



POWHATAN COUNTY PLANNING COMMISSION

Agenda: Regular Meeting

Tuesday, October 6, 2020

6:00 PM

Powhatan Village Building Auditorium
3910 Old Buckingham Road

MEETING PROCEDURE AND PUBLIC PARTICIPATION

All Planning Commission meetings are open to the public and interested persons may participate on the day and time specified above.

In addition to participating in person, members of the public may participate remotely by electronic means by joining a webinar at <https://us02web.zoom.us/j/89655087654> or by dialing in by phone at 1-929-205-6099 OR 1-312-626-6799, then typing in the webinar ID 896 5508 7654. During the public comment period, participants may raise their hand using the zoom controls on the computer screen, or (if dialing in) by pressing *9 on a phone (instructions will also be posted at powhatanva.gov/432/Live-Stream-of-Powhatan-County-Meetings).

The meeting may be watched live at powhatanva.gov/432/Live-Stream-of-Powhatan-County-Meetings.

Copies of the proposed plans, ordinances, and amendments may be reviewed in the Department of Community Development in the Powhatan County Administration Building (3834 Old Buckingham Road) between 8:30 AM and 5:00 PM of each business day by appointment only. Copies of staff reports are available prior to the Public Hearing upon request and will be available online at least five (5) days prior to the meeting at <http://powhatanva.gov/agendacenter>. Please call (804) 598-5621 with any questions.

AGENDA ITEMS

1. Call to Order

Dr. Barbara Brown (Chair)

2. Invocation

Mr. Bobby Hall (Vice Chair)

3. Administrative Items

- a. Request to Postpone Action/Amend the Agenda
- b. Approval of Minutes: September 1, 2020 (Regular Meeting) ([p. 3](#))
- c. Approval of Minutes: September 1, 2020 (Workshop) ([p. 7](#))

4. Public Comment Period

At this time, the Planning Commission will hear citizen comments on matters not scheduled for a public hearing that involve the services, policies, and affairs of Powhatan County government related to planning or land use issues.

5. Old Business

- a. **Case #20-03-CUP: Powhatan Solar II, LLC (District #3: Bethesda/Lees Landing)** requests a conditional use permit (CUP) to permit a solar energy farm within the Agricultural-10 (A-10) zoning district per Sec. 83-162 of the Zoning Ordinance of the County of Powhatan. The use is proposed to be located on Tax Map Parcels #27-14, 27-14A, and 26-104, which are located at the northern end of State Route 626 (Brauer Road) and along the south side of State Route 615 (Three

Bridge Road) west of State Route 1330 (Mill Mount Parkway). The subject properties consist of 927.38 acres. The maximum project area subject to this request is 200 acres. The 2019 Long-Range Comprehensive Plan designates the subject properties as Rural Residential and Natural Conservation on the Countywide Future Land Use Map. ([p. 8](#))

6. Public Hearings

None

7. New Business

None

8. Workshop

- a. Discussion: Revisions to Standards for Family Divisions (Subdiv. Ordinance: Sec. 68-125) ([p. 59](#))
- b. Discussion: Changes to the Courthouse Square Center (CHSC) Zoning District ([p. 73](#))
- c. Discussion: Role in Review of Capital Improvement Program (CIP) ([p. 86](#))

9. Adjourn

Next Meeting: Wednesday, November 4, 2020

September 1, 2020

VIRGINIA: AT A REGULAR MEETING OF THE PLANNING COMMISSION HELD IN THE POWHATAN VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, TUESDAY, SEPTEMBER 1, 2020 AT 6:00 PM

| | |
|---------------------------------------|--|
| Planning Commissioners Present | Barbara Brown, District 5, Chairman Bobby Hall, District 3, Vice Chairman Vicki Hurt, District 1 Amy Kingery, District 2 Jane Pendergast, District 4 |
| Planning Commissioners Absent | None |
| Staff Members Present | Andrew Pompei, Planning Director Thomas Lachenev, County Attorney Ed Howland, Principal Planner Alyson Oliver, Planner II |

1. Call to Order

Dr. Brown called the meeting to order at 6:00 PM and shared instructions on how members of the public participating in the meeting virtually can indicate their interest in speaking during the public hearing portions of the agenda.

2. Invocation

Mr. Hall gave the invocation.

3. Administrative Items

a. Request to Postpone Action/Amend the Agenda

None

b. Approval of Minutes: August 18, 2020 (Regular Meeting and Workshop)

Ms. Kingery motioned to approve the minutes from the regular meeting and workshop on August 18, 2020, as presented.

Ms. Pendergast seconded the motion.

Dr. Brown, Mr. Hall, Ms. Hurt, Ms. Kingery, and Ms. Pendergast voted AYE.

**VOTE 5-0
MOTION Passed**

4. Public Comment Period

Dr. Brown opened the public comment period, reminding members of the public that were participating virtually on how they may indicate their interest in participating in this public comment period.

Ms. Kitty Osborne (1071 Dorset Road) questioned the rationale behind eliminating provisions related to single cut subdivisions (Case #20-02-AZ), asking why the related ordinance amendment was being proposed and what review process is being followed.

September 1, 2020

Darlene Bowlin (630 Petersburg Road) expressed opposition to eliminating provisions related to single cut subdivisions (Case #20-02-AZ), expressing concerns that the proposed ordinance amendment (if approved) would reduce property values.

5. Old Business

- a. **Case #20-02-AZ:** The **County of Powhatan** requests the amendment of provisions set forth in several sections of Chapter 68 (Subdivision Ordinance) and Chapter 83 (Zoning Ordinance) to eliminate single cut subdivisions; remove references to single cut subdivisions within Chapter 68 (Subdivision Ordinance) and Chapter 83 (Zoning Ordinance); and to remove language within Chapter 68 (Subdivision Ordinance) and Chapter 83 (Zoning Ordinance) referring to parent tracts as parcels lawfully recorded prior to April 18, 1988.

Mr. Pompei provided an overview of this request. A public hearing regarding this item was held on August 18, 2020.

Dr. Brown made a motion to **recommend denial** of this request as presented, recommending that single cut subdivisions remain, but the residual parcel must adhere to the overall minimum lot area for the underlying zoning district. For example, within the Agricultural-10 (A-10) zoning district, the residual parcel must be at least ten (10) acres.

There was discussion about the compatibility of lots created as single cut subdivisions with surrounding parcels within areas zoned A-10, along with potential impacts on landowners' property rights.

The motion made by Dr. Brown was seconded by Mr. Hall.

Mr. Hall and Ms. Pendergast voted AYE.

Dr. Brown, Ms. Hurt, and Ms. Kingery voted NAY.

**VOTE 2 – 3
MOTION FAILED**

Dr. Brown made a motion to **recommend approval** of this request as presented.

Ms. Hurt seconded the motion.

Dr. Brown, Ms. Hurt, Ms. Kingery, and Ms. Pendergast voted AYE.

Mr. Hall voted NAY.

**VOTE 4 – 1
MOTION PASSED**

6. Public Hearings

- a. **Case #20-03-CUP: Powhatan Solar II, LLC (District #3: Bethesda/Lees Landing)** requests a conditional use permit (CUP) to permit a solar energy farm within the Agricultural-10 (A-10) zoning district per Sec. 83-162 of the Zoning Ordinance of the County of Powhatan. The use is proposed to be located on Tax Map Parcels #27-14, 27-14A, and 26-104, which are located at the northern end of State Route 626 (Brauer Road) and along the south side of State Route 615 (Three Bridge Road) west of State Route 1330 (Mill Mount Parkway). The subject properties consist of 927.38 acres. The maximum project area subject to this request is 200 acres. The 2019 Long-Range Comprehensive Plan

designates the subject properties as Rural Residential and Natural Conservation on the Countywide Future Land Use Map.

Mr. Pompei provided an overview of this request. Mr. Pompei noted that, since the agenda packet was transmitted, staff has changed its recommendation from approval to deferral, as some members of the Board of Supervisors requested additional information regarding the subject properties and the status of their enrollment within the Agricultural and Forestal District (AFD) program.

Ms. Haley Larabee (Cypress Creek Renewables) provided an overview of this request, supported by other team members (David Lisowski: Balzer and Associates and Tyler Rosá: Williams Mullen).

Dr. Brown opened the public comment period, reminding participants how they may indicate their interest in participating in this public comment period if they are participating virtually.

Ms. Kitty Osborne (1071 Dorset Road) asked questions regarding the disposal of solar panels once the solar farm is decommissioned.

Mr. David Anderson (2120 Stavemill Estates Drive), who represents one of the property owners, stated that he and the other property owners are no longer interested in participating in the Agricultural and Forestal District (AFD) Program.

Ms. Oliver read comments submitted electronically by Jack Crowley (3856 Mill Mount Drive), who represents the Westlake Homeowners Association. Mr. Crowley asked about site access; phasing/relationship between Powhatan Solar I and Powhatan Solar II; and timing of installation of the required perimeter buffer.

Greg Burton (3757 Mill Mount Place), who participated remotely, asked questions regarding the herbicide that will be used to control vegetation, and he suggested that the proposed project be accessed from State Route 626 (Brauer Road).

Edwin Utt (2505 Brauer Road) stated the proposed project should be accessed from State Route 615 (Three Bridge Road) instead of State Route 626 (Brauer Road), due to the existing width and condition of State Route 626 (Brauer Road).

Seeing as there were no speakers, the public comment period was closed by Dr. Brown.

Members of the Planning Commission discussed different issues related to the proposed project, with Ms. Larabee answering questions. Issues discussed included:

- Project decommissioning and disposal of panels;
- Relationship between Powhatan Solar I (Case #19-04-CUP) and Powhatan Solar II (Case #20-03-CUP);
- Installation of perimeter buffers and preservation of existing vegetation within perimeter buffers;
- Entrance location along State Route 615 (Three Bridge Road);
- Relationship between the proposed project and recommendations made in the *2019 Long-Range Comprehensive Plan*;
- Use of herbicides to manage vegetation; and
- Installation of pollinators (in lieu of grass).

After discussion, Dr. Brown made a motion to **defer** this request to the meeting on October 6, 2020, allowing additional time to answer questions regarding the entrance location; herbicide use; and applicability of the Virginia Pollinator-Smart Solar Industry Program.

September 1, 2020

Ms. Pendergast seconded the motion.

Dr. Brown, Mr. Hall, Ms. Hurt, Ms. Kingery, and Ms. Pendergast voted AYE.

VOTE 5-0
MOTION PASSED

7. New Business

None

8. Adjourn

There being no further business, Dr. Brown adjourned the meeting at approximately 7:30 PM.

Barbara Brown
Chairman

Andrew Pompei
Planning Director

September 1, 2020

VIRGINIA: AT A WORKSHOP OF THE PLANNING COMMISSION HELD IN THE POWHATAN VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, SEPTEMBER 1, 2020 AT 7:30 PM

Planning Commissioners Present Barbara Brown, District 5, Chairman
Bobby Hall, District 3, Vice Chairman
Vicki Hurt, District 1
Amy Kingery, District 2
Jane Pendergast, District 4

Planning Commissioners Absent None

Staff Members Present Andrew Pompei, Planning Director
Thomas Lacheney, County Attorney
Ed Howland, Principal Planner
Alyson Oliver, Planner II

1. Call to Order

Dr. Brown called the meeting to order at 7:30 PM, following adjournment of the regular Planning Commission meeting held on September 1, 2020.

2. Discussion: Revisions to Standards for Family Divisions (Subdivision Ord.: Sec. 68-125)

Mr. Pompei provided an overview of existing standards related to family divisions, which are listed in Sec. 68-125 (Subdivision Ordinance).

The Planning Commission directed the Department of Community Development to prepare draft language that members could discuss at the next workshop, which would reflect the following:

- Reducing the required holding period before creating a family division lot from ten (10) years to five (5) years;
- Retaining the required holding period after creating a family division lot at five (5) years;
- Adding language specifying that lots created through a family division can only be gifted to an adult; and
- Requiring that the residual parcel have an area that equals to (or exceeds) the sum of the area of the newly-created family division lots.

3. Information: Robert's Rules of Order and Freedom of Information Act (FOIA)

Mr. Lacheney provided an overview of Robert's Rules of Order and FOIA.

4. Adjourn

There being no further business, Dr. Brown adjourned the meeting at 8:18 PM.

Barbara Brown
Chairman

Andrew Pompei
Planning Director



Powhatan County Planning Commission Agenda Item

Meeting Date: October 6, 2020

Agenda Item Title: **Case #20-03-CUP: Powhatan Solar II, LLC (District #3: Bethesda/Lees Landing)** requests a conditional use permit (CUP) to permit a solar energy farm within the Agricultural-10 (A-10) zoning district per Sec. 83-162 of the Zoning Ordinance of the County of Powhatan. The use is proposed to be located on Tax Map Parcels #27-14, 27-14A, and 26-104, which are located at the northern end of State Route 626 (Brauer Road) and along the south side of State Route 615 (Three Bridge Road) west of State Route 1330 (Mill Mount Parkway). The subject properties consist of 927.38 acres. The maximum project area subject to this request is 200 acres. The 2019 Long-Range Comprehensive Plan designates the subject properties as Rural Residential and Natural Conservation on the Countywide Future Land Use Map.

Motion: In accordance with Section 83-123(f)(4) of the Powhatan County Zoning Ordinance and public necessity, convenience, general welfare, and good zoning practice, the Powhatan County Planning Commission recommends (*approval / denial / deferral*) of the request submitted by Powhatan Solar II, LLC to permit a *solar energy farm* on Tax Map Parcels #27-14, 27-14A, and 26-104, subject to the conditions presented in this report

Dates Previously Considered by PC: August 4, 2020 (Workshop)
September 1, 2020 (Public Hearing)

Summary of Item: The applicant is requesting a conditional use permit (CUP) to permit a solar energy farm within the Agricultural-10 (A-10) zoning district (Zoning Ordinance: Sec. 83-162). The proposed use would be located on portions of Tax Map Parcels #27-14, 27-14A, and 26 104, which are located along State Route 615 (Three Bridge Road) approximately one half mile east of its intersection with U.S. Route 522 (Maidens Road) in central Powhatan County. In total, the properties consist of 927.38 +/- acres, of which approximately 175 acres will be occupied by the solar arrays.

Staff: Approve Disapprove See Comments

Attachments: Staff Report
Application Materials

Additional materials submitted with this application are available to download at:
<http://powhatanva.gov/PowhatanSolarII>

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.



20-03-CUP Powhatan Solar II

Request for a Conditional Use Permit
to Permit a *Solar Energy Farm*
within the Agricultural-10 (A-10) Zoning District
on Tax Map Parcels #26-104, 27-14, and 27-14A
along State Route 615 (Three Bridge Road)

Staff Report Prepared for the Planning Commission
October 6, 2020

I. PUBLIC MEETINGS

| | | |
|----------------------|-------------------|-------------------------------------|
| Neighborhood Meeting | August 20, 2020 | Hosted by Applicant (Virtual) |
| Planning Commission | August 18, 2020 | Workshop |
| Planning Commission | September 1, 2020 | Public Hearing (Deferred: 5 – 0) |
| Planning Commission | October 6, 2020 | Old Business |

II. GENERAL INFORMATION

| | | |
|--------------------------------------|--|---------------|
| Request | Conditional Use Permit | |
| Proposed Use | Solar Energy Farm | |
| Proposed Density | N/A (No Residential Units Proposed) | |
| Existing Zoning | Agricultural-10 (A-10) | |
| Parcel Size | Total Parcel Area: | 927.38 acres |
| | Project Area: | 200 +/- acres |
| | Maximum Solar Array Area: | 175 acres |
| Parcel ID# | 26-104, 27-14, 27-14A | |
| Applicant | Powhatan Solar II, LLC | |
| Owner | Rancks LLC Bridge Lake LLC Traeland LLC | |
| Location of Property | Southern side of State Route 615 (Three Bridge Road) at its intersection with State Route 1330 (Mill Mount Parkway) Northern terminus of State Route 626 (Brauer Road) | |
| Electoral District | (3) Bethesda/Lees Landing | |
| 2019 Land Use Plan Recommendation | Rural Preservation Natural Conservation | |

III. EXECUTIVE SUMMARY

The applicant is requesting a conditional use permit (CUP) to permit a *solar energy farm* within the *Agricultural-10 (A-10)* zoning district (Zoning Ordinance: Sec. 83-162). The proposed use would be located on portions of Tax Map Parcels #27-14, 27-14A, and 26-104, which are located along State Route 615 (Three Bridge Road) approximately one half-mile east of its intersection with U.S. Route 522 (Maidens Road) in central Powhatan County. In total, the properties consist of 927.38 +/- acres, of which approximately 175 acres will be occupied by the solar arrays.

IV. REVIEW STANDARDS

| |
|---|
| Conditional Use (A-10): Solar Energy Farm |
| <i>Solar energy farm</i> is listed as a conditional use within the A-10 zoning district [Sec. 83-162(26)]. |
| Sec. 83-123(f)(4): Conditional Use Permit Review Standards |
| A Conditional Use Permit shall be approved if the applicant demonstrates the proposed conditional use: <ul style="list-style-type: none">a) Is consistent with the purposes, goals, objectives, and policies of the comprehensive plan and other applicable county-adopted plans;b) Complies with all applicable zoning district-specific standards in Articles III through VI;c) Complies with all applicable use-specific standards Article VII: Use Standards;d) Complies with all applicable development and design standards in Article VIII: Development Standards;e) Complies with all relevant subdivision and infrastructure standards in Chapter 68: Subdivisions of the Powhatan County Code;f) Is appropriate for its location and is compatible with the general character of surrounding lands and the uses allowed in the zoning district where proposed;g) Adequately screens, buffers, or otherwise minimizes adverse visual impacts on adjacent lands;h) Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;i) Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;j) Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;k) Complies with all other relevant county, state and federal laws and standards; andl) Is required by the public necessity, convenience, general welfare, or good zoning practice. |

Sec. 83-123(f)(5): Expiration of a Conditional Use Permit

A Conditional Use Permit shall expire in accordance with any expiration date or provisions in a condition of its approval. A Conditional Use Permit shall automatically expire if a Building Permit, Site Plan, or other county approval, whichever occurs first, for the development granted by the Conditional Use Permit, is not obtained within two (2) years after the date of approval of the Conditional Use Permit, or if no subsequent county approval is required, the development is not completed and operational within two (2) years.

V. PROPERTY DESCRIPTION

Location

Tax Map Parcels #26-104, 27-14, and 27-14A are located east of the intersection of State Route 615 (Three Bridge Road) and U.S. Route 522 (Maidens Road). In total, the parcels consist of approximately 927.38 acres, with approximately 12,000 feet (2.25 miles) of frontage along State Route 615 (Three Bridge Road). The project area will be a maximum of 200 acres, with solar arrays occupying no more than 175 acres.

Existing Conditions

| Parcel (Tax Map #) | Acreage | Existing Conditions |
|-----------------------|---------|---|
| 26-104 ¹ | 248.687 | This parcel is currently used for agricultural purposes. ² A private drive, which extends from State Route 626 (Brauer Road), runs through the central portion of the property and terminates at an existing single-family residential dwelling. Fine Creek runs from north to south along the western portion of the property. The land located west of Fine Creek is heavily wooded. |
| 27-14 | 581.253 | This parcel remains undeveloped. ² The property has recently been cleared for logging and timbering activity, with some trees remaining along streams and other water features. A transmission line bisects the property from northwest to southeast. |
| 27-14A | 97.44 | This undeveloped parcel ² is long and narrow, with approximately 12,000 linear feet of frontage along State Route 615 (Three Bridge Road) and a depth of approximately 350 feet. The property has recently been cleared for logging and timbering activity, with a tree line of varying width remaining along the road frontage and stream lines. |

¹ This property was previously enrolled in the Agricultural and Forestal District (AFD) program. The AFD was originally set to expire on April 12, 2020 and the property owner submitted documentation indicating their intent not to continue in the program.

² In October 2019, a conditional use permit was approved to allow a solar farm (max. solar array area: 225 acres) on the property. To date, no development has occurred.

Surrounding Properties

| Direction | Zoning | Uses |
|-----------|---|---|
| North | Rural Residential-5 (RR-5) Residential Utility (RU) Single-Family Residential-2 (R-2) Agricultural-10 (A-10) | <ul style="list-style-type: none"> • Low-Density Single-Family Residential (Subdivisions: Westlake at Mill Mount and Three Bridge Estates) • Vacant |
| South | Agricultural-10 (A-10) | <ul style="list-style-type: none"> • Vacant |
| East | Agricultural-10 (A-10) | <ul style="list-style-type: none"> • Low-Density Single-Family Residential • Vacant |
| West | Agricultural-10 (A-10) | <ul style="list-style-type: none"> • Vacant |

VI. PROJECT ANALYSIS

Current Zoning

The subject properties are currently zoned Agricultural-10 (A-10).

Proposed Use

The applicant is proposing a *solar energy farm*, which is defined as follows [Sec. 83-521]:

Solar energy farm means a system consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity. It is designed to meet demands for a larger area and is typically mounted on the ground.

Solar energy farm is a conditional use within the Agricultural-10 (A-10) zoning district [Sec. 83-162(26)]. No specific standards applicable to this use are identified in Sec. 83-432 (Standards for Specific Principal Uses).

Land Use and Community Character

The surrounding area is rural in character, with a mixture of large, vacant parcels and single-family residential development on larger lots (generally ranging from two to ten acres in size). Many of the nearby homes are located within residential subdivisions, such as Montpelier Place (zoned R-2), Three Bridge Estates (zoned A-10 and R-2), and Westlake at Mill Mount (zoned RR-5).

The proposed conditions included in this report are intended to help the proposed use blend with the surrounding rural areas. This is accomplished by:

- Requiring significant setbacks (at least 200 feet) from property lines (Conditions #9 and #10);

- Requiring vegetated buffers along State Route 615 (Three Bridge Road) (Condition #12); and
- Requiring significant riparian buffers (at least 200 feet wide) along wetlands and streams (Condition #15).

While significant setbacks and buffer requirements may be imposed, the facility may still be visible from portions of State Route 615 (Three Bridge Road), depending upon the topography and the composition of existing vegetation that has been retained.

Environment/Natural Resources

Agency Comments: Environmental Review (Powhatan County)

All riparian buffers shall conform to Section 83-471 of the Zoning Ordinance and the guidance for solar farms included in the 2019 Long-Range Comprehensive Plan.

