Agenda
Board of Supervisors
Isle of Wight County
December 8, 2022

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
6. Citizens' Comments
7. Consent Agenda
   A. Budget Amendment - HEAT Program Grant

      Resolution to Amend the Budget and Appropriate Funding from the Virginia State Police Help Eliminate Auto Theft (HEAT) Grant Program ($10,000)

   B. Budget Amendment - Phase I - Route 10 Waterline

      Resolution to Amend the Budget and Transfer Funding from the FY2022-23 Utilities Fund Budget to the FY2022-23 Capital Fund Budget ($1,845,000)

   C. Budget Amendment - Tourism Recovery Grant

      Resolution to Amend the Budget and Appropriate Funding from the Virginia Tourism Corporation ($50,000)

   D. Minutes

      . October 6, 2022 Work Session Minutes
8. Regional and Inter-Governmental Reports

A. Regional Reports

9. Appointments

A. Appointments List

10. Special Presentations / Appearances

A. Housing Study

Presentation of a Study of Housing in Isle of Wight County

11. County Attorney's Report

A. SPSA Transfer Station Ground Lease

Renewal of SPSA Transfer Station Ground Lease

B. By-Laws and Rules of Procedure

Review of Isle of Wight County Board of Supervisors' By-Laws and Rules of Procedure

12. Public Hearings

A. Ho-Fel Solar, LLC Siting Agreement

Consideration of a Siting Agreement for the Ho-Fel Solar Project

B. Proposed Cemetery Setback Zoning Ordinance Change

Ordinance to Amend the Following Section of Appendix B, Zoning, of the Isle of Wight County Code: Article 5 (Supplementary Use Regulations), Section 5-5003.B.1, “Cemetery,” in order to Reduce the Front Yard Setback Requirement for any Burial Plot on Land Abutting a Public or Private Street to 25 Feet

C. Share the Isle Comprehensive Plan Amendment

Ordinance to Amend the Isle of Wight County Comprehensive Plan, *Envisioning the Isle*, to Incorporate by Reference the Plan Known as, “Share the Isle: Isle of Wight County’s Plan for an Aging and Mixed Ability Inclusive

Community," as Appendix XII in the Comprehensive Plan

D. Sale of County Property - Battery Park

   Execution of Documents for Sale of County Property Located at 10272 Newport Street, Battery Park, Virginia

E. Sale of County Property - Carrollton Cove

   Execution of Documents for Sale of County Property located at 15030 Carrollton Boulevard, Carrollton, Virginia

13. County Administrator's Report

A. Board of Supervisors' Meeting Schedule

   Consideration of the Board of Supervisors' Meeting Schedule for Calendar Year 2023

B. Board of Supervisors' Retreat

   Discussion of Holding a Strategic Planning Retreat/Tour

C. Matters for the Board's Information

14. Unfinished / Old Business

A. Ho-Fel Solar, LLC Conditional Use Permit

   Application of Ho-Fel Solar, LLC (CUP-02-22), Applicant, and Dustin and Brandy Atkins and Cobb Land Limited Partnership, Property Owners, for Expansion of a Previously Approved Conditional Use Permit to Establish a Major Utility Service, Specifically a 40 MW Utility-Scale Solar Energy Facility and Substation, on Eighteen Acres Located on Property on Lees Mill Road

15. New Business

A. Mutual Aid Agreement w/ Surry County

   Execution of a Fire and Emergency Medical Services Mutual Aid Agreement with Surry County

16. Adjournment

ISSUE:

Resolution to Amend the Budget and Appropriate Funding from the Virginia State Police Help Eliminate Auto Theft (HEAT) Grant Program ($10,000)

BACKGROUND:

The Sheriff's Office has applied for and was awarded the Virginia State Police Help Eliminate Auto Theft grant in the amount of $10,000 to purchase equipment to help combat catalytic converter thefts in the County. This grant will allow the Sheriff's Office to purchase an AXIS Q61 Series PTZ Camera to allow remote viewing of problem areas.

BUDGETARY IMPACT:

Increase the FY2022-23 Grant Fund Operating budget by $10,000.

RECOMMENDATION:

Adopt a resolution to amend the budget and appropriate funding from the Virginia State Police Help Eliminate Auto Theft grant program.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	11/18/2022

RESOLUTION TO AMEND THE FY 2022-2023 GRANT FUND BUDGET AND APPROPIATE FUNDING FROM THE VIRGINIA STATE POLICE TO HELP ELIMINATE AUTO THEFT (HEAT) PROGRAM GRANT

WHEREAS, the County has been awarded funding from the Virginia State Police Help Eliminate Auto Theft (HEAT) grant program; and,

WHEREAS, the Board of Supervisors desires to amend the FY2022-2023 Grant Fund Budget by $10,000 for the purchasing of equipment to combat catalytic converter thefts in the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Isle of Wight County, Virginia, that $10,000 or so much as shall be received from the Virginia State Police be appropriated to the Grant Fund Operating Budget to fund the Axis surveillance system to combat catalytic converter Thefts in the County.

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

Adopted this 8th day of December 2022.

_____
Rudolph Jefferson, Chairman

_____
Carey Mills Storm, Clerk

Approved as to form:

_____
Robert W. Jones, Jr., County Attorney

ISSUE:

Resolution to Amend the Budget and Transfer Funding from the FY2022-23 Utilities Fund Budget to the FY2022-23 Capital Fund Budget ($1,845,000)

BACKGROUND:

At its regular meeting on November 17, 2022, the Board adopted a motion to accept the apparent low bid for construction of Phase I of the Route 10 water main extension.

The Board needs to transfer the appropriate funding from the Public Utilities Capital Fund Balance and/or available bond funds to the Public Utilities Capital Fund budget in the amount of $1,845,000.

BUDGETARY IMPACT:

The FY2022-23 Public Utilities Capital Budget will be increased by $1,845,000.

RECOMMENDATION:

Adopt a resolution to amend the budget and appropriate funding to the FY2022-23 Public Utilities Capital Budget.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	12/5/2022

RESOLUTION TO AMEND THE FY2022-23 PUBLIC UTILITIES CAPITAL FUND BUDGET AND APPROPRIATE FUNDING FOR PHASE I OF THE ROUTE 10/HARDY WATER MAIN EXTENSION

WHEREAS, at its regular meeting on November 17, 2022, the Board of Supervisors adopted a motion to approve and accept the low bid for construction of Phase I of the Route 10/Hardy water main extension project; and,

WHEREAS, additional funding for completion of both phases of the project, in the amount of $1,845,000 from Public Utilities Capital Fund Balance and/or available Bond funds, needs to be budgeted and appropriated to the FY2022-23 Public Utilities Capital Budget for the Route 10 water main extension project.

NOW THEREFORE BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Isle of Wight, Virginia that the FY2022-23 Public Utilities Capital Fund Budget is hereby amended, and funds appropriated in the amount of $1,845,000 for the Route 10/Hardy water main extension project.

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 8th day of December, 2022.

_____
Rudolph Jefferson, Chairman

_____
Carey Mills Storm, Clerk

Approved as to form:

_____
Robert W. Jones, Jr., County Attorney

ISSUE:

Resolution to Amend the Budget and Appropriate Funding from the Virginia Tourism Corporation ($50,000)

BACKGROUND:

COVID-19 has had a continued and devastating impact on Virginia's tourism and hospitality industry. As the Commonwealth prepares to restore the economic impact of tourism, Virginia Tourism Corporation (VTC) is offering American Rescue Plan Act (ARPA) Tourism Recovery Program funds to spur economic activity and travel across the Commonwealth.

The County has applied for and anticipates acceptance by December 31, 2022, a $50,000 ARPA Tourism Recovery Grant from the VTC. The grant will be utilized to fund marketing research and economic impact analysis, as well as launching a Google AdWords Campaign related to tourism recovery from COVID-19 and increased tourism economic activity.

BUDGETARY IMPACT:

There are no matching funds required. The budgetary impact to the County will be an increase in revenue and expenditures in the amount of $50,000.

RECOMMENDATION:

Adopt a resolution to amend the budget and appropriate funding from the Virginia Tourism Corporation.

ISSUE:

. October 6, 2022 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:

. October 6, 2022 Work Session Minutes

ATTACHMENTS:

Description	Type	Upload Date
October 6, 2022 Work Session Minutes	Cover Memo	11/23/2022

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 OCTOBER IN THE YEAR TWO THOUSAND AND TWENTY-TWO

BOARD MEMBERS PRESENT
Rudolph Jefferson, District 3, Chairman
William M. McCarty, District 2, Vice-Chairman (Via audio)
Richard L. Grice, District 1
Don G. Rosie, II, District 5
Joel C. Acree, District 4

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

//

County Attorney Jones advised that pursuant to State Code and the Board's by-laws, a Board member can participate remotely in a meeting if a physical quorum is assembled and if the member has requested and notified the Chairman that he wishes to appear remotely/electronically. He advised that Vice-Chairman McCarty will be participating electronically due to a medical condition which will require him to state the nature of his absence and the remote location from which he is participating.

Vice-Chairman McCarty advised that due to a medical condition he will be participating electronically from his home at 10 Thorley Street, Carrollton, VA 23314.

Supervisor Rosie moved that Vice-Chairman McCarty be authorized to participate electronically in the meeting. The motion was adopted (4-0) with Supervisors Acree, Rosie, Jefferson and Grice voting in favor of the motion and no Supervisor voting against the motion.

Vice-Chairman McCarty thereafter joined the meeting.

APPROVAL OF AGENDA

Supervisor Rosie moved that a New Business tab be added to the agenda for the purpose of having a discussion on political signs. The motion passed unanimously (5-0) with Supervisors McCarty, Acree, Rosie, Grice and Jefferson voting in favor of the motion and no Supervisor voting against the motion.

INVOCATION

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

COUNTY ADMINISTRATOR'S REPORT

Michael Etheridge, Solid Waste Manager/Public Works, gave an update on the Wrenn's Mill Refuse and Recycling Center renovation. He further reported on the cardboard recycling program and reviewed items that can be accepted.

County Administrator Keaton requested the Board members to review their individual calendars and advise of potential dates for a retreat at its October 20th regular meeting.

Supervisor Grice requested the Mission Statement and duties and responsibilities of the different Task Forces/Boards/Commissions/Committees be included on the agenda for review at the retreat.

Supervisor Acree requested that staff provide a list of unfinished projects, funded projects and those that might be funded in the future for the Board's review at its retreat. Responsive to his recommendation that the Board receive input from the community, County Administrator Keaton recognized the benefit of utilizing

Zencity relative to surveys being conducted related to public safety, education, and transportation.

Supervisor Rosie requested that the Board receive input from Department Heads regarding assistance that may be needed from the Board. He stated time should be allowed for discussion regarding unfinished projects and strategies for moving forward. He also requested an update on the new Hardy Elementary School and the other school which was promised.

Chairman Jefferson recommended that the Board discuss how to finance projects.

County Administrator Keaton reminded the Board of its upcoming joint meeting with the Planning Commission on Friday, October 14th at 2:00 p.m. in the Robert C. Claud, Sr. Board Room to discuss solar farms.

UNFINISHED/OLD BUSINESS

County Administrator Keaton reminded the Board that funds in the amount of $812,507 had been set aside in the budget in a special contingency fund for the School Division until certain information related to its plans for those funds was obtained. He advised that the School Division's intent is for the majority to be used for instruction with $100,000 for transportation. He stated the Board can choose to restore the $812,507, in addition to carryover funds from capital maintenance in FY2022 in the amount of $234,272, in addition to carry over money from excess revenue received during the year and funds spent during the year in the amount of $1,261,341 that can be used by the County for any purpose. He recalled that the Board has discussed covering the cost of the vestibules for safety purposes in the amount of approximately $900,000 and the startup cost for the SROs in the approximate cost of $218,000, leaving approximately $146,000 that could be used for anything else.

Supervisor Grice moved that $812,507 be appropriated from the County's General Fund Contingency Line Item to the School's FY23 budget. Of that $812,507, $712,507 is to be placed in the School's Instruction category and $100,000 placed in the School's Transportation category. The motion passed unanimously (5-0) with Supervisors McCarty, Acree, Rosie, Grice and Jefferson voting in favor of the motion and no Supervisor voting against the motion.

Chairman Jefferson followed with a motion to approve the following Resolution in the amount of $234,272:

RESOLUTION TO AMEND THE FY 2022-23 BUDGET AND APPROPRIATE FUNDING FOR SCHOOL CAPITAL MAINTENANCE

WHEREAS, the FY 2021-22 fiscal year ended with Isle of Wight County having $234,272 unspent in the General Fund line item for School's capital maintenance projects; and,

WHEREAS, the School Board has requested that unspent School Capital maintenance funds in the amount of $234,272 be budgeted for the capital maintenance line item in the FY 2022-23 General Fund; and,

WHEREAS, the Board of Supervisors approves the request and needs to budget and appropriate $234,272 from Unassigned Fund Balance to the capital maintenance line item in the FY 2022-23 General Fund.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Isle of Wight County, Virginia, that the FY 2022-23 County Budget is hereby amended and funds in the amount of $234,272 appropriated from Unassigned Fund Balance to the capital maintenance line item in the FY 2022-23 General Fund.

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

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

Vice-Chairman McCarty requested County Administrator Keaton to provide a detailed financial account of what has been spent over the past six years on school safety and what portion of that is actually operational.

County Administrator Keaton recalled that the Board, at its previous work session, had authorized the Sheriff's office to apply for a grant for four School Resource Officers. He advised that the County was notified last week that it did receive a nine-month grant in the amount of $276,000 which would cover four School Resource Officers, their salaries and benefits.

Following dialogue with Sheriff Clarke, the consensus of the Board was to place a resolution in the Consent Agenda for the Board's October 20, 2022 meeting.

CLOSED MEETING

Pursuant to Section 2.2-3711(A) of the *Code of Virginia*, Supervisor Grice moved to enter the closed meeting for the limited purpose of: A discussion regarding the performance of a specific County employees, to include the County Administrator, pursuant to subsection 1 and a discussion or consideration of the investment of public funds in (1) a public market and (2) expansion of water service, where competition or bargaining is involved, where, if made public, the financial interest of the County would be adversely affected, pursuant to subsection 6.

The motion was unanimously adopted (5-0).

Upon motion of Vice-Chairman McCarty and all voting in favor (5-0), the Board reconvened into open meeting.

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

Upon motion of Vice-Chairman McCarty and all voting in favor (5-0), the following Resolution was adopted:

CERTIFICATION OF CLOSED MEETING

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

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

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

VOTE

AYES: Acree, Grice, Jefferson, McCarty. Rosie

NAYS: 0

ABSENT DURING VOTE: 0

ABSENT DURING MEETING: 0

NEW BUSINESS

At the request of Supervisor Grice, County Attorney Jones offered to review and compare the County's ordinance to that of other surrounding localities concerning political signs.

ADJOURNMENT

At 9:30 p.m., Chairman Jefferson declared the work session adjourned.

_____
Rudolph Jefferson, 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
2022 Regional Reports	Backup Material	7/19/2022

2022 BOARD MEMBER REGIONAL REPRESENTATIVE

(Appointed by Board Vote)

Organization	Member	Term Expires
Eastern Virginia Regional Industrial Facility Authority	Grice	No Set Term
Hampton Roads Alliance	Grice	No Set Term
Hampton Roads Military Federal Facilities Alliance	Rosie	No Set Term
Hampton Roads Planning District Commission	Acree	No Set Term
	Keaton	No Set Term
Hampton Roads Transportation Accountability Commission	McCarty	No Set Term
Hampton Roads Transportation Planning Organization	McCarty	No Set Term
	Keaton	No Set Term
Hampton Roads Workforce Council	Grice	No Set Term
Southeastern Public Service Authority	Keaton	December 2025
	Etheridge/Alternate	December 2025
Western Tidewater Community Transportation Collaborative	Grice	No Set Term
Western Tidewater Regional Jail Authority	Jefferson	No Set Term
	McCarty	No Set Term
	Keaton	No Set Term
Western Tidewater Water Authority	Grice	June 2022
	Acree	June 2022
	Jones/Alternate	June 2022

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	11/23/2022
Fair Committee Member List	Cover Memo	11/23/2022
Fire & Rescue Advisory Board	Cover Memo	11/23/2022

BOARDS/COMMISSIONS/COMMITTEES

Boards/Commissions/Committees	Appointees	Contact	District	Expiration	
Board of Zoning Appeals	Edmond Easter	357-5329	Newport/District 2	February	2023
Commission on Aging	Maggie Richards - Resigned	371-9010	Windsor/District 4	December	2023
Commission on Aging	Replacement for Brenda Reynolds who no longer resides in District 2		Newport/District 2		
Commission on Aging	Jane March - Resigned	242-3807	Carrsville/District 5	November	2021
Commission on Aging	Glenie Jones - Resigned		Carrsville/District 5	March	2023
Fair Executive Committee	See Attached List of Appointees			December	2022
Fire & Rescue Advisory Board	See Attached List of Appointees			January	2023
Historical Architectural Review Committee	W. Lee Duncan	356-1112	Hardy/District 3	January	2023
Planning Commission	George Rawls	328-3109	Windsor/District 4	February	2023
Planning Commission	Raynard Gibbs	592-3683	Smithfield/District 1	February	2023
Planning Commission	Jennifer Boykins	562-1619	Carrsville/District 5	February	2023
Social Services Board	Rudolph Jefferson			February	2023
STOP	Hazel Edwards	357-2761		March	2023
Tidewater Emergency Medical Services Council	Pat Humphries			March	2023
Wetlands Board	Replacement for Wilson Holland		Windsor/District 4	February	2023

FAIR EXECUTIVE COMMITTEE

	TWO-YEAR TERM APPOINTED	EXPIRES
CHAIRMAN (2020) Danny Byrum 24545 Miller Lane Carrollton VA 23314 635-5725 (cell) 238-3334 (Home) dannybyrum3@gmail.com	12/01/20	12/22
VICE-CHAIRMAN (2020) Michelle Billups Post Office Box 9 Zuni, Virginia 23898 646-0780 onthegomichelle@gmail.com	01/01/21	12/22
SECOND VICE-CHAIRMAN (2020) Robert Claud 5370 Duck Town Road Zuni, Virginia 23898 618-4050 runningcloud59@yahoo.com	12/01/20	12/22
TREASURER (2020) Debbie Braswell 8496 Winston Drive Zuni VA 23898 593-5236 debboo50@gmail.com	12/01/20	12/22

FAIR EXECUTIVE COMMITTEE

SECRETARY (2020)

Kim Garrett
22078 Garrison Drive
Windsor, Virginia 23487
647-7628 (cell)
doodlebugdd@gmail.com

12/01/20 12/1/2022

Send letter of appointment to:
Director of Parks & Recreation

COMMITTEES/2

FIRE & RESCUE ADVISORY BOARD

Created April 2020

DEPARTMENT	PRIMARY/ALTERNATE	APPOINTED	TERM EXPIRES
		ONE-YEAR TERM	
CARROLLTON VFD	PRIMARY		
	Tim Nunez	Nov-20	1/1/2023
	14153 Bartlett Circle		
	Carrollton, Virginia 23314		
	763-9929		
	firechiefcvfd10@gmail.com		
	ALTERNATE		
	Scott Brower	Nov-20	Jan-23
	2 Tinkers Lane		
	Carrollton, Virginia 23314		
	803-5656		
	delifieldfarm@gmail.com		
CARRSVILE VFD	PRIMARY		
	Judson West	Nov-20	Jan-23
	7549 Indian Trail		
	Suffolk, Virginia 23437		
	375-8589		
	eng208@aol.com		
	ALTERNATE		
	Weston Jamison	Nov-20	Jan-23
	32505 Harvest Drive		
	Carrsville, Virginia 23315		
	353-7402		
	jamisoncvfd@yahoo.com		

RUSHMERE VFD	PRIMARY		
	Brandon Jefferson	Nov-20	Jan-23
	116 Wellingtom Circle		
	Smithfield, Virginia 23430		
	771-3266		
	brano114@aol.com		
	ALTERNATE		
	Kevin Parker	Nov-20	Jan-23
	9042 Parkers 3 Lane		
	Smithfield, Virginia 23430		
	262-7714		
	kparker7714@gmail.com		
SMITHFIELD VFD	PRIMARY		
	Chris Edwards	Nov-20	Jan-23
	15064 Four Square Road		
	Smithfield, Virginia 23430		
	620-9289		
	ALTERNATE		
	Charlie Kempton	Jan-22	Jan-23
	1804 South Church Street		
	Smithfield, Virginia 23430		
WINDSOR VFD	PRIMARY		
	Lee Marshall	Nov-20	Jan-23
	Post Office Box 412		
	Windsor, Virginia 23487		
	620-9470		

	ALTERNATE Dale Scott 9 Virginia Avenue Windsor, Virginia 23487 650-8781 tdalescott@gmail.com	Nov-20	Jan-23
ISLE OF WIGHT VR	PRIMARY Brian Carroll 8461 Stallings Creek Smithfield, Virginia 23430 647-8628 bcarroll@isleofwightus.net	Nov-20	Jan-23
	ALTERNATE Chad Owens 5228 Duck Town Road Zuni, Virginia 23898 765-465-7019 cowens.iwvrs@gmail.com	Nov-20	Jan-23
WINDSOR VRS	PRIMARY Keith Griffin 13074 Shiloh Drive Windsor, Virginia 23487 871-3394 kkeith.griffin@yahoo.com	Nov-20	Jan-23

	ALTERNATE Beth Hecker 4320 White Drive Suffolk, Virginia 23434 334-3127 bethhecker4@yahoo.com delifieldfarm@gmail.com	Nov-20	Jan-23
DEPARTMENT OF EMER. SERVICES	PRIMARY Pat Humphries Post Office Box 2335 Suffolk, Virginia 23432 478-1254 phumphries@isleofwightus.net	Apr-20	Jan-23
	ALTERNATE Greg Parsons 24772 Seagull View Lane Carrollton, Virginia 23314 544-0923 gparsons@isleofwightus.net	Apr-20	Jan-23

ISSUE:

Presentation of a Study of Housing in Isle of Wight County

BACKGROUND:

A study of the housing in Isle of Wight County was recently completed. Dr. Tom Hall, Christopher Newport University, will present the findings of the study.

The study was sponsored by the Peninsula Realtors' Association.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

For the Board's information.

ISSUE:

Renewal of SPSA Transfer Station Ground Lease

BACKGROUND:

Isle of Wight County has previously granted the Southeastern Public Service Authority (SPSA) the right to use property located in Isle of Wight County for a transfer station (located at 13191 Four Square Road, Smithfield). That lease is set to expire upon the expiration of the current Use and Support Agreement between Isle of Wight and SPSA on January 25, 2023.

Pursuant to the terms of the lease, Southeastern Public Service Authority of Virginia has provided notice that it intends, effective January 25, 2023, to renew the lease for the approximately 6.1-acre site located in the Hardy District of Isle of Wight, upon which the Isle of Wight Transfer Station is located. The term of this renewal shall be five years, or until January 24, 2028.

BUDGETARY IMPACT:

None

RECOMMENDATION:

For the Board's information.

ATTACHMENTS:

Description	Type	Upload Date
Correspondence from SPSA	Backup Material	12/1/2022
Expiring Lease Agreement	Agreement	12/1/2022

July 22, 2022

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

Dear Mr. Keaton,

This is to advise that the Southeastern Public Service Authority of Virginia intends, effective January 25, 2023, to renew the lease for the approximately 6.1-acre site located in the Hardy District of Isle of Wight, upon which the Isle of Wight Transfer Station is located. The term of this renewal shall be five years, or until January 24, 2028.

Enclosed, for ease of reference, is the Ground Lease, originally executed in December of 2017.

Sincerely,

Dennis L Bagley

Dennis L. Bagley
Executive Director

Enclosure

GROUND LEASE

THIS DEED OF GROUND LEASE, dated this 21st day of December, 2017, (hereinafter the "Ground Lease") is made and entered into by and between the **ISLE OF WIGHT COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (hereinafter the "Lessor") and the **SOUTHEASTERN PUBLIC SERVICE AUTHORITY OF VIRGINIA**, a public body politic and corporate and political subdivision of the Commonwealth of Virginia (hereinafter the "Lessee"). The Lessor and Lessee may hereinafter be referred to individually as a "Party" or jointly as the "Parties".

WITNESSETH:

WHEREAS, Lessor is the owner of certain property lying in the Hardy Magisterial District of Isle of Wight County, Virginia and more specifically designated as part of Tax Map Parcel 20-01-020A consisting of approximately six (6) acres having a physical address of 13191 Four Square Road, Smithfield, Virginia; and

WHEREAS, Lessee is a refuse collection and disposal authority under the Virginia Water and Waste Authorities Act (the "Act"), Chapter 51 of Title 15.2 of the Code of Virginia of 1950, as amended, and Lessor is one of the member localities of Lessee that created Lessee as such an authority in 1976 by concurrent resolutions of such member localities;

WHEREAS, by Lease dated September 19, 1985, as subsequently amended by that First Lease Modification and Extension Agreement dated March 28, 2007, (the "Original Lease"), Lessee has constructed and operated a refuse transfer station, including necessary appurtenances and improvements (the "Transfer Station") on the Leased Premises, as defined below, which Transfer Station is a refuse collection and disposal system as defined by the Act constituting part of Lessee's regional refuse disposal system (the "Regional System"), and Lessor has utilized the Transfer Station during the term of the Original Lease and subsequent renewals as a necessary facility for disposal of solid waste controlled by Lessor; and

WHEREAS, the Original Lease shall expire to coincide with the expiration of the term of the Agreement for Use and Support of a Solid Waste Disposal System, dated January 5, 1984, by and between the Parties, the last day of which term is January 24, 2018 (the "Expiration Date"); and

WHEREAS, the Parties have negotiated and entered into a subsequent Use and Support Agreement, which shall take effect January 25, 2018 (the "Use and Support Agreement"), in order to revise and restate the terms of Lessor's continued participation as a member jurisdiction of Lessee and user of the Regional System; and

WHEREAS, in order to provide for the continued use by Lessor and operation by Lessee of the Transfer Station as an integral part of the Regional System for the mutual benefit of the Parties,

the Parties now desire to continue the leasing of the real property on which the Transfer Station is located all in accordance with the terms and conditions of this Ground Lease;

NOW, THEREFORE, in consideration of the terms and conditions contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

SECTION 1
PREMISES

Lessor hereby grants and demises to Lessee, and Lessee hereby leases and rents from Lessor, all that certain parcel of property lying in the Hardy Magisterial District of Isle of Wight County, Virginia and more specifically designated as a part of Tax Map Parcel 20-01-020A consisting of approximately six (6) acres having a physical address of 13191 Four Square Road, Smithfield, Virginia, as more specifically described on Exhibit A attached hereto and shown on the aerial map attached hereto and incorporated by reference including all improvements thereon (the "Leased Premises"), upon and subject to the terms, conditions, covenants and provisions hereof; any building restrictions, regulations and zoning ordinances of Isle of Wight County, Virginia; any easements; and any other matters of title which a search of the public records would disclose and any facts that an accurate survey would show. Lessor acknowledges that the Leased Premises is zoned appropriately for its use as a Transfer Station.

SECTION 2
TERM

2.1 The term of this Ground Lease shall commence on January 25, 2018 and shall expire on January 25, 2023 (the "Initial Term")

2.2 If this Ground Lease is not in default at the expiration of the Initial Term, the term may be extended for four (4) renewal period(s) of five (5) years (each, a "Renewal Term"), by written notice to the Lessor at least six (6) months prior to the expiration of the Initial Term, or any Renewal Term thereof, as the case may be of its intent to renew, and, approval by the Isle of Wight County Board of Supervisors of each Renewal Term. All provisions of this Ground Lease shall remain in full force and effect unless otherwise modified in a writing executed by both Parties. Notwithstanding anything to the contrary in this Ground Lease, this Ground Lease shall expire contemporaneously with the effective date of withdrawal of Lessor as a member locality from Lessee.

2.3 In the event Lessor elects to relocate the Transfer Station during the term of this Ground Lease, the relocation procedure shall be as prescribed in the SPSA Strategic Operating Plan in effect as of December 1, 2017, specifically 4.0, Section 10 Maintenance and Development of Delivery Points (Transfer Stations) Post-2018.

SECTION 3
RENT

Lessee agrees to use and operate the Transfer Station on the Leased Premises during the Initial Term and any Renewal Term (together, the "Term") in accordance with the terms of this Ground Lease; Lessee shall have no obligation to pay Lessor any monetary sum as and for rent of the Leased Premises, but instead Lessor (and other member localities of Lessee) shall be entitled to use the Leased Premises for disposal of solid waste as part of the Regional System.

SECTION 4
USE OF PREMISES

Lessee shall operate, and Lessor shall be entitled to the use and benefit of, the Leased Premises during the Term as a refuse transfer station as an integral part of the Regional System of which Lessor is a participating member, and for no other purposes whatsoever without the written consent of Lessor being first requested and obtained. Lessor consents to continued use of the Leased Premises as a household hazardous waste collection site for residents of Lessee's member localities, and the Leased Premises may be used as a drop off location for residential waste by residents of Isle of Wight County.

SECTION 5
IMPROVEMENTS, REPAIRS, ADDITIONS, REPLACEMENTS

5.1 Lessee represents that it has inspected and examined the Leased Premises and accepts the Leased Premises in its present condition and agrees that Lessor shall not be required to make any improvements or repairs whatsoever in or upon the Leased Premises hereby demised or any part thereof. Lessee shall, at all times during the Term, and at its own cost and expense, keep and maintain in repair and good condition (ordinary wear and tear excepted), all buildings and improvements at any time erected on the Leased Premises, and shall use all reasonable precaution to prevent waste, damage or injury to the same.

5.2 Lessee may, at its own cost and expense, at any time make such alterations, changes, replacements, improvements and additions in and to the Leased Premises, the Transfer Station and all other buildings and improvements constructed thereon, including the demolition of any such buildings and improvements and/or structures as may be necessary for the proper operation and use of the Transfer Station.

5.3 On the last day of the Term, Lessee shall quit and surrender the Leased Premises, and the buildings and permanent improvements then thereon, to Lessor, at no cost. Lessee, on or before such date, shall remove all hazardous materials, and, at the written request of Lessor, remove all fuel tanks, either above or below ground, if any, from the Leased Premises, and shall fill any holes created by such removal, all in accordance with any then existing local, state and federal regulations. Lessee shall also provide the Lessor with a certification from a licensed

professional engineer with experience in environmental matters, reasonably acceptable to the Lessor, that the above work was done in compliance with all existing local, state and federal regulations. Lessee, on or before such date, may remove all its personal property, movable trade fixtures and equipment. All property not so removed shall be deemed abandoned and shall become the property of Lessor. On the expiration of the last day of the Term, the right to sole possession of all buildings and permanent improvements on the Leased Premises shall revert to and be vested in Lessor.

SECTION 6
REQUIREMENTS OF LESSEE

6.1 During the Term of this Ground Lease, Lessee shall, at its own cost and expense, promptly observe and comply will all present and future laws, ordinances, requirements, orders, directives, rules and regulations of federal, state and local governments, and all other governmental authorities affecting the Leased Premises or any part thereof, whether the same are in force at the commencement of the Term or whether the same are in the future passed, enacted or directed, and Lessee shall be solely responsible for and pay all costs, expenses, liabilities, losses, damages, fines, penalties, claims and demands, including reasonable attorney's fees, that may in any manner arise out of or be imposed because of the failure of Lessee to comply with the covenants of this section or any action or failure to act by Lessee or any of Lessee's employees, agents or representatives.

6.2 Lessee shall have the right to contest by appropriate legal proceedings diligently conducted in good faith, in the name of Lessee, without cost or expense to Lessor, the validity or application of any law, ordinance, rule, regulation or requirements of the nature referred to in subsection 6.1 above and, if by terms of any such law, ordinance, order, rule, regulation or requirement, compliance therewith may legally be delayed pending the prosecution of any such proceedings, Lessee may delay such compliance therewith until final determination of such proceedings. In the event that joinder of Lessor as a party to such legal proceedings is necessary, Lessee may seek the written approval of the County Attorney for authority to include the Lessor as a necessary party, and if such approval is granted, Lessee will conduct such proceedings without cost or expense to Lessor.

6.3 To the extent that the parties share a mutual interest, Lessor agrees to execute and deliver any documents or other instruments which may be necessary or proper to permit Lessee to so contest the validity or application of any such law, ordinance, order, rule, regulation or requirements and to fully cooperate with Lessee in such contest.

6.4 Notwithstanding the above, Lessee shall promptly comply with such law, ordinance, rule, regulation, directive, order or requirements of the nature referred to in subsection 6.1 above if, at any time, the Leased Premises or any part thereof would be subject to forfeiture or foreclosure because of Lessee's failure to comply, or if Lessee's failure to comply would subject Lessor to any criminal or civil liability.

SECTION 7
COVENANT AGAINST LIENS

If, because of any act or omission of Lessee, any mechanic's lien or other lien, charge or order for the payment of money shall be filed against Lessor or any portion of the Leased Premises (other than due to the actions of Lessor), Lessee shall, at its own cost and expense, cause the same to be discharged of record or bonded within thirty (30) days after written notice from Lessor to Lessee of the filing thereof. Additionally, no person shall be entitled to any lien directly or indirectly derived through or under Lessee, or through or under any act or omission of Lessee, superior in rank or dignity to the fee interest of lessor upon the Leased Premises or upon any insurance policies, except as otherwise specifically provided for in this Ground Lease and nothing in this Ground Lease other than that specifically provided for herein shall be construed in any way so as to contradict this provision.

SECTION 8
RIGHT OF ACCESS

Lessor, or Lessor's agents and designees, shall have the right, but not the obligation, to enter upon the Leased Premises, or any part thereof, at all reasonable times to inspect and examine the same, after reasonable prior notice to Lessee, except in the event of an emergency situation for which notice is impossible or impracticable.

SECTION 9
INSURANCE

9.1 Lessor and Lessee each shall provide at its expense, and keep in full force and effect during the Term of this Ground Lease, comprehensive general liability insurance with a good and solvent insurance company licensed to do business in the Commonwealth of Virginia, in a single limit of at least One Million Dollars ($1,000,000.00) for bodily injury, personal injury and death, with a Two Million Dollar ($2,000,000.00) aggregate; and Three Hundred Thousand Dollars ($300,000.00) with respect to damages to property. Additional insurance policies shall include statutory workers' compensation coverage, employer's liability at Five Hundred Thousand ($500,000.00), and automobile liability coverage with a single limit of One Million Dollars ($1,000,000.00) per accident. Where applicable, such policy or policies shall include the other Party as an additional insured and, if required, any mortgagee authorized under this Ground Lease, as an additional insured, and shall provide that such insurance shall not be cancelled unless thirty (30) days written notice thereof is provided to the other Party (or to the mortgagee if applicable).

9.2 At all times during the term of this Ground Lease, Lessee shall, at its own expense, keep all improvements located on the Leased Premises insured against loss or damage by fire, with customary extended coverage, with a good and solvent insurance company licensed to do business in the Commonwealth of Virginia, in an amount not less than the full insurable replacement value of all such improvements with no deduction for obsolescence. The insurance policy or policies

shall name Lessor and Lessee and, if required, any mortgagee authorized under this Ground Lease, as an additional insured.

9.3 Lessor and Lessee shall, during the term of this Ground Lease, pay all respective premiums for insurance coverages required by this section relating to the Transfer Station and Leased Premises.

SECTION 10
DESTRUCTION; DAMAGE; CONDEMNATION

10.1 The Parties agree that damage to or destruction in whole or in part of any building or improvements on the Leased Premises by fire or any other casualty shall not work as termination of this Ground Lease, or authorize Lessee to quit or surrender the possession of the Leased Premises or any part thereof, and shall not release Lessee in any way from its liability herein provided for or from any of the agreements, covenants or conditions of this Ground Lease. Lessee covenants and agrees to repair any such damage or reconstruct the buildings or improvements destroyed as promptly as is practicable. In furtherance of this, Lessor agrees to endorse any checks made to the order of Lessor or to the joint order of Lessor and Lessee in connection with such insurance proceeds and to deliver any such checks to Lessee. The value and usefulness of the buildings or improvements repaired or reconstructed shall be equal to the value and usefulness of those buildings and improvements damaged or destroyed on the date immediately prior to such damage or destruction.

10.2 Notwithstanding anything to the contrary above, in the event that the Transfer Station is destroyed or substantially damaged, within two (2) years of the end of the Initial Term, or a Renewal Term, as the case may be, the Parties shall meet to discuss whether the Transfer Station should be reconstructed, and upon agreement of the Parties, Lessee shall reconstruct the Transfer Station. If the parties cannot agree that the Transfer Station should be reconstructed, Lessee shall remove all hazardous materials, and, at the written request of Lessor, remove all fuel tanks, either above or below ground, if any, from the Leased Premises, and shall fill any holes created by such removal, all in accordance with any then existing local, state and federal regulations. Lessee shall also provide the Lessor with a certification from a licensed professional engineer with experience in environmental matters, reasonably acceptable to the Lessor, that the above work was done in compliance with all existing local, state and federal regulations. Lessee shall also remove all debris, its personal property, movable trade fixtures, and equipment. Lessee shall pay all demolition costs associated with restoring the Leased Premises to a condition of reasonable safety in accordance with applicable law.

10.3 If the whole of the Leased Premises, or a portion thereof such that operation and use of the Transfer Station is effectively prevented, shall be condemned, or sold under threat of such condemnation, this Ground Lease shall terminate and the Lessee shall have no claim against the Lessor, or to any portion of the award in condemnation for the value of the unexpired Term of

this Ground Lease. This paragraph shall not limit the Lessee's right to compensation from the condemning authority for the value of any property taken other than Lessee's leasehold interest. In the event of a temporary taking, this Ground Lease shall not terminate.

SECTION 11
ASSIGNMENT OR SUBLET

Lessee shall not assign, mortgage or encumber any interest in this Ground Lease or rent or sublease all or any portion of the Leased Premises without Lessor's prior written consent.

SECTION 12
DEFAULT

12.1 In the event of default for breach of any covenants or agreements herein contained by either party, the other party, after first giving written notice of the alleged default or breach (specifying the default or breach and demanding that it be remedied) to the party alleged to be in default or breach, and, after the failure of such party to remedy the specified default or breach within thirty (30) days or any longer period reasonably necessary to remedy such default or breach after receipt of said notice, the party complaining of such default or breach shall have the right to bring legal action for enforcement of such covenants and agreements. The Parties acknowledge that this is a Ground Lease concerning the use of unique real property for a particular purpose and hereby specifically and expressly acknowledge and agree that the breach by either party of the provisions of this Ground Lease will cause the other party irreparable harm and that no adequate remedy at law exists for such breach, and therefore, in addition to but not in limitation of any other remedy to which the non-breaching party may be entitled, if either party breaches or threatens to breach any such provisions hereof, the other party shall be entitled to obtain equitable relief, including specific enforcement and a writ of mandamus, for any such breach or threatened breach so that the party that is breaching, has breached or has threatened to breach one or more provisions of this Ground Lease shall be required to cease and desist immediately from such activities (it being agreed that damages alone would be inadequate to compensate the other party and would be an inadequate remedy in such event).

12.2 No remedy conferred by this Ground Lease is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and shall be in addition to any other remedy under this Ground Lease or now or hereafter existing at law or in equity or by statute. In any suit brought by either party arising out of any provision of this Ground Lease, the prevailing party shall have the right to recover all expenses and costs incurred in connection with such suit, excluding attorney's fees.

SECTION 13
WAIVERS

Failure of either Party to complain of any act or omission on the part of the other, no matter how long the same may continue, shall not be deemed a waiver by said Party of any of their rights hereunder. No waiver by either Party at any time, express or implied, of any breach of any provision of this Ground Lease shall be deemed a waiver of a breach of any other provision of this Ground Lease or consent to any subsequent breach of the same or any other provision.

SECTION 14
NOTICES

Every notice, approval, consent or other communication authorized or required by this Ground Lease shall be in writing, and (i) delivered in person, (ii) sent postage prepaid by United States registered or certified mail, return receipt requested, or (iii) delivered by nationally-recognized overnight delivery service, directed to:

Lessor at:	County of Isle of Wight, Virginia c/o County Administrator P.O. Box 80 Isle of Wight, Virginia 23397
Lessee at:	Southeastern Public Service Authority c/o Executive Director 723 Woodlake Drive Chesapeake, Virginia 23320

or such other address as either Party may designate by notice, given from time to time, in accordance with this section. All such notices shall be deemed to be given upon receipt of confirmation of delivery (or attempted delivery that is refused by the recipient).

SECTION 15
QUIET ENJOYMENT AND COVENANT OF TITLE

Subject to the other provisions of this Ground Lease, Lessee shall have, hold and enjoy peaceably and quietly all of the Leased Premises.

SECTION 16
GOVERNING LAW

This Ground Lease shall be governed, interpreted, construed and regulated by the laws of the Commonwealth of Virginia.

SECTION 17
PARTIAL INVALIDITY

If any term, covenant, condition or provision of this Ground Lease shall be invalid or unenforceable, the remainder of this Ground Lease shall not be affected, and each term, covenant, condition and provision of this Ground Lease not so affected shall be valid and be enforceable to the fullest extent permitted by law.

SECTION 18
INTERPRETATION

Wherever herein the singular number is used, the same shall include the plural, and the masculine gender shall include the feminine and neuter genders, and vice versa, as the context shall require. The section headings used herein are for reference and convenience only, and shall not enter into the interpretation hereof. This Ground Lease may be executed in several counterparts, each of which shall be an original, but all of which shall constitute one and the same instrument. The terms "Lessor" and "Lessee" wherever used herein shall mean only the owner at the time of Lessor's or Lessee's interest herein, and upon any sale or assignment of the interest of either Lessor or Lessee herein, their respective successors in interest and/or assigns shall, during the term of their ownership, be deemed to be Lessor or Lessee, as the case may be.

SECTION 19
ENTIRE AGREEMENT

No oral statement or prior written matter shall have any force or effect. The Parties agree that they are not relying on any representations or agreements other than those contained in this Ground Lease, unless otherwise specifically referenced herein; provided that the parties acknowledge that the SPSA Strategic Operating Plan in effect as of December 1, 2017, contains provisions that relate to the rights and obligations of the parties with respect to the Transfer Station. This Ground Lease shall not be modified or cancelled except by a writing signed by the Parties.

SECTION 20
BINDING EFFECT

Except as herein otherwise expressly provided, the covenants, conditions and agreements contained in this Ground Lease shall bind and inure to the benefit of the Parties and their respective heirs, successors, administrators and assigns.

[SIGNATURE PAGES TO FOLLOW]

WITNESS the following signatures and seals:

ISLE OF WIGHT COUNTY, VIRGINIA

RANDY KEATON, County Administrator

COMMONWEALTH OF VIRGINIA
COUNTY OF ISLE OF WIGHT, TO-WIT:

I, Amber T. Johnson, a Notary Public for the Commonwealth of Virginia at Large, do hereby certify that Randy Keaton, County Administrator of Isle of Wight County, whose name is signed to the writing above bearing date on the 15 day of Dec., 2017, has acknowledged the same before me in my County and State aforesaid.

Given under my hand this 15 day of Dec., 2017.

My Commission Expires: 02/28/2021.

My Notary Registration number is: 7549034

Amber T. Johnson
Notary Public

Approved as to Form:

MARK POPOVICH, County Attorney

Amber T. Johnson
NOTARY PUBLIC
REG #7549034
Commonwealth of Virginia
My Commission Expires
February 28, 2021

SOUTHEASTERN PUBLIC SERVICE AUTHORITY OF VIRGINIA

Liesl R DeVary

Liesl R. DeVary, Executive Director

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Chesapeake, **TO-WIT:**

I, Adele C. Pelzel, a Notary Public for the Commonwealth of Virginia at Large, do hereby certify that Liesl R. DeVary, Executive Director of the Southeastern Public Service Authority, whose name is signed to the writing above bearing date on the 21 day of December, 2017, have acknowledged the same before me in my County/City and State aforesaid.

Given under my hand this 21 day of December, 2017.

My Commission Expires: August 31, 2018.

My Notary Registration number is: 316210

ADELE C. PELZEL
NOTARY PUBLIC
REGISTRATION # 316210
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
08/31/2018

Adele C Pelzel
Notary Public

EXHIBIT A

PROPERTY DESCRIPTION AND AERIAL PHOTOGRAPH

All that certain tract or parcel of land lying, situate and being in Hardy District, Isle of Wight County, Virginia, containing 6.1056 acres, more or less, according to a map or plat of survey entitled, "SUBDIVISION OF PORTION OF W. H. SYKES ESTATE – FOUR SQUARE TRACT OF CAMP MFG. CO. INC. REFERENCE P.B. 3, P. 30, SCALE 1" – 50', JULY 29, 1985" as recorded in the Isle of Wight County Circuit Court Clerk's Office in Plat Book 13, Page 17.

It being in all respects the property conveyed by deed, dated November 21, 1985, from Union Camp Corporation to Isle of Wight County, Virginia and recorded in the aforementioned Circuit Court Clerk's Office in Deed Book 308, Page 617.



ISSUE:

Review of Isle of Wight County Board of Supervisors' By-Laws and Rules of Procedure

BACKGROUND:

As required by the Board of Supervisors' By-Laws and Rules of Procedure, the Board is to begin considering any proposed changes or revisions to its by-laws and rules at this time. The Board is asked to provide any comments or suggestions they deem appropriate so that the County Attorney may revise the by-laws and rules accordingly in preparation for the Board's annual by-laws and rules of procedure adoption at its organizational meeting in January 2023.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Review and provide any suggested revisions to the By-Laws and Rules of Procedure the Board deems appropriate for consideration and final adoption at the Board's Organizational Meeting in January 2023.

ATTACHMENTS:

Description	Type	Upload Date
By-Laws and Rules of Procedure	Backup Material	11/10/2022



ISLE OF WIGHT COUNTY BOARD OF SUPERVISORS BY-LAWS AND RULES OF PROCEDURE

Revised and Adopted January 6, 2022

ARTICLE 1 – PURPOSE AND BASIC PRINCIPLES

SEC. 1-1. PURPOSE OF BY-LAWS AND RULES OF PROCEDURE

A. To enable County government to transact business expeditiously, transparently and efficiently affording every opportunity for the citizens to witness and participate in the operation of government;

B. To protect the rights of each individual Board Member;

C. To preserve the spirit of cooperation among Board members; and

D. To determine the will of the Board on all matters.

SEC. 1-2. FIVE BASIC PRINCIPLES UNDERLYING BY-LAWS AND RULES OF PROCEDURE

A. Only one subject may claim the attention of the Board at one time;

B. Each item presented for consideration is entitled to full and free discussion;

C. Every member has rights equal to every other member;

D. The will of the majority must be carried out, and the rights and opinions of the minority must be preserved and respected; and

E. Each member shall remain respectful of fellow board members, even in times of disagreement, in speech and in behavior.

ARTICLE 2 – MEETINGS

SEC. 2-1. WHEN AND WHERE REGULAR AND WORK SESSION MEETINGS HELD

A. The time and place of regular meetings and work sessions of the Board of Supervisors (hereinafter referred to as "the Board") shall be established at each annual organizational meeting. Such regular meetings shall be held in the Robert C. Claud, Sr. Board Room on the third (3rd) Thursday of the month unless otherwise set by the Board. Such meetings shall begin at 5:00 p.m. for closed session purposes only, with all other matters to be heard and considered at 6:00 p.m. Should the Board subsequently change the date, time or place of a regular meeting, it shall comply with the requirements of Section 15.2-1416 of the Code of Virginia (1950, as amended).

B. Work session meetings shall be held on the first (1st) Thursday of every month, at the same place as regular meetings, and shall begin at 6:00 p.m. unless otherwise set by the Board. The purpose of such work sessions shall be to allow the Board an opportunity to further review items either held over by the Board from a regular meeting or such other items as may come before the Board at a regular meeting in the future. The Board shall not take any action to approve or

deny any item before it during a work session, reserving such action solely to its regular meetings, except in matters which require immediate action due to time constraints or deadlines, fiscal policies and/or emergencies.

SEC. 2-2. CONTINUED MEETINGS

A regular or work session meeting shall be continued to the immediately following regular meeting date, time and place, unless otherwise set, if the Chair, or Vice Chair if the Chair is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

SEC. 2-3. MEETING ADJOURNMENT

Meetings of the Board shall adjourn when all business, or the agenda, before the body is complete, however it is not the Board's intent to begin a new agenda item after 11:00 p.m. unless and until a motion to extend the time has been offered and passed by a majority vote of the members present and voting. Any agenda item not conducted may be carried over to another meeting date. Any public hearing advertised for a regular meeting but not conducted may be rescheduled to another earliest possible convenient date, without further advertising when the date and time of the reconvened meeting is publicly announced at the preceding meeting.

SEC. 2-4. SPECIAL OR EMERGENCY MEETINGS

A. The Board may hold such special or emergency meetings, as deemed necessary, at such date, time and place as it may find convenient; and it may adjourn from time to time. A special or emergency meeting of the Board shall be called pursuant to Sections 15.2-1417 and 15.2-1418 of the Code of Virginia (1950, as amended).

B. Special or emergency meetings may be called by the Chair or any two (2) members in writing to the County Clerk for any purpose stated in the notice of the special or emergency meeting pursuant to Section 15.2-1418 of the Code of Virginia (1950, as amended). Only matters specified in the notice shall be considered unless all of the members of the Board are present.

C. Notice, reasonable under the circumstances, to the public and press of any special or emergency meeting shall be given contemporaneously with the notice provided the members of the Board, and the County Attorney.

SEC. 2-5. LEGAL HOLIDAY

When a regularly scheduled meeting falls on a legal holiday, the meeting shall be held on the preceding business day unless the meeting is cancelled by a majority of the Board.

SEC. 2-6. ANNUAL ORGANIZATIONAL MEETING

A. The Board shall meet on the first (1st) Thursday of January of each year which shall be known as the annual organizational meeting. The County Administrator shall preside during the annual organizational meeting pending the election of the Chair of the Board.

B. The Chair shall be elected at the annual meeting for a term of one year, ending at the commencement of the organizational meeting the following year.

C. Following the election of the Chair, he or she shall assume the Chair and conduct the election of the Vice Chair for the same term.

D. Following the election of the Vice Chair, the Board shall:

1. Appoint the Clerk of the Board (as set forth herein);

2. Establish dates, times and places for its regular meetings;

3. Adopt its By-Laws and Rules of Procedure; and

4. Appoint Board members to standing and ad hoc committee; and

5. Conduct any other necessary business as determined by a majority vote of the Board.

SEC. 2-7. PROCEDURE FOR ELECTION OF OFFICERS

A. The following procedures shall be followed to elect the Chair and Vice Chair:

1. The presiding officer shall call for nominations from the membership.

2. Any member, after being recognized by the presiding officer, may place one or more names in nomination and discuss his or her opinions on the qualifications of the nominee(s).

3. When all nominations have been made, the presiding officer shall close the nominating process and call for the vote.

4. Each member may cast one vote for any one nominee.

5. A majority of those voting shall be required to elect the officer.

B. Officers shall serve until replaced.

SEC. 2-8. SEATING ARRANGEMENT

The Board Chair shall occupy the center seat on the dais with the Vice Chair occupying the seat at his or her immediate left. The remaining members of the Board shall determine their seating arrangement by seniority with the most senior member selecting his or her seat first and the remaining members selecting their respective seats in seniority order based on years served on the Board. In the event that two or more Board members have equal seniority, the selection of seating for those members shall be by alphabetical order.

