

August 4, 2020 Meeting Postponed due to Inclement Weather



POWHATAN COUNTY PLANNING COMMISSION

Agenda: Regular Meeting

Tuesday, August 18, 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 are encouraged to provide comments and participate using the following methods:

- Submit comments via email to the Planning Commission Secretary (Andrew Pompei) at apompei@powhatanva.gov. The comment period will open on Wednesday, July 29, 2020 at 5:00 PM and will close on Tuesday, August 4, 2020 at 12:00 PM. Comments received during that period will be transmitted to the Planning Commission for review prior to the meeting and recorded in the meeting minutes.
- 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: June 2, 2020 (Regular Meeting) ([p. 3](#))

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

None

6. Public Hearings

- a. **Case #20-04-CUP: Robert and Josephine Pendergraph (District #1: Subletts/Manakin/Flat Rock)** request the renewal of a conditional use permit (CUP) to continue to operate a country inn within the Agricultural-10 (A-10) zoning district per Sec. 83-162 of the Zoning Ordinance of the County of Powhatan. The use is located on Tax Map Parcel #32-4-12D (2815 Huguenot Springs Road), which consists of 12.41 acres. The 2019 Long-Range Comprehensive Plan designates the subject property as Rural Residential and Natural Conservation on the Countywide Future Land Use Map. The originally-approved CUP (Case #18-01-CUP: Approved September 24, 2018) expires in September 2020. ([p. 7](#))
- b. **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. ([p. 24](#))

7. New Business

- a. Case #20-02-PB: Development Design Pattern Book (Tax Map Parcel #43C-3-1R) ([p. 35](#))

8. Workshop

- a. Possible Ordinance Amendments to Require the Provision of Broadband Infrastructure ([p. 47](#))
- b. Preview: Case #20-03-CUP (Powhatan Solar II, LLC: Proposed Solar Energy Farm) ([p. 50](#))

9. Adjourn

Next Meeting: Tuesday, September 1, 2020

June 2, 2020

VIRGINIA: AT A REGULAR REMOTE MEETING OF THE PLANNING COMMISSION HELD VIA ELECTRONIC COMMUNICATION, TUESDAY, MAY 5, 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 Kelley Kemp, Assistant County Attorney Alyson Oliver, Planner II

In accordance with Ordinance #O-2020-06 and Resolution #R-2020-23, the Planning Commission held a regular meeting by electronic means.

Due to the local emergency declaration (COVID-19), the Village Building Auditorium was not open. Therefore, the Planning Commission held a regular meeting via electronic means, in accordance with Ordinance #O-2020-06 and Resolution #R-2020-23. Information on how to participate in the virtual Planning Commission meeting was advertised in accordance with state law, and members of the public were encouraged to provide comments and participate using the following methods:

- Submit comments via email to the Planning Commission Secretary (Andrew Pompei) at apompei@powhatanva.gov. The comment period opened on Wednesday, May 27, 2020 at 5:00 p.m. and closed on Tuesday, June 2, 2020 at 12:00 p.m. Comments received during that period were transmitted to the Planning Commission for review prior to the meeting and recorded in the meeting minutes.
- Participate remotely by electronic means by joining a webinar at <https://zoom.us/j/88198316591> or dialing in by phone at 1-929-205-6099 OR 1-312-626-6799 then typing in the webinar ID 881 9831 6591. During the public comment period, members of the public wanting to participate raised their hand using the zoom controls on the computer screen, or (if dialing in) pressed *9 on a phone (instructions were also posted at powhatanva.gov/432/Live-Stream-of-Powhatan-County-Meetings)

1. Call to Order

Dr. Brown called the meeting to order at 6:00 PM and conducted a roll call to identify members of the Planning Commission participating in the electronic meeting. Dr. Brown then shared instructions on how members of the public could participate in the meeting during the public hearing portion 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: May 5, 2020 (Regular Meeting)

Ms. Kingery motioned to approve the minutes from the regular meeting on May 5, 2020, as presented.

June 2, 2020

Ms. Hurt 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 participants how they may indicate their interest in participating in this public comment period.

Andy Littauer (3618 Derby Ridge Loop) addressed the Planning Commission about the proposed Wawa in the Winterfield Place II development and its compatibility with the surrounding community.

Seeing as there were no other speakers requesting to speak using the webinar controls, the public comment period was closed by Dr. Brown.

5. Old Business

None

6. Public Hearings

- a. **Case #20-02-CUP: Cellco Partnership d/b/a Verizon Wireless (District #2: Powhatan Station/Graceland)** requests a conditional use permit (CUP to permit a telecommunications tower (up to 200 feet in height) within the Agricultural-10 (A-10) zoning district, per Sec. 83-162 of the Zoning Ordinance of the County of Powhatan. The proposed use would be located at Tax Map Parcel #52-16 (3043 Moyer Road), which consists of 148.3 acres of land located on the south side of State Route 602 (Moer Road) between State Route 1030 (Timber Trace Road) and State Route 619 (Pineview Drive). The 2019 Long-Range Comprehensive Plan designates the subject property as Rural Preservation and Natural Conservation on the Countywide Future Land Use Map.

Mr. Pompei provided an overview of this request.

Prior the public hearing, members of the Planning Commission discussed the following:

- **Land Disturbance**. Members of the Planning Commission requested additional information on the area to be disturbed. The applicant noted that the limits of disturbance are shown on the site plan included with the application.
- **Natural Buffer**. The applicant requested that the proposed Tree Protection Easement (Condition #9) be modified to only include area that will be within the control of the applicant (the leased area). After discussion, the Planning Commission amended the recommended condition to address this request.

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

Mr. Pompei provided a summary of the following public comment, which was provided via written communication prior to the meeting:

- Harry Hunter (1160 Timber Trace Road) provided written comments in support of the CUP request, citing improved public safety and wireless service.

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

June 2, 2020

After public hearing, Ms. Kingery made a motion to **recommend approval** of the request, with Condition #9 amended to require a 25-foot wide Tree Protection Area surrounding the fenced compound.

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

VOTE 5-0
MOTION Passed

- b. **Case #20-02-REZC: Marshall and Laura Martin (District #5: Smiths Crossroads/Pineville/Tobaccoville)** request the rezoning of Tax Map Parcel #4-62C from General Commercial (C) to Crossroads (CR) with proffered conditions and amendment of the zoning district map of approximately 2.998 acres of land located on the north side of State Route 684 (Cartersville Road) approximately 0.35 miles east of State Route 629 (Trenholm Road) (5750 Cartersville Road). Proffered conditions restrict permitted uses and site access. The 2019 Long-Range Comprehensive Plan designates the subject property as Rural Preservation (0.35 miles east of a designated crossroads at Pine Tree) on the Countywide Future Lane Use Plan.

Mr. Pompei provided an overview of this request.

Dr. Brown asked for more information about the possibility of an underground storage tank on the property. Mr. Pompei shared with the Planning Commission that the Virginia Department of Environmental Quality has stated that they will only require the removal of the underground storage tank if there is evidence of soil contamination.

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

Mr. Pompei provided a summary of the following public comment, which was provided via written communication prior to the meeting:

- Terry Adcock (5719 Cartersville Road) submitted written comments in favor of this request, with the proposed proffered conditions restricting commercial uses.

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

After the public hearing, Dr. Brown made a motion to **recommend approval** of the request, as presented.

Ms. Kingery seconded the request.

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

VOTE 5-0
MOTION Passed

7. New Business

- a. Review: Proposed Elevations for Gas Station at Winterfield Place (Phase II)

Mr. Pompei gave an overview of the request and shared the proposed architectural elevations.

Planning Commission Meeting Minutes

June 2, 2020

Ryan Perkins (Kimley-Horn and Associates, Inc.) provided the Planning Commission with an overview of the additional architectural features that have been added in order to fit in with the character of the surrounding development.

Ms. Hurt made a motion to **approve** this request as presented.

Ms. Kingery seconded the request.

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

VOTE 5-0
MOTION Passed

8. Adjourn

There being no further business, Dr. Brown adjourned the meeting at 6:52 PM.

Barbara Brown
Chairman

Andrew Pompei
Planning Director



Powhatan County Planning Commission Agenda Item

Meeting Date: August 18, 2020

Agenda Item Title: **Case #20-04-CUP: Robert and Josephine Pendergraph (District #1: Subletts/Manakin/Flat Rock)** request the renewal of a conditional use permit (CUP) to continue to operate a country inn within the Agricultural-10 (A-10) zoning district per Sec. 83-162 of the Zoning Ordinance of the County of Powhatan. The use is located on Tax Map Parcel #32-4-12D (2815 Huguenot Springs Road), which consists of 12.41 acres. The 2019 Long-Range Comprehensive Plan designates the subject property as Rural Residential and Natural Conservation on the Countywide Future Land Use Map. The originally-approved CUP (Case #18-01-CUP: Approved September 24, 2018) expires in September 2020.

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 Robert and Josephine Pendergraph to renew a conditional use permit for a country inn on Tax Map Parcel #32-4-12D subject to the conditions presented in the staff report.

Dates Previously Considered by PC: None

Summary of Item: Robert and Josephine Pendergraph are requesting a conditional use permit (CUP) renewal to continue to allow a country inn within the Agricultural-10 (A-10) zoning district (Zoning Ordinance: Sec. 83-162). The original CUP, which was approved in September 2018, included a condition that the CUP would expire two years following its approval. The applicants are now requesting that the CUP be renewed in advance of the upcoming expiration in September 2020. The existing country inn is located at 2815 Huguenot Springs Road (Tax Map Parcel #32-4-12D), which is approximately one-quarter mile south of State Route 711 (Huguenot Trail) in northeastern Powhatan County. The applicant is not proposing any changes to the original request, and will continue to use the facility to host events, manage a small gift shop, and provide overnight accommodations for up to twelve guests.

Staff: Approve Disapprove See Comments

Attachments: Staff Report
Application Materials

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.



20-04-CUP County of Powhatan

Request for a Conditional Use Permit (Renewal)
to Permit a *Country Inn*
within the Agricultural-10 (A-10) Zoning District
on Tax Map Parcel #34-4-12D
along State Route 607 (Huguenot Springs Road)

Staff Report Prepared for the Planning Commission
August 4, 2020

I. PUBLIC MEETINGS

Planning Commission August 4, 2020 Public Hearing

II. GENERAL INFORMATION

Request	Conditional Use Permit Renewal (Original CUP: Case #18-01-CUP)
Proposed Use	Country Inn
Proposed Density	N/A (No Residential Units Proposed)
Existing Zoning	Agricultural-10 (A-10)
Parcel Size	12.41
Parcel ID#	32-4-12D
Applicant	Robert and Josephine Pendergraph
Owner	Robert and Josephine Pendergraph
Location of Property	2815 Huguenot Springs Road Located on the eastern side of State Route 607 (Huguenot Springs Road) approximately one-quarter mile south of its intersection with State Route 711 (Huguenot Trail)
Electoral District	(1) Subletts/Manakin/Flat Rock
2019 Land Use Plan Recommendation	Rural Preservation and Natural Conservation

III. EXECUTIVE SUMMARY

Robert and Josephine Pendergraph are requesting renewal of a conditional use permit (CUP) to continue to allow a *country inn* within the Agricultural-10 (A-10) zoning district (Zoning Ordinance: Sec. 83-162). The original CUP, which was approved in September 2018, included a condition that the CUP would expire two years following its approval. The applicants are now requesting that the CUP be renewed in advance of the upcoming expiration in September 2020. The existing country inn is located at 2815 Huguenot Springs Road (Tax Map Parcel #32-4-12D), which is approximately 0.25 miles south of State Route 711 (Huguenot Trail) in northeastern Powhatan County. The applicant is not proposing any changes to the original request, and will continue to use

the facility to host events, manage a small gift shop, and provide overnight accommodations for up to twelve guests.

IV. REVIEW STANDARDS

Conditional Use (A-10): Country Inn
<i>Country inn</i> is listed as a conditional use within the A-10 zoning district [Sec. 83-162(49)].
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: 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; and l) 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.
Sec. 83-521: Definitions
<i>Country inn</i> means a business operated in one or more structures which offers overnight accommodations of up to 20 rooms and may contain a full-service restaurant providing meals to guests and the general public with seating for no more than 50 guests, meeting rooms, and banquet/event facilities; and may include related accessory uses such as an antique or gift shop, sale of baked, packaged or canned food products prepared on the premises, and recreational uses for the sole use of guests at the inn. The owner may or may not live on the premises. A country inn is not a bed-and-breakfast lodging, motel, inn or other use defined or regulated elsewhere in this chapter.

V. PROPERTY DESCRIPTION

Location

Tax Map Parcel #32-4-12D (2815 Huguenot Springs Road) is located on State Route 607 (Huguenot Springs Road) approximately one-quarter mile south of State Route 711 (Huguenot Trail) in northeastern Powhatan County.

Existing Conditions

The property spans 12.347 acres. A historic single-family dwelling and associated outbuildings are located on the western portion of the property, with wooded areas and an intermittent stream on the eastern portion of the property. In the 1800s, there was a hotel (known as Huguenot Springs) and guest cottages on the property. The existing structures date to the 1800s.

Surrounding Properties

The properties surrounding the subject parcel are all zoned Agricultural-10 (A-10) and are occupied by single-family dwellings or are vacant. The entrance to the subject parcel also provides access to two adjacent single-family dwellings.

VI. PROJECT ANALYSIS

Current Zoning

The subject property is currently zoned Agricultural-10 (A-10).

