

DEPARTMENT OF COMMUNITY DEVELOPMENT

André Greene, Director of Community Development

Phone (434) 246-1043

Fax (434) 246-2175



COUNTY OF SUSSEX, VIRGINIA

P. O. BOX 1397 ~ 20135 PRINCETON ROAD

SUSSEX, VIRGINIA 23884-0397

www.sussexcountyva.gov

January 31, 2020

M E M O R A N D U M

TO: Members, Board of Supervisors

FROM: Mr. Andre M. Greene
Director of Community Development

SUBJECT: Public Hearings

Public Hearings for the Sussex County Board of Supervisors has been scheduled for Thursday, February 20, 2020 beginning at 7:00 p.m. in the General District Courtroom, Sussex Judicial Center, 15098 Courthouse Road.

Enclosed please find your agenda packet for the Public Hearings. If you have any questions relative to the Public Hearings, please contact the Community Development Office.

AMG/ldt

Enclosures

County of Sussex, Virginia

Board of Supervisors Meeting

Supporting documentation for Public Hearing Items

***Thursday, February 20, 2020
7 p.m.***

Board of Supervisor Members

*Susan B. Seward, Chair
Wayne O. Jones, Vice Chairman
Eric Fly, Sr., Supervisor
Marian D. Johnson, Supervisor
Debbie P. Jones, Supervisor
Rufus E. Tyler, Supervisor
Steve White, Tie breaker*

*General District Courtroom
Sussex County Judicial Center
15098 Courthouse Road
Sussex, Virginia 23884*

AGENDA

February 20, 2020

DEPARTMENT OF COMMUNITY DEVELOPMENT

André Greene, Director of Community Development

Phone (434) 246-1043

Fax (434) 246-2175



COUNTY OF SUSSEX, VIRGINIA

P. O. BOX 1397 ~ 20135 PRINCETON ROAD

SUSSEX, VIRGINIA 23884-0397

www.sussexcountyva.gov

**Sussex County Board of Supervisors Public Hearings
Thursday, February 20, 2020, beginning at 7:00 p.m.
General District Courtroom- Sussex Judicial Center**

AGENDA

4. Public Hearings

- 4.01 Conditional Use Permit #2019-03, Titan Mid-Atlantic Aggregates LLC.
 - Public Comment
 - Board Comment
- 4.02 Conditional Use Permit #2019-04, East Point Energy LLC
 - Public Comment
 - Board Comment
- 4.03 Return to Open Session
- 4.04 Action on Public Hearing Items

CONDITIONAL USE PERMIT #2019-03

DEPARTMENT OF COMMUNITY DEVELOPMENT

André Greene, Director of Community Development

Phone (434) 246-1043

Fax (434) 246-2175



COUNTY OF SUSSEX, VIRGINIA

P. O. BOX 1397 ~ 20135 PRINCETON ROAD

SUSSEX, VIRGINIA 23884-0397

www.sussexcountyva.gov

MEMORANDUM

TO: Members, Sussex County Board of Supervisors
Vandy V. Jones III, County Administrator

FROM: Andre M. Greene, Director of Community Development

RE: Conditional Use Permit Application #2019-03

DATE: January 31, 2020

The applicant, Titan Mid-Atlantic Aggregates LLC, a subsidiary company of Titan America, seeks a conditional use permit to operate a sand and gravel operation on tax map numbers 38-(1)-5 (27.45 acres) and 38-(A)-15 (271.48 acres). The parcels in question, totaling approximately 298.93 acres, are zoned A-1, General Agricultural, District which allows the proposed use with a conditional use permit. The site in question is located on the south side of Route 35 (Jerusalem Plank Road) and the east side of Route 626 (Courthouse Road) at the intersection of Route 626 (Courthouse Road) and Route 35 (Jerusalem Plank Road).

Prior to the item Conditional Use Permit #2019-03 being sent to the December meeting of the Board of Supervisors, the board took action at the November meeting requesting the following attachments:

1. A Traffic Study from Virginia Department of Transportation: Virginia Department of Transportation stated that the scale of the project did not qualify for a traffic study (see **attached email**). Also, Jason Fowler from the Virginia Department of Transportation was present at the November 4th Planning Commission meeting and he addressed questions and concerns from the Commission and it was determined that there were no major issues.
2. A Report from Virginia Department of Environmental Quality: (See attached email)
3. A Study from the Department of Mines, Minerals and Energy: (See attached email regarding mine permitting process)
4. Archeological Study from the State Department of Archeology: **Have not contacted yet**

PLANNING COMMISSION RECOMMENDATION- Approval

The Planning Commission held a public hearing on November 4, 2019 to consider this request and voted (9 ayes, 1 nay) to forward the request for Conditional Use Permit #2019-03, Titan Mid-Atlantic Aggregates LLC, applicant to the Board of Supervisors with a recommendation of approval subject to several conditions.

