New Kent
COUNTY · VIRGINIA
COMMUNITY DEVELOPMENT

NEW KENT COUNTY
AGRICULTURAL & FORESTAL DISTRICT
ADVISORY COMMITTEE - REGULAR MEETING
OCTOBER 6, 2016, AT 6:00 PM
ADMINISTRATION BUILDING
BOARDROOM BACK CONFERENCE ROOM
AGENDA

1. CALL TO ORDER BY CHAIRMAN

2. INVOCATION AND PLEDGE OF ALLEGIANCE

3. ROLL CALL AND DETERMINATION OF A QUORUM

4. APPROVAL OF MINUTES

   A. APRIL 21, 2016

5. UNFINISHED BUSINESS

6. PUBLIC HEARINGS

SPEAKERS ARE LIMITED TO THREE MINUTES EACH AND SHOULD STAND AND STATE THEIR NAME AND ADDRESS

A. **APPLICATION AFD-019-16, GILMAN LAND & TIMBER, LLC:** MR. WILLIAM B. GILMAN OF GILMAN LAND & TIMBER, LLC HAS REQUESTED TO WITHDRAW APPROXIMATELY 215 ACRES FROM THE WAHRANI SWAMP AGRICULTURAL AND FORESTAL DISTRICT WHICH IS NOT SET TO EXPIRE UNTIL AUGUST 31, 2019. THE PROPERTY WILL BE USED FOR A SOLAR FARM SITE (DEFINED AS A "PUBLIC OR PRIVATE ELECTRICAL GENERATION FACILITY" AS PER THE CURRENT ZONING ORDINANCE) AND A CONDITIONAL USE PERMIT # CUP-02-16 WAS APPROVED FOR THIS USE ON JUNE 13, 2016. THE PROPERTY IS IDENTIFIED AS TAX MAP PARCEL # 37-50, GPIN # G29-2578-3576.

B. **APPLICATION AFD-020-16, HUNT WALKER PROPERTIES, LLC:** MR. BAKER MARTIN WALKER OF HUNT WALKER PROPERTIES, LLC HAS REQUESTED TO WITHDRAW APPROXIMATELY 130 ACRES FROM THE YORK RIVER AGRICULTURAL & FORESTAL DISTRICT WHICH IS NOT SET TO EXPIRE UNTIL AUGUST 31, 2020. THE PROPERTY WILL BE USED FOR A SOLAR FARM SITE (DEFINED AS A "PUBLIC OR PRIVATE ELECTRICAL GENERATION FACILITY" AS PER CURRENT ZONING ORDINANCE) AND A CONDITIONAL USE PERMIT # CUP-02-16 WAS APPROVED FOR THIS USE ON JUNE 13, 2016. THE PROPERTY IS IDENTIFIED AS TAX MAP PARCEL # 37-57, GPIN # G30-0217-4336.

7. NEW BUSINESS

8. ADJOURNMENT

NEW KENT COUNTY
AGRICULTURAL & FORESTAL DISTRICT
ADVISORY COMMITTEE MEETING MINUTES
6:00 PM, THURSDAY, APRIL 21, 2016 IN THE
ADMINISTRATION BUILDING BOARDROOM

THE REGULAR MEETING OF THE NEW KENT COUNTY AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE WAS HELD ON THE 21ST DAY OF APRIL IN THE YEAR TWO THOUSAND SIXTEEN OF OUR LORD, IN THE ADMINISTRATION BUILDING BOARDROOM AT 6:00 PM.

IN RE: CALL TO ORDER

Chairman Charles Moss called the meeting to order at 6:04 pm

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Chairman Charles Moss lead the invocation and pledge of allegiance

IN RE: ROLL CALL

Attendance:

Mr. George A. "Jack" Tate, Jr.	Present	
Mr. Wayne Marks	Present	
Mr. Charles Moss	Present	2016 Chairman
Mr. William E. Mountcastle	Present	2016 Vice Chairman
Mr. E. Wayne Davis	Present	(after vote on minutes)
Mr. James Talley	Present	
Mr. Eric Randolph	Present	
Mr. Thomas Gathwright	Absent	
Mr. W.R. Davis Jr	Absent	Board of Supervisors Representative
Ms. Shannon McLaughlin	Present	C.O.R. Deputy Chief Assessor

Also Attending:

Mr. Matthew J. Smolnik, Director of Community Development

Chairman Moss established there was a quorum.

IN RE: APPROVAL OF MINUTES

A motion was made by Mr. Mountcastle to approve the May 19, 2015 draft minutes as presented and Mr. Marks seconded the motion.

The members were polled:

Mr. George A. "Jack" Tate, Jr.	Aye
Mr. Wayne Marks	Aye
Mr. Charles Moss	Aye
Mr. William E. Mountcastle	Aye
Mr. E. Wayne Davis	Absent (arrived after members were polled)

Mr. James Talley	Aye
Mr. Eric Randolph	Aye
Mr. Thomas Gathwright	Absent
Mr. W.R. Davis Jr	Absent
Ms. Shannon McLaughlin	Aye

The motion carried by a vote of 7:0:0.

IN RE: ANNUAL ELECTIONS AND REORGANIZATION

Mr. Talley made a motion to nominate Mr. Charles Moss as the 2016 Chairman of the New Kent County AFD Advisory Committee and Mr. Marks seconded the motion.

The members were polled:

Mr. George A. "Jack" Tate, Jr.	Aye
Mr. Wayne Marks	Aye
Mr. Charles Moss	Aye
Mr. William E. Mountcastle	Aye
Mr. E. Wayne Davis	Aye
Mr. James Talley	Aye
Mr. Eric Randolph	Aye
Mr. Thomas Gathwright	Absent
Mr. W.R. Davis Jr	Absent
Ms. Shannon McLaughlin	Aye

The motion carried by a vote of 8:0:0.

Mr. Talley made a motion to nominate Mr. William Mountcastle as the 2016 Vice Chairman of the New Kent County AFD Advisory Committee and Mr. Marks seconded the motion.

The members were polled:

Mr. George A. "Jack" Tate, Jr.	Aye
Mr. Wayne Marks	Aye
Mr. Charles Moss	Aye
Mr. William E. Mountcastle	Aye
Mr. E. Wayne Davis	Aye
Mr. James Talley	Aye
Mr. Eric Randolph	Aye
Mr. Thomas Gathwright	Absent
Mr. W.R. Davis Jr	Absent
Ms. Shannon McLaughlin	Aye

The motion carried by a vote of 8:0:0.

IN RE: 2016 BYLAWS

A motion was made by Mr. Talley to approve the 2016 Bylaws with the reference to the Committee changed from "AFD Committee" to "Advisory Committee" as noted in ordinance O-05-15. Mr. Mountcastle seconded the motion.

The members were polled:

Mr. George A. "Jack" Tate, Jr.	Aye
Mr. Wayne Marks	Aye
Mr. Charles Moss	Aye
Mr. William E. Mountcastle	Aye
Mr. E. Wayne Davis	Aye
Mr. James Talley	Aye
Mr. Eric Randolph	Aye
Mr. Thomas Gathwright	Absent
Mr. W.R. Davis Jr	Absent
Ms. Shannon McLaughlin	Aye

The motion carried by a vote of 8:0:0.

IN RE: NEW BUSINESS

It was noted that no one was signed up to speak with any citizen comments and no one was present to speak at the public meeting on any of the AFD Applications.

Ms. Wood began presenting her staff reports for the Advisory Committee and copies of her reports were included in the meeting packet.

AFD-001-16, Re-Creation of the Allen's Run AFD: All members of the Allen's Run Agricultural and Forestal District indicated their desire to renew their parcels for another ten-year term which is currently set to expire August 31, 2016. Ms. Wood stated corrections to a GPIN number to tax map number 31-11 and added two missing tax map numbers (31-12 and 30-11) to her staff report that did not carry over to page two. In conclusion, staff offered a favorable recommendation to renew all the parcels in the Allen's Run AFD.

Mr. Talley noted that tax map number 31-10-6 was actually in the name of Ruffin Development not Ruffin Farms and staff noted the error on the renewal letter that was sent. Mr. Talley also noted that one of his parcels appeared to be cut off the bottom of the staff report; it was tax map parcel number 30-11, GPIN H10-0025-4973 and Ms. Wood noted the error for correction and reassured Mr. Talley that his parcel was included in the renewal application and she apologized for the error on the staff report.

Ms. McLaughlin reviewed the tax code requirements for Ruffin Development and Ruffin Farms indicating which parcels met the minimum acreage requirements for both agricultural and forestal land use tax rates and which parcels were in contiguous ownership name. The tax code specifications for land use tax rates still remain separate from the Agricultural and Forestal District Program application review criteria.

A motion was made by Mr. Mountcastle and seconded by Mr. Marks to forward a favorable recommendation to the Planning Commission and the Board of Supervisors for the renewal of the Allen's Run Agricultural and Forestal District with the corrections noted.

The members were polled:

Mr. George A. "Jack" Tate, Jr.	Aye
Mr. Wayne Marks	Aye
Mr. Charles Moss	Aye
Mr. William E. Mountcastle	Aye
Mr. E. Wayne Davis	Aye
Mr. James Talley	Aye
Mr. Eric Randolph	Aye
Mr. Thomas Gathwright	Absent
Mr. W.R. Davis Jr	Absent
Ms. Shannon McLaughlin	Aye

The motion carried by a vote of 8:0:0.

AFD-002-16, Addition to Black Creek AFD: Broyhill Foundation applied to add tax map parcel 9-37

The members were polled:

Mr. George A. "Jack" Tate, Jr.	Aye
Mr. Wayne Marks	Aye
Mr. Charles Moss	Aye
Mr. William E. Mountcastle	Aye
Mr. E. Wayne Davis	Aye
Mr. James Talley	Aye
Mr. Eric Randolph	Aye
Mr. Thomas Gathwright	Absent
Mr. W.R. Davis Jr	Absent
Ms. Shannon McLaughlin	Aye

The motion carried by a vote of 8:0:0.

AFD-003-16, Addition to Black Creek AFD: William C. Pearson, Jr. applied to add tax map parcel 10-47

The members were polled:

Mr. George A. "Jack" Tate, Jr.	Aye
Mr. Wayne Marks	Aye
Mr. Charles Moss	Aye
Mr. William E. Mountcastle	Aye
Mr. E. Wayne Davis	Aye
Mr. James Talley	Aye
Mr. Eric Randolph	Aye
Mr. Thomas Gathwright	Absent
Mr. W.R. Davis Jr	Absent
Ms. Shannon McLaughlin	Aye

The motion carried by a vote of 8:0:0.

AFD-004-16, Addition to Cattail Swamp AFD: John P. Boyle, III applied to add tax map parcel 1-5

The members were polled:

Mr. George A. "Jack" Tate, Jr.	Aye
Mr. Wayne Marks	Aye
Mr. Charles Moss	Aye
Mr. William E. Mountcastle	Aye
Mr. E. Wayne Davis	Aye
Mr. James Talley	Aye
Mr. Eric Randolph	Aye
Mr. Thomas Gathwright	Absent
Mr. W.R. Davis Jr	Absent
Ms. Shannon McLaughlin	Aye

The motion carried by a vote of 8:0:0.

AFD-005-16, Re-Creation of the Cooks Mill AFD: All members of the Cook's Mill Agricultural and Forestal District indicated their desire to renew their parcels for another ten-year term which is currently set to expire August 31, 2016 with the except of the Stitzer-Ingo Properties and Bernard J. Canterbury property. Ms. Wood stated if those properties came in with a response prior to the Planning Commission meeting then the Commissioners could hear the applications. Aside from those parcels staff offered a favorable recommendation to re-create the Allen's Run AFD.

It was also noted to remove tax map parcel 27-1-6 of Mr. Alexander White from the re-creation application and create a separate application as he was an addition to the Cook's Mill Agricultural and Forestal District not a re-creation.

The members were polled:

Mr. George A. "Jack" Tate, Jr.	Aye
Mr. Wayne Marks	Aye
Mr. Charles Moss	Aye
Mr. William E. Mountcastle	Aye
Mr. E. Wayne Davis	Abstained
Mr. James Talley	Aye
Mr. Eric Randolph	Aye
Mr. Thomas Gathwright	Absent
Mr. W.R. Davis Jr	Absent
Ms. Shannon McLaughlin	Aye

The motion carried by a vote of 7:0:1.

AFD-006-16, Addition to the Diascund Creek AFD: R. Edgar Walls, II applied to add tax map parcels 45-19, 45-80 and 45-81 to the Diascund Creek Agricultural and Forestal District.

The members were polled:

Mr. George A. "Jack" Tate, Jr.	Aye
Mr. Wayne Marks	Aye
Mr. Charles Moss	Aye
Mr. William E. Mountcastle	Aye
Mr. E. Wayne Davis	Aye
Mr. James Talley	Aye
Mr. Eric Randolph	Aye
Mr. Thomas Gathwright	Absent
Mr. W.R. Davis Jr	Absent
Ms. Shannon McLaughlin	Aye

The motion carried by a vote of 8:0:0.

AFD-007-16, Addition to the Mill Creek AFD: Elizabeth W. & Henry Vranian applied to add tax map parcels 28-22E, 28-22H, 28-22M, 28B-3-74, 28B-3-77, 28B-3-78, 28B-3-79, 28B-3-80 and 28B-3-81.

Ms. Wood indicated that these parcels would not be in compliance with the Comprehensive Plan and were intended to be designated as "Village" type future land use and therefore recommended the application be denied.

A motion was made by Mr. Wayne Davis to approve the request and the motion was seconded by Mr. Talley.

The members were polled:

Mr. George A. "Jack" Tate, Jr.	Aye
Mr. Wayne Marks	Aye
Mr. Charles Moss	Aye
Mr. William E. Mountcastle	Aye
Mr. E. Wayne Davis	Aye
Mr. James Talley	Aye
Mr. Eric Randolph	Aye
Mr. Thomas Gathwright	Absent
Mr. W.R. Davis Jr	Absent
Ms. Shannon McLaughlin	Nay

The motion carried by a vote of 7:1:0.

AFD-008-16, Addition to the Pelham Swamp AFD: Criss Cross Properties, LLC applied to add tax map parcels 22-62, 22-63, 23-15A, 23-1-5, 23A-1-49, 23-41A and 24-32.

A motion was made by Mr. Mountcastle to forward a favorable recommendation and Mr. Moss seconded the motion.

The members were polled:

Mr. George A. "Jack" Tate, Jr.	Aye
Mr. Wayne Marks	Aye
Mr. Charles Moss	Aye

Mr. William E. Mountcastle	Aye
Mr. E. Wayne Davis	Aye
Mr. James Talley	Aye
Mr. Eric Randolph	Abstained
Mr. Thomas Gathwright	Absent
Mr. W.R. Davis Jr	Absent
Ms. Shannon McLaughlin	Aye

The motion carried by a vote of 7:0:1.

AFD 009-16, Addition to the Schiminoe Creek AFD: Criss Cross Properties, LLC applied to add tax map parcels 32-5A, 32-37, 32-38, 32-39, 32-41, 32-45, 33-1A and 33-8.

A motion was made by Mr. Mountcastle to forward a favorable recommendation and Mr. Wayne Davis seconded.

The members were polled:

Mr. George A. "Jack" Tate, Jr.	Aye
Mr. Wayne Marks	Aye
Mr. Charles Moss	Aye
Mr. William E. Mountcastle	Aye
Mr. E. Wayne Davis	Aye
Mr. James Talley	Aye
Mr. Eric Randolph	Abstained
Mr. Thomas Gathwright	Absent
Mr. W.R. Davis Jr	Absent
Ms. Shannon McLaughlin	Aye

The motion carried by a vote of 7:0:1.

AFD 010-16, Addition to the Schiminoe Creek AFD: Providence Forge Hunt & Fish Club applied to add tax map parcels 41-18, 41A1-2-4 and 41A1-2-39.

A motion was made by Mr. Talley to forward a favorable recommendation and Mr. Marks seconded the motion.

The members were polled:

Mr. George A. "Jack" Tate, Jr.	Aye
Mr. Wayne Marks	Aye
Mr. Charles Moss	Aye
Mr. William E. Mountcastle	Aye
Mr. E. Wayne Davis	Aye
Mr. James Talley	Aye
Mr. Eric Randolph	Aye
Mr. Thomas Gathwright	Absent
Mr. W.R. Davis Jr	Absent
Ms. Shannon McLaughlin	Aye

The motion carried by a vote of 8:0:0.

AFD 011-16, Addition to the Wahrani Swamp AFD: Susan O. Harwood applied to add tax map 36-37

Ms. Wood indicated that the parcel was not in compliance with the Comprehensive Plan and it was currently designated as Economic Development.

A motion was made by Mr. Marks to forward a favorable recommendation and Mr. Randolph seconded the motion.