Proposed Use

The applicant is proposing a *country inn*, which is defined as follows [Sec. 83-521]:

Country inn means a business operated in one or more structures which offers overnight accommodations of up to 20 rooms and may contain a full-service restaurant providing meals to guests and the general public with seating for no more than 50 guests, meeting rooms, and banquet/event facilities; and may include related accessory uses such as an antique or gift shop, sale of baked, packaged or canned food products prepared on the premises, and recreational uses for the sole use of guests at the inn. The owner may or may not live on the premises. A country inn is not a bed-and-breakfast lodging, motel, inn or other use defined or regulated elsewhere in this chapter.

Country inn is a conditional use within the Agricultural-10 (A-10) zoning district [Sec. 83-162(49)]. A CUP was originally approved for a *country inn* on the subject property on September 24, 2018 (Case #18-01-CUP), with a condition stating that the CUP would expire two years after its approval.

If approved, renewal of the CUP will allow the applicants to continue to operate a country inn that can accommodate overnight guests and related accessory uses, including a limited number of large events (with 50 or more guests).

Per the applications, the existing single-family dwelling is used to accommodate overnight guests, as well as one of the outbuildings. Events would be held inside or

adjacent to the existing single-family dwelling. A farm kitchen and art gallery may be open seasonally and by appointment.

The applicant submitted a recently-approved site plan (Case #19-07-SPA) with the application that shows recent improvements (additional plantings along the northwestern property line and the addition of a paved handicapped parking space), as well as the locations of where various activities associated with this use may occur on the property.

Land Use and Community Character

The surrounding area is rural in character, with single-family residential lots ranging in size from approximately two acres to more than ten acres.

Environment/Natural Resources

Agency Comments: Environmental Review (Powhatan County)
No comments or concerns at this time.

On-Site Environmental and Historic Features

- *Topography*
The existing single-family dwelling is located on the highest portion of the property. The area occupied by the existing drive and accessory structures is relatively flat. In the wooded area located on the western half of the property, the property slopes downward, creating a ravine where an existing intermittent stream runs.
- *Streams and Wetlands*
The eastern half of the property is bisected by an intermittent stream that runs north to south.

Transportation

Agency Comments: Virginia Department of Transportation (VDOT)
The Virginia Department of Transportation takes no exception to this request for the identified proposed use of this property.

Local Road Network

The subject property has frontage on State Route 607 (Huguenot Springs Road), approximately one-quarter mile south of State Route 711 (Huguenot Trail).

Roadway Characteristic	State Route 607 (Huguenot Springs Road)
Functional Classification: VDOT	Major Collector
Functional Classification: Powhatan Co. Major Thoroughfare Plan	Rural Collector
Traffic Volume Estimates (VDOT: 2019)	170

Site Access

The site is accessed by a driveway off State Route 607 (Huguenot Springs Road). The first 215 +/- feet of the drive is shared by two other adjacent dwellings.

Utilities and Public Infrastructure

Agency Comments: Department of Public Works (Powhatan County)

The property is located outside of the County's Water and Wastewater Service District. The department has no further review comments.

Agency Comments: Virginia Department of Health

The Virginia Department of Health takes no exception with this request, subject to the same conditions and operating procedures of the original CUP renewal. Any expansion of the operation, including the addition of food service, would require additional review by the Department of Health.

The property is served by an on-site well and septic system. The Department of Health has deemed the septic system adequate, subject to the proposed event size and frequency limits set forth in recommended condition #12.

Public Safety

Agency Comments: Building Inspections Department (Powhatan County)

This application is approved by the Building Department as submitted based on recent inspections at the property.

Agency Comments: Fire Department (Powhatan County)

The Fire Department has no concerns and approves of this CUP.

Agency Comments: Sheriff's Office (Powhatan County)

The Sheriff's Office has no comments at this time.

The applicant has worked with local public safety agencies during the site review process and has satisfied any concerns. It is not anticipated that this CUP renewal will negatively impact public safety.

Recommended condition #13 provides additional regulations to protect public safety during larger events. Per this condition, events with 75 people or more must provide at least one properly-qualified professional to provide traffic control on State Route 607 (Huguenot Springs Road), along with at least one internal parking attendant.

VII. COMPREHENSIVE PLAN ANALYSIS

Countywide Future Land Use Plan

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

Land Use: Rural Preservation

The *Rural Preservation* 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 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.

The *2019 Long-Range Comprehensive Plan* encourages the preservation of natural, cultural, and historic resources located within *Rural Preservation* areas, and further states that:

Agribusiness and tourism uses that are compatible with the character of Rural Preservation areas should be encouraged, upon demonstration that proposed uses will not negatively impact surrounding properties. Examples of such uses are equestrian centers and boarding facilities, nurseries, boutique or unique agribusinesses, conference centers, retreat and training facilities, camps, heritage and rural tourism destinations, farmers' markets, and bed and breakfasts.

This application complies with the recommendations made in the *2019 Long-Range Comprehensive Plan*, as the applicant has maintained the rural aesthetic of this historic property by preserving the existing tree line and maintaining the historic structures on the site.

VIII. PUBLIC COMMENTS

The Department of Community Development has not received any formal comments from members of the public on this request.

IX. STAFF RECOMMENDATION

The Department of Community Development **recommends approval** of this request with the 14 conditions presented in this report. The recommended conditions minimize the potential negative impacts by limiting the size, frequency, and scope of events, as well as by ensuring the maintenance of on-site improvements.

X. 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*. The conditions listed below are redlined to show any discrepancies from the conditions approved with the original CUP (Case #18-01-CUP).

1. The applicant shall consent to annual administrative inspections by the Department of Community Development for compliance with the requirements of this CUP.
2. The applicant 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. This CUP shall permit a country inn to operate on the property, in accordance with Sec. 83-162(49) of the Powhatan County Zoning Ordinance, and related accessory uses identified within the definition of *country inn* listed in Sec. 83-521 of the Powhatan County Zoning Ordinance, including:
 - a. Meeting rooms and banquet/event facilities; and
 - b. A gift shop that does not exceed 1,200 square feet in floor area and may sell artwork, crafts, agricultural products, and/or other goods produced in Virginia.
- ~~6. 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.~~
6. All improvements shown on the approved Huguenot Springs Site Plan, dated April 3, 2019, revised October 16, 2019, and prepared by Timmons Group (Case #19-07-SPA), shall be maintained.
7. The location of activities associated with this use shall be in general conformance with the conceptual plan submitted with the CUP application.
8. Address numbers must be a minimum of four (4) inches in height, reflective, and located so they are highly visible from both directions of State Route 607 (Huguenot Springs Road).
- ~~9. The entrance from State Route 607 (Huguenot Springs Road) shall be designed and constructed to meet or exceed standards established by the Virginia Department of Transportation (VDOT) for commercial entrances.~~
- ~~10. Between State Route 607 (Huguenot Springs Road) and the driveway to 2819 Huguenot Springs Road, the driveway providing access to the property shall be constructed to meet standards for private roads serving three (3) to five (5) lots, as~~

~~described in Sec. 68-175(E)(8)(b)(ii) of the Powhatan County Subdivision Ordinance.¹~~

- ~~11.~~9. No sign shall be placed on the property that exceeds sixteen (16) square feet in area and eight (8) feet in height.
- ~~12.~~10. The on-site septic system and well shall be designed and constructed to accommodate the proposed use, in accordance with standards established by the Virginia Department of Health.
- ~~13.~~11. The county inn shall have no more than five (5) guest rooms for overnight accommodations, with a maximum of ten (10) overnight guests.
- ~~14.~~12. Commercial events associated with the country inn shall be limited as follows:
- a. There shall be no more than fifty (50) events in a calendar year, of which no more than six (6) events shall have 50 or more guests.
 - b. Events include reunions; anniversary parties; engagement parties; weddings; holiday parties; receptions; house tours; catered luncheons and/or dinners; galas; corporate retreats, workshops, or other business meetings; meetings of non-profit organizations; exercise/fitness classes; art classes; cooking classes; and similar activities, as determined by the Zoning Administrator.
 - c. Any events held shall be limited to a maximum of 150 guests on the property at the same time.
 - d. A single event shall not last more than twenty-four (24) hours.
 - e. Events with 50 or more guests that are held outdoors shall begin no earlier than 11:00 a.m. and end no later than 10:00 p.m.
 - f. The use of amplified music, public address systems, or similar activities outside of a permanent, enclosed structure shall not be permitted.
- ~~15.~~13. For events where there shall be 75 or more persons in attendance, the applicant shall be responsible for hiring:
- a. At least one (1) properly-qualified professional to provide traffic control on State Route 607 (Huguenot Springs Road). Traffic control shall be conducted in accordance with standards set forth by the Virginia Department of Transportation; and
 - b. At least one (1) parking attendant to ensure guests park in designated areas and do not block required emergency access.
- ~~16.~~14. If a gift shop operates on the property, such use shall only be open to the public between 8:00 a.m. and 7:00 p.m.
- ~~17.~~ ~~This CUP is issued for a term of two (2) years from the date of approval by the Board of Supervisors. In order to request a continuation of the conditional use~~

¹ Conditions #9 and #10 were removed because these conditions are reflected in the approved site plan. Condition #6 was added to ensure that these improvements are maintained throughout the lifetime of the CUP.

~~beyond the specified term, the Applicant(s) shall file an application for renewal at least 90 days prior to expiration of the CUP.~~

XI. 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 the Robert and Josephine Pendergraph to permit a *country inn* on Tax Map Parcel #32-4-12D, 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. Site Plan



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

For Office Use Only	
Case Number	20-04-CUP

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

Applicant Information	
Name of Applicant	Robert and Josephine Pendergraph
Mailing Address	2570 Federal Hill Farms Road Powhatan, VA 23139
Phone Number	(804)497-9682, (804)502-2195
Email Address	Rhubarbrp@verizon.net, jjpendergraph@verizon.net

Owner Information (Complete this section if the applicant is not the current property owner)	
Name of Owner	same
Mailing Address	
Phone Number	
Email Address	

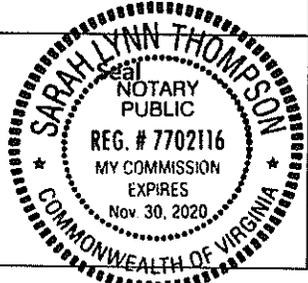
If the applicant is not the owner, the applicant must provide written documentation that the current property owner consents to the application (see form entitled *Consent of Owner(s) to Request Rezoning*).

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	na
Mailing Address	
Phone Number	
Email Address	

Parcel Information	
Tax Map Number	Tax map 32, parcel 120 32-4-12D
Physical Address	2815 Huguenot Springs Road, Midlothian, VA 23113
General Description of Property Location	Just south of Huguenot Trail/ Huguenot Springs Rd. intersection
Election District	District 1
Total Acreage	12.41
Current Zoning	A-10
Countywide Future Land Use: Land Use Designation	Rural Preservation
Proposed Use	
Proposed Use (Identify Use Listed in Zoning Ordinance)	"Country Inn"
Proposed Use: Detailed Description	-Farm Kitchen Shop and Gallery -Events, meetings and workshops -Overnight accommodations for up to 10 in the main house and 2 in the west cottage, primarily in conjunction with events and workshops
If this request is approved, will new structures be constructed?	No
Are there existing structures on the subject property?	Yes
Will the proposed use connect to public water and/or sewer?	No
Will the proposed use have direct access to a public road?	Yes

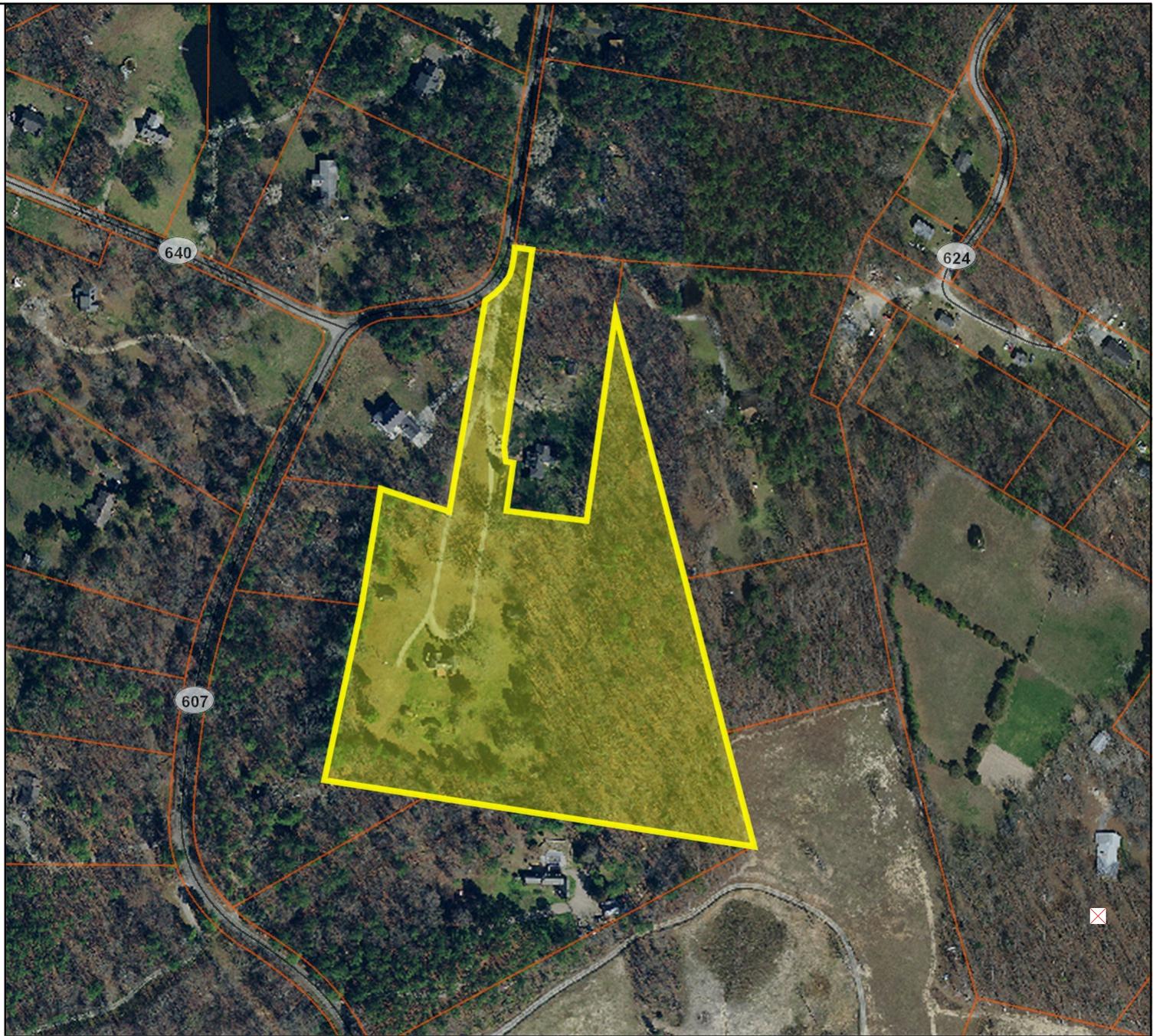
A conceptual plan that shows the general configuration of the proposed development, including land uses, building locations (existing and proposed), pedestrian and vehicular circulation, open space, and resource protection areas, should be submitted with the application. This plan should also include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

