

SUSSEX COUNTY
BOARD OF SUPERVISORS/PLANNING COMMISSION
JOINT PUBLIC HEARING
Tuesday, September 13, 2022 – 4:00 p.m.
Social Services Conference Room
20103 Princeton Road, Sussex, VA 23884

ZOOM LINK
<https://us02web.zoom.us/j/82516723449>
Meeting ID: 825 1672 3449

AGENDA

- Item 1. Call to Order/Determine Quorum
 - (a) Chairman, Planning Commission
 - (b) Chairman, Board of Supervisors
- Item 2. The Invocation
- Item 3. The Pledge of Allegiance
- Item 4. Agenda Amendment(s)
 - (a) Planning Commission
 - (b) Board of Supervisors
- Item 5. Approval of Agenda
 - (a) Planning Commission
 - (b) Board of Supervisors
- Item 6. Public Hearing Item
 - Zoning Amendment #2022-01, Rhetsen Companies, Inc., Applicant
 - (a) Motion to Enter Public Haring
 - (1) Planning Commission
 - (2) Board of Supervisors
 - (b) Motion to Return to Regular Session
 - (1) Planning Commission
 - (2) Board of Supervisors
 - (c) Action, if any
 - (1) Planning Commission
 - (2) Board of Supervisors
- Item 7. Public Hearing Item
 - Amendment to Conditional Use Permit (CUP) #2019-01 Waverly Solar, LLC, Applicant
 - (a) Motion to Enter Public Hearing

(next page)→

- (1) Planning Commission
 - (2) Board of Supervisors
- (b) Motion to Return to Regular Session
 - (1) Planning Commission
 - (2) Board of Supervisors
- (c) Action, if any
 - (1) Planning Commission
 - (2) Board of Supervisors

Item 8. Citizens' Comments

Item 9. Adjournment

- (a) Planning Commission
- (b) Board of Supervisors

Item 6. Public Hearing

**ZA #2022-01, Rhetson
Companies, Inc.**

STAFF REPORT

APPLICATION SUMMARY:

Project:	Dollar General
Location:	The property is located on the corner of Sussex Drive (Rt. 40) and Booth Road (Rt. 658) in Stony Creek, Virginia.
Parcel Record Number(s):	66-A-11
Proposal:	Rezone for Retail Use
Applicant:	Rhetson Companies, Inc 2075 Juniper Lake Road West End, NC 27376

APPLICATION:

The applicant, Rhetson Companies, Inc under ZA #2022-01 seeks to rezone a portion of tax parcel number 66-A-11 containing 2.2 acres out of 101 acres from A-1, General Agricultural to B-2, General Business to accommodate a retail use for a Dollar General Store. The property is located on the corner of Sussex Drive (Rt. 40) and Booth Road (Rt. 658) in Stony Creek, Virginia.

ELECTION DISTRICT:

Stony Creek Election District

LOCATION:

The proposed location for the rezoning is located at the corner of Sussex Drive (Rt.40) and Booth Road (Rt. 658). To the north, there are several residences, Galilee Baptist Church, and a dilapidated building that used to be a laundromat. To the west, there is Stony Creek Convenience Store, old house, and Sappony Solar. To the east, there is the Town of Stony Creek. To the south, there is mostly agricultural lands and a communication tower.

BACKGROUND:

The subject property is currently unoccupied and considered as agricultural lands. The applicant seeks to bring in a retail use of a Dollar General store.

DESCRIPTION:

The applicant is requesting rezoning to the General Business District (B-2) to accommodate a retail use. The applicant proposes to develop approximately 2.2 acres of the parcel.

The parcel is currently zoned General Agricultural District (A-1). The A-1 zoning district does not allow for a retail store.

COMPREHENSIVE PLAN REVIEW:

The current Comprehensive Plan land use designation for this property is commercial. Appropriate uses for the commercial land use designation include areas for retail, consumer services, and professional services. (Is this consistent with the small area plan just adopted?)

ORDINANCE REVIEW:

The current zoning designation for this property is A-1. The district is established to protect land and property values, ground water and surface water quality, and other resources. The intent is to provide for the continued security of the county's agricultural sector by encouraging the orderly and responsible growth of its livestock, dairy, and poultry industry. Limited residential development is anticipated in these areas.

The proposed rezoning designation for this property is B-2. The B-2 district is intended for the conduct of general business to which the public requires direct and frequent access, but is not characterized either by constant heavy trucking, other than stocking and delivery of light retail goods, or by any nuisance factors, other than occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, printing presses, restaurants, taverns and garages and service stations.

STAFF CONCLUSIONS:

Strengths:

1. Allows for more retail uses within Stony Creek.
2. Located in a prominent location
3. Adjacent to a similar use (Stony Creek Convenience Store)
4. Has access to public water and sewer
5. From initial review, VDOT didn't share any major concerns.

Weaknesses:

1. None identified at this time.

STAFF RECOMMENDATION:

Staff recommends approval for this rezoning along with voluntary proffers.

ATTACHMENTS:

- Application
- Deed
- Narrative Description and Reason for Rezoning
- Conceptual Plan
- Voluntary Proffer Statement



"Good Things Are Happening in Sussex County!"

Sussex County, Virginia

Planning and Zoning Department

APPLICATION FOR REZONING/CONDITIONAL ZONING AMENDMENT

This application should be used to petition for a change to the Official Zoning Map or for an amendment of zoning conditions. The following application requirements are consistent with the procedures set forth in Section 34-36, *Amendments*, of the Sussex County Zoning Ordinance, as amended.

A. APPLICATION FOR (CHECK ALL THAT APPLY):



Rezoning



Conditional Rezoning (Are voluntary proffered conditions attached?): ☐ Yes ☐ No

Request to change the subject property(s) from the A-1 to the B-2 zoning district.

Proposed Use or Activity: General Retail



Amendment to Conditional Zoning

Request to change conditional zoning as follows (Attach current and proposed conditions): _____

B. PROJECT DESCRIPTION:

Project Name: STONY CREEK, VA

Property Address (if any): Northeast corner of Sussex Drive and Booth Road

Election District: Stony Creek

Comprehensive Plan Designation: Residential, however a proposed comp plan update shows this as commercial

The rezoning will apply to App. 2 acres out of App. 100 total acres

Tax Parcel Identification # 66-A-11 Number of Acres to be Rezoned: App. 2 Acres

Requesting Zoning District Change from: A-1 to B-2

Tax Parcel Identification # _____ Number of Acres to be Rezoned: _____

Requesting Zoning District Change from: _____ to _____

Tax Parcel Identification # _____ Number of Acres to be Rezoned: _____

Requesting Zoning District Change from: _____ to _____

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

Public Sewer ☐ Private Septic ☒



"Good Things Are Happening in Sussex County!"

Sussex County, Virginia
Planning and Zoning Department

Applicant: Jamie S. Encinosq
Printed or Typed Name

Owner: James C. Farnini
Printed or Typed Name

Applicant: [Signature] Date: 8/5/2022
Signature

Owner: [Signature] Date: 8/8/22
Signature

County of Sussex, Commonwealth of Virginia

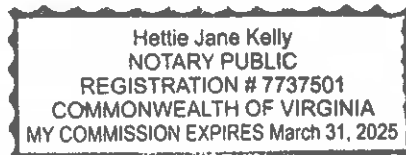
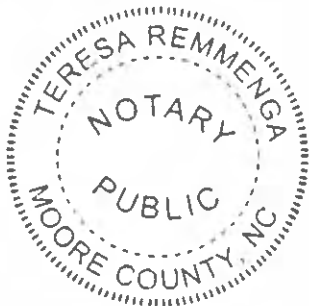
County of Sussex, Commonwealth of Virginia
City of Petersburg

Subscribed and sworn to before me TERESA
Remmenga Moore, A Notary Public in and for
the County of ~~Sussex~~, Commonwealth of Virginia,
this 5 day of August, 2022 State of
North Carolina
Teresa Remmenga
Notary Public

Subscribed and sworn to before me Hettie
Jane Kelly, A Notary Public in and for
the County of ~~Sussex~~, Commonwealth of Virginia,
this 8th day of Petersburg, 2022
Hettie Jane Kelly
Notary Public

My Commission Expires 2/25/2024

My Commission Expires 03/31/2025





"Good Things Are Happening in Sussex County!"

Sussex County, Virginia
Planning and Zoning Department

C. APPLICATION INFORMATION:

Applicant(s) Name(s): Rhetson Companies, Inc
Address: 2075 Juniper Lake Rd
City, State, Zip Code: West End NC 27376
Phone No.: 910-944-0881 Email: matth@Rhetson.com Fax No.: 910-944-0882
Property Owner(s) Name(s): James C Fannin
Address: 20062 Princeton Road
City, State, Zip Code: Stony Creek VA 23882
Phone No.: _____ Email: mspector@ Fax No.: _____
specterproperties.com

Applicants/Owners Affidavit (including compliance with all deed restrictions and covenants)

This application must be signed by the owner(s) of the subject property or must have attached written evidence of the owner's consent, which may be in the form of a binding contract of sale with the owner's signature or a letter signed by the owner(s), containing written authorization to act with full authority on the owner(s) behalf in filing this rezoning application. Signing this application shall certify the owner's compliance with all deed restrictions and covenants, and shall constitute the granting of authority of the County to enter onto the property for the purpose of conducting site analyses and compliance with Federal, State and County regulations.

Applicant: Jamie S. Encinosa
Printed or Typed Name

Owner: James C. Fannin
Printed or Typed Name

Applicant: [Signature] Date: 8/5/22
Signature

Owner: [Signature] Date: 8/8/22
Signature

County of Sussex, Commonwealth of Virginia

County of Sussex, Commonwealth of Virginia

Subscribed and sworn to before me Teresa Remmenga
Remmenga, A Notary Public in and for
the County of ~~Sussex~~ North Carolina, Commonwealth of Virginia,
this 5 day of August, 2022

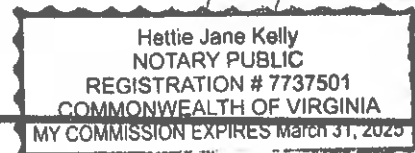
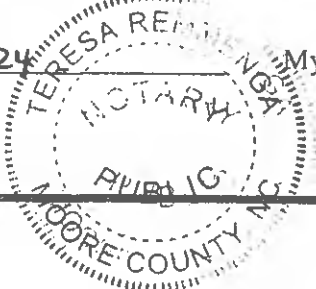
Subscribed and sworn to before me Hettie Jane Kelly
Jane Kelly, A Notary Public in and for
the County of ~~Sussex~~ Petersburg, Commonwealth of Virginia,
this 8/8 day of August, 2022

Teresa Remmenga
Notary Public

Hettie Jane Kelly
Notary Public

My Commission Expires 2/25/2024

My Commission Expires 03/31/2025





"Good Things Are Happening in Sussex County!"