SEC. 2-9. QUORUM AND METHOD OF VOTING

A. At any meeting, a majority of the Board shall constitute a quorum.

B. All actions authorized by the Board shall be pursuant to a roll call vote which shall be taken by the Clerk or Deputy Clerk of the Board. The Clerk or Deputy Clerk shall call the name of each member and receive in reply the vote of such member as either "Yes" or "No" on the measure being considered. At the beginning of any meeting, the Clerk shall conduct a silent roll call of members present and absent.

C. The order of voting shall be as called by the Clerk of the Board, with the Chair voting last.

D. If there is an abstention, it shall be the responsibility of the Chair to note the abstention for the record and to request that the member abstaining state his or her reason for abstaining for the record.

E. A tie vote fails.

F. A motion to approve which fails shall be deemed a denial of the question on the floor.

SEC. 2-10. CLOSED MEETING

A. Closed meetings shall only be used when the matter to be discussed is exempt from open meeting requirements pursuant to the Virginia Freedom of Information Act.

B. No meeting shall become a closed meeting until the Board takes an affirmative recorded vote in open session. Any member dissenting in such vote shall state the reason for the dissent.

1. The motion to move to closed session shall state specifically the purpose or purposes which are the subject of the closed meeting and reasonably identify the substance of the matters to be discussed. The motion shall make specific reference to the applicable exemption(s) under the Freedom of Information Act, which authorizes the closed meeting.

2. The County Attorney shall assist the members in formulating the proper motion to move to closed session in accordance with the requirements of the Freedom of Information Act.

C. No resolution(s), ordinance(s), rule(s), contract(s), regulation(s) or motion(s) considered in a closed meeting shall become effective until the Board reconvenes in an open meeting and takes a vote of the membership on such resolution(s), ordinance(s), rule(s), contract(s), regulation(s) or motion(s) which shall have its substance reasonably identified in the open meeting.

D. At the conclusion of a closed meeting, the Board shall reconvene in open session immediately thereafter and shall cast a vote certifying that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements were discussed; and

2. Only public business matters identified in the motion convening the closed meeting were heard, discussed or considered.

Any member who believes that there was a departure from the above requirements shall so state prior to the Chair's call for the vote, indicating the substance of the departure that, in his or her judgment, has taken place.

E. The failure of the certification to receive the affirmative vote of the majority of the members present during the closed meeting shall not affect the validity or confidentiality of the closed meeting with respect to matters considered therein in compliance with the Freedom of Information Act.

F. The Board may permit non-members to attend a closed meeting if their presence will reasonably aid the Board in its consideration of an issue.

G. Prior to the certification of a closed meeting pursuant to the Virginia Freedom of Information Act, the County Attorney shall be responsible for remind all closed meeting participants of the intent that such closed meeting discussions remain confidential, as provided for under the Virginia Freedom of Information Act, and that such matters as discussed in closed meeting should not be acted upon or discussed in public by any participant unless and until a formal action is taken by the Board in accordance with Section 2-10(C) above.

SEC. 2-11. ELECTRONIC MEETINGS

Except as provided for in this Section 2-11, the Board shall not conduct any meeting wherein the public business is discussed or transacted through telephonic, video, electronic or other communication means where the members are not physically assembled.

A. Quorum Physically Assembled – a Board member may participate in a meeting through electronic communication means from a remote location that is not open to the public if:

1. on or before the day of a meeting, the Board member notifies the Chair of the Board that he or she is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter, and the Board (a) approves the member's participation by a majority vote of the members present at a meeting and (b) the Board records in its minutes the specific nature of the emergency or personal matter and the remote location from which the member participated. In deciding whether or not to approve a Board member's request to participate from a remote location, the Board shall not consider the identity of the member making the request or the matters that will be considered or voted on at the meeting. If a Board member's participation from a remote location is disapproved, such disapproval will be recorded in the minutes with specificity. Such participation by a Board member shall be limited each calendar year to two meetings or twenty-five percent (25%) of the meetings of the Board, whichever is fewer; or

2. a Board member notifies the Chair that he or she is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance and the Board records this fact and the remote location from which the member participated in the minutes.

A Board member may participate in a meeting by electronic means pursuant to this subsection A only when a quorum of the Board is physically assembled at the primary or central meeting location and the Board makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

B. Quorum Not Physically Assembled – the Board may meet by electronic communication means without a quorum physically assembled at one location when the Governor of the Commonwealth of Virginia has declared a state of emergency in accordance with Section 44-146.17 of the Code of Virginia (1950, as amended), *provided that*:

1. the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location, and

2. the purpose of the meeting is to address the emergency.

If it holds a meeting pursuant to this subsection B, the Board shall:

1. give public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the Board;

2. make arrangements for public access to the meeting;

3. make available to the public, at the time of the meeting, agenda packets and all materials, unless exempt, that will be distributed to members of the Board in sufficient time for

duplication and forwarding, as best as practicable given the emergency, to all locations at which public access will be provided;

4. record minutes of the meeting; and

5. record in the minutes votes taken by name in roll-call fashion.

The nature of the emergency, the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the meeting.

C. Reporting – if a Board meeting is held by electronic communication means, the Board shall:

1. make a written report of the following to the Virginia Freedom of Information Advisory Council and the Joint Commission on Technology and Science by December 1 of each calendar year:

a. the total number of electronic communication meetings held that year;
b. the dates and purposes of the meetings;
c. a copy of the agenda for each meeting;
d. the number of sites for each meeting;
e. the types of electronic communication means by which the meetings where held;
f. the number of participants, including members of the public, at each meeting location;
g. the identity of the members of the Board recorded as absent and those recorded as present at each meeting location;
h. a summary of any public comment received about the electronic communication meetings; and
i. a summary of the Board's experience using electronic communication meetings, including its logistical and technical experience.

2. make copies of the public comment form prepared by the Virginia Freedom of Information Advisory Council available to the public.

ARTICLE 3 – OFFICERS

SEC. 3-1. CHAIR AND VICE CHAIR

The Chair shall preside over all meetings of the Board. The Vice Chair serves in the absence of the Chair. In the absence from any meeting of both the Chair and Vice Chair, the members present shall choose one of their members as temporary chair. The Chair shall recommend all appointments to standing or ad hoc Board Committees to be approved by majority vote of the Board.

SEC. 3-2. CLERK

The Clerk of the Board shall be appointed by the Board at its annual organizational meeting, and the duties and responsibilities of the Clerk shall be as set out in Sections 15.2-1538 and 15.2-1539 of the Code of Virginia (1950, as amended). The Board may also designate a Deputy Clerk, and at the discretion of the Board, any County employee can be designated as Temporary Clerk.

SEC. 3-3. PARLIAMENTARIAN

The County Attorney, or his or her designee, shall serve as the Parliamentarian for the purpose of interpreting these By-Laws and Rules of Procedure, *Robert's Rules of Order* and the Code of Virginia, as may be directed by the Chair, or as required as a result of a point of order raised by any one or more Board member. If the County Attorney, or his or her designee, is unavailable, the County Administrator shall serve as the Parliamentarian.

SEC. 3-4. PRESERVATION OF ORDER

A. At meetings of the Board, the Chair shall preserve order and decorum.

B. Board members shall not speak until recognized by the Chair. Board members shall address the Chair or address other members through the Chair. After being recognized by the Chair, a Board member shall not be interrupted, except when a point of order is called or when requested to yield the floor by another member.

ARTICLE 4 – CONDUCT OF BUSINESS

SEC. 4-1. ORDER OF BUSINESS

A. At regular meetings of the Board on the third (3rd) Thursday of the month, the order of business shall generally be as follows:

1. Call to Order – Silent Roll Call of Members (commencing at 5 p.m.)
2. Approval of Agenda
3. Closed Meeting (if necessary)
4. Return to Open Session/Public Meeting (commencing at 6 p.m.)
5. Invocation - Pledge of Allegiance
6. Citizens' Comments
7. Consent Agenda

8. Regional & Inter-Governmental Reports

9. Appointments (if necessary)

10. Special Presentations

11. Public Hearings (if necessary)

12. County Attorney's Report (if necessary)

13. County Administrator's Report

14. Unfinished/Old Business

15. New Business

16. Adjournment

B. The above order of business may be modified by the County Administrator, after the Chair has been notified, to facilitate the business of the Board.

C. Regional reports and special presentations are limited to five (5) minutes per speaker. This time may be extended at the discretion of the Chair.

D. Citizens' Comments shall be governed by the following rules:

1. Citizens' Comments shall be for the limited purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Board. They shall not serve as a forum for debate with the Board or individual members of the Board.

2. Board members shall not discuss issues raised or questions raised by the public, within the same meeting, except by consent of a majority of the Board members present.

3. Citizens wishing to speak during the Citizens' Comments portion of the agenda shall sign the registration form, identifying, with reasonable certainty, the subject matter of his or her comments prior to the commencement of the Citizens' Comments portion of the agenda. Citizens who do not sign the registration form prior to the commencement of Citizens' Comments may address the Board after all others who had signed the registration form have had an opportunity to speak.

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4. Remarks shall be addressed directly to the Board and not to staff, the audience or the media.

5. The Chair shall open Citizens' Comments.

6. The Chair will explain the Citizens' Comments policy prior to the commencement of the first citizen's comment(s) being received by the Board.

7. The Chair will call on each speaker who has signed the registration form in the order upon which their name shall appear on the registration form.

Each speaker shall clearly state their name and address and/or election district of residence and shall be subject to a four (4) minute time limitation. A timer with a lighting system shall be used for keeping track of a Speaker's time. Speakers will receive a yellow light warning one (1) minute prior to the expiration of their presentation time. Speakers will receive a red light at the expiration of their time and shall be asked to end their comments. The Parliamentarian shall be responsible for noting the expiration of time limits, and the Chair shall be responsible for enforcing it. If the speaker represents a group of individuals in attendance at a particular meeting, there shall be a time limit of six (6) minutes. Members of a group in attendance shall forfeit their right to speak on the same topic. For purposes of this section, a "group" shall constitute ten (10) or more individuals. No speaker shall address the Board more than once during Citizens' Comments at any single Board meeting and citizens shall not donate their unused speaking time to another speaker. Notwithstanding the time limitations stated herein, the Chair may, at his or her discretion, allow any citizen to speak beyond the designated time limitation for a reasonable period of time in order to conclude his or her remarks.

8. There shall be no comment during Citizens' Comments on a matter for which a public hearing is scheduled during the same meeting.

9. There shall be no comment during Citizens' Comments on a matter which has already been the subject of a previous public hearing where no final vote has been taken by the Board.

10. Any issue raised by the public which the Board wishes to consider may be put on the agenda for the next Board meeting by a majority vote.

11. Public comment shall be germane to policies, affairs and services of the county government.

12. The above rules notwithstanding, members of the public may present written comments to the Board or to individual Board members at any time during the meeting. Such written comments shall be submitted through the Clerk and shall become a part of the record.

SEC. 4-2. CONSENT AGENDA

A. The Consent Agenda shall be introduced by a motion "to approve", and shall be considered by the Board as a single item.

B. Upon the request of any Board member, an item may be removed from the Consent Agenda for consideration after approval of the remaining items on the consent agenda.

SEC. 4-3. SPECIAL PRESENTATIONS

Special presentations shall be for the purpose of informing the Board of matters of public interest, as well as to provide the Board an opportunity to properly recognize individuals and organizations, either public or private, for the outstanding service or work they perform for or in Isle of Wight County. Any governmental agencies or entity, organization or individual wishing to present an item to the Board shall contact the County Administrator fourteen (14) days prior to the Board's regularly scheduled meeting to seek inclusion in the Board's agenda.

SEC. 4-4. CONDUCT OF MEETINGS

When two or more members of the Board wish to speak at the same time, the Chair shall name the one to speak. The Chair may call a brief recess at any time. The Chair may order the expulsion of a disorderly member of the public, subject to appeal to the full Board. The Chair may automatically adjourn, without benefit of any motion or debate, any meeting of the Board. All Board members shall maintain proper decorum when addressing any citizens and applicants that appear before the Board.

SEC. 4-5. FORM OF PETITIONS, ETC.

Every petition, communication or address to the Board shall be in respectful language and is encouraged to be in writing.

SEC. 4-6. MOTIONS

A. Members are required to obtain the floor before making motions or speaking, which they can do while seated.

B. Motions need not be seconded.

C. Informal discussion of a subject is permitted while no motion is pending.

D. An amended or substitute motion shall be allowed to any motion properly on the floor; it shall have precedence over an existing motion and may be discussed prior to being voted on. If the amended or substitute motion fails, the former motion can then be voted upon. If the amended or substitute motion passes, the amended or substitute motion shall be deemed the main motion and shall stand as having been passed by such vote. If an amended or substitute motion fails, a second amended or substitute motion may be made. No more than two (2) amended or substitute motions may be made.

E. When a motion is under debate, no motion shall be received unless it be one to amend, substitute, commit or refer for study, postpone, call for the previous question, lay on the table, or to adjourn.

F. The Chair can speak in all discussion and can make motions and vote in the same fashion as all other members.

G. A motion to call for the question is in order and the right of every Board member to call when they feel discussion has been exhausted and or repeated, thus belaboring the business before the governing body A motion to call for the question requires a two-thirds majority vote of those present. The Chair shall not recognize a motion to call for the question until every Board member desiring to speak on the main motion has had such an opportunity.

H. When a vote upon any motion has been announced, it may be reconsidered on the motion of any member who voted with the prevailing side provided that such motion shall be made at the session of the Board at which it was decided. Such motion for reconsideration shall be decided by a majority of the votes of the members present. A member present at the meeting but temporarily absent during a vote may move for reconsideration.

I. Subject to applicable law, the Board may consider a motion to rescind at any time to address a matter or issue upon which a vote has been take, following such notice as may be required.

J. Should a decision be made to reconsider or rescind a land use decision, subject to notice and public hearings, as may be required by law, the Board may choose to act on such request without referring the matter to the Planning Commission for its consideration.

K. A motion to adjourn shall always be in order and supersedes all business before the Board.

SEC. 4-7. DECISIONS ON POINTS OF ORDER

The Chair, when presiding at a meeting of the Board, without vacating the chair, shall refer any point of order to the Parliamentarian. The Parliamentarian shall advise the Chair who shall then make a ruling on the point of order. A Board member may appeal the ruling of the Chair to the full Board which shall decide the matter by majority decision.

SEC. 4-8. SUSPENDING RULES

One or more of these By-Laws and Rules of Procedure may be temporarily suspended by a majority vote of the members present, or by unanimous consent.

SEC. 4-9. ROBERT'S RULES OF ORDER

The proceedings of the Board, except as otherwise provided in these By-Laws and Rules of Procedure and by applicable state law, shall be governed by *Robert's Rules of Order.*

ARTICLE V – PUBLIC HEARINGS

SEC. 5-1. PUBLIC HEARING AUTHORIZATION

The County Administrator, or his/her designee, shall be authorized to set public hearings for such regular meetings as are appropriate in order to effectuate the timely consideration of matters requiring Board consideration.

SEC. 5-2. FORMAT FOR PUBLIC HEARINGS

A. The following format shall be followed for all Public Hearings conducted before the Board:

1. The Chair will make a brief statement identifying the matter to be heard and verify that all legal notification requirements have been met.

2. The Chair will call upon the appropriate county staff member to present the item to be heard. Staff presentations should be concise.

3. The applicant may appear on his own behalf, or be represented by counsel or an agent. The applicant, or his counsel or agents, shall have a combined total of ten (10) minutes to speak to the application.

4. The Chair will open the floor to public comment, if any, after the applicant, or his counsel or agent, has spoken. Any private citizen may speak for or against the issue. The Clerk shall prepare a registration form for citizens to sign their name, address and/or election district of residence. The Chair shall call each speaker in the order that their name appears on the registration form. Each speaker shall clearly state his or her name, address and/or election district of residence for the record. Citizen comments are limited to four (4) minutes per citizen speaker. If the speaker represents a group of individuals in attendance at a particular meeting, there shall be a time limit of six (6) minutes. Members of a group shall forfeit their right to speak on the same topic. For purposes of this section, a "group" shall constitute ten (10) or more individuals. The applicant, or his counsel or agent, shall be given the opportunity for rebuttal, which shall last for no more than five (5) minutes. Notwithstanding the time limitations stated herein, the Chair may, at his or her discretion, allow any citizen to speak beyond the designated time limitation for a reasonable period of time in order to conclude his or her remarks.

5. A timer with a lighting system shall be used for keeping track of a Speaker's time. Speakers will receive a yellow light warning one (1) minute prior to the expiration of their presentation time. Speakers will receive a red light at the expiration of their time and will be asked to end their comments.

6. The Parliamentarian shall be responsible for noting the expiration of time limits, and the Chair shall be responsible for enforcing it.

7. Upon the conclusion of public comments or the applicant's rebuttal, the Chair shall close the public hearing.

B. When a public hearing shall have been closed by order of the Chair, no further public comments shall be received by the Board. However, any Board member may ask a question of any person who spoke during the public hearing after being recognized by the Chair to do so.

C. Following the close of the public hearing, the Chair may entertain a motion to dispose of the issue and the Board may debate the merits of the issue.

ARTICLE 6 – AGENDA

SEC. 6-1. PREPARATION

A. The Clerk shall prepare an agenda, at the direction of the County Administrator, for the regularly scheduled meetings conforming to the order of business specified in Section 4-1 entitled "Order of Business".

B. All items which are requested to be placed on the agenda which have not been submitted within the prescribed deadline, as set by the County Administrator, shall be placed on the next regular agenda for consideration.

C. Nothing herein shall prohibit the Board from adding or removing items to the agenda, provided that such a request is in the form of a motion, voted upon by a majority of the Board. Members must use discretion in requesting the addition of items to the agenda. It is considered desirable to have items listed on the published agenda.

SEC. 6-2. DELIVERY OF AGENDA

The Board agenda and related materials shall be received by each member of the Board and the County Attorney on the Friday before the scheduled regular meeting. The Clerk of the Board may request an adjustment to the delivery schedule due to special circumstances.

SEC. 6-3. COPIES

The Clerk shall prepare or cause to be prepared extra copies of the agenda and shall make the same available to the public and the press in the Office of the County Administrator and on the County website. The Clerk shall also have at least one hard copy available at each regular meeting.

SEC. 6-4. COMMENTS, QUERIES OF BOARD MEMBERS

Board members are to observe the following rules during the discussion of agenda items:

1. The Chair shall ensure that Board comments are constructive and contain no personal attacks of staff or other Board members.

2. The Chair shall keep discussion germane to the subject. Points of clarification shall be limited to questions only. The Chair shall rule other comments out of order.

3. Board members may address questions to the County Administrator or staff member presenting at the meeting. Staff members should be at the podium when addressing Board members' questions. All legal questions should be addressed to the County Attorney.

ARTICLE 7 – BOARD, AUTHORITIES, COMMISSIONS AND COMMITTEES

SEC. 7-1. APPOINTMENTS TO BOARDS, AUTHORITIES, COMMISSIONS & COMMITTEES

Members of all boards, authorities, commissions and committees shall be appointed by a majority of the Board after review of qualifications and discussion in Closed Meeting. Proposed appointments shall be voted upon under the Appointments section of the Agenda. Appointees' terms shall run in accordance with the applicable by-laws of such boards, authorities, commission or committees to which the appointee is appointed, unless a shorter term is specified by the Board. Subject to any state law provisions to the contrary, all appointees to boards, commissions and committees serve and may be removed, with or without cause, at the pleasure of the Board.

SEC. 7-2. ATTENDANCE

Members of any standing or ad hoc board, authority, committee or commission of the Board, or of any committee to which the Board appoints a member, shall be expected to attend every scheduled meeting of the body to which they have been appointed. It shall be the duty of the chair of any Board of Supervisors' appointed committee to annually report to the Board, but in no event later than the Board's regular meeting in March, the level of attendance of members for that particular body for the prior calendar year. Any member of an appointed body who fails to attend a minimum of seventy-five percent (75%) of the scheduled meetings of that particular body in any given calendar year may, at the discretion of the Board, be deemed to have forfeited his or her membership on that body. In the event that the Board determines that an appointee has forfeited his or her appointment pursuant to this section, the Clerk of the Board shall notify, in writing, the appointee of his or her removal from that body based upon his or her failure to attend there required percentage of scheduled meetings and shall thank the appointee for his or her service to the community. Upon the appointment of any appointee, the Clerk of the Board shall forward to the member a copy of this section.

SEC. 7-3. PLANNING COMMISSION MEMBERS ATTENDANCE

Notwithstanding the foregoing provision, a member of the Planning Commission may be removed from office by the Board without limitation in the event that the commission member is absent from any three (3) consecutive meetings of the commission, or is absent from any four (4) meetings of the commission within any twelve (12) month period. In either such event, a successor shall be appointed by the Board for the unexpired portion of the term of the member who has been removed.

SEC. 7-4. BY-LAWS AND RULES OF PROCEDURE OF BOARDS, AUTHORITIES, COMMISSIONS AND COMMITTEES

The By-Laws and Rules of Procedure of any board, authority, commission or committee not established by state law shall be submitted to the Board for approval prior to becoming effective.

SEC. 7-5. ROLE OF STANDING OR AD HOC BOARD COMMITTEES; DESIGNATED STANDING COMMITTEES; MEETING REQUIREMENTS

A. The role of any standing or ad hoc committee(s) of the Board, as they may be created from time to time, shall be to review and consider all matters properly placed before them by motion of the Board. After review and consideration of such matters, the standing or ad hoc committee shall provide the Board with its formal recommendation for action through such report as may be determined appropriate by the County Administrator in the Board's regular agenda as set forth herein.

B. The following standing committees are hereby created by the Board for the purposes stated:

1. Public Works – responsible for the review and recommendation of matters related trash/refuse, public buildings and fleet issues;

2. Community Development – responsible for the review and recommendation of matters related to economic development, planning and zoning, inspections and public utilities;

3. Parks, Recreation and Cultural – responsible for the review and recommendation of matters related to parks and recreation and cultural development;

4. Personnel – responsible for the review and recommendation of matters related to personnel policies and procedures, wages and benefits for public employees, oversight of the timely coordination of the County Administrator and County Attorney's performance reviews, participation in periodic review of recommendations related to the organizational structure of County departments, and participation in the review of recommendations regarding contracted services for the County;

5. Public Safety – responsible for the review and recommendation of matters related to law enforcement, fire and rescue and all support services related thereto;

6. Franklin Intergovernmental Relations – responsible for the review and recommendation of matters related to intergovernmental operations between Isle of Wight County the City of Franklin;

7. Smithfield Intergovernmental Relations – responsible for the review and recommendation of matters related to intergovernmental operations between Isle of Wight County and the Town of Smithfield;

8. Windsor Intergovernmental Relations – responsible for the review and recommendation of matters related to intergovernmental operations between Isle of Wight County and the Town of Windsor; and

9. Joint Tourism – responsible for the review and recommendation of matters related to the efforts of the jointly funded tourism office by Isle of Wight County and the Town of Smithfield.

ARTICLE 8 – GENERAL OPERATING POLICY

SEC. 8-1. ACTIONS BY INDIVIDUAL MEMBERS OF THE BOARD

It shall be the policy of the Board that no member(s) shall exert individual action or direct any county employee or initiate any action or assert their individual preference(s) in a manner that would require a county employee to perform any action contrary to the laws, ordinances or policies of Isle of Wight County or which would require the expenditure of public funds in any amount without the approval of the Board. Further, no member of the Board shall seek nor accept more favorable treatment from county officers or employees than would be given to other members of the Board, nor attempt to influence the decisions or recommendations of county appointees, officers or employees. Notwithstanding the foregoing, each Board member may, and is encouraged, to share information with county appointees, officers and employees and to promote a positive working environment for all employees.

SEC. 8-2. NUMBERING AND INDEXING OF RESOLUTIONS, ORDINANCES AND PROCLAMATIONS

It shall be the responsibility of the Clerk to number and index all resolutions, ordinances and proclamations of the Board. Resolutions and proclamations shall be numbered consecutively and use the last two digits of the calendar year. For example, for the first resolution in January, 2014, the resolution number would be shown as: Resolution No. 14-01.

SEC. 8-3. MINUTES OF THE BOARD

The minutes of the Board meeting shall reflect the official acts of the Board and names of the public commenting during public hearings and citizen comments, as well as a summary of the Board's proceedings at each meeting. They shall reflect the issues discussed and Board comments in summary form.

SEC. 8-4. AMENDING BY-LAWS

These by-laws may be amended with the concurrence of two-thirds (2/3) of the members present at any meeting subsequent to the introduction of a suggested by-laws amendment.

SEC. 8-6. ENACTMENT OF BY-LAWS AND RULES OF PROCEDURE

No later than December 1st of each year, the County Attorney shall deliver a copy of the most recently enacted By-Laws and Rules of Procedure to each member and member-elect of the Board, soliciting any proposed changes to the same. The County Attorney shall prepare proposed amendments based on any such Board comments as directed by passage of a motion and include them in the Agenda for consideration at the Organizational Meeting.

Adopted this 6th day of January, 2022.

Chair

Carey Mills-Storm, Clerk

Approved as to form:

Robert W. Jones, Jr., County Attorney

ISSUE:

Consideration of a Siting Agreement for the Ho-Fel Solar Project

BACKGROUND:

Ho-Fel Solar, LLC desires to build a solar project in Isle of Wight County. In this regard, the Code of Virginia allows the County and Ho-Fel Solar to enter into a siting agreement relative to solar facilities.

BUDGETARY IMPACT:

The siting agreement could allow for revenues of approximately $3.4 million over a 40 year period.

RECOMMENDATION:

Per the Board's discussion and direction.

ATTACHMENTS:

Description	Type	Upload Date
Siting Agreement	Agreement	12/8/2022

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 Ho-Fel Solar, LLC, a Virginia 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 Isle of Wight County Board of Supervisors (the "Board") pursuant to a conditional use permit originally granted to Ho-Fel Solar, LLC on February 21, 2019 (CUP-8-18), and amended by CUP-02-22 on December 8, 2022 (CUP-8-18 as amended by CUP-02-22, referred to hereinafter as the "CUP" and the project as expanded and amended by CUP-02-22 referred to hereinafter as the "Project"). The Project is located on certain parcels of land identified as Isle of Wight County Tax Map Parcels 69-01-087, 72-01-022 and 69-01-086 (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% as provided by state law and local ordinances, including Virginia Code § 58.1-3660 (C), (D), and (F), and the County Code of Ordinances Sec. 15-23, commonly known as the Machinery and Tools Tax ("M&T Taxes");

WHEREAS, Applicant has agreed to the payments and financial terms contained herein, including payment of the M&T Taxes;

WHEREAS, Applicant has further agreed that, in any year in which the M&T Taxes would be less than what the County would obtain under a Revenue Share Ordinance, Applicant will make a voluntary supplemental payment that would result in a total annual payment equal to the greater of the M&T Taxes or what would otherwise be due under a Revenue Share Ordinance, 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 CUP approved by the Board of Supervisors for the Project. CUP 02-22, approved on December 8, 2022, 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 in accordance with Section __ of 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 and that the financial payments set forth herein are compensation to the County consistent with Chapter 22, Title 15.2, Article 7.3 of the Virginia Code.

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") upon Commercial Operation, as defined below. Each Payment 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 fortieth (40th) 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 fortieth (40th) 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 the County of Isle of Wight, 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:

Isle of Wight County, Virginia
P.O. Box 80
Isle of Wight, VA 23397

With a copy to:

Robert W. Jones, Jr.
County Attorney
P.O. Box 80
Isle of Wight, VA 23397

With a copy to:

Ho-Fel Solar, LLC
c/o Pine Gate Renewables, LLC
103 Roberts Street
Asheville, NC 28801
Attn: Legal Department
Email: legal@pgrenewables.com

With a copy to:

John G. "Chip" Dicks
D. Scott Foster, Jr.
Gentry Locke
PO 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 Isle of Wight 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 Isle of Wight 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 the 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.

HO-FEL SOLAR, LLC

_____
Signature

_____
Title

ISLE OF WIGHT COUNTY, VIRGINIA

By: _____
Name: Rudolph Jefferson
Title: Chairman, 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 40 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) **Revenue Share Equivalent.** The "Revenue Share Equivalent" is an annual payment amount determined by multiplying $1,400 per MWac (the "Solar Revenue Share") by an assumed nameplate capacity of 40MWac, subject to an escalation of ten (10) percent every five (5) years beginning in 2026.

(B) **Estimated M&T.** An estimate of the annual M&T Taxes (which will fluctuate in any given year, depending on the Project's machinery and tools).

(C) **Supplemental Voluntary Payments.** In the years when the M&T Taxes are higher than the Revenue Share Equivalent, Applicant will pay only its annual M&T Taxes. In the years when the Revenue Share Equivalent is higher than the M&T Taxes, Applicant will pay its annual M&T Taxes plus a supplemental voluntary payment in order to provide the County a total annual payment that equates to the Revenue Share Equivalent, which shall be based on the Solar Revenue Share authorized under Va. Code § 58.1-2636, as of the date hereof (*i.e.*, $1,400 per megawatt), for the life of the Project, regardless of whether the County adopts a Solar Revenue Share Ordinance or not. The M&T Taxes shall be assessed pursuant to Chapters 35 and 36 of Title 58.1 of the Code of Virginia as applicable, and the County Ordinances in effect as of the date of this Agreement, for the life of the Project.

Year	Revenue Share Equivalent	Estimated M&T Taxes	Greater of M&T or Revenue Share
1	$ 56,000.00	$ 66,239.00	$ 66,239.00
2	$ 56,000.00	$ 66,239.00	$ 66,239.00
3	$ 61,600.00	$ 66,239.00	$ 66,239.00
4	$ 61,600.00	$ 66,239.00	$ 66,239.00
5	$ 61,600.00	$ 66,239.00	$ 66,239.00
6	$ 61,600.00	$ 66,239.00	$ 66,239.00
7	$ 61,600.00	$ 66,239.00	$ 66,239.00
8	$ 67,760.00	$ 66,239.00	$ 67,760.00
9	$ 67,760.00	$ 66,011.00	$ 67,760.00
10	$ 67,760.00	$ 64,892.00	$ 67,760.00
11	$ 67,760.00	$ 63,707.00	$ 67,760.00
12	$ 67,760.00	$ 62,456.00	$ 67,760.00
13	$ 74,536.00	$ 61,131.00	$ 74,536.00
14	$ 74,536.00	$ 59,718.00	$ 74,536.00
15	$ 74,536.00	$ 58,224.00	$ 74,536.00
16	$ 74,536.00	$ 56,642.00	$ 74,536.00
17	$ 74,536.00	$ 54,964.00	$ 74,536.00
18	$ 81,990.00	$ 53,190.00	$ 81,990.00
19	$ 81,990.00	$ 51,299.00	$ 81,990.00
20	$ 81,990.00	$ 49,304.00	$ 81,990.00
21	$ 81,990.00	$ 47,184.00	$ 81,990.00
22	$ 81,990.00	$ 44,940.00	$ 81,990.00
23	$ 90,189.00	$ 42,562.00	$ 90,189.00
24	$ 90,189.00	$ 40,038.00	$ 90,189.00
25	$ 90,189.00	$ 37,366.00	$ 90,189.00
26	$ 90,189.00	$ 34,525.00	$ 90,189.00
27	$ 90,189.00	$ 31,522.00	$ 90,189.00
28	$ 99,207.00	$ 28,336.00	$ 99,207.00
29	$ 99,207.00	$ 24,965.00	$ 99,207.00
30	$ 99,207.00	$ 21,381.00	$ 99,207.00
31	$ 99,207.00	$ 17,590.00	$ 99,207.00
32	$ 99,207.00	$ 13,572.00	$ 99,207.00
33	$ 109,128.00	$ 9,310.00	$ 109,128.00
34	$ 109,128.00	$ 7,360.00	$ 109,128.00
35	$ 109,128.00	$ 7,360.00	$ 109,128.00
36	$ 109,128.00	$ 7,360.00	$ 109,128.00
37	$ 109,128.00	$ 7,360.00	$ 109,128.00
38	$ 120,041.00	$ 7,360.00	$ 120,041.00
39	$ 120,041.00	$ 7,360.00	$ 120,041.00
40	$ 120,041.00	$ 7,360.00	$ 120,041.00
Total	$ 3,394,173.00	$ 1,676,261.00	$ 3,437,846.00

EXHIBIT C

FORM OF MEMORANDUM

Full exhibit follows

PREPARED BY AND RETURN TO:
Ho-Fel Solar, LLC
c/o Pine Gate Renewables, LLC
103 Roberts Street
Asheville, NC 28801
Attn: Legal Department
Email: legal@pgrenewables.com

Isle of Wight Tax Map ID Nos.:_____

[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 **Ho-Fel Solar, LLC**, a Virginia limited liability company ("Ho-Fel"), with regard to the following:

Siting Agreement. The County and Ho-Fel are parties to that Solar Facility Siting Agreement, dated _____ (the "Siting Agreement"), which describes the intent of Ho-Fel to develop, install, build, and operate a solar facility ("Project") on that certain parcel of land identified as Isle of Wight County Tax Map Parcels _____ (the "Property").

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 _____.

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 Isle of Wight County Comprehensive Plan under Virginia Code Ann. § 15.2-2232.

Obligations. The Siting Agreement sets forth, *inter alia,* certain obligations of Ho-Fel to comply with the Conditional Use Permit approved by the County for the Project, and to make certain payments to the County.

Siting Agreement Controls. This Memorandum does not supersede, modify, amend or otherwise change the terms, conditions or covenants of the Siting Agreement, and the County and Ho-Fel executed and are recording this Memorandum solely for the purpose of providing constructive notice of the Siting Agreement and the County's and Ho-Fel'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.

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: Rudolph Jefferson
Title: Chairman, Board of Supervisors

COMMONWEALTH OF VIRGINIA,
COUNTY OF _____, to-wit:

The foregoing Memorandum was acknowledged before me this _____, 2022, by Rudolph Jefferson, Chairman of the Board of Supervisors of Isle of Wight County, Virginia.

_____
Notary Public

My Commission expires:

WITNESS the following signature and seal:

HO-FEL 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 _____, 2022, appeared _____, who acknowledged that they executed the foregoing instrument in their capacity as _____ of Ho-Fel Solar, LLC, a Virginia limited liability company, on behalf of said corporation.

_____
Notary Public

My Commission expires:

ISSUE:

Ordinance to Amend the Following Section of Appendix B, Zoning, of the Isle of Wight County Code: Article 5 (Supplementary Use Regulations), Section 5-5003.B.1, “Cemetery,” in order to Reduce the Front Yard Setback Requirement for any Burial Plot on Land Abutting a Public or Private Street to 25 Feet

BACKGROUND:

Section 5-5003.B, "Cemetery," of the Zoning Ordinance requires that any burial plot on land abutting a public or private street comply with the required front yard setback of the underlying zoning district. A request has been received by the Board of Supervisors to allow additional flexibility to place burial plots closer to adjacent roads. There is a need for more room in older or smaller cemeteries to allow for additional burials.

A review of other local ordinances in Virginia reveals that there is no commonly used setback for cemeteries. Some allow no setback while others impose the front yard setback for the underlying zoning ordinance. The shortest front yard setback in the County is 25 feet. The proposed cemetery setback of 25 feet is consistent with setbacks found elsewhere in the Ordinance and would allow room between burial plots and road side ditch maintenance and movement of people and vehicles.

A full analysis of the proposed Ordinance change is included in the attached Planning Commission staff report.

RECOMMENDATION:

The Planning Commission recommended approval of the proposed Ordinance change by a vote of eight in favor and zero against the motion at their November 22, 2022, regular meeting.

Staff also recommends approval of the change.

ATTACHMENTS:

Description	Type	Upload Date
PC Staff Report	Backup Material	11/30/2022
Proposed Ordinance Change Redline version	Backup Material	11/16/2022
BOS Ordinance	Ordinance	11/30/2022

PLANNING REPORT

APPLICATION:

An ordinance to amend the following section of Appendix B, Zoning, of the Isle of Wight County Code: Article 5 (Supplementary Use Regulations), Section 5-5003.B.1, "Cemetery," in order to reduce the front yard setback requirement for any burial plot on land abutting a public or private street to 25 feet.

ELECTION DISTRICT:

All

BACKGROUND:

Section 5-5003.B, "Cemetery," of the Zoning Ordinance requires that any burial plot on land abutting a public or private street comply with the required front yard setback of the underlying zoning district. A request has been received by the Board of Supervisors to allow additional flexibility to place burial plots closer to adjacent roads. There is a need for more room in older or smaller cemeteries to allow for additional burials.

A review of other local ordinances in Virginia reveals that there is no commonly used setback for cemeteries. Some allow no setback while others impose the front yard setback for the underlying zoning ordinance. The shortest front yard setback in the County is 25 feet. The proposed cemetery setback of 25 feet is consistent with setbacks found elsewhere in the Ordinance and would allow room between burial plots and road side ditch maintenance and movement of people and vehicles.

After discussion of the proposed Ordinance change at their October 25, 2022, regular meeting, the Planning Commission directed staff to advertise the change for public hearing at their next regular meeting.

DESCRIPTION:

Section 5-5003.B.1 would be restated to read as follows:

> Any burial plot on land abutting a public or private street shall comply with the required setback of twenty-five (25) feet from all property lines. In addition, cemeteries shall comply with all state regulations, including setbacks from residential uses and public water supplies.

ORDINANCE REVIEW:

Applications for text amendments may be initiated by resolution of the Board of Supervisors, by motion of the Planning Commission, or by application petition of any property owner(s) addressed to the Board of Supervisors. An application for text amendment will set forth the new text to be added and the existing text, if any, to be deleted or amended.

AGENCY REVIEW:

Staff worked with the County Attorney's office to develop the proposed Zoning Ordinance change.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed ordinance change.

ATTACHMENTS:

Description	Type	Upload Date
Proposed Ordinance Change Redline version	Backup Material	11/16/2022

Proposed Cemetery Supplemental Use Zoning Ordinance Revisions
Revised November 16, 2022

New proposed changes are in red underlined text. Language proposed to be deleted is shown in red text with ~~strikethrough~~ markings.

Section 5-5003. - Supplementary use regulations for civic use types.

B. Cemetery.

1. Any burial plot on land abutting a public or private street shall comply with the required ~~front yard~~ setback of ~~the underlying zoning district and~~ twenty-five (25) feet from all property lines. In addition, cemeteries shall comply with all state regulations, including setbacks from residential uses and public water supplies.
2. Arrangements for perpetual maintenance of the cemetery shall be in compliance with all applicable governmental laws and regulatory requirements and shall be approved by the county attorney as to form.
3. Cemeteries and distance from wells. All cemeteries shall meet the requirements set forth below unless otherwise exempted by the department of health.

Well Class	Distance from Cemetery
Class 3A or deep well	Minimum 50 feet
Class 3B well	Minimum 50 feet
Class 3C or a shallow well	Minimum 100 feet
Class 4 well	Minimum 100 feet

4. Landscaping shall be distributed across the area developed as a cemetery to provide a minimum of ten percent (10%) canopy coverage or shading within twenty (20) years.
5. The proposed location for a cemetery shall be compatible with adjacent land uses, existing or proposed highways, and any other elements or factors deemed to affect the public health, safety, and welfare of the inhabitants of such district.

AN ORDINANCE
TO AMEND AND REENACT SECTION 5-5003.B (CEMETERY) OF APPENDIX B (ZONING) OF THE CODE OF THE COUNTY OF ISLE OF WIGHT, VIRGINIA

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 Section 5-5003.B (Cemetery) of Appendix B (Zoning) of the Isle of Wight County Code be amended and reenacted as follows:

Article V. Supplementary Use Regulations.

Sec. 5-5003. - Supplementary use regulations for civic use types.

B. Cemetery.

1. Any burial plot on land abutting a public or private street shall comply with the required setback of twenty-five (25) feet from all property lines. In addition, cemeteries shall comply with all state regulations, including setbacks from residential uses and public water supplies.
2. Arrangements for perpetual maintenance of the cemetery shall be in compliance with all applicable governmental laws and regulatory requirements and shall be approved by the county attorney as to form.
3. Cemeteries and distance from wells. All cemeteries shall meet the requirements set forth below unless otherwise exempted by the department of health.

Well Class	Distance from Cemetery
Class 3A or deep well	Minimum 50 feet
Class 3B well	Minimum 50 feet
Class 3C or a shallow well	Minimum 100 feet
Class 4 well	Minimum 100 feet

4. Landscaping shall be distributed across the area developed as a cemetery to provide a minimum of ten percent (10%) canopy coverage or shading within twenty (20) years.
5. The proposed location for a cemetery shall be compatible with adjacent land uses, existing or proposed highways, and any other elements or factors deemed to affect the public health, safety, and welfare of the inhabitants of such district.

DATE:_____

READ AND PASSED: _____
Chairman

TESTE: _____
Clerk

Approved as to Form:

_____
Robert W. Jones, Jr., County Attorney

ISSUE:

Ordinance to Amend the Isle of Wight County Comprehensive Plan, *Envisioning the Isle*, to Incorporate by Reference the Plan Known as, "Share the Isle: Isle of Wight County's Plan for an Aging and Mixed Ability Inclusive Community," as Appendix XII in the Comprehensive Plan

BACKGROUND:

Isle of Wight County began its plan to develop services for persons age 55 and over in February 2021. This new part of the Comprehensive Plan will serve as a decision-making guide to help the County remain livable for all ages and abilities.

Staff previously presented the draft Plan to the Planning Commission at their April 26, 2022, regular meeting. A copy of the draft Plan is attached to this report.

The Planning Commission and Board of Supervisors public hearings are another opportunity for the community to give feedback on the draft Comprehensive Plan amendment. Staff advertised the draft plan for public comment from October 1 through November 1, 2022. Only one additional comment was received during this time.

A full analysis of the proposed Comprehensive Plan amendment is included in the attached Planning Commission staff report.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

The Planning Commission adopted a resolution to recommend approval of the proposed Comprehensive Plan amendment by a vote of eight in favor and zero against the resolution at their November 22, 2022, regular meeting.

Staff also recommends approval of the change.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	12/1/2022

Share the Isle: Isle of Wight County's Plan for an Aging & Mixed Ability Inclusive Community	Backup Material	4/20/2022
PC Staff Report	Backup Material	11/30/2022
Adoption PC Resolution Executed Nov 22	Resolution	11/30/2022

RESOLUTION TO APPROVE AN AMENDMENT TO THE COMPREHENSIVE PLAN TO INCORPORATE BY REFERENCE THE PLAN KNOWN AS, "SHARE THE ISLE: ISLE OF WIGHT COUNTY'S PLAN FOR AN AGING AND MIXED ABILITY INCLUSIVE COMMUNITY," AS APPENDIX XII IN THE COMPREHENSIVE PLAN

WHEREAS, Section 15.2-2229 of the Code of Virginia stipulates that any amendments to a community's Comprehensive Plan be recommended by resolution to the governing body by the local planning commission; and,

WHEREAS, the Isle of Wight County Board of Supervisors on January 16, 2020, directed that the "Share the Isle" Plan be developed and referred to the Planning Commission for its consideration and that staff be directed to do all things necessary to proceed with the Plan in a timely manner; and,

WHEREAS, the Isle of Wight County Planning Commission has given notice and held a public hearing on said amendment to the Comprehensive Plan on November 22, 2022, as required by Section 15.2-2204 of the Code of Virginia; and,

WHEREAS, the Isle of Wight County Planning Commission finds it advisable to amend the Comprehensive Plan, Envisioning the Isle, to include the new amendment as Appendix XII of the Plan; and,

WHEREAS, the Isle of Wight County Board of Supervisors has given notice and held a public hearing on the new Comprehensive Plan on December 8, 2022, after notice as required by Title 15.2, Chapter 22, Article 4 and Article 26 of the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Isle of Wight, Virginia that the amendment to the Isle of Wight County Comprehensive Plan known as "Share the Isle: Isle of Wight County's Plan for an Aging and Mixed Ability Inclusive Community," attached hereto as Exhibit A be incorporated by reference into the Comprehensive Plan.

Adopted this 8th day of December, 2022.

Rudolph Jefferson, Chairman

Carey Mills Storm, Clerk

Approved as to form:

Robert W. Jones, Jr., County Attorney

SHARE *the* ISLE











ISLE OF WIGHT COUNTY'S PLAN FOR AN AGING & MIXED ABILITY INCLUSIVE COMMUNITY

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EXECUTIVE SUMMARY

Introduction



On January 16, 2020, the Isle of Wight County Board of Supervisors directed staff to conduct a study on the future impacts of aging on the County's quality of life and levels of service as part of the new County's new Comprehensive Plan. The initial step of the Plan included a community survey of residents on their top concerns with aging in the County as well as their future lifestyle priorities. The next step of the Plan engaged a small working group recruited from the County's Commission on Aging and supported by County staff as well as staff from the Southeastern Senior Services of Virginia (SSEVA) to develop policy recommendations to better direct County actions and decisions as well as guide capital investments to maximize the accessibility in the County to persons of all ages, ability levels and socioeconomic groups.

Through the development of the Plan, the initial stakeholder workgroup identified several common issues that were critical to the successful implementation of each of the Plan's focus areas. Specifically, transportation access and a housing supply which can accommodate different ability and socioeconomic needs were found to be critical to successful aging in the community. These two components permit older people and those with special needs to partake in all the recreational, educational, employment and social opportunities the County may have to offer that creates a high quality of life. The third common issue the workgroup identified was the need for a central clearinghouse of information on all these opportunities and services within the County. Information on transportation services, housing assistance, health care, educational, employment and social opportunities is often dispersed among different groups, websites and agencies which can make locating information difficult, especially among those without access to the internet. The group agreed that a critical element in the Plan's successful implementation is the creation of a coordinator position that could not only serve as a central contact for aging-related services and information specific to the County, but also assist residents in obtaining these services. Below is an outline of the policies and implementation steps for the Share the Isle Plan. The full Plan documents includes additional background information and analysis used to develop the Plan.

FOCUS AREA 1: HEALTHY AND ACTIVE LIFESTYLE

OBJECTIVE: The County should provide access to healthy food options, opportunities for walking, biking and exercise, and education on nutrition and wellness.

IMPLEMENTATION STEPS

1. The County should continue to expand its public system of bike and pedestrian trails, especially to destinations including parks, libraries, or community facilities.
2. The County should expand its transit service to provide connections between residential areas and shopping centers which offer groceries in all development service districts within the County.
3. The County should expand its Parks and Recreation programs and facilities to include exercise programs for all ability levels and include educational programs on such topics as nutrition and treatment of chronic conditions, such as diabetes and obesity which are linked to poor nutrition.

FOCUS AREA 2: QUALITY HEALTH CARE AND COMMUNITY SUPPORT SERVICES

OBJECTIVE: The County should provide connections to health facilities and related services and support, including home- and community-based supportive features and programs.

IMPLEMENTATION STEPS

1. Improve the accessibility of health services.
2. Establish a full-time livable community coordinator position to increase availability of information, educational programs, and coordinate volunteer efforts.
3. Establish a regular working group of community service providers, health care professional representatives, community stakeholders and staff to identify specific gaps in the County's available senior and special need health care services.
4. Centralize and expand programs and services to citizens to enable them to remain in their homes.

FOCUS AREA 3: TRANSPORTATION ACCESS

OBJECTIVE: The County should expand its range of safe, dependable, and affordable transportation options that are alternatives to driving, which promote independence, facilitate employment and educational opportunities, and foster social engagement.

IMPLEMENTATION STEPS

1. Increase local funding to expand the existing I-Ride service to provide additional routes to serve areas with the highest senior population and nearby activity centers to better meet daily needs;
2. Identify and expand existing volunteer networks that provide free transportation to seniors for medical and senior center visits utilizing surplus County-owned vehicles for immediate needs;

3. Incorporate smart mobility concepts into future road improvements to capitalize on technological improvements such as driverless vehicles, on demand services, and to accommodate future public transit needs, such as including broadband capabilities in public right of ways as improvements are made; and
4. Continue to support the expansion of the County's multipurpose trail system that connects residential areas to activity centers with shopping, medical, employment, educational, and recreational opportunities.

FOCUS AREA 4: HOUSING CHOICE

OBJECTIVE: The County should provide a range of safe housing options that promotes independence and aging in place through market rate units, subsidies, and appropriate design features such as universal design, visitability, energy efficiency, and use of innovative home features.

IMPLEMENTATION STEPS

1. Create more lifelong livable housing options.
2. Allow for multigenerational housing and increase affordable housing supply by allowing accessory dwelling units in more residential zoning districts.
3. Increase the ability for people to stay in the homes and neighborhoods by creating a grant fund dedicated to retrofitting and rehabilitating existing housing.
4. Zoning regulations should be written to allow homes to be built in close proximity to the services that enable people to remain independent as they age.
5. Implement an affordable dwelling unit ordinance.

FOCUS AREA 5: EDUCATION, EMPLOYMENT AND ENGAGEMENT

OBJECTIVE: The County should ensure employment opportunities for all ages, promote a life-long learning environment, and provide multiple opportunities for economic, social and civic engagement.

IMPLEMENTATION STEPS

1. Encourage the intergenerational use of public facilities for community education programs of rotating educational topics such as health, personal finance, job search, keyboarding, interviewing, coding, or home maintenance. These programs should be held at public facilities around the County at different times that are also accessible by public transit.
2. Continue the County's broadband network expansion program to underserved areas of the County.
3. Consider multiple outreach methods to increase community engagement in public policy decision making.

INTRODUCTION & BACKGROUND

Overview

In a February 2020 report, the US Census Bureau marks the year 2030 as a demographic turning point for the United States. Beginning that year, all baby boomers in the US will be older than 65 years of age. This will expand the size of the older population, so that one in every five Americans is projected to be of retirement age. Later that decade by 2034, older adults will outnumber children for the first time in U.S. history.

For Isle of Wight County, this turning point is projected to happen much sooner. The US Census Bureau projects 19.8% of the County's population was 65 years or older in 2019. The Weldon Cooper projects 21.6% of the population will be within this age bracket by 2020, which increases again to 26.9% of the County's population by 2030. By the end of the planning horizon of Envisioning the Isle, in 2040, the 65 year and older population group reduces in size slightly to 26.1% of the total population.

It is now Isle of Wight's turn to grapple with the implications of this demographic shift in the character of our community. How should we adapt neighborhood design, transportation options, recreational opportunities and even employment to ensure that people can successfully age here? Although there are significant challenges associated with creating a successful age friendly community, the good news is that most Americans want to remain healthy, active, and engaged in their communities as they age. In addition, technological innovation continues to follow the market opportunities presented by the increasing longevity market.

Successful age friendly communities can address some of the following concerns:

- **Financial Security —** provide a reasonable cost of living through such items as safe and affordable housing and employment opportunities for seniors;
- **Health —** offer access to a wide range of healthcare options and recreational opportunities;
- **Housing —** provide a diverse set of housing options to meet multiple needs, whether it's single family homeownership, a rental apartment or assisted living facility;
- **Transportation —** provide mobility and access to convenient transportation systems for seniors for travel, running errands, or making a medical visit;
- **Social Integration —** provide ready connections to family and friends as well as cultural and educational opportunities.