Statement of Validity of Information		
Every applicant shall sign the following document to substantiate the validity of submitted information.		
<p>I, being duly sworn, depose and say that I am the Lessee/Owner of the property involved in the application. If I am not the Lessee/Owner, I will provide written certification from the owner granting me the right to submit this application.</p> <p>I declare that I have familiarized myself with the rules and regulations pertaining to preparing and filing this application. I further declare that the foregoing statements and answers provided throughout the various sections of this application are in all respects true and correct to the best of my knowledge and belief.</p>		
Signature of Applicant	<i>Robert M. Pendergraft Josephine Pendergraft</i>	
Name of Applicant (Printed)	Robert M. Pendergraft Josephine Pendergraft	
Commonwealth of Virginia County of <u>Powhatan</u> , to wit:		
Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Robert & Josephine Pendergraft</u> whose name is signed to the above, on this <u>19</u> day of <u>JUNE</u> 20 <u>20</u> .		
Notary Public	<i>Sarah Lynn Thompson</i>	
Commission Expires	NOV 30, 2020	
Notary Number	7702116	

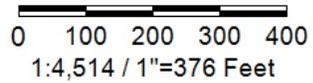
Powhatan County

Legend

- Parcels
- Streets Route Numbers



Feet



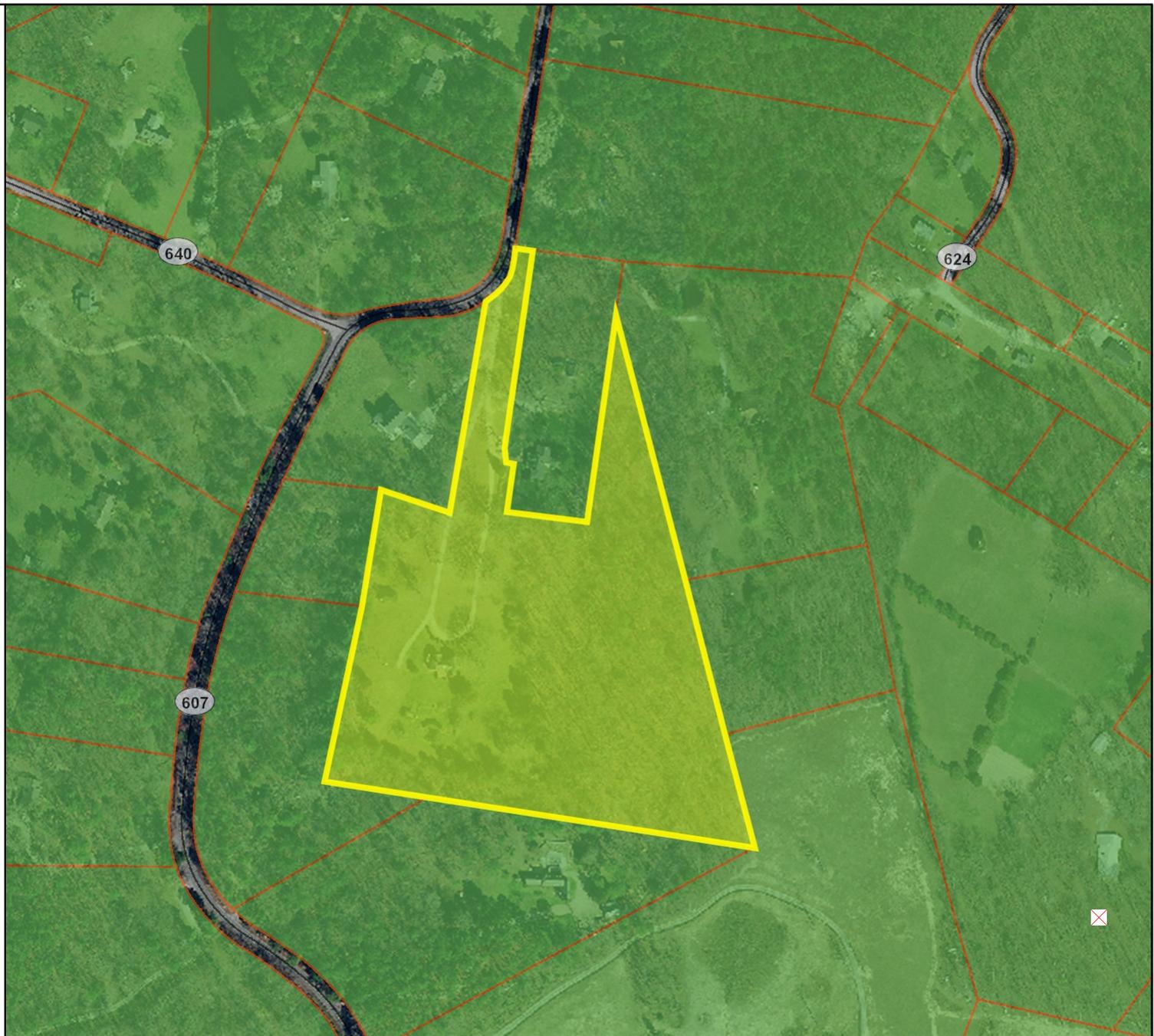
Title: 20-04-CUP Vicinity Map

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.

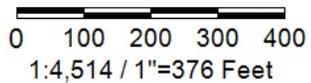
Powhatan County

Legend

- 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 Commercial
- Residential Utility
- Rural Residential
- Village Center Planned Development
- Village Center
- Streets Route Numbers



Feet



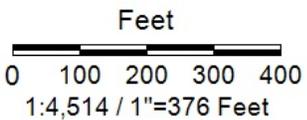
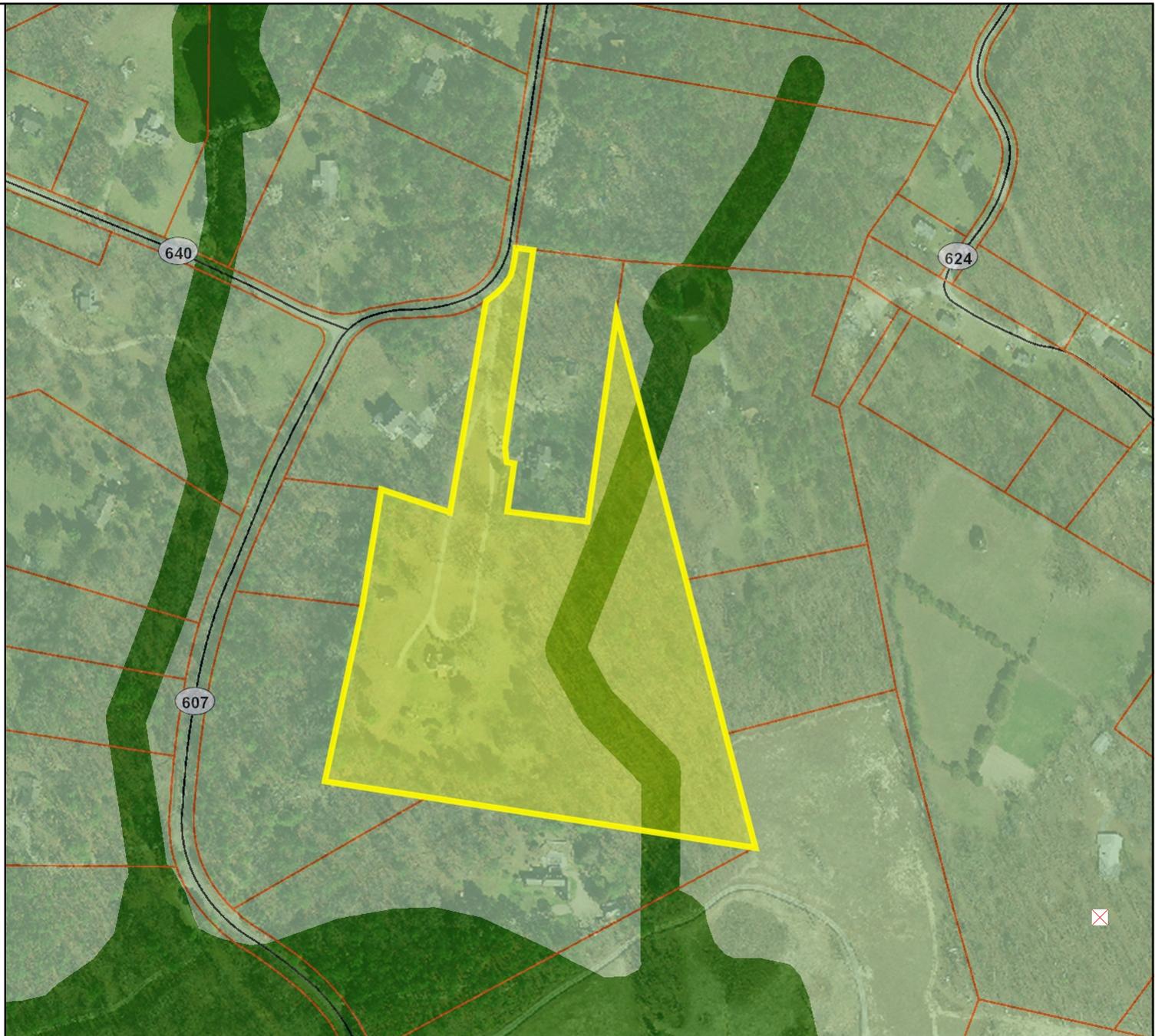
Title: 20-04-CUP Zoning

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Powhatan County

Legend

- Parcels
 - Streets Route Numbers
 - Crossroads
 - Growth Area Boundaries
 - Rural Enterprise Zone Boundary
- Future Land Use**
- Public Lands
 - Natural Conservation
 - Rural Preservation
 - Rural Residential
 - Low Density Residential
 - Village Residential
 - Village Center
 - Commerce Center
 - Economic Opportunity
 - Industrial



Title: 20-04-CUP Future Land Use

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PLANT SCHEDULE

SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	MIN. INSTALLED SIZE	ROOT	SPACING
CLE HUM	6	CLETHRA ALNIFOLIA 'HUMMINGBIRD'	SUMMERSWEET	18" SPRD.	CONTAINER	5' O.C.
KAL ELF	8	KALMIA LATIFOLIA 'ELF'	DWARF MOUNTAIN LAUREL	18" SPRD.	CONTAINER	5' O.C.

TRAFFIC IMPACT STATEMENT:

THE PROPOSED 5-ROOM BED AND BREAKFAST (B&B) WILL GENERATE MINIMAL AMOUNTS OF TRAFFIC. RECENT VDOT COUNTS INDICATE HUGENOT SPRINGS ROAD CARRIES 850 A.D.T. THE PROPOSED USE WILL GENERATE AN ADDITIONAL 22 WHICH REPRESENTS A 2.6% OVERALL INCREASE. IN ADDITION, AM AND PM PEAK HOUR TRIPS 2 AND 2 RESPECTIVELY. DO NOT REPRESENT NOTABLE INCREASES AND WILL NOT WARRANT THE IMPROVEMENT OF ADJACENT ROADS NOR THE INSTALLATION OF AUXILIARY TURN LANES AT THE SITE ENTRANCE. BASED ON THIS INFORMATION, TYPICAL DAILY TRAFFIC GENERATED BY THE PROPOSED 5-ROOM B&B DOES NOT WARRANT FURTHER STUDY.

WITH RESPECT TO SPECIAL EVENT TRAFFIC, THE OWNER HAS AGREED TO LIMIT THE FREQUENCY, SIZE, AND DURATION OF SUCH EVENTS. IN THOSE CASES WHERE ATTENDANCE IS ANTICIPATED TO BE GREATER THAN 75 PERSONS, THE OWNER HAS AGREED TO PROVIDE TRAFFIC CONTROL ON HUGENOT SPRINGS ROAD (ROUTE 607) AND ON-SITE TO ENSURE THE SAFETY OF THE TRAVELING PUBLIC AND PATRONS. ADDITIONALLY, THE OWNER AGREES TO NOTIFY ALL POTENTIAL BUS TRAFFIC TO UTILIZE HUGENOT TRAIL (ROUTE 711) FOR ACCESS TO EVENTS.