The members were polled:

Mr. George A. "Jack" Tate, Jr.	Aye
Mr. Wayne Marks	Aye
Mr. Charles Moss	Aye
Mr. William E. Mountcastle	Nay
Mr. E. Wayne Davis	Aye
Mr. James Talley	Aye
Mr. Eric Randolph	Aye
Mr. Thomas Gathwright	Absent
Mr. W.R. Davis Jr	Absent
Ms. Shannon McLaughlin	Nay

The motion carried by a vote of 6:2:0.

AFD-012-16, Addition to the York River AFD: Alice B. Clark applied to add tax map parcels 48A-1-3 and 48A-1-5.

A motion was made by Mr. Wayne Davis to forward a favorable recommendation and Mr. Tate seconded the motion.

The members were polled:

Mr. George A. "Jack" Tate, Jr.	Aye
Mr. Wayne Marks	Aye
Mr. Charles Moss	Aye
Mr. William E. Mountcastle	Aye
Mr. E. Wayne Davis	Aye
Mr. James Talley	Aye
Mr. Eric Randolph	Aye
Mr. Thomas Gathwright	Absent
Mr. W.R. Davis Jr	Absent
Ms. Shannon McLaughlin	Aye

The motion carried by a vote of 8:0:0.

AFD-013-16, Addition to the Big Swamp AFD: Denise M. & William C. Caldwell applied to add tax map parcel 42-12L.

Ms. Wood noted that the Commissioner of Revenue has been giving them land use credit all along but the Planning Department had not noted a prior subdivision from the parent tax map parcel 42-12 which would have

kept it in the AFD Program in her records. Staff recommended approval to correct the error and make their records match the records of the Commissioner of Revenue.

A motion was made by Mr. Mountcastle to forward a favorable recommendation and Mr. Talley seconded the motion.

The members were polled:

Mr. George A. "Jack" Tate, Jr.	Aye
Mr. Wayne Marks	Aye
Mr. Charles Moss	Aye
Mr. William E. Mountcastle	Aye
Mr. E. Wayne Davis	Aye
Mr. James Talley	Aye
Mr. Eric Randolph	Aye
Mr. Thomas Gathwright	Absent
Mr. W.R. Davis Jr	Absent
Ms. Shannon McLaughlin	Aye

The motion carried by a vote of 8:0:0.

IN RE: COMMITTEE MEMBER REPORTS

Mr. Mountcastle suggested that the Advisory Committee get some guidance from the Supervisor, Mr. Ray Davis regarding how the Committee should evaluate the special land use designation while deciding on AFD application. Mr. Talley seconded Mr. Mountcastle's suggested motion and the members were polled as to whether or not a letter requesting this guidance be sent to Mr. Ray Davis.

The members were polled:

Mr. George A. "Jack" Tate, Jr.	Aye
Mr. Wayne Marks	Aye
Mr. Charles Moss	Aye
Mr. William E. Mountcastle	Aye
Mr. E. Wayne Davis	Aye
Mr. James Talley	Aye
Mr. Eric Randolph	Aye
Mr. Thomas Gathwright	Absent
Mr. W.R. Davis Jr	Absent
Ms. Shannon McLaughlin	Aye

The motion carried by a vote of 8:0:0.

Ms. Wood would work with the Chairman, Mr. Moss to compose and send Mr. Ray Davis a letter requesting this guidance and would copy the members on his response.

Ms. Wood also indicate she had no further business in the near future for the members to consider.

IN RE: ADJOURNMENT

A motion was made by Mr. Marks to adjourn and the motion was seconded by Mr. Randolph. Everyone agreed and the meeting was adjourned at 8:21 pm.

Respectfully submitted by:

Sheri L. Wood, Recording Secretary

New Kent
COUNTY · VIRGINIA
COMMUNITY DEVELOPMENT

DATE: October 6, 2016

TO: Agricultural & Forestal District Advisory Committee

FROM: Sheri Wood, Community Development Sheri Wood

RE: **AFD-019-16**, Withdrawal of land from the **Wahrani Swamp** AFD

REQUEST

The applicant, Mr. William B. Gilman of Gilman Land & Timber, LLC, has sumitted an application to withdraw approximately 215 acres from his 307.78 acre parcel of land located in the **Wahrani Swamp** Agricultural and Forestal District (AFD). The **Wahrani Swamp** AFD currently consists of 17 parcels totaling approximately 1,311 acres and is not set to expire until August 31, 2019. The land is now subject to a recently approved Conditional Use Permit allowing the construction of a Solar Site consisting of a 20 mega-watt solar photovoltaic electricity generating facility. For relevant background information; a copy of the May 16, 2016 Memo regarding the Conditional Use Application Number CUP-02-16 and the application are included in your meeting packet.

PUBLIC HEARINGS (Tentative)

Planning Commission:	November 21, 2016
Board of Supervisors:	December 12, 2016

PROPERTY INFORMATION

Tax Map Parcel:	37-50
GPIN #:	G29-2578-3576
Total Acreage:	307.78
Dwellings on Parcel:	None
Zoning:	A1
Future Land Use Designation:	RURAL LANDS
Current assessed value:	$ 960,000.00
Public Utilities:	NONE

LAND USE

Acres Devoted to Pasture:	0
Acres Devoted to Marsh/Wetlands:	30
Acres Devoted to Tilled Cropland:	0
Acres Devoted to Timber:	277.78

PROPOSED LAND USE

Acres Proposed for Solar Site:	215

LOCATION

The Wahrani Swamp District is in the eastern portion of the County primarily along State Route 30 (New Kent Highway). It is roughly 5 miles West of the James City County line. The proposed withdrawal parcel, 37-50, is located off State Route 633 (Barham Road) in the vicinity south of State Route 639 (Mt. Nebo Road). The associated maps are included in the application packet.

COMPREHENSIVE PLAN

The property is designated as RURAL LANDS in the Comprehensive Plan. The project meets the desired goals of the Comprehensive Plan by preserving the County's existing rural character, protecting the natural environment, and promoting sustainable alternate energy sources which

consider developing policies to allow for small-scale wind and solar energy projects as a matter of right subject to meeting reasonable performance standards.

STATE AND COUNTY CODE REGARDING AFD WITHDRAWALS

Section 62-44 of the Codified Ordinance of New Kent County, titled 'Withdrawal of land from a district; termination of a district', provides that any owner of land lying in such district may request in writing the withdrawal of all or part of his land from the district, which, under Section 15.2-4314 of the Code of Virginia of 1950, may be permitted "for good and reasonable cause". A copy of both of the New Kent County Code and Code of Virginia are included in your meeting packet for review.

RECOMMENDATION

By removing this piece of this land from the AFD program, a portion of the parcel could be developed into a Solar Site consisting of a 20 mega-watt solar photovoltaic electricity generating facility which will be designed in accordance with federal, state and local standards. The development intensity of the parcel will remain low with the installation of solar panels and no additional housing.

The developer, Virginia Solar, LLC, intends to enter into an agreement with the landowner, William B. Gilman, to lease this land for such purpose and pay all associated roll-back taxes related to the early withdrawal. A conditional use permit number CUP-02-16 has been approved by the Board of Supervisors and a copy of resolution number R-14-16 is included in your meeting packet.

The request appears to comply with the requirements of State and County codes regulating AFDs. The request also supports the process of allowing roll-back taxes to be collected by the Commissioner of Revenue in light of the approved Board resolution number R-14-16.

Staff finds the proposed development to be consistent with the County's Future Land Use Comprehensive Plan and offers a favorable recommendation for application **AFD-019-16** with no adverse effect to public safety or the remaining parcels within the special use district.

SUGGESTED MOTIONS

_____I move to forward a favorable recommendation to the Planning Commission and Board of Supervisors to approve application **AFD-019-16**, a request by the applicant to withdraw approximately 215 acres from tax map parcel 37-50, GPIN G29-2578-3576 from the **WAHRANI SWAMP** AFD:

or

_____I move to send an unfavorable recommendation to the Planning Commission and Board of Supervisors for the approval of application **AFD-019-16** for the following reasons:

_____

_____

Charles Moss, Chairman Date
AFD Advisory Committee

Attachments: Planning Commission Memo regarding CUP-02-16 dated 5/16/16
Application CUP-02-16 dated 4/18/16
Application AFD-019-16 dated 9/13/16 with maps
New Kent County Code Section 62-44
Code of Virginia Section 15.2-4314
Board of Supervisors Approved Resolution R-14-16

New Kent
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A GREAT PLACE TO GROW

MEMORANDUM

DATE: May 16, 2016

TO: New Kent County Planning Commission

SUBJECT: Application Number CUP-02-16, Virginia Solar

REQUEST

Matthew Meares with Virginia Solar has applied for a Conditional Use Permit to construct and operate a Solar Site consisting of a 20 MW solar photovoltaic electricity generating facility, on two parcels of land (484 total acres) in the Barhamsville area in Eastern New Kent County. The project design was based upon various engineering and environmental studies performed at the site over the last year. The project design will be in accordance with federal, state, and local standards.

PUBLIC HEARINGS

Planning Commission: May 16, 2016, 7:00 p.m., County Boardroom
Board of Supervisors: Tentatively scheduled for June 13, 2016
7:00 p.m., County Boardroom

GENERAL INFORMATION

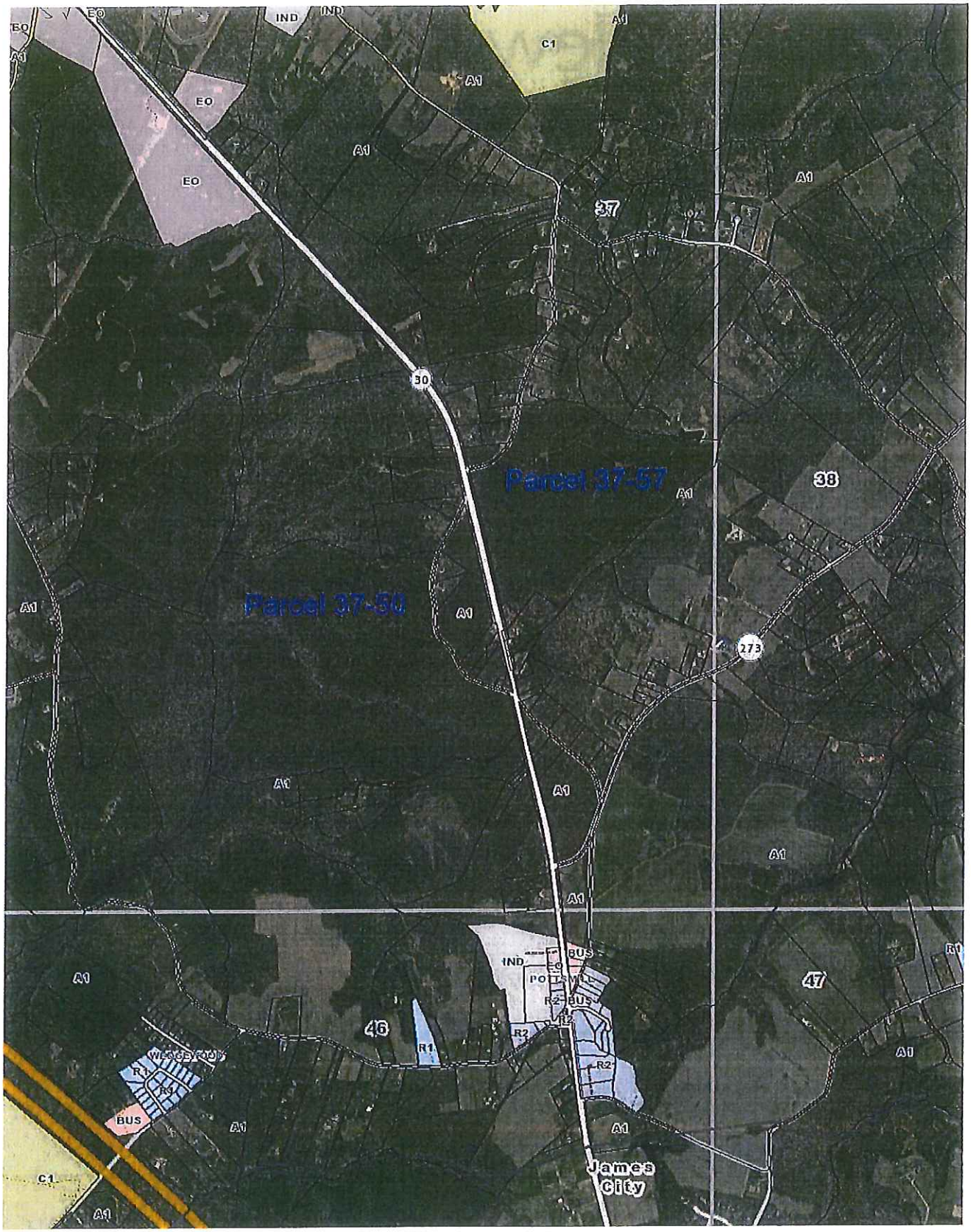
Tax Parcels: 37-50 and 37-57

GPINs: G29-2578-3576 and G30-0217-4336

Sizes: Project to use approximately 250 acres of the 484 total acres.

Owners: Gilman Land & Timber LLC and Hunt Walker Properties LLC

Applicant: Matthew Mears with Virginia Solar LLC



Zoning: A-1, Agricultural
Adjacent Zoning: A-1, Agricultural

Comprehensive Plan Future Land Use Designation: Rural Lands

CONSIDERATIONS

- The New Kent County Zoning Ordinance (Section 98-213) requires a Conditional Use Permit in the A-1 Zoning District for "public or private electrical generation facilities".

- The application states "Virginia Solar LLC proposes to construct, own, and operate the Correctional solar site consisting of a 20 MW ac solar photovoltaic (PV) electricity generating facility located on approximately 484 acres, as represented by the maximum extents shown in the site plan (Appendix H). The project will use proven technology which has been used throughout the US. The solar arrays and ancillary equipment will occupy approximately 250 acres of the 484 acres subject to the CUP. The PV modules produce low-voltage direct current (DC) electrical power which is collected and delivered to the inverter and transformer stations located throughout the site where it is converted into medium voltage alternating current (AC). The power from the inverter stations will be collected from across the site to the point of interconnection where it will interconnect with the Dominion Virginia Power distribution line through a pole mounted device. By interconnecting with the distribution lines the project will help meet local electrical needs first, with the excess then flowing to the overall grid. The perimeter of the project will be surrounded by a 7' high chain link fence, topped with 1' tall barbed wire. The design, installation, and operations of the facility will comply with all applicable local, state, and national electrical standards and codes that ensure the safety and protections of local residents and the public at large."

- The subject property and adjacent properties are zoned A-1, Agricultural. The property is designated as Rural Lands in the Comprehensive Plan. The project meets the desired goals of the Comprehensive Plan listed below:
    - Preserve the County's existing rural character (Overarching goal)
    - Protect the natural environment (Overarching goal)
    - Support and promote sustainable alternative energy sources and production.
        - Consider developing policies and regulations that allow for small-scale wind and solar energy projects as a matter of right subject to meeting reasonable performance standards.

- The property is currently enrolled in the County's AFD program. As a result of this project a portion of the land will need to be withdrawn from the AFD program, raising the effective value of the land and subjecting the project to roll back taxes. The applicant estimates the roll back tax payment will be approximately $41,000 and the increase in property tax is approximately $5,000 per year for the project.

- Both parcels are proposed to have access points off of New Kent Highway as well as one access point off of Barham Road. The access points will be marked with identifying signage. VDOT comments indicate that a spacing waiver will be required if the access points remain where the are proposed on the site plan.

- The application states "The applicant will repair any damage to local roads caused by the project construction. In addition it is proposed a Construction Traffic Management Plan and migitagion measures shall be developed by Virginia Solar and submitted to VDOT and New Kent County for

review. The plan shall address traffic control measures, a pre and post-construction road evaluation, and any necessary repairs to the public roads that are required as a result of damage from the project. If a traffic issue arises during the construction of the project, the applicant shall develop with input from the County and VDOT appropriate measures to mitigate the issue."

- There will be a maximum of 240 workers on site for the project during the construction period, and it will likely include some local suppliers and contractors. The project will have employees or contractors on site periodically for system inspections, vegetation management, and preventative maintenanace following the construction period. During the operation phase of the project, access to the site will occur approximately twice a month.

- The applicant anticipates that over the life of the project the total economic impact to the County will be approximately $43 million dollars. Please see the application and appendices for further economic studies and figures.

- This project will not cause any long-term burdens to the County. There will be no increased impact to County services. Whenever possible, construction and related workers will be hired locally. Their employment will not result in an increased impact on schools, police, EMS, or other County resources. There will be no need for new or expanded county public infrastructure as a result of this project.

- In order to promote the safety and welfare of the first responders the Applicant offers to facilitate training for the appropriate fire department(s) and other first responders with training relating to the specific hazards of the project. The Deputy Fire Chief has indicated that New Kent Fire Rescue is very much interested in this training. Sheriff's Office personnel had no concerns with the project.