The Plan will identify steps the County can take to ensure its residents can age successfully in the community. The initial step of the Plan included a community survey of residents on their top concerns with aging in the County as well as their future lifestyle priorities. The next step of the Plan engaged a small working group recruited from the County's Commission on Aging and supported by County and SSEVA staff to develop policy recommendations to better direct County actions and decisions as well as guide capital investments to maximize the accessibility in the County to persons of all ages, ability levels and socioeconomic groups. Once the draft Plan was developed, the Plan was

presented to the Commission Aging, Planning Commission, the Board of Supervisors, and the community at large for their review and comment.

BACKGROUND

On January 16, 2020, the Isle of Wight County Board of Supervisors directed staff to conduct a study on the future impacts of aging on the County's quality of life and levels of service as part of the new County's new Comprehensive Plan.

This special Plan serves an implementation tool for several policies of the County's Comprehensive Plan, *Envisioning the Isle*, including:

- Studying the locations and demands of the elderly and low income populations of the County to inform transit decisions.
- Examining the impact of changing demographics and recreational needs on parks, facilities and programming;
- Continuing to improve access to parks, trails, and other facilities in order to serve all citizens, regardless of ability;
- Supporting life-long learning through schools, libraries, continuing and higher education programs, community-based education programs, and recreation programs for all age groups;
- Identifying regulatory changes that provide opportunities for housing for persons with special needs in proximity to supporting community services and activities;
- Reviewing and revising regulations to support housing types that allow the elderly to remain in their community as their needs change;
- Increasing opportunities within the development service districts (DSDs) for residences to be in close proximity to retail, employment, and public facilities; and
- Identifying possible incentives to encourage the development of a range of housing choices near major activity centers such as employment, commercial areas, schools, and recreation areas.

This Plan will further support and implement these policies.

PLAN ON AGING COMMUNITY SURVEY RESULTS

The initial step of the Plan included a survey of residents on their top concerns with aging in the County as well as their future lifestyle priorities. The Isle of Wight County Plan on Aging public input survey was conducted from Monday, February 1 through Monday, March 1, 2021. The public input survey was not designed as a scientific poll using a random sample of pre-selected households, but rather as a broad public engagement effort. The survey was widely publicized, and all residents, business owners, and property owners were welcome to respond. All responses were provided on a strictly voluntary basis and may or may not represent the perspectives of the average Isle of Wight County citizen.

The survey was available both online using the Survey Monkey web-based platform and in hard copy format located at six key locations across the County. Paper copies of the survey were available at the Carrollton, Smithfield and Windsor Libraries as well as the Windsor and Smithfield Town Halls. Copies were also available at the Isle of Wight County Community Development Department.

Staff mailed out notices to 45 different community stakeholder groups requesting participation in the survey. The notices included the website address of the survey as well as a QR code that provided a direct link to the survey instrument. The community groups

included churches, veterans groups, services organizations, the Commission on Aging, and other agencies that serve the elderly population, including Senior Services of Southeastern Virginia (SSSEV).

SSSEV and Isle of Wight County Social Services also provided valuable additional outreach to the County's senior population by distributing surveys through the administration of their programs, such as Meals on Wheels. Assistance with public outreach was also generously provided by County Departments such as Tourism, Parks and Recreation, Isle Cares, and Economic Development which posted notices about the survey on their social media sites.

A notice with the survey website and QR code was advertised in the Smithfield Times and Tidewater News for four consecutive weeks in March 2021. In addition, the survey could be accessed from links posted on the homepage of the County's website.

A total of 195 individuals participated in the survey. They came from all over Isle of Wight County and used a variety of methods to participate. The majority of participants, or 176 people, chose the online survey tool to complete the survey. This was expected, given that this method allowed participants to take the survey at their convenience. However, about 11%, or 19 people, chose to participate by completing paper surveys.

The survey included several questions for basic demographic information, such as age, gender, household income and which race with which they identify. Below is a summary of the profile of the average survey participant:

- Average age of participant was 63 years.
- About 77% non-military, 23% active or retired military.
- About 48% retired, 49% working part or full-time.
- Majority of respondents were female (63%).
- About 80% white, 12% African American, 4% Multiracial, 2.5% Other, 1% Asian, 0.5% Native American.
- About 61% had household incomes of greater than $50,000.

Most survey respondents were either somewhat or very concerned about their ability to live independently and remain financially secure as they aged. Most expected their quality of life to remain the same, and most participants planned to stay in the County for the next five years or longer. Most participants owned their own home and felt their neighborhoods were either good or excellent.

When thinking about housing in their senior years, most survey participants chose being able to live independently as their top priority. Being close to family and friends and the ability to stay in their current neighborhood ranked second and third in order of priority.

When it came to ranking priorities for future transportation access, most respondents felt that expanding services for people who need assistance should be the top priority. The second highest priority chosen is repairing existing roads and bridges. Adding sidewalks and expanding mass transit services tied as the third priority.

When asked to identify the things necessary to maintain their quality of life in the future, they ranked the following items as the five most important:

1. Having financial means;
2. Staying physically active;
3. Having access to quality healthcare;
4. Staying connected to friends and family;
5. Having quality health care coverage.

The goal of the survey was to ask the community to share its priorities for Isle of Wight County to better serve its growing senior population. The top five priorities for future investment to better serve seniors as indicated by the survey feedback are as follows:

1. Affordable health care services;
2. Senior Centers/Better Transportation Options (tied for second priority);
3. Internet access;
4. Affordable housing; and
5. Home delivered meals such as Meals on Wheels.

Most people participating in the survey felt that the County was not doing a good job supporting the needs of seniors in the community. When asked about different services provided in the County, public safety and volunteer opportunities received the highest marks while job opportunities and community support services were rated poorly.

The survey results provide critical information on which to begin to explore policy recommendations on how to better serve the County's growing senior population in the future. The feedback helps to narrow the focus of future investment in order to make the biggest impact to serve the most pressing needs in the community as well as to improve existing services. A full report on the results of the survey is included as an appendix to this plan.

"SHARE THE ISLE" PLAN

Based on the feedback received from the community survey and the Commission on Aging, the Plan seeks to improve the overall quality of life for all citizens, including the community's growing senior and special needs populations by achieving progress in the following five areas of focus:

1. Healthy and Active Lifestyle;
2. Quality Healthcare and Community Support Services;
3. Transportation Access;
4. Housing Choices; and
5. Education, Employment and Engagement.

Within each area, there is a background section and a findings section that collectively sets the stage for the recommendations. Whenever possible, they include County-specific data and information. The Plan outlines actions that will support achievement of the overall vision in each focus area. Each set of actions was developed based on community input, research, and data. The overall indicators within each focus area will assist in ensuring the community can evaluate progress towards the vision.

The following executive summary of the Plan on Aging includes a list of goals that are the Plan's focus areas, objectives and recommended implementation steps to achieve the County's vision of evolving as an inclusive, accessible community for all ages, abilities, and socioeconomic groups.

FOCUS AREA 1

Healthy And Active Lifestyle



The County's own community survey demonstrated that many people place the ability to live independently and remain both physically and mentally active as important to their quality of life as they age.

OBJECTIVE: The County should provide access to healthy food options, opportunities for walking, biking and exercise, and education on nutrition and wellness.

According to AARP, one aspect of age-friendly communities is that they allow older adults to stay active, stay connected, and stay engaged with their community as they age. The County's own community survey demonstrated that many people place the ability to live independently and remain both physically and mentally active as important to their quality of life as they age. In July 2017, the Milken Institute of Public Health released a ranking of 381 US metropolitan areas on how they performed in promoting and enabling successful aging. Among other criteria such as financial security, transportation, health care, and education, the study also ranked metro areas for overall "wellness" based on how they did on criteria such as their obesity rate, smoking rate, diabetes rate, longevity, prevalence of recreational opportunities, grocery stores and fast food restaurants in the area, among others. The Virginia Beach-Norfolk-Newport News Metropolitan Statistical Area (MSA), of which Isle of Wight County is a part, ranked 69th out of 100 large metropolitan areas overall based on its ability to meet the nine critical elements of successful aging, including wellness.

BACKGROUND

Although Isle of Wight County is too small to qualify for an individual assessment in the Milkin Institute Study, the criteria used in the report are publicly available. The *US News and World Report*, for example, provides an online tool that ranks individual localities on a scale of 1 to 100 and compares them to municipalities of similar size as well as to state and national averages.

The website gives Isle of Wight County an overall score of 63 out of 100 in its healthy community categories. To arrive at its overall ranking, the magazine used factors identified by the National Committee on Vital and Health Statistics — a policy advisory board to the head of the U.S. Department of Health and Human Services — as part of its Measurement Framework for Community Health and Well-Being. The online assessment tool may be found at https://www.usnews.com/news/healthiest-communities/virginia/isle-of-wight-county#population-health.

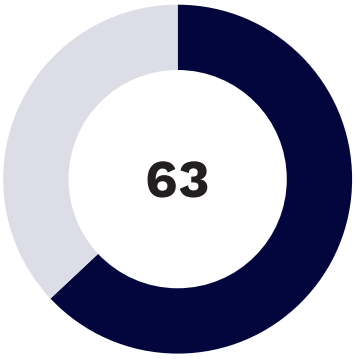
Although the County's score is the equivalent to a letter grade of "D," the County fared better than the state's average score of 53 and better still than the national average score of 48. The County performed higher than average scores in areas such as overall population health, public safety, education, community vitality and the economy. The County received failing grades (less than 60) for equity, housing, food and nutrition, the environment, and infrastructure.

TABLE FROM

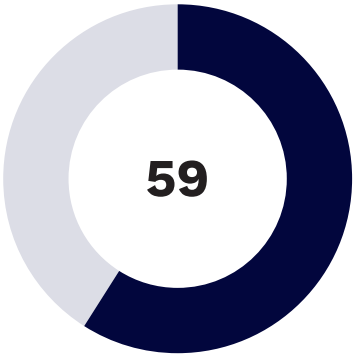
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NOVEMBER 29, 2021

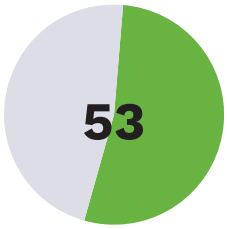
63/100 **OVERALL SCORE**



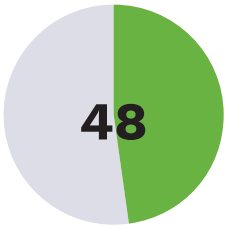
OVERALL SCORE



PEER GROUP AVERAGE
Urban, High-Performing



STATE AVERAGE



U.S. AVERAGE

Read our methodology to see how the scores and rankings were calculated.

CATEGORY	SCORE
Population Health	66
Equity	59
Education	68
Economy	66
Housing	48
Food & Nutrition	45
Environment	50
Public Safety	79
Community Vitality	62
Infrastructure	58

See the top communities overall.

Opportunities for improvement in the overall health and wellness of the community are noted below:

- **Access to care —** lower than average rates of hospital beds per 1,000 population (0 in Isle of Wight) and primary care doctor availability.
- **Mental Health —** higher than average number of adults with frequent mental distress.
- **Equity —** higher than average racial disparity in educational attainment and poverty rates.
- **Food and Nutrition —** less than average availability of healthy food and higher than average percentage of population without access to a large grocery store. Higher than average prevalence of diabetes and obesity.
- **Environment —** higher than average population served by unsafe drinking water. Only 2% of the County's population lives within a half mile of a public park compared to the national median of 18%.
- **Infrastructure —** only 3% of the County's population lives within walking distance of a library, museum or playground compared to 12.4% of the US population on average. The County receives a walkability score of 5.7 as compared to the US average of 6.1 and the state average of 8.4.

Overall, the County's general quality of life as indicated by its public safety record, higher than average life expectancy, economic well-being and educational standards. However, there is room for improvement to make it even healthier by providing increased walkability, increased nutrition availability, and expanding health care options across all socioeconomic groups and age levels.

IMPLEMENTATION STEPS

1. The County should continue to expand its public system of bike and pedestrian trails, especially to destinations including parks, libraries, or community facilities.
2. The County should expand its transit service to provide connections between residential areas and shopping centers which offer groceries in all development service districts within the County.
3. The County should expand its Parks and Recreation programs and facilities to include exercise programs for all ability levels and include educational programs on such topics as nutrition and treatment of chronic conditions, such as diabetes and obesity which are linked to poor nutrition.

FOCUS AREA 2

Quality Health Care and Community Support Services



Participants in the community survey on aging chose having access to quality healthcare and having quality health care coverage as the third and fifth most important criteria in ensuring their future quality of life in Isle of Wight.

OBJECTIVE: The County should provide connections to health facilities and related services and support, including home- and community-based supportive features and programs.

In 2013, the AARP Policy Institute published a report, *Is this a Good Place to Live? Measuring Quality of Life for All Ages*, which includes benchmarks to measure a community's livability for all ages improving the health of all its members by providing access to access to healthy food options, exercise opportunities for all abilities, and connections to health care facilities and related services, such as a strong network of community support services.

Increasing access to health care and community support services to those areas of the County with the highest senior and special needs populations can help implement several policies of the County's Comprehensive Plan, Envisioning the Isle, including:

- Identifying regulatory changes that provide opportunities for housing for persons with special needs in proximity to supporting community services and activities; and
- Increasing opportunities within the development service districts (DSDs) for residences to be in close proximity to retail, employment, and public facilities.

Participants in the community survey on aging chose having access to quality healthcare and having quality health care coverage as the third and fifth most important criteria in ensuring their future quality of life in Isle of Wight. Survey respondents also chose affordable health care as the County's first future investment priority and providing home delivered meals, such as Meals on Wheels, as the fifth most important priority for the County to better serve its aging population.

Most people participating in the survey felt that the County was not doing a good job supporting the needs of seniors in the community. When asked about the quality of different services provided in the County, community support services were rated poorly.

BACKGROUND

Using the most recently available census demographic information, the location of existing health care providers was combined with the location of the census tracts in the County with the highest senior and special needs populations. Consistent with other activity center data, most of the County's health care providers and services are found in the Carrollton and Smithfield areas followed by Windsor, and then the Camptown area. Although the Camptown area within the County limits may have little to no services, it does share a border with the City of Franklin which has additional services to offer, including the Southampton Memorial Hospital.

HEALTH CARE FACILITIES AND SERVICES IN ISLE OF WIGHT, NC

PRIMARY CARE FACILITY	LOCATION
Family Medical Care of Smithfield	Smithfield
Nansemond Family Practice	Smithfield
Isle of Wight Family Practice	Smithfield
Infinity Pediatric and Adolescent Medicine	Smithfield
Eagle Harbor Medical Associates	Carrollton
Riverside Eagle Harbor Primary Care	Carrollton
Sentara Family Medicine Physicians	Carrollton
Nakorn Primary Care	Windsor
URGENT CARE/EMERGENCY ROOM	
Velocity Health Care	Carrollton
PHYSICAL THERAPY	
Hull Physical Therapy	Smithfield
Phoenix Physical Therapy	Smithfield
Tidewater Physical Therapy	Smithfield
Pivot Physical Therapy	Smithfield
Sentara Therapy Center	Carrollton
Toland Chiropractic	Carrollton
Bayview Physical Therapy	Carrollton
Rise Physical Therapy	Carrollton
Southside Physical Therapy	Windsor
HOME HEALTH CARE SERVICES	
Growth Home Health Care	Carrollton
Cuadro Home Health Care	Carrollton
Americare Plus	Carrollton
Grace N Home Care 4 You	Carrollton
Home Sweet Home	Smithfield
Seniors 1st Home Health Care	Smithfield
HCC Personal Care Inc.	Windsor
MENTAL HEALTH SERVICES	
Western Tidewater Mental Health	Smithfield
Smithfield Christian Counseling	Smithfield
Focused Psychiatric and Mental Health Care	Smithfield
Alliance Family Services, LLC	Carrollton
Wholehearted Counseling	Carrollton
Behavorial Health Group	Carrollton

The US Health Resources and Services Administration has designated Isle of Wight County as a Medically Underserved Area (MUA). MUAs identify geographic areas and populations having too few primary care providers, high infant mortality, high poverty or a high elderly population. These designations can help establish health maintenance organizations or community health centers.

A quick internet search reveals the majority of health care providers are in the Carrollton and Smithfield areas of the County. Only one urgent care facility is located in the County in Carrollton. In order to access a hospital for most of the population of the County located in Smithfield and Carrollton, one must drive to Sentara Obici in Suffolk or Riverside Hospital in Newport News. Both of these hospitals are over a twenty minute drive away.

There are several community-wide service providers in the County, including the following programs:

- The Adult Services Program based in the Isle of Wight County Social Services Department provides assistance programs to adults age 60 years of age or older. Services are designed to assist the adult in remaining in the least restrictive setting and functioning as independently as possible, to establish or strengthen appropriate family and social support systems, and to support the adult in self-determination, provision of assistance through approved providers for disabled or elderly when they are unable to care for themselves. Services to seniors can include:
  - SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) — is a program designed to address food needs by permitting low-income households to obtain a more nutritious diet through the utilization of a plastic debit card to purchase food items.
  - MEDICARE — is a program designed to provide a payment resource, either totally or in part, for the medical needs of low-income individuals who are elderly, blind, or disabled, as well as families or pregnant women.
  - AUXILIARY GRANTS PROGRAMS — a monetary payment program designed to assist aged, blind, or disabled persons residing in homes for adults who have insufficient funds to meet their needs as established-by the state board of social services.
  - GENERAL RELIEF — is a program designed to provide monetary assistance, either ongoing or short term, for items that cannot be provided through other means.
  - ENERGY ASSISTANCE — programs designed to assist low-income households offset the cost of energy as well as purchase or repair heating equipment that poses a threat to the households.
- Senior Services of Southeastern Virginia (SSEVA) is a nonprofit organization that provides services targeted to older residents in Chesapeake, Franklin, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Isle of Wight and Southampton counties. Senior Services receives funding from federal, state, municipal, and private sources. SSEVA provides the following services within Isle of Wight County:
  - I-Ride transit services; and
  - Meals on Wheels.
- Christian Outreach in Smithfield, Virginia is a nonprofit community food pantry.

INCREASING THE RANGE OF HEALTH CARE SERVICES

Being able to provide a wide range of health services for older people is an important component of an age friendly community. Specific forms of health care for older people could include geriatric clinic services, adult day centers, memory care services, mental health services, respite care and training for caregivers, rehabilitation and palliative care. Other health services could include disease prevention and health promotion, home care, and assisted living facilities.

In the list of important services to support aging successfully in the community are preventive screening, physical activity, education on injury prevention, nutritional guidance, mental health counseling. self-help groups or organizations offering sports activities for fitness and rehabilitation, and regular health checks at home.

STRENGTHENING THE COMMUNITY SERVICES NETWORK

One very consistent theme expressed by both community members, service providers, and the Commission on Aging is the need for a wide range of home support and care services to fulfill a variety of needs from helping with shopping and/or providing meals to home visits from doctors and other service providers. Barriers experienced in getting home care services include a general lack of such services, lack of funding, poor organization of services, restrictive eligibility criteria, and high turnover in home care staff.

A service gap also often cited is the need for increased services to protect and care for older people with low incomes. In addition to enhancing basic income support, there is a need to establish or strengthen shelter options for homeless and destitute older people and people who have been abused; meals services and programs; discounts on utilities for people with low incomes; registers of older people living alone; assistance in obtaining benefits and with health care costs.

Another theme expressed in the survey was a suggestion to use volunteers to help fill gaps in providing community services. More volunteers could assist older people to deliver social services and home care, to provide transportation for shopping and appointments, or simply to walk the pets of older people who are no longer able to do so themselves. Suggested sources of voluntary help are the “50+” associations of young retirees, students in social and health services, and school age children. Strong voluntary networks are easier to mobilize in established communities where people feel socially connected.



IMPLEMENTATION STEPS

The following is list of policy recommendations and implementation actions to begin to improve the health care and community service needs for all ages and ability levels.

1. Improve the accessibility of health services.

If services are not known about, they are not used. Better advertising of local health services, educating older people on available services, coordination of information, and health service telephone hotlines and website information are suggested as possible solutions.

Services that are far away or difficult to reach can be barriers to obtaining health care. Following the recommended actions in the transportation focus area of this Plan would increase mobility options in the County and access to healthcare services.

2. Establish a full-time livable community coordinator position to increase availability of information, educational programs, and coordinate volunteer efforts.

This position could serve as a central point of contact for information on available senior health care and community support services as well as provide assistance to those in need of locating these services. In addition, the coordinator could assist in developing educational programs on preventative health care topics, home maintenance, and coordinate the efforts of volunteer groups. An important task for this position would be the distribution of information easily accessible through a variety of formats, such as a regular newspaper column, website, or hard copy brochures.

3. Establish a regular working group of community service providers, health care professional representatives, community stakeholders and staff to identify specific gaps in the County's available senior and special need health care services.

An ongoing working group of people who regularly serve or use senior health care and community services in the County can share information and help identify ongoing service gaps and potential funding sources to improve these services, especially for low or moderate income individuals. Their findings could inform the budget discussions of organizations who provide grants or regular funding in support of these services.

4. Centralize and expand programs and services to citizens to enable them to remain in their homes.

The County should explore the appropriate agency to coordinate an expanded community outreach program, such as the existing companion provider program managed by the County's Department of Social Services. This program helps senior and special needs persons perform daily activities such as remembering to take medications, cooking, doing laundry and performing other household chores associated with independent living. Expansion of this program would entail providing additional funding and adequate staffing. Other services could include an adult daycare program.

FOCUS AREA 3

Transportation Access



When thinking about their senior years, most of the 2021 Study on Aging survey participants chose being able to live independently as their top priority. Being close to family and friends and the ability to stay in their current neighborhood ranked second and third in order of priority.

OBJECTIVE: The County should expand its range of safe, dependable, and affordable transportation options that are alternatives to driving, which promote independence, facilitate employment and educational opportunities, and foster social engagement.

This component of the Plan on Aging serves as an implementation tool for the following policies of the County's Comprehensive Plan, *Envisioning the Isle*:

- Identifies the locations and demands of the elderly and low income populations of the County to inform transit decisions.
- Encourages the development of a range of housing choices near major activity centers that provide employment, shopping, medical offices, schools, and recreation areas creating increased accessibility in meeting daily needs.
- Supports life-long learning by increased access to schools, libraries, continuing and higher education programs, community-based education programs, and recreation programs for all age groups.

When thinking about their senior years, most of the 2021 Study on Aging survey participants chose being able to live independently as their top priority. Being close to family and friends and the ability to stay in their current neighborhood ranked second and third in order of priority. Access to different mobility options is a key component to the ability to stay in someone's current home and community as they age, and driving no longer remains an option to meet daily needs.

As noted earlier, the US Census projects that nearly 20% of the County's population in 2019 would be 65 years old or older. This represents 7,348 people out of the County's total 2019 projected population of 37,109 people (US Census Bureau). When looking at a map of the County's 2010 census tracts, the majority of the County's senior population resides in the Carrollton and Smithfield areas, followed by the Windsor and Camptown areas. Due to the County's historic rural development pattern, many members of the County's senior population live in remote areas that require vehicular transportation to meet daily needs, such as shopping for groceries or going to a medical appointment. If a senior or disabled person is no longer able to drive, this person must rely on a caregiver, public transit, or a private service to meet their transportation needs.

The following alternative transportation options are currently available in Isle of Wight County for people who cannot drive:

1. Senior Services of Southeastern Virginia I-Ride fixed route public transit;
2. SSSEVA on demand service for medical visits available with advanced reservation;



Toronto's Self-Driving Shuttle Bus

3. Virginia Department of Medical Assistance Services for medicaid members available with advanced reservation; and
4. Private Medical Transport Services.

The map below ranks the County's census tracts by number of people aged 65 years or older as well as illustrates the location of existing public transit routes and public sidewalk and trail connections not internal to residential neighborhoods. The map also identifies activity centers in the County to include medical offices, shopping centers, government offices, schools and libraries. As the map illustrates, existing public transit routes and pedestrian connections do not serve areas with the highest number of seniors or provide connections to all activity centers that provide services needed by seniors.

When it came to ranking priorities for future transportation access, most survey respondents felt that expanding services for people who need assistance should be the top priority. The second highest priority chosen is repairing existing roads and bridges. Adding sidewalks and expanding mass transit services tied as the third priority.

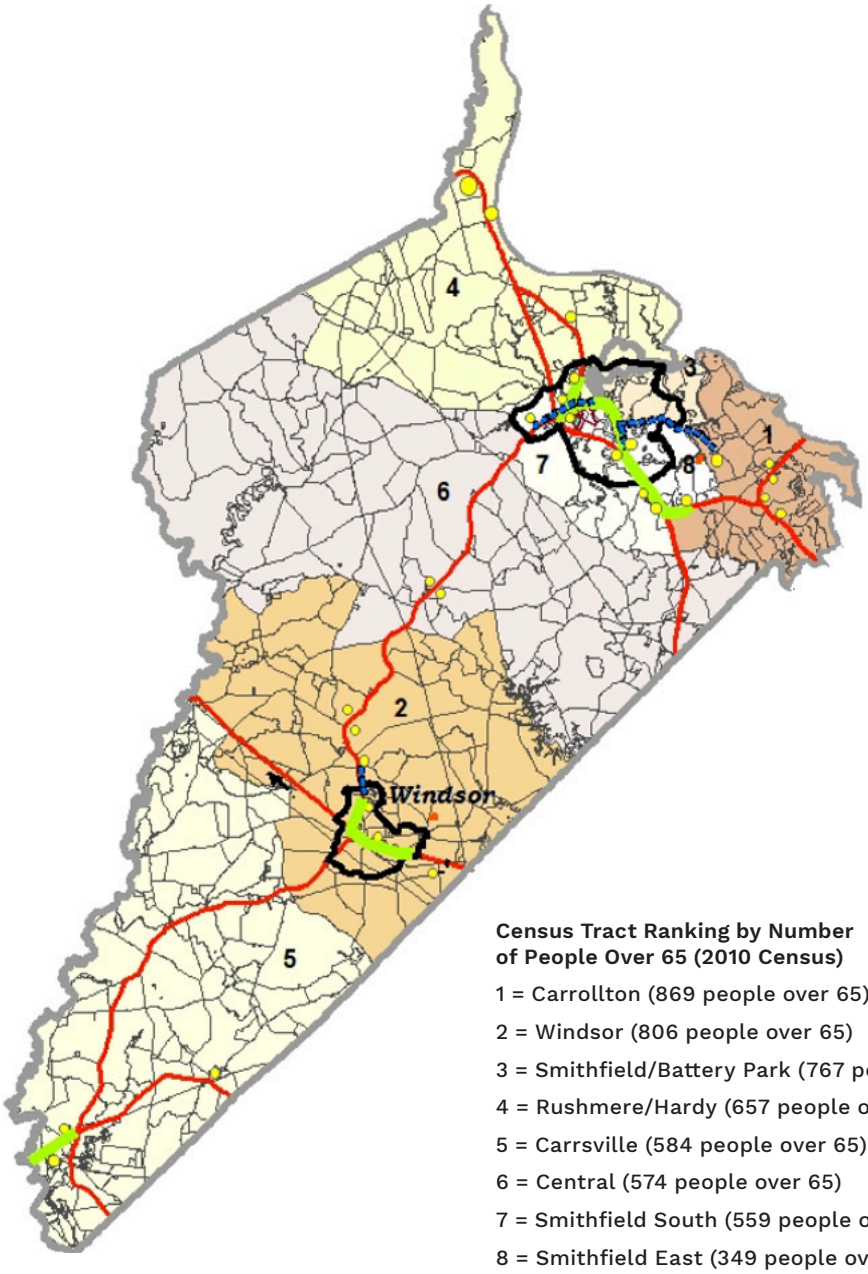
CREATING GOOD MOBILITY

Good mobility can be defined as one's ability to move at will. To ensure good mobility and access to all of the opportunities that the County has to offer, a person needs to be able to get to them. Seniors, as well as others who may have some form of mobility impairment, sometimes find it difficult to access to County services, recreational opportunities and social engagements due to the inability to drive, bicycle or walk, or due to the lack of public transit options.

Developing a good system of mobility options is an essential component for ensuring a high quality of life for seniors and others with mobility challenges. Increasing fixed routes for existing transit, enabling smart mobility options, and expanding the County's fledgling multipurpose trail system are all ways to implement this system, but all face both financial and resource challenges for both County administration and the community itself.

IRIDE: EXPAND THE COUNTY'S EXISTING TRANSIT SYSTEM

IRide recently began a fixed route service in the Town of Windsor and includes a portion of the Camptown area in its Franklin fixed route . The County should include funding for an expanded route to serve more of the Carrollton area where the majority of both the County's general and senior population reside. In order to continue to expand IRide's fixed route system, the Isle of Wight community must establish the provision of public transit as a priority in both its long range and capital improvement plans with a dedicated funding source.



Census Tract Ranking by Number of People Over 65 (2010 Census)

1 = Carrollton (869 people over 65)

2 = Windsor (806 people over 65)

3 = Smithfield/Battery Park (767 people over 65)

4 = Rushmere/Hardy (657 people over 65)

5 = Carrsville (584 people over 65)

6 = Central (574 people over 65)

7 = Smithfield South (559 people over 65)

8 = Smithfield East (349 people over 65)

Activity Center (includes medical, shopping, school, employment center, recreation, or government offices)

I Ride Fixed Route

Sidewalk/Trail Connection



An Image of an autonomous vehicle.

RIDE SHARE: VOLUNTEER BASED

This innovative program is currently found in larger municipalities which can serve as models in creating one in Isle of Wight County. Although the initial costs of establishing such a program would be minimal for donated vehicles, the larger challenge includes the ongoing maintenance of such a program to ensure its success and continued reliability, including volunteer recruitment, background checks, training, fuel, vehicle maintenance, insurance costs, and establishing an easily accessible scheduling platform.

SMART MOBILITY

The advent of widespread smart phone usage has opened the door to new possibilities of accessing on demand mobility services. The lower usage rate of smart phone technology and its expense continues to be a barrier to access for both seniors and lower income socioeconomic groups. In order to take advantage of smart mobility options, broadband networks must be readily available and included in the County's future infrastructure plans.

MULTIPURPOSE TRAIL

The County recently inaugurated its first four mile multipurpose trail that links downtown Smithfield with Nike Park, a regional community park in Carrollton. This trail provides a link for both bike and pedestrian users to existing neighborhoods via existing sidewalks to the recreational opportunities located at the park. It is the County's hope to expand this trail along the new, future Nike Park Extended Parkway that will link Nike Park to Route 17.

The construction of this trail continues the implementation of the County's Master Bicycle and Pedestrian Master Plan first adopted in 2008. Now that this segment is complete, the County should establish a priority list for the construction of the remaining segment of the trail system. Challenges for future implementation include financing, permitting, and continued maintenance of the trail system. Each new segment of the trail brings with it new maintenance responsibility and associated new operational costs for the County's

Parks and Recreation department. The County should include estimates for operational costs to be included in the department's operating budget when new segments of the trail are constructed.

IMPLEMENTATION STEPS

The following recommended actions would increase mobility options in the County:

1. Increase local funding to expand the existing I-Ride service to provide additional routes to serve areas with the highest senior population and nearby activity centers to better meet daily needs;
2. Identify and expand existing volunteer networks that provide free transportation to seniors for medical and senior center visits utilizing surplus County-owned vehicles for immediate needs;
3. Incorporate smart mobility concepts into future road improvements to capitalize on technological improvements such as driverless vehicles, on demand services, and to accommodate future public transit needs, such as including broadband capabilities in public right of ways as improvements are made; and
4. Continue to support the expansion of the County's multipurpose trail system that connects residential areas to activity centers with shopping, medical, employment, educational, and recreational opportunities.



FOCUS AREA 4

Housing Choice



Most participants in the March 2021 community survey expected their quality of life to remain the same as they aged, and most participants planned to stay in the County for the next five years or longer.

OBJECTIVE: The County should provide a range of safe housing options that promotes independence and aging in place through market rate units, subsidies, and appropriate design features such as universal design, visitability, energy efficiency, and use of innovative home features.

By including recommendations to improve housing affordability and choice, this study can help to implement several policies of the County's Comprehensive Plan, Envisioning the Isle, including:

- Identifying regulatory changes that provide opportunities for housing for persons with special needs in proximity to supporting community services and activities;
- Reviewing and revising regulations to support housing types that allow the elderly to remain in their community as their needs change;
- Increasing opportunities within the development service districts (DSDs) for residences to be in close proximity to retail, employment, and public facilities; and
- Identifying possible incentives to encourage the development of a range of housing choices near major activity centers such as employment, commercial areas, schools, and recreation areas.

The County's overall population is a stable one, and many choose to live here long-term for its superior quality of life. Most participants in the March 2021 community survey expected their quality of life to remain the same as they aged, and most participants planned to stay in the County for the next five years or longer. Those who chose to participate in the survey owned their own home and feel their neighborhoods are either good or excellent. At the same time, most survey participants were either somewhat or very concerned about their ability to live independently and remain financially secure as they aged. What these survey results reveal is the importance for the community to provide secure housing, including for the senior and disabled homeless population.

When thinking about housing in their senior years, most survey participants chose being able to live independently as their top priority. Being close to family and friends and the ability to stay in their current neighborhood ranked second and third in order of priority. Affordable housing ranked fourth in the top five priorities that respondents chose for Isle of Wight County to better serve its growing senior population.

BACKGROUND

Homeownership in the County remains high relatively to the rest of the nation since the 2010 Census. According to the 2019 American Community Survey, the majority, or approximately 75.8%, of all household units in the County were owner-occupied. This

represents a decline from 81.1% of units reported as owner-occupied in the 2010 decennial census. This number reflects the downturn in homeownership as a result of the 2008 financial crises as well as the growing number of rental units as a proportion of total housing units in the County. Although the recession negatively impacted employment and the ability of many people to afford home ownership, the overall percentage of the County's population living below poverty has matched the US average of 10.5% in 2019. Approximately 5.3% of the County's 6,813 people who are 65 years and older fall below this Census- defined poverty threshold as of the 2019 ACS survey.

Faced with high housing costs, less affluent seniors often struggle to pay for expenses such as food and health care. As a person ages and their income stream decreases, single family home ownership can become a burden due to the costs and physical requirements of home maintenance responsibilities. In addition, many existing homes in the County lack one or more universal design features that enable people to remain in their home, if they experience a physical disability. A "universal design feature" can be defined as an adaptation, such as a ramp or wider doorway, that enables adults to live safely and independently at home. For new homes, universal design features can include zero step entries, single story layouts, wheelchair accessible shelves, counters, and cabinets, and lever door handles, to name a few examples.

Increasing housing options available to older adults in the County at a variety of price points requires action from local officials as well as the housing industry. Relying on private market forces alone cannot adequately address the County's need for more affordable and livable housing.

HOUSING AFFORDABILITY

The average median value of a home in the County is $266,800 for both new and existing homes. The average sales price of a new single family home in the County in 2019, however, is $328,484. In order to afford a mortgage for the average new single family home in the County, the minimum household income should be approximately $59,486 based on today's mortgage rate of 3.02%. Popular websites such as bankrate.com advise that no more than 28% of gross income should be devoted to housing costs, and no more than 36% of gross income should be devoted to total debt service, including housing. The 2019 average rental rate in the County was $1,045 which would be deemed affordable for a household with a minimum annual income of $44,786. For newer rental units in the County, the rent for an average three bedroom apartment can be as high as $1,350 per month.

Although the 2019 ACS estimates that the average household income in Isle of Wight was $73,991, the data also shows that 32% of total households in the County received retirement income with an average value of $34,131. Approximately 37% of the total number of households received social security income in 2019 with an average value of $20,950. For households that are fortunate enough to receive both retirement and social security income, the average income for a retired household is $55,081. Using the common rule of thumb that affordable housing costs should not consume more than 28% of a household's gross annual income, the average monthly household housing allowance should equal no more than $1,285 per month. The average senior household income could almost qualify as "low income" according to standards set by the US Department of Housing and Urban Development Department (HUD).

HUD has oversight over federal housing assistance programs and defines low, very low and extremely low income limits for different areas across the country based on the median family income for the metropolitan statistical area (MSA). Isle of Wight County

FY 2019 INCOME LIMIT AREA	MODERN FAMILY INCOME EXPLANATION	FY 2019 INCOME LIMIT CATEGORY	PERSONS IN FAMILY 1	2	3	4	5	6	7	8
VIRGINIA BEACH, NORFOLK, NEWPORT NEWS, VA-NC HUD METRO FMR AREA	$79,300	Very Low (50%) Income Limits ($) Explanation	27,800	31,750	35,700	**39,650**	42,850	46,000	49,200	52,350
		Extremely Low Income Limits ($)* Explanation	16,700	19,050	21,450	**25,750**	30,170	34,590	39,010	43,430
		Low (80%) Income Limits ($) Explanation	44,450	50,800	57,150	**63,450**	68,550	73,650	78,700	83,800

is in the Virginia Beach-Norfolk-Newport News MSA. The table below shows the 2019 income limits used by HUD to determine eligibility for housing assistance programs.

Although the average senior household may not be considered low income, it is sometimes ideal for these households to downsize and live closer to services, such as grocery stores and medical facilities, which may mean more expensive housing depending on the area. Sometimes existing homes need to be retrofitted to make them safer and enable their inhabitants to continue to live independently for as long as possible. These home repairs and basic maintenance can be cost prohibitive to households with limited income. Assistance with housing costs, whether for rent, a mortgage, or to make modifications to existing homes, can be obtained through local, state, and federal housing programs to make them more affordable.

The County currently offers housing assistance through the Suffolk and Franklin Redevelopment and Housing Authorities which administer these programs on behalf of the County. Although there are Community Development Block Grants available for emergency housing repair and accessibility grants, the County does not currently manage or have access to these funds.

The County also receives housing rehabilitation and first-time homebuyers down payment assistance through HUD's HOME Investment Partnerships Program (HOME). The HOME program provides grants to states and localities that communities use to fund a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership. The County participates in the Tidewater Home Consortium coordinated by the City of Suffolk. Each year, the state distributes HOME funds to the Consortium that allocates the funds evenly between its member localities. Although HOME funds may be used for home repairs, this program does require that the entire dwelling meet building code requirements at the time of application, frequently resulting in total home replacement which can exhaust funding reserves, thereby limiting the number of people that benefit from this program.

Isle of Wight also operates an exemption program that provides relief for real estate property taxes. Senior citizens and permanently and totally disabled persons who meet the eligibility criteria are granted relief from all or part of their real estate taxes.

HOUSING LIVABILITY

Housing affordability is only one aspect of providing age friendly communities. Incorporating design features in housing units and throughout the community will help residents remain lifelong community members as they age. Another way to describe an age friendly house refers to a term known as “visibility.” The website visibility.org uses the term to describe a single-family or owner-occupied home designed in such a way that it can be lived in or visited by people who have trouble with steps or who use wheelchairs or walkers.

A house is visitable when it meets three basic requirements:

- one zero-step entrance;
- doors with 32 inches of clear passage space; and
- one bathroom on the main floor you can get into in a wheelchair.

The County’s current zoning ordinance does not include requirements for a minimum number of universal design or visibility features for new housing developments, including age-restricted communities. County policies also do not presently include incentives for including affordable units or universal design features in new housing developments.

HOUSING DIVERSITY

The County currently allows a mix of residential use types in several designated mixed use and planned residential zoning districts as a matter of right. These existing ordinances, however, should be examined for their effectiveness over the years in providing a mix of housing types at various price points. The County should consider other tools such as form-based codes that incorporate a mix of housing and building types to support people of all ages and incomes.

In 2007, the County completed a “Workforce Housing Report,” which included recommendations for a workforce housing unit ordinance which included incentives for residential developers to include a certain number of workforce units in exchange for a density bonus to protect and enhance the developers profit margin. Other possible incentives include waiving review fees and expedited review times. Although the County did undertake several recommendations of the study such as permitting accessory apartments and the renting of up to two rooms in an owner-occupied home, the County ultimately did not adopt a workforce housing unit ordinance.

Accessory dwelling units can also increase the supply of affordable homes, since they are generally located on the same property as a larger principal dwelling and are typically used as rental units. They can also provide a helpful supply of senior housing for people who wish to place their elderly family members in a location that is close to them and affordable. The County already permits accessory apartments by right in some residential districts, but this program could be expanded to all residential zoning districts.



IMPLEMENTATION STEPS:

The following is list of policy recommendations and implementation actions to begin to meet the population's housing needs for all ages and ability levels.

1. **Create more lifelong livable housing options.**

Encourage developers to incorporate universal design elements, energy efficient features, and range of unit sizes in future residential development by including requirements in the County's Zoning Ordinance. These features will help to enable people to live in their homes longer as they age as well as make them more affordable by reducing utility costs.

2. **Allow for multigenerational housing and increase affordable housing supply by allowing accessory dwelling units in more residential zoning districts.**

Revise the zoning ordinance to permit accessory dwelling units in all residential zoning districts.

3. **Increase the ability for people to stay in their homes and neighborhoods through retrofitting and rehabilitating existing housing.**

The County does have limited funds for the HOME housing rehabilitation for situations that meet narrow program qualification criteria. The County should create its own separate program that is dedicated to home repair or modification to allow seniors to live in their existing homes longer, by pursuing CDBG grant funds that can be used for emergency home repair and accessibility modifications.

4. **Zoning regulations should be written to allow homes to be built in close proximity to the services that enable people to remain independent as they age.**

The County's existing zoning ordinance currently permits mixed use development in certain districts at higher densities. An analysis should be performed to refine these regulations to further encourage mixed use development in the County's designated mixed use activity centers as shown on the County's future recommended land use map in the Comprehensive Plan, such as through a form based code or requiring a maximum separation between affordable or senior targeted housing units and nearby services.

5. **Implement an affordable dwelling unit ordinance.**

Adopting a workforce dwelling unit ordinance could help to increase the supply of more affordable housing for persons of all ages by offering incentives to private developers to provide these types of units. Such an ordinance could help define workforce unit criteria, income qualifications, and possible incentives.

FOCUS AREA 5

Education, Employment and Engagement



This plan has explored how a supply of safe, affordable housing types, transportation options, access to health care services, and recreational opportunities can improve the quality of life for all County residents.

OBJECTIVE: The County should ensure employment opportunities for all ages, promote a life-long learning environment, and provide multiple opportunities for economic, social and civic engagement.

This plan has explored how a supply of safe, affordable housing types, transportation options, access to health care services, and recreational opportunities can improve the quality of life for all County residents. These same community features can help residents better find and maintain employment, take advantage of educational opportunities and attend social and civic events. The whole community in turn benefits from increased levels of local wealth, more spending in the local economy, and a better-informed citizenry.

Increasing employment, education and social engagement opportunities for people of all ages and abilities in the County implements the following County Comprehensive Plan policies:

- Continue to facilitate nonresidential development to grow and diversify our economy.
- Improve public access to high-speed internet networks.
- Support early childhood education and life-long learning through schools, libraries, continuing and higher education programs, community-based education programs, and recreation programs for people of all ages.
- Enhance Isle of Wight's quality of life to retain and recruit a highly skilled workforce for the community.
- Improve public access to high-speed networks.

BACKGROUND



Photo credit: BLS.gov

According to a 2019 report issue by the BBC, "How Elders Can Reinvigorate the Workforce," more than one in ten workers will be older than 75 by 2026, and roughly three in ten workers will be between the ages of 65 and 74. A November 2020 Brookings Institute report, "Policies to Improve Workforce Services for Older Americans," attributes the rising numbers of older workers in the American economy to several factors, including increased longevity, better health, the desire to remain active, an increase in the eligibility age for claiming full Social Security benefits, and stagnant wages in recent decades for those at the bottom and middle of the earnings distribution, leaving a larger share of Americans without adequate retirement savings.

Despite the reasons for remaining in the job market, there are many advantages to tapping into this large, experienced segment of the local workforce. The same BBC article suggests that age diverse teams are more productive than those of similar ages, suggesting that both older and younger workers learn from each other – benefiting everyone. Older workers also tend to earn more, thus increasing spending levels and invigorating the economy and raising business activity, such as job creation, even further.



Barriers to increasing employment opportunities for older workers, according to the Brookings Institute study, is that these workers' skills may be outdated, making them less attractive to employers, as well as lack of current job search knowledge and skills. Workforce training and educational opportunities can help to overcome these challenges as well as raise the local overall quality of life. Once in place, these resources can enable people to continue to live independently and foster residents' engagement in the community's civic and social life.

IMPLEMENTATION STEPS

1. ENCOURAGE THE INTERGENERATIONAL USE OF PUBLIC FACILITIES FOR A COMMUNITY EDUCATION PROGRAM — The County should establish a program of rotating educational topics such as health, personal finance, job search, keyboarding, interviewing, coding, or home maintenance. These programs should be held at public facilities around the County at different times that are also accessible by public transit.
2. CONTINUE TO EXPAND THE COUNTY'S BROADBAND NETWORK — The County established the Broadband Task Force in 2020 to explore ways to expand its current network to underserved areas of the County. The County could establish a partnership with another service agency such as SSEVA or the Blackwater Public Libraries, to provide access to computers and the internet that is also accessible by public transit. Similarly, these services could be hosted by public facilities around the County that are also accessible by public transit. Investment in technology can translate into increased revenues for the locality, and higher productivity can result in higher wages for workers which are then spent in the local economy.
3. CONSIDER MULTIPLE OUTREACH METHODS TO INCREASE COMMUNITY ENGAGEMENT IN PUBLIC POLICY DECISION MAKING — Although modern communication and commerce are becoming increasingly digital, County leaders and staff should be aware that not all communication platforms are available to everyone in the community. Public surveys and opportunities for input should be provided in several different formats to ensure equitable access to all ages and abilities.



PLANNING REPORT

APPLICATION:

An ordinance to amend the Isle of Wight County Comprehensive Plan, *Envisioning the Isle*, to incorporate by reference the plan known as, "Share the Isle: Isle of Wight County's Plan for an Aging and Mixed Ability Inclusive Community," as Appendix XII in the Comprehensive Plan

ELECTION DISTRICT:

County-wide

BACKGROUND:

Isle of Wight County began its plan to develop services for persons age 55 and over in February 2021. This new part of the Comprehensive Plan will serve as a decision-making guide to help the County remain livable for all ages and abilities.

Staff previously presented the draft Plan to the Planning Commission at their April 26, 2022, regular meeting. A copy of the draft Plan is attached to this report.

The Planning Commission public hearing is another opportunity for the community to give feedback on the draft Comprehensive Plan amendment. Staff advertised the draft plan for public comment from October 1 through November 1, 2022. Only one additional comment was received during this time.

DESCRIPTION:

The *Share the Isle* Plan fulfills the January 2020 directive from the Board of Supervisors to develop a special plan accounting for the future impacts of aging on the County's quality of life and levels of service as part of the new County's new Comprehensive Plan. Share the Isle includes policy recommendations to better direct County actions and decisions as well as guide capital investments to maximize the accessibility in the County to persons of all ages, ability levels and socioeconomic groups.

The Plan utilized feedback from the community and its service partners to identify five key focus areas necessary to improve the overall quality of life for all citizens, including the community's growing senior and special needs populations:
1. Healthy and Active Lifestyle;
2. Quality Healthcare and Community Support Services;
3. Transportation Access;

4. Housing Choices; and
5. Education, Employment and Engagement.

Within each area, there is a background section and a findings section that collectively sets the stage for the recommendations. Whenever possible, they include County-specific data and information. The Plan outlines actions that will support achievement of the overall vision in each focus area. Each set of actions was developed based on community input, research, and data. The overall indicators within each focus area will assist in ensuring the community can evaluate progress towards the vision.

COMPREHENSIVE LAND USE PLAN:

Share the Isle serves an implementation tool for several policies of the County's Comprehensive Plan, *Envisioning the Isle*, including:

- Studying the locations and demands of the elderly and low income populations of the County to inform

transit decisions.

- Examining the impact of changing demographics and recreational needs on parks, facilities and programming;
- Continuing to improve access to parks, trails, and other facilities in order to serve all citizens, regardless of ability;
- Supporting life-long learning through schools, libraries, continuing and higher education programs, community-based education programs, and recreation programs for all age groups;
- Identifying regulatory changes that provide opportunities for housing for persons with special needs in proximity to supporting community services and activities;
- Reviewing and revising regulations to support housing types that allow the elderly to remain in their community as their needs change;
- Increasing opportunities within the development service districts (DSDs) for residences to be in close proximity to retail, employment, and public facilities; and
- Identifying possible incentives to encourage the development of a range of housing choices near major activity centers such as employment, commercial areas, schools, and recreation areas.

AGENCY REVIEW:

The Commission on Aging, Isle of Wight County Social Services, the Department of Parks and Recreation, and Senior Services of Southeastern Virginia were instrumental in the development of *Share the Isle*.

STAFF RECOMMENDATION:

Staff recommends adoption of Share the Isle: Isle of Wight County's Plan for An Aging and Mixed Ability Inclusive Community as an amendment to the Comprehensive Plan, Envisioning the Isle.

ATTACHMENTS:

Description	Type	Upload Date
Share the Isle: Isle of Wight County's Plan for an Aging & Mixed Ability Inclusive Community	Backup Material	4/20/2022
PC Resolution	Resolution	11/22/2022

RESOLUTION OF THE PLANNING COMMISSION OF ISLE OF WIGHT COUNTY, VIRGINIA TO RECOMMEND AMENDMENT TO THE COMPREHENSIVE PLAN TO INCORPORATE BY REFERENCE THE PLAN KNOWN AS, "SHARE THE ISLE: ISLE OF WIGHT COUNTY'S PLAN FOR AN AGING AND MIXED ABILITY INCLUSIVE COMMUNITY," AS APPENDIX XII IN THE COMPREHENSIVE PLAN

WHEREAS, Section 15.2-2229 of the Code of Virginia stipulates that any amendments to a community's Comprehensive Plan be recommended by resolution to the governing body by the local planning commission;

WHEREAS, the Isle of Wight County Board of Supervisors on January 16, 2020, directed that the "Share the Isle" Plan be developed and referred to the Planning Commission for its consideration and that staff be directed to do all things necessary to proceed with the Plan in a timely manner;

WHEREAS, the Isle of Wight County Planning Commission finds it advisable to amend the Comprehensive Plan, *Envisioning the Isle,* to include the new amendment as Appendix XII of the Plan;

WHEREAS, the Isle of Wight County Planning Commission has given notice and held a public hearing on said amendment to the Comprehensive Plan on November 22, 2022, as required by Section 15.2-2204 of the Code of Virginia;

NOW, THEREFORE, BE IT RESOLVED by the Isle of Wight County Planning Commission to recommend approval to the Board of Supervisors of the amendment to the Isle of Wight County Comprehensive Plan known as "Share the Isle: Isle of Wight County's Plan for an Aging and Mixed Ability Inclusive Community," attached hereto as Exhibit A.

Adopted this 22nd day of November, 2022

_____, Chairman, Planning Commission
J. Brian Carroll, Chairman

Attest:

_____
Amanda Landrus, Secretary

Approved as to Form:

_____
Robert W. Jones, Jr.
County Attorney

ISSUE:

Execution of Documents for Sale of County Property Located at 10272 Newport Street, Battery Park, Virginia

BACKGROUND:

The County currently owns a tract of land identified as Isle of Wight County Tax Map Parcel 23C-02-016, being approximately 0.14 acres, and designated as 10272 Newport Street, Battery Park, Virginia. The property consisting of an abandoned well lot. The County has no need for a well at this site and has been leasing the property since 2013 for a $1.00/year. The lessee has offered to purchase the property for the assessed value of $4,000.