Attached for the Board's review and consideration are the staff report and supporting documents

STAFF REPORT - Conditional Use Permit Application #2019-03

This staff report is prepared by the Sussex County Planning Department to provide information to the Planning Commission and the Board of Supervisors to assist both bodies in making a recommendation on this application. It may also be useful to the members of the general public interested in this application.

SUMMARY FACTS

APPLICANT:	Titan Mid-Atlantic Aggregates, LLC
OWNER:	Titan Mid-Atlantic Aggregates, LLC
REQUEST:	Pursuant to Section 34-217§28 of the Zoning Ordinance a Conditional Use Permit is requested to operate a sand and gravel pit.
PROPERTY LOCATION:	Southeastern corner at the intersection Route 626 (Courthouse Road) and Route 35 (Jerusalem Plank Road).
PROPERTY IDENTIFICATION:	Tax Parcels 38-(1)-5 and 38-(A)-15
ELECTION DISTRICT:	Stony Creek
PARCEL SIZES:	38-(1)-5 – 27.45 acres 38-(A)-15 -271.48 acres
TOTAL ACREAGE:	Approximately 298.93 acres
PARCEL CHARACTERISTICS:	The topography of the site is generally flat. The site consists of farmland, cut-over timberland, woodlands and wetlands.
SURROUNDING LAND USES:	Surrounding land uses include farmland, woodlands, and the Nottoway River. There are no residential dwellings located in the immediate vicinity of the area to be mined.
EXISTING ZONING:	A-1, General Agricultural, which allows the mining of sand a gravel with a conditional use permit.

DESIGNATED COMP PLAN AREA: Stony Creek/I-95/U.S. Route 301/VA Route 40

COMP PLAN FUTURE LAND
USE DESIGNATION: Agricultural/Forested/Open Space

FLOODPLAIN DESIGNATION: Zone A – Site is located in a 100-year Flood Zone
 (Special Flood Hazard Area Subject to Inundation by
 the 1% Annual Chance Flood).

SUMMATION

The applicant, Titan Mid-Atlantic Aggregates, LLC, is requesting issuance of a Conditional Use Permit to operate a new sand and gravel pit on tax map numbers 38-(1)-5 and 38-(A)-15. The applicant is proposing to mine approximately 18 acres of site in question (see preliminary site plan). Improvements include the construction of a commercial entrance, the location a modular office, a scale-house equipped with truck scales, and the placement of a portable sand processing plant. It is estimated that the sand and gravel operation will generate 150 dump truck trips per day and generate an additional 15 or more passenger car/pick-up truck trips per day for employees and/or visitors. The applicant has indicated that approximately 75% of the truck traffic will enter onto Route 626 (Courthouse Road) and the facility coming off Route 35 (Jerusalem Plank Road) and that approximately 75% of the truck traffic leaving the facility will turn right onto Route 626 and travel to Route 35.

The applicant currently operates a sand mining facility off Route 40 (Sussex Drive). However, the sand reserves at their current location are scheduled to be depleted during the first half of 2020. The proposed plan is to relocate the Sussex Drive portable plant to the site off Route 626 (Courthouse Road). The relocation will result in the retention of ten (10) current employees. The applicant has stated the hours of operation will be Monday-Friday from 6:00 a.m. to 5:00 p.m. and Saturday from 6:00 a.m. to 12 p.m.

EVALUATION:

There are several criteria by which an application for a conditional use permit may be evaluated. The criteria state that a proposed conditional use should be:

- In accordance with adopted plans and policies;
- Compatible with the neighborhood;
- Compatible with existing land uses; and
- Compatible with development by right in the area.

Staff believes that the proposed sand and gravel operation complies with the four (4) criteria stated above given the following:

- The proposed sand and gravel operation is consistent with Sussex County Comprehensive Plan's Future Land Use Designation as Agricultural/Forested/Open Space.
- The proposed use is compatible with the neighborhood and existing land uses, as the area in question is predominantly farmland and timberland.
- The proposed sand and gravel is compatible with development allowed by right in the area such as general farming, agriculture, forestry and general and intensive livestock, dairy and poultry operations.
- The applicant plans to avoid disturbance to wetlands and plans to construct a six (6) foot high berm to minimize the visual impact along Route 626.
- The CUP application was submitted to VDOT and they have no major issues of concerns relative to traffic or safety (see attached letter).