Sussex County, Virginia
Planning and Zoning Department

COUNTY OF SUSSEX
DISCLOSURE OF REAL ESTATE HOLDINGS

Applicant Rhetson Companies, Inc
Address 2075 Juniper Lake Rd
West End NC 27376
City State Zip

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
<u>Tax Parcel # 66-A-11</u>	<u>Northeast corner of Sussex Drive and Booth Rd.</u>

OTHER OWNERS OF AFFECTED REAL ESTATE

(Not Required for Corporation whose stock is traded on a national or local stock exchange or having more than 500 shareholders.)

Name of Individuals Corporation/Partnership Business Association	Address

Does any member of the Sussex County Planning Commission or governing body have any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust, or whether a member of the immediate household of any member of the Planning Commission or governing body has any such interest? Yes ☒ No

If yes, names of members:

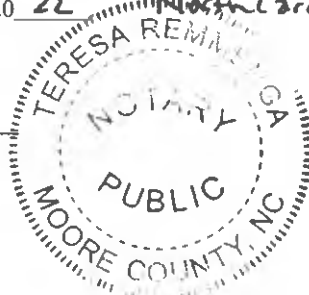
I do solemnly swear that the foregoing statement(s) and attachment(s), if any, are complete, correct and true.

Applicant: Jamie S. Enderson Applicant: [Signature] Date: 8/5/22
Printed or Typed Name Signature

Commonwealth of Virginia
County of Sussex

Subscribed and sworn to before me Teresa Remington
A Notary Public in and for the County of Sussex, Commonwealth of Virginia, this 5 day of August, 20 22

[Signature]
Notary Public
My Commission Expires 02/25/2024



252

Document Prepared By:
Thomas H. Rose, Jr., VSB 07399
Attorney at Law
P. O. Drawer B
Stony Creek, Virginia 23882
(434-246-4941)

I, Jean Rogers FANNIN, of Sussex County, Virginia, make this my will. I revoke any other wills or amendments to wills made by me.

I am a widow and I now have two living children, James Crawford Farmin, and Carolyn Louise Fannin (my children"). A son, John Richard Fannin, Jr., predeceased me.

ARTICLE I. Distribution of My Estate.

A. I may leave a signed writing indicating certain items of my tangible personal property that I request be distributed to the persons specified therein. I intend this writing to be binding on my Executors pursuant to Section 64.2-200 of the Code of Virginia, as amended from time to time.

B. I give to my son, James Crawford Fannin, all of the tangible personal property that is in the shop.

C. I give the rest of my tangible personal property in as nearly equal shares as practicable to my children who survive me; provided that my Executors may sell any articles of my tangible personal property that my Executors may deem inappropriate for distribution in kind and add the proceeds to my residuary estate. Tangible personal property includes stamp or coin collection but does not include other money or stock certificates or other evidence of intangible rights or interests.

D. I give to my daughter, Carolyn Louise Fannin, the house and lot in Templeton District, Prince George County, Virginia, known as 2795 Deer Run Drive, Petersburg, Virginia 23805

E. I give to my daughter, Carolyn Louise Fannin, a one-half undivided interest in the standing timber on the Home Farm containing a total of 96.59 acres, more or less, and a one-half undivided interest in the standing timber on the Rogers Farm containing 60 acres, more or less.

F. Subject to the timber rights granted to my daughter in this will, I give my remaining real estate to my son, James Crawford Fannin. This includes all of the rights to any leases on the real estate.

A. Notwithstanding the foregoing provisions, whenever any interest in my estate vests absolutely in a beneficiary under age twenty-one, my Executors may retain the interest upon a separate trust and pay to the beneficiary as much of the net income or principal as my Executors may deem appropriate to provide for the beneficiary's support, other needs or education until the beneficiary reaches age twenty-one, when the interest shall go outright to the beneficiary. If the beneficiary dies before reaching that age, the interest shall constitute a part of the beneficiary's estate. Also, while the beneficiary is a minor, any part of the interest may be distributed to a custodian selected by my Executors for the beneficiary under the Virginia Uniform Transfers to Minors Act (21). These are powers only and do not prevent absolute vesting of the interest in the beneficiary; provided, however, my Executors shall have all the powers referred to in paragraph B, Article V, of this will with regard to such interest.

ARTICLE III. Payment of Debts and Other Charges.

A. I direct my Executors to pay my debts and my funeral and burial expenses including the cost of a monument or marker over my grave. The estate, inheritance and similar taxes assessable on my death including taxes on assets not passing under this will shall also be paid as a cost of administering my estate and my Executors shall not require any beneficiary to pay any part of such tax.

ARTICLE IV. Miscellaneous Provisions.

A. Definition of "My Residuary Estate". My residuary estate means all of the residue of my real and personal property wherever situated in which I have any interest at the time of my death, and which is not otherwise effectively disposed of, but does not mean property over which I may have a power of appointment.

B. Spendthrift Trust. To the extent permitted by law, neither the principal nor income of any trust shall be liable for the debts of any beneficiary or, except to the extent otherwise specifically provided, to alienation or anticipation by a beneficiary.

C. Matters of Interpretation. For simplicity, I may have expressed pronouns and other terms in one number and gender, but where appropriate to the context these terms shall be deemed to include the other numbers and genders. The headings are for convenience and shall not affect interpretation.

ARTICLE V. Executors.

granted to my named Executors. My Executors may distribute tangible personal property passing to a minor to any adult person with whom the minor resides, and that person's receipt shall be a sufficient voucher in the accounts of my Executors.

IN WITNESS WHEREOF, I have hereunto set my hand and seal to this my last will and testament on this the 11 day of November, 2015.

Jean Rogers Fannin (SEAL)
Jean Rogers Fannin

We, the undersigned, do certify that Jean Rogers Fannin has signed, sealed, acknowledged and declared the foregoing paper as and for her will, in the presence of us, two competent witnesses, who, in the presence of us, two competent witnesses, who, in her presence and at her request, in the presence of each other, all present together at the same time, have hereunto subscribed our names as attesting witnesses on this the 11 day of November, 2015.

Thomas H Rose Jr of Stony Creek, Virginia
(witness) (address)

Donald H Rose of Stony Creek, Virginia
(witness) (address)

VIRGINIA: In the Clerk's Office of the Circuit Court of Sussex County
21 April 2017

RE: JEAN ROGERS FANNIN, Deceased

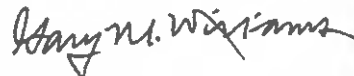
Probate of Will

A paper writing purporting to be the last will and testament of the decedent was presented to the Clerk of this Court by James Crawford Fannin and Carolyn Louise Fannin, the son and daughter of the decedent, and the Executors named therein, and offered for probate.

It appearing that JEAN ROGERS FANNIN resided at 11029 North Halifax Road, Stony Creek, Virginia 23882, in the County of Sussex, within the jurisdiction of this Court, and that she died on 6 April 2017, at the age of 83 years, Thomas H. Rose, Jr., one of the two subscribing witnesses to the said paper writing, being first duly sworn for the purpose, deposed and said that he and Margaret W. Rose, the other subscribing witness, were both present together at the same time and in the presence of the testator when she signed the said paper writing and acknowledged it to be her will, and that they, at her request, in her presence and in the presence of each other, signed their names thereto as subscribing witnesses, and that the testator was, at that time, over the age of 18 years and capable of making a will.

THEREUPON the said paper writing dated 11 November 2015, consisting of three (3) typewritten pages, is established and adjudged to be the true last will and testament of JEAN ROGERS FANNIN, deceased, and is ordered to be recorded as such.

TESTE:



Clerk

LIST OF HEIRS
COMMONWEALTH OF VIRGINIA

Case No.: CWF17-33

Sussex County Circuit Court

Jean Rogers Fannin

NAME OF DECEDENT

DATE OF DEATH

I/We, the undersigned, hereby state under oath that the following are all of the heirs of the Decedent:

NAMES OF HEIRS	ADDRESSES	RELATIONSHIP	AGE
James Crawford Fannin	10448 Jordan Parkway N. Prince George VA 23860	son	60
Carolyn Louise Fannin	P.O. Box 3672 Petersburg, VA 23805	daughter	54

I/we am/are (please check one):

- ☒ Proponent(s) of the will (no qualification)
☐ Personal representative(s) of the decedent's estate
☐ Heir-at-law of intestate decedent (no qualification within 30 days following death)

Given under my/our hand this 20th of April, 2017

James C. Fannin

PRINTED NAME OF SUBSCRIBER

Carolyn L. Fannin

PRINTED NAME OF SUBSCRIBER

PRINTED NAME OF SUBSCRIBER

SIGNATURE OF SUBSCRIBER

State of Virginia

City/County of Sussex to-wit:

Subscribed and sworn to before me by James C. Fannin and Carolyn L. Fannin

this 20th day of April, 2017

My commission expires:

Clerk/Deputy Clerk/Notary Public

VIRGINIA: In the Clerk's Office of the Sussex County Circuit Court this 21st day of April, 2017
the foregoing LIST OF HEIRS was filed and admitted to record.

Teste: Mary W. Harris

CLERK

by Deputy Clerk



First American Title™

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

Commitment

AGENT'S FILE NUMBER

PTC-2228

COMMITMENT FOR TITLE INSURANCE

Issued By

FIRST AMERICAN TITLE INSURANCE COMPANY

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, **First American Title Insurance Company**, a Nebraska Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I—Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

First American Title Insurance Company

Dennis J. Gilmore, President

Greg L. Smith, Secretary

PERPETUAL TITLE, LLC
9910 Wagners Way
Chesterfield, VA 23832

By:
Authorized Countersignature

If this jacket was created electronically, it constitutes an original document.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions.

Copyright 2006-2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
 - (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
 - (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
 - (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
 - (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
 - (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
 - (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
 - (h) "Title": The estate or interest described in Schedule A.
2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
3. The Company's liability and obligation is limited by and this Commitment is not valid without:
- (a) the Notice;
 - (b) the Commitment to Issue Policy;
 - (c) the Commitment Conditions;
 - (d) Schedule A;
 - (e) Schedule B, Part I—Requirements; and
 - (f) Schedule B, Part II—Exceptions.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I—Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance Issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions.

Copyright 2006-2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions.

Copyright 2008-2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.