- The project is not anticipated to create any negative visual impact for the area. The solar arrays will be no taller than 8' in height and will be made of non-reflective material. The inverter staions will be approximately 10' tall, and the poles at the point of interconnection will be the same as normal electrical distribution poles.

- The project will be required to comply with the standards found in Section 98-875 of the Zoning Ordinance, which states:

  Sec. 98-875. - Specific conditions applicable to utilities uses and facilities.
  (a) Standards for all public and private utilities and facilities.

  (1) The proposed location of the specific utility use shall be necessary for the efficient provision of service to customers. Documentation of the public necessity shall be submitted with applications and plans for such uses.

  (2) All utility uses shall be conducted so as not to produce hazardous, objectionable, or offensive conditions at or beyond property line boundaries by reason of odor, dust, lint, smoke, cinders, fumes, noise, vibration, heat, glare, solid and liquid wastes, fire, or explosion.

  (3) Utility locations shall not be permitted in such a manner as would preclude or seriously hinder development of commercial and industrial properties except where it is demonstrated to the satisfaction of the zoning administrator that no alternative routing, location, or installation is practical or reasonably possible.

(4) Main/primary utility lines shall be parallel to and contiguous with property lines where practical. Exceptions for good cause shown may be granted by the director of public utilities.

(5) Landscaping and screening appropriate to the use shall be provided in all cases and especially when trees have been removed to accommodate the facility.

(6) All public and private utilities and facilities shall be operated and maintained in a neat and orderly manner, free from junk, inoperable equipment, trash, or debris. Buildings shall be maintained in a sound condition, in good repair and appearance. Weeds shall be cut as frequently as necessary, to maintain a neat and orderly appearance.

(7) All on-site utility facilities including but not limited to wires, cables, pipes, conduits and appurtenant equipment, carrying or used in connection with the furnishing of electric, telephone, telegraph, cable television or similar service to a development subject to the provisions of this chapter shall be placed underground except, however, the following shall be permitted above ground:

a. Electric transmission lines and facilities in excess of 65 kilovolts;

b. Equipment such as electric distribution transformers, switch gear, meter pedestals, telephone pedestals, CATV pedestals and power supplies, outdoor lighting poles or standards, radio antennae, traffic control devices, manholes, air release valve vaults and associated equipment, which is, under accepted utility practices, normally installed above ground;

c. Meters, service connections and similar equipment normally attached to the outside wall of the customer's premises;

d. Temporary aboveground facilities required in conjunction with an authorized construction project.

e. Certain communication antennae as permitted as accessory structures or elsewhere in this chapter as a stand-alone use.

(8) Existing utilities located above ground may be maintained or repaired provided that such repair does not involve relocation or expansion.

(9) Whenever any existing on-site above ground utilities other than those exempted above requires relocation for any reason, they shall be removed and placed underground. In the event a development project impacts existing off-site above ground utilities and necessitates their relocation onto the development site, such utilities shall be placed underground.

(10) All utilities shall be placed within easements or public street rights-of-way. Utilities may not be placed within private road rights-of-way except as they lead to the structure whose access is a private driveway.

(11) Sewage pump and lift stations and communication switching and relay facilities larger than 150 square feet in building area shall, at a minimum, be surrounded by a landscaped buffer no less than 20 feet in width. The buffer shall be comprised of naturally-occurring vegetation protected and preserved during the construction process or landscaped in accordance with the landscaping provisions of this chapter or a combination of both to achieve a visual screen throughout the year when viewed from public roads or adjacent properties.

(12) Utility equipment installed at ground level, including transformers, pedestals, switch gear and other similar types of equipment which is visible from a public right-of-way shall be screened from view by appropriate evergreen shrubs planted in accordance with a landscape plan approved by the zoning administrator.

- The applicant will be required to have a full Phase 1 archeological and architectural review of the site conducted before they can receive their state permit. It is anticipated that this review will be conducted over the summer months of 2016.

- The project is not located within the vicinity of any airport and will not conflict with airport operations. Mr. Duane Goss, Airport Manager of the New Kent County Airport, reviewed the application and concluded that the project will not impact airport operations.

- Noise issues associated with the project will be limited to construction noise. Construction noise will be temporary and consist of increased noise levels associated with construction activites and increased traffic on area roadways. Construction work generally will occur during daylight hours. All pile driving activity (which creates the most noise) shall be required to be limited to the hours from the earlier of sunrise or 8:00 a.m. to the later of 6:00 p.m. or sunset, Monday through Saturday. All other construction activity on site shall be permitted Monday through Sunday in accordance with the provisions of the County's Noise Ordinance.

- Solar fields are considered a permeable surface, as they cause no additional runoff from the site. They do not have any adverse impacts on wildlife.

- Construction plans will need to provide wetlands documentation to confirm actual RPA buffer based on perennial stream determination and County staff verification. Stormwater and erosion control measures will need to meet new DEQ Stormwater requirements.

- Decommissioning of the site to remove the project components and return the land to tilled farmland or another authorized land use will be done by the Applicant at the end of the project life. Please see decommissioning plan in the application.

COMMENTS FROM REVIEWING AGENCIES

Staff sent the conditional use permit application and information to all reviewing agencies and received comments which are included within and attached to this staff report. Reviewing agencies' concerns are addressed in the proposed conditions.

STANDARDS FOR REVIEW

The standards for review of Conditional Use Permits are set forth in Section 98-744 of the New Kent County Zoning Ordinance:

1. *The proposed use shall not be prejudicial to the character of the neighborhood.*

2. *The proposed use shall not adversely affect the general plans for the physical development of the county as embodied in the comprehensive plan.*

3. *The proposed use shall not be detrimental to the use or development of adjacent properties or the general neighborhood nor impair the value of buildings or property in surrounding areas.*

4. *The proposed use shall not unreasonably restrict an adequate supply of light, water, or air to adjacent property nor produce undue congestion in the street.*

5. *The proposed use shall adequately provide for access facilities for the estimated traffic.*

6. *The proposed use shall be subject to any applicable site planning or performance standards enumerated in article XXII of this chapter.*

7. *The proposed use shall be reasonable in terms of the logical, efficient, and economical extension of public services and facilities serving the county, such as water, sewer, streets, police and fire protection, transportation, recreation, and public schools.*

The Zoning Ordinance also lists specific restrictions for conditional use permits. Restrictions on any conditional use may include, but are not limited to the following:

1. Hours of operation

2. Access to and from the subject property

3. Protection of surface and groundwater

4. Lighting of the site, including the intensity and shielding so as to not adversely affect adjacent or nearby property owners

5. Adequate sewer and water supply

6. Sound limitation as needed to ensure peaceful enjoyment of neighboring property

7. Location, size, height, design of buildings, walls, fences, landscaping, and buffer yards

8. Covenants and/or homeowners associations for maintenance of applicable restrictions

9. Timing or phasing of development

10. Type and placement of utilities including underground placements

11. Controls for smoke, dust, and odors

12. Requirements for performance guarantees ensuring that all conditions are met and plans are implemented

13. Any other conditions deemed necessary to protect the health, safety, and general welfare of the public.

OVERALL ANALYSIS AND RECOMMENDED CONDITIONS

Staff has reviewed this conditional use permit application in the same manner as other zoning change applications and has found that the following proposed conditions will assist in addressing, protecting, and promoting health, safety, and the general welfare of New Kent County citizens.

1. The following conditions shall apply to Tax Map & Parcel number 37-50 (GPIN G29-2578-3576) and Tax Map & Parcel number 37-57 (GPIN G30-0217-4336).

2. This Conditional Use Permit shall be binding on Virginia Solar LLC or any successors, assignees, current or future lessee, sub-lessee, or owner of the solar energy farm.

3. Virginia Solar LLC or any successors, assignees, current or future lessee, sub-lessee, or owner of the solar energy farm (the "Applicant") shall consent to annual administrative inspections by Community Development Department staff for compliance with the requirements of this Conditional Use Permit.

4. All federal, state, and local laws, regulations, permit requirements and ordinances will be adhered to including but not limited to:
    a. All active solar systems shall meet all requirements of the National Electrical Code (NEC), National Electrical Safety Code (NESC), American Society of Civil Engineers (ASCE), American National Standards Institute (ANSI), Institute of Electrical and Electronics Engineers (IEEE), Underwriters Laboratories (UL), or International Electrotechnical Commission (IEC) as applicable and state building code and shall be inspected by a county building inspector throughout the building permit process.
    b. An Erosion and Sediment Control plan must be submitted and approved prior to any land disturbance.
    c. The site shall fully comply with all applicable provisions of Section 98-213 of the New Kent County Zoning Ordinance, to the extent not modivied herein, throughout the life of this CUP.

5. The solar energy farm shall consist of one integrated power generation facility and shall be limited to no more than the 250 acres of the property identified as "Correctional – Virginia Solar," as shown on the Maximum Extents Plan prepared by Timmons Group dated April 18th, 2016.

6. All site activity required for the construction and operation of the solar energy farm shall be limited to the following:
    a. All piling driving activity shall be limited to the hours from the earlier of sunrise or 8:00 a.m. to the later of 6:00 p.m. or sunset, Monday through Saturday.
    b. All other construction activity on site shall be permitted Monday through Sunday in accordance with the provisions of the County's Noise Ordinance.

7. A minimum one hundred and fifty (150) foot setback shall be maintained from solar equipment to any adjacent residential dwellings that exist at of the time of the CUP application approval by the Board of Supervisors. This requirement may be reduced or waived if agreed to, in writing, by the owner of the residence. The security fence and project roads may be located within the setbacks. During construction the setback may be used for the staging of materials and parking.

8. In order to comply with Section 98-875 (5) a minimum 50′ foot setback from solar equipment to the property line shall be provided around the perimeter of the Project where it is adjacent to property not owned by the same property owner as covered in the CUP at the time of the approval by the Board of Supervisors. Within the buffer, in areas where there is not at least 15′ of native timber remaining on the project parcel, a single row of evergreens will be planted within the 50 foot setback where there is an adjacent property with an existing residence. Such evergreens shall be planted on fifteen (15) foot centers and shall be a Meyers Spruce tree or other

similar tree (which alternative tree shall be subject to the prior written approval of the Planning Department), and the evergreen installed shall have an anticipated five year height of six (6) to eight (8) feet after planting and an anticipated mature height of thirty (30) to forty (40) feet. This requirement may be reduced or waived if agreed to, in writing, by the owner of the residence. The security fence and project roads may be located within the setbacks. During construction the setback may be used for the staging of materials and parking.

9. In order to comply with Section 98-875 (5), a minimum 50′ setback from any solar structure to any public right of way where the Project is adjacent to a public right of way shall be provided. Along public right of ways low growing evergreen vegetation with an anticipated five year height of three (3) to five (5) feet after planting and a mature height of no more than seven (7) to ten (10) feet shall be planted and/or/or in combination with a berm of sufficient height to block the view of the solar equipment, when standing at the edge of the public right of way at a height of 5′, in accordance with a landscape plan approved by the zoning administrator per the requirement of Sec 98-875 (a)(12). This requirement may be reduced or waived if agreed to, in writing, by the zoning administrator. The security fence and project roads may be located within the setbacks. During construction the setback may be used for the staging of materials and parking.

10. The Applicant shall install a security fence around the solar energy farm that is a minimum six (6) feet in height.

11. All solar panels will use anti-reflective coatings to help prevent glare.

12. No aspect of the solar farm shall exceed 25 feet in height, as measured from grade at the base of the structure to its highest point. Such height restriction shall not apply to electrical distribution or transmission lines.

13. Construction lighting shall be minimized and shall be directed downward. Post- construction lighting shall be limited to security lighting only.

14. If the solar energy farm is inactive, completely or substantially discontinuing the delivery of electricity to an electrical grid for a continuous twenty-four (24) month period it shall be considered abandoned. The Applicant shall provide notice to County Staff immediately upon the site becoming inactive and/or shutting down operation. The current owner of the Project ("Project Owner") shall remove the facilities ("decommissioning") within six (6) months of receipt of notice from the County ("County Notice"). If the facility is not removed within the specified time after the County Notice, the County may cause the removal of the solar energy farm with costs being borne by the Project Owner. Unless the solar energy farm is owned by a public utility in the Commonwealth of Virginia, the net costs of decommissioning shall be secured by an adequate surety in a form agreed to by the County Attorney, including but not limited to a letter of credit, cash, or a guarantee by an investment grade entity, posted within 30 days of the project receiving its occupancy permit or equivalent from the County. If the solar energy farm is sold to any entity that is not a public utility, the CUP shall not transfer to the purchaser until such time as the adequate surety is provided. If a surety is required, the cost estimates of the decommissioning shall be updated every five (5) years and provided to the County. At its option, the County may require the surety amount be increased based on the net cost of decommissioning.

15. The Applicant shall coordinate with the County's emergency services staff to provide materials, education, and/or training to the departments serving the solar energy farm in regard to how to safely respond to on-site emergencies.

16. Access roads are to be marked by the Applicant with identifying signage.

17. A Construction Traffic Management Plan and mitigation measures shall be developed by the Applicant and submitted to the Virginia Department of Transportation (VDOT) and the County of New Kent for review. The Plan shall address traffic control measures, a pre- and post-construction road evaluation, and any necessary repairs to the public road that are required as a result of damage from the Project. If a traffic issues arises during the construction of the Project, the Applicant shall develop with input from the County and VDOT appropriate measures to mitigate the issue.

18. A building permit shall be obtained within three years of CUP approval or this CUP shall be null and void.

SUGGESTED MOTIONS

FOR APPROVAL AS IS:

"In order to address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County, I move that the Planning Commission adopt Resolution No. PC-06-16 to forward Application CUP-02-16 to the New Kent County Board of Supervisors with a favorable recommendation, as it complies with the requirements of the Zoning Ordinance and is substantially in accord with the Comprehensive Plan."

FOR APPROVAL WITH CHANGES:

"In order to address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County, I move that the Planning Commission adopt Resolution No. PC-06-16 to forward Application CUP-02-16 with the following changes: _____ _____ to the New Kent County Board of Supervisors with a favorable recommendation, as it complies with the requirements of the Zoning Ordinance and is substantially in accord with the Comprehensive Plan."

TO RECOMMEND DENIAL:

I move to forward Application CUP-02-16 to the New Kent County Board of Supervisors with an unfavorable recommendation for the following reasons:

a. _____

b. _____

c. _____

Attachments:

- Reviewing Agencies comment letters
- Application CUP-02-16
- Advertisement & Adjacent Property Owners List
- Resolution, PC-06-16

Copies to:

* Applicant
* File

Print Form

RECEIVED
APR 18 2016
NEW KENT COUNTY
COMMUNITY DEVELOPMENT

CONDITIONAL USE PERMIT (CUP) APPLICATION

County of New Kent, Virginia
Planning Department
Web site: www.co.new-kent.va.us/planning

New Kent County ♦ Community Development Department-Planning ♦ P O Box 50 ♦ New Kent, VA 23124 ♦ Phone 804-966-9690 ♦ Fax 804-966-8531
Use P O Box for all mail. Street address: 12007 Courthouse Circle, New Kent, VA 23124 FOR DELIVERIES ONLY

DESCRIPTION OF PROPERTY

Tax Map Parcel Number(s): 37/ / 50/ / Total Lot Area (Acres): 307.78
GPIN: G29-2578-3576
Property street address: BARHAM RD across the street from 5241
Current Zoning: A1 Proposed Zoning: A1
Current Use: Timber Proposed Use: Solar facility
Does proposed zoning/use include entire property? [ ] YES [X] NO
If no, how much will be used for proposed use? 264

OFFICE USE ONLY
DO NOT WRITE IN THIS BOX
Application No: CUP-02-16
AFD Status: Nahrani Swamp
Date Received: 4-18-16
Tax Receipts: Yes No
Fee Amount: $23,085.00
Staff Initials: LGR

PROPERTY OWNERS INFORMATION

Name: GILMAN LAND &. TIMBER LLC
Address: 13423 FARRINGTON RD
City: ASHLAND State: VA Zip: 23005
Telephone: Work: 804 799 7812 Home:
Cellular/Pager: Fax:
E-mail Address:

APPLICANT'S INFORMATION

Name: Virginia Solar - Matthew Meares
Address: 12610 Lizfield Way
City: Glen Allen State: VA Zip: 23059
Telephone: Work: 919 807 1873 Home:
Cellular/Pager: 919 649 6503 Fax:
E-mail Address: matthew@sunworksncllc.com

AGENTS INFORMATION

Name:
Address:
City: State: Zip:
Telephone: Work: Home:
Cellular/Pager: Fax:
E-mail Address:

WATER/SEWER SUPPLY

☐ Public Water ☐ Public Sewer ☐ Well ☐ Septic
☐ Other:

As part of the submission, the follo ; questions must be answered in detail in (ative form. Answers of "Yes" or "No" are **NOT ACCEPTABLE** and the application is not complete until 25 copies of this narrative have been submitted.