A public hearing to consider the approval of the transfer of property to has been advertised.

In this regard authorization to execute such necessary documents is sought in order to effectuate closing on tract of land.

BUDGETARY IMPACT:

An increase of $4,000 in revenue and the return of the property to the tax rolls.

RECOMMENDATION:

Adopt a motion to authorize the Chairman to execute all appropriate documents necessary to transfer said property.

ISSUE:

Execution of Documents for Sale of County Property located at 15030 Carrollton Boulevard, Carrollton, Virginia

BACKGROUND:

The subject parcel of land is identified as Isle of Wight County Tax Map Parcel 34I-04-000A, being approximately 1.73 acres, and designated as 15030 Carrollton Boulevard, Carrollton, Virginia. The property consisting of a Pump Station Lot and Stormwater Management Pond. Many years ago the parcel was inadvertently conveyed to the County. The proposed transfer will place ownership of the tract in an adjoining property owner, with the County retaining access and ownership of the pump station, which was originally intended.

A public hearing to consider the approval of the transfer of property to has been advertised.

In this regard authorization to execute such necessary documents is sought in order to effectuate closing on tract of land.

BUDGETARY IMPACT:

To be determined.

RECOMMENDATION:

Adopt a motion to authorize the Chairman to execute all appropriate documents necessary to transfer said property.

ISSUE:

Consideration of the Board of Supervisors' Meeting Schedule for Calendar Year 2023

BACKGROUND:

The Board of Supervisors has traditionally held its regular meetings on the third Thursday of each month. The Board has also held a work session on the first Thursday of each month.

In anticipation of the Board's Organizational Meeting on January 5, 2023, the Board may wish to review and give consideration to any adjustments that will need to made to the Board's meeting schedule for its regular meetings and work sessions for calendar year 2023.

It should be noted that the VACo Legislative Day is scheduled on January 19, 2023. Should Board members plan to attend the event in Richmond an alternate date may need to be considered.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Per the Board's discussion.

ATTACHMENTS:

Description	Type	Upload Date
2023 Meeting Schedule	Backup Material	11/29/2022

2023

Board of Supervisors'

Meeting/Invocation Schedule

DATE	TIME	MEETING	INVOCATION
Thursday, January 5th	11:00 a.m.	Organizational	Jefferson
Thursday, January 5th	Following Organizational	Work Session	
Thursday, January 19th	5:00 p.m.	Regular Meeting	McCarty
Thursday, February 2nd	6:00 p.m.	Work Session	Acree
Thursday, February 16th	5:00 p.m.	Regular Meeting	Grice
Thursday, March 2nd	6:00 p.m.	Work Session	Rosie
Thursday, March 16th	5:00 p.m.	Regular Meeting	Jefferson
Thursday, April 6th	6:00 p.m.	Work Session	McCarty
Thursday, April 20th	5:00 p.m.	Regular Meeting	Acree
Thursday, May 4th	6:00 p.m.	Work Session	Grice
Thursday, May 18th	5:00 p.m.	Regular Meeting	Rosie
Thursday, June 1st	6:00 p.m.	Work Session	Jefferson
Thursday, June 15th	5:00 p.m.	Regular Meeting	McCarty
Thursday, July 13th	3:00 p.m.	Work Session	Acree
Thursday, July 13th	5:00 p.m.	Regular Meeting	Acree
Thursday, August 3rd	6:00 p.m.	Work Session	Grice
Thursday, August 17th	5:00 p.m.	Regular Meeting	Rosie
Thursday, September 7th	6:00 p.m.	Work Session	Jefferson
Thursday, September 21st	5:00 p.m.	Regular Meeting	McCarty
Thursday, October 5th	6:00 p.m.	Work Session	Acree
Thursday, October 19th	5:00 p.m.	Regular Meeting	Grice
Thursday, November 2nd	6:00 p.m.	Work Session	Rosie
Thursday, November 16th	5:00 p.m.	Regular Meeting	Jefferson
Thursday, December 14th	3:00 p.m.	Work Session	McCarty
Thursday, December 14th	5:00 p.m.	Regular Meeting	McCarty
Thursday, January 4, 2024	11:00 a.m.	Organizational	Acree
Thursday, January 4, 2024	Following Organizational	Work Session	

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
Museum Report - November 2022	Backup Material	12/6/2022

Isle of Wight County Museum &
Isle of Wight County Historic Resources

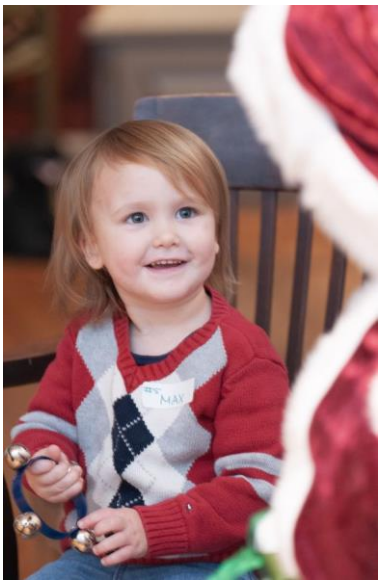


November 2022 Report

J.L. England, Museum Director & Isle of Wight County Historic Resources Manager

Isle of Wight County Museum 103 Main Street, Smithfield

- Visitation: 567
- Special Events
  - **Nov. 10. TELL ME A STORY.** This program, geared for children ages 3 to 5, introduces youngsters to the symbols of Isle of Wight and features books, songs and games. Children must be accompanied by an adult. Theme: Archaeology. 4 guests.



  - **Nov. 17. LUNCH & LEARN: A VITAL CONNECTION: THE JAMES RIVER BRIDGE**. Opened November 17, 1928, the James River Bridge has linked Warwick County/Newport News to Isle of Wight County for 93 years. This look-back examines life before the bridge - when colonial ferries and steamers served this purpose. The historical journey begins with the dedication of the original crossing which was hailed as the world's longest bridge over water. It will continue through the construction of the current structure, and it will further detail the story of how the bridge received its official name. 12 guests.
  - **Nov. 18. AN EVENING WITH ST. NICK.** Visit the St. Nick and enjoy an evening of holiday refreshments, crafts and a special reading of *'Twas the Night Before Christmas* by Clement Clarke Moore. Perfect for families. Make your visit with St. Nick a little more special. Bring a wrapped gift for St. Nick to give to your child. Pre-registration will give you the opportunity to provide some information about your child so St. Nick can talk with him or her! Call the head elf for your appointment: 757-357-0115. 75 guests.

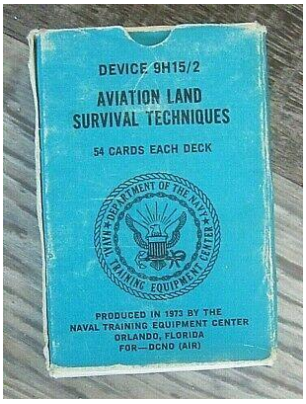


  - **Nov. 21. LUNCH & LEARN: THE MUSEUM'S 46th ANNIVERSARY.** The Isle of Wight County Museum was founded in 1976 by a number of heritage-minded Isle of Wight County citizens believed that the county needed a place where its history could be preserved. The museum has grown since that time. Visit us today for a celebration of all things Isle of Wight County, and see a few exclusive artifacts in our collection. And, of course, we will have some celebratory cupcakes. 12 guests.



- **Nov. 22. LUNCH & LEARN: HAPPY 217th BIRTHDAY, BENJAMIN HUGER!** Join us for this lecture about the life of Benjamin Huger, 1805-1877, the career U.S. Army ordnance officer who fought with distinction during the Mexican-American War and served as a Confederate general during the Civil War. Isle of Wight County's Fort Huger is named for him. 10 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:
  - **Nov. 1. LIVE at 12:05: Naval Aviation Survival Equipment Flashcards.** This 1973 deck of flashcards given to U.S. Navy aviation trainees provided information on their survival equipment. The cards reference items like canned water, knives, life rafts, wrist compasses and more.



  - **Nov. 3. LIVE at 12:05: Thomas Culpeper, Governor of Virginia from 1677 to 1683**. A photograph of Thomas Culpeper's portrait is in our collection. It was gifted to the museum in 1985, and a photo of that gifting was featured in yesterday's edition of The Smithfield Times. Culpeper served Charles II as governor of the Isle of Wight and vice president of the Council for Foreign Plantations. He became Virginia's governor in 1677. Acting on the king's instructions, he curtailed the power of the General Assembly and authorized a series of regular taxes. He left Virginia in economic crisis and was replaced in 1683. Culpeper died in London in 1689.



  - **Nov. 8. LIVE at 12:05: Nancy Farrell Is Back**. Nancy Farrell is back on staff as our Museum Assistant. We are overjoyed to have her with us again!
  - **Nov. 10. LIVE at 12:05: Bank of Smithfield Collection Items.** Curator Rachel Popp introduces the history of the Bank of Smithfield which houses part of the Isle of Wight County Museum today. She also takes a closer look at a few items from collection storage including Bank of Smithfield checks from 1924 and a bank book. The vaults in the 1913 Bank of Smithfield building used time locks to prevent burglary, as can be seen marketed on a safe deposit envelope from the collection that touts their burglar-proof status.



  - **Nov. 11. VETERANS DAY: Lt. Col. Roger Healey**. An interview with Smithfield resident Lt. Col. Roger Healey, U.S. Army Special Forces, in honor of Veterans Day.
  - **Nov. 15. LIVE at 12:05: Day's Point Hotel Advertisement**. Join Curator Rachel Popp as she features a magazine from the museum's collection storage for this episode of LIVE at

12:05. The Day's Point Hotel was built in 1902 and this September 1910 edition of Southland Magazine includes an advertisement for the hotel and their artesian water that was pulled from a nearby well. The water was believed to have several health benefits at the time. Keep an eye out for the next episode of Behind These Walls to learn more about the Day's Point Hotel, Morgart's Beach Hotel and later, the FFA/FHA Camp that all thrived for a time in the Day's Point area.



- **Nov. 17. LIVE at 12:05: Readying for St. Nick's Visit Tomorrow**. The museum is on St. Nick's Nice List this year - just like you! Visit us tomorrow between 5:30 and 7:30 p.m. for photo ops, crafts and holiday fun. Downtown Smithfield's annual tree lighting is scheduled as well making the entire evening perfect for families!
- **Nov. 22. LIVE at 12:05: Sweet Potatoes at Windsor Castle**. A little sweet potato history in preparation for Thanksgiving with Director Jennifer England and her "best spuddies."
- **Nov. 24**. No episode of LIVE at 12:05 today due to the Thanksgiving holiday.
- **Nov. 29. LIVE at 12:05: Giving Tuesday.** Today is the day that encourages people to give back in whatever ways they can...donations, a sharing of skills, volunteer time and more. #givingtuesday2022



- 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. This month's episode featured the **1930s Camp Counselor's Cabin in Days Point**. 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.

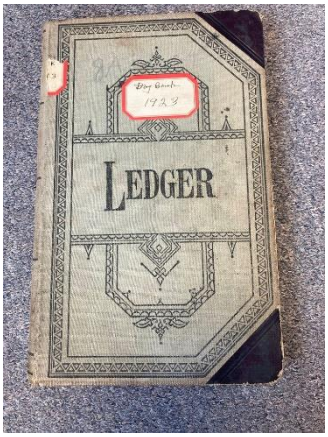


- Groups/Tours/Programs
  - Nov. 2. Col. William Allen Chapter, Daughters of the American Revolution, Smithfield. 25 guests.
  - Nov. 4. Smithfield Foods, Explore Conference. 30 guests.
- Gift Shop
  - No updates.

- Exhibit/Project Update
    - **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.** The addition of the 18th century dugout canoe requires new interpretive panels and display material. The canoe was mounted on the wall with fabricated supports, and interpretive panels are in production. Further enhancements are underway including the construction of and installation of a replica grill complete with sturgeon. New interpretive panels are in production.



    - **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.
    - **Sign Project: Wharf Hill.** In conjunction with Historic Smithfield, the sign at the base of Wharf Hill was rewritten and redesigned to be more reflective of the history in that location and to be more structurally sound. The pedestal was repaired and repointed by the Town of Smithfield, and Historic Smithfield approved the new signage. We await installation.
    - **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 repaired and media blasted the box, and it was returned to its permanent location in April. Once the door and glass installation are complete, 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.
    - **Christmas in Isle of Wight County.** New book project under development.



- Artifacts
    - Donations included several 1920s ledgers from J.A. Thacker's country store on Mill Swamp Road.
- Staff Training and Requirements
    - Webinar: Material Evidence Symposium, Talk 1: Assessing Risk in the Collection of the Museum at the Fashion Institute of Technology.
    - Distracted Driving. Town of Smithfield online training course.

- Defensive Driving. Town of Smithfield online training course.
- Mid-year reviews were completed for all staff.

Financials

• Gift Shop Sales (including tax):	$ 1,360.30
• Donations:	$ 175.00
• Admission:	$ 698.00
• Program/Lecture Fees:	$ 0.00
Total Monthly Deposit:	**$ 2,233.30**

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: 3.3K likes and 3.7K followers. Daily posts.
- **Facebook:** World's Oldest Ham: 211/222 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. 1,342 followers. (Decline in followers due to Twitter's change in leadership.)
- **Instagram.** @Isleofwightcountymuseum. 1,063 followers.
- **YouTube.** Isle of Wight County Museum. 35 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.
- **#Museum30.** Each November, tune into #museum30 on Twitter to celebrate your love of museums. This worldwide daily photo challenge for museums and museum professionals highlights multiple themes. Follow the @Worldsoldestham and other museums for daily posts.

Media Coverage/Promotion/Advertising/Lobbying

- Various pieces in area publications to include calendars and events.
- Nov. 2. ***Smithfield Times***. Article: Off target: Nike missile restoration 'in limbo;' Cutline: English visit
- Nov. 23: ***Smithfield Times***. Cutline: Santa's '22 debut.

Outreach Lectures & Events

- **Nov. 15. Main Street Baptist Church Preschool**, Smithfield. Theme: Turkeys. 18 students.
- **Nov. 15. Silver Sneakers**, **Luter Family YMCA**, Smithfield. Theme: Turkeys. 15 attendees.
- **Nov. 16. Lunch & Learn: Roaring Through Windsor**. The Town of Windsor was trackside during the glory days of steam railroading in America. From 1885 to 1959, Windsor residents were awed by the thunderous roar of huge coal burning locomotives that epitomized the development of steam locomotion. This railroad town was founded along the mainline of Norfolk & Western's "racetrack" division that witnessed passenger steam train speeds exceed 110 miles per hour. Unique to American railroading, all of these superb machines were built by the railway in its very own Roanoke, Virginia, factory. Lecture hosted by Albert Burckard, train enthusiast and volunteer with the Isle of Wight County Museum. Event held at Windsor Town Center, 23361 Courthouse Hwy, Windsor. 8 guests.
- **Nov. 16. Kindergarten, Carrollton Elementary**, Carrollton. Theme: Turkeys. 19 students.
- **Nov. 18. Kindergarten**, **Hardy Elementary**, Smithfield. Theme: Turkeys. 16 students.
- **Nov. 19. Lee Hall Depot**, Newport News. Theme: Woman's Land Army of America, World War I and Victory Gardens in conjunction with the Lee Hall Depot's March to the Depot for Doughboys and Doughnuts program. 75 guests.
- **Nov. 21**. **Kindergarten**, Hardy Elementary School, Smithfield. Theme: Turkeys. 6 students.





Windsor Castle 705 Cedar Street, Smithfield



- **Nov. 6. 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 free walking tour through history as we tour the house and several of the outbuildings. Meet on the front steps of Windsor Castle, 301 Jericho Road, Smithfield. 20 guests.

Fort Boykin 7410 Fort Boykin Trail, Isle of Wight County

- No updates.

Fort Huger 15080 Talcott Terrace, Isle of Wight County

- No updates.

Nike-Carrollton Park 13036 Nike Park Road, Carrollton

- **Nike-Ajax Missile Restoration**. Waco Inc. of Newport News was chosen to handle the missile's lead paint abatement process. Work began on Nov. 9 and was complete by Nov. 14. A meeting with County leadership on Nov. 10 was held to formulate a plan for restoration.



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: 0

Meetings

- Nov. 3. Town of Smithfield staff meeting.
- Nov. 9. Ivy Hill Cemetery board meeting.

Other Events & Notable Information

- Volunteer Hours: 92
- Nancy Farrell was transferred to our department from Budget/Finance. She began full-time employment with us on Nov. 7. Nancy began work with us in 2016 and moved over to the Budget/Finance department a year later. She has returned!
- The museum was closed on Thanksgiving, Thursday, Nov. 24.
- **VTC Grant.** A grant application was submitted to the Virginia Tourism Corporation for the Virginia Microbusiness Marketing Leverage Program. The museum was awarded $5,000 for this program – **Find Yourself(ie) at a Hamside Attraction** - which will begin in January 2023.

Safety

- Nov. 16. Town of Smithfield Safety Committee meeting.

Selections from Our Website and Social Media







November 22

Yesterday our visitors included Danielle, Cody and Amelia Leach of Raleigh, N.C. It was Amelia's first museum. We are so honored!

#BabysFirstMuseum #StartThemEarly

ISSUE:

Application of Ho-Fel Solar, LLC (CUP-02-22), Applicant, and Dustin and Brandy Atkins and Cobb Land Limited Partnership, Property Owners, for Expansion of a Previously Approved Conditional Use Permit to Establish a Major Utility Service, Specifically a 40 MW Utility-Scale Solar Energy Facility and Substation, on Eighteen Acres Located on Property on Lees Mill Road

BACKGROUND:

Ho-Fel Solar, LLC (CUP-02-22), applicant, and Dustin and Brandy Atkins and Cobb Land Limited Partnership, property owners, have submitted an application for a conditional use permit to establish a major utility service, specifically a utility-scale solar energy facility and substation, on eighteen acres located on property on Lees Mill Road with tax parcel numbers 69-01-086 and 72-01-022, in the Rural Agricultural Conservation zoning district. This application is an expansion of previously approved conditional use permit, CUP-8-18, for a 40 MW utility scale solar facility on parcel 69-01-087.

The applicant originally received a conditional use permit for a solar energy facility on parcel 69-01-087 in February 2019. The original approval was for 300 acres to the north of the proposed expansion. The historic home known as Oakcrest is located on the original parcel 69-01-087. The applicant has since reduced the amount of acreage for the solar facility on the original parcel from 300 acres to 182 acres and proposed an additional 17.7 acres on parcels 69-01-086 and 72-01-022. The applicant has requested the CUP for the additional parcels to establish the point of interconnection on parcel 72-01-022 along with a change of equipment requiring different spacing. Existing uses on the parcels include agriculture and some single-family homes.

A full description and staff analysis of the project is included in the attached Planning Commission staff report.

BUDGETARY IMPACT:

None

RECOMMENDATION:

The Planning Commission recommended approval with vote of 9-0 with staff conditions and the following additional conditions:

1. The selected panels will be tested for hazard constituents using laboratory testing (such as a toxicity characteristic leaching procedure, TCLP) validating that hazardous constituents are below EPA control levels for all power generating equipment initially installed and replaced on the site.
2. There shall be a sign posted with the contact information for the local project liaison.
3. No salvage value be added to the decommissioning bond.
4. If the land area being leased was under crop cultivation prior to lease, it shall be maintained and cut annually prior to August 1 until site construction begins.

Staff recommends approval of the CUP with the following conditions:

1. The portion of the subject property supporting solar panels shall be enclosed by security fencing of a type that 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 prior to final site plan approval.
2. The applicant shall permanently preserve and maintain both existing forest and vegetation as well as planted buffer landscaping and shall not clear or cut live trees within required setbacks or buffer yards except as necessary to avoid shading of solar panels as approved by the Zoning Administrator.
3. The applicant shall submit an Emergency Response Plan at the time of site development plan application for review and approval by the County, 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 to emergency responders about safety for on-site incident response. Initiation and frequency of training will be coordinated between the Department of Emergency Services and the facility operator. 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.
4. The applicant shall meet any additional VDHR delineation and buffer requirements before receiving final site plan approval.
5. Hours of operation for construction activities to be limited to 7:00 am to 6:00 pm Monday through Friday and 9:00 am to 5:00 pm on Saturdays. No construction is to occur on Sundays.
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 enhanced buffer landscape plan proposed on the concept plan exhibit is

conceptual only at this time. The buffer design and required plantings will be reviewed in detail for approval during site plan review and, at minimum, must include a double-staggered row of plantings in areas where existing vegetation is not being retained to include a mix of evergreen and deciduous species to provide an effective screen.

8. The applicant shall maintain a 25-foot setback from cemeteries found in the Phase 1 study and from any additional gravesites found in further evaluation recommended by VDHR. Any cemetery found in the project area must remain clear of obstruction.

ATTACHMENTS:

Description	Type	Upload Date
PC Staff Report	Backup Material	10/31/2022
Location Map	Backup Material	10/14/2022
Location Closeup Map	Backup Material	10/14/2022
Zoning Map	Backup Material	10/14/2022
Land Use Map	Backup Material	10/14/2022
Application	Backup Material	10/18/2022
Concept Plan	Backup Material	10/14/2022
Previous layout	Backup Material	10/18/2022
Economic Impact Analysis	Backup Material	10/18/2022
Wetlands Map	Backup Material	10/18/2022
Threatened and endangered species report	Backup Material	10/18/2022
Site Images	Backup Material	10/18/2022
VDHR Comments	Backup Material	10/14/2022
Isle of County Museum Comments	Backup Material	10/14/2022
CUP-2-22 Ho-Fel Solar BOS Ordinance	Ordinance	11/9/2022

PLANNING REPORT

APPLICATION:

Application of Ho-Fel Solar, LLC (CUP-02-22), applicant, and Dustin and Brandy Atkins and Cobb Land Limited Partnership, property owners, for a conditional use permit to establish a major utility service, specifically a utility-scale solar energy facility and substation, on eighteen acres located on property on Lees Mill Road with tax parcel numbers 69-01-086 and 72-01-022, in the Rural Agricultural Conservation zoning district. This application is an expansion of previously approved conditional use permit, CUP-8-18, for a 40 MW utility scale solar facility on parcel 69-01-087.

ELECTION DISTRICT:

District 5

LOCATION:

The subject property is located on Lees Mill Road (Rte. 616) in the Camptown Development Service District (DSD), approximately one mile east of International Paper. It is surrounded by agricultural and forestal lands, two reclaimed resource extraction sites, an active landfill, an industrial warehouse, and a few scattered single-family residences. To the north are the Norfolk and Western Railroad and the original parcel for the previous Conditional Use Permit (CUP) application. To the east is the Isle of Wight County/ City of Suffolk boundary. To the south are single-family residences along with additional agricultural and forestal land, and to the west is scattered residential development along Lees Mill Road.

BACKGROUND:

The applicant originally received a conditional use permit for a solar energy facility on parcel 69-01-087 in February 2019. The original approval was for 300 acres to the north of the proposed expansion. The historic home known as Oakcrest is located on the original parcel 69-01-087. The applicant has since reduced the amount of acreage for the solar facility on the original parcel from 300 acres to 182 acres and proposed an additional 17.7 acres on parcels 69-01-086 and 72-01-022. The applicant has requested the CUP for the additional parcels to establish the point of interconnection on parcel 72-01-022 along with a change of equipment requiring different spacing. Existing uses on the parcels include agriculture and some single-family homes.

DESCRIPTION:

The applicant proposes to expand the previously approved 40MW solar energy facility located on parcel 69-01-087. The project is proposed to affect 199 acres out of a possible 411 acres across three parcels. The two parcels associated with the expansion have approximately 92.4 wooded acres. Parcel 72-01-022 currently has some existing buildings used for an agriculture operation that will be removed. The associated substation and point of interconnection are proposed on parcel 72-01-022. Parcel 69-01-086 is currently mostly wooded except for a dirt path and an agricultural field. Parcel 69-01-086 will be accessed using the existing path and parcel 72-01-022 will be accessed through the northwest portion of the site.

The applicant has proposed additional landscape buffers above what is required in the Zoning Ordinance. The width of buffer yards along roadways has increased and additional landscaping points per linear foot have been added for all buffer yards. An exhibit demonstrating this proposal is attached to this report. The applicant has also submitted a proposed decommissioning plan and agreement which will be reviewed for approval and entered into prior to final site plan approval. If the CUP is granted, the applicant will be required to meet all supplementary use regulations for utility-scale solar facilities, approved conditions, and follow the appropriate site plan review process prior to construction.

The affected parcels are not located in any zoning overlay or within an Agricultural and Forestal District.

<u>Public Facility Impacts</u>:

The impacts of the proposed facility on public roads will occur primarily during construction and will be minimal once established. In establishing the use, the enjoyment of neighboring properties may also be temporarily impacted by construction traffic and noise generation.

In order to ensure adequate provision of emergency services, staff recommends the applicant submit an Emergency Response Plan at the time of site development plan application for review and approval by the County, 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 to emergency responders about safety for on-site incident response. Initiation and frequency of training will be coordinated between the Department of Emergency Services and the facility operator. 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.

Environmental Assessment:

The project area has several wetland features identified. The proposal avoids a vast majority of impacts to the features through avoidance. No development of solar arrays or substations are proposed within any wetland areas. According to an assessment of any endangered species in project area, there is the potential for the presence of the Eastern Big Eared Bat. Because the project does not proposed to impact wetlands or remove trees, the proposed solar facility is not likely to adversely affect any federally protected or state-listed threatened or endangered species or other wildlife resources.

In order to provide opportunities for wildlife corridors, fencing could be placed around the facilities only and not the whole site.

Historic Resources Assessment:

A Phase I archaeological and architectural study was conducted for the project area. Notable findings in the project area were a historic home known as Oakcrest and two cemeteries. Oakcrest was found to be eligible for listing on the National Register of Historic Places. The Virginia Department of Historic Resources (VDHR) has proposed additional buffers to verify that the viewshed will be minimally impacted. Oakcrest is located on the previously approved parcel 69-01-087. A cemetery was found and delineated on parcel 72-01-022 and a 25-foot buffer around the cemetery is proposed by the applicant consistent with state requirements. VDHR has requested additional delineation to the north of the current site for the possibility of additional gravesites. The applicant will work with VDHR to address all concerns, and no permits for development will be issued until all concerns and conditions have been addressed.

Economic Impact Assessment:

The project will generate approximately $2.8 million from taxation on capital investments in cumulative county revenue over the facility's anticipated 40-year operational life, as compared to approximately $207,400 in cumulative county revenue in the property current agricultural use. The highest revenue from the project will come in years 1-20. Approximately 31 jobs are proposed for the construction phase of this project. The project would remove 199 acres from agricultural production. The full economic impact analysis is attached to this report.

COMPREHENSIVE LAND USE PLAN:

The future recommended land use designation for these properties is Rural Agricultural Conservation (RAC) and Resource Conservation (RC) 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. Appropriate uses for the RC 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

Solar energy facilities are considered compatible with the RAC land use when properly sited and with the application of appropriate development criteria. The areas designated as RC should be preserved due to environmental constraints unless site-specific analysis demonstrates there are no environmental concerns in a specific area. The proposed use in this case is restricted to the existing agricultural land along the road and 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 this property is RAC. The RAC zoning district is intended to preserve and protect areas of the County that are predominantly in agricultural and forestal use and to maintain the existing

land base to support those activities. The applicant proposes to establish a 40MW 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 district and may be considered compatible with appropriate conditions to mitigate any potential negative impacts on the surrounding community.

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

1. That the establishment, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, safety, and general welfare;
2. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially impair the use of other property within the immediate proximity;
3. That adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements have been or will be provided;
4. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets;
5. That the proposed conditional use is not contrary to the goals and objectives of the Isle of Wight County Comprehensive Plan;
6. That the conditional use shall, in all other 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 applicable;
2. Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities; the access of vehicles to roads; peak periods of traffic; and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future;
3. The orderly growth of the neighborhood and community and the fiscal impact on the County;
4. The effect of odors, dust, gas, smoke, fumes, vibration, glare, and noise upon the use of surrounding properties;
5. Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal, and the ability of the County or persons to supply such services;
6. The degree to which the development is consistent with generally accepted engineering and planning principles and practices;
7. The structures in the vicinity such as schools, houses of worship, theaters, hospitals, and similar places of public use;
8. The purposes set forth in this ordinance, the County's Comprehensive Plan, and related studies for land use,

roads, parks, schools, sewers, water, population, recreation, and the like;
9. The environmental impact, the effect on sensitive natural features, and opportunities for recreation and open space; and,
10. The preservation of cultural and historic resources of landmarks.

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

AGENCY REVIEW:

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

- Economic Development: No concerns.
- Emergency Services: The recommended condition for submission of a fire response plan and annual training addresses concerns.
- Utility Services: Site plan will have to meet stormwater requirements.
- Isle of Wight County Museum: No concerns with the application, provided that the conclusions and recommendations outlined in the Phase 1 report are followed.
- Virginia Department of Historic Resources (VDHR): Please see attachment.
- Virginia Department of Transportation (VDOT): No concerns.

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 application is generally consistent with the Comprehensive Plan and can meet all ordinance requirements.
2. The proposed use will have minimal impact on community facilities and resources with the conditions presented.
3. The project is not visible from any major right-of-way.
4. Enhanced landscape buffering, beyond the minimums required by the Zoning Ordinance, has been proposed by the applicant.

Weaknesses:

1. The proposed use would remove agricultural land from production.
2. Temporary impact to residential development in the area from construction traffic and noise is expected during the construction phase.
3. There is some minor impact to some historical and archeological resources which may be addressed with the recommended conditions.

STAFF RECOMMENDATION:

Staff recommends approval of the CUP with the following conditions: 1. The portion of the subject property supporting solar panels shall be enclosed by security fencing of a type that 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 prior to final site plan approval. 2. The applicant shall permanently preserve and maintain both existing forest and vegetation as well as planted buffer landscaping and shall not clear or cut live trees within required setbacks or buffer yards except as necessary to avoid shading of solar panels as approved by the Zoning Administrator. 3. The applicant shall submit an Emergency Response Plan at the time of site development plan application for review and approval by the County, 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 to emergency responders about safety for on-site incident response. Initiation and frequency of training will be coordinated between the Department of Emergency Services and the facility operator. 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. 4. The applicant shall meet any additional VDHR delineation and buffer requirements before receiving final site plan approval. 5. Hours of operation for construction activities to be limited to 7:00 am to 6:00 pm Monday through Friday and 9:00 am to 5:00 pm on Saturdays. No construction is to occur on Sundays. 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 enhanced buffer landscape plan proposed on the concept plan exhibit is conceptual only at this time. The buffer design and required plantings will be reviewed in detail for approval during site plan review and, at minimum, must include a double-staggered row of plantings in areas where existing vegetation is not being retained to include a mix of evergreen and deciduous species to provide an effective screen. 8. The applicant shall maintain a 25-foot setback from cemeteries found in the Phase 1 study and from any additional gravesites found in further evaluation recommended by VDHR. Any cemetery found in the project area must remain clear of obstruction.

ATTACHMENTS:

Description	Type	Upload Date
Location Map	Backup Material	10/14/2022
Location Closeup Map	Backup Material	10/14/2022
Zoning Map	Backup Material	10/14/2022
Land Use Map	Backup Material	10/14/2022
Application	Backup Material	10/18/2022
Concept Plan	Backup Material	10/14/2022
Previous layout	Backup Material	10/18/2022
Economic Impact Analysis	Backup Material	10/18/2022
Wetlands Map	Backup Material	10/18/2022
Threatened and endangered species report	Backup Material	10/18/2022
Site Images	Backup Material	10/18/2022
VDHR Comments	Backup Material	10/14/2022
Isle of County Museum Comments	Backup Material	10/14/2022
Resolution	Resolution	10/14/2022

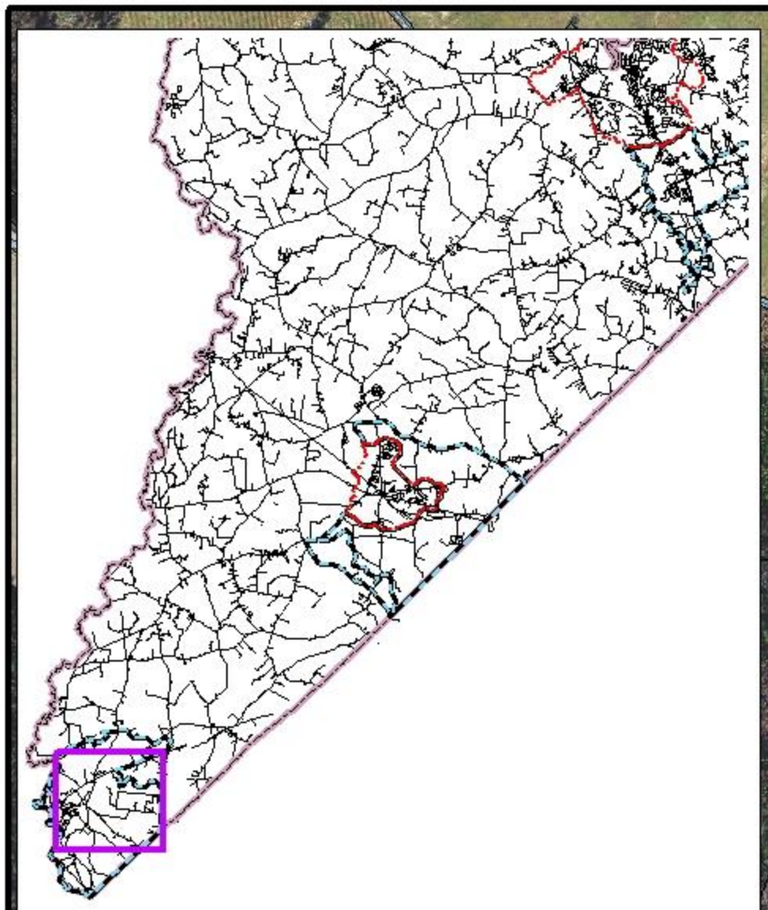
CUP-02-22 Conditional Use Permit - Location Map

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA



CUP-02-22 Conditional Use Permit - Location Closeup

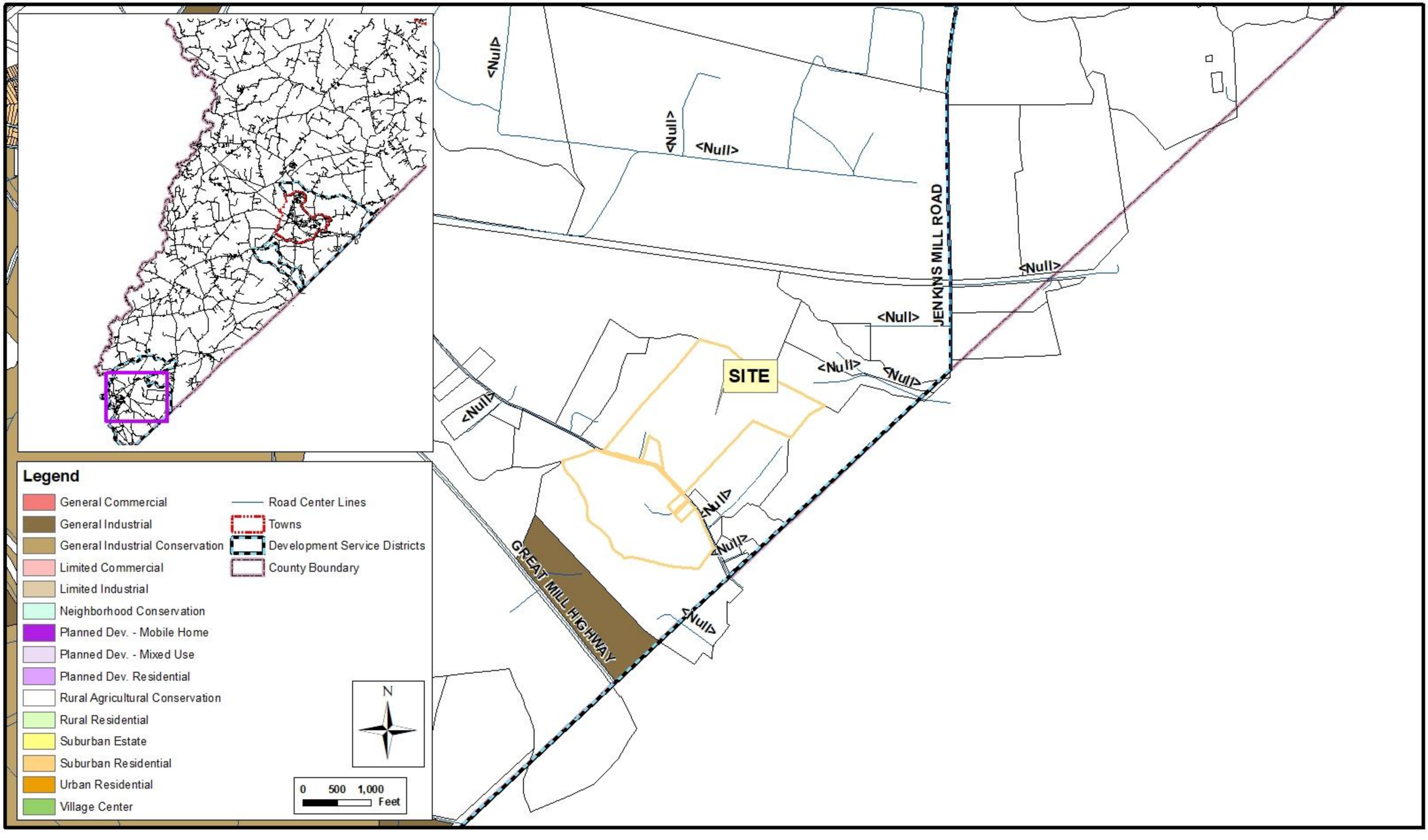
Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA





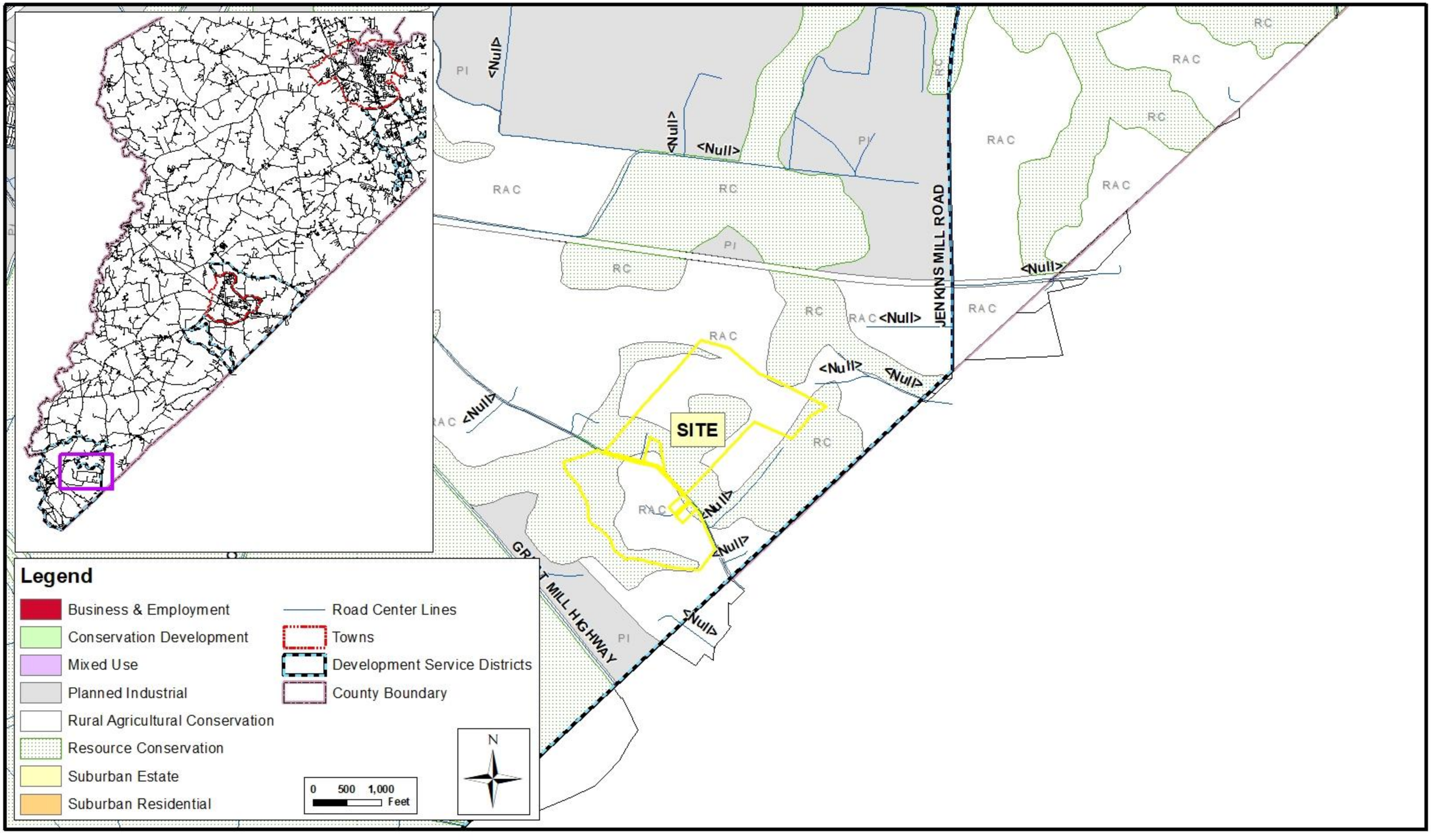
CUP-02-22 Conditional Use Permit- Zoning Map

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA



CUP-02-22 Conditional Use Permit - Land Use Map

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA



Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA

CONDITIONAL AND SPECIAL USE PERMITS

WHY DO I NEED A CONDITIONAL USE PERMIT?

Isle of Wight County's Zoning Ordinance permits certain "by right" land uses in a district, and other 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. Such other uses, under the right set of circumstances and conditions, may be acceptable in certain specific locations only after review and recommendation of a Conditional Use Permit by the Planning Commission and approval by the Board of Supervisors.

WHY DO I NEED A SPECIAL USE PERMIT?

If, in any district established under the Zoning Ordinance, a use is not specifically permitted, the property owner or other person with an enforceable legal interest in the property may file an application to the Zoning Administrator for such use, which will be referred to the Planning Commission and Board of Supervisors as a Special Use Permit.

WHAT IS THE PROCEDURE FOR OBTAINING A CONDITIONAL OR SPECIAL USE PERMIT?

1. Prior to submitting an application, we recommend scheduling a pre-application meeting to review the application and discuss any questions the applicant may have. Pre-application meetings are scheduled for the 1st Wednesday of every month at 9:00 am. Please call Economic Development at 757-365-6249 for meeting information.

2. Submit a completed application form, completed application checklist with all required documents (See Submittal Checklist for additional items that may be required), completed disclosure of real estate holdings, owners affidavit and the filing fee of:

Conditional Use Permit

- Resource Extraction - $1,250 plus $100 per acre
- All other uses - $1,200

Special Use Permit

- $1,200
- If there is a continuance of a public hearing at the applicant's request for either a conditional use or special use permit application, a fee in the amount of $600 will be assessed for each occurrence.

WHEN IS A CONDITIONAL OR SPECIAL USE PERMIT APPLICATION CONSIDERED BY THE PLANNING COMMISSION?

Once a completed application has been submitted to the County, the application is distributed for comment and review to all appropriate County and State agencies and departments. Once all comments are received and the application is deemed acceptable by all appropriate County and State agencies and departments, the application is scheduled for public hearing at the next Planning Commission meeting. Planning Commission meetings are held at 6:00 p.m. on the fourth Tuesday of each month in the Robert C. Claude Sr. Board Room at the County Courthouse Complex. The advertising deadline for an upcoming Planning Commission public hearing is the first Thursday of the month; therefore, an application must be deemed acceptable by all appropriate County and State agencies and departments prior to this deadline in order to be placed on the next agenda.

WHAT IS THE PUBLIC HEARING PROCEDURE FOR A CONDITIONAL OR SPECIAL USE PERMIT?

1. Once the application is scheduled for a public hearing by the Planning Commission, the applicant is required to submit the required number of copies of the concept plan and all other supplementary documentation deemed necessary by the Planning and Zoning Department for distribution to the Planning Commission. All required items must be submitted to the Planning and Zoning Department no fewer than ten calendar days prior to the scheduled public hearing.

2. The applicant will be given at least one sign to post on the property at least fourteen days prior to the Planning

If you have any questions, please call the Central Permitting office at 757-365-6211 or email at planreview@iwus.net

Commission public hearing, indicating an application has been filed. Additional signs may be required based on linear road frontage. These signs are provided by the County and may be picked up in the Planning and Zoning Department.

3. The application is advertised for public hearing in the local newspaper(s) twice – no more than twenty-one days and no less than six days prior to the public hearing.

4. Notices are sent by the Planning and Zoning Department to all property owners within a 200-foot radius of the property associated with the application at least fourteen days prior to the public hearing.

5. Staff will prepare a report on the application and the applicant will be sent a copy of the report and other comments made by County and State agencies and departments prior to the meeting date.

6. The applicant and/or a representative are/is required to attend the Planning Commission meeting to present the application and answer any questions from Commission members.

7. Following the Planning Commission's recommendation of approval or denial, the application will be placed on the Board of Supervisors' agenda for a public hearing. Board of Supervisors meetings are held on the third Thursday of each month and begin at 6:00 pm in the Robert C. Claude, Sr. Board Room at the County Courthouse Complex. The same notification procedure as outlined above will be followed, and nine (9) additional copies of all supporting documents will be required to be submitted by the applicant for distribution to the Board of Supervisors. Electronic copies of all documents will need to be produced prior to the Board meeting, either by the applicant, or in conjunction with Planning and Zoning staff members. All required items must be submitted to the Planning and Zoning Department no fewer than ten calendar days prior to the scheduled public hearing.

8. The Board of Supervisors will hold the public hearing as scheduled, and make a determination to approve or deny the application. The applicant and/or a representative are/is required to attend the Board of Supervisors meeting to present the application and answer any questions from Board of Supervisors members.

9. The applicant will be notified in writing of the Board of Supervisors' discussion. If denied, a period of at least one (1) year must elapse in order to resubmit the application, unless significant changes are made. Also, the applicant may appeal the Board's decision to the Circuit Court

HOW LONG IS A CONDITIONAL OR SPECIAL USE PERMIT VALID?

Indefinitely, unless the Board of Supervisors places a time limit condition on the use permit.

CAN A CONDITIONAL OR SPECIAL USE PERMIT BECOME VOID OR BE REVOKED?

Yes, unless otherwise specified by the conditions of the use permit, failure to establish the use within two (2) years from the date of approval shall cause the use permit to become void. When a use is discontinued for any reason for a continuous period of two (2) years or more, the use permit shall become void. The Board of Supervisors may revoke a use permit due to a change in conditions affecting the public, repeated violations of the Zoning Ordinance and/or the conditions of the use permit, or providing false information in order to obtain the use permit.

WHAT OTHER PERMITS OR APPROVALS MAY BE REQUIRED PRIOR TO CONSTRUCTION?

- Zoning Permit
- Stormwater Permit
- Building Permit
- Health Department Permit
- Site Plan Approval
- Subdivision Plat Approval
- Landscaping Surety
- BMP Maintenance Agreement

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):

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

The proposed use or activity is listed as a conditional use in the RAC zoning district as per Section 4-2003(c) 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: Utility Scale Solar Facility and Sub Station

B. PROJECT DESCRIPTION:

Project Name: Ho-Fel Solar

Property Address (if any): _____

Election District: 5

Comprehensive Plan Designation: RAC

The use permit will apply to 199.7 acres out of 411.6 total acres

Tax Parcel Identification # 69-01-087 Number of acres to be effected: 182

Tax Parcel Identification # 72-01-022 Number of acres to be effected: 8.6

Tax Parcel Identification # 69-01-086 Number of acres to be effected: 9.1

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

Public Sewer _____ Private Septic _____

C. **APPLICATION INFORMATION:**

Applicant(s) Name(s): Drew Chandler, Ho-Fel Solar, LLC

Address: 130 Roberts Street

City, State, Zip Code: Asheville, NC 28801

Phone No.: 919-623-7189 Email: dchandler@pgrenewables.com Fax No.:

Property Owner(s) Name(s): Dustin and Brandy Atkins Parcel 72-01-022

Address: 34710 Lees Mill Rd

City, State, Zip Code: Franklin, VA, 23851

Phone No.: 757-621-7237 Email: dustinatkins@rocketmail.com Fax No.:

Applicant Signature 3-10-2022 **Date**

Owner Signature *if different* 3-14-22 **Date**

Owner Signature 3-14-22 **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: _____

C. **APPLICATION INFORMATION:**

Applicant(s) Name(s): Drew Chandler, Ho-Fel Solar, LLC

Address: 130 Roberts Street

City, State, Zip Code: Asheville, NC 28801

Phone No.: 919-623-7189 Email: dchandler@pgrenewables.com Fax No.: _____

Property Owner(s) Name(s): Cobb Land Limited Partnership Parcel 69-01-086

Address: 8135 Blackwater Road

City, State, Zip Code: Windsor, Virginia, 23487

Phone No.: 757-621-3767 Email: cobbmanagementinc@gmail.com Fax No.: _____

D Chandler 3-10-2022

Applicant Signature **Date**

James R Cobb 3-14-2022

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:

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AGENCIES REFERRALS:

_____ Department of Conservation & Recreation
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_____ 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: _____

DocuSign Envelope ID: CF4EC7AF-3FD8-4DEE-8B31-24ECE5934819

COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS

Applicant Drew Chandler Ho-Fel Solar, LLC

Address 130 Roberts Street
Street

Asheville NC 28803
City State Zip

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
Parce ID 69-01-087	Parcel owned by Ho-Fel LLC north of Lees Mill Rd
Parcel ID 69-01-086	Parcel owned by Cobb Land Limited Partnership
Parcel ID 72-01-0222	Parcel owned by Brandy and Dustin Atkins South of Lees Mill

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: Drew Chandler (Printed or Typed Name) Applicant: [signature] (Signature) Date: 3-10-2022

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me LaToya Monique Bryson, ~~A Notary Public in and for the County of Isle of Wight, Commonwealth~~ Knox County, Tennessee of ~~Virginia~~, this 10th day of March, 2022.

[signature]
Notary Public

My Commission Expires 11-1-2025

LATOYA MONIQUE BRYSON STATE OF TENNESSEE NOTARY PUBLIC KNOX COUNTY MY COMMISSION EXPIRES MAY 2025

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.