PLANNING COMMISSION'S RECOMMENDATION – APPROVAL

Planning Commission voted (9-1) to forward Conditional Use Permit #2019-03 to the Board of Supervisors with a recommendation for approval due to the following:

1. The applicant must obtain all required state permits (Department of Mines, Minerals and Energy, and the Virginia Department of Transportation) and provide them the Community Development Office.
2. Prior to commencement of mining activity all local permits (Zoning and Building) shall be obtained and all local regulations (Zoning and Building) adhered to.
3. The Conditional Use Permit shall not be assignable or transferable to future owners of the property.
4. The sand and gravel operation shall not operate on and Sundays.
5. A berm/buffer at least 6 feet in height shall be constructed along Route 626 (Courthouse Road) prior to the commencement of any mining activity.



Sheet 3 of 3 PLAN	REVISIONS Date Description Approved		SUSSEX SAND Residence Offset		DATE 12/1/03	APPROVED [Signature]	TITLE [Blank]	AUTOCAD

TEAM
Mid-Atlantic
Aggregates

This is to certify that letters notifying adjacent property owners of a Public Hearing of the Board of Supervisors on February 20, 2020 for **Conditional Use Permit Application #2019-03**, Titan Mid-Atlantic Aggregates LLC applicant, were mailed on February 5, 2020 to the persons listed below.

Tax Map No. 38-A-9&14

Reynolds Deborah W &
Sandra W Henshaw
25535 Doe Drive
N. Dinwiddie, VA 23803

Tax Map No. 38-1-1

Skinner James R.
428 Roslyn Avenue
Colonial Heights, VA 23834

Tax Map No. 38-1-3&4

Spain Michael W.
9127 Jerusalem Plank Road
Waverly, VA 23890

Tax Map No. 38-1-4A

Brantley James C or Leah C.
9531 Jerusalem Plank Road
Waverly, VA 23890

Tax Map No. 61A4-A-43

Charles or Mae Campbell
10112 High Street
Wakefield, VA 23888

Tax Map No. 38-A-5

Story Warren H.
23297 Shady Cove Drive
Courtland, VA 23837

Tax Map No. 38-A-16 & 53-A-1

Grover Patrick
11119 Boundurant Drive
Richmond, VA 23236

Tax Map No. 52-1-1

Totty Gregory Scott & Kelly N Totty
(Revels) Equal Shares
10019 Manordale Road
Chesterfield, VA 23832

Tax Map No. 52-A-9

Engel Farms Inc.
P.O. Box 279
Hanover, VA 23069

André M. Heane

Director of Community Development

1/30/20

Date

CUP Number: 2019-03
Date Application Filed: 8/22/19
\$500 Processing Fee Received By: L.T



Sussex County Planning Department
Post Office Box 1397
21035 Princeton Road
Sussex, Virginia 23884
Phone: 434-246-1043
Fax: 434-246-2175

CONDITIONAL USE PERMIT APPLICATION

Owner Information:

Name: Titan Mid-Atlantic Aggregates LLC
Address: 5700 Lake Wright Drive, Suite 300
Norfolk, VA 23502
Phone Number: 757-858-6537

Applicant Information:

Name: Titan Mid-Atlantic Aggregates LLC
Address: 5700 Lake Wright Drive, Suite 300
Norfolk, VA 23502
Phone Number: 757-858-6537

Legal Description of Property:

Tax Map Number: 38-A-15 & 38-I-5
Zoning District: A-1
Block Number: N/A
Lot Size (Acreage): 298.93 acres

Election District: Newville
Subdivision: N/A
Lot Number: N/A
Square Footage: 13,021,390

Please answer the following:

- When was property acquired by applicant? August / 20 / 2019
- Are there any deed restrictions on the property in question? Yes X No
(If yes, attach a copy of restrictions).
- What is the proposed use of property or type of improvement? Please be detailed and specific in your description. (For example: new construction, addition or demolition, agricultural, residential or commercial use)
Commercial use-Mining of sand and gravel for use as construction aggregates
- What is the Fair market value of improvements \$ 100,000
(Value must include all buildings, electrical, plumbing, and mechanical work to be performed).
- Describe briefly the type of use and improvements proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings.
The proposed improvements included a modular office/scalehouse equipped with truck scales, a portable sand processing plant. No permanent buildings are to be constructed
- Describe how the proposed use and improvements are to be designed and arranged to fit into the development of adjacent property of the neighborhood.
The adjacent properties are for agricultural uses so the proposed use will fit in with the existing adjacent properties.
- Furnish plot plan, preliminary site plan, and/or preliminary subdivision plat showing boundaries and dimensions of property, width of boundary sheets, location and size of buildings on site, roadways, walks, off street parking and loading space, landscaping and the like. Architect's/Engineer's sketches showing elevations of proposed buildings and complete plans are also desirable and if available should be filed with application.
See attached survey with proposed improvements shown
- I hereby certify that I have the authority to make the forgoing application and that the application, is complete and correct and that the conditional use permit is in accordance with section 34-217 (28) of the Zoning Ordinance.

