE : 757-357-2911

DRAWN BY: ECC | JOB #S23-20-IW

BUTLER'S POINTE SECTION 2 LOCATION MAP

Legend
Parcels
US Highways
Zoning
<all other values>
Zoning
A-1
C-GC
C-PD-MX
GC
GI
GIC
LC
LI
NC
PD-MH
PD-MX
PD-MX
PD-R
RAC
ROAD
RR
SE
SR
UR
VC
N
SCOTTS FACTORY ROAD (Rt 620)
CARROLL BRIDGE ROAD (Rt 654)
<Null> (Rt)
SITE
GC
RAC
NC

Legend

- Parcels
- US Highways

Land Use Designations

LAND_USE

- BE
- CD
- CI
- MU
- PI
- RAC
- RC
- Rail
- Road
- SE
- SR
- Town
- UR
- VC

N

SITE

CARROLL BRIDGE ROAD (Rt 654)

<Null> (Rt)

RAC

EC

AN ORDINANCE TO APPROVE THE APPLICATION (SUB-29-23) TO VACATE THE RECREATION AREA OF THE BUTLER'S POINTE SECTION TWO SUBDIVISION CONTAINING 1.81 ACRES IDENTIFIED AS TAX MAP PARCEL 31-12-000A

WHEREAS, there is now located in Isle of Wight County, Virginia a platted subdivision known as Butler's Pointe Section Two, which was approved in November 1989, establishing fourteen residential lots in the County, said plat being of record in the Circuit Court Clerk's office of the Isle of Wight County, on Instrument Number 1-382-2; and

WHEREAS, the subdivision plat also established a "Recreation Area" containing 1.81 acres of land and is identified as Tax Map Parcel 31-12-000A; and

WHEREAS, the said "Recreation Area" is not utilized as a recreation area; and

WHEREAS, the General Assembly of Virginia has authorized governing bodies of counties to vacate any recorded final plat or portion of a recorded plat as provided in Section 15.2-2272 of the Code of Virginia, 1950, as amended and the County has adopted Appendix A, Subdivisions, Section 3.2.9 of the Isle of Wight County Code to address the procedure to vacate such plats; and

WHEREAS, the owners of said lot desire to vacate the "Recreation Area" designation on said lot and make such use of said lot as may be allowed by law.

NOW, THEREFORE, BE IT ORDAINED that the Isle of Wight County Board of Supervisors hereby vacates the designation as a "Recreation Area" on the parcel of land identified as Tax Map Parcel 31-12-000A, as shown on the plat entitled "SUBDIVISION OF BUTLER'S POINTE, SECTION TWO, NEWPORT MAGISTERIAL DISTRICT, ISLE OF WIGHT COUNTY, VIRGINIA", Recorded In The Circuit Court Clerk's Office of Isle of Wight County on Instrument Number 1-382-20, in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended and Appendix A, Subdivisions, Section 3.2.9 of the Isle of Wight County Code.

Adopted this 15th day of June 2023.

_____
William M. McCarty, Chairman
Board of Supervisors

Attest:

_____
Carey Mills Storm, Clerk

Approved as to form:

_____
Robert W. Jones, Jr.
County Attorney

ISSUE:

Application (CUP-1-23) of Hampton Roads Classical, Inc., Applicant, Represented by P. A. Gist, President, and Benns Saint Luke, LLC, Property Owner, Represented by Vincent C. Carollo, Principal, for a Conditional Use Permit for a Primary and Secondary Educational Facility in Two Existing Buildings and a Request by the Property Owner to Extinguish an Active Conditional Use Permit for Kids Come First Daycare and a Conditional Use Permit for Smithfield Sports Complex on the Same Parcel Located at 14353 Benns Church Boulevard

BACKGROUND:

Hampton Roads Classical, Inc., applicant, represented by P. A. Gist, President, and Benns Saint Luke, LLC, property owner, represented by Vincent C. Carollo, Principal, submitted an application for a conditional use permit for a primary and secondary educational facility in two existing buildings and a request by the property owner to extinguish active Conditional Use Permit CUP-4-21 for Kids Come First Daycare and Conditional Use Permit CUP-9-21 for Smithfield Sports Complex on the same parcel with tax map parcel number 32-01-093 located at 14353 Benns Church Boulevard.

Conditional Use Permit CUP-4-21 for a daycare facility and CUP-9-21 for a private sports club were approved on this parcel in 2021 and 2022, respectively. The daycare use never commenced at this location, and the private sports club was in operation until the end of March 2023. A plan for exterior improvements was approved by the Historic Architectural Review Committee (HARC) in 2021, and these improvements have been underway.

Hampton Roads Classical School is currently operating at another church location in the County and has outgrown its capacity at that location. Their development plan, including projected and phased enrollment for a K-12 school, is included as an attachment to this staff report. Hampton Roads Classical School would like to be open at this location for enrollment for the school year starting Fall 2023.

See attached staff report to the Planning Commission for more details, staff analysis, and recommendation.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

At its meeting on May 23, 2023, the Planning Commission voted eight in favor and one voting against (8-1) to recommend approval of this request with the following conditions: 1. The applicant shall make application to VDOT-Franklin Residency for a posted School Zone and speed limit reduction on Benn's Church Boulevard. 2. The use is approved for two buildings only (Building #1 and Gymnasium). 3. Use of additional buildings will require another CUP. 4. The use is approved for up to 125 persons (student enrollment and faculty/staff). 5. Once 125 persons is exceeded, a left turn lane and right turn lane taper improvements will be required. 6. An annual student enrollment and staffing report shall be provided to the Zoning Administrator in September. 7. The Zoning Administrator shall review and approve the ingress/egress and internal circulation plan during site plan review with concurrent from the Transportation Manager and VDOT. 8. An adult should monitor the student drop-off/pick-up periods and the student exchange point. 9. CUP-4-21 and CUP-9-21 will be extinguished.

Staff also recommends approval of the request.

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Cover Memo	5/31/2023
Application Forms	Backup Material	5/30/2023
Application Narrative	Backup Material	5/30/2023
Request to Extinguish CUP-4-21	Backup Material	5/30/2023
Request to Extinguish CUP-9-21	Backup Material	5/30/2023
Hampton Roads Classical School Overview and Enrollment Plan	Backup Material	5/30/2023
Conceptual Plan	Backup Material	5/30/2023
Internal Circulation Plan	Backup Material	5/30/2023
Turn Lane Analysis	Backup Material	5/30/2023
Septic Capacity Analysis	Backup Material	5/30/2023
Location Map	Exhibit	5/30/2023
Location Map Closeup	Exhibit	5/30/2023
Future Land Use Map	Exhibit	5/30/2023
Ordinance	Ordinance	6/5/2023

PLANNING REPORT

APPLICATION:

Application (CUP-1-23) of Hampton Roads Classical, Inc., applicant, represented by P. A. Gist, President, and Benns Saint Luke, LLC, property owner, represented by Vincent C. Carollo, Principal, for a conditional use permit for a primary and secondary educational facility in two (2) existing buildings and a request by the property owner to extinguish active Conditional Use Permit CUP-4-21 for Kids Come First Daycare and Conditional Use Permit CUP-9-21 for Smithfield Sports Complex on the same parcel with tax map parcel number 32-01-093 located at 14353 Benn's Church Boulevard.

ELECTION DISTRICT:

D1

LOCATION:

The subject property is located at 14353 Benns Church Boulevard in the Newport Development Service District (DSD) and the Newport Development Service Overlay District (NDSO). As such, it is subject to all development design standards applicable to the NDSO. The parcel is zoned Conditional-Suburban Residential (SR) and is located in the St. Luke's Historic Overlay District and Chesapeake Bay Preservation Area (CPBA) Overlay District.

It is a 24.80-acre parcel, which is improved with three buildings that comprise a former school campus (former James River Christian School), parking area on the front and northwest side of the campus, associated ball field(s) to the rear, and seven residential apartments in the northwest part of the parcel. The rear of the parcel is wooded and contains wetlands.

Adjacent land uses are:

- North: Single family detached residences on east side of Benns Church Boulevard (Route 10/258) and single-family attached dwellings and parking area located on the same parcel
- East: Wooded and wetlands areas, single-family detached residence on Beechwood Lane
- South: Chainlink fence and cemetery owned by Historic St. Luke's Restoration
- West: Benns Church Boulevard (Route 10/258)

The property is currently served by public water but not public sanitary sewer, although sanitary sewer is available in the vicinity for future extension to this site. There is an on-site septic system.

BACKGROUND:

Conditional Use Permit CUP-4-21 for a daycare facility and CUP-9-21 for a private sports club were approved on this parcel in 2021 and 2022, respectively. The daycare use never commenced at this location and the private sports club was in operation until the end of March 2023. A plan for exterior improvements was approved by the Historic Architectural Review Committee (HARC) in 2021, and these improvements have been underway.

Hampton Roads Classical School is currently operating at another church location in the County and has outgrown its capacity at that location. Their development plan, including projected and phased enrollment for a K-12 school, is included as an attachment to this staff report. Hampton Roads Classical School would like to be open for enrollment for the school year starting Fall 2023.

DESCRIPTION:

The conditional use permit request applies to only two (2) buildings (Building 1 and Gymnasium as shown on the concept plan) located on that portion of the property that is the former campus of James River Christian Academy, for a total project area of 9,000 square feet. There is a third building located on the former school campus (Building 2) that is not included in this request but is part of the same campus. An athletic field is located behind the former school campus, and seven residential rental townhomes are also situated on this parcel northeast of the former school campus. The request is for up to 125 students and associated staff, and the application has been reviewed with those enrollment and staffing constraints. The two existing conditional use permits on this property, CUP-4-21 and CUP-9-21, are to be extinguished and replaced by this new one.

COMPREHENSIVE LAND USE PLAN:

The parcel has two future land use designations in the 2020 Comprehensive Plan: MU, Mixed Use and EC, Environmental Conservation. Extensive master planning and Traditional Neighborhood Design (TND) principles should be utilized in the development of MU sites. Expected development in MU includes a mix of detached and attached single family residences, multiplexes, townhomes, and apartment style residences, community amenities, and preserved natural features. Non-residential uses may include parks and trails, existing community facilities such as school, churches, and libraries, and existing or planned office and commercial uses. Select light industrial uses may also be appropriate when sited correctly. EC land uses encompass familiar wetland types such as marshes, rivers, streams, their tributaries, resource protection areas, and a protective buffer around those features. It also includes large areas of forested wetlands. Floodplains and steep slopes due to their important environmental role and unsuitability for development area also included. The Comprehensive Plan recommends that these areas remain largely undeveloped. Within residential developments, they should be preserved as protected open spaces. Limited low impact recreational uses such as trails and water access are also appropriate if sited correctly.

The proposed use and Concept Plan is consistent with the future land use designation of the property.

ORDINANCE REVIEW:

Both primary and secondary educational facilities are allowable uses in the Suburban Residential (SR) zoning district with approval of a Conditional Use Permit (CUP). Any additional exterior and site modifications not previously approved by the HARC will require a new application. A site plan application will need to be filed following CUP approval for detailed review of proposed site improvements.

All development standards applicable to the Newport Development Service Overlay (NDSO) District, as set forth in Article VI, Section 6-2000, were considered during review of this application and will continue to be during site plan review following issuance of a CUP. Likewise, any regulations pertaining to development in the Chesapeake Bay Preservation Area Overlay District and the St. Luke's Historic Overlay District shall also apply. There are no Supplementary Use Regulations for primary and secondary educational facilities that apply to this application at this proposed location.

In accordance with Article I, Section 1-1017, Conditional Uses, the Board of Supervisors, after public notice and hearing and upon any recommendations by the Planning Commission, may authorize the issuance of a CUP in harmony with the general purpose and intent of the County Zoning Ordinance, subject to appropriate conditions. If the Board of Supervisors shall determine that a conditional use provided for in this ordinance shall conform to the general character of the neighborhood to which the proposed use will apply and that the public health, morals, safety, and general welfare of such neighborhood will be secure by the granting of such conditional use, subject to the safeguards imposed by the Board, the Board may authorize the issuance of a permit. Such permits may be granted for a temporary period or permanently, as determined by the Board, and if granted for a temporary period, application for an extension of the same will be subject to a public hearing as required by the original application.

The Planning Commission and Board of Supervisors shall consider the following criteria before granting a conditional use permit:

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 vicinity;
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 to minimize traffic congestion in public areas;

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 respects, conform to the application regulations of the zoning district classification in which it is located and to the special requirements established for the specific use; and
7. That the uses(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 specific standards stated above, supplementary use regulations or other guidelines and criteria described in the Zoning Ordinance, and other relevant consideration, the Board may also 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 vehicle to roads; peak period of traffic; and proposed roads, but only in 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, theatres, 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.

AGENCY REVIEW:

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

Economic Development: No concerns. The reuse of this former private school property as another private school that appears to be on a growth trajectory is supported by the Department.

Planning and Zoning: Recommends capping student enrollment and faculty/staff level at 125 persons, due to traffic safety and wastewater management concerns. If the school wishes to increase enrollment and or staff over 125 persons, a new left turn lane design will be submitted for review and approval and any recommended improvements bonded and constructed. A right turn taper shall be installed when 125 persons is exceeded. An annual enrollment and staffing report shall be submitted to the Zoning Administrator by September 30 of each year for turn lane and taper warrant analysis. Ingress/egress and internal circulation patterns should factor in needs of existing townhome residents, particularly during student drop-off/pick-up times so as not to cause use conflicts on the same parcel and ingress/egress delays. Staff supports property owner request to extinguish CUP-4-21 and CUP-9-21. Environmental Planner has no concerns, because it is a developed site. Further review will be conducted during site plan application review.

Virginia Department of Transportation: The Traffic Impact Analysis indicates that a left turn lane is warranted when student enrollment and staffing exceeds 125 students/faculty/staff. No left turn lane will be required up to and including 125 persons. The proposed student drop-off and pick-up circulation plan presents an elevated likelihood of queuing waiting cars onto Route 10. An ingress/egress and internal circulation plan to address this should be designed for review and approval during site plan application review.

Transportation Management: Concurs with VDOT and Planning and Zoning recommendations. Some concerns with parking space locations potentially restricting right turn movements, but this can be addressed during site plan review. Recommend conditioning approval such that student vehicle drop-off/pickup line will always be staffed at the child-exchange point during drop-off/pick-up times. The internal circulation plan details presented for approval at the time of site plan application review should be in general conformance with the circulation concept plan included with this application and will require Zoning Administrator and VDOT approval.

General Services – Public Utilities and Stormwater Management: Recommended approval with further review conducted during site plan application review.

Fire/EMS: No concerns at this time.

Sheriff: No objection to the application for the placement of the school at this location. Although there was some discussion in the narrative regarding a turn lane into the school, would there be any requirement for a school zone posting with a reduction in speed as there is with other public and private schools in the county? Note: In response to this question, Planning & Zoning staff inquired about this with the VDOT Franklin Residency. It was indicated that any school, public or private, may request installation and approval of a school zone with speed limit reduction; however, such requests must meet certain criteria with the understanding that any such installation costs will be borne by the requester and maintenance responsibility for any equipment installed marking such zone (e.g., flashing signs) must be maintained by the requester and not VDOT.

Furthermore, such requests are not automatically approved. Staff provided the necessary forms for this purpose to the applicant for their consideration.

IOW County Health Department: The conditional permit previously issued for the daycare remains valid for the proposed school based on existing system capacity.

STAFF CONCLUSIONS:

Strengths:

1. The proposed use is consistent with the County's Comprehensive Plan future land use designation for Mixed Use and Environmental Conservation land uses, and the Zoning Ordinance for the Conditional-Suburban Residential (C-SR) zoning district.
2. This campus in which this use is proposed was previously used as a private school.
3. Both interior and exterior renovations were already underway for a daycare use and private sports club in the two buildings subject to this request, enabling the proposed use to move into this location more quickly for an August 2023 proposed opening.

Weaknesses:

1. There are concerns about site ingress/egress and internal traffic circulation to avoid queuing on Benns Church Boulevard (Route 10/258), however an ingress/egress plan and internal circulation plan has been proposed and will be finalized during site plan review.
2. There is no right-turn taper or left turn lane on Benns Church Boulevard (Route 10/258) providing ingress/egress to the site. Both would need to be installed once student enrollment and staffing levels exceed 125 students.
3. The adjacent single-family detached residential on the north side of the site as well as the existing townhomes on the same property may experience increased traffic and noise from the proposed use during operational hours. The continuing ingress/egress needs of the existing townhome residents should be considered during school student drop-off/pick-up times so as not to create use conflicts.

STAFF RECOMMENDATION:

In consideration of the existing conditions, proposed use, phased school growth as per the Development Plan submitted with the application, comments from all reviewing agencies, and the strengths and weaknesses of the proposal, staff recommends approval of the application with the following conditions to mitigate noted concerns: 1. The use is approved for two buildings only (Building #1 and Gymnasium). 2. Use of additional buildings will require another CUP. 3. The use is approved for up to 125 persons (student enrollment and faculty/staff). 4. Once 125 persons is exceeded, a left turn lane and right turn lane taper improvements will be required. 5. An annual student enrollment and staffing report shall be provided to the Zoning Administrator in September. 6. The Zoning Administrator shall review and approve the ingress/egress and internal circulation plan during site plan review with concurrent from the Transportation

Manager and VDOT. 7. An adult should monitor the student drop-off/pick-up periods and the student exchange point. 8. CUP-4-21 and CUP-9-21 will be extinguished.

RECEIVED
FEB 02 2023
By CS

RECEIVED
FEB 02 2023
By:

CUP 1-23

ISLE OF WIGHT
COUNTY, VIRGINIA
DEPARTMENT OF PLANNING AND ZONING

#27458

APPLICATION FOR CONDITIONAL / SPECIAL USE PERMIT

This application should be used to petition for a permit for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but which may, under the right set of circumstances and conditions be acceptable in certain specific locations. The following application requirements are consistent with the procedures set forth in Section 1-1017, *Conditional Uses,* and Section 1-1018, *Special Use Permits for Uses Not Provided For,* of the Isle of Wight County Zoning Ordinance, as amended.

A. APPLICATION FOR (CHECK ALL THAT APPLY):

[✓] Conditional Use Permit (Are applicant proposed conditions attached?): ✓ Yes _____ No

The proposed use or activity is listed as a conditional use in the _____ zoning district as per Section _____ in Article IV of the Isle of Wight County Zoning Ordinance.

[ ] Special Use Permit (Are applicant proposed conditions attached?): _____ Yes _____ No

Proposed Use or Activity: the reuse of existing building for school, Hampton Roads Classical Addendum 1 attached.

B. PROJECT DESCRIPTION:

Project Name: Hampton Roads Classical School

Property Address (if any): 14353 Benns Church Blvd.

Election District: Mr. Richard L. Grice; District 1

Comprehensive Plan Designation: _____

The use permit will apply to 9,000 sq.ft acres out of 24.80 total acres

Tax Parcel Identification # 32-01-093 Number of acres to be effected: zero

Tax Parcel Identification # _____ Number of acres to be effected: _____

Tax Parcel Identification # _____ Number of acres to be effected: _____

Proposed Utilities (check all that apply): Public Water ✓ Private Well _____

Public Sewer _____ Private Septic ✓

C. **APPLICATION INFORMATION:**

Applicant(s) Name(s): Hampton Roads Classical, Inc. / P. A. Gist, President

Address: 13490 Benns Church Blvd

City, State, Zip Code: Smithfield, VA 23430

Phone No.: 757-542-3901 Email: pagist@hamptonroadsclassical.org Fax No.:

Property Owner(s) Name(s): Benns Saint Luke, llc. ; Vincent C. Carollo its Principal

Address: 1807 South Church Street suite 200A

City, State, Zip Code: Smithfield, Virginia 23430

Phone No.: 757.357.0597 Email: vcarollo@jvcholdingsllc.com Fax No.:

Jan. 19, 2023

Applicant Signature **Date**

January 26, 2023

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: 2/9/2023 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 Amy King - COD

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

Verified By: Date: 2/9/23

SUBMITTAL CHECKLIST FOR CONDITIONAL / SPECIAL USE PERMIT APPLICATIONS

In conjunction with Section 1-1017, *Conditional Uses*, and Section 1-1018, *Special Uses Permits for Uses Not Provided For*, of the Isle of Wight County Zoning Ordinance, as amended, the following information shall be submitted for a Conditional / Special Use Permit 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 a Conditional / Special Use shall be certified as complete unless the following information is provided. **The required number of copies may be reduced with permission of the Zoning Administrator.**

- ☐ Application: Ten (10) copies of the original, executed application, one (1) digital copy of all application documents, and one (1) original executed application. Both the applicant(s) and the property owner(s) must have their signature(s) notarized on page 3 of the application.

- ☐ The appropriate fees have been submitted with the application. Checks should be made payable to: Treasurer, Isle of Wight County.

- ☐ Ten (10) copies of a statement of the reasons for seeking such permit and if applicable, a statement of conditions.

- ☐ Ten (10) copies of a narrative description of the property which shall include the Tax Parcel Identification

- ☐ Ten (10) copies of a concept plan of the property showing all existing and proposed physical improvements and such other information as is necessary to clearly indicate to the Planning Commission and Board of Supervisors that adequate provisions shall be made for compliance with all standards for that particular use and the extent of the property to be so used on a given parcel or parcels. 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) to be rezoned, 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)
  - Ten (10) full size copies, with one (1) reduced 11-inch X 17-inch copy and a digital copy shall be submitted

- Please note that additional information on the site layout may be requested by the Zoning Administrator during the review process to **review the application and prepare the staff reports for the Planning Commission and Board of Supervisors more effectively**.

☐ Ten (10) copies of such supplemental material as may be necessitated by the proposal itself or the district in which located or proposed to be located, and in accordance with Section 5-5000, *Supplementary Use Regulations*, of the Isle of Wight County Zoning Ordinance.

☐ A WQIA (Water Quality Impact Assessment) if located in the Chesapeake Bay Preservation Area.

☐ 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.

Vincent C. Carollo
Printed or Typed Name

Vincent C. Carollo
Signature

January 26, 2023
Date

COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS

Applicant Hampton Roads Classical / P. A. Gist, President

Address 13490 Benns Church Blvd
Street

Smithfield VA 23430
City State Zip

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
None	

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
N/A	

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[X]
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: P. A. Gist (Printed or Typed Name) Applicant: _____ (Signature) Date: Jan. 19, 2023

owner; Vincent C. Carollo owner: Vincent C. Carollo : Jan. 19, 2023

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Nancy J. Begor,
A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia, this 20 day of January, 2023.

Nancy J. Begor
Notary Public

NANCY J BEGOR NOTARY PUBLIC REG# 7037275 MY COMMISSION EXPIRES 05/31/2026 COMMONWEALTH OF VIRGINIA

My Commission Expires May 31, 2026

BENNS SAINT LUKE
MANAGEMENT & DEVELOPMENT

Ms. Amy Ring, Director
Isle of Wight County Community Development
Re: Statement of Reason
For an Application Conditional Use Permit.

Monday, January 23, 2023

To the Isle of Wight County Department of Community Development,

This Is Vincent C. Carollo, Principal Of Benns Saint Luke, LLC.. Management And Development And As Of This Date Today, I Would Like To Present This Statement Of Reason For Complimenting And Seeking A Conditional Use Permit Precise To The Existing Property Located 14353 Benns Church Boulevard In Isle Of Wight County With Tax Parcel Identification Number 32-01-093.

Per Benns Saint Luke, LLC., Purchase Of The Property In 2017, The Zoning Is Suburban Residential And Its Physical Buildings Include Are Two Detached School Buildings, A Gymnasium Building, Along With Seven Residences: Four Attached Residential Units And Three Attached Residential Units Within The Total 24.80 Acres Existing To This Day. The Property Is Known Today As The " Former James River Academy School" Consisting Of Two Detached, Brick And Mortar Nine Thousand Square Foot Academic Buildings Built In 1970-1972 And A Stand Alone Masonry Block And Wood Framing, Wood Siding 6,000 Square Foot Gymnasium Built In 1982. Upon Construction And Commencement Of The School Enrollments Until 2007-2008, The Buildings Were Built For Specifically And Operational Use As A Private School To Service Isle Of Wight County And Its Neighboring Communities. During Its School's History, The School Achieved A School Enrollment Approximately Three Hundred Children And Staff At It Highest Enrollment And After The Academy In 2007-2008 Was Unsuccessful To Keep Minimum Enrollment At Operational Levels The School Closed. After Closing The School, Property Owners First Free Will Baptist Church Began A Leased Agreement To Church Tenant Profile Leasing The Same Existing Academic And Gymnasium Buildings Until My Company's Purchase Of The Property 2017. Benns Saint Luke, LLC. Continued To Lease To The Church Tenant Profile Until December 30, 2021 When Tenant And Leasing Landlord Surrendered The Lease Agreement. During 2022 Exterior Remodeling Would Continue The Two School Buildings On This Property As Of Today Has Remained Vacant With Exterior Remodeling Continuing On Both Buildings For Aesthetic Improvements By Benns Saint Luke, LLC.

On Behalf Of This Property And Benns Saint Luke, LLC. The Reason To Present This Statement For Your Review And Proceeding Forward With Planning: Benns Saint Luke, LLC.. Has Been In Secure Conversations To Move Forward This Letter For The Considering A Special Use Permit For Existing Building 2 (Shown In Attached Addendum 1.) With Tenant Prospect And Profile, Hampton Roads Classical School. We, Benns Saint Luke, LLC. And Hampton Roads Classical School, Agree That This Inherent Property Location, Physical Building, With A Potential Reuse, Reoccupying As A Private School That In History Was Originally Constructed For The Education Within Isle Of Wight County And Its Neighboring Areas Is Positively A Successful Reason For Any Potential Families And Children That Think Preferable Of A Hampton Roads Classical School's Philosophy And Curriculum (Shown In Attached Addendum 1.) To Be Located At 14353 Benns Church Boulevard Building 2, In Isle Of Wight County.

Genuinely And Thank You Very Much For Consideration,

Vincent C. Carollo
Principal
Benns Saint Luke, LLC.

BENNS SAINT LUKE
MANAGEMENT & DEVELOPMENT

Monday, January 23, 2023

Ms. Amy Ring, Director
Isle of Wight County Community Development
Re: Children's Daycare Conditional Use Permit Extinguish
14353 Benns Church Blvd. T.P. # 32-01-093

To Ms. Amy Ring,

This Is Vincent C. Carollo, Principal of Benns Saint Luke, LLC Owner of the Property With Tax Parcel Identification Number 32-01-093 With an Area of 24.80 Acres and Currently Zoned as SR Located 14353 Benns Church Boulevard in the Election District 1 of Mr. Richard Grice. On Behalf of Benns Saint Luke, LLC, the Company Has Had Business Consequences and Has Now Resulted in a Redirection of a New Tenant Profile and a New Petition for Application of a Conditional Use Permit. I Ask Formally to Isle of Wight County's Community Development That the Conditional Use Permit for a Children's Daycare That Was Approved Over a Year Ago to Now Be Formally Extinguished to This Property.

Benns Saint Luke, Llc. Consents to and Authorizes To Attach This Extinguished Letter to the New Conditional Use Permit Application That Benns Saint Luke, LLC Is Applying for the Hampton Roads Classical School Conditional Use Permit if Isle of Wight County Community Development Needs It To Be Warranted.

Sincerely,

Vincent C. Carollo
Principal
Benns Saint Luke, LLC.

BENNS SAINT LUKE
MANAGEMENT & DEVELOPMENT

Tuesday, April 4, 2023

Ms. Amy Ring, Director
Isle of Wight County Community Development
Re: Smithfield SportsPlex Conditional Use Permit request extinguishment
subject to Hampton Roads school CUP application (CUP-1-23) 1st submittal (MUNIS number 27458)

To Ms. Amy Ring,

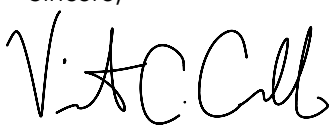
Hello and this is Vincent Carollo of Benns Saint Luke, llc, property owner with tax parcel identification number 32-01-093 with an area of 24.90 acres and currently zoned as SR located at 14353 Benns Church Blvd. in the election district 1 of Mr. Richard Grice.

Ms. Ring per the 1st Submittal and responding to the item 1. of page 2 and page 3 from planning and zoning dated March 29, 2023: on behalf of Benns Saint Luke, llc my response below:

On behalf of Benns Saint Luke, llc. I would like to formally request the extinguishment of the Conditional Use Permit on Smithfield SportsPlex. Via this letter Ms. Amy Ring, to have this document to be used as formal evidence for your office and complimentary to the current ongoing Conditional Use Permit application for the Hampton Roads Classical School if and when warranted by your office and or Isle of Wight County Community and Development Departments. I have forwarded in past to Mr. Trenton Blowe my attorney's letter lease termination to tenant, Smithfield SportsPLex, last day to vacate was as of March 31, 2023 and to govern themselves accordingly.

Ms. Amy Ring thank you as always and please thank Ms. Jeryl Phillips, for time on clarification of the comments provided to me personally and to Mr. Gist on Monday afternoon April 3. 2023. As always and if certainly any details are needed further, I will comply.

Sincere,



Vincent C. Carollo
Principal
Benns Saint Luke, llc.

Copy: AES Consultants Engineer, Mr. Adam Reimert, adam.reimert@aesva.com
Copy: JVC Holdings, llc. Investment & Development, Ms. Josephine Carollo, jcarollo@jvcholdingsllc.com

addendum 1

Education that inspires a rich, thoughtful, and virtuous life.

Academy Name: Hampton Roads Classical

Current Location: 13490 Benns Church Blvd., Smithfield, VA 23430

Established: August 2020

Founder / Headmaster: Phillip A. (Andy) Gist

Telephone: 757-542-3901

Email Address: pagist@hamptonroadsclassical.org

January 3, 2023

Hampton Roads Classical
13490 Benns Church Blvd
Smithfield, VA 23430

Isle of Wight County Planning Department
7140 Monument Circle, Suite 101
Isle of Wight VA 23397

To whom it may concern,

On behalf of our Board of Directors, families, and students, I write to submit a proposal and concept plan regarding in advance of pursuing a Conditional Use Permit to lease part of the existing facilities at 14353 Benns Church Blvd (Benns St. Luke) in Smithfield from owner, Vincent C. Carollo, Principal of Benns Saint Luke, LLC. Management & Development. We have been in discussion with Mr. Carollo regarding a targeted move-in timeline of July 2023 to begin our 2023-2024 school year in August, 2023.

Hampton Roads Classical offers a classical, liberal arts education with an emphasis on the Western tradition and the founding principles of America. We are in a nascent stage, opening our doors in 2020. During that time, Hope Presbyterian Church has played a crucial role in helping us get started, but our enrollment has more than doubled and we are simply outgrowing their facilities. In order to offer our unique classical education to more students in the community, we are in desperate need of a location that has both adequate indoor facilities and outdoor green space that can accommodate our growth, even if temporarily.

Since the property at Benns St. Luke was originally a school, we see this as a natural fit that will allow us multiple years of growth. We also see this as a long-term benefit to the county as it will provide both an additional option to offset the growing population demand for schooling and additional school choice for local families in and around Isle of Wight County.

Please see the attached proposal and concept plan. We look forward to our pre-application meeting on Wednesday, January 11. I am available, at your convenience, to answer any questions about this proposal beforehand and will be available along with one of our board members at the meeting on January 11th.

Sincerely,
PA Gist
P. A. Gist, Headmaster
Hampton Roads Classical

Executive Summary

We believe in the ancient Greek philosophy that the purpose of education is to cultivate wisdom and virtue in young people, in order to live a life of happiness.

In our lifetime, we have seen a fundamental shift in schooling away from what the true purpose of education is meant to be; away from an emphasis on intellectual, moral, and civic virtue towards a decidedly pragmatic and utilitarian purpose. One educational fad after another and countless spending on education, has produced lackluster results. Many adults are not culturally literate about their own American heritage and lack the ability to engage in thoughtful discourse. As Dorothy Sayers stated in her now famous 1947 speech, "although we often succeed in teaching our pupils "subjects," we fail lamentably on the whole in teaching them how to think: they learn everything except the art of learning." [1]

The Greek philosopher Plato likened education to the blueprint of a ship that will guide children best through the voyage of life. The founders of the American Republic, borrowing from the ancient and enlightenment philosophers, believed the liberal arts (liberal, from the Latin *liber*, meaning "free" or independent) were the arts of a free people or the arts that could provide "freedom" to those who studied them. They believed that a classical liberal education is essential in a democracy if citizens are to govern themselves wisely, form judgements about policies, understand the complexities of public issues, and make informed contributions to the deliberations of the republic. Our very form of republican government, of the people, by the people, and for the people, is rooted in classical antiquity.

Classical education is a return to the traditional and enduring form of liberal education, begun by the Greeks and Romans, developed through the medieval and Renaissance periods, and now being renewed and recovered in the 21st century. The goal of a classical liberal education is to develop right reason among young people and to cultivate wisdom and virtue by nourishing objective standards of truth, goodness, and beauty.

We unequivocally believe that the best approach to education is classical education, because it is a proven approach that teaches children *how to learn* and become independent thinkers in their formative years. More importantly, it is an approach that will nurture a child's humanity while inspiring them to lead a rich, thoughtful, and virtuous life. Classical education is education for knowledge and character, not just for utilitarian and pragmatic reasons. Its purpose is to teach what it is to be a true human being, living within a moral order. Classical education disciplines and opens the mind to engage in a higher order of thinking and allows students to compete in, what George Washington called, the "arena of ideas." It creates a wise and virtuous citizenry who know their history so deeply, they can apply the lessons of the past to solve contemporary problems.

We founded Hampton Roads Classical with the vision of bringing the time-honored approach of classical education to western Hampton Roads.

[1] Sayers, Dorothy. "The Lost Tools of Learning." Speech, Oxford, 1947.

Management and Operation

Hampton Roads Classical is a non-stock, not-for-profit corporation under Virginia Statutes. It is intended that the corporation shall have and continue to have the status of a corporation that is exempt from federal income taxation 26 U.S.C.A. § 501(c)(3).

I. ***The Founding Advisory Board*** consists of:

a. Founder and Director: Mr. P. A. Gist

b. Co-Founder: Mr. Gary Porter

II. ***Operating Board of Directors*:** The Board of Directors of the academy have sole oversight and authority of the operations of the academy and operates with the bylaws of Hampton Roads Classical, Inc. The bylaws of the Academy are made and adopted by the Board of Directors, and may be altered, amended or rescinded only by the Board of Directors.

III. ***Statement of Need:*** After beginning operations in 2020 at Hope Presbyterian Church, we have doubled in enrollment, are outgrowing their existing facilities and are looking for a new location and partner to help us continue to grow and expand our academy. We originally identified northern Isle of Wight County as the place to establish this academy because of the rapid and projected growth in the northern Suffolk and Isle of Wight County areas and because of the lack of schooling options, particularly private education in this area. Presently, there is only one full-time, private K-12 school in Isle of Wight County and there is growing concern of the county public schools growing beyond capacity. Hampton Roads Classical offers families in our growing community an academically rigorous, virtue-based alternative to public schools and other private schools in the area.

IV. ***Timeline:*** Our current lease at Hope Presbyterian Church expires on June 30, 2022. We propose an initial 12-month lease, at a monthly rate as agreed upon by both parties, with an option to renew annually, to begin on July 1, 2023. This will allow us to move in, complete agreed-upon leasehold improvements, and begin our first day of school as scheduled on August 22, 2023.

Education Components

I. ***Mission Statement:*** The mission of Hampton Roads Classical is to cultivate intellectual, moral, and civic virtue in each student, through a rigorous American classical education that disciplines the mind to a lifelong pursuit of wisdom grounded in the objective standards of truth, goodness, and beauty intrinsic to the human spirit.

II. ***Vision:*** In close partnership with families, we seek to prepare students who will become the future guardians of the American republic to lead responsible, independent, and productive lives. It is our firm belief that such virtues are necessary to understand what it is to be fully human and are required to accept the privileges and responsibilities of American citizenship in a free and just society.

III. ***Educational Philosophy***: We follow a distinctively classical approach to teaching students and believe that the acquisition of wisdom and the cultivation of virtue are the central tasks of education.

- A **high view of mankind** with acknowledgement of objective standards of truth, goodness, and beauty.
- The **centrality of the Western tradition and the founding principles of America**. This will include a *Great Books* approach to reading literature, history, science, and philosophy from original sources as they were written in that period of time.
- A **virtue-based ethos**, informed by the values, customs, conventions, and norms of the **Judeo-Christian tradition**. The four cardinal virtues of **prudence, justice, temperance, and fortitude** are exemplified by our teachers and expected of our students.
- A **trivium-based approach** that teaches the tools of learning across all subjects in a way that is aligned to a child's strengths and natural abilities at each developmental stage.

  Grammar – The building blocks of the knowledge and language in each subject that lays the foundation for advanced study.

  Logic – Mastery of critical thought and reason through associations learned in each subject in the grammar stage.

  Rhetoric – The art of persuasion through elegant, articulate expression of logic in speech and writing.

IV. ***School Motto:*** Veritas Virtus Libertas (Truth, Virtue, Liberty)

V. ***Student Motto:*** Know the True, Do the Good, Love the Beautiful

VI. ***Curriculum:*** Hampton Roads Classical follows a distinctly classical pedagogy that teaches students *how to learn* through a trivium-based approach of grammar, dialectic, and rhetoric. This includes a content-rich curriculum that is fundamentally rooted in the liberal arts (liberal from the Latin *liber*, meaning "free" or independent); that is, a solid foundation in the arts, humanities, and the sciences, bolstered by a firm grasp of language and mathematics. At Hampton Roads Classical, we implement a curriculum which embraces the principle of cultural literacy[2], and outlines a basic curriculum in the subjects of English literacy, writing, Latin, history and geography, literature, mathematics, science, music, art, and physical education. This will include the use of explicit phonics-based instruction leading to reading fluency, the study of Latin as a path to English language mastery, and for its intrinsic and cognitive value. It will also include a rich and recurring examination of the American literary, moral, philosophical, political, economic, and historical traditions. As the school progresses to 8th - 12th grades, logic and rhetoric will be included across the curriculum.

VII. ***Enrollment:*** Enrollment for the 2022-2023 academic year is 48 students in grades kindergarten through 7th grade with an average class size of 10 students. We are projecting near 100% reenrollment for next year with an annual increase of 25% each subsequent year, and plan to expand through matriculation.

Academic Year	Projected Enrollment	Grade Levels	Projected Faculty
2023 – 2024	60	K – Eighth	6FT/3PT
2024 – 2025	75	K – Ninth	8FT/3PT
2025 – 2026	94	K – Tenth	10FT/3PT
2026 – 2027	TBD	K – Eleventh	12FT/4PT
2027 – 2028	TBD	K – Twelfth	12FT/4PT

VIII. ***Class Structure:*** We institutionalize a school ethos demanding moral virtue, decorum, respect, discipline, and studiousness among the students and faculty. Instruction will be primarily classroom based with an ideal teacher-to-student ratio no greater than 12:1. As opposed to the popular "student-centered approach" to modern education, we believe in knowledge-centered education with a clear focus on teacher-led direct instruction. Teachers convey real knowledge through mimetic (memorization), didactic (knowledge acquisition), and Socratic (higher order thinking through thought provoking questioning) teaching methods, helping students pursue the ideal rather than the appetites of the individual.

IX. ***Employment:*** We currently have 10 employees (5 full time and 3 part time faculty; 2 administrative staff)

X. ***Tuition:*** Tuition for the 2022-2023 academic year is $6,500 for kindergarten, $6900 for 1st and 2nd grades, and $7,000 for 2nd through 7th grades. Tuition for subsequent years will be determined by our Board of Directors on an annual basis.

[2] Hirsch, E.D. *Cultural Literacy*. New York: Random House, 1988.

XI. ***Extracurricular Activities:*** Depending on the interest of enrolled families, we have offered certain after school extracurricular programs to include Chess Club, Chorus Club, and tutoring, and would like to implement limited athletic programs (e.g. soccer, cross country, etc.) in the future. We will seek to partner with the county or other recreational facilities for any extracurricular activities that cannot be conducted on the premises.

XII. ***Accommodations:*** Currently, we do not have the ability to hire additional resource personnel to accommodate students with physical or severe learning disabilities, and we reserve the right to limit enrollment accordingly.

XIII. ***Calendar:*** The school's 2022-2023 calendar is on the website. We anticipate a similar schedule and events in future years. https://www.hamptonroadsclassical.org/calendar

Logistics Components

I. ***Facility:*** Based on the walk around we conducted with Mr. Carollo, we propose the use of the following facilities.

a. Use of the 9,000 sq. ft. north building (Bldg. ' **2** '). Next year we plan to have seven classes: Kindergarten, 1st grade, 2nd grade, 3rd grade, 4th grade, a combined 5th/6th grade, and 7th/8th grade.

b. Use of the outdoor green space on the property for a general play area. Our students have recess three times a day during the school day and we have physical education classes two days a week in the afternoons. We do not intend to put a playground facility on the premises, at least in the first year.

c. Potential shared use (daytime only) of the gymnasium in the back of the property, subject to the owner's approval.

II. ***Hours:*** Our school hours are Monday through Friday 8:30 a.m. to 3:00 p.m. Faculty and staff will need access to the building Monday through Sunday.

III. ***Food Service:*** We do not offer a school prepared lunch service. The contract with families includes the stipulation that parents provide a packed snack and lunch each day. Our students currently eat in their classrooms or outside, weather permitting.

IV. ***Transportation:*** We do not offer a transportation service for families. The contract with families includes the stipulation that parents provide transportation to and from school. We would need access to parking on the premises for our faculty and staff and, from time to time, for parents and families to attend school events.

V. ***Before and After School Care:*** We do not offer before and after school care because we are not a licensed daycare facility in the state of Virginia.

Business Components

I. ***Economic Soundness:*** Hampton Roads Classical has operated in the black exclusively on tuition since inception. The following is a snapshot of our projected revenue. We will conduct deliberate fundraising campaigns for future growth.

Academic Year	Projected Revenue
2022 – 2023	$320,000
2023 – 2024	$410,000
2024 – 2025	$490,000

II. ***Insurance:*** Hampton Roads Classical will independently obtain insurance to include personal liability, property, and worker's compensation. As part of the lease, we are willing to negotiate a mutually agreed amount of insurance coverage.

Assurances

I. ***Nondiscrimination Policy***: Hampton Roads Classical admits students of any race, color, national and ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. Hampton Roads Classical does not discriminate on the basis of race, color, national and ethnic origin in administration of its educational policies, admissions policies, scholarship and loan programs, athletic and other school-administered programs.

II. No substantial part of the activities of this academy shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the academy shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office.

III. We have full knowledge of and will comply with the ***Virginia Conflict of Interest Act.*** The academic and operational performance expectations and measures shall be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures, and metrics as established by Board of Directors. The performance framework shall include indicators and measures for:

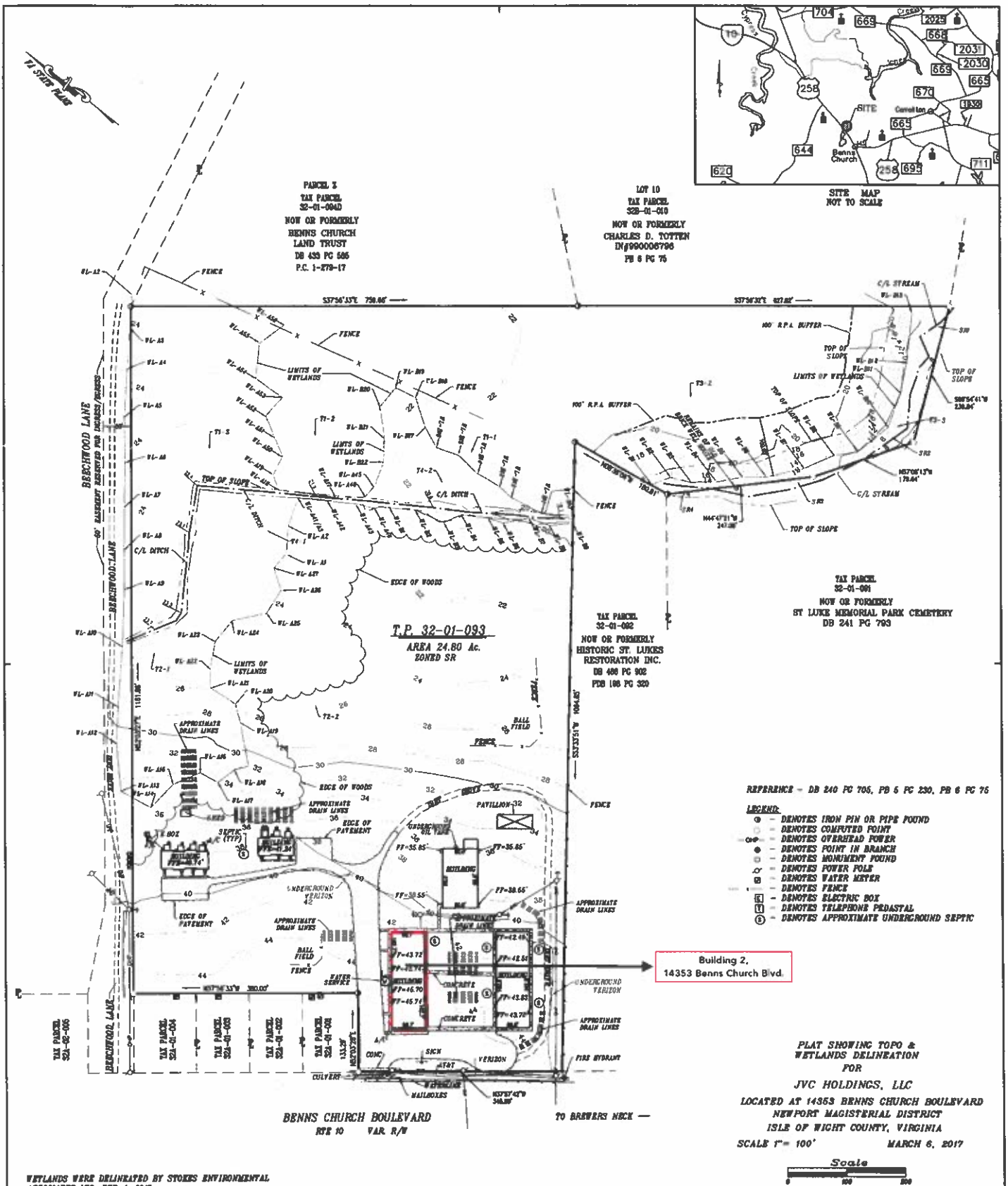
a. Attendance and recurrent annual enrollment;

b. Student academic proficiency and growth;

c. Postsecondary education readiness of high school students (when applicable);

d. Financial performance and sustainability; and

e. The performance and stewardship of the Board of Directors, including compliance with all applicable laws and regulations.



PLAT SHOWING TOPO & WETLANDS DELINEATION
FOR
JVC HOLDINGS, LLC
LOCATED AT 14353 BENNS CHURCH BOULEVARD
NEWPORT MAGISTERIAL DISTRICT
ISLE OF WIGHT COUNTY, VIRGINIA
SCALE 1"= 100' MARCH 6, 2017

Scale
0 100 200

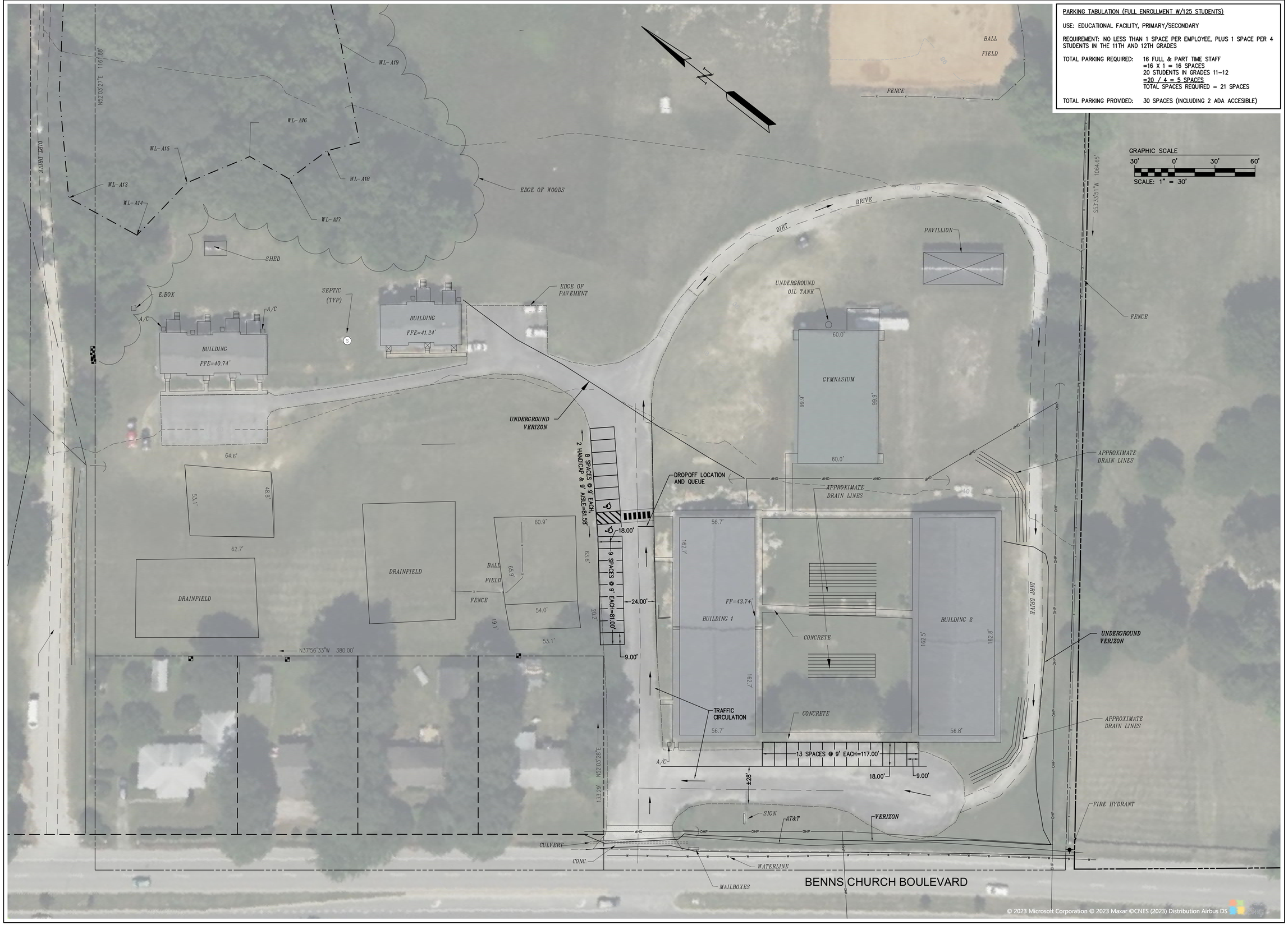
WETLANDS WERE DELINEATED BY STOKES ENVIRONMENTAL ASSOCIATES LTD. FEB. 1, 2017.

THIS SURVEY HAS BEEN COMPLETED WITHOUT THE BENEFIT OF A TITLE SEARCH. THEREFORE, THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD, LAND TRANSACTIONS AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY WAS TAKEN FROM PB 5 PG 230.

THE PROPERTY SHOWN ON THIS PLAT APPEARS TO BE LOCATED IN ZONE "X" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 510303 0154 E, DATED 12-02-2015.

TAX PARCEL 32A-01-001	TAX PARCEL 32A-01-002	TAX PARCEL 32A-01-003	TAX PARCEL 32A-01-004
NOW OR FORMERLY	NOW OR FORMERLY	NOW OR FORMERLY	NOW OR FORMERLY
C. DOUGLAS NOCE	DAVID W. GOODRICH	JVC LLC	SYLVIA C. MARKHAM
IN#060000744	EVA P. GOODRICH	IN#160006076	IN#030006349
PB 4 PG 105	CHRISTOPHER P. GOODRICH	PB 4 PG 105	PDB 205 PG 287
	IN#040006316		
	PDB 353 PG 689		

CANADA LAND & MARINE SURVEYING
1212 S. Church Street Smithfield, VA 23430
PHONE: 757-357-2911
DRAWN BY: BCC JOB 2017-06-JM



Rev.	Date	Description	Revised By

5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 253-0040
www.aesva.com

AES CONSULTING ENGINEERS

Hampton Roads | Central Virginia | Middle Peninsula

CONCEPTUAL PLAN FOR

14353 BENNS CHURCH ROAD

ISLE OF WIGHT VIRGINIA

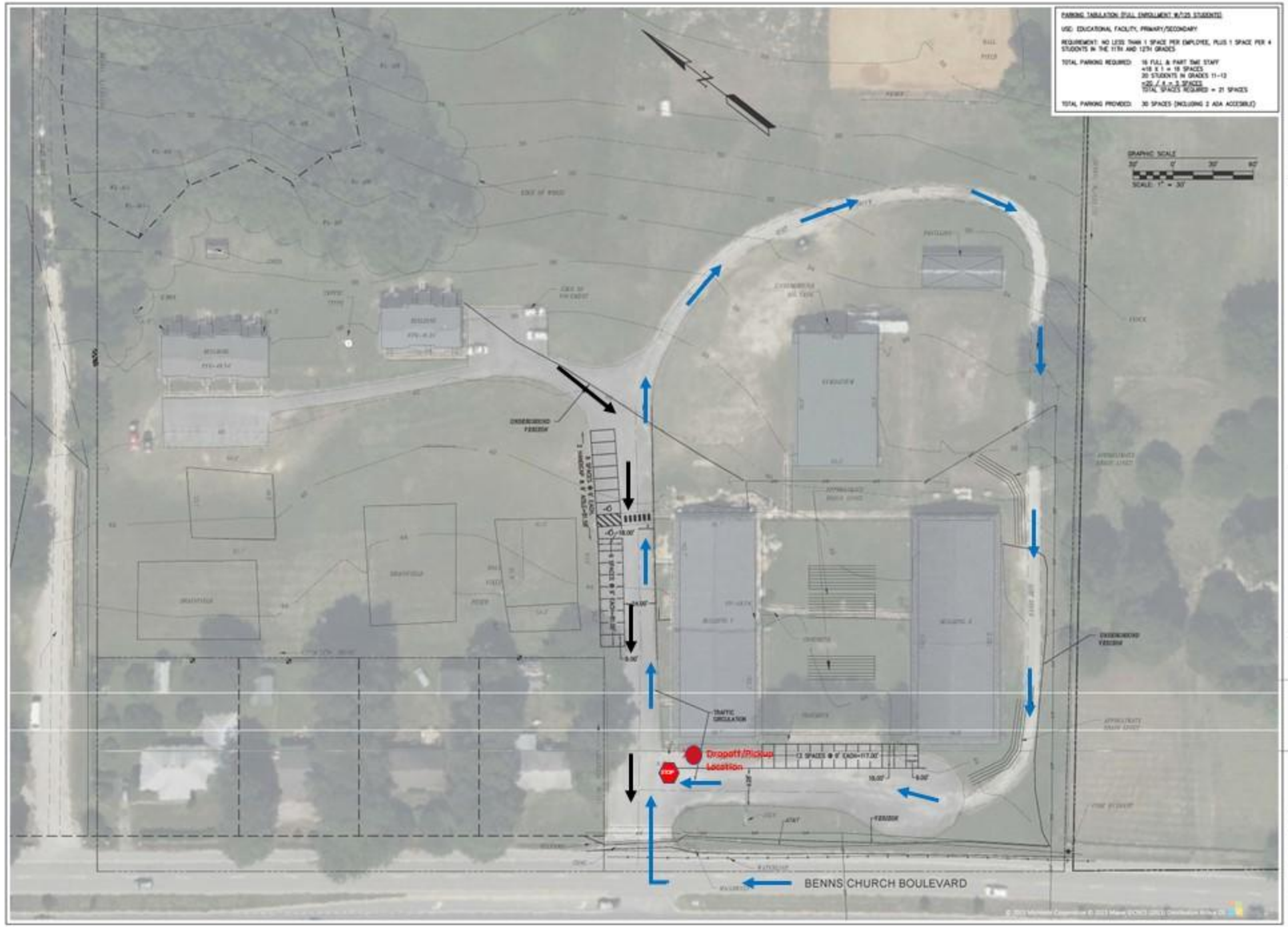
Project Contacts:	AMR
Project Number:	W10753-00
Scale: 1"=30'	Date: 4/03/2023

Sheet Title:

CONCEPTUAL LAYOUT

Sheet Number

-


PARKING TABULATION: (FULL ENROLLMENT W/125 STUDENTS)
USE: EDUCATIONAL FACILITY, PRIMARY/SECONDARY
REQUIREMENT: NO LESS THAN 1 SPACE PER EMPLOYEE, PLUS 1 SPACE PER 4 STUDENTS IN THE 11TH AND 12TH GRADES
TOTAL PARKING REQUIRED: 16 FULL & PART TIME STAFF
+16 X 1 = 16 SPACES
20 STUDENTS IN GRADES 11-12
+20 / 4 = 5 SPACES
TOTAL SPACES REQUIRED = 21 SPACES
TOTAL PARKING PROVIDED: 30 SPACES (INCLUDING 2 ADA ACCESIBLE)
GRAPHIC SCALE
SCALE: 1" = 30'
UNDERGROUND FIBER/DSH
TRAFFIC CIRCULATION
Dropoff/Pickup Location
STOP
BENNS CHURCH BOULEVARD
AES
CONSULTING ENGINEERS
CONCEPTUAL PLAN FOR
14353 BENNS CHURCH ROAD
CONCEPTUAL LAYOUT

Turn Lane Analysis
For
Hampton Roads Classical School At Benn's Church

SUBMITTED TO:

Isle of Wight

Prepared By:

AES Consulting Engineers
5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188

March 27, 2023
Revised: April 4, 2023

COMMONWEALTH OF VIRGINIA
ADAM M. REIMERT
Lic. No. 048459
4/4/23
PROFESSIONAL ENGINEER

AES Project No. W10753-00

AES
CONSULTING ENGINEERS

TABLE OF CONTENTS

I PROJECT NARRATIVE

II TRIP GENERATION

III TURN LANE WARRANTS

IV SUMMARY OF FINDINGS

APPENDICES

APPENDIX A	ANITICIPATED PRIVATE SCHOOL ENROLLMENT
APPENDIX B	VDOT AADT VOLUMES – TOWN OF SMITHFIELD
APPENDIX C	TURN LANE WARRANT TABULATIONS

I PROJECT NARRATIVE

AES has performed a preliminary turn lane analysis for the property located on Route 10 at 14353 Benn's Church Boulevard in Isle of Wight. The purpose of this evaluation is to determine the traffic improvement needs for conversion of the property from a Daycare use to a Private School Use. The anticipated traffic with the change suggests that the peak hour AM & PM trips will reduce from the current Daycare use. During the conversion of the property/building to a Private School, a plan shall be prepared to tie in public utilities and provide an updated entrance and right turn lane, if needed, per VDOT Road Design standards. Future development beyond the projected 125 students will necessitate sewer and turn lane improvements. However, only K-8 is planned to open for the 2023-2024 school year. See the breakdown and calculations provided below and in the appendix for our analysis.

II TRIP GENERATION

Existing uses

ITE Code: 220 - Multifamily Residential/Apartments
0.51 trips hr/ unit AM; 0.62 trips hr/unit PM
Assume 7 units = 3.57 AM Peak Trips; 4.34 PM Peak Trips

Proposed use

ITE Code: 536 - Private School K-12
0.81 trips hr/student AM; 0.58 trips hr/student PM
Projected 125 students = 101.3 AM Peak Trips; 72.5 PM Peak Trips

Total Current Trips (Enter and Exiting):
AM Peak = 104.4 Trips
PM Peak = 76.8 Trips

- Assume 60% enter, 40% exit (per ITE for Private School AM distribution)
- Assume 70% entering from right, 30% entering from left

Total Right Turn Entrance trips = 44 peak trips
Total Left Turn Entrance Trips = 19 peak Trips
**Note: See Appendix C for Turn Lane Warrant Tabulation*

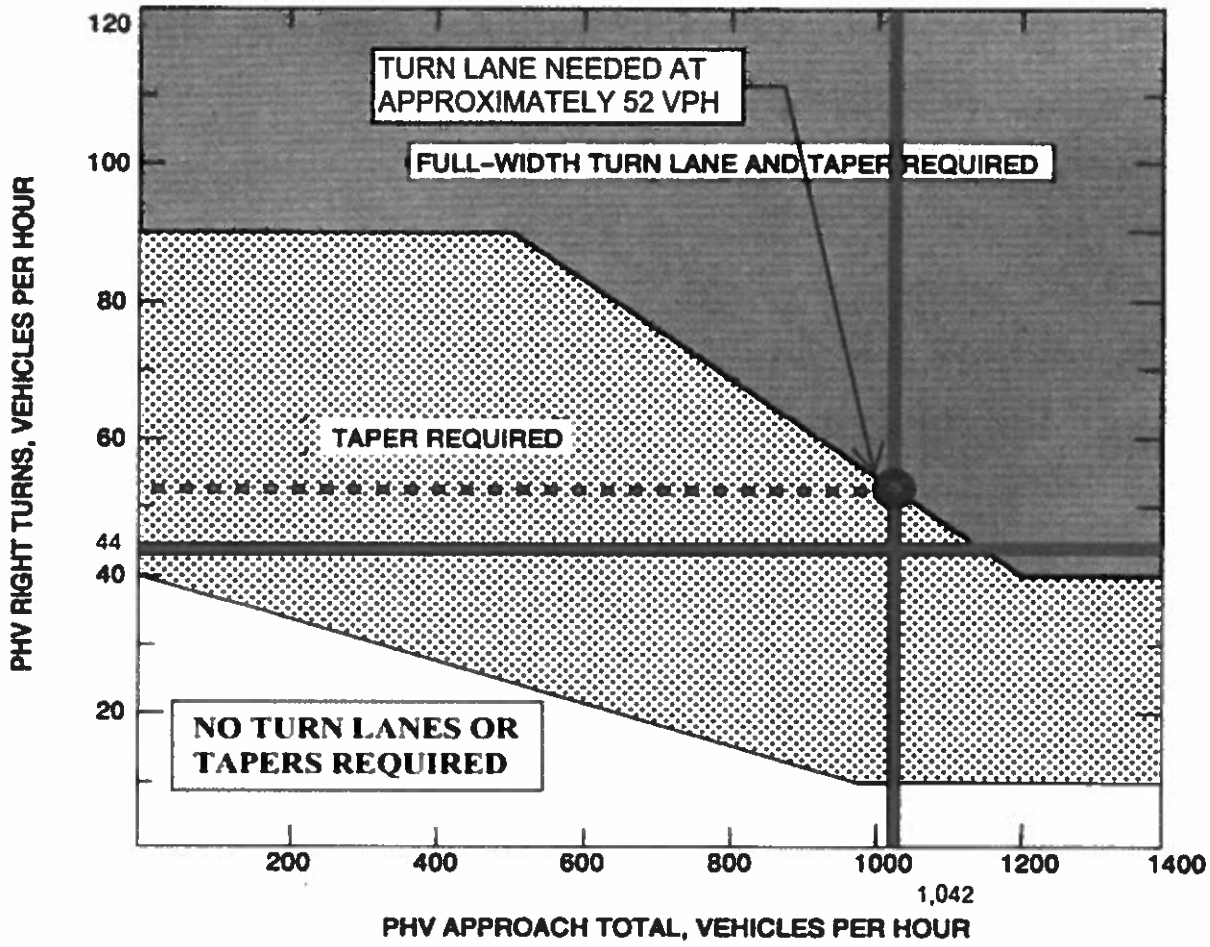


FIGURE 3-27 WARRANTS FOR RIGHT TURN TREATMENT (4-LANE HIGHWAY)

Warrants for Left Turn Storage Lanes on Four-Lane Highways

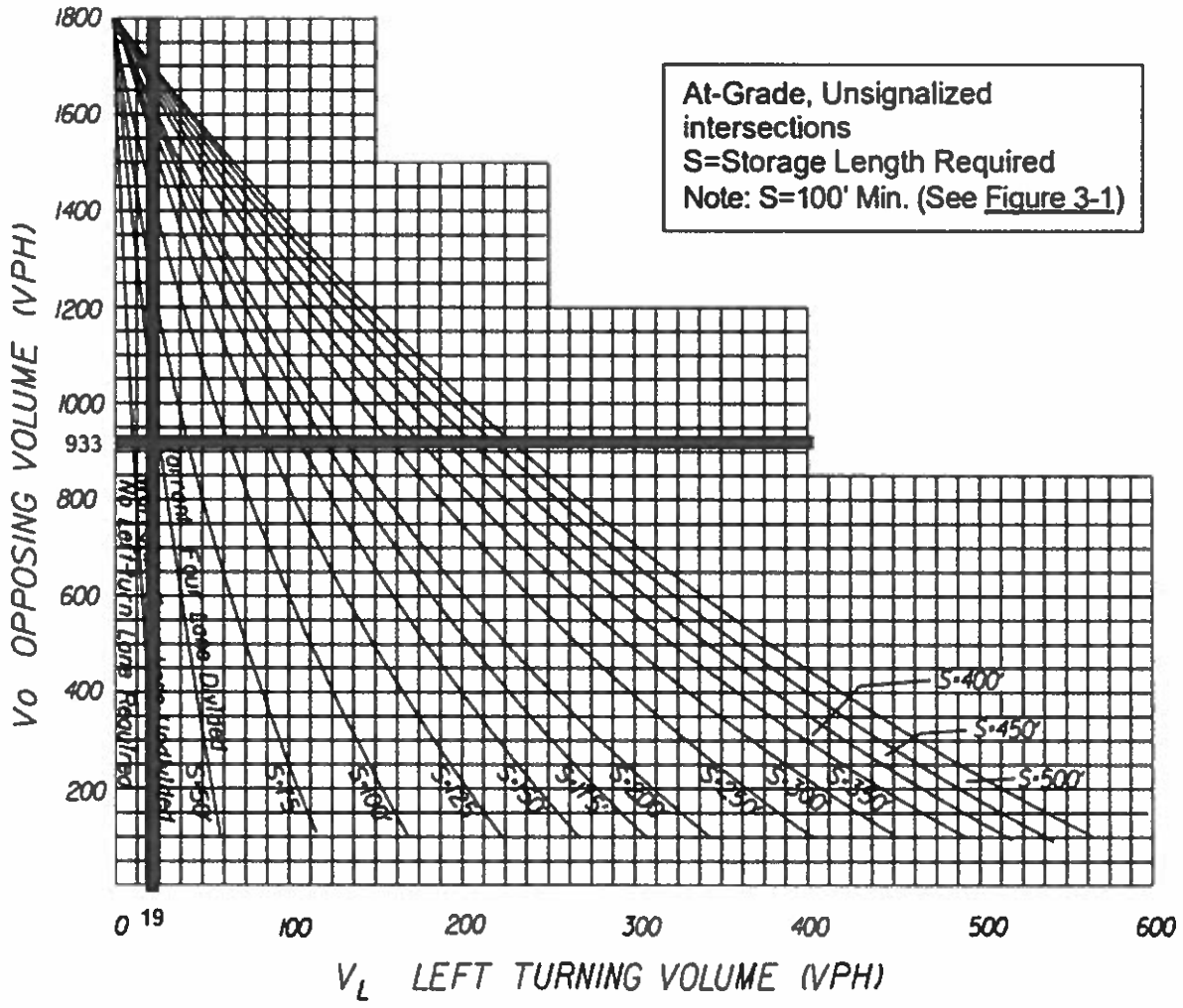


FIGURE 3-3 WARRANTS FOR LEFT TURN STORAGE LANES ON FOUR LANE HIGHWAYS

IV SUMMARY OF FINDINGS

During full buildout of the proposed K-12 Private School with a projected 125 students, a right turn taper is required but not a right turn lane. This scenario represents the maximum future capacity of the proposed school, therefor no right turn lanes are projected.

A left turn lane has also been analyzed which shows no turn lane is required. However, a full left turn lane and taper already exist for the left turning entrance to the property. Therefor, no changes are proposed for left turning into the entrance.

Future development that may occur on the property beyond the full K-12 school buildout is not being evaluated at this time. However, based on right turn warrant Figure 3-27, it is projected that approximately 52 vehicle trips per hour total would initiate the need for a right-turn lane.

APPENDIX A

ANTICIPATED PRIVATE SCHOOL ENROLLMENT

VI. ***Curriculum:*** Hampton Roads Classical follows a distinctly classical pedagogy that teaches students *how to learn* through a trivium-based approach of grammar, dialectic, and rhetoric. This includes a content-rich curriculum that is fundamentally rooted in the liberal arts (liberal from the Latin *liber*, meaning "free" or independent); that is, a solid foundation in the arts, humanities, and the sciences, bolstered by a firm grasp of language and mathematics. At Hampton Roads Classical, we implement a curriculum which embraces the principle of cultural literacy[2], and outlines a basic curriculum in the subjects of English literacy, writing, Latin, history and geography, literature, mathematics, science, music, art, and physical education. This will include the use of explicit phonics-based instruction leading to reading fluency, the study of Latin as a path to English language mastery, and for its intrinsic and cognitive value. It will also include a rich and recurring examination of the American literary, moral, philosophical, political, economic, and historical traditions. As the school progresses to 8th - 12th grades, logic and rhetoric will be included across the curriculum.

VII. ***Enrollment:*** Enrollment for the 2022-2023 academic year is 48 students in grades kindergarten through 7th grade with an average class size of 10 students. We are projecting near 100% reenrollment for next year with an annual increase of 25% each subsequent year, and plan to expand through matriculation.

Academic Year	Projected Enrollment	Grade Levels	Projected Faculty
2023 – 2024	60	K – Eighth	6FT/3PT
2024 – 2025	75	K – Ninth	8FT/3PT
2025 – 2026	94	K – Tenth	10FT/3PT
2026 – 2027	TBD	K – Eleventh	12FT/4PT
2027 – 2028	TBD	K – Twelfth	12FT/4PT

VIII. ***Class Structure:*** We institutionalize a school ethos demanding moral virtue, decorum, respect, discipline, and studiousness among the students and faculty. Instruction will be primarily classroom based with an ideal teacher-to-student ratio no greater than 12:1. As opposed to the popular "student-centered approach" to modern education, we believe in knowledge-centered education with a clear focus on teacher-led direct instruction. Teachers convey real knowledge through mimetic (memorization), didactic (knowledge acquisition), and Socratic (higher order thinking through thought provoking questioning) teaching methods, helping students pursue the ideal rather than the appetites of the individual.

IX. ***Employment:*** We currently have 10 employees (5 full time and 3 part time faculty; 2 administrative staff)

X. ***Tuition:*** Tuition for the 2022-2023 academic year is $6,500 for kindergarten, $6900 for 1st and 2nd grades, and $7,000 for 2nd through 7th grades. Tuition for subsequent years will be determined by our Board of Directors on an annual basis.

[2] Hirsch, E.D. *Cultural Literacy*. New York: Random House, 1988.

APPENDIX B

VDOT AADT VOLUMES – TOWN OF SMITHFIELD

Virginia Department of Transportation
Traffic Engineering Division
2021
Annual Average Daily Traffic Volume Estimates By Section of Route
Town of Smithfield

Link ID	Route Prefix	Route Number	Route Suffix	Route Label	Route Alias	Physical Jurisdiction	Maintenance Jurisdiction	Link Length	Start Label	End Label	AADT	AADT Quality	Percent 2 and 4 Tire Vehicles	Percent Buses	Percent Single Unit Trucks 2 Axle	Percent Single Unit Trucks 3+ Axle	Percent Combination Trucks 1 Trailer	Percent Combination Trucks 2+ Trailer	Vehicle Classification Quality	K Factor	K Factor Quality	Direction Factor	AAWDT	AAWDT Quality	Data Date	Comment
050246	SR	00010		VA 10		300 Town of Smithfield	046 Isle of Wight County	0.78	WCL Smithfield	US 258 Main St We	9000	G	96%	1%	1%	1%	2%	0%	F	0.0915	F	0.5575	9500	G	2021	
050245	SR	00010		VA 10, US 258		300 Town of Smithfield	046 Isle of Wight County	2.30	Main St West	Bus US 258, Bus SR	17000	G	95%	1%	1%	1%	2%	0%	C	0.0921	F	0.5227	18000	G	2021	
050253	SR	00010		US 258, VA 10	Benns Church Blvd	300 Town of Smithfield	046 Isle of Wight County	0.51	Bus US 258, Bus SR 10 Ch	Old ECL Smithfield	25000	G	95%	1%	1%	2%	2%	0%	F	0.0923	F	0.5205	26000	G	2021	
050570	SR	00010		US 258, VA 10	Benns Church Blvd	300 Town of Smithfield	046 Isle of Wight County	0.63	Old ECL Smithfield	SCL Smithfield	22000	G	95%	1%	1%	2%	2%	0%	F	0.0898	F	0.5275	23000	G	2021	
803347	SR	00010	E075A	VA 10 EB Exit 075A	Ramp	300 Town of Smithfield	046 Isle of Wight County	0.18	SR-00010(B)/RAMP TO R	46-00710(B)/46-00	0	?							X							
803353	SR	00010	W075J	VA 10 WB Exit 075A	Ramp	300 Town of Smithfield	046 Isle of Wight County	0.14	SR-00010(B)/RAMP TO R	46-00710(B)/46-00	0	?							X							
669012	C1SR	00010		Bus US 258, Bus VA 10	South Church St	300 Town of Smithfield	046 Isle of Wight County	0.85	SR 10	Battery Park Rd	12000	G	99%	0%	0%	0%	0%	0%	F	0.0977	F	0.5550	13000	G	2021	
669013	C1SR	00010		Bus US 258, Bus VA 10	South Church St	300 Town of Smithfield	046 Isle of Wight County	0.79	Battery Park Rd	Red Point Dr	11000	G	99%	0%	0%	0%	0%	0%	C	0.1027	F	0.5250	12000	G	2021	
669014	C1SR	00010		Bus US 258, Bus VA 10	Church St	300 Town of Smithfield	046 Isle of Wight County	0.79	Red Point Dr	Bus SR 258 Smithfie	11000	G	99%	0%	0%	0%	0%	0%	F	0.1207	F	0.5094	11000	G	2021	
669010	C1SR	00010		Bus VA 10	North Church St	300 Town of Smithfield	046 Isle of Wight County	0.85	Bus US 258 Main St	Berry Hill Rd	5700	G	99%	0%	0%	0%	0%	0%	C	0.1167	F	0.6132	6000	G	2021	
669011	C1SR	00010		Bus VA 10	North Church St	300 Town of Smithfield	046 Isle of Wight County	0.43	Berry Hill Rd	NCL Smithfield	5000	G	99%	0%	0%	0%	0%	0%	F	0.1134	F	0.6368	5300	G	2021	
050054	US	00258		US 258	Courthouse Hwy	300 Town of Smithfield	046 Isle of Wight County	0.27	WCL Smithfield; 46-709 V	Old WCL Smithfield	8900	G	94%	1%	1%	1%	3%	0%	C	0.0910	F	0.6027	9300	G	2021	
669006	US	00258		US 258	Main St	300 Town of Smithfield	046 Isle of Wight County	0.76	Old WCL Smithfield	SR 10	12000	G	94%	1%	1%	1%	2%	0%	C	0.0937	F	0.5729	12000	G	2021	
050245	US	00258		VA 10, US 258		300 Town of Smithfield	046 Isle of Wight County	2.30	Main St	Bus US 258	17000	G	95%	1%	1%	1%	2%	0%	C	0.0921	F	0.5227	18000	G	2021	
050253	US	00258		US 258, VA 10	Benns Church Blvd	300 Town of Smithfield	046 Isle of Wight County	0.31	Bus US 258	Old SCL Smithfield	25000	G	95%	1%	1%	2%	2%	0%	F	0.0923	F	0.5205	26000	G	2021	
050570	US	00258		US 258, VA 10	Benns Church Blvd	300 Town of Smithfield	046 Isle of Wight County	0.63	Old SCL Smithfield	SCL Smithfield; 46-0	22000	G	95%	1%	1%	2%	2%	0%	F	0.0898	F	0.5275	23000	G	2021	
669007	C1US	00258		Bus US 258	Main St	300 Town of Smithfield	046 Isle of Wight County	0.20	SR 10 Bypass	Grace Street	7600	G	99%	0%	0%	0%	0%	0%	F	0.1032	F	0.5887	8000	G	2021	
669008	C1US	00258		Bus US 258	Main St	300 Town of Smithfield	046 Isle of Wight County	0.10	Grace Street	Cary Street	4600	G	99%	0%	0%	0%	0%	0%	F	0.1018	F	0.5188	4800	G	2021	
669009	C1US	00258		Bus US 258	Main St	300 Town of Smithfield	046 Isle of Wight County	0.34	Cary Street	Church Street	3000	G	97%	1%	1%	1%	0%	0%	C	0.1019	F	0.5211	3200	G	2021	
669014	C1US	00258		Bus US 258, Bus VA 10	Church St	300 Town of Smithfield	046 Isle of Wight County	0.79	Main Street	Red Point Drive	11000	G	99%	0%	0%	0%	0%	0%	F	0.1207	F	0.5094	11000	G	2021	
669013	C1US	00258		Bus US 258, Bus VA 10	South Church St	300 Town of Smithfield	046 Isle of Wight County	0.79	Red Point Drive	Battery Park Road	11000	G	99%	0%	0%	0%	0%	0%	C	0.1027	F	0.5250	12000	G	2021	
669012	C1US	00258		Bus US 258, Bus VA 10	South Church St	300 Town of Smithfield	046 Isle of Wight County	0.85	Battery Park Road	SR 10 Bypass	12000	G	99%	0%	0%	0%	0%	0%	F	0.0977	F	0.5550	13000	G	2021	
669004	A1SR	00258		Alt VA 258	Grace St	300 Town of Smithfield	046 Isle of Wight County	0.14	Main St	Cary St	3600	G	98%	0%	1%	0%	0%	0%	F	0.1011	F	0.5838	3800	G	2021	
669005	A1SR	00258		Alt VA 258	Grace St	300 Town of Smithfield	046 Isle of Wight County	0.34	Cary St	North Church St	2500	G	98%	0%	1%	0%	0%	0%	C	0.1143	F	0.7296	2600	G	2021	
785268	FR	00659		FR 659	Cedar St	300 Town of Smithfield	046 Isle of Wight County	0.00	SCL Smithfield	Dead End	1900	R							X						05/23/2017	
780608	FR	00661		FR 661	Pole Rd	300 Town of Smithfield	046 Isle of Wight County	0.19	US 258; 300-640	Dead End	180	R							X						05/23/2017	
802935	46	00710	000A	46-710 Exit 000A	Ramp	300 Town of Smithfield	046 Isle of Wight County	0.14	46-00710(B)/SR-00010-EI	SR-00010(B)/RAMP	0	?							X							
802936	46	00710	E000B	46-710 EB Exit 000B	Ramp	300 Town of Smithfield	046 Isle of Wight County	0.14	46-00710(B)/SR-00010-W	SR-00010(B)/RAMP	0	?							X							
669002	300	00631		300-631	Cary St	300 Town of Smithfield	300 Town of Smithfield	0.00	Main St	Smithfield Corp Lim	2000	G	99%	0%	1%	0%	0%	0%	C	0.1098	F	0.6581	2200	G	2021	
669003	300	00640		300-640	Great Springs Rd	300 Town of Smithfield	300 Town of Smithfield	0.00	Smithfield Corp Limits	Main St	1100	G	97%	1%	1%	1%	0%	0%	C	0.0969	F	0.5227	1200	G	2021	
669001	300	00643		300-643	Battery Park Rd	300 Town of Smithfield	300 Town of Smithfield	0.00	South Church St	ECL Smithfield; Ren	10000	G	98%	1%	1%	1%	0%	0%	C	0.1037	F	0.5395	11000	G	2021	
569001	300	00000		300-0	Berry Hill Rd	300 Town of Smithfield	300 Town of Smithfield	0.00	Church St	Smithfield Corp Lim	4000	G							X	0.1044	F	0.7051	4300	G	2021	
569002	300	00000		300-0	Cedar St	300 Town of Smithfield	300 Town of Smithfield	0.00	Underwood La	Church St	1800	G							X	0.1014	F	0.5164	1900	G	2021	
569003	300	00000		300-0	Lumar Rd	300 Town of Smithfield	300 Town of Smithfield	0.00	Red Point Dr	Moonfield Dr	1600	G							X	0.0937	F	0.6525	1700	G	2021	
569004	300	00000		300-0	Moonfield Dr	300 Town of Smithfield	300 Town of Smithfield	0.00	Lumar Rd	Cul-de-Sac	2500	G							X	0.1009	F	0.6135	2700	G	2021	
569005	300	00000		300-0	Red Point Dr	300 Town of Smithfield	300 Town of Smithfield	0.00	Church St	Lumar Rd	510	G							X	0.1254	F	0.6338	540	G	2021	
569006	300	00000		300-0	Ridgeland Dr	300 Town of Smithfield	300 Town of Smithfield	0.00	Jefferson Dr	Pagan Rd	170	G							X	0.1456	F	0.7333	190	G	2021	
569007	300	00000		300-0	Underwood La	300 Town of Smithfield	300 Town of Smithfield	0.00	Cedar St	Main St	2200	G							X	0.0905	F	0.5520	2400	G	2021	
569008	300	00000		300-0	Wainwright Dr	300 Town of Smithfield	300 Town of Smithfield	0.00	Lumar Rd	Jefferson Dr	520	G							X	0.1142	F	0.5294	550	G	2021	

End of Report

APPENDIX C

TURN LANE WARRANT TABULATIONS

AES
CONSULTING ENGINEERS

Project:	Benn's Church: Hampton Roads Classical
Project No.:	W10753-00
Subject:	Turn Lane Warrant Tabulation
Date:	April 4, 2023
Calculated By:	AMR

SUBJECT: TURN LANE WARRANT TABULATION

ITE Trip Generation Manual - Private School K-12 (536)

	AVG. RATE (TRIPS/UNIT)	TOTAL TRIPS (TRIPS)	ENTERING (%)	EXITING (%)	ENTERING (TRIPS/UNIT)	EXITING (TRIPS/UNIT)	TOTAL LEFT TURN ENTRANCE TRIPS (TRIPS/UNIT)	TOTAL RIGHT TURN ENTRANCE TRIPS (TRIPS/UNIT)	RIGHT TURN ENTRANCE TRIPS PER ENTRANCE POINT (TRIPS/UNIT)
WEEKDAY A.M. PEAK HOUR	-	104	60.00%	40.00%	63	42	19	44	44

TOTAL TRIPS (SEE REPORT)	104
NUMBER OF ENTRANCES	1

	QUANTITY	%
NUMBER OF LEFT TURN ENTRANCE POINTS	1	30.00%
NUMBER OF RIGHT TURN ENTRANCE POINTS	1	70.00%
TOTAL NUMBER OF ENTRANCE POINTS	2	100.00%

VDOT Traffic Engineering Division Annual Average Daily Traffic Volume Estimates by Section of Route - Route 10

ANNUAL AVERAGE DAILY TRAFFIC	22000
K FACTOR	0.0898
DIRECTION FACTOR	0.5275
1 - DIRECTION FACTOR	0.4725

ESTIMATED PORTION OF TRAFFIC VOLUME TRAVELLING

DURING PEAK HOUR	AADT * K FACTOR	1,976
IN PEAK DIRECTION DURING PEAK HOUR	PEAK HOUR * DIRECTION FACTOR	1,042
IN OPPOSITE DIRECTION DURING PEAK HOUR	PEAK HOUR * (1 - DIRECTION FACTOR)	933

Addendum 2.

VDH VIRGINIA DEPARTMENT OF HEALTH
Protecting You and Your Environment

Isle of Wight Health Department
919 S. Church Street
Smithfield, Virginia 23430
(757) 279-3078 Voice

Conditional Sewage Disposal System Permit

January 11, 2023

Benns Saint Luke, LLC
22 Main St
Smithfield, VA 23430

RE: Issuance of Conditional Sewage Disposal Permit

Site Address: 14353 Benns Church Blvd, Smithfield VA 23430
Tax Map#: 32-01-093 HDID: 093-23-002
Daily Flow: Restricted to 1333 gallons per day with a limited daily use of **125 students** and **8 employees** per day total for building 2 as named on original permit dated 1972

Dear Benns Saint Luke, LLC:

This Office has reviewed your application for a conditional permit evaluation of the existing onsite sewage system serving the property described above. The site plan filed with the application indicates a proposed change of use for septic permit issued on 8/10/1972. Building 2 as named on original permit will be limited to 1333 gallons per day with a maximum of 125 students and 8 employees per day. Based on a review of the records on file and a site visit conducted to the property, the Isle of Wight Health Department has approved the request with the following conditions:

- **The total number of students and employees in building 2 shall not exceed 125 students and 8 employees. The existing sewage disposal system will not be expanded. Total GPD for Building 2 is allotted to 1333 gallons per day.**

Your permit is issued in accordance with the Code of Virginia, Title 32.1-164 and 32.1-164.1 Article I, Board of Health, Commonwealth of Virginia, *Sewage Handling and Disposal Regulations,* and current agency policy. This letter shall become and is a part of the sewage disposal system permit issued for the above referenced location. Due to the conditional nature of this system, this permit shall not become valid until the following items are completed.

1. **The permit shall be recorded in the Grantor Index of the land records of the Circuit Court of the County of Isle of Wight**

2. **The owner or his agent shall furnish to the Isle of Wight Health Department certification by the Clerk of the Circuit Court of the Deed Book Number and Page Number upon which the permit and all provisions have been recorded. The Deed Book Number and Page Number must be placed on all copies of the permit prior to giving Validation to the building officials for issuance of a building permit.**

In accordance with the *Sewage Handling and Disposal Regulations,* you have the right of appeal to obtain a modification or elimination of the conditions set herein. A written request to review the conditions must be submitted to Jay Duell, Environmental Health Manager, Sr., Suffolk Health Department, 135 Hall Avenue, Suite A, Suffolk, Virginia 23434.

This Permit has been issued in accordance with applicable regulations based on the information and materials provided at the time of application. There may be other local, state, or federal laws or regulations that apply to the

proposed construction of this onsite sewage system. The owner is responsible at all times for complying with all applicable local, state, and federal laws and regulations.

If you have any questions, please contact me at the Isle of Wight Health Department, (757) 279-3078.

Issued by:

Jonette Butler,
Environmental Health Specialist, Sr.

As owner/legal representative of the property included in this permit, I have reviewed and accept all provisions in the conditional sewage disposal system permit.

Benns Saint Luke, llc.
Benns Church Luke, LLC
Owner

January 15, 2023
Date

COMMONWEALTH OF VIRGINIA, COUNTY/CITY OF _____, to wit:

Subscribed and acknowledged before me this ____ day of _____, 2023 by:

NOTARY PUBLIC for the
COMMONWEALTH OF VIRGINIA AT LARGE

Registration #: _____

My Commission expires _____

Adam's Septic Evaluation & Design
4516 Misty Ct.
Williamsburg, VA 23185
757-344-6270

AOSE/ PE Report for Conditional Permit

Address:	14353 Benns Church Blvd., Smithfield, VA 23430
Subdivision:	
Lot#:	
Tax Map:	32-01-093
Acres:	

Owners Address:
Benns Church Luke, LLC
22 Main Street
Smithfield, VA 23430
Phone #: 757-897-0185

Prepared by:
Adam Herman, AOSE #1940001109
4516 Misty Court
Williamsburg, VA 23185

Date of Report: 1-11-2023
Revision Date:

AOSE/ PE Job Number:_____ **(optional)**
Health Dept. ID. No.:_____

Contents / index of this report:

1.	Cover Page/ Certification	10.	Foor Plan
2.	Applicaton Page	11.	
3.	Permit	12.	
4.	SAP	13.	
5.	SAP	14.	
6.	SAP	15.	
7.	Wastewater Characterization	16.	
8.	Survey	17.	
9.	Original septic permit	18.	

Certification Statement(s):

I hereby certify that the evaluations and/or designs contained herein were conducted in accordance with the Sewage Handling and Disposal Regulations (12 VAC5-610), the Private Well Regulations (12 VAC5-630), the Regulations for Alternative Onsite Sewage Systems (12VAC5-613), and all other applicable laws, regulations, and policies implemented by the Virginia Department of Health. I further certify that I currently possess any professional license required by the laws and regulations of the Commonwealth that have been duly issued by applicable agency charged with licensure to perform the work contained herein. The potential for both conventional and alternative onsite sewage systems has been discussed with the owner/applicant.

The work attached to this cover page has been conducted under an exemption to the practice of engineering, specifically the exemption in Code of Virginia Section 54.1-402.A.11

I recommend a **Conditional Permit** be **Approved**

Commonwealth of Virginia

Application for: ☑ Sewage System ☐ Water Supply

VDH Use only
Health Department ID# _____
Due Date _____

Owner Benns Saint Luke, LLC — Phone 757-897-0185

Mailing Address 22 Main Street — Phone _____
Smithfield, VA 23430 — Fax _____

Agent Adams Septic Evaluation & Design — Phone 757-344-6270

Mailing Address 4516 Misty Court — Phone _____
Williamsburg, VA 23185 — Fax _____

Site Address 14353 Bens Church Blvd., Smithfield, VA 23430

Email _____

Directions to Property: Building #2 Only

Subdivision _____ Section _____ Block _____ Lot _____

Tax Map 32-01-093 Other Property Identification _____ Dimension/Acreage of Property _____

Sewage System

Type of Approval: Applicants for new construction are advised to apply for a certification letter to determine if land is suitable for a sewage system and to apply for a construction permit (valid for 18 months) **only when ready to build.**

◯ Certification Letter ◉ Construction Permit ◯ Voluntary Upgrade ◯ Repair Permit ◯ Minor Modification

Proposed Use:

Single Family Home (**Number of Bedrooms** ____) Multi-Family Dwelling (**Total Number of Bedrooms** ____)

Other (describe) School Maximum 1333 GPD / average 890 GPD. 125 Students + 8 employees

Basement? ◯ Yes ◉ No Walk-out Basement? ◯ Yes ◉ No Fixtures in Basement ◯ Yes ◉ No

Conditional permit desired? ◉ Yes ◯ No If yes, which conditions do you want?

☐ Reduced water flow ☑ Limited Occupancy ☐ Intermittent or seasonal use ☐ Temporary use not to exceed 1 year

Do you wish to apply for a betterment loan eligibility letter? ◯ Yes ◉ No *There is a $50 fee for determination of eligibility.

Water Supply

Will the water supply be ◉ Public or ◯ Private? Is the water supply ◉ Existing or ◯ Proposed?

If proposed, is this a replacement well? ◯ Yes ◉ No If yes, will the old well be abandoned? ◯ Yes ◯ No

Will any buildings within 50' of the proposed well be termite treated? ◯ Yes ◉ No

Well Type (e.g. domestic use, agricultural, irrigation, etc.) Domestic Use

All Applicants

Is this property intended to serve as your (owners) principal place of residence? ◯ Yes ◉ No

All applications must be accompanied by private sector evaluations and designs, unless a petition for VDH services is approved. Is a Petition for Service form attached? ◯ Yes ◉ No

In order for VDH to process your application for a sewage system you must attached a plat of the property and a site sketch. For water supplies, a plat of the property is recommended and a site sketch is required. The site sketch should show your property lines, actual and/or proposed buildings and the desired location of your well and/or sewage system. When the site evaluation is conducted the property lines, building location and the proposed well and sewage sites must be clearly marked and the property sufficiently visible to see the topography. I give permission to the Virginia Department of Health to enter onto the property described during normal business hours for the purpose of processing this application and to perform quality assurance checks of evaluations and designs certified by a private sector Onsite Soil Evaluator or Professional Engineer as necessary until the sewage disposal system and/or private water supply has been constructed and approved.

Signature of Owner/ Agent — 1-11-2023 Date

This form contains personal information subject to disclosure under the Freedom of Information Act. Revised 7/1/2019

Attachment 2b: Request for Health Department Review
To Be Completed By Property Owner Or Agent:

Owner Name: Benns Saint Luke, LLC
Mailing Address: 22 Main Street
Smithfield, VA 23430
e-mail address: VCAROLLO@JVCHOLDINGSLLC.COM
Home Telephone:
Office Telephone:
Cell Phone: 757-897-0185

Agent Name: Adams Septic Evaluation & Design
Mailing Address: 4516 Misty Court
Williamsburg, VA 23185
e-mail address:
Home Telephone:
Office Telephone:
Cell Phone: 757-344-6270

Property Location (provide directions from local health department):
14353 Benns Church Blvd., Smithfield, VA 23430
Building #2 only

11/17/23

Tax Map: 32-01-093 PIN #

Subdivision Name (if applicable): Lot #

Current Use (include # of Bedrooms): Vanant: Old School
Proposed Use (include # of Bedrooms): Day Care Facility 125 Students and 8 Employees
Please attach any recent records of onsite system (Pump-outs, or Operation and Maintenance Reports).
Has property been occupied during previous 30 day period: Y or N ✓
The septic tank and distribution box are uncovered for inspection: Y or N Components will be uncovered by Inspected (date).
(To prevent potential damage to the system VDH recommends homeowners first contact Miss Utility for marking any underground utilities. The septic tank and distribution box should be carefully excavated by hand.)
Inspected by Smithfield Services
Uncovering the septic tank and distribution box would cause an undue hardship: Y or N If-Y reasons for hardship:
(Examples of hardship: system is relatively new, recently pumped, accurate records exist, or excavation would likely damage components.)

Related Building Permit #: Health Department I.D.#:

PLEASE *READ CAREFULLY:*

This report is only intended to address the above referenced request and does not address evaluation procedures for sewage systems being sold through real estate transfers, or systems and water supplies being re-used as part of a subdivision process. This document specifically addresses VDH's implementation of § 32.1-165 of the Code of Virginia and is not to be used for any unauthorized use.

The property boundaries and building locations are clearly marked or identified at the property. I give permission to the Virginia Department of Health to enter the property described, if necessary, for the purpose of processing this application. An accurate sketch of the property, existing structures, wells, sewage disposal systems, and proposed structure(s) is attached.

Owner/Agent Signature: Adam C Kerr Date: 11-16-2022

Attachment 3a:

Findings:
Review pursuant to Va. Code § 32.1-165

Name: _____

Phone Number: _____

Subdivision: (If Applicable) _____ **Section:** _____ **Lot:** _____

Physical Address: _____

Is the existing onsite sewage system safe, adequate and proper or approvable as nonconforming for the proposed use?

_____ **(YES)** Comments: _____

_____

_____ **(NO)** Comments: _____

_____

Other Comments:

_____

_____

_____

_____

_____

Please note that each evaluation is based on a case by case basis and may or may not include a Department site visit. There is no guarantee given or implied that this sewage disposal system will continue to function properly in the future. In the event of a sewage disposal malfunction, the owner will be responsible for any repairs or other actions deemed necessary by the Department to correct the situation.

Turn Document Over for Site Sketch and Signature.

Site Sketch:

SIGNATURE:
DATE:

An owner may challenge a denial by requesting an Informal Fact-Finding Conference (IFFC) within 30 days of receipt of a decision. All requests for an IFFC must be sent in writing to the District Health Director and cite the reason or reasons for the request.

YOUNGBLOOD TYLER & ASSOCIATES, P.C.

COMMONWEALTH OF VIRGINIA
SHANNON T. HILL
Lic. No. 047435
11/28/22
PROFESSIONAL ENGINEER

Average Weekly Wastewater Usage Chart and Wastewater Characterization
14353 Benns Church Boulevard, Smithfield, VA 23430

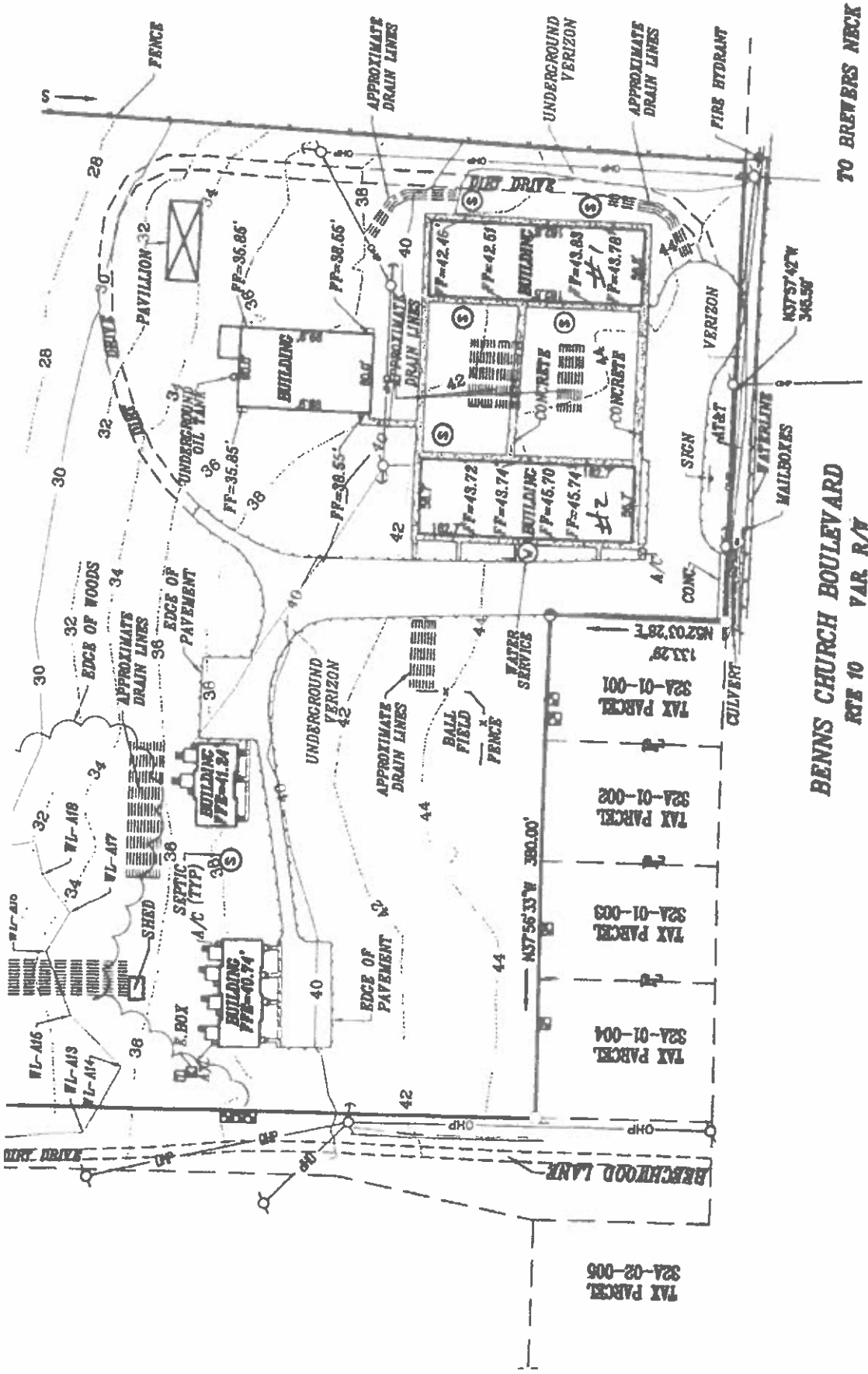
The information included in the following Wastewater Characterization is used to provide an approximate estimate of the daily water usage for the proposed onsite drainfield expansion. The existing property contains two existing buildings on the southern portion of the parcel. Both buildings have existing, permitted drainfield systems. This property served as the Mt. Zion Christian Church Private School in the past. One of these buildings (Building #2 on the old plans) is being repurposed as a daycare facility. The daycare will operate Monday through Friday from 6:30am to 5:00pm. The old permit indicated that the total site would accommodate 4000 GPD. Using ratios, infiltration rates, and available trench absorption area, it has been calculated that Building #2 could handle flows up to 1333 GPD. A maximum of 125 students and 8 employees will be present on site. The facility utilizes low-flow, water saving fixtures, unlike buildings in the past. Based on the calculations in Table 1 – the maximum peak daily flow is estimated to be 1245 gallons per day with the average daily flow being 890 gallons per day. Residential strength wastewater is assumed.

It is recommended that the facility install a water flow meter to track actual daily water flow values in case the client wishes to expand the daycare capacity in the future.

Table 1: Water Usage for Daycare Activities

Day of the Week		Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	
Hours		6:30am – 5:00pm					Closed		
Use		Daycare - Residential Strength							
A	Students (125 per day) @ 9 GPD per	1125 GPD	1125 GPD	1125 GPD	1125 GPD	1125 GPD	0 GPD	0 GPD	Average Daily Flow
B	Employees (8 per day) @ 15 GPD per	120 GPD	120 GPD	120 GPD	120 GPD	120 GPD	0 GPD	0 GPD	
C	Daily Usage (A+B+C)	1245 GPD	**1245 GPD**	**1245 GPD**	**1245 GPD**	**1245 GPD**	**0 GPD**	**0 GPD**	**890 GPD**

Note: Water usage rates were obtained from *Table 3-5* for "School, day only without cafeteria, gym, or showers" from *USEPA Onsite Wastewater Treatment Systems Manual.*



Request for Building #2 only

WATER SUPPLY ☐ SEWAGE DISPOSAL ☐ Page 1 of 1

(1) Void after (12) twelve months. (2) ... automatically cancelled when site conditions are cl... ed from those shown on
(3) Automatically cancelled should facts later become known that a potential hazard would be created by continuing in

FHA/VA ☐ Yes ☑ No Date 8-16-72 Case No.

Owner Mt. Zion Christian Church Address Eclipse VA. (Mailing Address) Phone

Occupant PRIVATE School Address (Mailing Address) Phone

Exact Location of premises Highway #10 - South of Smithfield, Va. (Subdivision, Street or Road Name, Section or Lot No.)

FOR: ☐ Dwelling ☑ Other School Automatic Washing Machine ☐ Yes ☑ No Consumption 400
Actual ☐ Potential ☐ Bedrooms Garbage Disposal Unit ☐ Yes ☑ No (☐ Actual ☑ es
Additional wastes NO

(1) WATER SUPPLY (Existing) Class 1 Approved Yes ☑ No ☐ Other
(To be installed) Class Cased ft. to be grouted ft.
(Unless supported by positive evidence Class III is to be considered as to be installed.)

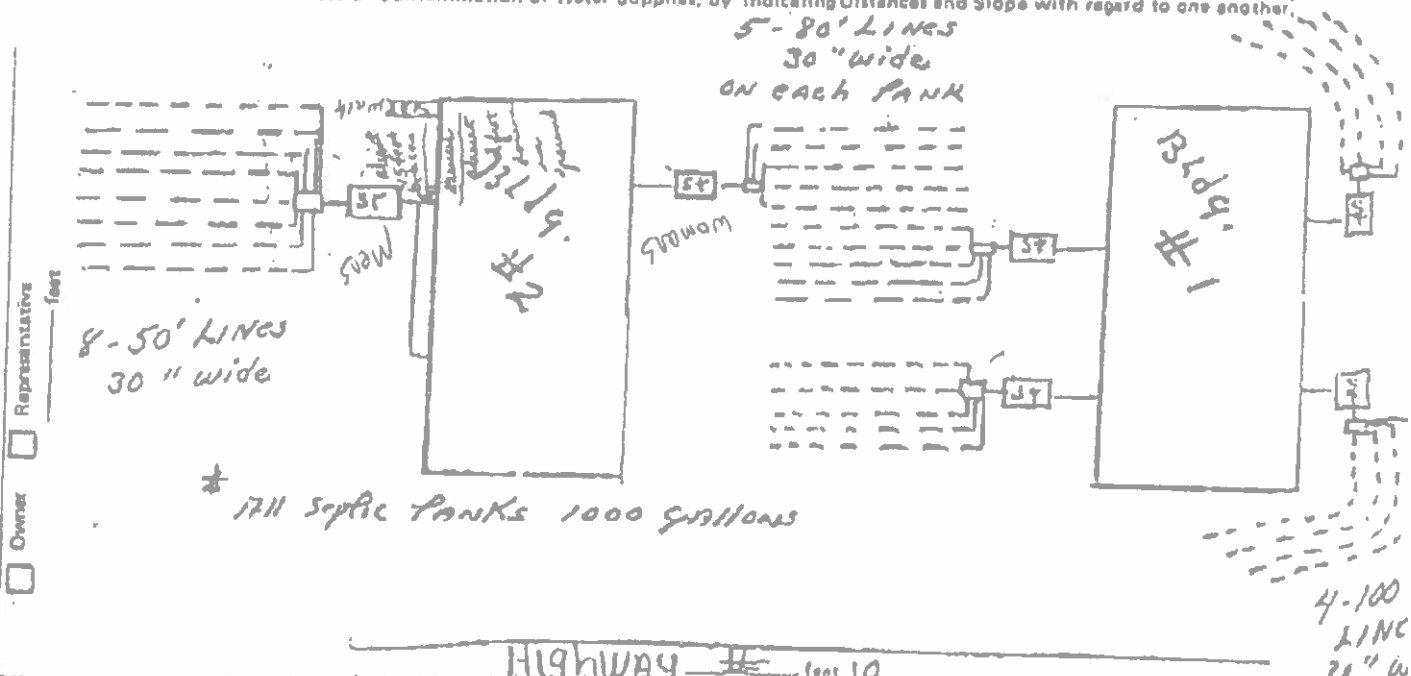
(2) SOIL STUDY Naturally drained, suitable by sight ☑ Yes ☐ No Technical Classification SANDY (If Known)
Estimated Percolation Rate (Minutes per inch) 1-10 ☐ 11-25 ☑ 26-50 ☐ >51 ☐ Percolation Test Required ☐ Yes No ☑ Rate (Minutes per inch to nearest 10 minutes)
Depth to Grey Mottles inches (estimate over 4 ft.) OTHER
Surface drainage required ☐ Yes ☑ No OTHER DRAINAGE

(3) HOUSE SEWER LINE Size 4 inches. Type of material required C.I. Distance from Water Supply NA feet.

(4) DETAILS OF CONSTRUCTION Watertight Septic Tank of Concrete Material Liquid Capacity 1000 gallons.
Inside Dimensions Length 8 feet. Width 4 feet. Liquid Depth 4 feet. Depth of Air Space 1

(5) SUBSURFACE ABSORPTION FIELD Number of square feet required See Below Type aggregate required GRAVEL
Depth of aggregate from base of tile to bottom of ditches 6 inches. Allowable fall 2 to 4 inches.
Total aggregate minimum depth 13 inches or more. Depth of drainfield to be 30 inches from surface of original ground.
Distance from well to septic tank NA feet; distance from well to drainfield NA feet.

Rough Sketch of Premises (Including adjacent properties if pertinent, Showing Location of Lot Line, Buildings, Water Supplies, Sewage Disp
Trees, and Other Possible Sources of Contamination of Water Supplies, by Indicating Distances and Slope with regard to one another.



HIGHWAY #10 feet

Signature

Note: Owner or his agent must notify ...sle of Isle of Wight County Health Department, Phone 357-4177 ... stallation is ready for inspection. If any Sewage Disposal System, or part thereof, is covered before being inspected by the Health Department, it ... covered at the direction of the Health Director or his agent. CONDITIONS DISCOVERED DURING INSTALLATION MAY REQUIRE ADJUSTM... SYSTEM DESIGN. Changes from above specifications require Health Department approval before being made.

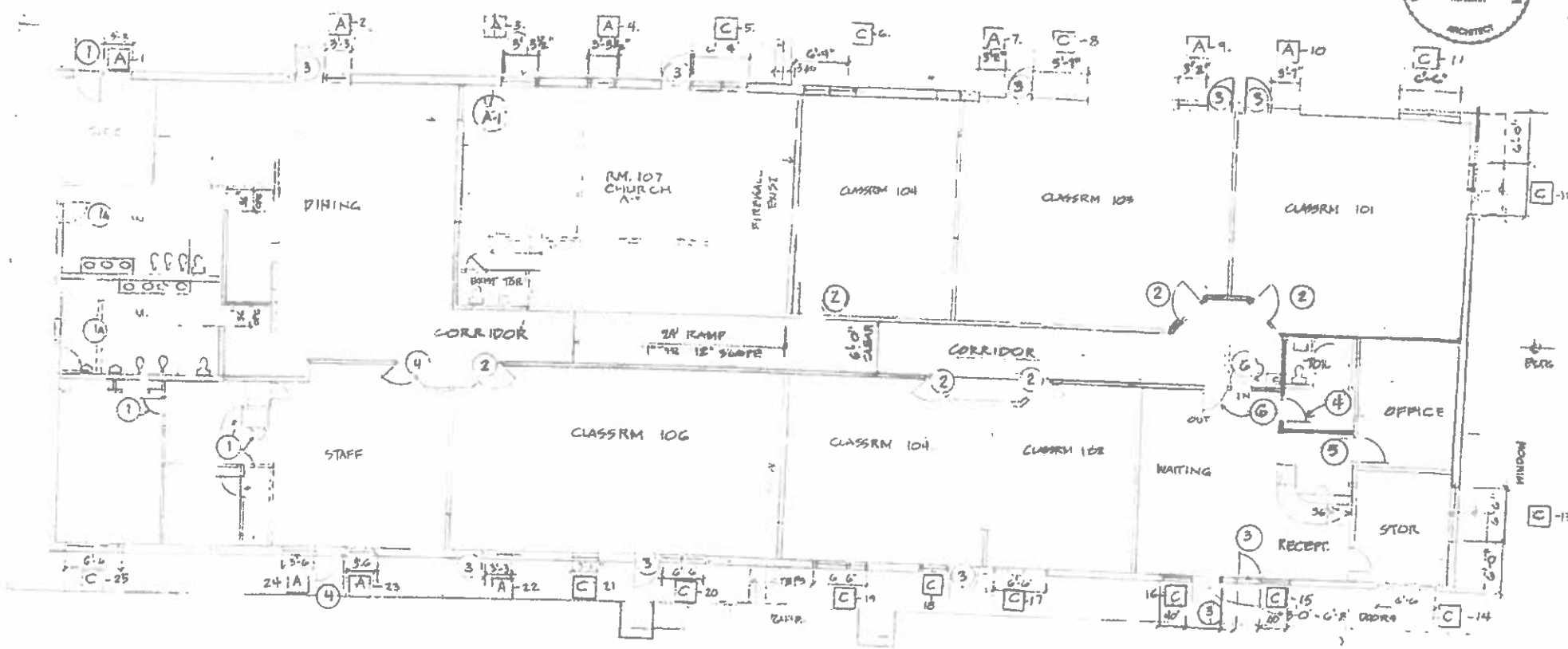
Based on the above information, the undersigned recommends that this permit be issued.

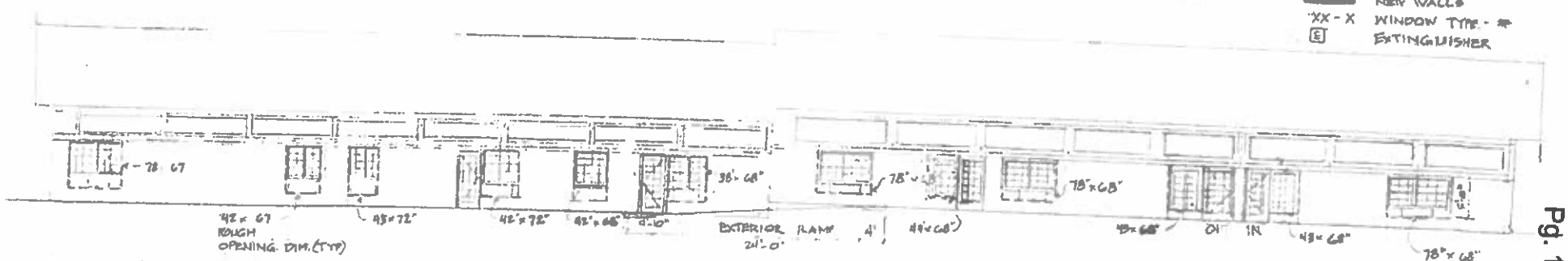
Date Approved (Reviewing Authority) Date 8/16/72 Signed (Sanitarian or Health Director)

LHS - 121 REV. 12/71
Virginia State Department of Health

10-3-72 All tanks & Lines installed Darlon Berryman & approved exce... the tanks and lines on South side of Bldg. #1

ORIGINAL



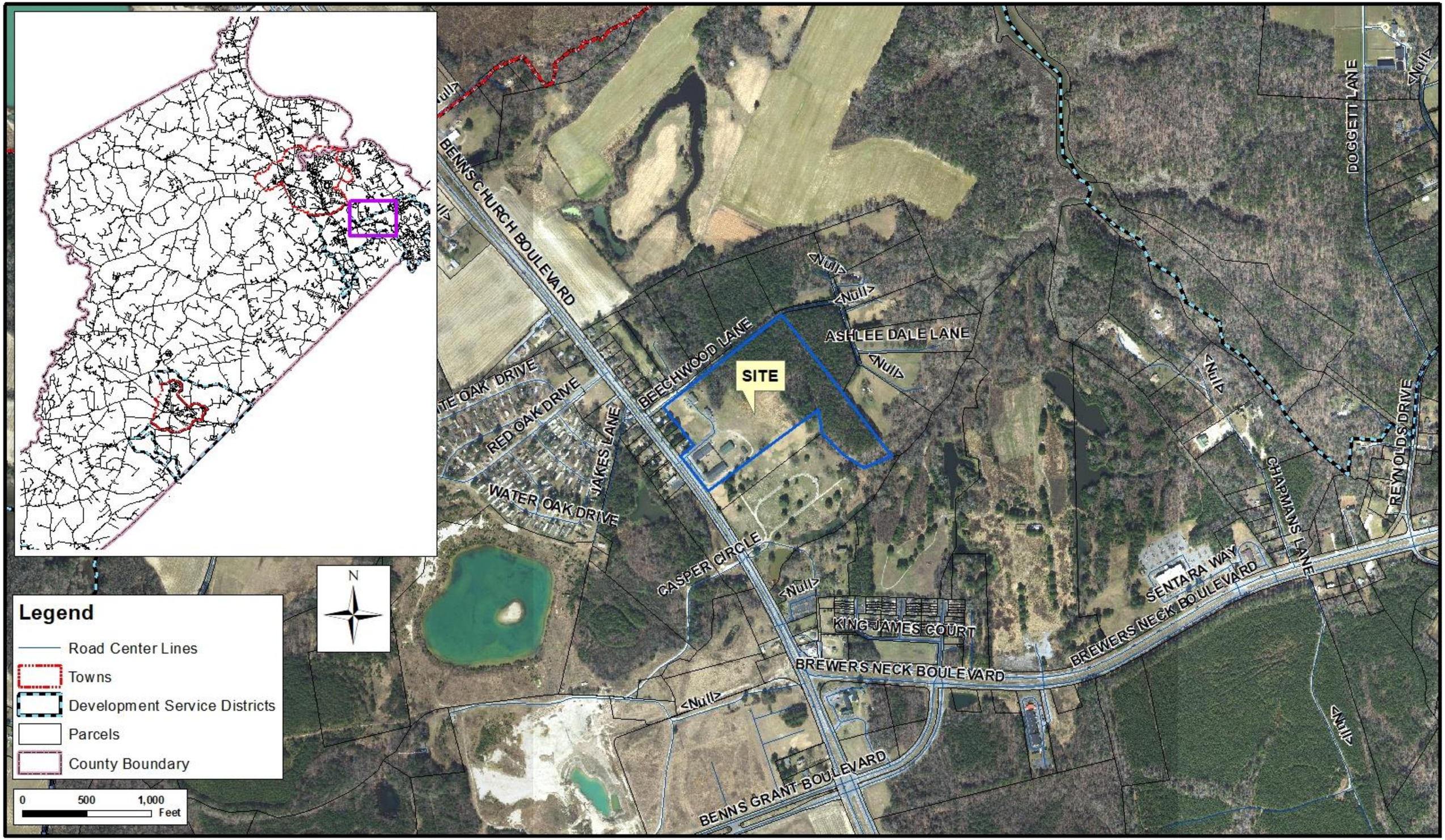


ELEVATION 1/8"

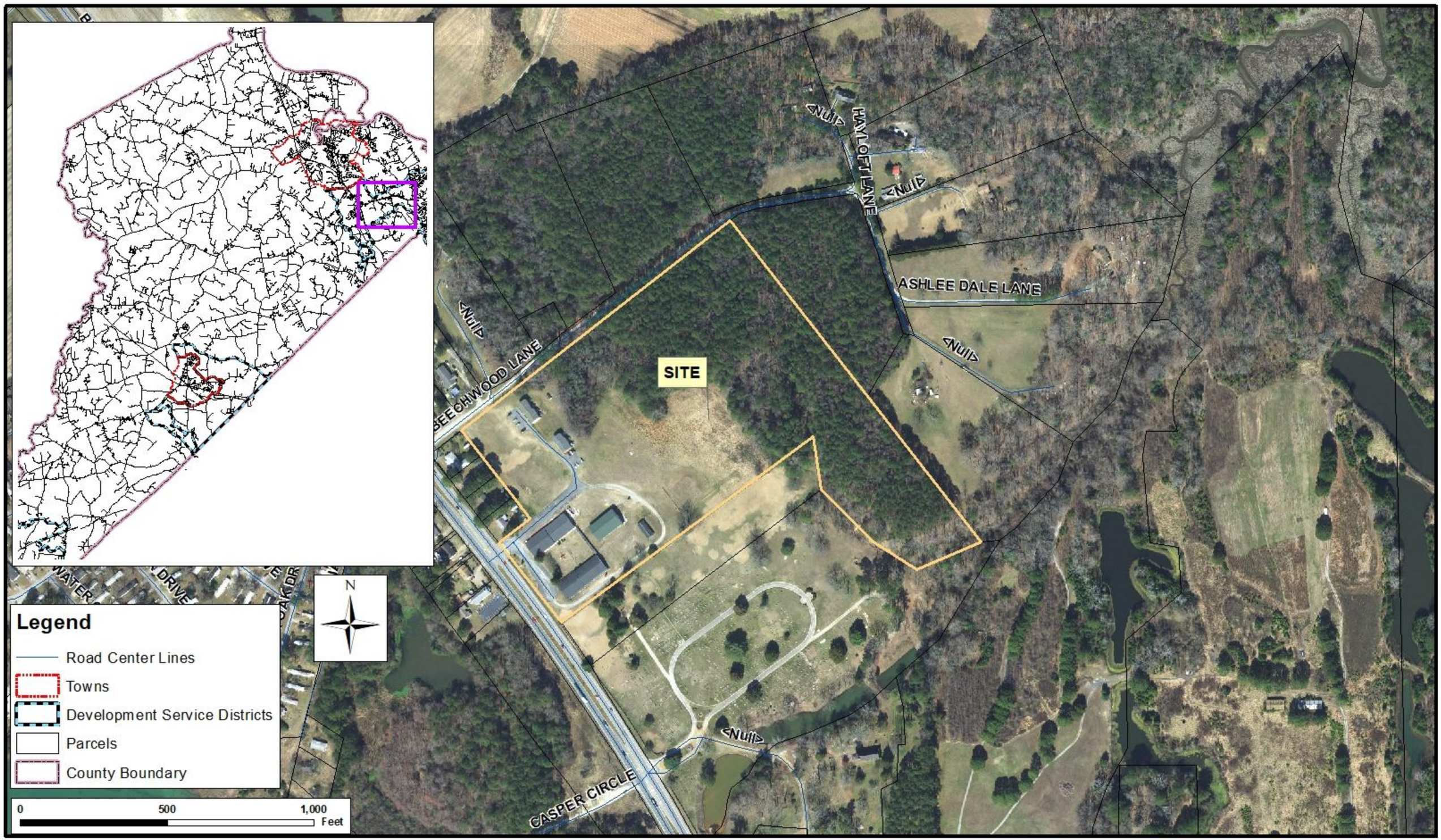
J.V.C. HOLDINGS L.L.C. SMITHFIELD

SHEET 2

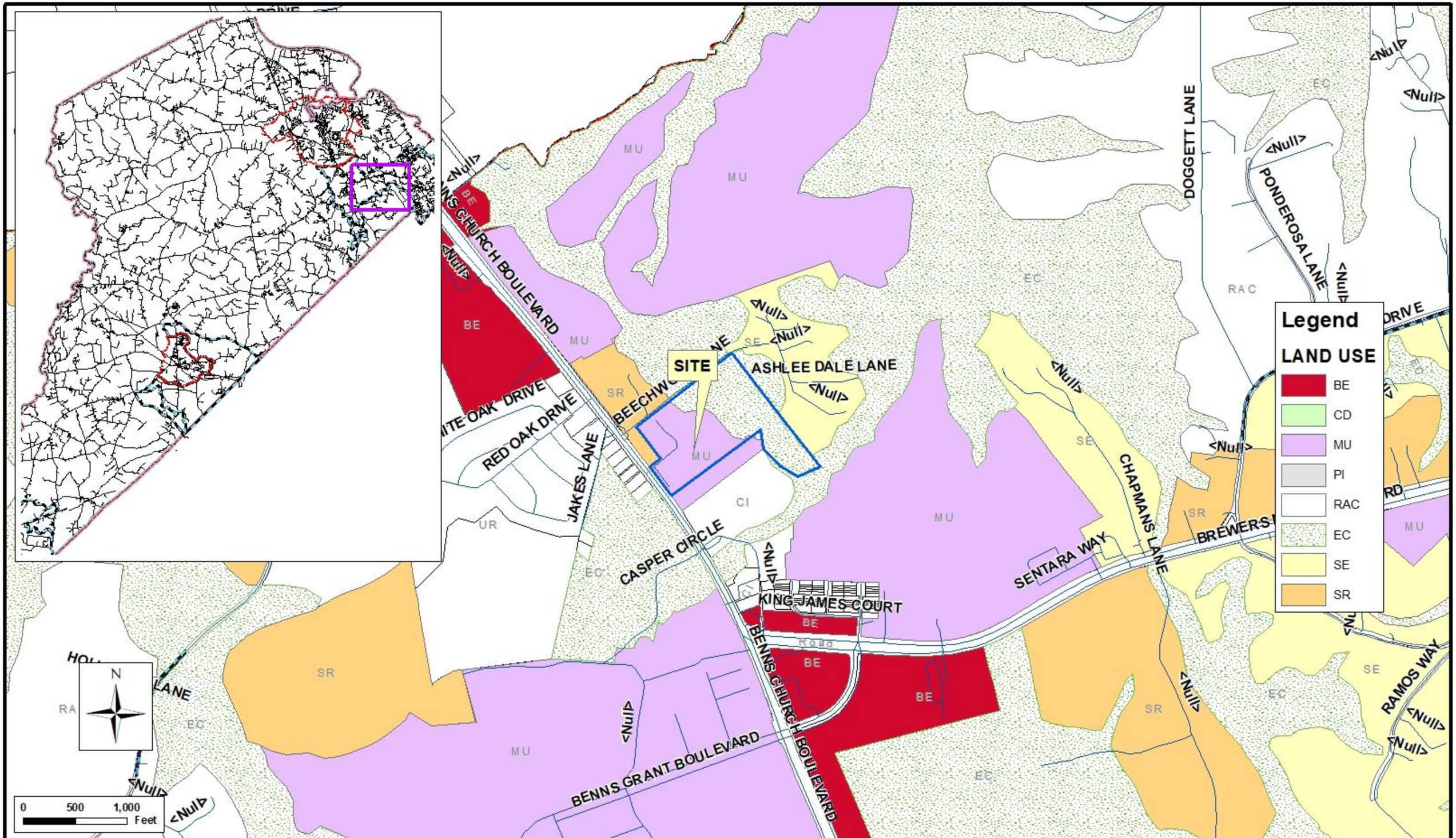
CUP-01-23 Conditional Use Permit - Location Map



CUP-01-23 Conditional Use Permit Location Closeup Map



CUP-01-23 Conditional Use Permit Land Use Map



ORDINANCE NUMBER _____

AN ORDINANCE TO ISSUE A CONDITIONAL USE PERMIT, CUP-1-23, TO ESTABLISH A PRIMARY AND SECONDARY EDUCATIONAL FACILITY (K-12) ON PROPERTY LOCATED AT 14353 BENNS CHURCH BOULEVARD IDENTIFIED AS TAX MAP PARCEL 55-01-010 AND TO EXTINGUISH CUP-4-21 FOR A DAYCARE USE AND CUP-9-21 FOR A PRIVATE SPORTS CLUB ON THE SAME PROPERTY

WHEREAS, P.A. Gist, President, representing Hampton Roads Classical, Inc., applicant, and Vincent C. Carollo, Principal, representing Benns St. Luke, LLC, property owner, have requested the issuance of a conditional use permit for a certain portion of property, specifically Building 1 and the Gymnasium, on property identified as tax parcel number 55-01-010, located at 14353 Benns Church Boulevard which land is depicted on Exhibit "B"; and,

WHEREAS, Benns St. Luke, LLC, property owner, has also requested the extinguishment of Conditional Use Permits CUP-4-21 and CUP-9-21; and,

WHEREAS, the procedural requirements of Appendix B, Zoning Ordinance, of the Code of Isle of Wight County, Virginia, 2005 (as amended) and the Code of Virginia (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 as stated in Exhibit "A,"

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," "Planning Commission Recommendation" and Exhibit "B," "Property Map," and Exhibit "C," "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 (CUP-1-23), as submitted or modified with conditions herein, the expressed purpose of which is to permit a primary and secondary educational facility (K-12), 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 primary and secondary educational facility 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 "C" and the general conditions set forth in Section 4 hereof. The conditional use permit specifically allows for a primary and secondary educational facility (K-12) in compliance with the County Zoning Ordinance. Upon issuance of this conditional use permit, conditional use permits CUP-4-21 and C-9-21 shall be extinguished on the same 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. 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.