First American Title™

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

Schedule A

COMMITMENT NUMBER

PTC-2228

Transaction Identification Data for reference only:

Issuing Agent: PERPETUAL TITLE, LLC

ALTA® Universal ID:

Commitment No:

Property Address: 20062 Princeton Road, Stony Creek, VA 23882

Revision No:

Issuing Office: 9910 Wagners Way, Chesterfield, VA 23832

Loan ID No:

Issuing Office File No: PTC-2228

SCHEDULE A

1. Commitment Date:

2. Policy to be Issued:

(a) ALTA® Owner's Policy

Proposed Insured: **Rhetson Companies, Inc.**

Proposed Policy Amount: **\$150,000.00**

(b)

Proposed Insured:

Proposed Policy Amount:

3. The estate or interest in the Land described or referred to in this Commitment is **Fee Simple**

4. Title to the fee simple estate or interest in the Land is at the Commitment Date vested in:

James Crawford Fannin, devisee under the Last Will and Testament of Jean Rogers Fannin, deceased (herself the devisee under the Last Will and Testament of J. M. Rogers, Sr., a/k/a J. Morris Rogers, Sr., deceased)

BEING the same real estate conveyed to J. M. Rogers, Sr. by Deed from Frances Lee McCreight, widow, Erastus Taylor Lee and Nelle Evans Lee, his wife, Virginia Peebles Lee Rose and Robert H. Rose, her husband, and Gordon Stanley Feild, Jr. and Clara S. Feild, his wife, dated November 17, 1967, and recorded December 18, 1967 in the Clerk's Office, Circuit Court, Sussex County, Virginia in Deed Book 70, Page 108.

THE SAID J. M. Rogers, Sr., also known as J. Morris Rogers, Sr., died testate August 12, 1986, and by Last Will and Testament dated May 24, 1983, and duly admitted to probate and recorded August 19, 1986, in the Clerk's Office, Circuit Court, Sussex County, Virginia, in Will Book 36, Page 334, devised said real estate to his daughter, Jean Rogers Fannin.

THE SAID Jean Rogers Fannin died testate April 6, 2017, and by Last Will and Testament dated November 11, 2015, and duly admitted to probate and recorded April 21, 2017, in the Clerk's Office, Circuit Court, Sussex County, Virginia, in Will Book 69, Page 131, devised said real estate to her son, James Crawford Fannin.

5. The Land is described as follows: **See Schedule A continued.**

FIRST AMERICAN TITLE INSURANCE COMPANY

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

Copyright 2006-2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited.

Reprinted under license from the American Land Title Association.





First American Title™

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

Schedule A (Continued)

COMMITMENT NUMBER

PTC-2228

File No.: **PTC-2228**

PERPETUAL TITLE, LLC

By: 

Authorized Signatory

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

Copyright 2006-2016 American Land Title Association. All rights reserved.
The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited.
Reprinted under license from the American Land Title Association.





First American Title™

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

Schedule A (Continued)

COMMITMENT NUMBER

PTC-2228

File No.: **PTC-2228**

LEGAL DESCRIPTION

ALL that certain parcel of land situate in Stony Creek Magisterial District, Sussex County, Virginia, containing 117.5 acres, more or less, and shown and described on a certain "Plat of Survey of Property Owned by Heirs of E. L. Lee", made by S. G. Keedwell, C.L.S., dated 7 April 1967 and recorded in Plat Book 14, at Page 23, and being further described as bounded on the north by property of the Sussex County School Board and others, on the east by Secondary Highway #657, on the south by Secondary Highway #657 and a farm road, on the west by Morgan Lands and a branch, and on the northwest by Secondary Highway #658.

LESS and EXCEPT therefrom that portion of the above-described real estate conveyed to the Commonwealth of Virginia, containing 11.83 acres, more or less, as evidenced by two Certificates recorded in the Clerk's Office, Circuit Court, Sussex County, Virginia: one recorded in Deed Book 75, at Page 557; and another recorded in Deed Book 76, at Page 22.

LESS and EXCEPT therefrom that portion of the above-described real estate conveyed to the Commonwealth of Virginia, containing 4.646 acres, more or less, as evidenced by Certificate recorded in the Clerk's Office, Circuit Court, Sussex County, Virginia in Deed Book 132 at Page 397.

The following is provided as an accommodation for informational purposes only. No insurance is provided over same:

Current Property Address: 20062 Princeton Road, Stony Creek, VA 23882

Current Tax Map ID No: 66 A 11

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

Copyright 2006-2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.





First American Title™

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

Schedule BI & BII

COMMITMENT NUMBER

PTC-2228

File No.: PTC-2228

SCHEDULE B, PART I

Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

- a. Deed from James Crawford Fannin, devisee under the Last Will and Testament of Jean Rogers Fannin, deceased (herself the devisee under the Last Will and Testament of J. M. Rogers, Sr., a/k/a J. Morris Rogers, Sr., deceased) to Rhetson Companies, Inc. conveying the subject property set forth under Schedule A.

5. Payment of all taxes, assessments and charges levied against subject premises, which are due and payable.

NOTE: Consort(s) of individual(s) referenced above, if any, must join in required instrument(s) to convey possible statutory marital rights only if the interest may be included in the augmented estate of Grantor under Section 64.2-305, Code of Virginia.

NOTE: The title search performed on the land described in Schedule A did not disclose any open deeds of trust and/or mortgages of record. If this is believed to be an error, please contact the Production Department immediately for further review prior to closing. In the alternative, please verify and confirm that all parties have no knowledge of any outstanding obligations or debt.

6. The Company must be provided with satisfactory evidence, or receipt of approved attorney certification that Rhetson Companies, Inc. is a valid and subsisting limited liability company in its state of incorporation.
7. Judgments: NONE
8. The Company must be furnished with the Notification of Availability of Owner's Title Insurance executed by the proposed insured.
9. In the event the Company is requested to delete or modify Exceptions 1 and 3 of Schedule B, Section 2, a satisfactory owner's affidavit must be completed, executed and returned to the Company. (See affidavit form attached.)
10. You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land and we may make additional requirements or exceptions relating to the interest or loan.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its Issuing agent that may be in electronic form.

Copyright 2006-2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.





August 12, 2022

To Whom It May Concern:

This rezone request is to rezone a portion of map parcel 66-A-11 from an A-1 (agricultural) zone to a B-2 (general business district) zone for the use of a Dollar General retail store. This rezone is in conformance with the revised comprehensive plan that is now under consideration with the county.

The property to be rezoned is depicted approximately on the plat included with the application documents. It consists of approximately 2.2 acres and will be more accurately defined by forthcoming boundary survey and subdivision plat.

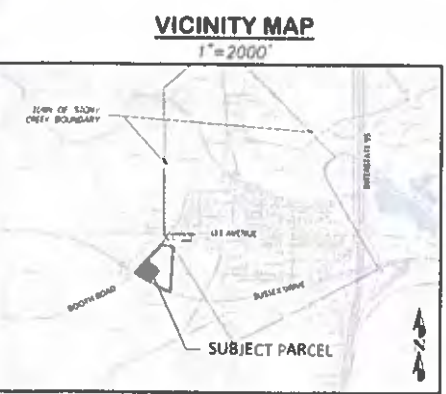
Respectfully,

A handwritten signature in blue ink, appearing to read 'Matt Williams', followed by a large, stylized circular flourish.

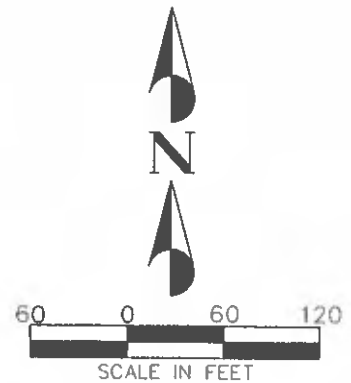
Matt Williams
Project Manager

Rhetson Companies, Inc.
2075 Juniper Lake Road
West End, NC 27376
910-944-0881

2075 Juniper Lake Road
West End, NC 27376
910-944-0881 | www.rhetson.com



LAYOUT NOTE
CURRENT LAYOUT IS CONCEPTUAL AND MAY VARY SLIGHTLY AT FINAL DESIGN BUT WILL SUBSTANTIALLY FOLLOW THE INTENT SHOWN HEREON.



SHEET REVISION TRACKING	
REV #	DESCRIPTION

CARTER RUN
www.carterrun.com • (571) 284-0041
LAND DEVELOPMENT SERVICES • LAND PLANNING

**PARTIAL REZONE OF 66-A-11
NORTHEAST INTERSECTION OF SUSSEX
DRIVE AND BOOTH ROAD**
REZONE PLAT

REZONE

C064 2203
PROJECT
Rezone Plat.dwg
FILENAME
AUGUST 9, 2022
DATE
1
SHEET NO.



PROFFER STATEMENT

Applicant's names (s): Rhetson Companies, Inc
Owner's names (s): James C. Fannin
Project name: Stoney Creek, VA
Date: 8/5/22
Parcel-Tax Map Numbers and deed book reference: 66-A-11

These proffers are made as of the 5 of August 2022 by James C. Fannin, of Tax Map Number 66-A-11, containing approximately 9 acres of land which is referred to herein as the "Property". Owner has filed a rezoning application with the Sussex County Planning and Zoning Department requesting a change in the zoning of the Property from A-1 to B-2. Owner voluntarily proffers that the development of the Property proposed for rezoning under this application shall be in strict accordance with the conditions set forth below.

These proffered conditions ("Proffers") are the only conditions offered on this rezoning, and any prior proffered conditions on the Property are hereby superseded by these proffers and any and all previous proffers on the Property are hereby void and of no further force and effect.

All improvements, land, easements, dedications, gifts, proffers and other conveyances to the County shall be in fee simple, without cloud of title or encumbrance of any kind.

I. Development of the Property

1. Development of the Property associated with this rezoning application shall be generally consistent as determined by the reviewing authority with the Conceptual Plan prepared by Carter Run dated 08/ 04/ 2022.
2. All buildings shall be in accordance with current VA Building codes dated 2018.

II. Land Use

1. The Property shall be used as permitted under the B-2.
2. The following uses shall be expressly prohibited on the Property: (a) for any unlawful purpose or in any way which would constitute a legal nuisance to an adjoining owner or occupant; (b) as a discotheque, dance hall or night club; (c) as a massage parlor; (d) funeral parlor; (e) bingo



parlor; (f) car wash; (g) any use which emits a strong, unusual, offensive or obnoxious odor, fumes, dust or vapors, or any sound which can be heard outside of any buildings on the A Tract or B Tract, except that any usual paging system be allowed; (h) any assembling, manufacturing, distilling, refining, smelting, agricultural, or mining operation; (i) any "second hand" store or liquidation outlet; (j) any mobile home park, trailer court, labor camp, junk yard, recycling facility or stock yard; (k) any dumping, disposing, incineration or reduction of garbage (exclusive of garbage compactors located near the rear of any building); (l) any dry cleaners performing on-site cleaning services; (m) any automobile, truck, trailer or recreational vehicles sales, leasing, storage, display or body shop repair operation; (n) sleeping apartments or lodging rooms; (o) any veterinary hospital or animal raising facilities (except this provision shall not prohibit pet shops and shall not prohibit the provision of veterinary services in connection with pet shops or pet supplies business); (p) any establishment selling or exhibiting paraphernalia for use with illicit drugs, and establishment selling or exhibiting materials or devices which are adjudicated to be pornographic by a court of competent jurisdiction, and any adult bookstore, adult video store or adult movie theater; (q) any bar or tavern; provided, however, a bar within a restaurant shall be permitted; (r) any pool or billiard hall, gun range or shooting gallery, or amusement or video arcade; (s) any use which creates fire, explosives or other hazards; and (t) facilities for the use of treating addiction including but not limited to inpatient or outpatient substance abuse treatment facilities, pharmacological treatment facilities, safe injection sites and methadone maintenance therapy or clinics.