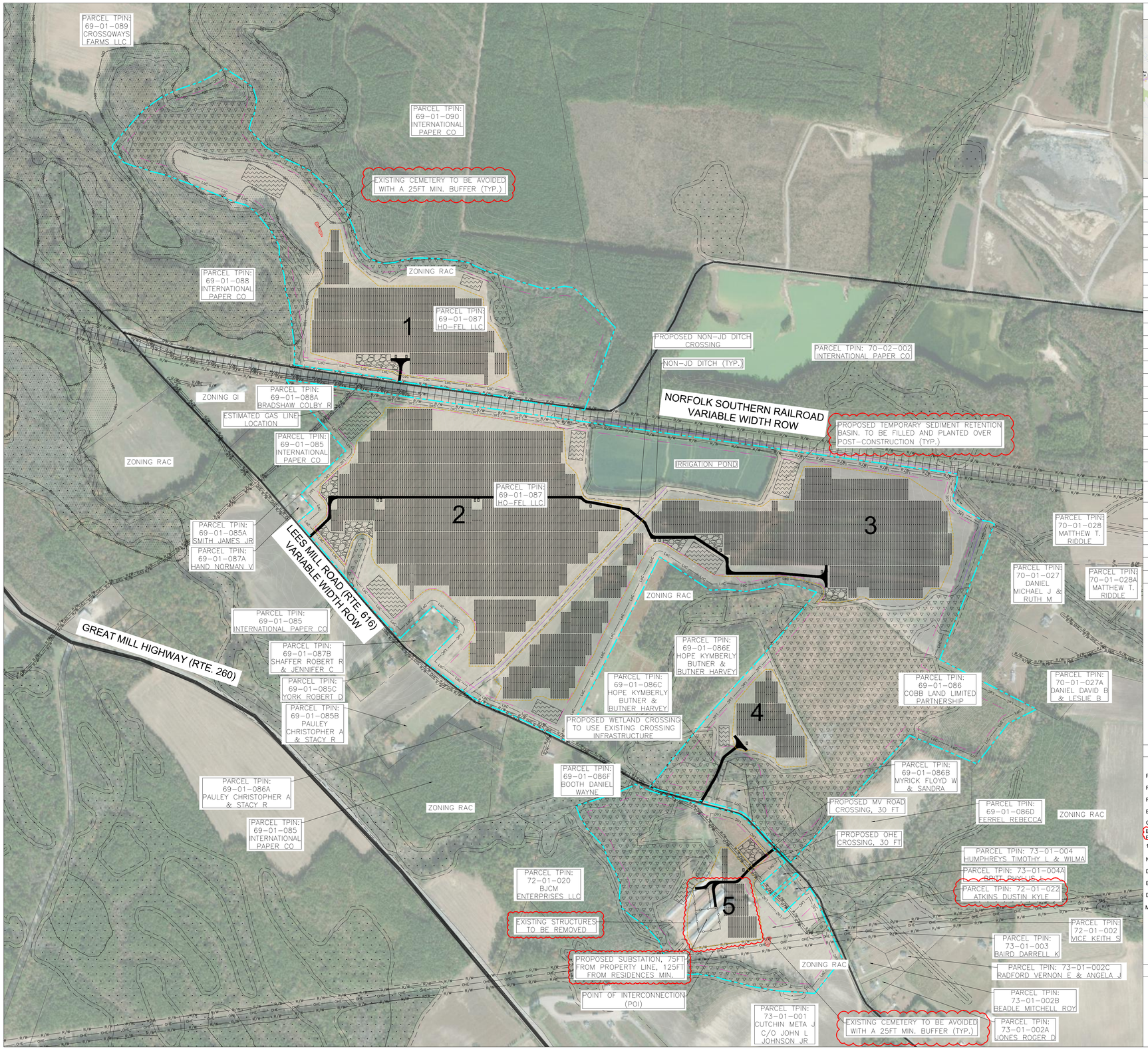
Drew Chandler

Printed or Typed Name

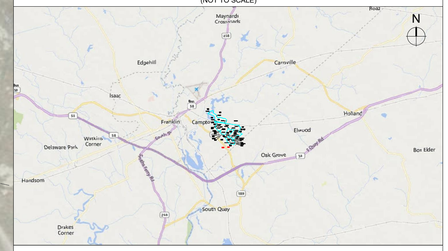
Signature

3-10-2022

Date



VICINITY MAP
(NOT TO SCALE)



SYSTEM PARAMETERS

DC SYSTEM SIZE (kW)	45,929.500
MAX AC EXPORT (kW)	40,000
POWER RATIO DC/AC (%)	1.15
GROUND COVER RATIO (%)	42.6
MODULE MODEL	CANADIAN SOLAR CS3Y-485MB-AG
MODULE POWER (W)	485
MODULE QUANTITY	94,700
MODULES PER STRING	25
STRING QUANTITY	3,788
MOUNTING TYPE	SAT-1P
MODULE TILT (DEGREES)	+/- 52
AZIMUTH (DEGREES)	180
INVERTER MODEL	SUNGROW SG3600UD_MV
INVERTER RATING (kVA)	3600
INVERTER DC VOLTAGE (V)	1500
INVERTER AC VOLTAGE (V)	630
INVERTER QUANTITY	13
TRANSFORMER (kVA)	3600
TRANSFORMER VOLTAGE PRI/SEC (V)	34,500 / 630
TRANSFORMER QUANTITY	13
UTILITY VOLTAGE (V)	115,000

SITE INFORMATION

SECTION #	PROPERTY BOUNDARY AREA (ACRES)	BUILDABLE AREA (ACRES)	PROPOSED DISTURBED AREA (ACRES)	kW DC
1	76.6	38.5	34.5	7,493.250
2	286.4	83.1	82.5	20,588.250
3		66.5	65.0	15,192.625
4		9.0	8.6	1,588.375
5	48.6	11.3	9.1	1,067.000
TOTAL	411.6	208.4	199.7	45,929.500

LEGEND

EXISTING CONDITIONS	PROPOSED CONDITIONS
PROPERTY BOUNDARY	WETLANDS SETBACK
RAILROAD	LIMIT OF CLEARING (LOC)
RIGHT-OF-WAY (R/W)	AGRICULTURAL STYLE FENCING
ELECTRICAL (OVERHEAD) (OHE)	ELECTRICAL (UNDERGRND) (UGE)
GAS PIPELINE (GAS)	TEMPORARY SEDIMENT RETENTION BASIN
BUILDING SETBACK PER ZONING	VEGETATIVE BUFFER
100 YEAR FLOOD ZONE	LAYDOWN AREA
NWI WETLANDS	EQUIPMENT PAD
DELINEATED WETLANDS	
ESTIMATED NJ WETLANDS	
DELINEATED NJ WETLANDS	
MISC OBSTRUCTION	

GRAPHIC SCALE

400' 0 400'

1" = 400'

CONTOUR INTERVAL: 1'

NORTH

N

PINEGATE RENEWABLES

130 ROBERTS STREET
ASHEVILLE, NC 28801

CONSULTING ENGINEER:

PE SEAL:

REV.	DESCRIPTION	DATE
–	–	–
–	–	–
–	–	–
–	–	–
4	DEVSET REVISION	08/23/2022
3	DEVSET REVISION	08/05/2022
2	DEVSET REVISION	05/16/2022
1	DEVSET	03/11/2022

PROJECT NAME:

HO FEL SOLAR, LLC.

PROJECT ADDRESS:

LEES MILL RD
FRANKLIN, VA
36.6642°N, -76.8736°W

SHEET NAME:

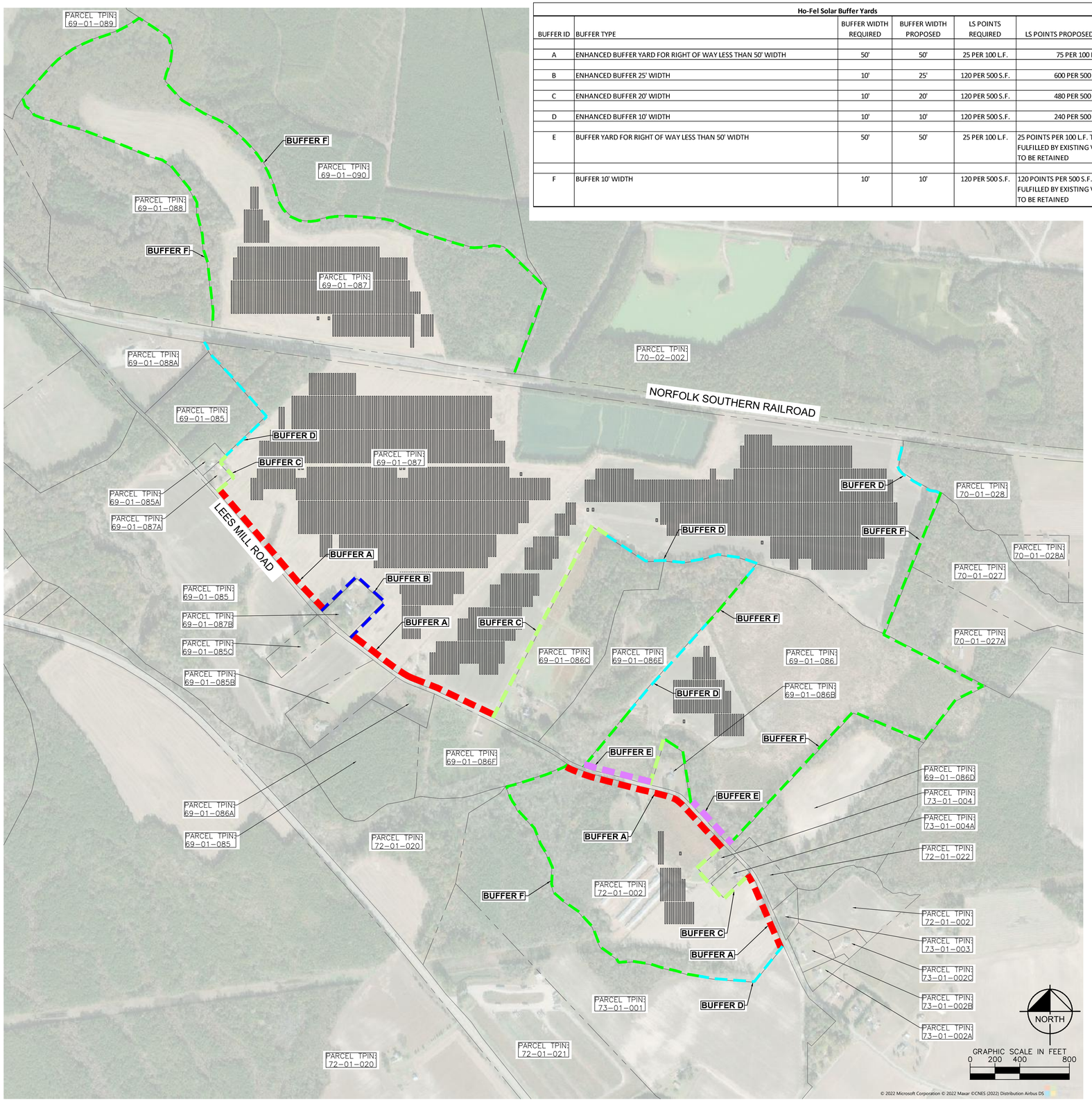
DEVELOPMENT SET

DRAWN BY: ALEX KREIN

APPROVED BY:

SHEET NUMBER: DEV-101

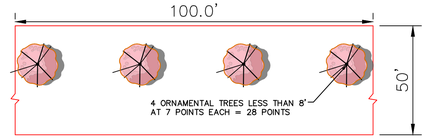
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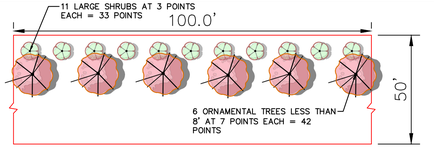
Ho-Fel Solar Buffer Yards

BUFFER ID	BUFFER TYPE	BUFFER WIDTH REQUIRED	BUFFER WIDTH PROPOSED	LS POINTS REQUIRED	LS POINTS PROPOSED PER 100 L.F.
A	ENHANCED BUFFER YARD FOR RIGHT OF WAY LESS THAN 50' WIDTH	50'	50'	25 PER 100 L.F.	75 PER 100 L.F.
B	ENHANCED BUFFER 25' WIDTH	10'	25'	120 PER 500 S.F.	600 PER 500 S.F.
C	ENHANCED BUFFER 20' WIDTH	10'	20'	120 PER 500 S.F.	480 PER 500 S.F.
D	ENHANCED BUFFER 10' WIDTH	10'	10'	120 PER 500 S.F.	240 PER 500 S.F.
E	BUFFER YARD FOR RIGHT OF WAY LESS THAN 50' WIDTH	50'	50'	25 PER 100 L.F.	25 POINTS PER 100 L.F. TO BE FULFILLED BY EXISTING VEGETATION TO BE RETAINED
F	BUFFER 10' WIDTH	10'	10'	120 PER 500 S.F.	120 POINTS PER 500 S.F. TO BE FULFILLED BY EXISTING VEGETATION TO BE RETAINED

LEGEND

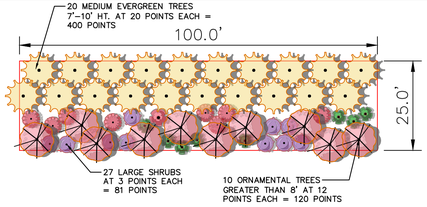


REQUIRED PUBLIC RIGHT OF WAY BUFFER PLANTINGS FOR RIGHT OF WAY LESS THAN 50' IN WIDTH



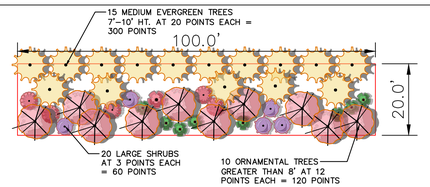
ENHANCED BUFFER YARD FOR RIGHT OF WAY LESS THAN 50' WIDTH

TYPICAL PLANTINGS BUFFER A



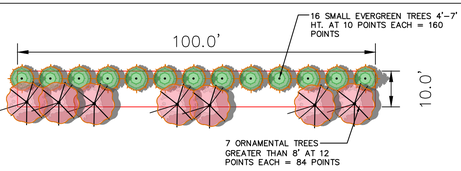
ENHANCED BUFFER 25' WIDTH

TYPICAL PLANTINGS BUFFER B



ENHANCED BUFFER 20' WIDTH

TYPICAL PLANTINGS BUFFER C



ENHANCED BUFFER 10'

TYPICAL PLANTINGS BUFFER D

PUBLIC RIGHT OF WAY BUFFER E
(R/W LESS THAN 50' WIDTH)

25 POINTS REQUIRED PER 100 LINEAR FOOT OF FRONTAGE

POINTS TO BE FULFILLED BY EXISTING VEGETATION TO BE RETAINED.

10' PERIMETER BUFFER F
120 POINTS PER 500 S.F. OF BUFFER YARD.

POINTS TO BE FULFILLED BY EXISTING VEGETATION TO BE RETAINED.

No.	REVISIONS	DATE	BY

Kimley»Horn
© 2022 KIMLEY-HORN AND ASSOCIATES, INC.
4525 MAIN STREET, SUITE 1000, VIRGINIA BEACH, VA 23462
PHONE: 757-213-8600 FAX: 757-213-8601
WWW.KIMLEY-HORN.COM

KHA PROJECT 117155000
DATE 9/1/2022
SCALE AS SHOWN
DESIGNED BY ---
DRAWN BY ---
CHECKED BY ---

CONCEPTUAL BUFFER PLANTINGS

HO FEL SOLAR FACILITY

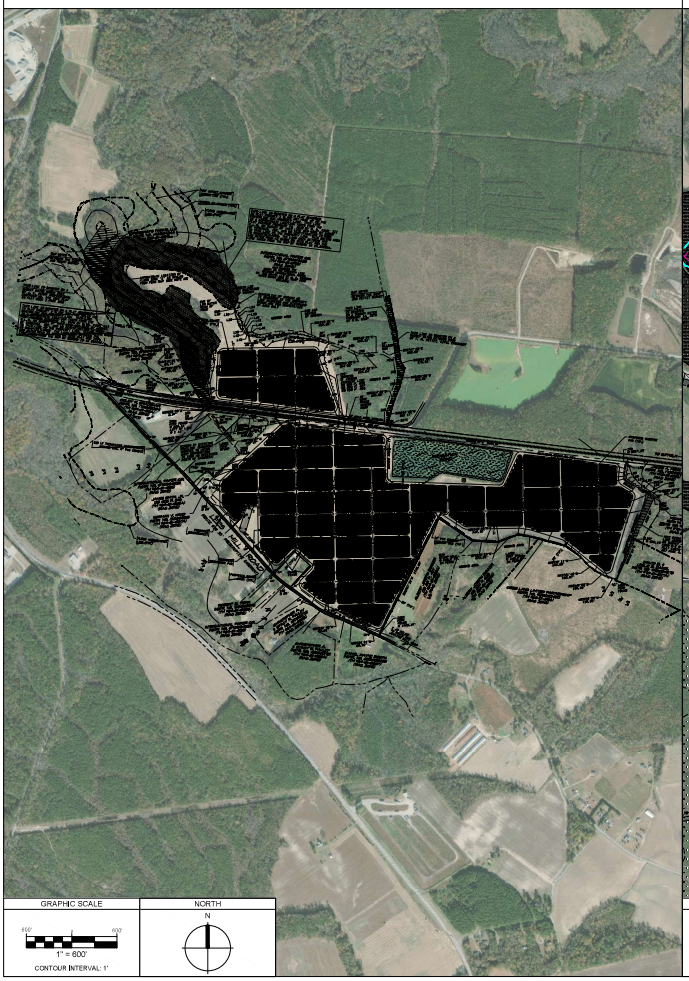
PREPARED FOR
HO FEL SOLAR,LLC.

ISLE OF WIGHT VIRGINIA

SHEET NUMBER
LA-1

Plotted By: Wall, Ashley (Walker) Sheet Set: Ho-Fel Solar Layout: Layout1 September 02, 2022 08:33:56am K:\VAB_Civil\117155000 Ho-Fel Solar\CADD\Exhibits\LS Concept Plan\2022.08.25_HO-FEL_SOLAR_LANDSCAPE_PLAN.dwg
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APPROVED CUP CONCEPT PLAN



GRAPHIC SCALE

600' 0 600'

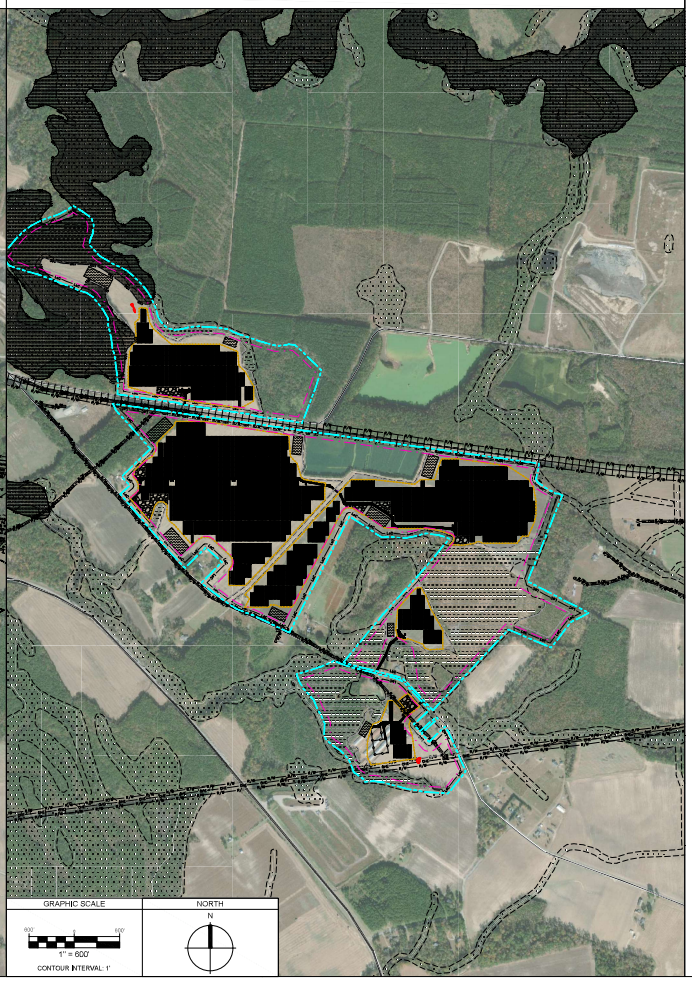
1" = 600'

CONTOUR INTERVAL: 1'

NORTH

N

PROPOSED LAYOUT



GRAPHIC SCALE

600' 0 600'

1" = 600'

CONTOUR INTERVAL: 1'

NORTH

N

PINEGATE RENEWABLES

130 ROBERTS STREET
ASHEVILLE, NC 28801

CONSULTING ENGINEER:

PE SEAL:

REV.	DESCRIPTION	DATE
–	–	–
–	–	–
–	–	–
–	–	–
4	DEVSET REVISION	08/23/2022
3	DEVSET REVISION	08/05/2022
2	DEVSET REVISION	05/16/2022
1	DEVSET	03/11/2022

PROJECT NAME:

HO FEL SOLAR, LLC.

PROJECT ADDRESS:

**LEES MILL RD
FRANKLIN, VA
36.6642°N, -76.8736°W**

SHEET NAME:

LAYOUT COMPARISON

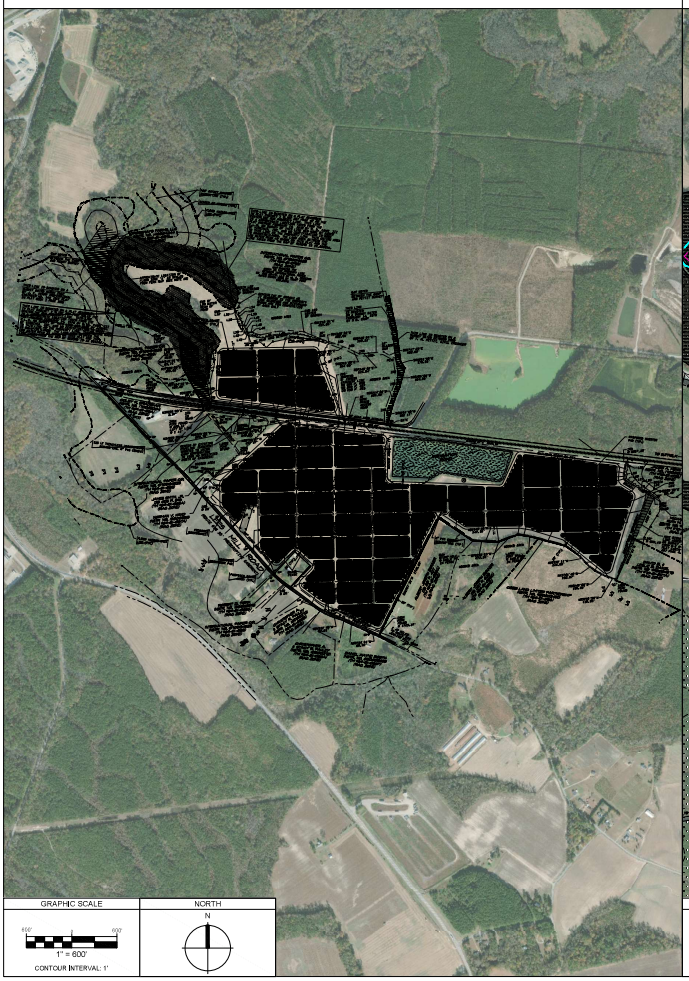
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APPROVED BY:

SHEET NUMBER: DEV-105

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APPROVED CUP CONCEPT PLAN



GRAPHIC SCALE

600' 0 600'

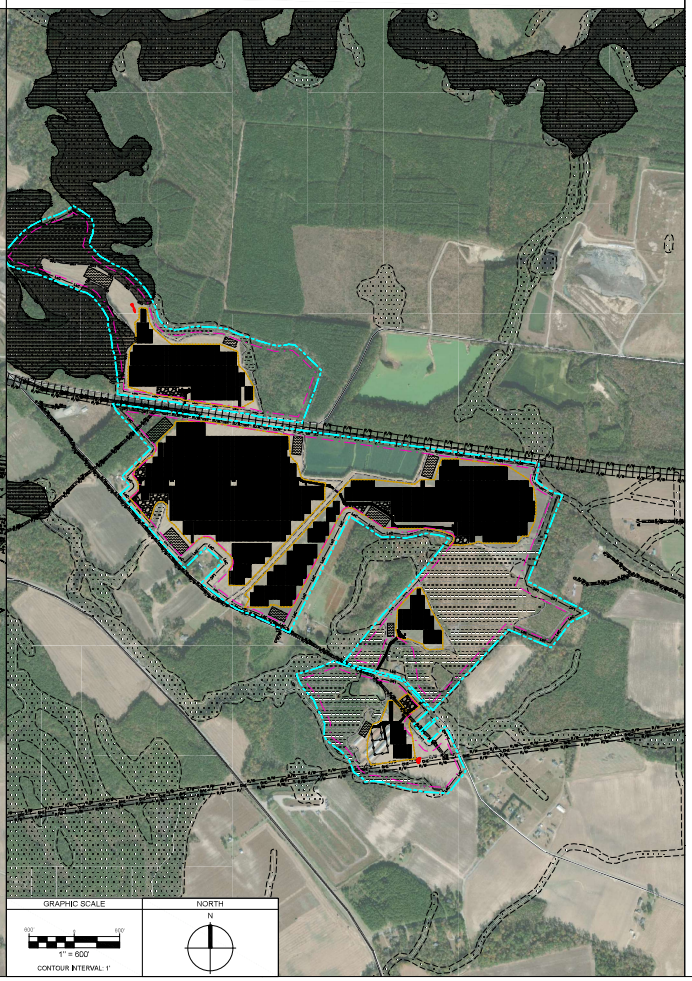
1" = 600'

CONTOUR INTERVAL: 1'

NORTH

N

PROPOSED LAYOUT



GRAPHIC SCALE

600' 0 600'

1" = 600'

CONTOUR INTERVAL: 1'

NORTH

N

PINEGATE RENEWABLES

130 ROBERTS STREET
ASHEVILLE, NC 28801

CONSULTING ENGINEER:

PE SEAL:

REV.	DESCRIPTION	DATE
–	–	–
–	–	–
–	–	–
–	–	–
4	DEVSET REVISION	08/23/2022
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PROJECT NAME:

HO FEL SOLAR, LLC.

PROJECT ADDRESS:

**LEES MILL RD
FRANKLIN, VA
36.6642°N, -76.8736°W**

SHEET NAME:

LAYOUT COMPARISON

DRAWN BY: ALEX KREIN

APPROVED BY:

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HO-FEL SOLAR, LLC

ECONOMIC & FISCAL CONTRIBUTION TO ISLE OF WIGHT COUNTY, VIRGINIA



Prepared for

PINEGATE RENEWABLES

MANGUM economics

4201 DOMINION BOULEVARD, SUITE 114
GLEN ALLEN, VIRGINIA 23060
804-346-8446

MANGUMECONOMICS.COM

MARCH 2022

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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 15 GW of proposed solar, wind, battery storage, and hydro projects spanning Virginia and eleven other 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

Martina Arel, M.B.A.
Director – Economic Development & Renewable Energy Research

Rebecca Kyle
Research Analyst

A. Fletcher Mangum, Ph.D.
Founder and CEO

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Executive Summary

This report assesses the economic and fiscal contribution that the proposed Ho-Fel Solar, LLC (Ho-Fel Solar) project would make to Isle of Wight County, Virginia. The primary findings from that assessment are as follows:

1) **Ho-Fel Solar is a proposed 40-megawatt (MW) alternating current (AC) solar photovoltaic power generating facility. The project would be located north and south of Lees Mill Road and east of U.S. Route 258 in Isle of Wight County, Virginia. The total acreage to be purchased for the project encompasses approximately 411 acres of agricultural land and forestland. The actively used, fenced-in portion of the solar site would be approximately 199 acres.**

2) **The proposed Ho-Fel Solar project would make a significant economic contribution to Isle of Wight County:**

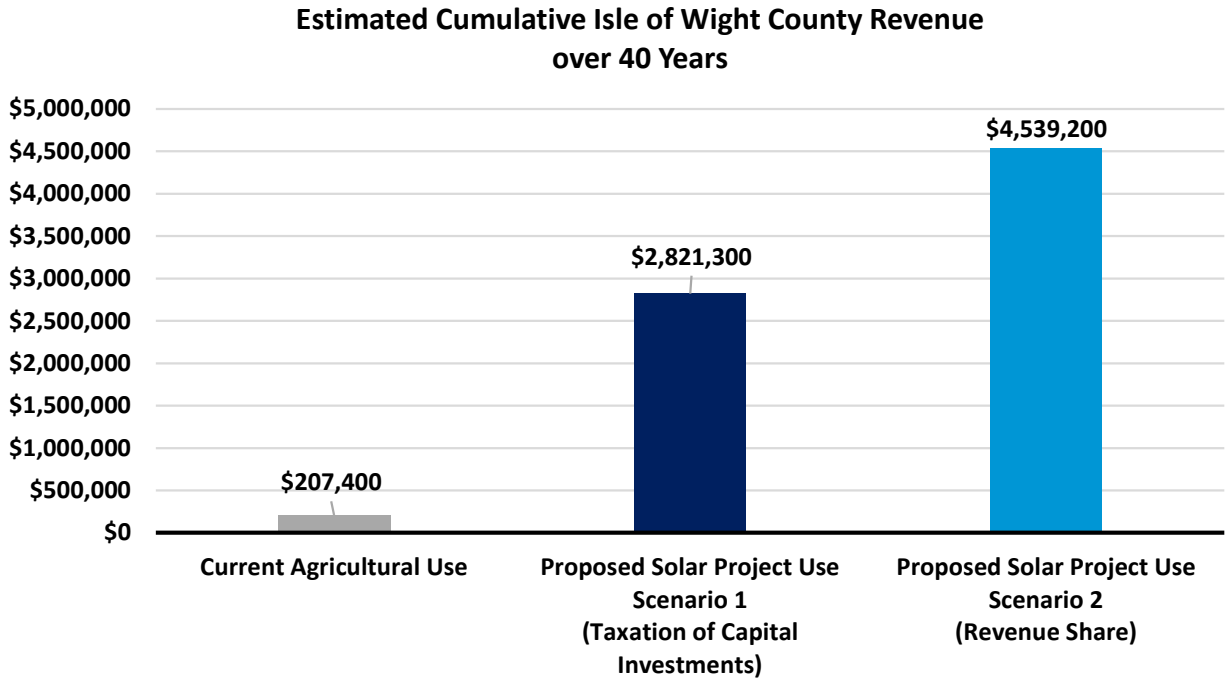
   - The proposed Ho-Fel Solar project would provide an estimated one-time pulse of economic activity to Isle of Wight County during its construction phase supporting approximately:
     - 37 direct, indirect, and induced jobs.
     - $1.7 million in associated labor income.
     - $5.0 million in economic output.
   - The proposed Ho-Fel Solar project would provide an estimated annual economic impact to Isle of Wight County during its ongoing operational phase supporting approximately:
     - 2 direct, indirect, and induced jobs.
     - $84,400 in associated labor income.
     - $231,800 in economic output.

3) **The proposed Ho-Fel Solar project would also make a significant fiscal contribution to Isle of Wight County. The proposed project would generate approximately:**

   - $137,700 in state and local tax revenue from the one-time pulse of economic activity associated with the project's construction.
   - $2.8 million in cumulative county revenue over the facility's anticipated 40-year operational life assuming revenues are generated from the reassessment of the real property and the taxation of the associated capital investments, (Scenario 1); or
   - $4.5 million in cumulative county revenue over the facility's anticipated 40-year operational life assuming revenues are generated from the reassessment of the real property and payments associated with a locally adopted revenue share ordinance. The payments would be based on the project's generation capacity and would include a 10 percent escalator every five years pursuant to recently passed legislation (Scenario 2).

4) **The proposed Ho-Fel Solar project would have a significantly greater fiscal impact on Isle of Wight County than the property generates in its current agricultural use:**

- The proposed Ho-Fel Solar project would generate approximately $2.8 million (from taxation on capital investments) or $4.5 million (from a revenue share ordinance) in cumulative county revenue over the facility's anticipated 40-year operational life, as compared to approximately $207,400 in cumulative county revenue in the property's current agricultural use – a difference of approximately $2.6 million and $4.3 million.



5) **The proposed Ho-Fel Solar project would provide a boost to Isle of Wight County's construction sector:**

- At 461 jobs, construction is Isle of Wight County's sixth largest major industry sector.[1]
- Additionally, the construction sector posted the second largest job gain of any major industry sector in the county between the first quarter of 2020 and the first quarter of 2021 (a gain of 28 jobs).[2]
- The proposed Ho-Fel Solar project could directly support approximately 31 jobs and $1.5 million in labor income in Isle of Wight County's construction sector.

[1] Data Source: Bureau of Labor Statistics, QCEW.
[2] Data Source: Bureau of Labor Statistics, QCEW.

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The estimates provided in this report are based on the best information available and all reasonable care has been taken in assessing that information. However, because these estimates attempt to foresee circumstances that have not yet occurred, it is not possible to provide any assurance that they will be representative of actual events. These estimates are intended to provide a general indication of likely future outcomes and should not be construed to represent a precise measure of those outcomes.

Introduction

This report assesses the economic and fiscal contribution that the proposed Ho-Fel Solar, LLC (Ho-Fel Solar) project would make to Isle of Wight County, Virginia. This report was commissioned by Pine Gate Renewables and produced by Mangum Economics.

The Project

Ho-Fel Solar is a proposed 40-megawatt (MW) alternating current (AC) solar photovoltaic power generating facility. The project would be located north and south of Lees Mill Road and east of U.S. Route 258 in Isle of Wight County, Virginia. The total acreage to be purchased for the project encompasses approximately 411 acres of agricultural land and forestland. The actively used, fenced-in portion of the solar site would be approximately 199 acres.

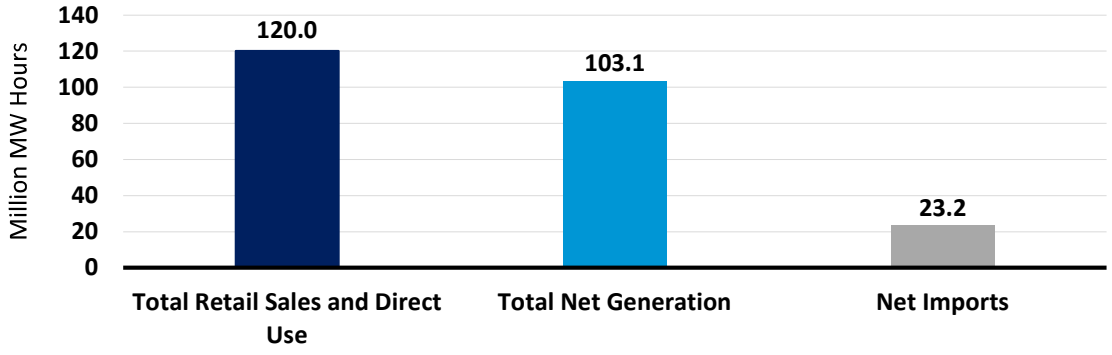
Electricity Production in Virginia

This section provides a backdrop for the proposed Ho-Fel Solar project by profiling Virginia's electricity production sector and the role that solar energy could play in that sector.

Overall Market

As shown in Figure 1, in 2020 electricity sales and direct use in Virginia totaled 120.0 million megawatt hours, ranking the state 10th among the fifty states in terms of electricity consumption. However, only 86 percent of that demand was met by in-state utilities, independent producers, and other sources. As a result, Virginia had to import the remaining electricity it consumed from producers in other states. As with all imports, this means that the jobs, wages, and economic output created by that production went to localities in those states, not to localities in Virginia.

Figure 1: Demand and Supply of Electricity in Virginia in 2020 (in millions of megawatt-hours)[3]



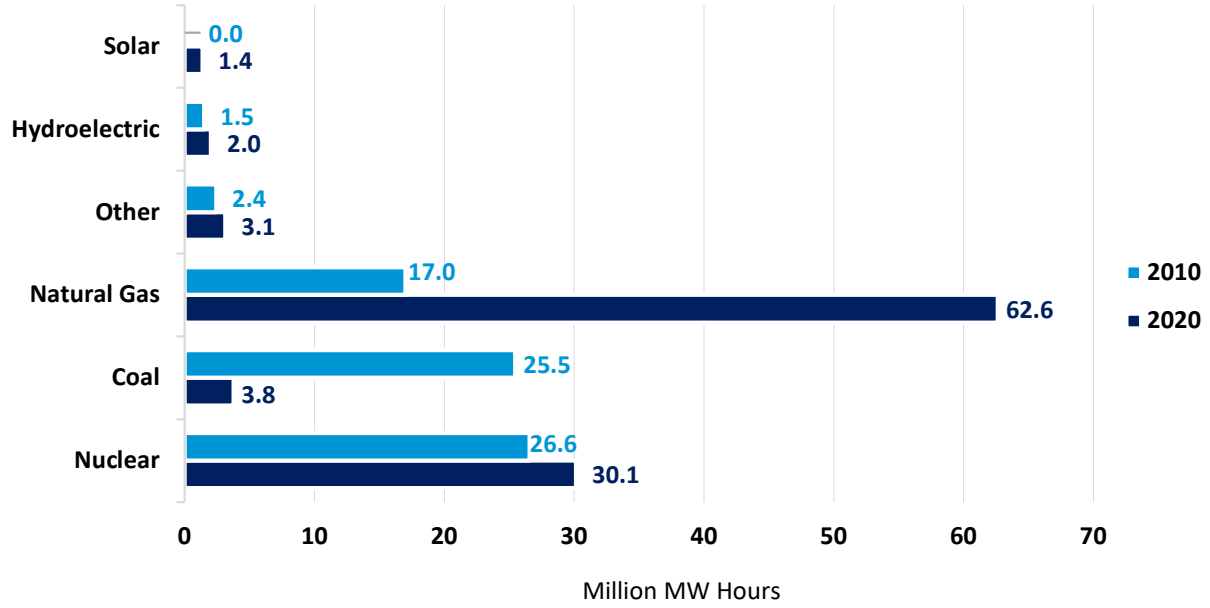
[3] Data Source: U.S. Energy Information Administration. In this chart, "Net Imports" also takes into account losses during transmission. As a result, it does not directly equal the residual of "Total Net Generation" minus "Total Retail Sales and Direct Use."

Sources of Production

Between 2010 and 2020, the total amount of electricity produced in Virginia increased from 73.0 to 103.1 million megawatt hours, while retail and direct consumption of electricity only increased from 115.8 to 120.0 million megawatt hours. Consequently, imports of electricity decreased by 27.6 million megawatt hours (or 54 percent) during this time.[4] Figure 2 provides a comparison of the energy sources that were used to produce electricity in Virginia in each of those years. As these data show, the most significant change between 2010 and 2020 was a decrease in the use of coal and an increase in the use of natural gas. Where coal was the state's second largest source of electricity in 2010, accounting for 25.5 million megawatt hours (or 35 percent) of production, by 2020 production had fallen by 21.7 million megawatt hours, making coal a distant third place source of electricity with only 4 percent of production.

In contrast, the share of electricity produced using cleaner-burning low-emissions energy sources increased over the period. Where natural gas accounted for only 17.0 million megawatt hours (or 23 percent) of Virginia's electricity production in 2010, by 2020 that proportion had more than tripled to 62.6 million megawatt hours (or 61 percent of production), making natural gas the state's largest source of electricity. In addition, solar, which entered the Virginia electricity production market in 2016, increased its share to 1.4 million megawatt hours by 2020.

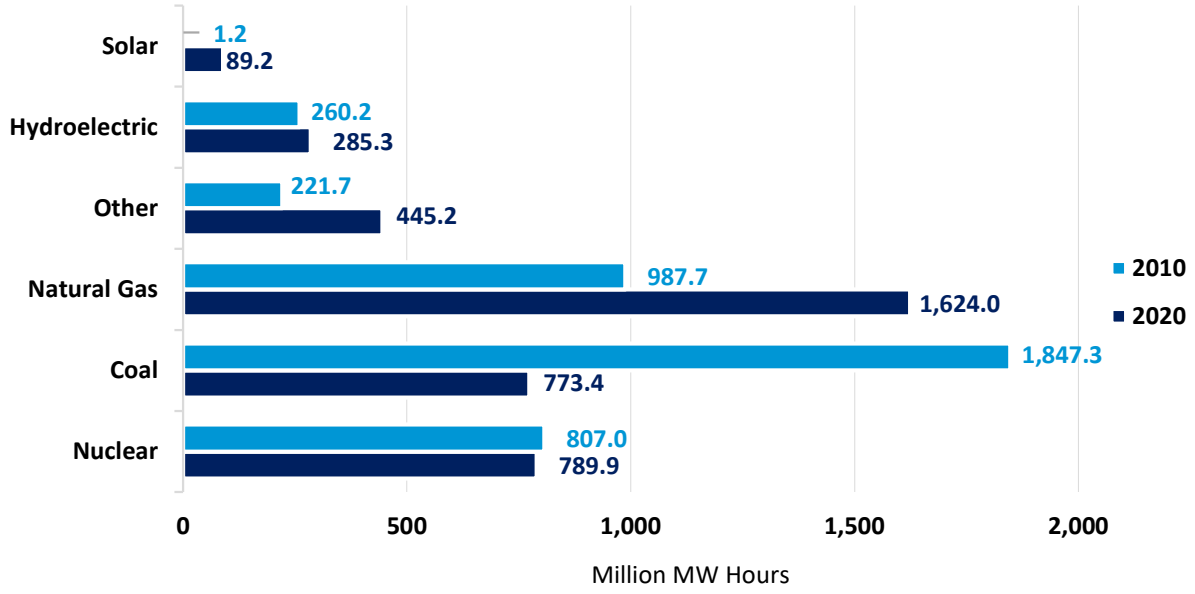
Figure 2: Electricity Generation in Virginia by Energy Source in 2010 and 2020 (in millions of megawatt-hours)[5]



[4] Imports also takes into account losses during transmission. As a result, totals do not equal sum of components.
[5] Data Source: U.S. Energy Information Administration. The "Other" category includes battery, wood, petroleum, other biomass, "other", and pumped storage.

Figure 3 provides similar data for the U.S. as a whole. A quick comparison of Figures 2 and 3 shows that although the degree of reliance on specific energy sources for electricity production is different between the U.S. and Virginia, the trend toward lower-emissions energy sources is the same. Nationally, between 2010 and 2020 the amount of electricity produced using coal declined by 1,073.9 million megawatt hours from 45 to 19 percent of production, while in contrast the amount of electricity produced using natural gas increased by 636.3 million megawatt hours from 24 to 41 percent of production. Nationwide, as in Virginia, the reliance on renewable energy sources such as solar increased during this time but at a much faster pace than in Virginia. Between 2010 and 2020, the amount of electricity produced using solar increased by 88.0 million megawatt hours to 2 percent of total electricity production in the nation compared to 1 percent of total electricity production in Virginia.

Figure 3: Electricity Generation in the United States by Energy Source in 2010 and 2020 (in millions of megawatt-hours)[6]

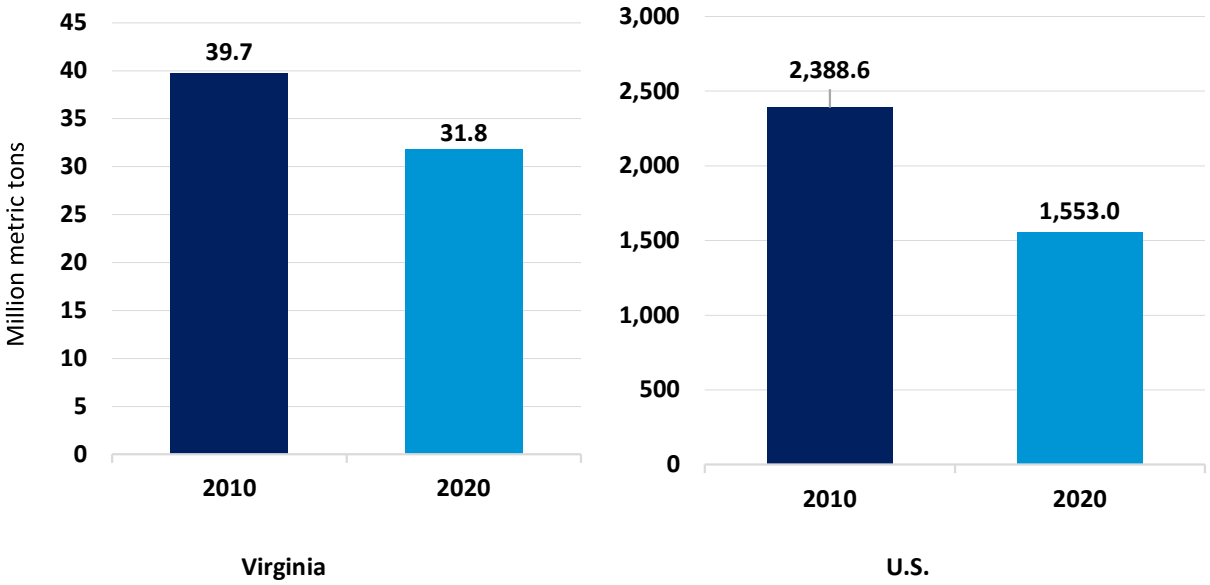


Impact on the Environment

In discussing the impact of these trends on the environment, it is important to realize that electricity production is one of the U.S.'s largest sources of greenhouse gas emissions. Figure 4 depicts carbon dioxide emissions from electricity production in 2010 and 2020 for both Virginia and the U.S. As these data indicate, between 2010 and 2020, as the share of electricity produced in Virginia by coal fell from 35 to 4 percent, carbon dioxide emissions from electricity production fell from 39.7 to 31.8 million metric tons. Where at the national level, as the share of electricity produced by coal fell from 45 to 19 percent, carbon dioxide emissions from electricity production fell from 2,388.6 to 1,553.0 million metric tons.

[6] Data Source: U.S. Energy Information Administration. "Other" includes battery, geothermal, other, other biomass, other gas, petroleum, pumped storage, wind, and wood.

Figure 4: Carbon Dioxide Emissions from Electricity Production (millions of metric tons)[7]



[7] Data Source: U.S. Energy Information Administration.

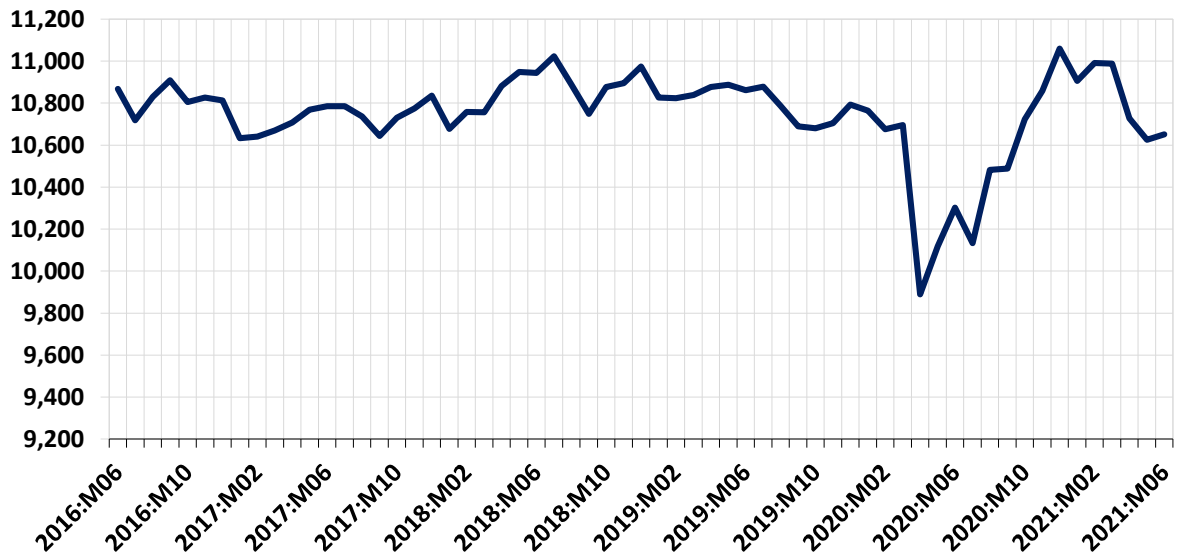
Local Economic Profile

This section provides context for the economic and fiscal impact assessments to follow by profiling the local economy of Isle of Wight County.

Total Employment

Figure 5 depicts the trend in total employment in Isle of Wight County over the five-year period from June 2016 through June 2021. As these data show, aside from seasonal fluctuations employment in the county remained relatively stable until the COVID-19 pandemic led to a steep decline in April 2020. Since then, total employment has effectively rebounded to pre-pandemic levels and stood at 10,652 jobs in June 2021. This represents an overall decrease of 216 jobs or 2.0 percent of total county employment over the five-year period as a whole. To put this number in perspective, over this same period, total statewide employment in Virginia increased by 0.6 percent.[8]

Figure 5: Total Employment in Isle of Wight County – June 2016 to June 2021[9]

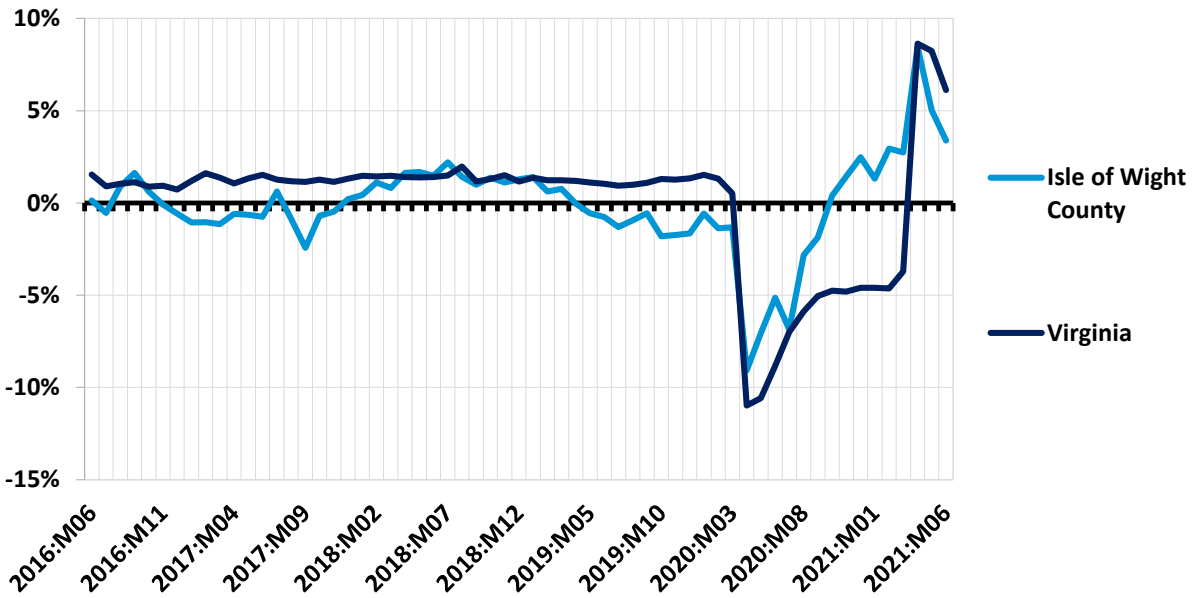


To control for seasonality and provide a point of reference, Figure 6 compares the year-over-year change in total employment in Isle of Wight County to that of the state of Virginia over the same five-year period. Any point above the zero line in this graph indicates an increase in employment, while any point below the zero line indicates a decline in employment. As these data show, employment growth in Isle of Wight County generally under-performed the statewide average prior to the COVID-19 pandemic. However, the county was less adversely impacted by the pandemic and recovered at a faster pace than the state as a whole, although recent data have shown that county employment growth is once again

[8] Data Source: Bureau of Labor Statistics.
[9] Data Source: Bureau of Labor Statistics.

drifting below the statewide average. As of June 2021, Isle of Wight County's year-over-year change in total employment was 3.4 percent, which was below the statewide average of 6.1 percent.