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

RESOLUTION NUMBER PC-23-3

ISLE OF WIGHT COUNTY PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION TO THE BOARD OF SUPERVISORS RELATING TO CONDITIONAL USE PERMIT REQUEST CUP-1-23 TO ALLOW A PRIMARY AND SECONDARY EDUCATIONAL FACILITY ON 24.80 ACRES ON PROPERTY WITH TAX MAP PARCEL 32-01-093, INCLUDING THE EXTINGUISHMENT OF CONDITIONAL USE PERMITS CUP-4-21 AND CUP-9-21 ON THE SAME PARCEL

WHEREAS, Hampton Roads Classical, Inc., applicant, as represented by P. A. Gist, President, and Benns Saint Luke, LLC, property owner, as represented by Vincent C. Carollo, Principal, have requested approval of a conditional use permit for a primary and secondary educational facility in two (2) buildings located on 24.80 acres of land on tax parcel number 31-01-093; and,

WHEREAS, Benns Saint Luke, LLC, property owner, as represented by Vincent C. Carollo, Principal, has requested the extinguishment of two (2) active conditional use permits on the same property, referred to as CUP-4-21 (Kids Come First Daycare) and CUP-9-21 (Smithfield Sportsplex) and to replace them with the conditional use permit for the primary and secondary educational facility, CUP-1-23; and,

WHEREAS, the specific request is to permit the operation of a primary and secondary educational facility in accordance with Sections 1-1017 and 4-7003 of Appendix B-1, Zoning, of the Isle of Wight County Code; and,

WHEREAS the procedural requirements for the consideration of this request by the Planning Commission have been met.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of Isle of Wight County, that:

Section 1. Findings.

P A. The Isle of Wight County Planning Commission finds that the proposed conditional use permit CUP-1-23 and the extinguishment of CUP-4-21 and CUP-9-21 is reasonable and has considered the following factors and finds that the proposed use does not conflict with:

1. the existing use and character of property within the County;

2. the Comprehensive Plan;

3. the suitability of the property for various uses;

4. the trends of growth or change;

5. the current or future requirements of the community as to land for various purposes as determined by population and economic studies and other studies;

6. the transportation requirements of the community;

7. the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services;

8. the conservation of natural resources;

9. the preservation of floodplains;

10. the preservation of agricultural and forestal land;

11. the conservation of properties and their values; and

12. the encouragement of the most appropriate use of land throughout the County.

_____ B. The Isle of Wight County Planning Commission does not find that the proposed use is reasonable based on the consideration of the factors listed herein.

Section 2. Recommendation to Board of Supervisors.

The Planning Commission recommends to the Board of Supervisors that the request, CUP-1-23, which includes the extinguishment of CUP-4-21 and CUP-9-21 be:

___ a. Granted as submitted, and that the Board of Supervisors adopt the proposed Ordinance without modification.

___b. Denied, and that Board of Supervisors not adopt the proposed Ordinance.

X c. Granted with the specific recommended conditions in the attached exhibit, and that the Board of Supervisors adopt the proposed Ordinance with such conditions.

DATE: 5·23·23

READ AND PASSED: _____
Chairman, Isle of Wight County Planning Commission

TESTE: _____
Secretary, Isle of Wight County Planning Commission

Approved as to Form:

_____
Robert W. Jones, Jr., County Attorney

EXHIBIT B

CUP-01-23 Conditional Use Permit - Location Map

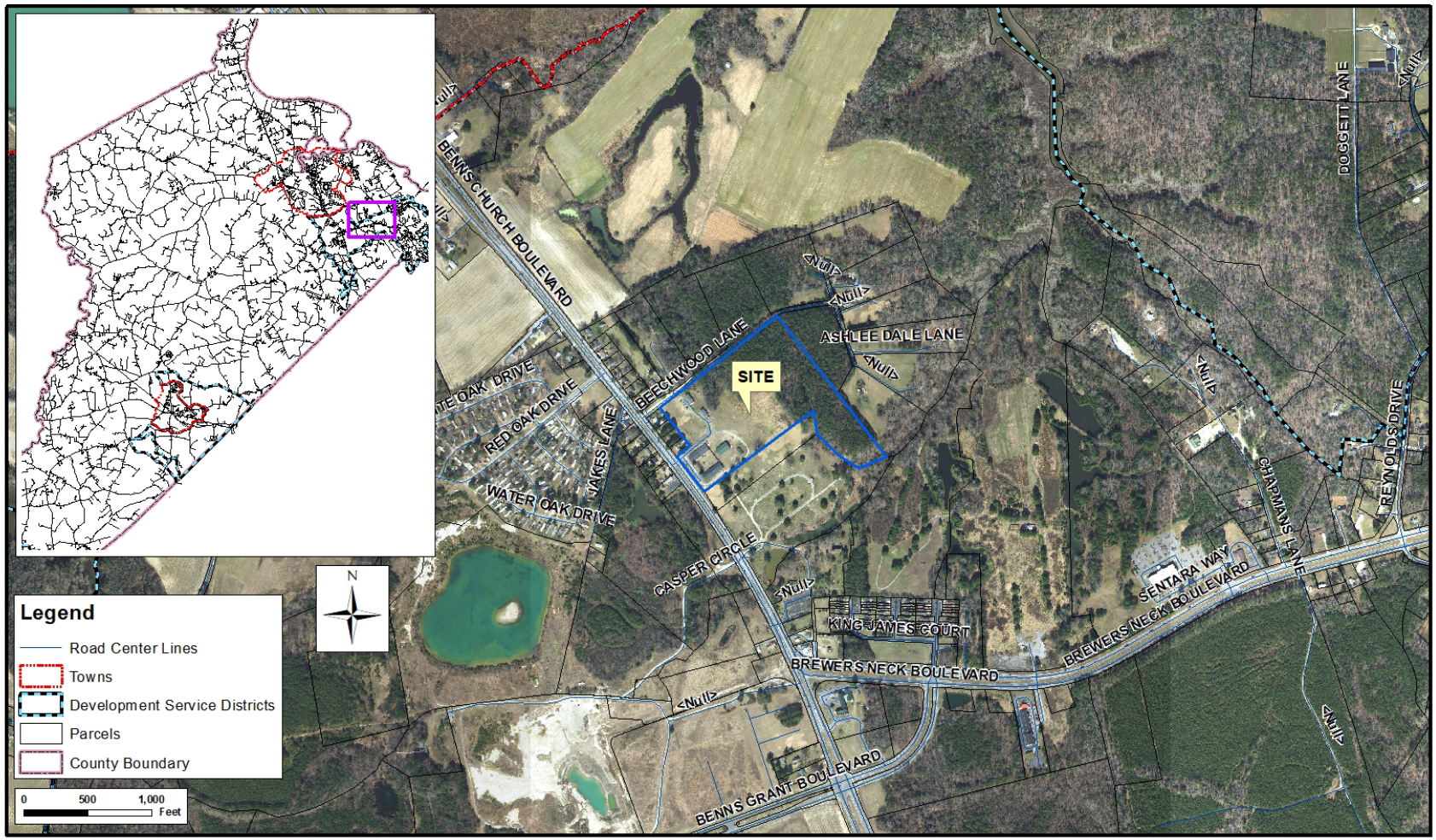


EXHIBIT C

CONDITIONS – CUP-1-23

1. The applicant shall make application to VDOT-Franklin Residency for a posted School Zone and speed limit reduction on Benn's Church Boulevard.

2. The use is approved for two buildings only (Building #1 and Gymnasium).

3. Use of additional buildings will require another CUP.

4. The use is approved for up to 125 persons (student enrollment and faculty/staff).

5. Once 125 persons is exceeded, a left turn lane and right turn lane taper improvements will be required.

6. An annual student enrollment and staffing report shall be provided to the Zoning Administrator in September.

7. The Zoning Administrator shall review and approve the ingress/egress and internal circulation plan during site plan review with concurrent from the Transportation Manager and VDOT.

8. An adult should monitor the student drop-off/pick-up periods and the student exchange point.

9. CUP-4-21 and CUP-9-21 will be extinguished.

ISSUE:

Proposed Revisions to Article 5, "Development Standards," of the Isle of Wight County Subdivision Ordinance

BACKGROUND:

The proposed ordinance changes are recommended by Planning and Zoning staff as a result of their regular review and daily administration of the County subdivision ordinance.

The Planning Commission and the Board of Supervisors have previously expressed their desire to provide more flexibility for subdividing land outside of the Development Service Districts (DSDs) to preserve agricultural and silvicultural uses while providing for more regular development patterns within the DSDs. Staff has developed a proposed revision to the subdivision ordinance to address this issue in Section 5.11.

Staff also proposes to remedy the inconsistency with verge requirements between the County's Subdivision Ordinance and the Virginia Department of Transportation's Subdivision guidelines which is the cause of on-going confusion among applicants. While the County's Ordinance requires a minimum six foot verge between the back of curb and the sidewalk in new Planned Development - Mixed Use communities, VDOT requires a 3.5 foot verge, if there is no landscaping and a six foot verge, if there is landscaping. The County also requires street trees along new streets, but only recommends they be planted between the curb and sidewalk. The alternative is to install them in a landscaping easement on the back of the sidewalk.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

The Planning Commission recommended approval of the proposed Subdivision Ordinance revisions at their May 23, 2023, regular meeting by a vote of nine in favor and zero voting against the motion (9-0).

Staff also recommends approval of the proposed revisions.

ATTACHMENTS:

Description	Type	Upload Date
Redline Version of Proposed Ordinance Changes	Backup Material	6/6/2023
Ordinance	Ordinance	6/6/2023

Proposed Subdivision Ordinance Revisions
Revised June 6, 2023

The draft revisions are listed by section below. New, proposed language is in red underlined text. Language proposed to be deleted is shown in ~~red text with strikethrough~~ markings.

5.9. Streets.

5.9.1. General standards.

A. All streets in the proposed subdivision shall be designed and constructed in accordance with the minimum requirements found in this section at no cost to the county.

B. Road widening and right-of-way dedication must meet or exceed VDOT standards.

C. Unless specifically modified in this ordinance, all new streets must be public and improved to comply with the VDOT road and bridge standards.

5.9.2. Description of public and private streets.

A. Public street. A street (or portion of a street) that has been improved to comply with the requirements of this ordinance and the VDOT subdivision street design guide and has been accepted or is proposed to be accepted into the state primary or secondary road system.

B. Private street. A street (or portion of a street) that has not been accepted into the state primary or secondary road system.

[5.9.3. Reserved.]

5.9.4. Connectivity requirements.

A. Required. Unless exempted below, stub outs are required on each side of a subdivision (as defined by each of the cardinal directions) as follows:

1. Rural subdivisions. At least one (1) stub out for every two thousand eight hundred (2,800) linear feet on any single side of the proposed development.

2. Other subdivisions. At least one (1) stub out for every one thousand four hundred (1,400) linear feet on any single side of the proposed development.

B. Exemptions.

1. Stub outs are not required when the existing street pattern in the area of the proposed subdivision already provides for vehicular connections at intervals no greater than one-half (½) mile apart in rural subdivisions, and one-quarter (¼) mile apart in all other subdivisions.

2. Stub outs may not be required adjacent to existing development that has not made any accommodation for such connections or to adjoining sites that are permanently protected from development through conservation easements or ownership that precludes development.

3. Stub outs may not be required if the only point of access would require crossing floodplains, wetlands, or other similar natural features.

5.9.5. Street classification.

A. Guidelines.

1. In all new subdivisions, streets that are dedicated to public use shall be classified as provided in this section;

2. The functional classification is based on the general design and the projected volume of traffic to be carried by the street, stated in terms of the number of average daily vehicle trips per day;

3. The number of dwelling units to be served by the street may be used as an indicator of the number of trips but is not conclusive;

4. Whenever a proposed subdivision street continues an existing street that previously ended outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the proposed street is based upon the entire street, both within and outside of the subdivision.

B. Functional classification.

1. Arterial (primary).A street specifically designed to move high volumes of traffic from collector streets through the county and not designed to serve abutting lots except indirectly through intersecting streets. Arterial streets include all U.S. Highways, state primaries with one-, two- or three-digit numbers, and any other streets which the subdivision agent determines as functionally equivalent to these transportation department classifications.

2. Collector (secondary).A relatively low-speed, low-volume street that provides circulation within and between neighborhoods. Collector streets usually serve short trips and are intended for collecting trips from local streets and distributing them to the arterial network. They also form a secondary network of cross county connectivity. It is intended to serve, directly or indirectly, up to one hundred (100) dwelling units and is intended to carry up to eight hundred (800) average daily vehicle trips per day.

3. Local (secondary).These streets provide direct access to adjacent land and serve travel of short distances as compared to the higher systems. It serves or is designed to serve no more than twenty-five (25) dwelling units or expected to or does handle between seventy-five (75) and two hundred (200) average daily vehicle trips per day.

4. Alley (private).A service easement which affords only a secondary means of access to abutting property for utilities, sanitation, garages, backyards and any accessory units and are not intended for general traffic circulation

5. Service drive (marginal access street, frontage road).A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties do not directly access the arterial street. Properties fronting on a service drive are somewhat sheltered, and the flow of traffic on the arterial street is not impeded by numerous direct driveway access points from a large number of properties.

5.9.6. Street alignment and layout.

A. The proposed street layout in a new development must be coordinated with the existing street system with connections made at all stub outs existing on adjacent properties. Per chapter 11 of the comprehensive plan, the street layout shall be a modified grid pattern adapted to the topography and unique features of the site. Where full connection cannot be made as a result of the topography of the site being developed, the subdivision agent may allow the installation of a cul-de-sac or other turnaround facility in accordance with section 5.9.10 of this ordinance.

B. Half streets along the boundary of land proposed for subdivision are prohibited (this is not deemed to prohibit the construction of service drives or one-way streets).

C. Street intersections should be as close as possible to ninety (90) degrees (right angle) and may not be less than seventy (70) degrees without express approval by the subdivision agent, in consultation with VDOT.

D. Whenever a proposed subdivision contains or is adjacent to a limited access highway or expressway, provisions must be made for a service drive or marginal access street approximately parallel to such right-of-way at a distance suitable for an appropriate use of the land between such highway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare.

E. The proposed street arrangement may not cause unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the subdivision agent, it is desirable to provide for street access to adjoining undeveloped property, proposed streets must be extended by one (1) of the following methods:

1. The developer may construct a stub out street in conformance with section 5.9.10, cul-de-sac streets or section 5.9.11, loop lanes. Where stub outs are less than fifty (50) feet in length and do not provide access for nonresidential or multifamily uses, the subdivision agent may waive the requirement for a turnaround facility.

2. The developer of the proposed subdivision may dedicate a stub out easement to the county of sufficient width to accommodate the future extension of the subject street when the adjacent property is developed. If this alternative is selected, the developer must provide a construction bond sufficient to pay for the proposed improvements. The developer must provide notice to all future owners of lots fronting on the easement that a roadway may be installed at a future date. This easement and notice must be prominently indicated on the final subdivision plat. The applicant must post a sign of a design approved by the county.

5.9.7. Traffic calming. Traffic calming measures must be installed in accordance with VDOT standards. When traffic calming measures are proposed, such measures should be shown on subdivision construction plans and profiles or site plan submissions. If desired, a comprehensive traffic calming plan indicating proposed calming measures can be submitted for review and approval for the entire development with the first preliminary plat application.

5.9.8. Street grades. The grades of streets submitted on subdivision plats shall be approved by the county engineering division in consultation with the VDOT engineer. Wherever feasible, street grades may not exceed five (5) percent.

5.9.9. Street cross-section.

A. Applicability. Unless the use of alternative street design standards has been authorized (see section 5.9.16), all public and private streets must comply with VDOT street cross-section standards.

B. Pavement construction requirements.

1. Pavement design for new public and private streets must be in accordance with VDOT standards.

5.9.10. Cul-de-sac streets.

A. Description. Generally, cul-de-sac streets (minor terminal streets) are designed to have one (1) end permanently closed. Cul-de-sacs should be avoided unless natural barriers (wetlands, topography, floodplains) limit the opportunities for an interconnected grid network.

B. Length.

1. The length of a cul-de-sac street is measured from the end of the right-of-way of the turnaround portion of the cul-de-sac street to the nearest intersection with a street which provides a means of direct or indirect egress from the subdivision.

2. Cul-de-sac streets may not exceed the greater of five hundred (500) linear feet or ten (10) times the width of the lot (measured at its narrowest point).

C. Landscaped medians and islands.

1. All cul-de-sac streets must have a landscape island at the center of the turnaround circle a minimum of fifty-four (54) feet in diameter for any cul-de-sac on a street serving more than sixteen (16) or more dwelling units or any use other than residential, and twenty-four (24) feet in diameter for any street serving fifteen (15) or less dwelling units and only residential uses. These islands may be designed as bioretention gardens and surface grading of cul-de-sac may be adjusted up to ten (10) percent to allow water to drain to the landscape island.

2. In the event that a cul-de-sac street is authorized to exceed eight hundred (800) feet in length, then such a cul-de-sac street shall be designed with a landscaped median that divides the cul-de-sac street into two (2) distinct and separate lanes. However, such a cul-de-sac street may be continuously undivided for the final two hundred (200) feet of the street. This undivided section is measured from the end of the right-of-way of the turnaround portion of the cul-de-sac street.

3. Median breaks must be provided at street intersections and at other appropriate locations along the cul-de-sac street to ensure safe and efficient traffic circulation and delivery of emergency services. One (1) median break should occur approximately every four hundred (400) feet of the cul-de-sac street.

4. When the cul-de-sac street serves commercial, institutional, or industrial lots or structures, the requirement for a landscaped median or island may be modified or waived by the subdivision agent upon approval by the board of supervisors due to the additional fire protection requirements incorporated into such structures.

5. All non-vehicular movement areas such as medians and islands shall be located in the right-of-way of the cul-de-sac street.

D. Turnaround. New cul-de-sac streets must terminate in a circular vehicle turnaround. The minimum diameter (measured to the edge of pavement or face of curb) of this turnaround is:

1. Sixty (60) feet on residential cul-de-sac streets serving fifteen (15) or fewer dwelling units and no other uses.

2. Ninety (90) feet on all other cul-de-sac streets.

E. Other terminal access (dead-end) streets.

1. "T" Turnarounds.T-turnaround are discouraged. The subdivision agent may approve the use of "T" (shaped) turnarounds in lieu of cul-de-sacs when upgrading existing streets.

2. Stub out streets.

a. Description. Stub out streets are continuations of internal streets to the perimeter of a project for future connection to adjacent properties.

b. Standards. A temporary cul-de-sac (standard or "T") must be provided at the end of all stub out streets. The right-of-way lines and constructed pavement must be extended to the boundary line of the proposed subdivision if the adjacent property is undeveloped.

Suitable barricades and "Street Closed" signs must be erected at the street end during the construction phase. At the completion of the street construction, "End of Street" signs must be erected at the street end. The following notation must be placed on the subdivision plat:

"Future access connection for adjacent development, to be constructed upon the extension of the street."

5.9.11. Loop lane.

A. Description. A loop lane is the recommended alternative to the use of cul-de-sac streets, "T" turnarounds, or other terminal access streets. Loop lanes shall be designed as two (2) one-way lanes separated by a central bioretention area or grassed, planted median at least sixty (60) feet in width.

B. Length. Loop lanes may not exceed five hundred (500) linear feet from the point of intersection with the connecting roadway.

5.9.12. Alleys. Dead-end alleys should be avoided wherever possible. If dead-end alleys are unavoidable, the end shall be provided with adequate turnaround facilities (see section 5.9.10.E, above) as determined by the subdivision agent.

5.9.13. Planting strips. When required, planting strips ~~a minimum of six (6) feet in width and~~ shall be installed in accordance with the current VDOT Subdivision Street Guide ~~must be located between the roadway and the sidewalk.~~ Additional planting strip width may be required to avoid conflict with required utility easements.

5.9.14. Street names.

A. Proposed streets which are obviously in alignment with other already existing and named streets must continue the names of the existing streets. Names of existing streets may not be changed except by approval of the board of supervisors.

B. In no case may the names of a proposed street duplicate existing street names irrespective of the use of the suffix "road", "street", "avenue", "boulevard", "drive", "way", "place", "lane", or "court".

C. Street names must be indicated on the preliminary and final plats, and must be approved by the subdivision agent in consultation with the county's information technology and emergency management departments.

5.9.15. Street identification signs. Street identification signs of a design approved by the subdivision agent and VDOT, where applicable, must be installed at all intersections.

5.9.16. Alternative street design standards. The use of VDOT authorized alternative street design standards for subdivisions located in a planned development may be granted by the board of supervisors following a recommendation from the planning commission. (11-18-21(1).)

Section 5.11 – Lots.

5.11.1. Shape. Lots should be designed, arranged, and shaped so that they provide satisfactory and desirable sites for buildings, be properly related to natural topography, and conform to requirements of this ordinance and the zoning ordinance. Lots within the DSDs shall be generally regular in shape and may not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes, the only exception to this rule being elongations for use as to provide access to a public street within a flag lot. Lots outside of the DSDS should be designed to follow natural features whenever possible and such lots should seek to provide for an agricultural, forestal, or open space use of the land. For lots with a width of sixty (60) feet or greater, lot proportions should provide approximately two and one-half (2.5) feet of lot depth for every one (1) foot of lot width.

5.12. Sidewalks and paths (pedestrian and bicycle facilities).

5.12.1. General. Sidewalks and paths shall be designed to provide a safe and convenient pedestrian circulation system within the subdivision as well as connections to adjacent areas. These systems should be designed to connect with all elements within the development, adjacent areas, existing sidewalks/greenways, and transit stops and may

include sidewalks along public or private streets, bike lanes on roadways, greenways, and walkways and trails in alternative locations as appropriate.

5.12.2. Sidewalks.

A. Where a sidewalk is specifically required by this ordinance, it must be located within the right-of-way. However, the subdivision agent may approve alternate walkway locations when it is determined that the location within the right-of-way is not feasible.

B. Sidewalks located within the public right-of-way must be constructed to VDOT standards. Curb ramps or sloped areas must be provided where sidewalks cross curbs, as required by current Americans with Disabilities Act standards. Inlets may not be located within sidewalks. Catch basin and manhole frames must have closed lids when located within the sidewalk.

C. On roads with curb and gutter, sidewalks must be separated from the back of curb by a planting strip in compliance with the VDOT Subdivision Street Design Guide, dependent upon the presence of landscaping. ~~that is at least six (6) feet in width~~. Trees are to be located between the sidewalk and the curb, ~~. Wider planting strip(s) may be required by the zoning ordinance, depending on any inclusion of on-street parking or other layout particularities.~~ within the landscaped area of a boulevard, ~~or~~ in tree wells installed in pavement or concrete or within a landscape easement adjacent to the right-of-way with the maintenance responsibility assigned to a property owner's association. Species of street trees should be consistent with the recommendations found in the VDOT Subdivision Street Design Guide which will not interfere with nearby utilities or other public improvements.

D. Along roads with shoulders and ditches, sidewalks must be located behind the roadside ditch or a guardrail. The subdivision agent may authorize the use of alternative walkways ([section] 5.12.3) when shoulders and ditches are used.

E. In order to be accepted for dedication by VDOT, sidewalks must be located completely within the right-of-way and constructed in compliance with the VDOT Subdivision Street Design Guide.

F. Any proposed subdivision that includes, directly abuts or provides direct access to a proposed greenway location as identified in the county bicycle and pedestrian master plan, must provide a greenway easement or sidewalk to either continue the path in its intended location or allow unencumbered access to the greenway for all future residents.

5.12.3. Alternative walkway.

A. Pedestrian walkways may be provided outside of the right-of-way when the subdivision agent determines the walkway will have the same functionality as the conventional sidewalk required.

B. The subdivision agent may approve alternative construction materials including asphalt, crushed stone, and other surfaces.

5.12.4. Bicycle lanes. When a proposed street may serve as a potential connection between identified bicycle routes in the county bicycle and pedestrian master plan, on-street bicycle lanes must be installed in conformance with VDOT Subdivision Street Design Guide.

5.16. Traditional neighborhood design (TND).

The objective of the traditional neighborhood design type is a compact, pedestrian-scaled development incorporating a diverse, mixed range of uses to promote community interaction, convenience, housing options for all income levels, and civic participation. The following regulations are offered to guide this type of development in accordance with design principles compatible with the historic nature of the county, and in harmony with the applicable county ordinances and the comprehensive plan.

A. Applicability. These provisions apply to new developments of fifty (50) acres or more zoned PD-R, PD-MH, and PD-MX.

In the case of expanding existing subdivisions of ten (10) lots or more, these guidelines can be applied to any development residentially zoned and proposing at least five (5) additional lots. The following standards do not exempt the applicant from compliance with the other sections of this ordinance which protect the general health, safety, and welfare of residents.

B. Development standards.

1. [Location:]All residents should be within approximately one-fourth (¼) mile radius or a five-minute walk from existing or proposed commercial, civic, and open space areas.

2. Open space: At least forty (40) percent of the gross acreage of the traditional neighborhood development must be open space. Open space may include undevelopable areas such as steep slopes and wetlands, and stormwater detention and retention basins. At least fifty (50) percent of the open space must be common open space dedicated to the public for recreation. Additionally, ninety (90) percent of the dwelling units shall be within a one-fourth (¼) mile radius or a five-minute walk from common open space.

3. Stormwater management: The design of the traditional neighborhood development should minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practical. New development shall meet the standards of section 5.8, stormwater management.

4. Lot and block standards:

A. Street layouts should provide for blocks that are a minimum of two hundred fifty (250) feet in length and a maximum of five hundred (500) feet in length; however, longer length shall be allowed with mid-block pedestrian pass-throughs every five hundred (500) feet.

B. Blocks should be wide enough to allow two (2) tiers of lots at minimum depth as required by the underlying zoning. The subdivision agent may approve a single tier of lots of minimum depth where environmental conditions restrict the lot layout.

C. A variety of lot sizes should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.

C. Circulation standards. The circulation system shall allow for different modes of transportation. The circulation system shall provide functional and visual links within the residential areas, mixed use area, and open space of the community and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes (especially off-street bicycle or multi-use paths or bicycle lanes on the streets), control through traffic and promote safe and efficient mobility through the neighborhood. All TND transportation elements should be presented to the locality and VDOT for discussion and approval of unique features.

1. Pedestrian circulation. Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the TND. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks on both sides. The following provisions also apply:

    1. Sidewalks in residential areas. Clear and well-lighted sidewalks, five (5) feet in width, shall connect all dwelling entrances to the adjacent public sidewalk.

    2. Sidewalks in mixed use areas. Clear and well-lighted walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Such walkways shall be a minimum of five (5) feet in width.

    3. Disabled accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act and VDOT standards.

    4. Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges or with striping. In addition, curb extensions shall be incorporated where pedestrian facilities intersect higher-volume streets within the development to protect parking areas and reduce pedestrian crossing times.

2. Bicycle circulation. Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle multimodal paths and separate, striped, five-foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width should be thirteen (13) feet and the bicycle travel lane shall be located between the vehicular travel lane and parking lane.

3. Public transit access. Where public transit service is available or planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through surveillance and shall be well-lighted.

4. Motor vehicle circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as "queuing

streets," curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds. Arterial streets should not bisect a TND if pedestrian cross-access is not feasible.

a. Street hierarchy. Each street within a TND shall be classified according to section 5.9.5 of this ordinance.

5. Street layout. The traditional neighborhood development should maintain the existing street grid, where present, and restore any disrupted street grid where feasible. In addition:

i. Intersections shall be at right angles whenever possible, but in no case less than seventy (70) degrees. Low volume streets may form three-way intersections creating an inherent right-of-way assignment (the through street receives precedence) which significantly reduces accidents without the use of traffic controls.

ii. Corner radii. The roadway edge at street intersections shall be rounded by a tangential arc with a radius of fifteen (15) feet for local streets where the receiving street is projected to have less than four hundred (400) vehicle trips per day, and twenty-five (25) feet for intersections involving collector or arterial streets. Any reduction or increase in the proposed corner radii shall be subject to the approval of VDOT. The intersection of a local street and an access lane or alley shall be rounded by a tangential arc with a maximum radius of ten (10) feet.

iii. Curb cuts for driveways to individual residential lots shall be prohibited along collector and subcollector streets with residential access recommended from alleys only. Additionally, curb cuts shall be limited to intersections with other streets or access drives to parking areas for commercial, civic or multifamily residential uses. Clear sight triangles (twenty-five (25) feet × twenty-five (25) feet) or as approved by VDOT shall be maintained at intersections unless controlled by traffic signal devices.

iv. The orientation of streets should enhance the visual impact of common open spaces and prominent buildings create lots that facilitate passive solar design and minimize street gradients. All streets shall terminate at other streets or at public land, except local streets may terminate in stub streets when such streets act as connections to future phases of the development. Local streets may terminate other than at other streets or public land when there is a connection to the pedestrian and bicycle path network at the terminus.

6. Parking requirements. Parking areas for shared or community use should be encouraged. The number of parking spaces shall be in accordance with the zoning ordinance requirements. In addition:

a. In the mixed use area, any parking lot shall be located at the rear or side of a building.

b. A parking lot may not be adjacent to or opposite a street intersection.

c. A shared parking agreement must be established and approved by the zoning administrator prior to site plan approval.

d. Parking lots or garages must provide not less than one (1) bicycle parking space for every ten (10) motor vehicle parking spaces.

e. Paving. Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for areas such as remote parking lots and parking areas for periodic uses.

7. Guidelines for lighting.

a. Street lighting shall be provided along all streets. Generally, more, low-intensity lights, as opposed to fewer, high-intensity lights, should be used. Streetlights shall be installed at all street intersections (including alleys), at the end of all cul-de-sac streets, and on both sides of a street, alternating from one side of the street to the other at intervals of three hundred (300) to four hundred (400) feet. Lights shall not exceed ten thousand (10,000) lumens and shall be directed downward and opaquely covered at the top. Regardless of type of fixture and bulb and illumination characteristics, street lighting design shall follow dark sky guidelines and principles.

b. Exterior residential lighting shall be shielded and directed downward in order to reduce glare onto adjacent properties.

c. All commercial lighting shall be in compliance with article 11 of the zoning ordinance.

8. Landscaping and screening standards. Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. Plant materials, specifications, installation and maintenance shall be in accordance with the zoning ordinance landscaping requirements.

a. Street trees. A minimum of one (1) deciduous canopy tree per forty (40) feet of street frontage per street side shall be required. Trees can be clustered and do not need to be evenly spaced. Trees should be located between the sidewalk and the curb, within the landscaped area of a boulevard, ~~or~~ in tree wells installed in pavement or concrete or within a landscape easement adjacent to the right-of-way with the maintenance responsibility assigned to a property owner's association. Species of street trees should be consistent with the recommendations found in the VDOT Subdivision Street Design Guide which will not interfere with nearby utilities or other public improvements.

AN ORDINANCE
TO AMEND AND REENACT THE FOLLOWING SECTION OF APPENDIX A. SUBDIVISIONS: ARTICLE 5 (DEVELOPMENT STANDARDS)

WHEREAS, the Board of Supervisors of Isle of Wight County, Virginia, has the legislative authority to make reasonable changes to the ordinances that govern the orderly growth and development of Isle of Wight County; and

WHEREAS, the Isle of Wight County Board of Supervisors is also concerned about the compatibility of uses on public and private lands within Isle of Wight County and seeks to allow flexibility in the administration of the ordinance regulations while protecting the health, safety, and general welfare of present and future residents and businesses of the County.

NOW, THEREFORE, BE IT ORDAINED by the Isle of Wight County Board of Supervisors that Article V of Appendix A, Subdivisions, of the Isle of Wight County Code be amended and reenacted as follows:

Article 5. Development Standards

5.1. Land suitability.

5.1.1. The subdivision agent shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.

5.1.2. Land subject to flooding and land deemed to be topographically unsuitable may not be platted for residential occupancy, nor for such other uses as may increase danger of health, life or property or aggravate erosion or flood hazard.

5.1.3. Lands within the subdivision that are subject to flooding or deemed to be topographically unsuitable for residential occupancy must be reserved for uses that are not endangered by periodic or occasional inundation or do not produce conditions contrary to public welfare.

5.2. Responsibility for improvements.

A. The applicant is responsible for providing all required improvements in conformance with the requirements of this ordinance and any other applicable ordinances, codes, rules, or regulations. All costs associated with the installation of said improvements remains the responsibility of the applicant and any bond or other fiscal surety posted as a condition of approval may not be released until construction has been inspected and approved by the appropriate engineer or regulating authority (see section 3.2.8.E, performance guarantee). The following forms of fiscal surety will be accepted:

Cash
Cashier's check
Certified check

Surety bond
Letter of credit

Any other form of surety must be approved by the Isle of Wight County Attorney prior to acceptance.

B. The amount of such fiscal surety shall not exceed the total of the estimated cost of construction based on unit prices for new public or private section construction in the county and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed ten (10) percent of the estimated construction costs.

5.3. General subdivision design.

The following principles shall guide the design and layout of proposed subdivisions in the county.

5.3.1. Subdivisions should be designed to protect and maintain existing natural features on the site, including existing terrain, drainageways, stands of trees, and other elements. Where possible, existing trees and other vegetated areas should be utilized to satisfy landscaping and buffering requirements. Naturally occurring drainage paths should be maintained and utilized to the extent possible.

1. No lot shall be designed, approved or employed for use in which an area more than thirty (30) percent of the prescribed minimum lot area is comprised of one (1) or more of the environmentally sensitive areas referenced in the net developable calculations of the zoning ordinance. This shall not apply to lots specifically created exclusively to preserve and maintain environmentally sensitive areas, as approved by the zoning administrator.

5.3.2. Additional open spaces suitable for passive and active recreational use should be reserved where possible.

5.3.3. Streets and lots should be laid out to provide a coordinated and efficient use of land and minimize the need for costly expansion of the external roadway system outside of the subdivision. This may include providing an interconnected network of streets within the subdivision and providing both roadway and pedestrian connections to adjacent compatible developments.

5.3.4. Construction of the subdivision should be undertaken in a manner that minimizes the clear cutting and mass grading of land.

5.3.5. No singular subdivision shall extend over a political boundary.

5.4. Subdivision types.

5.4.1. Purpose. The zoning ordinance establishes twelve (12) different base zoning districts. These zoning districts are based on the intended character of development located within the district. Understanding that the character of the development also contains implications for subdivision design, certain standards within this ordinance have been tailored to accommodate appropriate layout and construction. This may not be construed as allowing any use or development that is not in conformance with the zoning ordinance

or the zoning requirement for residential development (reference section 3.2.3.C, zoning requirements in this ordinance for information on required zoning prior to subdivision approval).

5.4.2. Subdivision types.

A. Rural subdivisions. Rural subdivisions are those subdivisions in the following zoning districts:

1. RAC Rural Agricultural Conservation
2. RR Rural Residential

B. Other residential, commercial, industrial, civic, miscellaneous, and planned development subdivisions. Subdivisions in the following zoning districts:

1. SE Suburban Estate
2. SR Suburban Residential
3. UR Urban Residential
4. VC Village Center
5. NC Neighborhood Conservation
6. LC Limited Commercial
7. GC General Commercial
8. LI Limited Industrial
9. GI General Industrial
10. GIC General Industrial Conservation
11. PD-R Planned Development - Residential
12. PD-MH Planned Development - Manufactured Home
13. PD-CP Planned Development - Corporate Park
14. PD-MX Planned Development - Mixed Use
15. PD-IP Planned Development - Industrial Park

5.5. Name duplication.

The name of a proposed subdivision may not duplicate nor closely approximate the name of an existing subdivision within the county.

5.6. Subdivision activity in Chesapeake Bay Preservation Area.

Any subdivision activity subject to the provisions of this ordinance and contained wholly or in part within the designated Isle of Wight County Chesapeake Bay Preservation Area must be designed and performed in compliance with the Isle of Wight County Chesapeake Bay Preservation Area Ordinance.

5.7. Subdivision activity in wetlands.

Development activities within wetland areas may require additional permits from entities other than Isle of Wight County, including the US Army Corps of Engineers, the Virginia Department of Environmental Quality, the Virginia Marine Resources Commission, and other agencies.

5.7.1. Any subdivision activity proposing to fill, build in, on or in any way disturb any waterway or wetland area must obtain approval from the Virginia Department of Environmental Quality (VDEQ), the US Army Corp of Engineers (COE) and/or the county wetlands board prior to initiating any construction.

5.8. Stormwater management.

5.8.1. Applicability.

A. Applicants may be required to provide stormwater management improvements or make other improvements to the existing drainage system to address water quantity concerns, water quality concerns, or both if the proposed development will increase potential flood damages to existing properties or significantly increase pollutant levels in downstream receiving waters.

B. The need for stormwater management improvements to address offsite impacts must be determined by the county engineering division. The applicant shall be required to provide surety to guarantee completion of required improvements prior to final plat approval.

5.8.2. Stormwater management program.

A. Subdivision applications disturbing one (1) or more acres of land or two thousand five hundred (2,500) square feet within the Chesapeake Bay watershed, as well as all modifications to existing stormwater systems shall require the submittal of a stormwater management plan in accordance with the county stormwater management ordinance.

B. When a separate stand-alone stormwater management plan is not required, the proposed stormwater management improvements must be indicated on the preliminary plat, construction plans, and final plat.

C. The stormwater management concept plan and stormwater management final plan shall be prepared in accordance with the county stormwater management ordinance.

5.8.3. Stormwater design standards.

A. The applicant must provide all necessary information needed to determine what improvements are necessary to properly develop the subject property, including contour intervals, drainage plans and proposed stormwater management improvements.

B. Stormwater management improvements must be designed and installed in accordance with the Isle of Wight County Stormwater Management Ordinance as well as all other applicable codes and ordinances. Plans for all improvements must include a certification by a properly qualified engineer or surveyor that proposed improvements,

when properly installed, will be adequate for proper development and conform to all design standards and requirements.

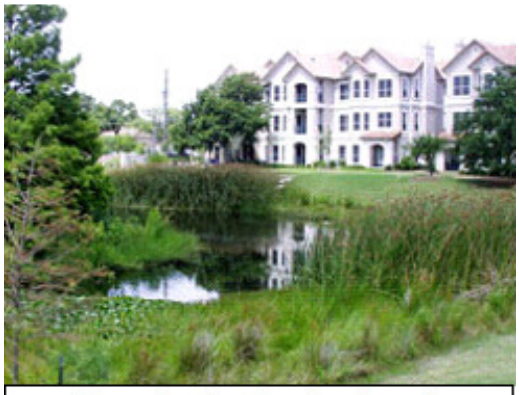
C. Piping and modification of streams and other natural watercourses should be minimized and shall be considered on a case-by-case basis to determine if it is necessary and environmentally sound. Such facilities must be designed, constructed and maintained to minimize flooding, protect downslope properties, preserve water quality, and adequately transport existing and projected stormwater flows.

D. The use of best management practices (BMPs) to manage stormwater is strongly encouraged. Examples of BMPs include: Bioretention and biofiltration, rain gardens, infiltration, detention, and structural controls.

Note: The following table illustrates some (but not all) of the BMPs that may be considered.

Example BMP	Illustration
Rain garden	
Roadside Infiltration Swale	
Dry Detention Basin	
Media Filter	

F. When stormwater ponds or management facilities are used, they shall be designed, landscaped, and integrated into the overall site design as a community amenity as follows:



Stormwater Pond used as Amenity

1. Stormwater retention and detention areas shall meander through the development as a greenbelt, rather than as a single basin. Stormwater retention areas shall be improved so as to be useable and accessible for recreational purposes. Retention areas shall be designed such that when inundated (following a rain event), they shall remain usable for their designated recreational purposes.

G. Stormwater retention and detention areas shall be designed with a natural character and shall be constructed of natural materials. Terracing, berming, and contouring is required in order to naturalize and enhance the aesthetics of the basin. Such features shall be approved by the subdivision agent. Basin slopes may not exceed a three (3) to one (1) slope and shall be designed to permit ready access for maintenance. In

addition, the final design must incorporate child safety features through signage or other appropriate means.

H. Roadway drainage improvements must be provided in accordance with the VDOT Drainage Handbook. Drainage facilities located within the right-of-way must be approved by the VDOT engineer prior to dedication.

I. The subdivision agent may require that easements for drainage through adjoining property be provided by the applicant. An access easement that is at least ten (10) feet in width may be required to allow routine maintenance and repairs to stormwater facilities.

5.8.4. Maintenance and ownership.

A. Maintenance bond required. The applicant shall submit a maintenance bond on a form acceptable to the county until the stormwater facility is turned over to the property owner's association.

B. Ownership. Stormwater facilities shall be owned and maintained by a property owner's association (POA) representing owners of the land within the subdivision. Membership in the association shall be mandatory and automatic for all landowners of the subdivision and their successors. The POA shall have lien authority to ensure the collection of dues from all members.

C. Maintenance agreement. A stormwater management facility maintenance agreement, maintenance easement agreement and formal maintenance covenant shall be submitted and recorded with the clerk's office of the circuit court prior to the issuance of any permits and shall be binding on all subsequent owners of land served by the facility. The stormwater management facility maintenance agreement shall be prepared in accordance with the requirements of the county stormwater management ordinance.

D. Failure to maintain. In the event the POA responsible for maintenance of the stormwater facility fails to maintain all or any portion in reasonable order and condition, the county may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the POA, or to the individual property owners that make up the association and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

5.9. Streets.

5.9.1. General standards.

A. All streets in the proposed subdivision shall be designed and constructed in accordance with the minimum requirements found in this section at no cost to the county.

B. Road widening and right-of-way dedication must meet or exceed VDOT standards.

C. Unless specifically modified in this ordinance, all new streets must be public and improved to comply with the VDOT road and bridge standards.

5.9.2. Description of public and private streets.

A. Public street. A street (or portion of a street) that has been improved to comply with the requirements of this ordinance and the VDOT subdivision street design guide and has been accepted or is proposed to be accepted into the state primary or secondary road system.

B. Private street. A street (or portion of a street) that has not been accepted into the state primary or secondary road system.

[5.9.3. Reserved.]

5.9.4. Connectivity requirements.

A. Required. Unless exempted below, stub outs are required on each side of a subdivision (as defined by each of the cardinal directions) as follows:

1. Rural subdivisions. At least one (1) stub out for every two thousand eight hundred (2,800) linear feet on any single side of the proposed development.

2. Other subdivisions. At least one (1) stub out for every one thousand four hundred (1,400) linear feet on any single side of the proposed development.

B. Exemptions.

1. Stub outs are not required when the existing street pattern in the area of the proposed subdivision already provides for vehicular connections at intervals no greater than one-half (½) mile apart in rural subdivisions, and one-quarter (¼) mile apart in all other subdivisions.

2. Stub outs may not be required adjacent to existing development that has not made any accommodation for such connections or to adjoining sites that are permanently protected from development through conservation easements or ownership that precludes development.

3. Stub outs may not be required if the only point of access would require crossing floodplains, wetlands, or other similar natural features.

5.9.5. Street classification.

A. Guidelines.

1. In all new subdivisions, streets that are dedicated to public use shall be classified as provided in this section;

2. The functional classification is based on the general design and the projected volume of traffic to be carried by the street, stated in terms of the number of average daily vehicle trips per day;

3. The number of dwelling units to be served by the street may be used as an indicator of the number of trips but is not conclusive;

4. Whenever a proposed subdivision street continues an existing street that previously ended outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the proposed street is based upon the entire street, both within and outside of the subdivision.

B. Functional classification.

1. Arterial (primary).A street specifically designed to move high volumes of traffic from collector streets through the county and not designed to serve abutting lots except indirectly through intersecting streets. Arterial streets include all U.S. Highways, state primaries with one-, two- or three-digit numbers, and any other streets which the subdivision agent determines as functionally equivalent to these transportation department classifications.

2. Collector (secondary).A relatively low-speed, low-volume street that provides circulation within and between neighborhoods. Collector streets usually serve short trips and are intended for collecting trips from local streets and distributing them to the arterial network. They also form a secondary network of cross county connectivity. It is intended to serve, directly or indirectly, up to one hundred (100) dwelling units and is intended to carry up to eight hundred (800) average daily vehicle trips per day.

3. Local (secondary).These streets provide direct access to adjacent land and serve travel of short distances as compared to the higher systems. It serves or is designed to serve no more than twenty-five (25) dwelling units or expected to or does handle between seventy-five (75) and two hundred (200) average daily vehicle trips per day.

4. Alley (private).A service easement which affords only a secondary means of access to abutting property for utilities, sanitation, garages, backyards and any accessory units and are not intended for general traffic circulation

5. Service drive (marginal access street, frontage road).A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties do not directly access the arterial street. Properties fronting on a service drive are somewhat sheltered, and the flow of traffic on the arterial street is not impeded by numerous direct driveway access points from a large number of properties.

5.9.6. Street alignment and layout.

A. The proposed street layout in a new development must be coordinated with the existing street system with connections made at all stub outs existing on adjacent properties. Per chapter 11 of the comprehensive plan, the street layout shall be a modified grid pattern adapted to the topography and unique features of the site. Where full connection cannot be made as a result of the topography of the site being developed, the subdivision agent may allow the installation of a cul-de-sac or other turnaround facility in accordance with section 5.9.10 of this ordinance.

B. Half streets along the boundary of land proposed for subdivision are prohibited (this is not deemed to prohibit the construction of service drives or one-way streets).

C. Street intersections should be as close as possible to ninety (90) degrees (right angle), and may not be less than seventy (70) degrees without express approval by the subdivision agent, in consultation with VDOT.

D. Whenever a proposed subdivision contains or is adjacent to a limited access highway or expressway, provisions must be made for a service drive or marginal access street approximately parallel to such right-of-way at a distance suitable for an appropriate use of the land between such highway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare.

E. The proposed street arrangement may not cause unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the subdivision agent, it is desirable to provide for street access to adjoining undeveloped property, proposed streets must be extended by one (1) of the following methods:

1. The developer may construct a stub out street in conformance with section 5.9.10, cul-de-sac streets or section 5.9.11, loop lanes. Where stub outs are less than fifty (50) feet in length and do not provide access for nonresidential or multifamily uses, the subdivision agent may waive the requirement for a turnaround facility.

2. The developer of the proposed subdivision may dedicate a stub out easement to the county of sufficient width to accommodate the future extension of the subject street when the adjacent property is developed. If this alternative is selected, the developer must provide a construction bond sufficient to pay for the proposed improvements. The developer must provide notice to all future owners of lots fronting on the easement that a roadway may be installed at a future date. This easement and notice must be prominently indicated on the final subdivision plat. The applicant must post a sign of a design approved by the county.

5.9.7. Traffic calming. Traffic calming measures must be installed in accordance with VDOT standards. When traffic calming measures are proposed, such measures should be shown on subdivision construction plans and profiles or site plan submissions. If desired, a comprehensive traffic calming plan indicating proposed calming measures can be submitted for review and approval for the entire development with the first preliminary plat application.

5.9.8. Street grades. The grades of streets submitted on subdivision plats shall be approved by the county engineering division in consultation with the VDOT engineer. Wherever feasible, street grades may not exceed five (5) percent.

5.9.9. Street cross-section.

A. Applicability. Unless the use of alternative street design standards has been authorized (see section 5.9.16), all public and private streets must comply with VDOT street cross-section standards.

B. Pavement construction requirements.

1. Pavement design for new public and private streets must be in accordance with VDOT standards.

5.9.10. Cul-de-sac streets.

A. Description. Generally, cul-de-sac streets (minor terminal streets) are designed to have one (1) end permanently closed. Cul-de-sacs should be avoided unless natural barriers

(wetlands, topography, floodplains) limit the opportunities for an interconnected grid network.

B. Length.

1. The length of a cul-de-sac street is measured from the end of the right-of-way of the turnaround portion of the cul-de-sac street to the nearest intersection with a street which provides a means of direct or indirect egress from the subdivision.

2. Cul-de-sac streets may not exceed the greater of five hundred (500) linear feet or ten (10) times the width of the lot (measured at its narrowest point).

C. Landscaped medians and islands.

1. All cul-de-sac streets must have a landscape island at the center of the turnaround circle a minimum of fifty-four (54) feet in diameter for any cul-de-sac on a street serving more than sixteen (16) or more dwelling units or any use other than residential, and twenty-four (24) feet in diameter for any street serving fifteen (15) or less dwelling units and only residential uses. These islands may be designed as bioretention gardens and surface grading of cul-de-sac may be adjusted up to ten (10) percent to allow water to drain to the landscape island.

2. In the event that a cul-de-sac street is authorized to exceed eight hundred (800) feet in length, then such a cul-de-sac street shall be designed with a landscaped median that divides the cul-de-sac street into two (2) distinct and separate lanes. However, such a cul-de-sac street may be continuously undivided for the final two hundred (200) feet of the street. This undivided section is measured from the end of the right-of-way of the turnaround portion of the cul-de-sac street.

3. Median breaks must be provided at street intersections and at other appropriate locations along the cul-de-sac street to ensure safe and efficient traffic circulation and delivery of emergency services. One (1) median break should occur approximately every four hundred (400) feet of the cul-de-sac street.

4. When the cul-de-sac street serves commercial, institutional, or industrial lots or structures, the requirement for a landscaped median or island may be modified or waived by the subdivision agent upon approval by the board of supervisors due to the additional fire protection requirements incorporated into such structures.

5. All non-vehicular movement areas such as medians and islands shall be located in the right-of-way of the cul-de-sac street.

D. Turnaround. New cul-de-sac streets must terminate in a circular vehicle turnaround. The minimum diameter (measured to the edge of pavement or face of curb) of this turnaround is:

1. Sixty (60) feet on residential cul-de-sac streets serving fifteen (15) or fewer dwelling units and no other uses.

2. Ninety (90) feet on all other cul-de-sac streets.

E. Other terminal access (dead-end) streets.

1. "T" Turnarounds. T-turnaround are discouraged. The subdivision agent may approve the use of "T" (shaped) turnarounds in lieu of cul-de-sacs when upgrading existing streets.
2. Stub out streets.
    a. Description. Stub out streets are continuations of internal streets to the perimeter of a project for future connection to adjacent properties.
    b. Standards. A temporary cul-de-sac (standard or "T") must be provided at the end of all stub out streets. The right-of-way lines and constructed pavement must be extended to the boundary line of the proposed subdivision if the adjacent property is undeveloped.

Suitable barricades and "Street Closed" signs must be erected at the street end during the construction phase. At the completion of the street construction, "End of Street" signs must be erected at the street end. The following notation must be placed on the subdivision plat:

"Future access connection for adjacent development, to be constructed upon the extension of the street."

5.9.11. Loop lane.

A. Description. A loop lane is the recommended alternative to the use of cul-de-sac streets, "T" turnarounds, or other terminal access streets. Loop lanes shall be designed as two (2) one-way lanes separated by a central bioretention area or grassed, planted median at least sixty (60) feet in width.

B. Length. Loop lanes may not exceed five hundred (500) linear feet from the point of intersection with the connecting roadway.

5.9.12. Alleys. Dead-end alleys should be avoided wherever possible. If dead-end alleys are unavoidable, the end shall be provided with adequate turnaround facilities (see section 5.9.10.E, above) as determined by the subdivision agent.

5.9.13. Planting strips. When required, planting strips shall be installed in accordance with the current VDOT Subdivision Street Guide. Additional planting strip width may be required to avoid conflict with required utility easements.

5.9.14. Street names.

A. Proposed streets which are obviously in alignment with other already existing and named streets must continue the names of the existing streets. Names of existing streets may not be changed except by approval of the board of supervisors.

B. In no case may the names of a proposed street duplicate existing street names irrespective of the use of the suffix "road", "street", "avenue", "boulevard", "drive", "way", "place", "lane", or "court".

C. Street names must be indicated on the preliminary and final plats, and must be approved by the subdivision agent in consultation with the county's information technology and emergency management departments.

5.9.15. Street identification signs. Street identification signs of a design approved by the subdivision agent and VDOT, where applicable, must be installed at all intersections.

5.9.16. Alternative street design standards. The use of VDOT authorized alternative street design standards for subdivisions located in a planned development may be granted by the board of supervisors following a recommendation from the planning commission. (11-18-21(1).)

5.10. Blocks.

5.10.1. Block length. Blocks shall be a minimum of two hundred fifty (250) feet and a maximum of five hundred (500) feet in length. The subdivision agent may allow longer block lengths in limited cases where shorter block lengths would be impractical.

5.10.2. Block width. Blocks shall be wide enough to allow two (2) tiers of lots at minimum depth as required by the underlying zoning. The subdivision agent may approve a single tier of lots of minimum depth where environmental conditions restrict the lot layout.

5.10.3. Block orientation. Where a proposed subdivision will adjoin a major road, the subdivision agent may require that the greater dimension of the block front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

5.11. Lots.

5.11.1. Shape. Lots should be designed, arranged, and shaped so that they provide satisfactory and desirable sites for buildings, be properly related to natural topography, and conform to requirements of this ordinance and the zoning ordinance. Lots within the DSDs shall be generally regular in shape and may not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes, the only exception to this rule being elongations for use as access within a flag lot. Lots outside the DSDs should be designed to follow natural features whenever possible, and such lots should seek to provide for agricultural, forestal or open space use of the land. For lots with a width of sixty (60) feet or greater, lot proportions should provide approximately two and one-half (2.5) feet of lot depth for every one (1) foot of lot width.

5.11.2. Location. All lots shall front on a street dedicated by the subdivision plat, or on an existing publicly dedicated street, or on a road within the Virginia Department of Highways system. With the exception of corner lots, no lots shall have double frontage on any road unless suitably bermed. When a proposed subdivision abuts one (1) side of any existing street or road that is shown on a plat of record or has been included in the system of highways and streets in Isle of Wight County, the subdivider shall be required to dedicate one-half (½) of the land necessary to comply with the applicable minimum VDOT right-of-way requirements.

5.11.3. Corner lots. Corner lots shall have extra width sufficient to maintain required building setbacks from both streets as specified in the zoning ordinance or as determined by the subdivision agent.

5.11.4. Side lines. Side lines of lots shall be approximately at right angles or radial to the street line.

5.11.5. Remnants. All remnants of lots below minimum size left over after subdividing of a tract must be added to adjacent lots or otherwise disposed of rather than allowed to remain as unusable parcels.

5.11.6. Separate ownership. Where the land covered by a subdivision includes two (2) or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one (1) or more lots, the land in each lot so divided shall be transferred by deed to single ownership, simultaneously with the recording of the final plat. Said deed is to be deposited with the clerk of the court and held with the final plat until the subdivider is ready to record same, and they both shall then be recorded together.

5.12. Sidewalks and paths (pedestrian and bicycle facilities).

5.12.1. General. Sidewalks and paths shall be designed to provide a safe and convenient pedestrian circulation system within the subdivision as well as connections to adjacent areas. These systems should be designed to connect with all elements within the development, adjacent areas, existing sidewalks/greenways, and transit stops and may include sidewalks along public or private streets, bike lanes on roadways, greenways, and walkways and trails in alternative locations as appropriate.

5.12.2. Sidewalks.

A. Where a sidewalk is specifically required by this ordinance, it must be located within the right-of-way. However, the subdivision agent may approve alternate walkway locations when it is determined that the location within the right-of-way is not feasible.

B. Sidewalks located within the public right-of-way must be constructed to VDOT standards. Curb ramps or sloped areas must be provided where sidewalks cross curbs, as required by current Americans with Disabilities Act standards. Inlets may not be located within sidewalks. Catch basin and manhole frames must have closed lids when located within the sidewalk.

C. On roads with curb and gutter, sidewalks must be separated from the back of curb by a planting strip in accordance with the VDOT Subdivision Street Design Guidelines, dependent upon the presence of landscaping. Trees are to be located between the sidewalk and the curb or within a landscape easement adjacent to the right-of-way with the maintenance responsibility assigned to a property owner's association. Species of trees should be consistent with the recommendations found in the VDOT Subdivision Street Design Guide which will not interfere with nearby utilities or other public improvements.

D. Along roads with shoulders and ditches, sidewalks must be located behind the roadside ditch or a guardrail. The subdivision agent may authorize the use of alternative walkways ([section] 5.12.3) when shoulders and ditches are used.

E. In order to be accepted for dedication by VDOT, sidewalks must be located completely within the right-of-way and constructed in compliance with the VDOT Subdivision Street Design Guide.

F. Any proposed subdivision that includes, directly abuts or provides direct access to a proposed greenway location as identified in the county bicycle and pedestrian master

plan, must provide a greenway easement or sidewalk to either continue the path in its intended location or allow unencumbered access to the greenway for all future residents.

5.12.3. Alternative walkway.

A. Pedestrian walkways may be provided outside of the right-of-way when the subdivision agent determines the walkway will have the same functionality as the conventional sidewalk required.

B. The subdivision agent may approve alternative construction materials including asphalt, crushed stone, and other surfaces.

5.12.4. Bicycle lanes. When a proposed street may serve as a potential connection between identified bicycle routes in the county bicycle and pedestrian master plan, on-street bicycle lanes must be installed in conformance with VDOT Subdivision Street Design Guide.

5.13. Water and sewer facilities.

5.13.1. Public facilities.

A. Water.

1. Connection requirements.

a. Unless specifically exempted below, all subdivisions located within a development service district (DSD) and all subdivisions that have public water service passing adjacent to the subject property (whether or not in a DSD) must connect to the Isle of Wight [County] public water system and the service shall be extended to all lots and all fire hydrants within the subdivision.

b. The subdivision agent may grant an exception to the connection requirement for subdivisions of four (4) or fewer total lots that do not have public water service passing adjacent to the property (whether or not in a DSD).

2. Construction standards. All water supply and distribution systems, whether public or private, shall be installed by the subdivider in accordance with the design standards and specifications for water, construction and improvements in Isle of Wight County and shall require design approval of the subdivision agent, in consultation with the department of public utilities and other appropriate review entities. Mains shall be sized for friction loss and must be shown on construction plans (along with fire hydrants).

3. Dedication to the county. All water supply and distribution systems that are connected to the county's public water service shall be dedicated to the county upon completion and after public utilities/engineering have approved the completed facility's construction and verified proper operation.

B. Sewer.

1. Connection requirements.

a. Unless specifically exempted below, all subdivisions located within a development service district (DSD) and all subdivisions that have public sewage service passing adjacent to the subject property (whether or not in a DSD) must connect to the Isle of Wight [County] public sewage system and the service shall be extended to all lots within the subdivision. Septic tanks will not be permitted.

b. The subdivision agent may grant an exception to the connection requirement for subdivisions of four (4) or fewer total lots that do not have public sewage service passing adjacent to the property (whether or not in a DSD). In such case, private facilities will be allowed in conformance with section 5.13.2, private facilities (below).

2. Construction standards. Every subdivision shall be provided by the subdivider with a satisfactory and sanitary means of sewage collection and disposal in accordance with the design standards and specifications for sewerage construction and improvements in Isle of Wight County, Virginia, and meeting the approval of the subdivision agent.

3. Dedication to the county. All sewage facilities that are connected to the county's public sewage service shall be dedicated to the county upon completion and after public utilities/engineering have approved the completed facility's construction and verified proper operation.

5.13.2. Alternative discharge/private facilities.

A. Nothing in this ordinance shall prevent the installation of privately owned water and/or sewerage facilities in areas where public facilities are not available or their installation would be cost prohibitive. When private facilities are provided:

1. A conditional use permit may be required (see zoning ordinance).

2. The facilities must meet all the requirements of the Virginia Water Control Board, the Virginia Department of Environmental Quality, the Virginia Department of Health, Isle of Wight County Department of Public Utilities, and any other state or local regulation having authority over such installation, including the provisions of the zoning ordinance for alternative discharge sewage disposal systems; and

3. Upon completion of the facilities, the developer or owner may be required to convey, without cost, said facilities and all appurtenances, including sufficient land, easements and rights-of-way, to the county.

B. Lots may be required to provide greater area than the minimum required for the zoning district where individual septic tanks or individual wells are used if the health official determines that there are factors of drainage, soil and condition or other conditions to cause potential health problems. Where septic tanks are to be used for sewage disposal, the subdivision agent shall require the submittal of an onsite sewage disposal system subdivision review package from an authorized onsite soil evaluator, a sewage disposal system certification letter as issued by the health department or a sewage disposal system construction permit as issued by the health department prior to preliminary plat approval or, if a preliminary plat is not required, prior to subdivision approval.

C. When individual (on-site) septic sewage disposal systems are used on newly created lots within the Chesapeake Bay watershed, each lot must contain an adequate area of suitable soil for the location of the primary sewage disposal system and at least one (1) reserve drainfield must be provided totally within the boundary lines of said lot.

D. Alternative discharge sewage systems shall be subject to review and approval by the state health department and the Department of Environmental Quality.

E. Lots to be served by individual (on-site) sewage disposal systems shall be pumped out as required by the septic pump-out ordinance in article 6 of the Chesapeake Bay Preservation Area Ordinance.

F. Subdivisions with fifteen (15) or more lots that will not be served by a county-owned or contracted water system shall be served by a privately-owned, complete central water supply and distribution system which provides service to each and every lot. Subdivisions to be developed in phases shall count the total number of lots to be created by all phases of the project.

5.13.3. Fire protection. When a subdivision is to be served by a central water system or a public water system, the subdivision agent, in consultation with the county departments of emergency management and public utilities, may specify the installation of fire hydrants. Hydrant location must be approved by the subdivision agent, but in no case may hydrants be spaced more than eight hundred (800) linear feet apart along a street or roadway.

5.14. Utilities (other than water and sewer).

5.14.1. Costs. The applicant shall be responsible for the installation of all improvements listed below, all of which shall be installed at no cost to the County of Isle of Wight unless otherwise provided in this ordinance.

5.14.2. Underground installation. All new transmission, distribution and customer service utility facilities, carrying or used in connection with electric power, telephone, telegraph, internet, cable television, petroleum, gas or steam, installed within the boundaries of any subdivision shall be placed below the surface of the ground; provided that:

A. All required improvements shall be in accordance with accepted standards of utility practice for underground construction.

B. Temporary overhead facilities required for construction purposes will be permitted;

C. Equipment such as electric distribution transformers, transmission thirty-three (33) KV and above, switchgear, meter pedestals and telephone pedestals, which are normally installed aboveground in accordance with accepted utility practices for underground distribution systems may be so installed;

D. Meters, service connections and similar equipment normally attached to the outside wall of the premises it serves may continue to be so installed;

E. Whenever relocation of utility facilities is compelled by any construction undertaken by any unit of government, the provisions of this section may be waived by the board of supervisors or the subdivision agent;

F. Overhead farm and industrial customer utility services and wiring which is on property owned and/or occupied by the property owner or user is allowed;

G. With the exception of cluster/sliding scale "by-right" development, underground utilities will not be required in those areas of the county zoned rural agricultural conservation (RAC);

H. Overhead utilities services existing as of October 29, 1974, may be repaired, replaced or increased in capacity, and relocated parallel and adjacent to pre-existing state roads;

I. Overhead utilities services may be extended within a subdivision where the average lot size (excluding the original parcel) is at least five (5) acres and may further be extended in any case where such extension would be parallel and adjacent to public roads existing as of services along roads not existing as of October 29, 1974, and internal to a subdivision where the average lot size (excluding the original parcel) is five (5) acres or less must be underground. Overhead utilities services may be extended along or across other public roads as authorized by the subdivision agent.

5.15. Easements.

5.15.1. Easements must be provided for water, sewer, power lines, landscape, open space, access and no-access, maintenance, future road expansion, drainage, greenways, sidewalks and multi-use paths, and other utilities in the subdivision when required by the subdivision agent.

5.15.2. All utility easements must be a minimum of ten (10) feet in width unless a narrower easement width is expressly authorized by the subdivision agent. Easements wider than ten (10) feet may be required by the subdivision agent.

5.15.3. No easements or utility rights-of-way may be relocated or altered without the express written consent of all persons holding any interest in the easement.

5.16. Traditional neighborhood design (TND).

The objective of the traditional neighborhood design type is a compact, pedestrian-scaled development incorporating a diverse, mixed range of uses to promote community interaction, convenience, housing options for all income levels, and civic participation. The following regulations are offered to guide this type of development in accordance with design principles compatible with the historic nature of the county, and in harmony with the applicable county ordinances and the comprehensive plan.

A. Applicability. These provisions apply to new developments of fifty (50) acres or more, zoned PD-R, PD-MH, and PD-MX.

In the case of expanding existing subdivisions of ten (10) lots or more, these guidelines can be applied to any development residentially zoned and proposing at least five (5) additional lots. The following standards do not exempt the applicant from compliance with the other sections of this ordinance which protect the general health, safety, and welfare of residents.

B. Development standards.

1. [Location:]All residents should be within approximately one-fourth (¼) mile radius or a five-minute walk from existing or proposed commercial, civic, and open space areas.
2. Open space: At least forty (40) percent of the gross acreage of the traditional neighborhood development must be open space. Open space may include undevelopable areas such as steep slopes and wetlands, and stormwater detention and retention basins. At least fifty (50) percent of the open space must be common open space dedicated to the public for recreation. Additionally, ninety (90) percent of the dwelling units shall be within a one-fourth (¼) mile radius or a five-minute walk from common open space.
3. Stormwater management: The design of the traditional neighborhood development should minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practical. New development shall meet the standards of section 5.8, stormwater management.
4. Lot and block standards:
    A. Street layouts should provide for blocks that are a minimum of two hundred fifty (250) feet in length and a maximum of five hundred (500) feet in length; however, longer length shall be allowed with mid-block pedestrian pass-throughs every five hundred (500) feet.
    B. Blocks should be wide enough to allow two (2) tiers of lots at minimum depth as required by the underlying zoning. The subdivision agent may approve a single tier of lots of minimum depth where environmental conditions restrict the lot layout.
    C. A variety of lot sizes should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.

C. Circulation standards. The circulation system shall allow for different modes of transportation. The circulation system shall provide functional and visual links within the residential areas, mixed use area, and open space of the community and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes (especially off-street bicycle or multi-use paths or bicycle lanes on the streets), control through traffic and promote safe and efficient mobility through the neighborhood. All TND transportation elements should be presented to the locality and VDOT for discussion and approval of unique features.

1. Pedestrian circulation. Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the TND. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks on both sides. The following provisions also apply:

1. Sidewalks in residential areas. Clear and well-lighted sidewalks, five (5) feet in width, shall connect all dwelling entrances to the adjacent public sidewalk.

2. Sidewalks in mixed use areas. Clear and well-lighted walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Such walkways shall be a minimum of five (5) feet in width.

3. Disabled accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act and VDOT standards.

4. Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges or with striping. In addition, curb extensions shall be incorporated where pedestrian facilities intersect higher-volume streets within the development to protect parking areas and reduce pedestrian crossing times.

2. Bicycle circulation. Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle multimodal paths and separate, striped, five-foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width should be thirteen (13) feet and the bicycle travel lane shall be located between the vehicular travel lane and parking lane.

3. Public transit access. Where public transit service is available or planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through surveillance, and shall be well-lighted.

4. Motor vehicle circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as "queuing streets," curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds. Arterial streets should not bisect a TND if pedestrian cross-access is not feasible.

    a. Street hierarchy. Each street within a TND shall be classified according to section 5.9.5 of this ordinance.

5. Street layout. The traditional neighborhood development should maintain the existing street grid, where present, and restore any disrupted street grid where feasible. In addition:

    i. Intersections shall be at right angles whenever possible, but in no case less than seventy (70) degrees. Low volume streets may form three-way intersections creating an inherent right-of-way assignment (the through street receives precedence) which significantly reduces accidents without the use of traffic controls.

    ii. Corner radii. The roadway edge at street intersections shall be rounded by a tangential arc with a radius of fifteen (15) feet for local streets where the receiving street is projected to have less than four hundred (400) vehicle trips

per day, and twenty-five (25) feet for intersections involving collector or arterial streets. Any reduction or increase in the proposed corner radii shall be subject to the approval of VDOT. The intersection of a local street and an access lane or alley shall be rounded by a tangential arc with a maximum radius of ten (10) feet.

iii. Curb cuts for driveways to individual residential lots shall be prohibited along collector and subcollector streets with residential access recommended from alleys only. Additionally, curb cuts shall be limited to intersections with other streets or access drives to parking areas for commercial, civic or multifamily residential uses. Clear sight triangles (twenty-five (25) feet × twenty-five (25) feet) or as approved by VDOT shall be maintained at intersections unless controlled by traffic signal devices.

iv. The orientation of streets should enhance the visual impact of common open spaces and prominent buildings create lots that facilitate passive solar design, and minimize street gradients. All streets shall terminate at other streets or at public land, except local streets may terminate in stub streets when such streets act as connections to future phases of the development. Local streets may terminate other than at other streets or public land when there is a connection to the pedestrian and bicycle path network at the terminus.

6. Parking requirements. Parking areas for shared or community use should be encouraged. The number of parking spaces shall be in accordance with the zoning ordinance requirements. In addition:

   a. In the mixed use area, any parking lot shall be located at the rear or side of a building.

   b. A parking lot may not be adjacent to or opposite a street intersection.

   c. A shared parking agreement must be established and approved by the zoning administrator prior to site plan approval.

   d. Parking lots or garages must provide not less than one (1) bicycle parking space for every ten (10) motor vehicle parking spaces.

   e. Paving. Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for areas such as remote parking lots and parking areas for periodic uses.

7. Guidelines for lighting.

   a. Street lighting shall be provided along all streets. Generally more, low-intensity lights, as opposed to fewer, high-intensity lights, should be used. Street lights shall be installed at all street intersections (including alleys), at the end of all cul-de-sac streets, and on both sides of a street, alternating from one side of the street to the other at intervals of three hundred (300) to four hundred (400) feet. Lights shall not exceed ten thousand (10,000) lumens and shall be directed downward and opaquely covered at the top. Regardless of type of fixture and bulb and illumination characteristics, street lighting design shall follow dark sky guidelines and principles.

b. Exterior residential lighting shall be shielded and directed downward in order to reduce glare onto adjacent properties.

c. All commercial lighting shall be in compliance with article 11 of the zoning ordinance.

8. Landscaping and screening standards. Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. Plant materials, specifications, installation and maintenance shall be in accordance with the zoning ordinance landscaping requirements.

   a. Street trees. A minimum of one (1) deciduous canopy tree per forty (40) feet of street frontage per street side, shall be required. Trees can be clustered and do not need to be evenly spaced. Trees should be located between the sidewalk or within a landscape easement adjacent to the right-of-way with the maintenance responsibility assigned to a property owner's association. Species of trees should be consistent with the recommendations found in the VDOT Subdivision Street Design Guide which will not interfere with nearby utilities or other public improvements.

5.17. Solid waste refuse collection.

All subdivision lots on new streets in subdivisions platted subsequent to August 1, 1997, shall be required to utilize the door-to-door solid waste refuse collection by the duly authorized and franchised collectors and haulers as determined by the board of supervisors of Isle of Wight County, Virginia. (Ord. No. 2012-11-C, 10-18-12.)

ISSUE:

Consideration of a Siting Agreement for the Prairie Solar, LLC Project

BACKGROUND:

Prairie Solar, LLC desires to construct and operate a solar facility in the County. In this regard, the Code of Virginia allows the County and Prairie Solar, LLC to enter into a siting agreement relative to solar facilities.

BUDGETARY IMPACT:

This project could potentially provide revenues over a number of years.

RECOMMENDATION:

Hold a public hearing. Per the Board's discussion and direction.

ATTACHMENTS:

Description	Type	Upload Date
Siting Agreement	Agreement	6/13/2023
Prairie NPV Financials	Backup Material	6/13/2023

SOLAR FACILITY SITING AGREEMENT

This Solar Facility Siting Agreement (the "Agreement"), dated as of _____ (the "Effective Date"), is by and between Isle of Wight County, Virginia, a political subdivision of the Commonwealth of Virginia (the "County") and Prairie Solar, LLC, a State limited liability company (the "Applicant"). The County and Applicant are herein each a "Party" and collectively, the "Parties".

RECITALS

WHEREAS, Applicant intends to build the solar project approved by the County Board of Supervisors (the "Board") pursuant to Conditional Use Permit _____ (the "Project") on certain parcels of land identified as County Tax Map Parcels 41-01-018, 50-01-009, 41-01-019, 41-01-017, 50-01-007 and 50-01-006 (collectively, the "Property");

WHEREAS, pursuant to Chapter 22, Title 15.2, Article 7.3 of the Code of Virginia titled "Siting of Solar Projects and Energy Storage Projects," Applicant and the County may enter into a siting agreement for such facilities;

WHEREAS, pursuant to Virginia Code § 15.2-2316.7(B), said siting agreement may contain terms and conditions, including (i) mitigation of any impacts of such solar project or energy storage project; (ii) financial compensation to the host locality to address capital needs set out in the (a) capital improvement plan adopted by the host locality, (b) current fiscal budget of the host locality, or (c) fiscal fund balance policy adopted by the host locality; or (iii) assistance by the Applicant in the deployment of broadband, as defined in § 56-585.1:9, in such locality;

WHEREAS, after negotiation between the County and the Applicant, the Parties desire to enter into this Agreement to provide said financial compensation to the County and to address any impacts of the Project;

WHEREAS, pursuant to Virginia Code § 58.1-2636, the County may adopt an ordinance assessing a revenue share of (i) up to $1,400.00 per megawatt, as measured in alternating current (AC) generation capacity of the nameplate capacity of the Project ("Revenue Share Ordinance").

WHEREAS, the County has not adopted a Revenue Share Ordinance, but may choose to do so at a later date;

WHEREAS, pursuant to Virginia Code § 58.1-3660, "certified pollution control equipment" is exempt from state and local taxation pursuant to Article X, Section 6(d) of the Constitution of Virginia;

WHEREAS, solar photovoltaic (electric energy) systems and energy storage systems are certified pollution control equipment, and therefore, subject to certain qualified tax exemptions as provided in Virginia Code § 58.1-3660;

WHEREAS, if the County adopts a Revenue Share Ordinance, such certified pollution control equipment exemption is 100% of the assessed value, pursuant to Virginia Code § 58.1-3660(D) (for solar photovoltaic (electric energy) projects);

WHEREAS, if the County does not adopt a Revenue Share Ordinance, such certified pollution control equipment exemption would be 80% of the assessed value, or in certain circumstances, the exemption would "step down" after five years of service to 70%, and then 60% for the remaining years of service, as provided by state law and local ordinances, including Virginia Code § 58.1-3660 (C), (D), and (F), commonly known as the Machinery and Tools Tax Stepdown ("M&T Taxes");

WHEREAS, Applicant has agreed to the payments and financial terms contained herein, including payment of the M&T Taxes together with an upfront payment supplementing the M&T Taxes in amount that represents the net present value of the Project's payment obligation under a Revenue Share Ordinance over thirty five years, regardless of whether the County actually adopts a Revenue Share Ordinance; and

WHEREAS, pursuant to the requirement of Virginia Code § 15.2-2316.8(B), the County held a public hearing in accordance with subdivision A of Virginia Code § 15.2-2204 for the purpose of considering this Agreement, after which a majority of a quorum of the members of the Board approved this Agreement.

NOW, THEREFORE, pursuant to Chapter 22, Title 15.2, Article 7.3 of the Code of Virginia, intending to be legally bound hereby and in consideration of the mutual covenants contained herein, the receipt and sufficiency of which are hereby acknowledged, the County and Applicant do hereby agree as follows:

Article I

Project Features, Conditions and Mitigation

1. Conditional Use Permit Conditions. Applicant acknowledges and agrees that it is subject to all the terms and conditions contained in the Conditional Use Permit ("CUP") approved by the Board of Supervisors for the Project. The CUP approved by the Board on _____ is attached as **Exhibit A** and is hereby incorporated herein.

2. Violations/Enforcement. Violation by the Applicant or by any of Applicant's agents, assigns, or successors in interest of any terms and conditions of the CUP shall constitute a violation of this Agreement. A violation of this Agreement enables the County to suspend or revoke the CUP.

Article II

Payments

1. Purpose. The Parties acknowledge that the County has certain capital needs important to the economic, physical, and social well-being of the citizens and businesses within the County. In recognition that the Project may generate the possibility of additional responsibilities for certain County services, Applicant agrees to the financial payments set forth herein.

2. Payment Structure. The Applicant shall make payments to the County, in the amounts and at such times as set forth in **Exhibit B** (each a "Payment" and collectively, the "Payments"). The Initial Payment (defined in **Exhibit B**), shall be made no later than six (6) months following the Commercial Operation Date (defined herein, below). All other Payments shall be due and payable on or before December 1st each year (and shall be prorated accordingly for the number of months of Commercial Operation prior to December 1 of the first year), until the earliest of the following (the "Termination Date"): (i) Applicant's commencement of the decommissioning of all or a material portion of the Project; (ii) cessation of Commercial Operation of the Project for a continuous period of longer than one (1) year; or (iii) if not previously terminated by (i) or (ii), and the Project remains in Commercial Operation at the end of the thirty-fifth (35th) calendar year of Commercial Operation, the conclusion of the applicable subsequent calendar year as may follow the delivery of a termination notice as described in Article III, Section 1 hereof. Applicant's obligation to make the Payments shall be conditioned upon the Project commencing Commercial Operation. As used herein, "Commercial Operation" or "Commercial Operation Date" means the date on which the Project becomes fully operational and begins selling power under the terms of a power purchase or offtake agreement. Generation of test energy shall not be deemed Commercial Operation.

3. Statutory Structure of Payments; **Statement of Benefit**. Applicant agrees that, by entering into this Agreement, pursuant to Chapter 22, Title 15.2, Article 7.3 of the Virginia Code, the Payments are authorized by statute, and Applicant acknowledges that it is bound by law to make the Payments in accordance with this Agreement. The Parties acknowledge that this Agreement is fair and mutually beneficial to both Parties. Applicant acknowledges that this Agreement provides for a reasonably predictable stream of future payments to the County in amounts fair to both Parties.

4. Use of Payments by the County. The Payments may be used for any lawful purpose.

Article III

Miscellaneous Terms

1. Term; Termination. This Agreement shall commence on the Effective Date and shall continue until the Termination Date. **Applicant shall have no obligation to make Payments after the Termination Date.** The Payment due for the year in which the Project or material part thereof is decommissioned shall be prorated as of the Termination Date. Following the conclusion of the thirty-fifth (35th) calendar year of Commercial Operation of the Project, and for each subsequent year of Commercial Operation, this Agreement shall automatically renew for an

additional term of one year, from January 1 to December 31 of each calendar year, until written notice of termination is given by either Party, at least one year in advance of the Termination Date. The termination of this Agreement shall not limit Applicant's legal obligation to pay local taxes in accordance with applicable law at such time and for such period as the Project remains in operation.

2. Mutual Covenants. The Applicant covenants to the County that it will pay the County the amounts due hereunder when due in accordance with the terms of this Agreement, and will not seek to invalidate this Agreement, or otherwise take a position adverse to the purpose or validity of this Agreement. The County covenants to the Applicant that it will not seek to invalidate this Agreement or otherwise take a position adverse to the purpose or validity of this Agreement.

3. No Obligation to Develop. Applicant has no obligation to develop or construct the Project. It is understood that development of the Project by Applicant is contingent upon a number of factors including regulatory approvals, availability and cost of equipment and financing, and market demand for the Project's energy. No election by Applicant to terminate, defer, suspend, or modify plans to develop the Project shall be deemed a default of Applicant under this Agreement.

4. Successors and Assigns. This Agreement shall be binding upon the successors or assigns of Applicant, and the obligations created hereunder shall be covenants running with the Property. If Applicant sells, transfers, leases, or assigns all or substantially all of its interests in the Project or the ownership of the Applicant (a "Transfer"), the Transfer agreement shall require this Agreement to be assumed by and be binding on the purchaser, transferee or assignee. Such Transfer, upon full execution of the Transfer agreement, shall relieve Applicant of all obligations and liabilities under this Agreement accruing from and after the date of such Transfer, and the purchaser or transferee shall become responsible under this Agreement. Applicant shall execute such documentation as reasonably requested by the County to memorialize the assignment and assumption by the purchaser or transferee.

5. Execution of Agreement Deems Project "Substantially In Accord" with County's Comprehensive Plan. Pursuant to Va. Code § 15.2- 2316.9(C), execution of this Agreement deems the Project to be substantially in accord with the County's Comprehensive Plan in satisfaction of the requirements of Va. Code § 15.2-2232.

6. Memorandum of Agreement. A memorandum of this Agreement, in a form substantially similar to that attached as **Exhibit C** hereto, shall be recorded in the land records of the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia. Such recordation shall be at Applicant's sole cost and expense and shall occur as soon as reasonably practicable after the Effective Date. If in Applicant's sole discretion, it chooses to not develop the Project, the County shall execute a release of the memorandum filed in the aforementioned Clerk's Office.

7. Notices. Except as otherwise provided herein, all notices required to be given or authorized to be given pursuant to this Agreement shall be in writing and shall be delivered or sent by registered or certified mail, postage prepaid, by recognized overnight courier, or by commercial messenger to:

County

Board of Supervisors
Isle of Wight, Virginia
P.O. Box 80
Isle of Wight, Virginia 23397

With a copy to:

Robert W. Jones, Jr.
County Attorney
P.O. Box 80
Isle of Wight, Virginia 23397

Applicant

Prairie Solar, LLC
1201 Wilson Blvd, Suite 2200
Arlington, Virginia 22209

With a copy to:

D. Scott Foster, Jr., Esq.
Gentry Locke
P.O. Box 780
Richmond, Virginia 23218

The County and Applicant, by notice given hereunder, may designate any further or different persons or addresses to which subsequent notices shall be sent.

8. **Governing Law; Jurisdiction; Venue**. THIS AGREEMENT SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE COMMONWEALTH OF VIRGINIA, WITHOUT REGARD TO ANY OF ITS PRINCIPLES OF CONFLICTS OF LAWS OR OTHER LAWS WHICH WOULD RESULT IN THE APPLICATION OF THE LAWS OF ANOTHER JURISDICTION. THE PARTIES HERETO (A) AGREE THAT ANY SUIT, ACTION OR OTHER LEGAL PROCEEDING, AS BETWEEN THE PARTIES HERETO, ARISING OUT OF OR RELATING TO THIS AGREEMENT SHALL BE BROUGHT AND TRIED ONLY IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA, (B) CONSENT TO THE JURISDICTION OF SUCH COURT IN ANY SUCH SUIT, ACTION OR PROCEEDING, AND (C) WAIVE ANY OBJECTION WHICH ANY OF THEM MAY HAVE TO THE LAYING OF VENUE FOR ANY SUCH SUIT, ACTION, OR PROCEEDING IN SUCH COURT AND ANY CLAIM THAT ANY SUCH SUIT, ACTION, OR PROCEEDING HAS BEEN BROUGHT IN AN INCONVENIENT FORUM. THE PARTIES HERETO AGREE THAT A FINAL JUDGMENT IN ANY SUCH SUIT, ACTION, OR PROCEEDING SHALL BE CONCLUSIVE AND MAY BE ENFORCED IN OTHER

JURISDICTIONS BY SUIT ON THE JUDGMENT OR IN ANY OTHER MANNER PROVIDED BY LAW.

9. Confidentiality. This Agreement, once placed on the docket for consideration by the County Board of Supervisors, is a public document, subject to production under the Virginia Freedom of Information Act ("FOIA"). The County understands and acknowledges the Applicant, and as applicable, its associates, contractors, partners and affiliates, utilize confidential and proprietary "state-of-the-art" information and data in their operations ("Confidential Information"), and that disclosure of any such information, including, but not limited to, disclosures of technical, financial or other information concerning the Applicant or any affiliated entity could result in substantial harm to them and could thereby have a significant detrimental impact on their employees and also upon the County. The County acknowledges that during the development and negotiation of this Agreement, certain Confidential Information may be, or may have been, shared with the County by the Applicant. Applicant agrees to clearly identify any information it deems to be Confidential Information and not subject to mandatory disclosure under FOIA or other applicable law as Confidential Information at the time it provides such information to the County. The County agrees that, except as required by law and pursuant to the County's police powers, neither the County nor any employee, agent, or contractor of the County will knowingly or intentionally disclose or otherwise divulge any such Confidential Information to any person, firm, governmental body or agency, or any other entity unless a request for such Confidential Information is made and granted under an applicable provision of local, state or federal law. Upon receipt of such a request but before transmitting any documents or information which may contain Confidential Information to the requestor, the County shall contact Applicant to review the request for information and associated documents to determine if any Confidential Information is at risk of disclosure. If Confidential Information exists, Applicant may intervene on behalf of the County and defend against disclosure of the Confidential Information. The County agrees to cooperate in this defense and to the extent allowed by law, work to protect the Confidential Information of the Applicant.

10. **Severability; Invalidity Clause**. Any provision of this Agreement that conflicts with applicable law or is held to be void or unenforceable shall be ineffective to the extent of such conflict, voidness, or unenforceability without invalidating the remaining provisions hereof, which remaining provisions shall be enforceable to the fullest extent permitted under applicable law. If, for any reason, including a change in applicable law, it is ever determined by any court or governmental authority of competent jurisdiction that this Agreement is invalid, then the Parties shall, subject to any necessary County meeting vote or procedures, undertake reasonable efforts to amend and or reauthorize this Agreement so as to render the invalid provisions herein lawful, valid, and enforceable. If the Parties are unable to do so, this Agreement shall terminate as of the date of such determination of invalidity, and the Property and Project will thereafter be assessed and taxed as though this Agreement did not exist. The Parties will cooperate with each other and use reasonable efforts to defend against and contest any challenge to this Agreement by a third party.

11. **Entire Agreement**. This Agreement and any exhibits or other attachments constitute the entire agreement and supersedes all other prior agreements and understandings, both written and oral, between the Parties hereto with respect to the subject matter hereof. No provision

of this Agreement can be modified, altered or amended except in a writing executed by all Parties hereto.

12. **Construction**. This Agreement was drafted with input by the County and the Applicant, and no presumption shall exist against any Party. The headings contained in this Agreement are for the convenience of the Parties and for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

13. **Force Majeure**.

A. "Force Majeure Event" means the occurrence of:

(i) an act of war (whether declared or not), hostilities, insurrection, invasion, act of foreign enemies, terrorism or civil disorder;

(ii) a strike or strikes or other industrial action or blockade or embargo or any other form of civil disturbance (whether lawful or not), in each case affecting on a general basis the industry related to the construction, operation, or maintenance of the Project, as for example but not in limitation, the interruption in the supply of replacement solar panels, and which is not attributable to any unreasonable action or inaction on the part of Applicant or any of its subcontractors or suppliers and the settlement of which is beyond the reasonable control of all such persons;

(iii) specific incidents of exceptional adverse weather conditions in excess of those required to be designed for that are materially worse than those encountered in the County during the twenty (20) years prior to the Effective Date;

(iv) tempest, earthquake, or any other natural disaster of overwhelming proportions and the disruption of operations resulting therefrom;

(v) discontinuation of electricity supply, or unanticipated termination of a power purchase agreement;

(vi) quarantines ordered by competent governmental authority in the event of a public health emergency;

(vi) other unforeseeable circumstances beyond the control of the Parties against which it would have been unreasonable for the affected Party to take precautions and which the affected Party cannot avoid even by using its best efforts, which in each case directly causes either Party to be unable to comply with all or a material part of its obligations under this Agreement.

B. Neither Party will be in breach of its obligations under this Agreement or incur any liability to the other Party for any losses or damages of any nature whatsoever incurred or suffered by that other (otherwise than under any express indemnity in this Agreement) if and to the extent

it is prevented from carrying out those obligations by, or such losses or damages are caused by, a Force Majeure Event, except to the extent that the relevant breach of its obligations would have occurred, or the relevant losses or damages would have arisen, even if the Force Majeure Event had not occurred.

C. As soon as reasonably practicable after the start of a Force Majeure Event, and within a reasonable time after the end of a Force Majeure Event, any Party invoking it will submit to the other Party reasonable proof of the nature of the Force Majeure Event and of its effect upon the performance of the Party's obligations under this Agreement.

D. Applicant will, and will ensure that its contractors will, at all times take all reasonable steps within their respective powers and consistent with good operating practices (but without incurring unreasonable additional costs) to:

(i) prevent Force Majeure Events affecting the performance of Applicant's obligations under this Agreement;

(ii) mitigate the effect of any Force Majeure Event; and

(iii) comply with its obligations under this Agreement.

E. The Parties will consult together in relation to the above matters following the occurrence of a Force Majeure Event.

F. Should a single Force Majeure Event occur for a continuous period of more than 180 days, then the Parties shall endeavor to agree on any modifications to this Agreement (including without limitation, determination of new Payments) that are equitable, having due regard to the nature of the ability of Applicant to continue to meet its financial obligations to the County.

G. For the avoidance of doubt, a Force Majeure Event shall not include (a) financial distress or the inability of either Party to make a profit or avoid a financial loss, (b) changes in market prices or conditions, or (c) a Party's financial inability to perform its obligations hereunder, except such occurrences (a)-(c) that arise from a Force Majeure Event.

14. **No Third Party Beneficiaries**. This Agreement is solely for the benefit of the Parties hereto and their respective successors and permitted assigns, and no other person shall have any right, benefit, priority, or interest in, under, or because of the existence of, this Agreement.

15. **Counterparts; Electronic Signatures**. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, and all of which shall constitute one and the same instrument. A signed copy of this Agreement delivered by e-mail/PDF or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Agreement.

[signature page follows]

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed as of the Effective Date by the authorized representatives whose names and titles appear below.

PRAIRIE SOLAR, LLC

_____
Signature

_____
Title

ISLE OF WIGHT COUNTY, VIRGINIA

By: _____
Name: William M. McCarty, Sr.
Title: Chair, Board of Supervisors

By: _____
Name: Randy R. Keaton
Title: County Administrator

Approved as to form:

By: _____
County Attorney

EXHIBIT A

CONDITIONAL USE PERMIT

EXHIBIT B

ILLUSTRATIVE SCHEDULE OF PAYMENTS

The following illustrative schedule of payments assumes an estimated Project nameplate capacity of 20.79 MWac, and all payments shall be adjusted proportionally if the nameplate capacity of the constructed Project differs from such estimate. **Exhibit B** lists payment amounts based on the following assumptions and calculations:

(A) **Estimated M&T.** An estimate of the annual M&T Taxes (which will be finalized post construction depending on the Project's final capital expenditures subject to M&T Taxation).

(B) **Additional Payment.** An additional payment shall be made to County as follows: A payment of Three Hundred Sixty Four Thousand, Four Hundred and Ninety-Nine dollars and six cents ($364,499.06), to be made within six (6) months of the Commercial Operation Date (the "Upfront Payment").

(Schedule to be inserted based on final negotiated values. See attached spreadsheet)

EXHIBIT C

FORM OF MEMORANDUM

Full exhibit follows

PREPARED BY AND RETURN TO:
Prairie Solar, LLC
1201 Wilson Blvd, Suite 2200
Arlington, Virginia 22209

County Tax Map ID Nos. 41-01-018, 41-01-019, 50-01-009, and 41-01-017

[NOTE TO CLERK: ISLE OF WIGHT COUNTY, VIRGINIA, A POLITICAL SUBDIVISION OF THE COMMONWEALTH OF VIRGINIA, IS A PARTY TO THIS INSTRUMENT WHICH, ACCORDINGLY, IS EXEMPT FROM RECORDATION TAX PURSUANT TO VA. CODE SEC. 58.1-811.A.3.]

MEMORANDUM OF SOLAR FACILITY SITING AGREEMENT

This Memorandum of Solar Facility Siting Agreement (this "Memorandum"), dated and effective as of _____, is made by and between **Isle of Wight County, Virginia**, a political subdivision of the Commonwealth of Virginia (the "County") and **Prairie Solar, LLC,** a Virginia limited liability company ("Company"), with regard to the following:

1. Siting Agreement. The County and Company are parties to that Solar Facility Siting Agreement, dated _____ (the "Siting Agreement"), which describes the intent of Company to develop, install, build, and operate a solar facility ("Project") on that certain parcel of land identified as County Tax Map Parcels 41-01-018, 41-01-019, 50-01-009, and 41-01-017 (the "Property").

2. Authorization. The County's execution of the Siting Agreement was authorized during that certain regular meeting of the Board of Supervisors of the County on _____.

3. Substantially in Accord. The Siting Agreement states, *inter alia*, that, pursuant to Virginia Code Ann. § 15.2-2316.9(C), by entering into the Siting Agreement, the County acknowledged that the Project is deemed to be substantially in accord with the County Comprehensive Plan under Virginia Code Ann. § 15.2-2232.

4. Obligations. The Siting Agreement sets forth, *inter alia*, certain obligations of Company to comply with the Conditional Use Permit approved by the County for the Project, and to make certain payments to the County.

5. Siting Agreement Controls. This Memorandum does not supersede, modify, amend or otherwise change the terms, conditions or covenants of the Siting Agreement, and County and Company executed and are recording this Memorandum solely for the purpose of providing constructive notice of the Siting Agreement and County's and Company's rights thereunder. The terms, conditions and covenants of the Siting Agreement are incorporated in this Memorandum by reference as though fully set forth herein.

6. Counterparts. This Memorandum may be executed in counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one and the same document.

WITNESS the following signature and seal:

ISLE OF WIGHT COUNTY, VIRGINIA:

_____

Name: William M. McCarty, Sr.
Title: Chair, Board of Supervisors

COMMONWEALTH OF VIRGINIA,
COUNTY OF _____, to-wit:

The foregoing Memorandum was acknowledged before me this _____, 2023, by Chair of the Board of Supervisors of Isle of Wight County, Virginia.

_____

Notary Public

My Commission expires:

WITNESS the following signature and seal:

Prairie Solar, LLC,
a Virginia limited liability company

By: _____
Name: _____
Title: _____

STATE OF VIRGINIA }
}
COUNTY OF }

Before me, a notary public in and for the jurisdiction aforesaid, this ____ day of _____, 2023, appeared _____, who acknowledged that they executed the foregoing instrument in their capacity as _____ of Prairie Solar, LLC, a Virginia limited liability company, on behalf of said corporation.

_____
Notary Public

My Commission expires:

Option 1 Total				$2,989,499
Revenues Year 1				$406,499
NPV TOTAL				$1,194,658
Year	M&T	Revenue Share	Upfront Payment	TOTAL (M&T + 1x Upfront payment)
1	$42,000.00	$28,000.00	$364,499.06	$406,499.06
2	$42,000.00	$28,000.00		$42,000.00
3	$42,000.00	$30,800.00		$42,000.00
4	$42,000.00	$30,800.00		$42,000.00
5	$42,000.00	$30,800.00		$42,000.00
6	$63,000.00	$30,800.00		$63,000.00
7	$63,000.00	$30,800.00		$63,000.00
8	$63,000.00	$33,880.00		$63,000.00
9	$63,000.00	$33,880.00		$63,000.00
10	$63,000.00	$33,880.00		$63,000.00
11	$84,000.00	$33,880.00		$84,000.00
12	$84,000.00	$33,880.00		$84,000.00
13	$84,000.00	$37,268.00		$84,000.00
14	$84,000.00	$37,268.00		$84,000.00
15	$84,000.00	$37,268.00		$84,000.00
16	$84,000.00	$37,268.00		$84,000.00
17	$84,000.00	$37,268.00		$84,000.00
18	$84,000.00	$40,995.00		$84,000.00
19	$84,000.00	$40,995.00		$84,000.00
20	$84,000.00	$40,995.00		$84,000.00
21	$84,000.00	$40,995.00		$84,000.00
22	$84,000.00	$40,995.00		$84,000.00
23	$84,000.00	$45,094.00		$84,000.00
24	$84,000.00	$45,094.00		$84,000.00
25	$84,000.00	$45,094.00		$84,000.00
26	$84,000.00	$45,094.00		$84,000.00
27	$84,000.00	$45,094.00		$84,000.00
28	$84,000.00	$49,604.00		$84,000.00
29	$84,000.00	$49,604.00		$84,000.00
30	$84,000.00	$49,604.00		$84,000.00
31	$84,000.00	$49,604.00		$84,000.00
32	$84,000.00	$49,604.00		$84,000.00
33	$84,000.00	$54,564.00		$84,000.00
34	$84,000.00	$54,564.00		$84,000.00
35	$84,000.00	$54,564.00		$84,000.00
TOTAL (after 35 years)	**$2,625,000.00**	**$1,407,897.00**	**$364,499.06**	$2,989,499.06

ISSUE:

Staff Report - Bradby Park/Tyler's Beach Update

BACKGROUND:

Staff will provide an update relative to the Bradby Park and Tyler's Beach capital projects.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

For the Board's information.

ISSUE:

Staff Update of Carrollton VFD and Rushmere VFD

BACKGROUND:

Staff will provide an update relative to the Rushmere Volunteer Fire Department and the Carrollton Volunteer Fire Department.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

For the Board's information.

ISSUE:

Discussion of Holding a Strategic Planning Retreat/Tour

BACKGROUND:

In January 2022, the Board held a full day retreat in the City of Franklin which included a tour of the Hayden Village facility, a discussion regarding programming for seniors and a regional transportation proposal from Senior Services.

The Board may wish to discuss potential subjects, dates, and locations for its next retreat so staff can begin securing speakers, locations, transportation, etc.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Per the Board's discussion.