III. General

1. Successors and Assigns - This Proffer Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns. Any obligation(s) of Owner hereunder shall be binding upon and enforceable against any subsequent owner or owners of the Property or any portion thereof.

2. Severability - In the event that any clause, sentence, paragraph, subparagraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, subparagraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in



any way affect the validity of any other clause, sentence, paragraph, subparagraph, section or provision hereof.

3. Void if Application is not approved - In the event that the Application is not approved by the County, these Proffers shall be null and void.



SIGNATURE PAGE

Applicant: Rhetson Companies, Inc.

Owner: James C Fannin

[Signature]
Applicant Signature

[Signature]
Owner Signature

County of Sussex, Commonwealth of Virginia

City of Petersburg
~~County of Sussex, Commonwealth of Virginia~~

Subscribed and sworn to before me Teresa
Remmenza ~~note~~, A Notary Public in and
for the County of Sussex, ~~Commonwealth of State of~~
Virginia, North Carolina

Subscribed and sworn to before me Hettie
Jane Kelly, A Notary Public in and
for the ~~County of Sussex, Commonwealth of~~
Virginia, City of Petersburg

this 5 day of August, 20 22

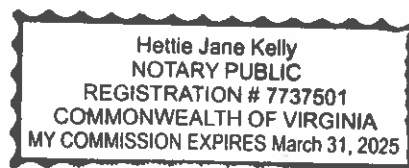
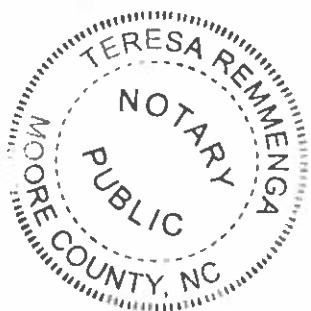
this 8th day of August, 20 22

[Signature]
Notary Public

[Signature]
Notary Public

My Commission Expires 02/25/2024

My Commission Expires 03/31/2025



2075 Juniper Lake Road
West End, NC 27376

910-944-0881 | www.rhetson.com

Item 7. Public Hearing
**Amendment to CUP #2019-
01, Waverly Solar, LLC**

Staff Report
Waverly Solar, LLC
Application for Amendments to Conditional Use Permit #2019-01
Sussex County, Virginia

Report Date: September 1, 2022
Planning Commission Meeting Date: September 13, 2022

APPLICATION SUMMARY

Project: Waverly Solar, LLC

Location: The site in question located between the Town of Waverly to the north and the unincorporated community of Newville to the southwest.

Parcel Record Numbers: 28A10-A-20, 28-A-22, 28A11-A-3, 28-A-25, 42-A-33, 27-1-A, 27-1-B, 28-A-20, 28-A-21, 28-A-24, 27-A-2, 27-A-3, 27-A-4, 27-A-5, 27-A-12, 28-A-17A, 42-A-6, 41-A-19, 41-A-20, 41-A-21, 41-A-22, 42-A-2, 42-A-3, 42-A-5, 42-A-13, 42-A-14, 42-A-15, 42-A-26, 42-A-27, 42-A-11, and 42-A-12

Proposal: Amendments to Conditional Use Permit #2019-01 to address buffer impacts

Application Submitted: August 30, 2022

Applicant(s): Energix US, LLC- Waverly Solar, LLC
1201 Wilson Blvd, Suite 2200
Arlington, VA 22209

Representative: Eliana Ginis
571-414-1442

Parcel Owner(s): Waverly Solar, LLC, Hal B. Miles and Peggy L Miles, Jack Philip Bain Jr. and Robin Bain Presson. Gray Christopher Farland, as Trustee under the Frances B. Gray 2002 Irrevocable Grandchildren's Trust, Higgins Partners, LLLP, Charles J. Cox and Alma Burke, and John Hancock Life Insurance Company

BACKGROUND:

The applicant, Waverly Solar, LLC is seeking an amendment to their Conditional Use Permit #2019-01 approved by the Board of Supervisors on March 21, 2019 to construct and operate a 118 megawatt solar energy facility in Sussex County. Waverly Solar, LLC will be the long term owner and operator of the Project. The site is located between the Town of Waverly to the northeast and the unincorporated community of Newville to the southwest. The site is bound to the east by

Coppahaunk Road (SR 654) and to the north by the Town of Waverly. Beef Steak Road (SR 626) traverses the western part of the project site and Oakdale Road (SR 655) runs through the southern part of the site. Sussex Drive (Route 40) extends north to south through the eastern part of the site. The project consists of 36 parcels (please see Exhibit B), totaling approximately 2,765 acres. The solar facility will only be located on approximately 823 acres. All properties are zoned A-1 and consist predominately of timberland and wetlands. The surrounding land uses include farmland, woodlands, single-family residences, a manufactured home park and overhead electrical transmission lines. The project will connect to the utility grid through a substation to be built by Virginia Electric and Power Company, d/b/a Dominion Energy. Waverly Solar will utilize approximately 330,000 single axis tracker and fixed tilt solar panels.

PROJECT DESCRIPTION

The applicant seeks to amend condition 10 and add condition 13 under CUP #2019-01. These conditions were applied by the Board of Supervisors during the original approval to buffer the visual impact of the solar operation from adjacent residences and public rights-of-way.

According to the applicant, the required bufferyards were erroneously cleared by the property owner(s) during a timbering operation after approval of the original CUP and prior to the solar company taking ownership of the parcels. Because the bufferyards were approved as conditions of the CUP approval, the applicant is required to file an amendment to address changes necessary to restore the vegetated buffers.

PROPOSED AMENDMENTS

The applicant has proposed the following changes to:

- **Condition 10.** A minimum one hundred and fifty (150) foot setback shall be maintained from the solar equipment to any adjacent residential dwellings that exist at the time of the approval of the Board of Supervisors unless it is across a public right-of-way from the solar equipment. A wooded buffer of existing trees at least 25 feet in width shall be maintained on the applicant's property from the solar energy facility to any existing residential dwelling. The security fence and project roads may be located within the setbacks. During construction the setback may be used for staging of materials and parking. For the purposes of this CUP, project roads shall mean internal roads used to access the solar energy facility during construction. With respect to tax map #28A10-A-17A and #28A10-A-18 (Sussex Trace Associates), a minimum of 500 foot setback for solar equipment shall be maintained from the property line and the wooded buffer shall consist of a 200-foot-wide contiguous area left in its natural vegetative state of existing trees and shall be located entirely on tax map #28-A-211 and #28-A-20 (Grayland Company). ~~In the event of a natural disaster or similar event that substantially eliminates the wooded buffer around tax map # 28A10 A-17A and #28A10 A-18 (Sussex Trace Associates); #27 A-1 (Bernardo); and #42 A-6A (Pittman), an evergreen buffer shall be planted consisting of a double row of evergreen~~

~~trees that are at least 6-8 feet in height at the time of planting and spaced 10 feet apart. Each row shall be offset from the other to achieve the maximum amount of screening.~~ In addition, there shall be a 200-foot-wide contiguous area left in its natural vegetative state of existing trees which shall remain along a line north from #28A10-A-17A (Sussex Trace Associates) property boundary and running parallel with Sussex Drive to the property boundary of tax map #28-A-21 (Grayland Company).

- **Condition 11.** A minimum 50' foot setback from the solar equipment to the property line shall be provided around the perimeter of the solar energy facility where it is adjacent to property not owned by the same property owner as covered in the CUP at the time of approval by the Board of Supervisors. A 25-foot wide wooded buffer of existing trees shall be maintained on the applicant's property around the perimeter of the project where it is adjacent to property not owned by the same property owner as covered in the CUP. During construction the setback area may be used for the staging of materials or parking. The security fence and project roads may be located within the setbacks.
- **Condition 12.** A minimum 100-foot setback from any solar structure to any public right-of-way shall be provided where the project is adjacent to the public right-of-way. Along public rights-of-way, a 25-foot-wide wooded buffer of existing trees shall be maintained on the applicant's property. The security fence and project roads may be located within setbacks. During construction the setback area may be used for the staging of materials and parking.
- **Added Condition 13.** In the case of any event, natural or otherwise, that substantially eliminates a required wooded buffer, whether that buffer was planted, consisted of existing trees, or was an area left in its natural vegetative state, an evergreen buffer shall be planted consisting of a double row of evergreen trees that are at least 6-8 feet in height at the time of planting and spaced 10 feet apart. Each row shall be offset from the other to achieve the maximum amount of screening.

COMPREHENSIVE PLAN CITATIONS

The Comprehensive Plan 2004-2005 update was adopted on October 20, 2005. The plan was amended April 2, 2019 and February 17, 2022 to specifically address solar generating facilities. In relation to the amended conditions, the comprehensive plan recommends that steps be taken to minimize negative impacts in proximity to residences; historic, cultural, recreational, or environmentally- sensitive areas; and scenic viewsheds.

ZONING ORDINANCE PROVISIONS

The original CUP was approved prior to the revision of the County's Zoning Ordinance to more adequately address solar facilities. Conditions 10, 11 and 12 were included as conditions of the CUP to preserve adequate bufferyards to lessen the visual impact of the facility adjacent to existing

residential development and from public rights-of-way. The revised ordinance includes the following provision.

The Zoning Ordinance was updated February 17, 2022 and now includes the following language:

Appendix B, Zoning: Article I 16-1 Definitions and Article XXII, Solar and Battery Facilities, Supplementary Use regulations

Sec. 16-406f

- **Vegetative Screening:** In the event existing vegetation or landforms providing the screening are inadequate or disturbed, new plantings shall be provided in a landscaped strip at least 50 feet wide. Landscaping intended for screening shall consist of a combination of non-invasive species, pollinator species, and native plants, shrubs, trees, grasses, forbs, and wildflowers. Trees intended for screening shall consist of a combination of evergreen and deciduous trees that are 5-6 ft. in height at time of planting. A triple row of trees shall be placed on average at 15 ft. on center. A list of appropriate plant materials shall be available at the Planning Office. Species listed on DCR's Invasive Plant Species list shall not be used.

STAFF CONCLUSIONS

Strengths

- The proposed 6-8-foot replacement vegetation exceeds the height recommended by the revised ordinance provisions.
- The cleared areas are beginning to naturally re-establish vegetation.

Weaknesses

- Some of the regrown vegetation may be disturbed in the process of re-planting of trees.
- It may take approximately 5 years or more for the new vegetation to reach the original intent of the conditions.

STAFF RECOMMENDATION

Staff recommends approval of the proposed amendments contingent upon additional changes as may be included upon review and discussion by the Commission and Board.