1. Describe in detail, the proposed use(s) of the property.
2. Describe in detail, how the proposed use may impact surrounding properties. Please relate your response to the existing zoning and land uses in the area, plus the characteristics of the proposed use—hours of operation, activity levels, appearance, etc.
3. Describe the proposed water and wastewater utility infrastructure including sources, discharges, permits, construction, ownership, and maintenance responsibilities.
4. Describe the environmental impact of the proposed development and the efforts to be undertaken to abate air, water, noise, stormwater, and other environmental impacts during and after construction.
5. Describe what techniques will be used to control traffic flow and what impacts the proposed use will have on existing roadways and provide a professionally prepared traffic impact analysis for any development expected to generate 1,000 vehicle trips per day or more.
6. Describe the impact of the proposed use on New Kent County's Schools.
7. Describe the impact of the proposed use on New Kent County public services—water service, wastewater disposal, solid waste disposal, fire, rescue, law enforcement, libraries, etc.
8. Describe the impact the proposed use(s) will have on any historic sites or structures on the property or in the vicinity.
9. Describe the impact the proposed use(s) will have on any rare, endangered, or irreplaceable species or natural areas.
10. Describe the impact the proposed use(s) will have on the scenic or natural beauty of the County.

For those plans requiring review by the Planning Commission, the applicant shall, in addition to the plan sheets required above, submit an overall plan on one (1) or more eleven inch by seventeen inch (11" x 17") reproducible sheets and shall provide sufficient copies of larger plan sheets as required for the Planning Commission distribution list of twelve (12). In addition, the applicant shall provide electronic copies of all applicable documents.

I/We as the property owner/applicant/agent give permission for County personnel to enter subject properties in relation to the administration of this application and to any applicable New Kent County, State of Virginia or U.S. Federal Government regulations. Additionally, if the County Planning Department deems it necessary for an outside agency or organizations (review any technical part of this application, I/we agree to reimburse the County for all costs associated with such outside reviews and consultation within 15 business days of being billed by the County.

Property Owner Signature: William B [illegible] Date: 04/15/2016

Property Owner Signature: _____ Date: _____

Property Owner Signature: _____ Date: _____

Applicant/Agent Signature: [illegible] Date: 4/18/16

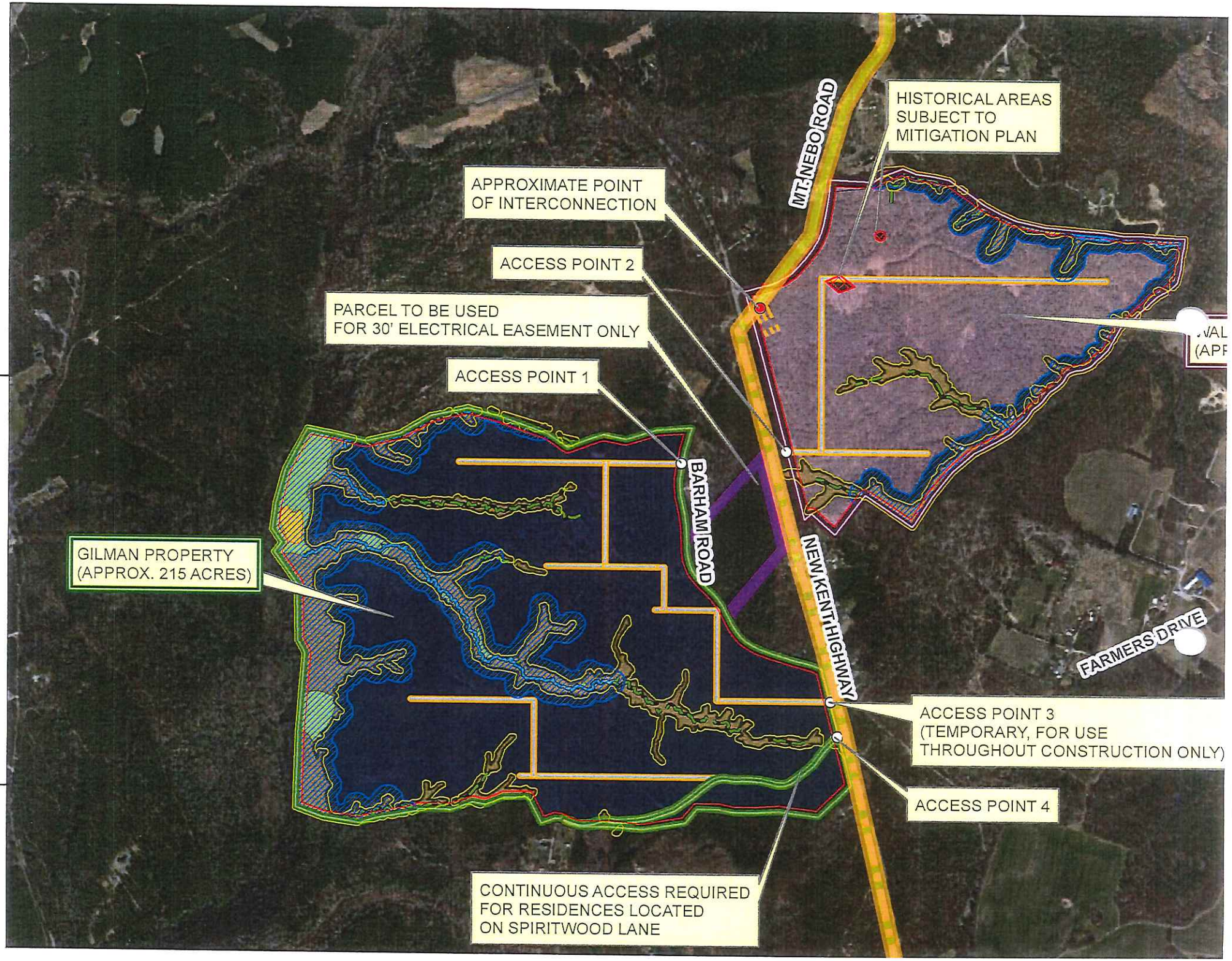
Applicant/Agent Signature: _____ Date: _____

All property owners must sign the application

FEES

The fees for this application consist of an application fee and a Map Maintenance fee (*see below for calculations*). The fee for this application is ***$1600.00 plus $40.00 per acre/fraction.*** Make checks payable to *Treasurer of New Kent County*. **Fees must be submitted at time of application.**

Fee:	$ 1600.00
+ $40.00 per acre(fraction),	
Number of acre(fraction): _____ x $40=	$ _____
Map Maintenance Fee:	$ 35.00
+ $10.00 per acre(fraction),	
Number of acres(fraction): _____ x $10=	$ _____
Total Due:	$ _____


HISTORICAL AREAS SUBJECT TO MITIGATION PLAN
MT. NEBO ROAD
APPROXIMATE POINT OF INTERCONNECTION
ACCESS POINT 2
PARCEL TO BE USED FOR 30' ELECTRICAL EASEMENT ONLY
ACCESS POINT 1
BARHAM ROAD
GILMAN PROPERTY (APPROX. 215 ACRES)
NEW KENT HIGHWAY
FARMERS DRIVE
ACCESS POINT 3 (TEMPORARY, FOR USE THROUGHOUT CONSTRUCTION ONLY)
ACCESS POINT 4
CONTINUOUS ACCESS REQUIRED FOR RESIDENCES LOCATED ON SPIRITWOOD LANE

New Kent
COUNTY · VIRGINIA
A GREAT PLACE TO GROW

AGRICULTURAL AND FORESTAL DISTRICT (AFD) APPLICATION
PLANNING DIVISION
County of New Kent, Virginia
Web site: www.co.new-kent.va.us

OFFICE USE ONLY *DO NOT WRITE IN THIS BOX*	
Application #:	AFD- 019-16
Date Received:	9-13-16
Application Fee:	$ 103.75
Effective date for tax Purposes:	

New Kent County ◊ Community Development Department-Planning ◊ PO Box 150 ◊ New Kent, VA 23124 ◊ Phone 804-966-8580 ◊ Fax 804-966-8531
Use PO Box for all mail. Street address: 12007 Courthouse Circle, New Kent, VA 23124 FOR DELIVERIES ONLY

PROCEDURES FOR CREATION WITHDRAWL FROM AN AFD

1. The applicant shall prepare an application, including all required information. Applications will not be accepted if the application does not have the following.
   - ☑ a. Completed form, including tax parcel, g-pin number and proper signature(s).
   - ☑ b. Adjacent property owners list certified by the Commissioner of Revenue.
   - ☑ c. The required fee payment of $50.00 per parcel plus $0.25 per acre, up to a maximum of $500.00; this must be remitted with your application.
   - ☑ d. The required maps.

   When the fee is paid, the application will be accepted if complete.

   Staff will review the application to verify its completeness. Any omission, incorrect, or incomplete information can delay the processing of an application, so the staff will notify the applicant if any items are so affected. A specific deadline for submittal or missing or incomplete information will be set. Applications will be deferred for processing if the requested information is not provided by the deadline specified.

   Once the staff has completed its preliminary review of the application, the application is certified as being ready for Board of Supervisors review and is placed on the Board's agenda. The applicant is notified by letter of the date of the meeting.
2. Upon the receipt of an application, the Board of Supervisors shall refer it to the Planning Commission.
3. The Planning Commission shall post and publish the appropriate notices required under Section 15.2-4307 of the Code of Virginia.
4. After the initial thirty (30) day period has expired, the Planning Commission shall refer the matter to the AFD Advisory Committee for recommendations.
5. After receipt of recommendation of the AFD Advisory Committee, the Planning Commission shall hold a public hearing.
6. Within thirty (30) days of holding its public hearing, the Planning Commission shall forward its recommendation to the Board of Supervisors. The report will include, but not be limited to the potential effect of the district and proposed modifications upon the County's planning policies and objectives.
7. The Board will then hold a public hearing on the application.

A copy of this completed form and required maps shall be submitted by the applicant landowners of the local governing body.

TO BE COMPLETED BY PROPERTY OWNER

PROPERTY OWNER(S)

Name(s): Gilman Land & Timber, LLC
Address: 13423 Farrington Road
City: Ashland State: Virginia Zip: 23005
Phone: 804 798 - 7812 Fax: 804-798-7813
Email: GILMANLOGGING@VERIZON.NET

PROPERTY INFORMATION

Name of District being Withdrawn from: Wahrani Swamp - (expires 8-31-19)
Reason for Request of Withdrawal: land use change - remove 215 acres
Tax Assessor's Map and Parcel No.(s): PID#639 & TM# 37-50 Acreage(s): 307.78
GPIN(s): 629-2578-3576
Deed Book/Plat Book Reference No.(s): 462 | 956
Number of Dwellings on Parcel(s): zero; vacant land
No. and Types of Other Buildings/Improvements on Parcel(s): zero; vacant land

Acres Devoted to Pasture: 0
Acres Devoted to Marsh/Wetlands: 30
Acres Devoted to Tilled Cropland: 0
Acres Devoted to Timer: 277.78
Current Assessed Value: $960,000.00
Current Zoning: A-1

(Above information is available from the Commissioner of Revenue)

Comprehensive Plan Designation: Rural Lands

(Available from the Planning Department)

William B Gilman — 9/13/16 — William B. Gilman

Signature of Property Owner — Date — Printed Name of Property Owner

Signature of Property Owner — Date — Printed Name of Property Owner

ADJACENT PROPERTY OWNERS

Applicant's Statement:
I hereby certify that the names and addresses below are those of the adjacent property owners listed in the current tax records of the Commissioner of Revenue of New Kent County and surrounding municipalities. Adjacent property includes all property across roadways (public and private), watercourses, railroads, and/or municipal boundaries.

William B. Gilmer 9/13/16
Signature Date

Signature Date

	Tax Map & Parcel Number	Name	Address (include City, State & Zip)
1.	37-83 3624	Treazure R. Johnson	PO Box 793 West Point, VA 23181
2.	37-84 347	Sarah H + R.T. Armistead 207 W Duke of Gloucester St	Williamsburg 23188
3.	37-41 * 5292	NKI Abbitt LLC, Beverly L Heath Sr and Ronald Blackburn	11835 Fishing Point Dr #101 Newport News 23606
4.	37-49 3150	Thomas Lee Heacox	PO Box 111 Barhamsville, 23011
5.	37-56 1193	Gloria M. Miles 611 Cicero Dr.	Ruther Glen 22546
6.	37-56A 103482	Robin M + Melvin N Allen	PO Box 226 Barhamsville 23011
7.	37-57 6771	Hunt Walker Properties, LLC 10809 Branberry Ln	Henrico, 23233
8.	37-54 3086	Mathew Starr	119 W Williamsburg Rd Sandston 23150
9.	37-52 888	Proclaiming Grace Outreach 20051 Tabernacle Rd	Barhamsville 23011
10.	37-51 6412	Ethel Taylor 18076 New Kent Hwy	Barhamsville 23011
11.	37-62 4251	Allan Gerard Manning	PO Box 172 Barhamsville 23011
12.	37-62A 3815	Sherri L. Workman	PO Box 13 Barhamsville 23011
13.	37-62B 4249	Wendy Grygier 18168 New Kent Hwy	Barhamsville 23011
14.	37-1-2 2525	Dorothy Boroughs Fomica 906 Yardarm Ln	Annapolis, MD 21401
15.	37-1-3 676	Russell T. Norton 4701 Barham Rd	Barhamsville 23011
16.	37-69 5597	Carolyn B. Richardson 130 Spring Place Way	Annapolis, MD 21401-7866
17.	37-66 4627	Grace R Owen 46 W Village Rd	Newark, DE 19713-3844
18	37-70 * 7222	Baker Heating + Air Conditioning Inc 2301 Wakema Rd	West Point 23181
19.	37-70A 4196	Melissa R Burnett 111 Anthony Wayne Rd	Williamsburg 23185
20.	37-70B 6225	Robert C Starr PO Box 141	Wachapreague, VA 23480
21.	37-71 * 722D	Baker Heating + Air Conditioning Inc 2301 Wakema Rd	West Point 23181
22.	37-72 * 1289	Richard F Abbitt Investments LC + Ronald D Blackburn	11835 Fishing Point Dr #101 Newport News VA 23606
23.	37-73 653	Anthony W Cuffe + Sarah Brocious 18235 Spiritwood Ln	Barhamsville 23011
24.	37-74 9089	Jesse Gene Moseley 18225 Spiritwood Ln	Barhamsville 23011
25.	37-75 * 892	Ronald D Blackburn PO Box 147	Barhamsville VA 23011

See attached . . .

Adjacent Property Owners Continued from Page 3.