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
Delinquent Tax Collections - April 2023	Backup Material	6/6/2023
Cash Position - April 2023	Backup Material	6/6/2023
Statement of Treasurers Accountability - April 2023	Backup Material	6/6/2023
Incidents by Zone Data - May 2023	Backup Material	6/2/2023
Incidents by Zone Map - May 2023	Backup Material	6/2/2023
Station Activity Report - May 2023	Backup Material	6/2/2023
Museum Report - May 2023	Backup Material	6/6/2023

COUNTY OF ISLE OF WIGHT
TAX BILLINGS & COLLECTIONS AS OF APRIL 2023
REAL ESTATE

TAX YEAR	TAX LEVY	SUPPLEMENTS	PUBLIC SERVICE	ADJUSTMENTS & ABATEMENTS	TOTAL TAX LEVIES	TAX COLLECTED	TAX OUTSTDG.	% COLLECTED	% UNC.
2016-2017	$ 36,430,832.13	$ 1,966,230.29	$ 1,450,155.11	$ (704,044.37)	$ 39,143,173.16	$ 39,141,066.96	$ 2,106.20	99.99%	0.01%
2017-2018	$ 37,210,991.03	$ 1,492,805.79	$ 1,499,216.98	$ (797,013.58)	$ 39,406,000.22	$ 39,394,703.15	$ 11,297.07	99.97%	0.03%
2018-2019	$ 37,640,722.98	$ 1,520,780.57	$ 1,395,368.74	$ (912,012.26)	$ 39,644,860.03	$ 39,630,916.15	$ 13,943.88	99.96%	0.04%
2019-2020	$ 39,703,728.23	$ 1,520,261.60	$ 1,455,114.04	$ (1,128,511.92)	$ 41,550,591.95	$ 41,527,490.21	$ 23,101.74	99.94%	0.06%
2020-2021	$ 40,264,498.73	$ 1,659,506.35	$ 1,637,435.57	$ (1,248,933.03)	$ 42,312,507.62	$ 42,236,452.67	$ 76,054.95	99.82%	0.18%
2021-2022	$ 41,155,420.28	$ 1,646,026.96	$ 1,532,654.01	$ (1,492,551.91)	$ 42,841,549.34	$ 42,614,981.25	$ 226,568.09	99.47%	0.53%
2022-2023	$ 20,981,383.38	$ 105,917.80	$ 1,428,098.18	$ (854,574.88)	$ 20,126,808.50	$ 19,860,280.12	$ 266,528.38	98.68%	1.32%

Notes: Only includes 1st half real estate

DELINQUENT REAL ESTATE = $ 619,600.31 99.77% 0.23%

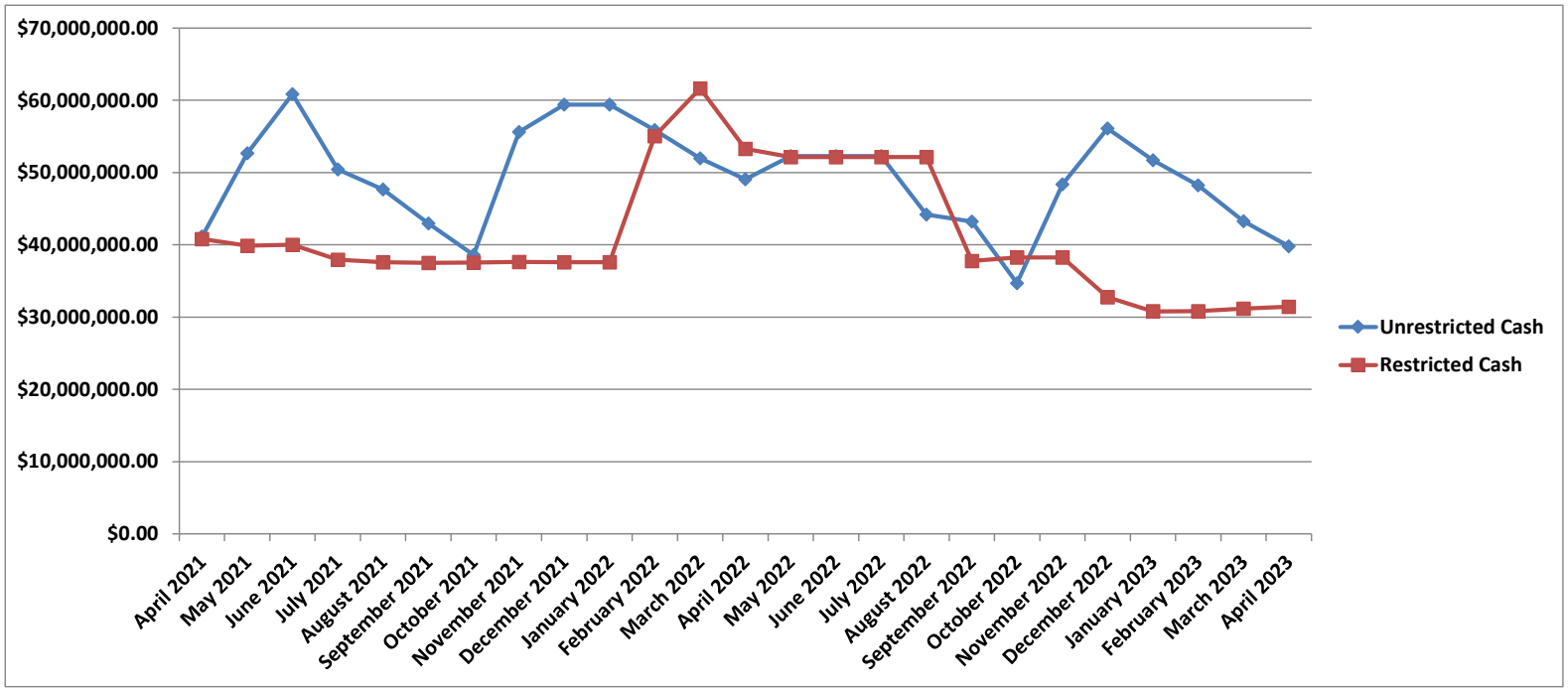
PERSONAL PROPERTY

TAX YEAR	TAX LEVY	SUPPLEMENTS	PUBLIC SERVICE	ADJUSTMENTS & ABATEMENTS	TOTAL TAX LEVIES	TAX COLLECTED	TAX OUTSTDG.	% COLLECTED	% UNC.
2016	$ 13,507,039.33	$ 1,380,771.71	$ 33,805.90	$ (1,077,947.10)	$ 13,843,669.84	$ 13,805,009.50	$ 38,660.34	99.72%	0.28%
LIC. FEE	$ 922,063.00	$ 172,022.00	$ -	$ (48,633.00)	$ 1,045,452.00	$ 1,035,595.51	$ 9,856.49	99.06%	0.94%
2017	$ 20,526,955.84	$ 1,403,869.87	$ 30,862.41	$ (7,879,598.11)	$ 14,082,090.01	$ 14,036,004.73	$ 46,085.28	99.67%	0.33%
LIC. FEE	$ 953,161.00	$ 175,816.00	$ -	$ (50,613.00)	$ 1,078,364.00	$ 1,066,514.22	$ 11,849.78	98.90%	1.10%
2018	$ 14,385,655.01	$ 1,445,325.25	$ 29,880.46	$ (1,099,839.48)	$ 14,761,021.24	$ 14,705,414.57	$ 55,606.67	99.62%	0.38%
LIC. FEE	$ 995,518.00	$ 172,363.00	$ -	$ (90,335.00)	$ 1,077,546.00	$ 1,064,708.10	$ 12,837.90	98.81%	1.19%
2019	$ 15,920,628.76	$ 1,442,262.52	$ 38,859.89	$ (1,054,521.03)	$ 16,347,230.14	$ 16,254,118.80	$ 93,111.34	99.43%	0.57%
LIC. FEE	$ 986,732.00	$ 154,039.00	$ -	$ (45,481.00)	$ 1,095,290.00	$ 1,076,936.88	$ 18,353.12	98.32%	1.68%
2020	$ 16,352,666.74	$ 1,397,433.58	$ 38,691.28	$ (1,016,756.32)	$ 16,772,035.28	$ 16,641,795.99	$ 130,239.29	99.22%	0.78%
LIC. FEE	$ 942,740.00	$ 130,804.00	$ -	$ (28,480.00)	$ 1,045,064.00	$ 1,022,797.52	$ 22,266.48	97.87%	2.13%
2021	$ 19,301,665.16	$ 1,275,784.10	$ 46,882.14	$ (1,504,641.86)	$ 19,119,689.54	$ 18,853,047.08	$ 266,642.46	98.61%	1.39%
LIC. FEE	$ 959,443.00	$ 161,759.00	$ -	$ (37,757.00)	$ 1,083,445.00	$ 1,047,847.23	$ 35,597.77	96.71%	3.29%
2022	$ 22,290,687.31	$ 2,020,822.63	$ 34,783.40	$ (1,691,179.32)	$ 22,655,114.02	$ 21,267,569.39	$ 1,387,544.63	93.88%	6.12%
LIC. FEE	$ 971,360.00	$ 125,997.00	$ -	$ (31,081.01)	$ 1,066,275.99	$ 967,596.63	$ 98,679.36	90.75%	9.25%

DELINQUENT PERSONAL PROP. = $ 2,227,330.91 98.22% 1.78%

TOTAL DELINQUENT= $ 2,846,931.22 99.27% 0.73%

CASH POSITION



COUNTY OF ISLE OF WIGHT

STATEMENT OF THE TREASURER'S ACCOUNTABILITY

April 2023

Institution	Instrument	Rate	Balance	Previous Year Balance
	Cash			
	Petty Cash		$2,300.00	$2,050.00
SUB TOTAL				
	Checking Accounts			
Bank of America	General Fund Checking	2.17%	$4,151,187.33	$3,764,480.15
Bank of America	School General Fund Checking	2.17%	$4,575,649.42	$4,180,142.21
Bank of America	DSS General Fund Checking	2.17%	$2,335,835.46	$2,651,289.26
Bank of America	County Payroll Account	2.17%	$98,718.75	$85,004.11
Bank of America	School Payroll Account	2.17%	$750.52	$874,569.31
Bank of America	DSS Payroll Account	2.17%	$33.34	$7,894.06
SUB TOTAL			**$11,162,174.82**	**$11,563,379.10**
	Investments			
Bank of America	Emergency Fund Checking	2.17%	$2,634.62	$2,602.05
LGIP	General Fund Investment	4.94%	$19,835,011.37	$24,170,898.91
VIP	VIP Long Term	5.00%	$79,394.57	$78,714.46
VIP	VIP Short Term	5.00%	$8,721,280.88	$13,258,125.46
SUB TOTAL			**$28,638,321.44**	**$37,510,340.88**
	Restricted Funds			
Bank of America	School Escrow Fund	2.17%	$0.00	$0.00
Bank of America	General Recoupment Funds	2.17%	$14,065.71	$21,079.50
Bank of America	Special Welfare Funds	2.17%	$0.00	$0.00
Bank of America	Special Welfare Donated Funds	2.17%	$20,056.81	$6,158.79
Bank of America	Special Welfare Child Support	2.17%	$516.26	$1,111.38
Bank of America	School's Camp Foundation	2.17%	$25,222.72	$24,910.87
Farmers Bank	School Food Service Funds	2.17%	$1,745,080.62	$743,731.69
BNY Mellon	Pace Funds		$2,300,951.77	$2,486,926.23
Bank of America	County Escrow Fund	2.17%	$10,749.91	$6,282.43
SUB TOTAL			**$4,116,643.80**	**$3,290,200.89**
	Bond Proceeds--Invested in SNAP			
	2012 Public Utility Bond	5.04%	$0.00	$1,873,229.55
	2012 Public Utility Bond Interest	5.04%	$0.00	$334,748.52
	2016 Bond	5.04%	$334,009.58	$355,264.97
	2016 Bond Interest	5.04%	$218,798.47	$200,635.60
	2020A Bond	5.04%	$7,150,884.58	$28,641,303.18
	2020A Bond Interest	5.04%	$458,652.74	$64,300.07
	2022 GO Bond	5.04%	$18,509,158.87	$18,509,158.87
	2022 GO Bond Interest	5.04%	$634,075.99	$13,239.53
SUB TOTAL			**$27,305,580.23**	**$49,991,880.29**
TOTAL OF ALL FUNDS			**$71,225,020.29**	**$102,357,851.16**

ISLE OF WIGHT

Incident by Zone

Agency: IWFR, Event date/Time range: 05/01/2023 00:00:00 - 05/31/2023 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
	ACCIDENT UNKNOWN INJURIES	1	0	1	50%	0:01:02	0:09:55	0:07:07	0:18:04	0:18:04
	ACCIDENT WITH ENTRAPMENT	0	1	1	50%	0:01:24	0:03:58	1:12:36	1:17:58	1:17:58
	Subtotals for EMS	**1**	**1**	**2**	**100%**	**0:01:13**	**0:06:56**	**0:39:52**	**1:36:02**	**0:48:01**
	Totals for	**1**	**1**	**2**	**100%**	**0:01:13**	**0:06:56**	**0:39:52**	**1:36:02**	**0:48:01**
1010	ABDOMINAL PAIN	0	1	1	1%	0:00:37	0:06:00	1:19:34	1:26:11	1:26:11
	ABRASIONS BRUISES ETC	0	4	4	4%	0:01:16	0:04:45	0:16:03	1:28:17	0:22:04
	ACCIDENT UNKNOWN INJURIES	0	5	5	5%	0:01:03	0:07:03	0:26:21	2:52:15	0:34:27
	ACCIDENT WITH INJURIES	0	2	2	2%	0:01:56	0:04:28	0:40:47	1:34:21	0:47:11
	ATTEMPT SUICIDE	0	1	1	1%	0:01:12	0:05:08	1:16:55	1:23:15	1:23:15
	BLEEDING/HEMORRHAGING	0	3	3	3%	0:01:51	0:05:38	0:31:05	1:55:44	0:38:35
	CARDIAC ARREST	0	1	1	1%	0:01:34	0:00:53	1:04:16	1:06:43	1:06:43
	CHEST PAIN	0	9	9	10%	0:02:02	0:08:29	0:54:53	9:48:40	1:05:24
	DIABETIC PROBLEMS	0	1	1	1%	0:02:00	0:09:10	1:59:40	2:10:50	2:10:50
	DIFFICULTY BREATHING	0	11	11	12%	0:01:37	0:06:49	1:03:18	13:09:11	1:11:45
	FALLS AND RELATED INJURIES	0	7	7	7%	0:01:47	0:07:32	0:55:08	6:32:57	0:56:08
	FRACTURES OR BROKEN BONES	0	1	1	1%	0:00:52	0:03:31	0:09:19	0:13:42	0:13:42
	HEART PROBLEMS	0	1	1	1%	0:00:59	0:07:43	1:04:19	1:13:01	1:13:01
	LIFT ASSIST	0	4	4	4%	0:01:58	0:08:16	0:13:38	1:35:29	0:23:52
	OBSTETRICS	0	1	1	1%	0:01:52	0:05:24	0:47:52	0:55:08	0:55:08
	PAIN	0	2	2	2%	0:02:12	0:11:24	0:18:25	1:04:01	0:32:01
	SEIZURE	0	2	2	2%	0:01:07	0:05:00	1:10:00	2:32:12	1:16:06
	SICK / ILL OR RESCUE	3	16	19	20%	0:01:41	0:06:54	0:52:00	18:50:28	0:59:30
	STROKE	0	3	3	3%	0:01:57	0:05:21	0:52:21	2:58:59	0:59:40

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
	UNCONSCIOUS OR FAINTING	0	5	5	5%	0:01:31	0:05:35	0:54:21	5:07:17	1:01:27
	WELFARE CHECK	0	1	1	1%	0:00:08	0:00:00	0:00:00	0:07:24	0:07:24
	Subtotals for EMS	**3**	**81**	**84**	**89%**	**0:01:29**	**0:06:15**	**0:50:31**	**78:06:05**	**0:55:27**
	BOMB/BOMB THREAT	0	1	1	1%	0:00:24	0:02:03	0:59:21	1:01:48	1:01:48
	BURNING COMPLAINT	0	1	1	1%	0:07:07	0:06:40	0:03:18	0:17:05	0:17:05
	CAR FIRE	0	1	1	1%	0:00:26	0:00:00	0:00:00	0:23:03	0:23:03
	FIRE ALARM	0	4	4	4%	0:01:39	0:06:20	0:33:07	2:44:25	0:41:06
	HAZARDOUS MATERIALS INCIDENT	0	1	1	1%	0:04:31	0:09:00	0:42:30	0:56:01	0:56:01
	SMELL OR ODOR OF SMOKE	0	1	1	1%	0:01:15	0:06:00	0:23:06	0:30:21	0:30:21
	STRUCTURE FIRE	0	1	1	1%	0:01:20	0:05:43	0:15:05	0:22:08	0:22:08
	Subtotals for FIRE	**0**	**10**	**10**	**11%**	**0:02:23**	**0:05:58**	**0:29:24**	**6:14:51**	**0:35:56**
	Totals for 1010	**3**	**91**	**94**	**100%**	**0:01:43**	**0:06:11**	**0:45:39**	**84:20:56**	**0:50:34**
2020	ACCIDENT WITH ENTRAPMENT	0	1	1	3%	0:00:51	0:09:06	1:09:42	1:19:39	1:19:39
	ACCIDENT WITH INJURIES	0	3	3	9%	0:00:58	0:06:08	1:06:07	3:39:41	1:13:14
	CHEST PAIN	0	6	6	19%	0:01:29	0:10:33	0:39:34	5:09:40	0:51:37
	DIFFICULTY BREATHING	0	2	2	6%	0:01:03	0:06:24	0:38:52	1:32:38	0:46:19
	FALLS AND RELATED INJURIES	0	1	1	3%	0:00:10	0:05:46	1:01:27	1:07:23	1:07:23
	FRACTURES OR BROKEN BONES	0	1	1	3%	0:01:18	0:08:50	2:18:17	2:28:25	2:28:25
	PAIN	0	3	3	9%	0:02:18	0:06:38	1:08:32	3:52:25	1:17:28
	SICK / ILL OR RESCUE	1	10	11	34%	0:01:45	0:08:34	0:56:18	11:12:51	1:01:10
	Subtotals for EMS	**1**	**27**	**28**	**88%**	**0:01:14**	**0:07:45**	**1:07:21**	**30:22:42**	**1:15:39**
	FIRE ALARM	0	4	4	13%	0:01:06	0:08:14	0:06:31	0:53:04	0:13:16
	Subtotals for FIRE	**0**	**4**	**4**	**13%**	**0:01:06**	**0:08:14**	**0:06:31**	**0:53:04**	**0:13:16**
	Totals for 2020	**1**	**31**	**32**	**100%**	**0:01:13**	**0:07:48**	**1:00:36**	**31:15:46**	**1:08:43**

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
3060	ABDOMINAL PAIN	0	1	1	6%	0:00:55	0:17:37	1:14:48	1:33:20	1:33:20
	ACCIDENT UNKNOWN INJURIES	0	1	1	6%	0:06:05	0:00:00	0:00:00	0:35:11	0:35:11
	CHEST PAIN	0	2	2	13%	0:01:53	0:21:02	1:29:09	3:44:08	1:52:04
	DIABETIC PROBLEMS	0	1	1	6%	0:02:21	0:14:29	0:14:22	0:31:12	0:31:12
	DIFFICULTY BREATHING	0	1	1	6%	0:05:43	0:17:16	1:24:15	1:47:14	1:47:14
	FALLS AND RELATED INJURIES	0	1	1	6%	0:01:26	0:12:35	1:20:32	1:34:33	1:34:33
	LIFT ASSIST	0	1	1	6%	0:01:06	0:12:54	0:25:00	0:39:00	0:39:00
	PAIN	0	3	3	19%	0:02:30	0:14:08	0:34:30	2:33:25	0:51:08
	PSYCHIATRIC PROBLEMS	0	1	1	6%	0:05:14	0:15:55	1:14:41	1:35:50	1:35:50
	SEIZURE	0	1	1	6%	0:00:32	0:09:42	1:20:39	1:30:53	1:30:53
	SICK / ILL OR RESCUE	0	1	1	6%	0:02:54	0:19:21	1:02:01	1:24:16	1:24:16
	UNCONSCIOUS OR FAINTING	0	2	2	13%	0:01:50	0:13:59	1:28:02	3:27:41	1:43:51
	Subtotals for EMS	**0**	**16**	**16**	**100%**	**0:02:42**	**0:15:22**	**1:04:22**	**20:56:43**	**1:18:13**
	Totals for 3060	**0**	**16**	**16**	**100%**	**0:02:42**	**0:15:22**	**1:04:22**	**20:56:43**	**1:18:13**
4070	ABDOMINAL PAIN	0	1	1	1%	0:01:25	0:06:33	0:20:03	0:28:01	0:28:01
	ABRASIONS BRUISES ETC	0	7	7	6%	0:01:39	0:10:14	0:26:44	4:30:24	0:38:38
	ACCIDENT UNKNOWN INJURIES	0	3	3	2%	0:02:22	0:07:06	0:57:43	2:19:45	0:46:35
	ACCIDENT WITH INJURIES	0	4	4	3%	0:01:29	0:05:32	1:29:16	6:25:10	1:36:18
	ALARM - MEDICAL	0	1	1	1%	0:00:30	0:12:04	0:05:21	0:17:55	0:17:55
	ALLERGIC REACTIONS	0	1	1	1%	0:01:48	0:03:57	1:18:54	1:24:39	1:24:39
	BITE	1	2	3	2%	0:01:41	0:11:55	0:40:52	2:43:24	0:54:28
	BLEEDING/HEMORRHAGING	0	5	5	4%	0:02:20	0:14:17	0:40:31	4:45:40	0:57:08
	CHEST PAIN	2	9	11	9%	0:01:35	0:11:25	1:12:20	15:12:44	1:22:59
	DIABETIC PROBLEMS	0	4	4	3%	0:01:24	0:06:28	0:32:54	2:43:07	0:40:47

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
	DIFFICULTY BREATHING	0	6	6	5%	0:01:35	0:10:21	1:10:58	8:17:22	1:22:54
	FALLS AND RELATED INJURIES	0	7	7	6%	0:01:30	0:06:54	0:52:29	7:06:09	1:00:53
	FRACTURES OR BROKEN BONES	0	1	1	1%	0:00:44	0:05:56	1:00:26	1:07:06	1:07:06
	HEAD INJURY	0	1	1	1%	0:02:17	0:06:08	1:09:22	1:17:47	1:17:47
	HEADACHE	0	1	1	1%	0:01:23	0:11:31	0:52:22	1:05:16	1:05:16
	HEART PROBLEMS	0	3	3	2%	0:02:13	0:06:13	0:54:45	3:09:42	1:03:14
	LIFT ASSIST	0	7	7	6%	0:06:36	0:11:54	0:10:48	3:25:12	0:29:19
	MEDIC STANDBY	1	0	1	1%	0:00:00	0:00:00	5:59:53	5:59:53	5:59:53
	PAIN	0	6	6	5%	0:02:20	0:08:20	0:57:50	6:51:07	1:08:31
	PSYCHIATRIC PROBLEMS	1	8	9	7%	0:00:29	0:08:00	0:49:35	8:00:57	0:53:26
	SEIZURE	0	1	1	1%	0:00:59	0:10:10	0:19:15	0:30:24	0:30:24
	SICK / ILL OR RESCUE	1	22	23	19%	0:02:07	0:11:13	0:59:03	27:31:33	1:11:48
	STROKE	0	1	1	1%	0:01:29	0:10:08	1:17:52	1:29:29	1:29:29
	SUICIDE	0	1	1	1%	0:01:48	0:08:04	0:13:44	0:23:36	0:23:36
	UNCONSCIOUS OR FAINTING	1	3	4	3%	0:01:21	0:04:47	1:13:40	5:19:13	1:19:48
	Subtotals for EMS	**7**	**105**	**112**	**92%**	**0:01:48**	**0:08:43**	**1:01:52**	**122:25:35**	**1:10:50**
	FIRE ALARM	0	6	6	5%	0:01:41	0:09:12	0:20:35	3:08:46	0:31:28
	HAZARDOUS MATERIALS INCIDENT	0	1	1	1%	0:02:15	0:07:45	0:24:02	0:34:02	0:34:02
	STRUCTURE FIRE	0	2	2	2%	0:01:33	0:07:53	1:19:53	2:58:37	1:29:19
	TRASH OR DUMPSTER FIRE	0	1	1	1%	0:01:25	0:10:02	0:50:59	1:02:26	1:02:26
	Subtotals for FIRE	**0**	**10**	**10**	**8%**	**0:01:44**	**0:08:43**	**0:43:52**	**7:43:51**	**0:54:19**
	Totals for 4070	**7**	**115**	**122**	**100%**	**0:01:47**	**0:08:43**	**0:59:23**	**130:09:26**	**1:08:33**
5060	ABDOMINAL PAIN	0	7	7	3%	0:02:42	0:07:19	0:46:24	6:34:59	0:56:26
	ABRASIONS BRUISES ETC	0	4	4	2%	0:00:29	0:08:02	0:52:48	4:05:17	1:01:19
	ACCIDENT UNKNOWN INJURIES	1	3	4	2%	0:00:52	0:07:26	0:21:54	2:00:47	0:30:12
	ACCIDENT WITH ENTRAPMENT	0	2	2	1%	0:00:27	0:05:12	0:50:08	1:51:34	0:55:47

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
	ACCIDENT WITH INJURIES	0	3	3	1%	0:01:00	0:08:10	0:30:03	1:57:39	0:39:13
	ALARM - MEDICAL	0	2	2	1%	0:08:40	0:13:22	0:21:01	0:55:45	0:27:53
	ALLERGIC REACTIONS	0	2	2	1%	0:01:26	0:10:23	0:27:39	1:18:57	0:39:29
	BLEEDING/HEMORRHAGING	0	8	8	4%	0:02:05	0:11:38	1:06:36	10:42:35	1:20:19
	CARDIAC ARREST	0	3	3	1%	0:01:36	0:05:23	0:48:32	2:46:34	0:55:31
	CHEST PAIN	0	11	11	5%	0:01:59	0:09:44	1:07:38	14:33:05	1:19:22
	CHOKING	0	1	1	0%	0:00:56	0:09:42	0:09:42	0:20:20	0:20:20
	DIABETIC PROBLEMS	0	1	1	0%	0:02:09	0:15:34	1:12:57	1:30:40	1:30:40
	DIFFICULTY BREATHING	1	22	23	11%	0:01:52	0:12:03	1:04:59	29:00:00	1:15:39
	FALLS AND RELATED INJURIES	0	21	21	10%	0:01:26	0:08:26	0:45:58	19:32:36	0:55:50
	FRACTURES OR BROKEN BONES	0	2	2	1%	0:01:59	0:14:25	1:25:05	3:22:58	1:41:29
	HEAD INJURY	0	2	2	1%	0:01:10	0:11:29	3:05:32	3:29:16	1:44:38
	HEADACHE	0	1	1	0%	0:00:29	0:02:55	0:04:43	0:08:07	0:08:07
	HEART PROBLEMS	0	3	3	1%	0:02:01	0:07:04	1:00:00	3:27:17	1:09:06
	LIFT ASSIST	1	10	11	5%	0:01:55	0:10:11	0:08:57	3:39:32	0:19:57
	MEDIC STANDBY	1	0	1	0%	0:00:00	0:00:00	2:39:17	2:39:17	2:39:17
	OBSTETRICS	0	1	1	0%	0:02:27	0:12:42	2:21:09	2:36:18	2:36:18
	OVERDOSE	0	4	4	2%	0:02:07	0:08:26	0:37:26	3:11:55	0:47:59
	PAIN	0	10	10	5%	0:02:13	0:09:43	0:52:18	10:42:13	1:04:13
	PSYCHIATRIC PROBLEMS	0	1	1	0%	0:00:05	0:14:23	0:20:05	0:34:33	0:34:33
	SEIZURE	0	5	5	2%	0:00:41	0:09:46	1:20:39	7:35:30	1:31:06
	SICK / ILL OR RESCUE	0	46	46	22%	0:01:33	0:09:33	0:44:03	42:17:14	0:55:09
	STROKE	0	5	5	2%	0:01:32	0:09:35	1:23:46	7:54:30	1:34:54
	UNCONSCIOUS OR FAINTING	1	9	10	5%	0:01:32	0:06:15	0:55:43	10:35:05	1:03:31
	Subtotals for EMS	**5**	**189**	**194**	**92%**	**0:01:45**	**0:09:35**	**0:58:45**	**199:24:33**	**1:05:39**
	ARCING WIRES DOWN POWER LINES	0	1	1	0%	0:00:26	0:06:42	0:09:02	0:16:10	0:16:10
	BRUSH FIRE	0	2	2	1%	0:01:40	0:07:54	0:22:13	1:03:33	0:31:47

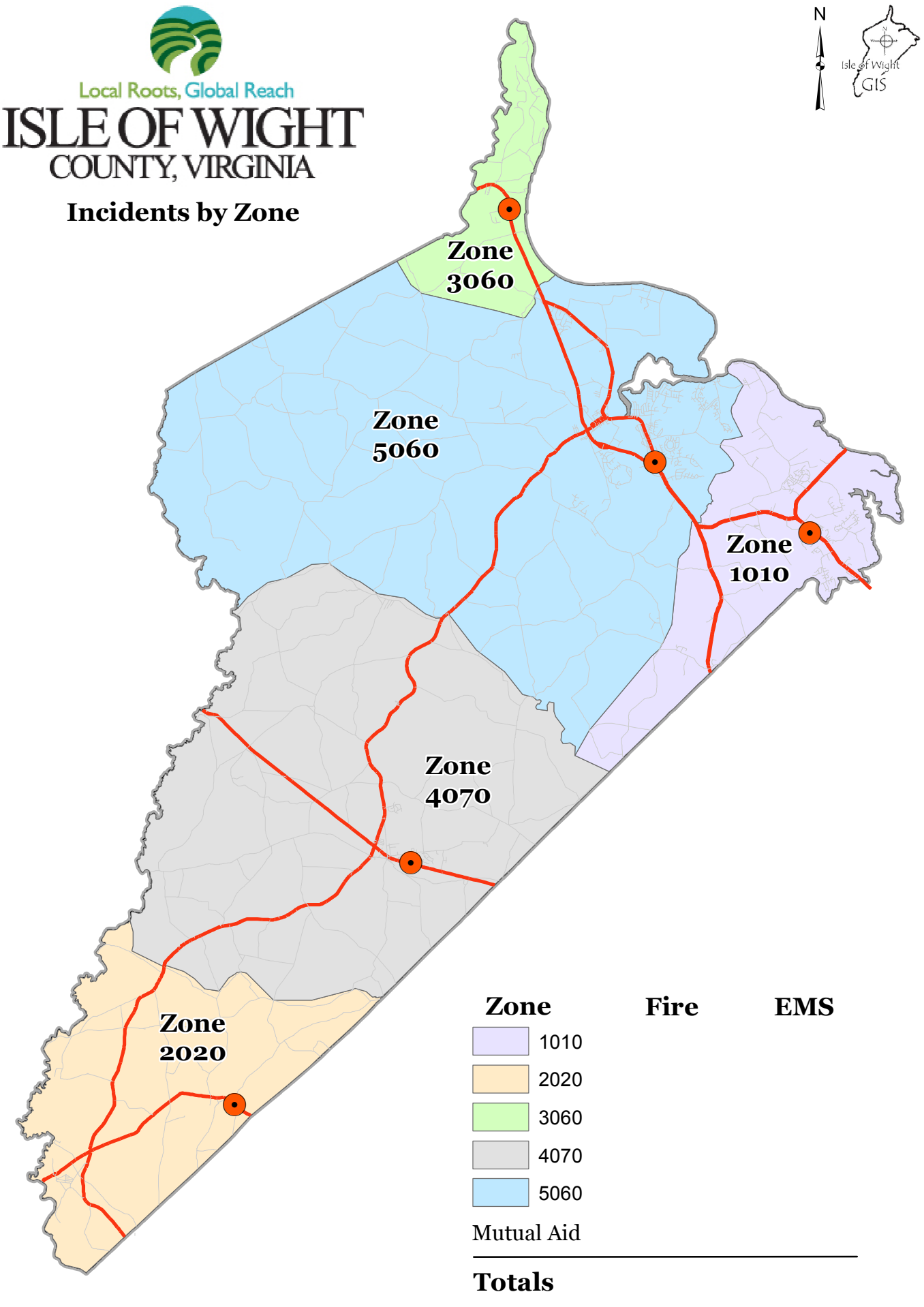
Station/Beat Code	Nature Code	Self Init	CFS	Total	% Total	Avg Disp Time	Avg Resp Time	Avg Scene Time	Total Call Time	Avg Call Time
	FIRE ALARM	0	5	5	2%	0:01:42	0:05:31	0:07:12	0:54:02	0:10:48
	FIRE OTHER NOT LISTED	0	2	2	1%	0:01:21	0:10:42	0:12:17	0:37:59	0:19:00
	RUPTURE GAS LINE	0	1	1	0%	0:00:24	0:06:05	0:58:13	1:04:42	1:04:42
	SMELL OF GAS INSIDE/OUTSIDE	0	1	1	0%	0:00:51	0:09:44	0:11:13	0:21:48	0:21:48
	SMELL OR ODOR OF SMOKE	0	1	1	0%	0:02:06	0:14:21	0:16:11	0:32:38	0:32:38
	STANDBY	1	0	1	0%	0:00:00	0:00:00	7:17:10	7:17:10	7:17:10
	STRUCTURE FIRE	0	2	2	1%	0:02:46	0:03:55	0:35:58	1:25:18	0:42:39
	Subtotals for FIRE	**1**	**15**	**16**	**8%**	**0:01:24**	**0:08:07**	**1:07:43**	**13:33:20**	**1:15:11**
	Totals for 5060	**6**	**204**	**210**	**100%**	**0:01:41**	**0:09:15**	**1:00:56**	**212:57:53**	**1:07:58**
FRA	BACKFILL STATION	0	1	1	50%	0:02:05	0:51:00	1:28:07	2:21:12	2:21:12
	Subtotals for FIRE	**0**	**1**	**1**	**50%**	**0:02:05**	**0:51:00**	**1:28:07**	**2:21:12**	**2:21:12**
	RESCUE MUTUAL AID	0	1	1	50%	0:01:31	0:09:06	1:12:17	1:22:54	1:22:54
	Subtotals for MUTA	**0**	**1**	**1**	**50%**	**0:01:31**	**0:09:06**	**1:12:17**	**1:22:54**	**1:22:54**
	Totals for FRA	**0**	**2**	**2**	**100%**	**0:01:48**	**0:30:03**	**1:20:12**	**3:44:06**	**1:52:03**
SOU	FIRE MUTUAL AID	0	1	1	100%	0:02:03	0:01:44	1:28:28	1:32:15	1:32:15
	Subtotals for MUTA	**0**	**1**	**1**	**100%**	**0:02:03**	**0:01:44**	**1:28:28**	**1:32:15**	**1:32:15**
	Totals for SOU	**0**	**1**	**1**	**100%**	**0:02:03**	**0:01:44**	**1:28:28**	**1:32:15**	**1:32:15**
SRY	FIRE DEPT COMMUNITY RELATIONS	1	0	1	13%	0:00:01	0:00:00	0:55:40	0:55:41	0:55:41
	Subtotals for FIRE	**1**	**0**	**1**	**13%**	**0:00:01**	**0:00:00**	**0:55:40**	**0:55:41**	**0:55:41**

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	7	7	88%	0:02:23	0:22:10	0:54:54	5:40:12	0:48:36
	Subtotals for MUTA	**0**	**7**	**7**	**88%**	**0:02:23**	**0:22:10**	**0:54:54**	**5:40:12**	**0:48:36**
	Totals for SRY	**1**	**7**	**8**	**100%**	**0:01:12**	**0:22:10**	**0:55:17**	**6:35:53**	**0:52:08**
SUF	FIRE MUTUAL AID	0	1	1	33%	0:00:55	0:00:00	0:00:00	0:11:27	0:11:27
	RESCUE MUTUAL AID	0	2	2	67%	0:01:38	0:06:24	0:25:41	0:41:41	0:20:51
	Subtotals for MUTA	**0**	**3**	**3**	**100%**	**0:01:16**	**0:06:24**	**0:25:41**	**0:53:08**	**0:16:09**
	Totals for SUF	**0**	**3**	**3**	**100%**	**0:01:16**	**0:06:24**	**0:25:41**	**0:53:08**	**0:16:09**

Local Roots, Global Reach

ISLE OF WIGHT COUNTY, VIRGINIA

Incidents by Zone



ISLE OF WIGHT COUNTY

FIRE-EMS ACTIVITY REPORT 2023

STATION RESPONSES	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	YTD
CARROLLTON	121	128	141	117	107								614
CARRSVILLE	40	37	30	49	47								203
RUSHMERE	4	7	7	5	2								25
WINDSOR FIRE	30	37	37	33	25								162
SMITHFIELD FIRE	61	63	76	47	52								299
IOW RESCUE	264	267	289	223	249								1292
WINDSOR RESCUE	119	113	114	106	121								573
TOTAL STATION RESPONSES													**3168**

VOL. ACTIVITY HOURS	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER	YTD
CARROLLTON					0
CARRSVILLE					
RUSHMERE					0
WINDSOR FIRE					0
SMITHFIELD FIRE					
IOW RESCUE					
WINDSOR RESCUE					0
TOTAL VOL. HOURS REPORTED					**0**

Note: *1. Station Responses- Data pulled from E911 Computer Aided Dispatch (CAD) system* *n/r not reported*

2. VOL. Activity Hours- Information as reported by Volunteer Agencies

Isle of Wight County Museum &
Isle of Wight County Historic Resources

May 2023 Report

J.L. England, Museum Director & Isle of Wight County Historic Resources Manager

Isle of Wight County Museum 103 Main Street, Smithfield

- **VISITATION**: 802
- **SPECIAL EVENTS**
  - **May 6. Battle of Smithfield Walking Tour**. Join us for a 159th anniversary recounting of "the Town of Smithfield's most dramatic event." This two-day engagement between Union and Confederate troops saw artillery and musket fire reverberating up and down Main Street eventually resulting in the destruction of the US Army Gunboat *Smith Briggs*. Meet your guide at the museum for a brief overview of this Civil War battle as well as a walk along Main Street to several sites associated with the significant events from January 30 to February 2, 1864. 15 guests.

  - **May 8. LUNCH & LEARN: National Postcard Week**. This national week, held the first full week of May since 1984, is an annual event to promote the use of postcards. Bring your lunch, and enjoy this lecture all about written communication. Afterwards, to continue your celebration of this week, you can peruse the offerings in the museum's gift shop and mail a few of your own postcards. 8 guests.

  - **May 16. Drawing Day.** Whatever your medium, Drawing Day is the day dedicated to the artist inside all of us. Pack your pencil, charcoals or crayons for your visit to the museum today to sketch something on display. Share your creations with us on social media. Free admission for all artists – professional, aspiring or beginners. Many artists.
  - **May 19. LUNCH & LEARN: The History of Cypress Creek.** Cypress trees have evergreen foliage and acorn-like seed cones, and their multitude is the reason why Cypress Creek, which flows outward of Pagan Creek, gets its name. It was mentioned by name as early as 1657 in land grants, and its waters have witnessed much history in Isle of Wight County since. Join us for this session to discover this waterway's secrets. 41 guests.

- **LIVESTREAMING EVENTS.** We continue to connect to visitors, supporters, fans and the community via social media. Our livestreaming tours and programs on Facebook are driving traffic and enhancing interaction on our sites. Events this month, still viewable in the videos section of our Facebook page, include:
  - **May 2. LIVE a 12:05: Corn Shellers**. Corn shellers like the one featured here were first patented in 1839. They were designed to be freestanding and

cranked by hand. The hand crank spins a series of metal-toothed cylinders within the corn sheller which removes the kernels from the inserted cob of corn. This particular corn sheller is a McCormick-Deering All-Steel Hand Crank Corn Sheller that would have originally been a vibrant red in color.

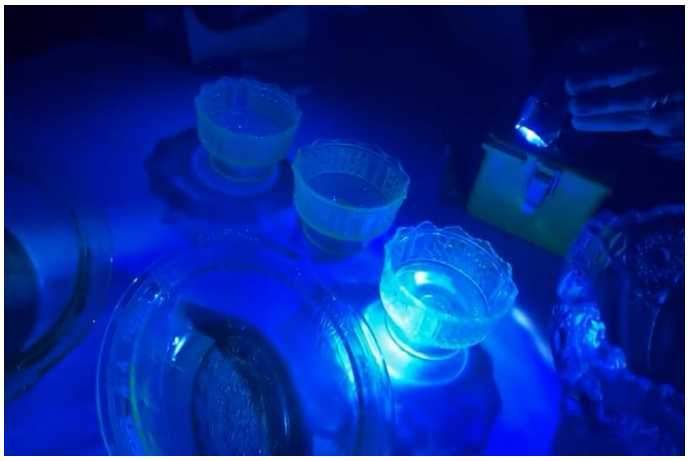
- **May 4. LIVE at 12:05: May the 4th Be With You**. Director Jennifer England is all about Star Wars Day and the number 4. Join her for a quick walkabout and see a few items in the museum related to the number 4.
- **May 9. LIVE at 12:05: Depression Glass and Uranium Glass**. We have various examples of Depression Glass and uranium glass in the museum's collection. Depression glassware was made from 1929 to 1939. It was clear or colored machine-made, mass-produced glassware that was distributed free in the U.S. and Canada around the time of the Great Depression. A lot of it was green in color.

  Food manufacturers and distributors often put a piece in boxes of food as an incentive. Kind of like the toy in a box of cereal. Some movie theatres and businesses also gave pieces away.

  Most of this glassware was made in the Ohio River Valley. More than 20 manufacturers made more than 100 patterns, and entire dinner sets were made in some patterns. Depression glass has been highly collectible since the 1960s.

  Uranium glass was most popular from 1880s until the 1920s and was produced regularly until just before World War II when the U.S. government halted production for nuclear weapon development. This moratorium lasted until 1958, when uranium oxide was deregulated. Some manufacturers still use it today – although it is no longer the cheapest green colorant available.

  Uranium glass glows under an ultraviolet light. This also makes it highly collectible. Chances are that you have some of this in your personal collections.
- **May 11. LIVE at 12:05: Tobacco Sticks**. These are tobacco sticks, which were used to hang tobacco plants from rafters of a barn to dry.



These sticks were handmade by the hundreds and thousands to dry out an entire farm's worth of tobacco. They are hand-split and made of hardwood. While these are early 20th century, the methods used for drying tobacco in the Virginia colony were the same, and by the end of the 17th century, tobacco had become Virginia's economic staple. Tobacco was a form of currency, and you see many references to tobacco and payment in court records for things like paying for services or fines.

- **May 16. LIVE at 12:05: Happy National Love a Tree Day!** The Isle of Wight County Museum loves its tree at Fort Boykin - a black walnut tree that is believed to be the second largest in the state and over 200 years old. Black walnut trees grow slowly and can have life spans of more than 250 years. Trees and other plants are an important part of preserving earthwork fortifications like Fort Boykin today, preventing erosion with their root systems.
- **May 18. LIVE at 12:05: Find Yourself(ie) at a Hamside Attraction**. Our star artifact - the World's Oldest Ham - has had a lot of interaction today including guests from the Senior Center of York County, Va., and WTKR TV News Channel 3. Visit the Ham soon. If you are hungry for adventure, Visit Smithfield VA awaits with history, historic sites, guided tours and delicious food. Check out our marketing campaign series funded by Virginia Tourism Corporation's Microbusiness Marketing Leverage Program by visiting https://bit.ly/3X2v6rr. Share your adventuresome tales with us as well as your friends and family. #visitvirginia

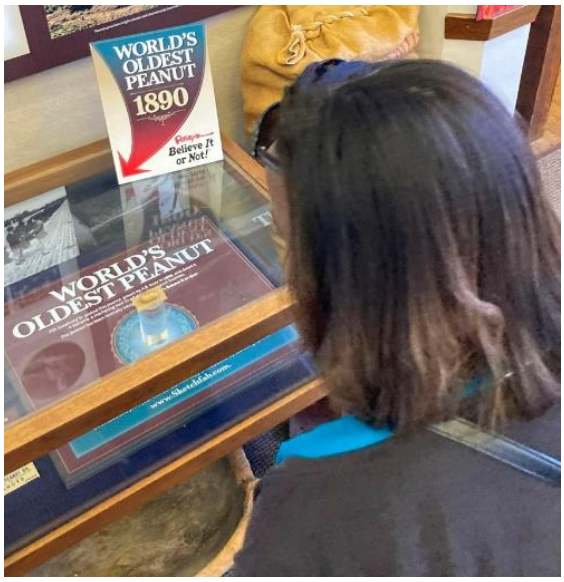
- **May 23. LIVE at 12:05: National Lucky Penny Day**. In honor of National Lucky Penny Day, Curator Rachel Popp shows off the interesting coins on display in the museum's Local Treasures

exhibit. Coins have a long and fascinating history. Despite the barter-focused economy of early colonial Virginia, currency was still occasionally used. Since coins were made from precious metals, maintaining intrinsic value, they were often cut up and used in quarters, eighths, etc. Coins from many different countries were used as they were worth their weight in precious metals like gold and silver. This particular Local Treasures exhibit will remain on display for a few more months.

- **May 25. LIVE at 12:05: The Original Cordless Drill**. In our collection is this 1940s Millers Falls Breast Drill No. 12. It is a two-speed breast drill introduced to the market in 1873. Production of this model ran until 1957.
- **May 30. LUNCH & LEARN: The History of Cypress Creek, Smithfield, Va.** Highlights from our lecture on May 19 with Kathy Mountjoy, Visit Smithfield VA's Group Tour Coordinator. Cypress trees have evergreen foliage and acorn-like seed cones, and their multitude is the reason why Cypress Creek, which flows outward of Pagan Creek, gets its name. It was mentioned by name as early as 1657 in land grants, and its waters have witnessed much history in Isle of Wight County since. Join us for this session to discover this waterway's secrets.
- **May 30. LIVE at 12:05: Steamboats and the Steamboat *Smithfield***. The steamboat Hampton was refitted, renamed and re-launched as the Smithfield in 1908. It traveled the Smithfield/Battery Park route transporting passengers and cargo to Newport News and Hampton.

- **BEHIND THESE WALLS**
  - People, objects and places all tell stories, and it is the history of a community that shows its unique character. This video series, launched in 2020, allows some of the county's most interesting structures to share their stories. The **former library** in Smithfield is in production while **Scott's Factory** was rebroadcast as part of the May 19 Lunch & Learn production on the history of Cypress Creek. View all episodes in this series on the museum's YouTube Channel, Facebook page or website. YouTube link: https://www.youtube.com/watch?v=RKfQqNu8tVY.
  - Interviews with Ronnie and David Jones were conducted on May 24 for future productions.

- **GROUPS/TOURS/PROGRAMS**
    - May 11. Smithfield & Isle of Wight County Tourism's Tour Group, Richmond. 32 guests.
    - May 18. Noble Care, Suffolk. 5 guests.
    - May 18. Senior Center of York, Yorktown. 10 guests.
    - May 25. Noble Care, Suffolk. 5 guests.
- **GIFT SHOP**
    - No updates.
- **EXHIBIT/PROJECT UPDATE**
    - **Taste of Smithfield Cookbook**. The republication of this 1978 cookbook – in conjunction with the Isle of Wight County Museum Foundation – is underway. Edits of the proof copy are in progress.



    - **Sprigg Wing, Phase II: Crops, Trade & Merchants.** A new timeline as well as exhibits about colonial businesses, the tobacco industry and mills are in production.
    - **First Residents.** This exhibit space will be complete once our longleaf pine tree's branches are mounted.
    - **Civil War Trails.** New signage for Fort Huger and Fort Boykin is in production.
    - **Local Treasures**. Currently on display is the collection of **Robert Cox** which showcases artifacts recovered from one of Isle of Wight County's early courthouses, the **Mount Holly Courthouse**. Artifacts date to the 1600s and include coins, buttons, leather ornaments, pottery and harmonica reeds. This exhibit concept displays the private collections of Isle of Wight County residents and/or those with a connection to the area. For more information and applications: www.historicisleofwight.com/local-treasures.html.
    - **English Telephone Box**. The phone box in front of the Bank of Southside Virginia is part of the Isle of Wight County Museum's collection. Dishman Fabrications LLC of Yorktown is working to schedule the return of the door and glass. Once complete and exhibits are installed, a reception and/or ribbon-cutting will be organized.
    - **Steamboats & Life on the Water; Colonial Isle of Wight; Unusual Objects.** Under development.
    - **Online Exhibits Under Development**: Vietnam War Veterans in Isle of Wight County, Unsung Heroes of Isle of Wight County.
    - **ISLE Be Home for Christmas.** This book project is collecting photographs, postcards, stories, mementos, songbooks, recipes and more that detail the holiday season in Isle of Wight County. This book will be published in November 2023.
- **ARTIFACTS**
    - New acquisitions include quilts, 19th century doll, farming tools and a VMI cadet jacket belonging to Parke Rouse Sr.
    - Staff performed a cleaning and organization of the country store exhibit.
- **STAFF TRAINING AND REQUIREMENTS**
    - Employee reviews were completed.
    - Staff reviewed hurricane safety and procedures.

Financials

- Gift Shop Sales (including tax): $ 889.50
- Donations: $ 300.00
- Admission: $ 996.00
- Program/Lecture Fees: $ 0.00

Total Monthly Deposit: $ 2,185.50

Social Media/Online Presence

- Visit our website at www.historicisleofwight or www.hamcamva.com.
- **LIVE at 12:05.** Each Tuesday and Thursday, we host pop-up broadcasts on the museum's Facebook page. These programs were seen on the Ham Cam, but since COVID-19, programs and livestreaming from Facebook make these programs more mobile. Our segments – shot in the museum or at any of our historic sites - highlight events at the museum, announcements or artifacts from our collection. Tune in each Tuesday and Thursday at 12:05 p.m. on the museum's Facebook page to learn a bit about local history.
- **Facebook:** Isle of Wight County Museum: 3.4K likes and 3.8K followers. Daily posts.
- **Facebook:** World's Oldest Ham: 212/224 likes/followers. Semi-weekly posts.
- **Facebook:** Town of Smithfield. Periodic posts, responses and maintenance.
- **Twitter.** @WorldsOldestHam. The world's oldest ham has his own account. 1,363 followers.
- **Instagram.** @Isleofwightcountymuseum. 1,095 followers.
- **YouTube.** Isle of Wight County Museum. 61 subscribers.
- **Google Reviews.** 4.7/5 overall rating.
- **TripAdvisor.** 4.5/5 star overall rating.
- **Yelp.** 4.5/5 star overall rating.
- **Foursquare/Swarm.** 7.3/10 rating.

Media Coverage/Promotion/Advertising/Lobbying

- Various pieces in area publications to include calendars and events.
- **May 10. *Smithfield Times***. Cutline: Going, going…
- **May 18. WTKR News-3**. On air, website, YouTube and social media: Hometown History: Isle of Wight County Museum, home of the world's oldest edible ham - https://www.wtkr.com/news/hometown-history-isle-of-wight-county-museum-home-of-the-worlds-oldest-edible-ham
- **May 24. *Smithfield Times***. Cutline: Drawing Day.

Outreach Lectures & Events

- **May 13. Blackwater Regional Library, Smithfield Branch. Lecture topic: The History of Tea. 25 guests.**
- **May 15**. **Hardy Elementary School, Community Walk-Through**. Document scanning and outreach. Many guests.
- **May 16. Main Street Baptist Preschool, Smithfield**. Topic: Postcards and Baseball. 18 students.
- **May 18. Carrollton Elementary School, The Learning Center**. Topic: Postcards and Baseball. 18 students and 2 teachers.
- **May 19. Hardy Elementary School, The Learning Center**, Session 1. Topic: Postcards and Baseball. 18 students and 3 teachers.
- **May 19. Hardy Elementary School, The Learning Center**, Session 2. Topic: Postcards and Baseball. 18 students and 3 teachers
- **May 19. Hardy Elementary School, Multiple Disabilities**. Topic: Postcards and Baseball. 4 students and 3 teachers.

Windsor Castle 705 Cedar Street, Smithfield

- **May 7. Walking Tour.** From the site's pre-colonial existence to the present day, Windsor Castle tells the fascinating history of the development of Smithfield. Join us for this walking tour through history as we explore the house and several of the outbuildings. Meet on the front steps of Windsor Castle, 301 Jericho Road, Smithfield. $5 per person. To reserve your spot: www.windsorcastlepark.com/walkingtours.html. 5 guests.
- **May 17.** Exterior exhibits were cleaned and inspected.
- **May 23. Bookworm Discoveries at Windsor Castle Park**. Join the Blackwater Regional Library and Isle of Wight County Museum at Windsor Castle Park for outdoor-themed programming featuring themes of agriculture, nature and bugs! This fun and free opportunity to learn a little local history with STEAM themes while enjoying some fresh air and the chance to check out some books is perfect for bookworms of all ages. Meet in the parking lot at 705 Cedar Street. Dressing as a bookworm is optional but encouraged! For more information, www.blackwaterlib.org or 757-356-1223. 40 guests.

Fort Boykin 7410 Fort Boykin Trail, Isle of Wight County

- No updates.

Fort Huger 15080 Talcott Terrace, Isle of Wight County

- Improvements to the park entrance sign as well as a replacement of the Captain John Smith Trail sign are in progress.

Nike-Carrollton Park 13036 Nike Park Road, Carrollton

- **Nike-Ajax Missile Restoration**
  - Isle of Wight County Public Utilities is at work on the site plan for the missile.
- **Signage.** The replacement of four panels of interpretive signage regarding the former Nike-Ajax missile battery (N-75L) as well as Jones Creek (N-75C) are in production.

Boykin's Tavern, 1820 Clerk's Office & Isle of Wight County Court House Complex 17146 Monument Circle, Isle of Wight County

- Boykin's Tavern Visitors: 5
- **May 27. Isle of Wight Courthouse Complex Walking Tour.** Join us as we explore this 19th, 20th and 21st century site and its notable landmarks. 7 guests.

Meetings

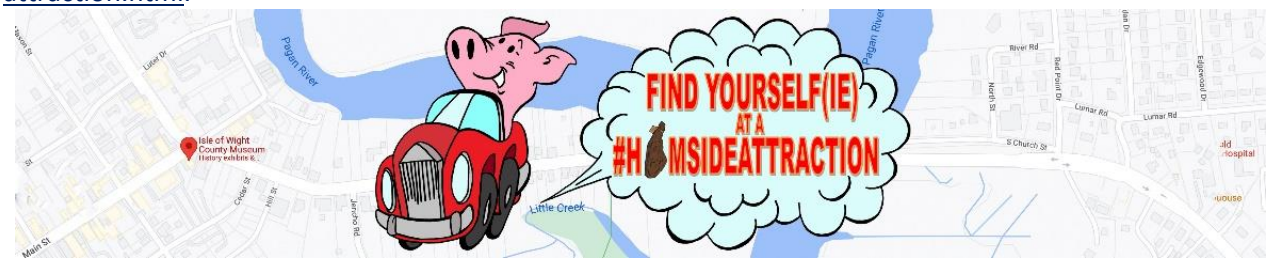
- **May 3. Isle of Wight Chamber of Commerce and Isle of Wight County Economic Development Business Appreciation Pop-Up**, Smithfield Inn, Smithfield.
- **May 3. Mike Clem**, Eastern Regional Archaeologist, Virginia Department of Historic Resources.
- **May 16. Town of Smithfield staff meeting.**
- **May 17. Steve Henry**, an expert on European and North American equine artifacts from the 16th to the 20th century.
- **May 31. 1750 Courthouse.** A discussion the Historic Smithfield sign project on Main Street.

Other Events & Notable Information

- **Volunteer Hours**: 132
- **Ivy Hill Cemetery**. Provided promotion for Ivy Hill Cemetery's walking tour on May 13.
- **Intern.** Our intern Emmi Goodman, a student at James Madison University, has returned for another summer of archival and cataloguing work.
- **Closed.** The museum was closed Monday, May 29, for Memorial Day.
- **ISLE Inspire Award.** Isle of Wight County Schools has launched a recognition program open to any member of the Isle of Wight County Schools' community - the ISLE Inspire Award. The award focuses on the four broad areas of the school division's strategic plan: Inspire, Succeed, Lead, Empower. The May recipient of the Isle Inspire Award was Museum Director Jennifer England and the team at the Isle of Wight County Museum. The nomination stated: *When the museum learned of the Farewell to Hardy Elementary School's walk-throughs, they reached out to IWCS to see if they could be at the events to document memorabilia attendees brought with them. Their efforts will help document the history of Hardy Elementary especially as it begins a new chapter in a new building.*

- **Isle of Wight County Department of Planning/Community Development**
  - **May 3. Meeting at Lot 37, Lawne's Point.** Discussion Boundary Line Vacation Subdivision Plat Application (SUB -3-23) with Isle of Wight County Department Planning/Community Development, landowner, archaeologists and Realtor.
  - **May 26.** Meeting to discuss archaeological analysis of Lawne's Point.
  - **Written Comments Provided for These Projects**
    - Lot 40, Lawne's Point Subdivision, TMP 03D-01-040, Boundary Line Adjustment Subdivision Plat Vacating Historic Preservation Easement (SUB-14-23)
    - Courthouse Hwy Solar 1 Facility, 16419 Courthouse Highway, Conditional Use Permit Application (CUP-03-23), 1st Submittal, Tax Map No. 39-01-017
    - Lot 37, Lawne's Point Boundary Line Adjustment Plat, 2nd Submittal
    - Pivot Solar Facility, 18213 Orbit Road, Conditional Use Permit Application (CUP-07-23), 1st Submittal, Tax Map No. 39-01-026
    - VAL025/Elk Development, LLC, Stage Highway, Conditional Use Permit Application (CUP-6-23), Tax Map/Parcel #13-01-005
    - Sycamore Cross Solar Energy Generation Facility, Conditional Use Permit (CUP-8-23), First Submittal.
- **Virginia American Revolution 250 Commission**
  - No updates.

- **Virginia Tourism Corporation Small Business Marketing Leverage Grant.** This month, social media advertising continues. Further promotion included two campaign emails. Visit our campaign landing page here: https://www.historicisleofwight.com/find-yourselfie-at-a-hamside-attraction.html.



Safety

- No updates.

Selections from Our Website and Social Media

World's Oldest Ham @Worldsoldestham · May 11

George and Matthew Cowdry of Wiltshire, England, visited me yesterday. Wiltshire is also known for their ham!
#NewFriends #HamsOfTheWorld #ILoveVisitors

ISSUE:

Follow-up Information Regarding True Blue School Zone Speed Enforcement

BACKGROUND:

At its work session on May 4, 2023, the Board received a presentation from Randy Campbell, True Blue Solutions, relative to school zone speed enforcement. Sheriff James R. Clark will provide follow-up information based on questions from Board members.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

For the Board's information.

ISSUE:

Water Agreement with the Town of Smithfield

BACKGROUND:

The Board may wish enter into a formal agreement with the Town of Smithfield relative to the provision of potable water for residents and businesses in and near the Town.

BUDGETARY IMPACT:

TBD

RECOMMENDATION:

Authorize execution of a water agreement with the Town of Smithfield.

ATTACHMENTS:

Description	Type	Upload Date
Agreement	Agreement	6/15/2023

WATER AND SEWER SERVICES AGREEMENT
BY AND BETWEEN
ISLE OF WIGHT COUNTY, VIRGINIA
AND
THE TOWN OF SMITHFIELD, VIRGINIA

This Agreement is made and entered into this ___ day of _____, 2023 by and between Isle of Wight County, Virginia, a body politic of the Commonwealth of Virginia (hereinafter referred to as "County"), and the Town of Smithfield, Virginia, a Virginia municipal corporation situate in Isle of Wight County, Virginia (hereinafter "Town"). The County and Town may hereinafter be referred to jointly as the "Parties" or individually as a "Party."

Witnesseth:

Whereas, the County and the Town each own, operate and maintain separate water and sewer systems which systems have been subject to pending agreements that affect these respective utilities; and,

Whereas, the Town and the County wish to continue their relationship whereby the Town shall provide water to the Gatling Pointe and Gatling Pointe South subdivisions and Battery Park service area; and

Whereas, the Town shall continue to provide sewer collection services for the Gatling Pointe and Gatling Pointe South subdivisions; and

Whereas, the County is in the process of constructing a waterline which upon completion will serve Hardy Elementary School and the surrounding areas; and

Whereas, upon completion of the above-mentioned waterline, the Town has agreed to provide water to Hardy Elementary School, Thomas Park, Tormentors Creek, and Days Point and the surrounding areas; and

Whereas, there are areas within the Town's jurisdictional boundaries which are contemplated for development in the near future, which the County has the present ability and has agreed to provide water and sewer collection services.

Now, Therefore, in consideration of the mutual promises and covenants contained herein, it is agreed as follows:

Article 1
Water

1. (a) In exchange for the Town being relieved of its obligation to purchase bulk water from the County, the Town shall pay the County the sum of $1,000,000, payable as follows: _(need due date or dates).

(b) Effective July 1, 2023, the Town shall provide, and County shall pay the Town, based on usage at the adopted Town of Smithfield water rate, for water purchased to serve the Gatling Pointe and Gatling Pointe South subdivisions and Battery Park service area, as measure at the Gatling Pointe Meter A and Gatling Pointe Meter B.

(c) Upon completion of the waterline mentioned above, the Town shall provide, and the County shall pay the Town, based on usage, not to exceed _____MGD, at the adopted Town of Smithfield water rate, for water purchased to serve Hardy Elementary School, Thomas Park, Tormentors Creek, and Days Point subdivisions and the surrounding areas, as measure at the _____ Meter

(d) Billing shall be provided by the Town to the County on a bi-monthly basis. After the close of the fiscal year, or as soon as practicable thereafter, the Parties shall complete a true-up schedule usage, rates and annual billing for the prior fiscal year, which reflects the actual audited use of the water being provided to the County.

2. The County shall be responsible for any and all capital, maintenance, operational or other costs associated with the delivery of Town water to County customers within its jurisdictional limits.

3. The County acknowledges and agrees that the water provided by the Town is chlorinated water. As such, the County agrees that such chlorinated water cannot and shall not be mixed with Western Tidewater Water Authority chloraminated water, all in accordance with applicable statutory and regulatory requirements of the Commonwealth of Virginia. The Town shall be responsible for meeting applicable water quality requirements at the point where Town water enters the County system, and the County shall be responsible for meeting applicable water quality requirements after that point.

4. The parties hereto agree that if any incident should occur which may result in financial penalties or civil actions, then such incident shall be investigated by a third party, independent engineering firm to be agreed upon by the parties. The cost for such investigation shall be borne equally by the parties. In the event such investigation determines that the Town or County is solely or partly responsible for damages caused by the incident and such investigation results are agreed upon by the parties, the responsible party shall be solely and individually responsible for any and all financial penalties or civil actions. In the event that the parties cannot agree to the results of the third party investigation the parties agree to submit the matter to binding arbitration.

5. The County shall provide water service to all new development, both commercial and residential, which may occur on Tax Map Parcel Numbers 32-01-005, 32-01-006 and 32-01-010. Such customers receiving water service shall be direct customers of the County and the County shall be entitled to all revenue generated therefrom, including tap fees. The County shall be responsible for the costs of maintaining all public water lines serving such parcels.

Article 2
Sewer

1. The County and Town acknowledge that sewerage flows from the Gatling Pointe residential subdivision and other lots within the County's Gatling Pointe/Battery Park service area may continue to flow through a portion of the Town's public sewer force main system prior to discharge into the Hampton Roads Sanitation District sewer interceptor. The Town agrees that said flows may continue flowing through its system, and that the Town shall be responsible for the costs of maintaining all public sewer force main lines within the Town's boundaries.

2. In consideration of this continuing obligation to maintain all sewer force main lines within the Town's boundaries, the County agrees to pay the Town a monthly surcharge in the amount of $2.50 per month for each residential and commercial connection which shall be paid by the County on a bi-monthly basis.

3. The County shall provide sewer service to all new development, both commercial and residential, which may occur on Tax Map Parcel Numbers 32-01-005, 32-01-006 and 32-01-010. Such customers receiving sewer service shall be direct customers of the County and the County shall be entitled to all revenue generated therefrom, including tap fees. The County shall be responsible for the costs of maintaining all public sewer utility infrastructure serving such parcels.

4. Both the Town and County shall comply with their respective obligations as set forth in their respective Special Orders by Consent with VDEQ, recognizing the interdependency and integrity of their respective public sewer collection systems.

5. The County acknowledges the Town's ownership of the sewer force main located within the Town's boundaries and that the Town reserves the right to allow connections to such force main within the Town's boundaries at its sole discretion, without interference from the County, either by connection to a facility which discharges to the force main or by direct connection to the force main. The Town acknowledges that any such additional connections to the Town's sewer force main may impact the County's sewer system. Therefore, the Town shall notify the County ninety (90) days prior to any final action by the Town Council which may result in the authorization of new connections which are not authorized as of the effective date of this agreement. The purpose of this notice is to give the County an opportunity for review and comment.

6. The Parties acknowledge that their respective sewer force mains discharges to the Hampton Roads Sanitation District (HRSD) wastewater conveyance system and that the pressure in the HRSD system may from time to time adversely affect operations of both the Town's and the County's wastewater sewer systems. The Parties acknowledges that neither the Town nor the County has authority or control over the pressure in the HRSD system. Neither party bears any responsibility for any adverse pressures nor bears any

responsibility for any costs that the other may incur resulting from any measures to mitigate the adverse impacts, including costs related to any enforcement activities for sewer system overflows as a result thereof. However, if any party makes changes to the sewer system to mitigate the adverse impacts from HRSD, such party shall notify the other party of such mitigation measures.

Article 3
Miscellaneous

1. This Agreement forms the entire agreement among the Parties and supersedes any and all understandings, agreements, letters of intent and negotiations between the Parties relative to the subject matter, including, but not limited to, the Water and Sewer Services Agreement signed in 2016 and the Water and Sewer Services Addendum 1 signed in 2018. This Agreement may not be modified or amended except in writing signed by all Parties.

2. The rights and obligations under this Agreement may not be assigned by either Party hereto without the prior written consent of the other Party.

3. The Parties agree that at no time it shall discriminate against any person on the grounds of race, religious affiliation, color, national origin, disability, age, or gender.

4. This Agreement may be executed in counterparts, and any number of counterparts signed in the aggregate by the Parties will constitute a single, original instrument.

5. The failure of either to insist upon strict performance of any obligation in this Agreement shall not constitute a waiver of said Party's right to demand strict compliance therewith in the future.

6. This Agreement shall be deemed to be a Virginia contract and shall be governed as to all matters whether of validity, interpretations, obligations, performance or otherwise exclusively by the laws of the Commonwealth of Virginia, and all questions arising with respect thereto shall be determined in accordance with such laws. Regardless of where actually delivered and accepted, this Agreement shall be determined to have been delivered and accepted by the Parties in the Commonwealth of Virginia. The Parties further agree that any legal action or proceeding arising out of this Agreement shall be commenced and tried in the Circuit Court of Isle of Wight County, Virginia to the express exclusion of any otherwise permissible forum.

7. If any portion of this Agreement shall be adjudged invalid, illegal or unenforceable, no other provision shall be affected in any way.

Witness the following signatures to this Agreement, the Isle of Wight County Board of Supervisors having authorized its County Administrator to execute this Agreement on behalf of the County pursuant to a motion adopted by the Isle of Wight County Board of Supervisors on _____, 2023 and the Smithfield Town Council having authorized the

Town Manager to execute this Agreement on behalf of the Town pursuant to a resolution adopted by the Smithfield Town Council on _____, 2023.

SIGNATURES TO FOLLOW ON NEXT PAGE

ISLE OF WIGHT COUNTY, VIRGINIA

_____

Randy Keaton, County Administrator

Attest:

_____

Carey Mills Storm, Clerk

Approved as to Form:

_____

Robert W. Jones, Jr., County Attorney

TOWN OF SMITHFIELD, VIRGINIA

_____

Michael R. Stallings, Jr., Town Manager

_____

Lesley G. King, Clerk

_____

William H. Riddick, III, Town Attorney

EXHIBIT A

Tax Map Parcels: 32-01-005
32-01-006
32-01-010

ISSUE:

Application (CUP-7-22) of Prairie Solar, LLC, a Subsidiary of Energix, US, Applicant, and Everets Properties, Inc., Property Owner, for a Conditional Use Permit to Establish a Major Utility Service, Specifically a 20 MWac Utility-Scale Solar Facility, on 152 Acres Located at 19604 Longview Drive in the Rural Agricultural Conservation (RAC) Zoning District and a Request for Withdrawal of Approximately 103 Acres of Land Owned by Everets Properties, Inc., from the Longview Agricultural/Forestal District

BACKGROUND:

A public hearing was held by the Board of Supervisors on May 18, 2023, and was closed following public comments. Following discussion, the Board voted unanimously to table action for thirty days and requested that the applicant provide a response to comments received during the public hearing. The applicant's response memo, dated May 30, 2023, was provided to the Board previously via email. A copy of the memo is also attached to this staff report.

The applicant submitted an application in June 2022 under the Supplemental Use Regulations for Solar Energy Facilities in the Zoning Ordinance in effect at that time. The project is a proposed 20 MWac solar energy generation facility on 152 acres, including all or portions of six parcels owned by one property owner, Everets Properties, Inc. Any acreage of the property not within the project area will remain in its current use (agricultural production, timbering, and private hunt club). The project will be a wholesale distributer of energy for Dominion Energy. The project will consist of solar panels along with their racking systems and metal posts, inverters, collection lines, a substation constructed jointly by the applicant and Dominion Energy, fencing, underground conduit lines, and access roads that will connect different sections of the project but solely within the project limits and not crossing property of others. Upgrades are proposed to the existing overhead transmission lines situated on Longview Drive and elsewhere in the County. No additional right of way will be acquired and no easements across property owned by others will be necessary.

<u>Background</u>:

1. The Agricultural and Forestal District Advisory Committee met on February 1, 2023 to consider this request and voted 5-0 to recommend approval for withdrawal to the Planning Commission.

2. The applicant hosted a community information meeting on February 1, 2023, at Christian Home Baptist Church, providing an opportunity for the public to view the project conceptual site plan and to ask questions. The applicant also met door-to-door with all adjacent property owners in advance of the scheduled public hearing and has entertained questions from these property owners ever since. Christian Home Baptist Church has requested the applicant to consider allowing no construction truck traffic deliveries on Thursday from 11:00 a.m. - 1:00 p.m. in order to accommodate senior members attending a weekly Bible Study class held at the Church, and the applicant has obliged to this condition of approval as reflected in the conditions recommended by staff and the Planning Commission. See letter from Energix Renewables to the church Pastor dated March 17, 2023 attached for to this staff report for documentation.

3. The Rogers Deer Club, which has leased the land from the Rose and Kirk Families for over 80 years, is currently using the subject property for a clubhouse, housing for their hunting dogs, and hunting of primarily deer, but also squirrel, rabbits, and turkey. The club provided a letter of support for this application dated February 23, 2023 which is attached to this staff report for reference, stating that the development of this property for the requested use will not interfere with their continued use and enjoyment of the property for hunting.

4. The Planning Commission held a public hearing to consider public comment on this application on February 28, 2022. The public hearing was closed and action on the applications was tabled for 30 days.

Following the meeting, a Commissioner asked staff questions related to the availability of TCLP testing results by the U.S. manufacturer, First Solar, with specific regard to cadmium leakage during panel breakage through testing for the proposed non-silica-based solar panels to be procured by the developer from First Solar, and to provide the results of such testing to the Commissioner. This request was coordinated by the staff project manager and the requested information was provided to the requesting Commissioner prior to the March 28, 2023, Planning Commission meeting.

At the March 25, 2023 Planning Commission meeting under "Old Business," the applicant/developer was present to address any further questions. The Commissioner, who requested the TCLP testing results from First Solar provided by the applicant, indicated that he was satisfied with the information provided by the applicant on the manufacturer's testing. Another Commissioner then asked about a fire that was said to have occurred at a solar energy facility in Surry

County, and about the status of any required Fire/EMS Personnel Training with regard to incident response at solar energy facilities to date, which is one of staff's recommended conditions of approval with all such applications. The preparation of an Emergency Response Plan by local Fire/EMS, to be coordinated with the developer, inclusive of annual training of Fire/EMS personnel by the developer, is already a recommended condition of approval, as per the staff report for the February 28, 2023, Planning Commission meeting. As part of that recommended condition, the preparation of an Emergency Response Plan is required prior to Final Site Plan approval, not at the time of Conditional Use Permit (CUP) application. Likewise, training must occur prior to the facility beginning operations as per the adopted Emergency Response Plan. Therefore, no such training has occurred yet, because the CUP has not yet been approved, and a preliminary site plan has not been submitted to date. Staff indicated that they would obtain information about the Surry County fire. The Planning Commission voted again to table action on this application for 30 days in order to obtain more information about the Surry County fire and about the status of the Emergency Response Plan and EMS personnel training.

At the April 25, 2023 Planning Commission meeting during "Old Business," Captain Steven Henson, Fire/EMS and Training, who reviewed the CUP application in Summer 2022 and provided the recommended staff condition for approval, addressed the Planning Commission with regard to these questions and answered others. It should also be noted that the 2023 General Assembly passed legislation mandating training of both professional and volunteer fire safety personnel on proper extinguishment of electrical energy generating facilities, battery storage facilities, and electric vehicles, given their growing presence in the Commonwealth and the importance of such training.

The Planning Commission voted 9-1 to recommend approval of the application. A copy of the Planning Commission staff report is attached for your information.

Note: Prior to the March 28, 2023, meeting, staff revised the proposed conditions to strike Condition #14 because it was inadvertently duplicative of Condition #3. Therefore, there are only 22 conditions versus the 23 originally proposed by staff in February.

Project Description:

Wildlife corridors and pollinator habitat gardens have been designed into the project. The project area is encumbered by Chesapeake Bay Preservation Area (CBPA) Resource Protection Areas (RPAs) and a 100-foot RPA Buffer Area.

The applicant has proposed a 25-foot buffer area around all non-CPBA natural resource features on the property. A 50-foot vegetative buffer consisting of existing mature trees will be protected where present along the project perimeter and, where not present, a 50-foot vegetative buffer, consisting of a triple-staggered row of evergreen and deciduous trees and shrubs, will be planted. All such buffer areas are adjacent to other property owned by the applicant.

No equipment will be located closer than 150 feet to any adjacent residential use, as required by the current Zoning Ordinance. The closest equipment to an adjacent residential use property, which is a new substation concrete pad and utility poles for new overhead electrical lines, will be 580 feet away from the home. The closest project-related equipment to be installed by the applicant, which will be the security fence surrounding all project equipment, will be 789 feet away from the home.

The entirety of the project adjacent to other property owners is located within an existed wooded area and, therefore, will not be visible from the public right-of-way as the Viewshed Analysis and staff photos taken in the field document. The southernmost portion of the project area where equipment will be located is 680 feet from Longview Drive (Route 602), and the northernmost portion of the project area where equipment will be located is 760 feet from Route 602. A project narrative provided by the applicant is attached to this staff report.

The properties included in this application are currently in agricultural, timbering, and hunting uses and are all zoned RAC. Not all of the land comprising the six parcels is proposed for this use. The excluded southern portion (122.23 acres) will continue to be used for agriculture, timbering, and hunting. The farmer that leases the property rotates through different crops. It is currently planted in soybeans. Because of the agricultural and forestal uses of the property and as required by our Zoning Ordinance, the property owner must request withdrawal of property from the appropriate Agricultural and Forestal District if it is enrolled due to the proposed change in intensity of use of the land. In accordance with our Ordinance and the Code of Virginia, Everets Properties, Inc. requested withdrawal of two (2) parcels in the proposed project area that are enrolled in the Longview Agricultural and Forestal District via application for such to the County's Agricultural and Forestal District Advisory Committee on December 22, 2022 (see attached letter of request). The parcels affected are: 1) Tax Map Parcel 50-010-009, comprised of a total of 211.65 acres, of which 34.91 acres are requested to be withdrawn; and, 2) Tax Map Parcel 50-01-007, comprised of a total of 82 acres, of which 67.91 acres are requested to be withdrawn.

Public Facility Impacts:

The impacts of the proposed facility on public roads will occur primarily during construction and will be minimal once the use is established. The proposed truck route has been reviewed and approved by VDOT and the County's Transportation Manager, as well as the Department of Community Development, and is a proposed condition of approval. It will be limited to Route 10 in the County and in City of Suffolk, accessing the site on Longview Drive via either Audubon Road in Suffolk to Sandy Ridge Drive in the County turning north on Longview Drive to the site entrance, or via Oliver Drive in the County, turning south on Longview Drive to the site entrance. Staff recommends against the use of Sandy Ridge Drive, when possible, due to its narrow width which makes it unable to safely accommodate two-way traffic in most places.

The Route 602 bridge over Chuckatuck Creek is currently under replacement and, once the repair work is complete, will no longer be weight-restricted. No other County roads will be permitted to be used for construction and post-construction traffic. In addition, a baseline conditions photographic survey will be conducted by the applicant and VDOT to document roadway conditions prior to construction to establish background conditions. Any roadway damage within the right-of-way which occurs after project construction begins will be documented and analyzed by both the applicant and VDOT to determine if the damage is attributable to the project vehicles. If it is determined to be attributable to the project, then all costs for damage repairs will be paid by the applicant. The approved truck route will be monitored and enforced as a condition of approval, with permit revocation an option if violations occur.

In establishing the use, the enjoyment of neighboring properties may also be temporarily impacted by construction traffic and noise generation in an amount no greater than has occurred during the Route 602 bridge replacement project.

In order to ensure adequate provision of emergency services, the Fire/EMS Department has reviewed this application and has no concerns. The applicant has proposed to submit an Emergency Response Plan with the first submission of the Preliminary Site Development Plan, which shall detail fire suppression methods that will be immediately deployed during both construction and operation of the facility. The plan shall include a training program to be provided, at the discretion of the County, to County emergency responders with regard to safety for on-site emergency response. The applicant shall install Knox Box or other remote access technology at the facility to ensure emergency responders have access to the facility should the need arise and include plans for the same on the project site

plan.

Environmental Assessment:

The project lies within the Chuckatuck Creek watershed in the County's Chesapeake Bay Preservation Area (CBPA) Overlay District and has several wetland areas within it which have been confirmed by the US Army Corps of Engineers.

All CBPA Resource Protection Area (RPA) features, including perennial and intermittent streams and wetlands, will be protected with the required 100-foot RPA Buffer. No equipment or project activities may occur within the RPA Buffer Area. In addition, the applicant has proposed a 25-foot buffer around all non-CPBA wetland features.

A Threatened and Endangered Species Report was prepared for the applicant by Pilot Environmental, Inc., in May 2022 and is included with the application. For this report, Pilot reviewed the Virginia Department of Wildlife Resources (DWR) Wildlife Environmental Review Map Services via ArcGIS in May 2022 prior to submitting this application. The review area included the site and a two-mile radius of the site boundary. Neither state nor federal listed species are identified on the site. Federal species are not identified within two miles of the site. Several occurrences of the state protected eastern chicken turtle, eastern tiger salamander, and the Mabee's salamander are identified within two miles of the site, approximately .5 miles and farther northeast of the site. A copy of the WERMS data is included as an attachment. An additional report was generated using DWR's online Fish and Wildlife Information Service (FWIS) for a two-mile radius of the site centroid. The Virginia FWIS search reported 21 species known to or likely to occur within two miles of the site centroid as threatened or endangered at the state and/or federal levels. Of the 21 species, the eastern chicken turtle, eastern tiger salamander, and the Mabee's salamander are known to occur within the two-mile radius around the site, consistent with the occurrences from the WERMS data. A copy of the FWIS report is included as an attachment.

Combined, these two assessments have revealed that it is not likely for the proposed solar development to adversely affect documented occurrences of federally-protected or state-listed threatened/endangered species, critical habitat, or other wildlife resources included in the assessment. A copy of this assessment will be required to be provided by the applicant to the Virginia Department of Conservation and Recreation and DWR for their concurrence and any mitigation recommendations prior to final site plan approval.

No impacts are proposed to wetlands, streams, or floodplains. The concept plan's access roads have been designed such that no stream crossings or crossings of the RPA Buffer Area are necessary. The concept plan shows wildlife movement corridors in several locations, reflecting the current movement of wildlife on the site from/to natural areas. To help ensure such movement opportunities, fencing will be placed around the area proposed to be under panels and not the whole project site. A pollinator habitat is designed to ensure continuation of natural pollination for the surrounding agricultural use properties.

The applicant also requested of the Virginia Department of Conservation and Recreation's Division of Natural Heritage (DCR) a search of its Biotics Data System for occurrences of Natural Heritage Resources within the project area. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations. The applicant received a review letter from DCR dated October 21, 2022, for this purpose, which is an attachment to this staff report. According to the DCR biologist and predicted suitable habitat modeling, there is a potential for rare amphibians including Mabee's salamander, Tiger salamander, and Barking treefrog to occur in the project area if suitable habitat exists at the site. Due to the potential for this site to support populations of rare amphibians, DCR recommends an inventory for the resources in the study area. With the survey results, DCR states that they can more accurately evaluate potential impacts to natural heritage resources and offer specific protection recommendations for minimizing impacts to the documented resources. DCR also recommends the development of an invasive species management plan for the project and the planting of Virginia native pollinator plant species that bloom throughout the spring and summer, to maximize benefits to native pollinators. DCR recommends planting these species in at least the buffer areas of the planned facility, and optimally including other areas within the project site. For screening zones outside the perimeter fencing, DCR recommends native species appropriate for the region being used. Staff recommends these recommendations as conditions of approval.

Cultural Resources Assessment:

A Phase 1 Cultural Resources Survey of the project area was conducted by Archaeological Consultants of the Carolinas, Inc. (AAC) in April 2022 and included with the application. This report was sent by the applicant to the Virginia Department of Historic Resources (VDHR) for their review and concurrence with the survey findings and recommendations. A letter from VDHR was provided

with the application and is included as an attachment to this staff report.

The VDHR letter states that on April 15, 2022, VDHR received for review this survey document in support of this application. The report documents an archaeological survey of approximately 316.9 acres. During the course of the survey, six new archaeological sites (44IW0345-44IW0350 inclusive) and three isolated finds were recorded as part of this investigation. Site 44IW0345 is an Early to Middle Woodland artifact scatter consisting of five (5) artifacts. ACC recommends this as not eligible for listing in the National Register of Historic Places (NRHP). Site 44IW0346 is a historic artifact scatter consisting of four (4) artifacts and brick fragments. ACC recommends the site as not eligible for listing in the NRHP. Site 44IW0347 is a prehistoric ceramic scatter consisting of nine (9) ceramic artifacts dating to the Middle to Late Woodland period. ACC recommends the site as not eligible for listing in the NRHP. Site 44IW0348 is a small prehistoric artifact scatter that possible dates to the Late Woodland period, consisting of six (6) artifacts. ACC recommends the site as not eligible for listing in the NRHP. Site 44IW0349/DRH ID# 046-5665 is a historic African American family cemetery that dates to the mid-to-late twentieth century. It is not within the project tract and will not be affected by the proposed undertaking. It is approximately 700 meters from the eastern edge of the project area. Three large crepe myrtle trees and a large holly are present in the western portion of the cemetery. There are 11 graves within this cemetery. Nine of the graves have concrete coverings, three of the graves have headstones, and one grave is marked by a small metal plaque. ACC recommends the site as not eligible for listing in the NRHP. Site 441W0350 is a late nineteenth to early twentieth century artifact scatter related to a former residence, consisting of nine (9) artifacts. The house has been razed and no structural features remain. ACC recommends the site as not eligible for listing in the NRHP.

VDHR concurs with the eligibility recommendations and that no additional archaeological work is needed within the proposed project area. The Isle of Wight County Museum also reviewed this report and concurs the findings and recommendations.

The historic architectural report identified thirty-three (33) resources within the 0.5-mile study area. Four (4) resources are previously recorded and nine (9) are newly identified.

Further research on the Christian Home School (DHR ID #046-5053), church (DHR ID #046-5247), ca. 1937 cemetery (DHR ID #046-5659) and Spivey Farm (DHR ID #045-5696) is recommended to determine eligibility for Virginia

Landmarks Register (VLR) and NRHP listing. The collapsed remains of #046-5053 no longer retain integrity; however, as an important African American resource in the area, further research is recommended for its potential eligibility under Criteria A, B, and D, and DHR concurs with this recommendation by ACC. Site #046-5247 has association with African American culture, community, settlement, and education during the reconstruction era into the early twentieth century. Further research into the eligibility of this resource site under Criterion A is recommended and DHR concurs with this recommendation by ACC. Further research is recommended for #046-5659 to determine its eligibility for the VLR/NRHP under Criterion A and B, and DHR concurs with this recommendation by ACC. Further survey of circa 1906, #046-5696 is recommended to distinguish the parts of the dwelling, but overall, this resource is a good example of a modest folk house and the change of architectural style and material through time. DHR concurs with this recommendation by ACC. These resources are treated as eligible for the purposes of this project and impacts assessed. ACC recommends no impacts to these four (4) resources and DHR concurs. A copy of this report is included as an attachment to this staff report.

Since no archaeological or architecture features are found within the project area that have been determined to be potentially-eligible for listing on the VLR/NRHP, no further work is needed by the applicant. Any recommendations for additional survey or research contained in the report would be the responsibility of others, not associated with this project, at their discretion.

Economic Impact Assessment:

The property subject to this application is currently leased by the property owner, Everets Properties, Inc., to a local farmer for crop production. Soybeans were cultivated on the property in 2022. The remainder of the parcels included in this application are presently used for silvicultural uses and as a private hunt club. According to the applicant's economic impact report, the project will include 152 acres of improvements for solar panels and equipment (35.11% of total parcels area included with this application), 3.89 acres of setbacks (approx. 1% of total parcels area), and 118.14 acres of wetlands and wetlands setback areas (27.30% of total parcels area), and will exclude 122.23 acres of the southern tract (28.13% of total parcels area). The project improvements will be on property leased or sold by the property owner, Everets Properties, to the applicant and will provide a diversification of income to Everets Properties, Inc. The parcels will continue to be leased for farm use, and forestal and hunting activities will continue on all parcel area not included within the project area or project area setbacks.

The current assessed value of the affected acreage is approximately $2,604.02 under Land Use Value Taxation, or $91,141.00 over 40 years, the proposed lifespan of the solar energy facility. Independent of a siting agreement, the solar facility would be reassessed to $15,000.00 an acre times 152 acres, totaling $2,280,000.00. Dividing the total by 100 to accurately calculate the real estate tax, $22,800.00 is derived. The County's real estate tax is .85 per 100; therefore, $22,800.00 times 0.85 equals $19,380.00 in annual real estate tax revenue generation for the project, or $775,200.00 over 40 years.

In addition, the County would derive revenue from machinery and tools taxes on the capital facilities at $42,000.00 annually, or $2,625,000.00 over 40 years. In total, the facility would generate $3,400,200.00 in additional tax revenue over 40 years.

An Economic Analysis of the contribution of Prairie Solar, Inc. to Isle of Wight County was prepared by Mangum Economics for Energix Renewables in November 2022 and is attached to this staff report. Based on the analysis report and using the IMPLAN model, the proposed Prairie Solar project would provide an estimated one-time pulse of economic activity to the County during its construction phase supporting approximately 33 direct, indirect, and induced jobs; $1.4 million in associated labor income; and, $4.4 million in economic output.

In its current agricultural use, the land provides an annual economic contribution to the County as follows: 1) The current agricultural use of timberland and a rotation of crops which includes soybeans, corn, cotton, and peanuts provides an estimated average annual economic impact to the County supporting approximately 1 direct, indirect and induced job; $15,400 in associated labor income, and $60,300 in economic output.

Impact on Prime Agricultural Soils/Soils of Statewide Significance:

Currently, agriculture and silviculture are two of the County's top industries.

Of the six parcels included with this application totaling 445 acres, 387 acres appear to be either prime, prime if drained or soils of statewide significance, according to the Isle of Wight County Soil Survey prepared by the U.S. Department of Agriculture and as per County GIS mapping. Only 153 acres will be included in the project area. Out of the total 445 acres subject to this application, 103 acres were requested by the property owner, Everets Properties, Inc., to be withdrawn from the Longview Agricultural and Forestal District, and this was recommended for approval by the Agricultural/Forestal District Advisory

Committee.

If approved, the Prairie Solar facility would be the seventh solar energy generation approved in the county. A table showing the previously approved and proposed solar energy facilities is attached to this report.

Viewshed Analysis:

The proposed project area is located entirely within the presently wooded area of the subject property. The subject property is currently comprised of cultivated fields, which are visible from Longview Drive, with wooded areas interior to these fields between the fields and the proposed equipment areas, and of wooded areas. The proposed project area under panels and equipment, not including vegetative buffers, is not visible from the public right-of-way (Longview Drive - Route 602). The southernmost portion of the project area where equipment will be located is 680 feet from Longview Drive (Route 602), and the northernmost portion of the project area where equipment (invertor and solar array fencing) will be located is 610 feet from Route 602. The proposed substation concrete pad and utility poles will be located 480 feet from Route 602. The closest equipment area to an adjacent residential use property will be 789 feet away from the home.

In the event that existing woodlands, not included in required vegetated buffer areas, are timbered, both a 50 foot vegetative screening buffer and an agricultural-style wood rail fence are proposed along the equipment area that would be exposed and immediately adjacent to the proposed security fence in these areas. These areas are shown in blue hatch mark and green hatch mark on Sheet CO-002 "Concept Site Plan – Aerial" in the attachments to this staff report.

A viewshed analysis of present-day conditions was provided by the applicant of various vantage points along Longview Drive and along the interior private access road, as well as throughout the site to document existing conditions. It is attached to this staff report.

A conceptual-only landscape screening plan has been included with the proposed concept plan at Sheet LO-001 and is attached to this staff report. A recommended permit condition is that a detailed landscape screening plan will be included with the preliminary site development plan and approved with the final site plan. All proposed landscape screening will require a landscape surety agreement between the property owner, applicant, and the County to ensure enforcement, and a certificate of occupancy for this use will not be issued until a final landscape installation inspection is conducted by staff. The surety will be held for two years

to ensure viability of all plantings, and any plantings determined to be not viability must be replaced at the applicant's expense. Both the agricultural-style fence and the landscape plan must be approved by the Zoning Administrator prior to final site plan approval.

Staff Analysis:

Comprehensive Plan Consistency:

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. Other uses such as resource extraction and utility-scale solar facilities are also permitted when appropriately sited with a conditional use permit. Appropriate uses for the EC land use designation include wetlands, farms, forest uses, open space, and limited park facilities.

Solar energy facilities are considered compatible with the RAC land use when properly sited and with the application of appropriate development criteria. The areas designed as EC should be preserved due to environmental constraints unless site-specific analysis demonstrates there are no environmental concerns in a specific area. The proposed use will be required to use screening landscaping and appropriate fencing to minimize its visual impacts on the surrounding area.

The Comprehensive Plan's Chapter "Serve the Isle" includes a section on "Community Energy." It states: "Isle of Wight County's energy needs are primarily met by three electrical companies and a private natural gas provider, including Dominion Energy, Community Electric Cooperative, Franklin Municipal Power and Light, and Columbia Gas." At the time, the Plan noted that there were no power generation facilities in the County. Furthermore, it states that "renewable sources of energy utilized by County property owners primarily consisted of small wind turbines or solar panel systems that supply individual homes and businesses. As of March 2019, the County had approved three (3) utility scale solar energy generation facilities, also known as solar farms. The electricity generated from these facilities is used by Dominion Energy to sell to large customers elsewhere in the state. Because there were no local electrical generation facilities to receive the electrical power generated by these solar farms, County electrical customers do not directly monetarily benefit from the location of these energy sources. Due to the continued emphasis on the development of sources of renewable energy and the County's supply of large tracts of reasonably

priced agricultural land and existing electrical distribution infrastructure, the County continues to be a prime location for potential solar energy facilities. As the number of these facilities increases, there is also an increasing number of concerns expressed by members of the community on the potential loss of agricultural lands, visual impacts, use of toxic materials in the panels, the potential for groundwater and soils contamination, and decommissioning criteria for returning the site to its pre-existing conditions. Because of the size of such uses, a solar facility can change the character of an area and the nature of and suitability of that area for future development. The Code of Virginia (Section 15.2-2232) provides for a review by the Planning Commission of public utility facility proposals to determine if their general or approximate location, character, and extent are substantially in accord with the Comprehensive Plan."

The Plans states: "Based on the priorities established in the Comprehensive Plan update's public forums prior to 2020, the following list of potential location considerations for large solar facilities to help ensure their compatibility with the community's future vision are as follows:

1. Research appropriate target density parameters for future facilities to mitigate the impacts related to the scale of these facilities.
2. Set a maximum percent usage of assembled property to mitigate impacts to habitat, soil erosion, and stormwater runoff.
3. Require facilities to be located adjacent or close to existing electric transmission lines.
4. Require facilities to be located outside of DSDs.
5. Avoid or minimize impact to prime farmland or farmlands of statewide importance as defined by the USDA and Commonwealth of Virginia, respectively.
6. Facilities should be located outside of the viewshed of any scenic, cultural or recreational resources (i.e., solar facilities may not be seen from surrounding points that are in line-of-sight with a resource location) or within the Highway Corridor Overlay District.

Solar energy generation facilities are included as a major utility service use type in the County Zoning Ordinance, which requires a conditional use permit in all of its zoning districts, except for Planned Development Industrial Park, where it is permitted by right. The County Planning Commission has identified potential requirements that could be included as conditions of solar farm facility conditional use permit approval. An alternative action would be to ad these items to the existing supplementary use criteria for major utility services specific to solar farms in the County Zoning Ordinance."

Ordinance Review:

The zoning district classification for the subject parcels is RAC. The RAC zoning district is intended to preserve and protect areas of the County that are predominantly in agricultural and forestal uses and to maintain the existing land base to support those activities. The applicant proposes to establish a 20 MWac solar energy facility, which is classified as a major utility service use type in the Zoning Ordinance. These facilities are permitted as conditional uses in the RAC zoning district and may be considered compatible with appropriate conditions to mitigate any potential negative impacts on the surrounding community.

No parcels are located in the Highway Corridor Overlay District. At a minimum, the project will be required to meet the minimum setbacks of 75 feet from adjacent property lines and 125 feet from residential use parcels as required by the Zoning Ordinance. Enhanced setbacks of 200 feet are included in the proposed conditions of approval.

Two (2) of the parcels (Tax Map Parcel 50-01-009 and 50-01-007) are currently enrolled in the Longview Agricultural/Forestal District and portions of those parcels (34.91 acres and 67.91 acres, respectively) were recommended by the Agricultural and Forestal District Advisory Committee for withdrawal from the District at their meeting on February 1, 2023.

Section 1-1017 of the Zoning Ordinance provides standards for review of a conditional use permit 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 designated 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 respects, 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; and,
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 of 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, theatres, 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 impacts, the effect on sensitive natural features, and opportunities for recreation and open space; and,
10. The preservation of cultural and historic resources or landmarks.

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

Agency Review:

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

- Economic Development: No concerns.
- Commissioner of Revenue: The estimated revenue calculations from either the Machinery and Tools Tax method or the revenue sharing method, should a siting agreement be entered into, is acceptable as presented.
- Environmental Planner: All concerns have been addressed.
- Emergency Services: No concerns, will work with applicant during site plan review on required Emergency Response Plan to include annual training.
- Utility Services: No concerns, site plan will have to meet State Stormwater regulations.
- General Services – Transportation Manager: Adherence to Transportation Plan shall be required. Pre-construction photo documentation of roadway conditions at least 1000 feet of the site entrance on Longview Drive to establish baseline traffic type and roadway conditions should be a condition of approval Impacts to any roadways used in the County in accordance with the approved Transportation Plan shall be subject to damage claims by VDOT and repair at applicant's cost if proven to be related to applicant's construction truck traffic. Recommend that Transportation Plan limit truck traffic to only two routes: Route 10 in Isle of Wight County via Oliver Drive then south on Longview Drive to the site entrance and/or Route 10 in the City of Suffolk via Audubon Road to Sandy Ridge Road, then north on Longview Drive to the site entrance. No other local routes in Isle of Wight County may be used and no access to such from Route 460 will be allowed.
- County Attorney: Proposed conditions are enforceable.
- Isle of Wight County Museum: If archaeological artifacts are uncovered during project construction, such items may be donated by the property owner to the Isle of Wight County Museum for public display and historical interpretation.
- Virginia Department of Conservation & Recreation (VDCR): Please see attached review comment letter.
- Virginia Department of Historic Resources (VDHR): Please see attached review comment letter.
- Virginia Department of Transportation (VDOT): Adherence to Transportation Plan shall be required. Pre-construction photo documentation of roadway conditions at least 1000 feet of the site entrance on Longview Drive to establish baseline traffic type and roadway conditions should be a condition of approval Impacts to any roadways used in the County in accordance with the approved Transportation Plan shall be subject to damage claims by VDOT and repair at applicant's cost if proven to be related to applicant's construction truck traffic. Recommend that Transportation Plan limit truck traffic to only two routes: Route 10 in Suffolk via Oliver Drive to

Longview Drive and/or Route 10 in Suffolk via Audubon Road to Sandy Ridge Road to Longview Drive. No other local routes in Isle of Wight County may be used and no access to such from Route 460 will be allowed.

- City of Suffolk Department of Planning and City Manager's Office: Forwarded application and proposed Transportation to Plan to Planning Director for review and comment given proximity of project site to the City of Suffolk and as required by the Code of Virginia for public notice. No comments received.

Please note that, should the conditional use permit be approved, the project will be subject to site plan review and approval from all necessary agencies.

Staff Conclusions:

Strengths:

1. The proposed use is consistent with the County's adopted Comprehensive Plan for the Rural Agricultural Conservation (RAC) and the EC, Environmental Conservation (EC) future land use designations, as well as the Comprehensive Plan's section on Community Energy with regard to the recommended conditions of approval to mitigate concerns raised during review process.
2. The proposed use is consistent with the County's Conditional Use Permit criteria as set forth in the Zoning Ordinance.
3. The applicant and the County, as well as other reviewing agencies external to the County, have proposed conditions of approval which mitigate any issues addressed in the criteria for consideration of issuance of a Conditional Use Permit.

Weaknesses:

1. The proposed site for this use lies within one (1) mile of an existing major utility-scale solar facility.
2. The proposed use would remove agricultural land from production.
3. Temporary impact to existing uses in the area (residential, institutional) from construction traffic and noise is expected during the construction phase.

BUDGETARY IMPACT:

None associated with this proposed use. No additional County services will be required by the proposed use. A separate draft Siting Agreement has been offered

by the applicant for annual revenues to the County, as enabled by the Code of Virginia (as amended) and is currently under review and discussion by the County Administrator and the County Attorney for consideration by the Board separate from this CUP application.

RECOMMENDATION:

The Planning Commission recommended approval of this request by a vote of 9-1 with the following 22 conditions recommended by staff, as reflected in the attached Planning Commission resolution:

1. The subject property shall be developed in general conformance with the Concept Plan included in the Prairie Solar application as determined by the Zoning Administrator.

2. The portion of the subject property supporting solar panels shall be enclosed by security fencing of a type which is harmonious with the rural, agricultural, and historical character of the County while meeting federal and state regulations for solar electric generating facility fencing as determined by the Zoning Administrator while upon approval of the site plan for the project.

3. The applicant shall preserve and maintain both existing forest and vegetation as well as planted landscape buffering within required setback areas and buffer yards and shall not clear or cut live trees within required setbacks or buffer yards without written authorization from the Zoning Administrator.

4. The applicant shall submit an Emergency Response Plan with the first submission of the site plan, which shall detail fire suppression methods that will be immediately deployed during both construction and operation of the facility. The plan shall include a training program to be provided, at the discretion of the County, to County emergency response staff with regards to safety for on-site emergency response. The applicant shall install a Knox Box or other remote access technology at the facility to ensure emergency responders have access to the facility should the need arise and include plans for the same on the project site plan.

5. The applicant shall conserve topsoil on the site. Topsoil stockpiled on the site shall be stored out of view from adjacent properties and public roads.

6. The applicant shall reimburse the County for reasonable costs related to retaining such third-party inspectors as deemed necessary for project inspections.

7. The applicant shall submit an invasive species management plan as recommended by DCR with the submission of the final site plan.

8. The applicant will work directly with Isle of Wight County's Chamber of Commerce, the Paul D. Camp Community College, and the Economic Development Department to ensure inclusion of local contractors in the bidding process.

9. The applicant shall submit a seed mix for site groundcover that includes native pollinators blooming in spring/summer as recommended by DCR.

10. A sign shall be installed at the entrance of the site with contact information for the facility.

11. Adherence to the proposed Transportation Plan shall be required. Pre-construction photo documentation of roadway conditions taken within 1000 feet in both directions of the proposed site entrance on Longview Drive shall be undertaken to establish baseline road conditions. Truck traffic shall be limited to only two routes: Route 10 in Suffolk via Audubon Road to Sandy Ridge Road to Longview Drive north to the site entrance until such time as the bridge repair project is completed; then, the truck haul route shall be limited to Route 10 in Isle of Wight or Suffolk via Oliver Drive to Longview Drive south to the site entrance. No other local routes in Isle of Wight County may be used and no access to such from Route 460 will be allowed. Impacts to any County roads and rights-of-way from construction and post-construction vehicles shall be subject to damage claims by VDOT, and repairs shall be undertaken at the applicant's cost based on confirmation by VDOT of such directly-attributable damage.

12. If construction has not begun by August 1 of each ensuing year post-lease or purchase, then the project area shall continue to be managed under prior site cultivation management practices, such as by mowing or cover vegetation. This is to avoid introduction of invasive weed or other species of surrounding cropland owned or leased by others.

13. An enhanced landscape buffer plan proposed on the concept plan exhibit is conceptual only at this time. A detailed landscape plan shall be included with the Preliminary Site Development Plan application for review and will require approval by the Zoning Administrator as part of final site plan approval. At a minimum, a double- or triple-staggered row of evergreen and deciduous trees and shrubs that are designed to form an effective landscape screen at full maturity will

be a required design. Trees shall be planted no more than ten (10) feet on center.

14. Excluding the bufferyards described above, the ground between the panels and in areas not otherwise covered by gravel or infrastructure shall be planted and maintained with a vegetative cover. This vegetative cover will be managed with moving and/or grazing.

15. Due to the potential for this site to support populations of rare amphibians, an inventory for the resources in the study area is recommended by the Virginia Department of Conservation's Division of Natural Heritage (DCR). With the survey results, DCR states that they can more accurately evaluate potential impacts to natural heritage resources and offer specific protection recommendations for minimizing impacts to the documented resources. DCR also recommends the development of an invasive species management plan for the project and the planting of Virginia native pollinator plant species that bloom throughout the spring and summer, to maximize benefits to native pollinators. DCR recommends planting these species in at least the buffer areas of the planned facility, and optimally including other areas within the project site. For screening zones outside the perimeter fencing, DCR recommends native species appropriate for the region being used.

16. The applicant shall meet any additional delineation and buffer requirements specified by the Virginia Department of Historic Resources prior to receiving final site plan approval.

17. Fencing shall be placed around the solar arrays, inverters, and substation only and not the whole site in order to provide wildlife corridors.

18. In order to minimize the visual impacts to historic, civic, and residential properties, staff recommends that all solar arrays, substations, and others associated structures be subject to a minimum 200-foot setback from these structures if part of the project, and 200 feet from the property line of these properties if outside of the project. Inverters shall be setback a minimum of 500 feet from these properties.

19. Hours of operation for construction and post-construction operation shall be limited to Monday through Wednesday and on Fridays, 7:00 a.m. to 6:00 p.m., Thursdays 7:00 a.m. - 10:45 a.m. and 1:15 to 6:00 p.m., and Saturdays from 7:00 a.m. to 5:00 p.m. No construction is to occur on Sundays by any party involved with the project, including the solar developer, its contractors, and Dominion Energy contractors.

20. As part of the site plan review, the Applicant shall provide documentation that the selected panels and all power-generating equipment onsite are "Tier 1" modules, as established by the most recent "PV Module Tier 1 List" issued by Bloomberg NEF or a similar third party analysis widely accepted in the solar industry. Additionally, the make and model of the selected panels and all power-generating equipment initially installed and replaced on the site mut qualify, for disposal purposes only, as non-hazardous waste under applicable U.S. Environmental Protection Agency tests (e.g., TCLP).

21. No salvage value shall be added to the decommissioning surety bond.

22. The applicant shall implement a program for the collection of baseline data establishing pre-construction soil conditions for the production of row crops for the agricultural areas within the project area. The program shall establish the relevant characteristics of the topsoil. The baseline data shall be derived from field and laboratory testing of soil conditions, including depth, density and quality from representative locations. Laboratory testing shall be conducted by an accredited laboratory. Parameters for assessing soil quality may include the following: infiltration rate, bulk density, water holding capacity, pH, percent organic matter, cation exchange capacity, Phosphorous/Phosphate (P), Nitrogen (N), and Potassium/Potash (K). After 30 years of operation and again after 35 years of operation, soil conditions shall be determined for the same sampling locations using the same parameters and the results used to plan soil restoration activities. After equipment is removed as part of decommissioning, soil conditions shall be determined for the same sampling locations using the same parameters. Soil restoration activities shall be performed as necessary during operations or decommissioning to return soil conditions to at least baseline conditions. The County will be provided with data of soil conditions within 30 days after the receipt of results.

ATTACHMENTS:

Description	Type	Upload Date
Applicant's Condition Revision BOS Request	Backup Material	6/9/2023
CUP Application Form	Backup Material	4/26/2023
A/F District Withdrawal Request Letter	Backup Material	4/26/2023
Application Narrative	Backup Material	4/26/2023
Conceptual Site Plan	Backup Material	4/26/2023
Location Map	Backup Material	4/26/2023
Location Map Closeup	Backup Material	4/26/2023

Future Land Use Map	Backup Material	4/26/2023
Zoning Map	Backup Material	4/26/2023
Parcel Map A/F District Withdrawal	Backup Material	4/26/2023
Site Photos/Visual Impact Assessment	Backup Material	4/26/2023
Economic Analysis Report	Backup Material	4/26/2023
Tax Revenue Chart	Backup Material	4/26/2023
Phase 1 Environmental Site Assessment Report	Backup Material	4/26/2023
Wetland Report	Backup Material	4/26/2023
Threatened and Endangered Species Report	Backup Material	4/26/2023
DCR Review Letter	Backup Material	4/26/2023
DHR Review Letter of Phase 1 Cultural Resources Report	Backup Material	4/26/2023
Rogers Deer Club Letter of Support	Backup Material	4/26/2023
Christian Home BC Request_3.17.23	Backup Material	4/26/2023
Approved and Pending Solar Projects	Backup Material	5/8/2023
PC Staff Report April 25, 2023	Backup Material	5/8/2023
PC Resolution	Resolution	6/2/2023
Ordinance	Ordinance	5/8/2023
Applicant Response Memo May 30, 2023	Backup Material	6/2/2023

Amy Ring

From: Alexis Ondash <alexis.ondash@energixrenewables.com>
Sent: Friday, June 9, 2023 12:11 PM
To: Joel C. Acree; William M. McCarty, Sr; Rudolph Jefferson; Dick L. Grice; Don G. Rosie
Cc: Carey Mills Storm; Randy Keaton; Jeryl R. Phillips; Amy Ring; Bobby Jones; Donald T. Robertson
Subject: Prairie Solar - Condition Language

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.

Dear Isle of Wight Board of Supervisors:

On behalf of Prairie Solar, I would like to take some time to make a request prior to the June 15th, 2023 meeting for the board's consideration.

We would like to ask that Condition #18 be changed to better reflect what the board recently passed in their newly adopted solar ordinance. Instead of a 500-foot setback from inverters to property line, we would ask that the distance be changed to a 250-foot setback from inverter to property line to mirror the new ordinance language. When this condition was originally drafted, the proposed solar ordinance language requested a 500-foot setback. When the board adopted the final solar ordinance, it listed 250-feet as the setback from inverter to property line.

Original Condition #18: In order to minimize the visual impacts to historic, civic, and residential properties, staff recommends that all solar arrays, substations, and others associated structures be subject to a minimum 200-foot setback from these structures if part of the project, and 200 feet from the property line of these properties if outside of the project. Inverters shall be setback a minimum of 500 feet from these properties.

Proposed Condition #18: In order to minimize the visual impacts to historic, civic, and residential properties, staff recommends that all solar arrays, substations, and others associated structures be subject to a minimum 200-foot setback from these structures if part of the project, and 200 feet from the property line of these properties if outside of the project. Inverters shall be setback a minimum of 250 feet from these properties.

Secondly, we would like to clarify Condition #19. The intent, as discussed with county staff and Pastor Waller at Christian Home Baptist Church, was not to halt construction between 10:45 and 1:15 on Thursdays, but rather to restrict deliveries to/from the site as to not have trucks on the road at the same time as the Bible Study at the church (please see letter sent to Pastor Waller). As the condition is currently written, it implies that no construction is allowed to take place during that time, which was not the intention of the church.

Original Condition #19: Hours of operation for construction and post-construction operation shall be limited to Monday through Wednesday and on Fridays, 7:00 a.m. to 6:00 p.m., Thursdays 7:00 a.m. - 10:45 a.m. and 1:15 to 6:00 p.m., and Saturdays from 7:00 a.m. to 5:00 p.m. No construction is to occur on Sundays by any party involved with the project, including the solar developer, its contractors, and Dominion Energy contractors.

Suggested Condition # 19. No construction or delivery activities are to occur within the project site on Sundays by any party involved with the project, including the solar developer, its contractors and Dominion Energy contractors. During construction, there will be no deliveries made on Thursdays between 10:45am and 1:15pm. Construction hours are limited to Monday through Friday, 7:00 am to 6:00 pm and Saturdays from 7:00 am to 5:00 pm. In the event site and weather conditions require construction activities related to erosion and stormwater

control to be conducted on Sunday, authorization for these activities may be granted by the Zoning Administrator, in their sole discretion.

Thank you for your consideration on this matter, and please don't hesitate to contact me with any questions. Happy to discuss more.

Thank you,
Allie

ENERGIX RENEWABLES

www.energixrenewables.com

Allie Ondash
Project Development Senior Associate
USA
Mobile / 703-965-4176
1201 Wilson Blvd, Suite 2200
Arlington, VA 22201

PRAIRIE SOLAR

Exhibit A:

Conditional Use

Permit Application

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA
DEPARTMENT OF PLANNING AND ZONING

APPLICATION FOR CONDITIONAL / SPECIAL USE PERMIT

This application should be used to petition for a permit for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but which may, under the right set of circumstances and conditions be acceptable in certain specific locations. The following application requirements are consistent with the procedures set forth in Section 1-1017, *Conditional Uses,* and Section 1-1018, *Special Use Permits for Uses Not Provided For,* of the Isle of Wight County Zoning Ordinance, as amended.

A. APPLICATION FOR (CHECK ALL THAT APPLY):

[x] Conditional Use Permit (Are applicant proposed conditions attached?): x Yes _____ No

The proposed use or activity is listed as a conditional use in the RAC zoning district as per Section 5-5003.M.4 in Article IV of the Isle of Wight County Zoning Ordinance.

[ ] Special Use Permit (Are applicant proposed conditions attached?): _____ Yes _____ No

Proposed Use or Activity: 20MWac Solar Facility, located on private property on Longview Drive

B. PROJECT DESCRIPTION:

Project Name: Prairie Solar, LLC

Property Address (if any): 19604 Longview Drive, Windsor, VA 23487

Election District: Windsor

Comprehensive Plan Designation: Community Energy

The use permit will apply to 152 acres out of 432.87 total acres

Tax Parcel Identification # 41-01-018 Number of acres to be effected: 77.50

Tax Parcel Identification # 50-01-009 Number of acres to be effected: 211.65

Tax Parcel Identification # 41-01-019 Number of acres to be effected: 40

Proposed Utilities (check all that apply): Public Water _____ Private Well _____

Public Sewer _____ Private Septic _____

41-01-017 5.6184 acres

50-01-007 82.1 acres

50-01-006 16 acres

C. **APPLICATION INFORMATION:**

Applicant(s) Name(s): Prairie Solar, LLC

Address: 1201 Wilson Boulevard, Suite 200

City, State, Zip Code: Arlington, Virginia, 22201

Phone No.: (703) 965 - 4176 Email: alexis.ondash@energixrenewables.com Fax No.:

Property Owner(s) Name(s): Everets Properties, Inc.

Address: 6001 Everets Road

City, State, Zip Code: Suffolk, VA 23434

Phone No.: 757-715-5173 Email: russ268@verizon.net Fax No.:

Alexis Ondash — January 9, 2023

Applicant Signature **Date**

Russell B. Rose — January 9, 2023

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: Prairie Solar, LLC

Address: 1201 Wilson Blvd, Suite 220
Street

Arlington — VA — 22201
City — State — Zip

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
41-01-018	Agriculture - RAC
50-01-009	Agriculture - RAC
41-01-019	Agriculture - RAC
41-01-017	Agriculture - RAC
50-01-007	Agriculture - RAC
50-01-006	Agriculture - RAC

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
Everets Properties, LLC	16001 Everets Road, Suffolk, VA 23434

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[X]

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: Alexis Ondash — Applicant: [signature] — Date: 06/02/22
Printed or Typed Name — Signature

Rusty Reece
06/02/22

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Ashlee Moffett
A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia, this 1 day of June, 20 22.

Ashlee Moffett
Notary Public

My Commission Expires 11/23/22

ASHLEE MONIQUE MOFFETT
NOTARY PUBLIC
REG. # 7852294
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES 11/30/2023

SUBMITTAL CHECKLIST FOR CONDITIONAL / SPECIAL USE PERMIT APPLICATIONS

In conjunction with Section 1-1017, *Conditional Uses*, and Section 1-1018, *Special Uses Permits for Uses Not Provided For*, of the Isle of Wight County Zoning Ordinance, as amended, the following information shall be submitted for a Conditional / Special Use Permit 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 a Conditional / Special Use shall be certified as complete unless the following information is provided**, unless the Zoning Administrator reduces the number of required copies.**

Ten (10) copies of the original, executed application and one (1) original executed application, **unless the Zoning Administrator reduces the number of required copies**. Both the applicant(s) and the property owner(s) must have their signature(s) notarized on page No. 3 of the application.

The appropriate fees have been submitted with the application. Checks should be made payable to: Treasurer, Isle of Wight County.

Ten (10) copies of a statement of the reasons for seeking such permit **unless the Zoning Administrator reduces the number of required copies**, and if applicable, a statement of conditions.

Ten (10) of a narrative description of the property which shall include the Tax Parcel Identification Number **unless the Zoning Administrator reduces the number of required copies**.

A concept plan of the property showing all existing and proposed physical improvements and such other information as is necessary to clearly indicate to the Planning Commission and Board of Supervisors that adequate provisions shall be made for compliance with all standards for that particular use and the extent of the property to be so used on a given parcel or parcels. 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) to be rezoned, 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)
- Ten (10) full size copies, with one (1) reduced 11-inch X 17-inch copy shall be submitted

- Please note that additional information on the site layout may be requested by the Zoning Administrator during the review process to **review the application and prepare the staff reports for the Planning Commission and Board of Supervisors more effectively**.

Ten (10) copies of such supplemental material as may be necessitated by the proposal itself or the district in which located or proposed to be located, and in accordance with Section 5-5000, *Supplementary Use Regulations,* of the Isle of Wight County Zoning Ordinance.

A WQIA (Water Quality Impact Assessment) if located in the Chesapeake Bay Preservation Area.

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.

Alexis Andash
Printed or Typed Name

Alexis Andash
Signature

06/02/22
Date

Isle of Wight County

Sandra Wilson

Agricultural/Forestal District

This letter is in request for acreage of below listed parcels to be removed from the Agricultural and Forestal land use program within Isle of Wight County for the purpose of Utility Scale Solar development:

Parcel: 50-01-009

Landowner: Everets Properties, Inc. , c/o/ Mr. Rusty Rose

Parcel Address: Off Longview Drive in Smithfield

Total Acreage: 211.65 acres

Acreage requested for removal: 34.91

Parcel: 50-01-007

Landowner: Everets Properties, Inc. , c/o/ Mr. Rusty Rose

Parcel Address: Off Longview Drive in Smithfield

Total Acreage: 82 acres

Acreage requested for removal: 67.91

Signature: Rusty Rose

Date: 12/22/22

1. Applicant Overview

Prairie Solar, LLC is a subsidiary of Energix US, LLC, one of the leading utility-scale solar developers and independent power producers in the Commonwealth. Headquartered in Arlington, VA, we leverage our financial strength and extensive industry experience to build sustainable, renewable energy projects that generate revenue for localities, deliver reliable electricity to customers, protect the environment and provide financial security to our landowner partners.

Energix is a long-term partner for the communities where we operate: **we site, develop, construct, own and operate projects throughout their entire life and decommission projects** at the end of their useful life. This business model makes Energix a **vested and reliable partner** to localities where the projects are located.

2. Project Details

a. Land Use

Prairie Solar is proposing the development, construction and operation of a 20 MWac solar photovoltaic project in Isle of Wight County, referred to as "Prairie" (the "Project"). Prairie Solar will be located off Longview Drive, with the access across from Parcel ID 50-01-010, owned by C. W. Glover, Jr. – a 128-acre parcel that is shown as vacant property per Isle of Wight County's GIS system. *The proposed facility is approximately 0.5 miles south of the existing Woodland Solar project.*

Prairie Solar will be located on six parcels leased from Everets Properties, Inc:

Leased Parcels	Acreage
41-01-018	77.50 acres
50-01-009	211.65 acres
41-01-019	40 acres
41-01-017	5.61 acres
50-01-007	82.1 acres
50-01-006	16 acres
TOTAL	**432.87 acres**

b. Unique mix of land use:

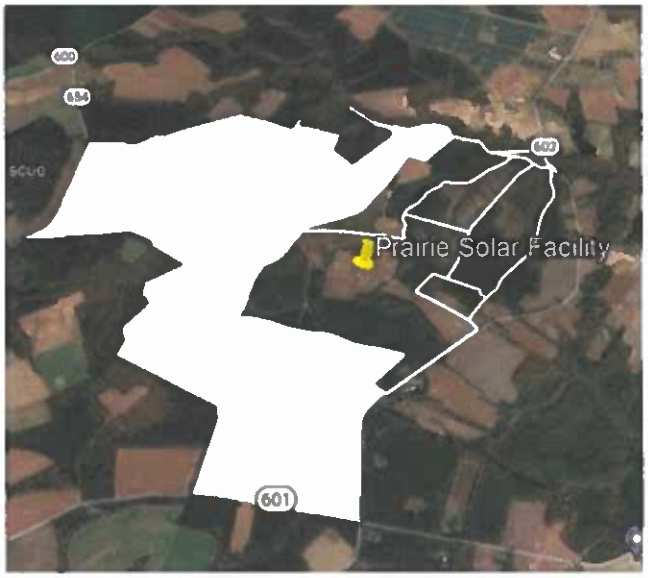
While the total tract of all the acreage leased is approximately 432.87 acres, the project will utilize only 152 acres for its development footprint. The remaining acreage will be preserved for natural resource protection areas, pollinator gardens, setbacks and landscaping buffers. In addition to areas used by the project, portions of the land will continue to be used for agriculture, silviculture and hunting by the landowner.

The Property is currently zoned for Rural Agricultural Conservation (RAC) where utility-scale solar energy facilities are permitted with a Conditional Use Permit. All adjoining properties are zoned RAC, with the exception of a .93 parcel to the north of the site that is zoned Rural Residential (RR).

According to Sec. 4-2001 of Isle of Wight Zoning Ordinance, the intent of the Rural Agricultural Conservation District is as follows: ***"This district is intended to preserve and protect areas of Isle of Wight County that are presently, predominantly in agricultural use and maintain the land***

base necessary to support agricultural activity. This district is designed to protect the agricultural industry from sprawling residential development that displaces substantial areas of agricultural land for a small number of dwelling units." A solar facility would directly fit into the intent of the district, as many land use planners view solar facilities as "land banks," preserving the land for other future uses. Once the site, shielded from public roads and neighbors behind a forested buffer, is decommissioned, the land will be suitable for all pre-construction activities. This will also preserve the land and the aesthetic of the district by protecting the area from any dense development and residential uses.

The proposed mix use of agriculture and farming further supports the intent. The parcels are currently used for timbering, crop growing and recreation (hunting). The land will still be used for those uses listed, even with the addition of a solar facility. This will prevent the land from being sold off into development, and preserves it as an agricultural use, thus supporting the intentions of the district.



It is important to note that all the property west and south of the proposed site (approximately 816 acres, as shown in the photo to the left) is owned by Everets Properties, Inc – the same landowner Energix has an executed lease agreement with for the solar facility.

The Project is depicted in detail on the site layout included in the initial application as Exhibit Q - Conceptual Site Layout. This conceptual plan shows the proposed layout of all structures, adjacent properties, screening, landscaping, internal roadways and easements[3].

c. Technology and Design

Prairie Solar will utilize Tier 1 equipment from bankable and reliable suppliers. For equipment to be categorized Tier 1, they must be used by 6 different projects and financed by 6 different banks. Tier 1 equipment are said to be more reliable, have robust warranties and are used by majority of the solar developers due to their quality. The modules contemplated for the Project will use photovoltaic technology and will be procured from an American module manufacturer, First Solar. The system is expected to be configured as a single axis tracking system with UL listed components which will be installed in conformity with the National Electric Code.

Given the proposed design, the structures will track the movement of the sun during the day, allowing for sufficient sunlight for vegetation to thrive underneath the panels. The height of tracking and solar panels will not exceed 15 feet in height, as per Isle of Wight's Utility Scale Solar Ordinance, except when temporarily stowed in a vertical position for vegetation management or for inspection, maintenance and/or repair.[4] Transformers, substation and tie-lines may exceed this height.

[3] Isle of Wight Zoning Ordinance, 5-5003, Section M – A.I

[4] Isle of Wight Zoning Ordinance, 5-5003, Section M – 4.B

The solar facility will be secured by a perimeter fence constructed in accordance with the Isle of Wight's County Zoning Ordinance and the National Electric Code (NEC). This fence will also have designated openings for small wildlife to move seamlessly throughout the property[5]. Wildlife corridors will be incorporated into the site design as depicted in the initial application in Exhibit Q - Conceptual Site Layout.

d. Natural Resources

The Project will minimize and mitigate any impact to wetlands, threatened and endangered species, natural resources or historically or culturally significant areas:

- **Wetlands and Streams-** The Project underwent a wetland delineation survey on 04/14/2021, as well as an Army Corp of Engineers site visit and received a Preliminary Jurisdictional Determination from USACOE. A copy of the delineation plan is included with the initial application as Exhibit H.
- **Cultural Resources-** Per the county solar ordinance, the Project underwent a Phase 1 Cultural Review by a third-party consultant[6]. On the project tract, Arch Con found that the site **will not impact any significant cultural resources. Clearance to proceed is recommended.** The full review can be found in Exhibit I of this application. This study received approval from the Virginia Department of Environmental Quality on May 6th, 2022 and approval from Virginia Department of Historical Resources (DHR) on June 9, 2022, both of which are included in the initial application as Exhibit J.
- **Water Quality Impact Analysis (WQIA).** There is a small area of the project that will require impacting the RPA buffer area. This point of interconnection (POI) will be owned and operated by Dominion Energy, a public utility. An updated WQIA has been prepared and is included with the second submittal.
- **Threatened and Endangered (T&E) Assessment-** The project area underwent a limited T&E assessment by Pilot Environment, Inc. on May 4, 2022 (included in the initial application as Exhibit G) which concluded **it is not likely for the proposed solar development to adversely affect documented occurrences of federally protected or state-listed threatened/endangered species, critical habitat or other wildlife resources**. A few key points of this assessment are below:
    - The T&E assessment covered the project area, as well as two miles beyond its boundary
    - Because the T&E assessment identified several occurrences of state protected species within two miles of the project area (approximately 0.5 miles northeast), Energix will coordinate with the Virginia Department of Environmental Quality (DEQ), the Virginia Department of Wildlife Resources (DWR), and the Virginia Department of Conservation and Recreation (DCR) during the Permit By Rule (PBR) application process to ensure avoidance and minimization measures (if any) for these species and their habitat are documented within the PBR's mitigation plan, and properly adhered to during the implementation of the project.
    - The report concluded no adverse impacts to species or habitats on the project tract

[5] Isle of Wight Zoning Ordinance, 5-5003, Section M – A.I

[6] Isle of Wight Zoning Ordinance, 5-5003, Section A. VII

Example of site vegetation

Pollinator Habitat: The Project will establish pollinator gardens throughout the site to support local populations of critical pollinator species such as butterflies, bees, monarch butterflies, hummingbirds and more. Prairie Solar will plant pollinator friendly vegetation following completion of construction in order to reduce invasive weed growth and trap sediment within the Project Area. Pollinator friendly and wildlife friendly native plants, shrubs, trees, grasses, and wildflowers will be used in the vegetative buffer and planted in accordance with Virginia Pollinator-Smart Solar program guidelines. The vegetation will be further maintained in accordance with the guidelines specified in the program.

e. Air

Generation of energy from the sun occurs without any audible noise or greenhouse gas emissions. Beyond the ultimate environmental benefit of generating electrical energy without producing greenhouse gas emissions, solar projects have other local environmental and financial benefits. With the addition of Prairie Solar, approximately 29,500 tons of Carbon Dioxide is offset[7].

f. Noise Levels

Unlike many other industries and businesses, solar facility components are pollutant free and do not emit noise that is audible offsite. As per Isle of Wight's Utility Scale Solar Energy Facilities Ordinance, audible sound from the site will not exceed 60 dBA as measured at any adjacent, non-participating landowner's property line[8].

g. Soil

Solar projects do not permanently alter soil or groundwater or the future agricultural potential of the land and require no harmful fertilizers, pesticides, or herbicides. As a requirement in the solar ordinance, Energix will provide soil testing for any contaminates directly attributable to the solar panels before and after construction and every five years until the facility is decommissioned, and be remedied by the operator should a negative finding indicate contamination[9].

[7] www.epa.gov/avert-web-edition

[8] Isle of Wight Zoning Ordinance, 5-5003, Section M – 4.C

[9] Isle of Wight Zoning Ordinance, 5-5003, Section F

h. Water

In accordance with the solar ordinance, a Water Quality Impact Assessment was completed by a third party engineering firm, Kimley Horn. A copy of that report is included in the initial application as **Exhibit P. Impacts to the 100' Resource Protection Area (RPA) will be minimized by providing sufficient** area between the RPA limits and the proposed array layout to accommodate ESC and SWM measures that will detain and control site draining prior to discharge into the wetland system. Grading for the ESC/SWM, array layout and other site components will be designed in a manner to avoid impacts to the RPA. Important to note that the POI will consist of 4 – 5 poles installed, owned and operated by Dominion Energy, a public utility.

i. Roads

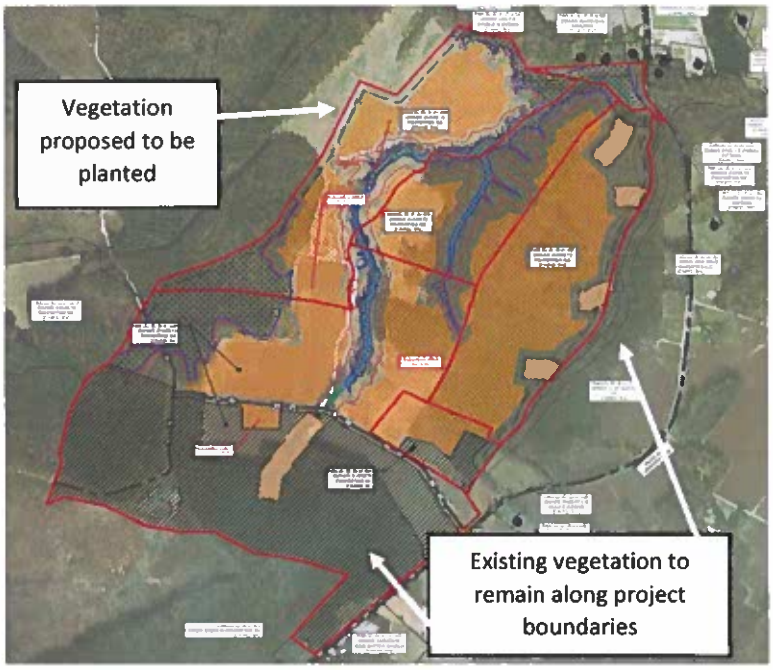
A transportation plan[10] is included with the initial application as part of the Conceptual Plan in Exhibit Q. There is a 5-ton posted bridge on Route 602 near the northern part of the proposed project. Small trucks under 5 tons and passenger vehicles will be able to cross this bridge, but most of the construction traffic will enter the site from the south on Route 602. At the end of the project construction, any damage done within 1,000 feet of the site on Longview Drive will be repaired in accordance with VDOT standards and specifications[11].

3. Visual Impacts and Landscaping

[10] Isle of Wight Zoning Ordinance, 5-5003, Section A.III

[11] Isle of Wight Zoning Ordinance, 5-5003, Section M – 4.G.II

Energix has diligently and dutifully worked with the landowner to determine the best possible location of a solar facility on the property. The location shown on the conceptual plans is the result of an intensive viewshed analysis. The site is located internally to the six parcels owned by Everets Properties, LLC. There is no public road frontage, and no line of sight into the project from any adjoining properties.

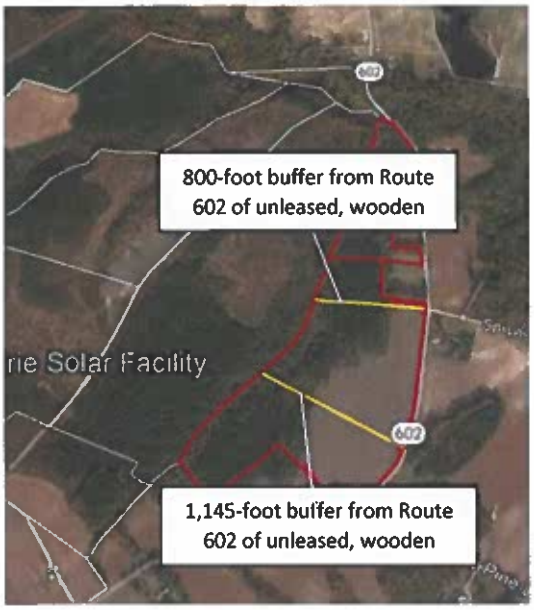


In order to comply with Isle of Wight's Solar ordinance, Prairie Solar has implemented setbacks to ensure proper distances from adjoining parcels and residents[12]. The current solar ordinance of Isle of Wight County requires that the Project is set back a minimum of 75 feet from all property lines, and at least 125 feet from any residential parcels, with a buffer of this size kept free of all structures and parking lots. The closest house to the fence surrounding the location is 789 feet away. Christian Home Baptist Church is approximately 1,873 feet away from the project fence.

The Project is very well screened with existing mature vegetation to the east, north and south. In areas where there is no existing vegetation or where it is insufficient, additional non-invasive and wildlife friendly plants, shrubs, and trees will be proposed in accordance with Isle of Wight's Zoning Ordinance. The landscape buffer will be maintained and supplemented as necessary throughout the life of the Project. Prairie Solar is proposing to plant a fifty (50) foot vegetative buffer along the property to the west of the site. However, as noted above, those parcels are owned by Everets Properties, Inc.

[12] Isle of Wight Zoning Ordinance, 5-5003, Section M – 4.D

The parcels outlined in red are not included as part of the solar facility. These unleased tracts will provide a large, dense landscaping buffer to shield the site from Route 602, and thus residents living and traveling along the road. At its shortest point, there is 800 feet from the road to where the project Limit of Disturbance (LOD) begins, and at its longest point, over 1,145 feet separate the road from the project LOD. Prairie Solar will still maintain a 50 feet vegetative buffer along the leased property line. Please refer to Exhibit M in the initial application for site photos.



4. Project Timeline and Hours

In accordance with the county ordinance regarding project timelines,[13] Prairie Solar anticipates going through Virginia Department of Environmental Quality's Permit by Rule process in Quarters 3 and 4 of this year. This permit is designed to protect natural resources. This process requires verification that the proposed project will not impact wetlands, threatened and endangered species, natural resources and historically or culturally significant areas.

The interconnection agreement was secured in December of 2021, and is included as part of the initial application as Exhibit L. Construction activity will take place during the hours of 7:00 am to 7:00, Monday through Saturday. Construction and it is anticipated to start in Q3 of 2023 and the Project becoming operational in Q4 of 2023, or Q1 of 2024.

5. Stormwater Management and Erosion and Sediment Control

The Project will be designed to satisfy the requirements of Isle of Wight County and Virginia Department of Environmental Quality (DEQ) stormwater management (SWM) and erosion & sediment control (ESC) regulations. ESC measures will be implemented to protect downstream properties and waterways from sediment-laden runoff during construction and SWM measures will be implemented to protect downstream properties and waterways from water volumes and flows after construction is complete and during operation for the life of the Project.

The SWM and ESC design will protect both the waterways during and following construction. During construction, adequate ESC measures will be installed around the perimeter of the site and along streams to filter sediment from runoff prior to entering the waterways. ESC measures will include silt fence, diversion dikes, and sediment basins. Throughout construction, dust control, straw mulching, and seeding immediately following grading activities will be implemented to minimize exposed soils. Where practical, the grading activities will be sequenced to minimize the amount of open soils exposed at one time.