Figure 6: Year-Over-Year Change in Total Employment – June 2016 to June 2021[10]



Employment and Wages by Industry Super Sector

To provide a better understanding of the underlying factors motivating the total employment trends depicted in Figures 5 and 6, Figures 7 through 9 provide data on private employment and wages in Isle of Wight County by industry super sector.[11]

Figure 7 provides an indication of the distribution of private sector employment across industry super sectors in Isle of Wight County in the first quarter of 2021. As these data indicate, the county's largest industry sector that quarter was Manufacturing (3,414 jobs), followed by Trade, Transportation and Utilities (1,690 jobs), and Professional and Business Services (1,230 jobs).

Figure 8 provides a similar ranking for average private sector weekly wages by industry super sector in Isle of Wight County in the first quarter of 2021. As these data show, the highest paying industry sectors that quarter were Professional and Business Services ($3,395 per week), Information ($2,054 per week), and Financial Activities ($1,115 per week). To provide a point of reference, the average private sector weekly wage across all industry sectors in Isle of Wight County that quarter was $1,153 per week.

[10] Data Source: Bureau of Labor Statistics.
[11] A "super sector" is the highest level of aggregation in the coding system that the Bureau of Labor Statistics uses to classify industries.

Figure 7: Private Employment by Industry Super Sector in Isle of Wight County in Qu. 1 2021[12]

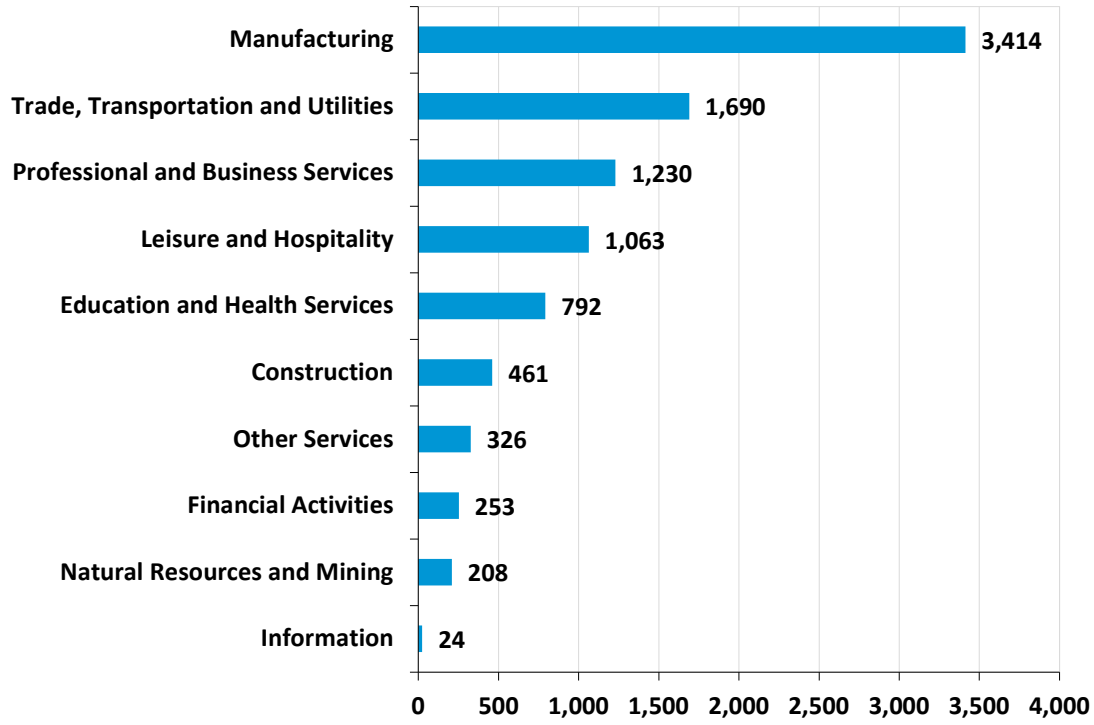
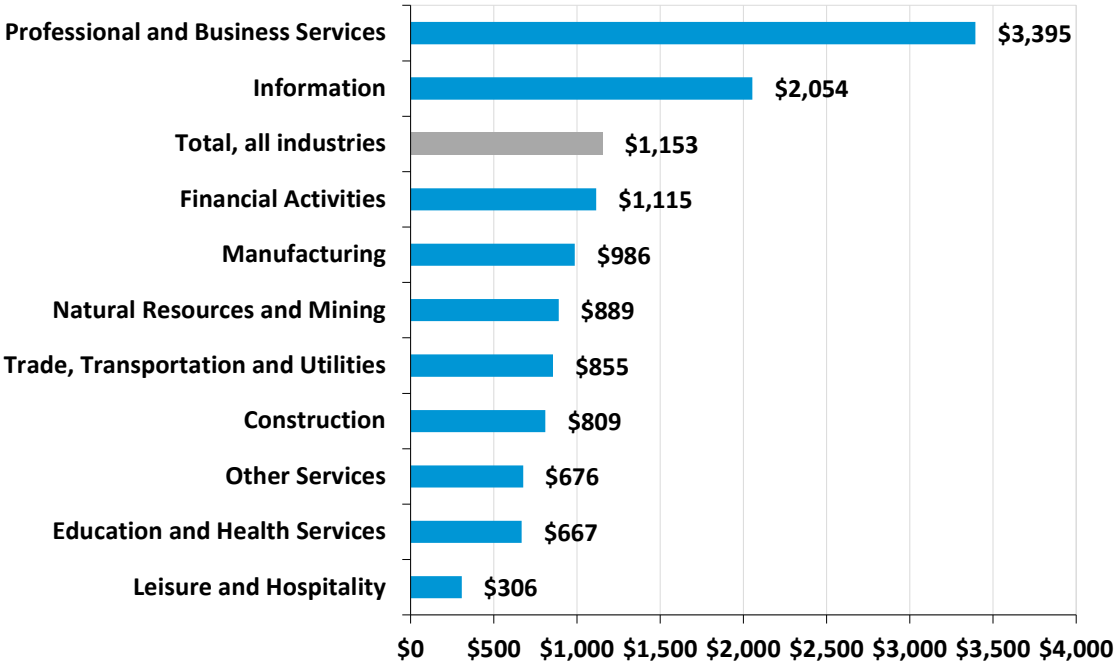


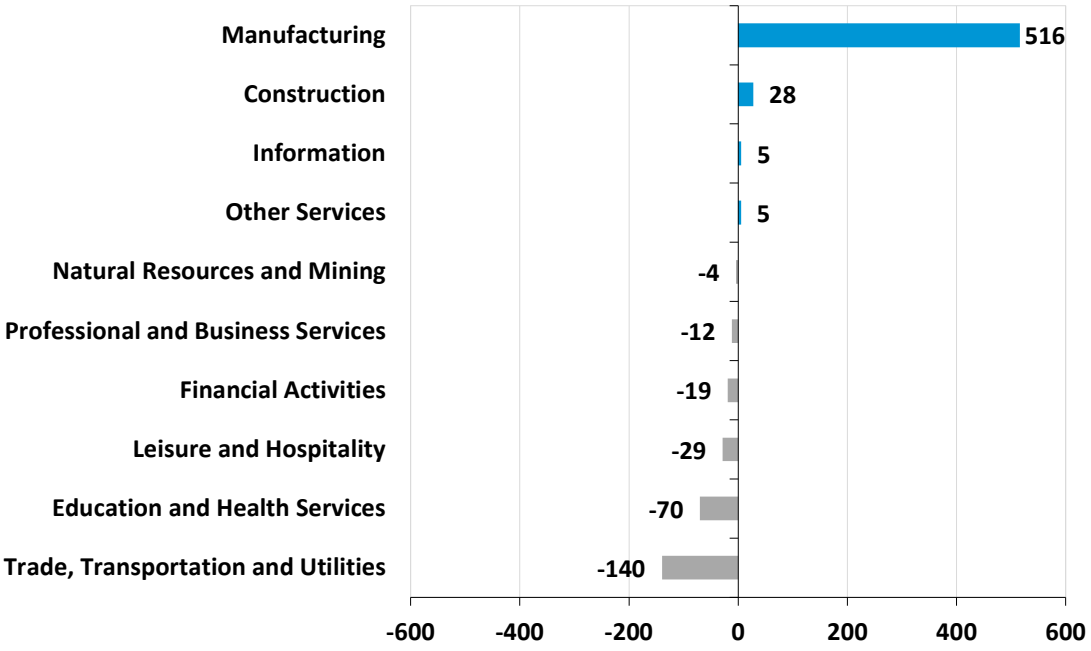
Figure 8: Average Private Weekly Wages by Industry Super Sector in Isle of Wight County in Qu. 1 2021[13]



[12] Data Source: Bureau of Labor Statistics.
[13] Data Source: Bureau of Labor Statistics.

Lastly, Figure 9 details the year-over-year change in private sector employment from the first quarter of 2020 to the first quarter of 2021 in Isle of Wight County by industry super sector. The largest employment gains over this period occurred in the Manufacturing (up 516 jobs) and Construction (up 28 jobs) sectors, while the largest employment losses occurred in the Trade, Transportation, and Utilities (down 140 jobs), Education and Health Services (down 70 jobs), and Leisure and Hospitality (down 29 jobs) sectors.

Figure 9: Change in Private Employment by Industry Super Sector in Isle of Wight County from Qu. 1 2020 to Qu. 1 2021[14]

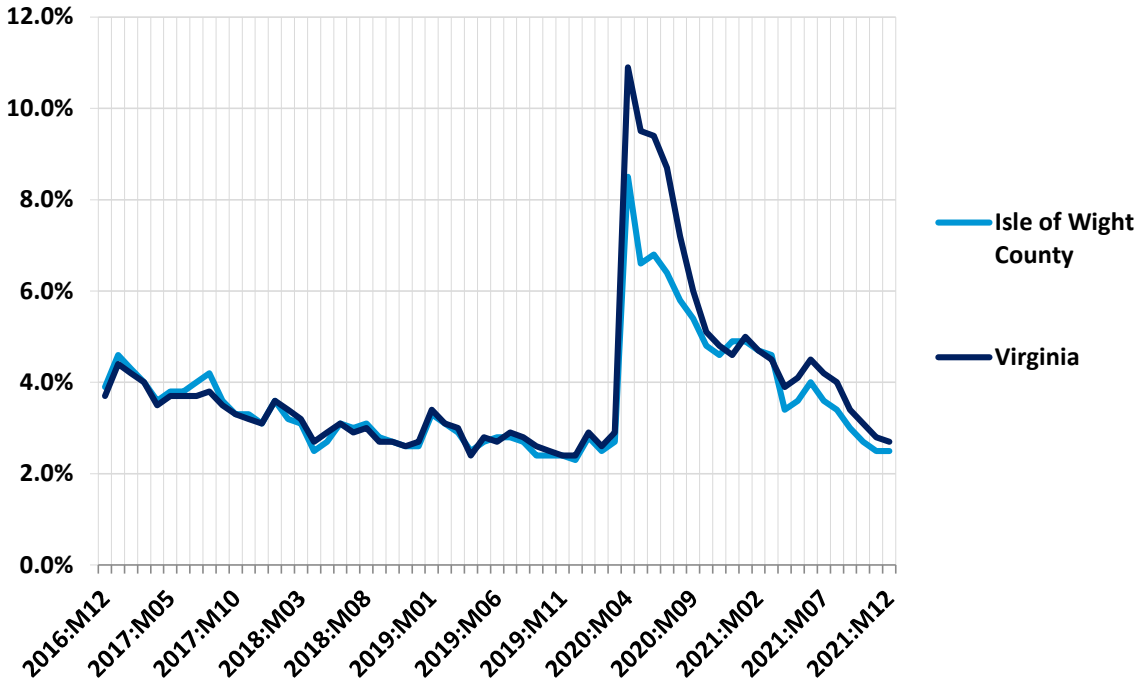


Unemployment

Figure 10 illustrates the trend in Isle of Wight County's unemployment rate over the five-year period from December 2016 through December 2021 and benchmarks those data against the statewide trend for Virginia. As these data show, unemployment rates in Isle of Wight County generally tracked closely with statewide trends until April 2020 when unemployment in the county and state significantly rose as a result of the labor dislocations caused by the COVID-19 pandemic. In the months that followed, Isle of Wight County's recovery was faster than in Virginia as a whole and as of December 2021, unemployment stood at 2.5 percent in Isle of Wight County compared to 2.7 percent statewide.

[14] Data Source: Bureau of Labor Statistics.

Figure 10: Unemployment Rate – December 2016 to December 2021[15]



[15] Data Source: Bureau of Labor Statistics.

Economic and Fiscal Impact

This section quantifies the economic and fiscal contribution that the proposed Ho-Fel Solar project would make to Isle of Wight County. The analysis separately evaluates the one-time pulse of economic activity that would occur during the construction phase of the project, as well as the annual economic activity that the project would generate during its ongoing operations phase.

Method

To empirically evaluate the likely local economic impact attributable to the proposed Ho-Fel Solar project, the analysis employs a regional economic impact model called IMPLAN.[16] 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 Ho-Fel 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 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 Ho-Fel 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).

[16] IMPLAN is produced by IMPLAN Group, LLC.

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 Ho-Fel Solar project would have on Isle of Wight County.

Assumptions

The analysis is based on the following assumptions:

- For ease of analysis, all construction expenditures are assumed to take place in a single year.
- Total investment in the Ho-Fel Solar project is estimated to be approximately $46.8 million.[17]
- Of that total:
    - Architecture, engineering, site preparation, and other construction and development costs are estimated to be approximately $22.3 million.[18] It is estimated that approximately 18 percent of that total could be spent with vendors in Isle of Wight County.[19]
    - Capital equipment costs are estimated to be approximately $24.5 million.[20] It is anticipated that no capital equipment would be purchased from vendors in Isle of Wight County.[21]

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 Ho-Fel Solar project would directly provide a one-time pulse supporting approximately: 1) 31 jobs, 2) $1.5 million in labor income, and 3) $4.1 million in economic output to Isle of Wight County.[22]

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) 37 jobs, 2) $1.7 million in labor income, 3) $5.0 million in economic output, and 4) $137,700 in state and local tax revenue.

[17] Data Source: Pine Gate Renewables.
[18] Data Source: Pine Gate Renewables.
[19] Data Source: IMPLAN Group, LLC.
[20] Data Source: Pine Gate Renewables.
[21] Data Source: IMPLAN Group LLC.
[22] 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.

Table 1: Estimated One-Time Economic and Fiscal Impact on Isle of Wight County from Construction of the Ho-Fel Solar Project[23]

Economic Impact	Employment	Labor Income[24]	Output
1st Round Direct Economic Activity	31	$1,493,100	$4,093,900
2nd Round Indirect and Induced Economic Activity	6	$236,500	$889,700
Total Economic Activity	**37**	**$1,729,600**	**$4,983,600**
Fiscal Impact			
State and Local Tax Revenue			**$137,700**

**Totals may not sum due to rounding.*

Ongoing Operations Phase

This portion of the section assesses the annual economic and fiscal impact that the proposed Ho-Fel Solar project would have on Isle of Wight County during its anticipated 40-year operational phase.

Assumptions

The analysis is based on the following assumptions:

- The Ho-Fel Solar project would spend approximately $250,000 each year for maintenance and repair and vegetative control expenditures.[25]
- The Ho-Fel Solar project would involve an investment of approximately $46.8 million in capital equipment and improvements to the existing property.[26]
- The Ho-Fel Solar project would be situated on approximately 199 fenced-in acres within an approximate 411-acre tract of purchased land.[27]
- Only the actively used, fenced-in acreage would be removed from the land use program.
- The fenced-in acreage would be reappraised at $15,000 per acre.[28]
- The initial interconnection request for Ho-Fel Solar was filed in August 2018.[29]
- The Ho-Fel Solar project's total generation capacity would be 40 MW AC.[30]
- The Ho-Fel Solar project would become operational in June 2024.[31]

[23] 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.
[24] Labor income includes pay and benefits.
[25] Data Source: Pine Gate Renewables.
[26] Data Source: Pine Gate Renewables.
[27] Data Source: Pine Gate Renewables.
[28] Data Source: Isle of Wight County Commissioner of Revenue's Office. Current assessment value of existing solar farm in the county.
[29] Data Source: Pine Gate Renewables.
[30] Data Source: Pine Gate Renewables.
[31] Data Source: Pine Gate Renewables.

Results – Economic Impact

Applying these assumptions in the IMPLAN model results in the following estimates of annual economic impact. As shown in Table 2, annual operation of the proposed Ho-Fel Solar project would directly support approximately: 1) 2 jobs, 2) $71,500 in labor income, and 3) $181,300 in economic output to Isle of Wight County.

Taking into account the economic ripple effects that direct impact would generate, the total estimated annually supported impact on Isle of Wight County would be approximately: 1) 2 jobs, 2) $84,400 in labor income, and 3) $231,800 in economic output.

Table 2: Estimated Annual Economic Impact on Isle of Wight County from the Ongoing Operation of the Ho-Fel Solar Project

Economic Impact	Employment	Labor Income	Output
1st Round Direct Economic Activity	2	$71,500	$181,300
2nd Round Indirect and Induced Economic Activity	< 1	$12,900	$50,500
Total Economic Activity	**2**	**$84,400**	**$231,800**

**Totals may not sum due to rounding.*

Results – Fiscal Impact

This portion of the section quantifies the direct fiscal contribution that the proposed Ho-Fel Solar project would make to Isle of Wight County. The analysis considers two scenarios. Both scenarios include the additional revenue that the Ho-Fel Solar project would generate for Isle of Wight County over a 40-year period from the increased property assessments associated with reassessing the site as solar use property. Scenario 1 then describes the additional revenue Ho-Fel Solar would generate for Isle of Wight County from taxes levied on the capital investment, while Scenario 2 assumes tax revenue generated from the capital investment will be replaced with revenue associated with a locally adopted revenue share ordinance and based on the project's total generation capacity.

Reassessment of Property

Table 3 details the increased property assessments associated with removing the actively used 199 acres from the land use program and reassessing the fenced-in site as solar use property while the residual acreage owned by Ho-Fel Solar would continue to be assessed at its current land use value. The county real estate tax revenue from the project after reassessment is estimated to be approximately $28,048 per year, for a cumulative total of approximately $1.12 million over the project's anticipated 40-year operational life expectancy.[32] Adding one-time rollback taxes of approximately $23,170 increases that cumulative total to approximately $1.15 million. In contrast, the property currently generates

[32] Assumes fenced-in property will be reassessed at $15,000 per acre once it is under solar use.

approximately $5,186 per year in real estate tax revenue for the county, for a cumulative total of approximately $207,443 over 40 years.[33]

Table 3: Estimated County Revenue Generated by the Proposed Ho-Fel Solar Project over 40 Years from Real Estate Taxes

Isle of Wight County Real Estate Tax Rate[34]	0.0085	
Estimated Increased Value of Property (199 acres)[35]	$2,985,000	
Annual Real Estate Tax – Solar Use		$25,373
Estimated Appraised Value of Residual Purchased Acreage (212 acres)[36]	$314,713	
Annual Real Estate Tax Revenue – Residual Acreage		$2,675
Total Annual County Real Estate Tax – Solar Use		**$28,048**
Cumulative Real Estate Tax Revenue over 40 Years		**$1,121,902**
One-time Rollback Taxes[37]		**$23,170**
Total Cumulative Real Estate Tax Revenue over 40 Years		**$1,145,072**

**Totals may not sum due to rounding.*

Scenario 1: Taxation of Capital Investment

Table 4 separately details the additional annual revenue that the proposed Ho-Fel Solar project would generate for Isle of Wight County over a 40-year period from taxes levied on capital investment. This calculation is based on: 1) the taxable portion of capital investments pursuant to the 80 percent local tax exemption pursuant to Virginia Code §58.1-3660[38], times 2) the State Corporation Commission's utility assessment ratio of 0.92 for taxation of public utilities in Isle of Wight County[39], times 4) the State Corporation Commission's depreciation guidelines for solar facilities, times 5) Isle of Wight County's real property tax rate of $0.85 per $100 of assessed value pursuant to Virginia Code §58.1-2606.

As the data in Table 4 indicate, based on these calculations the estimated additional county revenue from taxation of capital investments associated with the proposed Ho-Fel Solar project would be approximately $66,239 in the project's first year of operation, with that figure projected to decline to approximately $7,360 in the project's 34th year of operation and thereafter, as the value of the proposed capital investments is depreciated, for a cumulative total of approximately $1.7 million.

[33] Derived from Isle of Wight County's Real Estate Assessment database. Excludes value of existing structures because they would be outside of the project footprint.
[34] Data Source: Isle of Wight County website.
[35] Calculated as 199 acres times $15,000.
[36] Residual acreage is assumed to remain in land use program.
[37] Rollback taxes are computed as the difference between the land use value assessment tax and the tax on the fair market value for the affected acreage for five complete tax years plus the current year, including 10 percent simple interest. Does not account for changes in assessment values.
[38] The Virginia Code §58.1-3660 stipulates that solar facilities over 20 MW and less than 150 MW for which an interconnection request was filed between July 1, 2018 - December 31, 2018 are subject to an 80 percent exemption from local property taxes.
[39] Average of county's locality ratios of the previous five years. Values shown rounded to two digits.

Table 4: Estimated County Revenue Generated by the Proposed Solar Investment over 40 Years

Year	Total Capital Investment subject to Exemption[40]	Less Exemption[41]	Capital Investment Less Exemption[42]	Depreciation[43]	Depreciated Value of Taxable Capital Investment	Additional Annual County Tax Revenue Solar Investment[44]
1	$46,834,218	80%	$8,658,710	90.0%	$7,792,839	$66,239
2	$46,834,218	80%	$8,658,710	90.0%	$7,792,839	$66,239
3	$46,834,218	80%	$8,658,710	90.0%	$7,792,839	$66,239
4	$46,834,218	80%	$8,658,710	90.0%	$7,792,839	$66,239
5	$46,834,218	80%	$8,658,710	90.0%	$7,792,839	$66,239
6	$46,834,218	80%	$8,658,710	90.0%	$7,792,839	$66,239
7	$46,834,218	80%	$8,658,710	90.0%	$7,792,839	$66,239
8	$46,834,218	80%	$8,658,710	90.0%	$7,792,839	$66,239
9	$46,834,218	80%	$8,658,710	89.7%	$7,765,997	$66,011
10	$46,834,218	80%	$8,658,710	88.2%	$7,634,385	$64,892
11	$46,834,218	80%	$8,658,710	86.6%	$7,494,980	$63,707
12	$46,834,218	80%	$8,658,710	84.9%	$7,347,781	$62,456
13	$46,834,218	80%	$8,658,710	83.1%	$7,191,925	$61,131
14	$46,834,218	80%	$8,658,710	81.1%	$7,025,677	$59,718
15	$46,834,218	80%	$8,658,710	79.1%	$6,849,906	$58,224
16	$46,834,218	80%	$8,658,710	77.0%	$6,663,743	$56,642
17	$46,834,218	80%	$8,658,710	74.7%	$6,466,325	$54,964
18	$46,834,218	80%	$8,658,710	72.3%	$6,257,650	$53,190
19	$46,834,218	80%	$8,658,710	69.7%	$6,035,121	$51,299

[40] Data Source: Pine Gate Renewables

[41] Pursuant to Virginia Code §58.1-3660, solar facilities over 20 MW and less than 150 MW are subject to an 80 percent exemption from local property taxes if the interconnection request was filed between July 1, 2018 and December 31, 2018.

[42] Accounts for the State Corporation Commission's five-year average utility assessment ratio of 0.92 for taxation of public utilities in Isle of Wight County (value shown rounded to second digit).

[43] Data Source: State Corporation Commission guidelines.

[44] Calculated pursuant to Virginia Code §58.1-2606 which stipulates that capital equipment owned by utilities is taxed as real property and the local tax rate on that capital equipment would be capped at Isle of Wight County's real property tax rate of $0.85 per $100 of assessed value.

Table 4: Estimated County Revenue Generated by the Proposed Solar Investment over 40 Years

Year	Total Capital Investment subject to Exemption[40]	Less Exemption[41]	Capital Investment Less Exemption[42]	Depreciation[43]	Depreciated Value of Taxable Capital Investment	Additional Annual County Tax Revenue Solar Investment[44]
20	$46,834,218	80%	$8,658,710	67.0%	$5,800,470	$49,304
21	$46,834,218	80%	$8,658,710	64.1%	$5,551,099	$47,184
22	$46,834,218	80%	$8,658,710	61.1%	$5,287,008	$44,940
23	$46,834,218	80%	$8,658,710	57.8%	$5,007,332	$42,562
24	$46,834,218	80%	$8,658,710	54.4%	$4,710,338	$40,038
25	$46,834,218	80%	$8,658,710	50.8%	$4,396,027	$37,366
26	$46,834,218	80%	$8,658,710	46.9%	$4,061,801	$34,525
27	$46,834,218	80%	$8,658,710	42.8%	$3,708,526	$31,522
28	$46,834,218	80%	$8,658,710	38.5%	$3,333,603	$28,336
29	$46,834,218	80%	$8,658,710	33.9%	$2,937,035	$24,965
30	$46,834,218	80%	$8,658,710	29.1%	$2,515,355	$21,381
31	$46,834,218	80%	$8,658,710	23.9%	$2,069,432	$17,590
32	$46,834,218	80%	$8,658,710	18.4%	$1,596,666	$13,572
33	$46,834,218	80%	$8,658,710	12.7%	$1,095,327	$9,310
34	$46,834,218	80%	$8,658,710	10.0%	$865,871	$7,360
35	$46,834,218	80%	$8,658,710	10.0%	$865,871	$7,360
36	$46,834,218	80%	$8,658,710	10.0%	$865,871	$7,360
37	$46,834,218	80%	$8,658,710	10.0%	$865,871	$7,360
38	$46,834,218	80%	$8,658,710	10.0%	$865,871	$7,360
39	$46,834,218	80%	$8,658,710	10.0%	$865,871	$7,360
40	$46,834,218	80%	$8,658,710	10.0%	$865,871	$7,360
Cumulative Total						**$1,676,262**

**Totals many not sum due to rounding.*

Scenario 1: Total Fiscal Impact

Table 5 combines the results from the calculations depicted in Tables 3 and 4 to provide an estimate of the cumulative fiscal contribution that the proposed Ho-Fel Solar project would make to Isle of Wight County over its 40-year anticipated operational life under Scenario 1. As these data indicate, that cumulative total is approximately $2.8 million.

Table 5: Estimated Cumulative County Revenue from the Proposed Ho-Fel Solar Project over 40 Years under Scenario 1

County Real Estate Tax	$1,145,072
County Revenue from Taxation of Capital Investments	$1,676,262
Total Cumulative Revenue over 40 Years	**$2,821,334**

Scenario 1: Composite Index

This portion of the section presents an analysis of the hypothetical upper limit of the impact that the proposed Ho-Fel Solar project could have on Isle of Wight County's Composite Index, the index that the Virginia Department of Education uses to assess the locally funded portion of a locality's school budget based on "ability to pay." This analysis is included in the report because it has been a perceived issue in some localities in Virginia when proposed solar projects have been considered.

Each locality's Composite Index is based on three factors – the locality's total real property tax base, total adjusted real income, and total taxable retail sales. Of these, the total real property tax base receives the highest weight. Therefore, hypothetically, a large capital investment such as a solar facility could increase a locality's Composite Index and thereby increase the required local contribution to the county's school budget. However, there are two important issues to keep in mind when evaluating the likely impact of a solar project on a locality's Composite Index.

First, when calculating a locality's Composite Index, solar projects are treated no differently than manufacturing facilities, residential neighborhoods, or any other large capital investment. The part of the investment that is taxable is included in the real property tax base portion of the calculation. Pursuant to Virginia Code §58.1-3660, that means for solar facilities over 20 MW and under 150 MW the 20 percent of the investment that is taxable is considered in the Composite Index, and only that 20 percent.

Second, changes in a locality's Composite Index are driven by changes in a locality's total real property tax base (along with total adjusted real income and total taxable retail sales) relative to the changes in all Virginia localities total real property tax base (along with total adjusted real income and total taxable retail sales). As a result, for any one capital investment to have an impact on a locality's Composite Index, it would have to drive a percentage change in the locality's total real property tax base that was larger than the percentage change in the total real property tax base across all Virginia localities.

Between the Virginia Department of Education's 2020-22 and 2022-24 Composite Index calculations, the total real property tax base across all Virginia localities increased by 8.8 percent. Even after accounting for both the capital investment in the project itself and the increased property value assessments associated with rezoning the property to solar use, the proposed Ho-Fel Solar project would only drive a 0.2 percent increase in Isle of Wight County's total real property tax base. This means that, in and of itself, it is unlikely the proposed Ho-Fel Solar project would effect a meaningful change in Isle of Wight County's Composite Index.

Scenario 2: Revenue Share Ordinance

The following section describes the additional annual revenue that the proposed Ho-Fel Solar project would generate for Isle of Wight County assuming the county adopts an energy revenue share ordinance under Virginia Code §58.1-2636 in lieu of taxes on capital investment. This statute currently stipulates that a locality may assess an annual revenue share of up to $1,400 per megawatt (MW) alternating current (AC) generation capacity of a solar facility. However, legislation that was passed in the 2021 General Assembly (SB 1201/HB 2006) and went into effect July 1, 2021, allows a 10 percent escalator to be applied to the $1,400 per MW revenue share every five years, beginning in 2026.

Table 6 details the revenue generated from a revenue share ordinance between Ho-Fel Solar and Isle of Wight County including the 10 percent escalator. Based on a total generation capacity of 40 MW AC and an assumed commissioning date in June 2024, a revenue share ordinance would generate approximately $3.4 million over the anticipated 40-year operational life of the project.

Table 6: Estimated County Revenue Generated from a Revenue Share Ordinance over 40 Years

Year	MW	Revenue Share per MW with Escalator	Annual County Revenue
1	40	$1,400	$56,000
2	40	$1,400	$56,000
3	40	$1,540	$61,600
4	40	$1,540	$61,600
5	40	$1,540	$61,600
6	40	$1,540	$61,600
7	40	$1,540	$61,600
8	40	$1,694	$67,760
9	40	$1,694	$67,760
10	40	$1,694	$67,760
11	40	$1,694	$67,760
12	40	$1,694	$67,760
13	40	$1,863	$74,536
14	40	$1,863	$74,536
15	40	$1,863	$74,536
16	40	$1,863	$74,536
17	40	$1,863	$74,536
18	40	$2,050	$81,990
19	40	$2,050	$81,990

Year	MW	Revenue Share per MW with Escalator	Annual County Revenue
20	40	$2,050	$81,990
21	40	$2,050	$81,990
22	40	$2,050	$81,990
23	40	$2,255	$90,189
24	40	$2,255	$90,189
25	40	$2,255	$90,189
26	40	$2,255	$90,189
27	40	$2,255	$90,189
28	40	$2,480	$99,207
29	40	$2,480	$99,207
30	40	$2,480	$99,207
31	40	$2,480	$99,207
32	40	$2,480	$99,207
33	40	$2,728	$109,128
34	40	$2,728	$109,128
35	40	$2,728	$109,128
36	40	$2,728	$109,128
37	40	$2,728	$109,128
38	40	$3,001	$120,041
39	40	$3,001	$120,041
40	40	$3,001	$120,041
Cumulative Total			**$3,394,172**

Scenario 2: Total Fiscal Impact

Table 7 combines the results from the calculations depicted in Tables 3 and 6 to provide an estimate of the cumulative fiscal contribution that the proposed Ho-Fel Solar project would make to Isle of Wight County over its 40-year anticipated operational life under Scenario 2. As these data indicate, that cumulative total is approximately $4.5 million.

Table 7: Estimated Cumulative County Revenue from the Proposed Ho-Fel Solar Project over 40 Years under Scenario 2

County Real Estate Tax	$1,145,072
County Revenue from Revenue Share Ordinance	$3,394,172
Total Cumulative Revenue over 40 Years	**$4,539,244**

Scenario 2: Composite Index

Under a revenue share ordinance, by statute capital investment from the project has no impact on the locality's Composite Index.

Current Agricultural Use

This section provides a benchmark for the previous estimates of the contribution that the proposed Ho-Fel Solar project would make to Isle of Wight County by estimating the economic and fiscal contribution that the site makes to the county in its current agricultural use.

Assumptions

The analysis is based on the following assumptions:

- The proposed Ho-Fel Solar project would purchase approximately 411 acres of agricultural land of which approximately 258 acres are currently used for the agricultural production of row crops and the remaining acreage is wooded or contains wetlands.[45]
- The weighted average annual revenue per acre for the agricultural production on the parcels is approximately $524.[46]
- The current assessment value of the purchased acreage is approximately $610,128.[47]

Results – Economic Impact

Applying these assumptions in the IMPLAN model results in the following estimates of annual economic impact. As shown in Table 8, in an agricultural production use, the proposed Ho-Fel Solar project site on average directly supports approximately: 1) 2 jobs, 2) $20,200 in labor income, and 3) $135,200 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) 2 jobs, 2) $42,500 in labor income, and 3) $191,100 in economic output.

Table 8: Total Estimated Annual Economic Impact of the Ho-Fel Solar Project Site on Isle of Wight County – Current Agricultural Use

Economic Impact	Employment	Labor Income	Output
1st Round Direct Economic Activity	2	$20,200	$135,200
2nd Round Indirect and Induced Economic Activity	< 1	$22,300	$55,900
Total Economic Activity	**2**	**$42,500**	**$191,100**

**Totals may not sum due to rounding.*

[45] Data Source: Pine Gate Renewables.
[46] Data Source: Estimated based on data from the U.S. Department of Agriculture 2017 Census and IMPLAN Group, LLC for the production of corn, soybeans, cotton, and peanuts Isle of Wight County.
[47] Data Source: Derived from Isle of Wight County's Real Estate Assessment database. Estimated assessed value of purchased acreage excluding existing structures because they would be outside of the project footprint.

Results – Fiscal Impact

Table 9 details the estimated tax revenue that the proposed Ho-Fel Solar site generates for Isle of Wight County in its current agricultural use. As the data in Table 9 indicate, the current county real estate tax revenue from the project site is estimated to be approximately $5,186 per year, for a cumulative total of approximately $207,443 over 40 years.

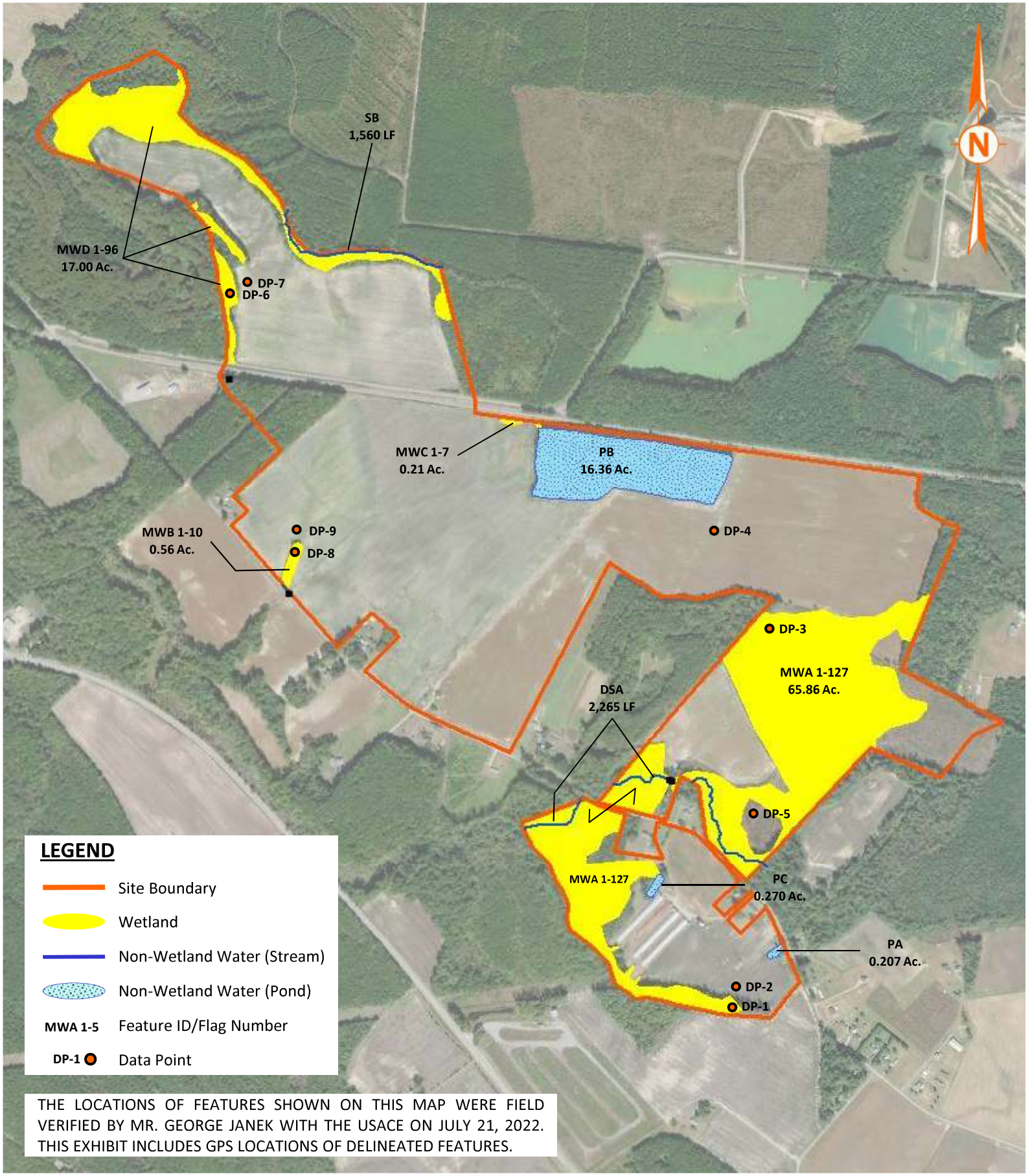
Table 9: Estimated County Revenue Generated by the Proposed Ho-Fel Solar Project Site over 40 Years from Real Estate Taxes – Current Agricultural Use

Estimated Assessed Value of Property – Agricultural Use[48]	$610,128
Isle of Wight County Current Real Estate Tax Rate	0.0085
Annual County Real Estate Tax – Agricultural Use	$5,186
Total Cumulative Revenue over 40 years	**$207,443**

**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 that information. However, because these estimates attempt to foresee circumstances that have not yet occurred, it is not possible to provide any assurance that they will be representative of actual events. These estimates are intended to provide a general indication of likely future outcomes and should not be construed to represent a precise measure of those outcomes.

[48] Data Source: Derived from Isle of Wight County's Real Estate Assessment database. Excludes value of existing structures as they would be outside of the project footprint.



THE LOCATIONS OF FEATURES SHOWN ON THIS MAP WERE FIELD VERIFIED BY MR. GEORGE JANEK WITH THE USACE ON JULY 21, 2022. THIS EXHIBIT INCLUDES GPS LOCATIONS OF DELINEATED FEATURES.

Drawing 5
Aerial Imagery from ESRI
and Pilot GPS Data
Scale: 1" = 1,000'
Date: 7.22.22

PILOT ENVIRONMENTAL, INC

Wetland Map
Ho-Fel Solar
Approximate 414-Acre Tract
Franklin, Isle of Wight County, VA
Pilot Project 5876.2

PILOT ENVIRONMENTAL, INC

February 23, 2022

Mr. Drew Chandler
Pine Gate Renewables, LLC
130 Roberts Street
Asheville, North Carolina 28801

Reference: Threatened and Endangered Species Review
Ho-Fel Solar
Approximate 414-Acre Tract
Lees Mill Road
Franklin, Isle of Wight County, Virginia
Pilot Project 5876.2

Dear Mr. Chandler:

Pilot Environmental, Inc. (Pilot) is pleased to submit this report of the Threatened and Endangered Species Review for the approximate 414-acre tract located on Lees Mill Road in Franklin, 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

Congress passed the Endangered Species Act (ESA or "Act") in 1973. The purpose of the ESA is to protect and recover imperiled species and the ecosystems upon which they depend. It is administered by the U.S. Fish and Wildlife Service (USFWS) and the Commerce Department's National Marine Fisheries Service (NMFS). The USFWS has primary responsibility for terrestrial and freshwater organisms, while the responsibilities of the Commerce Departments NMFS are mainly marine wildlife. Under the ESA, federally protected species may be listed as either endangered or threatened. "Endangered" means a species is in danger of extinction throughout all or a significant portion of its range. "Threatened" means a species is likely to become endangered within the foreseeable future. All species of plants and animals, except pest insects, are eligible for listing as endangered or threatened. For the purposes of the ESA, Congress defined species to include subspecies, varieties, and, for vertebrates, distinct population segments.

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 Threatened and Endangered Species Review for the approximate 414-acre tract located on Lees Mill Road in Franklin, Isle of Wight County, Virginia. The site includes three parcels (or portions) identified by the Isle of Wight County Geographical Information System (GIS) as Parcel Identification Numbers (PINs) 69-01-087, 69-01-086, and 71-01-022. The site is being evaluated for proposed development with a solar farm. The purpose of the Threatened and Endangered Species Review is to identify the potential for impact to federally protected and state-listed threatened and endangered species. The scope of services included a field reconnaissance, a review of available literature, and a submittal of relevant site information to solicit comments from the Virginia Department of Conservation and Recreation (DCR) and the USFWS. 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.

Site Reconnaissance

Pilot personnel conducted the site visit on January 28, 2022. The southern portion of the site is developed with poultry houses and several outbuildings. A small cemetery is located proximate to the poultry houses. Two dilapidated agricultural sheds are located on the southern-central portion of the site. The remainder of the site contains undeveloped wooded land and agricultural fields. A railroad track and water line easement cross the northern portion of the site and Lees Mill Road transects the southern portion of the site.

Approximately 65% of the site contains fields that are routinely cultivated for cotton and soybean production. The agricultural fields were not planted at the time of our site visit and are dominated by low-lying grasses, clover and remnants of harvested soybeans and cotton.

Approximately 15% of the site contains wooded land that was harvested approximately 10 years ago. The resulting conditions are dense scrub-shrub vegetation typical of a forested cutover, the

majority of which is a wetland flat. Approximately 5% of the site consists of an abandoned mill pond that has converted to a cypress swamp. Approximately 5% of the site consists of a bottomland hardwood forested wetland. Approximately 5% of the site contains a 20-year old managed pine forest. The remainder of the site consists of farm ponds, a quarry pond and small clumps of trees. The quarry pond is approximately 16 acres and does not appear to be connected to downgradient waters.

Lees Millpond is located on the northern portion of the site and an unnamed tributary to the Blackwater River crosses the southern portion of the site. Forested wetlands are located within Lees Millpond, adjacent to the tributary and within forested flats across the site. Lees Millpond consists of a cypress swamp with inundated conditions. The remainder of the wetlands consist of forested, scrub shrub or emergent vegetation with saturated conditions. The attached Wetland Map (Drawing 3) shows the approximate locations of streams, wetlands and ponds located on the site.

Federal and State Listed Threatened and Endangered Species

Database Review

The project location was entered into the USFWS Information for Planning and Conservation (IPaC) online mapping system to obtain a species list that identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat that may occur within the project boundary. The IPaC Report and associated Official Species List (dated February 22, 2022) is included as an attachment. The following Species Conclusion Table was developed based on our review of the IPaC report.

Species Conclusions Table Project Name: Ho-Fel Solar Date: January 22, 2022				
Species / Resource Name	**Habitat/Species Presence in Action Area**	**Sources of Info**	**ESA Section 7 Determination**	**Project Elements that Support Determination**
Northern Long-eared Bat *Myotis septentrionalis*		Dkey	Covered by 4(d) Rule	
Monarch Butterfly *Danaus plexippus*			Not required	Candidate species – the project would be expected to increase the amount of suitable habitat as solar farms use less intensive and lower frequency maintenance practices that promote native pollinators, than the existing intensive management of the site for crop production.
Critical Habitat	No critical habitat present		No effect	

Additionally, the Essential Fish Habitat (EFH) mapper was reviewed for species that are under the sole jurisdiction of the NMFS. Marine species that occur on or proximate to the site are not identified on the EFH report. A copy of the EFH map report is included as an attachment.

Virginia DWR Known Wildlife Species and Habitat

Pilot reviewed data available through the Virginia Department of Wildlife Resources (DWR) Wildlife Environmental Review Map Service (WERMS) via ArcGIS on February 22, 2022. The review area included the site and a two-mile radius of the site boundary. Federal listed species are not identified on the site or within two miles of the site. State listed species are not identified on the site. Rafinesque's eastern big-eared bat, a state listed species, is identified approximately 2 miles southeast 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 23 species likely to occur within two miles of the site centroid as threatened or endangered at the state and/or federal levels. Of the 23 species, there are no documented occurrences identified on the site or within the two-mile radius. A copy of the FWIS report is included as an attachment.

Northern Long-Eared Bat (*Myotis septentrionalis*) Determination

Pilot reviewed the VDGIF WERMS data and NLEB Winter Habitat and Roost Tree Application for known NLEB occurrences, hibernacula, and roost trees on or proximate to the site. Based on a review of the NLEB Winter Habitat and Roost Trees Map, the nearest confirmed hibernacula and/or maternity sites are located more than 40 miles east of the site. Based on a review of the VDGIF WERMS shapefiles (Feature Class: SppObs Enviro Review Listed, obtained February 22, 2022), there are no known occurrences of NLEB within two miles of the site. Additionally, Pilot did not observe hibernacula on the site. Wooded areas and mature trees that could afford suitable summer roosting habitat are present on the site. Similar habitat was observed on adjoining properties. Based on the distance from known roost trees and availability of similar suitable habitat near the site, we have made the determination that the proposed project is not likely to adversely affect this species. Based on the USFWS NLEB Consistency letter for the project, any "take" of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). The NLEB Location and Roost Tree maps as well as the NLEB Consistency Letter are included as attachments.

Monarch Butterfly (*Danaus plexippus*)

The monarch butterfly is identified by the IPaC report as a candidate species for listing. Although the provisions of Section 7 of the ESA do not currently apply to candidate species or other non-listed pollinators, the service recommends avoiding impacts to the monarch butterfly and assisting in the protection and reestablishment of the butterfly and its habitat by use of seeds

native to natural communities for soil stabilization or revegetation of disturbed areas during project construction.

Eagle Act Determination

Pilot reviewed data available through VDGIF WERMS, the Virginia Field Office's Bald Eagle Map Tool, and the CCB VA Eagle Nest and Eagle Roost Locators to identify known bald eagle (*Haliaeetus leucocephalus*) populations, nesting sites, and roosts. Bald eagle nest and roost sites are not identified on or within 2 miles of the site. Therefore, the proposed project is not likely to disturb the bald eagle. Copies of the Virginia Field Office's Bald Eagle Concentration Areas, the CCB Bald Eagle Nest Locator, and the CCB Bald Eagle Roost Locator maps are included as attachments.

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 26 miles east of the site (Drawing 4).

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 5). Therefore, mitigation for CAPZ is not proposed.

Virginia DCR Correspondence

Pilot submitted a request to the DCR for review and comment of the proposed project. The DCR response indicates that "according to predicted suitable habitat modeling, there is potential for Eastern big-eared bat (*Corynorhinus rafinesquii macrotis*, G3G4T3/S2/NL/LE) to occur in the project area if suitable habitat exists on site." The DCR recommends avoiding tree removal in bottomland habitats and assessing any large potential roost trees and/or abandoned structures on the property for bat presence/absence. DCR also recommends coordination with DWR if removal of potential roost habitat for the Eastern big-eared bat becomes necessary to ensure compliance with the Virginia Endangered Species Act (VA ST §§ 29.1-563 570).

Additionally, the response indicates that the proposed project may fragment Ecological Cores (C4, C5) as identified in the Virginia Natural Landscape Assessment. Ecological Cores are areas of unfragmented natural cover with at least 100 acres of interior that provide habitat for a wide range of species. The DCR recommends efforts to minimize edge in remaining fragments, retain

natural corridors that allow movement between fragments, and design the intervening landscape to minimize its hostility to native wildlife. A copy of the DCR response letter is included as an attachment.

USFWS Correspondence

In accordance with the ESA, in the event that the Section 7 determination for all species (except the NLEB under the final 4(D) rule) and critical habitat is either "no effect" or "not likely to adversely affect" and the Eagle Act determination is "no Eagle Act permit required," then federal agencies are not required to contact the USFWS or provide documentation for "no effect" and/or "no Eagle Act permit required" determinations. For "not likely to adversely affect" determinations," federal agencies are required to submit a copy of the online project review certification letter and the project review package with all requested information as indicated by the USFWS to complete consultation requirements. Non-federal applicants must submit a copy of the USFWS Self-Certification Letter and project review package to the USFWS for the Self-Certification Letter to be valid.

At this time, Pilot is not aware of a federal nexus associated with the proposed project. Based on the Section 7/Eagle Act determinations, Pilot submitted the Self-Certification Letter with the project review package including the Species Conclusions Table provided above to the USFWS. To date, the USFWS has not provided comments or concerns pertaining to the proposed project. A copy of the Self-Certification Letter is included as an attachment.

Conclusions and Opinions

A "may affect, not likely to adversely affect" determination was concluded for the NLEB. Based on a review of the NLEB Winter Habitat and Roost Trees Map and VDGIF WERMS data, the nearest confirmed hibernacula and/or maternity sites are located more than 40 miles east of the site, and there are no known occurrences of NLEB within two miles of the site. Pilot did not observe hibernacula on the site. Wooded areas that could afford suitable summer roosting habitat are present on the site. Similar habitat was observed on adjoining properties. Based on the distance from known roost trees and availability of similar suitable habitat near the site, we have made the determination that the proposed project is not likely to adversely affect this species. Therefore, if tree clearing is completed within the pup season (June 1 to July 31), reliance on the Final 4d Rule is necessary to fulfill Section 7 requirements. Based on the USFWS NLEB Consistency letter for the project, any "take" of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o).

The DCR indicates that there is potential for eastern big-eared bat, a state listed species, to occur in the project area if suitable habitat exists on site. The WERMS report identifies the eastern big-eared bat, a state listed species, approximately 2 miles southeast of the site. The WERMS report does not identify known occurrences on or immediately adjacent to the site. The DCR

recommends avoiding tree removal in bottomland habitats and assessing any large potential roost trees and/or abandoned structures on the property for bat presence/absence. DCR also recommends coordination with DWR if removal of potential roost habitat for the Eastern big-eared bat becomes necessary to ensure compliance with the Virginia Endangered Species Act (VA ST §§ 29.1-563 570).