SITE DATA:

PARCEL ID: 032-4-12D
 SITE ADDRESS: 2815 HUGENOT SPRINGS ROAD
 PARCEL AREA: 12.34 ACRES
 AMOUNT OF DISTURBANCE: 5,793 SF
 SOURCE OF BOUNDARY: BURRUS LAND SURVEY
 ZONING: A-10
 PARKING SPACES PROVIDED: 14 PERMANENT, 76 TEMPORARY/OVERFLOW TO BE LOCATED IN CENTER GRASS AREA BETWEEN DRIVEWAYS
 WATER: PRIVATE
 SEWER: PRIVATE
 EXISTING BUILDINGS SF: MAIN HOUSE - 3,042 SF
 COTTAGE - 512 SF
 COTTAGE - 512 SF
 SHED - 204 SF
 SHED - 60 SF
 TRIP GENERATION: DAILY - 31 TRIPS
 AM PEAK - 2 TRIPS (1 in, 1 out)
 PM PEAK - 4 TRIPS (2 in, 2 out)



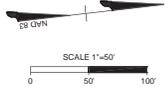
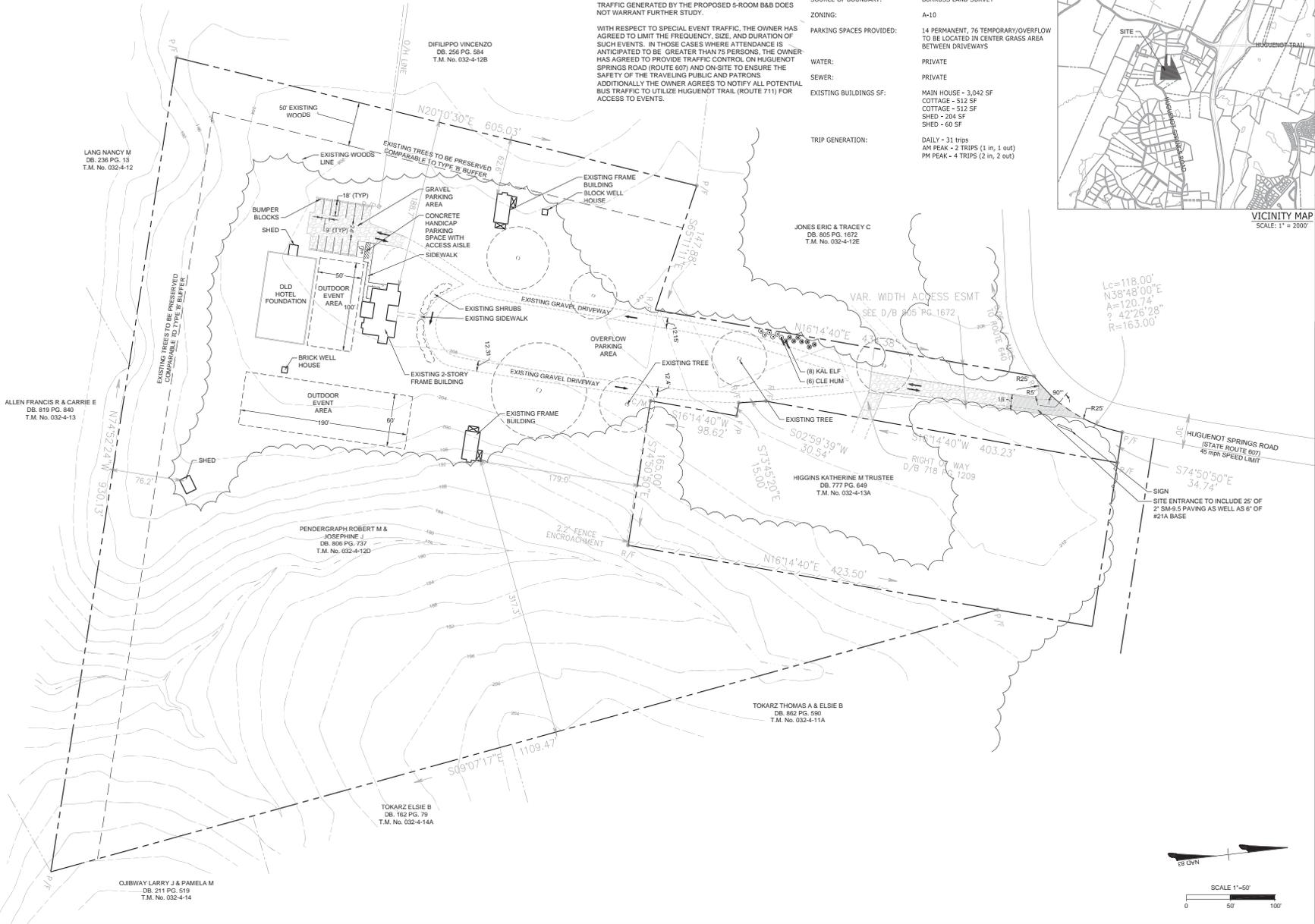
THE DRAWING PREPARED AT THE
CHARLOTTEVILLE OFFICE
 658 Peachtree St., N.W., Suite 200
 Atlanta, GA 30308
 TEL: 478.276.5624 FAX: 478.276.5137 www.timmons.com

DATE	REVISION DESCRIPTION
07/30/2019	COUNTY COMMENTS
10/16/2019	COUNTY COMMENTS

YOUR VISION ACHIEVED THROUGH OURS.
 DATE: 04/03/2019
 DRAWN BY: A. MABEE
 DESIGNED BY: F. HANCOCK
 CHECKED BY: F. HANCOCK
 SCALE: 1" = 50'

TIMMONS GROUP
 HUGENOT SPRINGS
 POWHATAN COUNTY, VA
 SITE PLAN

JOB NO: 43242
 SHEET NO: C1.0



E:\19\24242\Huguenot_Springs_C1.0\DWG\2019\04\03\2019_04_03.dwg (Pawson) 10/30/2019 11:46:01 AM by Frank Hancock



Powhatan County Planning Commission Agenda Item

Meeting Date: August 18, 2020

Agenda Item Title: **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.

Motion: In accordance with public necessity, convenience, general welfare, and good planning practices, the Planning Commission recommends (*approval / denial / deferral*) of the request submitted by the County of Powhatan 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.

Dates Previously Considered by PC: Initial Review (Workshop): February 4, 2020
Initial Review (Workshop): March 3, 2020

Summary of Item: A *single cut subdivision* involves the division of a *parent tract*, which is a parcel platted prior to April 18, 1988 [Sec. 68-301/Sec. 83-521]. If a parcel created prior to that date has not been divided or adjusted, one lot (at least two acres in size) may be created as part of a *single cut subdivision*. In most other instances (except for *family subdivisions*), the minimum lot area within the Agricultural-10 (A-10) zoning district (where most *single cut subdivisions* occur) is ten acres.

The proposed amendment would eliminate *single cut subdivisions* [Subdivision Ordinance: Sec. 68-114]. References to *single cut subdivisions* (and some references to *parent tracts*) would also be removed from other portions of the County Code.

Attachments: Staff Report
Proposed 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.



20-02-AZ

County of Powhatan

Amend the Powhatan County Subdivision Ordinance and Zoning Ordinance
to Eliminate Single Cut Subdivisions

Staff Report Prepared for the Planning Commission
August 4, 2020

I. PUBLIC MEETINGS

Planning Commission	February 4, 2020	Workshop
	March 3, 2020	Workshop
	August 4, 2020	Public Hearing

II. SUMMARY OF AMENDMENT

The proposed amendment would eliminate *single cut subdivisions* [Subdivision Ordinance: Sec. 68-114]. References to *single cut subdivisions* (and some references to *parent tracts*) would also be removed from other portions of the County Code.

III. ADDITIONAL INFORMATION

Current Situation

Overview: Single Cut Subdivisions

A *single cut subdivision* involves the division of a *parent tract*, which is a parcel platted prior to April 18, 1988.¹ If a parcel created prior to that date has not been divided or changed, an additional lot (at least two acres in size) may be created as part of a *single cut subdivision*. In most other instances (except for *family subdivisions*), the minimum lot area within the Agricultural-10 (A-10) zoning district (where most *single cut subdivisions* occur) is ten acres.²

Number of Single Cut Subdivisions (2016 – 2019)				
Year	2016	2017	2018	2019
No. of Single Cut Subdivisions	15	13	5	3

Attachment #2 shows the location of *single cut subdivisions* that were approved in 2016, 2017, 2018, and 2019.³

¹ See Sec. 68-301 (Subdivision Ordinance: Definitions) and Sec. 83-521 (Zoning Ordinance: Definitions).

² Sec. 83-107(b) states that the minimum lot size for a lot created as part of a *single cut subdivision* is two acres, with the residual parcel being two acres (if the parcel has frontage on a public road). Therefore, a *parent tract* as small as four (4) acres may be eligible for a *single cut subdivision*, if it has at least 430 feet of road frontage.

³ Since the current Powhatan County Subdivision Ordinance was adopted in 2017, creating *flag lots* as part of *single cut divisions* has been prohibited. As part of Case #18-04-AZ, the Board of Supervisors considered allowing *flag*

Proposed Amendment

The proposed amendment would eliminate *single cut subdivisions* [Subdivision Ordinance: Sec. 68-114].

Both the Powhatan County Subdivision Ordinance (Chapter 68) and the Powhatan County Zoning Ordinance (Chapter 83) establish requirements for *single cut subdivisions*. If Sec. 68-114 is repealed, references to *single cut subdivisions* (and some references to *parent tract*) in other parts of the County Code would have to be removed:

- Sec. 68-103(1)(i) (Director of Community Development)
- Sec. 68-108 (Certification and Recordation)
- Sec. 68-109(a) (Effect)
- Sec. 68-111(b)(1)(b) (Private Roads: Eligibility)
- Sec. 68-125 (Family Division)
- Sec. 68-236 (Subdivision Plat Requirements for Single Cut, Minor, and Family Div.)
- Sec. 68-301 (Definitions)
- Sec. 83-107(b) (Use Districts: Minimum Lot Size Reference Chart)
- Sec. 83-521 (Definitions)

IV. COMPREHENSIVE PLAN ANALYSIS

Many parcels zoned A-10 (where *single cut subdivisions* are permitted) 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 (outside of conservation subdivisions) would not be consistent with the aforementioned recommendations.

V. STAFF RECOMMENDATION

The Department of Community Development **recommends approval** of the proposed amendment. Eliminating options for *single cut subdivisions* would:

- Align with recommendations made in the 2019 Long-Range Comprehensive Plan; and
- Reduce development potential within rural areas (where additional residential development is discouraged).

lots to be created as part of single cut subdivisions. On August 27, 2018, the proposed amendment was denied by the Board of Supervisors.

VI. PLANNING COMMISSION RESOLUTION

In accordance with public necessity, convenience, general welfare, and good planning practices, the Planning Commission recommends (*approval / denial / deferral*) of the request submitted by the County of Powhatan 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.

Attachments

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

ORDINANCE #O-2020-__

Draft (Planning Commission): August 4, 2020

AN ORDINANCE AMENDING THE POWHATAN COUNTY CODE OF ORDINANCES TO AMEND 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.

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 each local governing body to 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, 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, the proposed amendments to Chapter 68 (Subdivision Ordinance) are 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 proposed amendments to Chapter 83 (Zoning Ordinance) are 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 proposed amendment is intended to prevent the creation of non-conforming lots within rural areas, helping protect Powhatan County’s traditionally rural character; 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 the following sections of Chapter 68 (Subdivision Ordinance) and Chapter 83 (Zoning Ordinance) of the Code of the County of Powhatan, Virginia are amended and reenacted as follows:

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

...

ARTICLE I. – GENERAL PROVISIONS

...

Sec. 68-103. - Director of community development.

The director is designated by the county administrator to administer and enforce the provisions of the subdivision ordinance. The director, or his designee, shall have the following powers and duties under this subdivision ordinance:

- (1) To review and decide applications for the following:
 - a. Major subdivision plats;
 - b. Subdivision construction plans;
 - c. Final subdivision plats;
 - d. Minor subdivision plats;
 - e. Family divisions;
 - f. Non-subdivision plats;
 - g. Private roads (as permitted by section 68-111(b)(1)); and
 - h. Interpretations of chapter 68: Subdivisions; and
 - ~~i. Single cut subdivision plats.~~

...

ARTICLE II. – SPECIFIC REVIEW PROCEDURES

...

Sec. 68-108. - Certification and recordation.

If the application for a division is approved, the director shall enter on the plat a signed certification that the plat is approved by the county in accordance with this ordinance and ready for recordation, as well as any other certifications as may be appropriate. For family, ~~single cut~~, minor and major subdivisions, as well as non-subdivision plats, the subdivider shall file an approved and certified plat with the office of the clerk of the circuit court, and shall provide proof of recording to the director.

...

Sec. 68-109. - Effect.

- (a) ~~Single cut, f~~Family, minor subdivisions, final plats and non-subdivision plats approval, certification if required and recordation of the plat allows the subdivider to proceed with conveying the platted lots by reference to the recorded plat.

...

Sec. 68-114. - ~~Single cut subdivision~~Reserved.

- ~~(a) Purpose. The provisions of this article shall apply to single cut subdivisions. It is intended that platting and approval requirements for such subdivisions be restricted to the minimum necessary to ensure compliance with minimum lot size requirements of the zoning ordinance.~~
- ~~(b) Access. A single cut subdivision shall either abut a public road by a minimum of 30 feet or have access to a public road via a dedicated access right of way or easement at least 30 feet in width. Single cut subdivisions shall be prohibited on private roads where the main parcel does not front on a public road, unless provided in accordance with article II, section 68-111(b).~~
- ~~(c) Charitable division. A division of one parcel of land may be permitted for conveyance to a bona fide charitable organization subject to the following:~~

- ~~(1) May only be taken from agricultural zoned parcels;~~
- ~~(2) A charitable division taken from a parent tract shall not count as a division towards the property owner's division rights;~~
- ~~(3) A charitable division parcel shall be a minimum of two acres in size and shall produce a residual parcel of not less than ten acres in size. All other lot requirements shall follow the zoning ordinance provisions; and~~
- ~~(4) No application fee shall be charged for review and/or approval of the plat.~~

~~(d) Expiration. Approval shall expire if the plat is not recorded with the office of the clerk of the circuit court:~~

- ~~(1) Within six months after the date of the approval; or~~
- ~~(2) Within an extension of the applicable time period.~~

...