On-Site Environmental and Historic Features

- *Topography*

The subject properties have varied topography, with steep slopes generally located at or around aquatic features (wetlands, streams, ponds, etc.). Per GIS, elevations range from approximately 245 feet above sea level to 365 feet above sea level, with the highest elevations in north-central portions of the subject properties near the intersection of State Route 615 (Three Bridge Road) and State Route 1330 (Mill Mount Parkway). Based on analysis of public GIS data, significantly steep slopes (over fifteen percent slope) occur on approximately 5.26% of the total site area.³

- *Streams and Wetlands*

Several intermittent and perennial streams bisect the subject properties, with wetlands located adjacent to some streams. Branch Creek runs along the eastern boundary of the subject properties, with its tributaries flowing from the central and eastern portions of the project area. Fine Creek flows from south to north along the western boundary of the subject properties. Both streams are tributaries to the James River.

A wetland delineation report was submitted by the applicant (TNT Environmental: Dated December 20, 2018/Revised April 30, 2019). In addition to mapping the aforementioned streams, the study identified the location of wetland areas. Per the report, “many of the wetlands originate from groundwater seeps at the toe-of-slope, adjacent to areas which have historically been used for silvicultural and agricultural practices. The boundaries of most on-site wetlands are driven by slight changes in on-site topography. For the most part, on-site streams are contained within well-defined channels. Small, seep-fed wetlands were frequently encountered along portions of on-site streams, which is typical of this geology” (p. 3). Identified wetlands and streams are shown on the conceptual plan submitted by the applicant.

³ In the 2019 Long-Range Comprehensive Plan, steep slopes are described as those with 15% or greater slopes (p. 64, 65, 69, 75, 81, 85).

- *Natural Habitats*

The subject properties contain a mix of woodlands and open areas (pasture and cropland). Timbering has occurred on the property on different occasions, with clearing recently occurring in the north/central portions of the subject properties.

The applicant submitted a letter from the Virginia Department of Conservation and Recreation (DCR) summarizing the findings of a preliminary desktop survey of natural heritage resources found within or near the project area. In the letter, DCR recommends that the applicant: (i) develop an invasive species management plan for the project; and (ii) plant native pollinator plants in the buffer areas which bloom throughout the spring and summer.

- *Historic Resources*

Per the Cultural Resources Database Summary Memo (Timmons Group: Dated November 13, 2017), no archaeological or architectural resources eligible for listing on the National Register of Historic Places are located within the project area or within a one-half mile radius of the site limits.⁴

Erosion and Sediment Control

Prior to starting clearing and grading, a land disturbance permit (which identifies on-site erosion and sediment control measures) must be approved by Powhatan County. Regular inspections will occur throughout the construction process to ensure that adequate measures are taken to control erosion.⁵

Stormwater Management

Prior to site plan approval, a stormwater management plan will need to be submitted and approved by the Virginia Department of Environment Quality (DEQ) to ensure that the necessary infrastructure is in place to control the quantity and quality of runoff.

⁴ Per the 2019 Long-Range Comprehensive Plan (Map 4: Historic Resources), no known historic resources are located on the subject properties or within the immediate areas.

⁵ Due to the project's size, Condition #20 requires that the applicant hire a third-party consultant to conduct regular inspections of erosion and sediment control measures, helping ensure that the project does not negatively impact adjacent properties and waterways.

Transportation

Agency Comments: Virginia Department of Transportation (VDOT)

VDOT supports the request by Powhatan Solar I, LLC and offers the following comments:

- Site Plan shall be submitted for VDOT review and approval prior to Land Disturbance. This review shall include potential Drainage Impacts upon Three Bridge Road Rt. 615 and Brauer Road Rt. 626.
- A VDOT Land Use Permit shall be required for the Temporary Construction Entrances and for the Commercial entrances to the site along Three Bridge Road and Brauer Road.
- Proposed Access from Three Bridge Road Rt. 615 and Brauer Road Rt. 626 shall be subject to VDOT review and approval.
- VDOT Access Management does not apply for Low Volume Commercial entrances, but stopping sight Distance is required.
- While VDOT Access Management does not apply, the revised Sec. 68-175(e)(5) of the Powhatan County Subdivision Ordinance requires that any deviations from local spacing standards be approved by the Board of Supervisors, prior to VDOT site plan approval.

Local Road Network

The proposed solar energy farm has approximately 1,400 feet (one-quarter mile) of frontage along State Route 615 (Three Bridge Road). The site is also accessible from State Route 626 (Brauer Road), which ends near the southern boundary of the subject properties.

| Roadway Characteristic | State Route 615 (Three Bridge Road) | State Route 626 (Brauer Road) |
|---|--|----------------------------------|
| Functional Classification: VDOT | Major Collector | Local Road |
| Functional Classification: Powhatan Co. Major Thoroughfare Plan | Minor Arterial (Existing) | Local Road (Existing) |
| Traffic Volume Estimates (VDOT: 2018) | 800 | 230 |

Site Entrances

The site will have one access point from State Route 615 (Three Bridge Road) and another access point accessible from State Route 626 (Brauer Road), which shall be shared with any additional solar development on the subject properties (Condition #16). All construction traffic will be required to access the site via State Route 615 (Three Bridge Road) (Condition #8d). Once construction is complete, these entrances are expected to generate little traffic.

Since the Planning Commission meeting on September 1, 2020, the applicant has modified the proposed location of the entrance to the site from State Route 615 (Three Bridge Road). The proposed entrance will be located west of Mill Mount Parkway, and (as shown) is situated to meet local intersection spacing standards (minimum of 625 feet from any intersection or drive). Condition #16b was modified to require that the entrance to the site from State Route 615 (Three Bridge Road) be located as generally shown on the zoning site plan.

Utilities and Public Infrastructure

Agency Comments: Department of Public Works (Powhatan County)

No comments received.

Agency Comments: Virginia Department of Health

No adverse comments.

The proposed use is anticipated to have minimal impact on public utilities and infrastructure. After construction, the site will generally not be occupied, except for occasional maintenance visits. Lack of on-site office or industrial facilities means there will rarely be a need for emergency services, and there will be no need for on-site wells or septic systems.

Public Safety

Agency Comments: Sheriff's Office (Powhatan County)

No comments at this time.

Agency Comments: Fire Department (Powhatan County)

Fire department has no concerns at this time.

Per information provided with the application, the solar energy farm will be entirely enclosed by a fence, and access codes will be provided to local emergency service providers.

Development Requirements and Standards

Agency Comments: Building Inspections Department (Powhatan County)

No comments at this time.

Development Review: Next Steps

Prior to issuance of a building permit, the applicant will be required to submit a site plan(s) for review and approval [Sec. 83-123(g)].

All site plans are evaluated to ensure that proposed development adheres to standards set forth in Article VIII (Development Standards) of the zoning ordinance, along with any conditions associated with this CUP (if approved).

Site plan applications are reviewed by the Department of Community Development.

Fiscal Impacts

Per information provided with the application, the proposed solar energy farm is expected to generate over \$12 million in direct local investment during construction. The proposed use is also expected to generate greater tax revenues than the current use of the property, with an estimated \$22,312.50 in annual tax revenue.⁶

Other Approved Solar Energy Farm CUPs⁷

| Case Number | Status | Location | Project Area (in acres) | Array Area (in acres) | Distance to Site (in miles) |
|--------------------|------------------|--|------------------------------------|----------------------------------|--|
| 15-10-CUP | Completed | 4325 Old Buckingham Road (District 4) | 348 | 75 | 2.5 |
| 16-01-CUP | Completed | 4325 Old Buckingham Road (District 4) | 349 | 98 | 2.7 |
| 19-04-CUP | CUP Approved | 2660 Brauer Road (District 3) | 350.9 | 225 | -- |
| 19-05-CUP | Site Plan Review | Old Buckingham Road (District 4) | 40.16 | 8.2 | 3.5 |

For a visual representation of approved solar energy farm CUPs countywide, please see the map included with this packet as Attachment #9.

VII. COMPREHENSIVE PLAN ANALYSIS

Countywide Future Land Use Plan

The 2019 Long-Range Comprehensive Plan designates the subject properties as *Rural Preservation* and *Natural Conservation* on the Countywide Future Land Use Plan.

Land Use: Rural Preservation

Most of the subject properties are designated *Rural Preservation* in the 2019 Long-Range Comprehensive Plan. This land use designation is described as follows (p. 68):

Rural Preservation areas will be rural in character, with preserved natural, cultural, and historic resources, including farms, agribusinesses and tourism, permanently-protected open spaces, permanent easement properties, hillsides, hilltops, floodplain, wooded and forested areas, historic landscapes, landmarks, and corridors. These areas will contribute to active agriculture, silviculture, agribusiness, equestrian operations, and tourism, with new residential

⁶ Fiscal Impact Review of Powhatan Solar II, LLC provided by Cypress Creek Renewables. This analysis has been reviewed by the Commissioner of the Revenue.

⁷ A neighborhood meeting was held for a proposed 20 MW solar farm on 197 acres located at approximately 2726 Anderson Highway. A CUP application was submitted on September 28, 2020.

development designed in such a way as to be balanced with the natural and existing manmade environment in order to minimize degradation of the rural, natural, cultural, and historic environment.

There are specific recommendations regarding the siting and design of *solar energy farms* located within areas designated *Rural Preservation* (p. 73).

| Design Element | Adherence to Design Recommendations (Yes/No) | Analysis |
|----------------------------------|---|--|
| Proximity to Major Thoroughfares | Yes | <p>Condition #8d states that construction traffic may only access the site from State Route 615 (Three Bridge Road), which is classified as a Minor Arterial in the <i>2019 Long-Range Comprehensive Plan</i>.</p> <p>Condition #16 limits site access and Condition #19 requires submittal of a construction traffic management plan.</p> |
| Screening and Buffering | Yes | <p>Condition #9 requires that solar panels and accessory structures be located at least 200 feet from property lines (including roadways).</p> <p>Natural buffers adjacent to roadways will be preserved and supplemented with native plantings (Condition #12). At some locations, wide riparian buffers are located between solar panels and adjacent roadways.</p> <p>Due to topography and limited existing vegetation at some locations, the project may be visible from portions of State Route 615 (Three Bridge Road).</p> |
| Protection of Natural Resources | Yes | <p>Condition #15 requires riparian buffers at least 200 feet wide adjacent to wetlands and streams.</p> <p>The applicant has submitted a Limited NEPA Report, a wetlands delineation report, and supporting documentation.</p> <p>Natural buffers adjacent to roadways will be preserved and supplemented with native plantings (Conditions #11).</p> |
| Protection of Cultural Resources | Yes | <p>Per the Limited NEPA Report and <i>2019 Long-Range Comprehensive Plan</i> (Map 4: Historic Resources), no significant historic sites are located within (or in close proximity to) the project area.</p> |
| Prohibition of Toxic Materials | Yes | <p>Condition #18 prohibits the use of solar panels containing cadmium and GenX chemicals.</p> |
| Project Size | Yes | <p>The proposed project area is 200 acres (with the maximum solar array area being 175 acres), below the recommended maximum area of 500 acres.</p> <p>Including the maximum solar array area permitted by Case #19-04-CUP, the combined size of the solar array area on the subject parcels is limited to 400 acres.</p> |

Land Use: Natural Conservation

Areas adjacent to Branch Creek, Fine Creek, and some smaller tributaries are designated *Natural Conservation* in the *2019 Long-Range Comprehensive Plan*. This land use designation is described as follows (p. 64):

Natural conservation indicates land with intrinsic natural features, such as perennial stream corridors, floodplains, floodways, wetlands, or steep slopes (over fifteen percent). As a secondary benefit, these same areas provide greenways for wildlife corridors. These areas are designated as “unbuildable” and should be maintained in a naturalized, undisturbed state. Local, state, and federal regulations apply to the conservation of these areas.

Areas designated *Natural Conservation* generally align with riparian buffers shown on the conceptual plan.

It is recommended that areas designated *Natural Conservation* include natural habitats, nature trails, and camps/retreats (p. 64).

Condition #15 requires riparian buffers at least 200 feet wide adjacent to wetlands and streams (intermittent, perineal, and ephemeral), which generally aligns with the location of areas designated *Natural Conservation*.

Priority Conservation Areas

In the *2019 Long-Range Comprehensive Plan*, Map 3: Natural Resources (Prime Conservation Areas) identifies Branch Creek and adjacent lands as *Priority Conservation Areas*. *Priority Conservation Areas* include critical wildlife habitat, old-growth woodlands, wetlands, sensitive soils, and other features which contribute to the ecological health and beauty of Powhatan County. It is recommended that development within these areas be designed to minimize impacts on significant environmental resources (p. 44-45).

The conceptual plan for the proposed solar energy identifies the location of *Priority Conservation Areas*, with solar panels located outside of these areas.

VIII. PUBLIC COMMENTS

The applicant held a virtual neighborhood meeting on August 20, 2020. Approximately 14 people attended the meeting, where the applicant shared the proposed plans with attendees and answered general questions.

At the Planning Commission meeting on September 1, 2020, five members of the public commented on the request, noting the following:

- *Location of the Construction Entrance*

One speaker inquired about why the construction entrance was proposed to access State Route 615 (Three Bridge Road), rather than State Route 626 (Brauer Road). A separate speaker requested that the proposed construction entrance remain on State Route 615 (Three Bridge Road), due to concerns regarding the width and condition of State Route 626 (Brauer Road).

- *Entrance Location along State Route 615 (Three Bridge Road)*
A representative for the Mill Mount at Westlake Homeowners Association requested that the entrance along State Route 615 (Three Bridge Road) be relocated so that it is to the west of the subdivision entrance.
- *Buffer Plantings*
Two members of the public asked for more information on how Powhatan County would enforce the planting of the required buffer.

The Department of Community Development has not received any formal comments on this request, but has received phone calls with general questions about the application.

IX. PLANNING COMMISSION MEETING

At the meeting on September 1, 2020, the Planning Commission held a public hearing on this request. Comments were received by five members of the public during the public hearing (see Part VIII of staff report).

At the meeting, members of the Planning Commission discussed the following issues:

- *Entrance Location along State Route 615 (Three Bridge Road)*
Members of the Planning Commission requested additional information regarding the location of the proposed entrance from State Route 615 (Three Bridge Road).
- *Pollinator Habitat*
Members of the Planning Commission requested that the applicant consider planting pollinators throughout the site (instead of grass), which may create wildlife habitat, improve soil quality, and limit long-term maintenance costs.
- *Use of Pesticides and Herbicides*
Members of the Planning Commission expressed concerns that the improper use of herbicides on the property may negatively impact water quality.

Following discussion, the Planning Commission voted to **defer** (5-0) this request to the October 6, 2020 Planning Commission meeting.

X. STAFF RECOMMENDATION

Favorable Attributes of Request

- *Adherence to Comprehensive Plan Recommendations*
The design of the proposed solar energy farm incorporates many of the recommendations made in the *2019 Long-Range Comprehensive Plan* (Solar Energy Farms: p. 73).
- *Limited Demands on Public Services*
The use will not require significant public services. After construction, the site will generally not be occupied, except for occasional maintenance visits. Lack of on-site office or industrial facilities means there will rarely be a need for emergency services, and there will be no need for on-site wells or septic systems.

- *Limited Noise and Odors*
Once construction is complete, the use will generate little noise or odor.
- *Accommodates Future Agricultural and Forestal Uses (After Decommissioning)*
Once the solar energy farm reaches the end of its lifespan, the solar panels and most of the supporting infrastructure must be removed from the site (Condition #21), allowing agricultural and forestry uses to resume on the property.
- *Delays Subdivision of Subject Properties*
Use of the property as a solar energy farm will prevent further subdivision of the subject properties for several decades, limiting residential development with an area designated *Rural Preservation*.
- *Greater Environmental Standards than Permitted Agricultural Uses*
The design and construction of the solar energy farm will have to adhere to more stringent environmental standards than permitted agricultural and forestry uses.

Unfavorable Attributes of Request

- *Noise, Dust, and Traffic During Construction*
Construction of the project will generate additional traffic and may create noise and dust.
- *Visibility from Adjacent Roadways*
While additional setbacks and buffer requirements are intended to mitigate potential visual impacts, the solar energy farm may be visible from portions of State Route 615 (Three Bridge Road).

Recommendation

The Department of Community Development **recommends approval** of this request. With the recommended conditions, the use is generally compatible with other agricultural and rural uses in the area and generally reflects recommendations made in the *2019 Long-Range Comprehensive Plan*. The conditions address aesthetic and environmental concerns by:

- Increasing required setbacks and riparian buffers;
- Requiring the preservation of existing vegetation along adjacent roadways;
- Limiting construction activity and access to the site;
- Establishing procedures for future erosion and sediment control review and project decommissioning; and
- Prohibiting the use of toxic chemicals (Cadmium Telluride, Cadmium Indium Gallium (Di)selenide, and GenX chemicals) within solar panels.

Since the Planning Commission meeting on September 1, 2020, several conditions have been added to address concerns raised by members of the public and the Planning Commission:

- Since the Planning Commission meeting, the applicant has revised the proposed entrance location, so that it is located along State Route 615 (Three Bridge Road) west of the entrance to the Mill Mount at Westlake subdivision. Condition #16b has

been updated to require the entrance be located as generally shown on the provided zoning site plan.

- Condition #5 has been added to require the applicant to participate in the Virginia Pollinator-Smart Solar Industry Program.
- Conditions #22 and #23 have been added to manage the use of herbicides. These conditions prohibit the use of glyphosate-based herbicides (such as Roundup) and require that pesticides be applied by a certified Commercial Pesticide Applicator.

Changes made to the recommended conditions since September 1, 2020 are noted in Section XI.

XI. RECOMMENDED CONDITIONS

If approved, the Department of Community Development recommends that the conditions listed below be incorporated into this request. These conditions are proposed to minimize negative impacts on surrounding properties and reflect recommendations made in the *2019 Long-Range Comprehensive Plan*, and are similar to the conditions set for similar solar projects that have been approved in Powhatan County.

Changes made to the recommended conditions since September 1, 2020 are noted in red.

1. The applicant(s) shall consent to annual administrative inspections by the Department of Community Development for compliance with the requirements of this CUP.
2. The applicant(s) shall sign the list of adopted conditions for this CUP signifying acceptance and intent to comply with these conditions.
3. Failure to comply with the conditions of this CUP may result in the issuance of a Notice of Violation (NOV) by the Zoning Administrator. The Zoning Administrator may present this CUP to the Board of Supervisors for revocation if the NOV is not resolved as directed.
4. All activities associated with this CUP shall be in compliance with all local, state, and federal laws.
5. The approved conditions associated with this CUP apply to the proposed development shown on Sheet Z1.0 of the Zoning Site Plan dated September 15, 2020 submitted with this application. The approved conditions associated with Case #19-04-CUP (Ordinance #O-2019-13) remain in effect for the proposed development shown on Sheet Z1.0 of the Zoning Site Plan dated July 15, 2019.
- ~~5.6.~~ 6.6. This conditional use permit shall permit a *solar energy farm* and related accessory uses, as defined in Section 83-521 of the Powhatan County Zoning Ordinance. The extent of the project shall be limited to the area identified as the “Project Area,” as generally shown on Sheet Z1.0 of the Zoning Site Plan dated ~~May 4, 2020~~ September 15, 2020. The area with solar panels shall not exceed 175 acres.
- ~~6.7.~~ 7.7. A site plan shall be submitted to Powhatan County for review and approval, in accordance with Section 83-123(g) of the Powhatan County Zoning Ordinance.
- ~~7.8.~~ 8.8. All site activity required for the construction and operation of the solar energy farm shall be limited to the following:

- a. All clearing and grading of the site, including the construction and/or upgrade of any access roads needed for the project, shall be limited to the hours of 8 a.m. to 6 p.m., Monday through Saturday.
 - b. All pile driving activity shall be limited to the hours of 8 a.m. to 6 p.m., Monday through Saturday.
 - c. All other construction activity on site shall be permitted outside of those hours provided such activities are consistent with the provisions of Powhatan County's Noise Ordinance.
 - d. Construction vehicles shall only access the site from State Route 615 (Three Bridge Road). No construction vehicles shall access the site from State Route 626 (Brauer Road).
- ~~8.9.~~ 9.9. Solar panels and accessory structures shall maintain a minimum setback of 200 feet from all property lines.
- ~~9.10.~~ 10.10. Solar panels and accessory structures (excluding fencing) shall maintain a setback of 250 from any residential dwelling existing on the date of approval of this CUP.
- ~~10.11.~~ 11.11. Any required security or perimeter fencing shall be installed in accordance with the following standards:
- a. Fencing shall not cross streams, wetlands, or riparian buffers; and
 - b. The use of barbed wire shall be prohibited along State Route 615 (Three Bridge Road).
- ~~11.12.~~ 12.12. A natural buffer shall be provided along State Route 615 (Three Bridge Road) in the area labeled "Existing Trees to be Preserved" on the Zoning Site Plan dated ~~May 4, 2020~~ September 15, 2020. The width of the natural buffer area shall be a minimum of 125 feet from the property line.
- Existing vegetation located within the Natural Buffer Area shall be maintained for the lifetime of the project. No clearing, grading, or excavation may occur within the Natural Buffer Area, except as necessary for utilities and driveways. Existing vegetation within the perimeter buffer shall be maintained to the greatest extent practicable, and the Zoning Administrator may require existing vegetation be supplemented with native trees and/or native shrubs to maintain the rural character of the site as seen from adjacent roadways, properties, and/or historic structures.
- ~~12.13.~~ 13.13. Prior to site plan approval, the applicant shall develop an invasive species management plan to address recommendations made by the Department of Conservation and Recreation.
14. The project shall be designed and planted with appropriate pollinator-friendly native species and achieve Certified VA Pollinator-Smart status, in accordance with performance standards set forth by the Virginia Pollinator-Smart Solar Industry Program (Virginia Department of Conservation and Recreation and Virginia Department of Environmental Quality). Construction plans for the project shall list the pollinator-friendly native plants that will be used as permanent stabilization. The owner of the facility shall submit documentation to the Zoning Administrator

[annually demonstrating compliance with all monitoring requirements set forth by the Virginia Pollinator-Smart Solar Industry Program.](#)

~~13.~~[15.](#) A riparian buffer at least 200 feet in width shall be maintained along all streams (ephemeral, intermittent, and perennial) and wetlands. Required riparian buffers shall be maintained as vegetated areas composed of an assemblage of trees, shrubs, and other vegetation that can effectively stabilize banks and slow down and filter stormwater runoff. If the buffer is not currently so vegetated, it shall be restored or allowed to develop into such a buffer. No mowing or disturbance shall occur within riparian buffers.

~~14.~~[16.](#) Access to the solar energy farm shall be limited as follows:

- a. A maximum of one point of access shall be permitted along State Route 615 (Three Bridge Road); and
- b. A maximum of one point of access shall be permitted along State Route 626 (Brauer Road).