Attachments:

- Amendments to Conditional Use Permit #2019-01 application, submitted August 31, 2022.
- Project Landowners
- Proposed Amendments submitted by the applicant
- Landscaping Plan and Visual Renderings
- Overall Site Exhibit

August 29, 2022

Beverly Walkup
Planning Director
20135 Princeton Road
Sussex, VA 23884

Re: Conditional Use Permit Amendment for Waverly Solar, LLC

Dear Ms. Walkup,

Please accept the enclosed application package submitted by Waverly Solar, LLC for a Conditional Use Permit amendment for a proposed 118 MWac solar generation project in Sussex County.

We appreciate the opportunity to submit this application and look forward to continuing working with you.

Please contact me at 571-414-1442 or eliana.ginis@energixrenewables.com should you have any questions or require additional information.

Best regards,



Eliana Ginis
Senior Analyst, Project Development
Energix US, LLC
1201 Wilson Blvd. Ste. 2200
Arlington, VA 22209

EXHIBITS:

- Exhibit A – Conditional Use Permit Application
- Exhibit B – Project Landowners
- Exhibit C – Proposed Conditions
- Exhibit D – Landscaping Plan and Visual Renderings
- Exhibit E – Liability Insurance

Waverly Solar, LLC
Conditional Use Permit Amendment
August 29, 2022

Waverly Solar, LLC is seeking an amendment to their Conditional Use Permit to construct and operate a 118 megawatt solar energy facility in Sussex County. Waverly Solar, LLC will be the long-term owner and operator of the Project. The site is located between the Town of Waverly to the northeast and the unincorporated community of Newville to the southwest. The site is bound to the east by Coppahaunk Road (SR 654) and to the north by the Town of Waverly. Beef Steak Road (SR 626) traverses the western part of the project site and Oakdale Road (SR 655) runs through the southern part of the site. Sussex Drive (Route 40) extends north to south through the eastern part of the site. The project consists of 36 parcels (**please see Exhibit B**), totaling approximately 2,765 acres. The solar facility will only be located on approximately 823 acres. All properties are zoned A-1 and consist predominately of timberland and wetlands. The surrounding land uses include farmland, woodlands, single-family residences, a manufactured home park and overhead electrical transmission lines. The project will connect to the utility grid through a substation to be built by Virginia Electric and Power Company, d/b/a Dominion Energy. Waverly Solar will utilize approximately 330,000 single axis tracker and fixed tilt solar panels.

The purpose of this amendment is to outline the changes in the vegetative buffer on a portion of the project. In early 2022, vegetation that was supposed to remain intact for the buffer was cut down by a landowner and therefore conditions #10, #11, and #12 need to be updated to account for the tree removal and new proposed screening. These conditions say that a 25-foot buffer of existing trees shall be maintained on the applicant's property along the perimeter of the project. Waverly Solar proposes a new landscaping plan and conditions that address the buffer that was removed by proposing newly planted vegetation to serve as screening. The proposed amendment affects parcels 27-A-2, 27-A-3, 27-A-4, 41-A-19, 41-A-20, 41-A-21, 41-A-22, 42-A-14, 42-A-33, 42-A-15, 42-A-13, 42-A-26, 42-A-12, 42-A-11, 42-A-6. The proposed conditions can be found in **Exhibit C of this application** and a landscaping plan/visual renderings can be found in **Exhibit D of this application**.

Estimated Construction Schedule:

Construction is estimated to commence early to mid-2023 and become operational by the end of 2023.

Wetlands, waterways, and floodplains shall be inventoried, delineated, and avoided.

Waverly Solar has had formal wetland delineations and the wetlands have been verified by the Army Corp of Engineers.

Environmental inventory and impact statement:

Waverly Solar will be built in two phases. Waverly Phase I is under review by the Department of Environmental Quality for Permit by Rule and Waverly Phase II will be submitted to DEQ in the next month. The project has undergone Cultural Phase 1 Surveys and Threatened and Endangered Species surveys.

Visual Impact Analysis:

Waverly Solar has provided an exhibit showing where the buffer remains, what has been cut down, and where we are proposing new vegetation. Visual renderings are also provided to show the current view, what the buffer will look like at the time of planting, after five years of growth, and after ten years of growth. In addition, several proposed solar arrays were relocated from some cleared areas to other, more screened locations within the project boundaries.

PROJECT LANDOWNERS

- 1. Waverly Solar, LLC (not affected by this amendment)**
28-A-20
28-A-21
28-A-22
22-A-20
28-A-24
28-A-25
28A11-A-3
27-1-A
27-1-B
- 2. Dean Pittman (not affected by this amendment)**
42-A-6A
- 3. Hal B. Miles and Peggy L. Miles (not affected by this amendment)**
27-A-12
- 4. Jack Phillip Bain Jr. and Robin Bain Presson**
42-A-11
42-A-12
- 5. Gray Christopher Farland, as Trustee under the Frances B. Gray 2002 Irrevocable Grandchildren's Trust dated February 26, 2002**
42-A-33
- 6. Higgins Partners, LLLP**
42-A-6
28-A-17A
- 7. Charles J. Cox and Alma Burke (not affected by this amendment)**
28-A-15
28-A-14
27-A-13
- 8. John Hancock Life Insurance Company**
27-A-2
27-A-3

27-A-4
27-A-5
41-A-21
41-A-22
42-A-2
42-A-3
42-A-5
42-A-14
42-A-13
42-A-15
42-A-26
41-A-19
41-A-20
42-A-27
42-A-20

Waverly Solar, LLC

Exhibit A

Conditional Use Permit



"Good Things Are Happening in Sussex County!"

Sussex County, Virginia
Planning and Zoning Department

CONDITIONAL USE PERMITS

WHY DO I NEED A CONDITIONAL USE PERMIT?

Sussex County's Zoning Ordinance permits certain "by right" land uses in a district, and other uses, which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right. Such other uses, under the right set of circumstances and conditions, may be acceptable in certain specific locations only after review and recommendation of a Conditional Use Permit by the Planning Commission and approval by the Board of Supervisors.

WHAT IS THE PROCEDURE FOR OBTAINING A CONDITIONAL USE PERMIT?

1. Prior to submitting an application, we recommend scheduling a pre-application meeting to review the application and discuss any questions the applicant may have. Pre-application meetings may be scheduled by calling the Planning and Zoning Department at 434-246-1043.
2. Submit fifteen (15) copies of the completed application form, completed application checklist with all required documents (See Submittal Checklist for additional items that may be required), completed disclosure of real estate holdings, owner's affidavit, the filing fee and one (1) digital copy of all documents.

Conditional Use Permit

- Fee: \$500.00

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

Once a completed application has been submitted to the County, the application is distributed for comment and review to all appropriate County and State agencies and departments. Once all comments are received and the application is deemed acceptable by all appropriate County and State agencies and departments, the application is scheduled for public hearing at the next Planning Commission meeting. Planning Commission meetings are held at 6:00 p.m. on the first Monday of each month in the General District Courtroom at the Sussex Judicial Center. The advertising deadline for an upcoming Planning Commission public hearing is the first Friday of the month; therefore, an application must be deemed acceptable by the Planning and Zoning Department prior to this deadline in order to be placed on the next month's agenda.

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

1. Once the application is scheduled for a public hearing by the Planning Commission, the applicant may be required to submit additional copies of the application deemed necessary by the Planning and Zoning Department for distribution to the Planning Commission. All required items must be submitted to the Planning and Zoning Department no fewer than ten calendar days prior to the scheduled public hearing.
2. The applicant will be given at least one sign to post on the property at least ten (10) days prior to the Planning Commission public hearing, indicating an application has been filed.



"Good Things Are Happening in Sussex County!"

**Sussex County, Virginia
Planning and Zoning Department**

Additional signs may be required based on linear road frontage. These signs are provided by the County and may be picked up in the Planning and Zoning Department at 21035 Princeton Road, Sussex, VA 23884.

3. The application is advertised for public hearing in the local newspaper(s) twice – no more than twenty-one (21) days and no less than five (5) days prior to the public hearing.
4. Notices are sent by the Planning Department to all property owners within a 200-foot radius of the property associated with the application at least five (5) days prior to the public hearing.
5. Staff will prepare a report on the application and the applicant will be sent a copy of the report and other comments made by County and State agencies and departments prior to the meeting date.
6. The applicant and/or a representative is required to attend the Planning Commission meeting to present the application and answer any questions from Commission members.
7. Following the Planning Commission's recommendation of approval or denial, the application will be placed on the Board of Supervisors' agenda for a public hearing. Board of Supervisors meetings are held on the third Thursday of each month and begin at 6:00 pm in the Sussex Central Elementary School Gymnasium, 21394 Sussex Drive, Waverly, VA 23890. The same notification procedure as outlined above will be followed, and ten (10) additional copies of all application documents will be required to be submitted by the applicant for distribution to the Board of Supervisors. All required items must be submitted to the Planning and Zoning Department no fewer than ten calendar days prior to the scheduled public hearing.

8. The Board of Supervisors will hold the public hearing as scheduled, and make a determination to approve or deny the application. The applicant and or a representative is required to attend the Board of Supervisors meeting to present the application and answer any questions from Board of Supervisors members.
9. The applicant will be notified in writing of the Board of Supervisors' discussion. If denied, a period of at least one (1) year must elapse in order to resubmit the application, unless significant changes are made. Also, the applicant may appeal the Board's decision to the Sussex County Circuit Court within 30 days.

HOW LONG IS A CONDITIONAL USE PERMIT VALID?

Indefinitely, unless the Board of Supervisors places a time limit or other condition on the use permit that makes it not indefinite.

CAN A CONDITIONAL USE PERMIT BECOME VOID OR BE REVOKED?

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

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

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



"Good Things Are Happening in Sussex County!"

Sussex County, Virginia
Planning and Zoning Department

SUBMITTAL CHECKLIST FOR CONDITIONAL PERMIT APPLICATIONS

In conjunction with Section 34-30, *Conditional Uses*, of the Sussex County Zoning Ordinance, as amended, the following information shall be submitted for a Conditional Use Permit Application. Please note that it is the applicant's responsibility to ensure that the application is in compliance with all Federal, State and County regulations.

No application for a Conditional Use shall be certified as complete unless the following information is provided, unless the Zoning Administrator reduces the number of required copies.