Sec. 68-111. - Private roads.

...

(b) *Eligibility.*

- (1) The director may approve the use of a private road subject to certification and recordation of a road maintenance agreement, compliant with this chapter, for the following:
 - a. Family divisions of no more than ten-lots; or
 - b. ~~Single cut or m~~Minor divisions of no more than two lots; or
 - c. Internal access roads for a commercial, business or industrial park.

...

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:

...

- ~~(3) A family division taken from a parent tract shall not count as a division towards the property owner's division rights;~~

...

ARTICLE IV. – SPECIFICATIONS FOR PLANS AND PLATS

...

Sec. 68-236. - Subdivision plat requirements for ~~single cut,~~ minor and family divisions.

...

ARTICLE V. – DEFINITIONS

...

...

Sec. 68-301. - Definitions.

...

Monuments means markers placed on or in the land.

Parent tract means ~~with respect to the right to a single cut under this chapter, the term parent tract shall mean any lot or parcel which was lawfully recorded by a plat of subdivision and/or deed(s) in the office of the clerk of the circuit court of Powhatan County prior to April 18, 1988. In all other cases, Parent tract shall mean~~ the whole of the property from which a new parcel is being made or subdivided.

Performance guarantee means any security which may be accepted in lieu of a requirement that certain improvements be made before the approving body approves a plan, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

...

Subdivision, preliminary plat (See section 68-110(a), Preliminary plat)

~~*Subdivision, single cut* means a subdivision of only two lots created by a single division of land from a parent tract.~~

Supervisors means the board of supervisors of Powhatan County, Virginia.

...

CHAPTER 83. ZONING ORDINANCE

...

ARTICLE I. – GENERAL PROVISIONS

...

Sec. 83-107. - Use districts.

...

(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)

...

ARTICLE XI. – DEFINITIONS

...

Sec. 83-521. - Definitions.

...

~~Parent tract means any lot or parcel which was lawfully recorded by a plat of subdivision and/or deed(s) in the Office of the Clerk of the Circuit Court of Powhatan County prior to April 18, 1988. (See: Powhatan County Code, chapter 68 (Subdivisions).)~~

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:

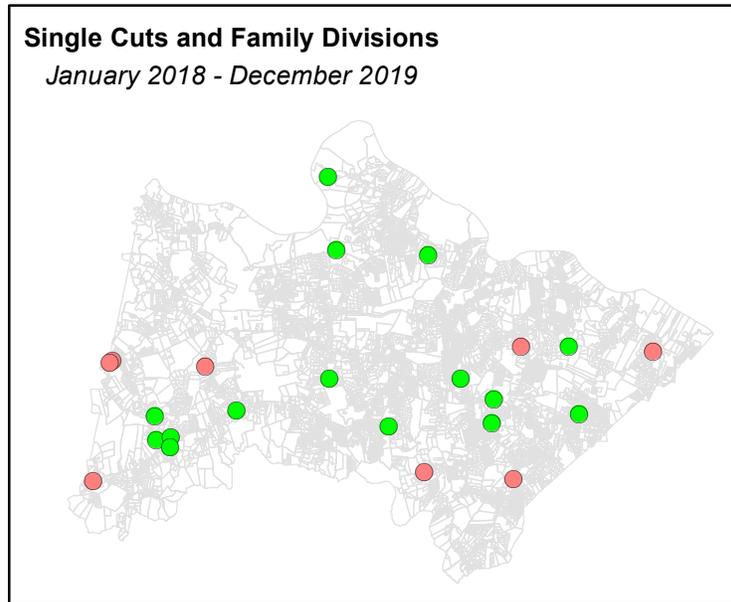
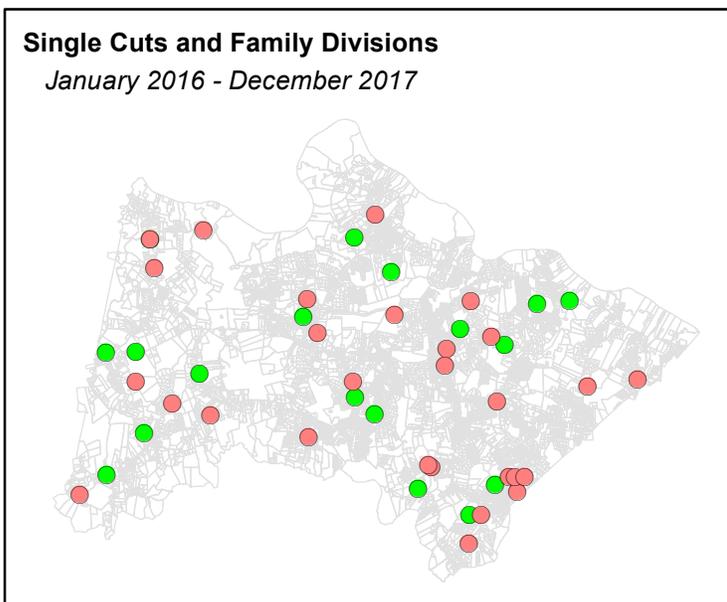
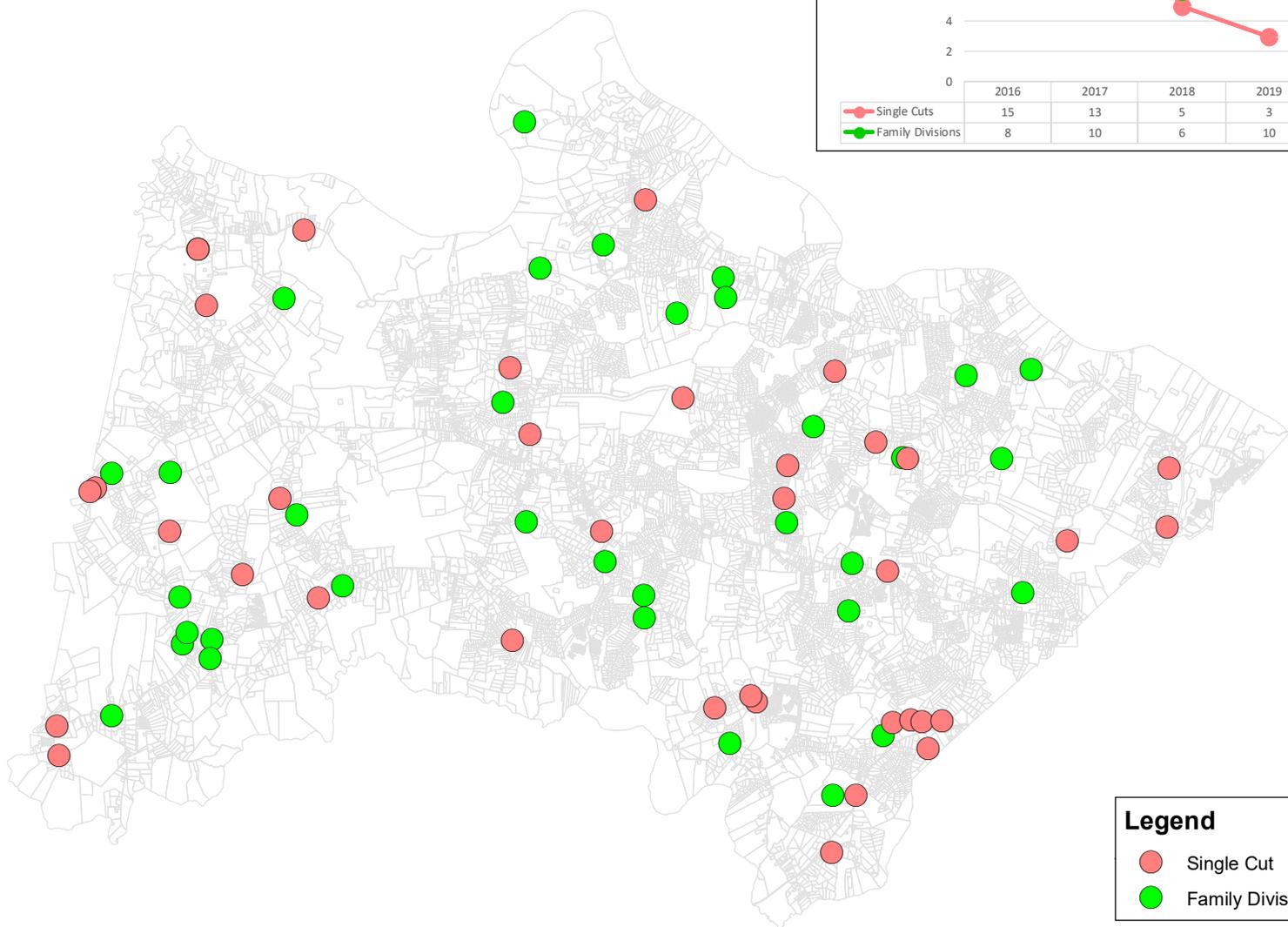
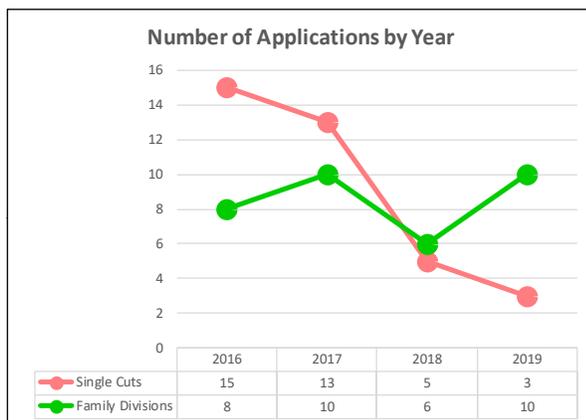
D. Bret Schardein, Clerk
Powhatan County Board of Supervisors

Recorded Vote:

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

DRAFT

Single Cuts and Family Divisions (2016-2019)



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



Planning Director
Andrew J. Pompei, CZA, AICP

The County Of
Powhatan

TO: Planning Commission
FROM: Andrew Pompei (Planning Director)
DATE: July 27, 2020
SUBJECT: Development Design Pattern Book (Tax Map Parcel #43C-3-1R)

Project Overview

An application for a *Development Design Pattern Book* has been submitted for Tax Map Parcel #43C-3-1R (1580 Oakbridge Terrace). A site plan application (Case #20-08-SPA) has been submitted for review, which proposes construction of a new building for an indoor commercial recreation facility. The building is being designed to accommodate an ice skating rink, but could be adapted for other uses in the future.

The application and supporting documents follow this memo.

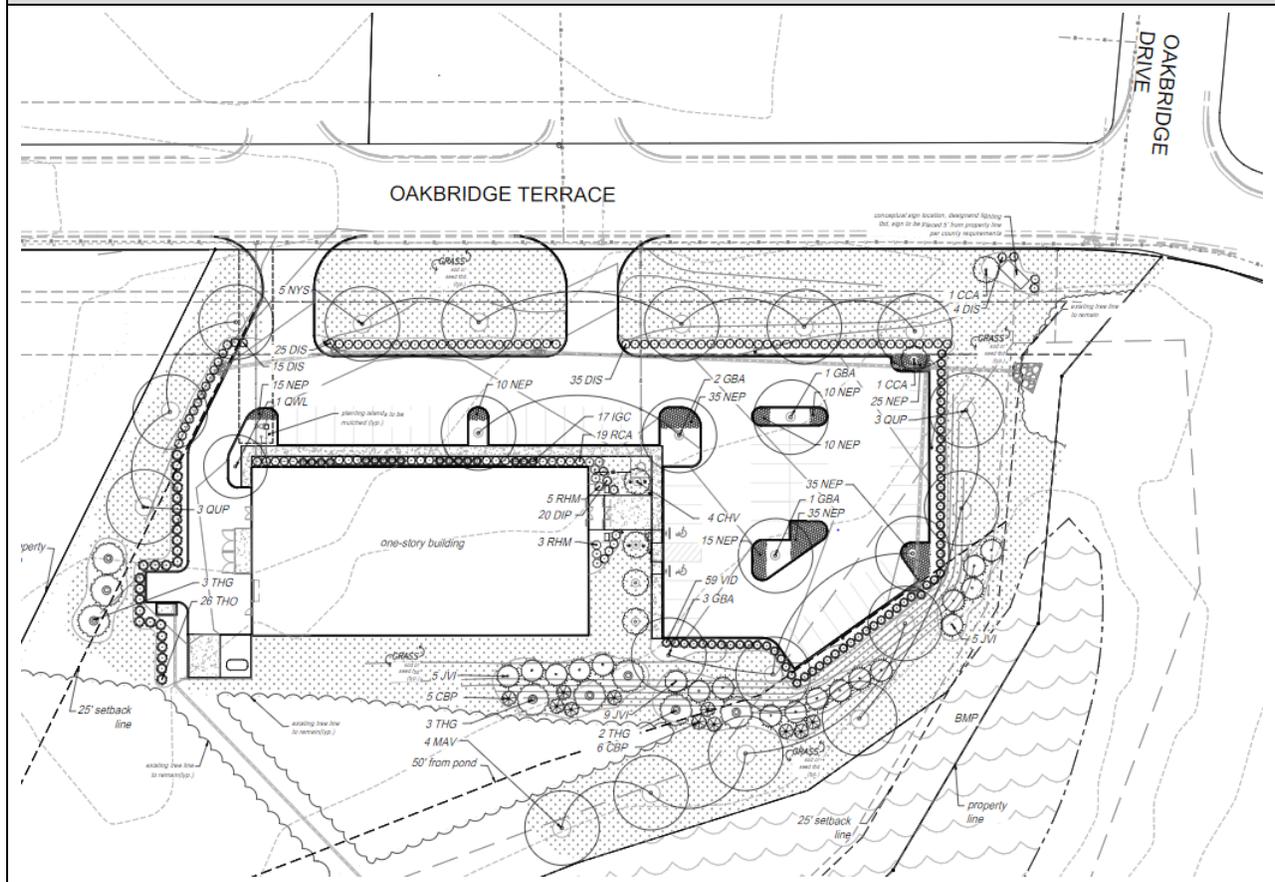
Design Analysis

Design Element	Related Features
Architecture, Design, and Façade Articulation	<p>The building has been designed to accommodate an ice skating rink, and therefore, has a rectangular footprint with a high, full-spanning roof structure. The front façade is articulated by:</p> <ul style="list-style-type: none"> • A central projection (80 feet wide and one foot deep) with a parapet cornice extending above the roofline; • Four evenly-spaced awnings; and • Horizontal and vertical changes in materials. <p>The proposed architectural design is generally consistent with other structures within the Oakbridge development.</p>
Materials	<p>The front, left, and rear façade feature brick along the lower 12 feet, with the upper portion of the façade faced in E.I.F.S. Existing buildings within the Oakbridge development include similar materials.</p> <p>Metal siding is proposed for the right façade. While metal siding is generally discouraged, the right façade of the building is unlikely to be seen unless traveling from the west along Oakbridge Terrace. The site plan submitted with the application indicates that additional plantings will be incorporated along the western side of the property, further screening the metal façade.</p>
Colors	The proposed exterior materials incorporate neutral, earth-tone shades.
Roofs	The building features a flat roof with a parapet cornice on all sides, except for the right façade.