Points of access shall be shared with any development authorized by the approved conditional use permit associated with Case #19-04-CUP ([Ordinance #O-2019-13](#)), resulting in only one point of access from State Route 615 (Three Bridge Road) and one point of access from State Route 626 (Brauer Road). [The point of access from State Route 615 \(Three Bridge Road\) shall be located as generally shown on the Sheet Z1.0 of the Zoning Site Plan, dated September 15, 2020.](#)

Once construction is complete, the point of access from State Route 615 (Three Bridge Road) shall be paved with asphalt, concrete, or a similar hard-surface material from the edge of the existing pavement of the state-maintained roadway to a point at least 40 feet from the edge of the existing pavement.

~~15.~~[17.](#) If needed, depending on weather and site conditions, dust control measures shall be implemented during construction.

~~16.~~[18.](#) Solar panels shall not contain ad cadmium (Cadmium Telluride and Cadmium Indium Gallium (Di)selenide) or GenX chemicals.

~~17.~~[19.](#) A Construction Traffic Management Plan and mitigation measures shall be developed by the Applicant and submitted to the Virginia Department of Transportation (VDOT) and Powhatan County for review. The Plan shall address traffic control measures (with additional measures identified and implemented during weekday peak AM and PM hours to ensure safe and efficient travel for commuters and school buses), a pre- and post-construction road evaluation, and any necessary repairs to the public road that are required as a result of damage from the Project. Prior to approval of a site plan or land disturbance permit (whichever comes first), the Applicant shall provide a financial surety in a form agreed to by the County Attorney of at least \$200,000 that can be used to cover costs associated with repairing public roadways damaged during construction of the project. Such surety shall not be released until after construction is complete and Powhatan County and/or VDOT have determined that any damage to public roadways has been adequately repaired. If a traffic issue arises during the construction of the Project, the Applicant shall

develop appropriate measures to mitigate the issue with input from Powhatan County and VDOT.

~~18.~~20. At the request of Powhatan County, the applicant shall provide a qualified third party consultant to review the site's Erosion and Sediment Control (ESC) plan and to conduct ongoing inspections of the site to ensure compliance with the Virginia Erosion and Sediment Control Law. Powhatan County shall approve of the third party consultant provided to conduct said reviews and inspections.

~~19.~~21. If the solar energy farm is not in active use for a continuous period of 24 months, it shall be considered abandoned, and the owner of the facility, the land owner of the property on which the solar energy farm is located, or their successors or assigns shall remove the facilities within six months of receipt of notice from the county. Decommissioning includes the removal of the solar systems, buildings, cabling, electrical components, roads, foundations, pilings, and fencing to a depth of 36 inches, and shall comply with the following:

- a. Any agricultural land upon which the facility was located shall be restored to tillable soil suitable for agricultural use, forestry, wildlife habitat, ponds and/or wetlands. The Zoning Administrator may permit the fence, roads and support buildings to remain with the property owner's approval so long as they continue to be screened as required.
- b. The owner of the facility shall secure the costs of decommissioning by providing and keeping in force a decommissioning agreement and financial surety in a form agreed to by the county attorney. The owner of the facilities shall every five years submit updated cost estimates for decommissioning the facilities, adjusted for changes in inflation. Such estimates shall be similar in format and content as the decommissioning plan submitted with the application for a conditional use permit (document entitled *Opinion of Probable Cost – PV Plant Decommissioning – SAT – 15 MWAC*, dated May 27, 2020 and prepared by Mott MacDonald). At its option, the county may require the surety amount be adjusted based on the cost of decommissioning.
- c. If the facility is not removed within the specified time, the county may contract for removal. Thereafter, the county may cause removal of the facility with costs being borne by the owner of the facilities and/or the land owner. In the event that the financial surety does not cover the cost of removal, all additional costs shall be charged to the landowner and become a lien on the property on which the facility was located.

22. The use of glyphosate-based herbicides, such as Roundup, shall be prohibited.

23. Any person applying pesticides on the property must be registered by the Virginia Department of Agriculture and Consumer Services: Office of Pesticide Services as a Certified Commercial Pesticide Applicator.

24. The applicant, per a letter signed on September 25, 2020, has voluntarily offered the following condition:

- a. Powhatan Solar II, LLC agrees to contribute \$15,000 to Powhatan County Fire and Rescue for the purpose of supporting emergency services in the

community. The donation will be paid within sixty days following the “groundbreaking” of the construction of the facility. And, for the avoidance of doubt, is not payable, if for any reason, the Powhatan Solar II, LLC facility does not reach such status.

XII. PROPOSED RESOLUTION

In accordance with Section 83-123(f)(4) of the Powhatan County Zoning Ordinance and public necessity, convenience, general welfare, and good zoning practice, the Powhatan County Planning Commission recommends (*approval / denial / deferral*) of the request submitted by Powhatan Solar II, LLC to permit a *solar energy farm* on Tax Map Parcels #27-14, 27-14A, and 26-104, subject to the conditions presented in this report.

Attachment(s)

1. Application
2. Vicinity Map
3. Zoning Map
4. Countywide Future Land Use Map (2019)
5. Prime Conservation Areas Map
6. Application
7. Zoning Narrative
8. Conceptual Plan
9. Approved Solar Energy Farm CUPs Map

Supplemental Materials

Additional materials submitted with this application are available to download at:
<http://powhatanva.gov/PowhatanSolarII>



**County of Powhatan,
Virginia**
Conditional Use Permit
Application

| For Office Use Only | |
|---------------------|-----------|
| Case Number | 20-03-CUP |

Powhatan County, Virginia
Department of Community Development
3834 Old Buckingham Road: Suite F
Powhatan, VA 23139

| Applicant Information | |
|-----------------------|--|
| Name of Applicant | Powhatan Solar II, LLC |
| Mailing Address | 3402 Pico Blvd, Santa Monica, CA 90405 |
| Phone Number | 828-385-4943 |
| Email Address | haley.larabee@ccrenew.com |

| Owner Information (Complete this section if the applicant is not the current property owner) | |
|---|--|
| Name of Owner | Rancks LLC, Bridge Lake LLC, Traeland LLC |
| Mailing Address | Rancks LLC and Bridge Lake LLC: 2550 Brauer Road, Powhatan, VA 23139 Traeland LLC: 2120 Stavemill Estates Drive, Powhatan, VA 23139 |
| Phone Number | 804-387-7226 |
| Email Address | andersontamara@hotmail.com |

If the applicant is not the owner, the applicant must provide written documentation that the current property owner consents to the application (see form entitled *Consent of Owner(s) to Request Rezoning*).
If there are multiple owners, all owners must sign the application or provide other documentation consenting to the

| Applicant Representative (Complete this section if correspondence should be directed to someone other than the applicant) | |
|--|---|
| Name of Representative | Haley Larabee, Parker Sloan on behalf of Cypress Creek Renewables |
| Mailing Address | 45 Banks Ave, Asheville, NC 28806 |
| Phone Number | 828-385-4943 and 828-367-9035 |
| Email Address | haley.larabee@ccrenew.com and parker.sloan@ccrenew.com |

| Parcel Information | |
|--|---|
| Tax Map Number | 027-014, 027-14A, 026-104 |
| Physical Address | 2660 Brauer Road, Powhatan, VA 23139 |
| General Description of Property Location | Located south of Three Bridge Road and to the east of Maidens Road. |
| Election District | District 3 |
| Total Acreage | 927 |
| Current Zoning | A-10 |
| Countywide Future Land Use: Land Use Designation | Forest/Vacant Land |

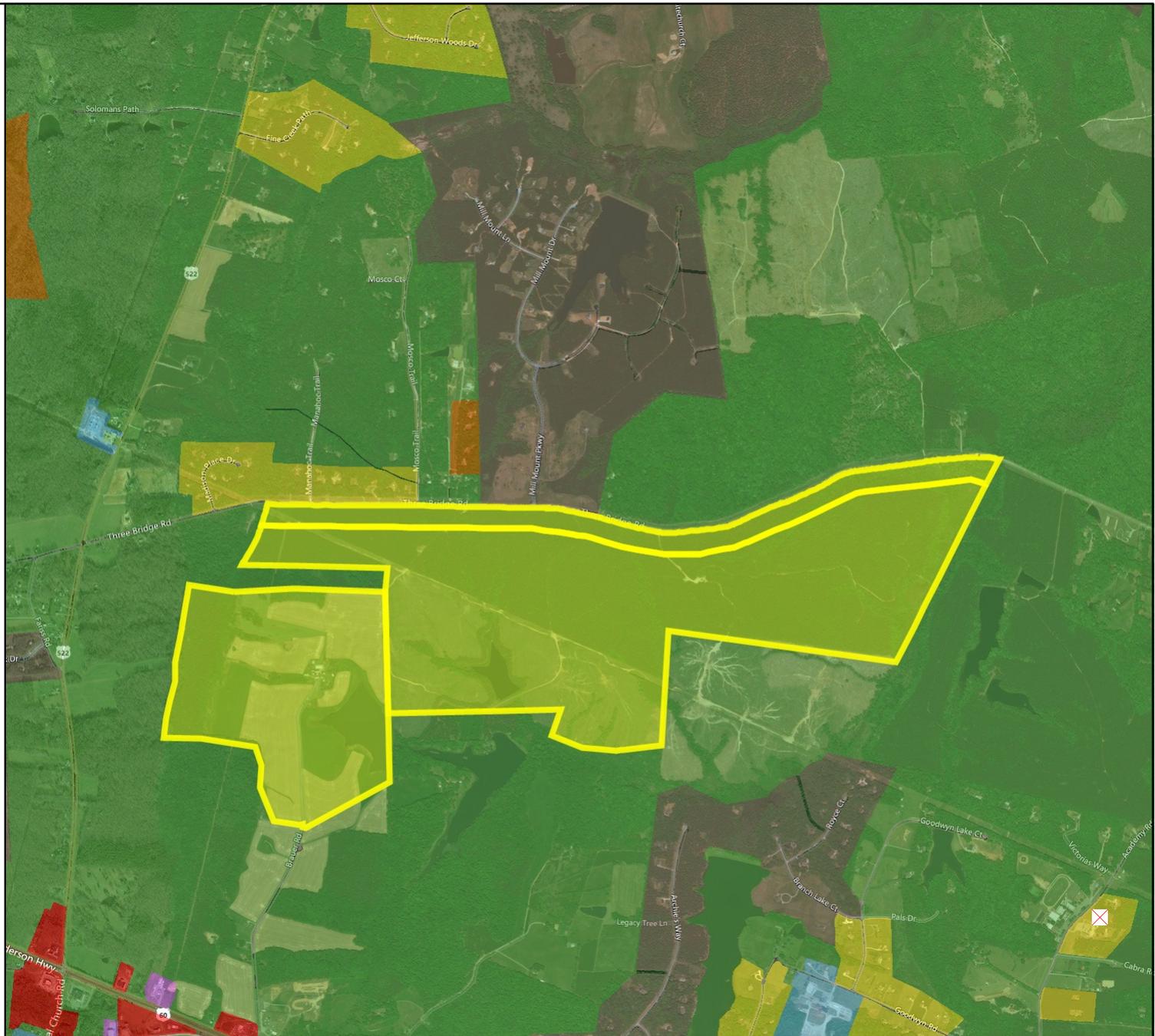
| Proposed Use | |
|--|--|
| Proposed Use (Identify Use Listed in Zoning Ordinance) | Solar energy generating facility |
| Proposed Use: Detailed Description | Ground mounted, photovoltaic solar modules, inverters, transformers enclosed within perimeter fencing. |
| If this request is approved, will new structures be constructed? | No |
| Are there existing structures on the subject property? | Yes, there is an existing farmhouse and related farm structures (barns) that exist on the parcel |
| Will the proposed use connect to public water and/or sewer? | No |
| Will the proposed use have direct access to a public road? | Yes |

A conceptual plan that shows the general configuration of the proposed development, including land uses, building locations (existing and proposed), pedestrian and vehicular circulation, open space, and resource protection areas, should be submitted with the application. This plan should also include measurements on how far existing and proposed structures, parking areas, and other activities associated with the proposed use will be from property lines.

Powhatan County

Legend

-  County Boundary
-  Places
- Zoning**
-  Agriculture A-10
-  Agricultural/Animal Confinement
-  Commerce Center Planned Development
-  Commerce Center
-  Commercial
-  Courthouse Square Center
-  Industrial - 1
-  Industrial - 2
-  Mining
-  Office
-  Residential - 2
-  Rural Residential 5
-  Residential Commercial
-  Residential Utility
-  Rural Residential
-  Village Center Planned Development
-  Village Center



Feet



0 600 1200 1800 2400
1:36,112 / 1"=3,009 Feet

20-03-CUP Zoning Map

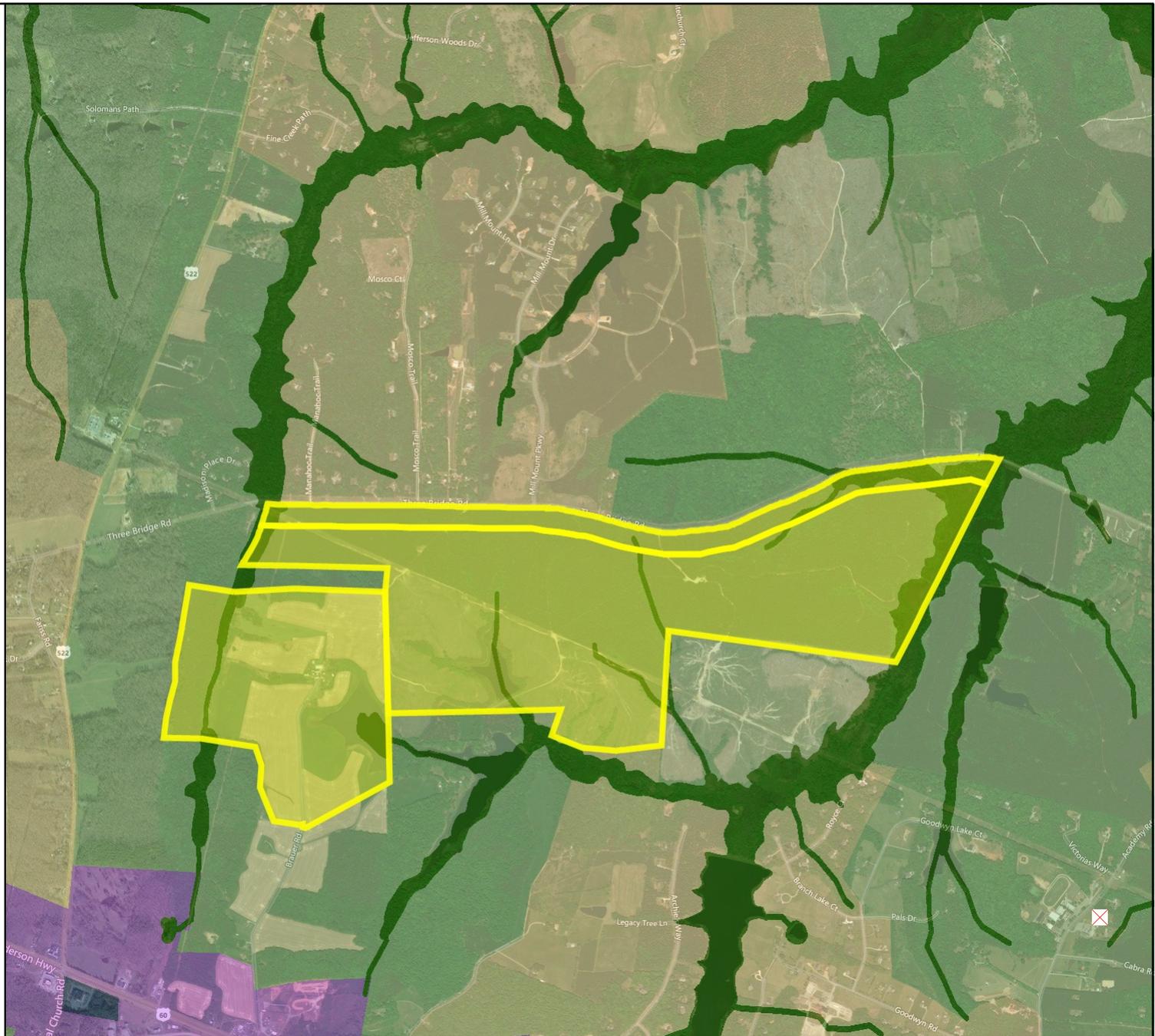
Date: 8/25/2020

DISCLAIMER: ALL INFORMATION DEPICTED ON THIS MAP SHALL BE TREATED AS CONFIDENTIAL INFORMATION AND SHALL ONLY BE USED FOR THE SOLE PURPOSE FOR WHICH IT WAS PROVIDED. ANY OTHER USE OF THIS MAP, OR THE INFORMATION INCLUDED THEREON, IS STRICTLY PROHIBITED. THE DATA SHOWN ON THIS MAP IS FOR INFORMATION PURPOSES ONLY. THIS MAP MAY NOT BE COPIED OR OTHERWISE MADE AVAILABLE TO ANY OTHER PARTY IN PAPER OR ELECTRONIC FORMAT.

Powhatan County

Legend

-  County Boundary
-  Places
- Future Land Use**
-  Public Lands
-  Natural Conservation
-  Rural Preservation
-  Rural Residential
-  Low Density Residential
-  Village Residential
-  Village Center
-  Commerce Center
-  Economic Opportunity
-  Industrial



Feet



0 600 1200 1800 2400
1:36,112 / 1"=3,009 Feet

20-03-CUP Future Land Use Map

Date: 8/25/2020

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Powhatan Solar II, LLC 15 MW SOLAR FACILITY

Prepared by: Powhatan Solar II, LLC
Powhatan County Conditional Use Permit Application
June 4, 2020

COMPANY SUMMARY

Powhatan Solar II, LLC is a limited liability company wholly owned by Cypress Creek Renewables, LLC (CCR). We believe that solar makes our world safer and cleaner while creating jobs and contributing to our country's energy independence. CCR is recognized as an industry leader in providing clean, affordable energy throughout the U.S. Our team members specialize in the design, build, and ownership of a range of solar projects, and the company has invested over \$3 billion into solar energy production since 2014. CCR is committed to providing positive benefits to the communities we serve, and we hope to be an asset to your community.

PROJECT SUMMARY

Powhatan Solar II, LLC, proposes to develop a 15 MW Solar Energy Facility planned on roughly 175 acres out of 200 acres of land located near Brauer Road in Powhatan, VA. The project site is located southeast of the intersection of Maiden Road and Three Bridge Road, consisting of parcels 027-14 and 027-14A owned by Bridgelake LLC and Traeland LLC, and 026-104, owned by Rancks LLC.

Powhatan Solar II, LLC, will contain rows of Photovoltaic (PV) cell panels mounted on steel posts set in the ground. Solar components will comply with the current edition of the National Electric Code, be UL1 listed (or equivalent), and be designed with an anti-reflective coating. All solar panels will be sourced from Tier 1 manufacturers as rated on the Bloomberg New Energy Finance PV Module Maker Tiering System.

The anticipated power output of the project is approximately 33.8 million kilo-watt hours (kWh) annually, enough to power approximately 2,000 single-family homes. The power generated from the solar energy system will be sold to Dominion for use by consumers to replace energy produced from a non-renewable source.

CCR has contracted environmental consultants to perform field investigations, literature reviews, and agency consultations to identify and assess existing environmental conditions at the project site. Information derived from the environmental diligence is used by CCR to avoid and minimize effects to environmental resources during the design process. Full compliance with Federal, Commonwealth, and Local regulations will ensure Powhatan Solar II, LLC, will not result in adverse impacts to environmental resources.

Allowing the property to develop as a solar energy facility provides many benefits, including:

- **An opportunity for locally generated, clean energy in Powhatan County**
- **Economic investment and increased tax revenue for Powhatan County**

- With the approval and construction of Powhatan Solar II, LLC, Powhatan County can expect \$934,000 in lifetime tax revenues instead of \$190,000 without the approval of the solar project. This is a 391% increase, of 4.9 times more, in tax revenues to Powhatan County over the lifetime of the solar project.
 - Powhatan Solar II, LLC, expects to invest approximately \$20 million into the project. Through this investment, Powhatan County can expect: spending of over \$12 million in the local economy during construction; 25 full-time equivalent (FTE) local construction and installation jobs; and additional tax revenue over the lifetime of the project.
- **Contributes to the renewable energy goals set by the Clean Economy Act**
- Powhatan Solar II, LLC will offset approximately 28,000 tons of Carbon Dioxide (CO₂) annually, the equivalent of taking 5,400 cars off the road, helping the Commonwealth of Virginia to reach the 100% renewable energy goals established in the Clean Economy Act.

Zoning Permit Application

The following Application and supporting documents address the requirements detailed in Section 83-15 Conditional Uses of the Powhatan County Zoning Ordinance as well as the guidelines addressed in the Long-Range Comprehensive Plan in regard to solar farms.

The Powhatan Solar II, LLC project will be a low-impact development requiring little to no municipal services. The following application illustrates that this project will not negatively impact public safety or general welfare, nor will it affect the comfort and convenience of the public in Powhatan County or of the immediate neighborhood.

Powhatan Solar II, LLC respectfully requests approval of a Conditional Use Permit Application to construct a 15MW solar energy generating facility. We thank you for your consideration and look forward to working together to bring the benefits of a solar energy facility to Powhatan County. Please let me know if I can provide additional information or assistance.