Throughout construction, Energix will oversee all construction activities continuously monitoring and directing the function, maintenance, and repair of ESC installations. This will help ensure any mud tracked onto a public roadway is quickly removed or any damaged perimeter control is quickly

[13] Isle of Wight Zoning Ordinance, 5-5003, Section A. IV

repaired. SWM Quality requirements are anticipated to be met through preservation of forested/open space and nutrient credit purchases.

6. Decommissioning

The operating period for Prairie Solar is anticipated to be 35 years. After the end of the useful life cycle of the Project, Energix will be responsible for the removal of all above and below ground equipment, all roads and the equipment pad foundations. Energix will also restore and reclaim the site to preconstruction condition and topsoil quality to the extent practical, including access roads. Decommissioning includes removing the solar panels, solar panel racking, steel foundation posts and beams, inverters, transformers, overhead cables and lines, equipment pads and foundations, equipment cabinets, and ancillary equipment. The civil facilities, access road, security fence, and any drainage structures are included in the scope. In accordance with the ordinance, a decommissioning plan will be provided to the county prior to final site plan approval[14]. A decommissioning guide with best practices is included with the first application as Exhibit O.

7. Economic Plan

a. Tax Revenue

Solar facilities generate tax revenue, allowing for increased investment in County services and infrastructure without any increased demand for public utilities, solid waste disposal, human services, or public education. In accordance with the county ordinance regarding an economic impact analysis[15], we wanted to provide a complete breakdown of generated revenue from Prairie Solar. There are currently two forms of tax revenues a county can choose to implement.

Machinery and Tools Tax

Solar Facilities are subject to local machinery and tool taxes, with a complex set of exemptions contained in Va. Code § 58.1-3660. Factors in determining the level of exemption include the size of a solar facility, the date a facility applied an initial interconnection request with an electric utility or a regional transmission organization. For Prairie Solar, because it is larger than five megawatts and it applied for interconnection after January 1, 2019, it would be subject to a stepdown exemption from local machinery and tools taxes and be subject to local depreciation of the solar equipment.

The current M&T tax rate in Isle of Wight County is $1.75/$100. M&T tax revenue for 432.87 acres at $15,000/acre from Prairie Solar is estimated to be approximately $4,556,682 over 35-years.

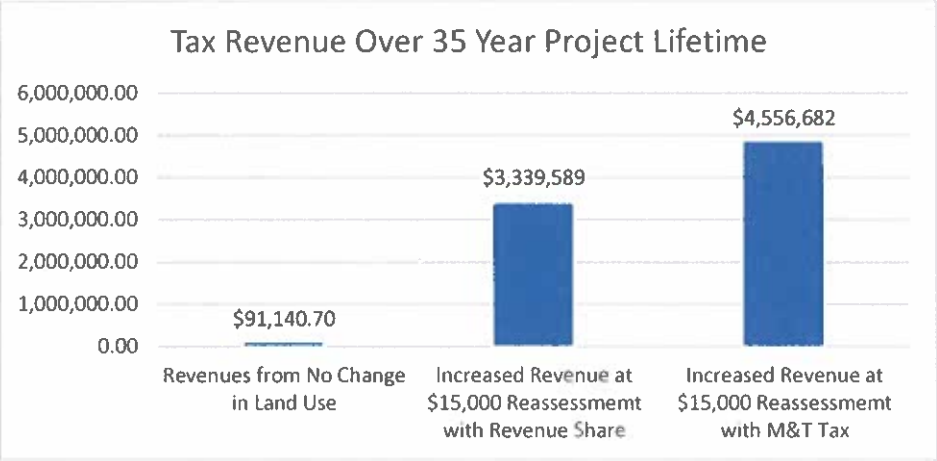
Revenue Share

First passed by the 2020 General Assembly and modified and expanded in the 2021 General Assembly, the "Revenue Share" is a unique "capacity tax" revenue opportunity for localities that serves as an alternative to the traditional Machinery and Tools tax regime. Localities may adopt a revenue share ordinance and assess up to $1,400 per megawatt of solar facility "nameplate capacity." If they do so, the projects subject to revenue share are exempt from Machinery and Tool tax. For projects approved by a locality after January 1, 2021, the revenue share payment is subject to an

[14] Isle of Wight Zoning Ordinance, 5-5003, Section G

[15] Isle of Wight Zoning Ordinance, 5-5003, Section A. V

escalator of 10% every 5 years, beginning in 2026, over the life of the project. It provides a meaningful and reliable revenue stream from the project to the localities where it is sited.



Revenue Share revenues from Prairie is estimated to be approximately $3,339,589 over 35-years. Please refer to the second submittal for a comprehensive breakdown of each tax methodology.

b. Economic Activity

In addition to bringing additional tax revenue to the community, solar projects directly stimulate local job markets by increasing the demand for labor. Prairie Solar anticipates creating approximately 30 well-paying jobs during the construction phase. Energix aims to source as much local labor as possible while maintaining the highest safety and quality standards. Virginia's solar industry has expanded significantly in the last few years which increases our ability to source labor locally and provide valuable workforce training and experience. For positions that cannot be filled locally, Energix houses non-local workers in local hotels and allocates per diem spending for food. Energix will use local hotels to ensure the local hospitality industry benefits directly from this Project.

Prairie Solar hopes to work through Isle of Wight County's Chamber of Commerce and will work diligently with both the Chamber and the County's Economic Development Department to attempt to secure local talent. Energix has already contacted Paul D. Camp Community College and their Workforce Development Department to enlist their recruitment help.

PRAIRIE SOLAR

Exhibit B:

Conformance with

Comprehensive Plan

PRAIRIE SOLAR

MEMORANDUM

TO: Isle of Wight County Planning Commission
FROM: Jasdeep Singh Khaira, Gentry Locke Attorneys
RE: Prairie Solar, by Energix
DATE: June 6, 2022

Members of the Planning Commission,

Attached is a memorandum in support of Prairie Solar's request for a determination that the proposed project is "substantially in accord" with the Isle of Wight County Comprehensive Plan pursuant to Va. Code § 15.2-2232.

I. Summary

Prairie Solar, LLC ("Applicant") requests that the Isle of Wight County ("County") Planning Commission ("Planning Commission") review Prairie Solar (the "Project") for conformity with the Isle of Wight County Comprehensive Plan, "Envisioning the Isle" ("the Plan") pursuant to Va. Code § 15.2-2232. This request provides information needed for the County determination that the Project is "substantially in accord" with the Plan.

The Project developer is Energix US, LLC. The Project is a solar electric generation facility with the capacity to deliver up to 20 megawatts ("MW") of alternating current ("AC") to the electric transmission system that serves the County and surrounding area. The Project generates electricity without producing air pollution, water pollution, or waste, nor does it use any pipelines or fuels.

Most of the Project consists of open space around the panels. Within the Project's area, the ground surface has native turf grass that will preserve the soil, minimize erosion and improve water quality. The Project does not require removal of any topsoil and only uses a few underground foundations. At the end of the useful life of the Project, all the equipment will be removed and the land can return to agriculture, forestry or other uses. The Project is located in the Windsor District on parcels 41-01-018, 50-01-009, 41-01-019, 41-01-017, 50-01-007 and 50-01-006.

II. Va. Code §15.2-2232 "Substantially in Accord" Determination

Va. Code §15.2-2232 provides that the County's Comprehensive Plan controls "the general or approximate location, character, and extent of each feature shown on the plan." For any "public utility facility" that is proposed after the adoption of the Comprehensive Plan, the County's Planning Commission is tasked with determining whether the ***"general location or approximate location, character, and extent thereof [of the public utility facility] . . . is substantially in accord with the adopted comprehensive plan or part thereof."***[1] Because the Project is a public utility facility pursuant to Va. Code §56-232, the Planning Commission is called upon to determine if the proposed "general location or approximate location, character, and extent" of the Project is "substantially in accord" (in other words, "mostly in agreement") with the Comprehensive Plan.

III. The Project's Location is in Conformity with the Comprehensive Plan

The Project properly cited within area designated for Rural Agricultural Conservation ("RAC").

The Plan employs land use designations to guide the appropriate future use of land in the County.[2] The subject parcels are designated as RAC land use, along with the majority of agricultural and forested areas in the County.[3] Overall, the RAC land use is meant for limited development, but directly states that "uses reliant on large areas of land ***such as solar farms*** and agritourism activities **may also be appropriate when sited correctly**."[4] (Emphasis added). Moreover, the County states generation facilities should be located outside of the viewshed of any scenic, cultural, or recreational resources.[5] Energix has worked closely with the landowner to ensure Prairie Solar will be hidden from all adjacent landowners and public right of ways. In addition to the setbacks imposed by the county ordinance, this site is centrally placed in the middle of the leased parcels to ensure total and complete screening.

[1] Va. Code §15.2-2232.
[2] *Envisioning the Isle*, Isle of Wight County Comprehensive Plan, pg. 100.
[3] *Envisioning the Isle*, Isle of Wight County Comprehensive Plan, pg. 106.
[4] *Envisioning the Isle*, Isle of Wight County Comprehensive Plan, pg. 106.
[5] *Envisioning the Isle*, Isle of Wight County Comprehensive Plan, pg. 74, 79.

An unleased tract will separate the project from Longview Drive, with approximately 1,000 feet between the road and the project Limit of Disturbance (LOD).

Currently, the leased parcels are used for recreation, timbering and agriculture. With the addition of Prairie Solar, the parcels become a haven for mixed uses. While generating clean, domestically produced energy, the site will also coexist with its pre-facility uses, including hunting, timbering and crop growing.

The Project is located close to existing transmission lines.

The County requires generating facilities to be located adjacent or close to existing electric transmission lines.[6] There are two transmission corridors near the proposed facility. One is 0.9 miles to the north, and the second is one (1) mile to the east.

The location does not adversely impact wetland areas.

The Plan details the County's goal of protecting its wetland areas.[7] The Project is not physically built on any wetlands and all potential impacts to wetlands are avoided and all setbacks and local and state wetland risk mitigation measures are complied with.

The Project is not located within a Development Service District.

The County requires that solar facilities be located outside of Development Service Districts ("DSDs"), which the Project complies with.[8] The County has three DSDs: Newport DSD, Windsor DSD, and Campton DSD.[9] In short, the County guides new development to these areas because there is adequate public infrastructure either available or planned, including roads, water and sewer.[10] Importantly, DSDs also conserve areas outside of their boundaries for uses compatible with the RAC land use.[11] Because the Project is located over five (5) miles from the Windsor DSD, it does not take up valuable land which would otherwise be used for new development that needs access to public infrastructure.

The Project is not located within the Historic Overlay or Highway Corridor Overlay Districts.

[6] *Envisioning the Isle*, Isle of Wight County Comprehensive Plan, pg. 74.
[7] *Envisioning the Isle*, Isle of Wight County Comprehensive Plan, pg. 22, 25, 28.
[8] *Envisioning the Isle*, Isle of Wight County Comprehensive Plan, pg. 74.
[9] *Envisioning the Isle*, Isle of Wight County Comprehensive Plan, pg. 35.
[10] *Envisioning the Isle*, Isle of Wight County Comprehensive Plan, pg. 35.
[11] *Envisioning the Isle*, Isle of Wight County Comprehensive Plan, pg. 35.

The County preserves community character by imposing restrictions and design standards in its Historic Overlay Districts and Highway Corridor Overlay District.[12] The four Historic Overlay Districts are the St. Luke's Historic District, Courthouse Historic District, Fort Boykin Historic District and Fort Huger Historic District.[13] The Project i s not located within any of these Historic Overlay Districts, nor is it within the Highway Corridor Overlay District.

The Project does not cause permanent increases in traffic.

During the public forum process in updating the Comprehensive Plan, the County heard recurring concerns relating to increased traffic congestion in the County.[14] Here, the Project only causes a slight increase in traffic on Longview Drive between Sandy Ridge Drive and Shady Pine Lane during the construction and decommissioning phases. In between these phases, the Project does have any adverse impact on local traffic within the County. Nor does the Project adversely affect interregional travel though corridors of Statewide Significance.[15]

IV. The Project's Character, and Extent are in Conformity with the Comprehensive Plan.

The Project complies with the necessary ordinances and programs.

The siting and character of the Project complies with the Floodplain Management Ordinance, Wetlands Ordinance, Chesapeake Bay Preservation Area Ordinance and Stormwater Management Program, as shown in the Conditional Use Permit.

The Project does not increase air pollution.

The County has continually met the new EPA air quality standards.[16] Importantly, this Project will not adversely affect the County's ability to keep meeting those standards. After construction, the Project will not cause any direct air pollution. The only air pollution emitted happens indirectly from worker vehicles, for instance during the construction and decommissioning phases as well as from use of mowing equipment.

[12] *Envisioning the Isle*, Isle of Wight County Comprehensive Plan, pg. 32, 35, 74.
[13] *Historic Overlay District Planning*, Isle of Wight County Website, Isle of Wight, VA (isle-of-wight.va.us).
[14] *Envisioning the Isle*, Isle of Wight County Comprehensive Plan, pg. 54.
[15] *Envisioning the Isle*, Isle of Wight County Comprehensive Plan, pg. 43.
[16] *Envisioning the Isle*, Isle of Wight County Comprehensive Plan, pg. 23.

The Project does not use any surface or groundwater nor does it increase pollution into surface or groundwater.

The County is in the Eastern Virginia Groundwater Management Area, where groundwater levels are currently in a state of decline.[17] Importantly, the Project does not use any surface or groundwater, meaning it does not affect the already declining levels of groundwater in the Eastern Virginia Groundwater Management Area.

Additionally, the County has struggled with onsite wastewater systems installed in poor soils, which have allowed bacteria and other harmful matters to seep into surface and groundwaters.[18] Here, this Project does not require any of those systems, meaning it will not contribute to any pollution to surface or groundwaters due to onsite wastewater systems.

The Project will contribute to the County tax base without offsetting demands for services.

During public forums, the community expressed concerns about budgetary impacts of new growth and their desire for a fiscally sustainable growth management model that ensures reasonable costs for providing public services to existing and future residents.[19] This Project helps with these concerns by providing direct revenue to the County without the offsetting public service demands of other types of development.

The Project does not produce any solid waste.

The County is preparing for higher levels of solid waste production due to increases in population.[20] In this case, the Project does not produce any solid waste between the construction and decommissioning phases.

No large buildings, parking lots, offices, or workers stationed on-site.

Technicians and service providers visit infrequently and operations are monitored remotely.

No additional demand for County Services.

The Project does not require taxpayer-supported infrastructure like water, sewer, public schools or other public utilities.

[17] *Envisioning the Isle*, Isle of Wight County Comprehensive Plan, pg. 23.
[18] *Envisioning the Isle*, Isle of Wight County Comprehensive Plan, pg. 25, 70, 71.
[19] *Envisioning the Isle*, Isle of Wight County Comprehensive Plan, pg. 37, 39.
[20] *Envisioning the Isle*, Isle of Wight County Comprehensive Plan, pg. 71.

V. Conclusion

Pursuant to the requirement of Va. State Code §15.2-2232, the Applicant asks that the Planning Commission confirm that the Project is substantially in accord with the Plan. As detailed above, this project is in significant agreement with the plan.

PRAIRIE SOLAR

Exhibit C:

Conditional Use

Submittal Checklist

PRAIRIE SOLAR

SUBMITTAL CHECKLIST FOR CONDITONAL USE PERMIT APPLICATION

In conjunction with Section 1-1017, *Conditional Uses,* of the Isle of Wight County Zoning Ordinance, as amended, the following information is submitted with this conditional use application. For ease of review, the checklist is written verbatim, with where to find that information below each section.

Ten (10) copies of the original, executed application and one (1) original executed application, unless the Zoning Administrator reduces the number of required copies. Both the applicant(s) and the property owner (s) must have their signature(s) notarized on page No. 3 of the application.

The original, executed application with both the applicant and property owner's signatures notarized, is included with this permit submission. Ten additional copies are also included.

The appropriate fees have been submitted with the application. Checks should be made to: Treasurer, Isle of Wight County.

A check is included with this application for $1,200, made payable to Isle of Wight County, per email conversations with the Isle of Wight County's Treasurer Office.

Ten (10) copies of a statement for the reasons for seeking such permit unless the Zoning Administrator reduces the number of required copies, and if applicable, a statement of the conditions.

Please see Page 3 for a statement of justification, and a statement of the conditions can be found in Exhibit F.

Ten (10) copies of a narrative description of the property which shall include the Tax Parcel Identification Number unless the Zoning Administrator reduces the number of copies.

Ten copies of the narrative with the tax parcel numbers are included with this application.

A concept plan of the property showing all existing and proposed physical improvements and such other information as is necessary to clearly indicate to the Planning Commission and Board of Supervisors that adequate provisions shall be made for compliance with all standards for that particular use and the extent of the property to be so used on a given parcel or parcels. Such document shall be drawn to scale and shale 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) to be rezoned, 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)**
- **Ten (10) full size copies, with one (1) reduced 11-inch x 17-inch copy shall be submitted**
- **Please note that additional information on the site layout may be requested by the zoning administrator during the review process to review the application and prepare**

the staff reports for the Planning Commission and Board of Supervisors more effectively.

A concept plan of the properties showing the above listed items is included in this application as Exhibit Q.

Ten (10) copies of such supplemental material as may be necessitated by the proposal itself or the district in which located or proposed to be located, and in accordance with Section 5-5000, *Supplementary Use Regulations,* of the Isle of Wight County Zoning Ordinance.

Section 5-5003.M.4, *Supplementary use regulations for civic use types, Utility Services, Major,* lists requirements for large scale utility service projects. The regulations are listed as followed:

4. Utility Scale Solar Energy Facilities.

   a. In addition to any conditional use permit application requirements, the applicant shall provide the following at the time of application:

      i. A conceptual plan showing the proposed layout of all structures, adjacent properties, screening, landscaping, internal roadways, easements, environmentally sensitive features including proposed wildlife corridors;

      Included in Exhibit Q, Conceptual Site Plan

      ii. A visual impact analysis demonstrating through project siting and proposed mitigation, if necessary, that the solar project minimizes impacts on the visual character of a scenic landscape, vista, or scenic corridor;

      Included in Exhibit Q, Conceptual Site Plan

      iii. A transportation plan showing vehicular access to the site, proposed construction traffic route to the site, parking areas, and laydown yards;

      Included in Exhibit Q as part of the Conceptual Site Plan

      iv. An estimated time frame and proposed hours of operation for construction activity;

      Included in Project Narrative, Section 4 (Project Timeline and Hours)

      v. Economic impact analysis of the project including projected net new tax revenue as well as loss of active agricultural and silvicultural lands and its indirect impact to associated local businesses;

      The increased revenue that the county will receive is included in Exhibit E, Tax Revenue Chart. Energix has worked closely with the landowner to utilize a large majority of land that is cut over timber land. In those conversations with the landowner, this project will be placed where it will have ***little to no impact*** *on the operation of the rest of his farm and will not displace any labor. Net loss of revenue is negligible due to the landowner being able to use his land to continue timbering, hunting and crop harvesting. The land will still be used for those operations, even with the addition of the solar facility.*

      vi. An environmental resource impact analysis discussing any proposed activities within designation resource conservation areas;

      Included in Exhibit K, Phase 1 ESA Report

      vii. A historical and cultural resources impact analysis; and

      Included in Exhibit J, Phase 1 Cultural Report.

      viii. Written comments from the relevant electric company regarding the capacity of the transmission lines as part of any use permit application. An applicant can satisfy this

requirement by submitting proof of application for interconnection to the electricity system.

Included in Exhibit L, Interconnect Agreement

b. Ground-mounted systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt, except when temporarily stowed in a vertical position for vegetation management or for inspection, maintenance and/or repair.

Acknowledged; See Project Narrative, Section 2.C, Technology and Design

c. Audible sound from a solar energy system shall not exceed 60 dBA (A-weighted decibels), as measured at any adjacent non-participating landowner's property line. The level, however, may be exceeded during short-term exceptional circumstances, such as severe weather.

Acknowledged; See Project Narrative, Section 2.F, Noise Levels

d. All equipment, accessory structures and operations associated with a large solar energy system shall be setback at least seventy-five (75) feet from all property lines and at least one hundred and twenty-five (125) feet from any residential parcels, and are subject to the following:

Acknowledged; See Project Narrative, Section 3, Visual Impacts and Landscaping

i. Setbacks shall be kept free of all structures and parking lots; and

Acknowledged; setbacks will not be used for any structures or parking lots.

ii. Setbacks shall not be required along property lines adjacent to other parcels which are part of the solar energy system; however, should properties be removed from the system, setbacks must be installed along all property lines of those properties remaining within the project and which are adjacent to a parcel which has been removed.

Acknowledged; should any leased property be removed from the solar energy system, county setbacks will be installed.

e. The following landscaping standards shall apply:

i. Along public roadways with at least fifty (50) feet of right-of-way, a minimum fifty-foot wide bufferyard shall be installed or retained with at least seventy-five (75) landscaping points per one hundred (100) linear feet shall be required in the bufferyard;

A minimum 50 foot wide bufferyard will be used between the project and public right of way. Important to note that only one leased parcel will abut Longview Drive, and only a small section of that parcel will be used for arrays, which is centrally located to the site.

ii. Along public roadways with less than fifty (50) feet of right-of-way, twenty-five (25) landscaping points per one hundred (100) linear feet shall be required in the bufferyard;

N/A – Longview Drive is 60 feet wide.

iii. Where solar facility properties abut residential parcels, one hundred twenty (120) landscaping points per five hundred (500) square feet of bufferyard shall be required;

Prairie Solar does not abut any residential parcels.

iv. Existing vegetation that meets the minimum landscaping specifications may be used to meet required landscaping points; and

Acknowledged; Prairie Solar is centrally located on 6 leased parcels that will allow Energix to use a vast amount of existing vegetation.

v. No silvicultural activities or removal of required landscaping materials shall occur in the required bufferyards.

Acknowledged; See Project Narrative, Section 3, Visual Impacts and Landscaping

f. Provide soil testing for any contaminants directly attributable to the solar panels before and after construction and every five (5) years during the interim until the facility is decommissioned. Owner/operator must provide copies of initial baseline report and subsequent reports to the zoning administrator. Should a negative finding indicating contamination from the solar panels occur, contamination must be remedied by the owner/operator to applicable state and federal standards.

Acknowledged; See Project Narrative, Section 2.G, Soil

g. Prior to final site plan approval, an owner, lessee, or developer of real property shall enter the following agreement and provide them to the zoning administrator for review and approval:

i. A written agreement to decommission solar energy equipment, facilities, or devices upon the following terms and conditions:

a) If the party that enters into such written agreement with the county defaults in the obligation to decommission such equipment, facilities, or devices in the timeframe set out in such agreement, the locality has the right to enter the real property of the record title owner of such property without further consent of such owner and to engage in decommissioning; and

b) Such owner, lessee, or developer shall provide financial assurance of such performance to the county in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee, based upon an estimate of a professional engineer licensed in the commonwealth, who is engaged by the applicant, with experience in preparing decommissioning estimates and approved by the county; such estimate shall not exceed the total of the projected cost of decommissioning, which may include the net salvage value of such equipment, facilities, or devices, plus a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor.

Acknowledged; will provide prior to site plan.

c) Decommissioning of discontinued or abandoned large solar energy systems shall include the following:

i. Physical removal of all solar energy equipment and above-ground appurtenant structures from the subject property including, but not limited to, buildings, machinery, equipment, cabling and connections to transmission lines, equipment shelters, security barriers, electrical components, roads, unless such roads need to remain to access buildings retrofitted for another purpose, or the landowner submits a request to the board of supervisors that such roads remain.

ii. Below-grade structures, such as foundations, underground collection cabling, mounting beams, footers, and all other equipment installed with the system shall be completely removed: however, these structures may be allowed to remain if a written request is submitted by the landowners and a waiver is granted by the Board of Supervisors.

iii. Compacted soils shall be decompacted as agreed to by the landowner.

Acknowledged. See Project Narrative, Section 6, Decommissioning.

d) Restoration of the topography of the project site to its pre-existing condition, except that any landscaping or grading may remain in the after-condition if a written request is submitted by the landowner and a waiver is granted by the board of supervisors.

iv. Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local, state, and federal solid waste disposal regulations.

Acknowledged; See Project Narrative, Section 6, Decommissioning

ii. During and at the end of project construction, any damage done to public roads by solar farm construction equipment shall be repaired in accordance with VDOT standards and specifications. Post construction damage shall be identified based on inspections by VDOT with the developer or their agent, prior to construction and upon completion, identifying the items for repair. Additionally, at the request of VDOT, in order to ensure the safety of the traveling public, some damages may need to be addressed immediately. (7-7-05; 5-27-10; Ord. No. 2012-2-C, 2-16-12, 3-20-14; 12-18-14; 7-19-18; 7-18-19; 3-19-20.)

Acknowledged. See Project Narrative, Section 2.I, Roads.

A WQIA (Water Quality Impact Assessment) if located in the Chesapeake Bay Preservation Area.

A Water Quality Impact Assessment has been completed by the engineering firm, Kimley Horn. A copy of this report can be found in Exhibit P.

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.

The six tax parcels under lease for this project are parcels:

- 41-01-018
- 50-01-009
- 41-01-019
- 41-01-017
- 50-01-007
- 50-01-006

The most recent real estate taxes have been paid on all six of these parcels, on May 17th, 2022 by the property owner. Receipts are provided in this apploication.

PRAIRIE SOLAR

Exhibit D:

Conditional Use

Application Standards

PRAIRIE SOLAR

CONDITIONAL USE APPLICATION STANDARDS

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:

That the establishment, maintenance and operation of the conditional use will not be detrimental to or endanger the public health, safety and general welfare;

Prairie Solar will not be a detriment to the public health, safety and general welfare of the surrounding property owners. This site will not omit any odors, noise or emissions. It will not be visible from any adjacent residences or public right of ways.

That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted, nor substantially impair the use of other property within the immediate proximity;

As mentioned above, property owners adjoining the leased parcels, as well as property owners off of Longview Drive will not be able to see Prairie Solar. An uptick of traffic will be noticeable to residents during the construction phrase and will be temporary. Once construction is complete, the site will have very minimal traffic and no audible noise generation.

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;

Prairie Solar will not have any burden on public utilities, sewer or septic systems. Appropriate stormwater measures have been designed into the concept plan to satisfy the requirements of Isle of Wight County and the Department of Environmental Quality.

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;

A traffic analysis has been completed by a third-party engineering firm, as required by the conditional use permit. All measures have been taken to minimize traffic congestion on public streets. Overweight vehicles will access the site via south Longview Drive. Passenger vehicles and small trucks may access the site to the north but is limited due to a 5-ton posted bridge located on Longview Drive.

That the proposed conditional use is not contrary to the goals and objectives of the Isle of Wight County Comprehensive Plan;

As mentioned in the Comprehensive Plan analysis, Prairie Solar has been developed with the goals and objectives in mind.

That the conditional use shall, in all other respects 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; and

Prairie Solar is located with the RAC zoning district, where utility scale solar operations are permitted as a conditional use. Information provided in the site narrative, checklist and exhibits show that this site meets, and in some cases exceeds, the applicable regulations of this district.

PRAIRIE SOLAR

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.

While Prairie Solar will be located approximately 0.5 miles south of the existing Woodland Solar, this project will not be visible from that site.

PRAIRIE SOLAR

Exhibit F:

CUP Proposed

Conditions

PRAIRIE SOLAR

Proposed CUP Conditions

The following are the conditional use permit conditions proposed by Energix US for the Prairie Solar Facility.

1. The subject property shall be developed in general conformance with the Concept Plan included in the Prairie Solar application.

2. The portion of the subject property supporting solar panels shall be enclosed by security fencing of a type which is harmonious with the rural, agricultural, and historical character of the County while meeting federal and state regulations for solar electric generating facility fencing as determined by the Zoning Administrator while upon approval of the site plan for the project, subject to the fencing code requirements as established by the National Electric Code (NEC).

3. The applicant shall preserve and maintain both existing forest and vegetation as well as planted landscape buffering within required setback areas and buffer yards and shall not clear or cut live trees within required setbacks or buffer yards without written authorization from the Zoning Administrator.

4. The applicant shall submit an Emergency Response Plan with the first submission of the site plan, which shall detail fire suppression methods that will be immediately deployed during both construction and operation of the facility. The plan shall include a training program to be provided, at the discretion of the County, to County emergency response staff with regards to safety for on-site emergency response. The applicant shall install a Knox Box at the facility to ensure emergency responders have access to the facility should the need arise and include plans for the same on the project site plan.

5. The applicant shall conserve topsoil on the site to the maximum extent feasible. Topsoil stockpiled on the site shall be stored out of view from adjacent properties and public roads.

6. The applicant shall submit a Stormwater Management Plan and an Erosion and Sediment Control Plan with the submission of the final site plan. The applicant shall reimburse the County for reasonable costs related to retaining such third-party inspectors as deemed necessary for project inspections.

7. Prior to final site plan approval, the applicant shall submit a plan for decommissioning the project to the County Zoning Administrator. Prairie Solar will decommission and remove the system and its components at the end of the life of the project in accordance with Sec. 5-5003(M)(4)(g) of the Ordinance. The project site could then be converted to other uses in accordance with applicable land use regulations in effect at that time. All decommissioning and restoration activities will adhere to the requirements of the appropriate governing authorities and the County Zoning Ordinance.

8. The applicant shall submit an invasive species management plan as recommended by DCR with the submission of the final site plan

9. The Applicant will work directly with Isle of Wight County's Chamber of Commerce, the Paul D. Camp Community College and the Economic Development Department to ensure inclusion of local contractors in the bidding process.

10. The applicant shall submit a seed mix for site groundcover that includes native pollinators blooming in spring/summer as recommended by DCR.

11. A sign shall be installed at the entrance of the site with contact information for the facility.

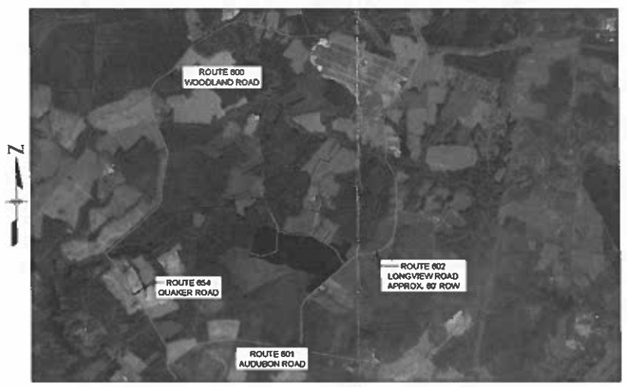
12. If any condition imposed by this Conditional Use Permit is determined to be invalid, void or unenforceable by any court or other governmental authority having jurisdiction, such determination shall not invalidate, void or make unenforceable any other provision or condition of this Conditional Use Permit. In the event of any conflict between the Isle of Wight Zoning Ordinance and these Conditional Use Permit Conditions, the Conditions shall control.

FOR CONCEPT ONLY FOR CONDITIONAL USE PERMIT APPLICATION

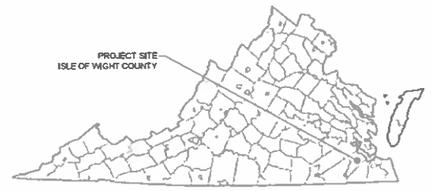
PRAIRIE SOLAR

ISLE OF WIGHT COUNTY, VA

PRAIRIE SOLAR	
APPLICANT	PRAIRIE SOLAR, LLC
TAX PARCEL ID	50-01-009, 50-01-008, 41-01-019, 50-01-007, 41-01-018, 41-01-017
EXISTING AND PROPOSED ZONING	RAC (RURAL AGRICULTURAL CONSERVATION), RR (RURAL RESIDENTIAL)
EXISTING USE	AGRICULTURAL, RESIDENTIAL
PROPOSED USE	SOLAR ENERGY FACILITY
TOTAL POWER TO BE GENERATED	MAX. 20MWac
SITE DATA:	
PROPERTY AREA	432.87 AC
PROJECT AREA	± 153 AC
DISTURBED AREA	± 202 AC
POWER GENERATED	± 20 MWac
TOTAL IMPERVIOUS AREA	± 5 AC
CULTURAL RESOURCES	TBD



VICINITY MAP - ISLE OF WIGHT COUNTY, VA
1" = 2500'



Sheet List Table	
Sheet Number	Sheet Title
C0-000	COVER SHEET
C0-001A	EXISTING CONDITIONS
C0-001	CONCEPTUAL SITE PLAN
C0-002	CONCEPTUAL SITE PLAN - AERIAL
C0-003	TRANSPORTATION MANAGEMENT PLAN
L0-001	LANDSCAPE DETAILS

APPLICANT
PRAIRIE SOLAR, LLC
2311 WILSON BLVD., SUITE 640
ARLINGTON, VA 22201
PHONE: 703-965-4176
CONTACT: ALEXIS ONDASH
EMAIL: ALEXIS.ONDASH@ENERGIXRENEWABLES.COM

CIVIL ENGINEER
KIMLEY-HORN AND ASSOCIATES, INC.
11400 COMMERCE PARK DRIVE, SUITE 400
RESTON, VA 20191
PHONE: 703-215-8462
CONTACT: SOPHIA HUANG, P.E.
EMAIL: SOPHIA.HUANG@KIMLEY-HORN.COM

LAND OWNERS
VARIOUS LAND OWNERS.
SEE CONCEPTUAL SITE PLAN
FOR MORE DETAIL

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

REV	DATE
1	8/31/22
2	9/13/22
3	11/15/22
4	12/21/22

ENERGIX RENEWABLES

Kimley»Horn

© 2021 KIMLEY-HORN AND ASSOCIATES, INC.

11400 COMMERCE PARK DR., SUITE 400
RESTON, VA 20191
PHONE: 703-674-1300
WWW.KIMLEY-HORN.COM

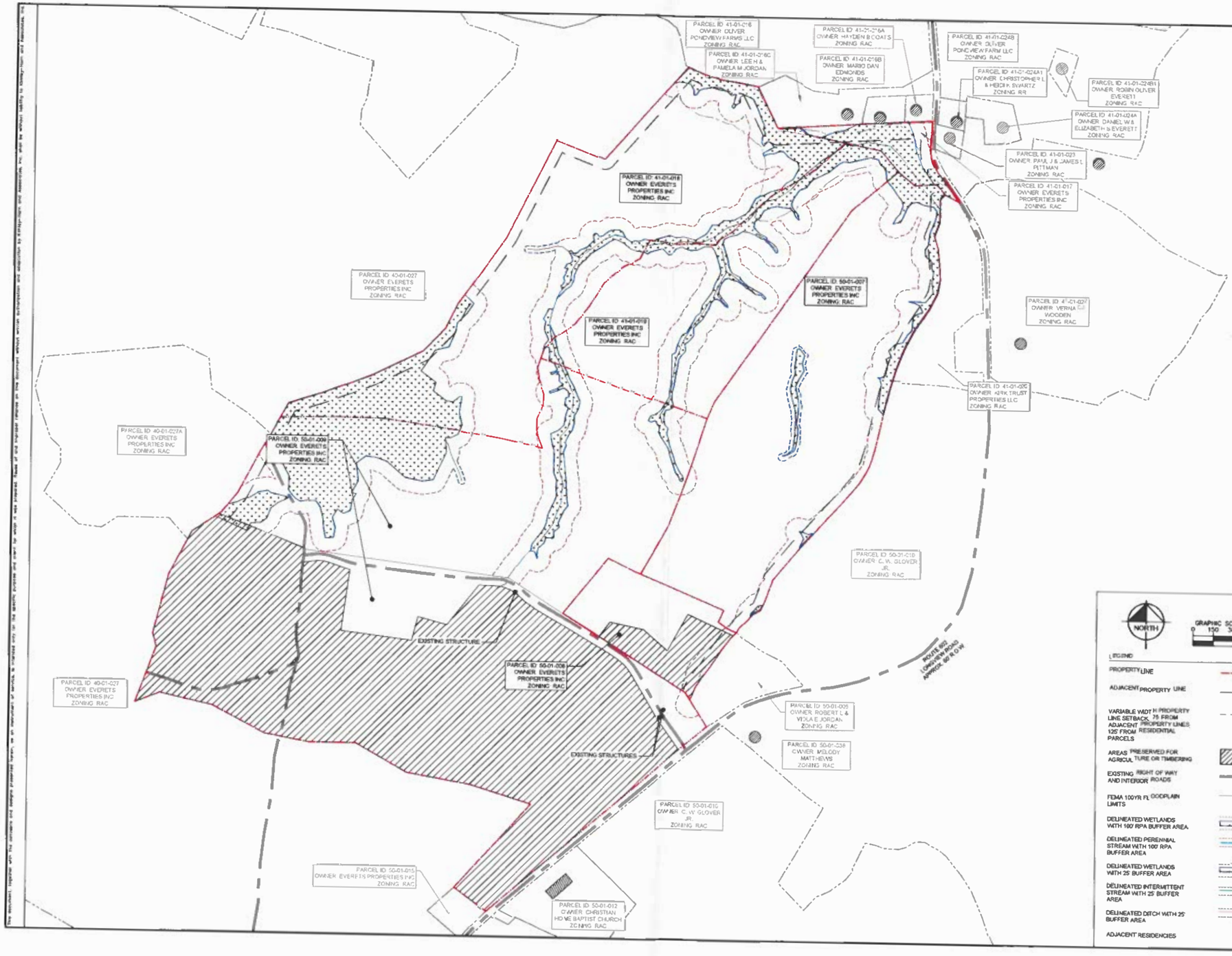
KHA PROJECT 110606019
DATE 06/14/2022
SCALE AS SHOWN
DESIGNED BY AJB
DRAWN BY AJB
CHECKED BY SAH

PRAIRIE SOLAR
PREPARED FOR
PRAIRIE SOLAR LLC
ISLE OF WIGHT COUNTY VIRGINIA

COVER SHEET

APPROVAL

SHEET NUMBER
C0-000



REV	DATE
1	8/31/22
2	9/13/22
3	11/15/22
4	12/21/22

ENERGIX RENEWABLES

Kimley»Horn

KHA PROJECT 110606019
DATE 06/14/2022
SCALE AS SHOWN
DESIGNED BY AB
DRAWN BY AB
CHECKED BY SM

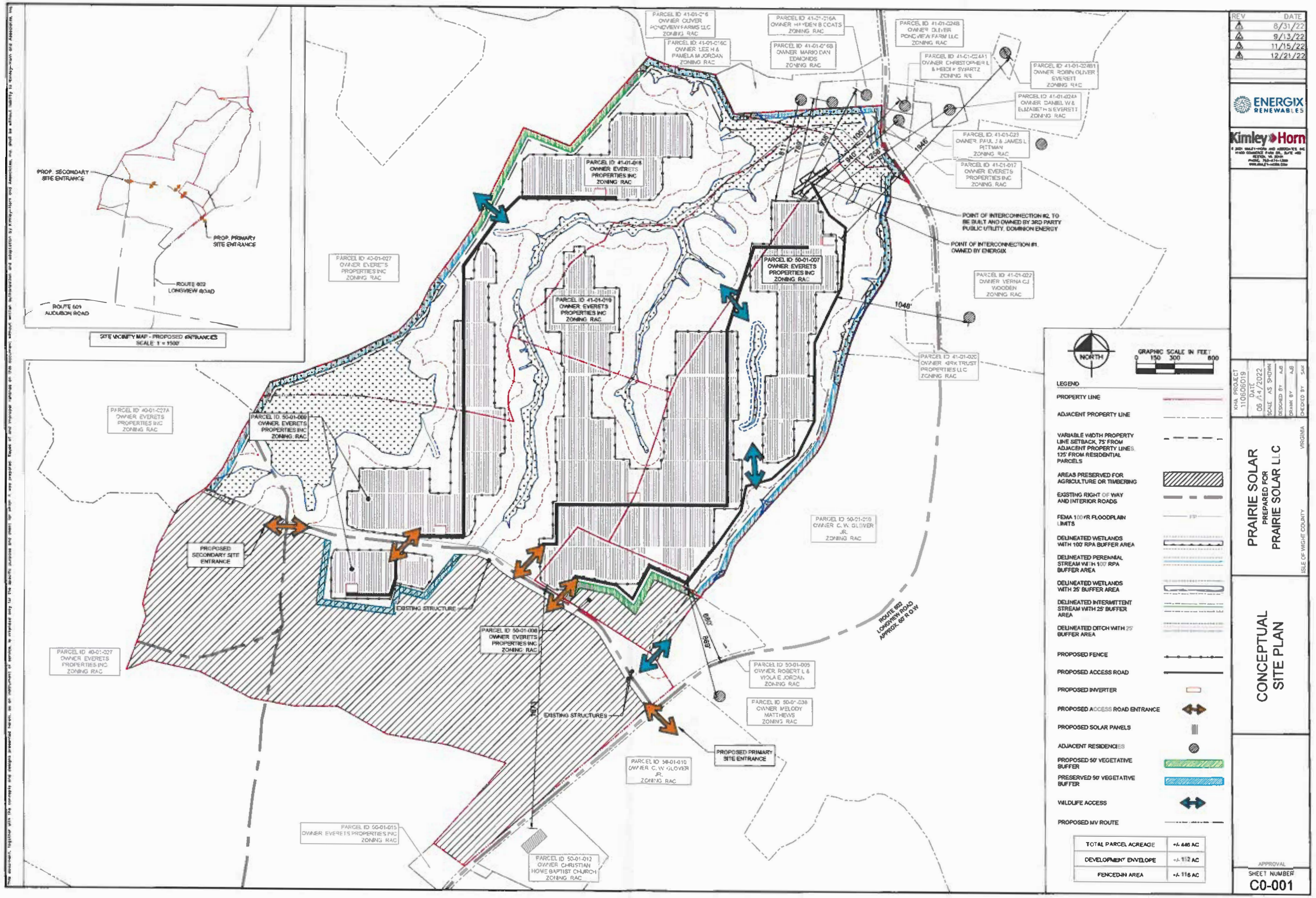
PRAIRIE SOLAR
PREPARED FOR
PRAIRIE SOLAR LLC

ISLE OF WIGHT COUNTY VIRGINIA

EXISTING CONDITIONS

APPROVAL

SHEET NUMBER
C0-001A



REV.	DATE
1	8/31/22
2	9/13/22
3	11/15/22
4	12/21/22

ENERGIX RENEWABLES

Kimley»Horn

KHA PROJECT 110606019
DATE 06.14.2022
SCALE AS SHOWN
DESIGNED BY AJS
DRAWN BY AJS
CHECKED BY SAM

PRAIRIE SOLAR
PREPARED FOR
PRAIRIE SOLAR LLC

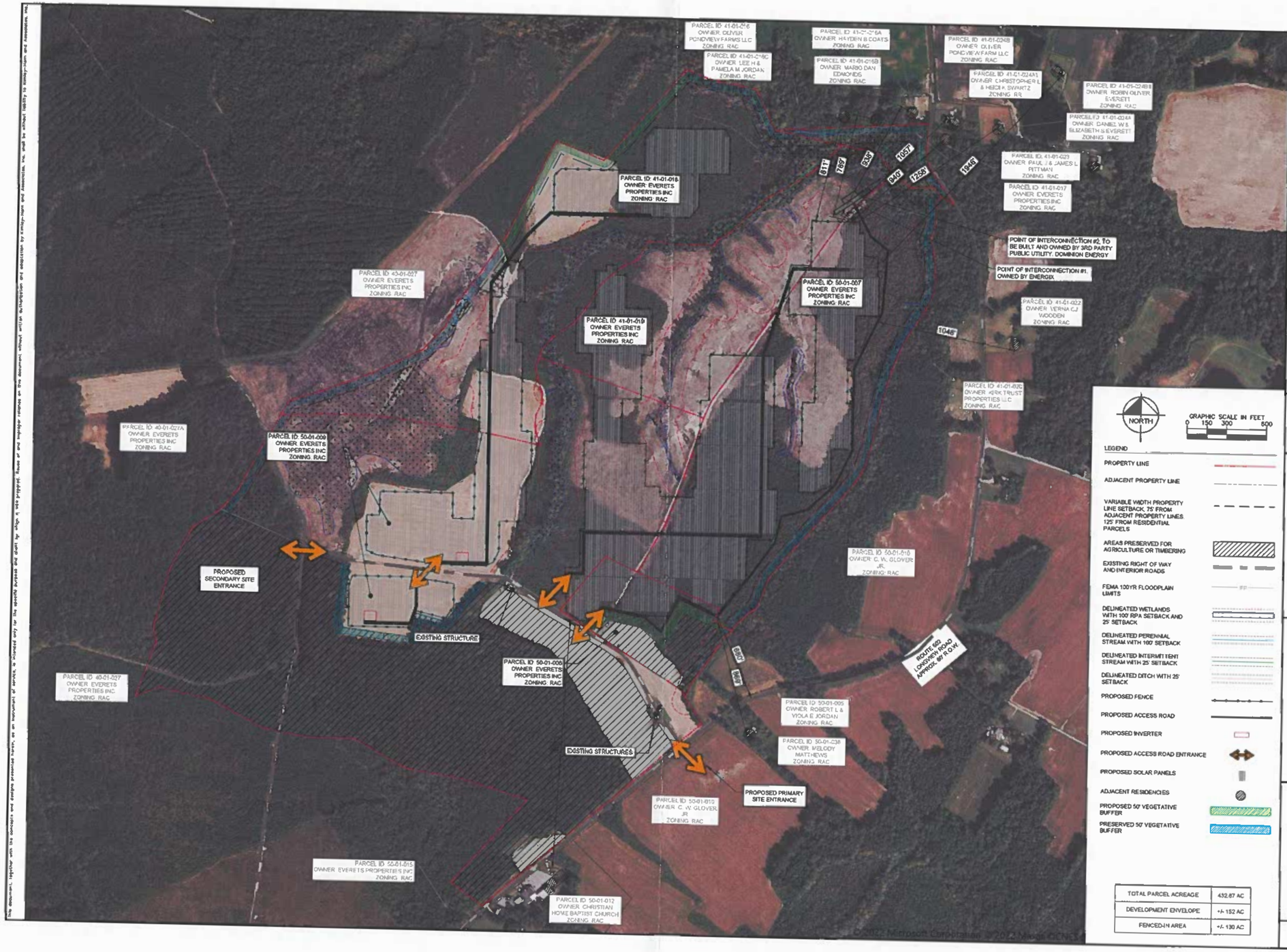
ISLE OF WIGHT COUNTY VIRGINIA

CONCEPTUAL SITE PLAN

APPROVAL

SHEET NUMBER
C0-001

The electronic, copyrighted data, concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document, without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



REV	DATE
1	8/31/22
2	9/13/22
3	11/15/22
4	12/21/22

ENERGIX RENEWABLES

Kimley»Horn

© 2021 KIMLEY-HORN AND ASSOCIATES, INC.
11400 COMMERCE PARK DRIVE, SUITE 400
RESTON, VA 20191
PHONE: 703-674-1300
WWW.KIMLEY-HORN.COM

KHA PROJECT 110606019
DATE 06/14/2022
SCALE AS SHOWN
DESIGNED BY AB
DRAWN BY AB
CHECKED BY DM

PRAIRIE SOLAR
PREPARED FOR
PRAIRIE SOLAR LLC
ISLE OF WIGHT COUNTY VIRGINIA

CONCEPT SITE PLAN - AERIAL

APPROVAL

SHEET NUMBER
C0-002

Plans and the ideas contained on this document, whether in hardcopy or electronic form, are instruments of service prepared by Kimley-Horn and Associates, Inc. and shall be used only for the purpose intended. Any use or reuse of these plans and specifications by any person or entity other than the client for the intended purpose, or any modification of these plans and specifications, without the written permission of Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

PRAIRIE SOLAR
PREPARED FOR
PRAIRIE SOLAR LLC

ISLE OF WIGHT COUNTY
VIRGINIA

TRANSPORTATION MANAGEMENT PLAN

KHA PROJECT
110606019

DATE	05/14/2022
SCALE	AS SHOWN
DESIGNED BY	AB
DRAWN BY	AB
CHECKED BY	SAH

REV	DATE
1	8/31/22
2	9/13/22
3	11/15/22
4	12/21/22

Kimley»Horn
© 2021 KIMLEY-HORN AND ASSOCIATES, INC.
NASH, TN 37211
PHONE: 615-564-2701
WWW.KIMLEY-HORN.COM

ENERGIX RENEWABLES

APPROVAL

SHEET NUMBER
C0-003

GRAPHIC SCALE IN FEET
0 62.5 125 250

NORTH

ROUTE 602 - LONGVIEW DRIVE

PROPOSED PRIMARY SITE ACCESS

MAJORITY OF CONSTRUCTION TRAFFIC SHALL ACCESS THE SITE FROM THE SOUTH VIA ROUTE 601 SANDY RIDGE DRIVE AND TURNING ONTO ROUTE 602 LONGVIEW DRIVE

SITE ACCESS TO BE PROVIDED BY EXISTING GRAVEL ROAD CONNECTION TO ROUTE 602 - LONGVIEW DRIVE

AREA TO BE EXCLUDED FROM DEVELOPMENT

CONSTRUCTION ACCESS FROM THE NORTH SHALL BE LIMITED LIGHTER CONSTRUCTION TRAFFIC (PASSENGER VEHICLES AND SMALLER TRUCKS) DUE TO 5 TON WEIGHT LIMIT ON EX. BRIDGE ON LONGVIEW DRIVE

AREA TO BE EXCLUDED FROM DEVELOPMENT

PARCEL ID 50-01-009
OWNER: EVERETS PROPERTIES INC
ZONING: INC

PROPOSED CONSTRUCTION ENTRANCE TO THE SITE

PROPOSED CONSTRUCTION ENTRANCES INTO THE SITE

PROPOSED COMMON ENTRANCE TO THE SITE

75' PROPERTY LINE SETBACK

PROPOSED 50' LANDSCAPE BUFFER

PARCEL ID 50-01-009
OWNER: EVERETS PROPERTIES INC
ZONING: INC

PROPOSED SECURITY FENCE

100' RPA BUFFER AREA

PROPOSED GRAVEL ACCESS ROAD

PROPOSED GATED ACCESS

PROPOSED PV RACKS (TYP.)

PARCEL ID 50-01-007
OWNER: EVERETS PROPERTIES INC
ZONING: RAC

DELINEATED WETLAND

PROPOSED GATED ACCESS

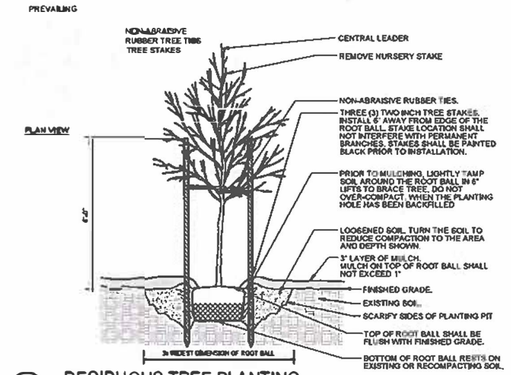
PARCEL ID 50-01-009
OWNER: EVERETS PROPERTIES INC
ZONING: INC

PROPOSED SECONDARY SITE ACCESS

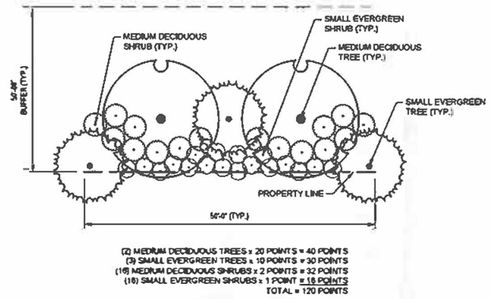
100' RPA WETLAND BUFFER AREA

PROPOSED INVERTER (TYP.)

PARCEL ID 41-01-019
OWNER: EVERETS PROPERTIES INC
ZONING: RAC

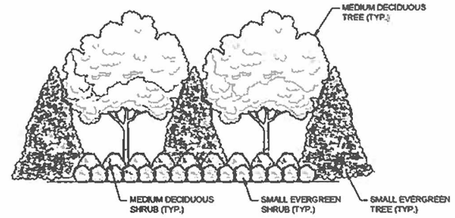


1 DECIDUOUS TREE PLANTING
NOT TO SCALE



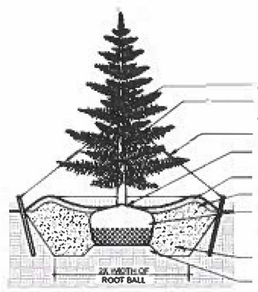
(2) MEDIUM DECIDUOUS TREES x 20 POINTS = 40 POINTS
(3) SMALL EVERGREEN TREES x 10 POINTS = 30 POINTS
(16) MEDIUM DECIDUOUS SHRUBS x 2 POINTS = 32 POINTS
(18) SMALL EVERGREEN SHRUBS x 1 POINT = 18 POINTS
TOTAL = 120 POINTS

4 120 POINT VEGETATIVE BUFFER - PLAN
NOT TO SCALE

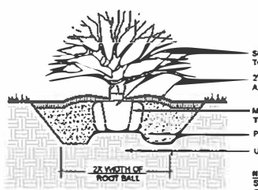


5 120 POINT VEGETATIVE BUFFER - ELEVATION
NOT TO SCALE

GENERAL NOTES
1. LANDSCAPE PLANTING WILL BE IN ACCORDANCE WITH THE COUNTY ORDINANCE
2. ALL DIMENSIONS SHOWN ARE APPROXIMATE AND SHALL BE VERIFIED IN THE FINAL DESIGN.
3. ALL SPECIFIED SPECIES ARE PRELIMINARY. FINAL SPECIES SELECTION SHALL BE APPROVED BY THE OWNER.



2 EVERGREEN TREE PLANTING
NOT TO SCALE



3 SHRUB PLANTING
NOT TO SCALE

6 RECOMMENDED PLANTING SPECIES
1" = 30'-0"

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. for the specific purpose intended will be at user's sole risk and without liability to Kimley-Horn and Associates, Inc.

REV	DATE
1	8/31/22
2	9/13/22
3	11/15/22
4	12/21/22

ENERGIX RENEWABLES

Kimley»Horn
© 2021 KIMLEY-HORN AND ASSOCIATES, INC.
11400 COMMERCE PARK DRIVE, SUITE 400
RESTON, VA 20191
PHONE: 703-674-1300

KHA PROJECT 110605019
DATE 06/14/2022
SCALE AS SHOWN
DESIGNED BY AJB
DRAWN BY AJB
CHECKED BY SAH

PRAIRIE SOLAR
PREPARED FOR
PRAIRIE SOLAR LLC
ISLE OF WIGHT COUNTY VIRGINIA

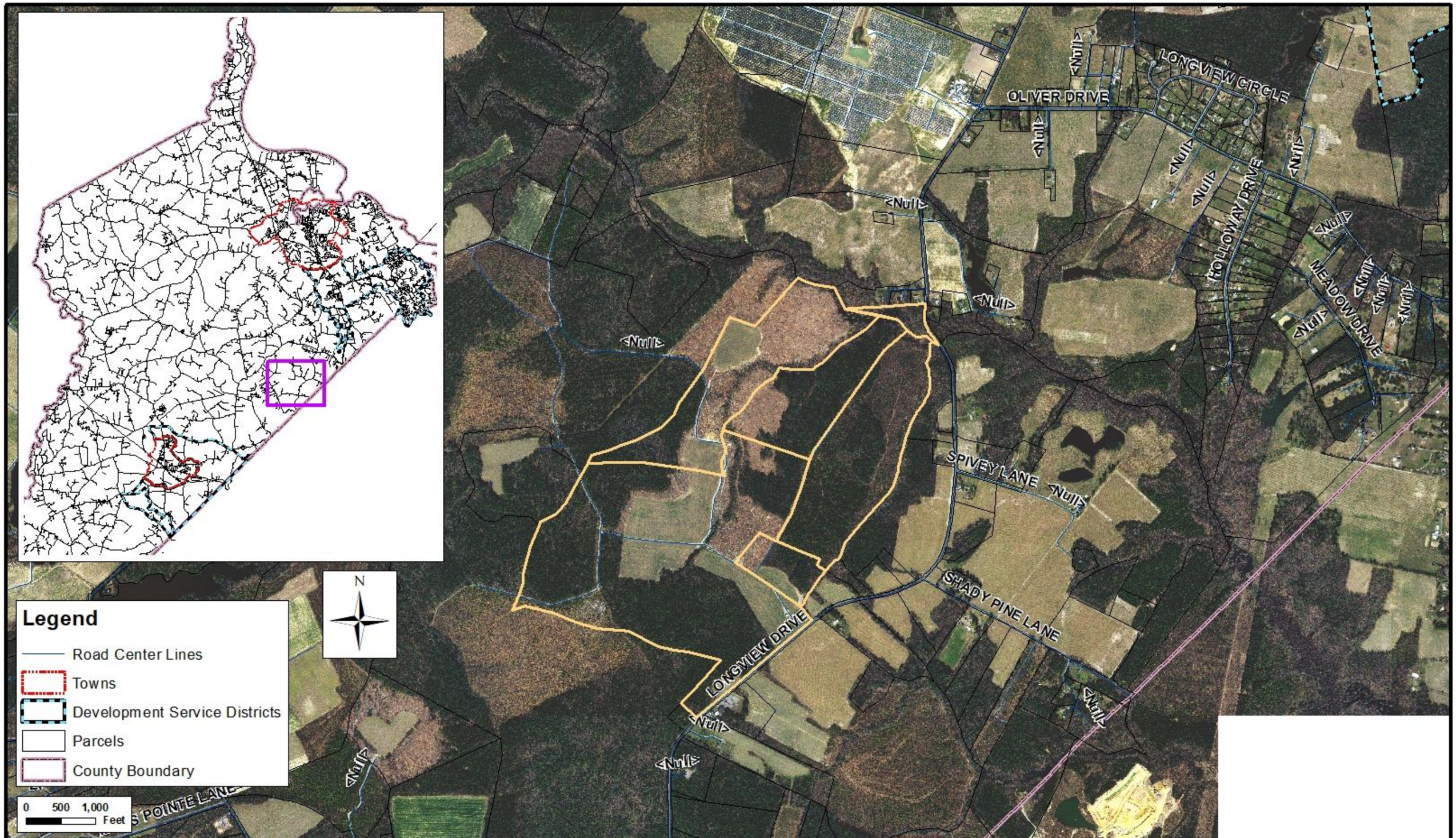
LANDSCAPE DETAILS

APPROVAL

SHEET NUMBER
L0-001

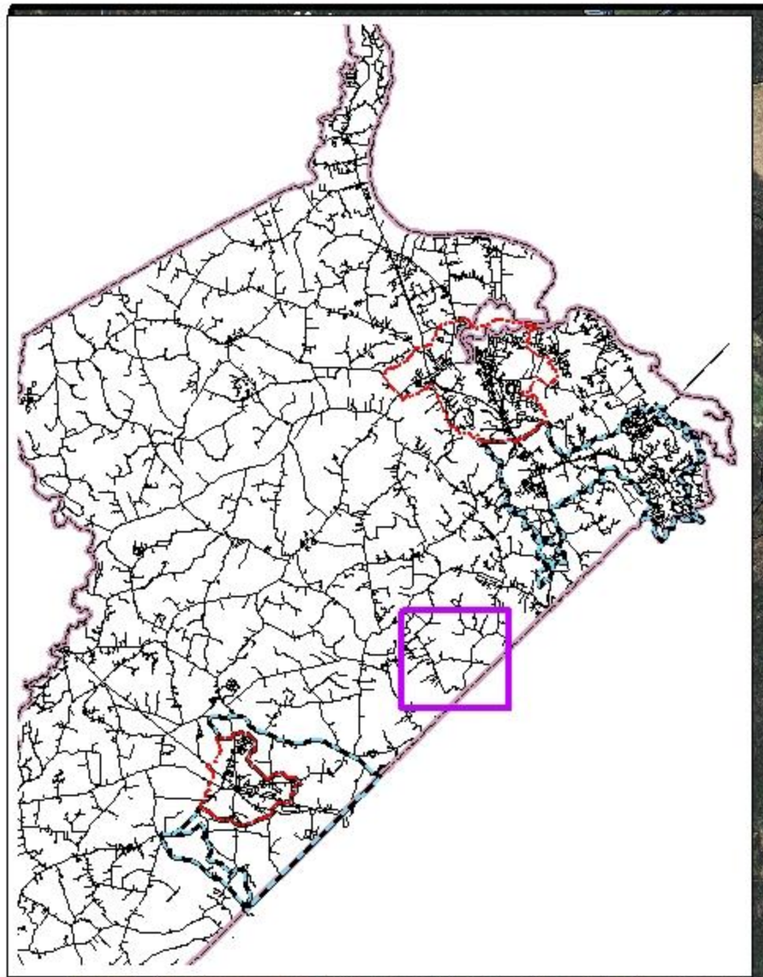
CUP-07-22 Conditional Use Permit - Location Map

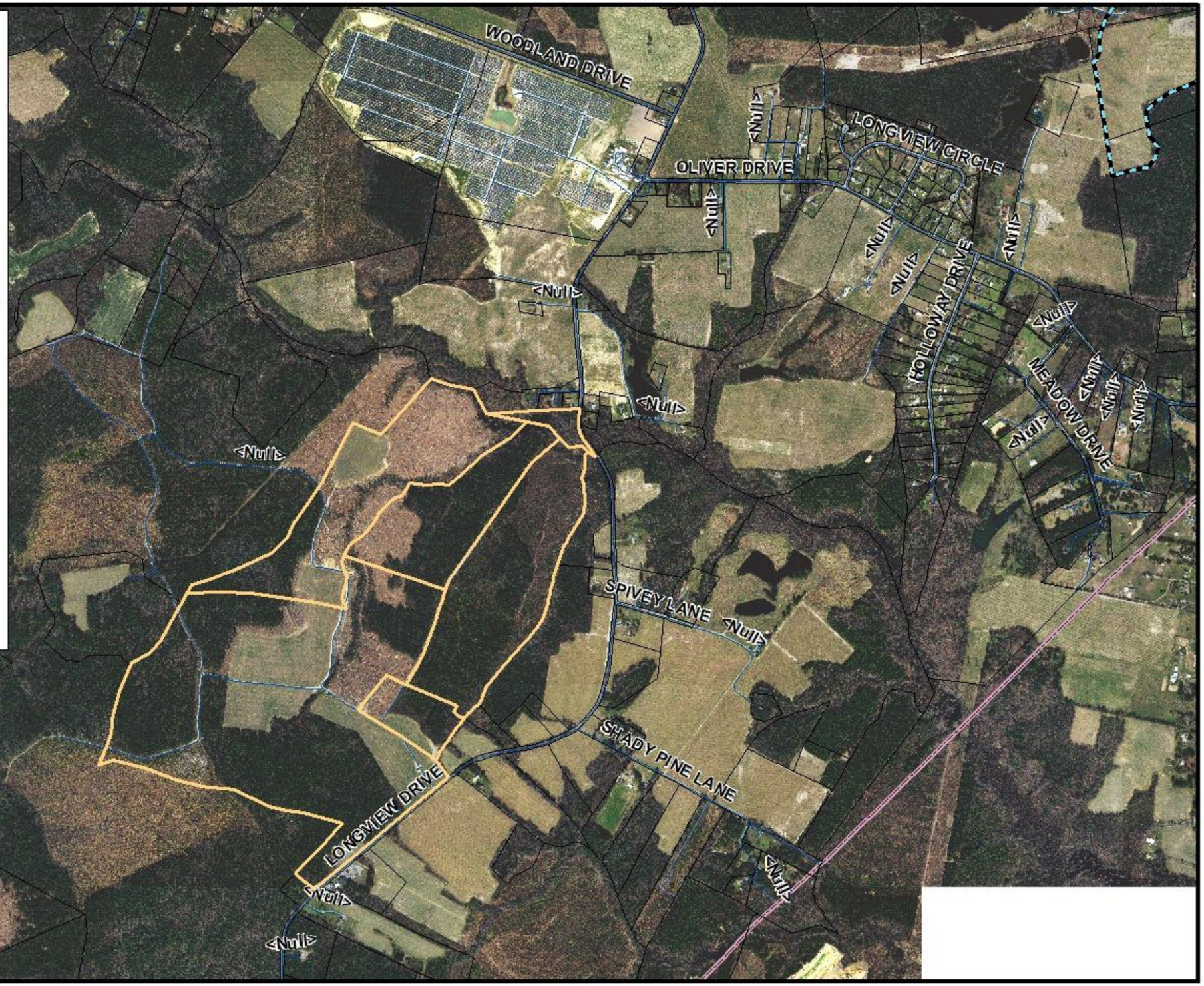
Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA



CUP-07-22 Conditional Use Permit - Location Closeup

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA





Legend

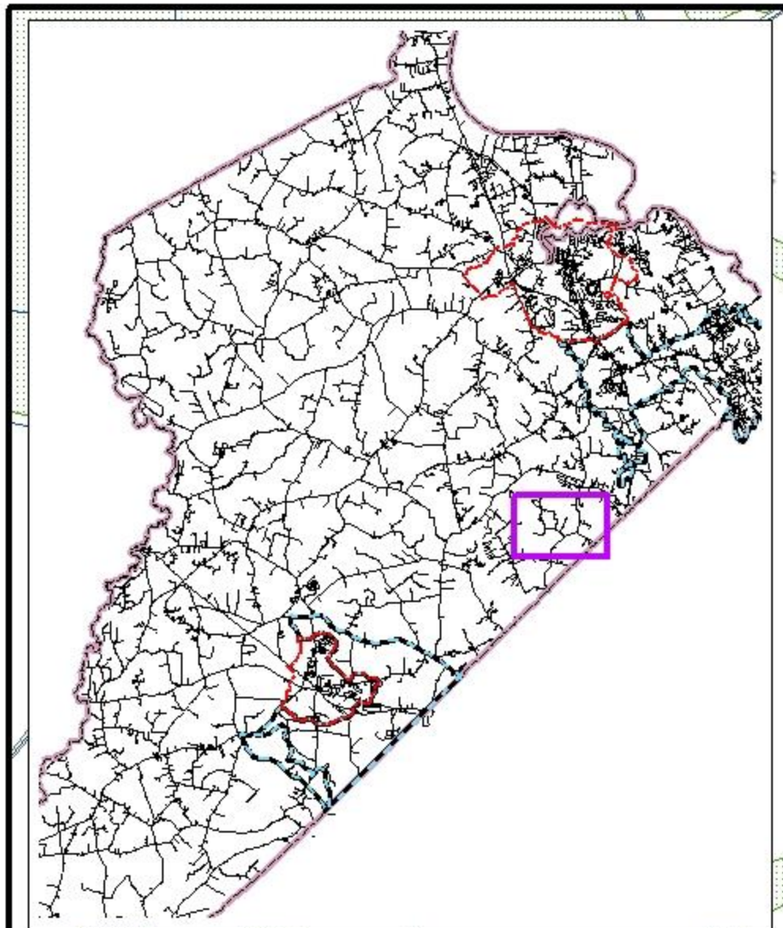
- Road Center Lines
- Highway Corridor Overlay District
- Towns
- Development Service Districts
- Parcels
- County Boundary

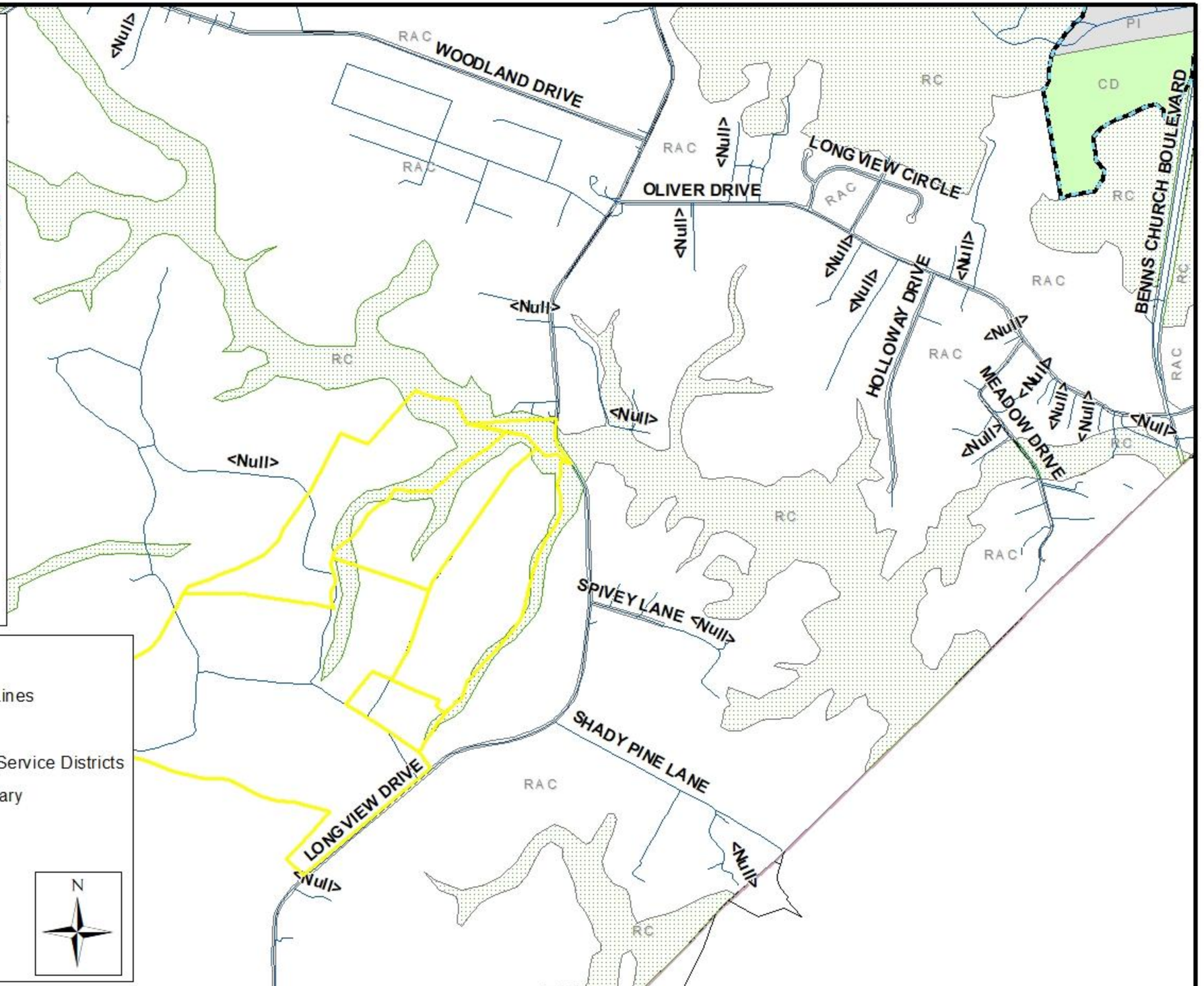
N

0 500 1,000 Feet

CUP-07-22 Conditional Use Permit - Land Use Map

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA





Legend

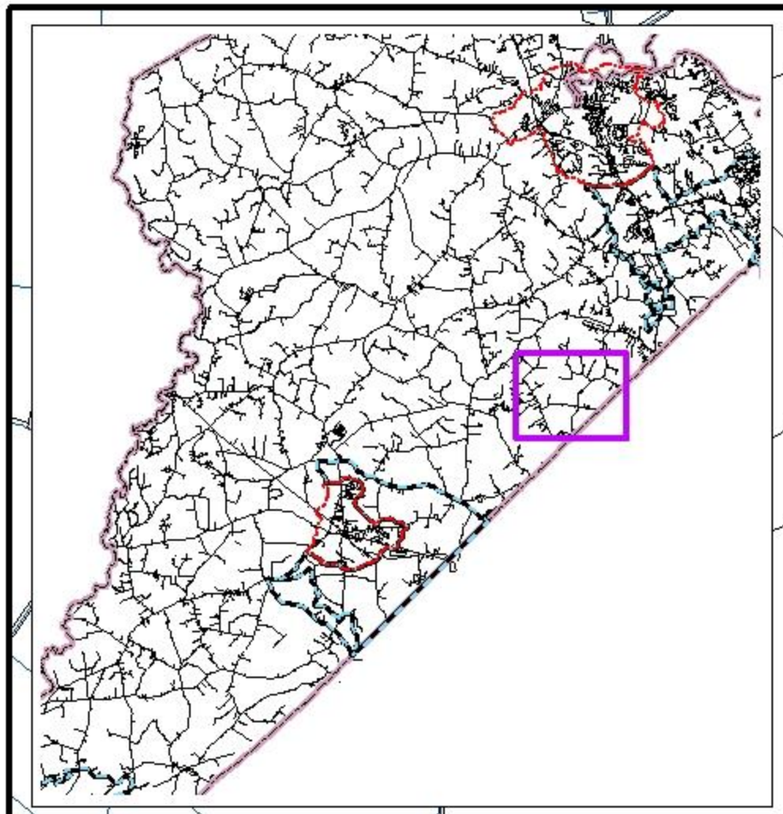
- Business & Employment
- Conservation Development
- Mixed Use
- Planned Industrial
- Rural Agricultural Conservation
- Resource Conservation
- Suburban Estate
- Suburban Residential
- UR
- Road Center Lines
- Towns
- Development Service Districts
- County Boundary

0 500 1,000 Feet

N

CUP-07-22 Conditional Use Permit- Zoning Map

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA

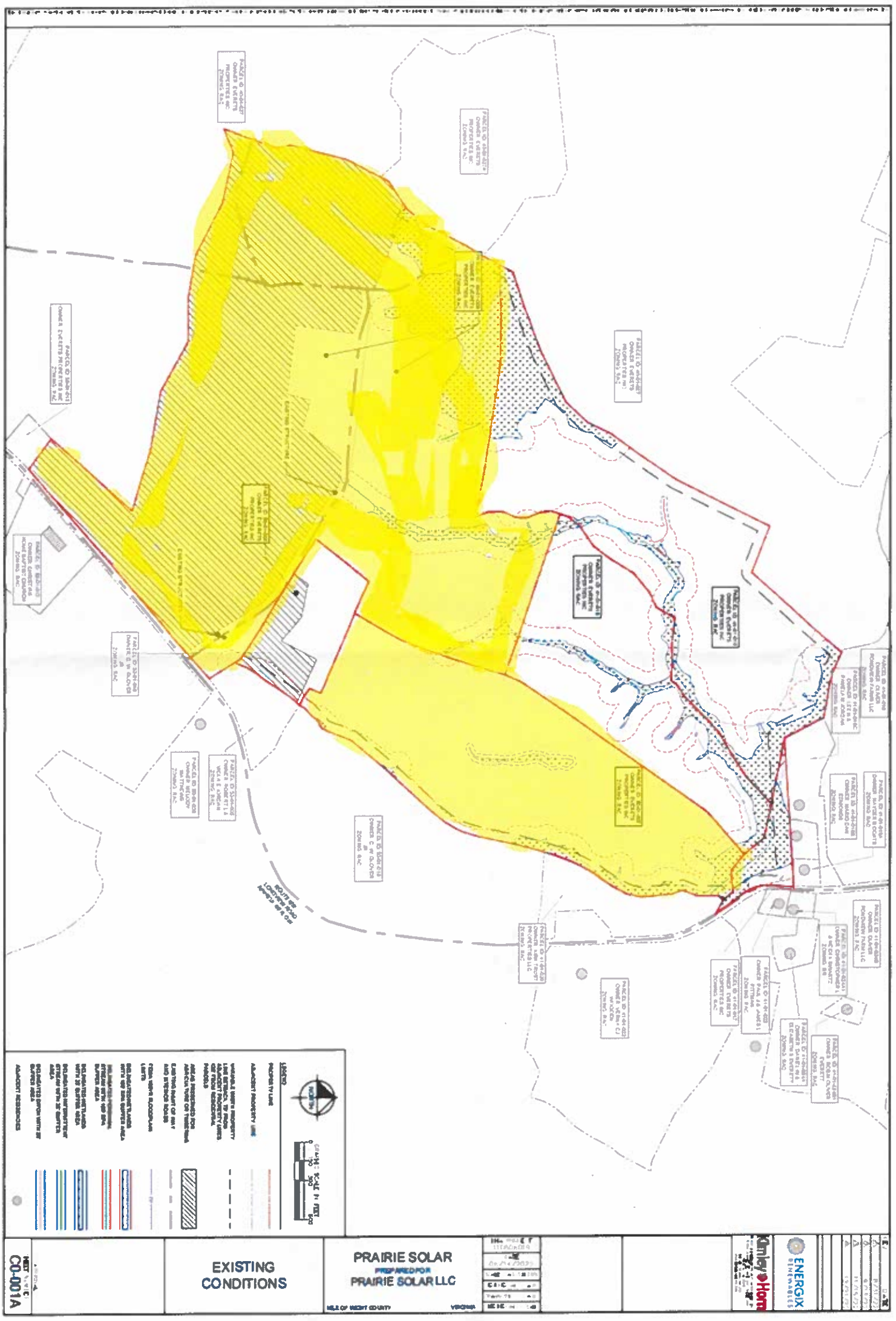


Legend

- General Commercial
- General Industrial
- General Industrial Conservation
- Limited Commercial
- Limited Industrial
- Neighborhood Conservation
- Planned Dev. - Mobile Home
- Planned Dev. - Mixed Use
- Planned Dev. Residential
- Rural Agricultural Conservation
- Rural Residential
- Suburban Estate
- Suburban Residential
- Urban Residential
- Village Center
- Road Center Lines
- Towns
- Development Service Districts
- County Boundary

N

0 500 1,000
Feet


EXISTING CONDITIONS
PRAIRIE SOLAR
PREPARED FOR
PRAIRIE SOLAR LLC
ISLE OF WIGHT COUNTY
VIRGINIA
C0-001A
LEGEND
PROPERTY LINE
ADJACENT PROPERTY LINE
VARIABLE WIDTH PROPERTY LINE SETBACK TO RESIDENTIAL OR PUBLIC PROPERTY LINES OR PUBLIC ROADS
AREAS RESERVED FOR ARCHEOLOGICAL TREE SCREENING
EXISTING PAVED OR UNPAVED ROAD
FEMA 100YR FLOODPLAIN LIMITS
ADJACENT RESIDENCES
Kimley»Horn
ENERGIX RENEWABLES

PRAIRIE SOLAR

Exhibit M:

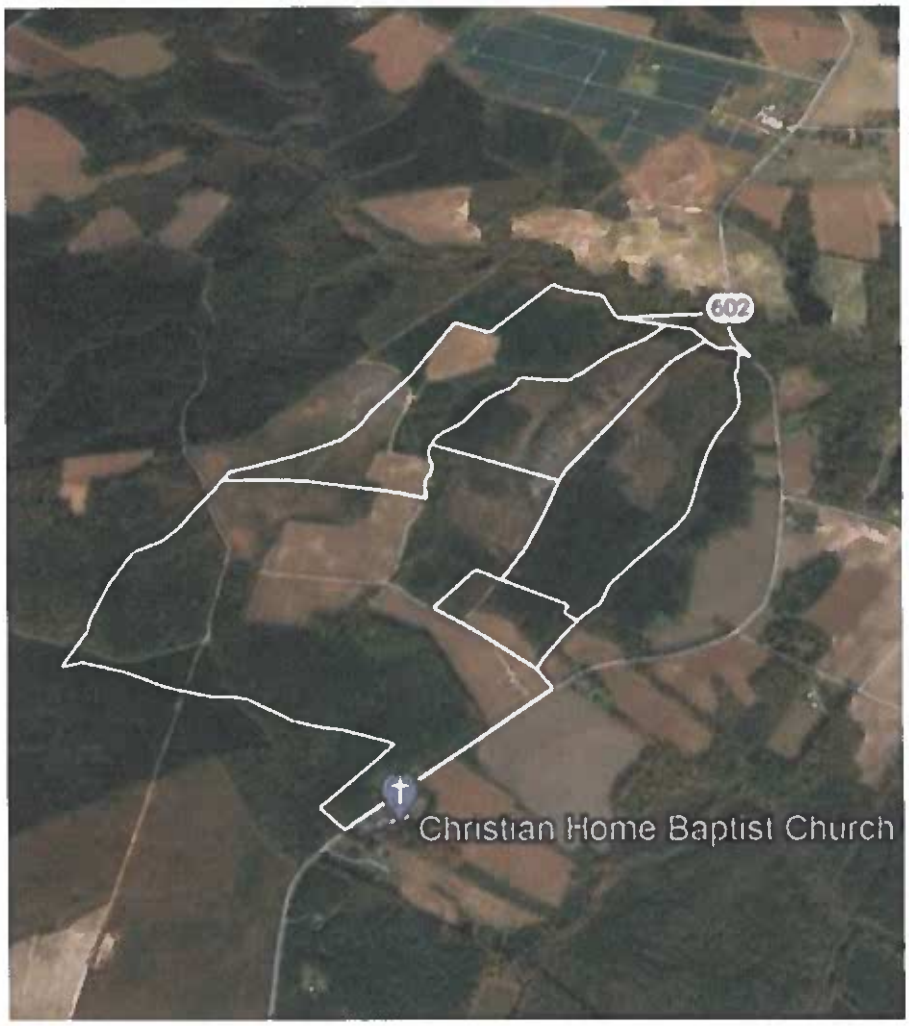
Site

Photos

PRAIRIE SOLAR

Prairie Solar

Site Photos



1. View(s) at access road
2. Viewshed along Longview Drive
3. Existing berm and bridge

1. View at Access Road off Longview Drive (Route 602)

The below photos show the current view from various points at the access road off of Route 602. As depicted, the access road utilizes the same access road as Rodgers Deer Club. The parcel directly across from the access entrance is a vacant lot. The property to the north of the access is an unleased tract owned by C. W. Glover. The property to the south is under lease with Everets Properties, Inc., but will not be used for panel placement.

From these viewpoints, there is approximately 969 feet from the beginning of the access road to where the project begins.

Looking south from access road

View from access road

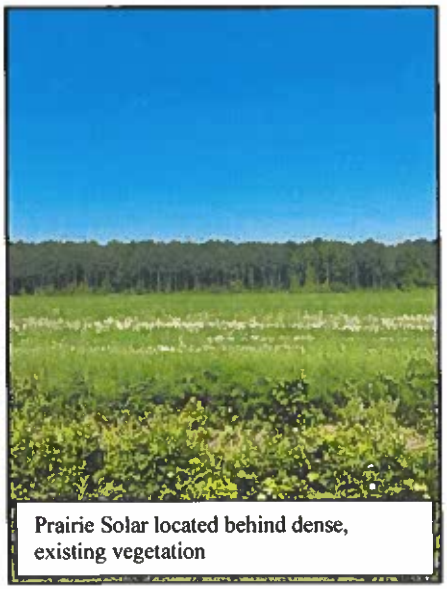
Looking directly at access road

2. Viewshed on Longview Drive

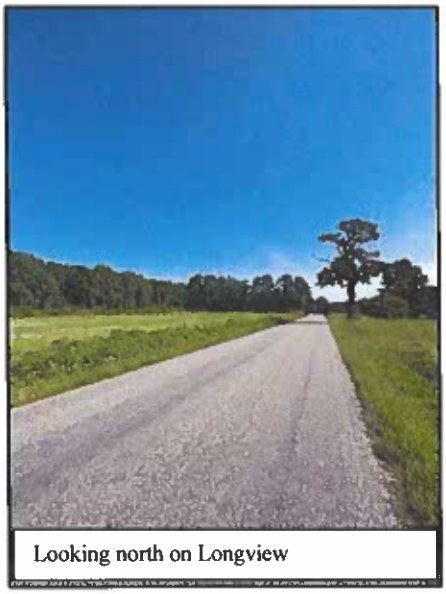
These pictures show various viewpoints along Longview Drive. As shown in the photos below, there is a dense existing tree line on an unleased tract. This will provide a buffer between the project and Longview Drive, making the solar facility impossible to see behind the trees.

There is approximate 1,160 feet from these viewpoints on Longview Drive to where the project begins.

View from Longview looking in to project – facility located behind tree line



Prairie Solar located behind dense, existing vegetation



Looking north on Longview

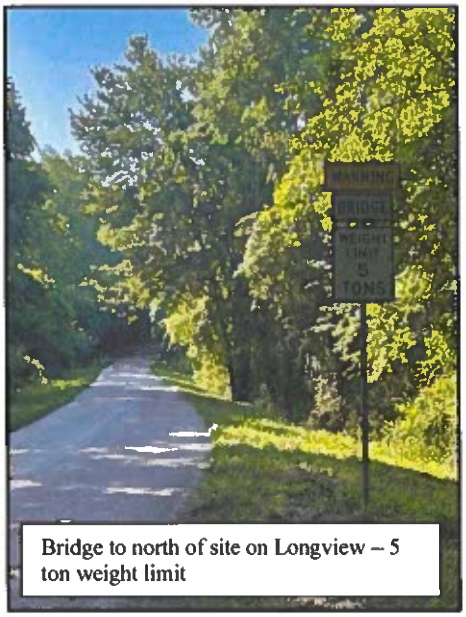
3. Existing Berm and Bridge

These photos show an existing berm located on Longview Drive. Not only would this berm itself shield the site from view, it has approximately 380 feet of dense vegetation from the road to the fence of the project.

The bridge on Longview Drive has a 5-ton posted weight limit. Only passenger vehicles and small construction vehicles will utilize this bridge, with majority of traffic entering the site from the south.

Existing berm along Longview Drive, with dense forestry

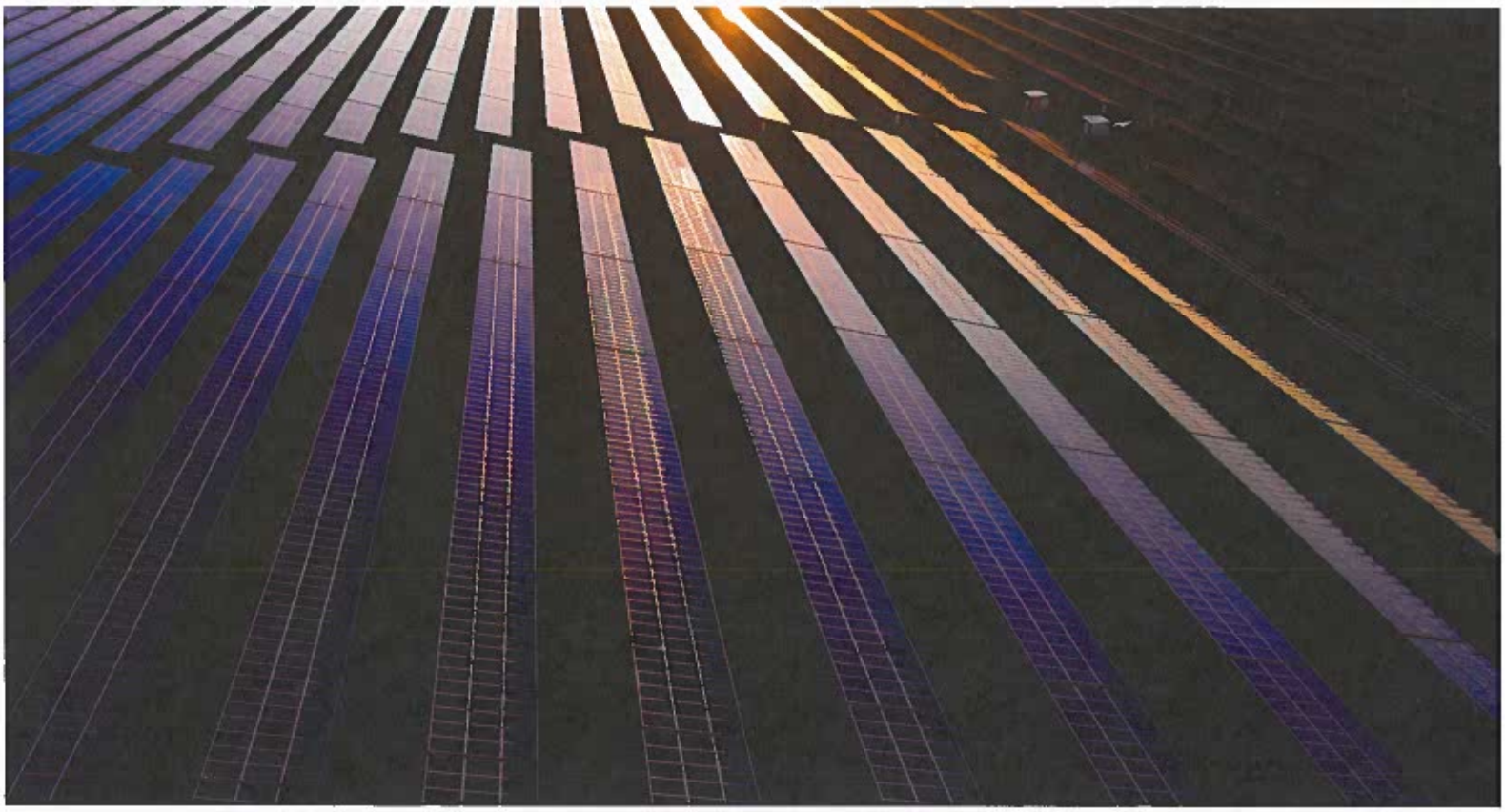
Bridge to north of site on Longview



Bridge to north of site on Longview – 5 ton weight limit

PRAIRIE SOLAR

ECONOMIC CONTRIBUTION TO ISLE OF WIGHT COUNTY, VIRGINIA



Prepared for

ENERGIX RENEWABLES

MANGUM economics

4201 DOMINION BOULEVARD, SUITE 114
GLEN ALLEN, VIRGINIA 23060
804-346-8446

MANGUMECONOMICS.COM

NOVEMBER 2022

© 2022 MANGUM ECONOMICS

About Mangum Economics, LLC

Mangum Economics is a Glen Allen, Virginia based firm that was founded in 2003. Since then, we have become known as a leader in industry analysis, economic impact assessment, policy and program evaluation, and economic and workforce strategy development. The Mangum Team specializes in producing objective and actionable quantitative economic research that our clients use for strategic decision making in a variety of industries and environments. We know that our clients are unique, and that one size does not fit all. As a result, we have a well-earned reputation for tailoring our analyses to meet the specific needs of specific clients, with a specific audience.

Most of our research falls into four general categories:

- **Information Technology:** Working with some of the largest names in the industry, to date the Mangum Team has produced analyses of the economic and fiscal impact of the data center industry in Virginia, home to the largest concentration of data centers in the world, and in five other states.
- **Energy:** The Mangum Team has produced analyses of the economic and fiscal impact of over 16 GW of proposed solar, wind, battery storage, and hydro projects in more than 15 states. Among those projects was Dominion Energy's 2.6 GW Coastal Virginia Offshore Wind project off of Virginia Beach. In addition, the Mangum Team has also performed economic and fiscal impact analyses for the natural gas, nuclear, oil, and pipeline industries.
- **Economic Development and Special Projects:** The Mangum Team has performed hundreds of analyses of proposed economic development projects. Most recently, we were called upon by Henrico County to provide an analysis of the proposed $2.3 billion Green City "net-zero eco district." The Mangum Team has also authored multiple economic development plans, including identifying industries that were likely recruitment targets because of the high-speed MAREA and BRUSA sub-sea cable landings in Virginia Beach.
- **Education and Workforce:** The Mangum Team has worked with multiple post-secondary and secondary education institutions to quantify their economic contribution to their host communities as well as their impact on regional and statewide workforce needs.

The Project Team

Rebecca Kyle
Research Analyst

Martina Arel, M.B.A.
Director – Economic Development & Energy Research

A. Fletcher Mangum, Ph.D.
Founder and CEO

Table of Contents

Executive Summary 1

Introduction 2

The Project 2

Economic Impact 2

- Method 2
- Construction Phase 3
  - Assumptions 3
  - Results 3

Current Agricultural Use 4

- Economic Impact Assumptions 4
- Results 4

Executive Summary

This report assesses the economic and fiscal contribution that the proposed Prairie Solar project would make to Isle of Wight County, Virginia. The primary findings from that assessment are as follows:

1) **Prairie Solar is a proposed 20-megawatt (MW) alternating current (AC) solar photovoltaic power generating facility. The project would be located west of Longview Drive in Isle of Wight County, Virginia. The total acreage to be leased for the project encompasses approximately 433 acres of agricultural and timberland. The actively used, fenced-in portion of the solar site would be approximately 121 acres.**

2) **The proposed Prairie Solar project would make an economic contribution to Isle of Wight County:**

   - The proposed Prairie Solar project would provide an estimated one-time pulse of economic activity to Isle of Wight County during its construction phase supporting approximately:
     - 33 direct, indirect, and induced jobs.
     - $1.4 million in associated labor income.
     - $4.4 million in economic output.

3) **In its current agricultural use, the land provides an annual economic contribution to Isle of Wight County:**

   - The current agricultural use of timberland and a rotation of crops which includes soybeans, corn, cotton, and peanuts provides an estimated average annual economic impact to Isle of Wight County supporting approximately:
     - 1 direct, indirect, and induced job.
     - $15,400 in associated labor income.
     - $60,300 in economic output.

The estimates provided in this report are based on the best information available and all reasonable care has been taken in assessing the quality of that information. However, because these estimates attempt to foresee the consequences of circumstances that have not yet occurred, it is not possible to be certain that they will be representative of actual events. These estimates are intended to provide a good indication of likely future outcomes and should not be construed to represent a precise measure of those outcomes.

Introduction

This report assesses the economic contribution that the proposed Prairie Solar project would make to Isle of Wight County, Virginia. This report was commissioned by Energix Renewables and produced by Mangum Economics.

The Project

Prairie Solar is a proposed 20-megawatt (MW) alternating current (AC) solar photovoltaic power generating facility. The project would be located west of Longview Drive in Isle of Wight County, Virginia. The total acreage to be leased for the project encompasses approximately 433 acres of agricultural and timberland. The actively used, fenced-in portion of the solar site would be approximately 121 acres.

Economic Impact

This section quantifies the economic contribution that the proposed Prairie Solar project would make to Isle of Wight County. The analysis evaluates the one-time pulse of economic activity that would occur during the construction phase of the project.

Method

To empirically evaluate the likely local economic impact attributable to the proposed Prairie Solar project, the analysis employs a regional economic impact model called IMPLAN.[1] The IMPLAN model is one of the most commonly used economic impact simulation models in the U.S., and in Virginia is used by UVA's Weldon Cooper Center, the Virginia Department of Planning and Budget, the Virginia Employment Commission, and other state agencies and research institutes. Like all economic impact models, the IMPLAN model uses economic multipliers to quantify economic impact.

Economic multipliers measure the ripple effects that an expenditure generates as it makes its way through the economy. For example, as when the Prairie Solar project purchases goods and services – or when contractors hired by the facility use their salaries and wages to make household purchases – thereby generating income for someone else, which is in turn spent, thereby becoming income for yet someone else, and so on, and so on. Through this process, one dollar in expenditures generates multiple dollars of income. The mathematical relationship between the initial expenditure and the total income generated is the economic multiplier.

One of the primary advantages of the IMPLAN model is that it uses regional and national production and trade flow data to construct region-specific and industry-specific economic multipliers, which are then further adjusted to reflect anticipated actual spending patterns within the specific geographic study area

[1] IMPLAN is produced by IMPLAN Group, LLC.

that is being evaluated. As a result, the economic impact estimates produced by IMPLAN are not generic. They reflect as precisely as possible the economic realities of the specific industry, and the specific study area, being evaluated.

In the analysis that follows, these impact estimates are divided into three categories. First round direct impact measures the direct economic contribution of the entity being evaluated (e.g., own employment, wages paid, goods and services purchased by the Prairie Solar project). Second round indirect and induced impact measures the economic ripple effects of this direct impact in terms of business to business, and household (employee) to business, transactions. Total impact is simply the sum of the preceding two. These categories of impact are then further defined in terms of employment (the jobs that are created), labor income (the wages and benefits associated with those jobs), and economic output (the total amount of economic activity that is created in the economy).

Construction Phase

This portion of the section assesses the economic and fiscal impact that the one-time pulse of activity associated with construction of the proposed Prairie Solar project would have on Isle of Wight County.

Assumptions

The analysis is based on the following assumptions:

- Total capital investment in the Prairie Solar project is estimated to be approximately $30.0 million.[2]
- Of that total:
    - Architecture, engineering, site preparation, and other construction and development costs are estimated to be approximately $18.0 million.[3]
    - Capital equipment costs are estimated to be approximately $12.0 million.[4] It is anticipated that no capital equipment would be purchased from vendors in Isle of Wight County.[5]
- For ease of analysis, all construction expenditures are assumed to take place in a single year.

Results

Applying these assumptions in the IMPLAN model results in the following estimates of one-time economic and fiscal impact. As shown in Table 1, construction of the proposed Prairie Solar project

[2] Data Source: Energix Renewables. Investment estimate is subject to change based on final design and vendor contracts.
[3] Data Source: Energix Renewables.
[4] Data Source: Energix Renewables.
[5] Data Source: IMPLAN Group LLC.

would directly provide a one-time pulse supporting approximately: 1) 27 jobs, 2) $1.2 million in labor income, and 3) $3.6 million in economic output to Isle of Wight County.[6]

Taking into account the economic ripple effects that direct investment would generate, the total estimated one-time impact on Isle of Wight County would support approximately: 1) 33 jobs, 2) $1.4 million in labor income, 3) $4.4 million in economic output, and 4) $131,300 in state and local tax revenue.

Table 1: Estimated One-Time Economic and Fiscal Impact on Isle of Wight County from Construction of the Prairie Solar Project

Economic Impact	Employment	Labor Income	Output
1st Round Direct Economic Activity	27	$1,222,100	$3,600,000
2nd Round Indirect and Induced Economic Activity	6	$214,100	$799,800
Total Economic Activity	**33**	**$1,436,200**	**$4,399,800**
Fiscal Impact			
State and Local Tax Revenue			**$131,300**

**Totals may not sum due to rounding.*

Current Agricultural Use

This section provides a benchmark for the previous estimates of the economic contribution that the proposed Prairie Solar project would make to Isle of Wight County by estimating the economic contribution that the site makes to the county in its current agricultural use.

Economic Impact Assumptions

The analysis is based on the following assumptions:

- The proposed Prairie Solar project would be situated on an approximate 121-acre tract of timberland and agricultural land with a rotation of crops that includes soybeans, corn, cotton, and peanuts.[7]

Results

Applying these assumptions in the IMPLAN model results in the following estimates of annual economic impact. As shown in Table 2, in its current use the proposed Prairie Solar project site directly supports

[6] It is important to note that construction sector jobs are not necessarily new jobs, but the investments made can also support an existing job during the construction of the project.
[7] Data Source: Energix Renewables.

approximately: 1) < 1 job, 2) $8,000 in labor income, and 3) $42,500 in economic output to Isle of Wight County.

Taking into account the economic ripple effects that direct impact generates, on average, the total annually supported impact on Isle of Wight County is approximately: 1) 1 job, 2) $15,400 in labor income, and 3) $60,300 in economic output.

Table 2: Total Estimated Annual Economic Impact of the Prairie Solar Project Site on Isle of Wight County – Current Agricultural Use[8]

Economic Impact	Employment	Labor Income	Output
1st Round Direct Economic Activity	< 1	$8,000	$42,500
2nd Round Indirect and Induced Economic Activity	< 1	$7,400	$17,800
Total Economic Activity	**1**	**$15,400**	**$60,300**

**Totals may not sum due to rounding.*

The estimates provided in this report are based on the best information available and all reasonable care has been taken in assessing the quality of that information. However, because these estimates attempt to foresee the consequences of circumstances that have not yet occurred, it is not possible to be certain that they will be representative of actual events. These estimates are intended to provide a good indication of likely future outcomes and should not be construed to represent a precise measure of those outcomes.

[8] Calculations based data from the U.S. Department of Agriculture and IMPLAN Group, LLC for Virginia and Isle of Wight County.

PRAIRIE SOLAR

Exhibit E:

Updated Tax Revenue Chart

Year of Operations	Calendar Year	Total Capital Investment Subject to Exemption	Utility Assessment Ratio Amount	Stepdown Exemption	After Exemption	Depreciation	Depreciated Value of Taxable Capital Investment	M&T	Reassessment	Total Annual Revenues from Solar (1+2+3)	Revenue Share	Total Annual Revenues from Solar (2+3+5)	Current Land Use Tax
1	2024	$30,000,000	$30,000,000	80%	$6,000,000	40.00%	$2,400,000	$42,000.00	$19,380.00	$61,380	$28,000	$47,380.00	$2,604.02
2	2025	$30,000,000	$30,000,000	80%	$6,000,000	40.00%	$2,400,000	$42,000.00	$19,380.00	$61,380	$28,000	$47,380.00	$2,604.02
3	2026	$30,000,000	$30,000,000	80%	$6,000,000	40.00%	$2,400,000	$42,000.00	$19,380.00	$61,380	$30,800	$50,180.00	$2,604.02
4	2027	$30,000,000	$30,000,000	80%	$6,000,000	40.00%	$2,400,000	$42,000.00	$19,380.00	$61,380	$30,800	$50,180.00	$2,604.02
5	2028	$30,000,000	$30,000,000	80%	$6,000,000	40.00%	$2,400,000	$42,000.00	$19,380.00	$61,380	$30,800	$50,180.00	$2,604.02
6	2029	$30,000,000	$30,000,000	70%	$9,000,000	40.00%	$3,600,000	$63,000.00	$19,380.00	$82,380	$30,800	$50,180.00	$2,604.02
7	2030	$30,000,000	$30,000,000	70%	$9,000,000	40.00%	$3,600,000	$63,000.00	$19,380.00	$82,380	$30,800	$50,180.00	$2,604.02
8	2031	$30,000,000	$30,000,000	70%	$9,000,000	40.00%	$3,600,000	$63,000.00	$19,380.00	$82,380	$33,880	$53,260.00	$2,604.02
9	2032	$30,000,000	$30,000,000	70%	$9,000,000	40.00%	$3,600,000	$63,000.00	$19,380.00	$82,380	$33,880	$53,260.00	$2,604.02
10	2033	$30,000,000	$30,000,000	70%	$9,000,000	40.00%	$3,600,000	$63,000.00	$19,380.00	$82,380	$33,880	$53,260.00	$2,604.02
11	2034	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$33,880	$53,260.00	$2,604.02
12	2035	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$33,880	$53,260.00	$2,604.02
13	2036	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$37,268	$56,648.00	$2,604.02
14	2037	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$37,268	$56,648.00	$2,604.02
15	2038	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$37,268	$56,648.00	$2,604.02
16	2039	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$37,268	$56,648.00	$2,604.02
17	2040	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$37,268	$56,648.00	$2,604.02
18	2041	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$40,995	$60,374.80	$2,604.02
19	2042	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$40,995	$60,374.80	$2,604.02
20	2043	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$40,995	$60,374.80	$2,604.02
21	2044	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$40,995	$60,374.80	$2,604.02
22	2045	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$40,995	$60,374.80	$2,604.02
23	2046	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$45,094	$64,474.28	$2,604.02
24	2047	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$45,094	$64,474.28	$2,604.02
25	2048	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$45,094	$64,474.28	$2,604.02
26	2049	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$45,094	$64,474.28	$2,604.02
27	2050	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$45,094	$64,474.28	$2,604.02
28	2051	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$49,604	$68,983.71	$2,604.02
29	2052	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$49,604	$68,983.71	$2,604.02
30	2053	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$49,604	$68,983.71	$2,604.02
31	2054	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$49,604	$68,983.71	$2,604.02
32	2055	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$49,604	$68,983.71	$2,604.02
33	2056	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$54,564	$73,944.08	$2,604.02
34	2057	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$54,564	$73,944.08	$2,604.02
35	2058	$30,000,000	$30,000,000	60%	$12,000,000	40.00%	$4,800,000	$84,000.00	$19,380.00	$103,380	$54,564	$73,944.08	$2,604.02
Total								$2,625,000	$678,300	$3,303,300	$1,407,896	$2,086,196	$91,141

Notes/Source
1. Stepdown Exemption: https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB763
2. Real Estate Tax Rate Law: https://law.lis.virginia.gov/vacode/title58.1/chapter26/section58.1-2606/#:~:text=%C2%A7%2058.1%2D2606.,put
3. Real Estate Tax Rate: https://www.louisacounty.com/164/Calendar-Rates
4. Revenue Share: https://law.lis.virginia.gov/vacode/title58.1/chapter26/section58.1-2636/

Reviewed and approved by Commissioner of Revenue on 2/8/2023.

PRAIRIE SOLAR

Exhibit K:

Phase 1 ESA

Report

PHASE I
ENVIRONMENTAL SITE ASSESSMENT

PRAIRIE SOLAR
APPROXIMATE 335-ACRE TRACT
LONGVIEW DRIVE
WINDSOR, ISLE OF WIGHT COUNTY, VIRGINIA

PREPARED FOR:
ENERGIX US, LLC
1201 WILSON BOULEVARD, SUITE 2200
ARLINGTON, VIRGINIA 22209

PREPARED BY:
PILOT ENVIRONMENTAL, INC.
PO BOX 128
KERNERSVILLE, NORTH CAROLINA 27285

MAY 16, 2022
PILOT PROJECT 7382.1

PILOT ENVIRONMENTAL, INC

May 16, 2022

Ms. Gabriella Hernandez
Energix US, LLC
1201 Wilson Boulevard, Suite 2200
Arlington, Virginia 22209

Reference: Phase I Environmental Site Assessment
Prairie Solar
Approximate 335-Acre Tract
Longview Drive
Windsor, Isle of Wight County, Virginia
Pilot Project 7382.1

Dear Ms. Hernandez,

Pilot Environmental, Inc. (Pilot) is pleased to submit the Phase I Environmental Site Assessment (ESA) report for the approximate 335-acre tract located west of Longview Drive in Windsor, Isle of Wight County, Virginia. The assessment was performed in general accordance with ASTM Standard Practice E1527-13: Phase I Environmental Site Assessment Process.

This report includes a description of the methodology of our investigation and a summary of our findings and conclusions. If you have questions regarding our assessment of the subject site or our conclusions, please do not hesitate to call us at 336.310.4527.

Sincerely,

Mikayla A. White
Project Manager

Toby S. Benfield
Senior Project Manager

Project Summary Table

Report Section		No Further Assessment	REC	CREC	HREC	Other Environmental Considerations	Recommended Action
3.0	User Provided Information	✓					
4.0	Records Review	✓					
5.0	Site Reconnaissance	✓					
6.0	Interviews	✓					
9.0	Non-Scope Services	✓					

EXECUTIVE SUMMARY

Pilot was contracted by Energix US, LLC to perform an ASTM Standard E1527-13, Phase I ESA for the approximate 335-acre site located west of Longview Drive in Windsor, Isle of Wight County, Virginia. The site consists of all or portions of six parcels identified by the Isle of Wight County Geographic Information System (GIS) as Parcel Identification Numbers (PINs) 41-01-017, 41-01-018, 41-01-019, 50-01-006, 50-01-007, and 50-01-009.

Based on Pilot's review of historical records and interviews, it appears that the site has contained wooded land and fields since at least 1937. An apparent residence was located on the southeastern portion of the site from at least 1959 until sometime prior to 2000. Mr. Rusty Rose, the owner of the site, indicated that he was unaware of whether the residence utilized a water supply well or septic system and that it was likely heated with wood. A clubhouse and an agricultural structure have been located on the southeastern portion of the site since at least 1959. The clubhouse likely utilized a water supply well and septic system. Mr. Rose stated that a communications tower and associated building were formerly located on the southern portion of the site and removed in the early 1990s. A kennel has been located on the southern portion of the site since at least 2005. Timbering activities have occurred on the site at various times since at least 1969.

The site contains a clubhouse building, agricultural structures, a kennel, wooded land, and fields. Piping possibly associated with a water supply well and a septic system were observed beneath the clubhouse. Surface water features and gravel-covered and unimproved access roads cross the site. Minor ground staining was observed in the vicinity of an agricultural structure. However, the staining is considered a de minimis condition. Two small propane aboveground storage tanks (ASTs) are located in the vicinity of the clubhouse on the southeastern portion of the site. A water supply well and an out of use propane AST are located in the vicinity of an agricultural structure on the southern portion of the site. Staining was not observed in the vicinity of the ASTs.

A temporary hunting structure is located on the site. Agricultural equipment, discarded appliances, lawn furniture, plastic containers, small containers of unidentified substances, and debris was observed on the site. Visible portions of the debris included an abandoned automobile, scrap wood and metal, and timbering debris. We did not observe stressed vegetation or evidence of underground storage tanks (USTs) on the site.

The site is located in an area of Windsor that can generally be described as residential and agricultural. Surrounding properties contain a church, an industrial solar facility, residences, wooded land, and fields. Christian Home Church Cemetery is located approximately 375 feet east of the site. Based on the distance, releases from the cemetery are not expected to impact the site.

Christian Home Church Cemetery is located approximately 375 feet east of the site. The cemetery is approximately 2.4 acres in size. Densely concentrated areas of burial plots within the cemetery appear to be located approximately 475 feet and more from the site. It is our opinion that based on the size of the cemetery and lack of mobility of metals and compounds typically associated with decomposition and leaching of materials from a cemetery, it does not represent a threat to human health or the environment and generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies and therefore is considered to be a de minimis condition.

The Standard Environmental Records (SER) search provided by Environmental Risk Information Services (ERIS) does not identify documented releases of petroleum or hazardous materials at other properties in the vicinity of the site.

Pilot has performed a Phase I ESA in general conformance with the scope and limitations of ASTM E1527-13 for the approximate 335-acre site located west of Longview Drive in Windsor, Isle of Wight County, Virginia. Exceptions to, or deletions from, this practice are described in Section 1.4 of this report. As documented and qualified by this report, this assessment has revealed no evidence of Recognized Environmental Conditions (RECs), Controlled Recognized Environmental Conditions (CRECs), or Historical Recognized Environmental Conditions (HRECs) in connection with the site.

Business Environmental Risks

- A water supply well is located on the site. Other water supply wells and septic systems may have been associated with the current or former structures on the site. Water supply wells and septic systems should be abandoned in accordance with applicable regulations if they are encountered within the proposed redevelopment areas.

- We were unable to determine how a former residence was heated. If USTs are encountered during redevelopment of the site, they should be handled in accordance with Virginia Department of Environmental Quality (VDEQ) guidelines.

This Executive Summary includes only a summary of relevant information in the Phase I Environmental Site Assessment report. Pilot recommends that the report be read in its entirety.

PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT
APPROXIMATE 335-ACRE TRACT
LONGVIEW DRIVE
WINDSOR, ISLE OF WIGHT COUNTY, VIRGINIA

1.0 INTRODUCTION 1
1.1 Purpose of Phase I ESA 1
1.2 Scope of Services 1
1.3 ASTM E1527-13 Definitions 1
1.4 Limitations and Exceptions 3
1.5 User Reliance 3
1.6 Data Gaps 3
2.0 SITE DESCRIPTION 4
2.1 Site Location and Legal Description 4
2.2 Current Use of the Site 4
2.3 Current Uses of Adjoining Property 4
3.0 USER PROVIDED INFORMATION 5
4.0 RECORDS REVIEW 6
4.1 Physical Setting Records 6
4.2 Regulatory Records Review 6
4.3 Federal Databases 7
4.4 State and Tribal Databases 7
4.5 Additional Environmental Record Sources 8
4.6 Historical Use Information 8
4.7 Previous Reports Review 9
5.0 SITE RECONNAISSANCE 10
5.1 Methodology and Limiting Conditions 10
5.2 On-Site Observations 10
5.3 Adjoining and Nearby Property Observations 12
6.0 INTERVIEWS 13
7.0 FINDINGS AND OPINIONS 14
8.0 CONCLUSIONS 15
9.0 NON-SCOPE SERVICES 16
10.0 REFERENCES 17

APPENDICES

Appendix I: Drawings
Appendix II: User Provided Information
Appendix III: Regulatory Records
Appendix IV: Historical Research Records
Appendix V: Site Reconnaissance Photographs
Appendix VI: Statement of Qualifications

1.0 INTRODUCTION

1.1 Purpose of Phase I ESA

The purpose of this Phase I Environmental Site Assessment (ESA) is to conduct all appropriate inquiries into the uses and prior ownership of the subject site and to identify, to the extent feasible pursuant to the processes described herein, Recognized Environmental Conditions (RECs), Controlled Recognized Environmental Conditions (CRECs), Historical Recognized Environmental Conditions (HRECs), or Business Environmental Risks (BERs) in connection with the subject site.

This ESA should allow the User the opportunity to qualify for landowner liability protection under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The landowner liability protections are an innocent landowner, a contiguous property owner, or a bona fide prospective purchaser. The User must meet the protection stipulations detailed in CERCLA to qualify, as well as meet the User Obligations contained within ASTM E1527-13 standard.

Pilot Environmental, Inc. (Pilot) understands that this Phase I ESA is for due diligence for a solar farm.

1.2 Scope of Services

Pilot was retained to complete a Phase I ESA in general accordance with the standard developed by the American Society for Testing and Materials (ASTM) entitled "E1527-13 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process." The Phase I ESA was conducted in accordance with ASTM E1527-13 and EPA Standards and Practices for All Appropriate Inquiry (40 CFR §312.10). The environmental assessment was conducted under the supervision or responsible charge of an individual that qualifies as an environmental professional, as defined in 40 CFR §312.10.

I, Toby S. Benfield, declare that to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in § 312.10 of 40 CFR 312; and I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject site. I have developed and performed all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

1.3 ASTM E1527-13 Definitions

ASTM E1527-13 defines a "recognized environmental condition (REC)" as "the presence or likely presence of any hazardous substances or petroleum products in, on or at a property: 1) due to release to the environment, 2) under conditions indicative of a release to the environment; or 3) under conditions that pose a material threat of a future release to the environment." For the

purposes of this practice, "migrate" and "migration" refer to the movement of hazardous substances or petroleum products in any form including solid and liquid at the surface or subsurface and vapor in the subsurface. Vapor migration in the subsurface is described in Guide E2600 published by ASTM. Pilot has not conducted a Vapor Encroachment Screen in accordance with the E2600 guide.

A "de minimis condition" is a condition that generally does not represent a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. De minimis conditions are not recognized environmental conditions nor controlled recognized environmental conditions.

A "controlled recognized environmental condition (CREC)" is a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example property use restrictions, activity and use limitations, institutional controls, or engineering controls). A condition identified as a controlled recognized environmental condition does not imply that the Environmental Professional has evaluated or confirmed the adequacy, implementation or continued effectiveness of the required control that has been, or is intended to be, implemented.

A "historical recognized environmental condition (HREC)" is a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted residential use criteria established by a regulatory authority, without subjecting the property to any required controls (for example property use restrictions, activity and use limitations, institutional controls, or engineering controls). Before calling the past release a historical recognized environmental condition, the Environmental Professional must determine whether the past release is a recognized environmental condition at the time of the Phase I Environmental Site Assessment is conducted (for example, if there has been a change in the regulatory criteria).

A "business environmental risk (BER)" is "a risk which can have a material environmental or environmentally-driven impact on the business associated with the current or planned use of a parcel of commercial real estate, not necessarily limited to those environmental issues required to be investigated in this practice." Client-imposed limitations and site condition limitations, if encountered, are detailed in Section 5.1 Methodology and Limiting Conditions.

1.4 Limitations and Exceptions

The findings of this report are limited to conditions observed at the time of the site reconnaissance, interviews with the landowners, and review of public documents and may not represent conditions at a later date.

Much of the information provided in this report is based upon personal interviews and review of available public documents, records and maps held by government and private agencies. This report is subject to the limitations of historical documentations, availability and accuracy of pertinent records, and the personal recollection of persons interviewed.

The conclusions and/or recommendations presented within this report are based upon a level of investigation consistent with the standard of care and skill exercised by members of the same profession currently practicing in the same locality under similar conditions. The intent of this assessment is to identify the potential for recognized environmental conditions in connection with the site; however, no environmental site assessment can completely eliminate uncertainty regarding the potential for recognized environmental conditions in connection with the site.

Additional exploratory work, including sampling and laboratory analysis that is beyond the scope of a Phase I ESA may be required to determine if contamination exists on a site. No warranty, expressed or implied, is made with regard to the conclusions and/or recommendations presented within this report.

No non-scope considerations or additional issues including but not limited to asbestos, radon, wetlands, or mold were investigated, unless otherwise described in Section 9.0 of this report.

1.5 User Reliance

The resulting report is provided for the sole use of Energix US, LLC. Use of this report by third parties will be at such party's sole risk. Pilot disclaims liability for any use or reliance by third parties.

1.6 Data Gaps

Data gaps have not affected our ability to identify RECs associated with the site.

2.0 SITE DESCRIPTION

2.1 Site Location and Legal Description

A legal description of the site has not been provided to Pilot. The approximate site boundary is depicted on Drawing 2 of Appendix I.

Property Summary	
Solar Site Name	Prairie Solar
Property Address	Longview Drive, Windsor, Isle of Wight County, Virginia
Current Site Use	Residential and agricultural.
PINs	41-01-017, 41-01-018, 41-01-019, 50-01-006, 50-01-007, and 50-01-009
Property Acres	335

2.2 Current Use of the Site

The site contains agricultural structures, wooded land, and fields.

2.3 Current Uses of Adjoining Property

The site is located in an area of Windsor that can generally be described as residential.

Direction from Site	Current Use
North	Wooded land and residences
East	Longview Drive and wooded land
South	A field and wooded land
West	Wooded land and recently timbered land

3.0 USER PROVIDED INFORMATION

The ASTM E1527-13 User Questionnaire was completed by Ms. Gabriella Hernandez on behalf of Energix US, LLC. Section 3.0 is based on user provided information and the completed questionnaire. A copy of the completed User Questionnaire is included in Appendix II.