- ☐ 1. Fifteen (15) copies of the original, executed application and one (1) original executed application. Both the applicant(s) and the property owner(s) must have their signature(s) notarized on page No. 2 of the application.
- ☐ 2. The appropriate fees have been submitted with the application. Checks should be made payable to: Treasurer, Sussex County.
- ☐ 3. Fifteen (15) copies of a statement of the reasons for seeking such permit, and if applicable, a statement of conditions.
- ☐ 4. Fifteen (15) copies of a narrative description of the property which shall include the Tax Parcel Identification Number.
- ☐ 5. One (1) copy of the most recent deed(s) for the property(s) associated with the application.
- ☐ 6. A concept plan of the property showing all existing and proposed physical improvements and such other information as is necessary to clearly indicate to the Planning Commission and Board of Supervisors that adequate provisions shall be made for compliance with all standards for that particular use and the extent of the property to be so used on a given parcel or parcels. Such document shall be drawn to scale and shall include the following information:
 - 1. A vicinity map at a scale of no less than one (1) inch equals two thousand (2,000) feet
 - 2. Title of drawing
 - 3. Date of drawing
 - 4. Existing wood line
 - 5. North arrow
 - 6. Scale bar
 - 7. Dimensions of property, location, size and elevation of existing buildings and proposed buildings, roadways, sidewalks, parking and loading spaces, and landscaping.
 - 8. Current zoning of parcel(s) to be rezoned, including tax map number(s) and owner(s)
 - 9. Current zoning of adjacent parcel(s), including tax map number(s) and owner(s)
 - 10. Street names including route number and width(s) of the right-of-way(s)
 - 11. Fifteen (15) full size copies, with one (1) reduced 11-inch X 17-inch copy shall be submitted
 - 12. Please note that additional information on the site layout may be requested by the Zoning Administrator during the review process in order to more effectively review the application and prepare the staff reports for the Planning Commission and Board of Supervisors.



"Good Things Are Happening in Sussex County!"

Sussex County, Virginia
Planning and Zoning Department

- ☐ 7. Fifteen (15) copies of such supplemental material as may be necessitated by the proposal.
- ☐ 8. One (1) electronic copy of all application documents.
- ☐ 9. All real estate taxes must be paid and current at the time of submittal; otherwise, the submittal will be refused at the counter. Proof of the most recent tax payment to the County must accompany the application.

I, the undersigned, certify that this application is complete, accurate and contains all required and requested information, documents and other submittals, and that all statements made herein are, to the best of my knowledge, true and correct. I further certify that I have exercised due diligence to obtain the most recent, complete and correct information available. I understand that any section not completed in its entirety may delay processing of this application and the date of the Planning Commission public hearing and that the submittal of a complete application does not guarantee the application will be placed on the next available Planning Commission agenda.

Itamar Sarussi

Printed or Typed Name


Signature

08/16/2022

Date



"Good Things Are Happening in Sussex County!"

Sussex County, Virginia
Planning and Zoning Department

APPLICATION FOR CONDITIONAL USE PERMIT

This application should be used to petition for a permit for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but which may, under the right set of circumstances and conditions be acceptable in certain specific locations. The following application requirements are consistent with the procedures set forth in Section 34-30, *Conditional Uses* of the Sussex County Zoning Ordinance, as amended.

A. APPLICATION

Conditional Use Permit (Are applicant proposed conditions attached?): ☒ Yes ☐ No

The proposed use or activity is listed as a conditional use in the A-1 zoning district as per Section 16-22 in Article III of the Sussex County Zoning Ordinance.

Proposed Use, Activity, or Type of Improvement: Solar Energy Facility
Solar Energy Facility

Fair Market Value of Improvements? \$ _____

B. PROJECT DESCRIPTION:

Project Name: Waverly Solar

Property Address (if any): 29656 Sussex Drive, Waverly, VA 23890

Election District: _____

Comprehensive Plan Designation: _____

The use permit will apply to 2765 acres out of 2765 total acres

Tax Parcel Identification # Please see attached Number of acres to be effected: 823 total

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

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

Proposed Utilities (check all that apply):
Public Water ☐ Private Well ☐
Public Sewer ☐ Private Septic ☐

Are there any deed restrictions on the property? ☐ Yes ☒ No
(If yes, please attach a copy of the deed restrictions.)



"Good Things Are Happening in Sussex County!"

Sussex County, Virginia
Planning and Zoning Department

C. APPLICATION INFORMATION:

Applicant(s) Name(s): Waverly Solar, LLC
Address: 1201 Wilson Blvd, Suite 2200
City, State, Zip Code: Arlington, VA 22209
Phone No.: 571-414-1442 Email: eliana.ginis@energixrenewables.com Fax No.: _____
Property Owner(s) Name(s): Please see attached
Address: _____
City, State, Zip Code: _____
Phone No.: _____ Email: _____ Fax No.: _____

Applicants/Owners Affidavit (including compliance with all deed restrictions and covenants)

This application must be signed by the owner(s) of the subject property or must have attached written evidence of the owner's consent, which may be in the form of a binding contract of sale with the owner's signature or a letter signed by the owner(s), containing written authorization to act with full authority on the owner(s) behalf in filing this use permit application. Signing this application shall certify the owner's compliance with all deed restrictions and covenants, and shall constitute the granting of authority of the County to enter onto the property for the purpose of conducting site analyses and compliance with Federal, State and County regulations.

Applicant: Waverly Solar, LLC
Printed or Typed Name

Owner: _____
Printed or Typed Name

Applicant: _____ Date: 08-16-2022
Signature

Owner: _____ Date: _____
Signature

County of Sussex, Commonwealth of Virginia

County of Sussex, Commonwealth of Virginia

Subscribed and sworn to before me Travis Lamar Bryant
Bryant, A Notary Public in and for
the County of Sussex, Commonwealth of Virginia,
this 16th day of August, 2022

Subscribed and sworn to before me _____
_____, A Notary Public in and for
the County of Sussex, Commonwealth of Virginia,
this _____ day of _____, 20____

Travis Lamar Bryant
T. Bryant
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 8002535
Com. Exp. May 31, 2026
Notary Public

Notary Public

My Commission Expires May 31, 2026

My Commission Expires _____



"Good Things Are Happening in Sussex County!"
Sussex County, Virginia
Planning and Zoning Department

Owner: John Hancock Life Insurance Company
Printed or Typed Name

Owner:  Date: 8/15/2022
Signature Derek Solmie

County of Mecklenburg, State of North Carolina

Subscribed and sworn to before me Cynthia L. Tringali
, A Notary Public in and for
the County of Mecklenburg, State of North Carolina,
this 15th day of August, 2022


Notary Public

My Commission Expires October 5, 2022

Owner: _____
Printed or Typed Name

Owner: _____ Date: _____
Signature

County of Sussex, Commonwealth of Virginia

Subscribed and sworn to before me _____
, A Notary Public in and for
the County of Sussex, Commonwealth of Virginia,
this 15th day of August, 2022

Notary Public

My Commission Expires _____





"Good Things Are Happening in Sussex County!"
Sussex County, Virginia
Planning and Zoning Department

Gray Christopher Farland, as Trustee under the Francis
B. Gray 2002 Irrevocable Grandchildren's Trust

Owner: Gray Christopher Farland, as Trustee under the Francis B. Gray 2002 Irrevocable Grandchildren's Trust
Printed or Typed Name

Owner: _____
Printed or Typed Name

Owner: *Gray C. Farland* Date: 08/12/2022
Signature

Owner: _____ Date: _____
Signature

County of Sussex, Commonwealth of Virginia

County of Sussex, Commonwealth of Virginia

Subscribed and sworn to before me Carla Spears
_____, A Notary Public in and for
the County of Sussex, Commonwealth of Virginia,
this 12 day of August, 20 22.

Subscribed and sworn to before me _____
_____, A Notary Public in and for
the County of Sussex, Commonwealth of Virginia,
this _____ day of _____, 20 _____

Carla Spears
Notary Public

Notary Public

My Commission Expires 10/31/2023

My Commission Expires _____

CARLA A. SPEARS
NOTARY PUBLIC
Commonwealth of Virginia
Reg. 7505189
My Commission Expires Oct. 31, 2023



"Good Things Are Happening in Sussex County!"
Sussex County, Virginia
Planning and Zoning Department

Owner: Jack Phillip Bain Jr. and Robin Bain Presson
Printed or Typed Name

Owner: ROBIN BAIN PRESSON
Printed or Typed Name

Owner: [Signature] Date: 8/16/22
Signature

Owner: [Signature] Date: 8/16/22
Signature

County of Sussex, Commonwealth of Virginia

County of Sussex, Commonwealth of Virginia

Subscribed and sworn to before me Jack Phillip Bain Jr., A Notary Public in and for the County of Sussex, Commonwealth of Virginia, this 16th day of August, 2022

Subscribed and sworn to before me Robin Bain Presson, A Notary Public in and for the County of Sussex, Commonwealth of Virginia, this 16th day of August, 2022

[Signature]
Notary Public

[Signature]
Notary Public

My Commission Expires 12/31/2024

My Commission Expires 12/31/2024

Michaela Shea McCraine
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7859566
My Commission Expires 12/31/2024

Michaela Shea McCraine
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7859566
My Commission Expires 12/31/2024

220000333

This document was prepared by: Kaufman & Canoles, P.C., William L. Holt, Esq.,
506 N. Main Street, Franklin, Virginia 23851

SPECIFIC DURABLE POWER OF ATTORNEY

I, **ROBIN BAIN PRESSON**, Grantor, make this General Durable Power of Attorney appointing **JACK PHILIP BAIN, JR.**, Grantee, my true and lawful agent ("my Agent").

GRANT OF AUTHORITY

I grant to my Agent all of the powers and authorities set forth in the following sections of the Code of Virginia (1950), as amended, in effect as of the date hereof, and any subsequent amendments thereto, and all of said powers as enumerated therein are hereby incorporated and made part of this Power of Attorney:

1. Real Property [Va. Code Ann. § 64.2-1625].

THE POWERS GRANTED HEREUNDER SHALL APPLY ONLY WITH REGARD TO ACTION IN MY CAPACITY AS OWNER OF REAL ESTATE JOINTLY OWNED BY MYSELF AND THE GRANTEE HEREUNDER, WHETHER OWNED AS OF THIS DATE OR HEREAFTER ACQUIRED.

EFFECTIVE DATE; DURABLE POWER; SURVIVAL OF OTHER POWERS OF ATTORNEY

I hereby ratify and confirm all lawful acts done by my Agent by virtue hereof. Any person, including my Agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has terminated or is invalid. This power of attorney is effective immediately. This power of attorney is durable and it shall survive my incapacity. This instrument shall not be deemed to revoke or limit any other powers of attorney previously created by me.

SIGNATURE AND ACKNOWLEDGMENT



ROBIN BAIN PRESSON

Date: 2-1-2022

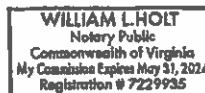
COMMONWEALTH OF VIRGINIA
CITY OF FRANKLIN

The foregoing instrument was acknowledged before me in the aforesaid jurisdiction this 1st day of February, 2022, by ROBIN BAIN PRESSON, ☒ who is personally known to me or ☐ who has produced _____ as identification.