Kind Regards,

Haley Larabee

Associate Project Developer
828-385-4943 | Cell
45 Banks Ave.
Asheville, NC 28801

Contents

| | |
|---|----|
| 1. APPLICANT INFORMATION | 5 |
| 1.1 Applicant Address and Contact | 5 |
| 1.2 Background on Cypress Creek Renewables, LLC and Powhatan Solar II, LLC | 5 |
| 2. PROJECT DESCRIPTION AND ANALYSIS | 6 |
| 2.1 Project Purpose and Need | 6 |
| 2.2 Project Overview | 6 |
| 2.3 Powhatan County Project Site Description and Siting | 7 |
| 2.3.1 Site Selection Process | 7 |
| 2.3.2 Surrounding Terrain | 7 |
| 2.3.3 Site Access | 7 |
| 2.3.4 Compatibility with the 2019 Powhatan County Long-Range Comprehensive Plan | 7 |
| 2.4 Solar Energy Overview | 10 |
| 2.5 Construction Timeline and Due Diligence | 12 |
| 2.6 Construction Activities | 13 |
| 2.6.1 Construction Sequence | 13 |
| 2.6.2 Construction Materials | 14 |
| 2.7 Operation and Maintenance | 15 |
| 2.7.1 Equipment Maintenance | 15 |
| 2.7.2 Vegetation Maintenance | 15 |
| 2.7.3 Decommissioning of Site | 16 |
| 3. COMMUNITY IMPACT | 16 |
| 3.1 Project Costs and Financing Structure | 16 |
| 3.2 Economic Development & Job Creation | 16 |
| 3.3 Solar Energy Facility Safety | 17 |
| 3.4 Traffic Safety | 17 |
| 3.5 Agency Coordination | 18 |
| 3.6 Tax Revenue | 18 |
| 4. EXHIBITS | 19 |

1. APPLICANT INFORMATION

1.1 Applicant Address and Contact

Company

Cypress Creek Renewables
3402 Pico Blvd
Santa Monica, CA 90405

Contact:

Haley Larabee
haley.larabee@ccrenew.com
828-385-4943

1.2 Background on Cypress Creek Renewables, LLC and Powhatan Solar II, LLC

Cypress Creek Renewables (CCR) believes solar energy makes the world, safer, cleaner, and better. Our mission statement is simple: powering a sustainable future one project at a time. The CCR team solves problems to successfully develop, build, and operate solar facilities across the United States. With 5.3 gigawatts of solar energy developed in 16 states and \$3 billion invested in solar energy production since 2014, CCR is one of the country’s leading solar developers and was recognized by Solar Power World magazine as the No. 1 Solar Developer in the U.S. for 2017 and 2018. For more information about CCR, please visit <https://ccrenew.com>.

An overview of our current operational and development portfolio is illustrated below:

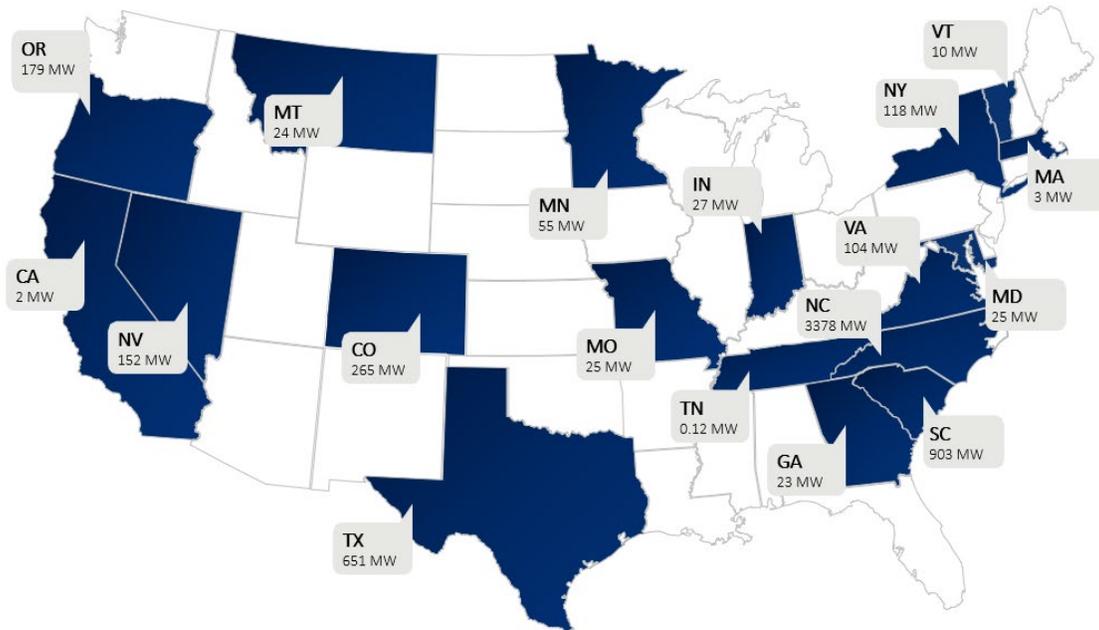


Figure 1 - Cypress Creek Renewables Portfolio Overview

The CCR team has a wealth of experience in the solar industry and works to develop, build, and operate solar facilities across the United States. We are committed to strong partnerships with utility companies, financial institutions, and the communities that host our solar energy facilities. As a national leader in solar energy, and a partner with

many communities in the Commonwealth of Pennsylvania already, Cypress Creek is the right partner for the Potter Township community.

2. PROJECT DESCRIPTION AND ANALYSIS

2.1 Project Purpose and Need

Solar energy is a vital part of our nation's economy and energy mix. Conventional sources of electricity such as coal, natural gas, and nuclear energy are expensive, finite resources that require significant environmental disruption and risk to public safety to maintain and extract. Solar energy is a clean, inexpensive, and unlimited resource with minimal environmental impact. While electricity demand continues to rise across the country, conventional power sources rely on finite resources with volatile prices that contribute to higher electricity prices. The proposed project, Powhatan Solar II, LLC, would contribute low-cost energy to the electric grid without impact to public convenience and welfare.

Powhatan Solar II, LLC, and similar solar energy facilities are essential to achieving the sustainability goals of the Commonwealth of Virginia. Each 15 MW solar facility that can be placed in service in Virginia can offset an estimated 28,000 tons of carbon dioxide annually, the equivalent of 5,400 cars off the road.¹

Virginia has identified the advancement of renewable energy and energy efficiency as a commonwealth goal by way of the Future Energy Jobs Act, and the Virginia Clean Economy Act. The Virginia Clean Economy Act, championed by Governor Northam, mandates that the utilities serving the Commonwealth of Virginia, Dominion and Appalachian Power Company, to procure 100% renewable energy by 2045 and 2050, respectively. As a more near-term goal, Dominion and Appalachian Power Company must procure 30% renewable energy by 2030.

2.2 Project Overview

Powhatan Solar II, LLC, is proposing a 15 MW Solar Energy Facility in Powhatan County. The property is zoned A-10, agricultural, and will require a Conditional Use Permit.

Powhatan Solar II, LLC will contain rows of Photovoltaic (PV) cell panels, also referred to as modules, mounted on posts set in the ground. These rows of PV panels are referred to as "solar arrays." Solar components will comply with the current edition of the National Electric Code, be UL listed (or equivalent), and designed with an anti-reflective coating. The solar panels will be supported by a metal racking system that is no more than twelve (12) feet in height. The anticipated power output of the project is approximately 33.8 million kilowatt hours (kWh) annually, enough to power approximately 2,000 single-family homes.

¹ U.S. EPA (2008). eGRID, U.S. annual national emission factor, year 2012 data. U.S. Environmental Protection Agency, Washington, D.C.

Powhatan Solar II, LLC will not negatively impact the public health, safety, and general welfare, nor the comfort or convenience of the public or of the immediate neighborhood. In fact, the project will be a benefit to Powhatan County both in economic development as well as helping the county achieve sustainability goals.

2.3 Powhatan County Project Site Description and Siting

2.3.1 Site Selection Process

Exhibit C – Powhatan Solar II, LLC’s Zoning Site Plan illustrates the site location. CCR uses a geographical and data-drive approach to select potential solar energy facility sites. When deciding to pursue a site for solar development, CCR evaluates land based on the following criteria, among others:

- Proximity to relevant infrastructure, including electrical substations, existing three phase lines, and access roads
- Likelihood of wetlands and other protected landforms
- Slope of land and direction of this slope
- Potential presence of threatened or endangered species

If a site meets the criteria above and terms can be reached with the landowner, a lease is generally executed.

2.3.2 Surrounding Terrain

The Powhatan Solar II, LLC site is an ideal site for a solar energy facility, considering its access to the existing utility grid, lack of environmental constraints, and harmonious surrounding land uses.

2.3.3 Site Access

Solar energy facilities are low-impact developments that can often utilize existing right-of-way infrastructure for site access, minimizing the need for disturbance for the construction and maintenance of the project.

2.3.4 Compatibility with the 2019 Powhatan County Long-Range Comprehensive Plan

Powhatan Solar II, LLC has taken efforts to ensure that the project is in full compliance with guidance provided in the 2019 Powhatan County Long-Range Comprehensive Plan. The sections below outline how the project is in compliance with the Comprehensive Plan; the text in italics comes directly from the Powhatan County 2019 Long-Range Comprehensive Plan, page 73.

Solar Energy Farms

As demand for renewable energy increases, there will likely be greater interest in locating solar energy farms in Powhatan County. Since these facilities require large, open areas to operate, they will likely locate outside of designated growth areas. To help ensure their compatibility with surrounding rural landscapes and uses, the following features should be considered when siting and designing solar energy farms:

Proximity to Major Thoroughfares

While solar energy farms do not generate significant traffic once complete, large trucks and equipment will need to access the site during construction. Solar energy farms should be located in close proximity to major thoroughfares, which are best able to accommodate large volumes of truck traffic. Access points to adjacent roadways should be limited, and developers should coordinate with VDOT to help ensure that heavy truck traffic during construction does not damage road surfaces or create unsafe traffic conditions.

The Powhatan Solar II, LLC project is in close proximity to the major thoroughfares of Maidens Road and Three Bridge Road. Cypress Creek Renewables will prepare a Construction Traffic Management Plan which will be reviewed and approved by VDOT and Powhatan County in order to establish the best routes for construction traffic and deliveries to the site. This plan will incorporate mitigation measures to ensure safe and efficient travel for commuters and school buses, as well as steps outlined to ensure any potential road damage as a result of the project construction is repaired.

Screening and Buffering

To protect viewsheds from adjacent roadways and properties, solar energy farms should have significant perimeter buffers. Adjacent to roadways and residential properties, perimeter buffers at least 200 feet wide should be provided. Wider perimeter buffers may be appropriate in certain areas, depending on the characteristics of a specific site. Existing mature vegetation should be maintained and supplemented with native evergreen trees and shrubs planted in a naturalistic pattern.

The Powhatan Solar II, LLC project will provide the required buffers along roadways, property lines, and residential dwellings. Setbacks of 200 feet will be provided from all road right-of-way's and property lines. Mature vegetation along Three Bridge Road will remain to ensure efficient screening, and supplemental plantings will be planted if necessary.

Protection of Natural Resources

To help protect water quality, riparian buffers at least 200 feet wide should be provided adjacent to any wetlands and streams. All natural resources should be protected during construction. An environmental impact evaluation should be prepared (by a third party)

to identify additional measures that should be implemented to protect critical environmental resources. Native plantings and “pollinators” should be incorporated into the site’s design to provide wildlife habitat, mimicking habitat required by species native to the area.

The Powhatan Solar II, LLC project will incorporate riparian buffers of 200 feet wide along the wetlands, perennial and intermittent streams and ponds on site. These areas will be able to grow “wild” and untouched, in contrast to the current land use, improving water quality and habitat conditions over time.

The next step in the project’s development process after local zoning would be to submit an application to the Virginia Department of Environmental Quality (DEQ) for a solar Permit By Rule (PBR). In support of this application, Powhatan Solar II would complete an extensive natural resources assessment and cultural resources analysis for the entire site. DEQ and the Virginia Department of Historic Resources (DHR) have jurisdiction over the project if any impacts to natural or cultural resources are identified and would require mitigation measures to reduce or avoid any impact they find to be significant.

Protection of Cultural Resources

Appropriate buffers should be provided adjacent to any on-site cultural resources. Solar energy farms should be sited to minimize impacts on the views to and from historic sites.

Based on a literature review and background search, no archaeological resources were identified onsite, but one potentially eligible archaeological resource was identified within the one-half (0.5) mile radius around the Powhatan Solar II, LLC site limits. One architectural resource was identified on the property but was determined by the Department of Historic Resources to be ineligible for listing on the Virginia Landmarks Register or the National Register of Historic Places. Nonetheless, additional studies will be completed as part of the diligence required for the Permit By Rule permit reviewed by DEQ and DHR, and this area is excluded from the Powhatan Solar II, LLC project area and solar array area.

Prohibition of Toxic Materials

Solar panels should not contain toxic materials, such as cadmium and GenX.

Powhatan Solar II, LLC can commit to using solar panels that are safe and do not endanger public health.

Project Size

To help these projects blend into the rural landscape, each solar energy farm should be less than 500 acres in area.

Powhatan Solar II, LLC will have a project boundary acreage of 300 acres and a maximum solar array area of 175 acres. More broadly, the solar array area of Powhatan Solar I, LLC, combined with the solar array area of the Powhatan Solar II, LLC project equates to ~400 acres, which as a whole still complies with the recommended project size of less than 500 acres.

2.4 Solar Energy Overview

The conversion of sunlight into electric energy is not a new concept—solar technologies have been around since the 1970s. CCR is focused on utility-scale solar developments. Our projects are designed, built, and operated to the same rigorous standards as your current energy provider, complying with federal, state, and local codes and standards.

The solar PV panels function as a solid-state inert crystals, most similar to a pane of solid glass. The panels do not erode and do not produce any emissions. The sealed PV panels do not leach materials into the environment and are recycled at the end of their lifecycle.

Cypress Creek Renewables typically mounts the solar arrays in one of two ways: on a fixed tilt (panels are stationary) or on a single axis tracking system (panels slowly follow the sun throughout the day). Structural frames, also referred to as racks, are driven into the ground with steel beams on which PV panels are mounted. If bedrock is encountered, ground screws can be used instead of driven piles requiring a different mechanical installation process.



Figure 2 - Typical Single Axis Tracking Solar Array

The inverters and transformers convert the DC power generated by the solar modules into AC power which is used in the electric grid, are mounted on top of small concrete pads. Most sites require minimal grading, and an entire facility can often be installed with minimal soil disturbance.

Solar electricity production includes the following five components:

- 1) *Electrical Power Generation.* Sunlight strikes the PV panel cells, which convert photons of light into electrons, producing low-voltage, Direct Current (DC) electricity.
- 2) *Combination Box.* The low-voltage, DC electricity is fed through cables from each PV panel to a combiner box.
- 3) *Inverter.* The low-voltage, DC electricity is fed through cables from the combiner box to an inverter, where it is converted to low-voltage, Alternating Current (AC) electricity.
- 4) *Transformer.* The transformer steps up the low-voltage, AC electricity to the appropriate voltage so that it can be fed into the electrical transmission system.
- 5) *Utility Transmission.* Electricity is sent through the electrical transmission lines to utility distribution systems for delivery to ratepayers.

Please see Exhibit E – Technical Memo for further information on panel materials, audibility, glare, soil protection, dust and weed control, and wildlife protection.



Figure 3: Inverter (left) and Transformer (right)



Figure 4 - Worker Installing Wiring Under Solar Module On Single Axis Tracking System

2.5 Construction Timeline and Due Diligence

Currently, construction is estimated to begin during the latter part of the third quarter of 2022, and construction is expected to be complete by the second quarter of 2023. Powhatan Solar II, LLC will take approximately 6 months to construct, and will overlap much of the construction timeline associated with the Powhatan Solar I, LLC project that has already been approved by Powhatan County.

Most sites require minimal grading and an entire facility can often be installed with minimal soil disturbance. Structural frames, also referred to as racks, are driven into the ground with steel beams on which PV panels are mounted. The inverters and transformers, which receive the power from the solar panels, are mounted on top of small concrete pads.



Figure 5 - Bizzell Church Solar: 5 MW Solar Energy Facility in Johnston County, NC

Once construction is complete, routine maintenance will occur approximately one time per month by a standard size pick-up truck. The project will not require long-term manned labor on-site, nor will it require sewer, water, or other services. The project will be completely enclosed by a 6' tall fence with 3 strands of barbed wire, or 7' in total height, per National Electrical Code regulations.

An important part of Powhatan Solar II, LLC's due diligence and development process is an analysis of the existing environmental resources potentially occurring within and near the site. Due diligence and pre-construction survey efforts will take place in coordination with qualified third-party contractors and consultants. Agency consultations such as U.S. Fish & Wildlife, Virginia Department of Environmental Quality, Virginia Department of Conservation & Recreation will be completed to ensure there is no negative impacts due to the development of the project. Powhatan Solar II, LLC will coordinate with the relevant local, state and federal agencies on permits and approvals required for construction

2.6 Construction Activities

2.6.1 Construction Sequence

While each site is unique, Powhatan Solar II, LLC will use standard construction and operation procedures used for our other solar energy facilities in the United States. The construction of Powhatan Solar II, LLC is expected to take approximately 6 months, and will overlap with the construction of the Powhatan Solar I, LLC project.

The construction and commissioning of Powhatan Solar II, LLC will follow the general sequence shown in Figure 6 Construction Sequence.

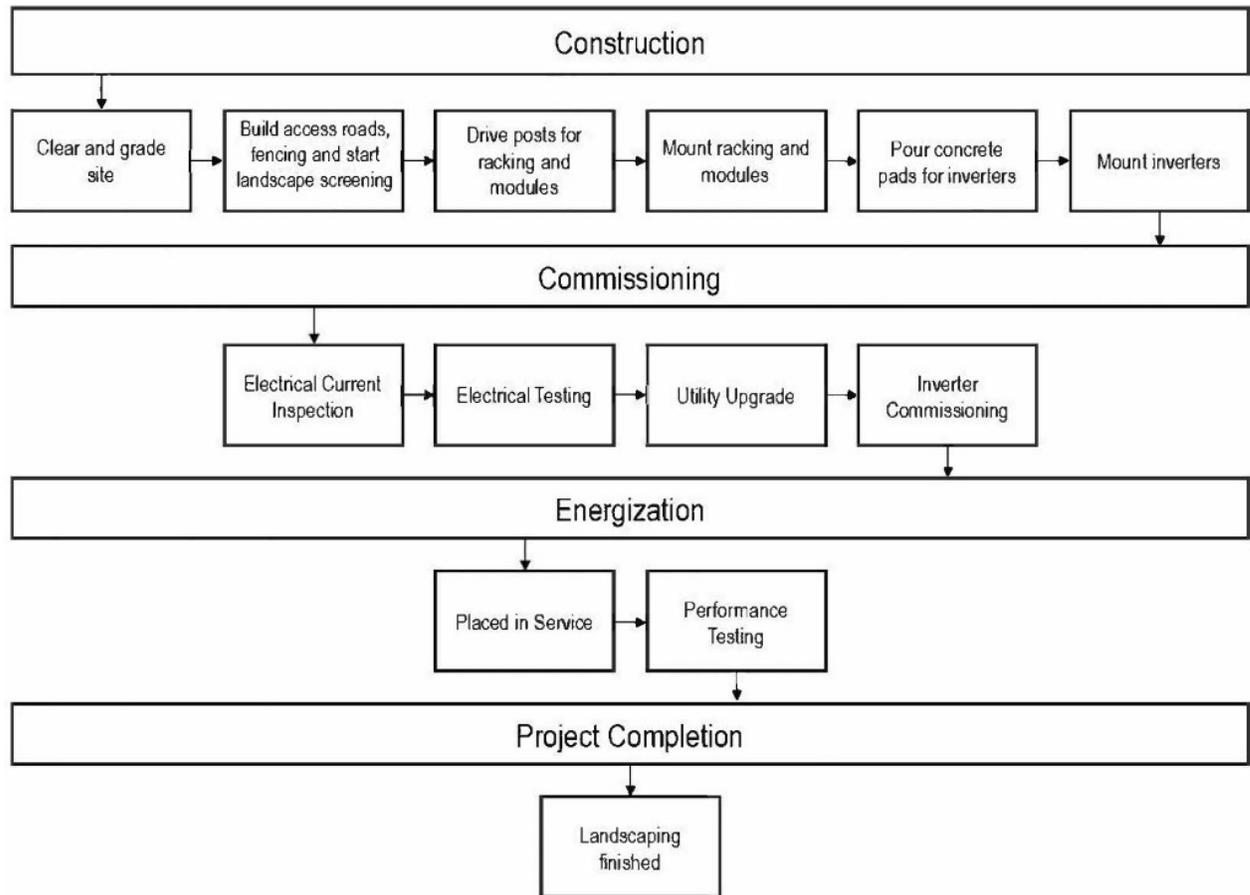


Figure 6 - Construction Sequence

2.6.2 Construction Materials

The PV panels do not erode and do not produce any emissions. There are no chemicals, fluids, or materials that are capable of entering the environment from the PV panels.

The only hazardous material that will be used during the construction of Powhatan Solar II, LLC is fuel for machinery; all other construction materials are non-hazardous. Powhatan Solar II, LLC and its subcontractors will follow all appropriate protocols related to the use and storage of fuel. A sufficient quantity of spill containment and clean up materials shall be readily available at each equipment storage area such that any spill which may occur can be cleaned up immediately. A drip pan placed at the fueling station will prevent fuel from reaching the ground. This area shall be inspected daily for spillage. Any fuel spillage shall be properly disposed, and a receipt of proper disposal will be required. Twenty-pound fire extinguishers shall be mounted within 25

feet of, and at each end of, the fuel storage area to ensure adequate protection in the event of a fire.

Powhatan Solar II, LLC and its subcontractors shall maintain the site in a clean, neat and safe condition. As work progresses, materials, tools, waste materials, rubbish and debris will be removed accordingly. Powhatan Solar II, LLC and its subcontractors will incur all costs of clean-up.

2.7 Operation and Maintenance

2.7.1 Equipment Maintenance

Once constructed, the project will require very little maintenance. Because all of our projects are monitored remotely, there will be no need to build travel infrastructure or complete public improvements in order to accommodate traffic. Electrical engineers will service electrical equipment, primarily the inverters and transformers, on average once per month. Solar PV panels have a very low failure rate (approximately 1 in 10,000 per year) and are warrantied for 25 years.

Powhatan Solar II, LLC, will conduct an annual performance audit and inspection to assess the quality of equipment. Some years, we will expect to identify areas within the array area in need of replacement or repair. Module replacement rarely occurs outside of these annual performance inspections and we would expect to perform module replacement less than 10 times over the initial 25-year term. Solar panels are easily replaced from inventory stores and financing to change-out the array at warranty's end has been built into our cost models. Routine maintenance and inspection will require approximately one visit per month by a standard size pick-up truck.

Please see Exhibit C – Vegetation Maintenance Memo and Exhibit F -- CCR Operations & Maintenance Template Scope of Services

2.7.2 Vegetation Maintenance

Powhatan Solar II, LLC, is committed to landscaping best practices that stabilize the soil to add strength and durability for the long-term success of the project and the health of the land. Suitable management practices and the promotion of healthy biodiversity within local ecosystems are a priority for Powhatan Solar II, LLC.