User Provided Information	Response	Comments
Environmental Liens or Activity and Use Limitations	No	
Specialized Knowledge	No	
Valuation Reduction for Environmental Issues	No	
Commonly Known or Reasonably Ascertainable Information	Yes	The user indicated that the site has previously been forested and used for agriculture.
Degree of Obviousness	No	

4.0 RECORDS REVIEW

4.1 Physical Setting Records

Physical Settings	
USGS Topographic Map	Chuckatuck, VA, 1980; Benns Church, VA, 1986; Smithfield, VA, 1986; Windsor, VA, 1980
Site Features	Chuckatuck Creek is depicted on the northern portion of the site and two unnamed tributaries to Chuckatuck Creek are depicted on the northern portion and along the eastern boundary of the site. Two structures are depicted on the southeastern portion of the site. Access roads are depicted crossing the site.
Site Elevation/Range	From approximately 80 feet above mean sea level on the southern portion of the site to approximately 20 feet above mean sea level on the northeastern portion of the site.
General Sloping Direction	Generally toward Chuckatuck Creek and unnamed tributaries on the northern portion and near the eastern boundary of the site
Inferred Groundwater Flow Direction	Generally toward Chuckatuck Creek and unnamed tributaries on the northern portion and near the eastern boundary of the site
Geologic Province	Coastal Plain
Upgradient Property Direction	South

4.2 Regulatory Records Review

Standard Environmental Record Sources	Approximate Minimum Search Distance (miles)	Target Property	Off-Site Property
Federal Databases			
NPL	1.0	No	None
Delisted NPL	0.5	No	None
SEMS/CERCLIS	0.5	No	None
SEMS Archive/CERCLIS NFRAP	0.5	No	None
RCRA CORRACTS	0.5	No	None
RCRA non-CORRACTS TSD	0.5	No	None
RCRA Generators	Subject Site & Adjoining Properties	No	None
IC/EC	Subject Site Only	No	None
ERNS	Subject Site Only	No	None

Standard Environmental Record Sources	Approximate Minimum Search Distance (miles)	Target Property	Off-Site Property
State and Tribal Database			
HSDS (NPL Equivalent)	1.0	No	None
SHWS (CERCLIS Equivalent)	0.5	No	None
Landfill and/or Solid Waste Disposal Facilities	0.5	No	None
LAST	0.5	No	None
LUST	0.5	No	None
UST and AST	Subject Site & Adjoining Properties	No	None
IC/EC	Subject Site Only	No	None
Voluntary Cleanup Sites	0.5	No	None
Brownfields Sites	0.5	No	None
Additional Environmental Records Searches			
All	0.5	No	None

Based on our knowledge of the subject site and the surrounding area, Pilot attempts to verify and interpret this data. While this attempt at verification is made with diligence, Pilot cannot guarantee the accuracy of the record search beyond that of information provided by the regulatory report. Mapped and unmapped sites identified in the regulatory report that are not subsequently addressed below were field verified to the extent possible by Pilot using the information available. Pilot makes no warranty regarding the accuracy of the database report information included within the regulatory report.

4.3 Federal Databases

Neither the site nor the properties in the vicinity of the site were identified on the Federal Environmental Records Sources reviewed. A list of the Federal Environmental Record Sources reviewed is included in Appendix III.

4.4 State and Tribal Databases

Neither the site nor the properties in the vicinity of the site were identified on the State and Tribal Environmental Records Sources reviewed. A list of the State and Tribal Environmental Record Sources reviewed is included in Appendix III.

4.5 Additional Environmental Record Sources

Neither the site nor the properties in the vicinity of the site were identified on the Additional Environmental Records Sources reviewed. A list of the Additional Environmental Record Sources reviewed is included in Appendix III.

Unplottable Summary

No properties were identified on the Unplottable Summary list.

4.6 Historical Use Information

Fire Insurance Map Review

Pilot contracted Environmental Risk Information System (ERIS) to provide Fire Insurance Maps for the site and surrounding properties to determine past uses. ERIS indicated that fire insurance maps are not available for the site or adjacent properties. A copy of the Fire Insurance Maps report is included in Appendix IV.

Aerial Photograph Review

Pilot reviewed aerial photographs of the site and immediately surrounding properties for evidence of former usage which may indicate potential environmental issues. The aerial photographs were obtained from the ERIS Historical Aerials and Google Earth™ Interactive Mapping Software. The aerial photographs reviewed were dated 1937, 1959, 1969, 1978, 1982, 1985, 1989, 1994, 2000, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2014, 2015, 2016, 2018, and 2021 (Drawing 2). Pilot review is dependent on the quality and scale of the photographs. A copy of the Historical Aerials report is included in Appendix IV.

Year(s)	Subject Property	Surrounding Properties
1937	Wooded land and fields are visible on the site.	Wooded land and fields are visible. Longview Drive is visible east of the site. Apparent cemetery is visible approximately 375 feet to the east.
1959-1989	An apparent residence, an agricultural building, and the current clubhouse are visible on the southeastern portion of the site. Access roads are visible (1959). Evidence of timbering activities is visible (1969).	Residences are visible in the vicinity of the site. A pipeline easement is visible to the west.

Year(s)	Subject Property	Surrounding Properties
1994-2004	A small building and remnants are visible on the southern portion of the site. Evidence of timbering activities is visible on the site (1994). The apparent residence is no longer visible (2000).	Same as 1959-1989
2005-2008	Kennel is visible on the southern portion.	Same as 1959-1989
2009-2021	Evidence of timbering activities is visible on the multiple portions of the site during this time range.	An industrial solar facility is visible approximately 1,800 feet north of the site (2016).

City Directory Review

One of the ASTM standard historical sources to be reviewed for previous site use are local street directories, commonly known as city directories. The purpose of the directory review is to identify past occupants of the site and adjoining and nearby properties. In some rural areas, street directories are limited or unavailable. Pilot reviewed city directories in the ERIS City Directory Report. The directories reviewed were dated 1999, 2003, 2008, 2012, 2016, and 2020. Directories dated prior to 1999 were not provided by ERIS.

The site address used for the directory search was 19604 Longview Drive. The directories do not identify occupants at the site. The directories identify residential occupants and Christian Home Baptist Church at nearby properties along Longview Drive. Several businesses (septic tank services, landscape contractor, plumbing, and heating and air conditioning contractor) are identified at 18354 Shady Pine Lane by the 1999 through 2012 directories. Based on the distance (approximately 1,775 feet), activities at this property are not expected to impact the site.

4.7 Previous Reports Review

Pilot has previously performed a Phase I ESA for a portion of the subject site, Pilot Project 7382, report dated February 21, 2022. The Phase I ESA did not identify RECs associated with the site.

Pilot was not provided with other environmental or engineering reports for the subject site.

5.0 SITE RECONNAISSANCE

5.1 Methodology and Limiting Conditions

Pilot conducted the field reconnaissance on April 14 and May 6, 2022. Observations were made from a walking reconnaissance around the perimeter boundary and along several transects across the subject site. Dense vegetation limited visibility on several areas of the site. Photographs are included in Appendix V.

5.2 On-Site Observations

The site contains a clubhouse (Photograph 1), agricultural structures (Photograph 2), a kennel (Photograph 3), wooded land (Photograph 4), and fields (Photograph 5). Minor ground staining (Photograph 6) was observed in the vicinity of an agricultural structure; however, the staining is considered a de minimis condition. Surface water features (Photograph 7) and gravel-covered and unimproved access roads (Photograph 8) cross the site. Two small propane ASTs (Photograph 9) are located in the vicinity of the clubhouse on the southeastern portion of the site. A water supply well (Photograph 10) and a discarded propane AST (Photograph 11) are located in the vicinity of one of the agricultural structures on the southern portion of the site. Staining was not observed in the vicinity of the ASTs.

Pole-mounted transformers are located on the site. Staining was not observed in the vicinity of the transformers. A temporary hunting structure (Photograph 12) is located on the site. Agricultural equipment (Photograph 13), discarded appliances, lawn furniture, plastic containers, small containers of unidentified materials, an abandoned automobile, scrap wood and scrap metal (Photograph 14), and timbering debris were observed on the site. We did not observe stressed vegetation or evidence of USTs on the site.

Feature	Yes	No
Underground or aboveground storage tanks	✓	
Strong, pungent, or noxious odors		✓
Surface waters	✓	
Standing pools of liquid likely containing petroleum or hazardous substances		✓
Drums or containers of petroleum or hazardous substances less than or equal to five-gallons	✓	
Unidentified opened or damaged containers of hazardous substances or petroleum products		✓
Known or suspect PCB-containing equipment (excluding ballasts)	✓	
Stains or corrosion to floors, walls, or ceilings		✓
Floor drains and sump pumps		✓
Pits, ponds, or lagoons		✓
Stained soil or pavement	✓	

Feature	Yes	No
Stressed vegetation		✓
Solid waste mounds or non-natural fill materials	✓	
Wastewater discharges into drains, ditches, or streams		✓
Groundwater well including potable, monitoring, dry, irrigation, injections and/or abandoned	✓	
Septic system or cesspools		✓
Elevators		✓
Dry cleaning		✓
Emergency generators		✓
Specialized industrial equipment		✓
Hydraulic lifts		✓
Air compressors		✓
Grease traps		✓
Oil-water separators		✓

Additional Information

Two small propane ASTs and a discarded propane AST are located on the site. Staining was not observed in the vicinity of the ASTs.

Surface water features cross the site.

A small container of a hazardous material was observed on the site.

Pole-mounted transformers are located on the site. Staining was not observed in the vicinity of the transformers.

Minor staining was observed in the vicinity of an agricultural structure; however, this is considered a de minimis condition.

Debris was observed on the site.

A water supply well is located in the vicinity of one of the agricultural structures on the southern portion of the site.

5.3 Adjoining and Nearby Property Observations

Adjoining and nearby properties were observed at the time of our site reconnaissance. Reconnaissance of the adjacent properties was limited to visual observations from the site and publicly accessible roadways/sidewalks. The site is located in a residential area of Windsor, Isle of Wight County, Virginia.

Direction from the site	Current Use
North	The site is bound by wooded land and residences. An industrial solar facility, residences, wooded land, and fields are located farther to the north.
East	The site is bound by Longview Drive and wooded land. Residences, wooded land, and fields are located farther to the east. Christian Home Church Cemetery is located approximately 375 feet east of the site.
South	The site is bound by a field and wooded land. A church, a residence, wooded land, and fields are located farther to the south.
West	The site is bound by wooded land and recently timbered land. A pipeline easement, wooded land, and fields are located farther to the west. At its nearest point, the pipeline is approximately 250 feet from the site.

6.0 INTERVIEWS

Title	Name	Comments
Owner	Mr. Rusty Rose	Mr. Rose indicated that he and his family have owned the site for 50 to 60 years or more. He stated that a kennel and agricultural structures are located on the site and that a water supply well is located in the vicinity of one of the agricultural structures. He indicated that the clubhouse may be heated with propane or space heaters. He stated that there could be an additional water supply well used by the clubhouse and he is unaware of septic systems on the site. Mr. Rose stated that a communication tower and building were located in the vicinity of where the kennel is now and that they were removed in the early 1990s. Mr. Rose stated that a residence was formerly located on the site and that it was likely heated with wood. Mr. Rose stated to the best of his knowledge, herbicides and pesticides have not been stored on the site. He stated he is not aware of USTs, previous landfill activity, or cemeteries at the site. According to Mr. Rose, municipal water and sewer are not available to the site. Mr. Rose indicated that he is not aware of 1) environmental concerns associated with the site 2) any pending, past, or threatened administrative litigation or administrative proceedings relevant to hazardous substances or petroleum products in, on, or from the site or 3) any government notices regarding any possible violation of environmental laws or possible liability related to hazardous substances or petroleum products.

7.0 FINDINGS AND OPINIONS

Pilot was contracted by Energix US, LLC to perform an ASTM Standard E1527-13, Phase I ESA for the approximate 335-acre site located west of Longview Drive in Windsor, Isle of Wight County, Virginia. The site consists of all or portions of six parcels identified by the Isle of Wight County GIS as PINs 41-01-017, 41-01-018, 41-01-019, 50-01-006, 50-01-007, and 50-01-009.

Based on Pilot's review of historical records and interviews, it appears that the site has contained wooded land and fields since at least 1937. An apparent residence was located on the southeastern portion of the site from at least 1959 until sometime prior to 2000. Mr. Rusty Rose, the owner of the site, indicated that he was unaware of whether the residence utilized a water supply well or septic system and that it was likely heated with wood. A clubhouse and an agricultural structure have been located on the southeastern portion of the site since at least 1959. The clubhouse likely utilized a water supply well and septic system. Mr. Rose stated that a communications tower and associated building were formerly located on the southern portion of the site and removed in the early 1990s. A kennel has been located on the southern portion of the site since at least 2005. Timbering activities have occurred on the site at various times since at least 1969.

The site contains a clubhouse building, agricultural structures, a kennel, wooded land, and fields. Piping possibly associated with a water supply well and a septic system were observed beneath the clubhouse. Surface water features and gravel-covered and unimproved access roads cross the site. Minor ground staining was observed in the vicinity of an agricultural structure. However, the staining is considered a de minimis condition. Two small propane ASTs are located in the vicinity of the clubhouse on the southeastern portion of the site. A water supply well and an out of use propane AST are located in the vicinity of an agricultural structure on the southern portion of the site. Staining was not observed in the vicinity of the ASTs.

A temporary hunting structure is located on the site. Agricultural equipment, discarded appliances, lawn furniture, plastic containers, small containers of unidentified substances, and debris was observed on the site. Visible portions of the debris included an abandoned automobile, scrap wood and metal, and timbering debris. We did not observe stressed vegetation or evidence of USTs on the site.

The site is located in an area of Windsor that can generally be described as residential and agricultural. Surrounding properties contain a church, an industrial solar facility, residences, wooded land, and fields. Christian Home Church Cemetery is located approximately 375 feet east of the site. Based on the distance, releases from the cemetery are not expected to impact the site.

The SER search does not identify documented releases of petroleum or hazardous materials at other properties in the vicinity of the site.

8.0 CONCLUSIONS

Pilot has performed a Phase I Environmental Site Assessment in general conformance with the scope and limitations of ASTM E1527-13 for the approximate 335-acre site located west of Longview Drive in Windsor, Isle of Wight County, Virginia. Exceptions to, or deletions from, this practice are described in Section 1.4 of this report. As documented and qualified by this report, this assessment has revealed no evidence of RECs, CRECs, or HRECs in connection with the site.

Business Environmental Risks

- A water supply well is located on the site. Other water supply wells and septic systems may have been associated with the current or former structures on the site. Water supply wells and septic systems should be abandoned in accordance with applicable regulations if they are encountered within the proposed redevelopment areas.

- We were unable to determine how a former residence was heated. If USTs are encountered during redevelopment of the site, they should be handled in accordance with VDEQ guidelines.

9.0 NON-SCOPE SERVICES

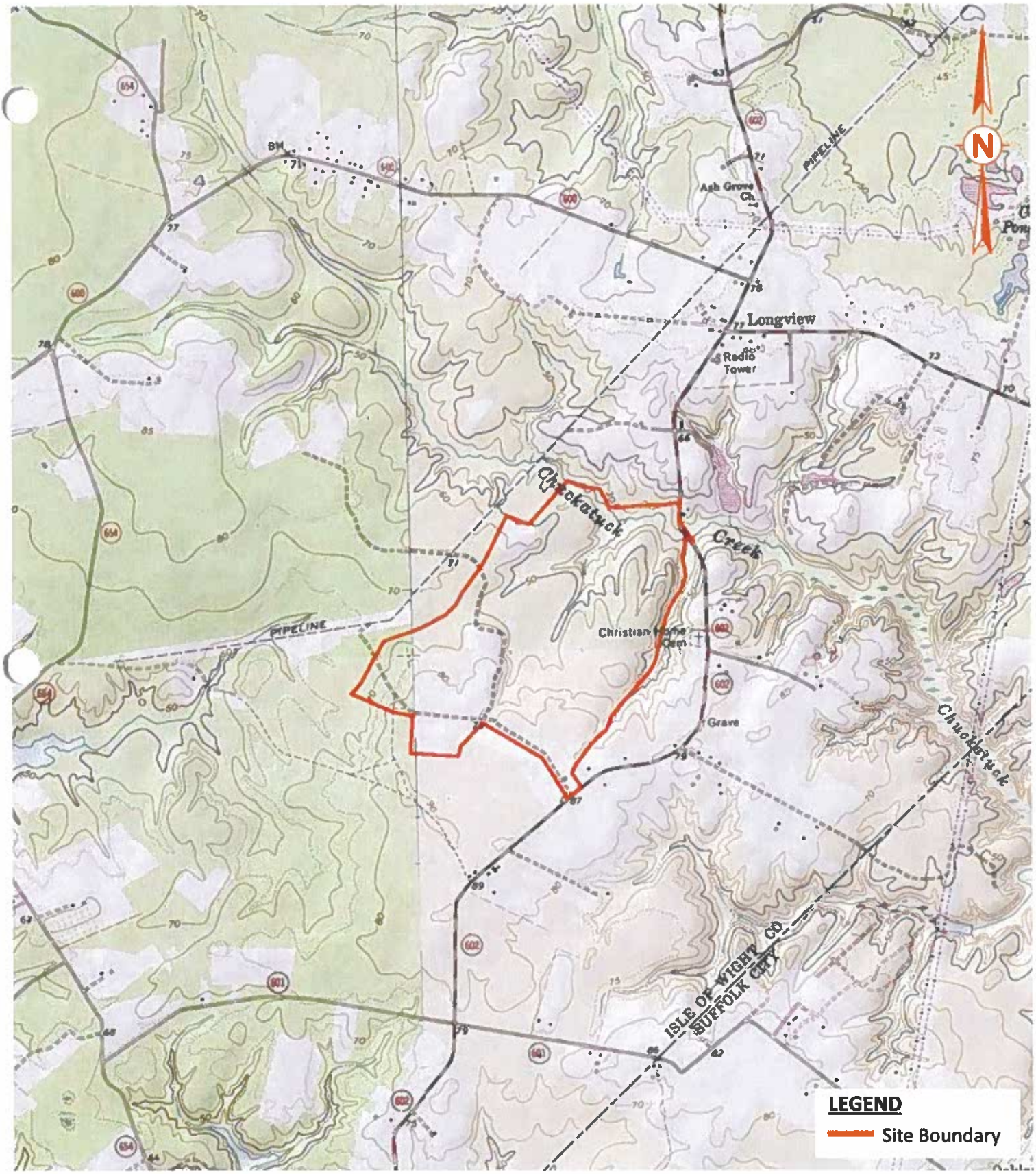
ASTM guidelines identify non-scope issues, which are beyond the scope of this practice. Non-scope issues have the potential to be business environmental risks. Some of these non-scope issues include asbestos-containing building materials, radon, lead-based paint, lead in drinking water, wetlands, and mold.

A wetland delineation is being completed in conjunction with this report. The findings of the wetland delineation are being provided in a separate report.

10.0 REFERENCES

ASTM E1527-13, Phase I Environmental Site Assessment Process Standard.
Environmental Questionnaire for User, completed by Ms. Gabriella Hernandez, dated March 16, 2022.
ERIS Historical Aerials, dated February 1, 2022.
ERIS Fire Insurance Maps Report, dated January 31, 2022.
ERIS Database Report, dated April 26, 2022.
ERIS City Directory Report, dated February 2, 2022.
Physiographic Map of Virginia Counties, Roberts & Bailey, College of William and Mary, 2000
Google Earth Interactive Mapping Software, aerial photographs dated 1985, 1994, 2003, 2004, 2005, 2006, 2007, 2008, 2010, 2011, 2014, 2015, 2016, 2018, and 2021.
Phase I ESA, Pilot Project 7382, report dated February 21, 2022.
Telephone and in-person interviews with Mr. Rusty Rose, the owner of the site, dated May 5, May 6, and May 10, 2022.
USGS Topographic Map, Chuckatuck, VA Quadrangle dated 1980.
USGS Topographic Map, Benns Church, VA Quadrangle dated 1986.
USGS Topographic Map, Smithfield, VA Quadrangle dated 1986.
USGS Topographic Map, Windsor, VA Quadrangle dated 1980.

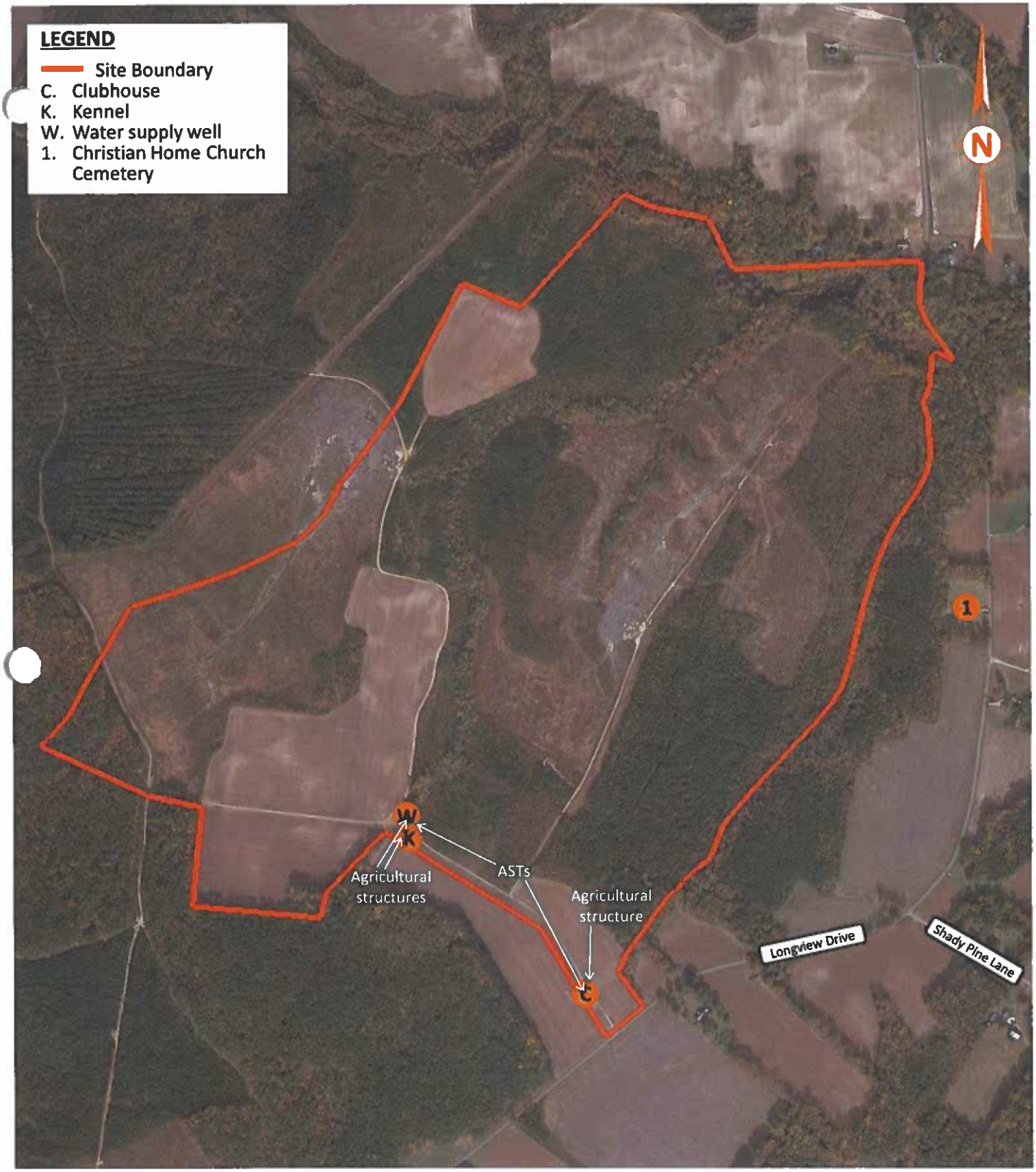
Appendix I
Drawings



Drawing 1
USGS Topographic Map
Chuckatuck, Benns Church,
Smithfield, and Windsor, VA
Quadrangles
Scale: 1" = 2,000'

PILOT
PILOT ENVIRONMENTAL, INC

USGS Topographic Map
Prairie Solar
Longview Drive
Approximate 335-Acre Tract
Windsor, Isle of Wight County, VA
Pilot Project 7382.1



Drawing 2
2021 Google Earth
Satellite Imagery
Scale: 1" = 750'

PILOT
PILOT ENVIRONMENTAL, INC

Aerial Photograph
Prairie Solar
Longview Drive
Approximate 335-Acre Tract
Windsor, Isle of Wight County, VA
Pilot Project 7382.1

Appendix II
User Provided Information

Environmental Questionnaire for User

The person who will use the Phase I ESA should provide the following information. Please fill in this form to the best of your ability, explaining any Yes answers on a separate sheet of paper. Without these answers, our report would have to note that the Phase One is incomplete, and your Landowner Liability Protections could be at risk. Please complete and return with the Proposal Authorization Form.

1. **Environmental Cleanup Liens.** ASTM requires the User to check for environmental liens that may be filed or recorded against the subject property under federal, tribal, state or local law. Failure to check for these liens could put your Landowner Liability Protections at risk.

   Would you like Pilot to provide for an additional fee ($250 per parcel)? ☐ Yes ☒ No
   Have you or your agent checked for these environmental cleanup liens? ☐ Yes ☒ No
   Are you aware of any such liens against the subject property? ☐ Yes ☒ No

2. **Activity and Use Limitations (AULs).** These include engineering controls (e.g., slurry walls, caps) and land use restrictions or institutional controls (e.g., deed restrictions, covenants) that may be in place at the site or filed under federal, tribal, state or local law.

   Are you aware of any possible AULs involving the subject site? ☐ Yes ☒ No

3. **Specialized Knowledge.** This involves personal knowledge or experience related to the subject property or nearby properties. For example, if you are involved in the same line of business as the current or former occupants of the property or an adjoining property, you would probably know of any chemicals, oil, degreasers, gasoline, or other hazardous substances commonly used in that type of business.

   Do you have any specialized knowledge that might indicate the past or present use of such substances on the subject or nearby properties? ☐ Yes ☒ No

4. **Fair Market Value (FMV).** A purchase price significantly below FMV may indicate an environmental problem. Please note that this question does not require an appraisal of the property. If the price is significantly below FMV, the User should consider whether it might be because contamination may be present at the property.

   Is the purchase price significantly below fair market value? ☐ Yes ☒ No

5. **Obvious Indicators.** This involves past or present spills, stains, releases, cleanups, etc. on or near the site.

   Do you know of any obvious indicators of possible contamination on or near the site? ☐ Yes ☒ No

6. **Common Knowledge.** Please use a separate sheet if necessary.

   a. Describe the past uses of the property: agricultural and forest

   b. Describe any specific chemicals that may have been present at the property: None

   c. Describe any other information (spills, chemical releases or environmental cleanups) that may help us identify possible contamination: Not to our knowledge

Your Signature: _____ **Date:** 03/16/2022 **# of separate sheets attached:** _____
Printed Name: Gabriella Hernandez Explain Yes answers on a separate sheet.

Appendix III
Regulatory Records

ERIS

DATABASE REPORT

Project Property:	*Prairie Solar* *Longview Drive* *Windsor VA*
Project No:	*7381.1*
Report Type:	*Database Report*
Order No:	*22042500463*
Requested by:	*Pilot Environmental Inc.*
Date Completed:	*April 26, 2022*

Environmental Risk Information Services
A division of Glacier Media Inc.
1.866.517.5204 | info@erisinfo.com | erisinfo.com

Table of Contents

Table of Contents....2
Executive Summary....3
Executive Summary: Report Summary....4
Executive Summary: Site Report Summary - Project Property....7
Executive Summary: Site Report Summary - Surrounding Properties....8
Executive Summary: Summary by Data Source....9
Map....10
Aerial....13
Topographic Map....14
Detail Report....15
Unplottable Summary....16
Unplottable Report....17
Appendix: Database Descriptions....18
Definitions....28

Notice: IMPORTANT LIMITATIONS and YOUR LIABILITY

Reliance on Information in Report: This report DOES NOT replace a full Phase I Environmental Site Assessment but is solely intended to be used as database review of environmental records.

License for use of information in Report: No page of this report can be used without this cover page, this notice and the project property identifier. The information in Report(s) may not be modified or re-sold.

Your Liability for misuse: Using this Service and/or its reports in a manner contrary to this Notice or your agreement will be in breach of copyright and contract and ERIS may obtain damages for such mis-use, including damages caused to third parties, and gives ERIS the right to terminate your account, rescind your license to any previous reports and to bar you from future use of the Service.

No warranty of Accuracy or Liability for ERIS: The information contained in this report has been produced by ERIS Information Inc. ("ERIS") using various sources of information, including information provided by Federal and State government departments. The report applies only to the address and up to the date specified on the cover of this report, and any alterations or deviation from this description will require a new report. This report and the data contained herein does not purport to be and does not constitute a guarantee of the accuracy of the information contained herein and does not constitute a legal opinion nor medical advice. Although ERIS has endeavored to present you with information that is accurate, ERIS disclaims, any and all liability for any errors, omissions, or inaccuracies in such information and data, whether attributable to inadvertence, negligence or otherwise, and for any consequences arising therefrom. Liability on the part of ERIS is limited to the monetary value paid for this report.

Trademark and Copyright: You may not use the ERIS trademarks or attribute any work to ERIS other than as outlined above. This Service and Report (s) are protected by copyright owned by ERIS Information Inc. Copyright in data used in the Service or Report(s) (the "Data") is owned by ERIS or its licensors. The Service, Report(s) and Data may not be copied or reproduced in whole or in any substantial part without prior written consent of ERIS.

Executive Summary

Property Information:

Project Property:		*Prairie Solar* *Longview Drive Windsor VA*
Project No:		*7381.1*
Coordinates:		
	Latitude:	*36.87591142*
	Longitude:	*-76.61755476*
	UTM Northing:	*4,082,328.31*
	UTM Easting:	*355,837.39*
	UTM Zone:	*18S*
Elevation:		*70 FT*

Order Information:

Order No:	*22042500463*
Date Requested:	*April 25, 2022*
Requested by:	*Pilot Environmental Inc.*
Report Type:	*Database Report*

Historicals/Products:

ERIS Xplorer	*ERIS Xplorer*
Excel Add-On	*Excel Add-On*

Executive Summary: Report Summary

Database	Searched	Search Radius	Project Property	Within 0.12mi	0.125mi to 0.25mi	0.25mi to 0.50mi	0.50mi to 1.00mi	Total
Standard Environmental Records								
Federal								
DOE FUSRAP	Y	1	0	0	0	0	0	0
NPL	Y	1	0	0	0	0	0	0
PROPOSED NPL	Y	1	0	0	0	0	0	0
DELETED NPL	Y	0.5	0	0	0	0	-	0
SEMS	Y	0.5	0	0	0	0	-	0
SEMS ARCHIVE	Y	0.5	0	0	0	0	-	0
ODI	Y	0.5	0	0	0	0	-	0
IODI	Y	0.5	0	0	0	0	-	0
CERCLIS	Y	0.5	0	0	0	0	-	0
CERCLIS NFRAP	Y	0.5	0	0	0	0	-	0
CERCLIS LIENS	Y	PO	0	-	-	-	-	0
RCRA CORRACTS	Y	1	0	0	0	0	0	0
RCRA TSD	Y	0.5	0	0	0	0	-	0
RCRA LQG	Y	0.25	0	0	0	-	-	0
RCRA SQG	Y	0.25	0	0	0	-	-	0
RCRA VSQG	Y	0.25	0	0	0	-	-	0
RCRA NON GEN	Y	0.25	0	0	0	-	-	0
RCRA CONTROLS	Y	0.5	0	0	0	0	-	0
FED ENG	Y	0.5	0	0	0	0	-	0
FED INST	Y	0.5	0	0	0	0	-	0
LUCIS	Y	0.5	0	0	0	0	-	0
NPL IC	Y	0.5	0	0	0	0	-	0
ERNS 1982 TO 1986	Y	PO	0	-	-	-	-	0
ERNS 1987 TO 1989	Y	PO	0	-	-	-	-	0
ERNS	Y	PO	0	-	-	-	-	0
FED BROWNFIELDS	Y	0.5	0	0	0	0	-	0
FEMA UST	Y	0.25	0	0	0	-	-	0

Database	Searched	Search Radius	Project Property	Within 0.12mi	0.125mi to 0.25mi	0.25mi to 0.50mi	0.50mi to 1.00mi	Total
FRP	Y	0.25	0	0	0	-	-	0
HIST GAS STATIONS	Y	0.25	0	0	0	-	-	0
REFN	Y	0.25	0	0	0	-	-	0
BULK TERMINAL	Y	0.25	0	0	0	-	-	0
SEMS LIEN	Y	PO	0	-	-	-	-	0
SUPERFUND ROD	Y	1	0	0	0	0	0	0
State								
SWF/LF	Y	0.5	0	0	0	0	-	0
LST	Y	0.5	0	0	0	0	-	0
DELISTED LST	Y	0.5	0	0	0	0	-	0
UST	Y	0.25	0	0	0	-	-	0
AST	Y	0.25	0	0	0	-	-	0
TANK	Y	0.25	0	0	0	-	-	0
DELISTED TANK	Y	0.25	0	0	0	-	-	0
INST	Y	0.5	0	0	0	0	-	0
VRP	Y	0.5	0	0	0	0	-	0
BROWNFIELDS	Y	0.5	0	0	0	0	-	0
Tribal								
INDIAN LUST	Y	0.5	0	0	0	0	-	0
INDIAN UST	Y	0.25	0	0	0	-	-	0
DELISTED ILST	Y	0.5	0	0	0	0	-	0
DELISTED IUST	Y	0.25	0	0	0	-	-	0
County	*No County standard environmental record sources available for this State.*							

Additional Environmental Records

Federal

FINDS/FRS	Y	PO	0	-	-	-	-	0
TRIS	Y	PO	0	-	-	-	-	0
PFAS TRI	Y	0.5	0	0	0	0	-	0
PFAS NPL	Y	0.5	0	0	0	0	-	0
PFAS WATER	Y	0.5	0	0	0	0	-	0
PFAS SSEHRI	Y	0.5	0	0	0	0	-	0
HMIRS	Y	0.125	0	0	-	-	-	0
NCDL	Y	0.125	0	0	-	-	-	0

Database	Searched	Search Radius	Project Property	Within 0.12mi	0.125mi to 0.25mi	0.25mi to 0.50mi	0.50mi to 1.00mi	Total
TSCA	Y	0.125	0	0	-	-	-	0
HIST TSCA	Y	0.125	0	0	-	-	-	0
FTTS ADMIN	Y	PO	0	-	-	-	-	0
FTTS INSP	Y	PO	0	-	-	-	-	0
PRP	Y	PO	0	-	-	-	-	0
SCRD DRYCLEANER	Y	0.5	0	0	0	0	-	0
ICIS	Y	PO	0	-	-	-	-	0
FED DRYCLEANERS	Y	0.25	0	0	0	-	-	0
DELISTED FED DRY	Y	0.25	0	0	0	-	-	0
FUDS	Y	1	0	0	0	0	0	0
FORMER NIKE	Y	1	0	0	0	0	0	0
PIPELINE INCIDENT	Y	PO	0	-	-	-	-	0
MLTS	Y	PO	0	-	-	-	-	0
HIST MLTS	Y	PO	0	-	-	-	-	0
MINES	Y	0.25	0	0	0	-	-	0
SMCRA	Y	1	0	0	0	0	0	0
MRDS	Y	1	0	0	0	0	0	0
URANIUM	Y	1	0	0	0	0	0	0
ALT FUELS	Y	0.25	0	0	0	-	-	0
CONSENT DECREES	Y	0.25	0	0	0	-	-	0
SSTS	Y	0.25	0	0	0	-	-	0
PCB	Y	0.5	0	0	0	0	-	0
State								
SPILLS	Y	0.125	0	0	-	-	-	0
PC SPILLS	Y	0.125	0	0	-	-	-	0
DRYCLEANERS	Y	0.25	0	0	0	-	-	0
Tribal	***No Tribal additional environmental record sources available for this State.***							
County	***No County additional environmental record sources available for this State.***							
Total:			0	0	0	0	0	0

**** PO – Property Only***
**** 'Property and adjoining properties' database search radii are set at 0.25 miles.***

Executive Summary: Site Report Summary - Project Property

Map Key	DB	Company/Site Name	Address	Direction	Distance (mi/ft)	Elev Diff (ft)	Page Number

No records found in the selected databases for the project property.

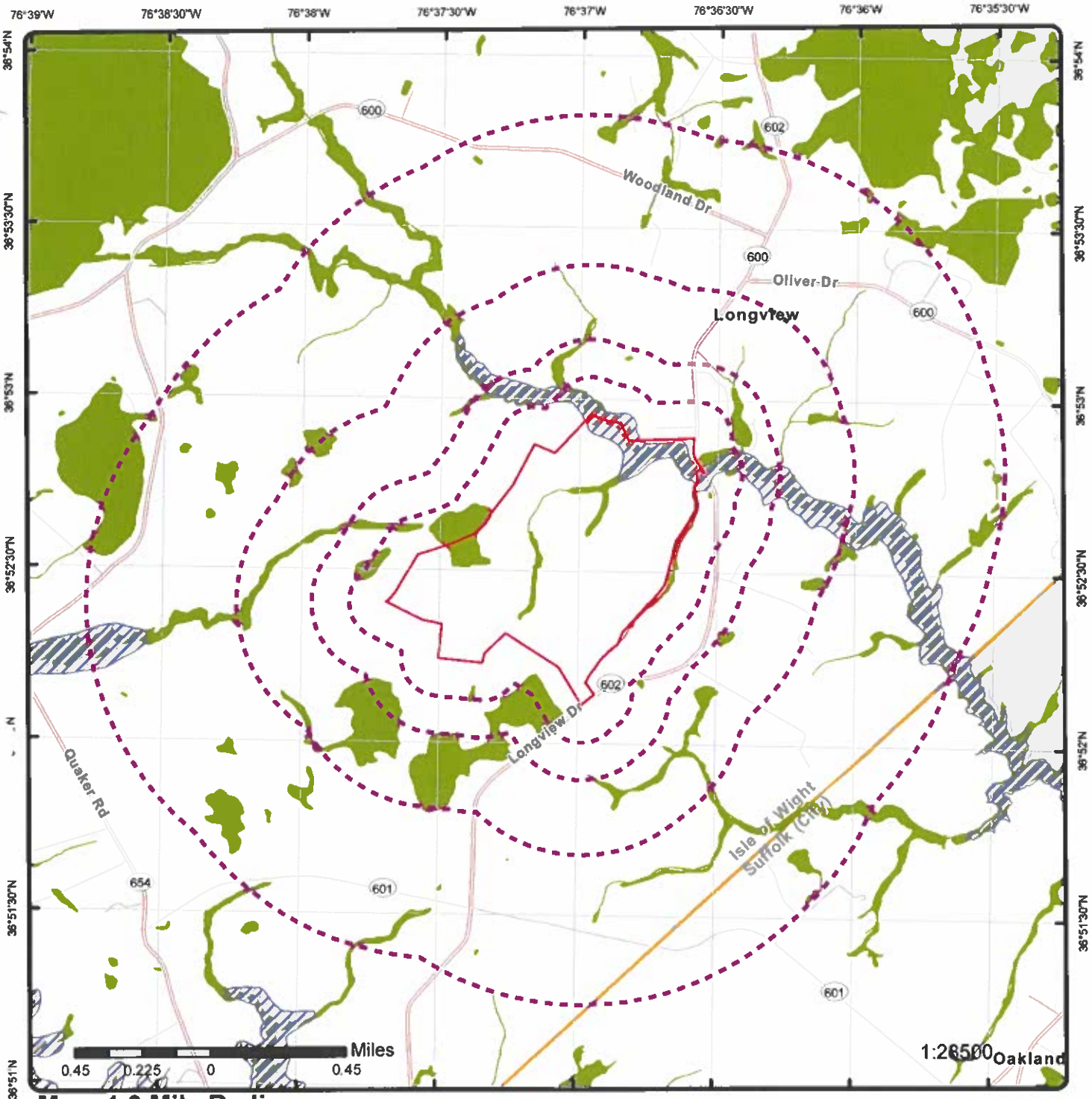
Executive Summary: Site Report Summary - Surrounding Properties

Map Key	DB	Company/Site Name	Address	Direction	Distance (mi/ft)	Elev Diff (ft)	Page Number

No records found in the selected databases for the surrounding properties.

Executive Summary: Summary by Data Source

No records found in the selected databases for the project property or surrounding properties.



Map: 1.0 Mile Radius

Order Number: 22042500463

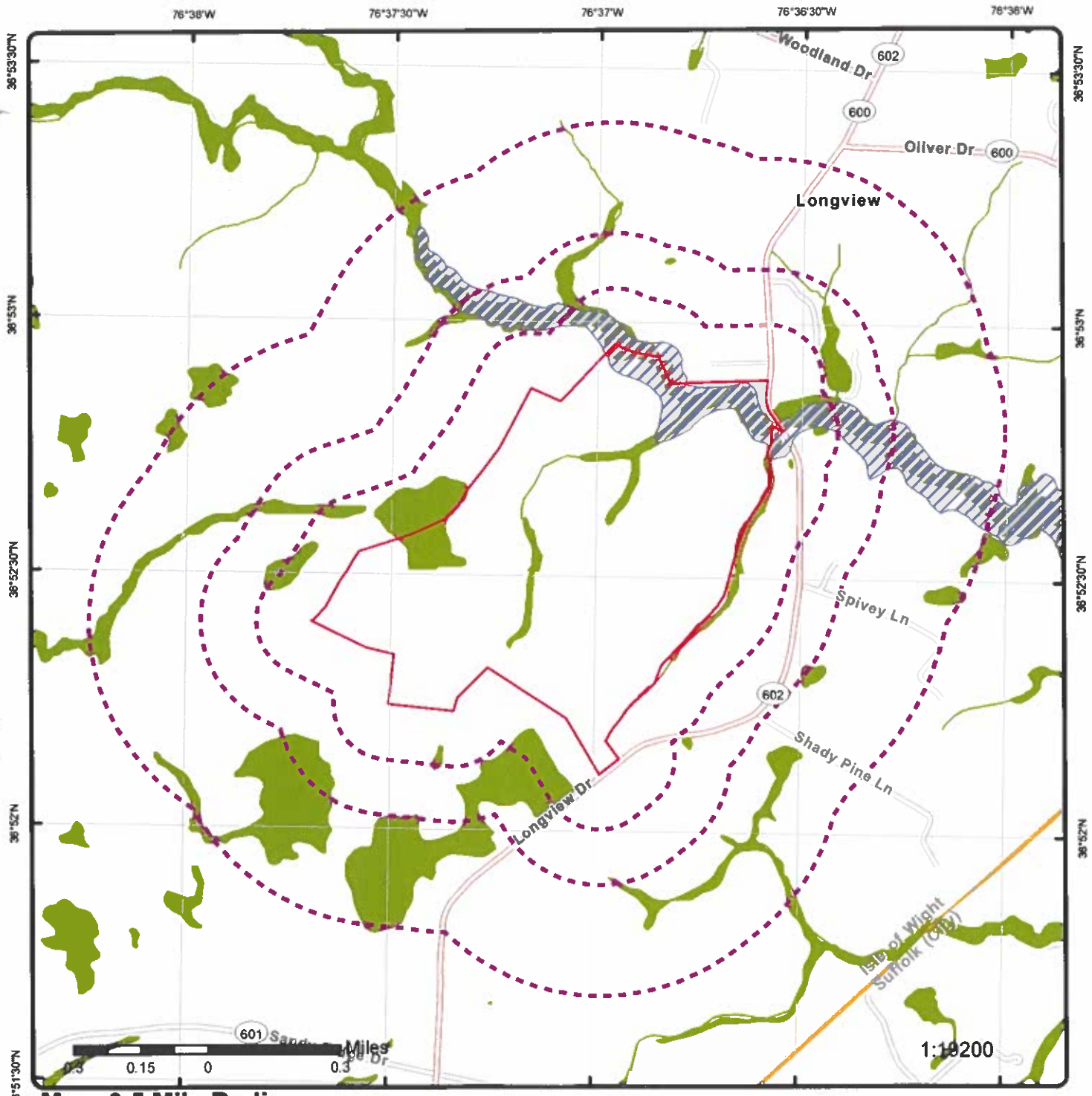
Address: Longview Drive, Windsor, VA

ERIS

- Project Property
- Buffer Outline
- Eris Sites with Higher Elevation
- Eris Sites with Same Elevation
- Eris Sites with Lower Elevation
- Eris Sites with Unknown Elevation
- Eris Areas with Higher Elevation
- Eris Areas with Same Elevation
- Eris Areas with Lower Elevation
- Eris Areas with Unknown Elevation
- Freeways; Highways
- Traffic Circle; Ramp
- Major & Minor Arterial
- Traffic Circle; Ramp
- Local Road
- Rail
- State
- Country
- National Wetland
- Indian Reserve Land
- Historic Fill
- 100 Year Flood Zone
- 500 Year Flood Zone
- FWS Special Designation Areas
- Plume

Source: © 2021 ESRI StreetMap Premium

© ERIS Information Inc.



Map: 0.5 Mile Radius

Order Number: 22042500463

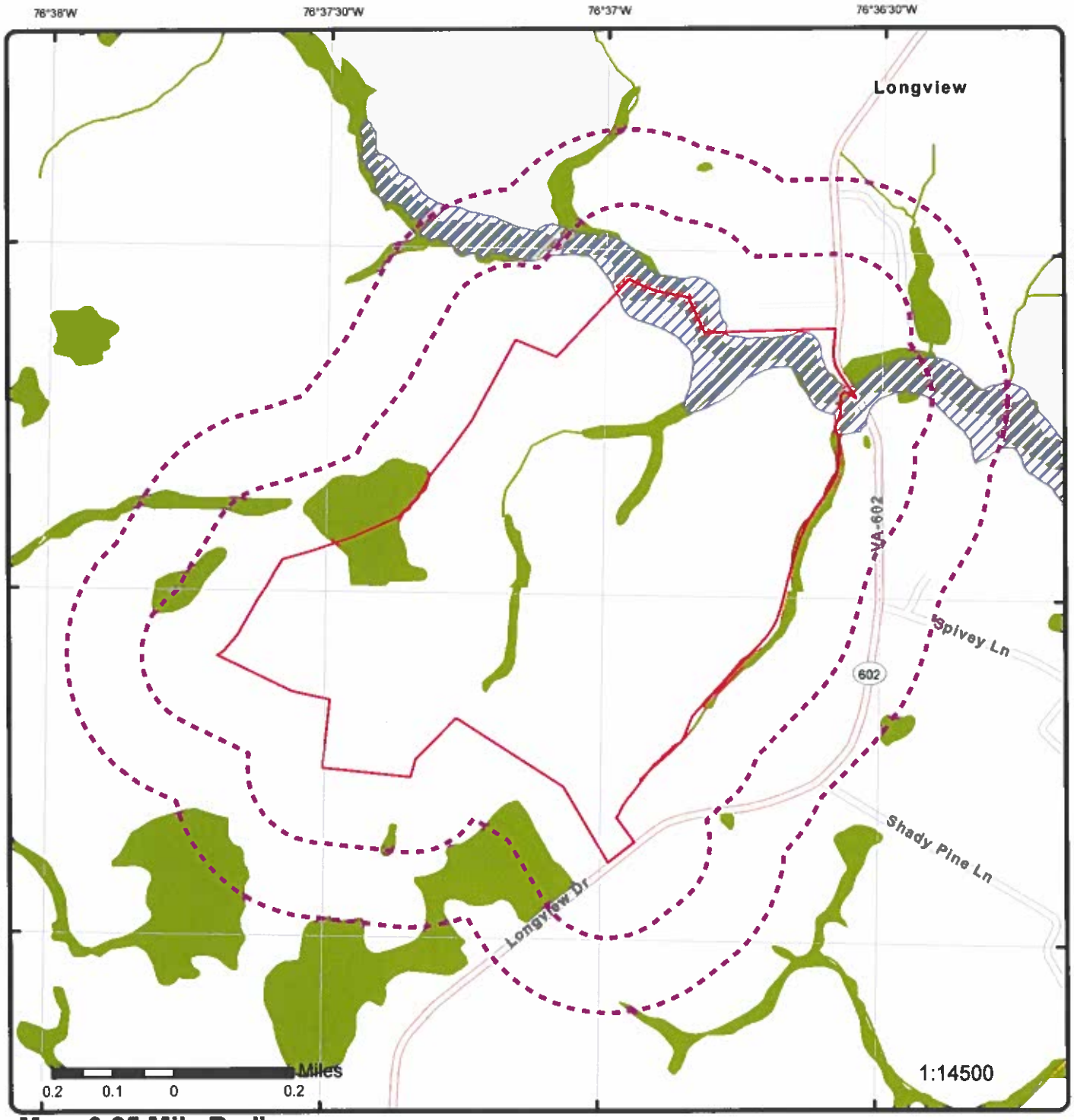
Address: Longview Drive, Windsor, VA

ERIS

- Project Property
- Buffer Outline
- Eris Sites with Higher Elevation
- Eris Sites with Same Elevation
- Eris Sites with Lower Elevation
- Eris Sites with Unknown Elevation
- Eris Areas with Higher Elevation
- Eris Areas with Same Elevation
- Eris Areas with Lower Elevation
- Eris Areas with Unknown Elevation
- Freeways; Highways
- Traffic Circle; Ramp
- Major & Minor Arterial
- Traffic Circle; Ramp
- Local Road
- Rail
- State
- Country
- National Wetland
- Indian Reserve Land
- Historic Fill
- 100 Year Flood Zone
- 500 Year Flood Zone
- FWS Special Designation Areas
- Plume

Source: © 2021 ESRI StreetMap Premium

© ERIS Information Inc.



Map: 0.25 Mile Radius

Order Number: 22042500463

Address: Longview Drive, Windsor, VA

ERIS

- Project Property
- Buffer Outline
- Eris Sites with Higher Elevation
- Eris Sites with Same Elevation
- Eris Sites with Lower Elevation
- Eris Sites with Unknown Elevation
- Eris Areas with Higher Elevation
- Eris Areas with Same Elevation
- Eris Areas with Lower Elevation
- Eris Areas with Unknown Elevation
- Freeways; Highways
- Traffic Circle; Ramp
- Major & Minor Arterial
- Traffic Circle; Ramp
- Local Road
- Rail
- State
- Country
- National Wetland
- Indian Reserve Land
- Historic Fill
- 100 Year Flood Zone
- 500 Year Flood Zone
- FWS Special Designation Areas
- Plume

Source: © 2021 ESRI StreetMap Premium

© ERIS Information Inc.

Aerial **Year: 2020**

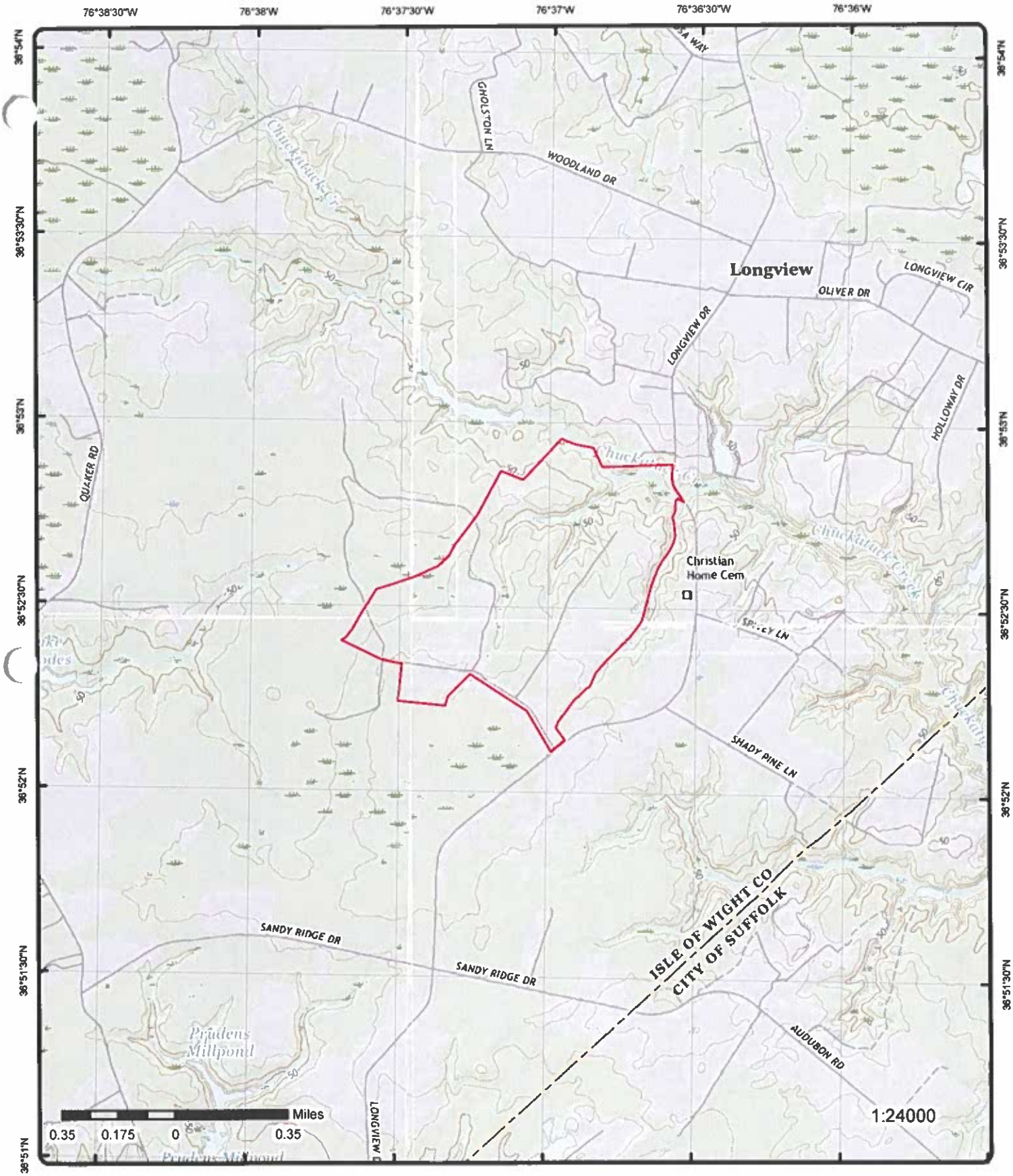
Address: Longview Drive, Windsor, VA

Source: ESRI World Imagery

Order Number: 22042500463

ERIS

© ERIS Information Inc.



Topographic Map

Year: 2016

Order Number: 22042500463

Address: Longview Drive, VA

Quadrangle(s): Benns Church, VA; Smithfield, VA; Chuckatuck, VA; Windsor, VA

Source: USGS Topographic Map

© ERIS Information Inc.

Detail Report

Map Key	Number of Records	Direction	Distance (mi/ft)	Elev/Diff (ft)	Site	DB

No records found in the selected databases for the project property or surrounding properties.

Unplottable Summary

Total: 0 Unplottable sites

DB	Company Name/Site Name	Address	City	Zip	ERIS ID

No unplottable records were found that may be relevant for the search criteria.

Unplottable Report

No unplottable records were found that may be relevant for the search criteria.

Appendix: Database Descriptions

Environmental Risk Information Services (ERIS) can search the following databases. The extent of historical information varies with each database and current information is determined by what is publicly available to ERIS at the time of update. ERIS updates databases as set out in ASTM Standard E1527-13 and E1527-21, Section 8.1.8 Sources of Standard Source Information:

"Government information from nongovernmental sources may be considered current if the source updates the information at least every 90 days, or, for information that is updated less frequently than quarterly by the government agency, within 90 days of the date the government agency makes the information available to the public."

Standard Environmental Record Sources

Federal

Formerly Utilized Sites Remedial Action Program: DOE FUSRAP

The U.S. Department of Energy (DOE) established the Formerly Utilized Sites Remedial Action Program (FUSRAP) in 1974 to remediate sites where radioactive contamination remained from the Manhattan Project and early U.S. Atomic Energy Commission (AEC) operations. The DOE Office of Legacy Management (LM) established long-term surveillance and maintenance (LTS&M) requirements for remediated FUSRAP sites. DOE evaluates the final site conditions of a remediated site on the basis of risk for different future uses. DOE then confirms that LTS&M requirements will maintain protectiveness.

Government Publication Date: Mar 4, 2017

National Priority List: NPL

Sites on the United States Environmental Protection Agency (EPA)'s National Priorities List of the most serious uncontrolled or abandoned hazardous waste sites identified for possible long-term remedial action under the Superfund program. The NPL, which EPA is required to update at least once a year, is based primarily on the score a site receives from EPA's Hazard Ranking System. A site must be on the NPL to receive money from the Superfund Trust Fund for remedial action. Sites are represented by boundaries where available in the EPA Superfund Site Boundaries maintained by the Shared Enterprise Geodata and Services (SEGS). Site boundaries represent the footprint of a whole site, the sum of all of the Operable Units and the current understanding of the full extent of contamination; for Federal Facility sites, the total site polygon may be the Facility boundary. Where there is no polygon boundary data available for a given site, the site is represented as a point.

Government Publication Date: Jan 25, 2022

National Priority List - Proposed: PROPOSED NPL

Sites proposed - by the EPA, the state agency, or concerned citizens - for addition to the NPL due to contamination by hazardous waste and identified by the Environmental Protection Agency (EPA) as a candidate for cleanup because it poses a risk to human health and/or the environment. Sites are represented by boundaries where available in the EPA Superfund Site Boundaries maintained by the Shared Enterprise Geodata and Services (SEGS). Site boundaries represent the footprint of a whole site, the sum of all of the Operable Units and the current understanding of the full extent of contamination; for Federal Facility sites, the total site polygon may be the Facility boundary. Where there is no polygon boundary data available for a given site, the site is represented as a point.

Government Publication Date: Jan 25, 2022

Deleted NPL: DELETED NPL

Sites deleted from the United States Environmental Protection Agency (EPA)'s National Priorities List. The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425.(e), sites may be deleted from the NPL where no further response is appropriate. Sites are represented by boundaries where available in the EPA Superfund Site Boundaries maintained by the Shared Enterprise Geodata and Services (SEGS). Site boundaries represent the footprint of a whole site, the sum of all of the Operable Units and the current understanding of the full extent of contamination; for Federal Facility sites, the total site polygon may be the Facility boundary. Where there is no polygon boundary data available for a given site, the site is represented as a point.

Government Publication Date: Jan 25, 2022

SEMS List 8R Active Site Inventory: SEMS

The Superfund Program has deployed the Superfund Enterprise Management System (SEMS), which integrates multiple legacy systems into a comprehensive tracking and reporting tool. This inventory contains active sites evaluated by the Superfund program that are either proposed to be or are on the National Priorities List (NPL) as well as sites that are in the screening and assessment phase for possible inclusion on the NPL. The Active Site Inventory Report displays site and location information at active SEMS sites. An active site is one at which site assessment, removal, remedial, enforcement, cost recovery, or oversight activities are being planned or conducted.

Government Publication Date: Feb 24, 2022

SEMS List 8R Archive Sites: SEMS ARCHIVE

The Superfund Enterprise Management System (SEMS) Archived Site Inventory displays site and location information at sites archived from SEMS. An archived site is one at which EPA has determined that assessment has been completed and no further remedial action is planned under the Superfund program at this time.

Government Publication Date: Feb 24, 2022

Inventory of Open Dumps, June 1985: ODI

The Resource Conservation and Recovery Act (RCRA) provides for publication of an inventory of open dumps. The Act defines "open dumps" as facilities which do not comply with EPA's "Criteria for Classification of Solid Waste Disposal Facilities and Practices" (40 CFR 257).

Government Publication Date: Jun 1985

EPA Report on the Status of Open Dumps on Indian Lands: IODI

Public Law 103-399, The Indian Lands Open Dump Cleanup Act of 1994, enacted October 22, 1994, identified congressional concerns that solid waste open dump sites located on American Indian or Alaska Native (AI/AN) lands threaten the health and safety of residents of those lands and contiguous areas. The purpose of the Act is to identify the location of open dumps on Indian lands, assess the relative health and environment hazards posed by those sites, and provide financial and technical assistance to Indian tribal governments to close such dumps in compliance with Federal standards and regulations or standards promulgated by Indian Tribal governments or Alaska Native entities.

Government Publication Date: Dec 31, 1998

Comprehensive Environmental Response, Compensation and Liability Information System - CERCLIS: CERCLIS

Superfund is a program administered by the United States Environmental Protection Agency (EPA) to locate, investigate, and clean up the worst hazardous waste sites throughout the United States. CERCLIS is a database of potential and confirmed hazardous waste sites at which the EPA Superfund program has some involvement. It contains sites that are either proposed to be or are on the National Priorities List (NPL) as well as sites that are in the screening and assessment phase for possible inclusion on the NPL. The EPA administers the Superfund program in cooperation with individual states and tribal governments; this database is made available by the EPA.

Government Publication Date: Oct 25, 2013

CERCLIS - No Further Remedial Action Planned: CERCLIS NFRAP

An archived site is one at which EPA has determined that assessment has been completed and no further remedial action is planned under the Superfund program at this time. The Archive designation means that, to the best of EPA's knowledge, assessment at a site has been completed and that EPA has determined no further steps will be taken to list this site on the National Priorities List (NPL). This decision does not necessarily mean that there is no hazard associated with a given site; it only means that, based upon available information, the location is not judged to be a potential NPL site.

Government Publication Date: Oct 25, 2013

CERCLIS Liens: CERCLIS LIENS

A Federal Superfund lien exists at any property where EPA has incurred Superfund costs to address contamination ("Superfund site") and has provided notice of liability to the property owner. A Federal CERCLA ("Superfund") lien can exist by operation of law at any site or property at which EPA has spent Superfund monies. This database is made available by the United States Environmental Protection Agency (EPA).

Government Publication Date: Jan 30, 2014

RCRA CORRACTS-Corrective Action: RCRA CORRACTS

RCRA Info is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. At these sites, the Corrective Action Program ensures that cleanups occur. EPA and state regulators work with facilities and communities to design remedies based on the contamination, geology, and anticipated use unique to each site.

Government Publication Date: Jan 31, 2022

RCRA non-CORRACTS TSD Facilities: RCRA TSD

RCRA Info is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. This database includes Non-Corrective Action sites listed as treatment, storage and/or disposal facilities of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA).

Government Publication Date: Jan 31, 2022

RCRA Generator List: RCRA LQG

RCRA Info is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. RCRA Info replaces the data recording and reporting abilities of the Resource Conservation and Recovery Information System (RCRIS) and the Biennial Reporting System (BRS). A hazardous waste generator is any person or site whose processes and actions create hazardous waste (see 40 CFR 260.10). Large Quantity Generators (LQGs) generate 1,000 kilograms per month or more of hazardous waste or more than one kilogram per month of acutely hazardous waste.

Government Publication Date: Jan 31, 2022

RCRA Small Quantity Generators List: RCRA SQG

RCRA Info is the EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. RCRA Info replaces the data recording and reporting abilities of the Resource Conservation and Recovery Information System (RCRIS) and the Biennial Reporting System (BRS). A hazardous waste generator is any person or site whose processes and actions create hazardous waste (see 40 CFR 260.10). Small Quantity Generators (SQGs) generate more than 100 kilograms, but less than 1,000 kilograms, of hazardous waste per month.

Government Publication Date: Jan 31, 2022

RCRA Very Small Quantity Generators List: RCRA VSQG

RCRA Info is the EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. A hazardous waste generator is any person or site whose processes and actions create hazardous waste (see 40 CFR 260.10). Very Small Quantity Generators (VSQG) generate 100 kilograms or less per month of hazardous waste, or one kilogram or less per month of acutely hazardous waste. Additionally, VSQG may not accumulate more than 1,000 kilograms of hazardous waste at any time.

Government Publication Date: Jan 31, 2022

RCRA Non-Generators: RCRA NON GEN

RCRA Info is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. RCRA Info replaces the data recording and reporting abilities of the Resource Conservation and Recovery Information System (RCRIS) and the Biennial Reporting System (BRS). A hazardous waste generator is any person or site whose processes and actions create hazardous waste (see 40 CFR 260.10). Non-Generators do not presently generate hazardous waste.

Government Publication Date: Jan 31, 2022

RCRA Sites with Controls: RCRA CONTROLS

List of Resource Conservation and Recovery Act (RCRA) facilities with institutional controls in place. RCRA gives the U.S. Environmental Protection Agency (EPA) the authority to control hazardous waste from the "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of non-hazardous solid wastes. The 1986 amendments to RCRA enabled EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances.

Government Publication Date: Jan 31, 2022

Federal Engineering Controls-ECs: FED ENG

Engineering controls (ECs) encompass a variety of engineered and constructed physical barriers (e.g., soil capping, sub-surface venting systems, mitigation barriers, fences) to contain and/or prevent exposure to contamination on a property. This database is made available by the United States Environmental Protection Agency (EPA).

Government Publication Date: Dec 30, 2021

Federal Institutional Controls- ICs: FED INST

Institutional controls are non-engineered instruments, such as administrative and legal controls, that help minimize the potential for human exposure to contamination and/or protect the integrity of the remedy. Although it is EPA's (United States Environmental Protection Agency) expectation that treatment or engineering controls will be used to address principal threat wastes and that groundwater will be returned to its beneficial use whenever practicable, ICs play an important role in site remedies because they reduce exposure to contamination by limiting land or resource use and guide human behavior at a site.

Government Publication Date: Dec 30, 2021

Land Use Control Information System: LUCIS

The LUCIS database is maintained by the U.S. Department of the Navy and contains information for former Base Realignment and Closure (BRAC) properties across the United States.

Government Publication Date: Sep 1, 2006

Institutional Control Boundaries at NPL sites: NPL IC

Boundaries of Institutional Control areas at sites on the United States Environmental Protection Agency (EPA)'s National Priorities List, or Proposed or Deleted, made available by the EPA's Shared Enterprise Geodata and Services (SEGS). United States Environmental Protection Agency (EPA)'s National Priorities List of the most serious uncontrolled or abandoned hazardous waste sites identified for possible long-term remedial action under the Superfund program. Institutional controls are non-engineered instruments such as administrative and legal controls that help minimize the potential for human exposure to contamination and/or protect the integrity of the remedy.

Government Publication Date: Jan 25, 2022

Emergency Response Notification System: ERNS 1982 TO 1986

Database of oil and hazardous substances spill reports controlled by the National Response Center. The primary function of the National Response Center is to serve as the sole national point of contact for reporting oil, chemical, radiological, biological, and etiological discharges into the environment anywhere in the United States and its territories.

Government Publication Date: 1982-1986

Emergency Response Notification System: ERNS 1987 TO 1989

Database of oil and hazardous substances spill reports controlled by the National Response Center. The primary function of the National Response Center is to serve as the sole national point of contact for reporting oil, chemical, radiological, biological, and etiological discharges into the environment anywhere in the United States and its territories.

Government Publication Date: 1987-1989

Emergency Response Notification System: ERNS

Database of oil and hazardous substances spill reports made available by the United States Coast Guard National Response Center (NRC). The NRC fields initial reports for pollution and railroad incidents and forwards that information to appropriate federal/state agencies for response. These data contain initial incident data that has not been validated or investigated by a federal/state response agency.

Government Publication Date: Dec 31, 2021

The Assessment, Cleanup and Redevelopment Exchange System (ACRES) Brownfield Database: FED BROWNFIELDS

Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties protects the environment, reduces blight, and takes development pressures off greenspaces and working lands. This database is made available by the United States Environmental Protection Agency (EPA).

Government Publication Date: Aug 20, 2021

FEMA Underground Storage Tank Listing: FEMA UST

The Federal Emergency Management Agency (FEMA) of the Department of Homeland Security maintains a list of FEMA owned underground storage tanks.

Government Publication Date: Dec 31, 2017

Facility Response Plan: FRP

List of facilities that have submitted Facility Response Plans (FRP) to EPA. Facilities that could reasonably be expected to cause "substantial harm" to the environment by discharging oil into or on navigable waters are required to prepare and submit Facility Response Plans (FRPs). Harm is determined based on total oil storage capacity, secondary containment and age of tanks, oil transfer activities, history of discharges, proximity to a public drinking water intake or sensitive environments.

Government Publication Date: Dec 2, 2020

Historical Gas Stations: HIST GAS STATIONS

This historic directory of service stations is provided by the Cities Service Company. The directory includes Cities Service filling stations that were located throughout the United States in 1930.

Government Publication Date: Jul 1, 1930

Petroleum Refineries: REFN

List of petroleum refineries from the U.S. Energy Information Administration (EIA) Refinery Capacity Report. Includes operating and idle petroleum refineries (including new refineries under construction) and refineries shut down during the previous year located in the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and other U.S. possessions. Survey locations adjusted using public data.

Government Publication Date: Feb 4, 2022

Petroleum Product and Crude Oil Rail Terminals: BULK TERMINAL

List of petroleum product and crude oil rail terminals made available by the U.S. Energy Information Administration (EIA). Includes operable bulk petroleum product terminals located in the 50 States and the District of Columbia with a total bulk shell storage capacity of 50,000 barrels or more, and/or the ability to receive volumes from tanker, barge, or pipeline; also rail terminals handling the loading and unloading of crude oil that were active between 2017 and 2018. Petroleum product terminals comes from the EIA-815 Bulk Terminal and Blender Report, which includes working, shell in operation, and shell idle for several major product groupings. Survey locations adjusted using public data.

Government Publication Date: Feb 4, 2022

LIEN on Property: SEMS LIEN

The EPA Superfund Enterprise Management System (SEMS) provides LIEN information on properties under the EPA Superfund Program.

Government Publication Date: Feb 24, 2022

Superfund Decision Documents: SUPERFUND ROD

This database contains a listing of decision documents for Superfund sites. Decision documents serve to provide the reasoning for the choice of (or) changes to a Superfund Site cleanup plan. The decision documents include Records of Decision (ROD), ROD Amendments, Explanations of Significant Differences (ESD), along with other associated memos and files. This information is maintained and made available by the US EPA (Environmental Protection Agency).

Government Publication Date: Nov 16, 2021

State

Solid Waste Landfills: SWF/LF

The solid waste program in the Department of Environmental Quality (DEQ) is designed to encourage the reuse and recycling of solid waste and to regulate the disposal and treatment of solid waste, including regulated medical waste, and to ensure that hazardous waste is properly managed. Standards are designed to protect human health and the environment and driven by regulatory requirements.

Government Publication Date: Oct 13, 2021

Leaking Petroleum Storage Tanks: LST

When a release occurs from an aboveground or underground storage tank, the owner and/or operator of the tank is required to report the release to the Department of Environmental Quality (DEQ). This database contains a listing of releases from tanks both above and underground.

Government Publication Date: Dec 30, 2021

Delisted Leaking Petroleum Storage Tanks: DELISTED LST

Facilities which have been removed from the list of leaking petroleum storage tanks made available by the Virginia Department of Environmental Quality (DEQ). Facilities may be removed from the lists of leaking petroleum tanks when it is determined that the release reported is not an actual release, or the released substance is not petroleum - these sites may still have endured non-petroleum hazardous substance releases.

Government Publication Date: Dec 30, 2021

Underground Storage Tanks: UST

A listing of registered underground storage tanks, made available by the Virginia Department of Environmental Quality (DEQ). Includes records from Tank Registration files as well as records from the Virginia DEQ Open Data Portal.

Government Publication Date: Dec 30, 2021

Aboveground Storage Tanks: AST

Virginia Department of Environmental Quality (DEQ). Includes records from Tank Registration files as well as records from the Virginia DEQ Open Data Portal.

Government Publication Date: Dec 30, 2021

Storage Tank Facilities: TANK

A list of tank facilities where tank details are not available. This list is made available by the Virginia Department of Environmental Quality (DEQ). Includes records from Tank Registration files as well as records from the Virginia DEQ Open Data Portal.

Government Publication Date: Dec 30, 2021

Delisted Tanks: DELISTED TANK

Facilities which have been removed from the list of registered aboveground and/or underground storage tanks made available by the Virginia Department of Environmental Quality (DEQ). Facilities may be removed from the lists of registered tanks when it is determined that the tank does not require registration, for example, due to capacity or contents.

Government Publication Date: Dec 30, 2021

Institutional Controls: INST

Institutional controls are legal or contractual restrictions on property use that remain effective after remediation is completed and are used to satisfy remediation levels. This list is maintained by the Department of Environmental Quality (DEQ).

Government Publication Date: Oct 5, 2021

Voluntary Remediation Program: VRP

The Voluntary Remediation Program is to encourage hazardous substance cleanups that might not otherwise take place. The program is a streamlined mechanism for site owners or operators to voluntarily address contamination at sites with concurrence from the Department of Environmental Quality (DEQ).

Government Publication Date: Oct 5, 2021

Brownfields Site Specific Assessments: BROWNFIELDS

Brownfields are idled, underutilized, or abandoned industrial or commercial properties where expansion or redevelopment is complicated by real or perceived environmental contamination. Examples include factories, railyards, landfills, dry cleaners, etc. This list is maintained by the Department of Environmental Quality (DEQ).

Government Publication Date: Jan 8, 2021

Tribal

Leaking Underground Storage Tanks (LUSTs) on Tribal/Indian Lands: INDIAN LUST

Leaking Underground Storage Tanks (LUSTs) on Tribal/Indian Lands in EPA Region 3, which includes Virginia. There are no LUST records in Virginia at this time.

Government Publication Date: Apr 12, 2019

Underground Storage Tanks (USTs) on Indian Lands: INDIAN UST

Listing of Underground Storage Tanks (USTs) on Tribal/Indian Lands in EPA Region 3, which includes Virginia. There are no UST records in Virginia at this time.

Government Publication Date: May 4, 2018

Delisted Tribal Leaking Storage Tanks: DELISTED ILST

Leaking Underground Storage Tank facilities which have been removed from the Regional Tribal LUST lists made available by the EPA.

Government Publication Date: Oct 12, 2021

Delisted Tribal Underground Storage Tanks: DELISTED IUST

Underground Storage Tank facilities which have been removed from the Regional Tribal UST lists made available by the EPA.

Government Publication Date: Oct 13, 2021

County

No County standard environmental record sources available for this State.

Additional Environmental Record Sources

Federal

Facility Registry Service/Facility Index: FINDS/FRS

The Facility Registry Service (FRS) is a centrally managed database that identifies facilities, sites, or places subject to environmental regulations or of environmental interest. FRS creates high-quality, accurate, and authoritative facility identification records through rigorous verification and management procedures that incorporate information from program national systems, state master facility records, and data collected from EPA's Central Data Exchange registrations and data management personnel. This list is made available by the Environmental Protection Agency (US EPA).
Government Publication Date: Nov 2, 2020

Toxics Release Inventory (TRI) Program: TRIS
The EPA's Toxics Release Inventory (TRI) is a database containing data on disposal or other releases of over 650 toxic chemicals from thousands of U. S. facilities and information about how facilities manage those chemicals through recycling, energy recovery, and treatment. One of TRI's primary purposes is to inform communities about toxic chemical releases to the environment.
Government Publication Date: Aug 24, 2021

Perfluorinated Alkyl Substances (PFAS) Releases: PFAS TRI
List of Toxics Release Inventory (TRI) facilities at which the reported chemical is a Per- or polyfluorinated alkyl substance (PFAS) included in the Environmental Protection Agency (EPA)'s consolidated PFAS Master List of PFAS Substances. The EPA's Toxics Release Inventory (TRI) is a database containing data on disposal or other releases of over 650 toxic chemicals from thousands of U.S. facilities and information about how facilities manage those chemicals through recycling, energy recovery, and treatment.
Government Publication Date: Aug 24, 2021

PFOA/PFOS Contaminated Sites: PFAS NPL
List of sites where PFOA or PFOS contaminants have been found in drinking water or soil. Made available by the Federal Environmental Protection Agency (EPA).
Government Publication Date: Jan 11, 2022

Perfluorinated Alkyl Substances (PFAS) Water Quality: PFAS WATER
The Water Quality Portal (WQP) is a cooperative service sponsored by the United States Geological Survey (USGS), the Environmental Protection Agency (EPA), and the National Water Quality Monitoring Council (NWQMC). This listing includes records from the Water Quality Portal where the characteristic (environmental measurement) is in the Environmental Protection Agency (EPA)'s consolidated PFAS Master List of PFAS Substances.
Government Publication Date: Jul 20, 2020

SSEHRI PFAS Contamination Sites: PFAS SSEHRI
This PFAS Contamination Site Tracker database is compiled by the Social Science Environmental Health Research Institute (SSEHRI) at Northeastern University. According to the SSEHRI, the database records qualitative and quantitative data from each known site of PFAS contamination, including timeline of discovery, sources, levels, health impacts, community response, and government response. The goal of this database is to compile information and support public understanding of the rapidly unfolding issue of PFAS contamination. All data presented was extracted from government websites, news articles, or publicly available documents, and this is cited in the tracker. Disclaimer: The source conveys this database undergoes regular updates as new information becomes available, some sites may be missing and/or contain information that is incorrect or outdated, as well as their information represents all contamination sites SSEHRI is aware of, not all possible contamination sites. This data is not intended to be used for legal purposes. Limited location details are available with this data. Access the following for the most current informations https://pfasproject.com/pfas-contamination-site-tr acker/
Government Publication Date: Dec 12, 2019

Hazardous Materials Information Reporting System: HMIRS
US DOT - Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) Incidents Reports Database taken from Hazmat Intelligence Portal, U.S. Department of Transportation.
Government Publication Date: Sep 1, 2020

National Clandestine Drug Labs: NCDL
The U.S. Department of Justice ("the Department") provides this data as a public service. It contains addresses of some locations where law enforcement agencies reported they found chemicals or other items that indicated the presence of either clandestine drug laboratories or dumpsites. In most cases, the source of the entries is not the Department, and the Department has not verified the entry and does not guarantee its accuracy.
Government Publication Date: Nov 22, 2021

Toxic Substances Control Act: TSCA

The Environmental Protection Agency (EPA) is amending the Toxic Substances Control Act (TSCA) section 8(a) Inventory Update Reporting (IUR) rule and changing its name to the Chemical Data Reporting (CDR) rule.
The CDR enables EPA to collect and publish information on the manufacturing, processing, and use of commercial chemical substances and mixtures (referred to hereafter as chemical substances) on the TSCA Chemical Substance Inventory (TSCA Inventory). This includes current information on chemical substance production volumes, manufacturing sites, and how the chemical substances are used. This information helps the Agency determine whether people or the environment are potentially exposed to reported chemical substances. EPA publishes submitted CDR data that is not Confidential Business Information (CBI).
Government Publication Date: Apr 11, 2019

Hist TSCA: HIST TSCA
The Environmental Protection Agency (EPA) is amending the Toxic Substances Control Act (TSCA) section 8(a) Inventory Update Reporting (IUR) rule and changing its name to the Chemical Data Reporting (CDR) rule.
The 2006 IUR data summary report includes information about chemicals manufactured or imported in quantities of 25,000 pounds or more at a single site during calendar year 2005. In addition to the basic manufacturing information collected in previous reporting cycles, the 2006 cycle is the first time EPA collected information to characterize exposure during manufacturing, processing and use of organic chemicals. The 2006 cycle also is the first time manufacturers of inorganic chemicals were required to report basic manufacturing information.
Government Publication Date: Dec 31, 2006

FTTS Administrative Case Listing: FTTS ADMIN
An administrative case listing from the Federal Insecticide, Fungicide, & Rodenticide Act (FIFRA) and Toxic Substances Control Act (TSCA), together known as FTTS. This database was obtained from the Environmental Protection Agency's (EPA) National Compliance Database (NCDB). The FTTS and NCDB was shut down in 2006.
Government Publication Date: Jan 19, 2007

FTTS Inspection Case Listing: FTTS INSP
An inspection case listing from the Federal Insecticide, Fungicide, & Rodenticide Act (FIFRA) and Toxic Substances Control Act (TSCA), together known as FTTS. This database was obtained from the Environmental Protection Agency's (EPA) National Compliance Database (NCDB). The FTTS and NCDB was shut down in 2006.
Government Publication Date: Jan 19, 2007

Potentially Responsible Parties List: PRP
Early in the cleanup process, the Environmental Protection Agency (EPA) conducts a search to find the potentially responsible parties (PRPs). EPA looks for evidence to determine liability by matching wastes found at the site with parties that may have contributed wastes to the site.
Government Publication Date: Mar 30, 2022

State Coalition for Remediation of Drycleaners Listing: SCRD DRYCLEANER
The State Coalition for Remediation of Drycleaners (SCRD) was established in 1998, with support from the U.S. Environmental Protection Agency (EPA) Office of Superfund Remediation and Technology Innovation. Coalition members are states with mandated programs and funding for drycleaner site remediation. Current members are Alabama, Connecticut, Florida, Illinois, Kansas, Minnesota, Missouri, North Carolina, Oregon, South Carolina, Tennessee, Texas, and Wisconsin.
Government Publication Date: Nov 08, 2017

Integrated Compliance Information System (ICIS): ICIS
The Integrated Compliance Information System (ICIS) is a system that provides information for the Federal Enforcement and Compliance (FE&C) and the National Pollutant Discharge Elimination System (NPDES) programs. The FE&C component supports the Environmental Protection Agency's (EPA) Civil Enforcement and Compliance program activities. These activities include Compliance Assistance, Compliance Monitoring and Enforcement. The NPDES program supports tracking of NPDES permits, limits, discharge monitoring data and other program reports.
Government Publication Date: Oct 14, 2021

Drycleaner Facilities: FED DRYCLEANERS
A list of drycleaner facilities from Enforcement and Compliance History Online (ECHO) online search. The Environmental Protection Agency (EPA) tracks facilities that possess NAIC and SIC codes that classify businesses as drycleaner establishments.
Government Publication Date: May 5, 2021

Delisted Drycleaner Facilities: DELISTED FED DRY
List of sites removed from the list of Drycleaner Facilities (sites in the EPA's Integrated Compliance Information System (ICIS) with NAIC or SIC codes identifying the business as a drycleaner establishment).
Government Publication Date: May 5, 2021

Formerly Used Defense Sites: FUDS

Formerly Used Defense Sites (FUDS) are properties that were formerly owned by, leased to, or otherwise possessed by and under the jurisdiction of the Secretary of Defense prior to October 1986, where the Department of Defense (DoD) is responsible for an environmental restoration. This list is published by the U.S. Army Corps of Engineers.

Government Publication Date: May 26, 2021

Former Military Nike Missile Sites: FORMER NIKE

This information was taken from report DRXTH-AS-IA-83A016 (Historical Overview of the Nike Missile System, 12/1984) which was performed by Environmental Science and Engineering, Inc. for the U.S. Army Toxic and Hazardous Materials Agency Assessment Division. The Nike system was deployed between 1954 and the mid-1970's. Among the substances used or stored on Nike sites were liquid missile fuel (JP-4); starter fluids (UDKH, aniline, and furfuryl alcohol); oxidizer (IRFNA); hydrocarbons (motor oil, hydraulic fluid, diesel fuel, gasoline, heating oil); solvents (carbon tetrachloride, trichloroethylene, trichloroethane, stoddard solvent); and battery electrolyte. The quantities of material a disposed of and procedures for disposal are not documented in published reports. Virtually all information concerning the potential for contamination at Nike sites is confined to personnel who were assigned to Nike sites. During deactivation most hardware was shipped to depot-level supply points. There were reportedly instances where excess materials were disposed of on or near the site itself at closure. There was reportedly no routine site decontamination.

Government Publication Date: Dec 2, 1984

PHMSA Pipeline Safety Flagged Incidents: PIPELINE INCIDENT

A list of flagged pipeline incidents made available by the U.S. Department of Transportation (US DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA). PHMSA regulations require incident and accident reports for five different pipeline system types.

Government Publication Date: Jul 7, 2020

Material Licensing Tracking System (MLTS): MLTS

A list of sites that store radioactive material subject to the Nuclear Regulatory Commission (NRC) licensing requirements. This list is maintained by the NRC. As of September 2016, the NRC no longer releases location information for sites. Site locations were last received in July 2016.

Government Publication Date: May 11, 2021

Historic Material Licensing Tracking System (MLTS) sites: HIST MLTS

A historic list of sites that have inactive licenses and/or removed from the Material Licensing Tracking System (MLTS). In some cases, a site is removed from the MLTS when the state becomes an "Agreement State". An Agreement State is a State that has signed an agreement with the Nuclear Regulatory Commission (NRC) authorizing the State to regulate certain uses of radioactive materials within the State.

Government Publication Date: Jan 31, 2010

Mines Master Index File: MINES

The Master Index File (MIF) contains mine identification numbers issued by the Department of Labor Mine Safety and Health Administration (MSHA) for mines active or opened since 1971. Note that addresses may or may not correspond with the physical location of the mine itself.

Government Publication Date: Nov 2, 2021

Surface Mining Control and Reclamation Act Sites: SMCRA

An inventory of land and water impacted by past mining (primarily coal mining) is maintained by the Office of Surface Mining Reclamation and Enforcement (OSMRE) to provide information needed to implement the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The inventory contains information on the location, type, and extent of Abandoned Mine Land (AML) impacts, as well as information on the cost associated with the reclamation of those problems. The inventory is based upon field surveys by State, Tribal, and OSMRE program officials. It is dynamic to the extent that it is modified as new problems are identified and existing problems are reclaimed.

Government Publication Date: Dec 18, 2020

Mineral Resource Data System: MRDS

The Mineral Resource Data System (MRDS) is a collection of reports describing metallic and nonmetallic mineral resources throughout the world. Included are deposit name, location, commodity, deposit description, geologic characteristics, production, reserves, resources, and references. This database contains the records previously provided in the Mineral Resource Data System (MRDS) of USGS and the Mineral Availability System/Mineral Industry Locator System (MAS/MILS) originated in the U.S. Bureau of Mines, which is now part of USGS. The USGS has ceased systematic updates of the MRDS database with their focus more recently on deposits of critical minerals while providing a well-documented baseline of historical mine locations from USGS topographic maps.

Government Publication Date: Mar 15, 2016

Uranium Mill Tailings Radiation Control Act Sites: URANIUM

The Legacy Management Office of the Department of Energy (DOE) manages radioactive and chemical waste, environmental contamination, and hazardous material at over 100 sites across the U.S. The L.M. Office manages this database of sites registered under the Uranium Mill Tailings Control Act (UMTRCA).

Government Publication Date: Mar 4, 2017

Alternative Fueling Stations: ALT FUELS

List of alternative fueling stations made available by the US Department of Energy's Office of Energy Efficiency & Renewable Energy. Includes Biodiesel stations, Ethanol (E85) stations, Liquefied Petroleum Gas (Propane) stations, Ethanol (E85) stations, Natural Gas stations, Hydrogen stations, and Electric Vehicle Supply Equipment (EVSE). The National Renewable Energy Laboratory (NREL) obtains information about new stations from trade media, Clean Cities coordinators, a Submit New Station form on the Station Locator website, and through collaborating with infrastructure equipment and fuel providers, original equipment manufacturers (OEMs), and industry groups.

Government Publication Date: Dec 21, 2021

Superfunds Consent Decrees: CONSENT DECREES

A list of Superfund consent decrees made available by the Department of Justice, Environment & Natural Resources Division (ENRD).

Government Publication Date: Sep 30, 2018

Registered Pesticide Establishments: SSTS

List of active EPA-registered foreign and domestic pesticide-producing and device-producing establishments based on data from the Section Seven Tracking System (SSTS). The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Section 7 requires that facilities producing pesticides, active ingredients, or devices be registered. The list of establishments is made available by the EPA.

Government Publication Date: Mar 30, 2022

Polychlorinated Biphenyl (PCB) Notifiers: PCB

Facilities included in the national list of facilities that have notified the United States Environmental Protection Agency (EPA) of Polychlorinated Biphenyl (PCB) activities. Any company or person storing, transporting or disposing of PCBs or conducting PCB research and development must notify the EPA and receive an identification number.

Government Publication Date: Jan 20, 2022

State

Spills: SPILLS

The Department of Environmental Quality (DEQ) Pollution Response Program (PREP), provides for responses to air, water and waste pollution incidents in order to protect human health and the environment. PREP staff often work to assist local emergency responders, other state agencies, federal agencies, and responsible parties, as may be needed, to manage pollution incidents. Oil spills, fish kills, and hazardous materials spills are examples of incidents that may involve the DEQ's PREP Program.

Government Publication Date: Dec 30, 2021

Pollution Complaint: PC SPILLS

The database contains a listing of Pollution Complaints from 1986 to 1994 that include petroleum releases and other releases on state land and waters. This list is maintained by the Department of Environmental Quality (DEQ).

Government Publication Date: 1986-1994

Dry Cleaning Facilities: DRYCLEANERS

A listing of registered drycleaners maintained by the Department of Environmental Quality.

Government Publication Date: Oct 13, 2021

Tribal

No Tribal additional environmental record sources available for this State.

County

No County additional environmental record sources available for this State.

Definitions

Database Descriptions: This section provides a detailed explanation for each database including: source, information available, time coverage, and acronyms used. They are listed in alphabetic order.

Detail Report: This is the section of the report which provides the most detail for each individual record. Records are summarized by location, starting with the project property followed by records in closest proximity.

Distance: The distance value is the distance between plotted points, not necessarily the distance between the sites' boundaries. All values are an approximation.

Direction: The direction value is the compass direction of the site in respect to the project property and/or center point of the report.

Elevation: The elevation value is taken from the location at which the records for the site address have been plotted. All values are an approximation. Source: Google Elevation API.

Executive Summary: This portion of the report is divided into 3 sections:

'Report Summary'- Displays a chart indicating how many records fall on the project property and, within the report search radii.

'Site Report Summary'-Project Property'- This section lists all the records which fall on the project property. For more details, see the 'Detail Report' section.

'Site Report Summary-Surrounding Properties'- This section summarizes all records on adjacent properties, listing them in order of proximity from the project property. For more details, see the 'Detail Report' section.

Map Key: The map key number is assigned according to closest proximity from the project property. Map Key numbers always start at #1. The project property will always have a map key of '1' if records are available. If there is a number in brackets beside the main number, this will indicate the number of records on that specific property. If there is no number in brackets, there is only one record for that property.

The symbol and colour used indicates 'elevation': the red inverted triangle will dictate 'ERIS Sites with Lower Elevation', the yellow triangle will dictate 'ERIS Sites with Higher Elevation' and the orange square will dictate 'ERIS Sites with Same Elevation.'

Unplottables: These are records that could not be mapped due to various reasons, including limited geographic information. These records may or may not be in your study area, and are included as reference.

Appendix IV
Historical Research Records

ERIS

FIRE INSURANCE MAPS

Project Property:	Prairie Solar Prairie Solar Windsor VA
Project No:	7382
Requested By:	Pilot Environmental Inc.
Order No:	22013100442
Date Completed:	January 31, 2022

Please note that no information was found for your site or adjacent properties.

Environmental Risk Information Services
A division of Glacier Media Inc.
1.866.517.5204 | info@erisinfo.com | erisinfo.com

ERIS

HISTORICAL AERIALS

Project Property: Prairie Solar
Prairie Solar
Windsor VA

Project No: 7382

Requested By: Pilot Environmental Inc.

Order No: 22013100442

Date Completed: February 01,2022

Aerial Maps included in this report are produced by the sources listed above and are to be used for research purposes including a phase I report. Maps are not to be resold as commercial property. ERIS provides no warranty of accuracy or liability. The information contained in this report has been produced using aerial photos listed in above sources by ERIS Information Inc. (in the US) and ERIS Information Limited Partnership (in Canada), both doing business as 'ERIS'. The maps contained in this report do not purport to be and do not constitute a guarantee of the accuracy of the information contained herein. Although ERIS has endeavored to present information that is accurate, ERIS disclaims, any and all liability for any errors, omissions, or inaccuracies in such information and data, whether attributable to inadvertence, negligence or otherwise, and for any consequences arising therefrom. Liability on the part of ERIS is limited to the monetary value paid for this report.

Environmental Risk Information Services
A division of Glacier Media Inc.
1.866.517.5204 | info@erisinfo.com | erisinfo.com

Date	Source	Scale	Comments
2018	United States Department of Agriculture	1" = 1000'	
2016	United States Department of Agriculture	1" = 1000'	
2012	United States Department of Agriculture	1" = 1000'	
2011	United States Department of Agriculture	1" = 1000'	
2009	United States Department of Agriculture	1" = 1000'	
2008	United States Department of Agriculture	1" = 1000'	
2003	United States Department of Agriculture	1" = 1000'	
2000	United States Geological Survey	1" = 1000'	Best Copy Available
1994	United States Geological Survey	1" = 1000'	
1989	United States Geological Survey	1" = 1000'	Best Copy Available
1982	United States Geological Survey	1" = 1000'	
1978	United States Geological Survey	1" = 1000'	
1969	National Aeronautics And Space Admin	1" = 1000'	Best Copy Available
1959	United States Air Force	1" = 1000'	
1937	Agricultural Stabilization & Conserv. Service	1" = 1000'	Photo Index-Best Available

ear: 2018
Source: USDA
Scale: 1" = 1000'
Comment:

Address: Prairie Solar, Windsor, VA
Approx Center: -76.61880107,36.87655495

Order No: 22013100442

ERIS

Year: 2016
Source: USDA
Scale: 1" = 1000'
Comment:

Address: Prairie Solar, Windsor, VA
Approx Center: -76.61880107,36.87655495

Order No: 22013100442

ERIS

Year: 2012
Source: USDA
Scale: 1" = 1000'
Comment:

Address: Prairie Solar, Windsor, VA
Approx Center: -76.61880107,36.87655495

Order No: 22013100442

ERIS

Year: 2011
Source: USDA
Scale: 1" = 1000'
Comment:

Address: Prairie Solar, Windsor, VA
Approx Center: -76.61880107,36.87655495

Order No: 22013100442

ERIS

ar: 2009
urce: USDA
Scale: 1" = 1000'
Comment:

Address: Prairie Solar, Windsor, VA
Approx Center: -76.61880107,36.87655495

Order No: 22013100442

ERIS

Year: 2008
Source: USDA
Scale: 1" = 1000'
Comment:

Address: Prairie Solar, Windsor, VA
Approx Center: -76.61880107,36.87655495

Order No: 22013100442

ERIS

Year: 2003
Source: USDA
Scale: 1" = 1000'
Comment:

Address: Prairie Solar, Windsor, VA
Approx Center: -76.61880107,36.87655495

Order No: 22013100442

ERIS

Year: 2000
Source: USGS
Scale: 1" = 1000'
Comment: Best Copy Available

Address: Prairie Solar, Windsor, VA
Approx Center: -76.61880107,36.87655495

Order No: 22013100442

ERIS

'ar: 1994
Source: USGS
Scale: 1" = 1000'
Comment:

Address: Prairie Solar, Windsor, VA
Approx Center: -76.61880107,36.87655495

Order No: 22013100442

ERIS

ar: 1989
Source: USGS
Scale: 1" = 1000'
Comment: Best Copy Available

Address: Prairie Solar, Windsor, VA
Approx Center: -76.61880107,36.87655495

Order No: 22013100442

ERIS

ar: 1982
ource: USGS
Scale: 1" = 1000'
Comment:

Address: Prairie Solar, Windsor, VA
Approx Center: -76.61880107,36.87655495

Order No: 22013100442

ERIS

Year: 1978
Source: USGS
Scale: 1" = 1000'
Comment:

Address: Prairie Solar, Windsor, VA
Approx Center: -76.61880107,36.87655495

Order No: 22013100442

ERIS

Year: 1969
Source: NASA
Scale: 1" = 1000'
Comment: Best Copy Available

Address: Prairie Solar, Windsor, VA
Approx Center: -76.61880107,36.87655495

Order No: 22013100442

ERIS

Year: 1959
Source: USAF
Scale: 1" = 1000'
Comment:

Address: Prairie Solar, Windsor, VA
Approx Center: -76.61880107,36.87655495

Order No: 22013100442

ERIS

Year: 1937 Address: Prairie Solar, Windsor, VA Order No: 22013100442
Source: ASCS Approx Center: -76.61880107,36.87655495
Scale: 1" = 1000'
Comment: Photo Index-Best Available

ERIS

Appendix V
Site Reconnaissance Photographs

SITE PHOTOGRAPHS

Photograph 1 - View of clubhouse located on the southeastern portion of the site

Photograph 2 - View of agricultural structure located on the southern portion of the site

SITE PHOTOGRAPHS

Photograph 3 - View of a kennel located on the southern portion of the site

Photograph 4 - View of wooded land located on the site

SITE PHOTOGRAPHS

Photograph 5 - View of a field located on the site

Photograph 6 - View of minor ground staining located in the vicinity of an agricultural building on the southeastern portion of the site

SITE PHOTOGRAPHS

Photograph 7 - View of a surface water feature located on the site

Photograph 8 - View of a gravel-covered access road located on the site

SITE PHOTOGRAPHS

Photograph 9 - View of small propane ASTs located in the vicinity of the clubhouse on the southeastern portion of the site

Photograph 10 - View of water supply well located on the southern portion of the site

SITE PHOTOGRAPHS

Photograph 11 - View of discarded propane AST located on the southern portion of the site

Photograph 12 - View of a temporary hunting structure located on the site

SITE PHOTOGRAPHS

Photograph 13 - View of agricultural equipment located on the site

Photograph 14 - View of scrap metal located on the site

Appendix VI
Statement of Qualifications

MIKAYLA A. WHITE

PO Box 128, Kernersville, 27285 | mwhite@pilotenviro.com | 336.701.9356

EDUCATION | BS, Meteorology, North Carolina State University, Raleigh, NC 27607

ENVIRONMENTAL CONSULTING EXPERIENCE

Ms. White is an Entry-Level Project Manager with Pilot Environmental, Inc. Her project experience includes Phase 1 Environmental Site Assessments on residential, commercial, and industrial properties.

PHASE I ENVIRONMENTAL ASSESSMENTS

Ms. White has experience performing Phase I Environmental Site Assessments (ESAs) to determine environmental liabilities for Real Property Transfers. Ms. White has performed Phase I ESAs for sites including residential, commercial, and municipal properties. Phase I responsibilities include collecting historical information including aerial photographs, city directories, fire department records, and NCDEQ records, conducting site and area reconnaissance, and conducting interviews with owners, regulators, and officials. Ms. White has experience with identifying potential environmental conditions, interpreting regulatory data, and communicating with clients.

TOBY S. BENFIELD

PO Box 128, Kernersville, 27285 | TBenfield@pilotenviro.com | 336.708.7812

EDUCATION | BS, General Chemistry, University of North Carolina at Greensboro, Greensboro NC, 1998

REGISTRATIONS CERTIFICATIONS AND AFFILIATIONS | Licensed NC Asbestos Inspector

Environmental Professional as defined in § 312.10 of 40 CFR 312

OSHA 40 Hour HAZWOPER Certified

ENVIRONMENTAL CONSULTING EXPERIENCE | Mr. Benfield has experience in the environmental consulting industry since 2002. He is a Partner and Project Manager with Pilot Environmental, Inc (Pilot). Mr. Benfield's project experience includes Phase I environmental site assessments, Phase II Environmental Site Assessments including regulatory and non-regulatory investigation, and asbestos inspections. He has conducted environmental consulting services on residential, commercial, educational, municipal and industrial properties.

PHASE I ENVIRONMENTAL ASSESSMENTS | Mr. Benfield has experience performing Phase I environmental assessments to determine environmental liabilities for Real Property Transfers ranging from greenfield sites to historical industrial facilities.

PHASE II ENVIRONMENTAL ASSESSMENTS | Mr. Benfield has experience performing Phase II environmental assessments including Site Checks, underground storage tank closures, Phase I and Phase II Limited Site Assessments, Comprehensive Site Assessments, and development of Corrective Action Plans and Remedial Action Plans. Mr. Benfield has experience performing vapor intrusion studies, North Carolina Brownfield's Assessments and development of Soil Management Plans and Environmental Work Plans.

ASBESTOS INSPECTION SERVICES | Mr. Benfield has experience in performing asbestos inspections on office, retail, residential, governmental, educational, university and industrial buildings. He has conducted numerous inspections throughout North Carolina.

PRAIRIE SOLAR

Exhibit H:

Wetland Report

PILOT ENVIRONMENTAL, INC

May 18, 2022

Ms. Gabriella Hernandez
Energix Renewables
1151 Falls Road, Suite 2004
Rocky Mount, North Carolina 27804

Reference: Wetland Delineation
Prairie Solar
Approximate 335-Acre Tract
Longview Drive
Windsor, Isle of Wight County, Virginia
Pilot Proposal 7382.1

Dear Ms. Hernandez:

Pilot Environmental, Inc. (Pilot) is pleased to submit this report of the wetland delineation for the approximate 335-acre tract situated north and west of Longview Drive in Windsor, Isle of Wight County, Virginia.

Background

Wetlands are defined by the United States Army Corps of Engineers (USACE) and the United States Environmental Protection Agency (EPA) as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions." In order for an area to be classified as wetland, hydrophytic vegetation, hydric soils, and wetland hydrology indicators must be present.

Section 404 of the Clean Water Act (CWA) regulates the discharge of dredge and fill materials into waters of the United States (lakes, rivers, ponds, streams, etc.), including wetlands. Waters of the United States include the territorial seas, navigable coastal and inland lakes, rivers and streams, intermittent streams, and wetlands. The EPA and the USACE jointly administer the Section 404 program. Section 401 of the Clean Water Act grants each state the authority to approve, condition, or deny any Federal permits that could result in a discharge to State waters.

Jurisdictional features include wetlands, open waters, ponds, lakes and streams. Jurisdictional features are regulated by the USACE and Virginia Department of Environmental Quality (VADEQ). Permits are required prior to impacting any jurisdictional features. The type of permit required is specific to the type, location and amount of impacts. Stormwater management plans and/or mitigation for proposed impacts could be a requirement of the permit approval process.

The findings and conclusions found in this report are our opinions based on field conditions encountered at the time of the site visit. Changes including, but not limited to, regulations, weather, timber/vegetation removal and usage/development of the site or nearby properties can alter the findings and opinions presented in this report. We recommend that this report only be used for preliminary planning purposes. Agency verifications, followed by a survey of jurisdictional features, are required to determine the exact extent and locations of jurisdictional features and are valid for a period of up to five years following issuance of a USACE Jurisdictional Determination (JD).

Global Positioning System (GPS) location of jurisdictional features has been conducted by Pilot personnel in the field utilizing a Trimble handheld GPS unit capable of sub-meter accuracy. Field GPS data has been post-processed by Pilot personnel and digitally provided to the client for assistance with preliminary planning. Pilot expresses no warranties or liabilities to accuracy of GPS locations and/or provided GPS data.

Scope of Services

Pilot was contracted to perform a wetland delineation for the approximate 335-acre tract situated north and west of Longview Drive in Windsor, Isle of Wight County, Virginia. The site is identified on the Isle of Wight County Geographic Information System (GIS) as parcel identification numbers (PINs) 51-01-009, 50-01-007 and 51-01-006. The scope of services included a delineation of jurisdictional features (streams, wetlands and other surface waters) on the site. The site boundary was not marked at the time of our field delineation.

Literature Review

We reviewed the U.S. Geological Survey (USGS) Topographic Map, the U.S. Department of Agriculture (USDA) Soil Survey of Isle of Wight County, the U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) Map and the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM).

- The USGS Topographic Map (Drawing 1) depicts Chuckatuck Creek and two unnamed tributaries on the northern and eastern portions of the site. Drainage swales that could contain additional surface waters or wetlands are located throughout the site.

- The USDA Web Soil Survey of Isle of Wight County (Drawing 2) identifies the following mapping units on the site:

Map unit symbol	Map unit name	Hydric Soil Listing
9	Myatt fine sandy loam	Yes
10	Nawney loam	Yes
18A	Slagle fine sandy loam, 0 to 2 percent slopes	Yes
18B	Slagle fine sandy loam, 2 to 6 percent slopes	Yes
18C	Slagle fine sandy loam, 6 to 10 percent slopes	Yes

  Pilot also reviewed the last published USDA Soil Survey of Isle of Wight County (Drawing 2A). The published soil survey depicts Chuckatuck Creek and several unnamed tributaries in addition to those depicted on the USGS topographic map.

- The USFWS NWI Map (Drawing 3) depicts riverine features on the northern and eastern portions of the site, consistent with the USGS topographic map. Freshwater forested/shrub wetlands are depicted throughout the site.

- The FEMA FIRM (Drawing 4) identifies the northern portion of the site within Zone A, areas within the 100-year flood plain. The remainder of the site is located within Zone X, an area of minimal flood hazard located outside of the 100-year and 500-year flood plains.

Field Delineation

Pilot conducted the site visits on January 27 and April 14, 2022. Agricultural structures are located on the southern portion of the site. The remainder of the site contains agricultural fields and wooded land. Ponds are not located on the site.

Several streams are located on the site. The streams contain continuous well-defined channels with evidence of an ordinary high water mark. Streams SBA, MSB2 and MSC, as depicted on Drawing 5, contain moderate substrate sorting, and flowing water at the time of our delineation. Based on our observations and the stream characteristics, streams SBA, MSB2 and MSC are perennial. The stream origins, confluences and intersections with the site boundary were marked in the field with blue and white striped surveyor tape. The streams were geo-located using a Trimble handheld GPS unit and digital elevation modeling data.

Wetlands are located adjacent to streams and within flats and depressions throughout the site. The wetlands are separated from surrounding uplands by topographic, vegetation and/or soil breaks. USACE Wetland Determination Data Forms, supporting our opinions, are included as attachments. The wetland boundaries were marked in the field with red and white striped surveyor tape, and geo-located using a Trimble handheld GPS unit.

Drawing 5 shows the approximate locations of the streams (including our designations), wetland, data points and flag numbers.

Buffer Requirements

The site is located in the James River Basin. The James River is a tributary to the Chesapeake Bay. Pilot reviewed the Chesapeake Bay Preservation Ordinance, which have designated the portion of Isle of Wight that contains the site as a Chesapeake Bay Preservation Area (CBPA), areas comprised of Resource Protection Areas (RPAs). RPAs include tidal areas, wetlands, perennial streams and 100-foot buffer areas adjacent to any RPA component. Therefore, 100-foot buffers are required on all perennial streams and wetlands that are directly connected to perennial waters. Our interpretation of the CBPA-RPA buffers are depicted on Drawing 5. Consultation with Isle of Wight County is recommended to determine if the proposed development requires additional development buffers/setbacks from surface waters for compliance with state and local stormwater requirements.

Agency Verification

The delineation was verified by Melissa Nash with the USACE on April 29, 2022. Ms. Nash concurred with our delineation as depicted on the attached Drawing 5. A copy of the USACE JD will be provided upon receipt from the USACE.

Closing

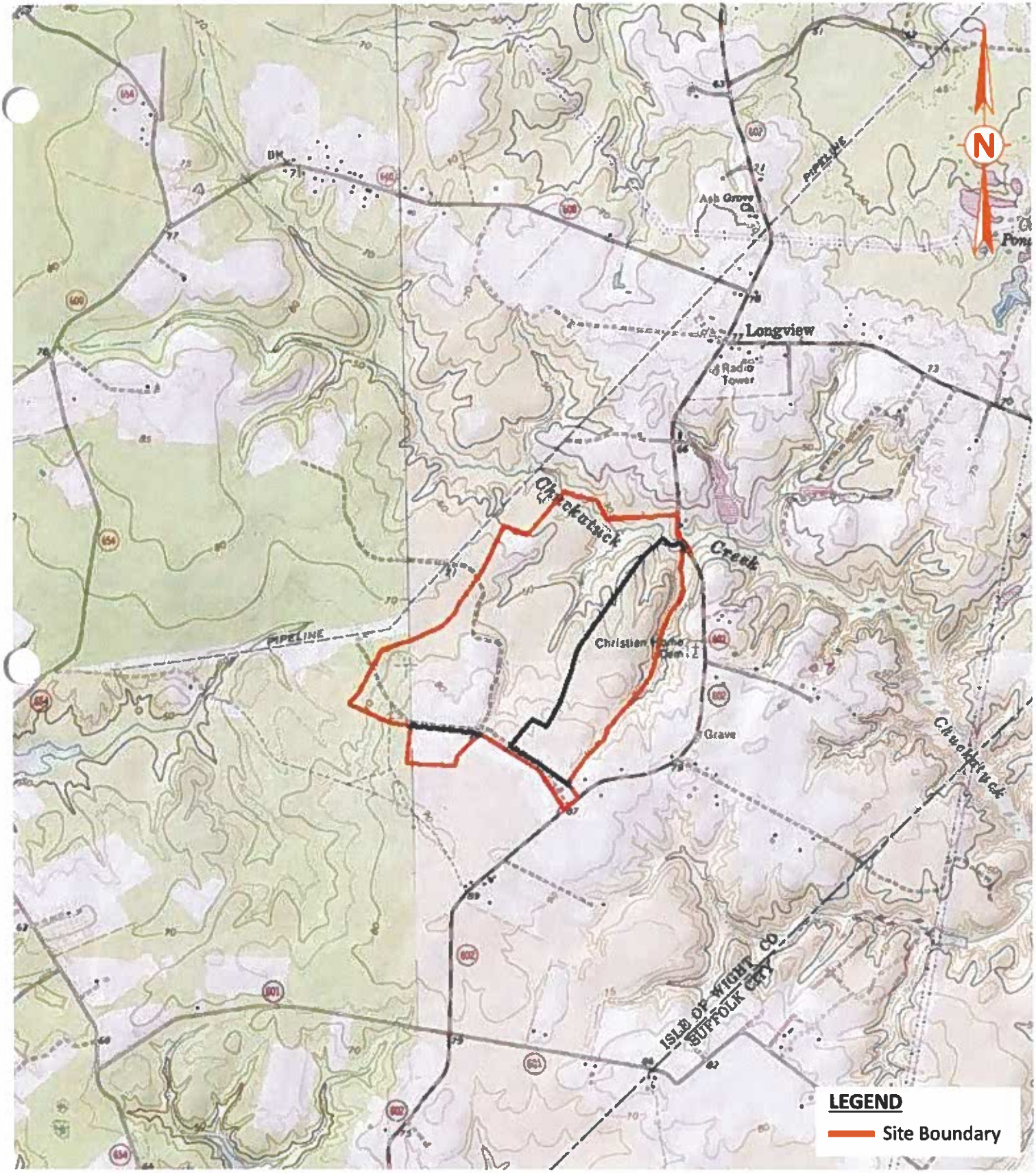
We appreciate the opportunity to provide our services to you. Please contact us at (336) 310-4527 if you have questions or require additional information.