Owner Signature: [Signature] (FOR TITAN) Date: 8/22/19
Applicant Signature: [Signature] (FOR TITAN) Date: 8/22/19



5700 Lake Wright Drive, Suite 300
Norfolk, Virginia 23502
Telephone (757) 858-6500
Fax (757) 855-7707

August 22, 2019

Sussex County Planning Department
Post Office Box 1397
21035 Princeton Road
Sussex, VA 23884

Attn: Andre Greene
Director of Community Development

Re: Titan Mid-Atlantic Aggregates LLC-Conditional Use Permit Application

Dear Mr. Greene:

Titan Mid-Atlantic Aggregates LLC, a subsidiary company of Titan America LLC, has purchased the property (298.93 acres) located at 9127 Jerusalem Plank Road in Waverly, Virginia. The tax map numbers are 38-1-5 (27.45 acres) and 38-A-15 (271.48 acres). Titan Mid-Atlantic Aggregates LLC proposes to mine this site for construction sand and gravel like our other permitted site located at 25230 Sussex Drive in Waverly. To that end, we are submitting the attached Conditional Use Permit Application along with the \$500 processing fee. The following additional information is also attached:

1. A recent survey of both parcels dated August 7, 2019
2. A site plan/survey showing the proposed improvements to the site as well as locations
3. Proof of ownership of the parcels via the recorded deed receipts

Titan Mid-Atlantic Aggregates LLC plans to operate at this location in a similar manner to our existing location and eventually plans to relocate the existing processing equipment at the Sussex Drive location to this location. Titan Mid-Atlantic Aggregates LLC will obtain all local permits and approvals as well as all state permits just like we have done in the past.

In summary, we respectfully request that you process our Conditional Use Permit Application and begin the procedure/steps required for approval.

If you have any questions or require any additional information, please contact me at 757-858-6537.

A Titan Group Company

Sincerely,

A handwritten signature in black ink, reading "Clifford Bocchicchio". The signature is fluid and cursive, with the first name "Clifford" being more prominent than the last name "Bocchicchio".

Clifford Bocchicchio
Environmental Manager

D. Ingrassano L. Rieder

A Titan Group Company

Receipt : 19000002730

Page 1 of 1

COURT ADDRESS:
P.O. BOX 1337
SUSSEX, VA 23884
PHONE # :434-246-1017



OFFICIAL RECEIPT
SUSSEX COUNTY CIRCUIT COURT
DEED RECEIPT

DATE : 08/20/2019 TIME : 10:14:20 CASE # : 183CLR190000736
RECEIPT # : 19000002730 TRANSACTION # : 19082000005
CASHIER : SJB REGISTER # : D363 FILING TYPE : DBS PAYMENT : FULL PAYMENT
INSTRUMENT : 190000736 BOOK : 299 PAGE : 887 RECORDED : 08/20/2019 AT : 10:13
GRANTOR : SPAIN, MICHAEL W EX : N LOC : CO
GRANTEE : TITAN MID-ATLANTIC AGGREGATES, LLC EX : N PCT : 100%
RECEIVED OF : BRIDGETRUST TITLE GROUP
ADDRESS : 5700 LAKE WRIGHT DR, STE 300 NORFOLK, VA 23502
DATE OF DEED : 08/09/2019
CHECK : \$2,870.50 CHECK NUMBER : 46688
DESCRIPTION 1 : NEWVILLE DIST 2 PARCELS PAGES : 004 OP : 0
NAMES : 04
CONSIDERATION : \$652,500.00 AVAL : \$246,600.00 MAP : PIN :

ACCOUNT CODE	DESCRIPTION	PAID	ACCOUNT CODE	DESCRIPTION	PAID
035	VOF FEE	\$1.00	145	VSLF	\$1.50
036	DEED PROCESSING FEE	\$20.00	212	TRANSFER FEES	\$1.00
038	DEEDS OF CONVEYANCE	\$326.25	213	COUNTY GRANTEE TAX	\$543.75
039	DEEDS AND CONTRACTS	\$1,631.25	220	GRANTOR TAX	\$326.25
106	(TTF) TECHNOLOGY TRUST FUND FEE (CIRCUIT COURT)	\$5.00	301	DEEDS	\$14.50