We will work to employ best practices and techniques that are most appropriate for the local environment based on the following factors:

- Preventing runoff
- Carbon sequestration
- Air quality concerns
- Invasive species resistance
- Rate of fescue growth

CCR will put a “landscape manager” in place to manage the schedule and methods of landscape management to be implemented at the Powhatan Solar II, LLC project. The landscape manager will make it a priority to minimize the use of mechanical mowing and herbicides. Powhatan Solar II, LLC can employ a number of practices to achieve this, such as utilizing local vegetation with slow growth cycles. We anticipate mowing will occur at the Powhatan Solar II, LLC site at maximum 6 times a year.

Bio-degradable, EPA registered and approved solutions that are nontoxic to pets and wildlife, are used only when herbicide application is necessary. Sustainable, long-term management practices and the promotion of healthy biodiversity within local ecosystems is a priority for Powhatan Solar II, LLC.

2.7.3 Decommissioning of Site

Powhatan Solar II, LLC guarantees that the solar energy generating facility shall be removed, at the expense of the operator, in the unlikely event that the system ceases operation.

Please see Exhibit D – Decommissioning Plan for more information.

3. COMMUNITY IMPACT

3.1 Project Costs and Financing Structure

Powhatan Solar II, LLC expects to invest approximately \$20 million into the project. These costs are based on build cost assumptions and include all construction, material, labor, and professional service-related expenditures. Cypress Creek Renewables operating capital, in combination with tax equity and debt partners, will provide the financial backing for the project.

3.2 Economic Development & Job Creation

The solar industry is one of the fastest growing and most robust emerging industries in the nation employing over 242,000 workers. Solar employment has grown 159% since 2010⁸

Based on estimates by the National Renewable Energy Laboratory, the construction and installation period of Powhatan Solar II, LLC will result in the creation of approximately 25 full-time equivalent (FTE) local construction and installation jobs, provided that qualified, local labor is available. Once the commencement of commercial operations begins, Powhatan Solar II, LLC will require two permanent, local, highly skilled technicians for operations and maintenance activities, as is the industry standard for a solar energy facility of this size.

Cypress Creek Renewables hires and works with qualified, local subcontractors wherever possible. In addition, the project will inject approximately \$12 million of direct spending into the local economy, which includes expenditures on parts and labor, goods and services, fuel, lodging, dining and other consumer resources. During the ongoing operational life of the project, local investment is expected to be approximately \$125,000 annually.

3.3 Solar Energy Facility Safety

Powhatan Solar II, LLC will be a safe facility that will not impact the well-being of local residents or Powhatan County in general. Solar energy facilities are very safe, with simple and proven technologies used across the country. Further, CCR sources panels from Tier 1 rated manufacturers, the highest rating in the Bloomberg New Energy Finance PV Module Maker Tiering System.²

The project will be constructed according to all required building and electrical codes and safety measures. Site plans will be approved by all applicable local authorities, and regularly visited throughout construction as required by Powhatan County or by the Commonwealth of Virginia's building codes. Energized system components, such as inverters, will be commissioned by the manufacturers' technicians. The project will employ required lock-out measures and safety warnings. A perimeter security fence will prevent trespassing and vandalism. The active area of the project will be enclosed by a fence and gated for security purposes. Access codes to the gate will be provided to the Police Department, Fire Department, and emergency service providers. Vehicular access to the site is adequate for the use proposed and for emergency services, as indicated in *Exhibit C – Zoning Site Plan*.

The regular vegetation control methods prevent buildup of debris that could otherwise pose risk of fire material, thus Powhatan Solar II, LLC, will pose no increased risk of fires to the surrounding areas.

3.4 Traffic Safety

With no more than one vehicle visit per month on average during operation, the project will not be a significant traffic generator and will not cause undue harms to the surrounding road networks, to local responders, or to the Virginia Department of Transportation. By contrast, American households generate an average of ~6 vehicle trips per day (over 500 per quarter).^[1]

² Bloomberg New Energy Finance, November 2016. [BNEF PV Module Maker Tiering System](https://data.bloomberglp.com/bnef/sites/4/2012/12/bnef_2012-12-03_PVModuleTiering.pdf). https://data.bloomberglp.com/bnef/sites/4/2012/12/bnef_2012-12-03_PVModuleTiering.pdf. Accessed on February 1, 2017.

A temporary rise in vehicle traffic during the 6 months construction period is anticipated. However, given the limited number of vehicles visiting the site over the construction period, traffic patterns are not anticipated to be impacted. Additionally, there will be no significant increase to traffic once the facility is operational. In sum, no significant impacts are anticipated for this item.

3.5 Agency Coordination

Powhatan Solar II, LLC will continue to coordinate with all necessary Federal, Commonwealth, and agencies and other entities throughout the planning process for the Powhatan Solar II project. Powhatan Solar II, LLC is prepared to work with the Virginia Department of Environmental Quality, Virginia Department of Natural Resources and the Powhatan County staff to complete the appropriate environmental assessments and permits pertinent to the development of this project.

3.6 Tax Revenue

The Powhatan Solar II, LLC project will also generate additional tax revenue for Powhatan County, without putting an additional demand on local municipal services. Taxes on the land and equipment of Powhatan Solar II, LLC will provide Powhatan County a valuable source of funding for public improvements, educational investment, economic development, and other initiatives for the next thirty-five to forty years.

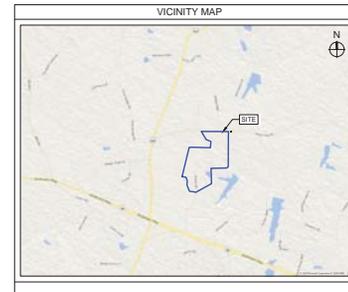
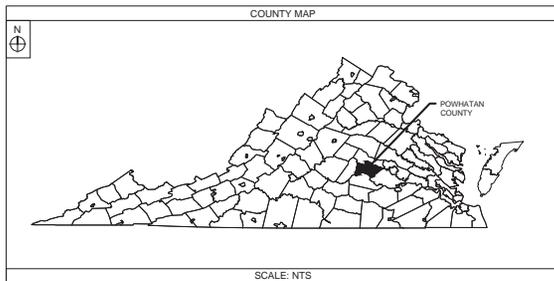
With the approval and construction of Powhatan Solar II, LLC, Powhatan County can expect \$934,000 in lifetime tax revenues instead of \$190,000 without the approval of the solar project. This is a 391% increase in tax revenues to Powhatan County over the lifetime of the solar project.

ZONING SITE PLANS

POWHATAN SOLAR II, LLC.

SOLAR POWER GENERATION FACILITY

POWHATAN, VA 23139 (POWHATAN COUNTY)
 LATITUDE: 37.575169, LONGITUDE: -77.928366



| SHEET INDEX | | | |
|-------------|---|--------|-----------|
| DWG. # | DRAWING TITLE | REV. # | REV. DATE |
| G 1.0 | COVER SHEET | 3 | 9/15/2020 |
| Z 1.0 | OVERALL ZONING SITE PLAN | 3 | 9/15/2020 |
| Z 2.0 | ZONING SITE PLAN - ENLARGED VIEW 1 OF 5 | 3 | 9/15/2020 |
| Z 3.0 | ZONING SITE PLAN - ENLARGED VIEW 2 OF 5 | 3 | 9/15/2020 |
| Z 4.0 | ZONING SITE PLAN - ENLARGED VIEW 3 OF 5 | 3 | 9/15/2020 |
| Z 5.0 | ZONING SITE PLAN - ENLARGED VIEW 4 OF 5 | 3 | 9/15/2020 |
| Z 6.0 | ZONING SITE PLAN - ENLARGED VIEW 5 OF 5 | 3 | 9/15/2020 |



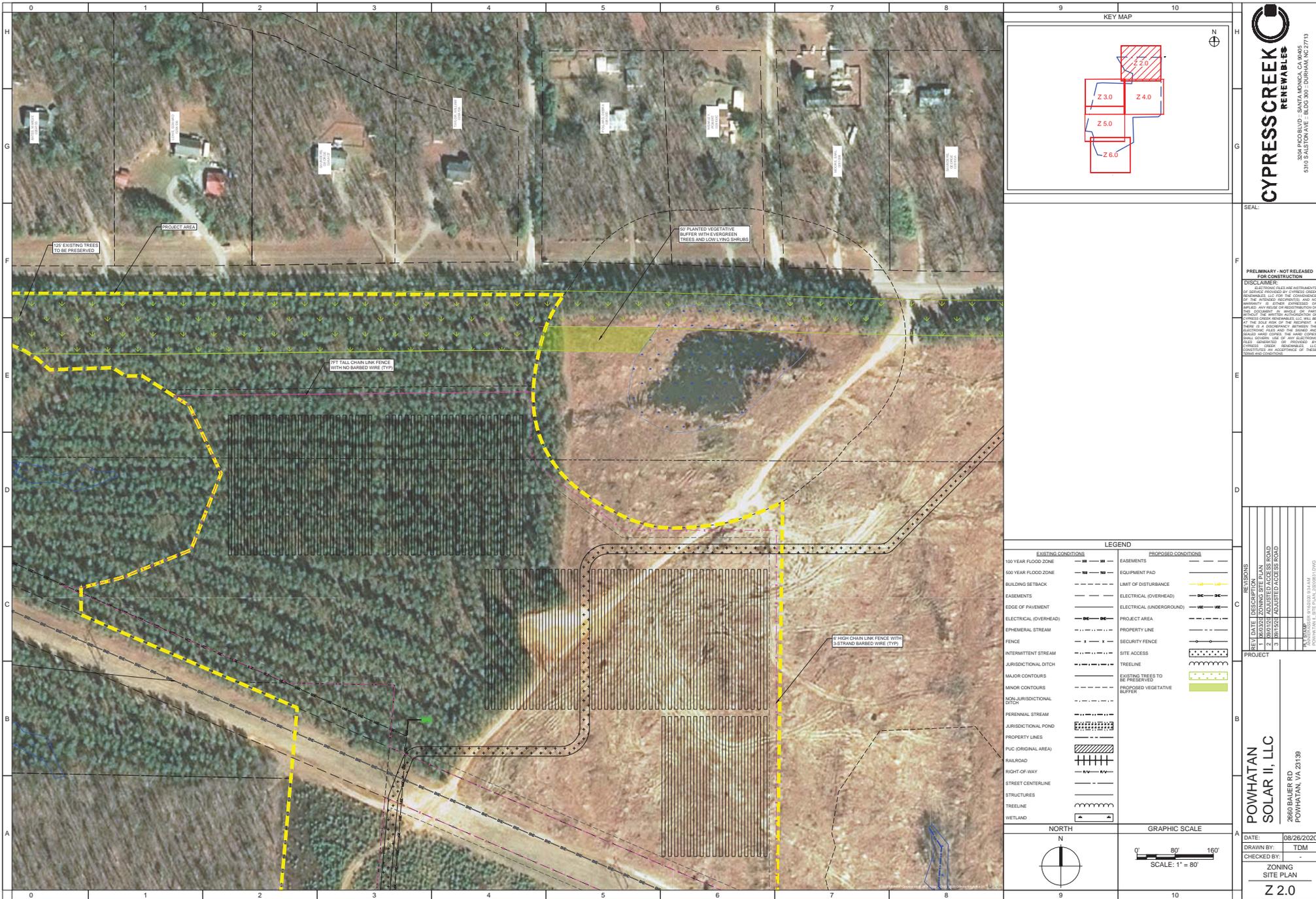
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| REV. # | DATE | DESCRIPTION |
|--------|------------|----------------------|
| 1 | 09/15/2020 | ZONING SITE PLAN |
| 2 | 09/15/2020 | ADJUSTED ACCESS ROAD |
| 3 | 09/15/2020 | ADJUSTED ACCESS ROAD |

PROJECT:
POWHATAN SOLAR II, LLC
 2680 PALMER RD
 POWHATAN, VA 23139

DATE: 08/26/2020
 DRAWN BY: TDM
 CHECKED BY: -
 COVER SHEET
G 1.0



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 PRELIMINARY - NOT RELEASED FOR CONSTRUCTION

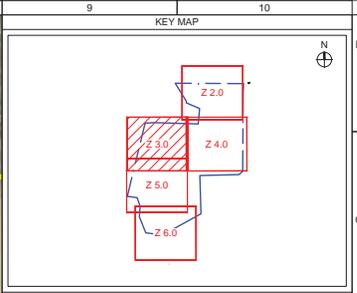
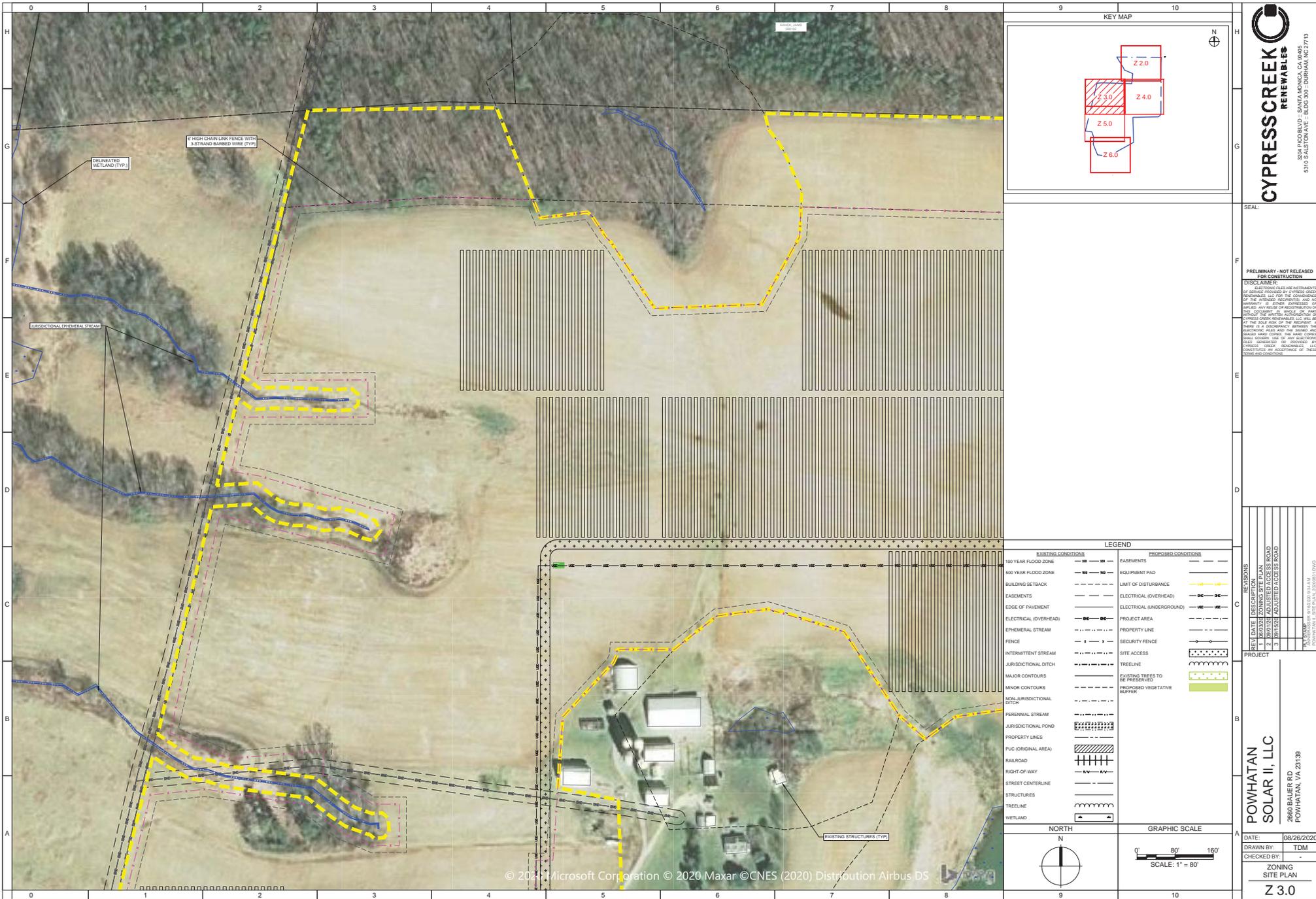
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| NO. | DATE | DESCRIPTION |
|-----|------------|----------------------|
| 1 | 08/26/2020 | ZONING SITE PLAN |
| 2 | 09/11/2020 | ADJUSTED ACCESS ROAD |
| 3 | 09/11/2020 | ADJUSTED ACCESS ROAD |

| NO. | DATE | DESCRIPTION |
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| 1 | 08/26/2020 | ZONING SITE PLAN |
| 2 | 09/11/2020 | ADJUSTED ACCESS ROAD |
| 3 | 09/11/2020 | ADJUSTED ACCESS ROAD |

PROJECT
POWHATAN SOLAR II, LLC
 2650 SALLER RD
 POWHATAN, VA 23139

DATE: 08/26/2020
 DRAWN BY: TDM
 CHECKED BY: -
 ZONING SITE PLAN
 Z 2.0



CYPRESSCREEK RENEWABLES
 3004 PICCOLI RD - SANTA MONICA, CA 90405
 5910 S ALSTON AVE - BLDG 300 - DURHAM, NC 27713

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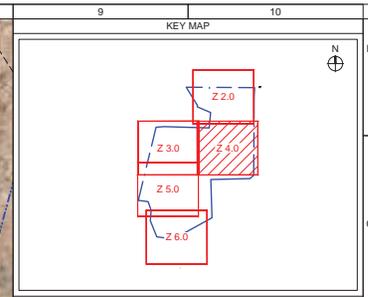
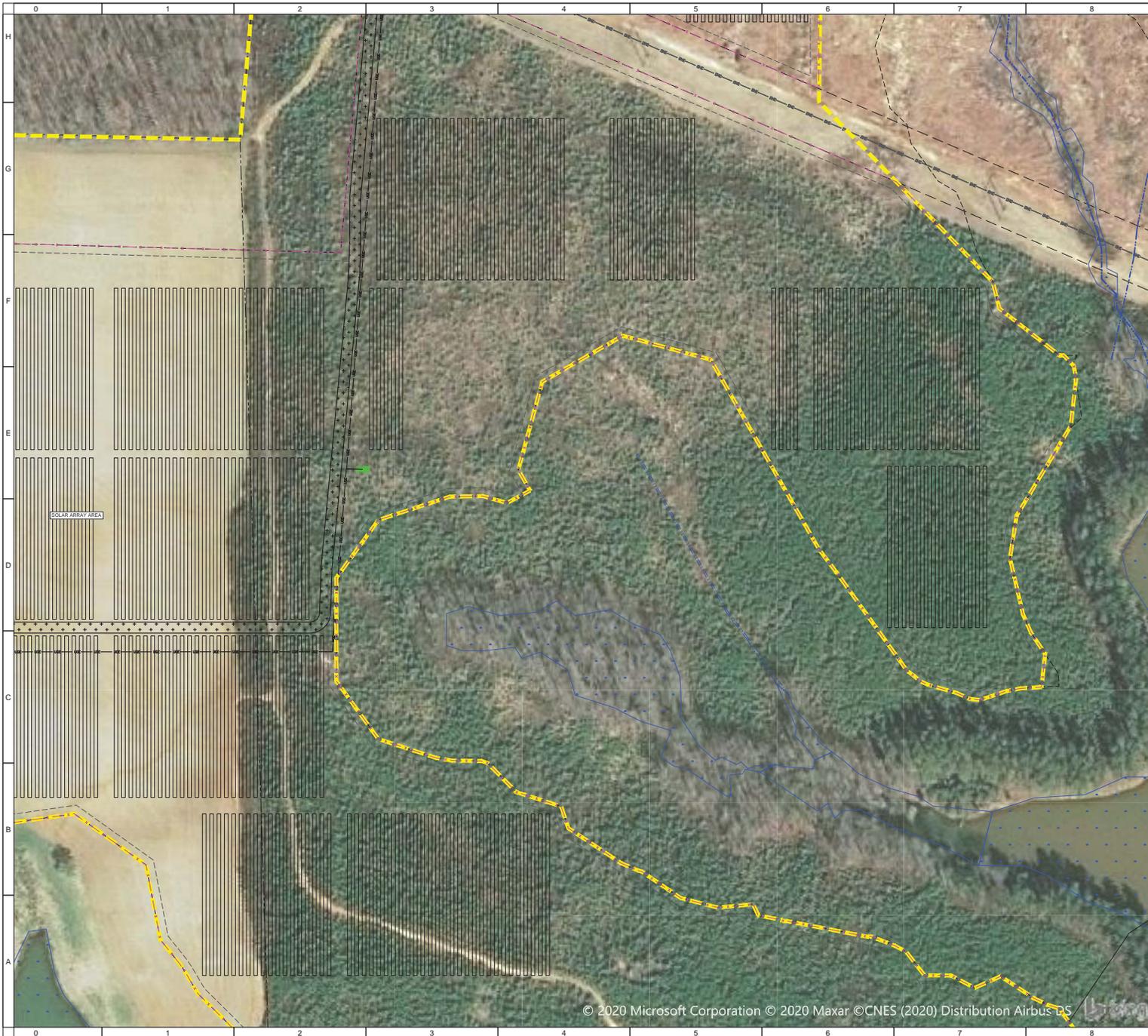
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| 500 YEAR FLOOD ZONE | --- | EQUIPMENT PAD | --- |
| BUILDING SETBACK | --- | LIMIT OF DISTURBANCE | --- |
| EASEMENTS | --- | ELECTRICAL (OVERHEAD) | --- |
| EDGE OF PAVEMENT | --- | ELECTRICAL (UNDERGROUND) | --- |
| ELECTRICAL (OVERHEAD) | --- | PROJECT AREA | --- |
| EPHEMERAL STREAM | --- | PROPERTY LINE | --- |
| FENCE | --- | SECURITY FENCE | --- |
| INTERMITTENT STREAM | --- | SITE ACCESS | --- |
| JURISDICTIONAL DITCH | --- | TREELINE | --- |
| MAJOR CONTOURS | --- | EXISTING TREES TO BE PRESERVED | --- |
| MINOR CONTOURS | --- | PROPOSED VEGETATIVE BUFFER | --- |
| NON-JURISDICTIONAL DITCH | --- | | |
| PERENNIAL STREAM | --- | | |
| JURISDICTIONAL POND | --- | | |
| PROPERTY LINES | --- | | |
| PLC (ORIGINAL AREA) | --- | | |
| RAILROAD | --- | | |
| RIGHT-OF-WAY | --- | | |
| STREET CENTERLINE | --- | | |
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| TREELINE | --- | | |
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| 1 | 08/26/2020 | ISSUE FOR PERMITS |
| 2 | 09/01/2020 | ADJUSTED ACCESS ROAD |
| 3 | 09/01/2020 | ADJUSTED ACCESS ROAD |