Sincerely,

J. Scott Edwards
Project Manager

David S. Brame, PWS
Senior Project Manager

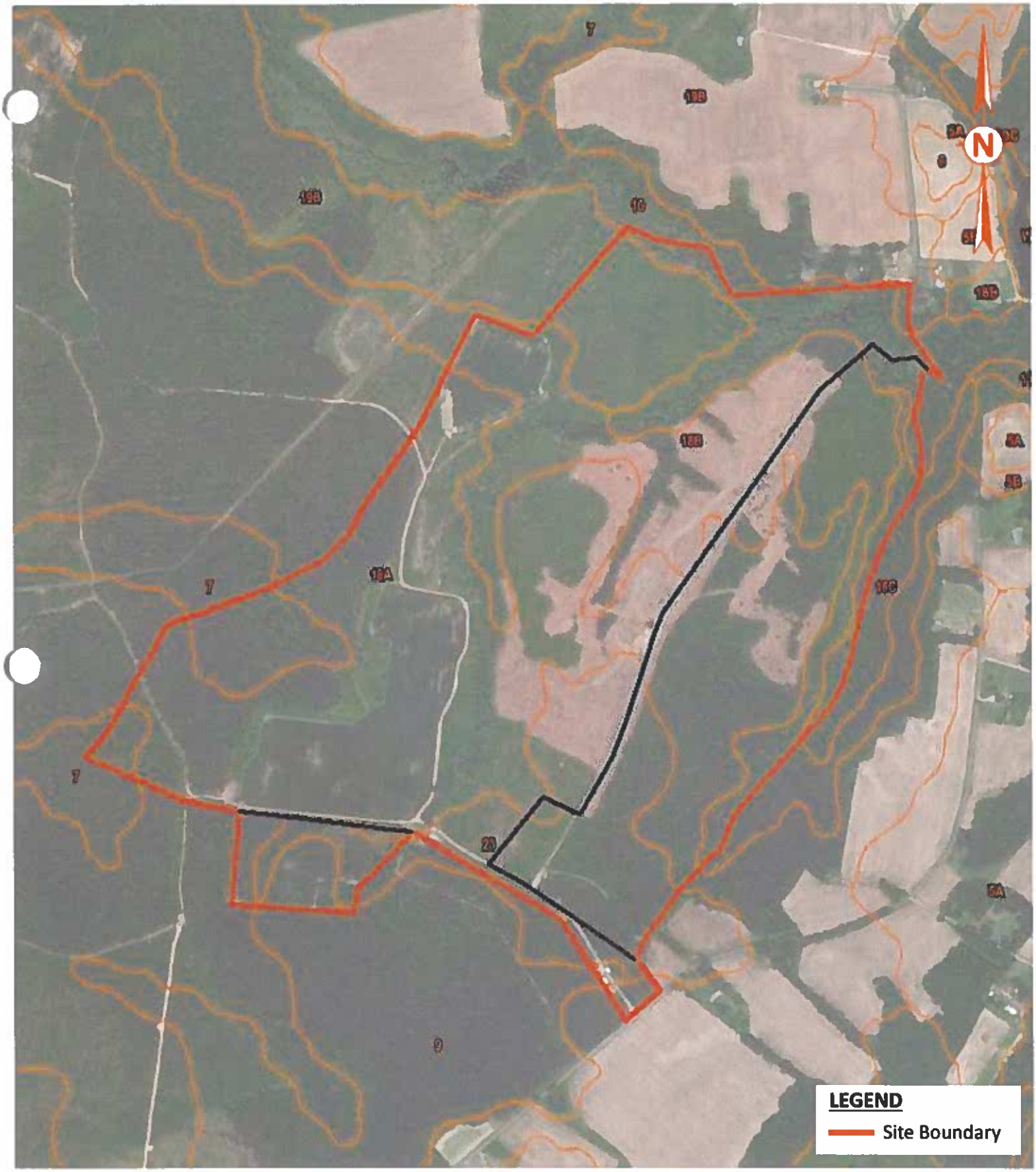
Attachments: Drawing 1 – USGS Topographic Map
Drawing 2 – Web Soil Map
Drawing 2A – Published Soil Map
Drawing 3 – NWI Map
Drawing 4 – FEMA FIRM
Drawing 5 – Wetland Map
Wetland Determination Data Form



Drawing 1
USGS Topographic Map
Windsor, Benns Church, Smithfield, and
Chuckatuck, VA Quadrangles
Scale: 1" = 2,000'

PILOT
PILOT ENVIRONMENTAL, INC

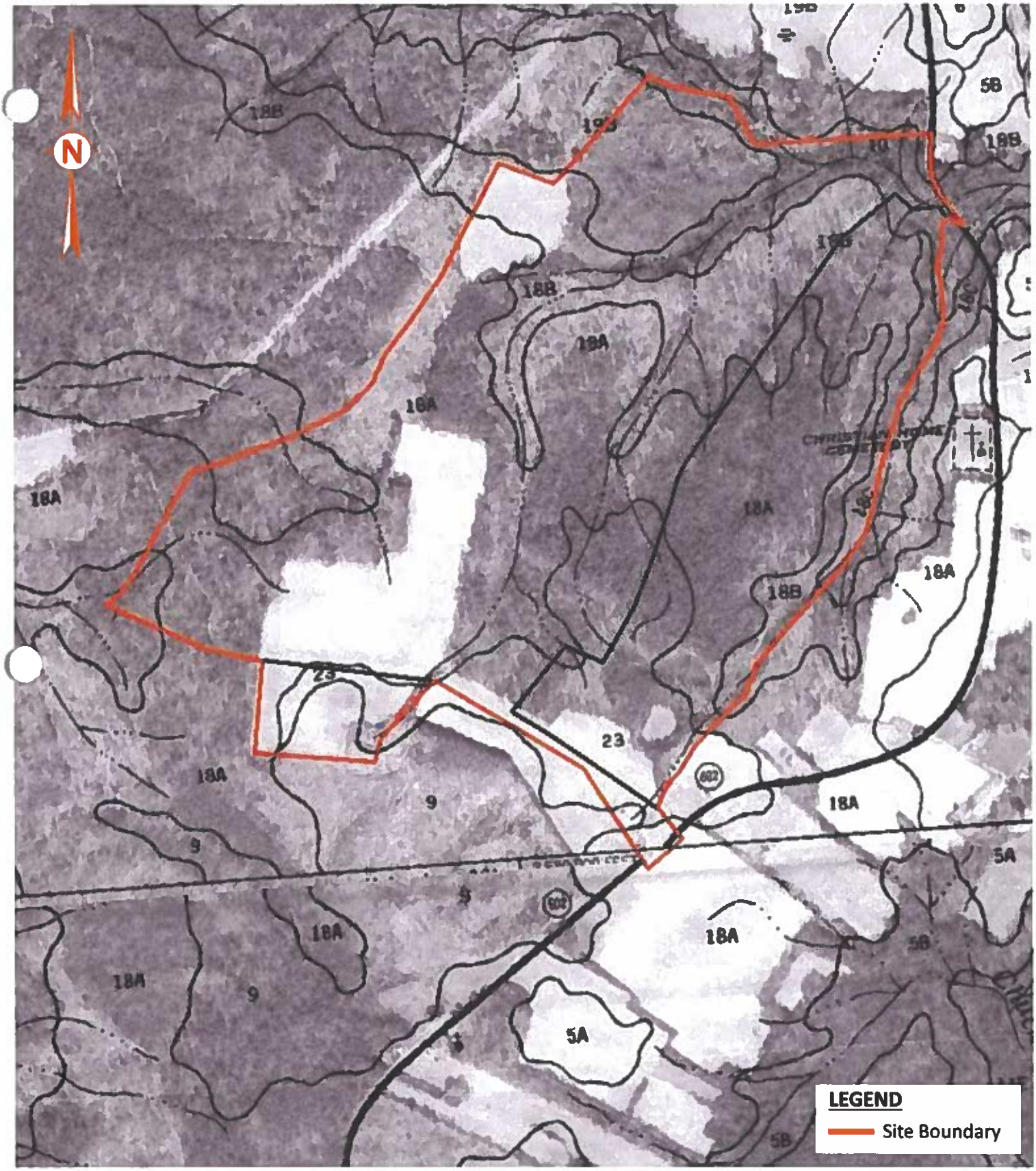
USGS Topographic Map
Prairie Solar
Approximate 335-Acre Tract
Windsor, Isle of Wright County, VA
Pilot Project 7382.1



Drawing 2
USDA Web Soil Survey
of Isle of Wright County, VA
Scale: 1" = 800'

PILOT
PILOT ENVIRONMENTAL, INC

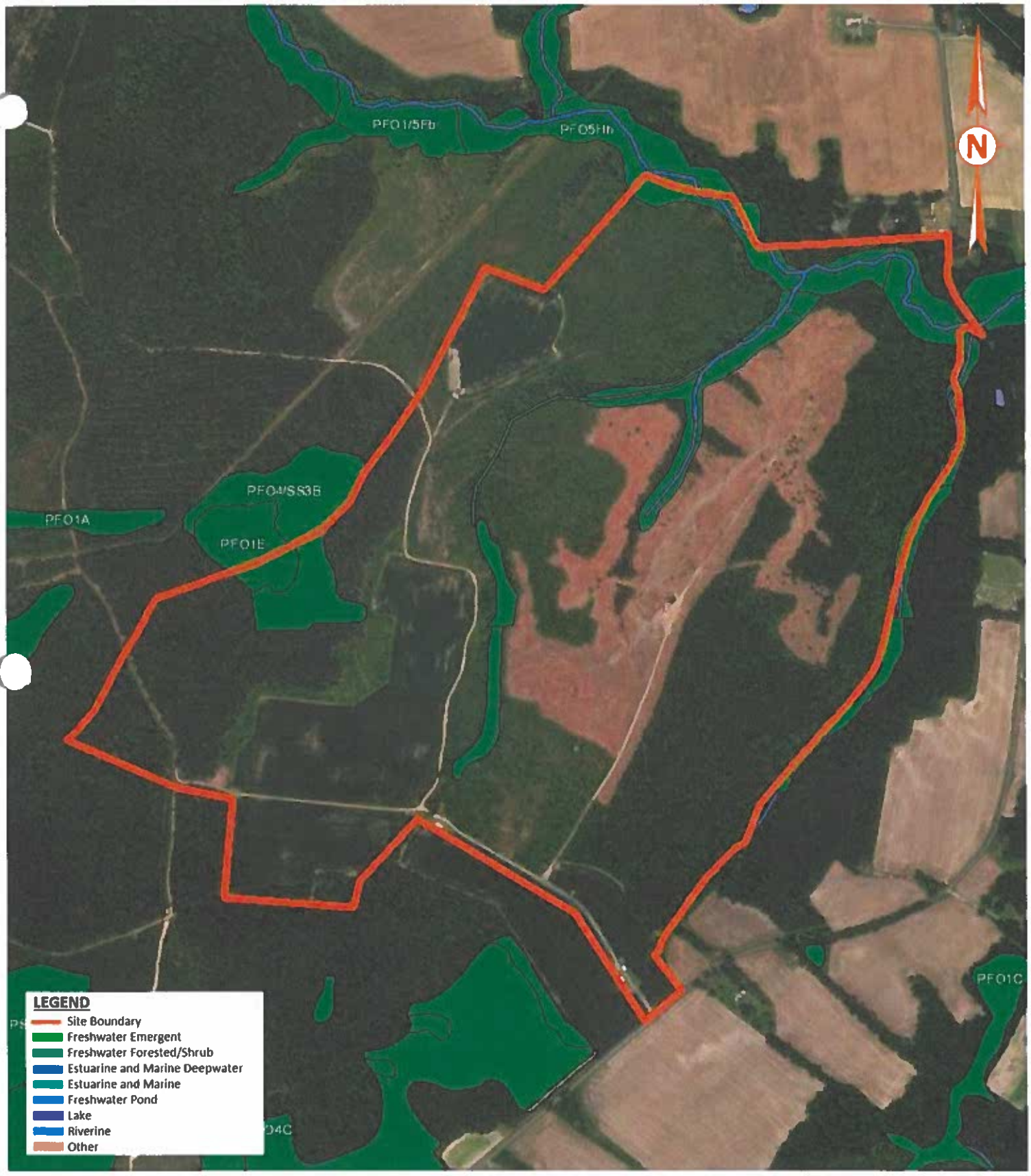
Web Soil Map
Prairie Solar
Approximate 335-Acre Tract
Windsor, Isle of Wright County, VA
Pilot Project 7382.1



Drawing 2A
USDA Soil Survey
of Isle of Wight County, VA
Published 1986, Sheet 26, 32
Scale: 1" = 800'

PILOT
PILOT ENVIRONMENTAL, INC

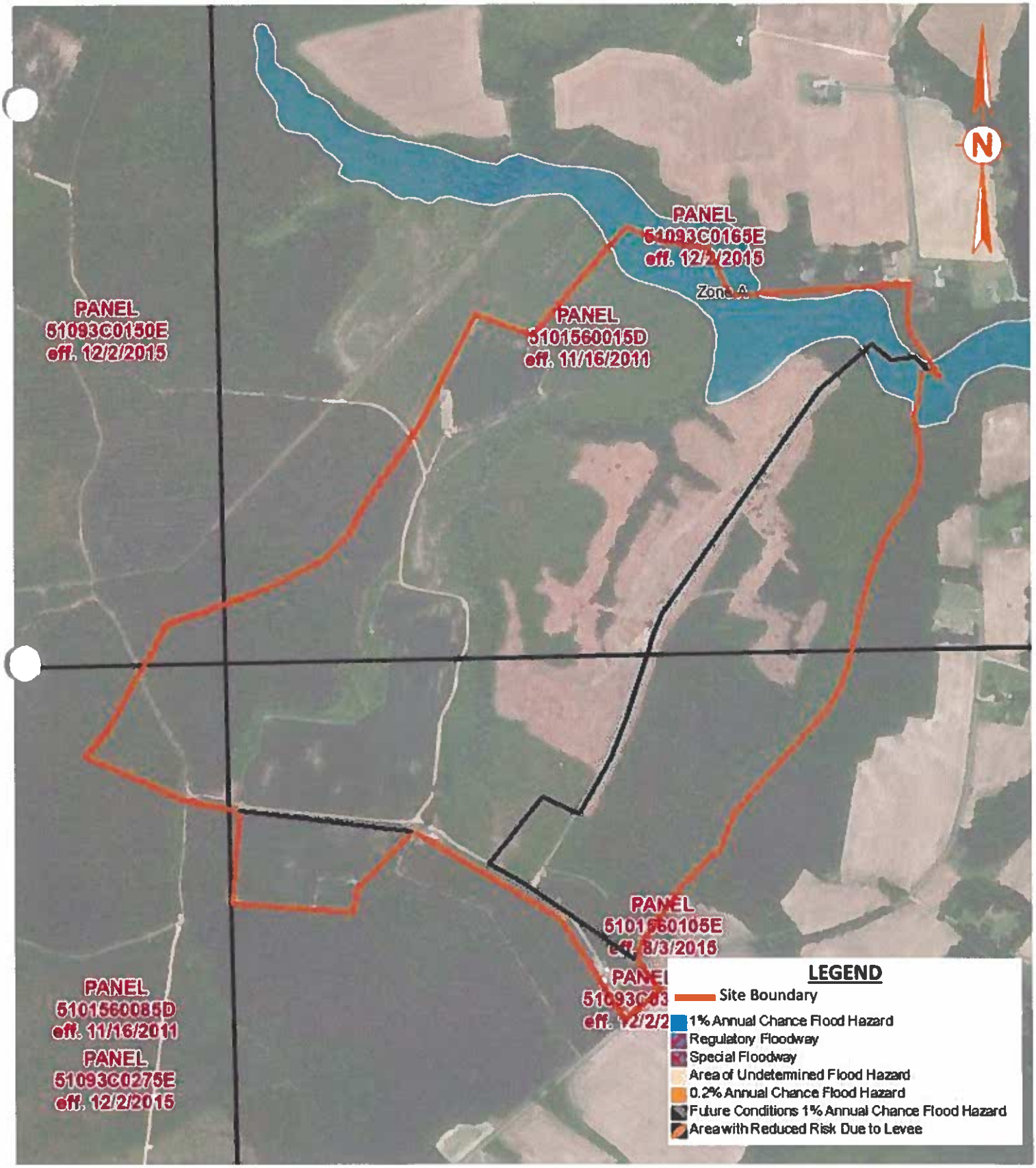
Published Soil Map
Prairie Solar
Approximate 335-Acre Tract
Windsor, Isle of Wright County, VA
Pilot Project 7382.1



Drawing 3
USFWS NWI
Wetlands Mapper
Scale: 1" = 750'

PILOT
PILOT ENVIRONMENTAL, INC

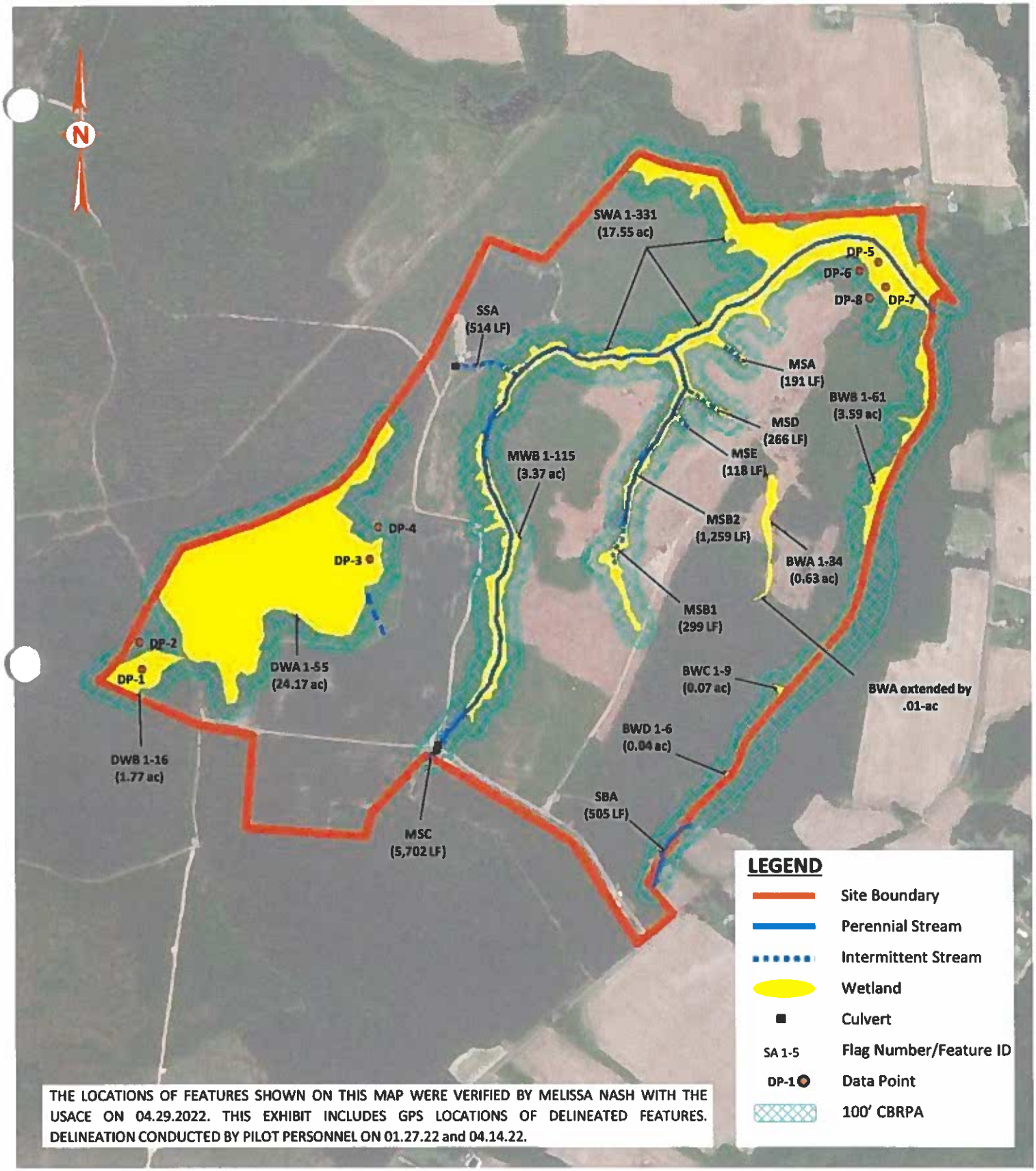
NWI Map
Prairie Solar
Approximate 335-Acre Tract
Windsor, Isle of Wright County, VA
Pilot Project 7382.1



Drawing 4
National Flood Hazard Layer
From FEMA Web Map Service
Scale: 1" = 800'

PILOT
PILOT ENVIRONMENTAL, INC

FEMA FIRM
Prairie Solar
Approximate 335-Acre Tract
Windsor, Isle of Wright County, VA
Pilot Project 7382.1



THE LOCATIONS OF FEATURES SHOWN ON THIS MAP WERE VERIFIED BY MELISSA NASH WITH THE USACE ON 04.29.2022. THIS EXHIBIT INCLUDES GPS LOCATIONS OF DELINEATED FEATURES. DELINEATION CONDUCTED BY PILOT PERSONNEL ON 01.27.22 and 04.14.22.

Drawing 5
2019 Satellite Imagery from ESRI
and Pilot GPS Data
Scale: 1" = 800'
Date: Revised 05.13.22

PILOT
PILOT ENVIRONMENTAL, INC

Wetland Map
Prairie Solar
Approximate 335-Acre Tract
Windsor, Isle of Wright County, VA
Pilot Project 7382.1

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET – Atlantic and Gulf Coastal Plain Region
See ERDC/EL TR-07-24; the proponent agency is CECW-CO-R

Requirement Control Symbol EXEMPT (Authority: AR 335-15, paragraph 5-2a)

Project/Site: Prairie Solar City/County: Windsor/Isle of Wight Sampling Date: 01.27.2022

Applicant/Owner: State: VA Sampling Point: DP-1

Investigator(s): Pilot Environmental, Inc Section, Township, Range: N/A

Landform (hillside, terrace, etc.): slope Local relief (concave, convex, none): None Slope (%): 2-3

Subregion (LRR or MLRA): LRR T, MLRA 153A Lat: 36.873631° Long: -76.627190° Datum: WGS-84

Soil Map Unit Name: Kinston loam/7 NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ____ No ____ (If no, explain in Remarks.)

Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No ____

Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes X	No ____	**Is the Sampled Area within a Wetland?** Yes X No ____
Hydric Soil Present?	Yes X	No ____	
Wetland Hydrology Present?	Yes X	No ____	

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- X Surface Water (A1)
- ___ High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- X Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15) **(LRR U)**
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Sphagnum Moss (D8) **(LRR T,U)**

Field Observations:

Surface Water Present?	Yes X	No ____	Depth (inches): 0
Water Table Present?	Yes ____	No X	Depth (inches): ____
Saturation Present? (includes capillary fringe)	Yes X	No ____	Depth (inches): 0

Wetland Hydrology Present? Yes X No ____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION (Four Strata) – Use scientific names of plants. Sampling Point: DP-1

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Indicator Status
1. *Pinus taeda*	20	Yes	FAC
2. *Acer rubrum*	10	Yes	FAC
3. *Symplocos tinctoria*	10	Yes	FAC
4.			
5.			
6.			
7.			
8.			
	40	=Total Cover	
50% of total cover: 20		20% of total cover:	8
Sapling/Shrub Stratum (Plot size: 15)			
1. *Ilex opaca*	10	Yes	FAC
2. *Vaccinium stamineum*	5	Yes	FACU
3. *Magnolia virginiana*	5	Yes	FACW
4. *Persea borbonia*	5	Yes	FACW
5.			
6.			
7.			
8.			
	25	=Total Cover	
50% of total cover: 13		20% of total cover:	5
Herb Stratum (Plot size: 5)			
1. *Carex intumescens*	5	Yes	FACW
2. *Chasmanthium sessiliflorum*	5	Yes	FAC
3. *Osmundastrum cinnamomeum*	5	Yes	FACW
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	15	=Total Cover	
50% of total cover: 8		20% of total cover:	3
Woody Vine Stratum (Plot size: 30)			
1.			
2.			
3.			
4.			
5.			
		=Total Cover	
50% of total cover:		20% of total cover:	

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 9 (A)

Total Number of Dominant Species Across All Strata: 10 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 90.0% (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	20	x 2 =	40
FAC species	55	x 3 =	165
FACU species	5	x 4 =	20
UPL species	0	x 5 =	0
Column Totals:	80 (A)		225 (B)

Prevalence Index = B/A = 2.81

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

X 2 - Dominance Test is >50%

X 3 - Prevalence Index is ≤3.0[1]

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Four Vegetation Strata:

Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody Vine – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes X No ___

Remarks: (If observed, list morphological adaptations below.)

SOIL Sampling Point: DP-1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-3	10YR 3/1	100					Sandy	
3-18	10YR 4/1	100					Sandy	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- X Stratified Layers (A5)
- ___ Organic Bodies (A6) **(LRR, P, T, U)**
- ___ 5 cm Mucky Mineral (A7) **(LRR P, T, U)**
- ___ Muck Presence (A8) **(LRR U)**
- ___ 1 cm Muck (A9) **(LRR P, T)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Coast Prairie Redox (A16) **(MLRA 150A)**
- ___ Sandy Mucky Mineral (S1) **(LRR O, S)**
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7) **(LRR P, S, T, U)**
- ___ Polyvalue Below Surface (S8) **(LRR S, T, U)**
- X Thin Dark Surface (S9) **(LRR S, T, U)**
- ___ Barrier Islands 1 cm Muck (S12) **(MLRA 153B, 153D)**
- ___ Loamy Mucky Mineral (F1) **(LRR O)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) **(LRR U)**
- ___ Depleted Ochric (F11) **(MLRA 151)**
- ___ Iron-Manganese Masses (F12) **(LRR O, P, T)**
- ___ Umbric Surface (F13) **(LRR P, T, U)**
- ___ Delta Ochric (F17) **(MLRA 151)**
- ___ Reduced Vertic (F18) **(MLRA 150A, 150B)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 149A)**
- ___ Anomalous Bright Floodplain Soils (F20) **(MLRA 149A, 153C, 153D)**
- ___ Very Shallow Dark Surface (F22) **(MLRA 138, 152A in FL, 154)**

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR O)**
- ___ 2 cm Muck (A10) **(LRR S)**
- ___ Coast Prairie Redox (A16) **(outside MLRA 150A)**
- ___ Reduced Vertic (F18) **(outside MLRA 150A, 150B)**
- ___ Piedmont Floodplain Soils (F19) **(LRR P, T)**
- ___ Anomalous Bright Floodplain Soils (F20) **(MLRA 153B)**
- ___ Red Parent Material (F21)
- ___ Very Shallow Dark Surface (F22) **(outside MLRA 138, 152A in FL, 154)**
- ___ Barrier Islands Low Chroma Matrix (TS7) **(MLRA 153B, 153D)**
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes X No ___

Remarks:

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET – Atlantic and Gulf Coastal Plain Region
See ERDC/EL TR-07-24; the proponent agency is CECW-CO-R

Requirement Control Symbol EXEMPT (Authority: AR 335-15, paragraph 5-2a)

Project/Site: Prairie Solar City/County: Windsor/Isle of Wight Sampling Date: 01.27.2022

Applicant/Owner: State: VA Sampling Point: DP-2

Investigator(s): Pilot Environmental, Inc Section, Township, Range: N/A

Landform (hillside, terrace, etc.): hillside Local relief (concave, convex, none): None Slope (%): 1

Subregion (LRR or MLRA): LRR T, MLRA 153A Lat: 36.874091° Long: -76.627221° Datum: WGS-84

Soil Map Unit Name: Kinston loam/7 NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ____ No ____ (If no, explain in Remarks.)

Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No ____

Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ____	No X	**Is the Sampled Area within a Wetland?** Yes ____ No X
Hydric Soil Present?	Yes ____	No X	
Wetland Hydrology Present?	Yes ____	No X	

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15) **(LRR U)**
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Sphagnum Moss (D8) **(LRR T,U)**

Field Observations:

Surface Water Present?	Yes ____	No X	Depth (inches): ____
Water Table Present?	Yes ____	No X	Depth (inches): ____
Saturation Present? (includes capillary fringe)	Yes ____	No ____	Depth (inches): ____

Wetland Hydrology Present? Yes ____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION (Four Strata) – Use scientific names of plants. Sampling Point: DP-2

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Indicator Status
1. *Quercus alba*	30	Yes	FACU
2. *Pinus taeda*	30	Yes	FAC
3. *Acer rubrum*	10	No	FAC
4.			
5.			
6.			
7.			
8.			
	70 =Total Cover		
50% of total cover: 35	20% of total cover: 14		
Sapling/Shrub Stratum (Plot size: 15)			
1. *Ilex opaca*	10	Yes	FAC
2. *Oxydendrum arboreum*	10	Yes	FACU
3. *Symplocos tinctoria*	5	Yes	FAC
4.			
5.			
6.			
7.			
8.			
	25 =Total Cover		
50% of total cover: 13	20% of total cover: 5		
Herb Stratum (Plot size: 5)			
1. *Chasmanthium latifolium*	5	Yes	FAC
2. *Smilax rotundifolia*	5	Yes	FAC
3. *Vaccinium X carolinianum*	5	Yes	UPL
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	15 =Total Cover		
50% of total cover: 8	20% of total cover: 3		
Woody Vine Stratum (Plot size: 30)			
1.			
2.			
3.			
4.			
5.			
	=Total Cover		
50% of total cover:	20% of total cover:		

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 5 (A)

Total Number of Dominant Species Across All Strata: 8 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 62.5% (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	65	x 3 =	195
FACU species	40	x 4 =	160
UPL species	5	x 5 =	25
Column Totals:	110 (A)		380 (B)
Prevalence Index = B/A =			3.45

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

X 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Four Vegetation Strata:

Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody Vine – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes X No ___

Remarks: (If observed, list morphological adaptations below.)

SOIL

Sampling Point: DP-2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-3	10YR 3/3	100					Sandy	
3-10	2.5YR 4/4	100					Sandy	
10-20	2.5YR 4/4	80	10YR 4/6	20	D	M	Sandy	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Organic Bodies (A6) **(LRR, P, T, U)**
- ___ 5 cm Mucky Mineral (A7) **(LRR P, T, U)**
- ___ Muck Presence (A8) **(LRR U)**
- ___ 1 cm Muck (A9) **(LRR P, T)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Coast Prairie Redox (A16) **(MLRA 150A)**
- ___ Sandy Mucky Mineral (S1) **(LRR O, S)**
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7) **(LRR P, S, T, U)**
- ___ Polyvalue Below Surface (S8) **(LRR S, T, U)**
- ___ Thin Dark Surface (S9) **(LRR S, T, U)**
- ___ Barrier Islands 1 cm Muck (S12) **(MLRA 153B, 153D)**
- ___ Loamy Mucky Mineral (F1) **(LRR O)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) **(LRR U)**
- ___ Depleted Ochric (F11) **(MLRA 151)**
- ___ Iron-Manganese Masses (F12) **(LRR O, P, T)**
- ___ Umbric Surface (F13) **(LRR P, T, U)**
- ___ Delta Ochric (F17) **(MLRA 151)**
- ___ Reduced Vertic (F18) **(MLRA 150A, 150B)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 149A)**
- ___ Anomalous Bright Floodplain Soils (F20) **(MLRA 149A, 153C, 153D)**
- ___ Very Shallow Dark Surface (F22) **(MLRA 138, 152A in FL, 154)**

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR O)**
- ___ 2 cm Muck (A10) **(LRR S)**
- ___ Coast Prairie Redox (A16) **(outside MLRA 150A)**
- ___ Reduced Vertic (F18) **(outside MLRA 150A, 150B)**
- ___ Piedmont Floodplain Soils (F19) **(LRR P, T)**
- ___ Anomalous Bright Floodplain Soils (F20) **(MLRA 153B)**
- ___ Red Parent Material (F21)
- ___ Very Shallow Dark Surface (F22) **(outside MLRA 138, 152A in FL, 154)**
- ___ Barrier Islands Low Chroma Matrix (TS7) **(MLRA 153B, 153D)**
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (If observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes ___ No X

Remarks:

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET – Atlantic and Gulf Coastal Plain Region
See ERDC/EL TR-07-24; the proponent agency is CECW-CO-R

Requirement Control Symbol EXEMPT (Authority: AR 335-15, paragraph 5-2a)

Project/Site: Prairie Solar City/County: Windsor/Isle of Wight Sampling Date: 01.27.2022
Applicant/Owner: State: VA Sampling Point: DP-3
Investigator(s): Pilot Environmental, Inc Section, Township, Range: N/A
Landform (hillside, terrace, etc.): slope Local relief (concave, convex, none): None Slope (%): 2-3
Subregion (LRR or MLRA): LRR T, MLRA 153A Lat: 36.875498° Long: -76.622113° Datum: WGS-84
Soil Map Unit Name: Slagle fine sandy loam/18A NWI classification: PFO4/SS3B
Are climatic / hydrologic conditions on the site typical for this time of year? Yes ____ No ____ (If no, explain in Remarks.)
Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No ____
Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes X	No ____	**Is the Sampled Area within a Wetland?** Yes X No ____
Hydric Soil Present?	Yes X	No ____	
Wetland Hydrology Present?	Yes X	No ____	

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15) **(LRR U)**
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Sphagnum Moss (D8) **(LRR T,U)**

Field Observations:

Surface Water Present?	Yes ____	No X	Depth (inches): ____
Water Table Present?	Yes ____	No X	Depth (inches): ____
Saturation Present? (includes capillary fringe)	Yes X	No ____	Depth (inches): 0

Wetland Hydrology Present? Yes X No ____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION (Four Strata) – Use scientific names of plants. Sampling Point: DP-3

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
	=Total Cover		
50% of total cover:	20% of total cover:		
Sapling/Shrub Stratum (Plot size: 15)			
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
	=Total Cover		
50% of total cover:	20% of total cover:		
Herb Stratum (Plot size: 5)			
1. *Andropogon virginicus*	20	Yes	FAC
2. *Carex caroliniana*	20	Yes	FACW
3. *Andropogon glomeratus*	15	No	FACW
4. *Juncus pylaei*	10	No	OBL
5. *Sorghastrum nutans*	5	No	FACU
6. *Panicum dichotomiflorum*	20	Yes	FACW
7.			
8.			
9.			
10.			
11.			
12.			
	90 =Total Cover		
50% of total cover: 45	20% of total cover: 18		
Woody Vine Stratum (Plot size: 30)			
1.			
2.			
3.			
4.			
5.			
	=Total Cover		
50% of total cover:	20% of total cover:		

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0% (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	10	x 1 =	10
FACW species	55	x 2 =	110
FAC species	20	x 3 =	60
FACU species	5	x 4 =	20
UPL species	0	x 5 =	0
Column Totals:	90 (A)		200 (B)

Prevalence Index = B/A = 2.22

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

X 2 - Dominance Test is >50%

X 3 - Prevalence Index is ≤3.0[1]

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Four Vegetation Strata:

Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody Vine – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes X No ___

Remarks: (If observed, list morphological adaptations below.)

SOIL Sampling Point: DP-3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-3	10YR 2/1	100				PL	Loamy/Clayey	
3-18	10YR 4/1	90	7.5YR 4/6	10	D	PL	Loamy/Clayey	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Organic Bodies (A6) **(LRR, P, T, U)**
- ___ 5 cm Mucky Mineral (A7) **(LRR P, T, U)**
- ___ Muck Presence (A8) **(LRR U)**
- ___ 1 cm Muck (A9) **(LRR P, T)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Coast Prairie Redox (A16) **(MLRA 150A)**
- ___ Sandy Mucky Mineral (S1) **(LRR O, S)**
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7) **(LRR P, S, T, U)**
- ___ Polyvalue Below Surface (S8) **(LRR S, T, U)**
- ___ Thin Dark Surface (S9) **(LRR S, T, U)**
- ___ Barrier Islands 1 cm Muck (S12) **(MLRA 153B, 153D)**
- ___ Loamy Mucky Mineral (F1) **(LRR O)**
- ___ Loamy Gleyed Matrix (F2)
- X Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) **(LRR U)**
- ___ Depleted Ochric (F11) **(MLRA 151)**
- ___ Iron-Manganese Masses (F12) **(LRR O, P, T)**
- ___ Umbric Surface (F13) **(LRR P, T, U)**
- ___ Delta Ochric (F17) **(MLRA 151)**
- ___ Reduced Vertic (F18) **(MLRA 150A, 150B)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 149A)**
- ___ Anomalous Bright Floodplain Soils (F20) **(MLRA 149A, 153C, 153D)**
- ___ Very Shallow Dark Surface (F22) **(MLRA 138, 152A in FL, 154)**

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR O)**
- ___ 2 cm Muck (A10) **(LRR S)**
- ___ Coast Prairie Redox (A16) **(outside MLRA 150A)**
- ___ Reduced Vertic (F18) **(outside MLRA 150A, 150B)**
- ___ Piedmont Floodplain Soils (F19) **(LRR P, T)**
- ___ Anomalous Bright Floodplain Soils (F20) **(MLRA 153B)**
- ___ Red Parent Material (F21)
- ___ Very Shallow Dark Surface (F22) **(outside MLRA 138, 152A in FL, 154)**
- ___ Barrier Islands Low Chroma Matrix (TS7) **(MLRA 153B, 153D)**
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** X **No** ____

Remarks:

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET – Atlantic and Gulf Coastal Plain Region
See ERDC/EL TR-07-24; the proponent agency is CECW-CO-R

Requirement Control Symbol EXEMPT (Authority: AR 335-15, paragraph 5-2a)

Project/Site: Prairie Solar City/County: Windsor/Isle of Wight Sampling Date: 01.27.2022

Applicant/Owner: State: VA Sampling Point: DP-4

Investigator(s): Pilot Environmental, Inc Section, Township, Range: N/A

Landform (hillside, terrace, etc.): hillside Local relief (concave, convex, none): None Slope (%): 1

Subregion (LRR or MLRA): LRR T, MLRA 153A Lat: 36.876051° Long: -76.621896° Datum: WGS-84

Soil Map Unit Name: Slagle fine sandy loam/18A NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ____ No ____ (If no, explain in Remarks.)

Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No ____

Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ____	No X	**Is the Sampled Area within a Wetland?** Yes ____ No X
Hydric Soil Present?	Yes ____	No X	
Wetland Hydrology Present?	Yes ____	No X	

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15) **(LRR U)**
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Sphagnum Moss (D8) **(LRR T,U)**

Field Observations:

Surface Water Present?	Yes ____	No X	Depth (inches): ____
Water Table Present?	Yes ____	No X	Depth (inches): ____
Saturation Present? (includes capillary fringe)	Yes ____	No X	Depth (inches): ____

Wetland Hydrology Present? Yes ____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION (Four Strata) – Use scientific names of plants. Sampling Point: DP-4

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
	=Total Cover		
50% of total cover:	20% of total cover:		
Sapling/Shrub Stratum (Plot size: 15)			
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
	=Total Cover		
50% of total cover:	20% of total cover:		
Herb Stratum (Plot size: 5)			
1. *Eupatorium capillifolium*	10	Yes	FACU
2. *Ilex opaca*	10	Yes	FAC
3. *Chasmanthium latifolium*	5	No	FAC
4. *Gelsemium sempervirens*	5	No	FAC
5. *Rubus arvensis*	5	No	FAC
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	35 =Total Cover		
50% of total cover: 18	20% of total cover: 7		
Woody Vine Stratum (Plot size: 30)			
1.			
2.			
3.			
4.			
5.			
	=Total Cover		
50% of total cover:	20% of total cover:		

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 2 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 50.0% (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	25	x 3 =	75
FACU species	10	x 4 =	40
UPL species	0	x 5 =	0
Column Totals:	35 (A)		115 (B)

Prevalence Index = B/A = 3.29

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

___ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Four Vegetation Strata:

Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody Vine – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes ___ No X

Remarks: (If observed, list morphological adaptations below.)

SOIL

Sampling Point: DP-4

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-6	7.5YR 4/3	100					Sandy	
6-18	10YR 4/4	100					Sandy	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

[2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Organic Bodies (A6) **(LRR, P, T, U)**
- ___ 5 cm Mucky Mineral (A7) **(LRR P, T, U)**
- ___ Muck Presence (A8) **(LRR U)**
- ___ 1 cm Muck (A9) **(LRR P, T)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Coast Prairie Redox (A16) **(MLRA 150A)**
- ___ Sandy Mucky Mineral (S1) **(LRR O, S)**
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7) **(LRR P, S, T, U)**
- ___ Polyvalue Below Surface (S8) **(LRR S, T, U)**
- ___ Thin Dark Surface (S9) **(LRR S, T, U)**
- ___ Barrier Islands 1 cm Muck (S12) **(MLRA 153B, 153D)**
- ___ Loamy Mucky Mineral (F1) **(LRR O)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) **(LRR U)**
- ___ Depleted Ochric (F11) **(MLRA 151)**
- ___ Iron-Manganese Masses (F12) **(LRR O, P, T)**
- ___ Umbric Surface (F13) **(LRR P, T, U)**
- ___ Delta Ochric (F17) **(MLRA 151)**
- ___ Reduced Vertic (F18) **(MLRA 150A, 150B)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 149A)**
- ___ Anomalous Bright Floodplain Soils (F20) **(MLRA 149A, 153C, 153D)**
- ___ Very Shallow Dark Surface (F22) **(MLRA 138, 152A in FL, 154)**

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR O)**
- ___ 2 cm Muck (A10) **(LRR S)**
- ___ Coast Prairie Redox (A16) **(outside MLRA 150A)**
- ___ Reduced Vertic (F18) **(outside MLRA 150A, 150B)**
- ___ Piedmont Floodplain Soils (F19) **(LRR P, T)**
- ___ Anomalous Bright Floodplain Soils (F20) **(MLRA 153B)**
- ___ Red Parent Material (F21)
- ___ Very Shallow Dark Surface (F22) **(outside MLRA 138, 152A in FL, 154)**
- ___ Barrier Islands Low Chroma Matrix (TS7) **(MLRA 153B, 153D)**
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes ___ No X

Remarks:

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET – Atlantic and Gulf Coastal Plain Region
See ERDC/EL TR-07-24; the proponent agency is CECW-CO-R

Requirement Control Symbol EXEMPT (Authority: AR 335-15, paragraph 5-2a)

Project/Site: Prairie Solar City/County: Windsor/Isle of Wight Sampling Date: 01.27.2022
Applicant/Owner: State: VA Sampling Point: DP-5
Investigator(s): Pilot Environmental, Inc Section, Township, Range: N/A
Landform (hillside, terrace, etc.): slope Local relief (concave, convex, none): None Slope (%): 2-3
Subregion (LRR or MLRA): LRR T, MLRA 153A Lat: 36.880581° Long: -76.610683° Datum: WGS-84
Soil Map Unit Name: Nawney Loam/10 NWI classification: None
Are climatic / hydrologic conditions on the site typical for this time of year? Yes ____ No ____ (If no, explain in Remarks.)
Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No ____
Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes X	No ____	**Is the Sampled Area within a Wetland?** Yes X No ____
Hydric Soil Present?	Yes X	No ____	
Wetland Hydrology Present?	Yes X	No ____	

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- X Surface Water (A1)
- X High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- X Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15) **(LRR U)**
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Sphagnum Moss (D8) **(LRR T,U)**

Field Observations:

Surface Water Present?	Yes X	No ____	Depth (inches): 2
Water Table Present?	Yes X	No ____	Depth (inches): 2
Saturation Present? (includes capillary fringe)	Yes X	No ____	Depth (inches): 0

Wetland Hydrology Present? Yes X No ____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION (Four Strata) – Use scientific names of plants. Sampling Point: DP-5

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Indicator Status
1. *Liquidambar styraciflua*	20	Yes	FAC
2. *Populus deltoides*	10	Yes	FAC
3.			
4.			
5.			
6.			
7.			
8.			
	30	=Total Cover	
50% of total cover: 15		20% of total cover: 6	
Sapling/Shrub Stratum (Plot size: 15)			
1. *Acer rubrum*	10	Yes	FAC
2. *Ilex opaca*	10	Yes	FAC
3.			
4.			
5.			
6.			
7.			
8.			
	20	=Total Cover	
50% of total cover: 10		20% of total cover: 4	
Herb Stratum (Plot size: 5)			
1. *Clethra alnifolia*	20	Yes	FACW
2. *Arundinaria gigantea*	20	Yes	FACW
3. *Osmundastrum cinnamomeum*	15	Yes	FACW
4. *Juncus effusus*	15	Yes	OBL
5. *Typha angustifolia*	10	No	OBL
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	80	=Total Cover	
50% of total cover: 40		20% of total cover: 16	
Woody Vine Stratum (Plot size: 30)			
1. *Smilax glauca*	10	Yes	FAC
2. *Rubus arvensis*	10	Yes	FAC
3.			
4.			
5.			
	20	=Total Cover	
50% of total cover: 10		20% of total cover: 4	

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 10 (A)

Total Number of Dominant Species Across All Strata: 10 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0% (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	25	x 1 =	25
FACW species	55	x 2 =	110
FAC species	70	x 3 =	210
FACU species	0	x 4 =	0
UPL species	0	x 5 =	0
Column Totals:	150 (A)		345 (B)

Prevalence Index = B/A = 2.30

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

X 2 - Dominance Test is >50%

X 3 - Prevalence Index is ≤3.0[1]

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Four Vegetation Strata:

Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody Vine – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes X No ___

Remarks: (If observed, list morphological adaptations below.)

SOIL

Sampling Point: DP-5

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Redox Features Type[1]	Redox Features Loc[2]	Texture	Remarks
0-18	2.5YR 4/2	80	10YR 4/4	20	D	PL/M	Loamy/Clayey	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Organic Bodies (A6) **(LRR, P, T, U)**
- ___ 5 cm Mucky Mineral (A7) **(LRR P, T, U)**
- ___ Muck Presence (A8) **(LRR U)**
- ___ 1 cm Muck (A9) **(LRR P, T)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Coast Prairie Redox (A16) **(MLRA 150A)**
- ___ Sandy Mucky Mineral (S1) **(LRR O, S)**
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7) **(LRR P, S, T, U)**
- ___ Polyvalue Below Surface (S8) **(LRR S, T, U)**
- ___ Thin Dark Surface (S9) **(LRR S, T, U)**
- ___ Barrier Islands 1 cm Muck (S12) **(MLRA 153B, 153D)**
- ___ Loamy Mucky Mineral (F1) **(LRR O)**
- ___ Loamy Gleyed Matrix (F2)
- X Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) **(LRR U)**
- ___ Depleted Ochric (F11) **(MLRA 151)**
- ___ Iron-Manganese Masses (F12) **(LRR O, P, T)**
- ___ Umbric Surface (F13) **(LRR P, T, U)**
- ___ Delta Ochric (F17) **(MLRA 151)**
- ___ Reduced Vertic (F18) **(MLRA 150A, 150B)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 149A)**
- ___ Anomalous Bright Floodplain Soils (F20) **(MLRA 149A, 153C, 153D)**
- ___ Very Shallow Dark Surface (F22) **(MLRA 138, 152A in FL, 154)**

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR O)**
- ___ 2 cm Muck (A10) **(LRR S)**
- ___ Coast Prairie Redox (A16) **(outside MLRA 150A)**
- ___ Reduced Vertic (F18) **(outside MLRA 150A, 150B)**
- ___ Piedmont Floodplain Soils (F19) **(LRR P, T)**
- ___ Anomalous Bright Floodplain Soils (F20) **(MLRA 153B)**
- ___ Red Parent Material (F21)
- ___ Very Shallow Dark Surface (F22) **(outside MLRA 138, 152A in FL, 154)**
- ___ Barrier Islands Low Chroma Matrix (TS7) **(MLRA 153B, 153D)**
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (If observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** X **No** ___

Remarks:

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET – Atlantic and Gulf Coastal Plain Region
See ERDC/EL TR-07-24; the proponent agency is CECW-CO-R

Requirement Control Symbol EXEMPT (Authority: AR 335-15, paragraph 5-2a)

Project/Site: Prairie Solar City/County: Windsor/Isle of Wight Sampling Date: 01.27.2022

Applicant/Owner: State: VA Sampling Point: DP-6

Investigator(s): Pilot Environmental, Inc Section, Township, Range: N/A

Landform (hillside, terrace, etc.): hillside Local relief (concave, convex, none): None Slope (%): 1-2

Subregion (LRR or MLRA): LRR T, MLRA 153A Lat: 36.880426° Long: -76.611107° Datum: WGS-84

Soil Map Unit Name: Slagle fine sandy loam/18B NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ____ No ____ (If no, explain in Remarks.)

Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No ____

Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ____	No X	**Is the Sampled Area within a Wetland?** Yes ____ No X
Hydric Soil Present?	Yes ____	No X	
Wetland Hydrology Present?	Yes ____	No X	

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15) **(LRR U)**
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Sphagnum Moss (D8) **(LRR T,U)**

Field Observations:

Surface Water Present?	Yes ____	No X	Depth (inches): ____
Water Table Present?	Yes ____	No X	Depth (inches): ____
Saturation Present? (includes capillary fringe)	Yes ____	No X	Depth (inches): ____

Wetland Hydrology Present? Yes ____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION (Four Strata) – Use scientific names of plants. Sampling Point: DP-6

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
	=Total Cover		
50% of total cover:	20% of total cover:		
Sapling/Shrub Stratum (Plot size: 15)			
1. *Pinus palustris*	30	Yes	FACU
2. *Liquidambar styraciflua*	30	Yes	FAC
3. *Ligustrum japonicum*	10	No	FAC
4.			
5.			
6.			
7.			
8.			
	70 =Total Cover		
50% of total cover: 35	20% of total cover: 14		
Herb Stratum (Plot size: 5)			
1. *Clethra alnifolia*	10	Yes	FACW
2. *Rubus argutus*	10	Yes	FAC
3. *Vaccinium stamineum*	10	Yes	FACU
4. *Smilax glauca*	10	Yes	FAC
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	40 =Total Cover		
50% of total cover: 20	20% of total cover: 8		
Woody Vine Stratum (Plot size: 30)			
1.			
2.			
3.			
4.			
5.			
	=Total Cover		
50% of total cover:	20% of total cover:		

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 4 (A)

Total Number of Dominant Species Across All Strata: 6 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 66.7% (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	10	x 2 =	20
FAC species	60	x 3 =	180
FACU species	40	x 4 =	160
UPL species	0	x 5 =	0
Column Totals:	110 (A)		360 (B)

Prevalence Index = B/A = 3.27

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

_X_ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Four Vegetation Strata:

Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody Vine – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes X No ___

Remarks: (If observed, list morphological adaptations below.)

SOIL

Sampling Point: DP-6

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-18	10YR 4/4	100					Sandy	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Organic Bodies (A6) **(LRR, P, T, U)**
- ___ 5 cm Mucky Mineral (A7) **(LRR P, T, U)**
- ___ Muck Presence (A8) **(LRR U)**
- ___ 1 cm Muck (A9) **(LRR P, T)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Coast Prairie Redox (A16) **(MLRA 150A)**
- ___ Sandy Mucky Mineral (S1) **(LRR O, S)**
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7) **(LRR P, S, T, U)**
- ___ Polyvalue Below Surface (S8) **(LRR S, T, U)**
- ___ Thin Dark Surface (S9) **(LRR S, T, U)**
- ___ Barrier Islands 1 cm Muck (S12) **(MLRA 153B, 153D)**
- ___ Loamy Mucky Mineral (F1) **(LRR O)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) **(LRR U)**
- ___ Depleted Ochric (F11) **(MLRA 151)**
- ___ Iron-Manganese Masses (F12) **(LRR O, P, T)**
- ___ Umbric Surface (F13) **(LRR P, T, U)**
- ___ Delta Ochric (F17) **(MLRA 151)**
- ___ Reduced Vertic (F18) **(MLRA 150A, 150B)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 149A)**
- ___ Anomalous Bright Floodplain Soils (F20) **(MLRA 149A, 153C, 153D)**
- ___ Very Shallow Dark Surface (F22) **(MLRA 138, 152A in FL, 154)**

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR O)**
- ___ 2 cm Muck (A10) **(LRR S)**
- ___ Coast Prairie Redox (A16) **(outside MLRA 150A)**
- ___ Reduced Vertic (F18) **(outside MLRA 150A, 150B)**
- ___ Piedmont Floodplain Soils (F19) **(LRR P, T)**
- ___ Anomalous Bright Floodplain Soils (F20) **(MLRA 153B)**
- ___ Red Parent Material (F21)
- ___ Very Shallow Dark Surface (F22) **(outside MLRA 138, 152A in FL, 154)**
- ___ Barrier Islands Low Chroma Matrix (TS7) **(MLRA 153B, 153D)**
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** ___ **No** X

Remarks:

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET – Atlantic and Gulf Coastal Plain Region
See ERDC/EL TR-07-24; the proponent agency is CECW-CO-R

Requirement Control Symbol EXEMPT (Authority: AR 335-15, paragraph 5-2a)

Project/Site: Prairie Solar City/County: Windsor/Isle of Wight Sampling Date: 04.14.2022
Applicant/Owner: State: VA Sampling Point: DP-7
Investigator(s): Pilot Environmental, Inc Section, Township, Range: N/A
Landform (hillside, terrace, etc.): slope Local relief (concave, convex, none): None Slope (%): 2-3
Subregion (LRR or MLRA): LRR T, MLRA 153A Lat: 36.880146° Long: -76.610521° Datum: WGS-84
Soil Map Unit Name: Nawney Loam/10 NWI classification: None
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)
Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No ____
Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes X	No ____	**Is the Sampled Area within a Wetland?** Yes X No ____
Hydric Soil Present?	Yes X	No ____	
Wetland Hydrology Present?	Yes X	No ____	

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- X Surface Water (A1)
- X High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- X Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15) **(LRR U)**
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- X FAC-Neutral Test (D5)
- ___ Sphagnum Moss (D8) **(LRR T,U)**

Field Observations:

Surface Water Present?	Yes X	No ____	Depth (inches): 2
Water Table Present?	Yes X	No ____	Depth (inches): 2
Saturation Present? (includes capillary fringe)	Yes X	No ____	Depth (inches): 0

Wetland Hydrology Present? Yes X No ____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION (Four Strata) – Use scientific names of plants.

Sampling Point: DP-7

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Indicator Status
1. *Liquidambar styraciflua*	20	Yes	FAC
2. *Populus deltoides*	10	Yes	FAC
3.			
4.			
5.			
6.			
7.			
8.			
	30	=Total Cover	
50% of total cover: 15		20% of total cover: 6	
Sapling/Shrub Stratum (Plot size: 15)			
1. *Acer rubrum*	10	Yes	FAC
2. *Ilex opaca*	10	Yes	FAC
3.			
4.			
5.			
6.			
7.			
8.			
	20	=Total Cover	
50% of total cover: 10		20% of total cover: 4	
Herb Stratum (Plot size: 5)			
1. *Clethra alnifolia*	20	Yes	FACW
2. *Arundinaria gigantea*	20	Yes	FACW
3. *Osmundastrum cinnamomeum*	15	Yes	FACW
4. *Juncus effusus*	15	Yes	OBL
5. *Typha angustifolia*	10	No	OBL
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	80	=Total Cover	
50% of total cover: 40		20% of total cover: 16	
Woody Vine Stratum (Plot size: 30)			
1. *Smilax glauca*	10	Yes	FAC
2. *Rubus arvensis*	10	Yes	FAC
3.			
4.			
5.			
	20	=Total Cover	
50% of total cover: 10		20% of total cover: 4	

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 10 (A)

Total Number of Dominant Species Across All Strata: 10 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0% (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	25	x 1 =	25
FACW species	55	x 2 =	110
FAC species	70	x 3 =	210
FACU species	0	x 4 =	0
UPL species	0	x 5 =	0
Column Totals:	150 (A)		345 (B)

Prevalence Index = B/A = 2.30

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

X 2 - Dominance Test is >50%

X 3 - Prevalence Index is ≤3.0[1]

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Four Vegetation Strata:

Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody Vine – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes X No ___

Remarks: (If observed, list morphological adaptations below.)

SOIL Sampling Point: DP-7

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-18	2.5YR 4/2	80	10YR 4/4	20	D	PL/M	Loamy/Clayey	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Organic Bodies (A6) **(LRR, P, T, U)**
- ___ 5 cm Mucky Mineral (A7) **(LRR P, T, U)**
- ___ Muck Presence (A8) **(LRR U)**
- ___ 1 cm Muck (A9) **(LRR P, T)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Coast Prairie Redox (A16) **(MLRA 150A)**
- ___ Sandy Mucky Mineral (S1) **(LRR O, S)**
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7) **(LRR P, S, T, U)**
- ___ Polyvalue Below Surface (S8) **(LRR S, T, U)**
- ___ Thin Dark Surface (S9) **(LRR S, T, U)**
- ___ Barrier Islands 1 cm Muck (S12) **(MLRA 153B, 153D)**
- ___ Loamy Mucky Mineral (F1) **(LRR O)**
- ___ Loamy Gleyed Matrix (F2)
- X Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) **(LRR U)**
- ___ Depleted Ochric (F11) **(MLRA 151)**
- ___ Iron-Manganese Masses (F12) **(LRR O, P, T)**
- ___ Umbric Surface (F13) **(LRR P, T, U)**
- ___ Delta Ochric (F17) **(MLRA 151)**
- ___ Reduced Vertic (F18) **(MLRA 150A, 150B)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 149A)**
- ___ Anomalous Bright Floodplain Soils (F20) **(MLRA 149A, 153C, 153D)**
- ___ Very Shallow Dark Surface (F22) **(MLRA 138, 152A in FL, 154)**

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR O)**
- ___ 2 cm Muck (A10) **(LRR S)**
- ___ Coast Prairie Redox (A16) **(outside MLRA 150A)**
- ___ Reduced Vertic (F18) **(outside MLRA 150A, 150B)**
- ___ Piedmont Floodplain Soils (F19) **(LRR P, T)**
- ___ Anomalous Bright Floodplain Soils (F20) **(MLRA 153B)**
- ___ Red Parent Material (F21)
- ___ Very Shallow Dark Surface (F22) **(outside MLRA 138, 152A in FL, 154)**
- ___ Barrier Islands Low Chroma Matrix (TS7) **(MLRA 153B, 153D)**
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** X **No** ____

Remarks:

U.S. Army Corps of Engineers **WETLAND DETERMINATION DATA SHEET – Atlantic and Gulf Coastal Plain Region** See ERDC/EL TR-07-24; the proponent agency is CECW-CO-R	*Requirement Control Symbol EXEMPT (Authority: AR 335-15, paragraph 5-2a)*

Project/Site: Prairie Solar City/County: Windsor/Isle of Wight Sampling Date: 04.14.2022

Applicant/Owner: State: VA Sampling Point: DP-8

Investigator(s): Pilot Environmental, Inc Section, Township, Range: N/A

Landform (hillside, terrace, etc.): hillside Local relief (concave, convex, none): None Slope (%): 1-2

Subregion (LRR or MLRA): LRR T, MLRA 153A Lat: 36.879941° Long: -76.610887° Datum: WGS-84

Soil Map Unit Name: Slagle fine sandy loam/18B NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)

Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No ____

Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes X	No ____	**Is the Sampled Area within a Wetland?** Yes ____ No X
Hydric Soil Present?	Yes ____	No X	
Wetland Hydrology Present?	Yes ____	No X	

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15) **(LRR U)**
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Sphagnum Moss (D8) **(LRR T,U)**

Field Observations:

Surface Water Present?	Yes ____	No X	Depth (inches): ____
Water Table Present?	Yes ____	No X	Depth (inches): ____
Saturation Present? (includes capillary fringe)	Yes ____	No X	Depth (inches): ____

Wetland Hydrology Present? Yes ____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION (Four Strata) – Use scientific names of plants. Sampling Point: DP-8

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
	=Total Cover		
50% of total cover:	20% of total cover:		
Sapling/Shrub Stratum (Plot size: 15)			
1. *Pinus palustris*	30	Yes	FACU
2. *Liquidambar styraciflua*	30	Yes	FAC
3. *Ligustrum japonicum*	10	No	FAC
4.			
5.			
6.			
7.			
8.			
	70 =Total Cover		
50% of total cover: 35	20% of total cover: 14		
Herb Stratum (Plot size: 5)			
1. *Clethra alnifolia*	10	Yes	FACW
2. *Rubus argutus*	10	Yes	FAC
3. *Vaccinium stamineum*	10	Yes	FACU
4. *Smilax glauca*	10	Yes	FAC
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	40 =Total Cover		
50% of total cover: 20	20% of total cover: 8		
Woody Vine Stratum (Plot size: 30)			
1.			
2.			
3.			
4.			
5.			
	=Total Cover		
50% of total cover:	20% of total cover:		

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 4 (A)

Total Number of Dominant Species Across All Strata: 6 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 66.7% (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	10	x 2 =	20
FAC species	60	x 3 =	180
FACU species	40	x 4 =	160
UPL species	0	x 5 =	0
Column Totals:	110 (A)		360 (B)
Prevalence Index = B/A =			3.27

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

X 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Four Vegetation Strata:

Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody Vine – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes X No ___

Remarks: (If observed, list morphological adaptations below.)

SOIL Sampling Point: DP-8

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-18	10YR 4/4	100					Sandy	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Organic Bodies (A6) **(LRR, P, T, U)**
- ___ 5 cm Mucky Mineral (A7) **(LRR P, T, U)**
- ___ Muck Presence (A8) **(LRR U)**
- ___ 1 cm Muck (A9) **(LRR P, T)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Coast Prairie Redox (A16) **(MLRA 150A)**
- ___ Sandy Mucky Mineral (S1) **(LRR O, S)**
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7) **(LRR P, S, T, U)**
- ___ Polyvalue Below Surface (S8) **(LRR S, T, U)**
- ___ Thin Dark Surface (S9) **(LRR S, T, U)**
- ___ Barrier Islands 1 cm Muck (S12) **(MLRA 153B, 153D)**
- ___ Loamy Mucky Mineral (F1) **(LRR O)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) **(LRR U)**
- ___ Depleted Ochric (F11) **(MLRA 151)**
- ___ Iron-Manganese Masses (F12) **(LRR O, P, T)**
- ___ Umbric Surface (F13) **(LRR P, T, U)**
- ___ Delta Ochric (F17) **(MLRA 151)**
- ___ Reduced Vertic (F18) **(MLRA 150A, 150B)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 149A)**
- ___ Anomalous Bright Floodplain Soils (F20) **(MLRA 149A, 153C, 153D)**
- ___ Very Shallow Dark Surface (F22) **(MLRA 138, 152A in FL, 154)**

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR O)**
- ___ 2 cm Muck (A10) **(LRR S)**
- ___ Coast Prairie Redox (A16) **(outside MLRA 150A)**
- ___ Reduced Vertic (F18) **(outside MLRA 150A, 150B)**
- ___ Piedmont Floodplain Soils (F19) **(LRR P, T)**
- ___ Anomalous Bright Floodplain Soils (F20) **(MLRA 153B)**
- ___ Red Parent Material (F21)
- ___ Very Shallow Dark Surface (F22) **(outside MLRA 138, 152A in FL, 154)**
- ___ Barrier Islands Low Chroma Matrix (TS7) **(MLRA 153B, 153D)**
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (If observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes ____ No X

Remarks:

PRAIRIE SOLAR

Exhibit G:

Threatened and Endangered

Species Report

PILOT ENVIRONMENTAL, INC

May 18, 2022

Ms. Gabriella Hernandez
Energix Renewables
1151 Falls Road, Suite 2004
Rocky Mount, North Carolina 27804

Reference: Preconstruction Wildlife Analyses
Prairie Solar
Approximate 335-Acre Tract
Longview Drive
Windsor, Isle of Wight County, Virginia
Pilot Project 7382.1

Dear Ms. Hernandez:

Pilot Environmental, Inc. (Pilot) is pleased to submit the Preconstruction Wildlife Analyses for the approximate 335-acre tract situated north and west of Longview Drive in Windsor, Isle of Wight County, Virginia. The site is depicted on the attached U.S. Geological Survey (USGS) Topographic Map (Drawing 1) and Aerial Photograph Map (Drawing 2).

Background

In order to meet conditions within the Code of Virginia for issuance of the permit by rule for small renewable energy projects, applicants are required to conduct preconstruction analyses of potential impacts of the proposed project on natural resources (Title 9-Environment, Agency 15-Virginia Department of Environmental Quality (VADEQ), Chapter 60, Section 40). The wildlife analysis should include (1) desktop surveys and maps of known wildlife species and habitat features on the site or within two miles of the site and known or potential sea turtle nesting beaches located within one-half mile of the disturbance zone, and (2) consultation of the Coastal Avian Protection Zones (CAPZ) map to determine whether the proposed solar energy project site will be located in part or in whole within one or more CAPZ. The applicant shall assess and describe the expected beneficial and adverse impacts, if any, of the proposed project on wildlife identified by these studies and analyses.

Applicants are also required to conduct analyses of historic resources and natural heritage resources. Comprehensive architectural and archaeological surveys are required for compliance with these regulations. Pilot understands that the surveys and relevant agency consultations are being completed by others.

Scope of Services

Pilot was contracted to perform a Preconstruction Wildlife Analyses for the approximate 335-acre tract situated north and west of Longview Drive in Windsor, Isle of Wight County, Virginia. The site includes the parcels identified by the Isle of Wight County Geographic Information System (GIS) as Parcel Numbers 51-01-009, 50-01-007, and 51-01-006. The site is being evaluated for proposed development with a solar farm. The purpose of the Preconstruction Wildlife Analyses is to conduct a desktop analysis of wildlife known to occur on or within two-miles of the site. The scope of services included a desktop analysis in accordance with Title 9-Environment, Agency 15-Virginia Department of Environmental Quality (VADEQ), Chapter 60, Section 40. The site boundary was provided to Pilot in a Google Earth digital file.

Pilot was also contracted to perform a Phase I Environmental Site Assessment (ESA) and Wetland Delineation on the site. Details of these assessments are included in separate reports.

Virginia DWR Database Review

Pilot reviewed data available through the Virginia Department of Wildlife Resources (DWR) Wildlife Environmental Review Map Service (WERMS) via ArcGIS on May 4, 2022. The review area included the site and a two-mile radius of the site boundary. Neither state nor federal listed species are identified on the site. Federal species are not identified within 2 miles of the site. Several occurrences of the state protected eastern chicken turtle, eastern tiger salamander, and the Mabee's salamander are identified within two miles of the site. The eastern chicken turtle, eastern tiger salamander, and the Mabee's salamander occurrences are identified approximately 0.5 miles and farther northeast of the site. A copy of the WERMS data is included as an attachment.

Pilot generated a report using DWR's online Fish and Wildlife Information Service (FWIS) for a two-mile radius of the site centroid. The Virginia FWIS search reported 21 species known to or likely to occur within two miles of the site centroid as threatened or endangered at the state and/or federal levels. Of the 21 species, the eastern chicken turtle (*Deirochelys reticularia reticularia*), eastern tiger salamander (*Ambystoma tigrinum*), and the Mabee's salamander (*Ambystoma mabeei)* are known to occur within the two-mile radius around the site, consistent with occurrences from the WERMs data. A copy of the FWIS report is included as an attachment.

Sea Turtle Nesting Beaches

Pilot reviewed the VDGIF WERMS data for known or potential sea turtle nesting beaches located within one-half mile of the disturbance zone. Based on a review of the VDGIF WERMS shapefiles (Feature Class: SppObs Enviro Review Listed), potential sea turtle nesting beaches are not located on or within one-half mile of the site. The nearest documented occurrence is more than 7 miles east of the site (Drawing 3).

Coastal Avian Protection Zones (CAPZ)

Pilot consulted the Coastal Avian Protection Zones map generated on the Virginia Coastal Zone Management Program (CZM) data viewer to determine if the proposed project is located in part or in whole within one or more CAPZ. The site is not located within a CAPZ (Drawing 4). Therefore, mitigation for CAPZ is not proposed.

Conclusions and Opinions

This assessment has revealed that it is not likely for the proposed solar development to adversely affect documented occurrences of federally protected or state-listed threatened/endangered species, critical habitat, or other wildlife resources included in the assessment. If additional information concerning federally/state listed threatened or endangered species, agency involvement, or proposed site development becomes available that makes a material difference in our findings and conclusions, Pilot reserves the right to revise the conclusions and opinions found within this report. Additional assessments or surveys are not recommended at this time.

Closing

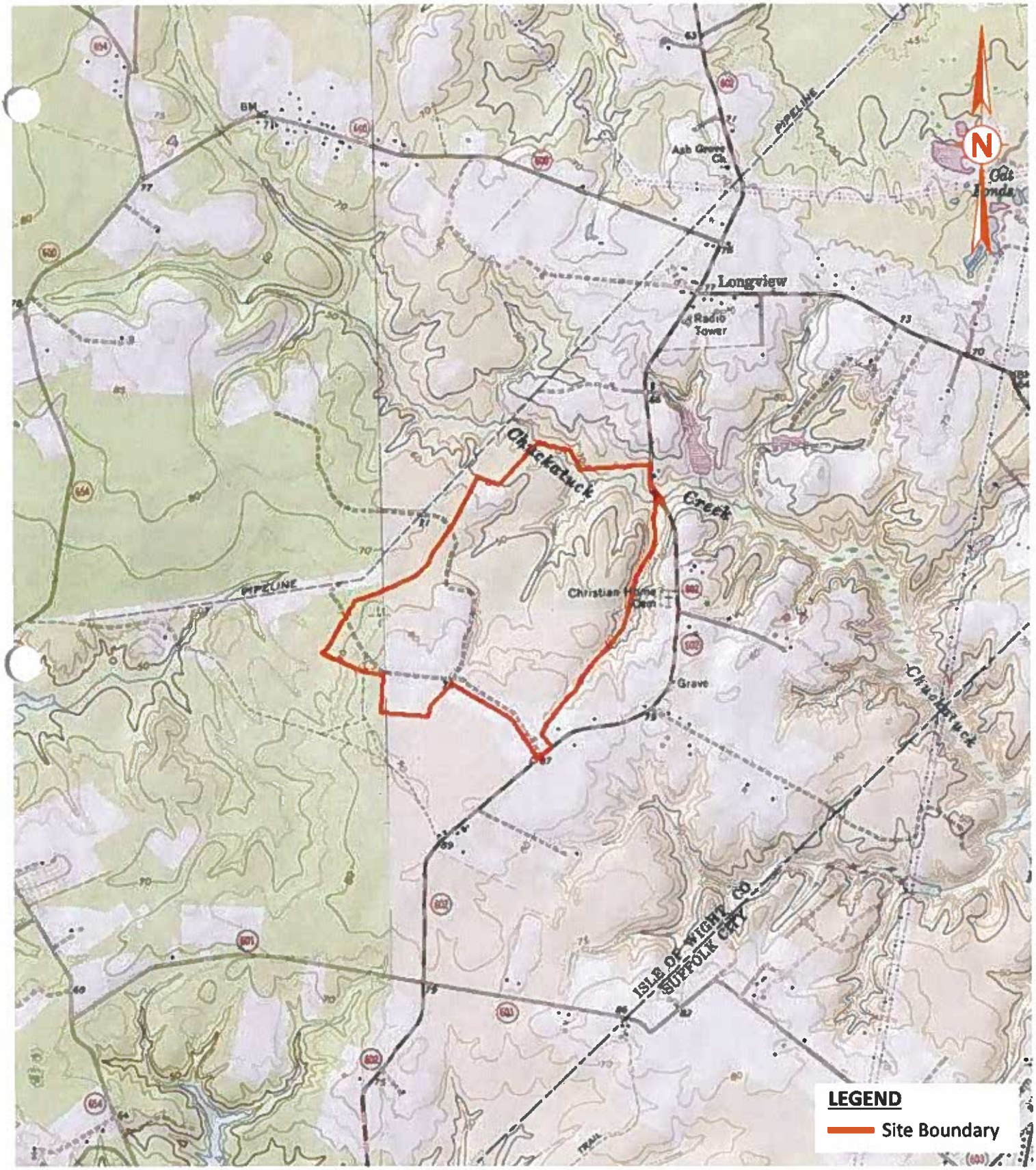
We appreciate the opportunity to provide our services to you. Please contact us at (336) 310-4527 if you have questions or require additional information.

Sincerely,

J. S. Edwards
Project Manager

David S. Brame, PWS
Senior Project Manager

Attachments: Drawing 1 – USGS Topographic Map
Drawing 2 – Aerial Photograph Map
Drawing 3 – Sea Turtle Occurrence Map
Drawing 4 – CAPZ Map
WERMS Species Report dated May 6,2022 (Map and Tables)
DWR FWIS Search Report dated May 6, 2022



Drawing 1
USGS Topographic Map
Smithfield, Benns Church, Windsor, NC Quadrangles
Scale: 1" = 2,000'

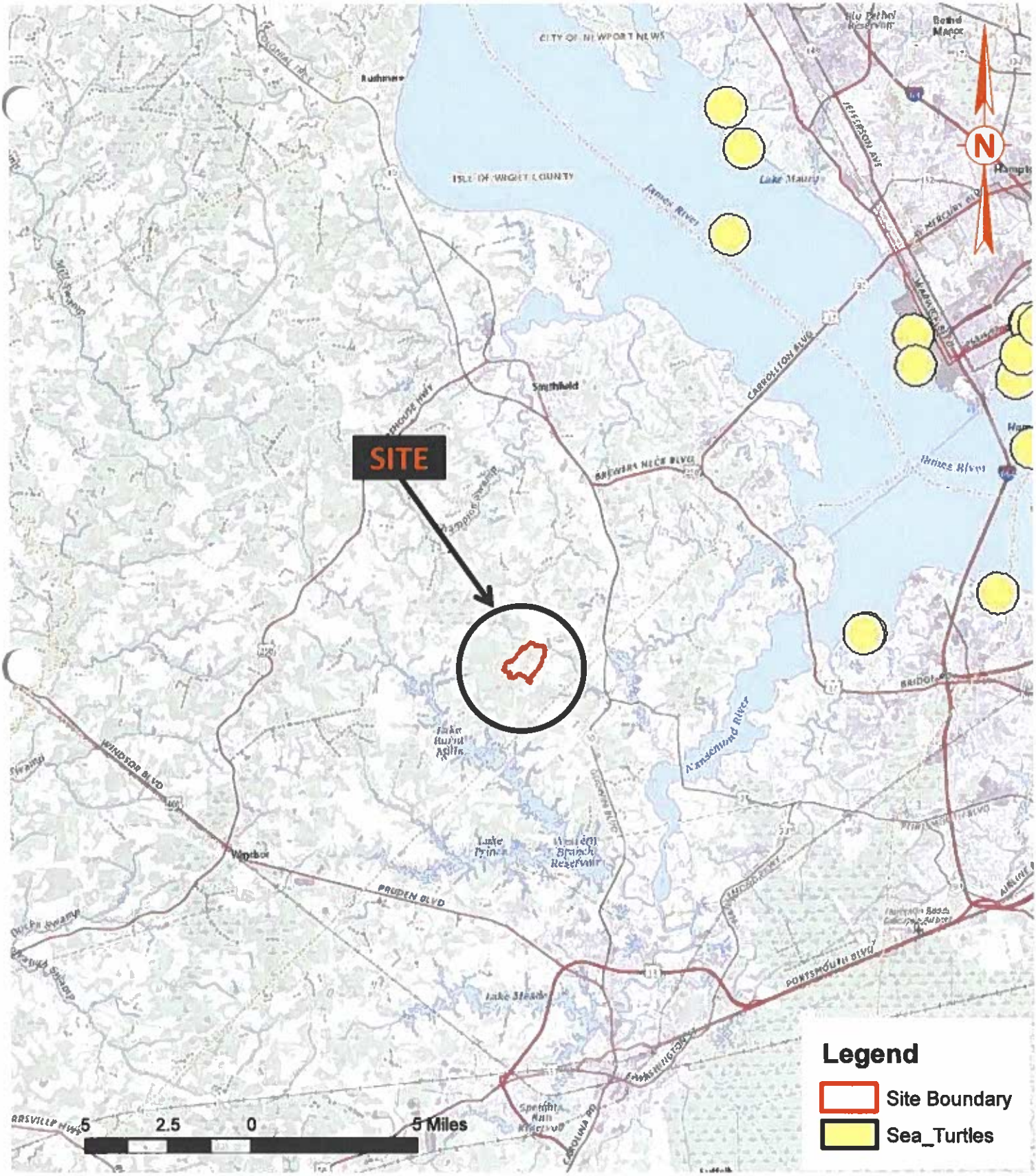
PILOT
PILOT ENVIRONMENTAL, INC

USGS Topographic Map
Prairie Solar
Approximate 335-Acre Tract
Windsor, Isle of Wight County, VA
Pilot Project 7382.1

Drawing 2
2017 Google Earth
Satellite Imagery
Scale: 1" = 1000'

PILOT
PILOT ENVIRONMENTAL, INC

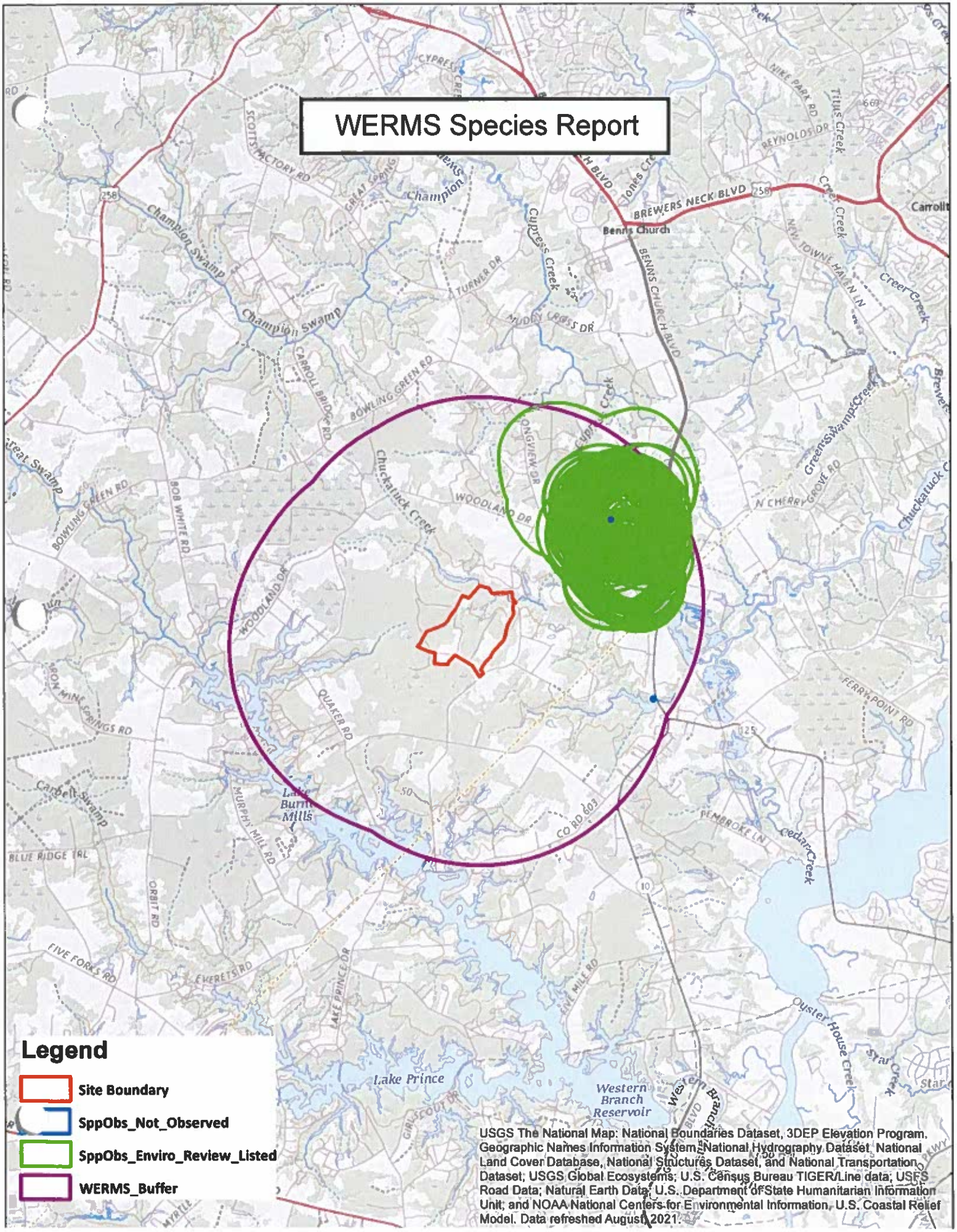
2017 Aerial Photograph Map
Prairie Solar
Approximate 335-Acre Tract
Windsor, Isle of Wight County, VA
Pilot Project 7382.1



Drawing 3
VADGIF WERMS201602
Feature Class:
Sea Turtles

PILOT ENVIRONMENTAL, INC

Sea Turtle Occurrence Map
Prairie Solar
Approximate 229-Acre Tract
Windsor, Isle of Wight County, VA
Pilot Project 7382.1


WERMS Species Report
Legend
Site Boundary
SppObs_Not_Observed
SppObs_Enviro_Review_Listed
WERMS_Buffer
USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed August, 2021.

SppObs_Enviro_Review_Listed

SppObsID	SPECIES	SUBSPECIES	COMMON_NAM	FedStatus	StateStatu	Tier	ObsDate	Waterbody
620425	tigrinum		Salamander, eastern tiger		State Endangered	II	6/1/1994	CAT PONDS
622476	mabeei		Salamander, Mabee's		State Threatened	II	6/1/1994	CAT PONDS
616442	tigrinum		Salamander, eastern tiger		State Endangered	II	2/24/1996	CAT PONDS
617381	tigrinum		Salamander, eastern tiger		State Endangered	II	2/28/1996	CAT PONDS
658856	tigrinum		Salamander, eastern tiger		State Endangered	II	2/28/1996	CAT PONDS
617031	tigrinum		Salamander, eastern tiger		State Endangered	II	2/28/1996	CAT PONDS
582317	tigrinum		Salamander, eastern tiger		State Endangered	II	1/5/1998	Cat Ponds
584267	tigrinum		Salamander, eastern tiger		State Endangered	II	1/8/1998	Cat Ponds
509159	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/10/1999	
509223	tigrinum		Salamander, eastern tiger		State Endangered	II	6/16/1999	
509553	tigrinum		Salamander, eastern tiger		State Endangered	II	7/17/1997	
509160	gratiosa		Treefrog, barking		State Threatened	II	5/11/1999	
509253	tigrinum		Salamander, eastern tiger		State Endangered	II	9/23/1999	
713020	mabeei		Salamander, Mabee's		State Threatened	II	4/16/2003	Cat Ponds
713025	gratiosa		Treefrog, barking		State Threatened	II	4/16/2003	Cat Ponds
509574	tigrinum		Salamander, eastern tiger		State Endangered	II	2/7/1998	
509209	mabeei		Salamander, Mabee's		State Threatened	II	6/13/1999	
509203	tigrinum		Salamander, eastern tiger		State Endangered	II	6/13/1999	
509207	tigrinum		Salamander, eastern tiger		State Endangered	II	6/13/1999	

SppObsID	SPECIES	SUBSPECIES	COMMON_NAM	FedStatus	StateStatu	Tier	ObsDate	Waterbody
509197	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	6/3/1999	
509168	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/16/1999	
471829	tigrinum		Salamander, eastern tiger		State Endangered	II	6/22/2005	
509171	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/19/1999	
509247	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/19/1999	
509194	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/30/1999	
509144	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	4/16/1999	
509568	tigrinum		Salamander, eastern tiger		State Endangered	II	1/29/1998	
509179	mabeei		Salamander, Mabee's		State Threatened	II	5/23/1999	
509183	gratiosa		Treefrog, barking		State Threatened	II	5/23/1999	
509521	tigrinum		Salamander, eastern tiger		State Endangered	II	6/28/1997	
733196	tigrinum		Salamander, eastern tiger		State Endangered	II	6/22/2005	cat ponds
757638	tigrinum		Salamander, eastern tiger		State Endangered	II	6/12/2009	
471813	tigrinum		Salamander, eastern tiger		State Endangered	II	6/22/2005	
1018376	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/3/2012	Cat Ponds
1018394	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/21/2013	Cat Ponds
1018404	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	9/17/2013	Cat Ponds
1018381	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/26/2012	Cat Ponds
1018399	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	9/6/2013	Cat Ponds
1018358	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/23/2012	Cat Ponds

SppObsID	SPECIES	SUBSPECIES	COMMON_NAM	FedStatus	StateStatu	Tier	ObsDate	Waterbody
1018363	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	6/5/2012	Cat Ponds
1025145	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/25/2013	Cat Ponds
1025139	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/10/2013	Cat Ponds
1025179	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	6/26/2012	Cat Ponds
1012229	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	8/19/2013	Cat Ponds
1012231	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	8/19/2013	Cat Ponds
1012227	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	8/19/2013	Cat Ponds
1025159	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	10/17/2013	Cat Ponds
1025189	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/26/2012	Cat Ponds
1025162	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	11/5/2013	Cat Ponds
1025171	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	6/5/2012	Cat Ponds
1025136	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/10/2013	Cat Ponds
1018373	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	6/28/2012	Cat Ponds
1018366	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	6/7/2012	Cat Ponds
1018364	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	6/5/2012	Cat Ponds
1018398	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	9/6/2013	Cat Ponds
1018371	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	6/26/2012	Cat Ponds
1018401	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	9/6/2013	Cat Ponds
1018387	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/10/2013	Cat Ponds
1018361	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/25/2012	Cat Ponds

SppObsID	SPECIES	SUBSPECIES	COMMON_NAM	FedStatus	StateStatu	Tier	ObsDate	Waterbody
1018359	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/24/2012	Cat Ponds
1018380	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/19/2012	Cat Ponds
1018391	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/10/2013	Cat Ponds
1018378	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/5/2012	Cat Ponds
1018385	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/10/2013	Cat Ponds
1018405	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	9/17/2013	Cat Ponds
1018393	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/20/2013	Cat Ponds
1018386	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/10/2013	Cat Ponds
1018400	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	9/6/2013	Cat Ponds
1025168	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/24/2012	Cat Ponds
1025170	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/25/2012	Cat Ponds
1025166	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/23/2012	Cat Ponds
1025191	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/31/2012	Cat Ponds
1025186	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/5/2012	Cat Ponds
1025153	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	9/17/2013	Cat Ponds
1025158	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	10/17/2013	Cat Ponds
1025175	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	6/14/2012	Cat Ponds
1025183	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/3/2012	Cat Ponds
1025181	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	6/28/2012	Cat Ponds
1025172	reticularia	reticularia	Turtle, eastern		State Endangered	I	6/5/2012	Cat Ponds

SppObsID	SPECIES	SUBSPECIES	COMMON_NAM	FedStatus	StateStatu	Tier	ObsDate	Waterbody
			chicken					
1025167	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/24/2012	Cat Ponds
1025143	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/21/2013	Cat Ponds
1025178	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	6/19/2012	Cat Ponds
1025134	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/10/2013	Cat Ponds
1025146	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/26/2013	Cat Ponds
1031557	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/15/2013	Cat Ponds
1031563	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/5/2014	Cat Ponds
1031550	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	11/8/2013	Cat Ponds
1031548	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	11/8/2013	Cat Ponds
1031560	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/16/2013	Cat Ponds
1031547	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	11/8/2013	Cat Ponds
994306	gratiosa		Treefrog, barking		State Threatened	II	6/5/2012	Cat Ponds
994305	gratiosa		Treefrog, barking		State Threatened	II	5/25/2012	Cat Ponds
994308	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/19/2012	Cat Ponds
1012230	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	8/19/2013	Cat Ponds
1012228	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	8/19/2013	Cat Ponds
1018383	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/31/2012	Cat Ponds
1018369	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	6/19/2012	Cat Ponds
1018414	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	11/5/2013	Cat Ponds
1018413	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	11/5/2013	Cat Ponds

SppObsID	SPECIES	SUBSPECIES	COMMON_NAM	FedStatus	StateStatu	Tier	ObsDate	Waterbody
1018370	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	6/19/2012	Cat Ponds
1018395	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/23/2013	Cat Ponds
1018396	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/25/2013	Cat Ponds
1025151	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	9/6/2013	Cat Ponds
1025156	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	9/17/2013	Cat Ponds
1025147	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	9/6/2013	Cat Ponds
1025140	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/10/2013	Cat Ponds
1025144	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/23/2013	Cat Ponds
1025155	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	9/17/2013	Cat Ponds
1025187	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/19/2012	Cat Ponds
1025135	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/10/2013	Cat Ponds
1025154	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	9/17/2013	Cat Ponds
1018388	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/10/2013	Cat Ponds
1018360	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/24/2012	Cat Ponds
1018377	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/5/2012	Cat Ponds
1018390	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/10/2013	Cat Ponds
1018362	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/25/2012	Cat Ponds
1018375	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/3/2012	Cat Ponds
1018408	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	9/17/2013	Cat Ponds
1031549	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	11/8/2013	Cat Ponds

SppObsID	SPECIES	SUBSPECIES	COMMON_NAM	FedStatus	StateStatu	Tier	ObsDate	Waterbody
1031555	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	11/21/2013	Cat Ponds
1018407	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	9/17/2013	Cat Ponds
1025185	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/5/2012	Cat Ponds
1025165	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/23/2012	Cat Ponds
1025174	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	6/7/2012	Cat Ponds
1025142	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/20/2013	Cat Ponds
1025182	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	6/28/2012	Cat Ponds
1025149	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	9/6/2013	Cat Ponds
1025169	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/25/2012	Cat Ponds
1025141	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/19/2013	Cat Ponds
1031551	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	11/8/2013	Cat Ponds
1031559	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/15/2013	Cat Ponds
1018357	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/23/2012	Cat Ponds
1018382	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/26/2012	Cat Ponds
1018410	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	10/17/2013	Cat Ponds
1018384	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/31/2012	Cat Ponds
1018411	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	11/5/2013	Cat Ponds
1018406	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	9/17/2013	Cat Ponds
1025163	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	11/5/2013	Cat Ponds
1025138	reticularia	reticularia	Turtle, eastern		State Endangered	I	7/10/2013	Cat Ponds

SppObsID	SPECIES	SUBSPECIES	COMMON_NAM	FedStatus	StateStatu	Tier	ObsDate	Waterbody
			chicken					
1025192	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/31/2012	Cat Ponds
1025164	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	11/5/2013	Cat Ponds
1012232	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	8/19/2013	Cat Ponds
1025160	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	11/5/2013	Cat Ponds
1025190	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/26/2012	Cat Ponds
1018379	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/19/2012	Cat Ponds
1018389	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/10/2013	Cat Ponds
1018392	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/19/2013	Cat Ponds
1018409	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	10/17/2013	Cat Ponds
1018365	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	6/7/2012	Cat Ponds
1018374	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	6/28/2012	Cat Ponds
1018402	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	9/6/2013	Cat Ponds
994309	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/20/2012	Cat Ponds
1025173	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	6/7/2012	Cat Ponds
1025184	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/3/2012	Cat Ponds
1031552	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	11/21/2013	Cat Ponds
1031556	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	11/21/2013	Cat Ponds
1018367	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	6/14/2012	Cat Ponds
1018412	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	11/5/2013	Cat Ponds

SppObsID	SPECIES	SUBSPECIES	COMMON_NAM	FedStatus	StateStatu	Tier	ObsDate	Waterbody
1018415	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	11/5/2013	Cat Ponds
1025177	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	6/19/2012	Cat Ponds
1025137	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/10/2013	Cat Ponds
1018397	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/26/2013	Cat Ponds
1018403	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	9/6/2013	Cat Ponds
1018368	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	6/14/2012	Cat Ponds
1018372	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	6/26/2012	Cat Ponds
1031564	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/5/2014	Cat Ponds
1031562	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/16/2013	Cat Ponds
1025152	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	9/6/2013	Cat Ponds
1025176	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	6/14/2012	Cat Ponds
1025148	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	9/6/2013	Cat Ponds
1025161	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	11/5/2013	Cat Ponds
1031561	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/13/2013	Cat Ponds
1025150	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	9/6/2013	Cat Ponds
1025157	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	9/17/2013	Cat Ponds
1025180	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	6/26/2012	Cat Ponds
1025188	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	7/19/2012	Cat Ponds
1031553	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	11/21/2013	Cat Ponds
1031554	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	11/21/2013	Cat Ponds

SppObsID	SPECIES	SUBSPECIES	COMMON_NAM	FedStatus	StateStatu	Tier	ObsDate	Waterbody
1031558	reticularia	reticularia	Turtle, eastern chicken		State Endangered	I	5/23/2013	Cat Ponds
1067321	tigrinum		Salamander, eastern tiger		State Endangered	II	3/2/2015	Cat Ponds
1067323	tigrinum		Salamander, eastern tiger		State Endangered	II	3/6/2015	Cat Ponds
1067322	tigrinum		Salamander, eastern tiger		State Endangered	II	3/3/2015	Cat Ponds

VaFWIS - Department of Game and Inland Fisheries

36.87619 -76.61252
is the Search Point
Submit Cancel

Search Point
- **Change** to "clicked" map point
- **Fixed** at 36.87619 -76.61252

Show Position Rings
Yes No
1 mile and 1/4 mile at the **Search Point**

Show Search Area
Yes No
2 Search distance miles radius

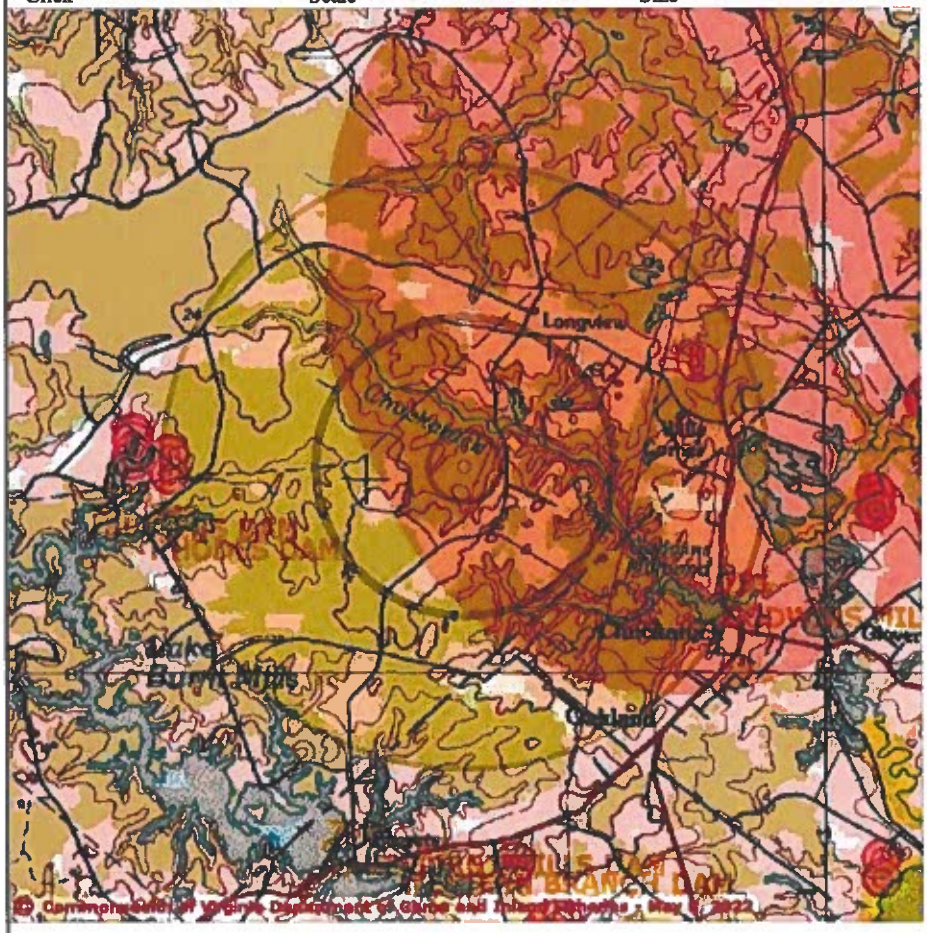
Search Point is at map center

Base Map Choices
Topography

Map Overlay Choices
Current List: Anadromous, TEWaters, BAEANests, BECAR, Trout, TierII, Habitat, Position, Search

Map Overlay Legend

back Refresh Browser Page
Map Click Pan
Map Scale In Zoom Out
Screen Size Small Size Big
Help



Point of Search 36.87619 -76.61252
Map Location 36.87619 -76.61252

Select **Coordinate System:**
- Degrees,Minutes,Seconds Latitude - Longitude
- Decimal Degrees Latitude - Longitude
- Meters UTM NAD83 East North Zone
- Meters UTM NAD27 East North Zone

Base Map source: USGS 1:100,000 topographic maps (see Microsoft terraserver-usa.com for details)

Map projection is UTM Zone 18 NAD 1983 with left 351488 and top 4087152. Pixel size is 16 meters . Coordinates displayed are decimal Degrees North and West. Map is currently displayed as 600 columns by 600 rows for a total of 360000 pixles. The map display represents 9600 meters east to west by 9600 meters north to south for a total of 92.1 square kilometers. The map display represents 31501 feet east to west by 31501 feet north to south for a total of 35.5 square miles.

T & E Waters
Federal
State

Predicted Habitat WAP Tier I & II
Aquatic
Terrestrial

Trout Waters
Class I - IV
Class V - VI

Anadromous Fish Reach
Confirmed
Potential

Impediment

Position Rings at the Search Point

2 mile radius Search Area

Bald Eagle Concentration Areas and Roosts

Topographic maps and Black and white aerial photography for year 1990+-
are from the United States Department of the Interior, United States Geological Survey.
Color aerial photography aquired 2002 is from Virginia Base Mapping Program, Virginia Geographic Information Network.
Shaded topographic maps are from TOPO! ©2006 National Geographic
http://www.national.geographic.com/topo
All other map products are from the Commonwealth of Virginia Department of Game and Inland Fisheries.

map assembled 2022-05-06 08:29:22 (qa/qc March 21, 2016 12:20 - tn=1180530 dist=3218 V
)
$poi=36.8761920 -76.6125289

| DGIF | Credits | Disclaimer | Contact vafwis_support@dgif.virginia.gov |Please view our privacy policy |
© 1998-2022 Commonwealth of Virginia Department of Game and Inland Fisheries

https://vafwis.dgif.virginia.gov/fwis/maps/zMapFormJava.asp?v=050516
ip_addr 75.191.80.68

VaFWIS Search Report Compiled on 5/6/2022, 8:36:20 AM

Known or likely to occur within a 2 mile radius around point 36.8761900 -76.6125099
in 093 Isle of Wight County, 800 Suffolk City, VA

View Map of Site Location

624 Known or Likely Species ordered by Status Concern for Conservation
(displaying first 37) (37 species with Status* or Tier I** or Tier II**)

BOVA Code	Status*	Tier**	Common Name	Scientific Name	Confirmed	Database(s)
030074	FESE	Ia	Turtle, Kemp's ridley sea	Lepidochelys kempii		BOVA
040228	FESE	Ia	Woodpecker, red-cockaded	Picoides borealis		BOVA
010032	FESE	Ib	Sturgeon, Atlantic	Acipenser oxyrinchus		BOVA,HU6
030071	FTST	Ia	Turtle, loggerhead sea	Caretta caretta		BOVA
040144	FTST	Ia	Knot, red	Calidris canutus rufa		BOVA,HU6
040110	FTSE	Ia	Rail, eastern black	Laterallus jamaicensis jamaicensis		BOVA,HU6
050022	FTST	Ia	Bat, northern long-eared	Myotis septentrionalis		BOVA
040120	FTST	IIa	Plover, piping	Charadrius melodus		BOVA
030064	SE	Ia	Turtle, eastern chicken	Deirochelys reticularia reticularia	Yes	BOVA,Habitat,SppObs,HU6
050020	SE	Ia	Bat, little brown	Myotis lucifugus		BOVA
050034	SE	Ia	Bat, Rafinesque's eastern big-eared	Corynorhinus rafinesquii macrotis		BOVA,HU6
050027	SE	Ia	Bat, tri-colored	Perimyotis subflavus		BOVA
020052	SE	IIa	Salamander, eastern tiger	Ambystoma tigrinum	Yes	BOVA,Habitat,SppObs,HU6
030013	SE	IIa	Rattlesnake, canebrake	Crotalus horridus	Potential	BOVA,Habitat,HU6
040098	ST	Ia	Falcon, peregrine	Falco peregrinus		BOVA,HU6
040293	ST	Ia	Shrike, loggerhead	Lanius ludovicianus		BOVA
040379	ST	Ia	Sparrow, Henslow's	Centronyx henslowii		HU6
020044	ST	IIa	Salamander, Mabee's	Ambystoma mabeei	Yes	BOVA,Habitat,SppObs,HU6
040292	ST		Shrike, migrant loggerhead	Lanius ludovicianus migrans		BOVA
030067	CC	IIa	Terrapin, northern diamond-backed	Malaclemys terrapin terrapin	Potential	BOVA,Habitat,HU6
030063	CC	IIIa	Turtle, spotted	Clemmys guttata		BOVA,HU6
040040		Ia	Ibis, glossy	Plegadis falcinellus		BOVA,HU6
040422		Ic	Warbler, Wayne's	Setophaga virens waynei		HU6
070131		Ic	Isopod, Phreatic	Caecidotea phreatica		BOVA,HU6
100178		Ic	Skipper, Arogos	Atrytone arogos arogos		BOVA
020063		IIa	Toad, oak	Anaxyrus quercicus	Potential	BOVA,Habitat,HU6
020002		IIa	Treefrog, barking	Hyla gratiosa	Yes	BOVA,SppObs,HU6
040052		IIa	Duck, American black	Anas rubripes		BOVA,HU6
040033		IIa	Egret, snowy	Egretta thula		BOVA
040029		IIa	Heron, little blue	Egretta caerulea caerulea		BOVA
040036		IIa	Night-heron, yellow-crowned	Nyctanassa violacea violacea		BOVA
040181		IIa	Tern, common	Sterna hirundo		BOVA,HU6

040320		IIa	Warbler, cerulean	Setophaga cerulea		BOVA,HU6
040140		IIa	Woodcock, American	Scolopax minor		BOVA,HU6
040203		IIb	Cuckoo, black-billed	Coccyzus erythropthalmus		BOVA
040105		IIb	Rail, king	Rallus elegans	Potential	BOVA,Habitat,HU6
040304		IIc	Warbler, Swainson's	Limnothlypis swainsonii		BOVA,HU6

To view **All 624 species** View 624

*FE=Federal Endangered; FT=Federal Threatened; SE=State Endangered; ST=State Threatened; FP=Federal Proposed; FC=Federal Candidate; CC=Collection Concern

**I=VA Wildlife Action Plan - Tier I - Critical Conservation Need; II=VA Wildlife Action Plan - Tier II - Very High Conservation Need; III=VA Wildlife Action Plan - Tier III - High Conservation Need; IV=VA Wildlife Action Plan - Tier
Virginia Wildlife Action Plan Conservation Opportunity Ranking:
a - On the ground management strategies/actions exist and can be feasibly implemented.; b - On the ground actions or research needs have been identified but cannot feasibly be implemented at this time.;
c - No on the ground actions or research needs have been identified or all identified conservation opportunities have been exhausted.

View Map of All Query Results from All Observation Tables

Bat Colonies or Hibernacula: **Not Known**

Anadromous Fish Use Streams

N/A

Impediments to Fish Passage (1 records) View Map of All Fish Impediments

ID	Name	River	View Map
791	GODWINS MILLPOND DAM	CHUCKATUCK CREEK	Yes

Colonial Water Bird Survey

N/A

Threatened and Endangered Waters

N/A

Managed Trout Streams

N/A

Bald Eagle Concentration Areas and Roosts

N/A

Bald Eagle Nests

N/A

Species Observations (270 records - displaying first 176 , 176 Observations with Threatened or Endangered species) View Map of All Query Results Species Observations

obsID	class	Date Observed	Observer	N Species		
				Different Species	Highest TE*	Highe
624230	SppObs	May 5 2014	John (J. D.) ; Kleopfer	1	SE	
624420	SppObs	May 5 2014	John (J. D.) ; Kleopfer	1	SE	
623120	SppObs	Nov 21 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	
624419	SppObs	Nov 21 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	
624252	SppObs	Nov 21 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	
624418	SppObs	Nov 21 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	
623143	SppObs	Nov 21 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	
624417	SppObs	Nov 8 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	
623107	SppObs	Nov 8 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	
623106	SppObs	Nov 8 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	
624229	SppObs	Nov 8 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	

623202	SppObs	Nov 8 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	
621679	SppObs	Nov 5 2013	Ryan; Niccoli	1	SE	
619904	SppObs	Nov 5 2013	Ryan; Niccoli	1	SE	
619907	SppObs	Nov 5 2013	Ryan; Niccoli	1	SE	
620437	SppObs	Nov 5 2013	Ryan; Niccoli	1	SE	
621203	SppObs	Nov 5 2013	Ryan; Niccoli	1	SE	
621293	SppObs	Nov 5 2013	Ryan; Niccoli	1	SE	
619906	SppObs	Nov 5 2013	Ryan; Niccoli	1	SE	
619905	SppObs	Nov 5 2013	Ryan; Niccoli	1	SE	
619908	SppObs	Nov 5 2013	Ryan; Niccoli	1	SE	
620601	SppObs	Nov 5 2013	Ryan; Niccoli	1	SE	
619902	SppObs	Oct 17 2013	Ryan; Niccoli	1	SE	
621130	SppObs	Oct 17 2013	Ryan; Niccoli	1	SE	
619901	SppObs	Oct 17 2013	Ryan; Niccoli	1	SE	
621129	SppObs	Oct 17 2013	Ryan; Niccoli	1	SE	
619899	SppObs	Sep 17 2013	John (JD); Kleopfer	1	SE	
621678	SppObs	Sep 17 2013	John (JD); Kleopfer	1	SE	
619896	SppObs	Sep 17 2013	John (JD); Kleopfer	1	SE	
621677	SppObs	Sep 17 2013	John (JD); Kleopfer	1	SE	
620506	SppObs	Sep 17 2013	John (JD); Kleopfer	1	SE	
619898	SppObs	Sep 17 2013	John (JD); Kleopfer	1	SE	
619897	SppObs	Sep 17 2013	John (JD); Kleopfer	1	SE	
619900	SppObs	Sep 17 2013	John (JD); Kleopfer	1	SE	
621128	SppObs	Sep 17 2013	John (JD); Kleopfer	1	SE	
621676	SppObs	Sep 17 2013	John (JD); Kleopfer	1	SE	
621125	SppObs	Sep 6 2013	John (JD); Kleopfer	1	SE	
619891	SppObs	Sep 6 2013	John (JD); Kleopfer	1	SE	
621127	SppObs	Sep 6 2013	John (JD); Kleopfer	1	SE	
619892	SppObs	Sep 6 2013	John (JD); Kleopfer	1	SE	
619895	SppObs	Sep 6 2013	John (JD); Kleopfer	1	SE	
621675	SppObs	Sep 6 2013	John (JD); Kleopfer	1	SE	
621202	SppObs	Sep 6 2013	John (JD); Kleopfer	1	SE	
621126	SppObs	Sep 6 2013	John (JD); Kleopfer	1	SE	
619890	SppObs	Sep 6 2013	John (JD); Kleopfer	1	SE	
620505	SppObs	Sep 6 2013	John (JD); Kleopfer	1	SE	
619893	SppObs	Sep 6 2013	John (JD); Kleopfer	1	SE	
619894	SppObs	Sep 6 2013	John (JD); Kleopfer	1	SE	
616822	SppObs	Aug 19 2013	John D. ; Kleopfer| Susan; Watson	1	SE	
616818	SppObs	Aug 19 2013	John D. ; Kleopfer| Susan; Watson	1	SE	
616819	SppObs	Aug 19 2013	John D. ; Kleopfer| Susan; Watson	1	SE	
616820	SppObs	Aug 19 2013	John D. ; Kleopfer| Susan; Watson	1	SE	
616821	SppObs	Aug 19 2013	John D. ; Kleopfer| Susan; Watson	1	SE	
616823	SppObs	Aug 19 2013	John D. ; Kleopfer| Susan; Watson	1	SE	
621201	SppObs	Jul 26 2013	John (JD); Kleopfer	1	SE	
619889	SppObs	Jul 26 2013	John (JD); Kleopfer	1	SE	
619888	SppObs	Jul 25 2013	John (JD); Kleopfer	1	SE	
620436	SppObs	Jul 25 2013	John (JD); Kleopfer	1	SE	
619887	SppObs	Jul 23 2013	John (JD); Kleopfer	1	SE	
621292	SppObs	Jul 23 2013	John (JD); Kleopfer	1	SE	
619886	SppObs	Jul 21 2013	John (JD); Kleopfer	1	SE	
621730	SppObs	Jul 21 2013	John (JD); Kleopfer	1	SE	
619885	SppObs	Jul 20 2013	John (JD); Kleopfer	1	SE	
620600	SppObs	Jul 20 2013	John (JD); Kleopfer	1	SE	
619884	SppObs	Jul 19 2013	John (JD); Kleopfer	1	SE	
621200	SppObs	Jul 19 2013	John (JD); Kleopfer	1	SE	
621674	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE	
619878	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE	
620504	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE	
619877	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE	
619880	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE	
619883	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE	

620435	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE
621199	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE
619879	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE
621729	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE
621291	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE
619881	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE
621728	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE
619882	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE
624416	SppObs	May 23 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE
624292	SppObs	May 16 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE
624415	SppObs	May 16 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE
624291	SppObs	May 15 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE
623119	SppObs	May 15 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE
624414	SppObs	May 13 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE
620501	SppObs	Jul 31 2012	Ryan ; Niccoli	1	SE
621123	SppObs	Jul 31 2012	Ryan ; Niccoli	1	SE
619869	SppObs	Jul 31 2012	Ryan ; Niccoli	1	SE
619870	SppObs	Jul 31 2012	Ryan ; Niccoli	1	SE
619867	SppObs	Jul 26 2012	Ryan ; Niccoli	1	SE
621673	SppObs	Jul 26 2012	Ryan ; Niccoli	1	SE
619868	SppObs	Jul 26 2012	Ryan ; Niccoli	1	SE
621286	SppObs	Jul 26 2012	Ryan ; Niccoli	1	SE
619866	SppObs	Jul 19 2012	Ryan ; Niccoli	1	SE
621726	SppObs	Jul 19 2012	Ryan ; Niccoli	1	SE
621727	SppObs	Jul 19 2012	Ryan ; Niccoli	1	SE
619865	SppObs	Jul 19 2012	Ryan ; Niccoli	1	SE
620499	SppObs	Jul 5 2012	Ryan ; Niccoli	1	SE
619864	SppObs	Jul 5 2012	Ryan ; Niccoli	1	SE
619863	SppObs	Jul 5 2012	Ryan ; Niccoli	1	SE
620500	SppObs	Jul 5 2012	Ryan ; Niccoli	1	SE
621195	SppObs	Jul 3 2012	Ryan ; Niccoli	1	SE
621196	SppObs	Jul 3 2012	Ryan ; Niccoli	1	SE
619861	SppObs	Jul 3 2012	Ryan ; Niccoli	1	SE
619862	SppObs	Jul 3 2012	Ryan ; Niccoli	1	SE
620599	SppObs	Jun 28 2012	Ryan ; Niccoli	1	SE
619859	SppObs	Jun 28 2012	Ryan ; Niccoli	1	SE
620598	SppObs	Jun 28 2012	Ryan ; Niccoli	1	SE
619860	SppObs	Jun 28 2012	Ryan ; Niccoli	1	SE
621122	SppObs	Jun 26 2012	Ryan ; Niccoli	1	SE
621725	SppObs	Jun 26 2012	Ryan ; Niccoli	1	SE
619858	SppObs	Jun 26 2012	Ryan ; Niccoli	1	SE
619857	SppObs	Jun 26 2012	Ryan ; Niccoli	1	SE
619855	SppObs	Jun 19 2012	Ryan ; Niccoli	1	SE
621723	SppObs	Jun 19 2012	Ryan ; Niccoli	1	SE
619856	SppObs	Jun 19 2012	Ryan ; Niccoli	1	SE
621724	SppObs	Jun 19 2012	Ryan ; Niccoli	1	SE
619853	SppObs	Jun 14 2012	Ryan ; Niccoli	1	SE
621121	SppObs	Jun 14 2012	Ryan ; Niccoli	1	SE
621194	SppObs	Jun 14 2012	Ryan ; Niccoli	1	SE
619854	SppObs	Jun 14 2012	Ryan ; Niccoli	1	SE
621120	SppObs	Jun 7 2012	Ryan ; Niccoli	1	SE
620498	SppObs	Jun 7 2012	Ryan ; Niccoli	1	SE
619851	SppObs	Jun 7 2012	Ryan ; Niccoli	1	SE
619852	SppObs	Jun 7 2012	Ryan ; Niccoli	1	SE
620597	SppObs	Jun 5 2012	Ryan ; Niccoli	1	SE
621722	SppObs	Jun 5 2012	Ryan ; Niccoli	1	SE
619850	SppObs	Jun 5 2012	Ryan ; Niccoli	1	SE
619849	SppObs	Jun 5 2012	Ryan ; Niccoli	1	SE
620596	SppObs	May 25 2012	Ryan ; Niccoli	1	SE
619848	SppObs	May 25 2012	Ryan ; Niccoli	1	SE
621285	SppObs	May 25 2012	Ryan ; Niccoli	1	SE

619847	SppObs	May 25 2012	Ryan ; Niccoli	1	SE	
620496	SppObs	May 24 2012	Ryan ; Niccoli	1	SE	
620497	SppObs	May 24 2012	Ryan ; Niccoli	1	SE	
619846	SppObs	May 24 2012	Ryan ; Niccoli	1	SE	
619845	SppObs	May 24 2012	Ryan ; Niccoli	1	SE	
620431	SppObs	May 23 2012	Ryan ; Niccoli	1	SE	
620432	SppObs	May 23 2012	Ryan ; Niccoli	1	SE	
619843	SppObs	May 23 2012	Ryan ; Niccoli	1	SE	
619844	SppObs	May 23 2012	Ryan ; Niccoli	1	SE	
600032	SppObs	May 20 2012	Ryan Niccoli, J. D. Kleopfer - DGIF	1	SE	
600031	SppObs	May 19 2012	Ryan Niccoli, J. D. Kleopfer - DGIF	1	SE	
306881	SppObs	Jul 19 1999	SCHWAB, D	4	SE	
306868	SppObs	Jun 3 1999	SCHWAB, D	3	SE	
306867	SppObs	May 30 1999	SCHWAB, D	2	SE	
306863	SppObs	May 19 1999	SCHWAB, D	4	SE	
306861	SppObs	May 16 1999	SCHWAB, D	3	SE	
306857	SppObs	May 10 1999	SCHWAB, D	1	SE	
306845	SppObs	Apr 16 1999	SCHWAB, D	2	SE	
630084	SppObs	Mar 6 2015	John Kleopfer;	1	SE	
630083	SppObs	Mar 3 2015	John Kleopfer	1	SE	
630082	SppObs	Mar 2 2015	John Kleopfer	1	SE	
321328	SppObs	Jun 12 2009	John Kleopfer	1	SE	
314177	SppObs	Jun 22 2005	Alan H. Savitzky (Permittee), Barbara A. Savitzky & John Kloepfer (Collectors)	1	SE	
314569	SppObs	Jun 22 2005	Alan H. SAVITZKY (PRINCIPLE PERMITTEE)/Collectors: Alan & Barbara-JD Kleopfer-Scott Goetz	1	SE	
309139	SppObs	Jun 22 2005	John Kleopfer, Robin Hughes	1	SE	
306883	SppObs	Sep 23 1999	SCHWAB, D	3	SE	
306872	SppObs	Jun 16 1999	SCHWAB, D	7	SE	
306870	SppObs	Jun 13 1999	SCHWAB, D	12	SE	
306833	SppObs	Feb 7 1998	SCHWAB, D	1	SE	
306830	SppObs	Jan 29 1998	SCHWAB, D	1	SE	
53401	SppObs	Jan 8 1998	Don Schwab, VDGIF, Michael McCoy, VDGIF, Krista Madaris	5	SE	
52399	SppObs	Jan 5 1998	Michael McCoy, VDGIF	1	SE	
306824	SppObs	Jul 17 1997	SCHWAB, D	5	SE	
306812	SppObs	Jun 28 1997	SCHWAB, D	3	SE	
9064	SppObs	Feb 28 1996	S. M. ROBLE, DCR-DNH	1	SE	
9062	SppObs	Feb 28 1996	S. M. ROBLE, DCR-DNH	1	SE	
9063	SppObs	Feb 28 1996	S. M. ROBLE, DCR-DNH	1	SE	
9061	SppObs	Feb 24 1996	S. M. ROBLE, DCR-DNH	1	SE	
7931	SppObs	Jun 1 1994	Dept. of Conservation and, Recreation	3	SE	
300029	SppObs	Apr 16 2003	Donald J. Schwab (Principal Permittee)	9	ST	
306865	SppObs	May 23 1999	SCHWAB, D	12	ST	
3526	SppObs	Dec 11 1988	Div. Natural Heritage	1	ST	
60007	SppObs	Dec 11 1988	PAGUE, C A ET AL	1	ST	

Displayed 176 Species Observations

Selected 270 Observations View all 270 Species Observations

Habitat Predicted for Aquatic WAP Tier I & II Species

N/A

Habitat Predicted for Terrestrial WAP Tier I & II Species (7 Species) View Map of Combined Terrestrial Habitat Predicted for 7 WAP Tier I & II Species Listed Below

ordered by Status Concern for Conservation

BOVA Code	Status*	Tier**	Common Name	Scientific Name	View Map
030064	SE	Ia	Turtle, eastern chicken	Deirochelys reticularia reticularia	Yes
020052	SE	IIa	Salamander, eastern tiger	Ambystoma tigrinum	Yes
030013	SE	IIa	Rattlesnake, canebrake	Crotalus horridus	Yes
020044	ST	IIa	Salamander, Mabee's	Ambystoma mabeei	Yes
030067	CC	IIa	Terrapin, northern diamond-backed	Malaclemys terrapin terrapin	Yes
020063		IIa	Toad, oak	Anaxyrus quercicus	Yes
040105		IIb	Rail, king	Rallus elegans	Yes

Virginia Breeding Bird Atlas Blocks (3 records)

View Map of All Query Results
Virginia Breeding Bird Atlas Blocks

BBA ID	Atlas Quadrangle Block Name	Breeding Bird Atlas Species			View Map
		Different Species	Highest TE*	Highest Tier**	
58045	Benns Church, SW	33		III	Yes
58031	Chuckatuck, NW	1			Yes
57046	Smithfield, SE	63		III	Yes

Public Holdings:

N/A

Summary of BOVA Species Associated with Cities and Counties of the Commonwealth of Virginia:

FIPS Code	City and County Name	Different Species	Highest TE	Highest Tier
093	Isle of Wight	421	FESE	I
800	Suffolk City	532	FESE	I

USGS 7.5' Quadrangles:
Windsor
Smithfield
Chuckatuck
Benns Church

USGS NRCS Watersheds in Virginia:

N/A

USGS National 6th Order Watersheds Summary of Wildlife Action Plan Tier I, II, III, and IV Species:

HU6 Code	USGS 6th Order Hydrologic Unit	Different Species	Highest TE	Highest Tier
JL40	Cypress Creek	75	FTSE	I
JL42	Chuckatuck Creek	88	FTSE	I
JL47	Western Branch Reservoir	81	FTSE	I
JL49	Nansemond River-Bennett Creek	93	FESE	I

Compiled on 5/6/2022, 8:39:21 AM 11180609 reportAll searchType= R dist= 3219 pol= 36.8761900 -76.6125000
PhotoSize=64; Anadromous=0.018988; BBA=0.031; BECAR=0.017888; Bats=0.017347; Buffer=0.094539; County=0.053673; HUC6=0.070488; Impediments=0.018821; Inlt=0.008238; PublicLands=0.016158; Quad=0.038924; SppObs=0.25187; TEWaters=0.023852; TierRanches=0.03772; TierTerrestrial=0.11459; Total=1.082288; Tracking_BCVR=0.217089; Trout=

| 5/6/2022, 8:36:20 AM | DGIF | Credits | Disclaimer | Please view our privacy policy |
© 1998-2022 Commonwealth of Virginia Department of Game and Inland Fisheries
I 1180609

If you have difficulty reading or accessing documents, please Contact Us for assistance.

151 Species Observations where Turtle, eastern chicken (030064) observed

36,52,34.2 -76,36,45.0 is the Search Point

Show Position Rings
(●) Yes ( ) No
1 mile and 1/4 mile at the Search Point

Show Search Area
(●) Yes ( ) No
2 Search distance miles radius

Search Point is at map center

Base Map Choices
Topography

Map Overlay Choices
Current List: Position, Search, SppObs

Map Overlay Legend

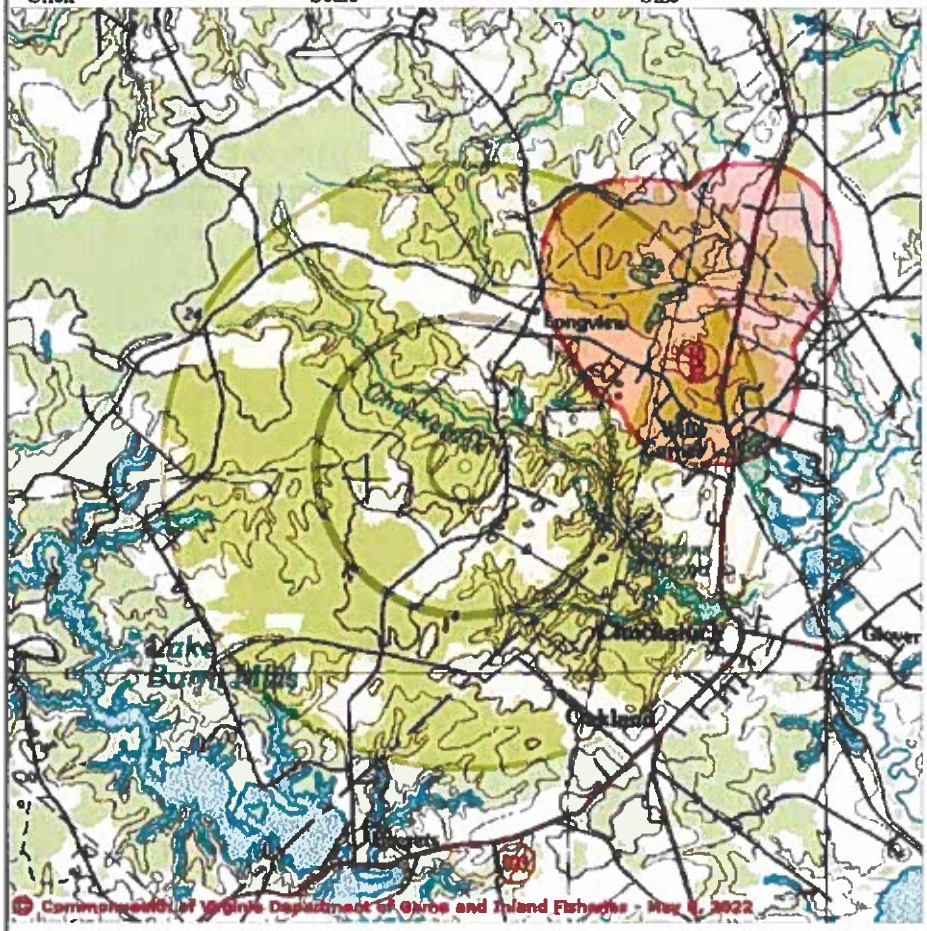
Position Rings 1 mile and 1/4 mile at the Search Point

2 mile radius Search Area

Data Observation Site

Refresh Browser Page

Map Click Pan | Map Scale In Zoom Out | Screen Size Small Size Big | Help



Point of Search 36,52,34.2 -76,36,45.0
Map Location 36,52,34.2 -76,36,45.0

Select Coordinate System:
(●) Degrees,Minutes,Seconds Latitude - Longitude
( ) Decimal Degrees Latitude - Longitude
( ) Meters UTM NAD83 East North Zone
( ) Meters UTM NAD27 East North Zone

Base Map source: USGS 1:100,000 topographic maps (see Microsoft terraserver-usa.com for details)

Map projection is UTM Zone 18 NAD 1983 with left 351489 and top 4087152. Pixel size is 16 meters . Coordinates displayed are Degrees, Minutes, Seconds North and West. Map is currently displayed as 600 columns by 600 rows for a total of 360000 pixles. The map display represents 9600 meters east to west by 9600 meters north to south for a total of 92.1 square kilometers. The map display represents 31501 feet east to west by 31501 feet north to south for a total of 35.5

Virginia Department of Game and Inland Fisheries

VaFWIS Search Report Compiled on 5/6/2022, 9:15:27 AM

Known or likely to occur within a 2 mile radius around point 36.8761900 -76.6125198 in 093 Isle of Wight County, 800 Suffolk City, VA where (030064) Turtle, eastern chicken observed.