Notary Registration Number: 7229935
My commission expires: 5/31/2024

Notary Public



INSTRUMENT 220000333
RECORDED IN THE CLERK'S OFFICE OF
SOUTHAMPTON CIRCUIT COURT ON
FEBRUARY 2, 2022 AT 09:47 AM
RICK FRANCIS, CLERK
RECORDED BY: RMT



"Good Things Are Happening in Sussex County!"
Sussex County, Virginia
Planning and Zoning Department

Owner: Higgins Partners, LLLP
Printed or Typed Name

Owner: _____
Printed or Typed Name

Owner: [Signature] Date: 8/17/22
Signature

Owner: _____ Date: _____
Signature

County of Sussex, Commonwealth of Virginia

County of Sussex, Commonwealth of Virginia

Subscribed and sworn to before me Gloria V
Ramirez, A Notary Public in and for
the County of Sussex, Commonwealth of Virginia,
this 17th day of August, 20 22

Subscribed and sworn to before me _____
_____, A Notary Public in and for
the County of Sussex, Commonwealth of Virginia,
this _____ day of _____, 20 _____

[Signature]
Notary Public

Notary Public

My Commission Expires 01/31/2023

My Commission Expires _____

GLORIA VANESSA RAMIREZ
NOTARY PUBLIC
REG. #7651981
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JANUARY 31, 2023



"Good Things Are Happening in Sussex County!"

Sussex County, Virginia

Planning and Zoning Department

NOTICE: THE ATTACHED CHECKLIST MUST BE COMPLETED, CERTIFIED, AND SUBMITTED OR THE APPLICATION WILL BE CONSIDERED INCOMPLETE.

Remit Application to: Sussex County Planning Department, 20135 Princeton Road, P. O. Box 1397,
Sussex, Virginia 23884

FOR OFFICE USE ONLY:

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

AGENCIES REFERRALS:

____ Department of Environment Quality
____ Finance
____ Industrial Development Authority
____ County Administration
____ Public Safety
____ Health Department
____ VDOT
____ Commissioner of the Revenue
____ Sussex Service Authority

____ Building Inspections
____ Sheriff's Office
____ Town of Jarratt
____ Town of Waverly
____ Town of Stony Creek
____ Town of Wakefield
____ Schools
____ County Attorney
____ Other _____

Verified By: _____ Date: _____



"Good Things Are Happening in Sussex County!"

Sussex County, Virginia

Planning and Zoning Department

COUNTY OF SUSSEX

DISCLOSURE OF REAL ESTATE HOLDINGS

Applicant Waverly Solar, LLC

Address 1201 Wilson Blvd, Suite 2200

Arlington VA 22209
City State Zip

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
29656 Sussex Drive, Waverly, VA 23890	

OTHER OWNERS OF AFFECTED REAL ESTATE

(Not Required for Corporation whose stock is traded on a national or local stock exchange or having more than 500 shareholders.)

Name of Individuals Corporation/Partnership Business Association	Address
Jack Phillip Bain Jr. and Robin Bain Presson	8265 Main St, Ivor, VA 23866
Gray Christopher Farland, as Trustee under the Frances B. Gray 2002 Irrevocable Grandchildren's Trust	1057 Martinsburg Pike, Winchester, VA 22603
Higgins Partners, LLLP	2260 Lake Powell Road, Williamsburg, VA 23185
John Hancock Life Insurance Company	13950 Ballantyne Corporate Place, Suite 150, Charlotte, NC 28277

Does any member of the Sussex County Planning Commission or governing body have any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust, or whether a member of the immediate household of any member of the Planning Commission or governing body has any such interest? ☐ Yes ☒ No

If yes, names of members:

I do solemnly swear that the foregoing statement(s) and attachments(s), if any, are complete, correct and true.

Applicant: Waverly Solar, LLC

Applicant: _____

Date: 08-16-2022

Printed or Typed Name

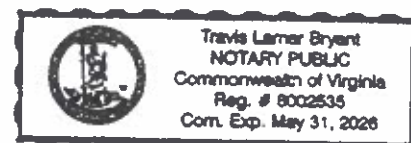
Signature

Commonwealth of Virginia
County of Sussex

Subscribed and sworn to before me Travis Lamar Bryant,
A Notary Public in and for the County of Sussex, Commonwealth of
Virginia, this 16th day of August, 2022.

[Signature]
Notary Public

My Commission Expires May 31st, 2026



**Waverly Solar, LLC
Exhibit B
Project Landowners**

Owner: Waverly Solar, LLC

Parcels:

28-A-20 (18.04 acres affected)

28-A-21 (65.89 acres affected)

28-A-22 (9.93 acres affected)

28A10-A-20

28-A-24 (.24 acres affected)

28-A-25

28A11-A-3 (1.47 acres affected)

27-1-A

27-1-B

Address: 1201 Wilson Blvd. Suite 220, Arlington, VA 22209

Phone: 571-414-1442

Email: Eliana.ginis@energixrenewables.com

Owner: Dean Pittman

Parcel: 42-A-6A

Acres affected:

Address: 8418 Coppahaunk Road, Waverly, VA 23890

Phone:

Email: coppahaunkfarms@icloud.com

Owner: Hal B. Miles and Peggy L. Miles

Parcel: 27-A-12 (183 acres affected)

Address: 1978 North Westchester Dr., Petersburg, VA 23808

Address: 4870 Sadler Road Suite 300, Glen Allen, VA 23060

Phone: 804-691-4274

Email: halbmiles74@gmail.com peggymiles10@verizon.net

Owner: Jack Phillip Bain Jr. and Robin Bain Presson

Parcels:

42-A-11 (5 acres affected)

42-A-12 (8 acres affected)

Address: 8265 Main St, Ivor, VA 23866

Phone: 757-651-8333

Email: bainpeanuts@aol.com

Owner: Gray Christopher Farland, as Trustee under the Frances B. Gray 2002 Irrevocable Grandchildren's Trust dated February 26, 2002

Parcel: 42-A-33 (136 acre affected)

Address: 1057 Martinsburg Pike, Winchester, VAA 22603

Phone: 540-532-5812

Email: gfarland@shockeycompanies.com

Owner: Higgins Partners, LLLP

Parcels:

42-A-6 (39 acres affected)

28-A-17A

Address: 2260 Lake Powell Road, Williamsburg, VA 23185

Phone: 804-898-0124

Email: ophiggins@hotmail.com

Owner: Charles J. Cox and Alma Burke

Parcel: 28-A-15, 28-A-14, 27-A-13

Address: 29539 Sussex Dr., Waverly, VA 23890

Phone: 804-712-5964

Email:

Owner: John Hancock Life Insurance Company

Parcel:

27-A-2

27-A-3 (114 acres affected)

27-A-4 (75 acres affected)

27-A-5 (33 acres affected)

41-A-21 (48 acres affected)

41-A-22

42-A-2

42-A-3

42-A-5

42-A-14

42-A-13 (0.5 acres affected)

42-A-15

42-A-26 (28 acres affected)

41-A-19 (40 acres affected)

41-A-20 (5 acres affected)

42-A-27 (12 acres affected)

42-A-20

Address: 13950 Ballantyne Corporate Place, Suite 150, Charlotte, NC 28277

Phone: 318-623-0540

Email: mike_dicarlo@manulife.com

**Waverly Solar, LLC
Exhibit C
Proposed Conditions**

10. A minimum one hundred and fifty (150) foot setback shall be maintained from the solar equipment to any adjacent residential dwellings that exist at the time of the approval of the Board of Supervisors unless it is across a public right-of-way from the solar equipment. A wooded buffer of existing trees at least 25 feet in width shall be maintained on the applicant's property from the solar energy facility to any existing residential dwelling. The security fence and project roads may be located within the setbacks. During construction the setback may be used for staging of materials and parking. For the purposes of this CUP, project roads shall mean internal roads used to access the solar energy facility during construction. With respect to tax map #28A10-A-17A and #28A10-A-18 (Sussex Trace Associates), a minimum of 500 foot setback for solar equipment shall be maintained from the property line and the wooded buffer shall consist of a 200-foot-wide contiguous area left in its natural vegetative state of existing trees and shall be located entirely on tax map #28-A-211 and #28-A-20 (Grayland Company). In addition, there shall be a 200-foot-wide contiguous area left in its natural vegetative state of existing trees which shall remain along a line north from #28A10-A-17A (Sussex Trace Associates) property boundary and running parallel with Sussex Drive to the property boundary of tax map #28-A-21 (Grayland Company).

11. A minimum 50' foot setback from the solar equipment to the property line shall be provided around the perimeter of the solar energy facility where it is adjacent to property not owned by the same property owner as covered in the CUP at the time of approval by the Board of Supervisors. A 25-foot-wide wooded buffer of existing trees shall be maintained on the applicant's property around the perimeter of the project where it is adjacent to property not owned by the same property owner as covered in the CUP. During construction the setback area may be used for the staging of materials or parking. The security fence and project roads may be located within the setbacks.

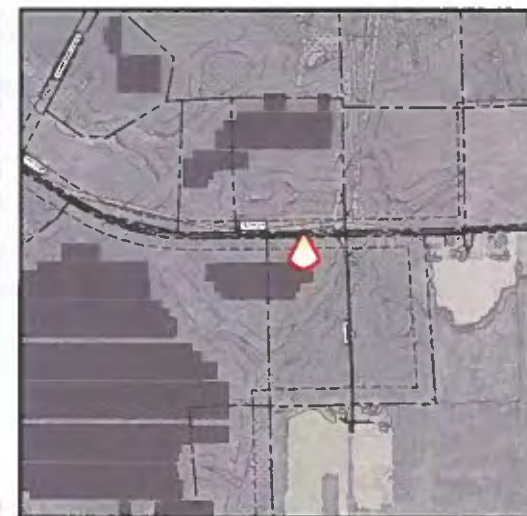
12. A minimum 100-foot setback from any solar structure to any public right-of-way shall be provided where the project is adjacent to the public right-of-way. Along public rights-of-way, a 25-foot-wide wooded buffer of existing trees shall be maintained on the applicant's property. The security fence and project roads may be located within setbacks. During construction the setback area may be used for the staging of materials and parking.

13. In the case of any event, natural or otherwise, that substantially eliminates a required wooded buffer, whether that buffer was planted, consisted of existing trees, or was an area left in its natural vegetative state, an evergreen buffer shall be planted consisting of a double row of evergreen trees that are at least 6-8 feet in height at the time of planting and spaced 10 feet apart. Each row shall be offset from the other to achieve the maximum amount of screening.