PROJECT
POWHATAN SOLAR II, LLC
 2600 SALLER RD
 POWHATAN, VA 23139

DATE: 08/26/2020
 DRAWN BY: TDM
 CHECKED BY: -
 ZONING SITE PLAN
 Z 3.0

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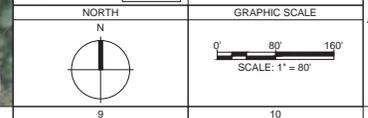
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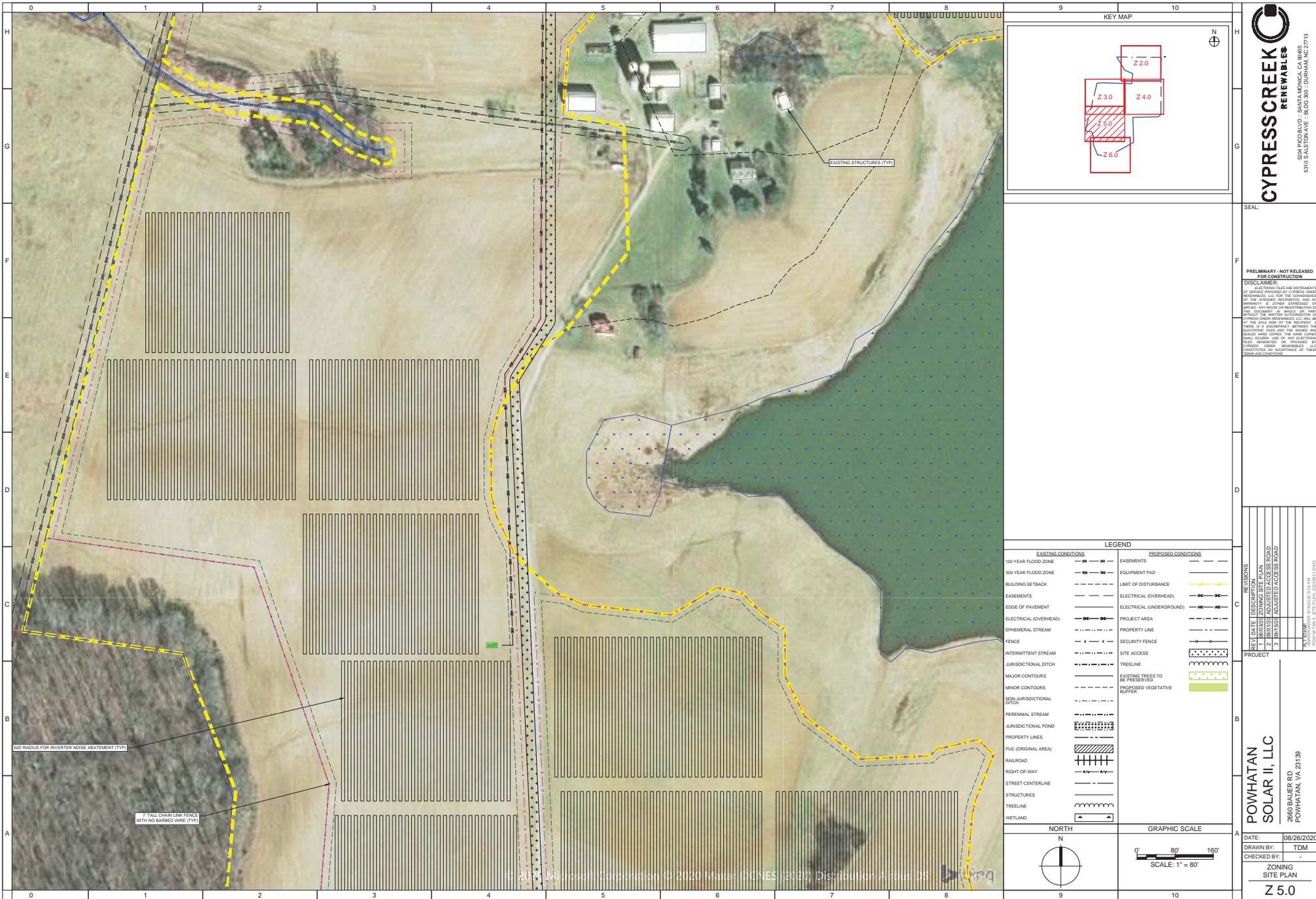
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| WETLAND | --- | | |



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POWHATAN SOLAR II, LLC
 2680 GALLER RD
 POWHATAN, VA 23139

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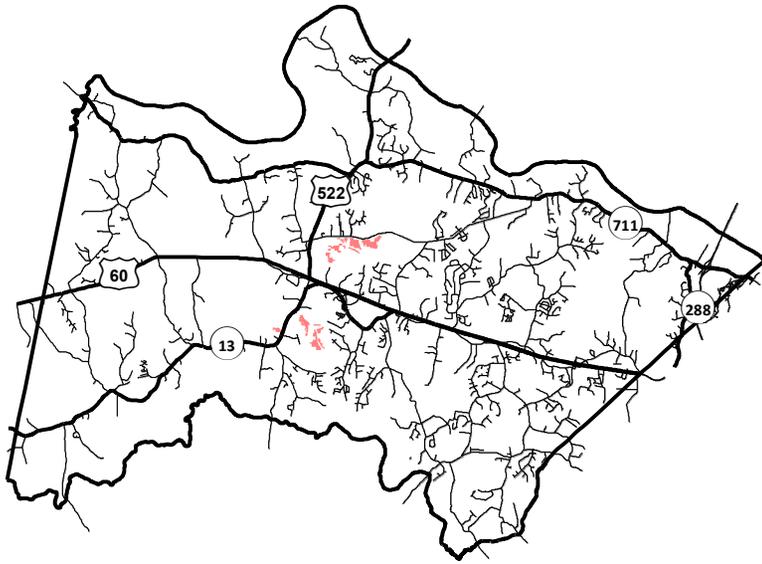
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| NO. | DATE | DESCRIPTION |
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| 2 | 08/26/2020 | ADJUSTED ACCESS ROAD |

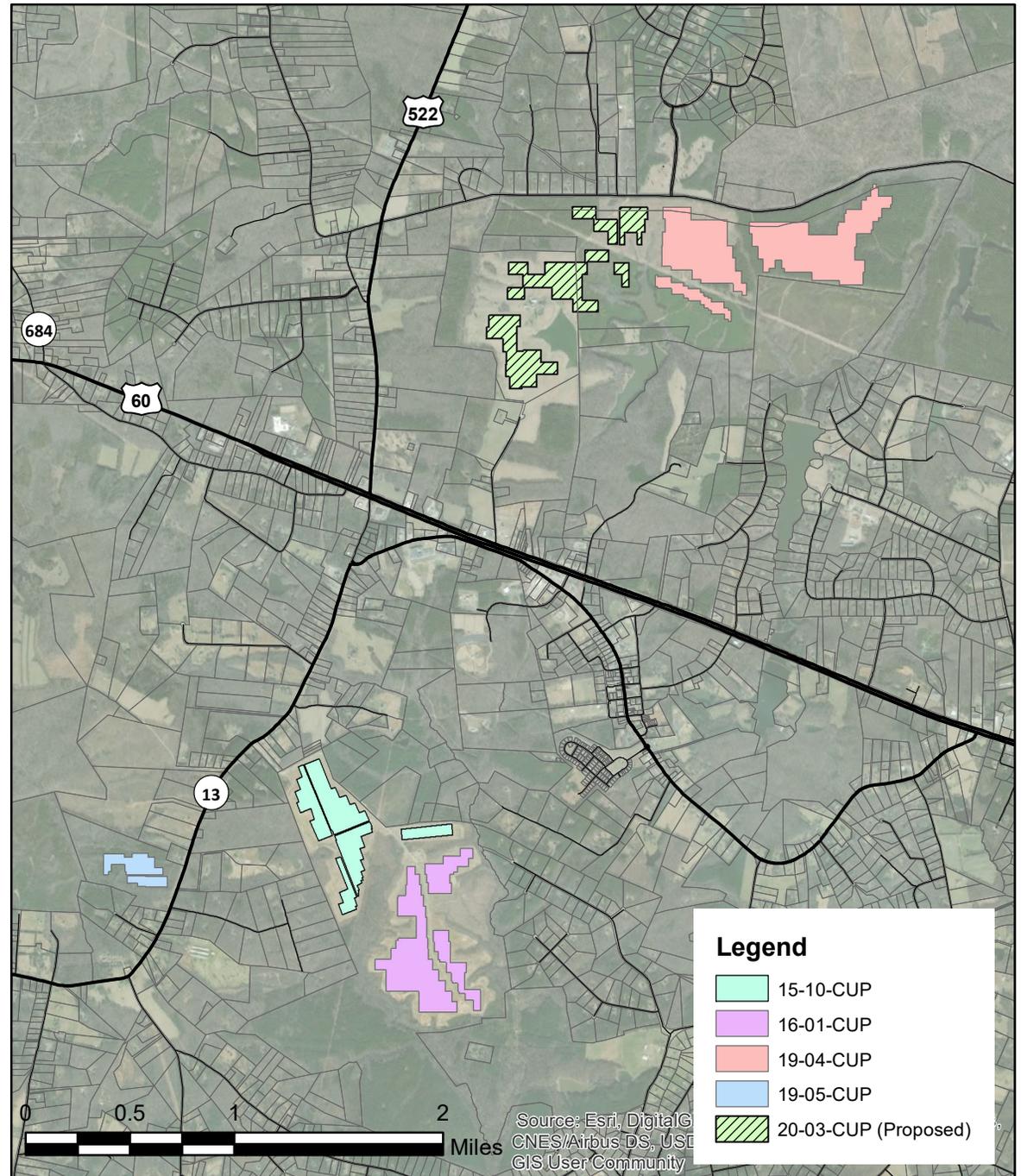
PROJECT
POWHATAN SOLAR II, LLC
2660 GALLER RD
POWHATAN, VA 23139

DATE: 08/26/2020
DRAWN BY: TDM
CHECKED BY: -
ZONING SITE PLAN
Z 5.0

Approved Solar Energy Farm CUPs



| Case Number | Status | Location | Project Area (in acres) | Array Area (in acres) |
|-------------|------------------|--|----------------------------|--------------------------|
| 15-10-CUP | Completed | 4325 Old Buckingham Road (District 4) | 348 | 75 |
| 16-01-CUP | Completed | 4325 Old Buckingham Road (District 4) | 349 | 98 |
| 19-04-CUP | CUP Approved | 2660 Brauer Road (District 3) | 350.9 | 225 |
| 19-05-CUP | Site Plan Review | Old Buckingham Road (District 4) | 40.16 | 8.2 |





Powhatan County Planning Commission Agenda Item

Meeting Date: October 6, 2020

Agenda Item Title: Discussion: Revisions to Standards for Family Divisions (Subdiv. Ordinance: Sec. 68-125)

Action Requested: The Department of Community Development requests feedback regarding potential revisions to standards applicable to *family divisions* (Subdiv. Ordinance: Sec. 68-125). The Planning Commission may choose to initiate a text amendment to formally review the revisions proposed.

Dates Previously Considered by PC: Initial Review (Workshop): February 4, 2020

Initial Review (Workshop): March 3, 2020

Initial Review (Workshop): September 1, 2020

Summary of Item: The Planning Commission has been discussing different subdivision options within rural areas, including *single cut subdivisions* and *family subdivisions*.

§15.2-2244 of the Code of Virginia establishes requirements regarding *family subdivisions*.

Sec. 68-125 (Family Divisions) establishes provisions that allow property owners to create one or more parcels to sell/gift to immediate family members (including a natural or legally-defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent).

Attachments: Staff Report
Possible Ordinance Amendment

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.



20-03-AZ

County of Powhatan

Possible Amendments to Requirements for *Family Divisions*

Staff Report Prepared for the Planning Commission
October 6, 2020

I. PUBLIC MEETINGS

| | | |
|---------------------|-------------------|----------|
| Planning Commission | February 4, 2020 | Workshop |
| | March 3, 2020 | Workshop |
| | September 1, 2020 | Workshop |
| | October 6, 2020 | Workshop |

II. DISCUSSION

Purpose of *Family Divisions*

Throughout Virginia, the primary purpose of *family divisions* is (1) “to promote the values society places upon the disposition of family estates during the lifetime of the owner with a minimum of government regulation” and (2) “to promote the cohesiveness of the family” (1989 Va. Op. Atty. Gen. 100; Albemarle County Land Use Law Handbook).

Current Situation: State Code

The Code of Virginia establishes guidelines regarding *family divisions*. Per § 15.2-2244, some localities are required to adopt provisions allowing *family divisions*, while such provisions are optional in other localities:

- Localities with a growth rate of less than 10% between the latest and next-to-latest decennial census are required to adopt provisions allowing *family divisions*.
- “High-growth” localities (those with a population increase of 10% or more between the latest and next-to-latest decennial census), or counties/cities adjacent to “high-growth” localities, may adopt provisions allowing *family divisions* (but are not required to).

Between 2000 and 2010 (the latest and next-to-latest decennial census), the population of Powhatan County increased 25% (22,377 to 28,046). However, the Weldon Cooper Center has estimated a much lower growth rate in recent years, estimating that the population has only increased 6.5% between 2010 and 2019 (28,046 to 29,867). Based on estimates from the Weldon Cooper Center, some adjoining localities (including Chesterfield County) are expected to be classified as “high-growth” localities.

§ 15.2-2244 establishes certain requirements regarding the design of family subdivisions.

| Component of Family Divisions | State Code Requirements |
|-------------------------------|---|
| Immediate Family Member | A member of the immediate family is defined as any person who is a natural or legally-defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent of the owner. Any locality may (at its discretion) include aunts, uncles, nieces, and nephews in its definition of immediate family (§ 15.2-2244). |
| Number of Divisions | One (1) per eligible family member (§ 15.2-2244). |
| Right-of-Way | Lots less than five (5) acres must have a reasonable right-of-way of not less than 10 feet or more than 20 feet providing ingress/egress to a dedicated/recorded public street (§ 15.2-2244). |
| Parcel Size | There is no minimum/maximum lot size established in the Code of Virginia, but localities are permitted to establish a maximum lot size of one (1) acre (§ 15.2-2244.2). |
| Holding Period | A locality may require that a property must have been owned for up to 15 consecutive years by the current landowner or member of the immediate family prior to creation of a <i>family division</i> . A locality may require that a landowner agree to place a restrictive covenant on the subdivision property that would prohibit transfer of the property to a nonmember of the immediate family for a period of up to 15 years (§ 15.2-2244.1). |

Current Situation: Local Requirements

Sec. 68-125 (Family Divisions) establishes provisions that allow property owners to create one or more parcels to sell/gift to immediate family members (including a natural or legally-defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent). Compared to conventional subdivisions, the review procedure for *family divisions* is simplified, and the required improvements are minimal.

Minimum Lot Area for *Family Division* Lots by Zoning District
[Sec. 83-107(b)]

| Zoning District | Minimum Area: <i>Family Division</i> Lot | Minimum Area: Residual Parcel |
|---|---|--|
| Agricultural-10 (A-10) (Main Parcel on Public Road) | 2 acres | 2 acres |
| Agricultural-10 (A-10) (Main Parcel on Private Road) | 2 acres | 10 acres |
| Rural Residential (RR) | 2 acres | 10 acres |
| Single-Family Residential – 2 (R-2) | 2 acres | 2 acres |
| Residential-Utility (R-U) | 2 acres | 2 acres |

Current Requirements for Family Divisions

| Feature | Current Requirement |
|--|--|
| Required Holding Period <u>Before</u> Creating a Family Division Lot | 10 years |
| Required Holding Period <u>After</u> Creating a Family Division Lot | 5 years |
| Minimum Lot Area | 2 acres |
| Access | 1 – 2 lots: Min. 20' Easement |
| | 3 – 10 lots: Private Road Standards |
| | ≥ 11 Lots: Public Road |
| Age of Recipient | Not specified |

Number of Family Division Applications (2016 – 2019)¹

| Year | 2016 | 2017 | 2018 | 2019 |
|-----------------------------|-------------|-------------|-------------|-------------|
| No. of Family Division App. | 8 | 10 | 6 | 10 |

Previous Discussion

Sliding Scale

At its workshop on March 3, 2020, the Planning Commission expressed interest in basing the number of lots that could be created through *family divisions* on a *sliding scale*. With a *sliding scale*, the number of lots permitted is based on the size of the *parent tract*. For

¹ Most applications for *family divisions* submitted during the aforementioned time period (2016 – 2019) involved the creation of a single lot.

example, Fauquier County uses a *sliding scale* to determine how many lots could be created from an existing parcel within two of its rural zoning districts. New Kent County uses a *sliding scale* to determine how many *family division* lots can be created from a parcel.

The proposed ordinance amendment (attached) would require that the size of the residual parcel increase as the number of lots created through a *family division* increases. Currently, the residual parcel must be at least two acres, regardless of the number of *family division* lots created. The proposed ordinance amendment would require that the residual parcel be (at least) four to 15 acres, depending upon the number of *family division* lots created.²

Required Holding Period

Currently, a property owner must own a parcel for at least ten years to be eligible to create a lot through a *family division*. Once the lot is created, the immediate family member receiving that lot must own it for at least five years before selling it. There has been discussion about reducing the holding period prior to creating a family division lot, as Powhatan County currently has more stringent requirements than comparable localities.

The proposed ordinance amendment (attached) would reduce the holding period required prior to creating a *family division* lot from ten years to five years.

**Required Holding Period Before and After Creating a Family Division Lot:
Survey of Virginia Localities
January 2020**

| County | Required Holding Period <u>Before</u> Creating Family Division Lot (Years) | Required Holding Period <u>After</u> Creating Family Division Lot (Years) |
|------------------------|---|--|
| Powhatan (Current) | 10 | 5 |
| Powhatan (Proposed) | 5 | 5 |
| Amelia | 0 | 5 |
| Chesterfield | 2 | 5 |
| Culpeper | 5 | 5 |
| Cumberland | 2 | 10 |
| Dinwiddie | 2 | 5 |
| Fluvanna | 0 | 3 |
| Goochland | 0 | 0 |
| Hanover | 0 | 3 |
| Henrico | 0 | 5 |
| King George | 0 | 5 |
| Louisa | 0 | 15 |
| New Kent | 3 | 2 |
| Orange | 5 | 5 |
| Prince George | 2 | 5 |

² Currently, the average lot size of parcels zoned A-10 is 17.85 acres, while the median lot size is 5.16 acres.

Lot Size

At its workshop on March 3, 2020, the Planning Commission discussed the possibility of changing the minimum lot size for *family divisions*. Page 3 of the staff report lists the minimum area for a lot created through a *family division* by zoning district. The table below lists minimum area for lots created through a *family division* in other localities (within agricultural zoning districts).

If the proposed ordinance amendment (attached) were approved, the minimum size of *family division* lots would remain two acres, but the size of the residual parcel would increase as the number of lots created through a *family division* increases. The residual parcel would be (at least) four to 15 acres, depending upon the number of *family division* lots created.

**Minimum Lot Size for a Family Division Lot:
Survey of Virginia Localities
August 2020**

| County | Minimum Lot Size for a Family Division Lot within Agricultural Zoning Districts | Minimum Lot Size for a Conventional Resid. Lot within Agricultural Zoning Districts |
|---------------|--|--|
| Powhatan | 2 acres | 10 acres |
| Amelia | 2 acres | 5 acres |
| Chesterfield | 1 acre | 5 acres |
| Culpeper | 1 acre | A: 5 acres RA: 3 acres |
| Cumberland | 2 acres | A-2: 2 acres A-20: 20 acres |
| Dinwiddie | 3 acres | 3 acres |
| Fluvanna | 2 acres | 2 acres |
| Goochland | 2 – 3 acres (depending upon location) | 2 – 3 acres (depending upon location) |
| Hanover | 2 acres (with parent tract of at least 10 acres remaining after family division) | 10 acres |
| Henrico | 1 acre | 1 acre |
| King George | A-1: 10 acres A-2: 2 acres A-3: 1 acre | A-1: 10 acres A-2: 2 acres A-3: 1 acre |
| Louisa | 1.5 acres | 1.5 acres |
| New Kent | 1.5 acres | 1.5 acres |

| | | |
|---------------|---------|---------|
| Orange | 2 acres | 2 acres |
| Prince George | 1 acre | 5 acres |

Eligible Family Members

Currently, an eligible property owner may gift one *family division* lot to each immediate family member, which (per Sec. 68-301) includes “natural or legally-defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent.” The proposed ordinance amendment (attached) would prevent an eligible property owner from gifting a parcel to a spouse.

The proposed ordinance amendment (attached) also specifies that a *family division* lot can only be gifted to an immediate family member that is an adult.

III. COMPREHENSIVE PLAN ANALYSIS

The *2019 Long-Range Comprehensive Plan* does not specifically address *family divisions*.

Many parcels zoned A-10 (where most *family divisions* occur) are located within areas designated *Rural Preservation* and *Rural Residential*. These land use designations are intended to accommodate very low-density residential development (p. 58):

- *Rural Preservation*: 1 unit per 8 acres – 1 unit per 10 acres
- *Rural Residential*: 1 unit per 5 acres – 1 unit per 10 acres

Objective LU.2 states that “when development occurs in rural areas, the preferred form of development is conservation subdivisions, with smaller lots and preserved open space at an overall low-density consistent with a rural character” (p. 59).

Allowing additional lots as small as two (2) acres to be created in these areas would not be consistent with the aforementioned recommendations, unless they are clustered to protect open space.