Site Location



Site Layout



3834 Old Buckingham Road · Suite A · Powhatan, VA 23139

Phone: 804-598-5612

Fax: 804-598-7835

Website: www.powhatanva.gov

Context Images: Nearby Development in Oakbridge



Recommended Action

The Planning Commission may:

- Approve this request (as presented);
- Approve this request with conditions; or
- Defer this request (identifying components of the application that should be improved).

The Department of Community Development recommends that the Planning Commission **approve** this request for the following reasons:

- The proposed building is generally compatible with the character of the surrounding development (see the above *Context Images*).
- The proposed building will utilize neutral, earth-tone shades that will help the building blend with the surrounding landscape.
- While metal siding is generally discouraged and is not appropriate at all locations, the material will only be used on one side, which will have limited visibility and additional vegetative screening.

Final building elevations must adhere to requirements set forth in Sec. 83-477 prior to final site plan approval.

Attachment

Case #20-02-PB: Application for Development Design Pattern Book

3834 Old Buckingham Road · Suite A · Powhatan, VA 23139

Phone: 804-598-5612

Fax: 804-598-7835

Website: www.powhatanva.gov

Planning Commission | August 18, 2020 | Page 37



**County of Powhatan,
Virginia**

Application:
Development Design
Pattern Book

For Office Use Only

Case Number	20-02-PB
Date of Approval	

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

In accordance with Sec. 83-477(f) of the Powhatan County Zoning Ordinance, a *Development Design Pattern Book* must be reviewed and approved by the Planning Commission for all commercial and mixed-use development (prior to site plan approval).

For ideas regarding recommended design elements, review the [Countywide Development Guidebook](#), which is available online at www.powhatanva.gov.

Applicant Information	
Name of Applicant	EDC C/O MICHAEL GEORGE
Mailing Address	1660 HUGUENOT ROAD MIDLOTHIAN, VA 23113
Phone Number	804-822-5467
Email Address	MGEORGE@EDCWEB.COM
Owner Information (Complete this section if the applicant is not the current property owner)	
Name of Owner	OAKBRIDGE CORPORATION C/O MARK SOWERS
Mailing Address	1475 OAKBRIDGE COURT POWHATAN, VA 23139
Phone Number	804-794-6836
Email Address	MSOWERS1298@GMAIL.COM
Parcel Information	
Tax Map Number(s)	043C-3-1R
Physical Address	1580 OAKBRIDGE TERRACE
General Description of Property Location	POWHATAN COUNTY, VA

Project Description	
Ordinance Requirements	<p>Sec. 83-477(f) states that:</p> <ul style="list-style-type: none"> The Development Design Pattern Book shall include: <ul style="list-style-type: none"> Written descriptions and graphics explaining how the development complements existing development in the surrounding area and relates to recommendations made in the comprehensive plan and Countywide Development Guidebook; and Written descriptions and graphics explaining the theme and physical form of the project’s architectural design. The written description shall identify specific materials, colors, and architectural details that are permitted within the development.
Explanations	
<p>Describe the architectural theme and physical form of the development.</p> <p>Additional information regarding building materials, roofing, and other design elements will be provided on the following pages.</p>	
<p>This new building known as The Powhatan Ice Den is expected to be a recreational facility and the building has been planned with this initial purpose in mind. It has features consistent with a building of this type and end use, most notably a rectangular form with a high full spanning roof structure.</p> <p>This building has a footprint of approximately 80'x160' with an exterior entrance element located in the Northeast corner of roughly 120 SF, the total size of the building is expected to be 13,000 SF.</p>	

Tips

The [Countywide Development Guidebook](#) identifies and describes preferred architectural styles, including:

- | | |
|--|---|
| Georgian | Craftsman Inspired |
| Classical Revival | Rustic Revival Inspired |
| Cape Cod Inspired | Folk Victorian |
| Main Street Commercial | Piedmont Vernacular |

The styles and associated design elements should be referenced in this application

Relationship with Surrounding Development and County Policies

Ordinance Requirements

Sec. 83-477(f) states that:

- The Development Design Pattern Book shall include:
Written descriptions and graphics explaining how the development complements existing development in the surrounding area and relates to recommendations made in the comprehensive plan and Countywide Development Guidebook; and
Written descriptions and graphics explaining the theme and physical form of the project's architectural design. The written description shall identify specific materials, colors, and architectural details that are permitted within the development.

Explanations

Describe how the architectural design of the proposed development complements existing development and/or the character of the surrounding area. Identify architectural features and materials used on nearby buildings and how these features will be incorporated into building(s) that are part of the proposed project.

Attach photos of nearby buildings, particularly those that include design elements similar to those that will be used within the proposed development.

This building will incorporate an architectural style consistent with other buildings within the Oakbridge development and use similar materials such as masonry brick, EIFS and corrugated metal wall panels.

Describe how the architectural design of the proposed development relates to policies identified in the current comprehensive plan (refer to specific land use policies listed in Chapter 8 for the appropriate land use designation) and recommendations made in the Countywide Development Guidebook.

Building Materials and Colors

Ordinance Requirements

Sec. 83-477(h) states that:

- Building façade materials shall be limited to wood, brick, stone, decorative block, stucco, or other materials with a similar appearance, durability, and quality. The use of metal or vinyl siding is subject to review and approval by the director.
- At least 70 percent of building façades visible from existing or planned roadways shall be constructed of wood, brick, stone, and/or other materials with a similar appearance, durability, and quality.
- No more than 30 percent of building facades visible from existing or planned roadways shall be adorned with stucco or decorative block.

Sec. 83-477(i) states that:

- Façade colors for all portions of the building shall be low reflectance, subtle, neutral or earth-tone colors (no primary colors). Building trim and accent areas may feature brighter colors that complement the building’s overall appearance.

List materials that will be used on building facades, including permitted colors.

Attach photos and/or samples of these materials to this application.

(Note: Information regarding roofing materials will be provided on p. 5).

Material Type (Ex.: Wood, Brick, Stone)	Material Color	Material Location (Ex.: Foundation, Front Façade, Front Accent)
Masonry Utility Brick	Light Red/Brown with Grey/Taupe Accent bands	Main building material along the North, East and South facing elevations.
Aluminum Storefront Framing/Glass	Clear anodized aluminum	Main entrance vestibule on the East, and high clerestory windows on the North, East and South facing elevations.
EIFS	Grey/Taupe	Upper Cornice and Pilaster elements on the North, East and South facing elevations.
Fiber Cement Cladding	Grey/Taupe Accent	Upper Accent Panels around clerestory windows, along the North, East and South facing elevations and faux windows along the Front (North) elevation.
Corrugated Metal Wall Panels	Grey/Taupe	Wall cladding along the entire West facing elevation.

Roofing	
Ordinance Requirements	<p>Sec. 83-477(j) states that:</p> <ul style="list-style-type: none"> Principal buildings shall incorporate roof pitches between 3:12 and 12:12, or incorporate a parapet at least three feet high with a three-dimensional cornice around a flat roof. Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features. Any roof visible from an adjoining street or property shall be constructed of wood, tile, standing seam metal, heavy-grade architectural fiberglass shingles, slate, or other materials with a similar appearance, durability, and quality. All roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or otherwise be configured, to the maximum extent practicable, to have a minimal visual impact as seen from the street. Buildings with multiple uses or in excess of 25,000 square feet shall have alternating roof structures to give the appearance of multiple buildings unless a different design is approved by the director.
<p>List materials that will be used on roofs, including permitted colors. Attach photos and/or samples of these materials to this application.</p>	
Material Type (Ex.: Wood, Tile, Slate)	Material Color
Fully Adhered membrane roofing.	White
Permitted Roof Pitches	
Roof of this building will be low-sloped (Flat) with approx. 1/4" per foot pitch.	
Permitted Roof Types (Ex.: Gable, Hip, Mansard, Flat)	
Roof Features (Ex. Dormers, Cupolas, Chimneys, etc.)	
Building is comprised of a low slope roof with parapet.	

Design Features: Windows and Transparency	
Ordinance Requirements	Sec. 83-477(l) states that: At least 30 percent of the street-facing façade area of the ground-level floor of buildings (as measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor) shall be occupied by doorways or transparent windows. Upon request by the property owner or applicant, the director may approve modifications to this subsection, provided that other architectural features are incorporated into street-facing façades to add visual interest, and such approval is in writing with justification for the modification.
Attach photos and/or samples of permitted windows and doors to this application.	
Question	Explanation
Will windows on front and side facades have muntins or dividers?	Yes, the storefront windows are divided by intermediate framing members.
What color(s) will be used for window trim?	Storefront framing is expected to be clear anodized aluminum.
Will doors that serve as public entrances be transparent?	Yes, the main entrance storefront doors are expected to have full vision glass panels.
What colors will be used for doors?	The aluminum storefront doors will match the clear anodized aluminum storefront framing.

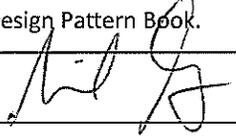
Other Design Features

List and describe other specific design features that will be incorporated into the proposed development. Examples of other design features include porches, pergolas, awnings, shutters, specially-designed exterior lighting, and other building components that add interest to the building's exterior.

Attach photos and/or samples of these features to this application.

Feature Number	Feature Type	Description
Example	Covered Porches	Covered porches with metal roofs will be constructed at each entrance to the building that is located on the front and side facades. Each porch shall be at least 8 ft. wide and 8 ft. deep with the roof supported by square white columns.
Feature #1	Exterior vestibule/entrance element.	The front entrance element of the skating rink will project from the main building wall a minimum of 8 ft. and is expected to be 26 ft. in total width.
Feature #2	Fiber Cement Cladding	Street facing facade will incorporate fiber cement cladding to emulate storefront window fenestrations with decorative corrugated metal awnings.
Feature #3	Articulated Parapet and Front facade elements	Design elements have been added such as an articulated parapet and 1 ft. min. projection in the front building wall to create visual interest and break-up the large facade.
Feature #4		
Feature #5		

Attachments	
Submit the following materials and documentation with this application for review by the Planning Commission.	
<input type="checkbox"/>	Photos of Existing Nearby Buildings
<input type="checkbox"/>	Proposed Elevations (or Photos of Similar Existing Buildings)
<input type="checkbox"/>	Photos and/or Samples of Building Materials and Colors
<input type="checkbox"/>	Photos and/or Samples of Roofing Materials
<input type="checkbox"/>	Photos of Windows and Doors
<input type="checkbox"/>	Photos of Other Design Features (If Applicable)

Applicant Signature	
<p>By signing this application, the applicant:</p> <ul style="list-style-type: none"> • Acknowledges that they are the owner or lessee of the property, or an authorized representative of the owner or lessee. • Acknowledges that they have familiarized themselves with the rules and regulations pertaining to preparing and completing this application. • Declares that all statements provided throughout the various sections of this application are in all respects true and correct to the best of their knowledge. • Understands that a Development Design Pattern Book must be approved by the Planning Commission prior to approval of any site plan within the development, and that all structures within the development must adhere to guidelines established by the approved Development Design Pattern Book. 	
Signature of Applicant	
Name of Applicant (Printed)	Michael George
Date	July 15, 2020

Last Updated: April 3, 2019



Powhatan County Planning Commission Agenda Item

Meeting Date: August 18, 2020

Agenda Item Title: Possible Ordinance Amendments to Require the Provision of Broadband Infrastructure

Motion: N/A (No Action Required)

Dates Previously
Considered by PC: None

Summary of Item: The Board of Supervisors has requested that the Community Development Department and Planning Commission investigate different policies related to land use that could be implemented to help improve access to broadband.

John Wood (Powhatan County: Director of IT/GIS) will be available to answer questions regarding broadband infrastructure and local efforts to improve broadband access.

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, Chairman
Karin M. Carmack, Vice Chairman
Larry J. Nordvig
Michael W. Byerly
Bill L. Cox



Planning Director

Andrew J. Pompei, AICP, CZA

The County Of
Powhatan

TO: Planning Commission
FROM: Andrew Pompei (Planning Director)
DATE: July 25, 2020
SUBJECT: Possible Ordinance Amendments to Require the Provision of Broadband Infrastructure

Current Situation

Portions of Powhatan County do not have access to adequate broadband infrastructure.