View Map of Site Location

Species Observations where Turtle, eastern chicken (030064) observed (151 records , 151 Observations with Threatened or Endangered species)

View Map of All Query Results

Species Observations where Turtle, eastern chicken (030064) observed

obsID	class	Date Observed	Observer	N Species			View Map
				Different Species	Highest TE*	Highest Tier**	
624230	SppObs	May 5 2014	John (J. D.) ; Kleopfer	1	SE	I	Yes
624420	SppObs	May 5 2014	John (J. D.) ; Kleopfer	1	SE	I	Yes
624418	SppObs	Nov 21 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	I	Yes
624419	SppObs	Nov 21 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	I	Yes
624252	SppObs	Nov 21 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	I	Yes
623120	SppObs	Nov 21 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	I	Yes
623143	SppObs	Nov 21 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	I	Yes
623202	SppObs	Nov 8 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	I	Yes
624229	SppObs	Nov 8 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	I	Yes
623106	SppObs	Nov 8 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	I	Yes
623107	SppObs	Nov 8 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	I	Yes
624417	SppObs	Nov 8 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	I	Yes
621203	SppObs	Nov 5 2013	Ryan; Niccoli	1	SE	I	Yes
621293	SppObs	Nov 5 2013	Ryan; Niccoli	1	SE	I	Yes
621679	SppObs	Nov 5 2013	Ryan; Niccoli	1	SE	I	Yes
620437	SppObs	Nov 5 2013	Ryan; Niccoli	1	SE	I	Yes
620601	SppObs	Nov 5 2013	Ryan; Niccoli	1	SE	I	Yes
619904	SppObs	Nov 5 2013	Ryan; Niccoli	1	SE	I	Yes
619905	SppObs	Nov 5 2013	Ryan; Niccoli	1	SE	I	Yes
619906	SppObs	Nov 5 2013	Ryan; Niccoli	1	SE	I	Yes
619907	SppObs	Nov 5 2013	Ryan; Niccoli	1	SE	I	Yes
619908	SppObs	Nov 5 2013	Ryan; Niccoli	1	SE	I	Yes
619901	SppObs	Oct 17 2013	Ryan; Niccoli	1	SE	I	Yes
619902	SppObs	Oct 17 2013	Ryan; Niccoli	1	SE	I	Yes
621129	SppObs	Oct 17 2013	Ryan; Niccoli	1	SE	I	Yes
621130	SppObs	Oct 17 2013	Ryan; Niccoli	1	SE	I	Yes
621128	SppObs	Sep 17 2013	John (JD); Kleopfer	1	SE	I	Yes
620506	SppObs	Sep 17 2013	John (JD); Kleopfer	1	SE	I	Yes
621676	SppObs	Sep 17 2013	John (JD); Kleopfer	1	SE	I	Yes

621677	SppObs	Sep 17 2013	John (JD); Kleopfer	1	SE	I	Yes
621678	SppObs	Sep 17 2013	John (JD); Kleopfer	1	SE	I	Yes
619896	SppObs	Sep 17 2013	John (JD); Kleopfer	1	SE	I	Yes
619897	SppObs	Sep 17 2013	John (JD); Kleopfer	1	SE	I	Yes
619898	SppObs	Sep 17 2013	John (JD); Kleopfer	1	SE	I	Yes
619899	SppObs	Sep 17 2013	John (JD); Kleopfer	1	SE	I	Yes
619900	SppObs	Sep 17 2013	John (JD); Kleopfer	1	SE	I	Yes
619890	SppObs	Sep 6 2013	John (JD); Kleopfer	1	SE	I	Yes
619891	SppObs	Sep 6 2013	John (JD); Kleopfer	1	SE	I	Yes
619892	SppObs	Sep 6 2013	John (JD); Kleopfer	1	SE	I	Yes
619893	SppObs	Sep 6 2013	John (JD); Kleopfer	1	SE	I	Yes
619894	SppObs	Sep 6 2013	John (JD); Kleopfer	1	SE	I	Yes
619895	SppObs	Sep 6 2013	John (JD); Kleopfer	1	SE	I	Yes
621675	SppObs	Sep 6 2013	John (JD); Kleopfer	1	SE	I	Yes
621202	SppObs	Sep 6 2013	John (JD); Kleopfer	1	SE	I	Yes
620505	SppObs	Sep 6 2013	John (JD); Kleopfer	1	SE	I	Yes
621125	SppObs	Sep 6 2013	John (JD); Kleopfer	1	SE	I	Yes
621126	SppObs	Sep 6 2013	John (JD); Kleopfer	1	SE	I	Yes
621127	SppObs	Sep 6 2013	John (JD); Kleopfer	1	SE	I	Yes
616818	SppObs	Aug 19 2013	John D. ; Kleopfer| Susan; Watson	1	SE	I	Yes
616819	SppObs	Aug 19 2013	John D. ; Kleopfer| Susan; Watson	1	SE	I	Yes
616820	SppObs	Aug 19 2013	John D. ; Kleopfer| Susan; Watson	1	SE	I	Yes
616821	SppObs	Aug 19 2013	John D. ; Kleopfer| Susan; Watson	1	SE	I	Yes
616822	SppObs	Aug 19 2013	John D. ; Kleopfer| Susan; Watson	1	SE	I	Yes
616823	SppObs	Aug 19 2013	John D. ; Kleopfer| Susan; Watson	1	SE	I	Yes
621201	SppObs	Jul 26 2013	John (JD); Kleopfer	1	SE	I	Yes
619889	SppObs	Jul 26 2013	John (JD); Kleopfer	1	SE	I	Yes
620436	SppObs	Jul 25 2013	John (JD); Kleopfer	1	SE	I	Yes
619888	SppObs	Jul 25 2013	John (JD); Kleopfer	1	SE	I	Yes
619887	SppObs	Jul 23 2013	John (JD); Kleopfer	1	SE	I	Yes
621292	SppObs	Jul 23 2013	John (JD); Kleopfer	1	SE	I	Yes
621730	SppObs	Jul 21 2013	John (JD); Kleopfer	1	SE	I	Yes
619886	SppObs	Jul 21 2013	John (JD); Kleopfer	1	SE	I	Yes
619885	SppObs	Jul 20 2013	John (JD); Kleopfer	1	SE	I	Yes
620600	SppObs	Jul 20 2013	John (JD); Kleopfer	1	SE	I	Yes
621200	SppObs	Jul 19 2013	John (JD); Kleopfer	1	SE	I	Yes
619884	SppObs	Jul 19 2013	John (JD); Kleopfer	1	SE	I	Yes
619877	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE	I	Yes
619878	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE	I	Yes
619879	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE	I	Yes
619880	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE	I	Yes
619881	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE	I	Yes
619882	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE	I	Yes
619883	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE	I	Yes
621199	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE	I	Yes
620435	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE	I	Yes
620504	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE	I	Yes
621728	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE	I	Yes
621729	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE	I	Yes
621291	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE	I	Yes
621674	SppObs	Jul 10 2013	John (JD); Kleopfer	1	SE	I	Yes
624416	SppObs	May 23 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	I	Yes
624415	SppObs	May 16 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	I	Yes
624292	SppObs	May 16 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	I	Yes
624291	SppObs	May 15 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	I	Yes
623119	SppObs	May 15 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	I	Yes
624414	SppObs	May 13 2013	John (J. D.); Kleopfer| Ryan ; Niccoli	1	SE	I	Yes
620501	SppObs	Jul 31 2012	Ryan ; Niccoli	1	SE	I	Yes
621123	SppObs	Jul 31 2012	Ryan ; Niccoli	1	SE	I	Yes
619869	SppObs	Jul 31 2012	Ryan ; Niccoli	1	SE	I	Yes
619870	SppObs	Jul 31 2012	Ryan ; Niccoli	1	SE	I	Yes

619867	SppObs	Jul 26 2012	Ryan ; Niccoli	1	SE	I	Yes
619868	SppObs	Jul 26 2012	Ryan ; Niccoli	1	SE	I	Yes
621673	SppObs	Jul 26 2012	Ryan ; Niccoli	1	SE	I	Yes
621286	SppObs	Jul 26 2012	Ryan ; Niccoli	1	SE	I	Yes
621726	SppObs	Jul 19 2012	Ryan ; Niccoli	1	SE	I	Yes
621727	SppObs	Jul 19 2012	Ryan ; Niccoli	1	SE	I	Yes
619865	SppObs	Jul 19 2012	Ryan ; Niccoli	1	SE	I	Yes
619866	SppObs	Jul 19 2012	Ryan ; Niccoli	1	SE	I	Yes
619863	SppObs	Jul 5 2012	Ryan ; Niccoli	1	SE	I	Yes
619864	SppObs	Jul 5 2012	Ryan ; Niccoli	1	SE	I	Yes
620499	SppObs	Jul 5 2012	Ryan ; Niccoli	1	SE	I	Yes
620500	SppObs	Jul 5 2012	Ryan ; Niccoli	1	SE	I	Yes
621195	SppObs	Jul 3 2012	Ryan ; Niccoli	1	SE	I	Yes
621196	SppObs	Jul 3 2012	Ryan ; Niccoli	1	SE	I	Yes
619861	SppObs	Jul 3 2012	Ryan ; Niccoli	1	SE	I	Yes
619862	SppObs	Jul 3 2012	Ryan ; Niccoli	1	SE	I	Yes
619859	SppObs	Jun 28 2012	Ryan ; Niccoli	1	SE	I	Yes
619860	SppObs	Jun 28 2012	Ryan ; Niccoli	1	SE	I	Yes
620598	SppObs	Jun 28 2012	Ryan ; Niccoli	1	SE	I	Yes
620599	SppObs	Jun 28 2012	Ryan ; Niccoli	1	SE	I	Yes
621122	SppObs	Jun 26 2012	Ryan ; Niccoli	1	SE	I	Yes
621725	SppObs	Jun 26 2012	Ryan ; Niccoli	1	SE	I	Yes
619857	SppObs	Jun 26 2012	Ryan ; Niccoli	1	SE	I	Yes
619858	SppObs	Jun 26 2012	Ryan ; Niccoli	1	SE	I	Yes
619855	SppObs	Jun 19 2012	Ryan ; Niccoli	1	SE	I	Yes
619856	SppObs	Jun 19 2012	Ryan ; Niccoli	1	SE	I	Yes
621723	SppObs	Jun 19 2012	Ryan ; Niccoli	1	SE	I	Yes
621724	SppObs	Jun 19 2012	Ryan ; Niccoli	1	SE	I	Yes
621121	SppObs	Jun 14 2012	Ryan ; Niccoli	1	SE	I	Yes
621194	SppObs	Jun 14 2012	Ryan ; Niccoli	1	SE	I	Yes
619853	SppObs	Jun 14 2012	Ryan ; Niccoli	1	SE	I	Yes
619854	SppObs	Jun 14 2012	Ryan ; Niccoli	1	SE	I	Yes
619851	SppObs	Jun 7 2012	Ryan ; Niccoli	1	SE	I	Yes
619852	SppObs	Jun 7 2012	Ryan ; Niccoli	1	SE	I	Yes
621120	SppObs	Jun 7 2012	Ryan ; Niccoli	1	SE	I	Yes
620498	SppObs	Jun 7 2012	Ryan ; Niccoli	1	SE	I	Yes
620597	SppObs	Jun 5 2012	Ryan ; Niccoli	1	SE	I	Yes
621722	SppObs	Jun 5 2012	Ryan ; Niccoli	1	SE	I	Yes
619849	SppObs	Jun 5 2012	Ryan ; Niccoli	1	SE	I	Yes
619850	SppObs	Jun 5 2012	Ryan ; Niccoli	1	SE	I	Yes
619847	SppObs	May 25 2012	Ryan ; Niccoli	1	SE	I	Yes
619848	SppObs	May 25 2012	Ryan ; Niccoli	1	SE	I	Yes
621285	SppObs	May 25 2012	Ryan ; Niccoli	1	SE	I	Yes
620596	SppObs	May 25 2012	Ryan ; Niccoli	1	SE	I	Yes
620496	SppObs	May 24 2012	Ryan ; Niccoli	1	SE	I	Yes
620497	SppObs	May 24 2012	Ryan ; Niccoli	1	SE	I	Yes
619845	SppObs	May 24 2012	Ryan ; Niccoli	1	SE	I	Yes
619846	SppObs	May 24 2012	Ryan ; Niccoli	1	SE	I	Yes
619843	SppObs	May 23 2012	Ryan ; Niccoli	1	SE	I	Yes
619844	SppObs	May 23 2012	Ryan ; Niccoli	1	SE	I	Yes
620431	SppObs	May 23 2012	Ryan ; Niccoli	1	SE	I	Yes
620432	SppObs	May 23 2012	Ryan ; Niccoli	1	SE	I	Yes
900032	SppObs	May 20 2012	Ryan Niccoli, J. D. Kleopfer - DGIF	1	SE	I	Yes
900031	SppObs	May 19 2012	Ryan Niccoli, J. D. Kleopfer - DGIF	1	SE	I	Yes
306881	SppObs	Jul 19 1999	SCHWAB, D	4	SE	I	Yes
306868	SppObs	Jun 3 1999	SCHWAB, D	3	SE	I	Yes
306867	SppObs	May 30 1999	SCHWAB, D	2	SE	I	Yes
306863	SppObs	May 19 1999	SCHWAB, D	4	SE	I	Yes
306861	SppObs	May 16 1999	SCHWAB, D	3	SE	I	Yes
306857	SppObs	May 10 1999	SCHWAB, D	1	SE	I	Yes
306845	SppObs	Apr 16 1999	SCHWAB, D	2	SE	I	Yes

Displayed 151 Species Observations where Turtle, eastern chicken (030064) observed

*FE=Federal Endangered; FT=Federal Threatened; SE=State Endangered; ST=State Threatened; FP=Federal Proposed; FC=Federal Candidate; CC=Collection Concern

**I=VA Wildlife Action Plan - Tier I - Critical Conservation Need; II=VA Wildlife Action Plan - Tier II - Very High Conservation Need; III=VA Wildlife Action Plan - Tier III - High Conservation Need; IV=VA Wildlife Action Plan - Tier Virginia Wildlife Action Plan Conservation Opportunity Ranking:
a - On the ground management strategies/actions exist and can be feasibly implemented.; b - On the ground actions or research needs have been identified but cannot feasibly be implemented at this time.;
c - No on the ground actions or research needs have been identified or all identified conservation opportunities have been exhausted.

Habitat Predicted for Aquatic WAP Tier I & II Species where Turtle, eastern chicken (030064) observed

N/A

Habitat Predicted for Terrestrial WAP Tier I & II Species where Turtle, eastern chicken (030064) observed

BOVA Code	Status*	Tier**	Common Name	Scientific Name	View Map
030064	SE	Ia	Turtle, eastern chicken	Deirochelys reticularia reticularia	Yes

Compiled on 5/6/2022, 9:15:27 AM (I1180627.1 report=BOVA searchType=R dist= 3218 pt= 36.8781600 -78.6125186

| 5/6/2022, 9:15:26 AM | DGIF | Credits | Disclaimer | Please view our privacy policy |
© 1998-2022 Commonwealth of Virginia Department of Game and Inland Fisheries
I 1180627

If you have difficulty reading or accessing documents, please Contact Us for assistance.

21 Species Observations where Salamander, eastern tiger (020052) observed

36,52,34.2 -76,36,45.0 is the Search Point

Show Position Rings
(•) Yes ( ) No
1 mile and 1/4 mile at the Search Point

Show Search Area
(•) Yes ( ) No
2 Search distance miles radius

Search Point is at map center

Base Map Choices
Topography

Map Overlay Choices
Current List: Position, Search, SppObs

Map Overlay Legend

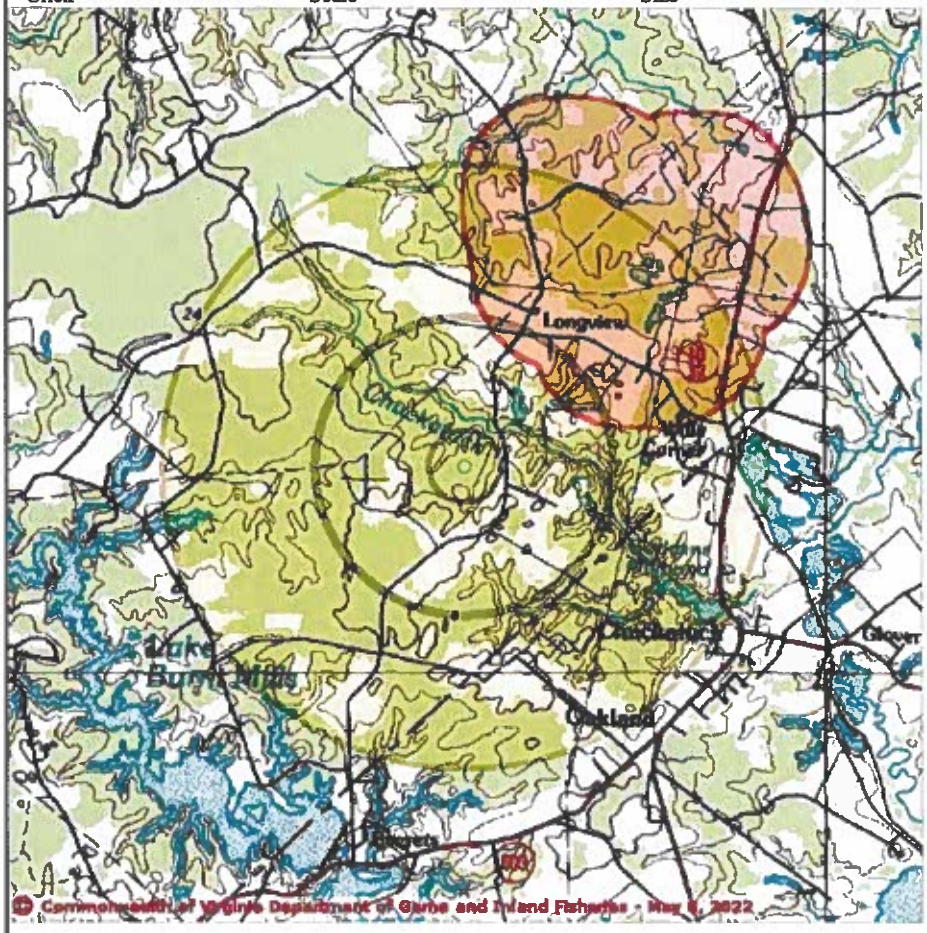
Position Rings 1 mile and 1/4 mile at the Search Point

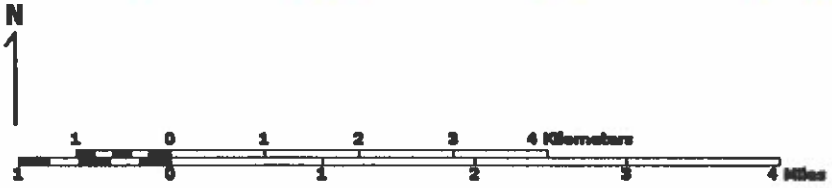
2 mile radius Search Area

Data Observation Site

Refresh Browser Page

Map Click Pan | Map Scale In Zoom Out | Screen Size Small Size Big | Help





Point of Search 36,52,34.2 -76,36,45.0
Map Location 36,52,34.2 -76,36,45.0

Select Coordinate System:
(•) Degrees,Minutes,Seconds Latitude - Longitude
( ) Decimal Degrees Latitude - Longitude
( ) Meters UTM NAD83 East North Zone
( ) Meters UTM NAD27 East North Zone

Base Map source: USGS 1:100,000 topographic maps (see Microsoft terraserver-usa.com for details)

Map projection is UTM Zone 18 NAD 1983 with left 351489 and top 4087152. Pixel size is 16 meters . Coordinates displayed are Degrees, Minutes, Seconds North and West. Map is currently displayed as 600 columns by 600 rows for a total of 360000 pixles. The map display represents 9600 meters east to west by 9600 meters north to south for a total of 92.1 square kilometers. The map display represents 31501 feet east to west by 31501 feet north to south for a total of 35.5

square miles.

Topographic maps and Black and white aerial photography for year 1990+-
are from the United States Department of the Interior, United States Geological Survey.
Color aerial photography aquired 2002 is from Virginia Base Mapping Program, Virginia Geographic Information Network.
Shaded topographic maps are from TOPO! ©2006 National Geographic
http://www.national.geographic.com/topo
All other map products are from the Commonwealth of Virginia Department of Game and Inland Fisheries.

map assembled 2022-05-06 09:16:49 (qa/qc March 21, 2016 12:20 - tn=1180629.1 dist=3218 I)
$poi=36.8761900 -76.6125194

| DGIF | Credits | Disclaimer | Contact vafwis_support@dgif.virginia.gov |Please view our privacy policy |
© 1998-2022 Commonwealth of Virginia Department of Game and Inland Fisheries

Virginia Department of Game and Inland Fisheries

VaFWIS Search Report Compiled on 5/6/2022, 9:16:36 AM

Known or likely to occur within a **2 mile radius** around point **36.8761900 -76.6125194** in **093 Isle of Wight County, 800 Suffolk City, VA** where (020052) Salamander, eastern tiger observed.

View Map of Site Location

Species Observations where Salamander, eastern tiger (020052) observed (21 records , 21 Observations with Threatened or Endangered species)

View Map of All Query Results

Species Observations where Salamander, eastern tiger (020052) observed

obsID	class	Date Observed	Observer	N Species		
				Different Species	Highest TE*	Highe
630084	SppObs	Mar 6 2015	John Kleopfer;	1	SE	
630083	SppObs	Mar 3 2015	John Kleopfer	1	SE	
630082	SppObs	Mar 2 2015	John Kleopfer	1	SE	
321328	SppObs	Jun 12 2009	John Kleopfer	1	SE	
309139	SppObs	Jun 22 2005	John Kleopfer, Robin Hughes	1	SE	
314177	SppObs	Jun 22 2005	Alan H. Savitzky (Permittee), Barbara A. Savitzky & John Kloepfer (Collectors)	1	SE	
314569	SppObs	Jun 22 2005	Alan H. SAVITZKY (PRINCIPLE PERMITTEE)/Collectors: Alan & Barbara-JD Kleopfer-Scott Goetz	1	SE	
306883	SppObs	Sep 23 1999	SCHWAB, D	3	SE	
306872	SppObs	Jun 16 1999	SCHWAB, D	7	SE	
306870	SppObs	Jun 13 1999	SCHWAB, D	12	SE	
306833	SppObs	Feb 7 1998	SCHWAB, D	1	SE	
306830	SppObs	Jan 29 1998	SCHWAB, D	1	SE	
53401	SppObs	Jan 8 1998	Don Schwab, VDGIF, Michael McCoy, VDGIF, Krista Madaris	5	SE	
52399	SppObs	Jan 5 1998	Michael McCoy, VDGIF	1	SE	
306824	SppObs	Jul 17 1997	SCHWAB, D	5	SE	
306812	SppObs	Jun 28 1997	SCHWAB, D	3	SE	
9062	SppObs	Feb 28 1996	S. M. ROBLE, DCR-DNH	1	SE	
9063	SppObs	Feb 28 1996	S. M. ROBLE, DCR-DNH	1	SE	
9064	SppObs	Feb 28 1996	S. M. ROBLE, DCR-DNH	1	SE	
9061	SppObs	Feb 24 1996	S. M. ROBLE, DCR-DNH	1	SE	
7931	SppObs	Jun 1 1994	Dept. of Conservation and, Recreation	3	SE	

Displayed 21 Species Observations where Salamander, eastern tiger (020052) observed

*FE=Federal Endangered; FT=Federal Threatened; SE=State Endangered; ST=State Threatened; FP=Federal Proposed; FC=Federal Candidate; CC=Collection Concern

**I=VA Wildlife Action Plan - Tier I - Critical Conservation Need; II=VA Wildlife Action Plan - Tier II - Very High Conservation Need; III=VA Wildlife Action Plan - Tier III - High Conservation Need; IV=VA Wildlife Action Plan - Tier
Virginia Wildlife Action Plan Conservation Opportunity Ranking:
a - On the ground management strategies/actions exist and can be feasibly implemented.; b - On the ground actions or research needs have been identified but cannot feasibly be implemented at this time.;
c - No on the ground actions or research needs have been identified or all identified conservation opportunities have been exhausted.

Habitat Predicted for Aquatic WAP Tier I & II Species where Salamander, eastern tiger (020052) observed

N/A

Habitat Predicted for Terrestrial WAP Tier I & II Species where Salamander, eastern tiger (020052) observed

BOVA Code	Status*	Tier**	Common Name	Scientific Name	View Map
020052	SE	IIa	Salamander, eastern tiger	Ambystoma tigrinum	Yes

Compiled on 5/6/2022, 9:16:35 AM | I1180629.1 | report=BOVA | searchType=R | data= 3216 pairs 36.6761600 -78.8125194

| 5/6/2022, 9:16:35 AM | DGIF | Credits | Disclaimer | Please view our privacy policy |
© 1998-2022 Commonwealth of Virginia Department of Game and Inland Fisheries
I 1180629

If you have difficulty reading or accessing documents, please Contact Us for assistance.

6 Species Observations where Salamander, Mabee s (020044) observed

36,52,34.2 -76,36,45.0
is the Search Point

Show Position Rings
(•) Yes ( ) No
1 mile and 1/4 mile at the Search Point

Show Search Area
(•) Yes ( ) No
2 Search distance miles radius

Search Point is at map center

Base Map Choices
Topography

Map Overlay Choices
Current List: Position, Search, SppObs

Map Overlay Legend

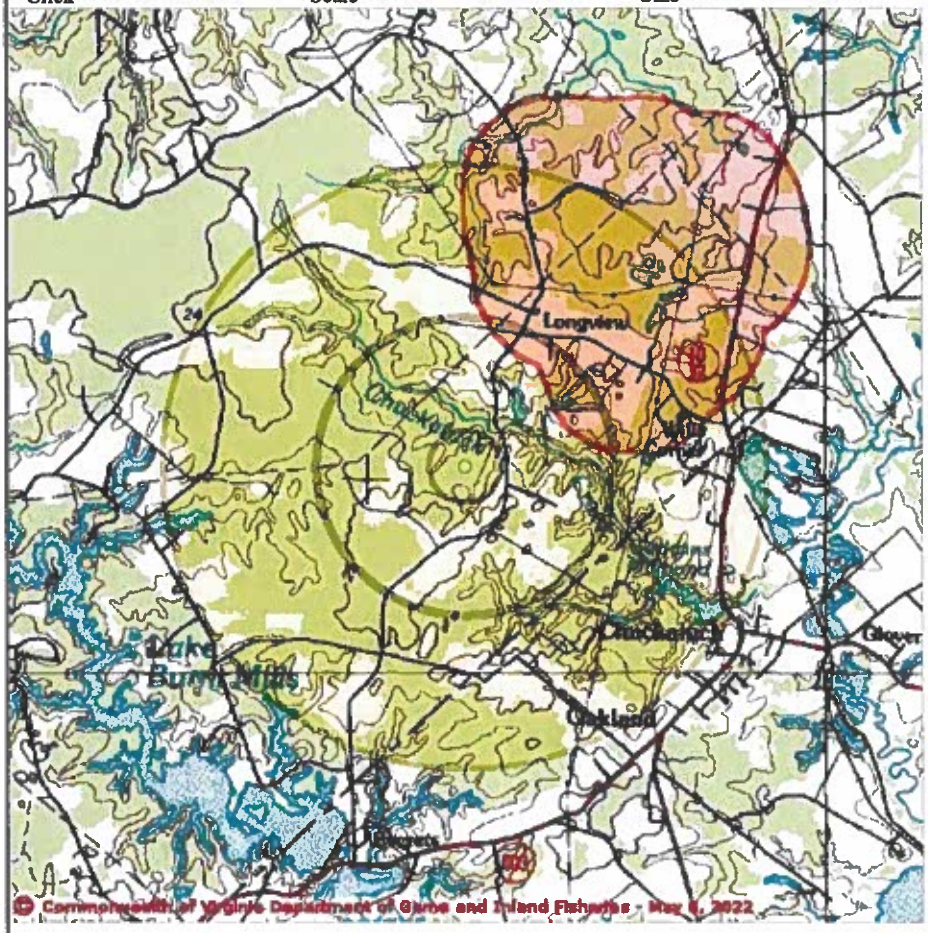
Position Rings
1 mile and 1/4 mile at the Search Point

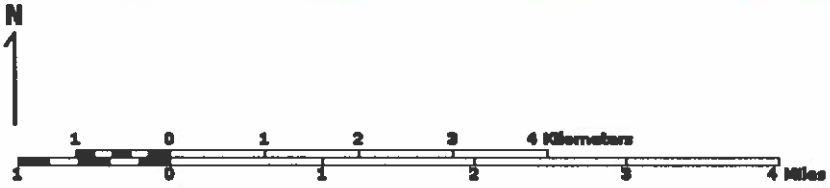
2 mile radius Search Area

Data Observation Site

Refresh Browser Page

Map Click: Pan | Map Scale: In Zoom Out | Screen Size: Small Size Big | Help





Point of Search 36,52,34.2 -76,36,45.0
Map Location 36,52,34.2 -76,36,45.0

Select Coordinate System:
(•) Degrees,Minutes,Seconds Latitude - Longitude
( ) Decimal Degrees Latitude - Longitude
( ) Meters UTM NAD83 East North Zone
( ) Meters UTM NAD27 East North Zone

Base Map source: USGS 1:100,000 topographic maps (see Microsoft terraserver-usa.com for details)

Map projection is UTM Zone 18 NAD 1983 with left 351489 and top 4087152. Pixel size is 16 meters . Coordinates displayed are Degrees, Minutes, Seconds North and West. Map is currently displayed as 600 columns by 600 rows for a total of 360000 pixles. The map display represents 9600 meters east to west by 9600 meters north to south for a total of 92.1 square kilometers. The map display represents 31501 feet east to west by 31501 feet north to south for a total of 35.5

square miles.

Topographic maps and Black and white aerial photography for year 1990+-
are from the United States Department of the Interior, United States Geological Survey.
Color aerial photography aquired 2002 is from Virginia Base Mapping Program, Virginia Geographic Information Network.
Shaded topographic maps are from TOPO! ©2006 National Geographic
http://www.national.geographic.com/topo
All other map products are from the Commonwealth of Virginia Department of Game and Inland Fisheries.

map assembled 2022-05-06 09:20:36 (qa/qc March 21, 2016 12:20 - tn=1180632.1 dist=3218 l)
$poi=36.8761900 -76.6125198

| DGIF | Credits | Disclaimer | Contact vafwis_support@dgif.virginia.gov |Please view our privacy policy |
© 1998-2022 Commonwealth of Virginia Department of Game and Inland Fisheries

Virginia Department of Game and Inland Fisheries

VaFWIS Search Report Compiled on 5/6/2022, 9:20:33 AM

Known or likely to occur within a 2 mile radius around point 36.8761900 -76.6125198 in 093 Isle of Wight County, 800 Suffolk City, VA where (020044) Salamander, Mabee s observed.

View Map of Site Location

Species Observations where Salamander, Mabee s (020044) observed (6 records , 6 Observations with Threatened or Endangered species)

View Map of All Query Results

Species Observations where Salamander, Mabee s (020044) observed

obsID	class	Date Observed	Observer	N Species			View Map
				Different Species	Highest TE*	Highest Tier**	
306870	SppObs	Jun 13 1999	SCHWAB, D	12	SE	II	Yes
7931	SppObs	Jun 1 1994	Dept. of Conservation and, Recreation	3	SE	II	Yes
300029	SppObs	Apr 16 2003	Donald J. Schwab (Principal Permittee)	9	ST	II	Yes
306865	SppObs	May 23 1999	SCHWAB, D	12	ST	II	Yes
60007	SppObs	Dec 11 1988	PAGUE, C A ET AL	1	ST	II	Yes
3526	SppObs	Dec 11 1988	Div. Natural Heritage	1	ST	II	Yes

Displayed 6 Species Observations where Salamander, Mabee s (020044) observed

*FE=Federal Endangered; FT=Federal Threatened; SE=State Endangered; ST=State Threatened; FP=Federal Proposed; FC=Federal Candidate; CC=Collection Concern

**I=VA Wildlife Action Plan - Tier I - Critical Conservation Need; II=VA Wildlife Action Plan - Tier II - Very High Conservation Need; III=VA Wildlife Action Plan - Tier III - High Conservation Need; IV=VA Wildlife Action Plan - Tier
Virginia Wildlife Action Plan Conservation Opportunity Ranking:
a - On the ground management strategies/actions exist and can be feasibly implemented.; b - On the ground actions or research needs have been identified but cannot feasibly be implemented at this time.;
c - No on the ground actions or research needs have been identified or all identified conservation opportunities have been exhausted.

Habitat Predicted for Aquatic WAP Tier I & II Species where Salamander, Mabee s (020044) observed

N/A

Habitat Predicted for Terrestrial WAP Tier I & II Species where Salamander, Mabee s (020044) observed

BOVA Code	Status*	Tier**	Common Name	Scientific Name	View Map
020044	ST	IIa	Salamander, Mabee's	Ambystoma mabeei	Yes

Compiled on 5/6/2022, 9:20:33 AM I1180632.1 report=BOVA searchType=R dist= 3218 pt= 36.8761900 -76.6125198

© 1998-2022 Commonwealth of Virginia Department of Game and Inland Fisheries

If you have difficulty reading or accessing documents, please Contact Us for assistance.

Travis A. Voyles
Acting Secretary of Natural and Historic Resources

Matthew S. Wells
Director

Andrew W. Smith
Chief Deputy Director

COMMONWEALTH of VIRGINIA

DEPARTMENT OF CONSERVATION AND RECREATION

Frank N. Stovall
Deputy Director for Operations

Darryl Glover
Deputy Director for Dam Safety, Floodplain Management and Soil and Water Conservation

Laura Ellis
Deputy Director for Administration and Finance

October 21, 2022

Lauren Parker
Energix Renewables
1201 Wilson Boulevard, Suite 2200
Arlington, VA 22209

Re: Prairie Solar Facility

Dear Ms. Parker:

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

According to a DCR biologist and predicted suitable habitat modeling, there is a potential for rare amphibians including Mabee's salamander (*Ambystoma mabeei*, G4/S1S2/NL/LT), Tiger salamander (*Ambystoma tigrinum*, G5/S1/NL/LE) and Barking treefrog (*Hyla gratiosa*, G5/S2S3/NL/NL) to occur in the project area if suitable habitat exists on site.

In Virginia, Mabee's salamander inhabits isolated depression wetlands in pine woods, open fields, lowland deciduous forests (Behler and King, 1979), pine savannas, low wet woods and swamps (Martof et. al., 1980). They breed in fish-free vernal ponds (Pague & Mitchell, 1991) where the eggs are attached to submerged plant material or bottom debris (Behler and King, 1979). This species migrates up to a few hundred meters between their breeding and nonbreeding habitats, although, some adults will remain at the breeding site after the pond dries. Concurrent with heavy winter and springs rains, mass movements of adults to the breeding ponds have been documented (TNC et. al., 1999). Adults and juveniles spend most of the year underground in the upland habitats, but return to the ponds to breed in February or March (VDGIF, 1994). Because of the amphibious life cycle, the presence of sufficient, suitable terrestrial and aquatic habitat is critical (VDGIF, 1994). Threats to Mabee's salamander include habitat loss, habitat fragmentation, and habitat contamination (VDGIF, 1994). The wetland habitats can be degraded or destroyed by filling, draining, ditching, and changing land use in the groundwater recharge zones or by contamination with pesticides or other chemicals. The upland habitats can be compromised by residential, commercial and industrial development, incompatible forest management practices, and other changes. Loss of suitable continuous terrestrial habitat between breeding sites may fragment populations and lead to extirpation through such factors as environmental perturbations, disease, and inbreeding (VDGIF, 1994). Please note that this species is currently classified as threatened by the Virginia Department of Wildlife Resources (VDWR).

The Tiger salamander ranges across much of the United States, extending northward into Canada, and south into Mexico (Petranka, 1998). Populations in Virginia are limited to primarily the Coastal Plain, with disjunct populations in the Ridge and Valley physiographic region (Pague and Buhlmann, 1991). Of six documented records in Virginia, only three are currently thought to be viable. The terrestrial habitat of the tiger salamander has been described as sandy areas near shallow ponds chiefly in pine savannahs (Martof, et al., 1980). In general, tiger salamanders require soils in which it can burrow near suitable breeding ponds. On the Coastal Plain, fish-free vernal pools often provide breeding habitat for the tiger salamander. In the Ridge and Valley, limestone sinkhole ponds are utilized. Similar to other salamanders in this genus, the tiger salamander may migrate up to a few hundred meters between their breeding and non-breeding habitats, although, some adults will remain at the breeding site after the pond dries (Pague and Buhlmann, 1991). Concurrent with heavy winter and springs rains, mass movements of adults to the breeding ponds have been documented. Adults and juveniles spend most of the year underground in the upland habitats, but return to the ponds to breed in February or March (Pague and Buhlmann, 1991). Because of the amphibious life cycle, the presence of sufficient, suitable terrestrial and aquatic habitat is critical. Populations in the southeastern United States appear to be declining as a result of deforestation and loss of wetland habitats (NatureServe, 2009). The major threats to this species in Virginia include draining of crucial breeding habitat, fish stocking, and succession (Pague & Buhlman, 1991). Please note that this species is currently classified as endangered by the VDWR.

The Barking treefrog ranges through the coastal plain from North Carolina to Florida and west to Mississippi and eastern Louisiana (NatureServe, 2009). There are disjunct populations in Delaware, Maryland, Kentucky and Tennessee, and southeastern Virginia (NatureServe, 2009). Across its range, it inhabits areas near shallow ponds in pine savannas and in low wet woods and swamps (Martof et al., 1980). In Virginia, this species breeds in fish-free vernal ponds (Pague & Young, 1991). When inactive during cold or dry seasons, they burrow under tree roots, vegetation, or in the soil; otherwise, this species is mostly arboreal and thus dependent on trees near the water (Pague & Young, 1991). Adult frogs feed on insects and other invertebrates; tadpoles consume primarily algae (VDGIF, 1993). Major threats to the Barking treefrog include continued logging of native pine, destruction of breeding ponds, and over collecting (Pague & Young, 1991).

Due to the potential for this site to support populations of rare amphibians, DCR recommends an inventory for the resources in the study area. With the survey results we can more accurately evaluate potential impacts to natural heritage resources and offer specific protection recommendations for minimizing impacts to the documented resources.

DCR-Division of Natural Heritage biologists are qualified to conduct inventories for rare, threatened, and endangered species. Please contact Anne Chazal, Natural Heritage Chief Biologist, at anne.chazal@dcr.virginia.gov or 804-786-9014 to discuss availability and rates for field work.

DCR also recommends the development of an invasive species management plan for the project and the planting of Virginia native pollinator plant species that bloom throughout the spring and summer, to maximize benefits to native pollinators. DCR recommends planting these species in at least the buffer areas of the planned facility, and optimally including other areas within the project site. For screening zones outside the perimeter fencing, DCR recommends native species appropriate for the region be used. Guidance on plant species can be found here: http://www.dcr.virginia.gov/natural-heritage/solar-site-native-plants-finder. In addition, Virginia native species alternatives to the non-native species listed in the Virginia Erosion and Sediment Control Handbook (Third Edition 1992), can be found in the 2017 addendum titled "Native versus Invasive Plant Species", here: https://www.deq.virginia.gov/home/showpublisheddocument?id=2466. Page 3 of the addendum provides a list of native alternatives for non-natives commonly used for site stabilization including native cover crop species (i.e. Virginia wildrye).

In addition, the proposed project will impact Ecological Cores (**C4**) as identified in the Virginia Natural Landscape Assessment (https://www.dcr.virginia.gov/natural-heritage/vaconvisvnla). Mapped cores in the project area can be viewed via the Virginia Natural Heritage Data Explorer, available here: http://vanhde.org/content/map.

Ecological Cores are areas of at least 100 acres of continuous interior, natural cover that provide habitat for a wide range of species, from interior-dependent forest species to habitat generalists, as well as species that utilize marsh, dune, and beach habitats. Interior core areas begin 100 meters inside core edges and continue to the deepest parts of cores. Cores also provide the natural, economic, and quality of life benefits of open space, recreation, thermal moderation, water quality (including drinking water recharge and protection, and erosion prevention), and air quality (including sequestration of carbon, absorption of gaseous pollutants, and production of oxygen). Cores are ranked from C1 to C5 (C5 being the least significant) using nine prioritization criteria, including the habitats of natural heritage resources they contain.

Impacts to cores occur when their natural cover is partially or completely converted permanently to developed land uses. Habitat conversion to development causes reductions in ecosystem processes, native biodiversity, and habitat quality due to habitat loss; less viable plant and animal populations; increased predation; and increased introduction and establishment of invasive species.

DCR recommends avoidance of impacts to cores. When avoidance cannot be achieved, DCR recommends minimizing the area of impacts overall and concentrating the impacted area at the edges of cores, so that the most interior remains intact.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the DCR, DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

There are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

New and updated information is continually added to Biotics. Please re-submit a completed order form and project map for an update on this natural heritage information if the scope of the project changes and/or six months (April 21, 2023) has passed before it is utilized.

A fee of $95.00 has been assessed for the service of providing this information. Please find attached an invoice for that amount. Please return one copy of the invoice along with your remittance made payable to the Treasurer of Virginia, DCR Finance, 600 East Main Street, 24th Floor, Richmond, VA 23219. Payment is due within thirty days of the invoice date. Please note late payment may result in the suspension of project review service for future projects.

The VDWR maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed from http://vafwis.org/fwis/ or contact Amy Martin at (804-367-2211) or amy.martin@dwr.virginia.gov.

Should you have any questions or concerns, please contact me at 804-225-2429. Thank you for the opportunity to comment on this project.

Sincerely,

Tyler Meader
Natural Heritage Locality Liaison

CC: Susan Tripp, DEQ
Amy Martin, VDWR
Randy R. Keaton, Isle of Wight County Administrator

Literature Cited

Behler, J.L. and F.W. King. 1979. The Audubon Society field guide to North American reptiles and amphibians. Alfred A. Knopf, New York. p. 719.

Martof, B.S., W.M. Palmer, J.R. Bailey and J.R. Harrison, III. 1980. Amphibians and reptiles of the Carolinas and Virginia. University of North Carolina Press, Chapel Hill, North Carolina. p. 120, p. 264.

NatureServe. 2009. NatureServe Explorer: An online encyclopedia of life [web application]. Version 7.1. NatureServe, Arlington, Virginia. Available http://www.natureserve.org/explorer. (Accessed: March 16, 2010).

Pague, C.A. and J.C. Mitchell. 1991. Mabee's salamander. In Virginia's Endangered Species: Proceedings of a Symposium. K. Terwilliger ed. The McDonald and Woodward Publishing Company, Blacksburg, Virginia. p. 427 - 429.

Pague, C.A. and K.A. Buhlmann. 1991. Eastern tiger salamander. In Virginia's Endangered Species: Proceedings of a Symposium. K. Terwilliger ed. The McDonald and Woodward Publishing Company, Blacksburg, Virginia. pp. 431-433.

Pague, C.A. and D.A. Young. 1991. Barking treefrog. In Virginia's Endangered Species: Proceedings of a Symposium. K. Terwilliger ed. The McDonald and Woodward Publishing Company, Blacksburg, Virginia. p. 424 - 426.

Petranka, J. W. 1998. Salamanders of the United States and Canada. Smithsonian Institution Press, Washington, D.C.

The Nature Conservancy and The Network of Natural Heritage Programs and Conservation Data Centers. 1999. Natural Heritage Conservation Databases. Accessed through the Biosource web site project. The Nature Conservancy, Arlington, VA. (7/14/99).

VDGIF. 1994. Draft *Ambystoma mabeei*, Mabee's Salamander, Recovery Plan. Nongame and Endangered Species Program, Virginia Department of Game and Inland Fisheries, Richmond, VA.

VDGIF. 1993. Draft *Hyla gratiosa* Recovery Plan. Nongame and Endangered Species Program, Virginia Department of Game and Inland Fisheries, Richmond, VA.

COMMONWEALTH of VIRGINIA

Travis A. Voyles
Acting Secretary of Natural and Historic Resources

Department of Historic Resources
2801 Kensington Avenue, Richmond, Virginia 23221

Julie V. Langan
Director
Tel: (804) 367-2323
Fax: (804) 367-2391
www.dhr.virginia.gov

June 9, 2022

Dawn Reid
Archaeological Consultants of the Carolinas, Inc.
121 E. First Street
Clayton, NC 27520

RE: Prairie Solar Facility: *Phase I Cultural Resource Survey of the Prairie Solar Facility Tract Isle of Wight County, Virginia Archaeological*
Isle of Wight County
DHR File No. 2021-0039

Dear Ms. Reid:

On April 15, 2022, DHR received for review the document referenced above, prepared by Archaeological Consultants of the Carolinas, Inc (ACC) in support of an application to the Department of Environmental Quality for a Permit-by-Rule application to construct and operate a small solar project in Isle of Wight County. We have reviewed the submitted materials and provide the following comments.

Archaeology

The report documents an archaeological survey of approximately 316.9 acres. During the course of the survey, six new archaeological sites (44IW0345-44IW0350 *inclusive*) and three isolated finds were recorded as part of this investigation.

Site **44IW0345** is an Early to Middle Woodland artifact scatter consisting of five (5) artifacts. ACC recommends the site as *Not Eligible* for listing in the National Register of Historic Places (NRHP).

Site **44IW0346** is a historic artifact scatter consisting of four (4) artifacts and brick fragments. ACC recommends the site as *Not Eligible* for listing in the NRHP.

Site **44IW0347** is a prehistoric ceramic scatter consisting of nine (9) ceramic artifacts dating to the Middle to Late Woodland period. ACC recommends the site as *Not Eligible* for listing in the NRHP.

Site **44IW0348** is a small prehistoric artifact scatter that possibly dates to the Late Woodland period, consisting of six (6) artifacts. ACC recommends the site as *Not Eligible* for listing in the NRHP.

Site **44IW0349**/DHR ID# 046-5665 is a historic African American family cemetery that dates to the mid- to late-twentieth century. It is not within the project tract and will not be affected by the proposed undertaking. It is approximately 700 meters from the eastern edge of the project tract. Three large crepe myrtles and a large holly are present in the western portion of the cemetery. There are 11 graves within this cemetery. Nine of the graves have concrete coverings, three of the graves have headstones, and one grave is marked by a small metal plaque. ACC recommends the site as *Not Eligible* for listing in the NRHP

Site **44IW0350** is a late nineteenth to early twentieth century artifact scatter related to a former residence, consisting of nine (9) artifacts. The house has been razed and no structural features remains. ACC recommends the site as *Not Eligible* for listing in the NRHP.

DHR *concurs* with the eligibility recommendations and that no additional archaeological work is needed within the proposed project area.

Architecture

The report identified thirty-three (33) resources within the 0.5-mile study area. Four (4) resources are previously recorded and nine (9) are newly identified.

Further research on the Christian Home School (DHR ID #046-5053), church (DHR ID #046-5247), ca. 1937 cemetery (DHR ID #046-5659) and Spivey Farm (DHR ID #045-5696) is recommended to determine eligibility for Virginia Landmarks Register (VLR) and National Register of Historic Places (NRHP) listing. The collapsed remains of #046-5053 no longer retain integrity however as an important African-American resource in the area, further research is recommended for its potential eligibility under Criteria A, B, and D and DHR *concurs*. #046-5247 association with African American culture, community, settlement, and education during the reconstruction era into the early twentieth century. Further research into eligibility of #046-5247 under Criterion A is recommended and DHR *concurs*. Further research is recommended for #046-5659 to determine its eligibility for the VLR/NRHP under Criteria A and B and DHR *concurs*. Further survey of ca. 1906, #046-5696 is recommended to, "distinguish the parts of the dwelling, but overall, this resource is a good example of a modest folk house and the change of architectural style and material through time" (page 56) and DHR *concurs*. These resources were treated as eligible for the purposes of this project and impacts assessed. ACC recommends no impacts to these four (4) resources and DHR *concurs*.

Please see the attached table for all eligibility and impact recommendations.

If you have any questions regarding these comments, please contact me at 804-482-8091 or via email, jennifer.bellville-marrion@dhr.virginia.gov.

Sincerely,

Jenny Bellville-Marrion, Project Review Archaeologist
Review and Compliance Division

c.
Chris Egghart, DEQ

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

Eastern Region Office
2801 Kensington Avenue
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

ATTACHMENT
June 9, 2022
DHR File No. 2022-3701

DHR ID #	ACC Eligibility	DHR Eligibility	ACC Impacts	DHR Impacts
046-5053	Christian Home School - Further Research	Further Research Needed – Treat as Eligible	No Impact	
046-5247	Christian Home Baptist Church - Further Research	Further Research Needed – Treat as Eligible	No Impact	
046-5507	Not Eligible	Not Eligible		
046-5508	Not Eligible	Not Eligible		
046-5659	Christian Home Baptist Cemetery - Further Research	Further Research Needed – Treat as Eligible	No Impact	
046-5660	Not Eligible	Not Eligible		
046-5661	Not Eligible	Not Eligible		
046-5652	Not Eligible	Not Eligible		
046-5663	Not Eligible	Not Eligible		
046-5665	Not Eligible	Not Eligible		
046-5666	Not Eligible	Not Eligible		
046-5695	Not Eligible	Not Eligible		
046-5696	Spivey Farm - Further Research	Further Research Needed – Treat as Eligible	No Impact	

TABLE KEY:	Warrants Mitigation	Needs Attention	**DHR does not concur**

February 23, 2023

Cheryl Phillips, AICP
Assistant Director -Planning & Zoning
Community Development
Isle of Wight County, VA

Re: Conditional Use Permit for Prairie Solar, LLC

Dear Ms. Phillips,

My name is Al Biagioni, and I am the president of the Rogers Deer Club in Isle of Wight County. I represent a group of approximately 40 hunters from the local area. This hunting club has been around since early 1940's, and we have always been and believed in being good stewards of the land.

The Rogers Deer Club has been renting land from the Rose and Kirk families for over 80 years. In fact, Mills Godwin, Jr. (60th and 62nd Governor of Virginia) was a long-time member of the club, along with his father. I have been a member of the hunting club for 35 years, and president for the past 7 years. The landowners have always been gracious and kind to the club. They have allowed the club to keep a clubhouse on the property, and even an area to house our hunting dogs. They have been great families to work with and we are proud of our successful relationship.

We hunt primarily deer, but also hunt squirrel, rabbits, and turkey. We have hosted hunts for military and veteran organizations throughout the years. We are fully in support of the proposed solar project on this property. The land proposed for panels is not our primary hunting fields, and the land surrounding the panels will still be available for our use. We will be able to continue hunting the land, even with the solar panels being in place.

On behalf of the hunting club, I urge you to approve the Prairie Solar project.

Best regards,

Al Biagioni
President, Rogers Deer Club

March 17, 2023

Pastor Wendell Waller
Christian Home Baptist Church
20123 Longview Drive
Windsor, VA 23487

Dear Pastor Wendell Waller:

Energix Renewables is a proud member of the communities in which we operate in. We are committed to being a good neighbor with open lines of communication and transparency as we work towards a cleaner future. We use our financial stability and extensive project experience to build projects that create long-term value for local counties, landowners, stakeholders, and the environment.

On behalf of Prairie Solar, we are more than happy to continue to work with you and your congregation of Christian Home Baptist Church. As part of our commitment to the neighborhood in which we operate, **Prairie Solar agrees to restrict deliveries to the site from 10:45 am to 1:15 pm, every Thursday, during construction.**

We hope that this consorted effort to ensure that your congregation's time of worship is not disrupted, reassures you of our desire to work with the local community to make Prairie Solar the right fit for the county.

As always, if you need anything else, please do not hesitate to reach out.

Best,

Alexis Ondash

ENERGIX RENEWABLES

Allie Ondash
Project Development Senior Associate
USA
Mobile / 703-965-4176
1201 Wilson Blvd, Suite 2200
Arlington, VA 22201

www.energixrenewables.com

PROJECT	DEVELOPED AREA (PER CUP)	PRIME FARMLAND /SOILS OF STATEWIDE IMPORTANCE*	% OF TOTAL PRIME SOILS (rounded)	LOCATION	% OF TOTAL FARMLAND**	TOTAL MW	APPROVAL DATE
Woodland	180 +/-	124	0.1%	Longview	0.2%	20	2015
Solidago	170 +/-	170	0.14%	Redhouse	0.2%	20	2018
Ho-Fel	330 +/-	315	0.26%	Lees Mill	0.4%	55	2019; Amended 2023
Windsor PV1	630 +/-	630	0.52%	Windsor	0.8%	85	2019; Amended in 2021
Cavalier	500	500	0.41%	Hardy	0.6%	240	2021
Nuby Run	20	20	0.02%	Orbit	0.02%	2	2022
Carver (Proposed)	637	297	0.24%	Windsor	0.8%	71	In Review
Prairie Solar (Proposed)	152	152	0.12%	Longview	0.2%	20	In Review
TOTAL	**2,619 +/-**	**2,208+/-**	**1.81%**		**3.25%**	**513**	

Prime soils include Prime Farmland, Prime, If Drained, and Soils of Statewide Importance – 122,296 total acres in County

****Total active agricultural lands as of 2017 Census of Agriculture – 80,672 acres***

PLANNING REPORT

APPLICATION:

Application of Prairie Solar, LLC, a subsidiary of Energix, US, applicant, and Everets Properties, Inc., property owner, for a conditional use permit to establish a major utility service, specifically a 20 MWac utility-scale solar facility on 152 acres, located on private property located off of Longview Drive (Route 602) at 19604 Longview Drive with tax parcel numbers 41-01-018, 50-01-009, 41-01-019, 41-01-017, 50-01-007, and 50-01-006 in the Rural Agricultural Conservation (RAC) zoning district. The properties are agricultural and silvicultural uses and a portion of the property is used as a private hunt club. This request is also for withdrawal of approximately 103 acres of land owned by Everets Properties, Inc., from the Longview Agricultural/Forestal District.

ELECTION DISTRICT:

District 4

LOCATION:

The proposed project is located on six properties owned by Everets Properties, Inc. The project will have frontage on one public road, limited to the west side of Longview Drive, and within an existing mature wooded area. It will not be visible from the public right-of-way. It is adjacent to agricultural and forestal lands, a few single-family residents, and the Christian Home Baptist Church and Cemetery. A property location map is attached to this staff report.

BACKGROUND:

The properties on which the proposed project is located are currently in agricultural, timbering, and hunting uses. The properties are all zoned RAC. Not all of the land comprising the six parcels is proposed for this use. The excluded southern portion (122.23 acres) will continue to be used for agriculture, timbering, and hunting. The farmer that leases the property rotates through different crops. It is currently planted in soybeans.

The applicant hosted a community information meeting on February 1, 2023, at Christian Home Baptist Church, providing an opportunity for the public to view the project conceptual site plan and to ask questions. The applicant also met door-to-door with all adjacent property owners in advance of the scheduled public hearing and has entertained questions from these property owners ever since. Christian Home Baptist Church has requested the applicant to consider allowing no construction truck traffic on Thursday mornings in order to accommodate elderly members attending a weekly event held at the Church, and the applicant has obliged to this condition of approval.

On February 1, 2023, the Agricultural and Forestal District Advisory Committee held a public meeting to consider an application by Everets Properties, Inc., to withdraw approximately 103 acres of land owned by Everets Properties, Inc. from the Longview Agricultural/Forestal District. The Committee recommended approval of the request by a vote of five in favor and zero against the motion (5-0).

At its meeting on February 28, 2022, the Planning Commission closed the public hearing on this item and voted to table action on it to await the results of the Energy Task Force still to be appointed by the Board of Supervisors, in addition to the outcome of the Ordinance text revisions regarding utility-scale solar energy facilities that were recommended for approval by the Planning Commission to the Board of Supervisors at its meeting on February 28, 2023.

Following the meeting, a Commissioner asked staff questions related to the availability of TCLP testing results by the U.S. manufacturer, First Solar, with specific regard to cadmium leakage during panel breakage through testing for the proposed non-silica-based solar panels to be procured by the developer from First Solar, and to provide the results of such testing to the Commissioner. This request was coordinated by the staff project manager and the

requested information was provided to the requesting Commissioner prior to the March 28, 2023, Planning Commission meeting.

At its meeting on March 25, 2023, the applicant/developer was present to address any further questions. The Commissioner, who requested the TCLP testing results from First Solar provided by the applicant, indicated that he was satisfied with the information provided by the applicant on the manufacturer's testing. Another Commissioner then asked about a fire that was said to have occurred at a solar energy facility in Surry County, and about the status of any required Fire/EMS Personnel Training with regard to incident response at solar energy facilities to date, which is one of staff's recommended conditions of approval with all such applications. The preparation of an Emergency Response Plan by local Fire/EMS, to be coordinated with the developer, inclusive of annual training of Fire/EMS personnel by the developer, is already a recommended condition of approval, as per the staff report for the February 28, 2023, Planning Commission meeting. As part of that recommended condition, the preparation of an Emergency Response Plan is required prior to Final Site Plan approval, not at the time of Conditional Use Permit (CUP) application. Likewise, training must occur prior to the facility beginning operations as per the adopted Emergency Response Plan. Therefore, no such training has occurred yet, because the CUP has not yet been approved, and a preliminary site plan has not been submitted to date. Staff indicated that they would obtain information about the Surry County fire.

The Planning Commission voted again to table action on this application in order to obtain more information about the Surry County fire and about the status of the Emergency Response Plan and EMS personnel training. Staff attempted to contact the Commissioner requesting information regarding the Surry County fire and to discuss the text of the existing staff recommended condition regarding preparation of an Emergency Response Plan, to include annual training on-site and prior to facility operation. The plans reviewer for Fire/EMS, who reviewed the CUP application in Summer 2022 and provided the recommended staff condition for approval, will be present at the April 25, 2023, meeting to address questions regarding the Surry County fire and to also address his recommended condition in the February 28, 2023 staff report regarding the preparation of an Emergency Response Plan as well as training with the applicant prior to the opening of the facility.

Prior to the March 28, 2023, meeting, staff revised the proposed conditions to remove number fourteen, because it was inadvertently duplicative of condition number three. Therefore, there are only 22 conditions versus the 23 originally proposed by staff.

DESCRIPTION:

The applicant has proposed a 20 MWac solar energy generation facility on a total of 152 acres that spans across six different parcels. Any acreage of the property not within the project area will remain in their current uses. The project will be a wholesale distributer of energy. The project will consist of solar panels along with their racking systems and metal posts, inverters, collection lines, a substation constructed jointly by the applicant and Dominion Energy, fencing, underground conduit lines, and access roads that will connect different sections of the project. Upgrades are proposed to the existing overhead transmission lines situated on Longview Drive and elsewhere in the County. No additional right of way will be acquired.

Wildlife corridors and pollinator habitat gardens have been designed into the project. The project area is encumbered by Chesapeake Bay Preservation Area (CBPA) Resource Protection Areas (RPAs) and a 100-foot RPA Buffer Area. The applicant has proposed a 25-foot buffer area around all non-CPBA natural resource features on the property. A 50-foot vegetative buffer consisting of existing mature trees will be protected where present along the project perimeter and, where not present, a 50-foot vegetative buffer, consisting of a triple-staggered row of evergreen and deciduous trees and shrubs, will be planted. All such buffer areas are adjacent to other property owned by the applicant.

No equipment will be located closer than 150 feet to any adjacent residential use, as required by the Zoning Ordinance. The closest equipment to an adjacent residential use property, which is a new substation concrete pad and utility poles for new overhead electrical lines, will be 580 feet away from the home. The closest project-related equipment to be installed by the applicant, which will be the security fence surrounding all project equipment, will be 789 feet away from the home.

The entirety of the project adjacent to other property owners is located entirely within an existed wooded area and, therefore, will not be visible from the public right-of-way. The southernmost portion of the project area where equipment will be located is 680 feet from Longview Drive (Route 602), and the northernmost portion of the project area where equipment will be located is 760 feet from Route 602. A project narrative provided by the applicant is attached to this staff report.

Public Facility Impacts:

The impacts of the proposed facility on public roads will occur primarily during construction and will be minimal once the use is established. The proposed truck route has been reviewed and approved by VDOT and the County's Transportation Manager, as well as the Department of Community Development, and is a proposed condition of approval. It will be limited to Route 10 in the County and in City of Suffolk, accessing the site on Longview Drive via either Audubon Road in Suffolk to Sandy Ridge Drive in the County turning north on Longview Drive to the site entrance, or via Oliver Drive in the County, turning south on Longview Drive to the site entrance. Staff recommends against the use of Sandy Ridge Drive, when possible, due to its narrow width which makes it unable to safely accommodate two-way traffic in most places.

The Route 602 bridge over Chuckatuck Creek is currently under replacement and, once the repair work is complete, will no longer be weight-restricted. No other County roads will be permitted to be used for construction and post-construction traffic. In addition, a baseline conditions photographic survey will be conducted by the applicant and VDOT to document roadway conditions prior to construction to establish background conditions. Any roadway damage within the right-of-way which occurs after project construction begins will be documented and analyzed by both the applicant and VDOT to determine if the damage is attributable to the project vehicles. If it is determined to be attributable to the project, then all costs for damage repairs will be paid by the applicant. The approved truck route will be monitored and enforced as a condition of approval, with permit revocation an option if violations occur.

In establishing the use, the enjoyment of neighboring properties may also be temporarily impacted by construction traffic and noise generation in an amount no greater than has occurred during the Route 602 bridge replacement project.

In order to ensure adequate provision of emergency services, the Fire/EMS Department has reviewed this application and has no concerns. The applicant has proposed to submit an Emergency Response Plan with the first submission of the Preliminary Site Development Plan, which shall detail fire suppression methods that will be immediately deployed during both construction and operation of the facility. The plan shall include a training program to be provided, at the discretion of the County, to County emergency responders with regard to safety for on-site emergency response. The applicant shall install Knox Box or other remote access technology at the facility to ensure emergency responders have access to the facility should the need arise and include plans for the same on the project site plan.

Environmental Assessment:

The project lies within the Chuckatuck Creek watershed in the County's Chesapeake Bay Preservation Area (CBPA) Overlay District and has several wetland areas within it which have been confirmed by the US Army Corps of Engineers.

All CBPA Resource Protection Area (RPA) features, including perennial and intermittent streams and wetlands, will be protected with the required 100-foot RPA Buffer. No equipment or project activities may occur within the RPA Buffer Area. In addition, the applicant has proposed a 25-foot buffer around all non-CPBA wetland features.

A Threatened and Endangered Species Report was prepared for the applicant by Pilot Environmental, Inc., in May 2022 and is included with the application. For this report, Pilot reviewed the Virginia Department of Wildlife Resources (DWR) Wildlife Environmental Review Map Services via ArcGIS in May 2022 prior to submitting this

application. The review area included the site and a two-mile radius of the site boundary. Neither state nor federal listed species are identified on the site. Federal species are not identified within two miles of the site. Several occurrences of the state protected eastern chicken turtle, eastern tiger salamander, and the Mabee's salamander are identified within two miles of the site, approximately .5 miles and farther northeast of the site. A copy of the WERMS data is included as an attachment. An additional report was generated using DWR's online Fish and Wildlife Information Service (FWIS) for a two-mile radius of the site centroid. The Virginia FWIS search reported 21 species known to or likely to occur within two miles of the site centroid as threatened or endangered at the state and/or federal levels. Of the 21 species, the eastern chicken turtle, eastern tiger salamander, and the Mabee's salamander are known to occur within the two-mile radius around the site, consistent with the occurrences from the WERMS data. A copy of the FWIS report is included as an attachment.

Combined, these two assessments have revealed that it is not likely for the proposed solar development to adversely affect documented occurrences of federally-protected or state-listed threatened/endangered species, critical habitat, or other wildlife resources included in the assessment. A copy of this assessment will be required to be provided by the applicant to the Virginia Department of Conservation and Recreation and DWR for their concurrence and any mitigation recommendations prior to final site plan approval.

No impacts are proposed to wetlands, streams, or floodplains. The concept plan's access roads have been designed such that no stream crossings or crossings of the RPA Buffer Area are necessary. The concept plan shows wildlife movement corridors in several locations, reflecting the current movement of wildlife on the site from/to natural areas. To help ensure such movement opportunities, fencing will be placed around the area proposed to be under panels and not the whole project site. A pollinator habitat is designed to ensure continuation of natural pollination for the surrounding agricultural use properties.

The applicant also requested of the Virginia Department of Conservation and Recreation's Division of Natural Heritage (DCR) a search of its Biotics Data System for occurrences of Natural Heritage Resources within the project area. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations. The applicant received a review letter from DCR dated October 21, 2022, for this purpose, which is an attachment to this staff report. According to the DCR biologist and predicted suitable habitat modeling, there is a potential for rare amphibians including Mabee's salamander, Tiger salamander, and Barking treefrog to occur in the project area if suitable habitat exists at the site. Due to the potential for this site to support populations of rare amphibians, DCR recommends an inventory for the resources in the study area. With the survey results, DCR states that they can more accurately evaluate potential impacts to natural heritage resources and offer specific protection recommendations for minimizing impacts to the documented resources. DCR also recommends the development of an invasive species management plan for the project and the planting of Virginia native pollinator plant species that bloom throughout the spring and summer, to maximize benefits to native pollinators. DCR recommends planting these species in at least the buffer areas of the planned facility, and optimally including other areas within the project site. For screening zones outside the perimeter fencing, DCR recommends native species appropriate for the region being used. Staff recommends these recommendations as conditions of approval.

<u>Cultural Resources Assessment</u>:

A Phase 1 Cultural Resources Survey of the project area was conducted by Archaeological Consultants of the Carolinas, Inc. (AAC) in April 2022 and included with the application. This report was sent by the applicant to the Virginia Department of Historic Resources (VDHR) for their review and concurrence with the survey findings and recommendations. A letter from VDHR was provided with the application and is included as an attachment to this staff report.

The VDHR letter states that on April 15, 2022, VDHR received for review this survey document in support of this application. The report documents an archaeological survey of approximately 316.9 acres. During the course of the survey, six new archaeological sites (44IW0345-44IW0350 inclusive) and three isolated finds were recorded as part of this investigation. Site 44IW0345 is an Early to Middle Woodland artifact scatter consisting of five (5) artifacts. ACC recommends this as not eligible for listing in the National Register of Historic Places (NRHP). Site 44IW0346 is a historic artifact scatter consisting of four (4) artifacts and brick fragments. ACC recommends

the site as not eligible for listing in the NRHP. Site 44IW0347 is a prehistoric ceramic scatter consisting of nine (9) ceramic artifacts dating to the Middle to Late Woodland period. ACC recommends the site as not eligible for listing in the NRHP. Site 44IW0348 is a small prehistoric artifact scatter that possible dates to the Late Woodland period, consisting of six (6) artifacts. ACC recommends the site as not eligible for listing in the NRHP. Site 44IW0349/DRH ID# 046-5665 is a historic African American family cemetery that dates to the mid-to-late twentieth century. It is not within the project tract and will not be affected by the proposed undertaking. It is approximately 700 meters from the eastern edge of the project area. Three large crepe myrtle trees and a large holly are present in the western portion of the cemetery. There are 11 graves within this cemetery. Nine of the graves have concrete coverings, three of the graves have headstones, and one grave is marked by a small metal plaque. ACC recommends the site as not eligible for listing in the NRHP. Site 441W0350 is a late nineteenth to early twentieth century artifact scatter related to a former residence, consisting of nine (9) artifacts. The house has been razed and no structural features remain. ACC recommends the site as not eligible for listing in the NRHP.

VDHR concurs with the eligibility recommendations and that no additional archaeological work is needed within the proposed project area. The Isle of Wight County Museum also reviewed this report and concurs the findings and recommendations.

The historic architectural report identified thirty-three (33) resources within the 0.5-mile study area. Four (4) resources are previously recorded and nine (9) are newly identified.

Further research on the Christian Home School (DHR ID #046-5053), church (DHR ID #046-5247), ca. 1937 cemetery (DHR ID #046-5659) and Spivey Farm (DHR ID #045-5696) is recommended to determine eligibility for Virginia Landmarks Register (VLR) and NRHP listing. The collapsed remains of #046-5053 no longer retain integrity; however, as an important African American resource in the area, further research is recommended for its potential eligibility under Criteria A, B, and D, and DHR concurs with this recommendation by ACC. Site #046-5247 has association with African American culture, community, settlement, and education during the reconstruction era into the early twentieth century. Further research into the eligibility of this resource site under Criterion A is recommended and DHR concurs with this recommendation by ACC. Further research is recommended for #046-5659 to determine its eligibility for the VLR/NRHP under Criterion A and B, and DHR concurs with this recommendation by ACC. Further survey of circa 1906, #046-5696 is recommended to distinguish the parts of the dwelling, but overall, this resource is a good example of a modest folk house and the change of architectural style and material through time. DHR concurs with this recommendation by ACC. These resources are treated as eligible for the purposes of this project and impacts assessed. ACC recommends no impacts to these four (4) resources and DHR concurs. A copy of this report is included as an attachment to this staff report.

Since no archaeological or architecture features are found within the project area that have been determined to be potentially-eligible for listing on the VLR/NRHP, no further work is needed by the applicant. Any recommendations for additional survey or research contained in the report would be the responsibility of others, not associated with this project, at their discretion.

Economic Impact Assessment:

The property subject to this application is currently leased by the property owner, Everets Properties, Inc., to a local farmer for crop production. Soybeans were cultivated on the property in 2022. The remainder of the parcels included in this application are presently used for silvicultural uses and as a private hunt club. According to the applicant's economic impact report, the project will include 152 acres of improvements for solar panels and equipment (35.11% of total parcels area included with this application), 3.89 acres of setbacks (approx. 1% of total parcels area), and 118.14 acres of wetlands and wetlands setback areas (27.30% of total parcels area), and will exclude 122.23 acres of the southern tract (28.13% of total parcels area). The project improvements will be on property leased or sold by the property owner, Everets Properties, to the applicant and will provide a diversification of income to Everets Properties, Inc. The parcels will continue to be leased for farm use, and forestal and hunting activities will continue on all parcel area not included within the project area or project area setbacks.

The current assessed value of the affected acreage is approximately $2,604.02 under Land Use Value Taxation, or $91,141.00 over 40 years, the proposed lifespan of the solar energy facility. Independent of a siting agreement, the solar facility would be reassessed to $15,000.00 an acre times 152 acres, totaling $2,280,000.00. Dividing the total by 100 to accurately calculate the real estate tax, $22,800.00 is derived. The County's real estate tax is .85 per 100; therefore, $22,800.00 times 0.85 equals $19,380.00 in annual real estate tax revenue generation for the project, or $775,200.00 over 40 years.

In addition, the County would derive revenue from machinery and tools taxes on the capital facilities at $42,000.00 annually, or $2,625,000.00 over 40 years. In total, the facility would generate $3,400,200.00 in additional tax revenue over 40 years.

An Economic Analysis of the contribution of Prairie Solar, Inc. to Isle of Wight County was prepared by Mangum Economics for Energix Renewables in November 2022 and is attached to this staff report. Based on the analysis report and using the IMPLAN model, the proposed Prairie Solar project would provide an estimated one-time pulse of economic activity to the County during its construction phase supporting approximately 33 direct, indirect, and induced jobs; $1.4 million in associated labor income; and, $4.4 million in economic output.

In its current agricultural use, the land provides an annual economic contribution to the County as follows: 1) The current agricultural use of timberland and a rotation of crops which includes soybeans, corn, cotton, and peanuts provides an estimated average annual economic impact to the County supporting approximately 1 direct, indirect and induced job; $15,400 in associated labor income, and $60,300 in economic output.

Impact on Prime Agricultural Soils/Soils of Statewide Significance:

Currently, agriculture and silviculture are two of the County's top industries.

Of the six parcels included with this application totaling 445 acres, 387 acres appear to be either prime, prime if drained or soils of statewide significance, according to the Isle of Wight County Soil Survey prepared by the U.S. Department of Agriculture and as per County GIS mapping. Only 153 acres will be included in the project area. Out of the total 445 acres, 103 acres were requested by the property owner, Everets Properties, Inc., to be withdrawn from the Longview Agricultural and Forestal District, which was recommended for approval by the Agricultural/Forestal District Advisory Committee.

If approved, the Prairie Solar facility would be the eighth energy generation facility in the County if the Carver Solar facility is approved, or it would be the seventh energy generation facility in the County, if the Carver Solar facility is not approved. A table showing the previously approved and proposed solar energy facilities is attached to this report.

Viewshed Analysis:

The proposed project area is located entirely within the presently wooded area of the subject property. The subject property is currently comprised of cultivated fields, which are visible from Longview Drive, with wooded areas interior to these fields between the fields and the proposed equipment areas, and of wooded areas. The proposed project area under panels and equipment, not including vegetative buffers, is not visible from the public right-of-way (Longview Drive - Route 602). The southernmost portion of the project area where equipment will be located is 680 feet from Longview Drive (Route 602), and the northernmost portion of the project area where equipment (invertor and solar array fencing) will be located is 610 feet from Route 602. The proposed substation concrete pad and utility poles will be located 480 feet from Route 602. The closest equipment area to an adjacent residential use property will be 789 feet away from the home.

In the event that existing woodlands, not included in required vegetated buffer areas, are timbered, both a 50 foot vegetative screening buffer and an agricultural-style wood rail fence are proposed along the equipment area that would be exposed and immediately adjacent to the proposed security fence in these areas. These areas are shown

in blue hatch mark and green hatch mark on Sheet CO-002 “Concept Site Plan – Aerial” in the attachments to this staff report.

A viewshed analysis of present-day conditions was provided by the applicant of various vantage points along Longview Drive and along the interior private access road, as well as throughout the site to document existing conditions. It is attached to this staff report.

A conceptual-only landscape screening plan has been included with the proposed concept plan at Sheet LO-001 and is attached to this staff report. A recommended permit condition is that a detailed landscape screening plan will be included with the preliminary site development plan and approved with the final site plan. All proposed landscape screening will require a landscape surety agreement between the property owner, applicant, and the County to ensure enforcement, and a certificate of occupancy for this use will not be issued until a final landscape installation inspection is conducted by staff. The surety will be held for two years to ensure viability of all plantings, and any plantings determined to be not viability must be replaced at the applicant’s expense. Both the agricultural-style fence and the landscape plan must be approved by the Zoning Administrator prior to final site plan approval.

Staff recommends for all major utility-scale solar projects that an enhanced setback of 200 feet be included in the proposed conditions.

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. Other uses such as resource extraction and utility-scale solar facilities are also permitted when appropriately sited with a conditional use permit. Appropriate uses for the EC land use designation include wetlands, farms, forest uses, open space, and limited park facilities.

Solar energy facilities are considered compatible with the RAC land use when properly sited and with the application of appropriate development criteria. The areas designed as EC should be preserved due to environmental constraints unless site-specific analysis demonstrates there are no environmental concerns in a specific area. The proposed use will be required to use screening landscaping and appropriate fencing to minimize its visual impacts on the surrounding area.

ORDINANCE REVIEW:

The zoning district classification for the subject parcels is RAC. The RAC zoning district is intended to preserve and protect areas of the County that are predominantly in agricultural and forestal uses and to maintain the existing land base to support those activities.

The applicant proposes to establish a 20 MWac solar energy facility, which is classified as a major utility service use type in the Zoning Ordinance. These facilities are permitted as conditional uses in the RAC zoning district and may be considered compatible with appropriate conditions to mitigate any potential negative impacts on the surrounding community.

No parcels are located in the Highway Corridor Overlay District. At a minimum, the project will be required to meet the minimum setbacks of 75 feet from adjacent property lines and 125 feet from residential use parcels as required by the Zoning Ordinance. Enhanced setbacks of 200 feet are included in the proposed conditions.

Two of the parcels are located in the Longview Agricultural/Forestal District and have been recommended by the Agricultural and Forestal District Advisory Committee for withdrawal at their meeting on February 1, 2023.

Section 1-1017 of the Zoning Ordinance provides standards for review of a conditional use permit 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 designated 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 respects, 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; and,
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 of 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, theatres, 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 impacts, the effect on sensitive natural features, and opportunities for recreation and open space; and,
10. The preservation of cultural and historic resources or landmarks.

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

AGENCY REVIEW:

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

- Economic Development: No concerns.
- Commissioner of Revenue: The estimated revenue calculations from either the Machinery and Tools Tax method or the revenue sharing method, should a siting agreement be entered into, is acceptable as presented.
- Environmental Planner: All concerns have been addressed.
- Emergency Services: No concerns, will work with applicant during site plan review on required Emergency Response Plan to include annual training.

- Utility Services: No concerns, site plan will have to meet State Stormwater regulations.
- General Services – Transportation Manager: Adherence to Transportation Plan shall be required. Pre-construction photo documentation of roadway conditions at least 1000 feet of the site entrance on Longview Drive to establish baseline traffic type and roadway conditions should be a condition of approval Impacts to any roadways used in the County in accordance with the approved Transportation Plan shall be subject to damage claims by VDOT and repair at applicant's cost if proven to be related to applicant's construction truck traffic. Recommend that Transportation Plan limit truck traffic to only two routes: Route 10 in Isle of Wight County via Oliver Drive then south on Longview Drive to the site entrance and/or Route 10 in the City of Suffolk via Audubon Road to Sandy Ridge Road, then north on Longview Drive to the site entrance. No other local routes in Isle of Wight County may be used and no access to such from Route 460 will be allowed.
- County Attorney: Proposed conditions are enforceable.
- Isle of Wight County Museum: If archaeological artifacts are uncovered during project construction, such items may be donated by the property owner to the Isle of Wight County Museum for public display and historical interpretation.
- Virginia Department of Conservation & Recreation (VDCR): Please see attached review comment letter.
- Virginia Department of Historic Resources (VDHR): Please see attached review comment letter.
- Virginia Department of Transportation (VDOT): Adherence to Transportation Plan shall be required. Pre-construction photo documentation of roadway conditions at least 1000 feet of the site entrance on Longview Drive to establish baseline traffic type and roadway conditions should be a condition of approval Impacts to any roadways used in the County in accordance with the approved Transportation Plan shall be subject to damage claims by VDOT and repair at applicant's cost if proven to be related to applicant's construction truck traffic. Recommend that Transportation Plan limit truck traffic to only two routes: Route 10 in Suffolk via Oliver Drive to Longview Drive and/or Route 10 in Suffolk via Audubon Road to Sandy Ridge Road to Longview Drive. No other local routes in Isle of Wight County may be used and no access to such from Route 460 will be allowed.
- City of Suffolk Department of Planning and City Manager's Office: Forwarded application and proposed Transportation to Plan to Planning Director for review and comment given proximity of project site to the City of Suffolk and as required by the Code of Virginia for public notice. No comments received.

Please note that, should the conditional use permit be approved, the project will be subject to site plan review and approval from all necessary agencies.

STAFF CONCLUSIONS:

Strengths:

1. The proposed use is consistent with the County's adopted Comprehensive Plan for the Rural Agricultural Conservation (RAC) future land use designation.
2. The proposed use is consistent with the County's Conditional Use Permit criteria as set forth in the Zoning Ordinance.
3. The applicant and the County, as well as other reviewing agencies external to the County, have proposed conditions of approval which mitigate any issues addressed in the criteria for consideration of issuance of a Conditional Use Permit.

Weaknesses:

1. The proposed site for this use lies within one (1) mile of an existing major utility-scale solar facility.
2. The proposed use would remove agricultural land from production.
3. Temporary impact to residential development in the area from construction traffic and noise is expected during the construction phase.

STAFF RECOMMENDATION:

As noted in the Background section above, staff recommends approval of the CUP and the Longview AFD withdraw request with the following 22 conditions: 1. The subject property shall be developed in general conformance with the Concept Plan included in the Prairie Solar application as determined by the Zoning Administrator. 2. The portion of the subject property supporting solar panels shall be enclosed by security fencing of a type which is harmonious with the rural, agricultural, and historical character of the County while meeting federal and state regulations for solar electric generating facility fencing as determined by the Zoning Administrator while upon approval of the site plan for the project. 3. The applicant shall preserve and maintain both existing forest and vegetation as well as planted landscape buffering within required setback areas and buffer yards and shall not clear or cut live trees within required setbacks or buffer yards without written authorization from the Zoning Administrator. 4. The applicant shall submit an Emergency Response Plan with the first submission of the site plan, which shall detail fire suppression methods that will be immediately deployed during both construction and operation of the facility. The plan shall include a training program to be provided, at the discretion of the County, to County emergency response staff with regards to safety for on-site emergency response. The applicant shall install a Knox Box or other remote access technology at the facility to ensure emergency responders have access to the facility should the need arise and include plans for the same on the project site plan. 5. The applicant shall conserve topsoil on the site. Topsoil stockpiled on the site shall be stored out of view from adjacent properties and public roads. 6. The applicant shall reimburse the County for reasonable costs related to retaining such third-party inspectors as deemed necessary for project inspections. 7. The applicant shall submit an invasive species management plan as recommended by DCR with the submission of the final site plan. 8. The applicant will work directly with Isle of Wight County's Chamber of Commerce, the Paul D. Camp Community College, and the Economic Development Department to ensure inclusion of local contractors in the bidding process. 9. The applicant shall submit a seed mix for site groundcover that includes native pollinators blooming in spring/summer as recommended by DCR. 10. A sign shall be installed at the entrance of the site with contact information for the facility. 11. Adherence to the proposed Transportation Plan shall be required. Pre-construction photo documentation of roadway conditions taken within 1000 feet in both directions of the proposed site entrance on Longview Drive shall be undertaken to establish baseline road conditions. Truck traffic shall be limited to only two routes: Route 10 in Suffolk via Audubon Road to Sandy Ridge Road to Longview Drive north to the site entrance until such time as the bridge repair project is completed; then, the truck haul route shall be limited to Route 10 in Isle of Wight or Suffolk via Oliver Drive to Longview Drive south to the site entrance. No other local routes in Isle of Wight County may be used and no access to such from Route 460 will be allowed. Impacts to any County roads and rights-of-way from construction and post-construction vehicles shall be subject to damage claims by VDOT, and repairs shall be undertaken at the applicant's cost based on confirmation by VDOT of such directly-attributable damage. 12. If construction has not begun by August 1 of each ensuing year post-lease or purchase, then the project area shall continue to be managed under prior site cultivation management practices, such as by mowing or cover vegetation. This is to avoid introduction of invasive weed or other species of surrounding cropland owned or leased by others. 13. An enhanced landscape buffer plan proposed on the concept plan exhibit is conceptual only at this time. A detailed landscape plan shall be included with the Preliminary Site Development Plan application for review and will require approval by the Zoning Administrator as part of final site plan approval. At a minimum, a double- or triple-staggered row of evergreen and deciduous trees and shrubs that are designed to form an effective landscape screen at full maturity will be a required design. Trees shall be planted no more than ten (10) feet on center. 14. Excluding the bufferyards described above, the ground between the panels and in areas not otherwise covered by gravel or infrastructure shall be planted and maintained with a vegetative cover. This vegetative cover will be managed with moving and/or grazing. 15. Due to the potential for this site to support populations of rare amphibians, an inventory for the resources in the study area is recommended by the Virginia Department of Conservation's Division of Natural Heritage (DCR). With the survey results, DCR states that they can more accurately evaluate potential impacts to natural heritage resources and offer specific protection recommendations for minimizing impacts to the documented resources. DCR also recommends the development of an invasive species management plan for the project and the planting of Virginia native pollinator plant species that bloom throughout the spring and summer, to maximize benefits to native pollinators. DCR recommends planting these species in at least the buffer areas of the planned facility, and optimally including other areas within the project site. For screening zones outside the perimeter fencing, DCR recommends native species appropriate for the region being used. 16. The applicant shall meet any additional delineation and buffer requirements specified by the Virginia Department of Historic Resources prior to receiving final site plan approval. 17. Fencing shall be placed around the solar arrays, inverters, and substation only and not the whole site in order to provide wildlife corridors. 18. In order to minimize the visual impacts to historic, civic,

and residential properties, staff recommends that all solar arrays, substations, and others associated structures be subject to a minimum 200-foot setback from these structures if part of the project, and 200 feet from the property line of these properties if outside of the project. Inverters shall be setback a minimum of 500 feet from these properties. 19. Hours of operation for construction and post-construction operation shall be limited to Monday through Wednesday and on Fridays, 7:00 a.m. to 6:00 p.m., Thursdays 7:00 a.m. - 10:45 a.m. and 1:15 to 6:00 p.m., and Saturdays from 7:00 a.m. to 5:00 p.m. No construction is to occur on Sundays by any party involved with the project, including the solar developer, its contractors, and Dominion Energy contractors. 20. As part of the site plan review, the Applicant shall provide documentation that the selected panels and all power-generating equipment onsite are “Tier 1” modules, as established by the most recent “PV Module Tier 1 List” issued by Bloomberg NEF or a similar third party analysis widely accepted in the solar industry. Additionally, the make and model of the selected panels and all power-generating equipment initially installed and replaced on the site mut qualify, for disposal purposes only, as non-hazardous waste under applicable U.S. Environmental Protection Agency tests (e.g., TCLP). 21. No salvage value shall be added to the decommissioning surety bond. 22. The applicant shall implement a program for the collection of baseline data establishing pre-construction soil conditions for the production of row crops for the agricultural areas within the project area. The program shall establish the relevant characteristics of the topsoil. The baseline data shall be derived from field and laboratory testing of soil conditions, including depth, density and quality from representative locations. Laboratory testing shall be conducted by an accredited laboratory. Parameters for assessing soil quality may include the following: infiltration rate, bulk density, water holding capacity, pH, percent organic matter, cation exchange capacity, Phosphorous/Phosphate (P), Nitrogen (N), and Potassium/Potash (K). After 30 years of operation and again after 35 years of operation, soil conditions shall be determined for the same sampling locations using the same parameters and the results used to plan soil restoration activities. After equipment is removed as part of decommissioning, soil conditions shall be determined for the same sampling locations using the same parameters. Soil restoration activities shall be performed as necessary during operations or decommissioning to return soil conditions to at least baseline conditions. The County will be provided with data of soil conditions within 30 days after the receipt of results.

ATTACHMENTS:

Description	Type	Upload Date
CUP Application Form	Backup Material	4/12/2023
Application Narrative	Backup Material	4/12/2023
Conceptual Site Plan	Backup Material	4/12/2023
Location Map	Backup Material	4/12/2023
Location Map Closeup	Backup Material	4/12/2023
Future Land Use Map	Backup Material	4/12/2023
Zoning Map	Backup Material	4/12/2023
Parcel Map A/F District Withdrawal	Backup Material	4/12/2023
Site Photos/Visual Impact Assessment	Backup Material	4/12/2023
Economic Analysis Report	Backup Material	4/12/2023
Tax Revenue Chart	Backup Material	4/12/2023
Phase 1 Environmental Site Assessment Report	Backup Material	4/12/2023
Wetland Report	Backup Material	4/12/2023
Threatened and Endangered Species Report	Backup Material	4/12/2023
DCR Review Letter	Backup Material	4/12/2023
DHR Review Letter of Phase 1 Cultural Resources Report	Backup Material	4/12/2023
Approved and Pending Solar Energy Facilities Chart	Backup Material	4/12/2023
PC Resolution	Resolution	4/12/2023

RESOLUTION NUMBER PC-23-4

ISLE OF WIGHT COUNTY PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION TO THE BOARD OF SUPERVISORS RELATING TO CONDITIONAL USE PERMIT REQUEST CUP-07-22 TO ALLOW A MAJOR UTILITY SERVICE, SPECIFICALLY A 20 MWAC UTILITY SCALE SOLAR ENERGY GENERATION FACILITY AND SUBSTATON, ON 152 ACRES OF PROPERTY WITH TAX MAP PARCELS 41-01-018, 50-01-009, 41-01-019, 41-01-017, 50-01-007, AND 50-01-006
AND
WITHDRAWAL OF APPROXIMATELY 103 ACRES OF PROPERTY WITH TAX MAP PARCELS 50-01-007 AND 50-01-009 FROM THE LONGVIEW AGRICULTURAL/FORESTAL DISTRICT

WHEREAS, Prairie Solar, LLC, a subsidiary of Energix, US, applicant, and Everets Properties, Inc., property owner, has requested approval of a conditional use permit for a 20 MWac utility-scale solar energy facility and substation on 152 acres located on tax parcel numbers 41-01-018, 50-01-009, 41-01-019, 41-01-017, 50-01-007, and 50-01-006 situated in Isle of Wight County; and,

WHEREAS, the specific request is to permit a major utility service, specifically a utility-scale solar energy generation facility and substation, in accordance with sections 1-1017 and 5-5003 of the Zoning Ordinance and to withdraw approximately 103 acres of property with tax parcel numbers 50-007 and 50-01-009 from the Longview Agricultural/Forestal District; and,

WHEREAS the procedural requirements for the consideration of this request by the Planning Commission have been met.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of Isle of Wight County, that:

Section 1. Findings.

✓ A. The Isle of Wight County Planning Commission finds that the proposed conditional use permit is reasonable and has considered the following factors and finds that the proposed use does not conflict with:

1. the existing use and character of property within the County;
2. the Comprehensive Plan;
3. the suitability of the property for various uses;
4. the trends of growth or change;
5. the current or future requirements of the community as to land for various purposes as determined by population and economic studies and other studies;
6. the transportation requirements of the community;

7. the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services;

8. the conservation of natural resources;

9. the preservation of floodplains;

10. the preservation of agricultural and forestal land;

11. the conservation of properties and their values; and

12. the encouragement of the most appropriate use of land throughout the County.

____ B. The Isle of Wight County Planning Commission does not find that the proposed use is reasonable based on the consideration of the factors listed herein.

Section 2. Recommendation to Board of Supervisors.

The Planning Commission recommends to the Board of Supervisors that the request, CUP-07-22, and the withdrawal of the aforementioned parcels from the Longview Agricultural/Forestal District be:

___ a. Granted as submitted, and that the Board of Supervisors adopt the proposed Ordinance without modification.

___ b. Denied, and that Board of Supervisors not adopt the proposed Ordinance.

✓ c. Granted with the specific recommended conditions in the attached exhibit, and that the Board of Supervisors adopt the proposed Ordinance with such conditions.

DATE: 4.25.23

READ AND PASSED: _____
Chairman, Isle of Wight County Planning Commission

TESTE: _____
Secretary, Isle of Wight County Planning Commission

Approved as to Form:

_____
Robert W. Jones, Jr., County Attorney

ORDINANCE NUMBER _____

AN ORDINANCE TO ISSUE A CONDITIONAL USE PERMIT, CUP-7-22, TO ESTABLISH A MAJOR UTILITY SERVICE, SPECIFICALLY A 20 MWAC UTILITY-SCALE SOLAR ENERGY FACILITY, ON 152 ACRES OF LAND COMPRISED OF A PORTION OR ALL OF TAX MAP NUMBERS 41-01-018, 50-01-009, 41-01-019, 41-01-017, 50-01-007, AND 50-01-006 LOCATED AT 19604 LONGVIEW DRIVE (ROUTE 602) AND TO WITHDRAWAL 34.91 ACRES OF TAX MAP PARCEL 50-01-009 AND 67.91 ACRES OF TAX MAP PARCEL 50-01-007 FROM THE LONGVIEW AGRICULTURAL AND FORESTAL DISTRICT

WHEREAS, Prairie Solar, LLC, a subsidiary of Energix, US, applicant, and Everets Properties, Inc., property owner, have requested the issuance of a conditional use permit for certain portions or all of the property with tax parcel numbers 41-01-018, 50-01-009, 41-01-19, 41-01-017, 50-01-007, and 50-01-006, which land is depicted on Exhibit "B"; and,

WHEREAS, Everets Properties, Inc., property owner, has also requested the withdrawal of 34.91 acres of tax parcel number 50-01-009 and 67.91 acres of tax parcel number 50-01-007 from the Longview Agricultural and Forestal District, which land is also depicted on Exhibit "B"; and,

WHEREAS, the procedural requirements of Appendix B, Zoning Ordinance, of the Code of Isle of Wight County, Virginia, 2005 (as amended) and the Code of Virginia (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 as stated in Exhibit "A;"

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", "Planning Commission Recommendation", Exhibit "B", "Property Map", and Exhibit "C" 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 (CUP-7-22) and the withdrawal of enrolled land in the Longview Agricultural and Forestal District, as submitted or modified with conditions herein, the expressed purpose of which is to permit a major utility service, specifically a 20 MWac utility-scale solar energy facility, 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 major utility service 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 "C" and the general conditions set forth in Section 4 hereof. The conditional use permit specifically allows for a 20 MWac major utility service solar energy generation facility 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.

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

RESOLUTION NUMBER PC-23-4

ISLE OF WIGHT COUNTY PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION TO THE BOARD OF SUPERVISORS RELATING TO CONDITIONAL USE PERMIT REQUEST CUP-07-22 TO ALLOW A MAJOR UTILITY SERVICE, SPECIFICALLY A 20 MWAC UTILITY SCALE SOLAR ENERGY GENERATION FACILITY AND SUBSTATON, ON 152 ACRES OF PROPERTY WITH TAX MAP PARCELS 41-01-018, 50-01-009, 41-01-019, 41-01-017, 50-01-007, AND 50-01-006
AND
WITHDRAWAL OF APPROXIMATELY 103 ACRES OF PROPERTY WITH TAX MAP PARCELS 50-01-007 AND 50-01-009 FROM THE LONGVIEW AGRICULTURAL/FORESTAL DISTRICT

WHEREAS, Prairie Solar, LLC, a subsidiary of Energix, US, applicant, and Everets Properties, Inc., property owner, has requested approval of a conditional use permit for a 20 MWac utility-scale solar energy facility and substation on 152 acres located on tax parcel numbers 41-01-018, 50-01-009, 41-01-019, 41-01-017, 50-01-007, and 50-01-006 situated in Isle of Wight County; and,

WHEREAS, the specific request is to permit a major utility service, specifically a utility-scale solar energy generation facility and substation, in accordance with sections 1-1017 and 5-5003 of the Zoning Ordinance and to withdraw approximately 103 acres of property with tax parcel numbers 50-007 and 50-01-009 from the Longview Agricultural/Forestal District; and,

WHEREAS the procedural requirements for the consideration of this request by the Planning Commission have been met.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of Isle of Wight County, that:

Section 1. Findings.

✓ A. The Isle of Wight County Planning Commission finds that the proposed conditional use permit is reasonable and has considered the following factors and finds that the proposed use does not conflict with:

1. the existing use and character of property within the County;
2. the Comprehensive Plan;
3. the suitability of the property for various uses;
4. the trends of growth or change;
5. the current or future requirements of the community as to land for various purposes as determined by population and economic studies and other studies;
6. the transportation requirements of the community;

7. the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services;

8. the conservation of natural resources;

9. the preservation of floodplains;

10. the preservation of agricultural and forestal land;

11. the conservation of properties and their values; and

12. the encouragement of the most appropriate use of land throughout the County.

____ B. The Isle of Wight County Planning Commission does not find that the proposed use is reasonable based on the consideration of the factors listed herein.

Section 2. Recommendation to Board of Supervisors.

The Planning Commission recommends to the Board of Supervisors that the request, CUP-07-22, and the withdrawal of the aforementioned parcels from the Longview Agricultural/Forestal District be:

___ a. Granted as submitted, and that the Board of Supervisors adopt the proposed Ordinance without modification.

___ b. Denied, and that Board of Supervisors not adopt the proposed Ordinance.

✓ c. Granted with the specific recommended conditions in the attached exhibit, and that the Board of Supervisors adopt the proposed Ordinance with such conditions.

DATE: 4.25.23

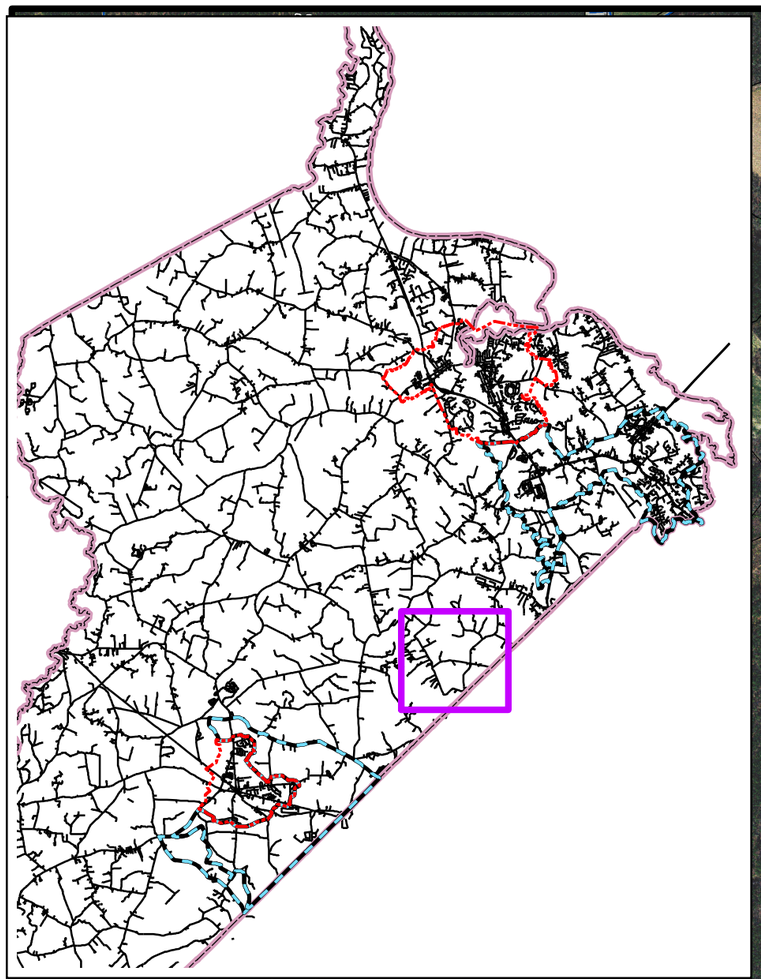
READ AND PASSED: _____
Chairman, Isle of Wight County Planning Commission

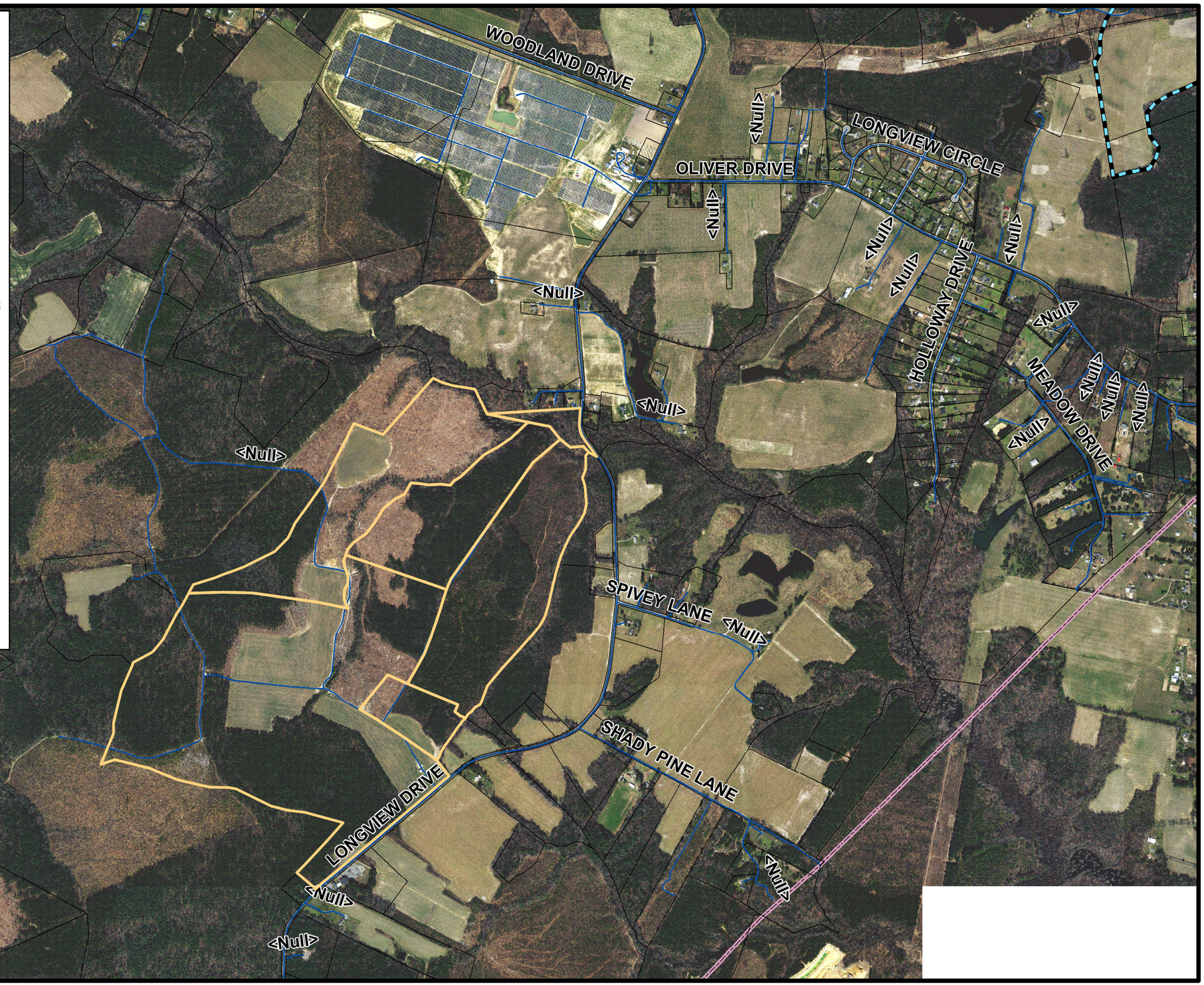
TESTE: _____
Secretary, Isle of Wight County Planning Commission

Approved as to Form:

_____
Robert W. Jones, Jr., County Attorney

EXHIBIT B: CUP-07-22 Conditional Use Permit - Location Closeup





Legend

- Road Center Lines
- Highway Corridor Overlay District
- Towns
- Development Service Districts
- Parcels
- County Boundary

N

0 500 1,000 Feet

EXHIBIT C – RECOMMENDED CONDITIONS

CUP-7-22

1. The subject property shall be developed in general conformance with the Concept Plan included in the Prairie Solar application as determined by the Zoning Administrator.

2. The portion of the subject property supporting solar panels shall be enclosed by security fencing of a type which is harmonious with the rural, agricultural, and historical character of the County while meeting federal and state regulations for solar electric generating facility fencing as determined by the Zoning Administrator while upon approval of the site plan for the project.

3. The applicant shall preserve and maintain both existing forest and vegetation as well as planted landscape buffering within required setback areas and buffer yards and shall not clear or cut live trees within required setbacks or buffer yards without written authorization from the Zoning Administrator.

4. The applicant shall submit an Emergency Response Plan with the first submission of the site plan, which shall detail fire suppression methods that will be immediately deployed during both construction and operation of the facility. The plan shall include a training program to be provided, at the discretion of the County, to County emergency response staff with regards to safety for on-site emergency response. The applicant shall install a Knox Box or other remote access technology at the facility to ensure emergency responders have access to the facility should the need arise and include plans for the same on the project site plan.

5. The applicant shall conserve topsoil on the site. Topsoil stockpiled on the site shall be stored out of view from adjacent properties and public roads.

6. The applicant shall reimburse the County for reasonable costs related to retaining such third-party inspectors as deemed necessary for project inspections.

7. The applicant shall submit an invasive species management plan as recommended by DCR with the submission of the final site plan.

8. The applicant will work directly with Isle of Wight County's Chamber of Commerce, the Paul D. Camp Community College, and the Economic Development Department to ensure inclusion of local contractors in the bidding process.

9. The applicant shall submit a seed mix for site groundcover that includes native pollinators blooming in spring/summer as recommended by DCR.

10. A sign shall be installed at the entrance of the site with contact information for the facility.

11. Adherence to the proposed Transportation Plan shall be required. Pre-construction photo documentation of roadway conditions taken within 1000 feet in both directions of the proposed site entrance on Longview Drive shall be undertaken to establish baseline road conditions. Truck traffic shall be limited to only two routes: Route 10 in Suffolk via Audubon Road to Sandy

Ridge Road to Longview Drive north to the site entrance until such time as the bridge repair project is completed; then, the truck haul route shall be limited to Route 10 in Isle of Wight or Suffolk via Oliver Drive to Longview Drive south to the site entrance. No other local routes in Isle of Wight County may be used and no access to such from Route 460 will be allowed. Impacts to any County roads and rights-of-way from construction and post-construction vehicles shall be subject to damage claims by VDOT, and repairs shall be undertaken at the applicant's cost based on confirmation by VDOT of such directly-attributable damage.

12. If construction has not begun by August 1 of each ensuing year post-lease or purchase, then the project area shall continue to be managed under prior site cultivation management practices, such as by mowing or cover vegetation. This is to avoid introduction of invasive weed or other species of surrounding cropland owned or leased by others.

13. An enhanced landscape buffer plan proposed on the concept plan exhibit is conceptual only at this time. A detailed landscape plan shall be included with the Preliminary Site Development Plan application for review and will require approval by the Zoning Administrator as part of final site plan approval. At a minimum, a double- or triple-staggered row of evergreen and deciduous trees and shrubs that are designed to form an effective landscape screen at full maturity will be a required design. Trees shall be planted no more than ten (10) feet on center.

14. Excluding the bufferyards described above, the ground between the panels and in areas not otherwise covered by gravel or infrastructure shall be planted and maintained with a vegetative cover. This vegetative cover will be managed with moving and/or grazing.

15. Due to the potential for this site to support populations of rare amphibians, an inventory for the resources in the study area is recommended by the Virginia Department of Conservation's Division of Natural Heritage (DCR). With the survey results, DCR states that they can more accurately evaluate potential impacts to natural heritage resources and offer specific protection recommendations for minimizing impacts to the documented resources. DCR also recommends the development of an invasive species management plan for the project and the planting of Virginia native pollinator plant species that bloom throughout the spring and summer, to maximize benefits to native pollinators. DCR recommends planting these species in at least the buffer areas of the planned facility, and optimally including other areas within the project site. For screening zones outside the perimeter fencing, DCR recommends native species appropriate for the region being used.

16. The applicant shall meet any additional delineation and buffer requirements specified by the Virginia Department of Historic Resources prior to receiving final site plan approval.

17. Fencing shall be placed around the solar arrays, inverters, and substation only and not the whole site in order to provide wildlife corridors.

18. In order to minimize the visual impacts to historic, civic, and residential properties, staff recommends that all solar arrays, substations, and others associated structures be subject to a minimum 200-foot setback from these structures if part of the project, and 200 feet from the

property line of these properties if outside of the project. Inverters shall be setback a minimum of 500 feet from these properties.

19. Hours of operation for construction and post-construction operation shall be limited to Monday through Wednesday and on Fridays, 7:00 a.m. to 6:00 p.m., Thursdays 7:00 a.m. - 10:45 a.m. and 1:15 to 6:00 p.m., and Saturdays from 7:00 a.m. to 5:00 p.m. No construction is to occur on Sundays by any party involved with the project, including the solar developer, its contractors, and Dominion Energy contractors.

20. As part of the site plan review, the Applicant shall provide documentation that the selected panels and all power-generating equipment onsite are "Tier 1" modules, as established by the most recent "PV Module Tier 1 List" issued by Bloomberg NEF or a similar third party analysis widely accepted in the solar industry. Additionally, the make and model of the selected panels and all power-generating equipment initially installed and replaced on the site mut qualify, for disposal purposes only, as non-hazardous waste under applicable U.S. Environmental Protection Agency tests (e.g., TCLP).

21. No salvage value shall be added to the decommissioning surety bond.

22. The applicant shall implement a program for the collection of baseline data establishing pre-construction soil conditions for the production of row crops for the agricultural areas within the project area. The program shall establish the relevant characteristics of the topsoil. The baseline data shall be derived from field and laboratory testing of soil conditions, including depth, density and quality from representative locations. Laboratory testing shall be conducted by an accredited laboratory. Parameters for assessing soil quality may include the following: infiltration rate, bulk density, water holding capacity, pH, percent organic matter, cation exchange capacity, Phosphorous/Phosphate (P), Nitrogen (N), and Potassium/Potash (K). After 30 years of operation and again after 35 years of operation, soil conditions shall be determined for the same sampling locations using the same parameters and the results used to plan soil restoration activities. After equipment is removed as part of decommissioning, soil conditions shall be determined for the same sampling locations using the same parameters. Soil restoration activities shall be performed as necessary during operations or decommissioning to return soil conditions to at least baseline conditions. The County will be provided with data of soil conditions within 30 days after the receipt of results.

ISSUE:

Discussion of County Lease with Camp Community College

BACKGROUND:

The Board may wish to discuss the potential termination or extension of the lease with Camp Community College for the Smithfield site.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Per the Board's discussion.

ISSUE:

Application (EXC-6-23) of Sandra and Douglas Vance, Owners, for a Waiver to Section 3.2.4.A.4 and Section 5.9.1.C of the Subdivision Ordinance to Allow a Family Member Subdivision on a Private Twenty Foot Ingress/Egress Easement Not Built to Public Standards Which Serves More Than Two Lots

BACKGROUND:

The parcel is located at 14161 Chapmans Lane, Carrollton, with Tax Map parcel 33-03-005, and is zoned Rural Agriculture Conservation (RAC). The surrounding land uses are single family residential, mixed use, wetlands and wooded land.

The parent parcel was established prior to the adoption of the Zoning and Subdivision Ordinances (1950's) and currently contains 8.5 acres. It is accessed by a private ingress/egress easement (Chapmans Lane), which provides access to Brewers Neck Blvd. (Rte. 32/258).

When the property owners met with the Planning and Zoning staff, they were advised that their proposal does not meet the Subdivision Ordinance standards.

In November 2021, the Subdivision Ordinance family member standard was amended to allow no more than one (1) lot resulting from a single tract be accessed from a single ingress/egress easement unless approved by the Board of Supervisors upon recommendation from the Planning Commission. The Subdivision Ordinance also stipulates that all roads, which provide access to three or more lots, must be public roads which meet VDOT construction standards. Chapmans Lane is not built to VDOT standards.

The lot is approximately 2000 feet down Chapmans Lane, which serves access to fourteen existing lots. There is a recorded road maintenance agreement and the new proposed lot will also be subject to that agreement.

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:

The Planning Commission recommended approval of the application by a vote of seven in favor and two against (7-2) at its May 23, 2023, meeting.

Staff recommends denial of the waiver request due to safety concerns due to possible degradation of the access lane over time with additional homes if not maintained.

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Cover Memo	5/24/2023
Application and Statement	Backup Material	4/28/2023
Exhibit	Exhibit	4/28/2023
Location Map	Exhibit	4/28/2023
Zoning Map	Exhibit	5/17/2023
Land Use Map	Exhibit	5/17/2023
Pics	Exhibit	4/28/2023
Road Maintenance Agreement	Exhibit	4/28/2023

PLANNING REPORT

APPLICATION:

Application (EXC-6-23) of Sandra and Douglas Vance, owners, for a waiver to Section 3.2.4.A.4 and Section 5.9.1.C of the Subdivision Ordinance to allow a family member subdivision from tax map parcel 33-03-005 on a private twenty foot ingress/egress easement not built to public standards, which serves more than two lots

ELECTION DISTRICT:

D2

LOCATION:

The parcel is located at 14161Chapmans Lane, Carrollton, and is zoned Rural Agriculture Conservation (RAC). The surrounding land uses are single family residential, mixed use, wetlands and wooded land.

BACKGROUND:

The parent parcel was established prior to the adoption of the Zoning and Subdivision Ordinances (1950's) and currently contains 8.5 acres. It is accessed by a private ingress/egress easement (Chapmans Lane), which provides access to Brewers Neck Blvd. (Rte. 32/258).

When the property owners met with the Planning and Zoning staff, they were advised that their proposal does not meet the Subdivision Ordinance standards.

In November 2021, the Subdivision Ordinance family member standard was amended to allow no more than one (1) lot resulting from a single tract be accessed from a single ingress/egress easement unless approved by the Board of Supervisors upon recommendation from the Planning Commission. The Subdivision Ordinance also stipulates that all roads, which provide access to three or more lots, must be public roads which meet VDOT construction standards. Chapmans Lane is not built to VDOT standards.

The lot is approximately 2000 feet down Chapmans Lane, which serves access to fourteen existing lots. There is a recorded road maintenance agreement and the new proposed lot will also be subject to that agreement.

DESCRIPTION:

The property owners request a waiver from Section 3.2.4.A.4 of the Subdivision Ordinance to allow the creation of one (1) family member lot on a private road that serves more than two (2) lots, as well as a waiver from Section 5.9.1.C which requires that all streets serving three (3) or more lots be public roads built to VDOT standards.

COMPREHENSIVE LAND USE PLAN:

The property is designated Surburban Estate (SE) on the Future Recommended Land Use Map in the Comprehensive Plan. This designation is intended to consist of larger lot sizes with single family homes, some preservation of environmental features, and limited community amenities.

ORDINANCE REVIEW:

Section 3.2.4.A.4, which addresses family member subdivisions, states that no more than one (1) family member subdivision lot may be created from a single tract of land, which is accessed from a single easement of right-of-way, unless approved by the Board of Supervisors upon recommendation from the Planning Commission.

Section 5.9.1.C states that, unless specifically modified in this ordinance, all new streets must be public and improved to comply with the VDOT road and bridge standards.

Section 3.2.10.E of the Ordinance lists criteria for a waiver from the Subdivision Ordinance requirements. In order to approve a request for a waiver, the Board of Supervisors shall make an affirmative finding that all of the following criteria are met:

1. That granting the waiver will not have an adverse impact on land use compatibility.

Finding: Staff finds the proposed use is consistent with the residential and rural uses of surrounding properties.

2. That strict adherence to the general regulations would result in substantial injustice or hardship.

Finding: Staff finds no hardship, because the lot is currently being used for its intended single family residential use.

3. The waiver has not been opposed in writing by the county, VDOT engineer, or health official.

Finding: VDOT does not oppose the application. The Health Department will require a permit for the installation of a well land septic system.

4. That granting the administrative waiver shall be consistent with the purposes and intent of this ordinance.

Finding: Staff finds that the purpose and intent of the Ordinance is to promote the orderly development of the County and to protect the public health, safety and welfare by ensuring access by emergency service vehicles.

AGENCY REVIEW:

VDOT has reviewed the request and states that there are no impacts to the state-maintained right-of-way with the proposal. No concerns have been identified by County Departments.

The owner has had the proposed parcel evaluated by an Onsite Soil Evaluator (OSE) for installation of a septic system which includes a primary and reserve drainfield, as required for subdivision approval.

STAFF CONCLUSIONS:

Strengths:
1. There is an existing road maintenance agreement.

Weaknesses:
1. If the property owners cease to maintain the road, there could cause safety issues.
2. The waiver request does not meet all of the criteria stipulated by the Subdivision Ordinance.

STAFF RECOMMENDATION:

Staff recommends denial of the waiver request due to safety concerns due to possible degradation of the access lane over time with additional homes if not maintained.

ATTACHMENTS:

Description	Type	Upload Date
APPLICATION AND STATEMENT	Cover Memo	4/28/2023
EXHIBIT	Exhibit	4/28/2023
LOCATION MAP	Exhibit	4/28/2023
Land Use Map	Backup Material	5/17/2023
Zoning Map	Backup Material	5/17/2023

PICS Exhibit 4/28/2023
ROAD MAINTENANCE AGREEMENT Exhibit 4/28/2023

Sandra and Douglas Vance
14161 Chapmans Lane
Carrollton, VA. 23314
L 5 BRITTEN CHAPMAN LAND PLAT 2015-19-1

RECEIVED
APR 04 2023
By:

Family Subdivision Proposal

Doug and I originally purchased our property located on Chapmans Lane in Carrollton Virginia in 2016 and started construction in 2019 of our forever home. Our original intent was to have our children one day build a home on our property using a family subdivision. We were told at the time of purchase through our due diligence that the property qualified as a potential family subdivision. Now our daughter and son in law are exploring construction of their for ever home here. Recently we discovered the ordinance had changed limiting the number of homes allowed on our private road, we were told it was changed in order to facilitate clear fire and rescue access.

Our road is unique in the fact it is paved to service a monastery with a large congregation, the monastery recently added additional parking and a new fellowship building.

Our private road is very well maintained in accordance with the enclosed maintenance agreement through the monastery.

Our driveway is very well maintained with #2 granite substrate and topped with slag, the total depth of our driveway is at least 6 inches, the width varies from 10 ft to 40 ft with adequate turn around space. It extends to the proposed new construction site. (see attached photos)

Thank you for your consideration, please see the attached documents.

1. Copy of deed to our property
2. Site plan with proposed construction location
3. Road maintenance agreement
4. Photos of road and driveway
5. Area map
6. Delineation report from Corp of Engineers
7. Original perk test

Local Roots, Global Reach

ISLE OF WIGHT
COUNTY, VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR EXCEPTIONS AND MISECLLANEOUS APPEALS

RECEIVED
APR 04 2023
By: arlington

EVC-6-23

A. APPLICATION FOR (CHECK ALL THAT APPLY):

[ ] Chesapeake Bay Preservation Area Ordinance Exception

[ ] Newport Development Service Overlay District Exception

[ ] Highway Corridor Overlay District Exception

[ ] Signage Exception

[V] Subdivision Ordinance Waiver or Appeal

[ ] Other (please list) _____

The proposal is a request to Section (s) 3.2.4.A.4 5.9.1.C of the Chesapeake Bay Preservation Area Ordinance, the Isle of Wight County Zoning Ordinance, or the Isle of Wight County Subdivision Ordinance.

Proposed Use or Activity: Family Subdivision

B. PROJECT DESCRIPTION:

Project Name: 14161 Chapmans Lane, Carrollton

Property Address (if any): 14161 Chapmans Lane, Carrollton

Comprehensive Plan Designation: SE

The exception will apply to 1 acres out of 8.5 total acres

Tax Parcel Identification # 33(03)00A Number of acres to be effected: 1

Proposed Utilities (check all that apply): Public Water ____ Private Well V

Public Sewer ____ Private Septic V

Revised August 13, 2014

COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS

Applicant Douglas + Sandra Vance

Address 14161 Chapmans Lane
Street

Carrollton VA 23314
City State Zip

REAL ESTATE HOLDINGS TO BE AFFECTED Phone 757-619-0923
email (lockn memories@gmail.com)

Location or Address	Description
14161 Chapmans Lane Carrollton VA	homesite

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: Sandra Vance / Douglas R Vance Applicant: Sandra Vance / Douglas R Vance Date: 4-3-202
Printed or Typed Name Signature

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Stephanie Lee Ellis
A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia, this 3 day of April, 2023.

Notary Public

My Commission Expires 01/31/2027

STEPHANIE LEE ELLIS
NOTARY PUBLIC ID 7715833
Commonwealth of Virginia
My Commission Expires
01/31/2027

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

X Douglas R Vane 4-4-2023
Applicant Signature **Date**

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

FOR OFFICE USE ONLY:

Complete Application Received On: _____ Fees Paid: $ 250.00
Tax Query: [X] Current [ ] Delinquent Distribution Date: _____
Posted/Date to Post: _____

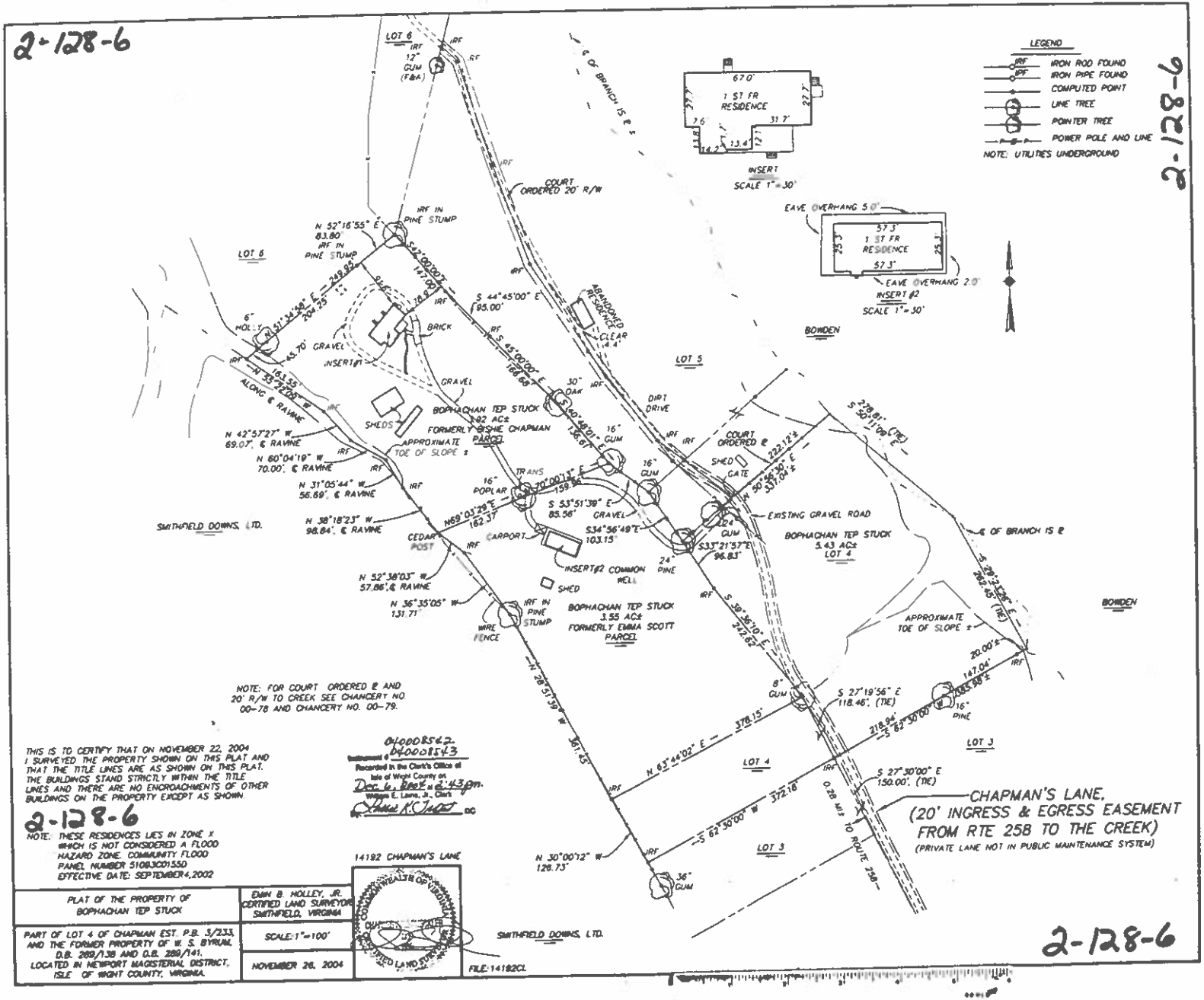
AGENCIES REFERRALS:

_____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: 4-4-2023

2-128-6



NOTE: FOR COURT ORDERED ℄ AND 20' R/W TO CREEK SEE CHANCERY NO. 00-78 AND CHANCERY NO. 00-79.