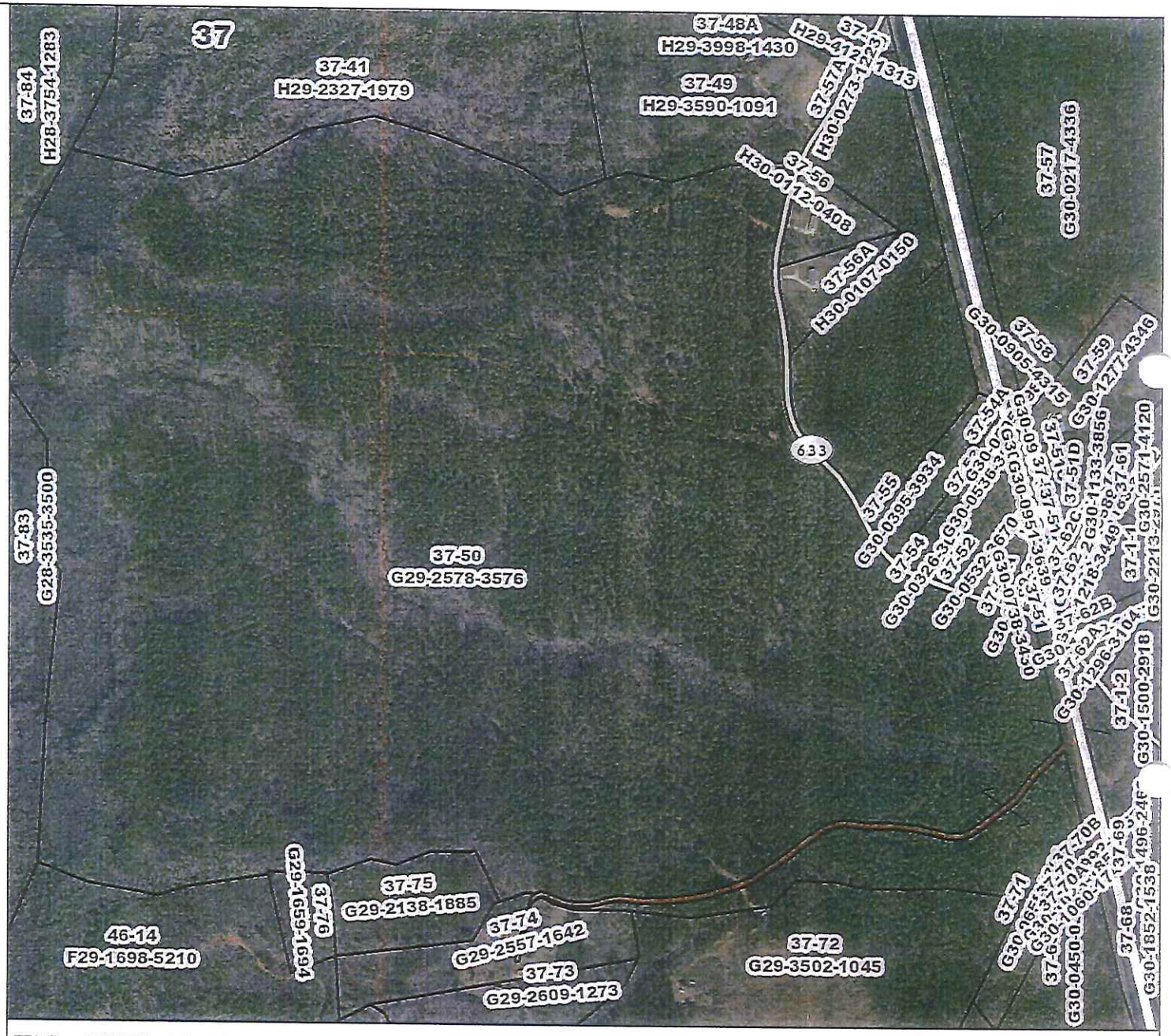
26. 37-76 * 6228 Ronald D Blackburn PO Box 147 Barhamsville 23011

27. 46-14 7360 Mary J Potts Trustee + James L Selsor Trustee
838 W Stevens Rd
Palm Springs, CA 92262

New Kent County, Virginia

Legend

- Area County Boundaries
- Parcels
- Parcel Labels 1:18,000
- Hooks
- Subdivisions
- Tax Map 600 Scale Grid
- Routes
- INTERSTATE
- US HIGHWAY
- VA PRIMARY
- VA SECONDARY
- PRIVATE
- PAPER
- INSTITUTIONAL PROPERTY
- ISFR
- RAMP
- CROSSOVER
- Ancillary Roads
- Railroads



Feet

0 200 400 600 800

1:10,000 / 1"=833 Feet

Title: TM#: 37-50, Gilman Land & Timber, LLC

Date: 9/8/2016

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

New Kent County , Virginia

Legend

- Area County Boundaries
- Parcels
- Parcel Labels 1:2400
- Hooks
- Subdivisions
- Tax Map 600 Scale Grid

Routes

- INTERSTATE
- US HIGHWAY
- VA PRIMARY
- VA SECONDARY
- PRIVATE
- PAPER
- INSTITUTIONAL PROPERTY
- ISFR
- RAMP
- CROSSOVER
- Ancillary Roads
- Railroads

AFD Parcels

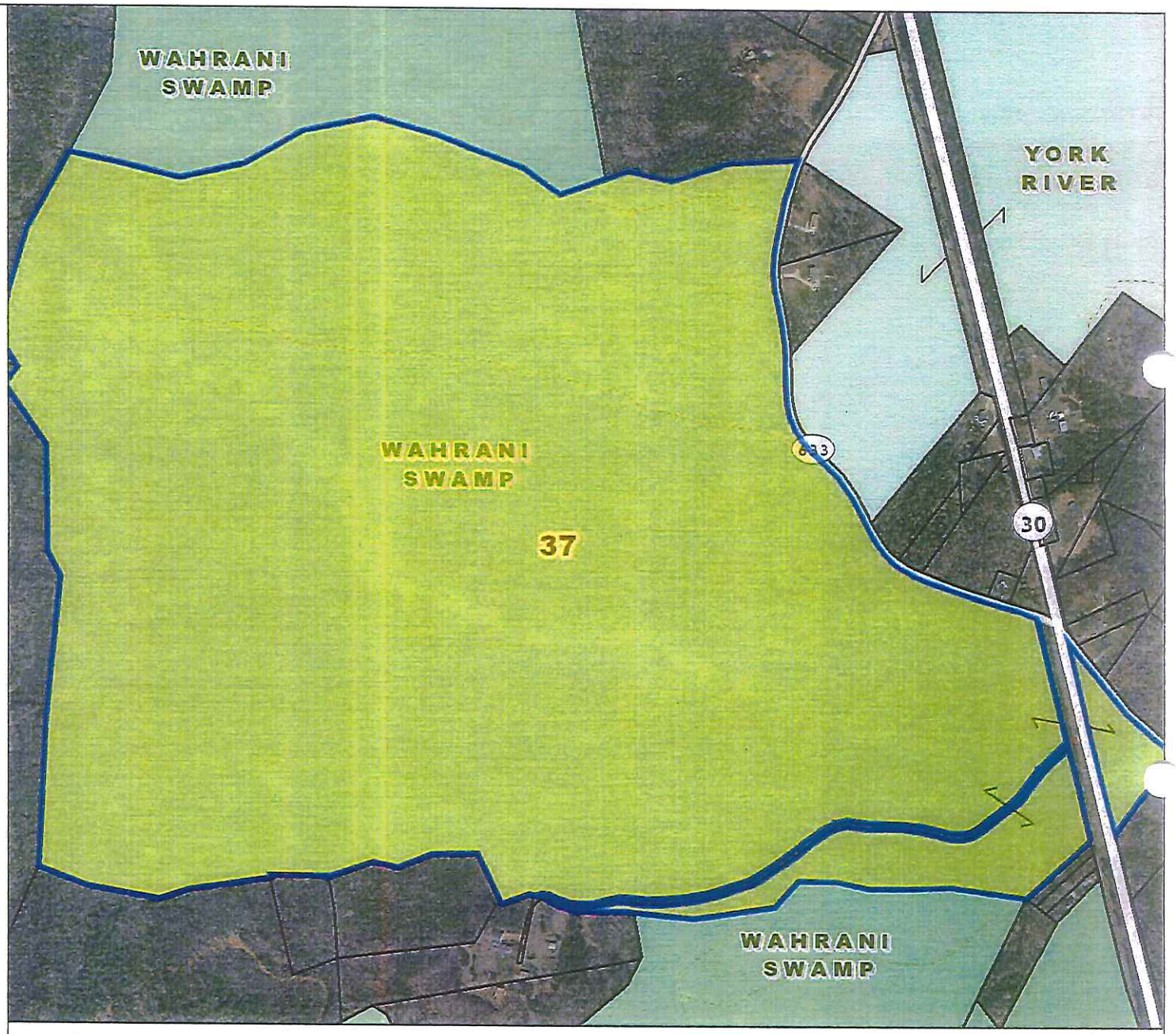
- <Null>
- ALLENS RUN
- BIG SWAMP
- BLACK CREEK
- CATTAIL SWAMP
- COOKS MILL
- CRUMPS SWAMP
- DIASCUND CREEK
- HIGGINS SWAMP
- HOLTS CREEK
- LOWER CHICKAHOMINY
- MILL CREEK
- PAMUNKEY RIVER
- PELHAM SWAMP
- PUTNEY CREEK
- SCHIMMOR CREEK

Feet

0 200 400 600 800

1:10,000 / 1"=833 Feet

- YORK RIVER



Title: Wahrani Swamp AFD, TM#: 37-50

Date: 9/8/2016

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

AFD Name

- ALLENS RUN
- BIG SWAMP
- BLACK CREEK
- CATTAIL SWAMP
- COOKS MILL
- CRUMPS SWAMP
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- SCHIMINOE CREEK
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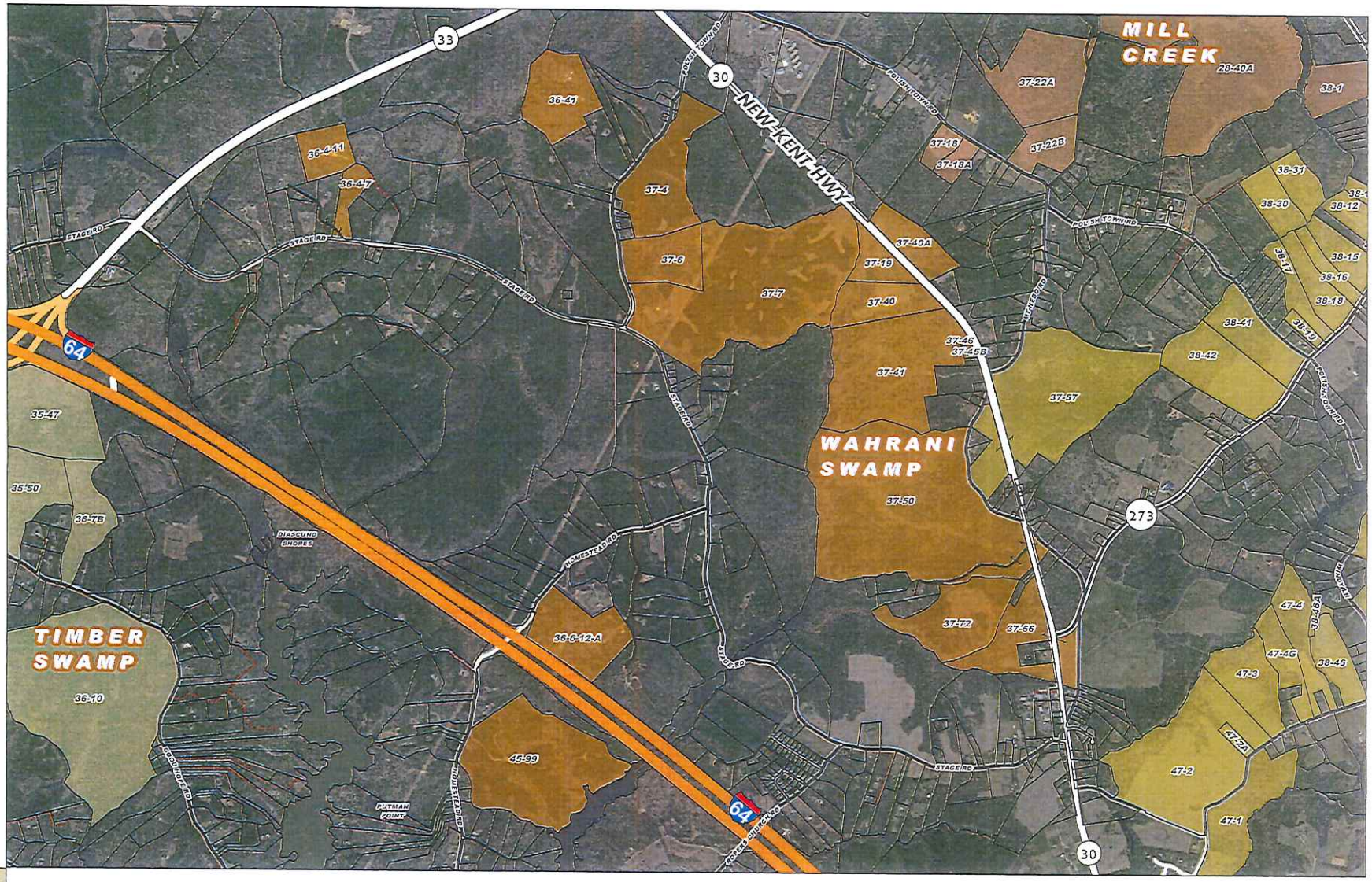
- UPPER CHICKAHOMINY
- WAHRANI SWAMP
- YORK RIVER
- Parcels
- Land Hooks



N

0 0.25 0.5 1 1.5 2 Miles

Wahrani Swamp AFD 2016

New Kent COUNTY VIRGINIA

Date: 8/18/2016

Disclaimer:The County of New Kent assumes no liability either for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user in reliance upon any maps or information provided herein. Aerial Imagery 2013 Commonwealth of VA. Created by the New Kent GIS Office

Document Path: G:\Planning\Environmental\AFD\Wahrani Swamp AFD 2016.m

BARHAM RD

Location	BARHAM RD	**Map#**	37/ / 50/ /
Acct#	37 50	**Owner**	GILMAN LAND & TIMBER LLC
Assessment	$960,000	**PID**	639
Subdivision	DILLARDS	**AFD**	AFD
Description	307.78 AC PB 20/95	**Legal**	LOT A=305; LOT B=2.78
Area	N	**Class**	6
AFD Name	WAHRANI SWAMP	**AFD Expiration**	8/31/2019

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2016	$0	$960,000	$960,000

Owner of Record

Owner	GILMAN LAND & TIMBER LLC	**Sale Price**	$0
Co-Owner		**Book & Page**	462/956
Address	13423 FARRINGTON RD ASHLAND, VA 23005	**Sale Date**	02/17/2006

Ownership History

Ownership History			
Owner	Sale Price	Book & Page	Sale Date
GILMAN LAND & TIMBER LLC		462/956	02/17/2006
GILMAN WILLIAM B & FRANCES R	$586,000	250/387	10/02/1997
UNKNOWN	$586,000	1/1	10/02/1997
BLAND ROBERT POINTER	$0	1/1	

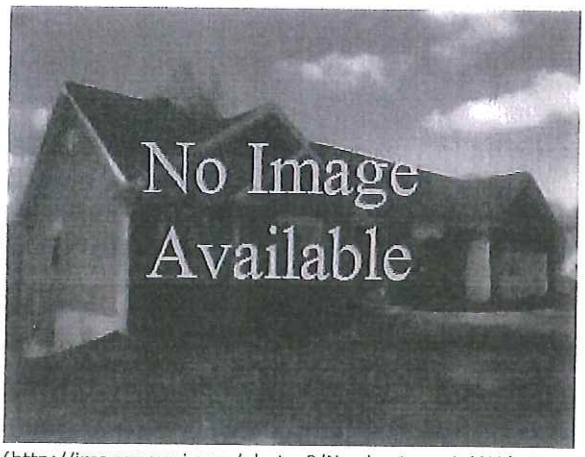
Building Information

Building 1 : Section 1

Year Built:
Living Area: 0
Building Percent Good:
Replacement Cost Less Depreciation: $0

Building Attributes	
Field	Description
Style	Vacant Land
Model	
Grade:	
Exterior Wall 1:	
Exterior Wall 2:	
Roof Structure:	
Roof Cover:	
Interior Wall 1:	
Interior Wall 2:	
Interior Flr 1:	
Interior Flr 2:	
Heat Fuel:	
Heat Type:	
AC Type:	
Total Bedrooms:	
Total Bathrooms:	
Total Half Baths:	
Extra Kitchens:	
Extra Heat Pump:	
Total Fireplaces:	
Fireplace Type:	
Neighborhood:	
Utilities:	

Building Photo



(http://images.vgsi.com/photos2/NewkentcountyVAPhotos//default.jpg)

Building Layout

Building Layout

Building Sub-Areas (sq ft)	Legend
No Data for Building Sub-Areas	

Extra Features

Extra Features	Legend
No Data for Extra Features	

Parcel Information

Use Code	1061
Description	SITE ND FO
Deeded Acres	307.78

Land

Land Use

Use Code	1061
Description	SITE ND FO
Zone	A1
Neighborhood	EASTERN
Category	

Land Line Valuation

Size (Acres)	307.78
Assessed Value	$960,000

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2016	$0	$960,000	$960,000
2015	$0	$996,300	$996,300
2013	$0	$918,200	$918,200

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New Kent
COUNTY · VIRGINIA
COMMUNITY DEVELOPMENT

DATE: October 6, 2016

TO: Agricultural & Forestal District Advisory Committee

FROM: Sheri Wood, Community Development Sheri Wood

RE: **AFD-020-16**, Withdrawal of land from the **York River** AFD

REQUEST

The applicant, Mr. Baker Martin Walker of Hunt Walker Propeties, LLC has sumitted an application to withdraw approximately 130 acres from his 176.87 acre parcel of land located in the **York River** Agricultural and Forestal District (AFD). The **York River** AFD currently consists of 55 parcels totaling approximately 3,063 acres and is not set to expire until August 31, 2020. The land is now subject to a recently approved Conditional Use Permit allowing the construction of a Solar Site consisting of a 20 mega-watt solar photovoltaic electricity generating facility. For relevant background information; a copy of the May 16, 2016 Memo regarding the Conditional Use Application Number CUP-02-16 and the application are included in your meeting packet.

PUBLIC HEARINGS (Tentative)

Planning Commission:	November 21, 2016
Board of Supervisors:	December 12, 2016

PROPERTY INFORMATION

Tax Map Parcel:	37-57
GPIN #:	G30-0217-4336
Total Acreage:	176.87
Dwellings on Parcel:	None
Zoning:	A1
Future Land Use Designation:	RURAL LANDS
Current assessed value:	$ 632,600.00
Public Utilities:	NONE

LAND USE

Acres Devoted to Pasture:	0
Acres Devoted to Marsh/Wetlands:	0
Acres Devoted to Tilled Cropland:	0
Acres Devoted to Timber:	176.87

PROPOSED LAND USE

Acres Proposed for Solar Site:	130

LOCATION

The York River District is in far the Northeastern corner of the County. James City County borders it to the East and the York River to the North. State Route 639 (Mt. Nebo Road) lies to the north of the proposed withdrawal parcel, 37-57. State Route 30 (New Kent Highway) intersects the parcel on the eastern side. The associated maps are included in the application packet.