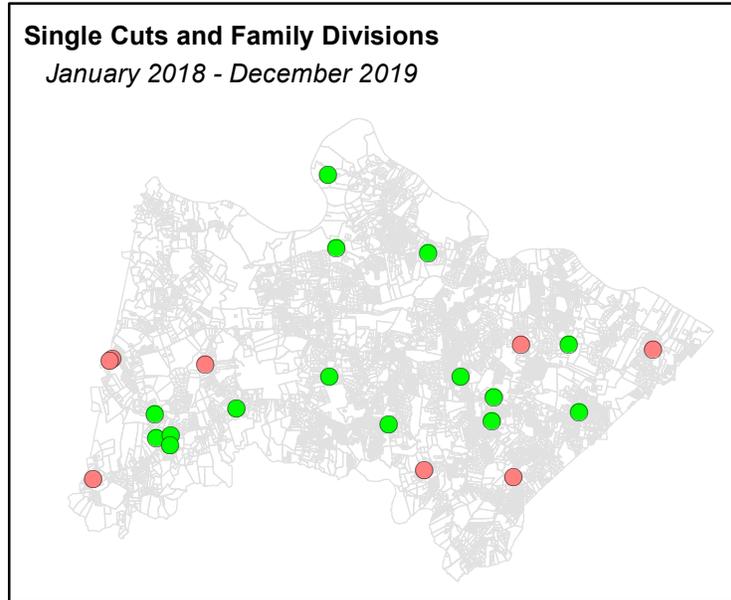
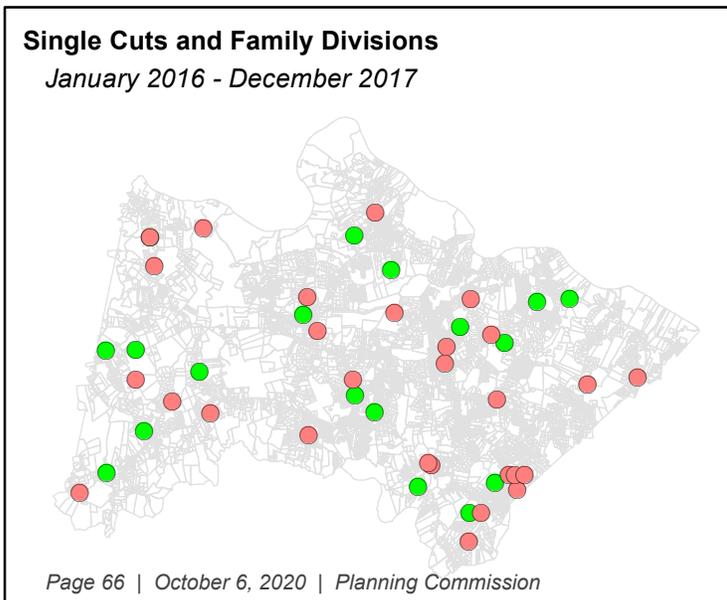
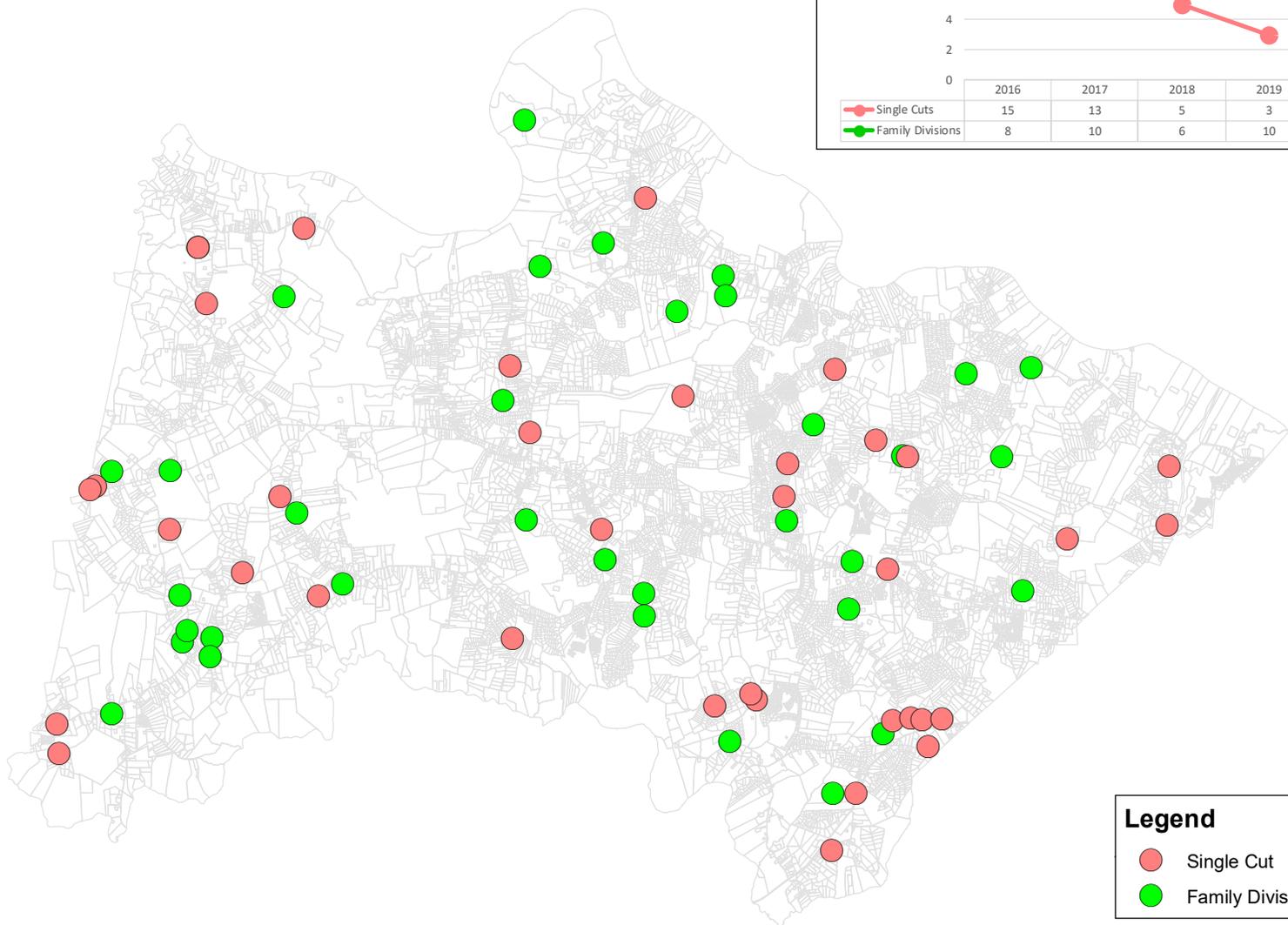
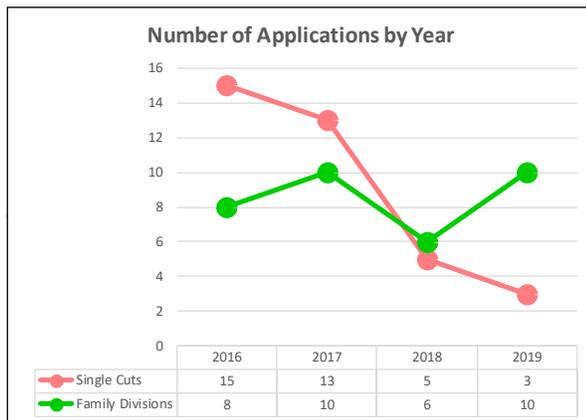
IV. PLANNING COMMISSION ACTION

The Planning Commission may choose to initiate an ordinance amendment to modify standards for *family divisions* established within Chapter 68 (Subdivision Ordinance).

Attachments

1. Map of Single Cut and Family Divisions (2016 – 2019)
2. Proposed Ordinance Amendment

Single Cuts and Family Divisions (2016-2019)



ORDINANCE #O-2020-__

Draft (Planning Commission): October 6, 2020

AN ORDINANCE AMENDING THE POWHATAN COUNTY CODE OF ORDINANCES TO AMEND THE PROVISIONS SET FORTH IN SEVERAL SECTIONS OF CHAPTER 68 (SUBDIVISION ORDINANCE) AND CHAPTER 83 (ZONING ORDINANCE) TO REDUCE THE REQUIRED HOLDING PERIOD BEFORE CREATING A FAMILY DIVISION LOT FROM TEN YEARS TO FIVE YEARS; CLARIFY THAT ONLY ADULTS MAY RECEIVE A FAMILY DIVISION LOT; CLARIFY STANDARDS REGARDING ACCESS; AND INCREASE THE SIZE OF THE RESIDUAL PARCEL REMAINING AFTER A FAMILY DIVISION.

WHEREAS, Sections 15.2-1427 and 15.2-1433 of the Code of Virginia, 1950, as amended, enable a local governing body to adopt, amend and codify ordinances or portions thereof; and

WHEREAS, Section 15.2-2240 of the Code of Virginia, 1950, as amended, mandates that each local governing body adopt a subdivision ordinance, pursuant to Sections 15.2-2240 through 15.2-2279 (Land Subdivision and Development) to assure the orderly subdivision of land and its development; and

WHEREAS, Section 15.2-2244 of the Code of Virginia, 1950, as amended, mandates that local subdivision ordinances include reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner; and

WHEREAS, the proposed amendment is intended to ensure that subdivisions and other development promote the health, safety, convenience, order, prosperity, and welfare of the present and future residents of the County; and

WHEREAS, the proper advertisement and public hearing was conducted as required by law; and

WHEREAS, the full text of this amendment was available for public inspection in the Department of Community Development, Powhatan County Administration Building, 3834 Old Buckingham Road, Powhatan, Virginia 23139.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN that portions of Chapter 68 (Subdivision Ordinance) and Chapter 83 (Zoning Ordinance) be amended and reenacted as follows:

**CODE OF THE COUNTY OF POWHATAN, VIRGINIA
CHAPTER 68. SUBDIVISION ORDINANCE**

...

ARTICLE I. – GENERAL PROVISIONS

...

Sec. 68-125. - Family division.

- (a) *Purpose.* The purpose of this section is to establish the procedure and standards for review of family divisions. Family division review is intended to ensure that proposed lots are appropriately and accurately delineated on a plat that serves as a permanent record of the subdivision.
- (b) *Family division review standards.* An application for family division approval shall be approved on a finding the applicant has demonstrated that:
 - (1) Only one such division shall be allowed during the lifetime of each adult family member of the donor or grantor without regard for ownership by the donor or grantor of differing tracts or parcels of ~~land, and~~land and shall not be for the purpose of circumventing this ordinance. Any further

division beyond one cut for each family member shall be considered a subdivision subject to the provisions of this ordinance;

- (2) The land being divided has been owned by the current owner or member of the owner's immediate family for at least ~~ten~~ five consecutive years;
- (3) The owner agrees to place a restrictive covenant on the subdivided lots that would prohibit their transfer to a nonmember of the owner's immediate family for a period of five (5) years, unless the ~~county~~ Board of Supervisors, at its sole discretion, executes and records a document agreeing to a shorter time period where required by changed circumstances;
- (4) Each lot created has an area of at least two acres and adheres to the minimum dimensional standards (except for minimum lot area) set forth in Chapter 83 (Zoning Ordinance) for the applicable zoning district, and the residual parcel adheres to the minimum area requirements set forth in Table 68-125(b)(5); The division results in no lot with an area less than two acres;

Commented [APCA1]: The proposed revisions would reduce the amount of time a property owner must own the property prior to creating a family division (reduced from 10 years to 5 years).

Table 68-125(b)(5): Minimum Area Requirements for Residual Parcel after Family Division

| <u>Number of Lots Created by Family Division</u> | <u>Minimum Acreage of Residual Parcel¹</u> |
|--|---|
| <u>1</u> | <u>4</u> |
| <u>2</u> | <u>6</u> |
| <u>3</u> | <u>8</u> |
| <u>4</u> | <u>10</u> |
| <u>5</u> | <u>12</u> |
| <u>6 or more</u> | <u>15</u> |

¹ If the main parcel is located on a private road, the residual parcel must be at least 10 acres in all instances.

Commented [APCA2]: The proposed revisions would require a larger residual parcel than currently required, as discussed at previous Planning Commission workshops. The greater the number of family divisions, the larger the residual parcel has to be.

- (6) No lot hereby created shall qualify as a family division unless it has a reasonable access right-of-way or easement providing ingress and egress to a publicly maintained street or road as follows (these standards will be calculated in the aggregate regardless of the timing of the divisions).
 - a. Minimum of 20 feet for one to two lots served by a driveway constructed to the residential driveway standard outlined in §-section 68-175(e)(8)b.1.
 - b. Minimum of 40 feet for three ~~For a three (3)- to ten (10) lots division, the lots must, at a minimum, be~~ served by a private road constructed to standards outlined in §-section 68-175(e)(8)b.2.
 - c. Divisions resulting in a total of 11 or more lots, served by a public road constructed to standards outlined in §-section 68-175(e)(8)a.
- ~~(7) The division is not for the purpose of circumventing the county's subdivision regulations.~~
- ~~(78)~~ Family divisions utilizing the private road standards of §-section 68-175(e)(8)b. shall be reviewed and acted on by the director, subject to certification and recordation of a road maintenance agreement as required by section 68-175(e)(8)b.2.vii.
- ~~(89)~~ Procedure for family subdivision of property held in trusts. Property held by a trust may be divided as a family subdivision provided it meets the following requirements:

Commented [APCA3]: This language is consistent with current requirements set forth in in Sec. 83-107(b) of the zoning ordinance.

- a. All trust beneficiaries must be immediate adult family members of one another, as defined in this section.
 - b. All trust beneficiaries must agree in writing that the property should be subdivided.
 - c. All purchasers or grantees of subdivided parcels must be adult immediate family members of beneficiaries of the trust, although they need not themselves be beneficiaries.
 - d. The division shall comply with all other requirements of this section for family divisions.
- (c) *Non-immediate family members.*
- (1) No building permit shall be issued on the lot being divided off to any person other than an immediate family member.
 - (2) No structure on the lot being divided off shall be rented to any person other than an immediate family member.
- (d) *Expiration.* Family division approval shall expire if the family division plat is not recorded with the office of the clerk of the circuit court:
- (1) Within six months after the date of the family division approval; or
 - (2) Where construction or installation of public infrastructure improvements required to serve the area covered by the family division plat has commenced in accordance with the family division approval and their completion is ensured by a performance guarantee in accordance with section 68-215, performance guarantees, within one year after the date of the family division approval or such further time period specified in the performance guarantee; or
 - (3) Within an extension of the applicable time period.

...

ARTICLE V. – DEFINITIONS

...

Sec. 68-301. – Definitions.

Subdivision, family division means a family division is a division of a lot or parcel of land solely for the purpose of a one-time sale or gift of land from the lot or parcel owner to a member of the owner's immediate family— which is defined for purposes of regulating family divisions as any person-adult who is a natural or legally defined offspring, stepchild, ~~spouse~~, sibling, grandchild, grandparent, or parent of the lot or parcel owner. Development of a family division requires family division approval in accordance with [section 68-125](#). Family division. ~~No parcel may be created less than two acres in size.~~

...

CHAPTER 83. ZONING ORDINANCE

...

ARTICLE I. – GENERAL PROVISIONS.

...

Sec. 83-107. – Use districts.

Commented [APCA4]: The proposed revision would prevent a property owner from creating a new parcel and giving it to a spouse as part of a family division.

Commented [APCA5]: Sec. 68-125 establishes requirements regarding minimum lot size. Definitions generally should not include standards/regulations, as those should be defined in the body of the ordinance.

...

(b) Minimum lot size.

| Minimum Lot Size Reference Chart | |
|---|--|
| Scenario | Result |
| Minimum Lot Size (A-10 District) | 10 acres |
| Lot Line Adjustment (A-10 District) | 2 acres for parent tract on a public road; 10 acres for all other parcels; the result of the lot line adjustment may not create any additional non-conforming parcels |
| Lot Line Adjustment (RR District) | 10 acres; parcels less than 10 acres may be increased but not decreased in size by the lot line adjustment |
| Single cut subdivision exception; main parcel on public road (A-10 District) | 2 acres for the single cut parcel plus 2 acres for the residual parcel (4 acres total) |
| Single cut subdivision exception; main parcel on private road (A10 District) | 2 acres for the single cut parcel plus 10 acres for the residual parcel (12 acres total); private road must be upgraded to state specifications from the state road to the single cut parcel; minimum lot size to be computed outside the 50' right-of-way |
| Family member division; main parcel on public road, or access provided to public road via main parcel (A-10 District) | 2 acres for the family division parcel plus 2 acres for the residual parcel (4 acres total) <u>meets area requirements set forth in Table 68-125(b)(5)</u> |
| Family member division; main parcel on private road in Large Lot development (A-10 District) | 2 acres for the family member division plus 10 acres for the residual parcel (12 acres total); must have consent from property owners that access the private road; minimum lot size to be computed outside the 50' right-of-way; private road must be upgraded to state specifications if private road serves more than ten (10) lots |
| Family member division (RR District) | 2 acres for the family division parcel plus 10 acres for the residual parcel <u>meets area requirements set forth in Table 68-125(b)(5)</u> (12 acres total) |

| | |
|--|--|
| Family member division (R-2 District) | 2 acres for the family division parcel plus 2 acres for the residual parcel <u>meets area requirements set forth in Table 68-125(b)(5)(4 acres total)</u> |
| Family member division (R-U District) | 2 acres for the family division parcel plus 2 acres for the residual parcel <u>meets area requirements set forth in Table 68-125(b)(5)(4 acres total)</u> |
| Large lot subdivision exception (A-10 District) | 10 acre minimum lot size; if on a private road, minimum lot size is to be computed outside the 50' right-of-way |
| Charitable exception (A-10 District) | 2 acres for the charitable exception parcel plus 10 acres for the residual parcel |
| Second dwelling for family member (per conditional use permit in A-10 District); main parcel on public road | 20 acres total (1 dwelling per 10 acres); minimum lot size requirements waived if dwelling is for an elderly or infirmed family member |
| Second dwelling for guest house or non-family member (per conditional use permit in A-10 District) | 20 acres total (1 dwelling per 10 acres); minimum lot size requirements waived if dwelling is for an elderly or infirmed family member |
| Second dwelling on 2 lot private road (regardless of occupant, per conditional use permit in A-10 District) | 20 acres total (1 dwelling per 10 acres); minimum lot size requirements waived if dwelling is for an elderly or infirmed family member |
| Second dwelling on 3-10 lot private road (regardless of occupant, per conditional use permit in A-10 District) | 20 acres total (1 dwelling per 10 acres); minimum lot size requirements waived if dwelling is for an elderly or infirmed family member |
| Second dwelling on lot in any private road subdivision that is eligible for a single cut (per conditional use permit in A-10 District) | 20 acres total (1 dwelling per 10 acres); minimum lot size requirements waived if dwelling is for an elderly or infirmed family member |

In all other respects the Code of the County of Powhatan shall remain unchanged and be in full force and effect.

This amendment shall take effect immediately upon passage.

ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON _____, 2020.

**David T. Williams, Chairman
Powhatan County Board of Supervisors**

ATTEST:

**Bret Schardein, Clerk
Powhatan County Board of Supervisors**

Recorded Vote:

David T. Williams _____
Larry J. Nordvig _____
Michael W. Byerly _____
William L. Cox _____
Karin M. Carmack _____



Powhatan County Board of Supervisors Agenda Item

Meeting Date: October 6, 2020

Agenda Item Title: Discussion: Changes to the Courthouse Square Center (CHSC) Zoning District

Action Requested: None Requested

Dates Previously
Considered by PC: None

Summary of Item: At its meeting on September 28, 2020, the Board of Supervisors initiated a zoning text amendment that would involve changes to permitted and conditional uses within the Courthouse Square Center (CHSC) zoning district.

Concurrently with this ordinance amendment, staff recommends that the Planning Commission consider rezoning two parcels (Tax Map Parcels #26B2-3-8B and #26B2-3-10) that are currently zoned General Commercial (C) within the Courthouse Village, but are surrounded by properties zoned CHSC.

A public hearing regarding the proposed ordinance amendment and associated rezoning is tentatively scheduled for the next Planning Commission meeting (November 4, 2020).

Attachments: Memo
Possible Ordinance Amendment
Map of CHSC Zoning District

Staff/Contact: Andrew J. Pompei, AICP, CZA (Planning Director)
(804) 598-5621 ext. 2006
apompei@powhatanva.gov

If Board members have questions, please call the staff / contact prior to the meeting.

Board of Supervisors
David T. Williams
Larry J. Nordvig
Michael W. Byerly
William L. Cox
Karin M. Carmack



Planning Director
Andrew Pompei, CZA, AICP

The County Of
Powhatan

TO: Powhatan County Planning Commission
FROM: Andrew Pompei (Planning Director)
DATE: September 29, 2020
SUBJECT: Potential Changes to the Courthouse Square Center (CHSC) Zoning District

Current Situation

The Courthouse Village accommodates mixed-use development within a compact area. There are a variety of commercial, residential, and institutional uses within existing buildings located along and near State Route 13 (Old Buckingham Road).

The CHSC zoning district accommodates mixed-use development within the Courthouse Village. It is currently applied to 41 parcels, which total 17.25 acres.

The CHSC zoning district is classified as a *Transition Base District*. Per Sec. 83-340, properties zoned to a *Transition Base District* should gradually be rezoned to one of the *Village Growth Area Districts*.

Potential Changes

As part of Case #18-01-AZ (Ordinance #O-2018-06: Approved August 27, 2018), the list of uses permitted by-right or with a conditional use permit within the CHSC zoning district was changed. With that ordinance amendment, some existing uses became *nonconforming*. *Nonconforming uses* cannot be expanded [Sec. 83-501]. Staff proposes amending the list of permitted and conditional uses to:

- Ensure that existing uses are permitted (no longer *nonconforming*); and
- Add uses that are compatible with existing uses and the character of the Courthouse Village, accommodating continued economic growth and investment in the area.

Staff also proposes:

- Changing the CHSC zoning district from being a *Transition Base District* to a *Village Growth Area Base District*. The CHSC zoning district accommodates mixed-use development within the Courthouse Village, which aligns with recommendations made in the *2019 Long-Range Comprehensive Plan*.
- Initiating a rezoning of two parcels (Tax Map Parcels #26B2-3-8B and #26B2-3-10) that are currently zoned General Commercial (C) within the Courthouse Village, but are surrounded by properties zoned CHSC.