This assessment has revealed that it is not likely for the proposed solar development to adversely affect 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

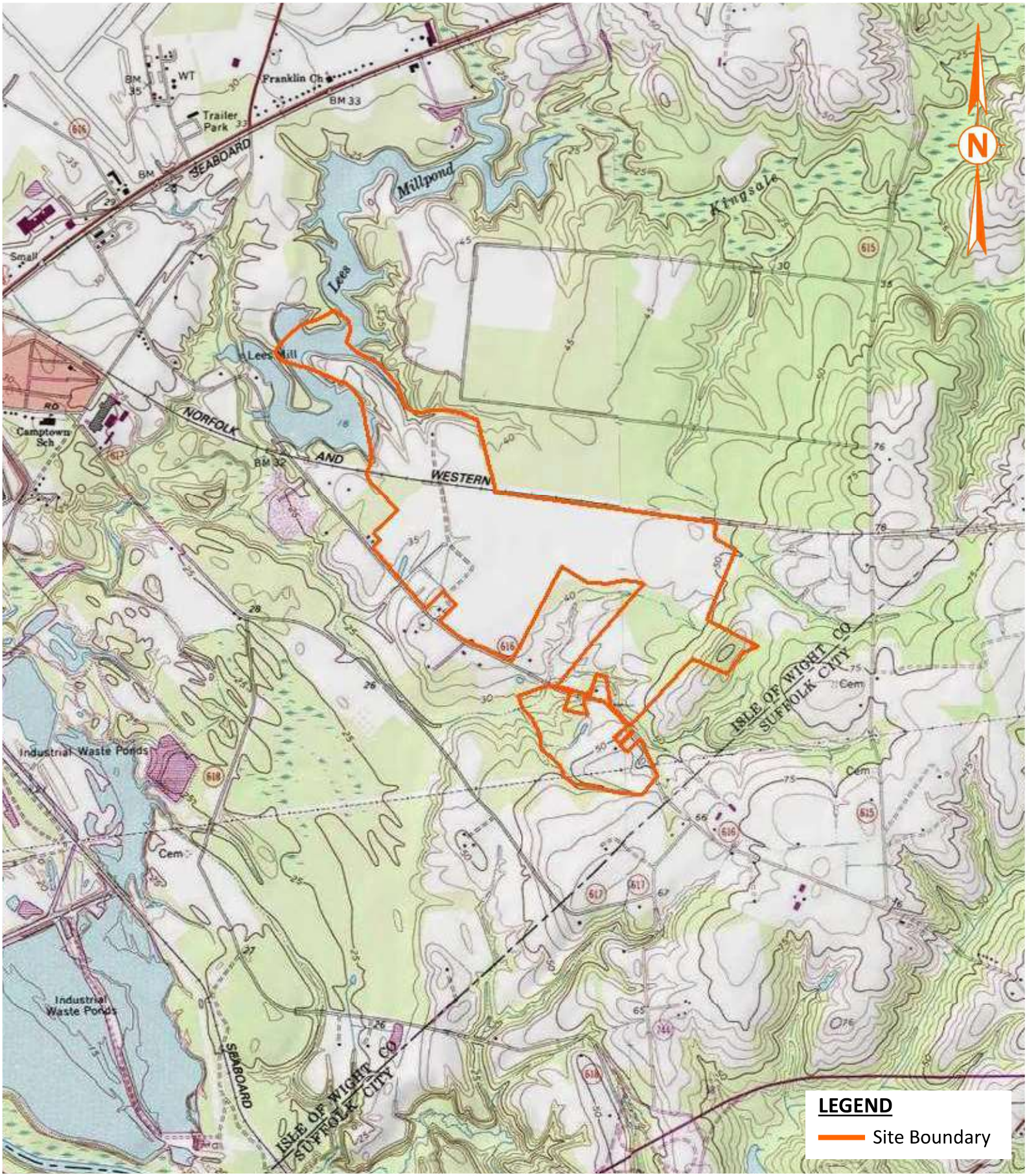
We appreciate the opportunity to provide our services to you. Please contact us at (336) 310-4527 if you have questions or require additional information.

Sincerely,

David S. Brame, PWS
Senior Project Manager

Michael T. Brame, PWS
Principal

Attachments: Drawing 1 – USGS Topographic Map
Drawing 2 – Aerial Photograph Map
Drawing 3 – Wetland Map
Drawing 4 – Sea Turtle Occurrence Map
Drawing 5 – CAPZ Map
IPaC Official Species List Report dated February 22, 2022
EFH Mapper Report
WERMS Species Report (Map and Tables)
DWR FWIS Search Report dated February 22, 2022
NLEB Locations and Roost Trees Maps
USFWS NLEB Consistency letter dated February 22, 2022
Virginia Field Office's Bald Eagle Concentration Areas Map
CCB Bald Eagle Nest Locator Map
CCB Bald Eagle Roost Locator Map
DCR Letter Response dated February 17, 2022
USFWS Self-Certification Letter dated February 22, 2022



Drawing 1
USGS Topographic Map
Franklin and Holland, VA
Quadrangles
Scale: 1" = 2,000'

PILOT
PILOT ENVIRONMENTAL, INC

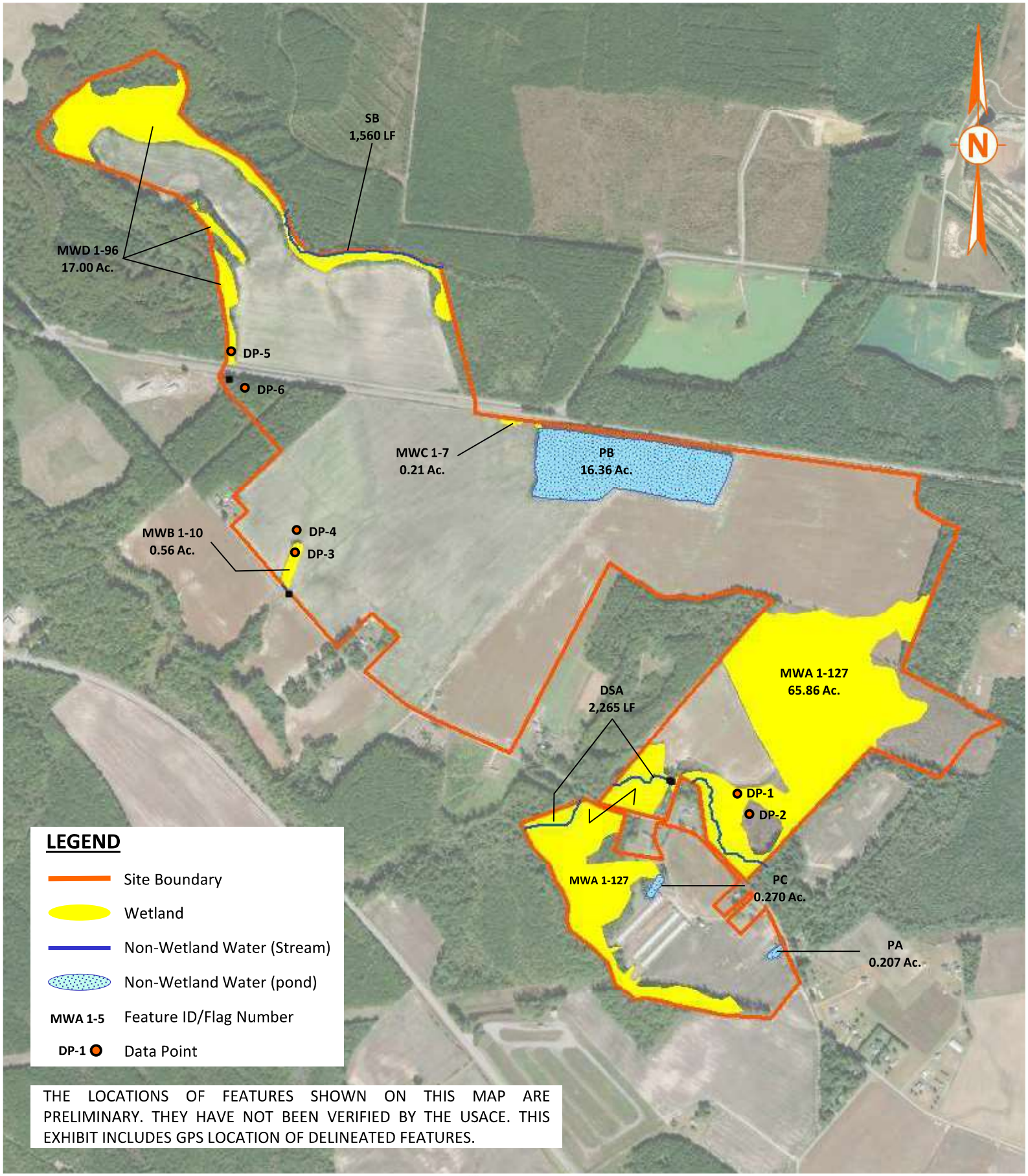
USGS Topographic Map
Ho-Fel Solar
Approximate 414-Acre Tract
Franklin, Isle of Wight County, VA
Pilot Project 5876.2



Drawing 2
2021 Aerial Imagery from ESRI
Scale: 1" = 1,000'

PILOT
PILOT ENVIRONMENTAL, INC

Aerial Photograph Map
Ho-Fel Solar
Approximate 414-Acre Tract
Franklin, Isle of Wight County, VA
Pilot Project 5876.2

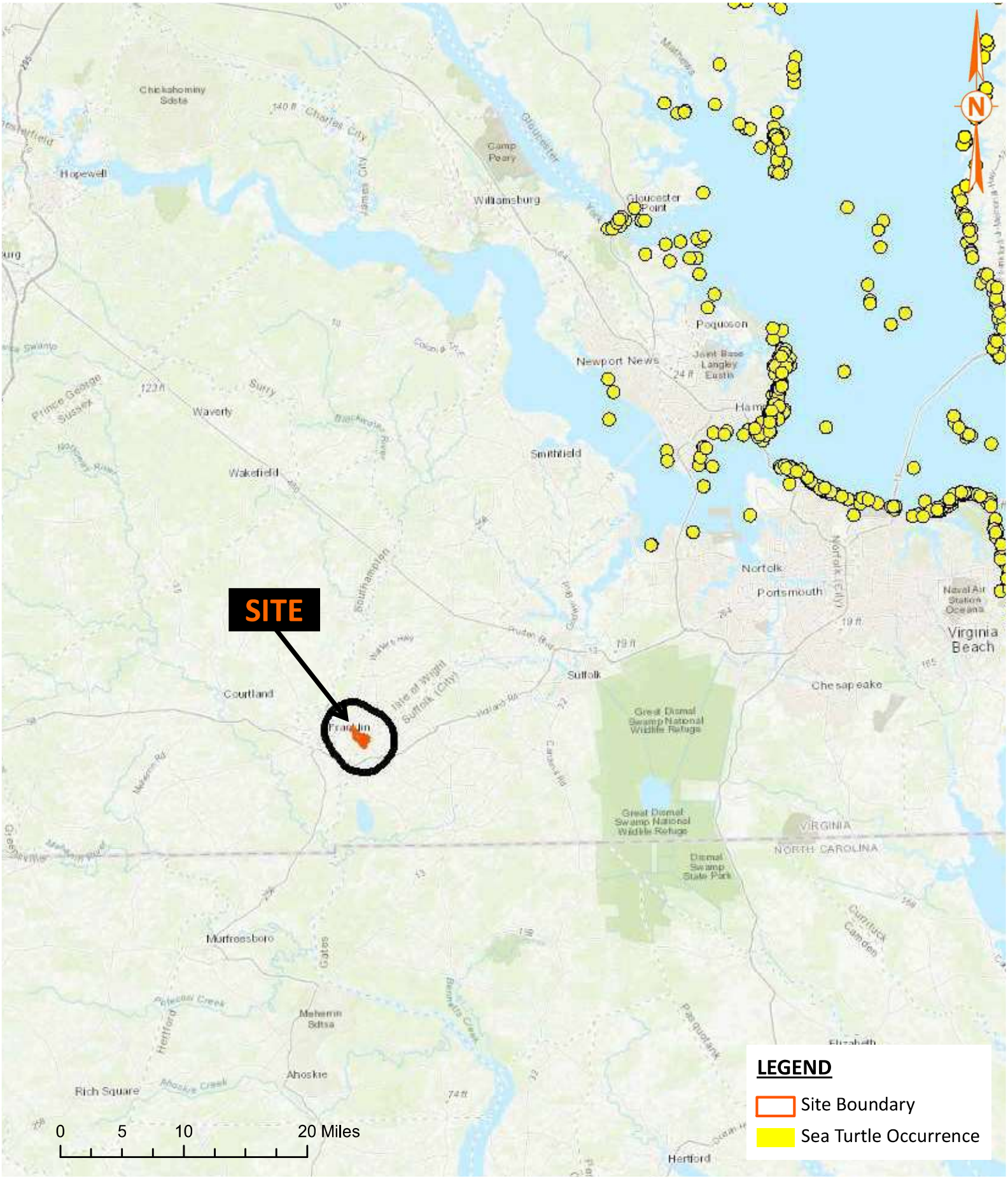


THE LOCATIONS OF FEATURES SHOWN ON THIS MAP ARE PRELIMINARY. THEY HAVE NOT BEEN VERIFIED BY THE USACE. THIS EXHIBIT INCLUDES GPS LOCATION OF DELINEATED FEATURES.

Drawing 3
Aerial Imagery from ESRI
and Pilot GPS Data
Scale: 1" = 1,000'
Date: 6.26.20

PILOT ENVIRONMENTAL, INC

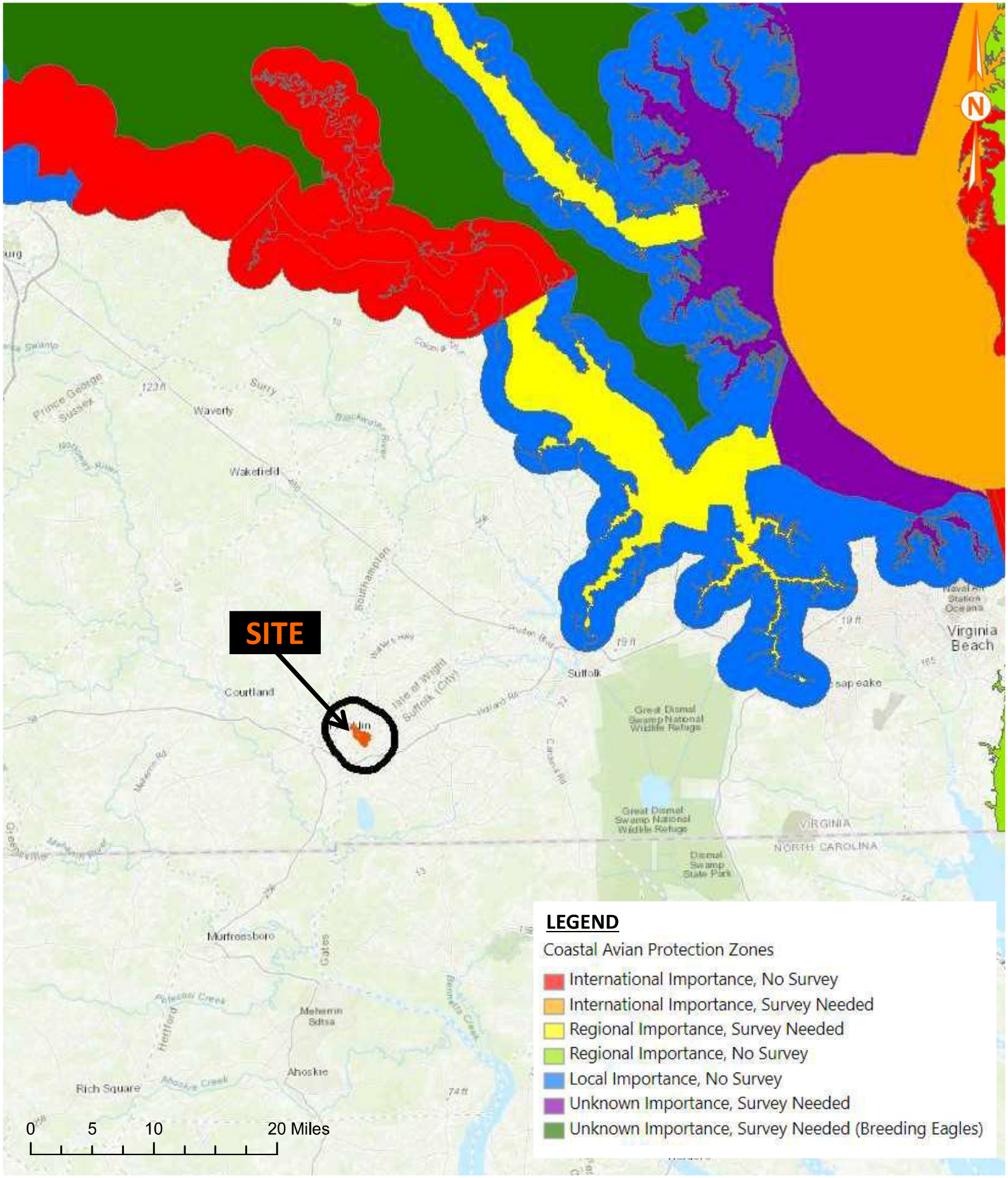
Wetland Map
Ho-Fel Solar
Approximate 414-Acre Tract
Franklin, Isle of Wight County, VA
Pilot Project 5876.2



Drawing 4
VADGIF WERMS Data
Feature Class:
SppObs_Enviro_Review_Listed
Scale as Shown

PILOT
PILOT ENVIRONMENTAL, INC

Sea Turtle Occurrence Map
Ho-Fel Solar
Approximate 414-Acre Tract
Franklin, Isle of Wight County, VA
Pilot Project 5876.2



Drawing 5
Virginia Coastal Zone Management (CZM) Program – Coastal Aviation Protection Zones (CAPZ)

PILOT ENVIRONMENTAL, INC

CAPZ Map
Ho-Fel Solar
Approximate 414-Acre Tract
Franklin, Isle of Wight County, VA
Pilot Project 5876.2

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Virginia Ecological Services Field Office
6669 Short Lane
Gloucester, VA 23061-4410
Phone: (804) 693-6694 Fax: (804) 693-9032
http://www.fws.gov/northeast/virginiafield/

In Reply Refer To:
Project Code: 2022-0011047
Project Name: Ho Fel Solar

February 22, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Any activity proposed on National Wildlife Refuge lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see https://www.fws.gov/birds/policies-and-regulations.php.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Project Code in the header of this

letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Virginia Ecological Services Field Office
6669 Short Lane
Gloucester, VA 23061-4410
(804) 693-6694

Project Summary

Project Code: 2022-0011047
Event Code: None
Project Name: Ho Fel Solar
Project Type: Power Gen - Solar
Project Description: The site is an approximate 414-acre tract that is being considered for development with a solar farm. The timing of the project is unknown but it is anticipated to be constructed in the next 1 to 3 years.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@36.67514235,-76.87999749468933,14z



Counties: Isle of Wight County, Virginia

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Insects

NAME	STATUS
Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

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1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Kestrel *Falco sparverius paulus* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9587	Breeds Apr 1 to Aug 31
Red-headed Woodpecker *Melanerpes erythrocephalus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

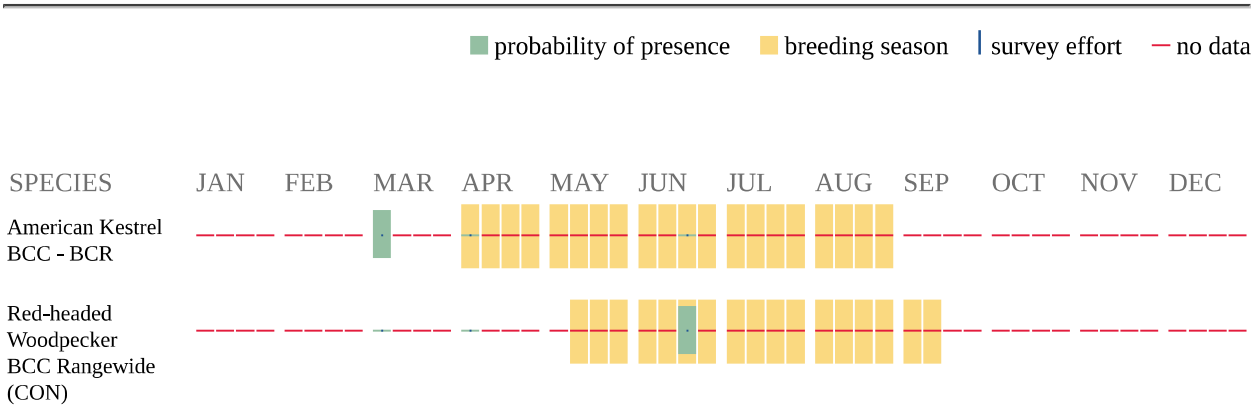
Breeding Season (■)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Measures for avoiding and minimizing impacts to birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Nationwide conservation measures for birds http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding,

and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the AKN Phenology Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?
The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets .

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?
To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?
Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can

implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects
For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?
If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report
The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

IPaC User Contact Information

Name: David Brame
Address: 743 Park Lawn Court
City: Kernersville
State: NC
Zip: 27284
Email dbrame@pilotenviro.com
Phone: 3363104527

EFH Mapper Report

EFH Data Notice

Essential Fish Habitat (EFH) is defined by textual descriptions contained in the fishery management plans developed by the regional fishery management councils. In most cases mapping data can not fully represent the complexity of the habitats that make up EFH. This report should be used for general interest queries only and should not be interpreted as a definitive evaluation of EFH at this location. A location-specific evaluation of EFH for any official purposes must be performed by a regional expert. Please refer to the following links for the appropriate regional resources.

Greater Atlantic Regional Office
Atlantic Highly Migratory Species Management Division

Query Results

Degrees, Minutes, Seconds: Latitude = 36º 40' 16" N, Longitude = 77º 7' 31" W
Decimal Degrees: Latitude = 36.671, Longitude = -76.875

The query location intersects with spatial data representing EFH and/or HAPCs for the following species/management units.

*** W A R N I N G ***

Please note under "Life Stage(s) Found at Location" the category "ALL" indicates that all life stages of that species share the same map and are designated at the queried location.

EFH

No Essential Fish Habitats (EFH) were identified at the report location.

Salmon EFH

No Pacific Salmon Essential Fish Habitat (EFH) were identified at the report location.

HAPCs

No Habitat Areas of Particular Concern (HAPC) were identified at the report location.

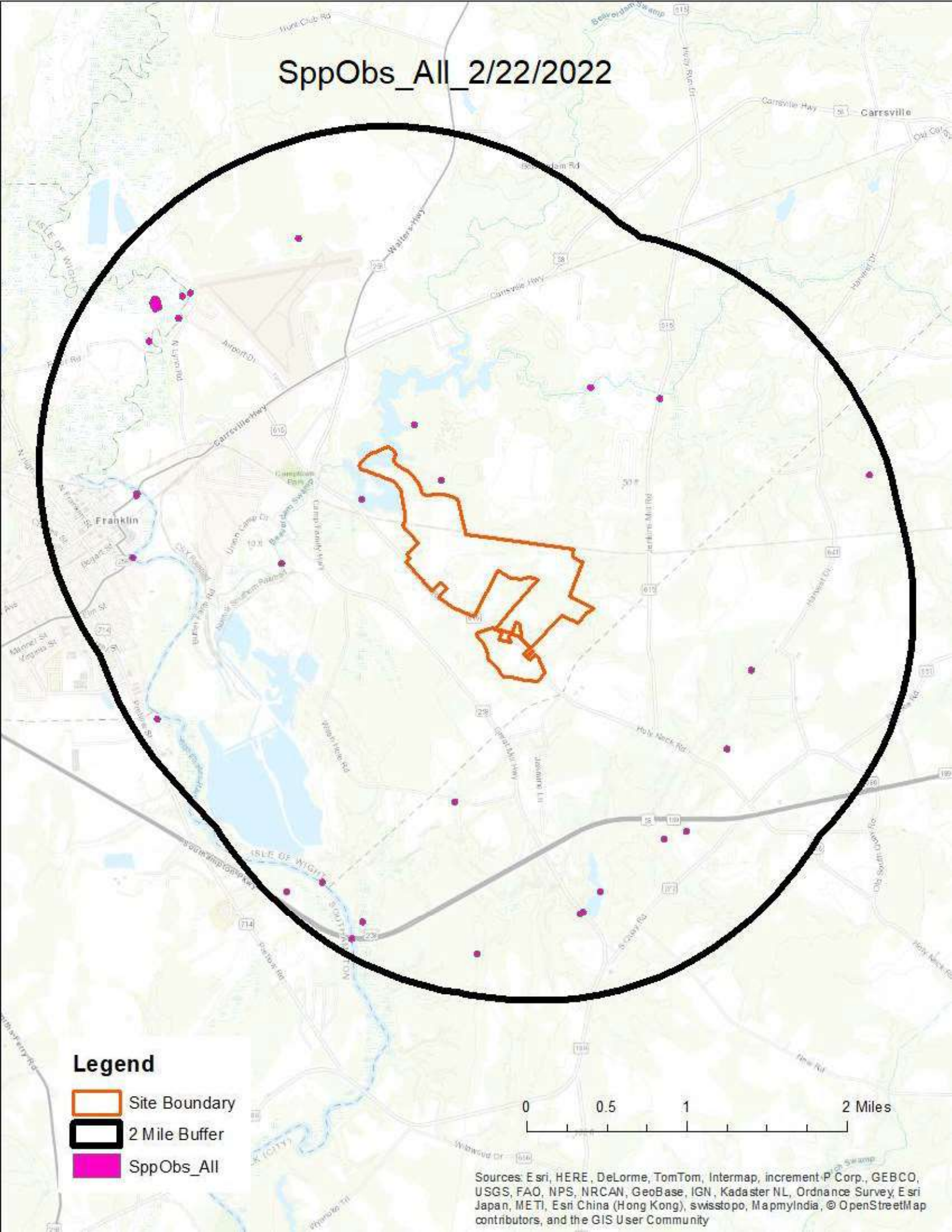
EFH Areas Protected from Fishing

No EFH Areas Protected from Fishing (EFHA) were identified at the report location.

Spatial data does not currently exist for all the managed species in this area. The following is a list of species or management units for which there is no spatial data.
****For links to all EFH text descriptions see the complete data inventory: open data inventory -->**

Spatial data does not currently exist for all the managed species in this area. The following is a list of species or management units for which there is no spatial data.
****For links to all EFH text descriptions see the complete data inventory: open data inventory -->**

All spatial data is currently available for the Mid-Atlantic and New England councils,
Secretarial EFH,
Bigeye Sand Tiger Shark,
Bigeye Sixgill Shark,
Caribbean Sharpnose Shark,
Galapagos Shark,
Narrowtooth Shark,
Sevengill Shark,
Sixgill Shark,
Smooth Hammerhead Shark,
Smalltail Shark


SppObs_All_2/22/2022
Legend
Site Boundary
2 Mile Buffer
SppObs_All
0
0.5
1
2 Miles
Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

SppObs_All_2/22/2022

FID	GENUS	SPECIES	COMMON_NAM	FedStatus	StateStatu	ObsDate
0	Kinosternon	baurii	Turtle, striped mud			8/22/1987
1	Sternotherus	odoratus	Turtle, eastern musk			8/22/1987
2	Trachemys	scripta	Slider, yellow-bellied			8/22/1987
3	Chrysemys	picta	Turtle, eastern painted			8/22/1987
4	Pseudemys	rubriventris	Cooter, northern red-bellied			8/22/1987
5	Ameiurus	catus	Catfish, white			9/27/1984
6	Hybognathus	regius	Minnow, eastern silvery			9/27/1984
7	Pomoxis	nigromaculatus	Crappie, black			9/27/1984
8	Gambusia	holbrooki	Mosquitofish, eastern			9/27/1984
9	Esox	americanus	Pickerel, redfin			9/27/1984
10	Lepomis	macrochirus	Bluegill			9/27/1984
11	Amia	calva	Bowfin			9/27/1984
12	Aphredoderus	sayanus	Perch, pirate			9/27/1984
13	Notemigonus	crysoleucas	Shiner, golden			9/27/1984
14	Lepomis	gulosus	Warmouth			9/27/1984
15	Perca	flavescens	Perch, yellow			9/27/1984
16	Lepomis	gibbosus	Pumpkinseed			9/27/1984
17	Anguilla	rostrata	Eel, American			9/27/1984
18	Erimyzon	oblongus	Chubsucker, creek			9/27/1984
19	Ameiurus	natalis	Bullhead, yellow			9/27/1984
20	Oryzomys	palustris	Rat, marsh rice			2/21/1996
21	Ictalurus	punctatus	Catfish, channel			4/16/1996
22	Oryzomys	palustris	Rat, marsh rice			6/16/1995
23	Oryzomys	palustris	Rat, marsh rice			5/14/1996
24	Pseudemys	concinna	Cooter, Coastal Plain			<null>
25	Oryzomys	palustris	Rat, marsh rice			8/23/1995
26	Oryzomys	palustris	Rat, marsh rice			7/25/1995
27	Oryzomys	palustris	Rat, marsh rice			11/28/1995
28	Peromyscus	leucopus	Mouse, common white-footed			6/16/1995
29	Sigmodon	hispidus	Rat, hispid cotton			8/23/1995
30	Sigmodon	hispidus	Rat, hispid cotton			11/28/1995
31	Enneacanthus	gloriosus	Sunfish, bluespotted			7/30/1965

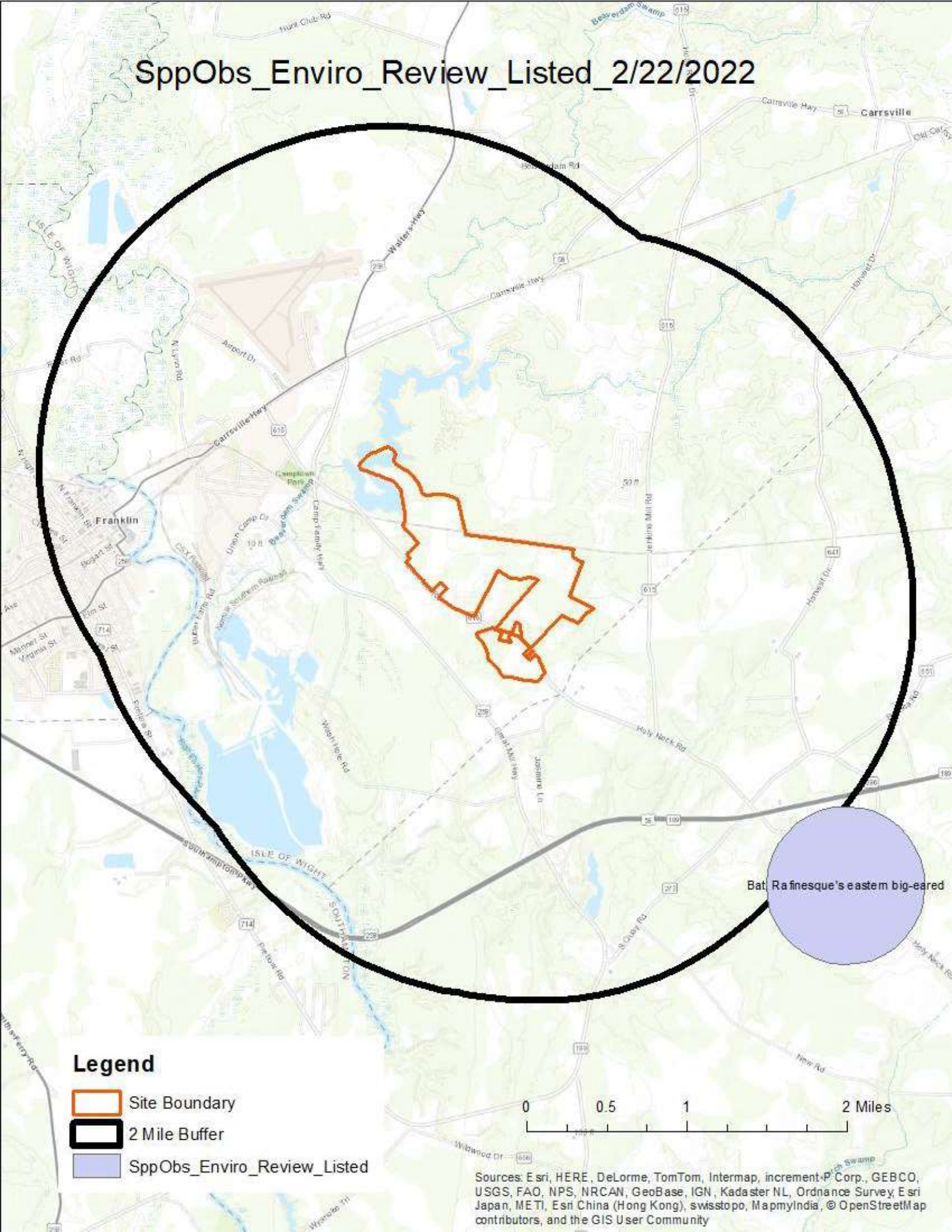
FID	GENUS	SPECIES	COMMON_NAM	FedStatus	StateStatu	ObsDate
32	Micropterus	salmoides	Bass, largemouth			7/30/1965
33	Notemigonus	crysoleucas	Shiner, golden			7/30/1965
34	Dorosoma	cepedianum	Shad, gizzard			7/30/1965
35	Lepomis	gibbosus	Pumpkinseed			7/30/1965
36	Perca	flavescens	Perch, yellow			7/30/1965
37	Lepomis	macrochirus	Bluegill			7/30/1965
38	Esox	niger	Pickerel, chain			7/30/1965
39	Oryzomys	palustris	Rat, marsh rice			9/26/1995
40	Oryzomys	palustris	Rat, marsh rice			3/21/1996
41	Oryzomys	palustris	Rat, marsh rice			5/15/1996
42	Sigmodon	hispidus	Rat, hispid cotton			9/26/1995
43	Lepomis	gibbosus	Pumpkinseed			7/15/1965
44	Ameiurus	nebulosus	Bullhead, brown			7/15/1965
45	Lepomis	macrochirus	Bluegill			7/15/1965
46	Micropterus	dolomieu	Bass, smallmouth			7/15/1965
47	Notemigonus	crysoleucas	Shiner, golden			7/15/1965
48	Oryzomys	palustris	Rat, marsh rice			2/22/1996
49	Oryzomys	palustris	Rat, marsh rice			2/20/1996
50	Centrarchus	macropterus	Flier			7/15/1965
51	Pseudemys	concinna	Cooter, Coastal Plain			<null>
52	Lepomis	macrochirus	Bluegill			5/6/1996
53	Micropterus	salmoides	Bass, largemouth			4/15/1996
54	Oryzomys	palustris	Rat, marsh rice			11/30/1995
55	Ictalurus	punctatus	Catfish, channel			4/10/1996
56	Oryzomys	palustris	Rat, marsh rice			7/26/1995
57	Oryzomys	palustris	Rat, marsh rice			5/16/1996
58	Micropterus	salmoides	Bass, largemouth			4/10/1996
59	Lepomis	macrochirus	Bluegill			4/7/1999
60	Sigmodon	hispidus	Rat, hispid cotton			5/16/1996
61	Oryzomys	palustris	Rat, marsh rice			9/25/1995
62	Oryzomys	palustris	Rat, marsh rice			3/20/1996
63	Peromyscus	leucopus	Mouse, common white-footed			9/25/1995
64	Oryzomys	palustris	Rat, marsh rice			8/24/1995
65	Oryzomys	palustris	Rat, marsh rice			3/19/1996
66	Ameiurus	catus	Catfish, white			5/5/1999
67	Lepomis	macrochirus	Bluegill			4/3/1996
68	Micropterus	salmoides	Bass,			4/3/1996

FID	GENUS	SPECIES	COMMON_NAM	FedStatus	StateStatu	ObsDate
			largemouth			
69	Lepomis	macrochirus	Bluegill			4/6/1999
70	Micropterus	salmoides	Bass, largemouth			4/6/1999
71	Ameiurus	catus	Catfish, white			5/7/1999
72	Notropis	altipinnis	Shiner, highfin			9/27/1999
73	Lepomis	macrochirus	Bluegill			9/27/1999
74	Lepomis	gulosus	Warmouth			9/27/1999
75	Acantharchus	pomotis	Sunfish, mud			9/27/1999
76	Oryzomys	palustris	Rat, marsh rice			7/27/1995
77	Esox	americanus	Pickerel, redfin			9/27/1999
78	Erimyzon	oblongus	Chubsucker, creek			9/27/1999
79	Aphredoderus	sayanus	Perch, pirate			9/27/1999
80	Enneacanthus	gloriosus	Sunfish, bluespotted			9/27/1999
81	Oryzomys	palustris	Rat, marsh rice			6/14/1995
82	Gambusia	holbrooki	Mosquitofish, eastern			9/27/1999
83	Ictalurus	punctatus	Catfish, channel			4/4/1996
84	Enneacanthus	obesus	Sunfish, banded			9/27/1999
85	Esox	niger	Pickerel, chain			9/27/1999
86	Lithobates	catesbeianus	Bullfrog, American			5/24/1987
87	Oryzomys	palustris	Rat, marsh rice			8/22/1995
88	Microtus	pennsylvanicus	Vole, dark meadow			8/22/1995
89	Sigmodon	hispidus	Rat, hispid cotton			8/22/1995
90	Oryzomys	palustris	Rat, marsh rice			6/15/1995
91	Ictalurus	punctatus	Catfish, channel			5/6/1999
92	Ameiurus	catus	Catfish, white			5/6/1999
93	Hyla	chrysoscelis	Treefrog, Cope's gray			5/24/1987
94	Oryzomys	palustris	Rat, marsh rice			11/29/1995
95	Sigmodon	hispidus	Rat, hispid cotton			11/29/1995
96	Ardea	herodias	Heron, great blue			6/1/1993
97	Ardea	herodias	Heron, great blue			6/2/2003
98	Ardea	alba	Egret, great			6/2/2003
99	Perca	flavescens	Perch, yellow			6/28/2004
100	Lepomis	macrochirus	Bluegill			6/28/2004
101	Erimyzon	oblongus	Chubsucker, creek			6/28/2004
102	Amia	calva	Bowfin			6/28/2004

FID	GENUS	SPECIES	COMMON_NAM	FedStatus	StateStatu	ObsDate
103	Esox	niger	Pickerel, chain			6/28/2004
104	Lepomis	macrochirus	Bluegill			4/11/1985
105	Pomoxis	nigromaculatus	Crappie, black			4/11/1985
106	Amia	calva	Bowfin			4/11/1985
107	Micropterus	salmoides	Bass, largemouth			4/11/1985
108	Alosa	aestivalis	Herring, blueback			4/11/1985
109	Esox	niger	Pickerel, chain			4/11/1985
110	Lepisosteus	osseus	Gar, longnose			4/11/1985
111	Cyprinus	carpio	Carp, common			4/11/1985
112	Lepomis	gibbosus	Pumpkinseed			4/11/1985
113	Perca	flavescens	Perch, yellow			4/11/1985
114	Pomoxis	nigromaculatus	Crappie, black			9/27/1984
115	Esox	americanus	Pickerel, redfin			9/27/1984
116	Anguilla	rostrata	Eel, American			9/27/1984
117	Perca	flavescens	Perch, yellow			9/27/1984
118	Lepomis	macrochirus	Bluegill			9/27/1984
119	Lepomis	gibbosus	Pumpkinseed			9/27/1984
120	Amia	calva	Bowfin			9/27/1984
121	Lepomis	gulosus	Warmouth			9/27/1984
122	Gambusia	holbrooki	Mosquitofish, eastern			9/27/1984
123	Notemigonus	crysoleucas	Shiner, golden			9/27/1984
124	Aphredoderus	sayanus	Perch, pirate			9/27/1984
125	Ameiurus	catus	Catfish, white			9/27/1984
126	Erimyzon	oblongus	Chubsucker, creek			9/27/1984
127	Ameiurus	natalis	Bullhead, yellow			9/27/1984
128	Hybognathus	regius	Minnow, eastern silvery			9/27/1984
129	Notemigonus	crysoleucas	Shiner, golden			1/1/1965
130	Lepomis	gibbosus	Pumpkinseed			1/1/1965
131	Lepisosteus	osseus	Gar, longnose			1/1/1965
132	Ameiurus	natalis	Bullhead, yellow			1/1/1965
133	Lepomis	macrochirus	Bluegill			1/1/1965
134	Lepomis	gulosus	Warmouth			1/1/1965
135	Pomoxis	nigromaculatus	Crappie, black			1/1/1965
136	Micropterus	salmoides	Bass, largemouth			1/1/1965
137	Esox	niger	Pickerel, chain			1/1/1965
138	Lepomis	macrochirus	Bluegill			1/1/1965
139	Notemigonus	crysoleucas	Shiner, golden			1/1/1965
140	Ameiurus	nebulosus	Bullhead, brown			1/1/1965

FID	GENUS	SPECIES	COMMON_NAM	FedStatus	StateStatu	ObsDate
141	Lepomis	gibbosus	Pumpkinseed			1/1/1965
142	Centrarchus	macropterus	Flier			1/1/1965
143	Lepomis	gulosus	Warmouth			1/1/1965
144	Sceloporus	undulatus	Lizard, eastern fence			<null>
145	Chrysemys	picta	Turtle, eastern painted			<null>
146	Hybognathus	regius	Minnow, eastern silvery			1/1/1984
147	Ameiurus	catus	Catfish, white			1/1/1984
148	Gambusia	holbrooki	Mosquitofish, eastern			1/1/1984
149	Lepomis	macrochirus	Bluegill			1/1/1984
150	Notemigonus	crysoleucas	Shiner, golden			1/1/1984
151	Erimyzon	oblongus	Chubsucker, creek			1/1/1984
152	Lepomis	gibbosus	Pumpkinseed			1/1/1984
153	Pomoxis	nigromaculatus	Crappie, black			1/1/1984
154	Perca	flavescens	Perch, yellow			1/1/1984
155	Amia	calva	Bowfin			1/1/1984
156	Lepomis	gulosus	Warmouth			1/1/1984
157	Aphredoderus	sayanus	Perch, pirate			1/1/1984
158	Esox	americanus	Pickerel, redfin			1/1/1984
159	Anguilla	rostrata	Eel, American			1/1/1984
160	Ameiurus	natalis	Bullhead, yellow			1/1/1984
161	Sternotherus	odoratus	Turtle, eastern musk			<null>
162	Kinosternon	subrubrum	Turtle, southeastern mud			<null>
163	Pseudemys	rubriventris	Cooter, northern red-bellied			<null>
164	Trachemys	scripta	Slider, yellow-bellied			<null>
165	Amia	calva	Bowfin			5/26/2005
166	Lepomis	macrochirus	Bluegill			5/26/2005
167	Esox	niger	Pickerel, chain			5/26/2005
168	Gambusia	holbrooki	Mosquitofish, eastern			5/26/2005
169	Centrarchus	macropterus	Flier			5/26/2005
170	Aphredoderus	sayanus	Perch, pirate			5/26/2005
171	Enneacanthus	gloriosus	Sunfish, bluespotted			5/26/2005
172	Erimyzon	oblongus	Chubsucker, creek			5/26/2005
173	Esox	americanus	Pickerel, redfin			5/26/2005
174	Lepomis	gibbosus	Pumpkinseed			5/26/2005

FID	GENUS	SPECIES	COMMON_NAM	FedStatus	StateStatu	ObsDate
175	Acantharchus	pomotis	Sunfish, mud			5/26/2005
176	Notemigonus	crysoleucas	Shiner, golden			5/26/2005
177	Lepomis	gulosus	Warmouth			5/26/2005
178	Sternotherus	odoratus	Turtle, eastern musk			<null>
179	Amphiuma	means	Amphiuma, two-toed			<null>
180	Etheostoma	fusiforme	Darter, swamp			5/26/2005
181	Elliptio	complanata	Mussel, eastern elliptio			8/16/2012
182	Nycticeius	humeralis	Bat, evening			7/15/2016
183	Lasiurus	borealis	Bat, eastern red			7/15/2016
184	Lasiurus	borealis	Bat, eastern red			7/20/2016
185	Nycticeius	humeralis	Bat, evening			7/19/2016
186	Lasiurus	borealis	Bat, eastern red			7/19/2016
187	Agkistrodon	piscivorus	Cottonmouth, northern			3/28/2013
188	Agkistrodon	piscivorus	Cottonmouth, northern			5/8/2017


SppObs_Enviro_Review_Listed_2/22/2022
Carrsville
Franklin
ISLE OF WIGHT
SOUTHAMPTON
Bat, Rafinesque's eastern big-eared
Legend
Site Boundary
2 Mile Buffer
SppObs_Enviro_Review_Listed
0
0.5
1
2 Miles
Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

SppObs_Enviro_Review_Listed

FID	GENUS	SPECIES	COMMON_NAM	FedStatus	StateStatu	ObsDate
0	Corynorhinus	rafinesquii	Bat, Rafinesque's eastern big-eared		State Endangered	5/22/1998

Site Location

36,40,25.5 -76,52,54.1
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

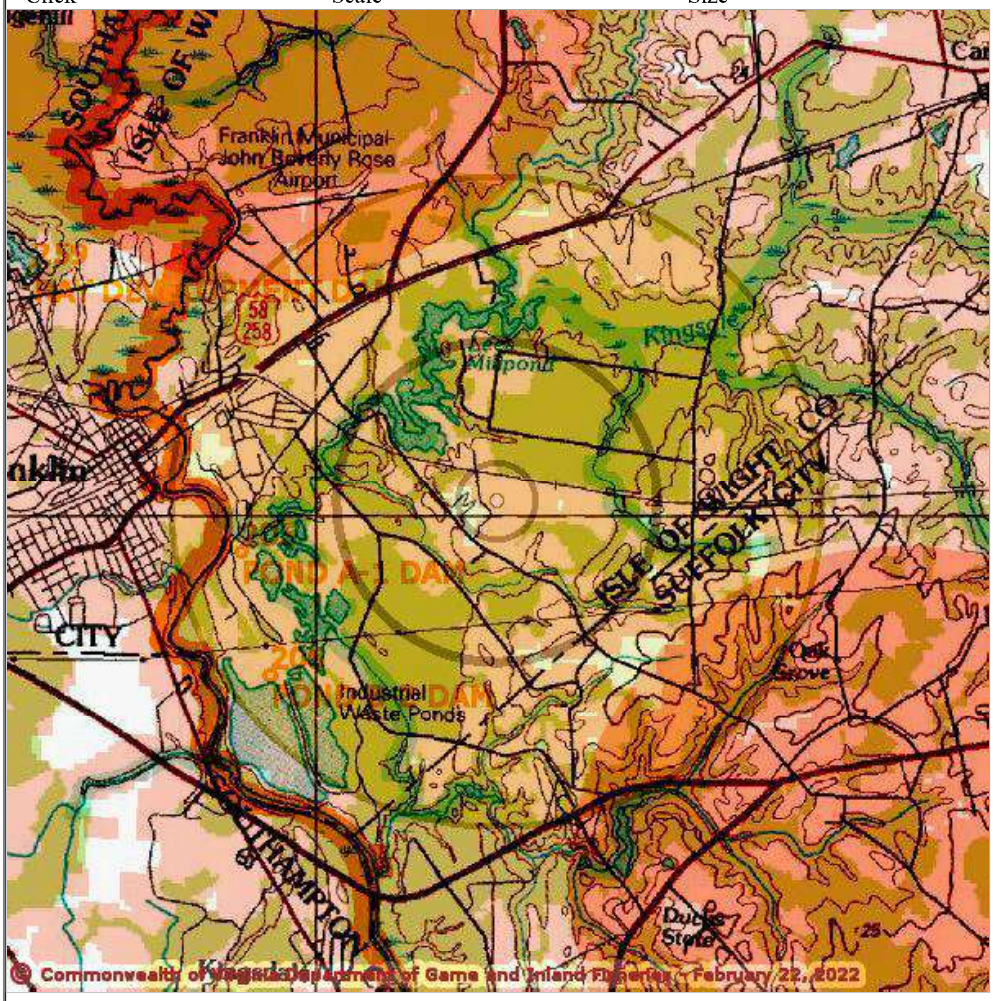
Base Map Choices
Topography

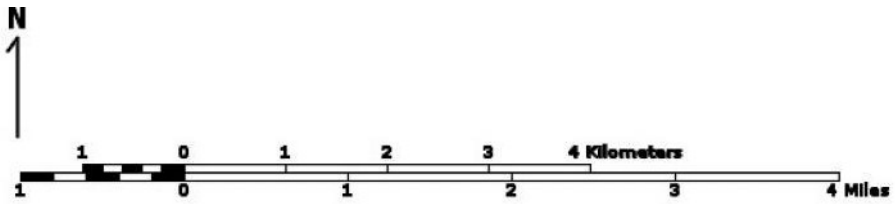
Map Overlay Choices
Current List: Position, Search, BECAR, BAEANests, TEWaters, TierII, Habitat, Trout, Anadromous

Map Overlay Legend

Refresh Browser Page

Map Click Pan Id M Map Scale In Zoom Out Screen Size Small Size Big Help





Point of Search 36,40,25.5 -76,52,54.1
Map Location 36,40,25.5 -76,52,54.1

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 327055 and top 4065131. 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

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

123 Impediment

Position Rings 1 mile and 1/4 mile at the Search Point

2 mile radius Search Area

Bald Eagle Concentration Areas and Roosts

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 2022-02-22 12:32:59 (qa/qc March 21, 2016 12:20 - tn=1165226.0 dist=3218 l)
$poi=36.6737500 -76.8816944

| DGIF | Credits | Disclaimer | Contact vafwis_support@dgif.virginia.gov |Please view our privacy policy |
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VaFWIS Search Report Compiled on 2/22/2022, 12:34:55 PM

Help

Known or likely to occur within a **2 mile radius around point 36.6737500 -76.8816944** in **093 Isle of Wight County, 620 Franklin City, 800 Suffolk City, VA**

View Map of Site Location

623 Known or Likely Species ordered by Status Concern for Conservation (displaying first 38) (38 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
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
050022	FTST	Ia	Bat, northern long-eared	Myotis septentrionalis		BOVA
040120	FTST	IIa	Plover, piping	Charadrius melodus		BOVA
060029	FTST	IIa	Lance, yellow	Elliptio lanceolata		BOVA
010347	SE	Ia	Sunfish, blackbanded	Enneacanthus chaetodon	Potential	Habitat,HU6
030064	SE	Ia	Turtle, eastern chicken	Deirochelys reticularia reticularia		BOVA
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		BOVA
030013	SE	IIa	Rattlesnake, canebrake	Crotalus horridus	Potential	BOVA,Habitat,HU6
040096	ST	Ia	Falcon, peregrine	Falco peregrinus		BOVA
040293	ST	Ia	Shrike, loggerhead	Lanius ludovicianus		BOVA
040385	ST	Ia	Sparrow, Bachman's	Peucaea aestivalis		BOVA,HU6
020044	ST	IIa	Salamander, Mabee's	Ambystoma mabeei	Potential	BOVA,Habitat
040292	ST		Shrike, migrant loggerhead	Lanius ludovicianus migrans		BOVA
030067	CC	IIa	Terrapin, northern	Malaclemys terrapin	Potential	BOVA,Habitat

			diamond-backed	terrapin		
030063	CC	IIIa	Turtle, spotted	Clemmys guttata		BOVA,HU6
040040		Ia	Ibis, glossy	Plegadis falcinellus		BOVA
070131		Ic	Isopod, Phreatic	Caecidotea phreatica		BOVA
100176		Ic	Skipper, Arogos	Atrytone arogos arogos		BOVA
020063		IIa	Toad, oak	Anaxyrus quercicus	Potential	BOVA,Habitat,HU6
020002		IIa	Treefrog, barking	Hyla gratiosa		BOVA,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	Potential	BOVA,BBA,HU6
040203		IIb	Cuckoo, black-billed	Coccyzus erythropthalmus		BOVA
040105		IIb	Rail, king	Rallus elegans		BOVA
040304		IIc	Warbler, Swainson's	Limnothlypis swainsonii		BOVA,HU6