COMPREHENSIVE PLAN

The property is designated as RURAL LANDS in the Comprehensive Plan. The project meets the desired goals of the Comprehensive Plan by preserving the County's existing rural character, protecting the natural environment, and promoting sustainable alternate energy sources which

consider developing policies to allow for small-scale wind and solar energy projects as a matter of right subject to meeting reasonable performance standards.

STATE AND COUNTY CODE REGARDING AFD WITHDRAWALS

Section 62-44 of the Codified Ordinance of New Kent County, titled 'Withdrawal of land from a district; termination of a district', provides that any owner of land lying in such district may request in writing the withdrawal of all or part of his land from the district, which, under Section 15.2-4314 of the Code of Virginia of 1950, may be permitted "for good and reasonable cause". A copy of both of the New Kent County Code and Code of Virginia are included in your meeting packet for review.

RECOMMENDATION

By removing this piece of this land from the AFD program, a portion of the parcel could be developed into a Solar Site consisting of a 20 mega-watt solar photovoltaic electricity generating facility which will be designed in accordance with federal, state and local standards. The development intensity of the parcel will remain low with the installation of solar panels and no additional housing.

The developer, Virginia Solar, LLC, intends to enter into an agreement with the landowner, Baker Martin Walker, to lease this land for such purpose and pay all associated roll-back taxes related to the early withdrawal. A conditional use permit number CUP-02-16 has been approved by the Board of Supervisors and a copy of resolution number R-14-16 is included in your meeting packet.

The request appears to comply with the requirements of State and County codes regulating AFDs. The request also supports the process of allowing roll-back taxes to be collected by the Commissioner of Revenue in light of the approved Board resolution number R-14-16.

Staff finds the proposed development to be consistent with the County's Future Land Use Comprehensive Plan and offers a favorable recommendation for application **AFD-020-16** with no adverse effect to public safety or the remaining parcels within the special use district.

SUGGESTED MOTIONS

_____I move to forward a favorable recommendation to the Planning Commission and Board of Supervisors to approve application **AFD-020-16**, a request by the applicant to withdraw approximately 130 acres from tax map parcel 37-57, GPIN G30-0217-4336 from the **York River** AFD:

or

_____I move to send an unfavorable recommendation to the Planning Commission and Board of Supervisors for the approval of application **AFD-020-16** for the following reasons:

_____

_____

Charles Moss, Chairman Date
AFD Advisory Committee

Attachments: Planning Commission Memo regarding CUP-02-16 dated 5/16/16
Application CUP-02-16 dated 4/18/16
Application AFD-020-16 dated 9/13/16 with maps
New Kent County Code Section 62-44
Code of Virginia Section 15.2-4314
Board of Supervisors Approved Resolution R-14-16

Print Form

CONDITIONAL USE PERMIT (CUP) APPLICATION

County of New Kent, Virginia
Planning Department
Web site: www.co.new-kent.va.us/planning

New Kent County ♦ Community Development Department-Planning ♦ P O Box 50 ♦ New Kent, VA 23124 ♦ Phone 804-966-9690 ♦ Fax 804-966-8531
Use P O Box for all mail. Street address: 12007 Courthouse Circle, New Kent, VA 23124 FOR DELIVERIES ONLY

DESCRIPTION OF PROPERTY

Tax Map Parcel Number(s): 37/ / 57/ / Total Lot Area (Acres): 176.87
GPIN: G30-0217-4336
Property street address: SE lot at intersection of Mt. Nebo Rd. and New Kent HWY
Current Zoning: A1 Proposed Zoning: A1
Current Use: Timber Proposed Use: Solar facility
Does proposed zoning/use include entire property? [ ] YES [X] NO
If no, how much will be used for proposed use? 165.00

OFFICE USE ONLY *DO NOT WRITE IN THIS BOX*

Application No: CUP-02-16
AFD Status: York River
Date Received: 4-18-16
Tax Receipts: Yes No
Fee Amount: $23,085.00
Staff Initials: [illegible]

PROPERTY OWNERS INFORMATION

Name: HUNT WALKER PROPERTIES LLC – Baker Walker
Address: 10809 BRANBERRY LN
City: HENRICO State: VA Zip: 23233
Telephone: Work: Home:
Cellular/Pager: 804 270 1314 Fax:
E-mail Address:

APPLICANT'S INFORMATION

Name: Virginia Solar - Matthew Meares
Address: 12610 Lizfield Way
City: Glen Allen State: VA Zip: 23059
Telephone: Work: 919 807 1873 Home:
Cellular/Pager: 919 649 6503 Fax:
E-mail Address: matthew@sunworksncllc.com

AGENTS INFORMATION

Name:
Address:
City: State: Zip:
Telephone: Work: Home:
Cellular/Pager: Fax:
E-mail Address:

WATER/SEWER SUPPLY

☐ Public Water ☐ Public Sewer ☐ Well ☐ Septic
☐ Other:

As part of the submission, the following questions must be answered in detail in narrative form. Answers of "Yes" or "No" are **NOT ACCEPTABLE** and the application is not complete until 25 copies of this narrative have been submitted.

1. Describe in detail, the proposed use(s) of the property.
2. Describe in detail, how the proposed use may impact surrounding properties. Please relate your response to the existing zoning and land uses in the area, plus the characteristics of the proposed use—hours of operation, activity levels, appearance, etc.
3. Describe the proposed water and wastewater utility infrastructure including sources, discharges, permits, construction, ownership, and maintenance responsibilities.
4. Describe the environmental impact of the proposed development and the efforts to be undertaken to abate air, water, noise, stormwater, and other environmental impacts during and after construction.
5. Describe what techniques will be used to control traffic flow and what impacts the proposed use will have on existing roadways and provide a professionally prepared traffic impact analysis for any development expected to generate 1,000 vehicle trips per day or more.
6. Describe the impact of the proposed use on New Kent County's Schools.
7. Describe the impact of the proposed use on New Kent County public services—water service, wastewater disposal, solid waste disposal, fire, rescue, law enforcement, libraries, etc.
8. Describe the impact the proposed use(s) will have on any historic sites or structures on the property or in the vicinity.
9. Describe the impact the proposed use(s) will have on any rare, endangered, or irreplaceable species or natural areas.
10. Describe the impact the proposed use(s) will have on the scenic or natural beauty of the County.

For those plans requiring review by the Planning Commission, the applicant shall, in addition to the plan sheets required above, submit an overall plan on one (1) or more eleven inch by seventeen inch (11" x 17") reproducible sheets and shall provide sufficient copies of larger plan sheets as required for the Planning Commission distribution list of twelve (12). In addition, the applicant shall provide electronic copies of all applicable documents.

I/We as the property owner/applicant/agent give permission for County personnel to enter subject properties in relation to the administration of this application and to any applicable New Kent County, State of Virginia or U.S. Federal Government regulations. Additionally, if the County Planning Department deems it necessary for an outside agency or organizations review any technical part of this application, I/we agree to reimburse the County for all costs associated with such outside reviews and consultation within 15 business days of being billed by the County.

Property Owner Signature: Barker Martin Realty Managing Member Date: 4/15/2016

Property Owner Signature: _____ Date: _____

Property Owner Signature: _____ Date: _____

Applicant/Agent Signature: [signature] Date: 4/14/16

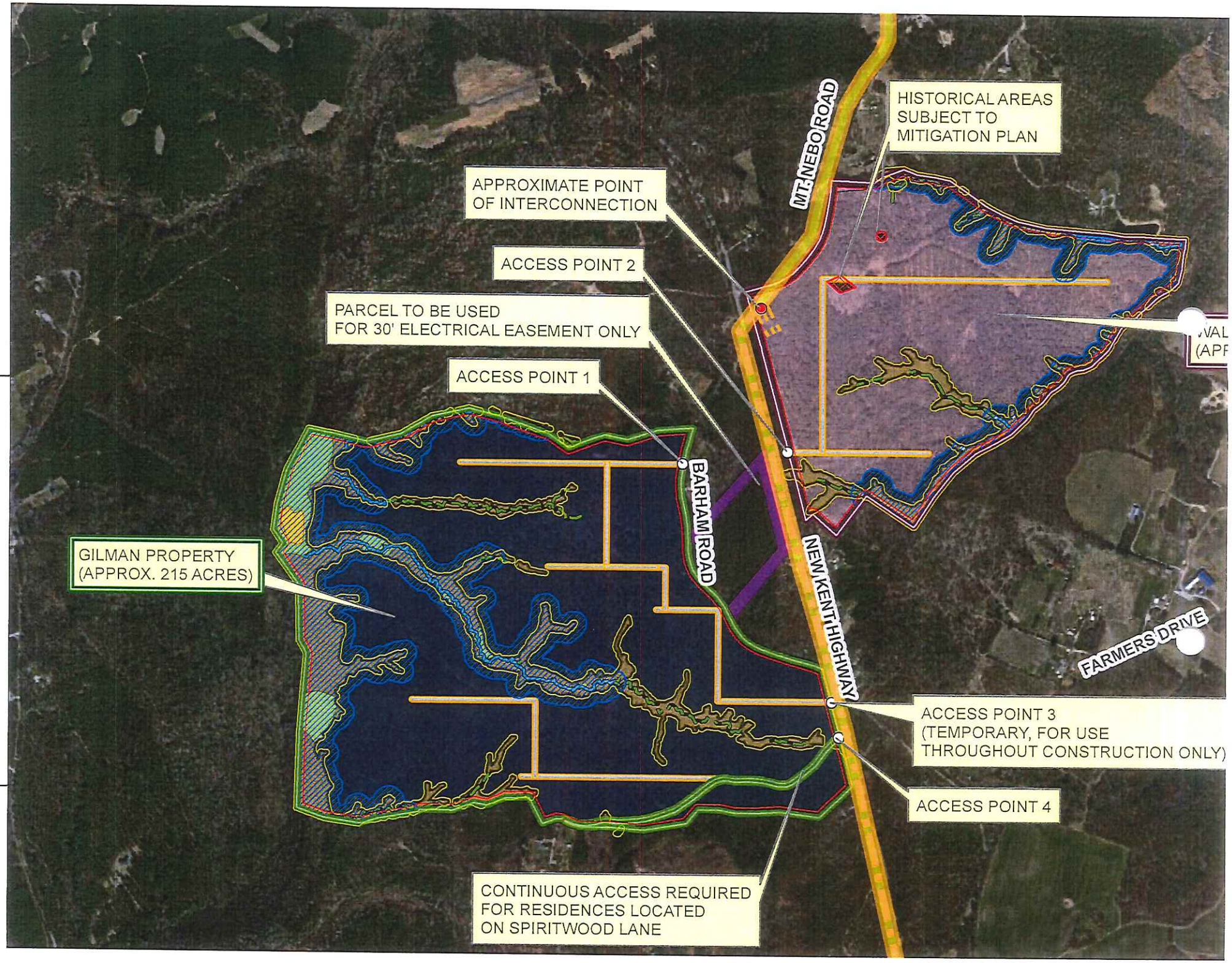
Applicant/Agent Signature: _____ Date: _____

All property owners must sign the application

FEES

The fees for this application consist of an application fee and a Map Maintenance fee (*see below for calculations*). The fee for this application is *$1600.00 plus $40.00 per acre/fraction.* Make checks payable to *Treasurer of New Kent County.* **Fees must be submitted at time of application.**

Fee:	$ 1600.00
+ $40.00 per acre(fraction), Number of acre(fraction): 429 x $40=	$ 17160
Map Maintenance Fee:	$ 35.00
+ $10.00 per acre(fraction), Number of acres(fraction): 429 x $10=	$ 4290
Total Due:	$ 23,085.00


HISTORICAL AREAS
SUBJECT TO
MITIGATION PLAN
MT. NEBO ROAD
APPROXIMATE POINT
OF INTERCONNECTION
ACCESS POINT 2
PARCEL TO BE USED
FOR 30' ELECTRICAL EASEMENT ONLY
ACCESS POINT 1
BARHAM ROAD
NEW KENT HIGHWAY
GILMAN PROPERTY
(APPROX. 215 ACRES)
FARMERS DRIVE
ACCESS POINT 3
(TEMPORARY, FOR USE
THROUGHOUT CONSTRUCTION ONLY)
ACCESS POINT 4
CONTINUOUS ACCESS REQUIRED
FOR RESIDENCES LOCATED
ON SPIRITWOOD LANE

New Kent
COUNTY · VIRGINIA
A GREAT PLACE TO GROW

AGRICULTURAL AND FORESTAL DISTRICT (AFD)
APPLICATION
PLANNING DIVISION
County of New Kent, Virginia
Web site: www.co.new-kent.va.us

OFFICE USE ONLY *DO NOT WRITE IN THIS BOX*	
Application #:	AFD-020-16
Date Received:	9-13-16
Application Fee:	$ 82.50
Effective date for tax Purposes:	

New Kent County ♦ Community Development Department-Planning ♦ PO Box 150 ♦ New Kent, VA 23124 ♦ Phone 804-966-8580 ♦ Fax 804-966-8531
Use PO Box for all mail. Street address: 12007 Courthouse Circle, New Kent, VA 23124 FOR DELIVERIES ONLY

PROCEDURES FOR CREATION WITHDRAWL FROM AN AFD

1. The applicant shall prepare an application, including all required information. Applications will not be accepted if the application does not have the following.
   - ☑ a. Completed form, including tax parcel, g-pin number and proper signature(s).
   - ☑ b. Adjacent property owners list certified by the Commissioner of Revenue.
   - ☑ c. The required fee payment of $50.00 per parcel plus $0.25 per acre, up to a maximum of $500.00; this must be remitted with your application.
   - ☑ d. The required maps.

   When the fee is paid, the application will be accepted if complete.

   Staff will review the application to verify its completeness. Any omission, incorrect, or incomplete information can delay the processing of an application, so the staff will notify the applicant if any items are so affected. A specific deadline for submittal or missing or incomplete information will be set. Applications will be deferred for processing if the requested information is not provided by the deadline specified.

   Once the staff has completed its preliminary review of the application, the application is certified as being ready for Board of Supervisors review and is placed on the Board's agenda. The applicant is notified by letter of the date of the meeting.
2. Upon the receipt of an application, the Board of Supervisors shall refer it to the Planning Commission.
3. The Planning Commission shall post and publish the appropriate notices required under Section 15.2-4307 of the Code of Virginia.
4. After the initial thirty (30) day period has expired, the Planning Commission shall refer the matter to the AFD Advisory Committee for recommendations.
5. After receipt of recommendation of the AFD Advisory Committee, the Planning Commission shall hold a public hearing.
6. Within thirty (30) days of holding its public hearing, the Planning Commission shall forward its recommendation to the Board of Supervisors. The report will include, but not be limited to the potential effect of the district and proposed modifications upon the County's planning policies and objectives.
7. The Board will then hold a public hearing on the application.

A copy of this completed form and required maps shall be submitted by the applicant landowners of the local governing body.

TO BE COMPLETED BY PROPERTY OWNER

PROPERTY OWNER(S)

Name(s): Hunt Walker Properties LLC
Address: 10909 Branberry Lane
City: Henrico State: Virginia Zip: 23233
Phone: 804-270-1314 Fax:
Email: walk10809@gmail.com

PROPERTY INFORMATION

Name of District being Withdrawn from: York River - (expires 8-31-20)
Reason for Request of Withdrawal: land use change - remove 130 Acres
Tax Assessor's Map and Parcel No.(s): PID# 6771 and TM# 37-57 Acreage(s): 176.87
GPIN(s): G30-0217-4336
Deed Book/Plat Book Reference No.(s): 645/1987
Number of Dwellings on Parcel(s): Zero; vacant land
No. and Types of Other Buildings/Improvements on Parcel(s): Zero; vacant land

Acres Devoted to Pasture: 0
Acres Devoted to Marsh/Wetlands: 0
Acres Devoted to Tilled Cropland: 0
Acres Devoted to Timer: 176.87
Current Assessed Value: $632,600.00
Current Zoning: A-1
(Above information is available from the Commissioner of Revenue)
Comprehensive Plan Designation: Rural Lands
(Available from the Planning Department)

Baker Martin Walker, Managing Member
Hunt Walker Properties LLC 9/13/16 BAKER MARTIN WALKER
Signature of Property Owner Date Printed Name of Property Owner

Signature of Property Owner Date Printed Name of Property Owner

ADJACENT PROPERTY OWNERS

Applicant's Statement:
I hereby certify that the names and addresses below are those of the adjacent property owners listed in the current tax records of the Commissioner of Revenue of New Kent County and surrounding municipalities. Adjacent property includes all property across roadways (public and private), watercourses, railroads, and/or municipal boundaries.