Waverly Solar, LLC

Exhibit D

Landscaping Plan / Visual Renderings



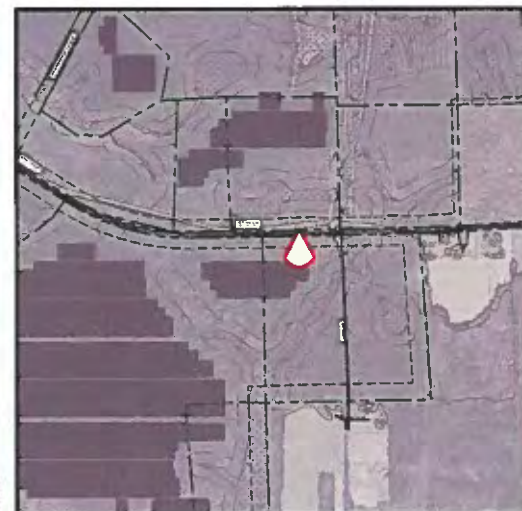
VIEWSHED KEY MAP
SCALE 1" = 500'

WAVERLY SOLAR
Sussex County, Virginia



View 2 -
Existing Condition
MARCH 2022

Kimley»Horn



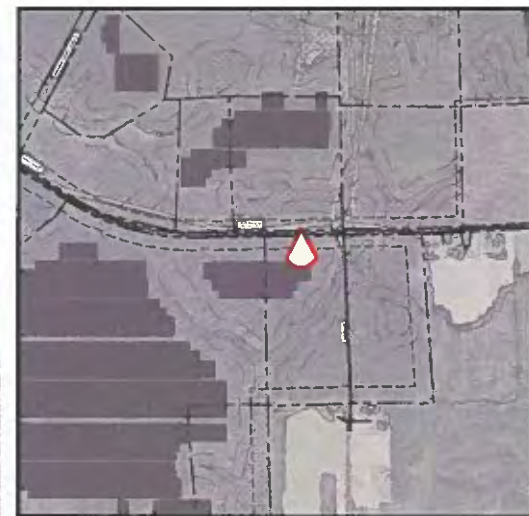
 **VIEWSHED KEY MAP**
SCALE 1" = 100'

WAVERLY SOLAR
Sussex County, Virginia



View 2 - Proposed
Buffer at Installation
MARCH 2022

Kimley»Horn



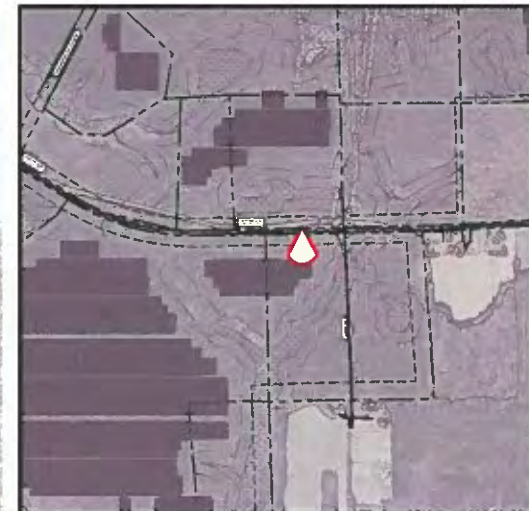
 **VIEWSHED KEY MAP**
SCALE 1" = 100'

WAVERLY SOLAR
Sussex County, Virginia



View 2 - Proposed
Buffer at 5 Year Growth
MARCH 2022

Kimley»Horn



 **VIEWSHED KEY MAP**
SCALE 1" = 500'

WAVERLY SOLAR
Sussex County, Virginia



View 2 - Proposed
Buffer at 10 Year Growth
MARCH 2022

Kimley»Horn

Waverly Solar, LLC

Exhibit E

Liability Insurance



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
8/12/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER The Horton Group 10320 Orland Parkway Orland Park IL 60467	CONTACT NAME:	
	PHONE (A/C, No, Ext): 708-845-3917	FAX (A/C, No):
INSURED Waverly Solar LLC. 1201 Wilson Blvd., Suite 2200 Arlington VA 22201	E-MAIL ADDRESS: certificates@thehortongroup.com	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Federal Insurance Company	
	INSURER B:	
	INSURER C:	
	INSURER D:	
INSURER E:		
INSURER F:		

COVERAGES

CERTIFICATE NUMBER: 448291552

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:			36064222	2/18/2022	2/18/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPIOP AGG \$ 2,000,000 \$
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			73619833	2/18/2022	2/18/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$			78192398	2/18/2022	2/18/2023	EACH OCCURRENCE \$ 20,000,000 AGGREGATE \$ 20,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/>	N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Additional insured on a primary and non-contributory basis with respect to the general liability coverage only when required by written contract. Waiver of subrogation applies to the general liability in favor of the stated additional insureds only when required by written contract.

CERTIFICATE HOLDER

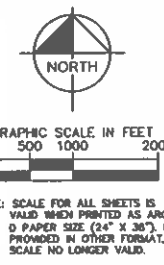
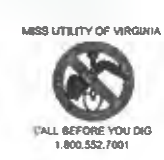
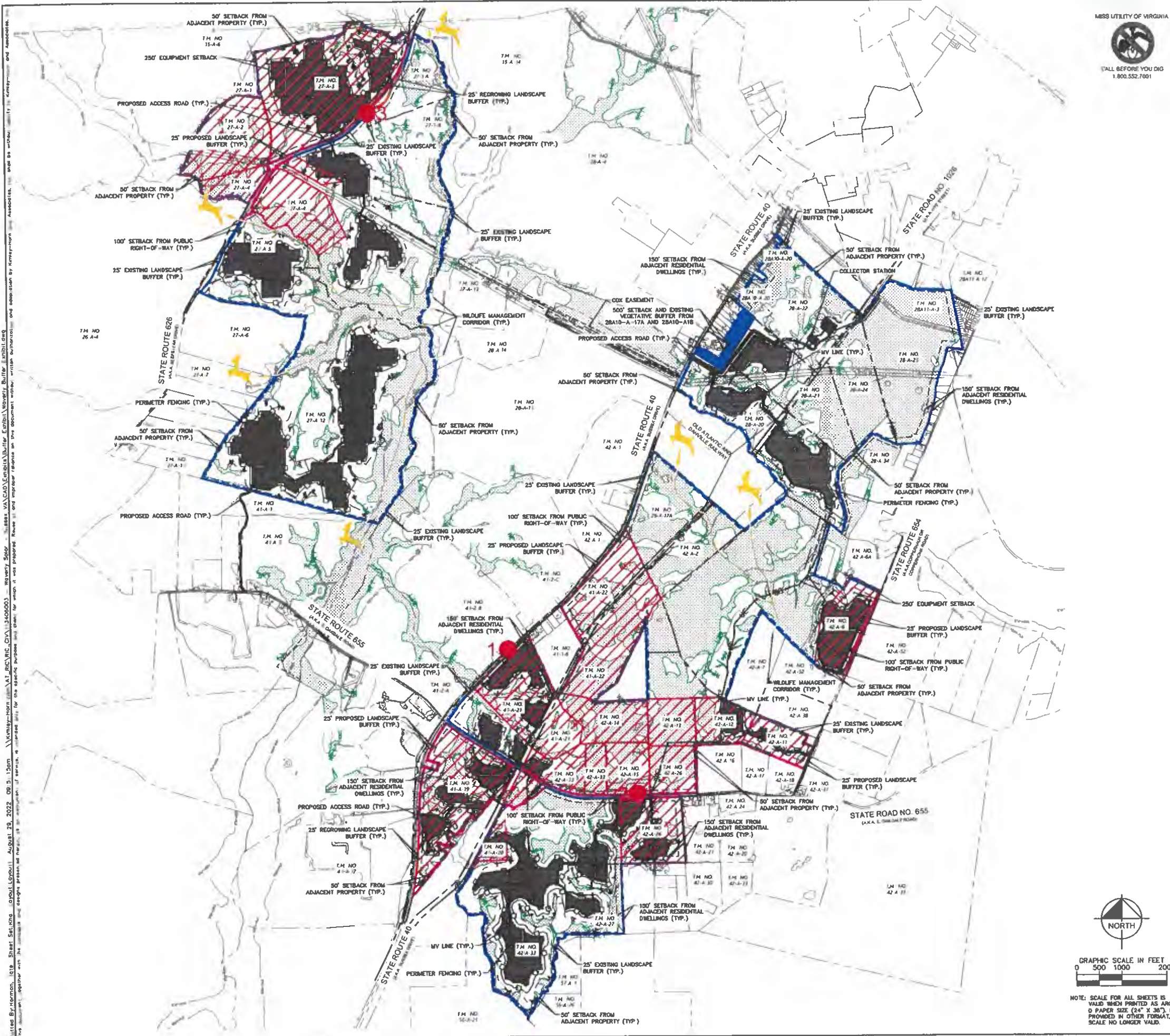
CANCELLATION

Sussex County
29656 Sussex Dr
Waverly VA 23890

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.



- BUFFER EXHIBIT NOTES**
1. ALL LANDSCAPE BUFFERS ARE ESTIMATED TO BE AT LEAST 25 FEET WIDE.
 2. PROJECT IS DESIGNED BASED ON P.D.s RECEIVED FROM THE UNITED STATES ARMY CORPS OF ENGINEERS ON MARCH 25, 2022, MAY 11, 2022, AND JUNE 23, 2022.
 3. THE 150'-FOOT SETBACK FROM THE SOLAR EQUIPMENT TO ANY ADJACENT RESIDENTIAL DWELLING NEGATES THE 25'-FOOT-WIDE SETBACK ON THE APPLICANTS PROPERTY FROM SOLAR FACILITY TO EXISTING RESIDENTIAL DWELLING.
- BUFFER EXHIBIT LEGEND**
- | | |
|-------------------------------|--|
| EXISTING LANDSCAPE BUFFER | |
| PROPOSED LANDSCAPE BUFFER | |
| REGROWING LANDSCAPE BUFFER | |
| LOCATION OF REGENERATING | |
| TREES CLEARED BY LAND OWNER | |
| WILDLIFE MANAGEMENT CORRIDORS | |
| SOLAR ARRAYS | |

SITE PLAN SYMBOL LEGEND	
EXISTING CONDITIONS	PROPOSED CONDITIONS
100 YEAR FLOOD ZONE	FASTWENTS
BUILDING SETBACK	LIMIT OF DISTURBANCE
EASEMENTS	OVERHEAD ELECTRICAL
EDGE OF PAVEMENT	UNDERGROUND ELEC
OVERHEAD ELECTRICAL	SITE PROPERTY LINE
POWER POLE	SECURITY FENCE
GAS LINE	SITE ACCESS ROAD
TREE (ONE)	HEAVY DUTY ACCESS ROAD
STREAM / CREEK	MAJOR CONTOURS
MAJOR CONTOURS	MINOR CONTOURS
MINOR CONTOURS	TREELINE
ADJACENT PROPERTY LINES	
RIGHT-OF-WAY	
WETLAND	
WETLAND BOUNDARY	
VARIABLE WIDTH WETLAND BUFFER	

WAVERLY SOLAR, LLC
PREPARED FOR
ENERGIX GROUP

1 OF 1

Kimley»Horn

© 2022 KIMLEY-HORN AND ASSOCIATES, INC.
1700 MILLER LANE, SUITE 200, RICHMOND, VA 23230
PHONE: 804-673-1882
WWW.KIMLEY-HORN.COM

NOT FOR CONSTRUCTION

KVA PROJECT 113408003
DATE 08/25/2022
SCALE AS SHOWN
DESIGNED BY REC
DRAWN BY THH
CHECKED BY BJB

WAVERLY

VA

REVISIONS

DATE

BY