To view **All 623 species** View 623

*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 IV - Moderate Conservation Need
Virginia Widlife 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 (1 records)

View Map of All Anadromous Fish Use Streams

Stream ID	Stream Name	Reach Status	Anadromous Fish Species			View Map
			Different Species	Highest TE*	Highest Tier**	
C8	Blackwater river	Confirmed	6		IV	Yes

Impediments to Fish Passage (2 records)

View Map of All Fish Impediments

ID	Name	River	View Map
205	POND A-1 DAM	TR-BLACKWATER RIVER OFFSTREAM	Yes
206	POND B-2 DAM	TR-BLACWATER RIVER OFFSTREAM	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 (10 records)

View Map of All Query Results
Species Observations

obsID	class	Date Observed	Observer	N Species			View Map
				Different Species	Highest TE*	Highest Tier**	
629139	SppObs	Jul 19 2016	Tyler Russell	2		IV	Yes
629138	SppObs	Jul 15 2016	Beth Meyer	2		IV	Yes
62472	SppObs	Sep 27 1999	Ryan Smith, DGIF	11		IV	Yes
9426	SppObs	Aug 22 1987	Mitchell D. Norman, VDGIF	5		IV	Yes
365427	SppObs	Jan 1 1900	n. a.	4		IV	Yes
630496	SppObs	Mar 28 2013	Jeff; Turner	1			Yes
60266	SppObs	May 24	PAGUE, C A	1			Yes

		1987					
60340	SppObs	May 24 1987	PAGUE, C A	1			Yes
29691	SppObs	Jan 1 1900	Mitchell, J. C.	1			Yes
365429	SppObs	Jan 1 1900		1			Yes

Displayed 10 Species Observations

Habitat Predicted for Aquatic WAP Tier I & II Species (2 Reaches)

View Map Combined Reaches from Below of Habitat Predicted for WAP Tier I & II Aquatic Species

Stream Name	Tier Species						View Map
	Highest TE*	BOVA Code, Status*, Tier**, Common & Scientific Name					
Kingsale Swamp (03010202)	SE	010347	SE	Ia	Sunfish, blackbanded	Enneacanthus chaetodon	Yes
tributary (03010202)	SE	010347	SE	Ia	Sunfish, blackbanded	Enneacanthus chaetodon	Yes
tributary (03010202)	SE	010347	SE	Ia	Sunfish, blackbanded	Enneacanthus chaetodon	Yes

Habitat Predicted for Terrestrial WAP Tier I & II Species (4 Species)

View Map of Combined Terrestrial Habitat Predicted for 4 WAP Tier I & II Species Listed Below

ordered by Status Concern for Conservation

BOVA Code	Status*	Tier**	Common Name	Scientific Name	View Map
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

Virginia Breeding Bird Atlas Blocks (1 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**	
55026	Franklin, SE	59		II	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
620	Franklin City	333	FESE	I
800	Suffolk City	532	FESE	I

USGS 7.5' Quadrangles:
Franklin
Holland

USGS NRCS Watersheds in Virginia:

N/A

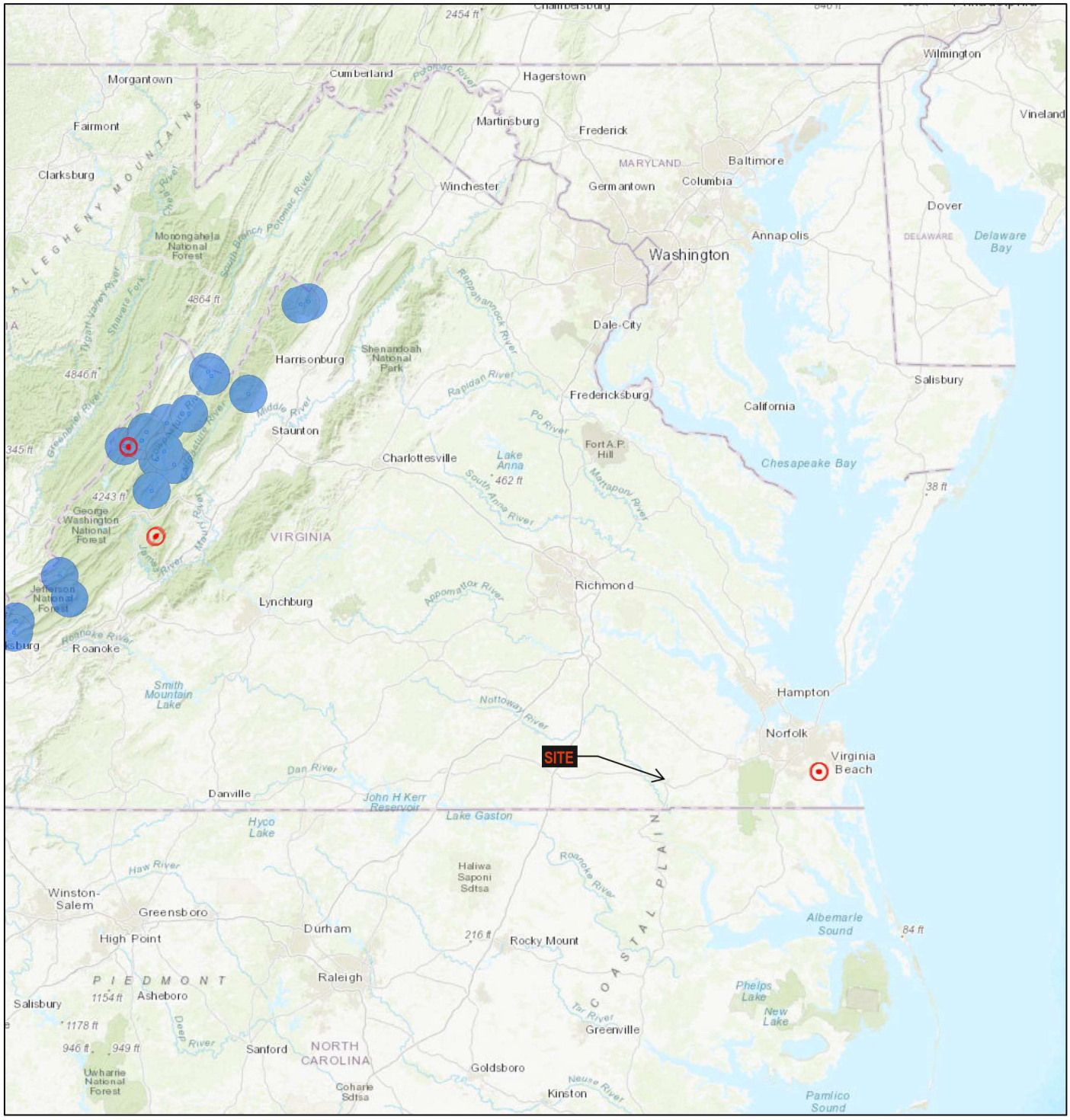
USGS National 6th Order Watersheds Summary of Wildlife Action Plan Tier I, II, III, and IV Species:

HU6 Code	USGS 6th Order Hydrologic Unit	Different Species	Highest TE	Highest Tier
CU68	Blackwater River-Cypress Swamp	87	FTSE	I
CU69	Kingsale Swamp	84	FTSE	I
CU70	Blackwater River-Union Camp Holding Pond	92	FTSE	I

Compiled on 2/22/2022, 12:34:55 PM 11165226.0 report=all searchType= R dist= 3218 poi= 36.6737500 -76.8816944

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NLEB Locations and Roost Trees



2/22/2022, 10:09:15 AM

1:2,311,162

0 20 40 80 mi

0 30 60 120 km

- NLEB Known Occupied Maternity Roost (Summer Habitat)
- NLEB Hibernaculum 5.5 Mile Buffer
- NLEB Hibernaculum Half Mile Buffer

Esri, HERE, Garmin, FAO, USGS, EPA, NPS

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Virginia Ecological Services Field Office
6669 Short Lane
Gloucester, VA 23061-4410
Phone: (804) 693-6694 Fax: (804) 693-9032
http://www.fws.gov/northeast/virginiafield/

In Reply Refer To:
Project code: 2022-0011047
Project Name: Ho Fel Solar

February 22, 2022

Subject: Consistency letter for the 'Ho Fel Solar' project indicating that any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o).

Dear David Brame:

The U.S. Fish and Wildlife Service (Service) received on February 22, 2022 your effects determination for the 'Ho Fel Solar' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. You indicated that no Federal agencies are involved in funding or authorizing this Action. This IPaC key assists users in determining whether a non-Federal action may cause "take"[1] of the northern long-eared bat that is prohibited under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the Action is not likely to result in unauthorized take of the northern long-eared bat.

Please report to our office any changes to the information about the Action that you entered into IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation.

If your Action proceeds as described and no additional information about the Action's effects on species protected under the ESA becomes available, no further coordination with the Service is required with respect to the northern long-eared bat.

The IPaC-assisted determination for the northern long-eared bat **does not** apply to the following ESA-protected species that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Candidate

You may coordinate with our Office to determine whether the Action may cause prohibited take of the animal species listed above.

---

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

Action Description
You provided to IPaC the following name and description for the subject Action.

1. Name

Ho Fel Solar

2. Description

The following description was provided for the project 'Ho Fel Solar':

> The site is an approximate 414-acre tract that is being considered for development with a solar farm. The timing of the project is unknown but it is anticipated to be constructed in the next 1 to 3 years.

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@36.67514235,-76.87999749468933,14z



Determination Key Result

This non-Federal Action may affect the northern long-eared bat; however, any take of this species that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o).

Determination Key Description: Northern Long-eared Bat 4(d) Rule
This key was last updated in IPaC on **May 15, 2017**. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for non-Federal actions is to assist determinations as to whether proposed actions are excepted from take prohibitions under the northern long-eared bat 4(d) rule.

If a non-Federal action may cause prohibited take of northern long-eared bats or other ESA-listed animal species, we recommend that you coordinate with the Service.

Determination Key Result

Based upon your IPaC submission, any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o).

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?

   No

2. Will your activity purposefully **Take** northern long-eared bats?

   No

3. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?

   Automatically answered
   No

4. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

   Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html.

   Yes

5. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?

   No

6. Will the action involve Tree Removal?

   Yes

7. Will the action only remove hazardous trees for the protection of human life or property?

   No

8. Will the action remove trees within 0.25 miles of a known northern long-eared bat hibernaculum at any time of year?

   No

9. Will the action remove a known occupied northern long-eared bat maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31?

   No

Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

6

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

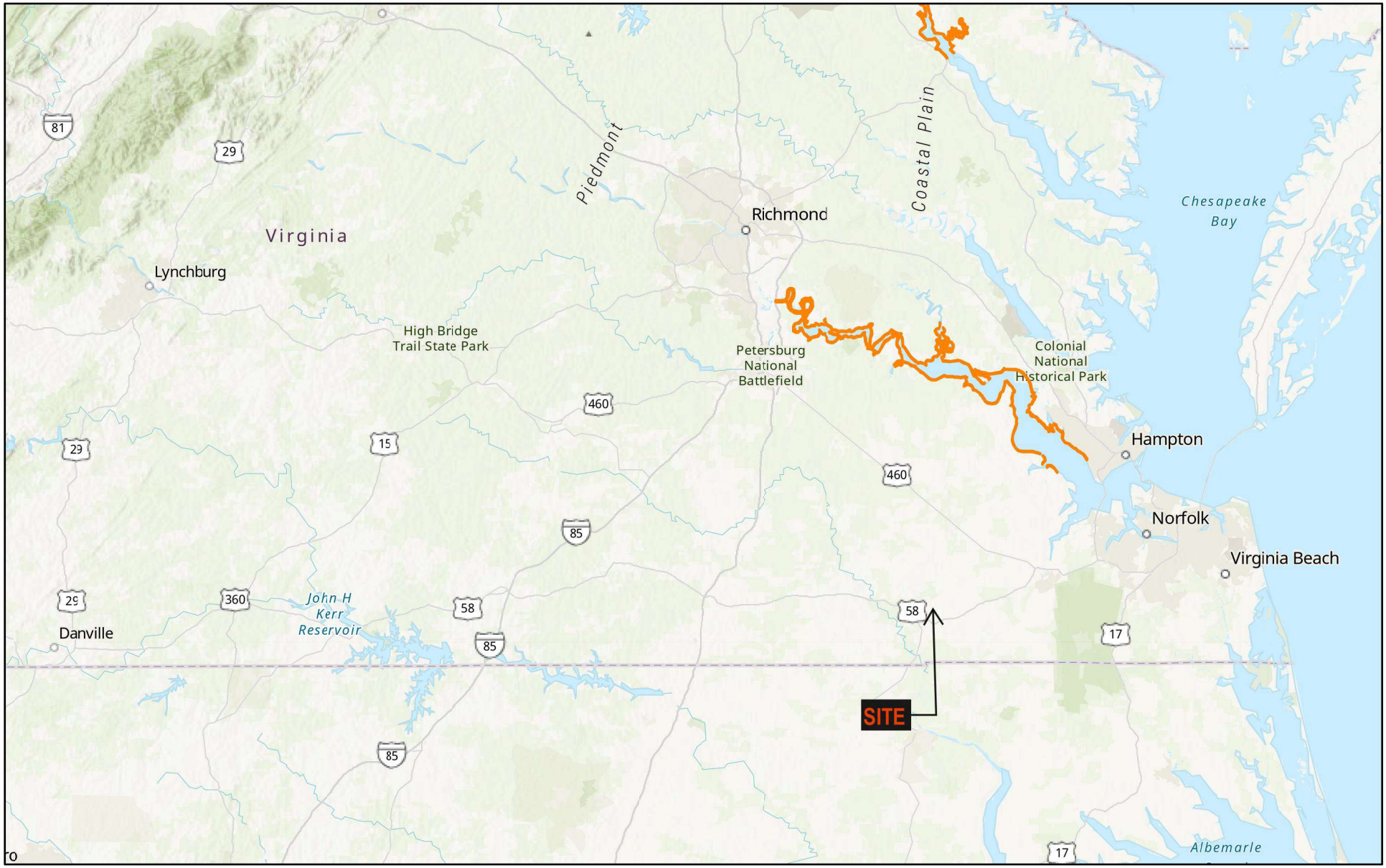
10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

IPaC User Contact Information

Name: David Brame
Address: 743 Park Lawn Court
City: Kernersville
State: NC
Zip: 27284
Email dbrame@pilotenviro.com
Phone: 3363104527

USFWS Bald Eagle Concentration Area Map



2/22/2022

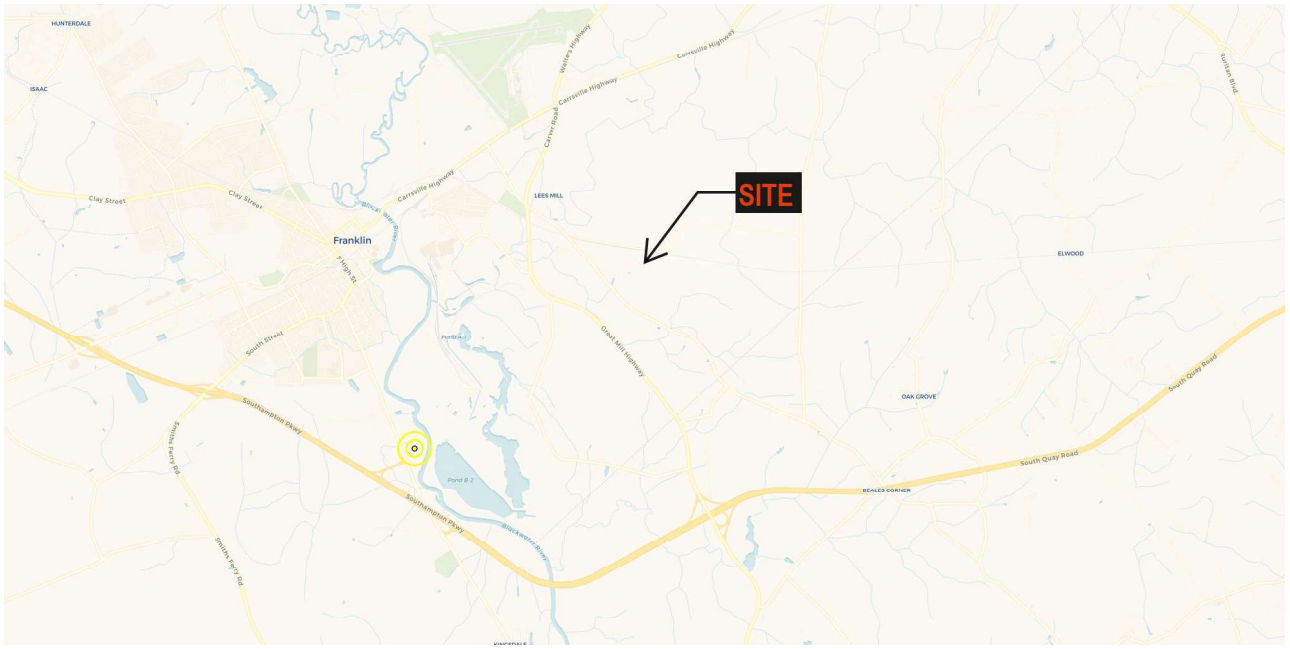
1:1,730,968

0 10 20 40 mi

0 15 30 60 km

VITA, Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, NPS, Esri, CGIAR,

CCB Mapping Portal



Layers: VA Eagle Nest Locator, VA Eagle Nest Buffers

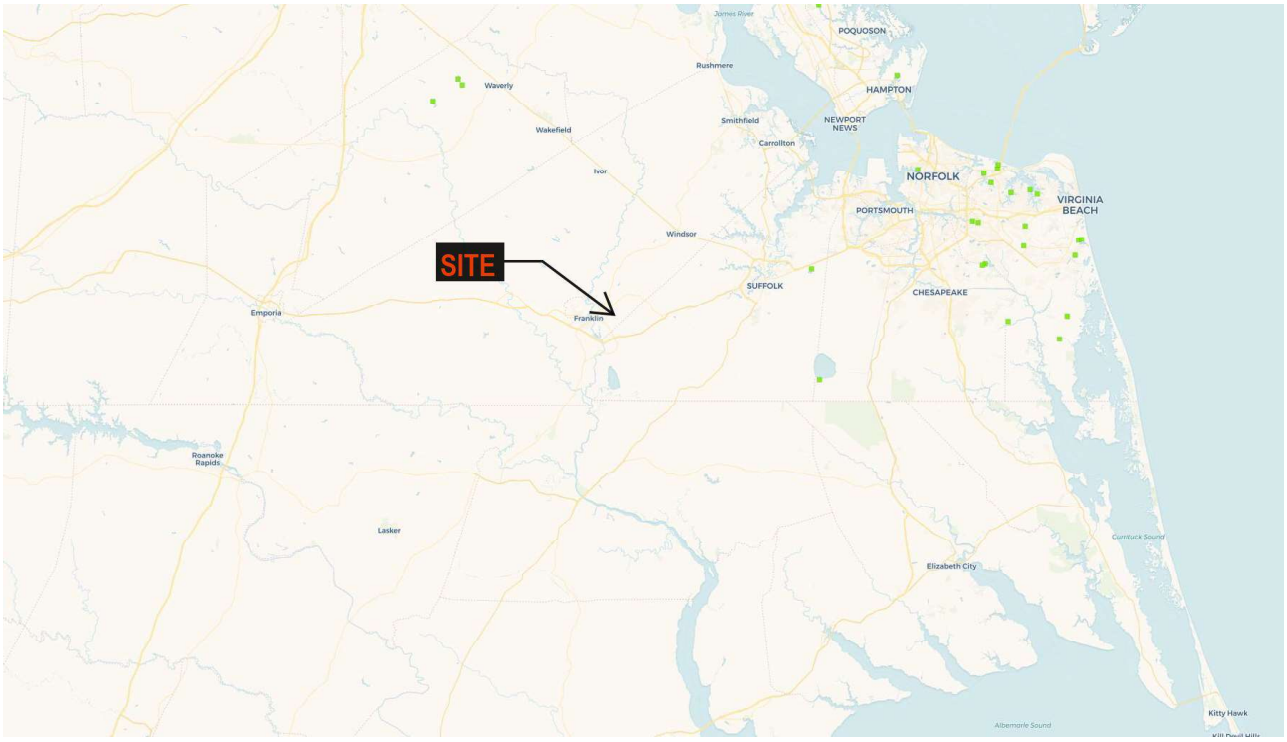
Map Center [longitude, latitude]: [-76.88361167907715, 36.6669387325187]

Map Link:
https://ccbbirds.org/maps/#layer=VA+Eagle+Nest+Locator&layer=VA+Eagle+Nest+Buffers&zoom=14&lat=36.6669387325187&lng=-76.88361167907715&legend=legend_tab_7c321b7e-e523-11e4-aaa0-0e0c41326911&base=Street+Map+%28OSM%2FCarto%29

Report Generated On: 02/22/2022

The Center for Conservation Biology (CCB) provides certain data online as a free service to the public and the regulatory sector. CCB encourages the use of its data sets in wildlife conservation and management applications. These data are protected by intellectual property laws. All users are reminded to view the Data Use Agreement to ensure compliance with our data use policies. For additional data access questions, view our Data Distribution Policy, or contact our Data Manager, Marie Pitts, at mlpitts@wm.edu or 757-221-7503.

CCB Mapping Portal



Layers: Eagle Roosts, Eagle Roost Polygons, Eagle Roost Buffers

Map Center [longitude, latitude]: [-76.86447143554688, 36.551568887374]

Map Link:
https://ccbbirds.org/maps/#layer=Eagle+Roosts&layer=Eagle+Roost+Polygons&layer=Eagle+Roost+Buffers&zoom=10&lat=36.551568887374&lng=-76.86447143554688&legend=legend_tab_59557df6-c07b-11e5-a485-0e31c9be1b51&base=Street+Map+%28OSM%2FCarto%29

Report Generated On: 02/22/2022

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Frank N. Stovall
Deputy Director for Operations

Darryl Glover
Deputy Director for Dam Safety, Floodplain Management and Soil and Water Conservation

Laura Ellis
Interim Deputy Director for Administration and Finance

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

February 17, 2022

David Brame
Pilot Environmental, Inc.
743 Park Lawn Court
Kernersville, NC 27284

Re: 5876.2, Ho-Fel Solar

Dear Mr. Brame:

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 predicted suitable habitat modeling, there is potential for Eastern big-eared bat (*Corynorhinus rafinesquii macrotis*, G3G4T3/S2/NL/LE) to occur in the project area if suitable habitat exists on site. The Eastern big-eared bat is named for its enormous ears twice the length of its head, is extremely rare in Virginia and is currently known only from the southeastern portion of the state. Although widespread throughout the southeast, they are never found in large numbers. These bats roost singly or in small groups in hollow trees or abandoned buildings. They forage only after dark primarily in mature forests of both upland and lowland areas along permanent bodies of water (NatureServe, 2009). The details of this bat's feeding behavior and much of its natural history remain a mystery. Lack of information regarding the ecology of the Eastern big-eared bat, and their sensitivity to disturbance, make them particularly vulnerable to destruction of roost sites and feeding areas where their presence goes undetected (Handley and Schwab 1991, Harvey 1992).

Threats to this species include forest destruction, particularly hollow tree removal, decreasing availability of abandoned buildings, and possibly, insecticides. Please note that this species is currently classified as endangered by the Virginia Department of Wildlife Resources (VDWR).

DCR recommends avoiding tree removal in bottomland habitats and assessing any large potential roost trees and/or abandoned structures on the property for bat presence/absence. DCR also recommends coordination with DWR if removal of potential roost habitat for the Eastern big-eared bat becomes necessary to ensure compliance with the Virginia Endangered Species Act (VA ST §§ 29.1-563 – 570).

DCR recommends the development of an invasive species management plan for the project and the planting of Virginia native pollinator plant species that bloom throughout the spring and summer, to maximize benefits to native pollinators. DCR recommends planting these species in at least the buffer areas of the planned facility, and optimally including other areas within the project site. For screening zones outside the perimeter fencing, DCR recommends native species appropriate for the region be used. 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, if tree clearing occurs, the proposed project may fragment Ecological Cores **(C4, C5)** as identified in the Virginia Natural Landscape Assessment (https://www.dcr.virginia.gov/natural-heritage/vaconvisvnla), one of a suite of tools in Virginia ConservationVision that identify and prioritize lands for conservation and protection. 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 unfragmented natural cover with at least 100 acres of interior 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. Cores also provide benefits in terms of open space, recreation, water quality (including drinking water protection and erosion prevention), and air quality (including carbon sequestration and oxygen production), along with the many associated economic benefits of these functions. The cores are ranked from C1 to C5 (C5 being the least ecologically relevant) using many prioritization criteria, such as the proportions of sensitive habitats of natural heritage resources they contain.

Fragmentation occurs when a large, contiguous block of natural cover is dissected by development, and other forms of permanent conversion, into one or more smaller patches. Habitat fragmentation results in biogeographic changes that disrupt species interactions and ecosystem processes, reducing biodiversity and habitat quality due to limited recolonization, increased predation and egg parasitism, and increased invasion by weedy species.

Therefore minimizing fragmentation is a key mitigation measure that will reduce deleterious effects and preserve the natural patterns and connectivity of habitats that are key components of biodiversity. DCR recommends efforts to minimize edge in remaining fragments, retain natural corridors that allow movement between fragments and designing the intervening landscape to minimize its hostility to native wildlife (natural cover versus lawns).

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 (August 17, 2022) has passed before it is utilized.

A fee of $90.00 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 Virginia Department of Wildlife Resources (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: Amy Martin, VDWR
Susan Tripp, DEQ
Randy Keaton, Isle of Wight County Administrator

Literature Cited

Handley, C.O., and D. Schwab. 1991. Eastern big-eared bat. In Virginia's Endangered Species: Proceedings of a Symposium. K. Terwilliger ed. The McDonald and Woodward Publishing Company, Blacksburg, Virginia. p. 571-573.

Harvey, M.J. 1992. Bats of the Eastern United States. Arkansas Game and Fish Commission, Little Rock, Arkansas. pp.46

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 31, 2010).

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Virginia Field Office
6669 Short Lane
Gloucester, VA 23061

Date: 2/22/22

Self-Certification Letter

Project Name: Ho-Fel Solar

Dear Applicant:

Thank you for using the U.S. Fish and Wildlife Service (Service) Virginia Ecological Services online project review process. By printing this letter in conjunction with your project review package, you are certifying that you have completed the online project review process for the project named above in accordance with all instructions provided, using the best available information to reach your conclusions. This letter, and the enclosed project review package, completes the review of your project in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended (ESA). This letter also provides information for your project review under the National Environmental Policy Act of 1969 (P.L. 91-190, 42 U.S.C. 4321-4347, 83 Stat. 852), as amended. A copy of this letter and the project review package must be submitted to this office for this certification to be valid. This letter and the project review package will be maintained in our records.

The species conclusions table in the enclosed project review package summarizes your ESA conclusions. These conclusions resulted in:

- "no effect" determinations for proposed/listed species and/or proposed/designated critical habitat; and/or
- Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR § 17.40(o) [as determined through the Information, Planning, and Consultation System (IPaC) northern long-eared bat assisted determination key]; and/or
- "may affect, not likely to adversely affect" determinations for proposed/listed species and/or proposed/designated critical habitat.

We certify that use of the online project review process in strict accordance with the instructions provided as documented in the enclosed project review package results in reaching the appropriate determinations. Therefore, we concur with the determinations described above for proposed and listed species and proposed and designated critical habitat. Additional coordination with this office is not needed.

Candidate species are not legally protected pursuant to the ESA. However, the Service encourages consideration of these species by avoiding adverse impacts to them. Please contact this office for additional coordination if your project action area contains candidate species.

Should project plans change or if additional information on the distribution of proposed or listed species, proposed or designated critical habitat becomes available, this determination may be reconsidered. This certification letter is valid for 1 year.

Information about the online project review process including instructions and use, species information, and other information regarding project reviews within Virginia is available at our website http://www.fws.gov/northeast/virginiafield/endspecies/project_reviews.html. If you have any questions, please contact Troy Andersen of this office at (804) 824-2428.

Sincerely,



Cindy Schulz
Field Supervisor
Virginia Ecological Services

Enclosures - project review package



Existing field on the southeast portion of parcel 72-01-022



Existing structures on 72-01-022 to be removed if approved



Looking Southeast on parcel 72-01-022



Looking East on parcel 69-01-086



Existing path on parcel 69-01-086

COMMONWEALTH of VIRGINIA

Ann Jennings
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
TDD: (804) 367-2386
www.dhr.virginia.gov

September 27, 2022

Hope Smith
Dutton + Associates, LLC
1115 Crowder Dr.
Midlothian, VA 23113

RE: Ho-Fel Solar Project
Isle of Wight County, Virginia
DHR File No. 2022-4749

Dear Dr. Smith:

We have received for review the report, *Phase I Cultural Resource Survey of the Ho-Fel Solar Project Area* prepared by Dutton + Associates (D+A) on behalf of Ho-Fel Solar I, LLC. We provide the following comments in support of an application to the Department of Environmental Quality (DEQ) for a Permit-by-Rule to construct and operate a small solar project Isle of Wight County.

Archaeology

The report documents a survey of approximately 417 acres. During the course of the survey, three previously recorded sites (44IW0152, 44IW0154, and 44IW0162) were re-identified and three new archaeological sites were identified (44IW0380, 44IW0381, 44IW0382) were identified. One unrecorded cemetery (44IW0383) was also identified. Two small, twentieth-century artifact scatters (44IW0155 and 44IW0177) were not re-identified. When they were first identified, these sites were recommended as ***not eligible*** for listing in the National Register of Historic Places (NRHP). Sites 44IW0152 and 44IW0154 were originally recommended ***not eligible*** for inclusion in the NRHP, and D+A concurs with this. Site 44IW0380, 44IW0381, and 44IW0382 are all early-twentieth century domestic sites that have been disturbed by demolition in the mid-twentieth century. Due to their recent date and the level of disturbance, D+A recommends these sites (44IW0380-44IW0382 *inclusive*) not eligible for inclusion in the NRHP, and no further consideration is required.

Two small cemeteries were delineated during this investigation. Site 44IW0162 was previously delineated by VCU archaeologists in the 1990s, and was recommend as ***potentially eligible*** for listing in the NRHP. The cemetery boundaries were reestablished during the current effort. D+A recommends that 44IW0162 is ***not eligible*** for listing in the NRHP. Site 44IW0383 was newly identified during this survey. Delineation resulted in the subsurface identification of five graves in addition to three surface grave markers. D+A recommends a 25-foot buffer around the delineated limits of both cemeteries.

DHR agrees that sites **44IW0152, 44IW0154, 44IW0380, 44IW0381**, and **44IW0382** are *not eligible* for listing in the NRHP. No additional work is needed at these locations. DHR considers 44IW0162 to be delineated; however, it is DHR's opinion that **44IW0162** is *potentially eligible* for listing the NRHP. Gable-lid coffins are one of the earliest formal burial types in Virginia and is consistent with Colonial and post-colonial internments. Please note that the information about the possible time period in VCRIS is not accurate and should be corrected to reflect the information documented during the 1995 project. Regarding the delineation of 44IW0383, DHR agrees that the southern boundaries of the cemetery appear to be reasonably delineated but has concerns that the northern boundaries were not sufficiently explored. Please clarify why the northern section was not stripped more. It appears that there have been several generations of fencing placed around this cemetery. It seems as though the former landowners did not know the exact boundaries of the cemetery and there is potential for burials north of the headstones. Finally, since the cemetery is near an existing transmission line, are there plans to upgrade or rebuild the line to support the proposed solar facility? If you have any other information about the transmission line, it would be helpful for DHR for understand potential future impacts.

Architecture

The architectural component of the report identified six (6) previously recorded resources and ten (10) newly identified resources within the 0.5-mile study area. One previously recorded resource (DHR ID #133-0056) was demolished since it was last surveyed.

D+A recommends a minimal impact to Virginia Landmarks Register (VLR) and National Register of Historic Places (NRHP)-listed Oak Crest (DHR ID #046-0019) and DHR will need additional information in order to concur with this. We understand that the resource is included within the project lease area.

The building was listed in the VLRNRHP under criterion C in the area of architecture, for its distinctive Federal-style influences and representation of an evolved nineteenth century home and the surrounding fields are noted as being integral to the broader setting. The fenced lot is bordered by open agricultural fields that were historically associated with the home, but have been subdivided off and are not included in the listed resource boundary. The solar arrays, infrastructure, and other improvements will be done within and around the resource boundary, although the home and associated property will be excluded from the development footprint. A setback buffer will also be in place around the perimeter of the property. There will be a visual impact to the resource. While the field layout is being maintained, the installation of solar panels is not consistent with the historic precedent and will diminish the integrity where visible, even seasonally visible.

We understand that the vegetation surrounding Oak Crest will obscure some views of the arrays/project area. However, there will be some visibility, particularly seasonal, through breaks in the vegetation. DHR will need to see a viewshed analysis with attention to areas in which the project area will be visible from the primary resource to be depicted in photographs of #046-0019 towards the proposed arrays and vice versa as well as from the boundary line of #046-0019 towards the proposed arrays and vice versa. The viewshed analysis should have several photos taken from key vantage points. The photos should be keyed to an aerial map with the direction indicated. Renderings of the arrays superimposed on some of the viewshed photos could be helpful. In addition, please provide us specifics on the areas in which the resource boundary will be encroached upon by the solar arrays, infrastructure, and other improvements. Please note that if any vegetative buffer is planned in relation to this resource, DHR will need to see those plans.

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. Adrienne Birge-Wilson, DHR
Chris Egghart, DEQ
Trent Blowe, Isle of Wight County

Attachment
DHR File No. 2022-4749
September 27, 2022

DHR ID#	Resource Name/Address	D+A Eligibility	DHR Eligibility	D+A Impact	DHR Impact
046-0019	Oak Crest	VLR/NRHP-Listed	Remain VLR/NRHP-Listed	**Minimal**	**More Information Needed**
046-0054	Lee's Mill	Treated as Eligible for the purposes of this project	Inaccessible; Treated as Eligible for the purposes of this project	No Impact	No Impact
046-0113	House	Not Eligible	Not Eligible	N/A	N/A
046-0114	House	Not Eligible	Not Eligible	N/A	N/A
046-1115	House	Not Eligible	Not Eligible	N/A	N/A
046-5701	House	Not Eligible	Not Eligible	N/A	N/A
046-5702	House	Not Eligible	Not Eligible	N/A	N/A
046-5703	House	Not Eligible	Not Eligible	N/A	N/A
046-5704	House	Not Eligible	Not Eligible	N/A	N/A
046-5705	House	Not Eligible	Not Eligible	N/A	N/A
046-5706	House	Not Eligible	Not Eligible	N/A	N/A
046-5707	House	Not Eligible	Not Eligible	N/A	N/A
133-0056	Cutchins Farm	Not Eligible	Not Eligible	N/A	N/A
133-5654	House	Not Eligible	Not Eligible	N/A	N/A
133-5655	Cemetery	Not Eligible	Not Eligible	N/A	N/A
133-5656	House	Not Eligible	Not Eligible	N/A	N/A

TABLE KEY:	Warrants Mitigation	Needs Attention	**DHR does not concur**

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

ISLE of WIGHT COUNTY MUSEUM

MEMORANDUM

TO: Trenton S. Blowe
Planner I, Isle of Wight County Department of Planning & Zoning

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

RE: Ho-Fel Solar Facility
Phase I Cultural Resource Survey

DATE: October 7, 2022

After reviewing the Phase I Cultural Resource Survey of the Ho-Fel Solar Project Area prepared for Ho-Fel Solar I LLC by Dutton + Associates LLC with reference to the April 2022 Conditional Use Amendment Permit Application package (CUP-08-18), the Isle of Wight County Museum/Isle of Wight County Department of Historic Resources has found no concerns with the application – provided that the conclusions and recommendations set forth in the report are followed.

As noted in the report, the cemeteries should be protected with a 25-foot buffer around the delineated limits, and to reduce views, the project should be setback from the road in the vicinity of Oak Crest with no improvements closer to the road than the rear of the house with a supplemental landscape buffer planted along the perimeter of project improvements to further screen them from the road in the vicinity of this circa 1790 National Register of Historic Places property.

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

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

ORDINANCE NUMBER ___ _____

AN ORDINANCE TO ISSUE A CONDITIONAL USE PERMIT, CUP-2-22, TO ESTABLISH A MAJOR UTILITY SERVICE, SPECIFICALLY A UTILITY-SCALE SOLAR ENERGY FACILITY AND SUBSTATION, ON A PORTION OF PROPERTY ZONED RURAL AGRICULTURAL CONSERVATION AND LOCATED ON LEES MILL ROAD WITH TAX PARCEL NUMBERS 69-01-086 AND 72-01-022

WHEREAS, Ho-Fel Solar, LLC, applicant, on behalf of Dustin and Brandy Atkins and Cobb Land Limited Partnership, property owners, has requested the issuance of a conditional use permit for a certain portion property with tax parcel numbers 69-01-086 and 72-01-022, which land is 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), 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-2-22), as submitted or modified with conditions herein, the expressed purpose of which is to permit a major utility service, 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 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 major utility service 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-22-15

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-02-22 TO ALLOW A MAJOR UTILITY SERVICE, SPECIFICALLY A UTILITY SCALE SOLAR ENERGY FACILITY and SUBSTATION, ON PROPERTY WITH TAX MAP PARCELS 69-01-086 AND 72-01-022

WHEREAS, Ho-Fel Solar, LLC, applicant, on behalf of Dustin and Brandy Atkins and Cobb Land Limited Partnership, property owners, has requested issuance of a conditional use permit for a portion of a certain tract of land with tax parcel numbers 69-01-086 and 72-01-022 situated in Isle of Wight County; and

WHEREAS, the specific request is to permit a major utility service, specifically a utility-scale solar energy facility and substation, in accordance with sections 1-1017 and 5-5003 of the Zoning Ordinance;

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.

X A. The Isle of Wight County Planning Commission finds that the proposed amendment to conditional zoning 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 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 zoning map amendment 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-02-22, 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 modifications set forth on the attached listing of specific recommendations, and that the Board of Supervisors adopt the proposed Ordinance with such modifications.

DATE: October 25 2022

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

TESTE: Amanda
Secretary, Isle of Wight County Planning Commission

Approved as to Form:

Robert W. Jones, Jr., County Attorney

Exhibit B

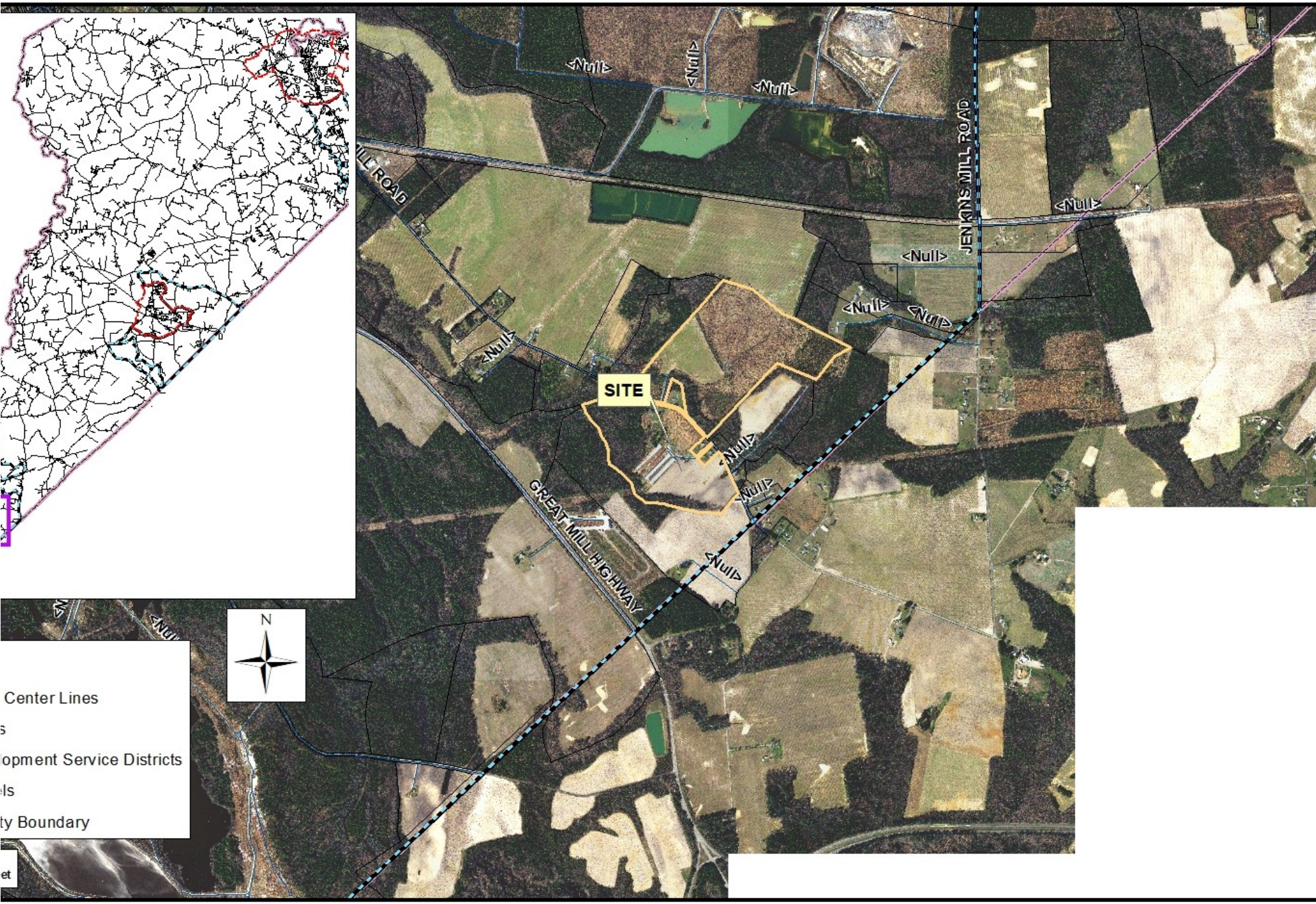

JENKINS MILL ROAD
GREAT MILL HIGHWAY
SITE
N
Center Lines
opment Service Districts
ty Boundary

EXHIBIT C

Conditions recommended by the Planning Commission:

1. The selected panels will be tested for hazard constituents using laboratory testing (such as a toxicity characteristic leaching procedure, TCLP) validating that hazardous constituents are below EPA control levels for all power-generating equipment initially installed and replaced on the site.
2. A sign with the contact info for the project liaison shall be posted on-site.
3. No salvage value be added to the decommissioning bond.
4. If the land is currently in cultivation, it shall be maintained and cut prior to August 1st annually prior to project construction.

Conditions recommended by Staff:

Staff recommends approval of the CUP with the following conditions:

1. The portion of the subject property supporting solar panels shall be enclosed by security fencing of a type that 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 prior to final site plan approval.
2. The applicant shall permanently preserve and maintain both existing forest and vegetation as well as planted buffer landscaping and shall not clear or cut live trees within required setbacks or buffer yards except as necessary to avoid shading of solar panels as approved by the Zoning Administrator.
3. The applicant shall submit an Emergency Response Plan at the time of site development plan application for review and approval by the County, 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 to emergency responders about safety for on-site incident response. Initiation and frequency of training will be coordinated between the Department of Emergency Services and the facility operator. 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.
4. The applicant shall meet any additional VDHR delineation and buffer requirements before receiving final site plan approval.
5. Hours of operation for construction activities to be limited to 7:00 am to 6:00 pm Monday through Friday and 9:00 am to 5:00 pm on Saturdays. No construction is to occur on Sundays.
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 enhanced buffer landscape plan proposed on the concept plan exhibit is conceptual only at this time. The buffer design and required plantings will be reviewed in detail for approval during site plan review and, at minimum, must include a double-staggered row of plantings in areas where existing vegetation is not being retained to include a mix of evergreen and deciduous species to provide an effective screen.
8. The applicant shall maintain a 25-foot setback from cemeteries found in the Phase 1 study and from any additional gravesites found in further evaluation recommended by VDHR. Any cemetery found in the project area must remain clear of obstruction.

ISSUE:

Execution of a Fire and Emergency Medical Services Mutual Aid Agreement with Surry County

BACKGROUND:

The County's volunteer fire and rescue agencies have provided mutual aid to Surry County for years; however, calls for mutual aid have been increasing due to Surry's lack of staff resources.

County staff has had ongoing communications with Surry County officials relative to Surry's fire and EMS needs and the level of support the County can provide.

The Board may wish to consider developing a formal relationship with Surry County relative to the provision of mutual aid.

BUDGETARY IMPACT:

Adoption of the mutual aid agreement will increase General Fund revenues.

RECOMMENDATION:

Authorize execution of a Fire and Emergency Medical Services Mutual Aid Agreement with Surry County.

ATTACHMENTS:

Description	Type	Upload Date
Mutual Aid Agreement	Agreement	12/2/2022

FIRE AND EMERGENCY MEDICAL SERVICES MUTUAL AID AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 2022, by and between the COUNTY OF ISLE OF WIGHT, VIRGINIA, (hereinafter "IOW") and the COUNTY OF SURRY, VIRGINIA, (hereinafter "Surry") (individually as "party" or jointly the "parties").

WHEREAS, Section 27-1 et. seq. of the Code of Virginia (1950, as amended), authorizes local government entities to enter into reciprocal agreements for mutual aid and cooperation in the furnishing of fire protection ("Fire") and emergency medical services ("EMS") during any actual or potential emergency resulting from fire, personal injury, or other public disaster; and

WHEREAS, each of the parties hereto maintains equipment and personnel for Fire and EMS within its own jurisdiction; and

WHEREAS, the parties hereto desire to augment their respective Fire and EMS response capabilities in their areas; and

WHEREAS, the lands or districts of the parties hereto are adjacent or contiguous, so that mutual assistance in an emergency is deemed feasible; and

WHEREAS, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to this Agreement to render assistance to one another in accordance with these terms.

NOW, THEREFORE, for and in consideration of the premises and mutual promises set forth herein, the parties do hereby agree as follows:

a. On request to a representative of the Providing Entity, by a representative of the Requesting Entity, equipment and personnel of the Providing Entity will be dispatched, when available, to any point within the area for which the Requesting Entity normally provides services as designated by the representative of the Requesting Entity.

b. The rendering of assistance under the terms of this Agreement shall not be mandatory, but the Providing Entity should immediately inform the Requesting Entity if, for any reason, assistance cannot be rendered.

c. Any dispatch of equipment and personnel pursuant to this Agreement is subject to the following conditions:

(1) Any request for aid hereunder shall include a statement of the amount and type of equipment and personnel requested and shall specify the location to which the equipment and personnel are to be dispatched however, the actual amount and type of equipment and number of personnel to be furnished in response to the request shall be determined by a representative of the Providing Entity.

(2) The personnel of the Providing Entity, as well as their equipment, shall remain under the control of their own supervisor(s), with the senior supervisor reporting to, and taking directions from, the Requesting Entity's incident commander. However, in matters involving health and safety issues, the chain of command of the Providing Entity shall exercise final decision-making authority for its own personnel. Personnel shall continue to be subject to the applicable rules of conduct, regulations, and policies of their own jurisdiction while acting pursuant to this agreement.

(3) The incident commander of the Requesting Entity shall assume full command of the operations, but if that incident commander specifically requests the senior officer of the Providing Entity to assume command, and that officer does so, the Requesting Entity's incident commander shall not, by relinquishing command, be relieved of his/her responsibility for the operation.

(4) The personnel and equipment of the Providing Entity shall be released by the Requesting Entity when the services of the Providing Entity are no longer required or when the Providing Entity is needed within the area for which it principally provides services.

(5) Responses and/or services shall be provided as determined at the time of need.

d. Each party hereto agrees to waive any and all claims against the other party which may arise out of their participation in mutual aid response

activities under this Agreement inside or outside of their respective jurisdictions.

e. To the extent permitted by law, the Requesting Entity party agrees to indemnify and save harmless the Providing Entity from all claims by third parties for property damage or personal injury which may arise out of the mutual aid activities performed outside their respective jurisdictions pursuant to this Agreement.

f. The provision of aid pursuant to this Agreement shall not impact ownership of equipment or personnel relationships. Nothing in this Agreement is intended to transfer ownership of equipment or transfer personnel from the Providing Entity to the Requesting Entity.

g. The services performed, and expenditures made, under this Agreement shall be deemed for public and governmental purposes, and all immunities from liability enjoyed by the local governmental entity within its boundaries shall extend to its participation in rendering assistance outside its boundaries. For purposes of this Agreement, the phrase "mutual aid response" is the rendering of aid by a party outside of its own jurisdictional boundaries.

h. The personnel of any party to this Agreement, when acting hereunder, or under other lawful authority, beyond the territorial limits of their jurisdictions, shall have all the immunities from liability and exemptions from laws, ordinances and regulations, enjoyed by them while performing their respective duties for their respective jurisdictions.

i. All compensation, retirement, disability, worker's compensation, life and health insurance, and other benefits to which said personnel are legally entitled shall extend to the services they perform under this Agreement outside their respective jurisdictions. Each party agrees that it shall be responsible for the provisions of all such benefits for its own personnel.

j. Neither party to this Agreement shall be liable to the other for reimbursement of injuries to personnel or for damage to equipment incurred when going to, or returning from, the other jurisdiction. Neither

party shall be liable to the other for any other costs associated with, or arising out of, the rendering of assistance pursuant to this Agreement. Notwithstanding the foregoing.

(1) Surry agrees to reimburse IOW the sum of $1,000 per IOW EMS response to a request for services within the jurisdictional boundary of Surry, regardless of whether a patient is transported or provided treatment.

(2) Patients treated and/or transported by IOW EMS shall be charged in accordance with IOW policy and fee schedule as may be amended from time to time.

k. Nothing contained in this Agreement shall, in any manner, be construed to require either party to respond to a request for services when the service personnel of the jurisdiction from which the request is being made are, in the sole opinion of the Requested Entity, are needed, or are being used, within the boundaries of its own jurisdiction; nor shall any such request require the Requested Entity to continue to provide services to another jurisdiction when its service personnel, vehicles or equipment are, in the sole opinion of the Requested Entity, needed for other duties within its own boundaries

This Agreement shall be in effect from and after _____ 2022, and shall remain in effect until superseded, amended or rescinded in writing by the parties. Either party may terminate this Agreement by giving thirty (30) days written notice to the other party.

This Agreement rescinds and supersedes all previous written agreements and oral understandings relating to the provision of mutual aid for fire protection and emergency medical service.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their authorized representatives the day and year first above written.

COUNTY OF SURRY, VIRGINIA

By: _____
, Chairman
Board of Supervisors

Attest:

_____
County Clerk

Approved as to form:

_____
County Attorney

COUNTY OF ISLE OF WIGHT, VIRGINIA

By: _____
Rudolph Jefferson, Chairman
Board of Supervisors

Attest:

_____
Carey Mills Storm, Clerk

Approved as to form:

_____
Robert W. Jones, Jr.
County Attorney

The undersigned, on behalf of the Isle of Wight Fire and Rescue Advisory Board, does hereby acknowledge receipt of the above Mutual Aid Agreement and for the premises and mutual promises set forth therein, hereby consents to the provisions of thereof.

Isle of Wight Fire and Rescue
Advisory Board

Date: _____ By: _____
Chairman