Butler Media Walker, Managing Member
Butler Walker Properties LLC 9/13/16
Signature Date

Signature Date

	Tax Map & Parcel Number	Name	Address (include City, State & Zip)
1.	37-35 638	James D. Jenkins	5525 Mt. Nebo Rd Barhamsville 23011
2.	37-34 1295	Beverly + Robert A. Green, Sr.	5750 Laurel Acres Ln Barhamsville 23011
3.	37-33 10971	Natalie + Samuel E. Hyde, Jr.	5550 Laurel Acres Ln Barhamsville 23011
4.	38-42 1910	Ada Isabel White	PO Box 31 Barhamsville 23011
5.	37-60 6773	Gauthier Vineyard, LLC	19665 High Bluff Ln Barhamsville 23011
6.	37-61 664	DL Boroughs + Robert A. Boroughs	4920 Farmers Dr. Barhamsville 23011
7.	37-59 349	Carrie Christine Davis	19631 Tabernacle Rd Barhamsville 23011
8.	37-58 5774	Frederick V Scherberger	18068 New Kent Hwy Barhamsville 23011
9.	37-53 889	Viola B. Cowles	145 Bushsprings Rd Toano 23168
10.	37-55 2210	Alberta L. + Charles O. Elliot	18103 New Kent Hwy Barhamsville 23011
11.	37-50 639	Gilman Land + Timber, LLC	13423 Farrington Rd. Ashland, VA 23005
12.	37-56A 103482	Robin M + Melvin N. Allen	PO Box 228 Barhamsville 23011
13.	37-56 1193	Gloria M Miles	611 Cierro Dr Ruther Glen VA 22546
14.	37-49 3150	Thomas Lee Heacox	PO Box 11 Barhamsville 23011
15.	37-57A 4118	Charles James Lipscomb	5341 Barham Rd Barhamsville 23011
16.	37-48 3989	Ileathia S Pierce	5330 Barham Rd Barhamsville 23011
17.	37-48A 6485	Thomas L Heacox + Brian D Waniewski	PO Box 111 Barhamsville 23011
18	37-47A 3645	Ruby + Calvin Jones	18005 New Kent Hwy Barhamsville 23011
19.	37-47 3680	Joe Jones Est. c/o Evelyn J Anderson	4030 Holly Fork Rd Barhamsville 23011
20.	37-45 2206	Catherine A. Bartlett + Wesley John Morman III	5500 mt Nebo Rd Barhamsville 23011
21.	37-41D 3652	Jenny Lee + Clifford Jones	5502 mt Nebo Rd Barhamsville 23011
22.	37-41B 489	Clarence L Bassett SR	1475 Sand Bay Dr SW Apt 1104 Atlanta, GA 30331
23.	37-35C 103520	Karen S + Jack D Jenkins	5609 mt Nebo Rd Barhamsville 23011
24.	37-44 3646	Clifford Lee Jones et als	5502 Mt Nebo Rd Barhamsville 23011
25.	37-42 488	Bassett Bolding Estate + c/o Clifford Lee Jones	5502 mt. Nebo Rd Barhamsville 23011

New Kent County, Virginia

Legend

- Area County Boundaries
- Parcels
- Parcel Labels 1:18,000
- Hooks
- Subdivisions
- Tax Map 600 Scale Grid
- Routes
- INTERSTATE
- US HIGHWAY
- VA PRIMARY
- VA SECONDARY
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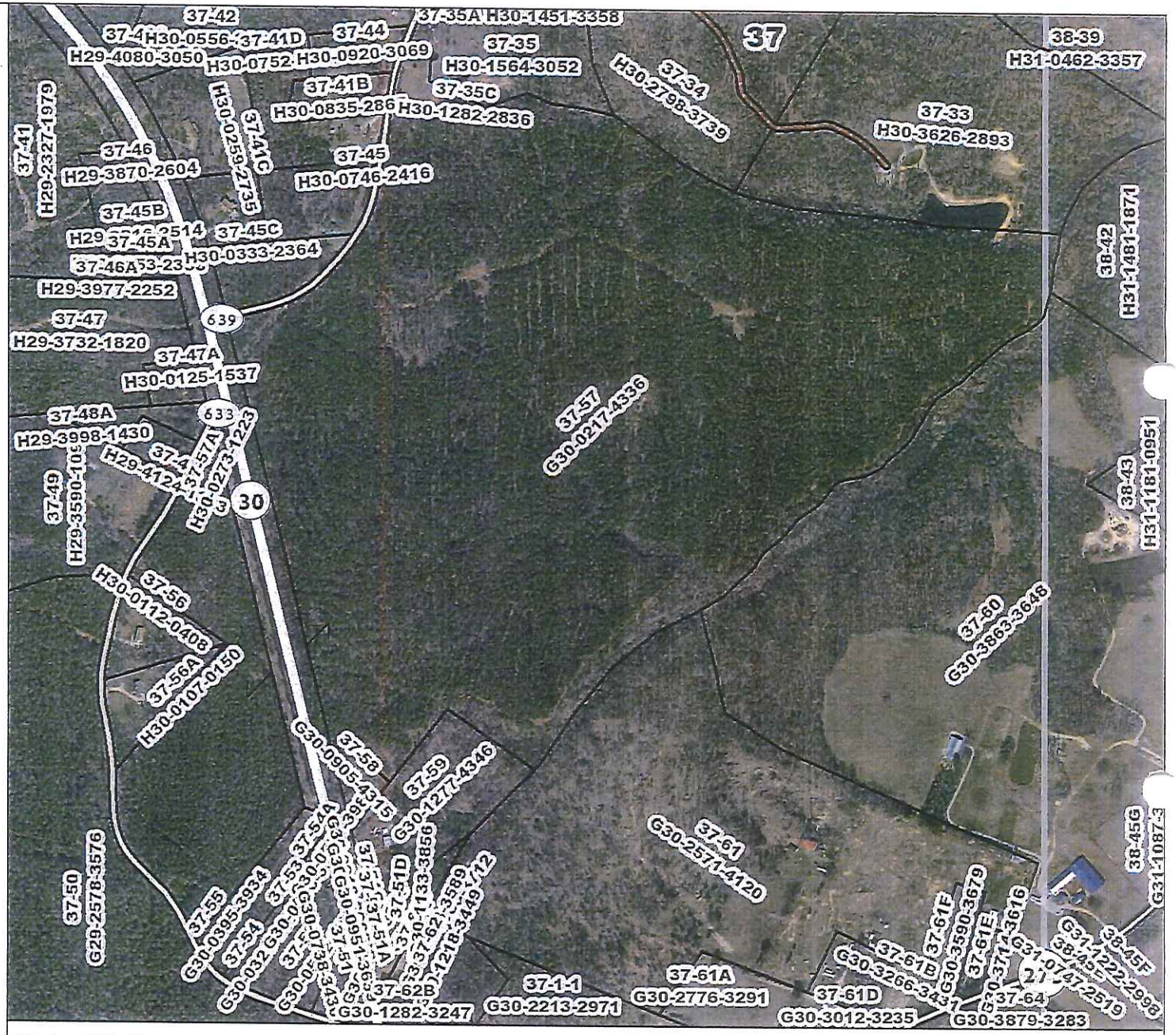

Title: TM#: 37-57, Hunt Walker Properties, LLC

Date: 9/8/2016

Feet

0 200 400 600 800

1:10,000 / 1"=833 Feet

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New Kent County, Virginia

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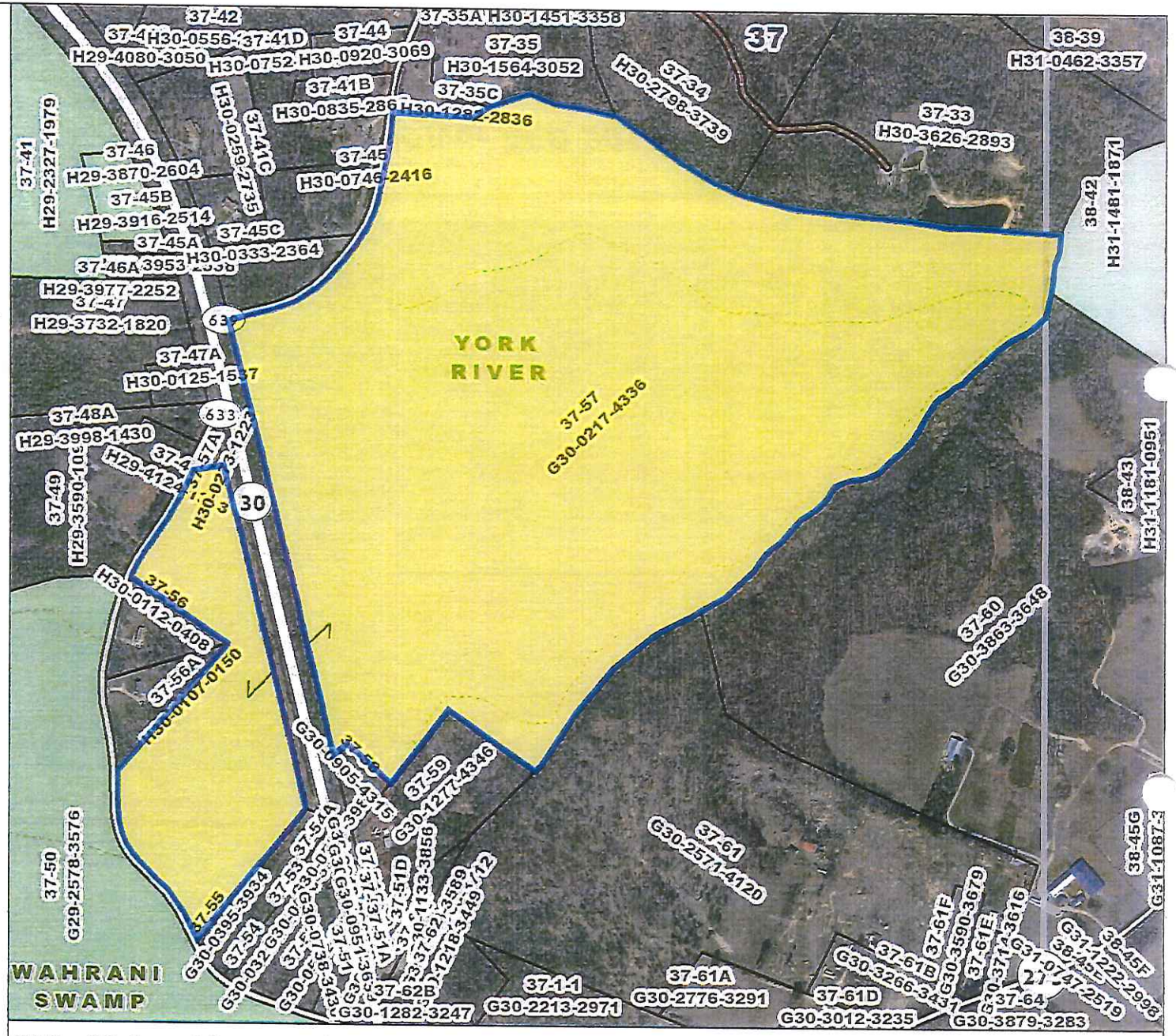
1:10,000 / 1"=833 Feet



Title: Wahrani Swamp AFD, TM#: 37-57

Date: 9/8/2016

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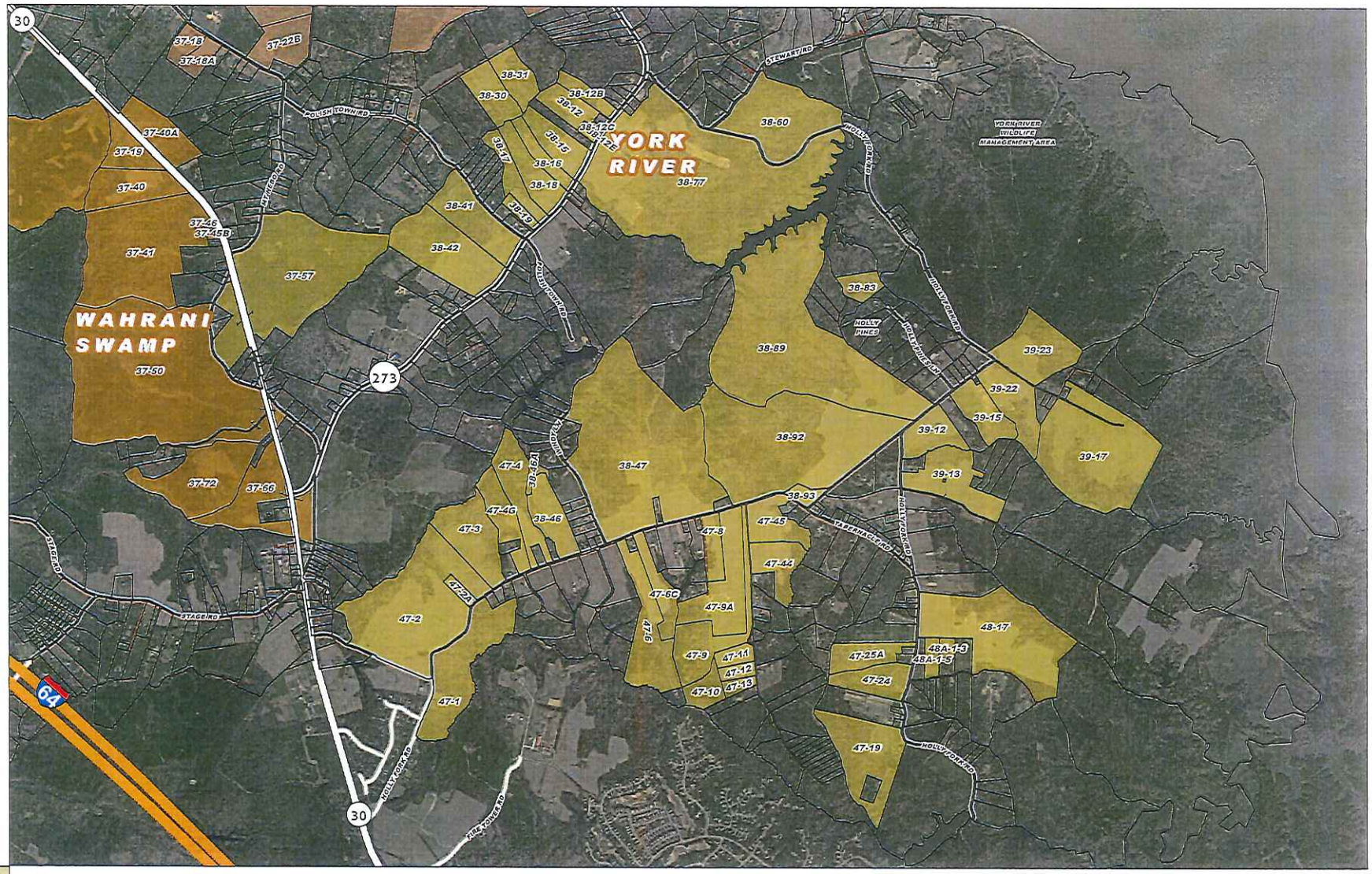
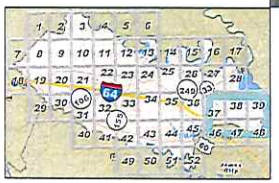
- Land Hooks





N

0 0.25 0.5 1 1.5 2 Miles

York River AFD 2016

New Kent COUNTY VIRGINIA

Date: 8/18/2016

Disclaimer:The County of New Kent assumes no liability either for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user in reliance upon any maps or information provided herein. Aerial Imagery 2013 Commonwealth of VA. Created by the New Kent GIS Office

Document Path: G:\Planning\Environmental\AFD\York River AFD 2016.mxd

NEW KENT HW

Location	NEW KENT HW	**Map#**	37/ / 57/ /
Acct#	37 57	**Owner**	HUNT WALKER PROPERTIES LLC
Assessment	$632,600	**PID**	6771
Subdivision	BRANDTS	**AFD**	AFD
Description	176.87 AC	**Legal**	
Area	N	**Class**	6
AFD Name	YORK RIVER	**AFD Expiration**	8/31/2020

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2016	$0	$632,600	$632,600

Owner of Record

Owner	HUNT WALKER PROPERTIES LLC	**Sale Price**	$0
Co-Owner		**Book & Page**	645/1987
Address	10809 BRANBERRY LN HENRICO, VA 23233	**Sale Date**	09/09/2015

Ownership History

Ownership History			
Owner	Sale Price	Book & Page	Sale Date
HUNT WALKER PROPERTIES LLC	$0	645/1987	09/09/2015
WALKER NATIALY A ETAL	$0	247/482	08/05/1997
WALKER LAND TRUST	$0	1/1	

Building Information

Building 1 : Section 1

Year Built:
Living Area: 0
Building Percent Good:
Replacement Cost Less Depreciation: $0

Building Attributes	
Field	Description
Style	Vacant Land
Model	
Grade:	
Exterior Wall 1:	
Exterior Wall 2:	
Roof Structure:	
Roof Cover:	
Interior Wall 1:	
Interior Wall 2:	
Interior Flr 1:	
Interior Flr 2:	
Heat Fuel:	
Heat Type:	
AC Type:	
Total Bedrooms:	
Total Bathrooms:	
Total Half Baths:	
Extra Kitchens:	
Extra Heat Pump:	
Total Fireplaces:	
Fireplace Type:	
Neighborhood:	
Utilities:	

Building Photo

(http://images.vgsi.com/photos2/NewkentcountyVAPhotos//default.jpg)

Building Layout

Building Layout

Building Sub-Areas (sq ft)	Legend
No Data for Building Sub-Areas	

Extra Features

Extra Features	Legend
No Data for Extra Features	

Parcel Information

Use Code	1061
Description	SITE ND FO
Deeded Acres	176.87

Land

Land Use

Use Code	1061
Description	SITE ND FO
Zone	A1
Neighborhood	EASTERN
Category	

Land Line Valuation

Size (Acres)	176.87
Assessed Value	$632,600

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2016	$0	$632,600	$632,600
2015	$0	$567,200	$567,200
2013	$0	$597,400	$597,400

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Sec. 62-44. - Withdrawal of land from a district; termination of a district.