The Board of Supervisors has requested that the Community Development Department and Planning Commission investigate different policies related to land use that could be implemented to help improve access to broadband.

Project Goal

Implement policies that will help improve access to broadband in underserved areas.

Challenges

The most significant obstacle to improving broadband access seems to be the cost of associated infrastructure. In Powhatan County, broadband is a private utility provided by different companies. In rural areas, broadband infrastructure offers a low return on investment, due to high capital costs and low population densities. Since there is a low return on investment, broadband providers are less interested in expanding service in these areas. Residents and businesses may be expected to pay a significant installation fee to have broadband infrastructure installed.

Possible Policies

Several professionals that help plan and install broadband infrastructure were contacted and provided feedback regarding possible approaches:

- *Option #1: Require Installation of Conduit within New Subdivisions*

Language could be added to Sec. 68-190 (Utilities) of the subdivision ordinance to require the installation of broadband infrastructure within new subdivisions. Based on staff research, Fairfax County seems to be the only county in Virginia that specifically requires the installation of broadband infrastructure as part of new subdivisions.

While this approach would require that infrastructure is installed, it would not guarantee immediate access to broadband. Professionals do not recommend requiring that developers install conduit without working with a specific broadband provider, as each provider has different needs and design requirements. Cable size varies by company, and the cable size may vary

depending upon site-specific needs (service needs of development, potential for future growth, etc.). Without knowing the needs of the specific service provider, the conduit and cable may not be of use (and may have to be reinstalled at a later date).

- *Option #2: Require Developers to Work with Broadband Providers to Ensure Broadband Access*

Language could be added to Sec. 68-190 (Utilities) of the subdivision ordinance to require that developers work with broadband providers to ensure internet access within new developments.

With the subdivision plat application, the developer and broadband provider could sign a form certifying that broadband will be provided within the development. The form may indicate any stipulations regarding the provision of broadband (e.g. individual lot owner may have to pay additional fees if the house exceeds a certain distance from the street). Providing a certification form would be more appropriate than requiring that a contract be provided (since the contract may have proprietary information included). A Certificate of Occupancy (CO) could be withheld until internet access is provided.

- *Option #3: Recommend Developers Proffer Installation of Broadband with Rezoning Requests*

Developers could be encouraged to proffer conditions with rezoning requests requiring the provision of broadband within new developments.

Most residential rezoning requests (except for those in areas designated *Rural Residential* or *Crossroads* in the 2019 Long-Range Comprehensive Plan) should occur within designated growth areas, which generally have access to broadband infrastructure already. Since this infrastructure is generally available within designated growth areas, this policy would not likely improve service within underserved portions of Powhatan County.

- *Option #4: Add Condition for Private Road Approval Requiring Provision of Broadband*

Sec. 68-111(b)(2) of the subdivision ordinance requires that certain types of private roads be approved by the Board of Supervisors. Sec. 68-111(c) allows the Board of Supervisors to impose conditions “regarding the location, character, and other features of the proposed subdivision.” Most requests for private roads involve subdivisions outside of designated growth areas, where broadband access may be more limited. Powhatan County could adopt a policy that private roads reviewed by the Board of Supervisors include a condition requiring that conduit and/or cable be installed.

Planning Commission Feedback

- Is the Planning Commission interested in pursuing ordinance amendments and/or policy changes that could help improve broadband access in underserved areas?
- Does the Planning Commission have any feedback regarding the options listed above?

Next Steps

Based on feedback received, the Community Development Department will draft ordinance amendments and/or policies related to land use that may help improve access to broadband.



Powhatan County Planning Commission Agenda Item

Meeting Date: August 18, 2020

Agenda Item Title: Preview: Case #20-03-CUP (Powhatan Solar II, LLC: Proposed Solar Energy Farm)

Motion: N/A (No Action Required)

Dates Previously
Considered by PC: None

Summary of Item: Powhatan Solar II, LLC (District #3: Bethesda/Lees Landing) has submitted an application (Case #20-03-CUP) requesting approval of a conditional use permit (CUP) to allow a *solar energy farm* within the Agricultural-10 (A-10) zoning district.

The subject properties, which consist of Tax Map Parcels #27-14, 27-14A, and 26-104 (2660 Brauer Road), are located at the end of State Route 626 (Brauer Road) and have frontage on State Route 615 (Three Bridge Road) west of State Route 1330 (Mill Mount Parkway). The subject properties total 927.38 acres, with the maximum project area being 200 acres.

The applicant will provide an overview of this request, with members of the Planning Commission having an opportunity to ask questions and discuss the proposed project. No vote/action will be taken by the Planning Commission, as a public hearing will be scheduled and advertised for a future meeting.

Attachments: Zoning Narrative
Conceptual Plan

All application materials are available online 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.



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:

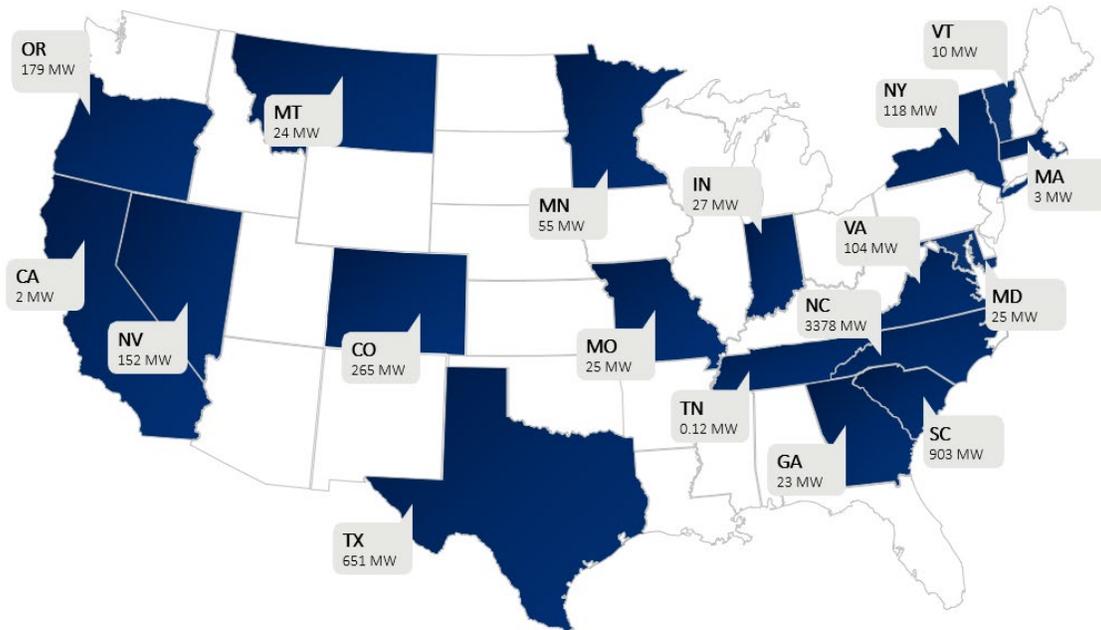


Figure 1 - Cypress Creek Renewables Portfolio Overview

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 (2080). 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.

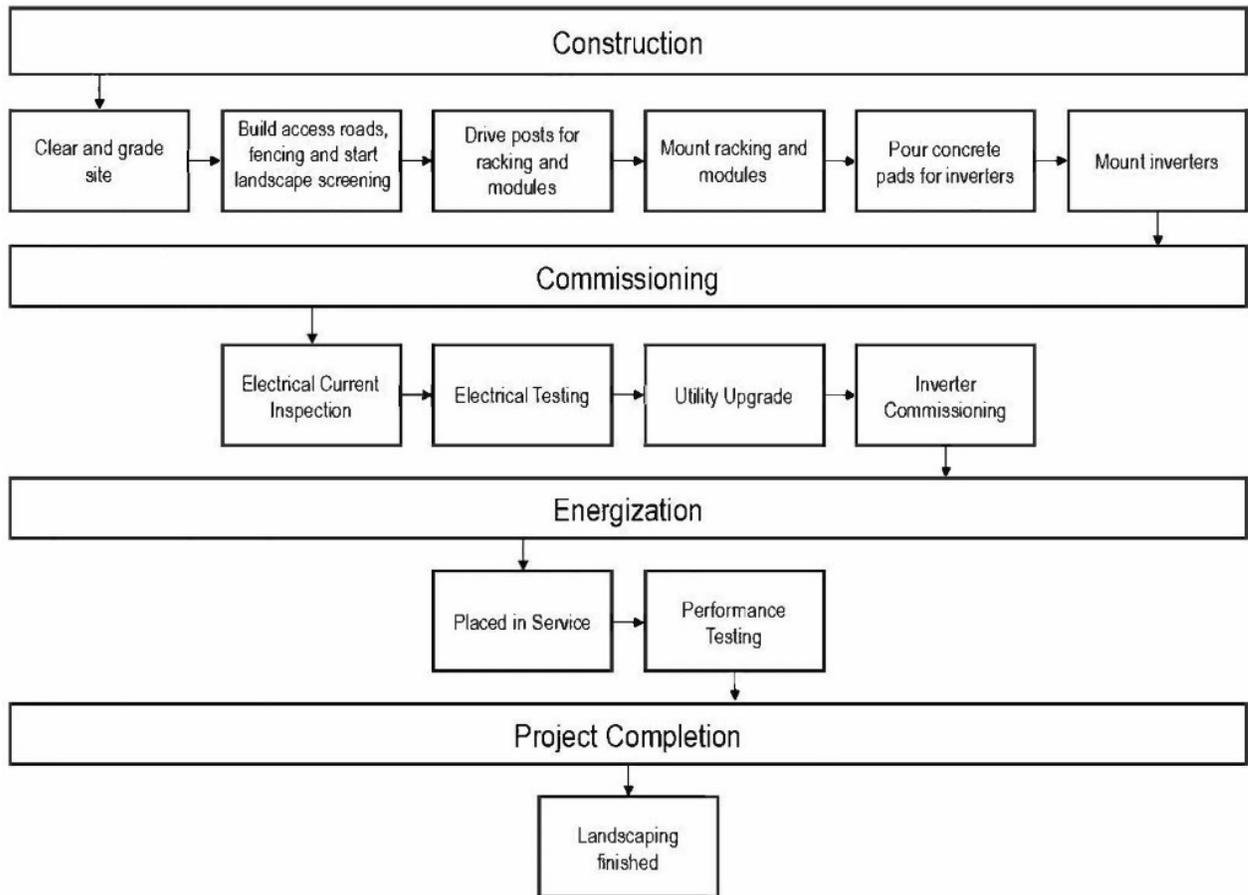


Figure 6 - Construction Sequence

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.

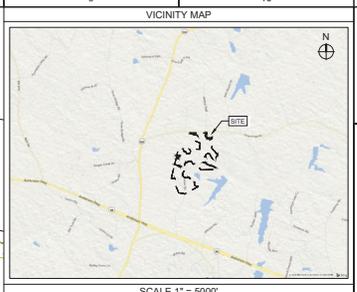
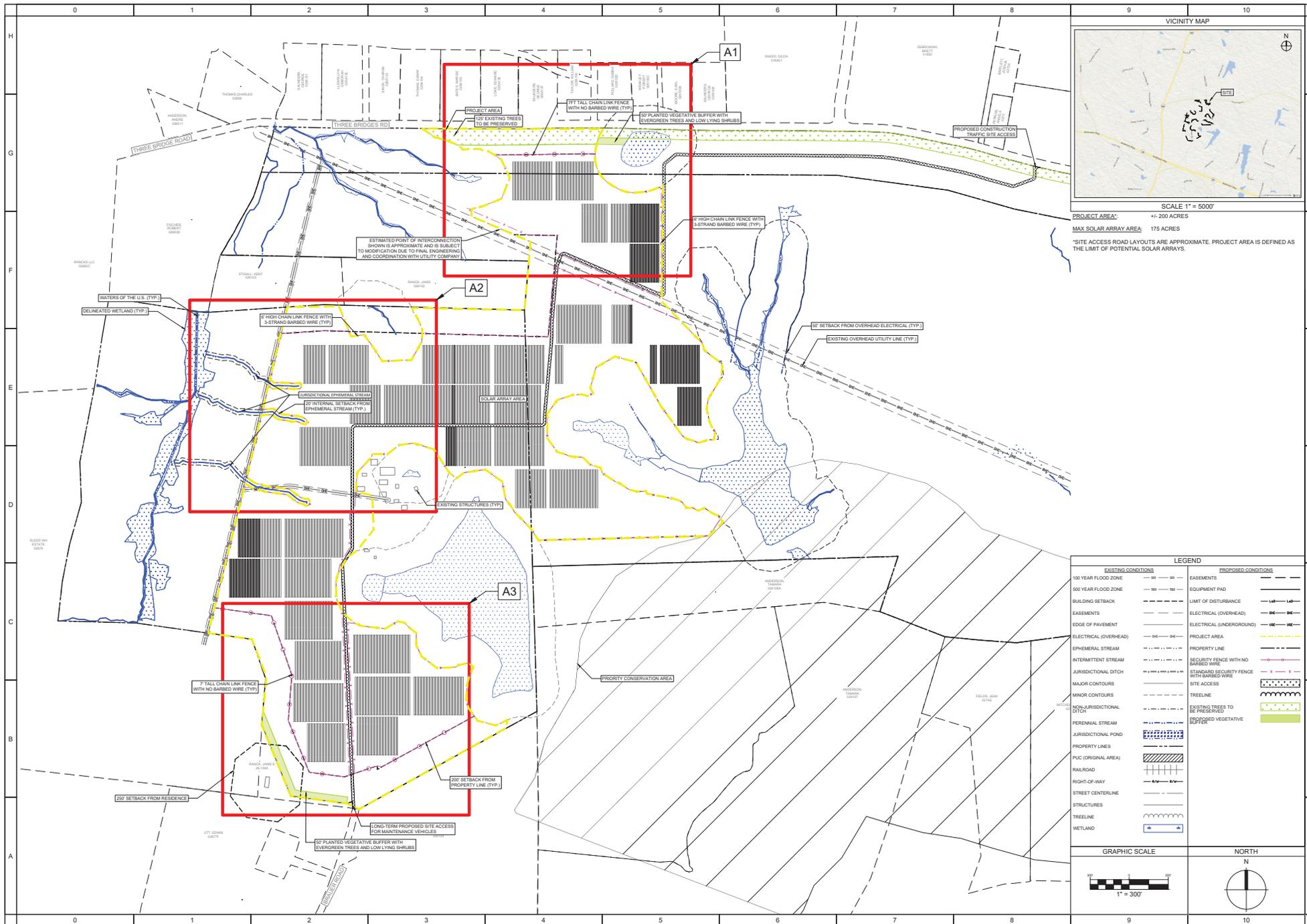
3.5 Agency Coordination

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

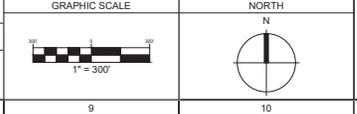
The Powhatan Solar II, LLC project will also generate additional tax revenue for Powhatan County, without putting an additional demand on local municipal services. Taxes on the land and equipment of Powhatan Solar II, LLC will provide Powhatan County a valuable source of funding for public improvements, 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.