THIS IS TO CERTIFY THAT ON NOVEMBER 22, 2004 I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES ARE AS SHOWN ON THIS PLAT. THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY EXCEPT AS SHOWN.

2-128-6

NOTE: THESE RESIDENCES LIES IN ZONE X WHICH IS NOT CONSIDERED A FLOOD HAZARD ZONE. COMMUNITY FLOOD PANEL NUMBER 5108J0015 SD EFFECTIVE DATE: SEPTEMBER 4, 2002

040008542
Instrument # 040008543
Recorded in the Clerk's Office of Isle of Wight County on Dec. 6, 2004 at 2:43 pm.
William E. Layne, Jr., Clerk
By Deputy Clerk DC

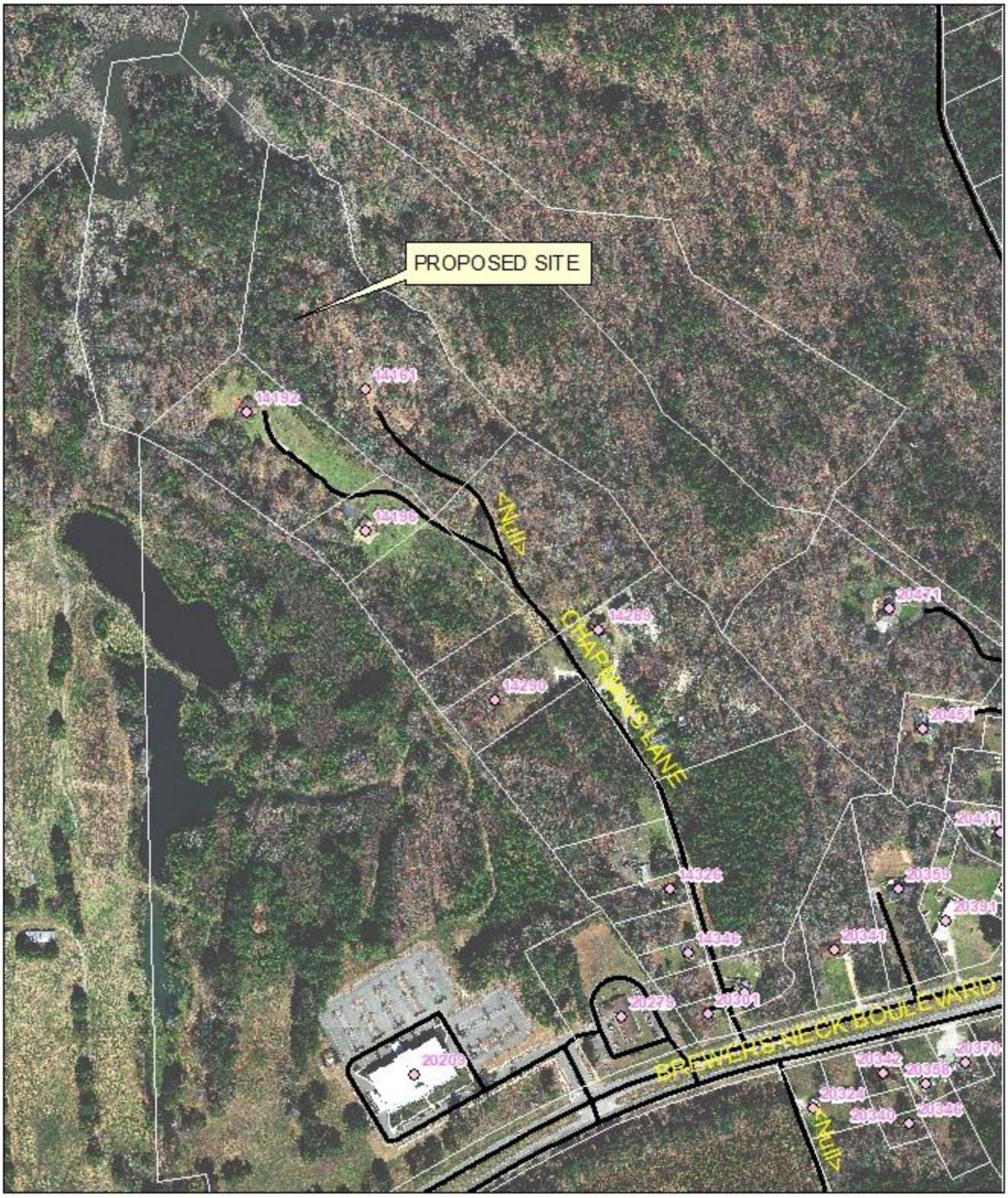
14192 CHAPMAN'S LANE

PLAT OF THE PROPERTY OF BOPHACHAN TEP STUCK	EMM B. HOLLEY, JR. CERTIFIED LAND SURVEYOR SMITHFIELD, VIRGINIA
PART OF LOT 4 OF CHAPMAN EST. P.B. 3/233, AND THE FORMER PROPERTY OF W. S. BYRUM, D.B. 289/138 AND D.B. 289/141. LOCATED IN NEWPORT MAGISTERIAL DISTRICT, ISLE OF WIGHT COUNTY, VIRGINIA.	SCALE: 1"=100'
	NOVEMBER 26, 2004

COMMONWEALTH OF VIRGINIA — CERTIFIED LAND SURVEYOR

FILE: 14192CL

VANCE LOCATION MAP

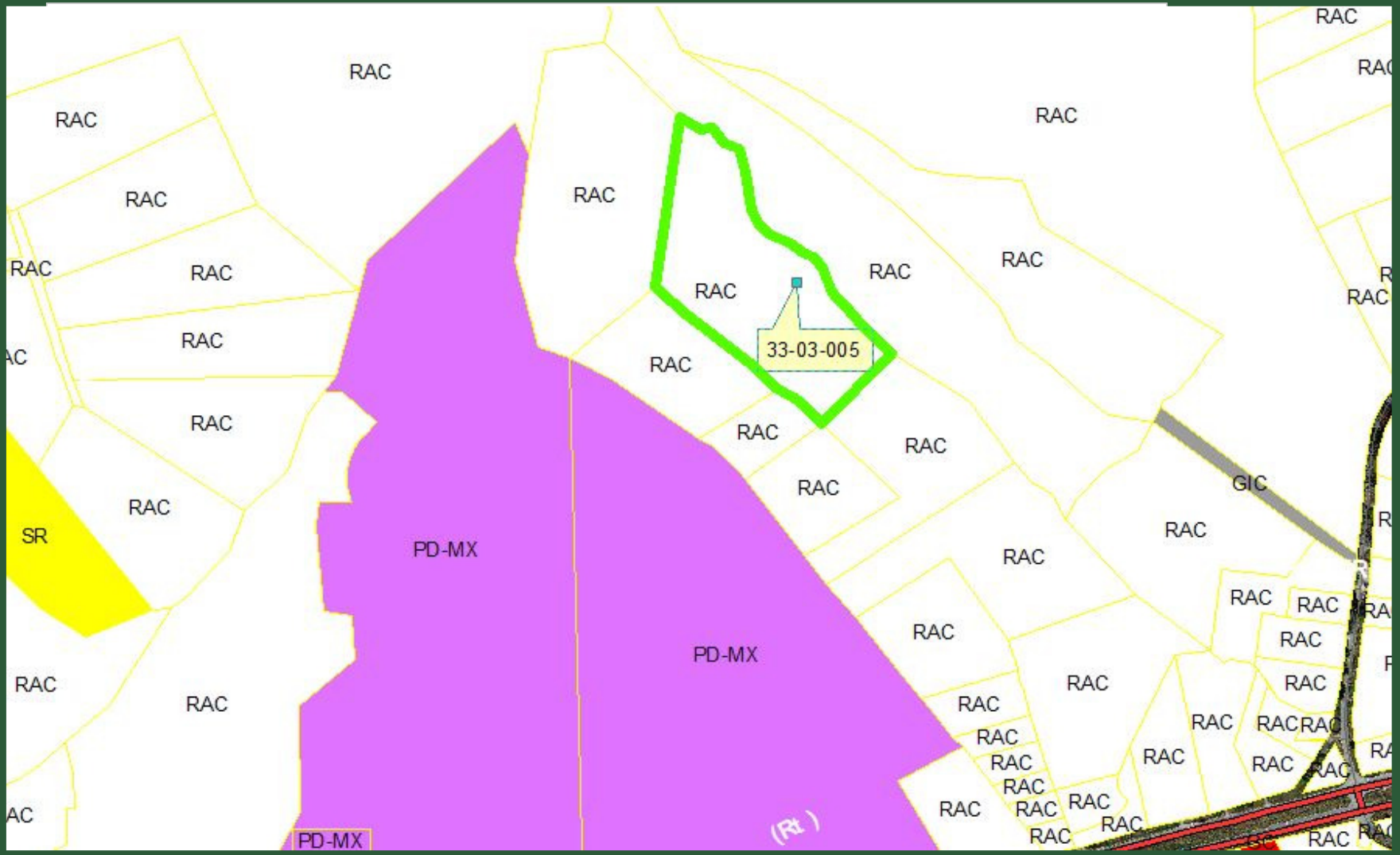


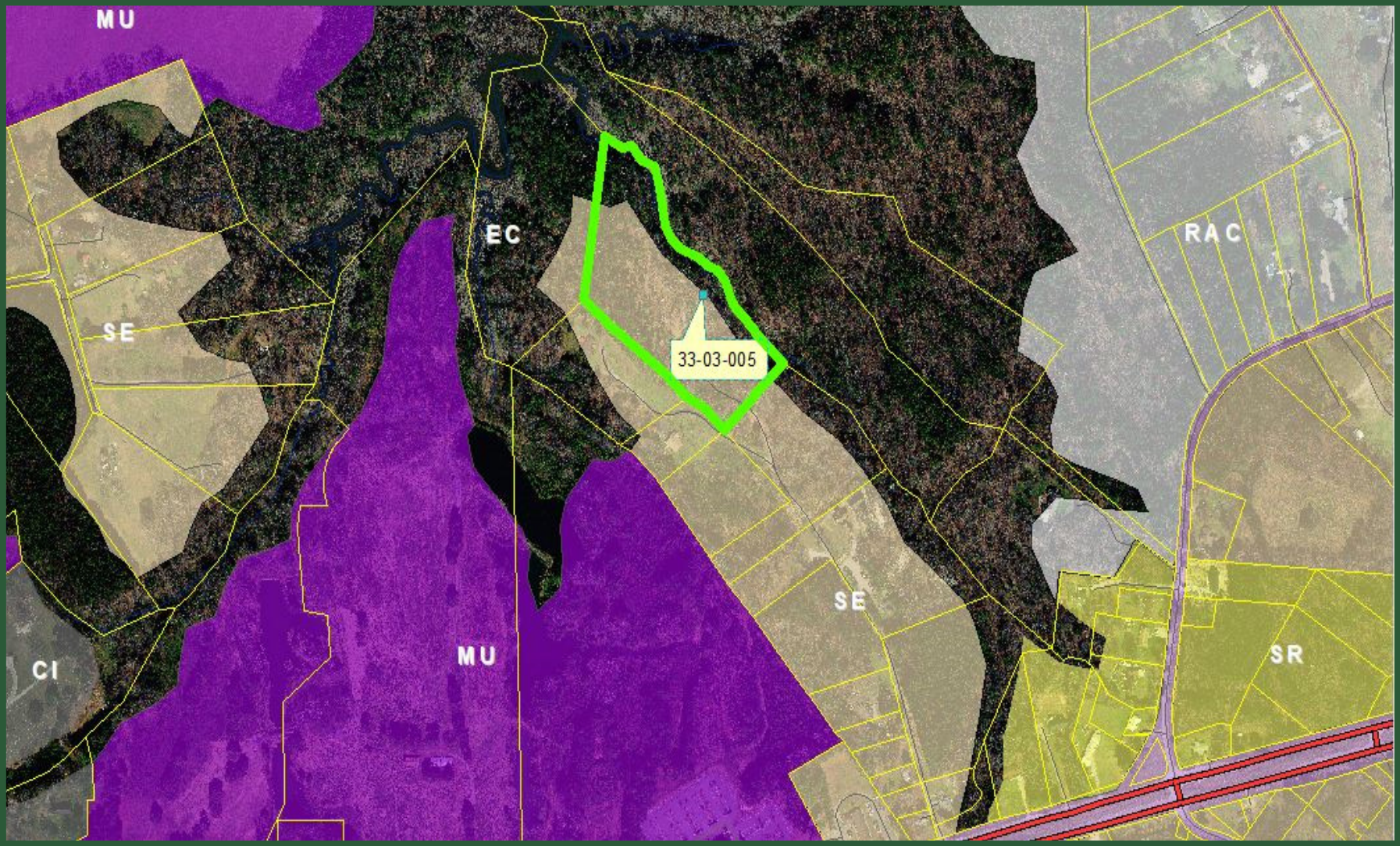
Legend

- Parcels
- RoadCenterLines
- natural heritage

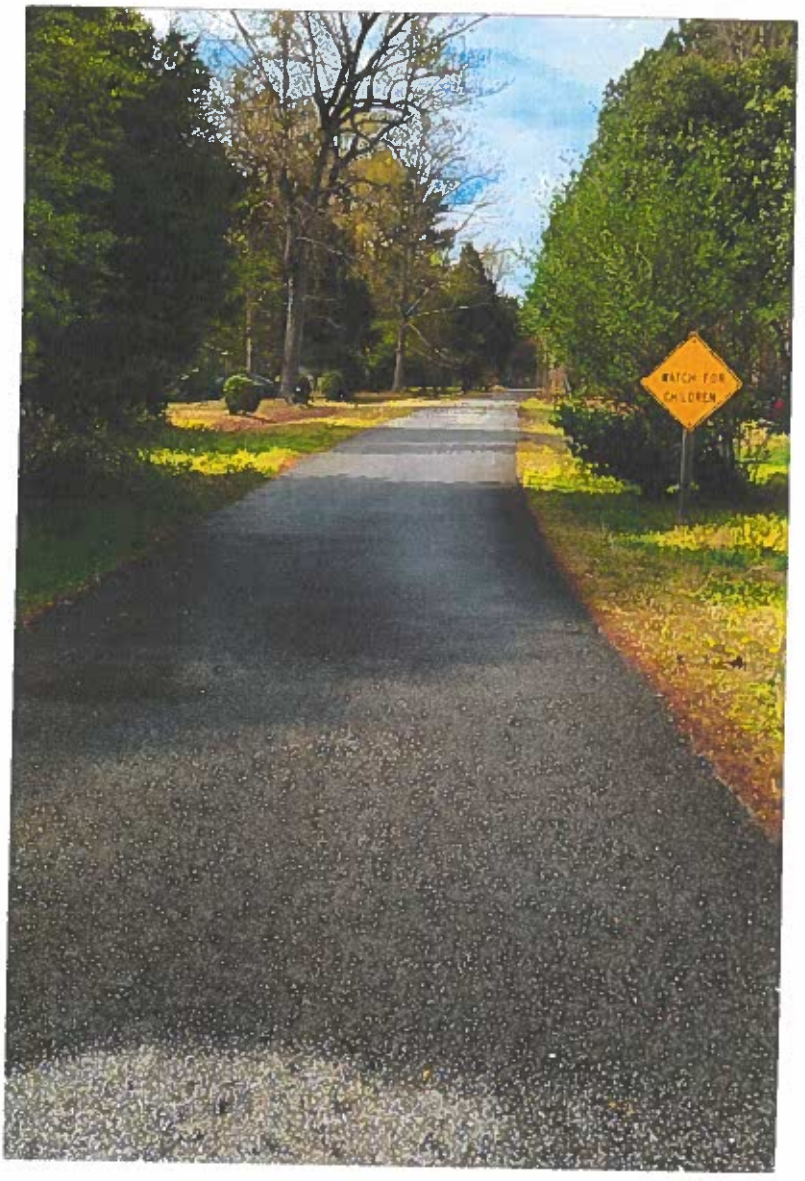
N
W E
S

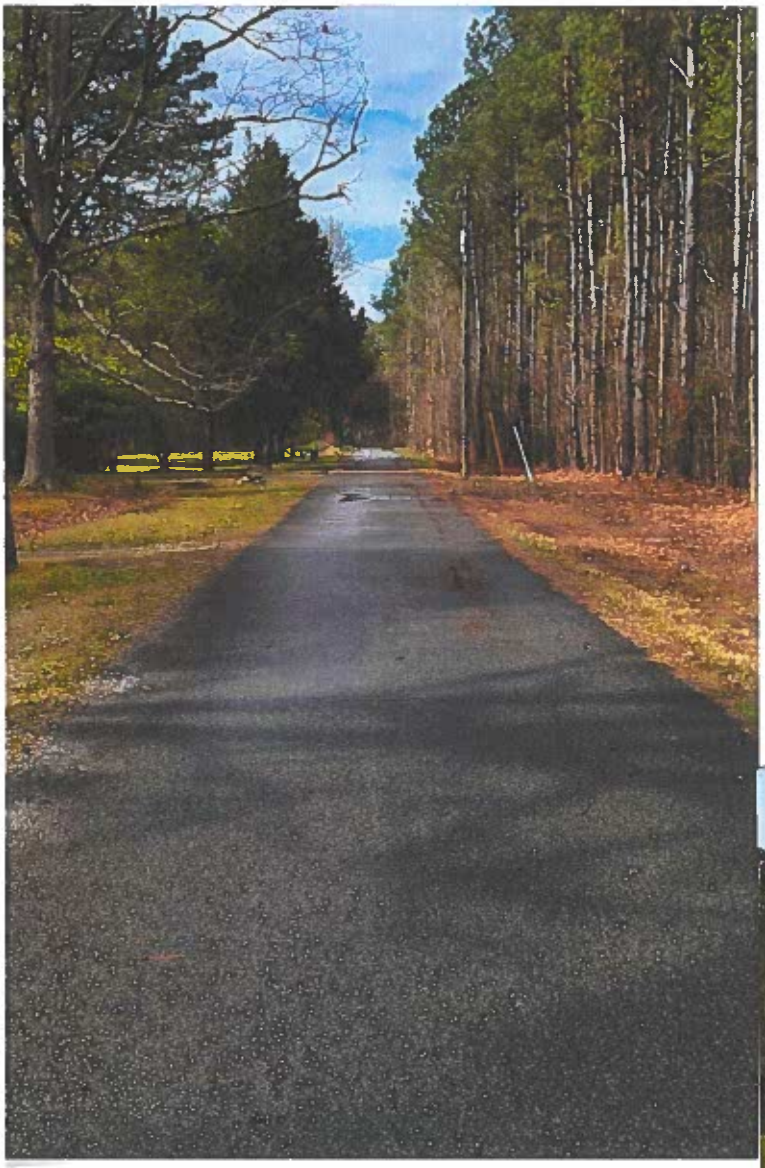
ZONING MAP

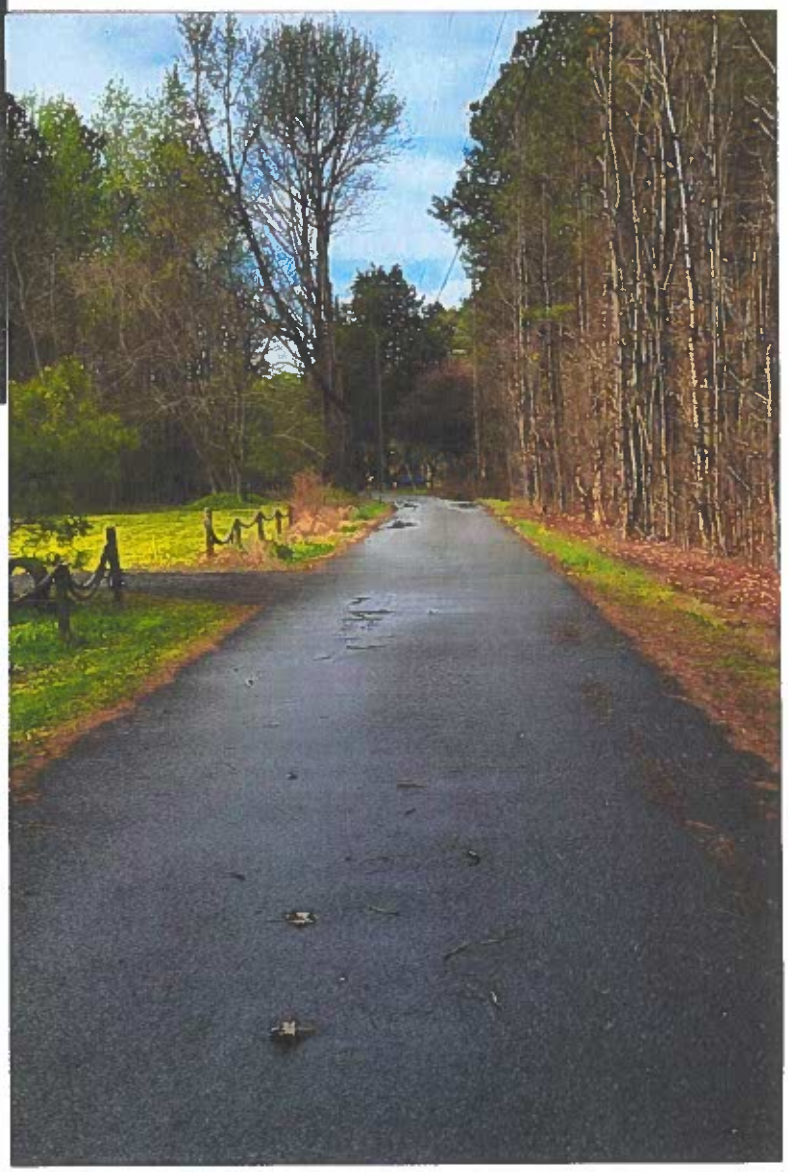


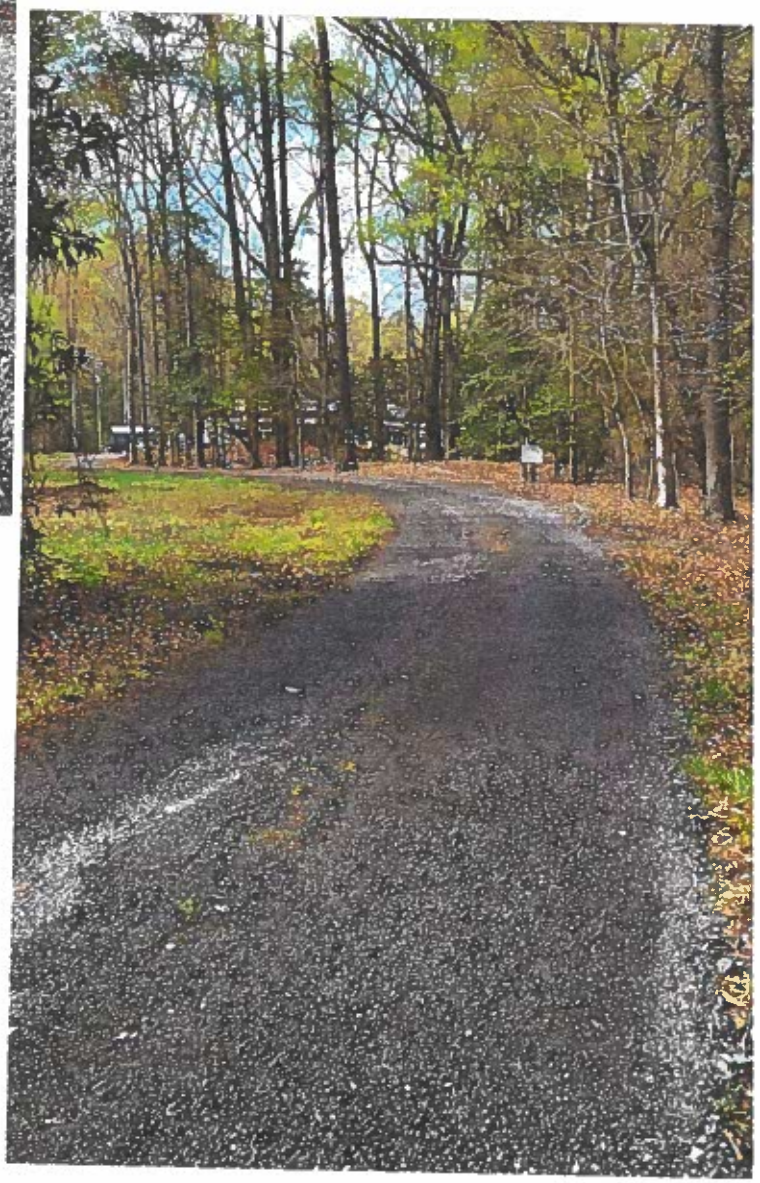


FUTURE RECOMMENDED LAND USE MAP


WATCH FOR
CHILDREN







Copy

Prepared by and Return to:
Jerry M. Wright, Attorney
3200 Tyre Neck Road Suite 202
Portsmouth VA 23703
VSB # 24545
Parcel No. 33-03-003 & 33-03-005

Prepared without the benefit of a title examination

THIS ROAD MAINTENANCE AGREEMENT, made and entered into this 17th day of December, 2018, by and between SARAYUT **YAMBAL**, PHRAMAHA UDOM **BUDSCRIPHOOM**, JETT **MURPHY** AND SAMAN **JANTANAMSRI**, **Trustees of WAT PASANTIDHAMMA ASSOCIATION**,, party of the first part, Grantor and Grantee, Douglas R. **VANCE** and Sandra M. **VANCE**, husband and wife, parties of the second part, Grantors and Grantees.

WHEREAS, the above listed parties of the first part are the current owners of the property located at 14289 Chapmans Lane; and,

WHEREAS, the above listed parties of the second part are the current owners of the property located at 14161 Chapmans Lane; and,

WHEREAS, per the plat of survey recorded the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia in Plat Book 3, Page 233, reserved from the described tract is a right of way twenty (20) feet side, running from U.S. Highway No. 258 through the property to the creek, and designated on said plat as "Path" and "cart path" which is reserved for use at all times as a means of ingress and egress for any person or persons owning any of the land shown on the aforesaid plat of survey, their heirs or assigns, said "Path and "cart path" now known as "Chapman's" Lane serves access to several properties along said road to the property of the parties of the first part; and,

WHEREAS, the said parties of the first part had Chapman's Lane paved to allow emergency vehicles assess to their congregation and hereby agrees to maintain, at their sole expense, the paved road, Chapman's Lane, up to their property located at 14289 Chapmans Lane and that the parties of the second part have ingress/egress rights to the said Chapman's Lane at no expense to them for maintenance or repairs; and,

WHEREAS, the parties desire to enter into this agreement in order to provide for the maintenance, repair and upkeep of the road known as Chapman's Lane.

NOW, THEREFORE, in consideration of the premises and mutual covenants provided herein, the parties agree as follows:

1. The parties of the first part here by agree to maintain the said paved Chapman's Lane up to their property located at 14289 Chapman's Lane, at their sole expense.

2. The covenants set forth in this road maintenance agreement shall be binding on the current owners hereof and on their heirs, personal representatives, successors, and assigns of the parties hereto.

WITNESS the following signatures and seals:

WAT PASANTIDHAMMA ASSOCIATION

By: _____
Sarayut Yambal, Trustee

STATE OF VIRGINIA, CITY OF Chesapeake, to-wit:

The foregoing instrument was acknowledged before me this 22nd day of December, 2018 by Sarayut Yambal, Trustee of the WAT PASANTIDHAMMA ASSOCIATION.

My commission expires: May 31, 2021
Notary Registration No.: 7565902

MAY ANGELENE CATOLICO
NOTARY PUBLIC
REGISTRATION # 7565902
COMMONWEALTH OF VIRGINIA

_____
Notary Public

BY: Ven. Udom B Siriphoom
Phramaha Udom Budsriphoom, Trustee

MAY ANGELENE CATOL
NOTARY PUBLIC
REGISTRATION # 756
COMMONWEALTH OF VI

STATE OF VIRGINIA, CITY OF Chesapeake, to-wit:

The foregoing instrument was acknowledged before me this 22nd day of December, 2018 by Phramaha Udom Budsriphoom, Trustee of the WAT PASANTIDHAMMA ASSOCIATION.

My commission expires: May [redacted]
Notary Registration No.: [redacted]

BY: _____
Jett Murphy, Trustee

STATE OF VIRGINIA, CITY OF Chesapeake, to-wit:

The foregoing instrument was acknowledged before me this 22nd day of December, 2018 by Jett Murphy, Trustee of the WAT PASANTIDHAMMA ASSOCIATION.

My commission expires: May 31, 2021
Notary Registration No.: 7565902

MAY ANGELENE CATOLICO
NOTARY PUBLIC
REGISTRATION # 7565902
COMMONWEALTH OF VIRGINIA

_____
Notary Public

BY: _____
Saman Jantanamsri, Trustee

STATE OF VIRGINIA, CITY OF Chesapeake, to-wit:

The foregoing instrument was acknowledged before me this 22nd day of December, 2018 by Saman Jantanamsri, Trustee of the WAT PASANTIDHAMMA ASSOCIATION.

My commission expires: May 31, 2021
Notary Registration No.: 7565902

MAY ANGELENE CATOLICO
NOTARY PUBLIC
REGISTRATION # 7565902
COMMONWEALTH OF VIRGINIA

_____
Notary Public

TERESA HUNT WALTER
NOTARY PUBLIC
REG. # 7795820
MY COMMISSION EXPIRES
05/31/2022
COMMONWEALTH OF VIRGINIA

_____ (SEAL)
Douglas Vance

_____ (SEAL)
Sandra Vance

STATE OF VIRGINIA

CITY OF Suffolk, to-wit:

The foregoing instrument was acknowledged before me this 23 day of ~~December, 2018~~ January 2019 (THW) by

ISSUE:

Application (EXC-7-23) of Philip H. Gibson, Jr., Property Owner, for a Height Exception to Section 5-2000.D.2. of the Zoning Ordinance for a Proposed Accessory Structure (Two-Story Garage), to be Located at 16055 Mill Swamp Road, Which Will Exceed the Maximum Height Permitted of 125% of the Single-Story Principal Structure by Three Feet

BACKGROUND:

The property is located at 16055 Mill Swamp Road with tax map number 21-01-003. The property is adjacent to the Town of Smithfield limits to the south, the Pagan River to the east, single family residences to the north, and Mill Swamp Road to the west. The current use of the property is a single-story, single family residence.

The property is located at 16055 Mill Swamp Road. The property is adjacent to the Town of Smithfield limits to the south, the Pagan River to the east, single family residences to the north, and Mill Swamp Road to the west. The current use of the property is single-story, single family residential.

The owner previously spoke to staff about the proposed garage in relation to the Chesapeake Bay Preservation Area (CBPA) District Ordinance Resources Protection Area (RPA). The owner hired Bay Environmental to delineate wetlands, RPA, and RPA Buffer Area. At that point, the owner realized that his original proposal would impact the RPA Buffer Area and hired an engineering firm to design a smaller garage which would meet the environmental constraints. However, he would later find that the height of the proposed structure exceeded the accessory structure height regulations.

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:

The Planning Commission voted nine to zero (9-0) to recommend approval of the application at its May 23, 2023 meeting.

Staff recommends denial of the request due to the ability of the property owner to meet the Zoning Ordinance requirements without an exception.

ATTACHMENTS:

Description	Type	Upload Date
Narrataive and Application	Cover Memo	5/5/2023
Location Map	Backup Material	5/5/2023
Future Land Use Map	Backup Material	5/17/2023
Zoning District Map	Backup Material	5/17/2023
Bridge View	Backup Material	5/5/2023
Street View 1	Backup Material	5/5/2023
Street View 2	Backup Material	5/5/2023
Garage Site	Backup Material	5/5/2023
Enlarged Exhibit	Backup Material	5/5/2023

The property, 16055 Mill Swamp Rd, is not in a development and is located in a rural area. The garage will be located within a heavily treed area with minimal visibility to any motorist or neighbors. I have had multiple conversations with the Engineering firm and a builder for possible redesign to address the height issue, with no apparent fixes. The height of the SFR is 14' 4" and the proposed garage is 21'10". The 125% requirement means the garage would only be out by 3'11" of the code requirements.

The SFR is relatively low in height compared to most modern construction. When using that factor in making the calculation of the maximum height of the garage, the result is an unreasonably low maximum height. The relief that I am seeking is not unreasonable and will result in a structure that is not incompatible with my adjacent neighbor's dwelling height.

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR EXCEPTIONS

This application should be used to petition for an exception for certain uses which, because of their unique characteristics, but which may, under the right set of circumstances and conditions be acceptable.

A. APPLICATION FOR (CHECK ALL THAT APPLY):

[ ] Chesapeake Bay Preservation Area Ordinance Exception

[ ] Newport Development Service Overlay District Exception

[ ] Highway Corridor Overlay District Exception

[ ] Signage Exception

[ ] Subdivision Ordinance Waiver

[X] Other (please list) HEIGHT EXCEPTION

The proposal is a request to Section (s) 5-2000 D. 2. of the Chesapeake Bay Preservation Area Ordinance, the Isle of Wight County Zoning Ordinance, or the Isle of Wight County Subdivision Ordinance.

Proposed Use or Activity: GARAGE

B. APPLICATION INFORMATION:

Applicants Name: PHILIP H GIBSON JR

Address: 16055 MILL SWAMP RD

Email: PGIBSON133@CHARTER.NET Phone: 757-880-5665

Property Owners Name: PHILIP H GIBSON JR

Address: SAME

C. **PROJECT DESCRIPTION:**

Project Name: GIBSON GARAGE

Property Address (if any): 16055 MILL SWAMP RD

Comprehensive Plan Designation: RAC

The exception will apply to _____ acres out of _____ total acres

Tax Parcel Identification # 21-01-003 Number of acres to be effected: _____

Proposed Utilities (check all that apply): Public Water__ Private Well ✓

Public Sewer ✓ Private Septic _____

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

Applicant Signature **Date**

[signature] 5/2/23

Owner Signature *if different* **Date**

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: [signature] Date: 5/2/23

COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS

Applicant: PHILIP H GIBSON JR

Address: 16055 MILL SWAMP RD SMITHFIELD VA 23430

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
16055 MILL SWAMP RD	PERSONAL RESIDENTIAL HOME

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/PartnershipBusiness Association	Address
N/A	

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: PHILIP H GIBSON JR (Printed or Typed Name) Applicant: [signature] (Signature) Date: 5/2/23

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Sandra Walker Robinson,
A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia, this 2 day of May, 2023.

[signature]
Notary Public

My Commission Expires 08/31/2024

ISLE OF WIGHT
COUNTY, VIRGINIA

SUBMITTAL CHECKLIST FOR EXCEPTION APPLICATIONS

****Both checklist and application required upon submission to central permitting or application will notbe accepted****

In accordance with Section 5002, *Exceptions,* of the Chesapeake Bay Preservation Area Ordinance, and in accordance with Section 6-1015, *Exceptions*, Section 6-2011, *Exceptions*, and Section 9-1013, *Exceptions*, of the Isle of Wight County Zoning Ordinance, the following information shall be submitted for an exception 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.

1 **Ten (10) copies of the following**

original, executed application
a statement of the reasons for seeking an exception
narrative description 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 otherinformation 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 beso 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)

One (1) original executed application

One (1) digital copy of ALL application documents

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

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

For CBPA Exception applications, a major water quality impact assessment which meets the criteria in Section 4003 of the Chesapeake Bay Preservation Area Ordinance must be submitted at the time of application.

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 willbe refused at the counter. Proof of the most recent tax payment to the County must accompany the application.

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.

PHILIP H GIBSON JR

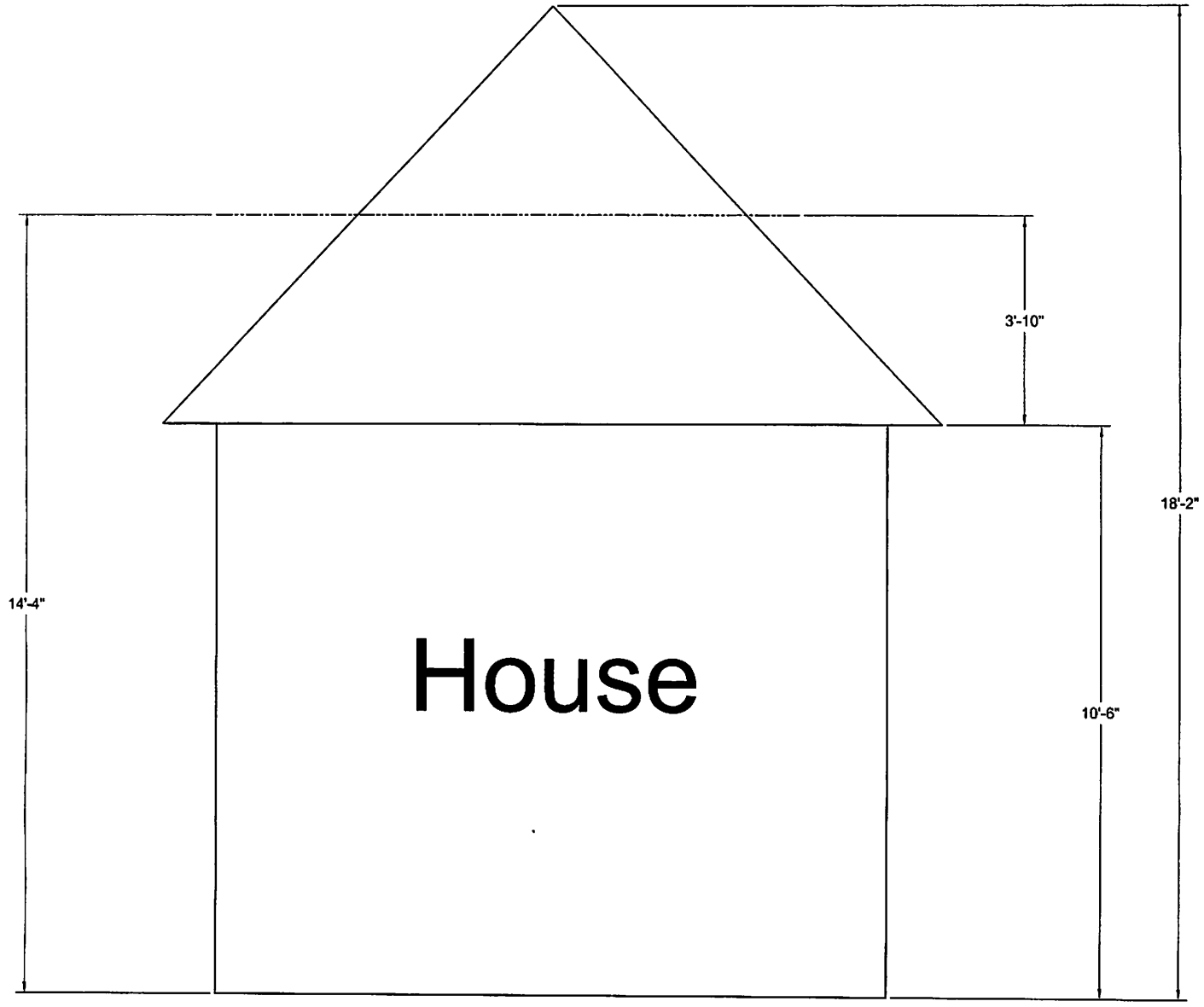
Printed or Typed Name

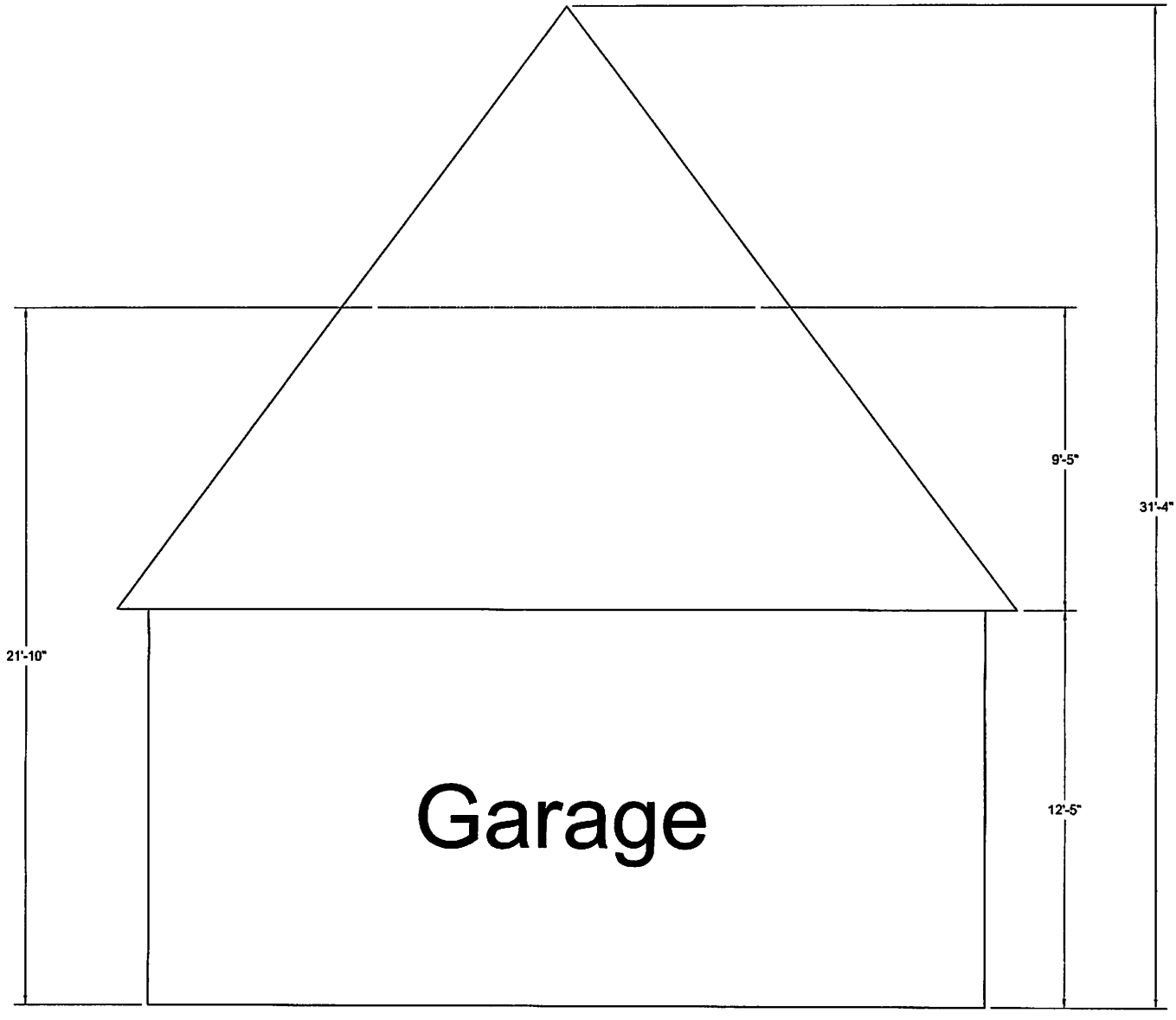
Philip H Gibson

Signature

5/2/23

Date


3'-10"
18'-2"
14'-4"
House
10'-6"


21'-10"
9'-5"
31'-4"
Garage
12'-5"

5/1/23
Philip H Gibson Jr
16055 Mill Swamp Rd
Smithfield VA 23430
757-880-5665

Dan Carter
16051 Mill Swamp Rd
Smithfield Va 23430

Dan,

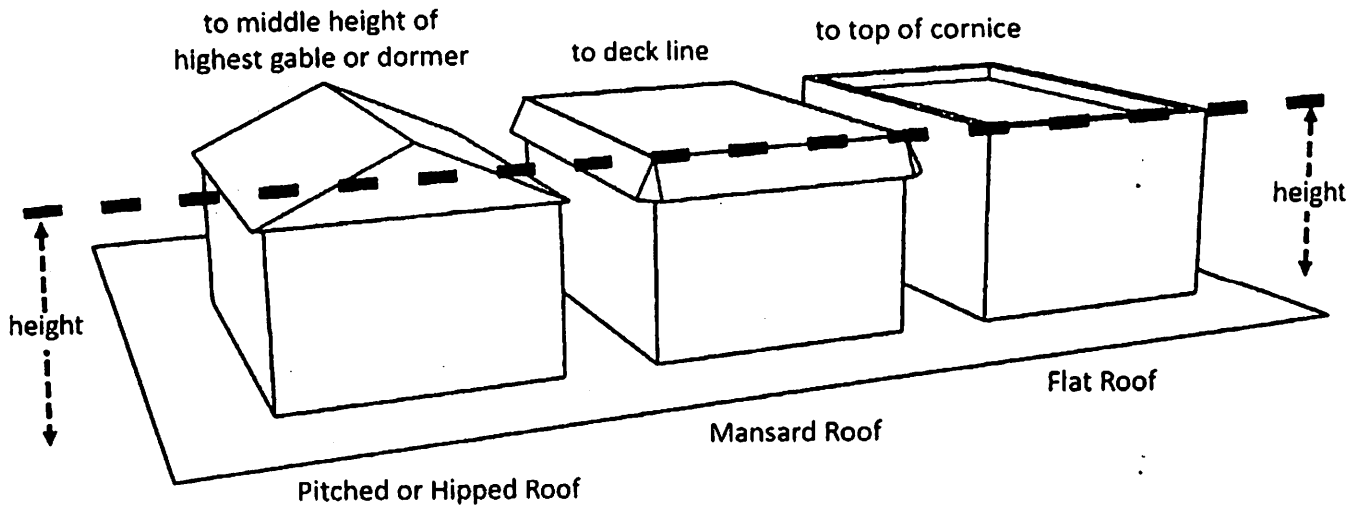
I am applying for an Exception for the construction of my garage. I am 3'11" taller than allowed based on the main house. The code is section 5-2000-D2. It says I can't be taller than 125% of the height of the main building on the property. The height of the garage will be 21'10". Was wondering if you had a concern if I was outside of this code requirement?

Thanks

Philip Gibson Jr

Yes, this plan is fine with me.
Dan Carter

Illustration of Building Height



P. O. BOX 80

SANDRA WALKER ROBINSON

ZONING COORDINATOR FOR ISLE OF WIGHT COUNTY
ISLE OF WIGHT IN VIRGINIA 23397
(757) 365-6208 phone
(757) 365-6207 fax
srobinso@isleofwightus.net

From: pgibson133@charter.net <pgibson133@charter.net>
Sent: Monday, March 20, 2023 6:34 AM
To: Sandra Walker Robinson <srobinso@isleofwightus.net>
Subject: RE: Garage Review Comments #27027

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.

Sandra,

Can you provide me the internet address to the county zoning codes, in particular the zoning code for building heights?

Also when measuring the height of my home do I include the chimney?

Thanks
Phil Gibson
757-880-5665

From: pgibson133@charter.net <pgibson133@charter.net>
Sent: Thursday, January 5, 2023 9:19 PM
To: 'Sandra Walker Robinson' <srobinso@isleofwightus.net>
Cc: 'PlanReview' <PlanReview@isleofwightus.net>
Subject: RE: Garage Review Comments #27027

Sandra,

What is the process I have to take to get approval for my height issue? Are there forms I need to fill out?

Thanks
Phil Gibson
757-880-5665

From: Sandra Walker Robinson <srobinso@isleofwightus.net>
Sent: Friday, December 2, 2022 10:10 AM
To: pgibson133@charter.net
Subject: Re: Garage Review Comments #27027

GIBSON LOCATION MAP

Legend

Parcels

RoadCenterLines

natural heritage

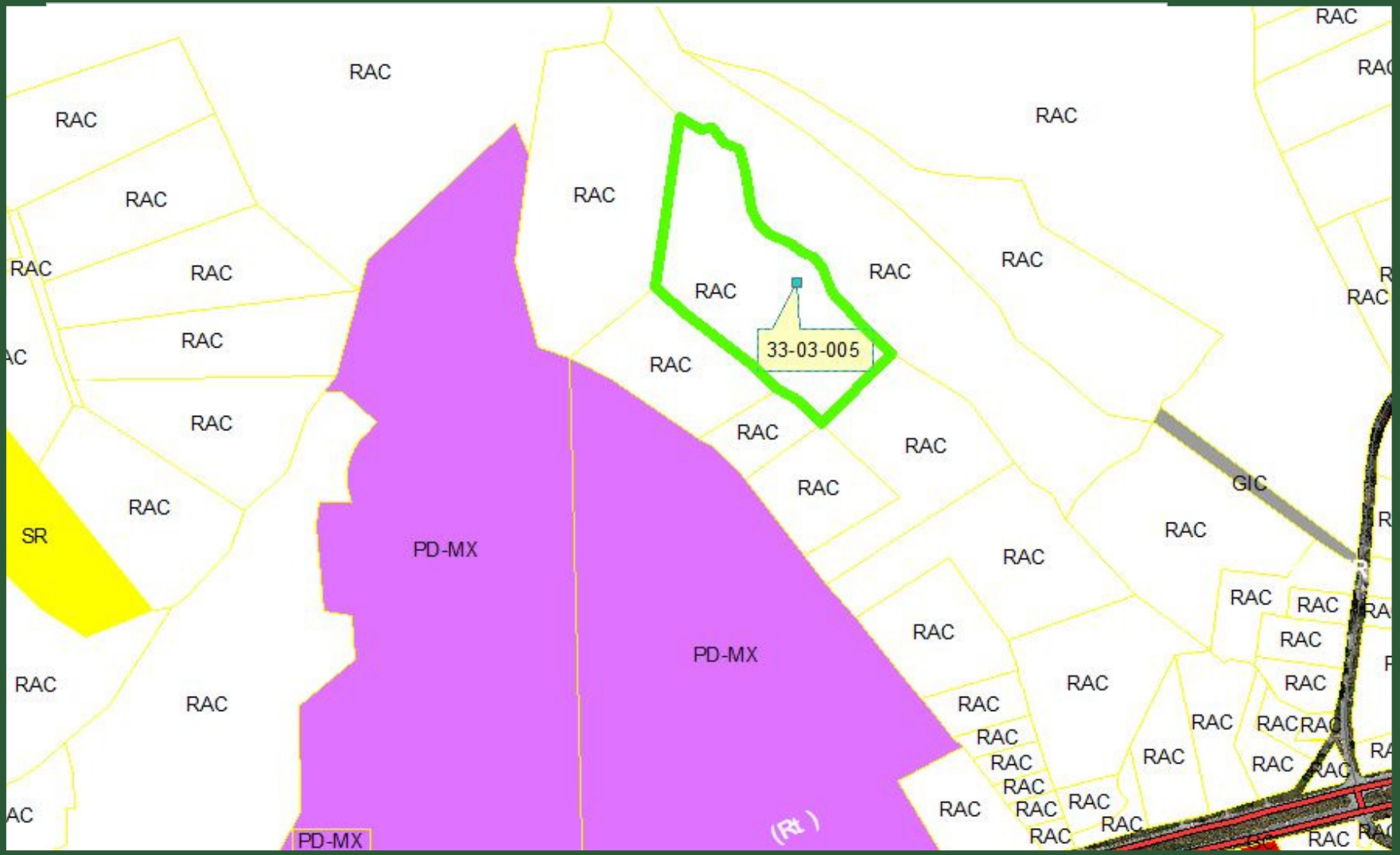
N

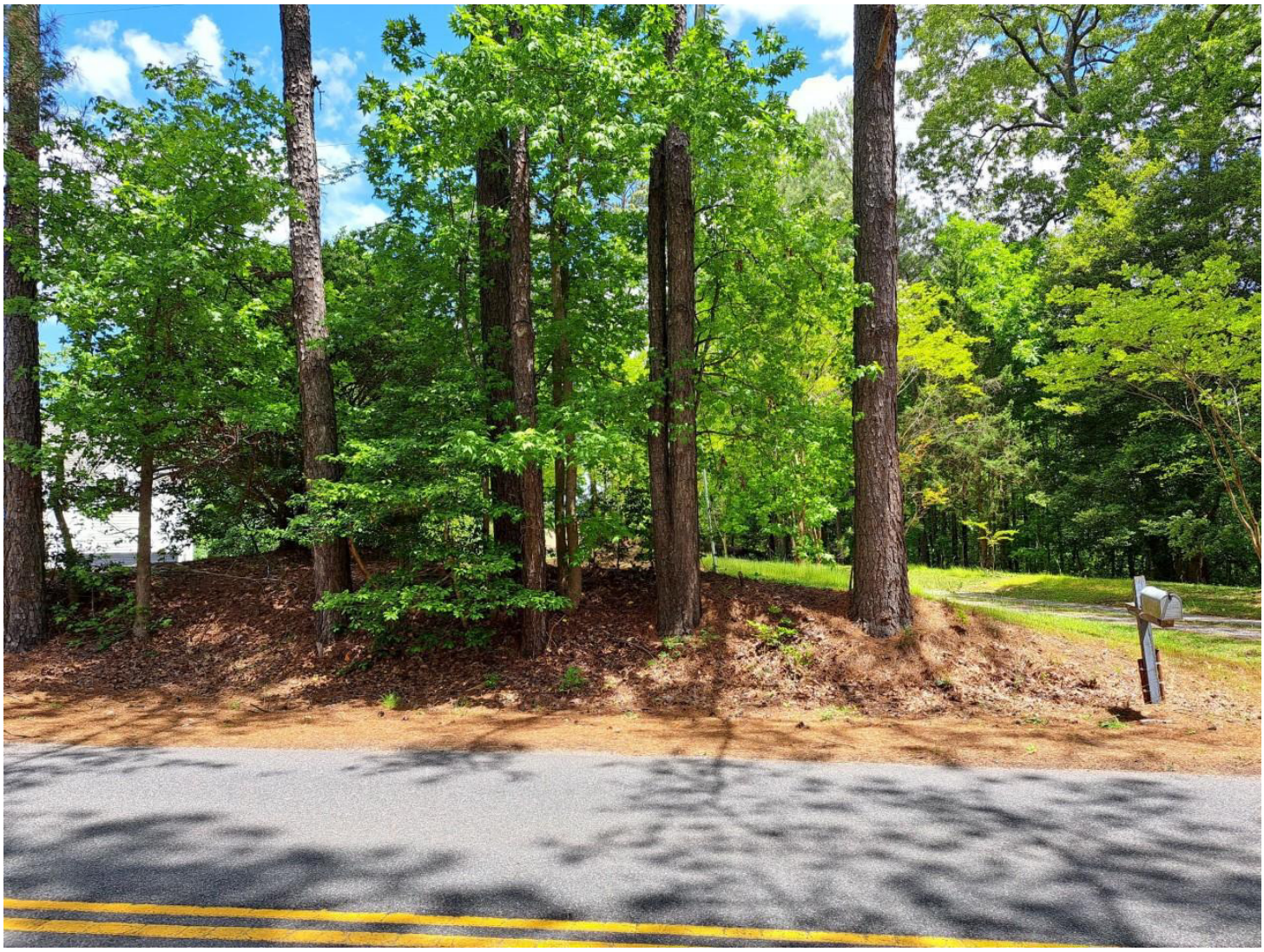
W E

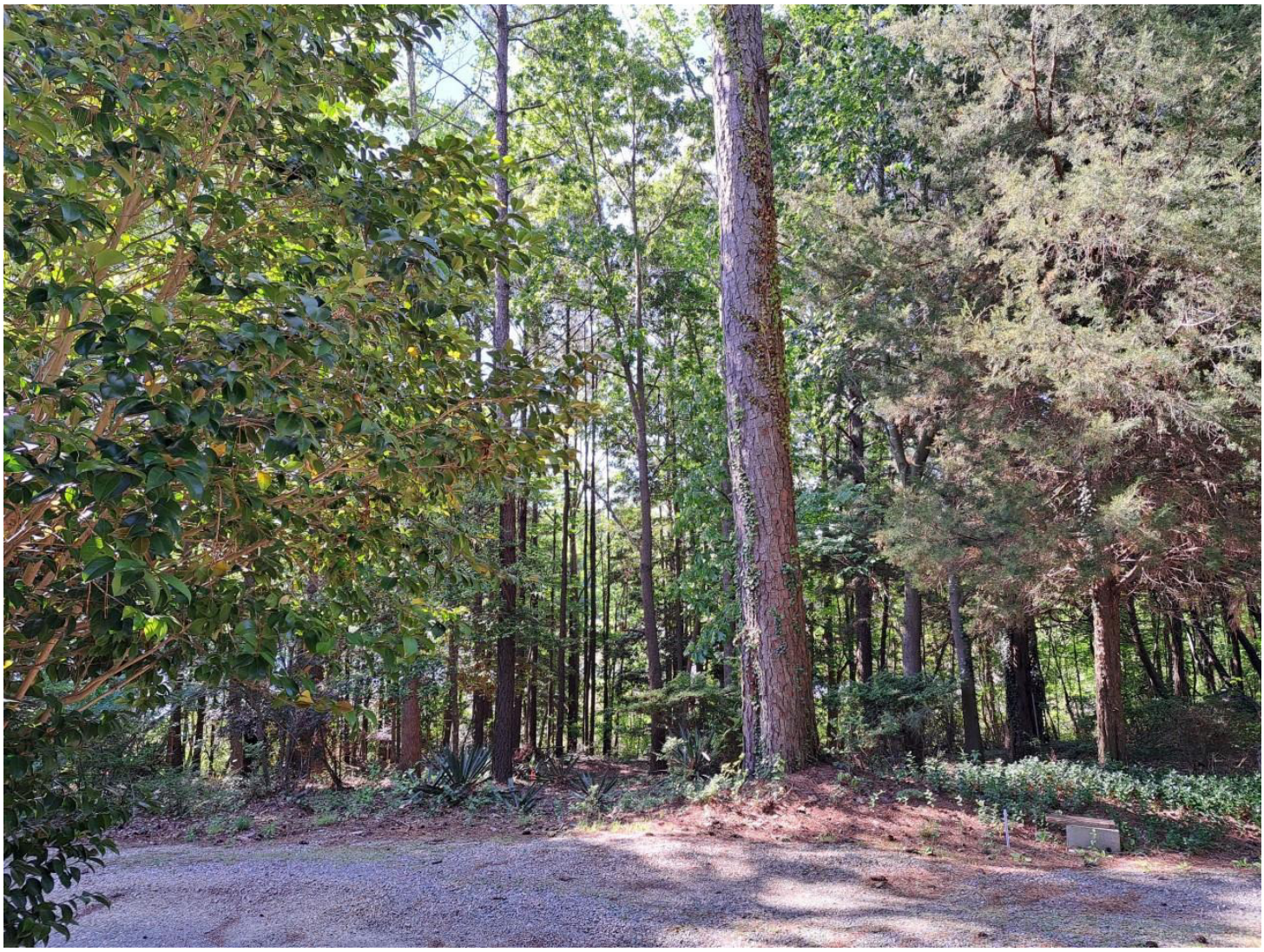
S

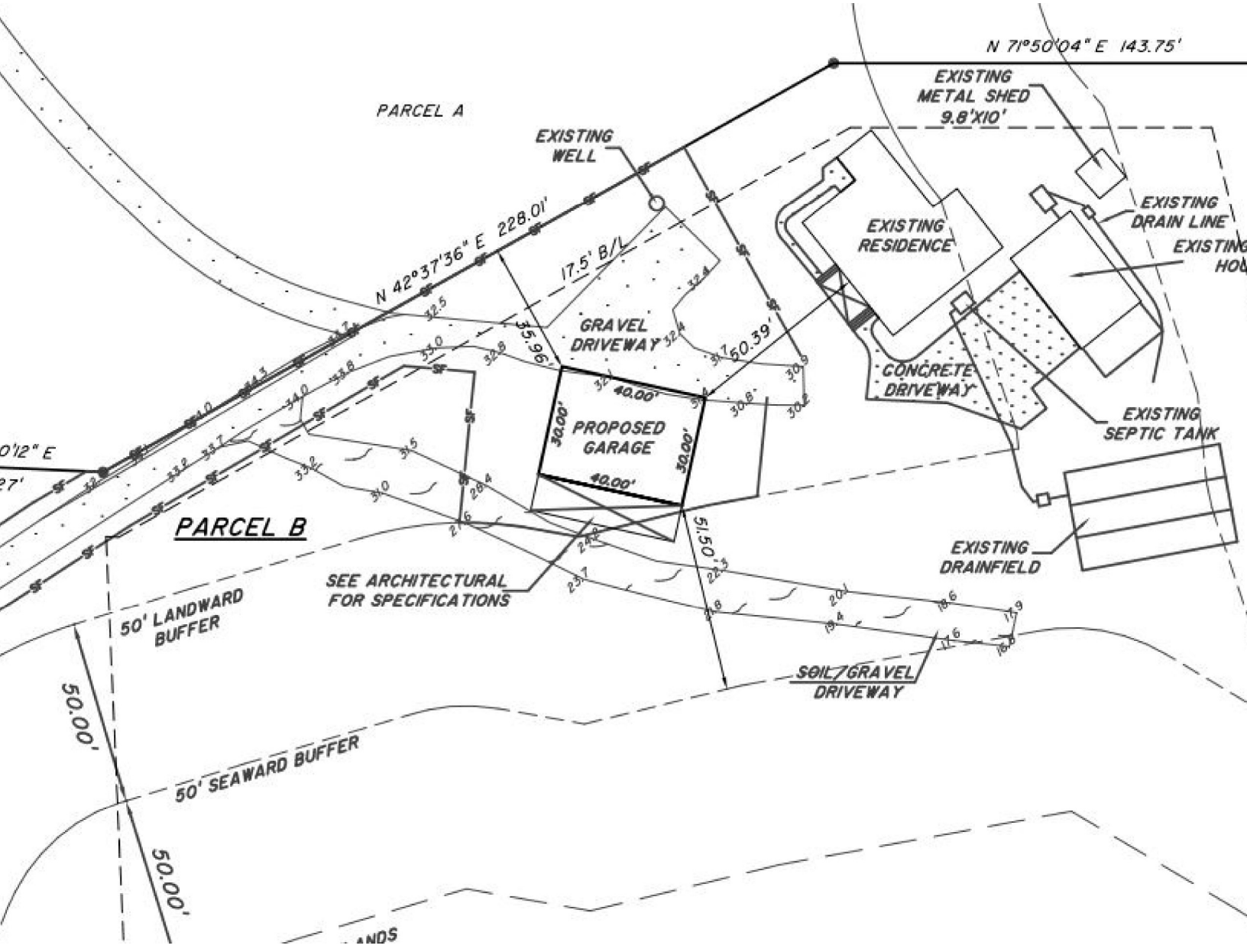
FUTURE RECOMMENDED LAND USE MAP

ZONING MAP








N 71°50'04" E 143.75'
EXISTING METAL SHED 9.8'X10'
PARCEL A
EXISTING WELL
N 42°37'36" E 228.01'
17.5' B/L
EXISTING RESIDENCE
EXISTING DRAIN LINE
GRAVEL DRIVEWAY
35.96'
50.39'
CONCRETE DRIVEWAY
40.00'
30.00'
PROPOSED GARAGE
30.00'
40.00'
EXISTING SEPTIC TANK
PARCEL B
EXISTING DRAINFIELD
SEE ARCHITECTURAL FOR SPECIFICATIONS
51.50'
50' LANDWARD BUFFER
SOIL/GRAVEL DRIVEWAY
50.00'
50' SEAWARD BUFFER
50.00'

ISSUE:

Request of Riverside Smithfield Hospital, Property Owner, To Amend the Conditional Zoning for Property Located at 19339 Benns Church Boulevard in the Conditional-General Commercial (C-GC) Zoning District to Remove the Requirement to Construct the Northern Access Road

BACKGROUND:

The property is located at 19339 Benns Church Boulevard, with tax map numbers 32-01-102, adjacent to the Benn's Grant master planned community. The property is bounded by Benns Church Boulevard (Rte. 10) to the east, Benn's Grant Boulevard and associated Benn's Grant planned community residential and commercial uses to the south, and agricultural and silvicultural uses to the west and north.

The Board of Supervisors approved a change of zoning for the property in 2008 from Rural Agriculture Conservation (RAC) to C-GC to allow for a medical complex with facilities for medical related services, to include such uses as medical offices, hospital, ambulatory surgical and procedure center, medical diagnostic, imaging, and treatment facilities, medical clinic, urgent care, assisted living, nursing care, medical laboratories, and services, wellness facilities, age related housing for senior citizens, retail and general commercial uses related to such medical uses or supporting users of such facilities or otherwise appropriate to the medical complex. The property was rezoned as part of the overall Benn's Grant master planned mixed use community. A copy of the original proffered conditions is attached to this report for your reference.

The property owner is requesting to remove the requirement to construct the northern access road upon development of the property, because they do not need access to Route 10 to serve the hospital and medical office buildings. Access will be provided from Benns Grant Boulevard. The owner, however, did agree to dedicate right-of-way for a future access road should the County, VDOT, or a third property need to construct an access road to Route 10. In addition, existing proffer language remains which states that the property owner must provide an updated Traffic Impact Assessment and construct any recommended road improvements should they propose to expand the uses on their site or propose access to Route 10 in the future.

A redline version of the proposed proffer changes as well as a clean copy of the

newly revised Proffer statement are attached to the staff report.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Staff recommends approval of the conditional zoning amendment request.

ATTACHMENTS:

Description	Type	Upload Date
Application	Backup Material	6/7/2023
Narrative	Backup Material	6/8/2023
Proffer Change Redline Version	Backup Material	6/7/2023
2023 Riverside Proffer Amendment Clean Version	Backup Material	6/7/2023
2008 Original Proffers	Backup Material	6/8/2023
2008 Concept Plan	Backup Material	6/8/2023

Revised 4/7/23

Local Roots, Global Reach

ISLE OF WIGHT
COUNTY, VIRGINIA
DEPARTMENT OF PLANNING AND ZONING

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

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

Request to change the subject property(s) from the_____to the_____zoning district.

Proposed Use or Activity: _____

_____

[x] Amendment to Conditional Zoning

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

Please See Attached

B. PROJECT DESCRIPTION:

Project Name: Benns Grant

Property Address (if any): 19339 Benns Grant Boulevard, Smithfield, Virginia 23430

Election District: District 3- Hardy

Comprehensive Plan Designation: Commercial/Industrial

The rezoning will apply to 29.55 acres out of 29.55 total acres

Tax Parcel Identification # 32-01-102 Number of Acres to be Rezoned: 29.55

Requesting Zoning District Change from: amendment to proffers to _____

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

Requesting Zoning District Change from:_____to _____

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

Requesting Zoning District Change from:_____to _____

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

Public Sewer x Private Septic _____

C. **APPLICATION INFORMATION:**

Applicant(s) Name(s): Riverside Healthcare Association, Inc.

Address: 701 Town Center Drive, Suite 1000

City, State, Zip Code: Newport News, Virginia 23606

Phone No.: 757.534.7000 Email: mike.doucette@rivhs.com Fax No.: _____

Property Owner(s) Name(s): Riverside Healthcare Association, Inc.

Address: 701 Town Center Drive, Suite 1000

City, State, Zip Code: Newport News, Virginia 23606

Phone No.: 757.534.7000 Email: mike.doucette@rivhs.com Fax No.: _____

Michael Doucette 6/7/2023

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: Riverside Healthcare Association, Inc.

Address: 701 Town Center Drive, Suite 1000, Newport News, VA 23606

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
19375 Benns Grant Boulevard, Smithfield, Virginia 23430	Site of future Riverside Smithfield Hospital

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 X 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: Michael J. Doucette (Printed or Typed Name) Applicant: [signature] (Signature) Date: 6/7/2023

Commonwealth of Virginia
~~County of Isle of Wight~~ City of Newport News

Subscribed and sworn to before me Kelly A. Taylor.
A Notary Public in and for the ~~County of Isle of Wight~~, Commonwealth of Virginia, this 7th day of June, 2023. City of Newport News

[signature]
Notary Public

My Commission Expires November 30, 2024

KELLY A. TAYLOR
Notary Public
Commonwealth of Virginia
7528554

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.

Commercial/Industrial

Michael J. Doucette

Name

Michael Doucette

Signature

6/7/2023

Date

Riverside Conditional Zoning Amendment Narrative

6/8/23

Riverside Healthcare Association, Inc. ("Riverside") the owner of the property located at 19339 Benns Grant Boulevard Tax Map Number 32-01-102 (the "Property"), respectfully requests that the Board of Supervisors approve the attached amended and restate proffers. Riverside desires to remove the proffer to build the North Access Road and instead has amended the proffer to dedicate a Right of Way Easement for the future development of the North Access Road by the County, VDOT or a third party. Riverside has designed an internal loop road on the Property to meet the needs of the Riverside Smithfield Hospital. All patients, visitors and staff shall access the Property off of Benns Grant Boulevard thus removing the necessity for the North Access Road.

PROFFER STATEMENT

CONDITIONAL ZONING AMENDMENT APPLICATION RIVERSIDE SMITHFIELD HOSPTIAL

Original October 7, 2008

Revised As of June 7, 2023

Parcels -Tax Map Number: 32-01-102 (the "Property")

The undersigned, ~~-~~RIVERSIDE ~~SMITHFIELD HOSPITAL,~~HEALTHCARE ASSOCIATION, INC., a Virginia non-stock corporation, ("~~Owners~~Owner"), hereby voluntarily proffer that the development of the Property owned by the ~~Owners~~Owner consisting of approximately 29.55 acres, shall be in strict accordance with the conditions set forth below (collectively, the "Proffers"), upon approval by Isle of Wight County, Virginia (the "County") of this conditional zoning amendment application. The undersigned hereby waive any right to challenge, in any judicial or administrative proceedings, the legality of such conditions or to assert a claim for compensation resulting from such conditions (except where compensation is expressly provided for in such conditions) under federal or Virginia law.

The following conditions are voluntarily proffered for the conditional zoning amendment application for the Property and shall supersede and replace all previous proffered conditions~~.~~. This Proffer Agreement modifies certain proffers as they pertain to the Property and restates other proffers as they pertain to the Property. References to Owner in proffers below shall be read to refer to the record titleholder of the property affected by such proffers, whether Owner or their successors and assigns.

1. County Approvals. The Property shall be developed in accordance with the site plan and the subdivision plat for the Property finally approved by the County and any other applicable governmental agency (the "Site Plan"), together with the terms of these Proffers. The Site Plan shows the approximate locations of the intended buildings, parking fields and other site layout details but remains subject to changes as may be approved by the County or other governmental authority with jurisdiction and subject to further details as may appear in any finally approved site plan.

2. Compliance. To the extent of, and as set forth in Paragraph 4(b)(i) below, the Owners shall endeavor to comply with the document entitled "Benns Church Activity Center - A Roadmap for Growth" as adopted by the County at the time of these Proffers, except to the extent such compliance is not applicable as determined during the site plan approval process or except as allowed by the County or other applicable governmental agency with jurisdiction.

3. Use. The Property, once fully rezoned, shall be used as a medical complex with facilities for medical related services and purposes, which may include (without limitation) medical offices, hospital, ambulatory surgical and procedure center (which may provide overnight stays for patients), medical diagnostic, imaging, and treatment facilities, medical clinic, urgent care, assisted living, nursing care, medical laboratories, and services, wellness facilities, age related housing for senior citizens, retail and general commercial uses related to such medical uses or supporting users of such facilities or otherwise appropriate to the medical complex.

Formatted: Not Highlight

Formatted: Expanded by 1.35 pt, Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

4. Roads Improvement s and Traffic. The Owners shall construct the roads shown on the Site Plan in accordance with VDOT and/or County standards, except to the extent such compliance is not applicable as determined during the site plan approval process or except as allowed by the County or other applicable governmental agency with jurisdiction. To the extent applicable, and when appropriate as determined in the site plan approval process, the Owners shall offer for dedication to VDOT such roads when completed.

The development of the Property shall include Owners' design and construction of the improvements to Route 10, at Owners' expense, as may be determined by the County and VDOT (including by any applicable traffic impact study) to be required for development of the Property as shown on the Site Plan. Owners shall convey to VDOT all rights-of-way required to construct the Route 10 Improvements. The Route 10 Improvements shall be designed and constructed in accordance with construction plans approved by the County and VDOT.

The Owners will construct or cause to be constructed as part of development of the Property the following access points and circulation roads to provide ingress and egress to the Property and the rudiments of access to the potential future development of the remainder of the property.

a. The North Access Road. Owner shall grant to the County a right of way along the northern portion of Owner's Property in order for the County, VDOT or third party as applicable to construct the North Access Road at a future date. Such Right of Way shall be no less than 30 feet wide and no more than 50 feet wide and shall be for the benefit of the County.

Formatted: Not Highlight

b. The South Access Road

i. The South Access Road shall be constructed with aminimum 30 foot pavement section, measured from face of curb to face of curb. The Owners shall cooperate with the future alignment, re-striping, route reconfiguration or similar improvements to the intersection of Benns Church Boulevard and Brewers Neck Boulevard as part of the County's approved document entitled "Benns Church Activity Center - A Roadmap For Growth"; provided, however, that such cooperation shall not be deemed or construed to require financial contributions, grants of property or other cost or expense of any kind to be incurred by Owners, but instead is intended to indicate the Owners' agreement not to hinder unreasonably any improvements or changes to the then-existing intersection that do not materially impair, obstruct or otherwise detrimentally impact the use of the Property as contemplated herein. The South Access Road shall operate as a right-in-right-out only access until the construction of relocated Brewers Neck Boulevard.

ii. The South Access Road shall be constructed with the Phase 1 development of the Property to the extent necessary to access the Property at the approximate midpoint of the Property's southern boundary line.

iii. A right turn lane from southbound Benns Church Boulevard to the South Access Road.

iv. A five-foot wide, sidewalk along the north side of the South Access Road.

c. Benns Church Boulevard Bike and Pedestrian Trail

i. A ten-foot wide, paved, multi-use path shall be constructed by the Owners through the HCOD Buffer along the west side of Benns Church Boulevard.

ii. The trail location shall be coordinated with the County's Master Trail system plan.

iii. At least one connection shall be provided by the Owners to the pedestrian circulation routes within the Property. The Benns Church Boulevard Bike and Pedestrian Trail shall intersect the sidewalks along the North Access Road.

d. The North and South Access Roads shall be constructed in accordance with VDOT standards and offered for dedication to the VDOT Secondary System of Roads system at the time such roads are complete.

5. Overlay District. The Owners shall design and construct adequate measures, including landscaping, structures or other means, as necessary to provide any required visual buffer, except to the extent such compliance is not applicable as determined in the site plan approval process or except as allowed by the County or other applicable governmental agency with jurisdiction.

6. Master Plan and Architectural Approvals. Property improvements shall be constructed in substantial compliance with the finally approved site plan(s) and architectural elevations as approved by the County's Historic Architectural Review Committee, the County's Planning Commission and the County's Board of Supervisors, except to the extent such compliance is not applicable as determined in the site plan approval process or except as allowed by the County or other applicable governmental agency with jurisdiction.

7. Utility Improvements. The Property shall be served by a public water system and a public sanitary sewer system, which the Owners will construct, at their expense, in accordance with the County's construction design standards ("Utility Improvements").The Owners shall offer the Utility Improvements for dedication to the County for its ownership, maintenance and operation when such systems are completed as part of the Property development. The Utility Improvements shall be in locations approved by the County and/or other governmental agency with jurisdiction and generally shall be located within streets, rights-of-way, utility easements or other property controlled by or to be dedicated to the County or other governmental entity.

8. Historical Structure. The Owners have completed or, if not completed, shall take all actions and perform fully all conditions mutually agreed between the County and the Owners, regarding the removal of the historical structure known as the W.P. Jordan House currently located at the Property. If any of the mutually agreed actions are not acceptable to any governmental agency having jurisdiction or if the Owners cannot obtain any required permits or approvals for implementing the mutually agreed restrictions and/or conditions, then the Owners shall be relieved of their obligations under this Proffer.

9. Transfer of Title. When the Owners transfer title to the Property to another owner, all rights and obligations of the Owners under these Proffers related to the Property shall automatically be transferred to and/or assumed by such transferee, and the Owners shall be released from all such obligations to the County related to the Property. Owners agree to provide the County with documentation where any such transferee, for the initial title transfer only after the rezoning is fully approved, assumes all obligations and requirements under these Proffers.

10. Subsequent Phases. For any phase(s) after Phase I the Owners shall provide the County with an updated traffic impact analysis at the time (or each time) such further development is requested. The Owners shall participate in the construction of such road or right-of-way improvements as may be recommended by the results of such traffic impact analysis or other required studies or reports, to the extent required for such new phase, and shall provide such utility improvements as may be required by the County or other applicable government agency with jurisdiction, to the extent required for such new phase, to obtain approval of such proposed future development, all to be satisfactory to and mutually agreed between the Owners and the County.

11. Decomposition Gas Mitigation Plan. Owners shall design and implement (or shall cause to be designed or implemented by others in accordance with these Proffers) a decomposition gas mitigation plan ("Mitigation Plan") for any areas of the Property affected by subsurface gas decomposition. The Mitigation Plan shall be implemented prior to land disturbance of any such affected areas of the Property.

12. Environmental Protections. The Property will be served by one or more Low Impact Development measures, such as permeable pavement/pavers, rain gardens, bio-retention filters and/or rainwater harvesting as enhanced stormwater management techniques appropriate for increasing opportunity through development for providing groundwater recharge and as deemed feasible by the Owners.

13. Environmental Assessments. The Owners have completed or, if not yet completed, will complete the following actions, pursuant to the Phase I Environmental Site Assessment applicable to the Property:
    a. previously existing underground oil storage tanks have been removed in compliance with applicable law;
    b. prior to demolition of the on-site structures, an asbestos survey will be performed;
    c. storage containers or trailers at the Property have been and/or will be removed and their contents properly disposed;
        i. the surface debris areas will be cleaned up and re-inspection of these areas shall be made to ascertain if other conditions of environmental concern exist that could not be seen previously;
        ii. the Owner's engineering consultants have performed field tests and confirmed that the property does not include any portion of the inert, construction and demolition landfill to the north of the Property; and
        iii. surface areas that exhibit staining or the potential of staining at

existing or recent storage areas which could not be seen previously will be examined to identify and mitigate any significant environmental concerns.

14. Intersection Improvements. It is understood that the County desires to relocate the existing intersection of Brewer's Neck Boulevard and Benn's Church Boulevard ("Intersection") at an estimated cost of $2,950,000.00 for land acquisition and construction. Based on the Traffic Analysis by Kimley-Hom and Associates, Inc., titled Benn's Grant Development, Isle of Wight County, Virginia, dated October, 2004, the Owners' Phase 1 development of the Property, at build-out, will contribute 7.5% of the traffic generated at the Intersection. Based on the traffic generated, the Owners' fair share of the cost of the relocation of the Intersection would be $221,250.00. The Owners proffer to the County a one-time voluntary cash payment in the amount of $225,000.00 less a credit (the "Credit") amount for the construction improvements already proffered herein for certain work that the Owners shall perform that otherwise would have been part of the work for the Intersection relocation (collectively, "the Cash Proffer"). Work by the Owners that shall qualify for consideration as part of the Credit amount shall be limited to the actual construction costs for building the Southern Access Road and related infrastructure that would otherwise be required to be built as part of the Intersection relocation. Potential improvements that will be considered as part of the Credit amount include traffic signal equipment and interconnect systems, turn lanes, and drainage improvements. The Owners agree that the Credit amount shall not include any costs for engineering design, legal work or similar consultant expenses related to the Southern Access Road. The Credit amount shall be determined by the mutual agreement of the Owners and the County based upon information provided by appropriate engineering estimates or similar information. The Owners further proffer that if 7.5% of the total cost of the new traffic improvements at the Intersection, including acquisition of necessary land, exceeds $225,000, the Owners shall pay 7.5% of such total cost.

    The Cash Proffer shall be paid to the County at the time the final, unconditional certificate of occupancy is issued for the first building to be constructed on the Property after the full rezoning of the Property pursuant to the Rezoning Application. The Cash Proffer will be used for the relocation of or other improvements to the Intersection and the Cash Proffer has been calculated as a pro-rata contribution based on anticipated additional traffic and road impacts. The County, in its discretion, may use the Cash Proffer to make improvements to the existing Intersection. If the Intersection is relocated, the Owners agree that it is at the County's discretion to re-direct all or a portion of the Cash Proffer to the relocated Intersection or any such other improvements that may serve this Property. Upon payment of the Cash Proffer and completion of the work that is part of the credit amount, the Owner's obligations under this Proffer shall be fully satisfied.

15. Failure to Develop. If site development work on the Property is not commenced within five (5) years after the date the rezoning of the Property becomes final beyond any appeal period with no appeal having been filed, or if filed, the rezoning has been upheld by final court decision beyond any appeal period, the Owners shall not oppose any action taken by the Board of Supervisors of the County to change the zoning classification of the Property back to its original zoning classification in effect prior to the filing of the Rezoning Application.

16. Effectiveness of Proffers. If this Conditional Zoning Amendment Application is denied,

the Proffers shall be void ab initio and of no further force or effect.

The undersigned ~~are~~is the ~~owners~~owner with a legal interest in the Property and ~~they have~~has signed this Proffer Statement with full authority to bind the Property to these Proffers, and that such conditions are entered into voluntarily.

DATE: _____

~~**OWNERS SIGNATURE**~~

~~RIVERSIDE SMITHFIELD HOSPITAL~~

_____ ~~BY:~~_____

_____ ~~TITLE:~~_____

~~**NOTARY SIGNATURE AND SEAL:**~~

OWNER: Riverside Healthcare Association, Inc., a Virginia non-stock corporation

By: _____
Michael Doucette, Vice President

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

The foregoing instrument was acknowledged before me this the ____ day of June, 2023, by Michael Doucette, who is personally known to me as Vice President of Riverside Healthcare Association., a Virginia corporation, on its behalf.

_____
Notary Public

My Commission expires: _____

My registration number is: _____

Formatted: Space Before: 0 pt

PROFFER STATEMENT

CONDITIONAL ZONING AMENDMENT APPLICATION RIVERSIDE SMITHFIELD HOSPTIAL

Original October 7, 2008

Revised As of June 7, 2023

Parcels -Tax Map Number: 32-01-102 (the "Property")

The undersigned, RIVERSIDE HEALTHCARE ASSOCIATION, INC., a Virginia non-stock corporation, ("Owner"), hereby voluntarily proffer that the development of the Property owned by the Owner consisting of approximately 29.55 acres, shall be in strict accordance with the conditions set forth below (collectively, the "Proffers"), upon approval by Isle of Wight County, Virginia (the "County") of this conditional zoning amendment application. The undersigned hereby waive any right to challenge, in any judicial or administrative proceedings, the legality of such conditions or to assert a claim for compensation resulting from such conditions (except where compensation is expressly provided for in such conditions) under federal or Virginia law.

The following conditions are voluntarily proffered for the conditional zoning amendment application for the Property and shall supersede and replace all previous proffered conditions. This Proffer Agreement modifies certain proffers as they pertain to the Property and restates other proffers as they pertain to the Property. References to Owner in proffers below shall be read to refer to the record titleholder of the property affected by such proffers, whether Owner or their successors and assigns.

1. County Approvals. The Property shall be developed in accordance with the site plan and the subdivision plat for the Property finally approved by the County and any other applicable governmental agency (the "Site Plan"), together with the terms of these Proffers. The Site Plan shows the approximate locations of the intended buildings, parking fields and other site layout details but remains subject to changes as may be approved by the County or other governmental authority with jurisdiction and subject to further details as may appear in any finally approved site plan.

2. Compliance. To the extent of, and as set forth in Paragraph 4(b)(i) below, the Owners shall endeavor to comply with the document entitled "Benns Church Activity Center - A Roadmap for Growth" as adopted by the County at the time of these Proffers, except to the extent such compliance is not applicable as determined during the site plan approval process or except as allowed by the County or other applicable governmental agency with jurisdiction.

3. Use. The Property, once fully rezoned, shall be used as a medical complex with facilities for medical related services and purposes, which may include (without limitation) medical offices, hospital, ambulatory surgical and procedure center (which may provide overnight stays for patients), medical diagnostic, imaging, and treatment facilities, medical clinic, urgent care, assisted living, nursing care, medical laboratories, and services, wellness facilities, age related housing for senior citizens, retail and general commercial uses related to such medical uses or supporting users of such facilities or otherwise appropriate to the medical complex.

4. Roads Improvement s and Traffic. The Owners shall construct the roads shown on the Site Plan in accordance with VDOT and/or County standards, except to the extent such compliance is not applicable as determined during the site plan approval process or except as allowed by the County or other applicable governmental agency with jurisdiction. To the extent applicable, and when appropriate as determined in the site plan approval process, the Owners shall offer for dedication to VDOT such roads when completed.

The development of the Property shall include Owners' design and construction of the improvements to Route 10, at Owners' expense, as may be determined by the County and VDOT (including by any applicable traffic impact study) to be required for development of the Property as shown on the Site Plan. Owners shall convey to VDOT all rights-of-way required to construct the Route 10 Improvements. The Route 10 Improvements shall be designed and constructed in accordance with construction plans approved by the County and VDOT.

The Owners will construct or cause to be constructed as part of development of the Property the following access points and circulation roads to provide ingress and egress to the Property and the rudiments of access to the potential future development of the remainder of the property.

a. The North Access Road. Owner shall grant to the County a right of way along the northern portion of Owner's Property in order for the County, VDOT or third party as applicable to construct the North Access Road at a future date. Such Right of Way shall be no less than 30 feet wide and no more than 50 feet wide and shall be for the benefit of the County.
b. The South Access Road
    i. The South Access Road shall be constructed with aminimum 30 foot pavement section, measured from face of curb to face of curb. The Owners shall cooperate with the future alignment, re-striping, route reconfiguration or similar improvements to the intersection of Benns Church Boulevard and Brewers Neck Boulevard as part of the County's approved document entitled "Benns Church Activity Center - A Roadmap For Growth"; provided, however, that such cooperation shall not be deemed or construed to require financial contributions, grants of property or other cost or expense of any kind to be incurred by Owners, but instead is intended to indicate the Owners' agreement not to hinder unreasonably any improvements or changes to the then-existing intersection that do not materially impair, obstruct or otherwise detrimentally impact the use of the Property as contemplated herein. The South Access Road shall operate as a right-in-right-out only access until the construction of relocated Brewers Neck Boulevard.

    ii. The South Access Road shall be constructed with the Phase 1 development of the Property to the extent necessary to access the Property at the approximate midpoint of the Property's southern boundary line.

    iii. A right turn lane from southbound Benns Church Boulevard to the South Access Road.

    iv. A five-foot wide, sidewalk along the north side of the South Access Road.

c. Benns Church Boulevard Bike and Pedestrian Trail

i. A ten-foot wide, paved, multi-use path shall be constructed by the Owners through the HCOD Buffer along the west side of Benns Church Boulevard.

ii. The trail location shall be coordinated with the County's Master Trail system plan.

iii. At least one connection shall be provided by the Owners to the pedestrian circulation routes within the Property. The Benns Church Boulevard Bike and Pedestrian Trail shall intersect the sidewalks along the North Access Road.

d. The North and South Access Roads shall be constructed in accordance with VDOT standards and offered for dedication to the VDOT Secondary System of Roads system at the time such roads are complete.

5. Overlay District. The Owners shall design and construct adequate measures, including landscaping, structures or other means, as necessary to provide any required visual buffer, except to the extent such compliance is not applicable as determined in the site plan approval process or except as allowed by the County or other applicable governmental agency with jurisdiction.

6. Master Plan and Architectural Approvals. Property improvements shall be constructed in substantial compliance with the finally approved site plan(s) and architectural elevations as approved by the County's Historic Architectural Review Committee, the County's Planning Commission and the County's Board of Supervisors, except to the extent such compliance is not applicable as determined in the site plan approval process or except as allowed by the County or other applicable governmental agency with jurisdiction.

7. Utility Improvements. The Property shall be served by a public water system and a public sanitary sewer system, which the Owners will construct, at their expense, in accordance with the County's construction design standards ("Utility Improvements").The Owners shall offer the Utility Improvements for dedication to the County for its ownership, maintenance and operation when such systems are completed as part of the Property development. The Utility Improvements shall be in locations approved by the County and/or other governmental agency with jurisdiction and generally shall be located within streets, rights-of-way, utility easements or other property controlled by or to be dedicated to the County or other governmental entity.

8. Historical Structure. The Owners have completed or, if not completed, shall take all actions and perform fully all conditions mutually agreed between the County and the Owners, regarding the removal of the historical structure known as the W.P. Jordan House currently located at the Property. If any of the mutually agreed actions are not acceptable to any governmental agency having jurisdiction or if the Owners cannot obtain any required permits or approvals for implementing the mutually agreed restrictions and/or conditions, then the Owners shall be relieved of their obligations under this Proffer.

9. Transfer of Title. When the Owners transfer title to the Property to another owner, all rights and obligations of the Owners under these Proffers related to the Property shall automatically be transferred to and/or assumed by such transferee, and the Owners shall be released from all such obligations to the County related to the Property. Owners agree to provide the County with documentation where any such transferee, for the initial title transfer only after the rezoning is fully approved, assumes all obligations and requirements under these Proffers.

10. Subsequent Phases. For any phase(s) after Phase I the Owners shall provide the County with an updated traffic impact analysis at the time (or each time) such further development is requested. The Owners shall participate in the construction of such road or right-of-way improvements as may be recommended by the results of such traffic impact analysis or other required studies or reports, to the extent required for such new phase, and shall provide such utility improvements as may be required by the County or other applicable government agency with jurisdiction, to the extent required for such new phase, to obtain approval of such proposed future development, all to be satisfactory to and mutually agreed between the Owners and the County.

11. Decomposition Gas Mitigation Plan. Owners shall design and implement (or shall cause to be designed or implemented by others in accordance with these Proffers) a decomposition gas mitigation plan ("Mitigation Plan") for any areas of the Property affected by subsurface gas decomposition. The Mitigation Plan shall be implemented prior to land disturbance of any such affected areas of the Property.

12. Environmental Protections. The Property will be served by one or more Low Impact Development measures, such as permeable pavement/pavers, rain gardens, bio-retention filters and/or rainwater harvesting as enhanced stormwater management techniques appropriate for increasing opportunity through development for providing groundwater recharge and as deemed feasible by the Owners.

13. Environmental Assessments. The Owners have completed or, if not yet completed, will complete the following actions, pursuant to the Phase I Environmental Site Assessment applicable to the Property:

    a. previously existing underground oil storage tanks have been removed in compliance with applicable law;
    b. prior to demolition of the on-site structures, an asbestos survey will be performed;
    c. storage containers or trailers at the Property have been and/or will be removed and their contents properly disposed;
        i. the surface debris areas will be cleaned up and re-inspection of these areas shall be made to ascertain if other conditions of environmental concern exist that could not be seen previously;
        ii. the Owner's engineering consultants have performed field tests and confirmed that the property does not include any portion of the inert, construction and demolition landfill to the north of the Property; and
        iii. surface areas that exhibit staining or the potential of staining at

existing or recent storage areas which could not be seen previously will be examined to identify and mitigate any significant environmental concerns.

14. Intersection Improvements. It is understood that the County desires to relocate the existing intersection of Brewer's Neck Boulevard and Benn's Church Boulevard ("Intersection") at an estimated cost of $2,950,000.00 for land acquisition and construction. Based on the Traffic Analysis by Kimley-Hom and Associates, Inc., titled Benn's Grant Development, Isle of Wight County, Virginia, dated October, 2004, the Owners' Phase 1 development of the Property, at build-out, will contribute 7.5% of the traffic generated at the Intersection. Based on the traffic generated, the Owners' fair share of the cost of the relocation of the Intersection would be $221,250.00. The Owners proffer to the County a one-time voluntary cash payment in the amount of $225,000.00 less a credit (the "Credit") amount for the construction improvements already proffered herein for certain work that the Owners shall perform that otherwise would have been part of the work for the Intersection relocation (collectively, "the Cash Proffer"). Work by the Owners that shall qualify for consideration as part of the Credit amount shall be limited to the actual construction costs for building the Southern Access Road and related infrastructure that would otherwise be required to be built as part of the Intersection relocation. Potential improvements that will be considered as part of the Credit amount include traffic signal equipment and interconnect systems, turn lanes, and drainage improvements. The Owners agree that the Credit amount shall not include any costs for engineering design, legal work or similar consultant expenses related to the Southern Access Road. The Credit amount shall be determined by the mutual agreement of the Owners and the County based upon information provided by appropriate engineering estimates or similar information. The Owners further proffer that if 7.5% of the total cost of the new traffic improvements at the Intersection, including acquisition of necessary land, exceeds $225,000, the Owners shall pay 7.5% of such total cost.

    The Cash Proffer shall be paid to the County at the time the final, unconditional certificate of occupancy is issued for the first building to be constructed on the Property after the full rezoning of the Property pursuant to the Rezoning Application. The Cash Proffer will be used for the relocation of or other improvements to the Intersection and the Cash Proffer has been calculated as a pro-rata contribution based on anticipated additional traffic and road impacts. The County, in its discretion, may use the Cash Proffer to make improvements to the existing Intersection. If the Intersection is relocated, the Owners agree that it is at the County's discretion to re-direct all or a portion of the Cash Proffer to the relocated Intersection or any such other improvements that may serve this Property. Upon payment of the Cash Proffer and completion of the work that is part of the credit amount, the Owner's obligations under this Proffer shall be fully satisfied.

15. Failure to Develop. If site development work on the Property is not commenced within five (5) years after the date the rezoning of the Property becomes final beyond any appeal period with no appeal having been filed, or if filed, the rezoning has been upheld by final court decision beyond any appeal period, the Owners shall not oppose any action taken by the Board of Supervisors of the County to change the zoning classification of the Property back to its original zoning classification in effect prior to the filing of the Rezoning Application.

16. Effectiveness of Proffers. If this Conditional Zoning Amendment Application is denied,

the Proffers shall be void ab initio and of no further force or effect.

The undersigned is the owner with a legal interest in the Property and has signed this Proffer Statement with full authority to bind the Property to these Proffers, and that such conditions are entered into voluntarily.

DATE: 6/7/2023

OWNER: Riverside Healthcare Association, Inc., a Virginia non-stock corporation

By: Michael Doucette
Michael Doucette, Vice President

COMMONWEALTH OF VIRGINIA
CITY/~~COUNTY~~ OF Newport News, to-wit:

The foregoing instrument was acknowledged before me this the 7th day of June, 2023, by Michael Doucette, who is personally known to me as Vice President of Riverside Healthcare Association., a Virginia corporation, on its behalf.

KELLY A. TAYLOR
Notary Public
Commonwealth of Virginia
7528554

Notary Public

My Commission expires: November 30, 2024

My registration number is: 7528554

PROFFER STATEMENT

REZONING APPLICATION

BENNS CHURCH

As of October 7, 2008 (Revised)

OCT 08 2008

Parcels –Tax Map Numbers:

32-01-068A (portion)	**Deed Book 309 Page 206**
32-01-069 (portion)	**Instrument #2000 2115**
32-01-070 (all)	**Instrument #2004 3283**
32-01-075 (portion)	**Deed Book 349 Page 876**
32-01-075A (all)	**Instrument #2004 3283**
32-01-075B (all)	**Deed Book 349 Page 876, P.C. 1, SL.389, Pg. 10**
32-01-082 (portion)	**Instrument #1999 3664**
32-03-001 (portion)	**Deed Book 331 Page 97**
32-03-001F (portion)	**Deed Book 309 Page 206**

(collectively, the "Property")

The undersigned, ISLE OF WIGHT MATERIALS COMPANY, INC., a Virginia corporation, and BENNS CHURCH PROPERTIES, a Virginia general partnership (collectively, the "Owners"), hereby voluntarily proffer that the development of the Property owned by the Owners and proposed for rezoning under this application (the "Rezoning Application"), consisting of approximately 29.55 acres, shall be in strict accordance with the conditions set forth below (collectively, the "Proffers"), upon approval by Isle of Wight County, Virginia (the "County") of this Rezoning Application. The undersigned hereby waive any right to challenge, in any judicial or administrative proceedings, the legality of such conditions or to assert a claim for compensation resulting from such conditions (except where compensation is expressly provided for in such conditions) under federal or Virginia law.

The following conditions are voluntarily proffered for the rezoning of the applicable portions of the Property, which rezoning is a portion of the planned Benns Church project ("Benns Church Project"):

1. **County Approvals**. The Property shall be developed in accordance with

the site plan and the subdivision plat for the Property finally approved by the County and any other applicable governmental agency (the "Site Plan"), together with the terms of these Proffers. The Site Plan shows the approximate locations of the intended buildings, parking fields and other site layout details but remains subject to changes as may be approved by the County or other governmental authority with jurisdiction and subject to further details as may appear in any finally approved site plan.

2. **Compliance**. To the extent of, and as set forth in Paragraph 4(b)(i) below, the Owners shall endeavor to comply with the document entitled "Benns Church Activity Center – A Roadmap for Growth" as adopted by the County at the time of these Proffers, except to the extent such compliance is not applicable as determined during the site plan approval process or except as allowed by the County or other applicable governmental agency with jurisdiction.

3. **Use**. The Property, once fully rezoned, shall be used as a medical complex with facilities for medical related services and purposes, which may include (without limitation) medical offices, hospital, ambulatory surgical and procedure center (which may provide overnight stays for patients), medical diagnostic, imaging, and treatment facilities, medical clinic, urgent care, assisted living, nursing care, medical laboratories, and services, wellness facilities, age related housing for senior citizens, retail and general commercial uses related to such medical uses or supporting users of such facilities or otherwise appropriate to the medical complex.

4. **Roads Improvements and Traffic**. The Owners shall construct the roads shown on the Site Plan in accordance with VDOT and/or County standards, except to the extent such compliance is not applicable as determined during the site plan approval process or except as allowed by the County or other applicable governmental

agency with jurisdiction. To the extent applicable, and when appropriate as determined in the site plan approval process, the Owners shall offer for dedication to VDOT such roads when completed.

The development of the Property shall include Owners' design and construction of the improvements to Route 10, at Owners' expense, as may be determined by the County and VDOT (including by any applicable traffic impact study) to be required for development of the Property as shown on the Site Plan. Owners shall convey to VDOT all rights-of-way required to construct the Route 10 Improvements. The Route 10 Improvements shall be designed and constructed in accordance with construction plans approved by the County and VDOT.

The Owners will construct or cause to be constructed as part of development of the Property the following access points and circulation roads to provide ingress and egress to the Property and the rudiments of access to the potential future development of the remainder of the Benns Church Project property:

(a) The North Access Road

(i) The North Access Road shall be constructed with the Phase I development of the Property to the extent necessary to access the Property at the approximate midpoint of the Property's northern boundary line.

(ii) The North Access Road shall be constructed with a minimum 30 foot pavement section, measured from face of curb to face of curb. The road shall align with the current intersection of Benns Church Boulevard and Brewers Neck Boulevard.

(iii) The initial construction shall provide full access to and from the intersection of Benns Church Boulevard and Brewers Neck Boulevard, but shall be designed to be converted to a right-in-right-out only access upon the construction of relocated Brewers Neck Boulevard.

(iv) Phase I construction shall include, at the Owners' expense:

(1) A channelized right turn lane from southbound Benns Church Boulevard to the North Access Road.

(2) A channelized right turn lane from the North Access Road to Benns Church Boulevard.

(3) A combined through and left turn lane from the North Access Road.

(4) Any signal modifications necessary to implement the approved intersection geometry.

(5) A five-foot wide sidewalk along the south side of the North Access Road. At least one pedestrian connection shall be constructed between the pedestrian circulation routes on the Property and the sidewalk along the south side of the street.

(b) The South Access Road

(i) The South Access Road shall be constructed with a minimum 30 foot pavement section, measured from face of curb to face of curb. The Owners shall cooperate with the future alignment, re-striping, route reconfiguration or similar improvements to the intersection of Benns Church Boulevard and Brewers Neck Boulevard as part of the County's approved document entitled "Benns Church Activity Center – A Roadmap For Growth"; provided, however, that such cooperation shall not be deemed or construed to require financial contributions, grants of property or other cost or expense of any kind to be incurred by Owners, but instead is intended to indicate the Owners' agreement not to hinder unreasonably any improvements or changes to the then-existing intersection that do not materially impair, obstruct or otherwise detrimentally impact the use of the Property as contemplated herein. The South Access Road shall operate as a right-in-right-out only access until the construction of relocated Brewers Neck Boulevard.

(ii) The South Access Road shall be constructed with the Phase 1 development of the Property to the extent necessary to access the Property at the approximate midpoint of the Property's southern boundary line.

(iii) A right turn lane from southbound Benns Church Boulevard to the South Access Road.

(iv) A five-foot wide, sidewalk along the north side of the South Access Road.

(c) Benns Church Boulevard Bike and Pedestrian Trail

(i) A ten-foot wide, paved, multi-use path shall be constructed by the Owners through the HCOD Buffer along the west side of Benns Church Boulevard.

(ii) The trail location shall be coordinated with the County's Master Trail system plan.

(iii) At least one connection shall be provided by the Owners to the pedestrian circulation routes within the Property. The Benns Church Boulevard Bike and Pedestrian Trail shall intersect the sidewalks along the North Access Road.

(d) The North and South Access Roads shall be constructed in accordance with VDOT standards and offered for dedication to the VDOT Secondary System of Roads system at the time such roads are complete.

5. **Overlay District**. The Owners shall design and construct adequate measures, including landscaping, structures or other means, as necessary to provide any required visual buffer, except to the extent such compliance is not applicable as determined in the site plan approval process or except as allowed by the County or other applicable governmental agency with jurisdiction.

6 **Master Plan and Architectural Approvals**. Property improvements shall be constructed in substantial compliance with the finally approved site plan(s) and architectural elevations as approved by the County's Historic Architectural Review Committee, the County's Planning Commission and the County's Board of Supervisors, except to the extent such compliance is not applicable as determined in the site plan approval process or except as allowed by the County or other applicable governmental agency with jurisdiction.

7. **Utility Improvements**. The Property shall be served by a public water system and a public sanitary sewer system, which the Owners will construct, at their expense, in accordance with the County's construction design standards ("Utility Improvements"). The Owners shall offer the Utility Improvements for dedication to the

County for its ownership, maintenance and operation when such systems are completed as part of the Property development. The Utility Improvements shall be in locations approved by the County and/or other governmental agency with jurisdiction and generally shall be located within streets, rights-of-way, utility easements or other property controlled by or to be dedicated to the County or other governmental entity.

8. **Historical Structure**. The Owners have completed or, if not completed, shall take all actions and perform fully all conditions mutually agreed between the County and the Owners, regarding the removal of the historical structure known as the W.P. Jordan House currently located at the Property. If any of the mutually agreed actions are not acceptable to any governmental agency having jurisdiction or if the Owners cannot obtain any required permits or approvals for implementing the mutually agreed actions and/or conditions, then the Owners shall be relieved of their obligations under this Proffer.

9. **Transfer of Title**. When the Owners transfer title to the Property to another owner, all rights and obligations of the Owners under these Proffers related to the Property shall automatically be transferred to and/or assumed by such transferee, and the Owners shall be released from all such obligations to the County related to the Property. Owners agree to provide the County with documentation where any such transferee, for the initial title transfer only after the rezoning is fully approved, assumes all obligations and requirements under these Proffers.

10. **Subsequent Phases**. For any phase(s) after Phase I the Owners shall provide the County with an updated traffic impact analysis at the time (or each time) such further development is requested. The Owners shall participate in the construction of such road or right-of-way improvements as may be recommended by the results of

such traffic impact analysis or other required studies or reports, to the extent required for such new phase, and shall provide such utility improvements as may be required by the County or other applicable government agency with jurisdiction, to the extent required for such new phase, to obtain approval of such proposed future development, all to be satisfactory to and mutually agreed between the Owners and the County.

11. **Decomposition Gas Mitigation Plan**. Owners shall design and implement (or shall cause to be designed or implemented by others in accordance with these Proffers) a decomposition gas mitigation plan ("Mitigation Plan") for any areas of the Property affected by subsurface gas decomposition. The Mitigation Plan shall be implemented prior to land disturbance of any such affected areas of the Property.

12. **Environmental Protections**. The Property will be served by one or more Low Impact Development measures, such as permeable pavement/pavers, rain gardens, bio-retention filters and/or rainwater harvesting as enhanced stormwater management techniques appropriate for increasing opportunity through development for providing groundwater recharge and as deemed feasible by the Owners.

13. **Environmental Assessments**. The Owners have completed or, if not yet completed, will complete the following actions, pursuant to the Phase I Environmental Site Assessment applicable to the Property:

(a) previously existing underground oil storage tanks have been removed in compliance with applicable law;

(b) prior to demolition of the on-site structures, an asbestos survey will be performed;

(c) storage containers or trailers at the Property have been and/or will be removed and their contents properly disposed;

(d) the surface debris areas will be cleaned up and re-inspection of these areas shall be made to ascertain if other conditions of environmental concern exist that could not be seen previously;

(e) the Owner's engineering consultants have performed field tests and confirmed that the property does not include any portion of the inert, construction and demolition landfill to the north of the Property; and

(f) surface areas that exhibit staining or the potential of staining at existing or recent storage areas which could not be seen previously will be examined to identify and mitigate any significant environmental concerns.

14. **Intersection Improvements**. It is understood that the County desires to relocate the existing intersection of Brewer's Neck Boulevard and Benn's Church Boulevard ("Intersection") at an estimated cost of $2,950,000.00 for land acquisition and construction. Based on the Traffic Analysis by Kimley-Horn and Associates, Inc., titled Benn's Grant Development, Isle of Wight County, Virginia, dated October, 2004, the Owners' Phase 1 development of the Property, at build-out, will contribute 7.5% of the traffic generated at the Intersection. Based on the traffic generated, the Owners' fair share of the cost of the relocation of the Intersection would be $221,250.00. The Owners proffer to the County a one-time voluntary cash payment in the amount of $225,000.00 less a credit (the "Credit") amount for the construction improvements already proffered herein for certain work that the Owners shall perform that otherwise would have been part of the work for the Intersection relocation (collectively, "the Cash Proffer"). Work by the Owners that shall qualify for consideration as part of the Credit amount shall be limited to the actual construction costs for building the Southern Access Road and related infrastructure that would otherwise be required to be built as part of

the Intersection relocation. Potential improvements that will be considered as part of the Credit amount include traffic signal equipment and interconnect systems, turn lanes, and drainage improvements. The Owners agree that the Credit amount shall not include any costs for engineering design, legal work or similar consultant expenses related to the Southern Access Road. The Credit amount shall be determined by the mutual agreement of the Owners and the County based upon information provided by appropriate engineering estimates or similar information. The Owners further proffer that if 7.5% of the total cost of the new traffic improvements at the Intersection, including acquisition of necessary land, exceeds $225,000, the Owners shall pay 7.5% of such total cost.

The Cash Proffer shall be paid to the County at the time the final, unconditional certificate of occupancy is issued for the first building to be constructed on the Property after the full rezoning of the Property pursuant to the Rezoning Application. The Cash Proffer will be used for the relocation of or other improvements to the Intersection and the Cash Proffer has been calculated as a pro-rata contribution based on anticipated additional traffic and road impacts. The County, in its discretion, may use the Cash Proffer to make improvements to the existing Intersection. If the Intersection is relocated, the Owners agree that it is at the County's discretion to re-direct all or a portion of the Cash Proffer to the relocated Intersection or any such other improvements that may serve this Property. Upon payment of the Cash Proffer and completion of the work that is part of the credit amount, the Owner's obligations under this Proffer shall be fully satisfied.

15. **Failure to Develop**. If site development work on the Property is not commenced within five (5) years after the date the rezoning of the Property becomes

final beyond any appeal period with no appeal having been filed, or if filed, the rezoning has been upheld by final court decision beyond any appeal period, the Owners shall not oppose any action taken by the Board of Supervisors of the County to change the zoning classification of the Property back to its original zoning classification in effect prior to the filing of the Rezoning Application.

16. **Effectiveness of Proffers**. If this Rezoning Application is denied, the Proffers shall be void *ab initio* and of no further force or effect.

The undersigned are the owners with a legal interest in the Property and they have signed this Proffer Statement with full authority to bind the Property to these Proffers, and that such conditions are entered into voluntarily.

(SIGNATURES ON THE FOLLOWING PAGES)

CONTINUED FROM PRIOR PAGE

OWNER:

ISLE OF WIGHT MATERIALS COMPANY, INC.,
a Virginia corporation

By: Henry W. Morgan
Henry W. Morgan, Vice President

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Isle of Wight, to-wit:

I, Julie A Darden, a Notary Public in and for the Jurisdiction aforesaid, ~~do~~ hereby certify that HENRY W. MORGAN as Vice President of ISLE OF WIGHT MATERIALS COMPANY, INC., a Virginia corporation, whose name as such is signed to the foregoing instrument, has acknowledged the same before me in my Jurisdiction aforesaid.

GIVEN under my hand and seal this 7 day of October, 2008.

Julie A Darden
Notary Public

JULIE A. DARDEN
Notary Public
Commonwealth of Virginia
229428
My Commission Expires Feb 29, 2012

My Commission Expires: February 29, 2012
Notary Registration No. 229428

SEE FOLLOWING PAGES FOR ADDITIONAL SIGNATURE

CONTINUED FROM PRIOR PAGE

OWNER:

BENNS CHURCH PROPERTIES,
a Virginia general partnership

By: Henry W. Morgan
Henry W. Morgan, partner

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Isle of Wight, to-wit:

I, Julie A Darden, a Notary Public in and for the Jurisdiction aforesaid, do hereby certify that HENRY W. MORGAN, as the authorized partner of BENNS CHURCH PROPERTIES, a Virginia general partnership, whose name as such is signed to the foregoing instrument, has acknowledged the same before me in my Jurisdiction aforesaid.

GIVEN under my hand and seal this 7 day of October, 2008.

Julie A Darden
Notary Public

JULIE A. DARDEN
Notary Public
Commonwealth of Virginia
229428
My Commission Expires Feb 29, 2012

My Commission Expires: February 29, 2012
Notary Registration No. 229428

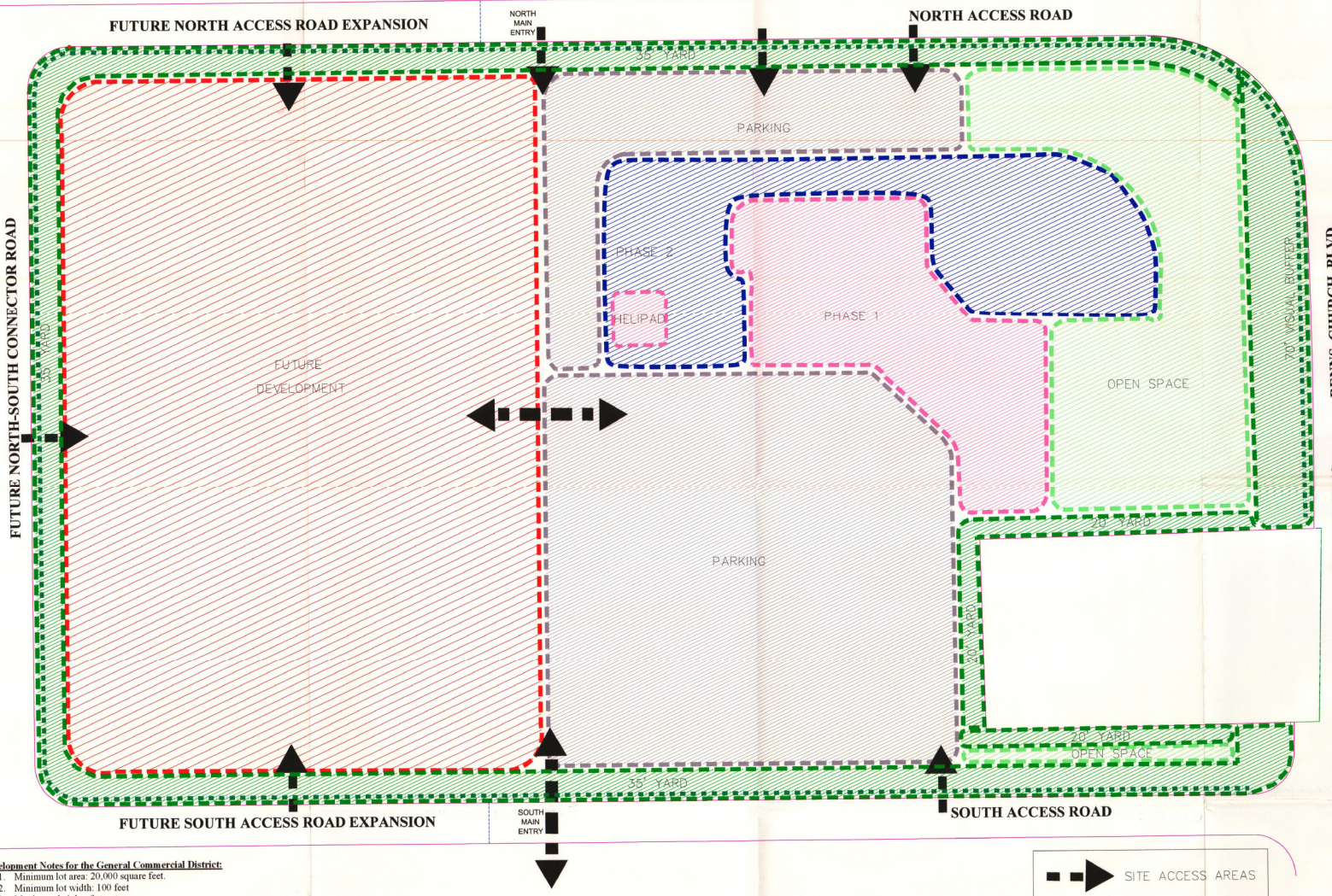
PHASE 1	MEDICAL CLINIC	40,000 SQ. FT.
	MEDICAL OFFICE/CLINIC	40,000 SQ. FT.
PHASE 2	HOSPITAL	125,000 SQ. FT.
FUTURE DEVELOPMENT		125,000 SQ. FT.

General Notes:

1. See the Preliminary Subdivision Plat for boundary, zoning and property owner information
2. New Parcel size is approximately 29.55 Acres
3. Approximately 2.78 acres of the property is zoned GC
4. Approximately 26.77 acres of the property is zoned RAC to be rezoned GC
5. There are no wetlands on this property
6. According to FEMA mapping there is no 100 year flood plain on this property

Parking Requirement:

1. General Office – 1 Space per 250 sq. feet.
2. Medical Office – 7 Spaces per practitioner, or 1 space per 200 sq. feet, whichever is greater.
3. Hospital – 1 space per 2 beds, plus 1 space per employee on major shift, including doctors.
4. Medical Clinic – 3 spaces per examination or treatment room, plus 1 space per employee on major shift including doctors.



Development Notes for the General Commercial District:

1. Minimum lot area: 20,000 square feet.
2. Minimum lot width: 100 feet
3. Maximum height of structures
   All structures: 35 feet or 3 stories, whichever is less
   a. The height limit for principal structures may be increased to fifty (50) feet or up to five (5) stories, whichever is lesser; provided, that each required yard is increased one (1) foot for each additional foot of principal structure height over 35 feet.
   b. Where structures exceed the 35 foot height requirement a building separation of thirty (30) feet shall be required.
4. Maximum density:
   Floor Area Ratio For Non-residential: .50 square feet per foot of net developable area.
5. Minimum setback requirements:
   Front yard: 35 feet
   Side yard: 5 feet
   Rear yard: 5 feet
6. Maximum lot coverage: 60%
7. Minimum open space ratio (OSR): 25%
8. Minimum landscape space ratio (LSR): 15%

Newport Development Service Overlay (NDSO) District:

1. A continuous minimum visual buffer of seventy (70) feet shall be provided between the right-of-way line of any arterial highway within the District and all proposed structures, vehicular movement and parking areas. For purposes of this section, arterial highways within the District for this property it is United States Highway Route 10
2. All parcels in the Newport Development Service Overlay District along arterial highways, as designated in Section 6-2005, Minimum Visual Buffer along the Right-of Way of Arterial Highways, within the District, shall comply with setbacks:
   Front Yard: 70 feet
   Side Yard: 20 feet
   Rear Yard: 30 feet
3. All corner lots along arterial rights-of-ways with a corner side yard along a street other than an arterial right-of-way shall meet the front setback requirement of the underlying zoning district along the corner side not fronting the arterial. No structures, vehicular parking or movement areas, other than to provide perpendicular access to the site, shall be permitted in the setback.

SITE ACCESS AREAS
PEDESTRIAN ACCESS

GRAPHIC SCALE
0 50 100 200
(IN FEET)
1 inch = 50 ft.

VA STATE PLANE SOUTH ZONE (NAD 83)

OCT 0 8 2008

LANDMARK HEALTHCARE, LLC.
RIVERSIDE HEALTH SYSTEM

Plunkett Raysich Architects, LLP

LANDMARK DESIGN GROUP
Civil Engineering Surveying
Landscape Architecture Environmental Scientists

MASTER PLAN EXHIBIT

BENNS CHURCH RIVERSIDE
NEWPORT MAGISTERIAL DISTRICT
ISLE OF WIGHT COUNTY, VIRGINIA

Designed: TWD	Date: JULY 2008
Checked: SAR	Scale: 1"=50'
File Mgr./Drwtr: TWD/JFV	CADD File name: CONCEPT2.dwg
Project Number: 2008023-000.00	Dwg. File No.:
Drawing Number	EX-1

ISSUE:

Discussion of a Joint Meeting with the School Board

BACKGROUND:

The Board may wish to discuss a potential joint meeting with the School Board relative to it's budget and staffing.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Per the Board's discussion.