3834 Old Buckingham Road · Suite A · Powhatan, VA 23139
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Potential Changes to the Courthouse Square Center (CHSC) Zoning District

October 6, 2020

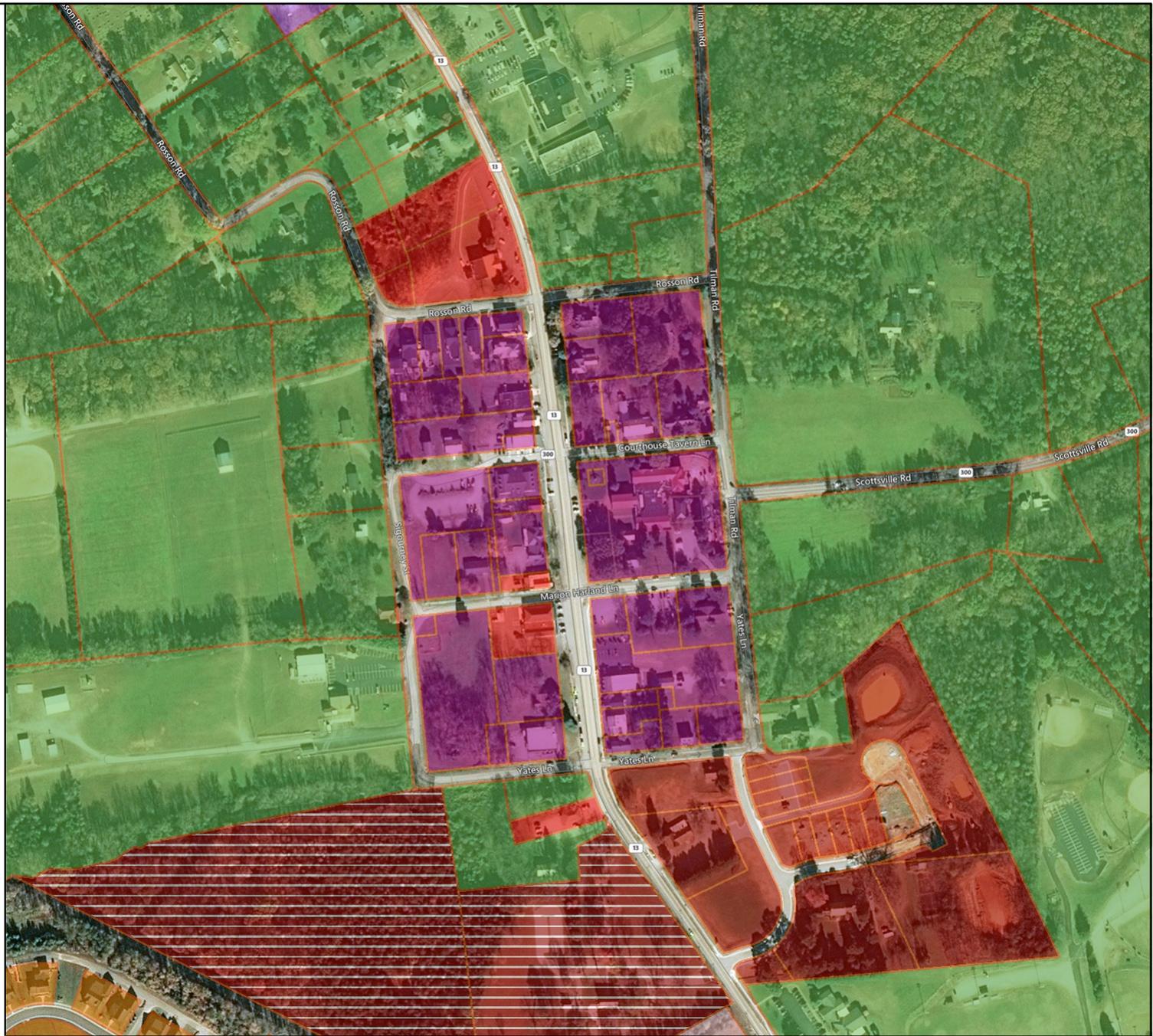
Page 2

At its meeting on September 28, 2020, the Board of Supervisors initiated a zoning text amendment that would involve changes to permitted and conditional uses within the Courthouse Square Center (CHSC) zoning district.

Powhatan County, Virginia

Legend

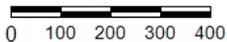
-  County Boundary
-  Parcels
- Zoning**
-  Agriculture A-10
-  Agricultural/Animal Confinement
-  Commerce Center Planned Development
-  Commerce Center
-  Commercial
-  Courthouse Square Center
-  Industrial - 1
-  Industrial - 2
-  Mining
-  Office
-  Residential - 2
-  Rural Residential 5
-  Residential Utility
-  Rural Residential
-  Village Center Planned Development
-  Village Center



Title: Courthouse Square Center (CHSC) Zoning District

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Powhatan County is not responsible for its accuracy or how current it may be.

Feet



1:4,514 | 1"=376 Feet

ORDINANCE #O-2020-____

Draft: Planning Commission Initial Review (October 5, 2020)

AN ORDINANCE AMENDING THE POWHATAN COUNTY CODE OF ORDINANCES TO AMEND PROVISIONS SET FORTH IN SEVERAL SECTIONS OF CHAPTER 83 (ZONING ORDINANCE) TO CHANGE THE COURTHOUSE SQUARE CENTER (CHSC) ZONING DISTRICT FROM A TRANSITION BASE DISTRICT TO A VILLAGE GROWTH AREA BASE DISTRICT; AND TO ADD USES TO THE LIST OF PERMITTED AND CONDITIONAL USES PERMITTED WITHIN THE CHSC ZONING DISTRICT.

WHEREAS, Sections 15.2-1427 and 15.2-1433 of the Code of Virginia, 1950, as may be amended from time to time, enable a local governing body to adopt, amend, and codify ordinances or portions thereof; and

WHEREAS, Sections 15.2-2280, 15.2-2285, and 15.2-2286 of the Code of Virginia, 1950, as amended, enables a local governing body to adopt and amend zoning ordinances; and

WHEREAS, this amendment of the Powhatan County Zoning Ordinance is required to serve the public necessity, convenience, general welfare, and good zoning practice pursuant to Section 15.2-2286(A)(7) of the Code of Virginia, as amended; and

WHEREAS, the proper advertisement and public hearing was conducted as required by law; and

WHEREAS, the full text of this amendment was available for public inspection in the Department of Community Development, Powhatan County Administration Building, 3834 Old Buckingham Road, Powhatan, Virginia 23139.

WHEREAS, the *2019 Long-Range Comprehensive Plan* states that the Courthouse Village should “accommodate a mix of uses, creating a walkable community in close proximity to public facilities” (p. 120).

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN that several sections of the Zoning Ordinance of the County of Powhatan are amended and reenacted as follows:

**CODE OF THE COUNTY OF POWHATAN, VIRGINIA
CHAPTER 83. ZONING ORDINANCE**

...

ARTICLE IV. – VILLAGE GROWTH AREA DISTRICTS

DIVISION 1. – VILLAGE GROWTH AREA BASE DISTRICTS

Sec. 83-200. - General purposes of village growth area base districts.

The village growth area base districts established in this article are intended to establish within the village growth areas designated in the comprehensive plan a compact pattern of urban and suburban development characterized by mixed-use village centers and commerce centers surrounded by diverse residential neighborhoods. While the purpose of each type of village growth area base district is tailored

to the land use classification it is intended to help implement, the following additional purposes are common to all village growth area base districts:

- 1) Provide appropriately located lands to meet the residential needs of the county's current and future populations;
- 2) Provide appropriately located lands for the full range of commercial uses needed by the county's residents, businesses, and workers;
- 3) Provide appropriately located lands for the full range of heavy industrial, light industrial, and industrially related uses that can realistically contribute to the local economy and take advantage of the local employee base;
- 4) Strengthen the county's economic base, and provide employment opportunities close to home for residents of the county and surrounding communities;
- 5) Preserve the unique character of historic resources;
- 6) Promote development that establishes a character and sense of identity for the various village centers, commerce centers, and neighborhoods, and provide appropriate transitions between them;
- 7) Encourage mixed-use development that enables people to live, work, shop, and play in close vicinity to each other;
- 8) Include road and walkway networks that ensure safe and efficient vehicular access and circulation and provide a high level of vehicular interconnectivity
- 9) Promote the mixing of low-speed vehicular traffic and pedestrian activity along human-scale streetscapes;
- 10) Promote walkable village growth areas by providing multiple opportunities for people to walk to local destinations by a variety of routes;
- 11) Preserve or provide a "green network" of open spaces and parks that protect natural areas and historic resources and tie together village centers, commerce centers, residential neighborhoods, schools, and other important destinations within a village growth areas;
- 12) Protect properties from fires, explosions, toxic fumes and substances, and other public safety hazards;
- 13) Protect residential, commercial, and industrial developments from the potential adverse impacts of incompatible adjacent uses and development;
- 14) Coordinate and time development with the availability of adequate infrastructure capacity;
- 15) Provide systems for properly mitigating the stormwater impacts of individual developments that are coordinated with countywide stormwater management efforts; and
- 16) Promote sustainable development in terms of energy efficiency and conservation, food security, materials recycling, water conservation, and similar sustainability goals.

The village growth area base districts established by this chapter are:

| Village Growth Area Base Districts | |
|------------------------------------|---------------------------------------|
| R-2 | Single-Family Residential-2 |
| VR | Village Residential |
| VC | Village Center |
| <u>CHSC</u> | <u>Courthouse Square Center</u> |
| CC | Commerce Commercial Center |
| I-1 | Light Industrial |
| I-2 | Heavy Industrial |
| M | Mining and Mineral Extraction |

(Ord. No. O-2013-06, 9-16-13)

...

ARTICLE V. – TRANSITION BASE DISTRICTS

Sec. 83-340. - General purposes of transition base districts.

The transition base districts represent zoning districts established by the previous zoning ordinance and carried forward in this chapter because of their unique characteristics and standards. They are intended to accommodate the continuation and growth of development that occurred under the previous zoning ordinance. Because the purpose and character of these districts are no longer fully consistent with the most recent comprehensive plan, it is the county's intent that no additional lands be rezoned to a transition district except where small additions are needed to accommodate modest expansions or lot line adjustments affecting developments that already exist within the transition district. It is intended and expected that lands within these transition base districts gradually will be rezoned to one of the other base or planned development districts established in this chapter that better reflect the comprehensive plan's land use classifications and objectives. When land is no longer zoned for a transition base district, it is the county's intent that this chapter be amended to remove the district.

The transition base districts carried forward by this chapter are:

| TRANSITION BASE DISTRICTS | |
|---------------------------|---------------------|
| R-U | Residential Utility |

| | |
|-----------------|-------------------------------------|
| R-C | Residential-Commercial |
| O | Office |
| C | General Commercial |
| CHSC | Courthouse Square Center |

(Ord. No. O-2014-02, 2-18-14)

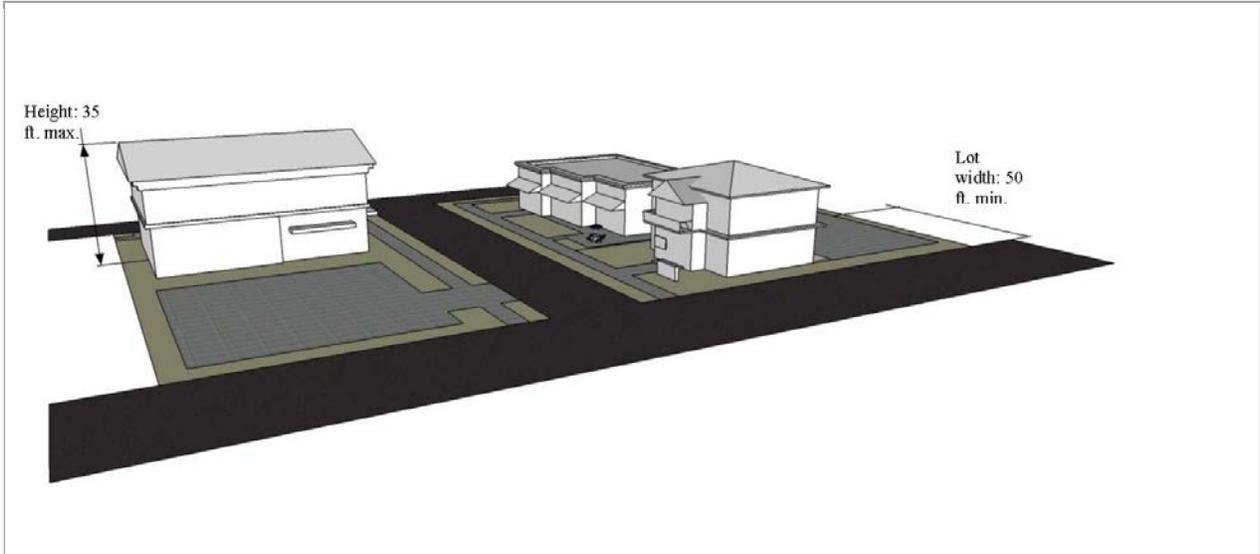
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Sec. 83-~~390-235~~ - Courthouse Square Center (CHSC) District.

| A. Purpose. | Typical Development Form |
|---|---|
| <p>The purpose of the Courthouse Square Center (CHSC) District is to accommodate <u>pedestrian-friendly</u>, mixed-use development on land previously zoned Court House Square Center (CHSC 1) and located within village growth areas until such time as the land is rezoned to a district designed to achieve the type of urban development called for by land use designations applied to the land by the comprehensive plan within, and in close proximity to, the Powhatan Courthouse Historic District (listed on the National Register of Historic Places). No additional lands shall be rezoned to the Courthouse Square Center District except to accommodate modest expansion of existing development on land zoned Courthouse Square Center. Specifically, the district is intended to accommodate a mix of institutional uses, especially those related to governmental administration, as well other institutional and commercial uses related to county governmental functions (e.g., community service facilities, professional offices of lawyers and surveyors) or to serving employees of and visitors to the district's primary uses (e.g., restaurants, business support uses). The district also accommodates townhouse and small-<u>scale</u> multifamily residential development.</p> |  |
| <p>B. Use Standards.</p> |  |
| <p>See use-specific standards in Article VII (Use Standards).</p> | |
| <p>C. Intensity and Dimensional Standards. ¹</p> | |

| | | |
|---|------------|---------------------------|
| Lot area, minimum | 4,000 s.f. | |
| Lot width, minimum | 50 ft. | |
| Density, maximum | 8 du/ac | |
| Lot coverage, maximum | n/a | |
| Structure height, maximum | 35 ft. | |
| Front yard depth, minimum | n/a | |
| Side yard depth, minimum | n/a | |
| Rear yard depth, minimum | n/a | Typical Lot Layout |
| Notes: ac = acre(s) ft. = feet s.f. = square feet 1. See measurement rules and allowed exceptions/variations in Article XII (Interpretations). | | |
| D. Development Standards. | | |
| See development standards in Article VIII (Development Standards). | | |

Typical Development Configuration



(Ord. No. O-2014-02, 2-18-14)

Sec. 83-~~391~~236. - Permitted uses.

The following uses are allowable as principal uses by right in the CHSC District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

- 1) Dwelling, live/work;
- 2) Dwelling, single-family detached;
- 3) Dwelling, duplex;
- 4) Dwelling, three- or four-family;
- 5) Dwelling, townhouse;
- ~~5)6) Dwelling, upper-story;~~
- ~~6)7) Telecommunications facility, collocated;~~
- ~~7)8) Community center;~~
- ~~8)9) Library;~~
- ~~9)10) Adult day care center;~~
- ~~10)11) Child day care center;~~
- ~~11)12) Private school;~~
- ~~12)13) Public school;~~
- ~~13)14) Courthouse facility;~~
- ~~14)15) Fire or EMS station;~~
- ~~15)16) Government administrative offices;~~
- ~~16)17) Government maintenance, storage, or distribution facility;~~
- ~~17)18) Law enforcement facility;~~
- ~~18)19) Post office;~~
- ~~19)20) Massage clinic;~~
- ~~20)21) Medical or dental clinic;~~
- ~~21)22) Medical or dental lab;~~
- ~~22)23) Nursing home;~~
- ~~23)24) Community garden;~~
- ~~24)25) Park or greenway;~~
- ~~25)26) Club or lodge;~~
- ~~26)27) Utility use, minor;~~
- ~~27)28) Animal grooming;~~
- ~~28)29) Veterinary clinic;~~
- 30) Business service establishment;

- ~~31)~~ Brewpub;
- ~~32)~~ Micro-brewery;
- ~~33)~~ Micro-distillery;
- ~~29)~~~~34)~~ Restaurant without drive-through service;
- ~~30)~~~~35)~~ Specialty eating or drinking establishment;
- ~~31)~~~~36)~~ Contractor's office;
- ~~32)~~~~37)~~ Professional offices;
- ~~33)~~~~38)~~ Antique store;
- ~~34)~~~~39)~~ Art gallery;
- ~~35)~~~~40)~~ Art, crafts, music, dance, photography, or martial arts studio/school;
- ~~36)~~~~41)~~ Bank or financial institution with drive-through service;
- ~~37)~~~~42)~~ Bank or financial institution without drive-through service;
- ~~38)~~~~43)~~ Drugstore or pharmacy without drive-through service;
- ~~39)~~~~44)~~ Farmers' market;
- ~~40)~~~~45)~~ Lawn care, pool, or pest control service;
- ~~41)~~~~46)~~ Liquor store;
- ~~42)~~~~47)~~ Personal services establishment;
- ~~43)~~~~48)~~ Taxidermy shop;
- ~~44)~~~~49)~~ Recycling drop-off center.

(Ord. No. O-2014-02, 2-18-14; Ord. No. O-2018-06, 8-27-18)

Sec. 83-~~392~~237. - Conditional uses.

The following uses are allowable as principal uses in the CHSC District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

- 1) Telecommunications tower;
- 2) Museum;
- 3) Medical treatment facility;
- 4) Cemetery;
- 5) Public square or plaza;
- 6) Halfway house;
- 7) Homeless shelter;
- 8) Place of worship;
- 9) Shelter for victims of domestic abuse;
- 10) Utility use, major;

11) Hotel or motel;

~~11)12)~~ Conference or training center;

~~12)13)~~ Auditorium or stage theater;

~~13)14)~~ Tattoo or body piercing establishment;

~~14)15)~~ Assisted living facility.

(Ord. No. O-2014-02, 2-18-14; Ord. No. O-2018-06, 8-27-18)

Sec. 83-~~393~~238. - Accessory uses.

(a) *Permitted accessory uses.* The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the CHSC District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

- (1) Accessory apartment;
- (2) Amateur radio antenna;
- (3) Automatic teller machine (ATM);
- (4) Bed and breakfast inn;
- (5) Canopy, nonresidential drive-through;
- (6) Clubhouse;
- (7) Electric vehicle (EV) level 1 or 2 charging station;
- (8) Family day care home;
- (9) Fuel oil or bottled gas distribution or storage, limited;
- (10) Home garden;
- (11) Home occupation;
- (12) Open space, park, playground, or recreational facility;
- (13) Outdoor display and sale of merchandise;
- (14) Outdoor storage (as an accessory use);
- (15) Private recycling bins;
- (16) Rainwater cistern;
- (17) Residential care facility;
- (18) Satellite dish;
- (19) Solar energy collection system;
- (20) Swimming pool, spa, or hot tub;
- (21) Television or radio antenna.

(Ord. No. O-2014-02, 2-18-14)

Sec. 83-~~394239~~. - Temporary uses.

- (a) *Permitted temporary uses.* The following uses are allowable as temporary uses of limited duration, in the CHSC District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:
 - (1) Garage and yard sale;
 - (2) Post-disaster temporary dwelling;
 - (3) Temporary construction-related structure or facility.
- (b) *Permitted with temporary business permit.* The following uses are allowable as temporary uses of limited duration in the CHSC District, only on approval of a temporary business permit, and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:
 - (1) Estate sale/auction;
 - (2) Farmers' market (as a temporary use);
 - (3) Temporary business (other than outdoor seasonal sales).

(Ord. No. O-2014-02, 2-18-14)

APPROVED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON

_____.

David T. Williams, Chairman
Powhatan County Board of Supervisors

ATTEST:

Ned Smither, Clerk
Powhatan County Board of Supervisors

Recorded Vote:

| | |
|--------------------------|--|
| <i>David T. Williams</i> | |
| <i>Larry J. Nordvig</i> | |
| <i>Michael W. Byerly</i> | |
| <i>Bill L. Cox</i> | |
| <i>Karin M. Carmack</i> | |



Powhatan County Planning Commission Agenda Item

Meeting Date: October 6, 2020

Agenda Item Title: Planning Commission: Role in Review of Capital Improvement Program (CIP)

Action Requested: The Planning Commission will provide feedback regarding members' interest in preparing and/or reviewing the CIP as part of the upcoming budget cycle.

Dates Previously Considered by PC: December 4, 2018

Summary of Item: At its workshop on September 22, 2020, the Board of Supervisors requested that the Planning Commission be consulted regarding its interest in reviewing the Capital Improvement Program (CIP).

The Planning Commission will provide feedback regarding members' interest in preparing and/or reviewing the CIP as part of the upcoming budget cycle.

Attachments: Memo

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.

Board of Supervisors
David T. Williams
Larry J. Nordvig
Michael W. Byerly
William L. Cox
Karin M. Carmack



Planning Director
Andrew J. Pompei, CZA, AICP

The County Of
Powhatan

TO: Powhatan County Planning Commission
FROM: Andrew Pompei (Planning Director)
DATE: September 23, 2020
SUBJECT: Capital Improvement Program (CIP): Role of Planning Commission

Background

The Capital Improvement Program (CIP) is Powhatan County's multi-year plan for building, maintaining, upgrading, and/or replacing public facilities, infrastructure, and equipment. It establishes a schedule and funding strategy for high-priority capital improvements, which can include such projects as:

- Replacement of major building systems (roofing, heating, air conditioning, etc.)
- Renovation of existing public buildings
- Construction of new public facilities and infrastructure
- Land acquisition for public facilities
- Purchase of major equipment (fire vehicles, sheriff's vehicles, school buses, etc.)

Projects included in the CIP have a cost of \$25,000 or more, with a useful life greater than one year.

At the discretion of the Board of Supervisors, the Planning Commission may prepare and review the CIP. §15.2-2239 of the Code of Virginia states that "a local planning commission may, and at the direction of the governing body shall, prepare and revise annually a capital improvement program." Sec. 62-39 of the County Code references the Planning Commission's involvement in developing the annual CIP.

Current Situation

At its workshop on September 22, 2020, the Board of Supervisors requested that the Planning Commission be consulted regarding its interest in reviewing the Capital Improvement Program (CIP). At its workshop on October 6, 2020, the Planning Commission will be asked to provide feedback regarding members' interest in preparing and/or reviewing the CIP as part of the upcoming budget cycle.

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Phone: 804-598-5612
Fax: 804-598-7835
Website: www.powhatanva.gov

Previous Input from the Planning Commission

At its workshop in December 4, 2018, the Planning Commission discussed its desired role in preparing and/or reviewing the CIP as part of future budget cycles. After discussion, the Planning Commission decided that:

- New public facilities added to future CIPs should be reviewed by the Planning Commission, which will determine if the general location and character of such facilities are in substantial accord with the comprehensive plan.
- To provide ample review time, the Department of Community Development will forward the draft CIP to members of the Planning Commission within five (5) business days of its distribution to the Board of Supervisors.
- If a public facility added to the CIP does not have a specific location at the time of Planning Commission review, the Planning Commission should have an additional opportunity to provide comments regarding the facility's design prior to it being released to bid. This additional review is intended to help ensure that the site and building design reflect policies set forth in the comprehensive plan.

Questions

- Does the current Planning Commission concur with the previous Planning Commission's determination regarding its role in review of the CIP?
- If not, what role would the current Planning Commission like to have in reviewing the CIP?