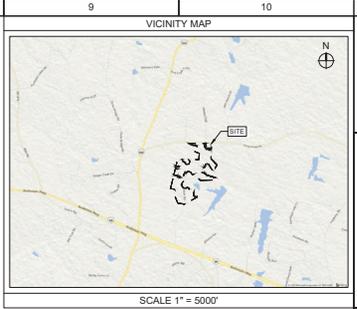
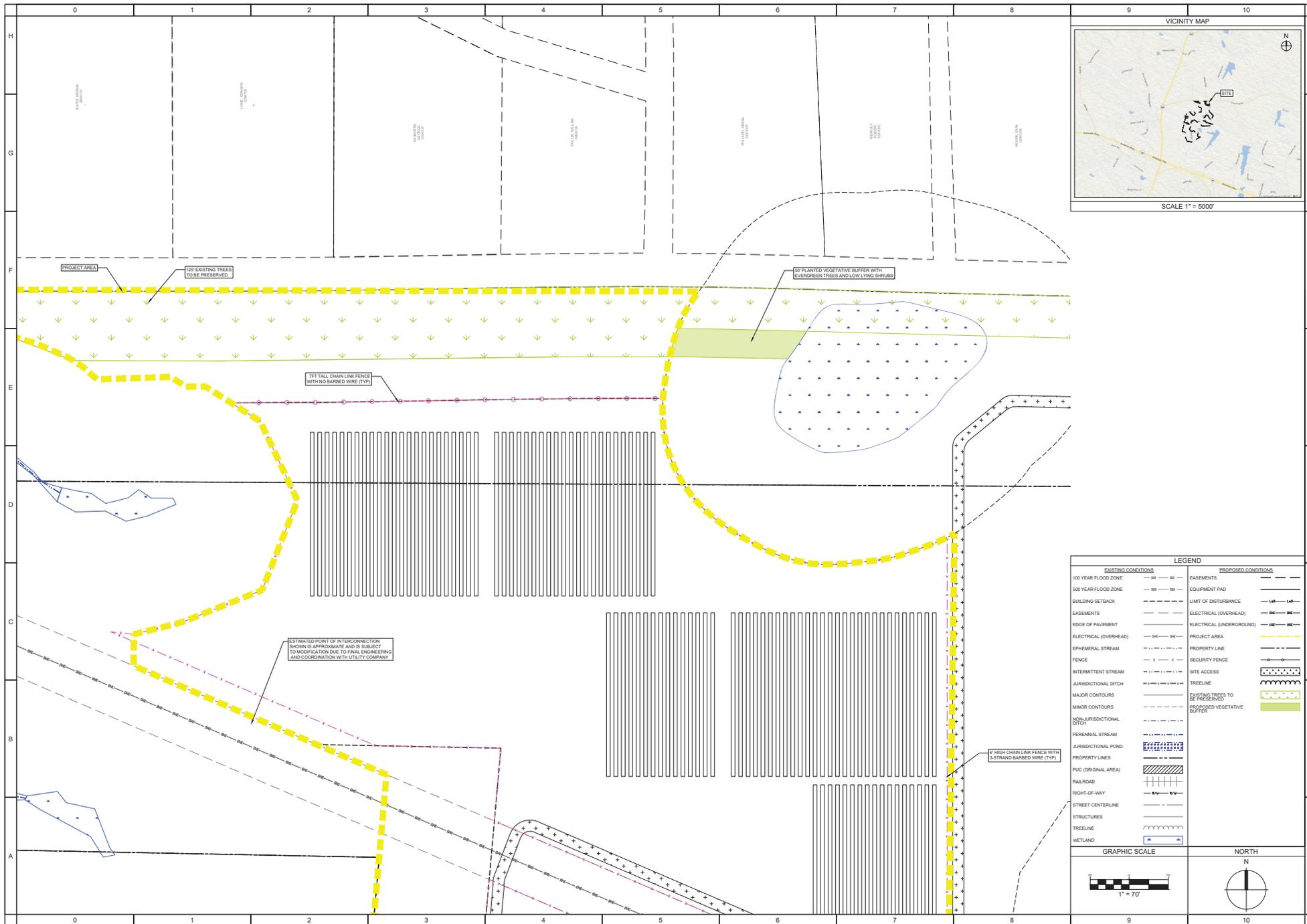
PROJECT AREA: ± 200 ACRES
 MAX SOLAR ARRAY AREA: 175 ACRES
 *SITE ACCESS ROAD LAYOUTS ARE APPROXIMATE. PROJECT AREA IS DEFINED AS THE LIMIT OF POTENTIAL SOLAR ARRAYS.

LEGEND	
EXISTING CONDITIONS	PROPOSED CONDITIONS
100 YEAR FLOOD ZONE	EASEMENTS
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
INTERMITTENT STREAM	SECURITY FENCE WITH NO BARBED WIRE
JURISDICTIONAL DITCH	STANDARD SECURITY FENCE WITH BARBED WIRE
MAJOR CONTOURS	SITE ACCESS
MINOR CONTOURS	TREELINE
NON-JURISDICTIONAL DITCH	EXISTING TREES TO BE PRESERVED
PERENNIAL STREAM	SUPPRESSED VEGETATIVE
JURISDICTIONAL POND	
PROPERTY LINES	
PUC (ORIGINAL AREA)	
RAILROAD	
RIGHT-OF-WAY	
STREET CENTERLINE	
STRUCTURES	
TREELINE	
WETLAND	



PERMIT DRAWING - NOT RELEASED FOR CONSTRUCTION

NO.	DATE	DESCRIPTION



CYPRESS CREEK RENEWABLES
 5305 ACCORD AVE. SUITE 300 - DURIHAM, NC 27713

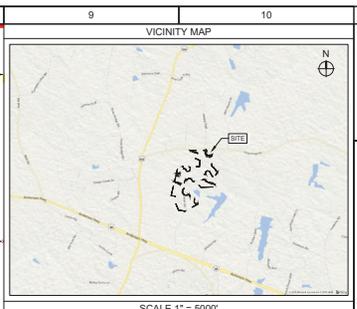
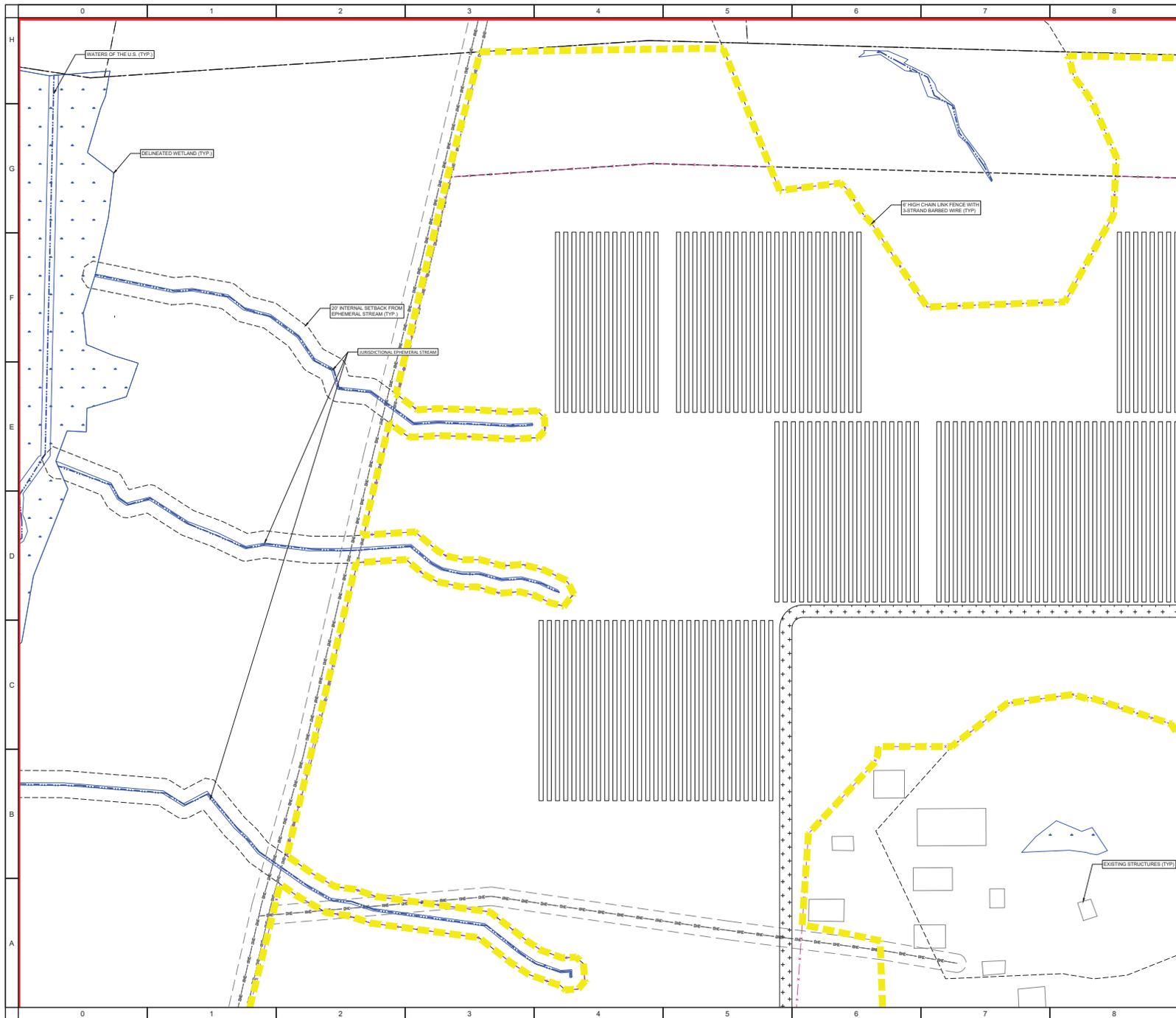
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NO.	DATE	DESCRIPTION	REVISION

POWHATAN SOLAR II, LLC
 2660 BAUER RD.
 POWHATAN, VA 23139

DATE: 05-20-20
 DRAWN BY: AR
 CHECKED BY: -
 ZONING: Z 2.0
 SITE PLAN (A1)



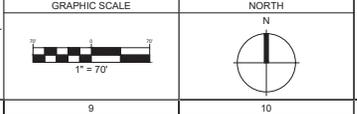
CYPRESS CREEK RENEWABLES
 5305 ACCORDANCE, BUCKINGHAM, VIRGINIA 22073

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NO.	REVISION	DESCRIPTION
1	ISSUE	ISSUE FOR PERMITTING
2	REVISED	REVISED PER PERMITTING COMMENTS
3	REVISED	REVISED PER PERMITTING COMMENTS
4	REVISED	REVISED PER PERMITTING COMMENTS
5	REVISED	REVISED PER PERMITTING COMMENTS
6	REVISED	REVISED PER PERMITTING COMMENTS
7	REVISED	REVISED PER PERMITTING COMMENTS
8	REVISED	REVISED PER PERMITTING COMMENTS
9	REVISED	REVISED PER PERMITTING COMMENTS
10	REVISED	REVISED PER PERMITTING COMMENTS

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EXISTING CONDITIONS	PROPOSED CONDITIONS
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500 YEAR FLOOD ZONE	EQUIPMENT PAD
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RIGHT-OF-WAY	
STREET CENTERLINE	
STRUCTURES	
TREELINE	
WETLAND	
	EXISTING STRUCTURES (TYP.)



NO.	REVISION	DESCRIPTION
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3	REVISED	REVISED PER PERMITTING COMMENTS
4	REVISED	REVISED PER PERMITTING COMMENTS
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7	REVISED	REVISED PER PERMITTING COMMENTS
8	REVISED	REVISED PER PERMITTING COMMENTS
9	REVISED	REVISED PER PERMITTING COMMENTS
10	REVISED	REVISED PER PERMITTING COMMENTS

POWHATAN SOLAR II, LLC
 2860 BAUER RD.
 POWHATAN, VA 23139

DATE: 05-20-20
 DRAWN BY: AR
 CHECKED BY: -
 ZONING SITE PLAN (A2)
Z 3.0