(a) At any time after the creation of a district within the county, any owner of land lying in such district may file with the program administrator a written request to withdraw all or part of his land from the district for good and reasonable cause.

(b) The program administrator shall refer the request to the advisory committee for its recommendation. The advisory committee shall make recommendations concerning the request to withdraw to the local planning commission, which shall hold a public hearing and make recommendations to the board of supervisors. Land proposed to be withdrawn may be reevaluated through the Virginia or local land evaluation and site assessment (LESA) system. The landowner seeking to withdraw land from a district, if denied favorable action by the governing body, shall have an immediate right of appeal de novo to the circuit court serving the territory wherein the district is located. This section shall in no way affect the ability of an owner to withdraw an application for a proposed district or withdraw from a district pursuant to clause (v) of subdivision 1 of 15.2-4307 or 15.2-4311 of the Code of Virginia.

(c) Upon termination of a district or withdrawal or removal of any land from a district created pursuant to this article, land that is no longer part of a district shall be subject to roll-back taxes as are provided in Code of Virginia, § 58.1-3237. Sale or gift of a portion of land in a district to a member of the immediate family as defined in Code of Virginia, § 15.2-2244 shall not in and of itself constitute a withdrawal or removal of any of the land from a district.

(d) Upon termination of a district or upon withdrawal or removal of any land from a district, land that is no longer part of a district shall be subject to those local laws and ordinances prohibited by the provisions of Code of Virginia, § 15.2-4312(B).

(e) Upon the death of a property owner, any heir at law, devisee, surviving, cotenant or personal representative of a sole owner of any fee simple interest in land lying within a district shall, as a matter of right, be entitled to withdraw such land from such district upon the inheritance or descent of such land, provided that such heir at law, devisee, surviving cotenant or personal representative files written notice of withdrawal with the board of supervisors and the commissioner of the revenue within two years of the date of death of the owner.

(f) Upon termination or modification of a district, or upon withdrawal or removal of any parcel of land from a district, the board of supervisors shall submit a copy of the ordinance or notice of withdrawal to the commissioner of the revenue, the state forester and the state commissioner of agriculture and consumer services for information purposes. The commissioner of the revenue shall delete the identification of such parcel from the land book and the tax map, and the board of supervisors shall delete the identification of such parcel from the zoning map,

where applicable.

(g) The withdrawal or removal of any parcel of land from a lawfully constituted district shall not in itself serve to terminate the existence of the district. The district shall continue in effect and be subject to review as to whether it should be terminated, modified or continued pursuant to Code of Virginia, § 15.2-4311.

(Ord. No. O-26-04, 12-13-2004; Ord. No. O-05-15, 4-13-2015)

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 43. Agricultural and Forestal Districts Act

§ 15.2-4314. Withdrawal of land from a district; termination of a district.

A. At any time after the creation of a district within any locality, any owner of land lying in such district may file with the program administrator a written request to withdraw all or part of his land from the district for good and reasonable cause. The program administrator shall refer the request to the advisory committee for its recommendation. The advisory committee shall make recommendations concerning the request to withdraw to the local planning commission, which shall hold a public hearing and make recommendations to the local governing body. Land proposed to be withdrawn may be reevaluated through the Virginia or local Land Evaluation and Site Assessment (LESA) System. The landowner seeking to withdraw land from a district, if denied favorable action by the governing body, shall have an immediate right of appeal de novo to the circuit court serving the territory wherein the district is located. This section shall in no way affect the ability of an owner to withdraw an application for a proposed district or withdraw from a district pursuant to clause (v) of subdivision 1 of § 15.2-4307 or § 15.2-4311.

B. Upon termination of a district or withdrawal or removal of any land from a district created pursuant to this chapter, land that is no longer part of a district shall be subject to and liable for roll-back taxes as are provided in § 58.1-3237. Sale or gift of a portion of land in a district to a member of the immediate family as defined in § 15.2-2244 shall not in and of itself constitute a withdrawal or removal of any of the land from a district.

C. Upon termination of a district or upon withdrawal or removal of any land from a district, land that is no longer part of a district shall be subject to those local laws and ordinances prohibited by the provisions of subsection B of § 15.2-4312.

D. Upon the death of a property owner, any heir at law, devisee, surviving cotenant or personal representative of a sole owner of any fee simple interest in land lying within a district shall, as a matter of right, be entitled to withdraw such land from such district upon the inheritance or descent of such land provided that such heir at law, devisee, surviving cotenant or personal representative files written notice of withdrawal with the local governing body and the local commissioner of the revenue within two years of the date of death of the owner.

E. Upon termination or modification of a district, or upon withdrawal or removal of any parcel of land from a district, the local governing body shall submit a copy of the ordinance or notice of withdrawal to the local commissioner of revenue, the State Forester and the State Commissioner of Agriculture and Consumer Services for information purposes. The commissioner of revenue shall delete the identification of such parcel from the land book and the tax map, and the local governing body shall delete the identification of such parcel from the zoning map, where applicable.

F. The withdrawal or removal of any parcel of land from a lawfully constituted district shall not in itself serve to terminate the existence of the district. The district shall continue in effect and be subject to review as to whether it should be terminated, modified or continued pursuant to §

15.2-4311 of this chapter.

1977, c. 681, § 15.1-1513; 1979, c. 377; 1985, c. 13; 1987, c. 552; 1997, c. 587; 2000, c. 521; 2011, cc. 344, 355.

BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA

R-14-16

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 13th day of June, 2016:

Present:	Vote:
W.R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Patricia Paige	Aye
Ron Stiers	Aye

Motion was made by Mr. Davis, which carried 5:0, to adopt the following resolution:

A RESOLUTION TO APPROVE CONDITIONAL USE PERMIT APPLICATION CUP-02-16, CORRECTIONAL SOLAR, LLC TO AUTHORIZE THE CONSTRUCTION OF A SOLAR FARM FACILITY LOCATED ON TAX MAP 37-50 (GPIN #G29-2578-3576) AND TAX MAP 37-57 (GPIN #G30-0217-4336)

WHEREAS, Gilman Land & Timber LLC and Hunt Walker Properties LLC (property owners) and Matthew Meares from Correctional Solar, LLC (applicant), have submitted a "Conditional Use Permit Application" dated April 18, 2016; and

WHEREAS, said application requests a conditional use permit to construct, own, and operate a solar farm site (defined as a "public or private electrical generation facility" in the New Kent County Zoning Ordinance) on two parcels identified on the New Kent County digital map as GPIN #G29-2578-3576 (Tax Map and parcel 37-50) and GPIN #G30-0217-4336 (Tax Map and parcel 37-57); and

WHEREAS, subsequent to receiving a complete application and within the timeframes established by Code, the Planning Commission scheduled and conducted a formal and duly advertised public hearing on May 16, 2016 where they carefully considered the public comment received and voted 10:0:1 to forward a recommendation of approval to the Board of Supervisors; and

WHEREAS, within the timeframes established by the Code of Virginia and New Kent County Code, the Board of Supervisors scheduled and conducted a formal and duly advertised public hearing on June 13, 2016, and carefully considered the comments received; and

WHEREAS, the Board of Supervisors has evaluated the application based on the current zoning of the parcels, which is A-1 Agricultural, the standards set forth in the Conditional Use Permit Provisions of the Zoning Ordinance (Article XIX, § 98-741 et seq.), and the proposed conditions in the staff memo; and

WHEREAS, the Board of Supervisors finds that CUP-02-16 is substantially in accord with the Comprehensive Plan; and

WHEREAS, the Board of Supervisors finds that approval of CUP-02-16 with the conditions stated herein is appropriate to address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County and the health, safety, and general welfare of the Citizens in the County;

NOW THEREFORE, BE IT RESOLVED that on this, the 13th day of June, 2016, by the New Kent County Board of Supervisors, that Conditional Use Permit Application CUP-02-16 submitted by Gilman Land & Timber LLC and Hunt Walker Properties LLC (property owners) and Matthew Meares from Correctional Solar, LLC (applicant), be approved with the following conditions:

1. The following conditions shall apply to Tax Map & Parcel number 37-50 (GPIN G29-2578-3576) and Tax Map & Parcel number 37-57 (GPIN G30-0217-4336).

2. This Conditional Use Permit shall be binding on Virginia Solar LLC or any successors, assignees, current or future lessee, sub-lessee, or owner of the solar energy farm.

3. Virginia Solar LLC or any successors, assignees, current or future lessee, sub-lessee, or owner of the solar energy farm (the "Applicant") shall consent to annual administrative inspections by Community Development Department staff for compliance with the requirements of this Conditional Use Permit.

4. All federal, state, and local laws, regulations, permit requirements and ordinances will be adhered to including but not limited to:
    a. All active solar systems shall meet all requirements of the National Electrical Code (NEC), National Electrical Safety Code (NESC), American Society of Civil Engineers (ASCE), American National Standards Institute (ANSI), Institute of Electrical and Electronics Engineers (IEEE), Underwriters Laboratories (UL), or International Electrotechnical Commission (IEC) as applicable and state building code and shall be inspected by a county building inspector throughout the building permit process.
    b. An Erosion and Sediment Control plan must be submitted and approved prior to any land disturbance.
    c. The site shall fully comply with all applicable provisions of Section 98-213 of the New Kent County Zoning Ordinance, to the extent not modified herein, throughout the life of this CUP.

5. The solar energy farm shall consist of one integrated power generation facility and shall be limited to no more than the 250 acres of the property identified as "Correctional – Virginia Solar," as shown on the Maximum Extents Plan prepared by Timmons Group dated April 18th, 2016.

6. All site activity required for the construction and operation of the solar energy farm shall be limited to the following:
   a. All piling driving activity shall be limited to the hours of no earlier than 7:00 a.m. to no later than 7:00 p.m., Monday through Saturday.
   b. All other construction activity on site shall be permitted Monday through Sunday in accordance with the provisions of the County's Noise Ordinance.

7. A minimum one hundred and fifty (150) foot setback shall be maintained from solar equipment to any adjacent residential dwellings that exist at of the time of the CUP application approval by the Board of Supervisors. This requirement may be reduced or waived if agreed to, in writing, by the owner of the residence. The security fence and project roads may be located within the setbacks. During construction the setback may be used for the staging of materials and parking.

8. In order to comply with Section 98-875 (5), a minimum 50' foot setback from solar equipment to the property line shall be provided around the perimeter of the Project where it is adjacent to property not owned by the same property owner as covered in the CUP at the time of the approval by the Board of Supervisors. Within the buffer, in areas where there is not at least 15' of native timber remaining on the project parcel, a single row of evergreens will be planted within the 50 foot setback where there is an adjacent property with an existing residence. Such evergreens shall be planted on fifteen (15) foot centers and shall be a Meyers Spruce tree or other similar tree (which alternative tree shall be subject to the prior written approval of the Planning Department), and the evergreen installed shall have an anticipated five year height of six (6) to eight (8) feet after planting and an anticipated mature height of thirty (30) to forty (40) feet. This requirement may be reduced or waived if agreed to, in writing, by the owner of the residence. The security fence and project roads may be located within the setbacks. During construction the setback may be used for the staging of materials and parking.

9. In order to comply with Section 98-875 (5), a minimum 50' setback from any solar structure to any public right of way where the Project is adjacent to a public right of way shall be provided. Along public right of ways low growing evergreen vegetation with an anticipated five year height of three (3) to five (5) feet after planting and a mature height of no more than seven (7) to ten (10) feet shall be planted and/or/or in combination with a berm of sufficient height to block the view of the solar equipment, when standing at the edge of the public right of way at a height of 5', in accordance with a landscape plan approved by the zoning administrator per the requirement of Sec 98-875 (a)(12). This requirement may be reduced or waived if agreed to, in writing, by the zoning administrator. The security fence and project roads may be located within the setbacks. During construction the setback may be used for the staging of materials and parking.

10. The Applicant shall install a security fence around the solar energy farm that is a minimum six (6) feet in height.

11. All solar panels will use anti-reflective coatings to help prevent glare.

12. No aspect of the solar farm shall exceed 25 feet in height, as measured from grade at the base of the structure to its highest point. Such height restriction shall not apply to electrical distribution or transmission lines.

13. Construction lighting shall be minimized and shall be directed downward. Post- construction lighting shall be limited to security lighting only.

14. If the solar energy farm is inactive, completely or substantially discontinuing the delivery of electricity to an electrical grid for a continuous twenty-four (24) month period it shall be considered abandoned. The Applicant shall provide notice to County Staff immediately upon the site becoming inactive and/or shutting down operation. The current owner of the Project ("Project Owner") shall remove the facilities ("decommissioning") within six (6) months of receipt of notice from the County ("County Notice"). If the facility is not removed within the specified time after the County Notice, the County may cause the removal of the solar energy farm with costs being borne by the Project Owner. Unless the solar energy farm is owned by a public utility in the Commonwealth of Virginia, the net costs of decommissioning shall be secured by an adequate surety in a form agreed to by the County Attorney, including but not limited to a letter of credit, cash, or a guarantee by an investment grade entity, posted within 30 days of the project receiving its occupancy permit or equivalent from the County. If the solar energy farm is sold to any entity that is not a public utility, the CUP shall not transfer to the purchaser until such time as the adequate surety is provided. If a surety is required, the cost estimates of the decommissioning shall be updated every five (5) years and provided to the County. At its option, the County may require the surety amount be increased based on the net cost of decommissioning.

15. The Applicant shall coordinate with the County's emergency services staff to provide materials, education, and/or training to the departments serving the solar energy farm in regard to how to safely respond to on-site emergencies.

16. Access roads are to be marked by the Applicant with identifying signage.

17. A Construction Traffic Management Plan and mitigation measures shall be developed by the Applicant and submitted to the Virginia Department of Transportation (VDOT) and the County of New Kent for review. The Plan shall address traffic control measures, a pre- and post-construction road evaluation, and any necessary repairs to the public road that are required as a result of damage from the Project. If a traffic issues arises during the construction of the Project, the Applicant shall develop with input from the County and VDOT appropriate measures to mitigate the issue.

18. A building permit shall be obtained within three years of CUP approval or this CUP shall be null and void.

Attest:

Rodney A. Hathaway
County Administrator

Ron Stiers
Chairman

COUNTY OF NEW KENT
COMMONWEALTH OF VIRGINIA

The foregoing instrument was acknowledged before me this 14th day of June, 2016 by Rodney A. Hathaway, County Administrator and Clerk of the New Kent Board of Supervisors.

My commission expires: 12-31-18
My Commission Number: 315272

Wanda Faye Watkins
Notary

WANDA FAYE WATKINS NOTARY PUBLIC MY COMMISSION NUMBER 315272 COMMONWEALTH OF VIRGINIA

COUNTY OF NEW KENT
COMMONWEALTH OF VIRGINIA

The foregoing instrument was acknowledged before me this 11th day of ~~June~~ July, 2016 by Ron Stiers, Chairman of the New Kent Board of Supervisors.

My commission expires: 12-31-18
My Commission Number: 315272

Wanda Faye Watkins
Notary

WANDA FAYE WATKINS NOTARY PUBLIC MY COMMISSION NUMBER 315272 COMMONWEALTH OF VIRGINIA

INSTRUMENT #160001951
RECORDED IN THE CLERK'S OFFICE OF
NEW KENT COUNTY ON
JULY 13, 2016 AT 12:01PM

AMY P. CRUMP, CLERK
RECORDED BY: KSM