TENDERED : \$ 2,870.50
AMOUNT PAID : \$ 2,870.50

PAYOR'S COPY

CLERK OF COURT : GARY M. WILLIAMS

RECEIPT COPY 1 OF 3

Receipt : 19000002731

Page 1 of 1

COURT ADDRESS:
P.O. BOX 1337
SUSSEX, VA 23884
PHONE # :434-246-1617



OFFICIAL RECEIPT
SUSSEX COUNTY CIRCUIT COURT
DEED RECEIPT

DATE : 08/20/2019 TIME : 10:17:56 CASE # : 183CLR190000737
RECEIPT # : 19000002731 TRANSACTION # : 19082000006
CASHIER : SJB REGISTER # : D363 FILING TYPE : DBS PAYMENT : FULL PAYMENT
INSTRUMENT : 190000737 BOOK : 299 PAGE : 891 RECORDED : 08/20/2019 AT : 10:17
GRANTOR : SPAIN, MICHAEL W EX : N LOC : CO
GRANTEE : TITAN MID-ATLANTIC AGGREGATES, LLC EX : N PCT : 100%
RECEIVED OF : BRIDGETRUST TITLE GROUP
ADDRESS : 5700 LAKE WRIGHT DR, STE 300 NORFOLK, VA 23502
DATE OF DEED : 08/09/2019
CHECK : \$346.33 CHECK NUMBER : 46691
DESCRIPTION 1 : NEWVILLE DIST 2 PARCELS PAGES : 003 OP : 0
NAMES : 03
CONSIDERATION : \$70,000.00 A/VAL : \$43,500.00 MAP : PIN :

ACCOUNT CODE	DESCRIPTION	PAID	ACCOUNT CODE	DESCRIPTION	PAID
035	VOF FEE	\$1.00	145	VSLF	\$1.50
036	DEED PROCESSING FEE	\$20.00	212	TRANSFER FEES	\$1.00
038	DEEDS OF CONVEYANCE	\$35.00	213	COUNTY GRANTEE TAX	\$58.33
039	DEEDS AND CONTRACTS	\$175.00	220	GRANTOR TAX	\$35.00
106	(TTF) TECHNOLOGY TRUST FUND FEE (CIRCUIT COURT)	\$5.00	301	DEEDS	\$14.50

TENDERED : \$ 346.33
AMOUNT PAID : \$ 346.33

PAYOR'S COPY

CLERK OF COURT : GARY M. WILLIAMS

RECEIPT COPY 1 OF 3

Receipt : 19000002732

Page 1 of 1

COURT ADDRESS:
P.O. BOX 1337
SUSSEX, VA 23884
PHONE # : 434-246-1017



OFFICIAL RECEIPT
SUSSEX COUNTY CIRCUIT COURT
DEED RECEIPT

DATE : 08/20/2019 TIME : 10:21:37 CASE # : 183CLR190000738
RECEIPT # : 19000002732 TRANSACTION # : 19082000007
CASHIER : SJB REGISTER # : D363 FILING TYPE : DOT PAYMENT : FULL PAYMENT
INSTRUMENT : 190000738 BOOK : 299 PAGE : 894 RECORDED : 08/20/2019 AT : 10:21
GRANTOR : TITAN MID-ATLANTIC AGGREGATES, LLC EX : N LOC : CO
GRANTEE : CLINTON B. FAISON, JR., TRUSTEE EX : N PCT : 100%
RECEIVED OF : BRIDGETRUST TITLE GROUP
ADDRESS : 354 BANK ST SURRY, VA 23883
DATE OF DEED : 08/14/2019
CHECK : \$257.00 CHECK NUMBER : 46691
DESCRIPTION 1 : NEWVILLE DIST PARCEL A 27.45 ACRES
NAMES : 03
CONSIDERATION : \$64,500.00 AVAL : \$0.00 PAGES : 010 OP : 0
MAP : PIN :

ACCOUNT CODE	DESCRIPTION	PAID
035	VOF FEE	\$1.00
036	DEED PROCESSING FEE	\$20.00
039	DEEDS AND CONTRACTS	\$161.25
106	(TTF) TECHNOLOGY TRUST FUND FEE (CIRCUIT COURT)	\$5.00

ACCOUNT CODE	DESCRIPTION	PAID
145	VSLF	\$1.50
213	COUNTY GRANTEE TAX	\$53.75
301	DEEDS	\$14.50

TENDERED : \$ 257.00
AMOUNT PAID : \$ 257.00

PAYOR'S COPY

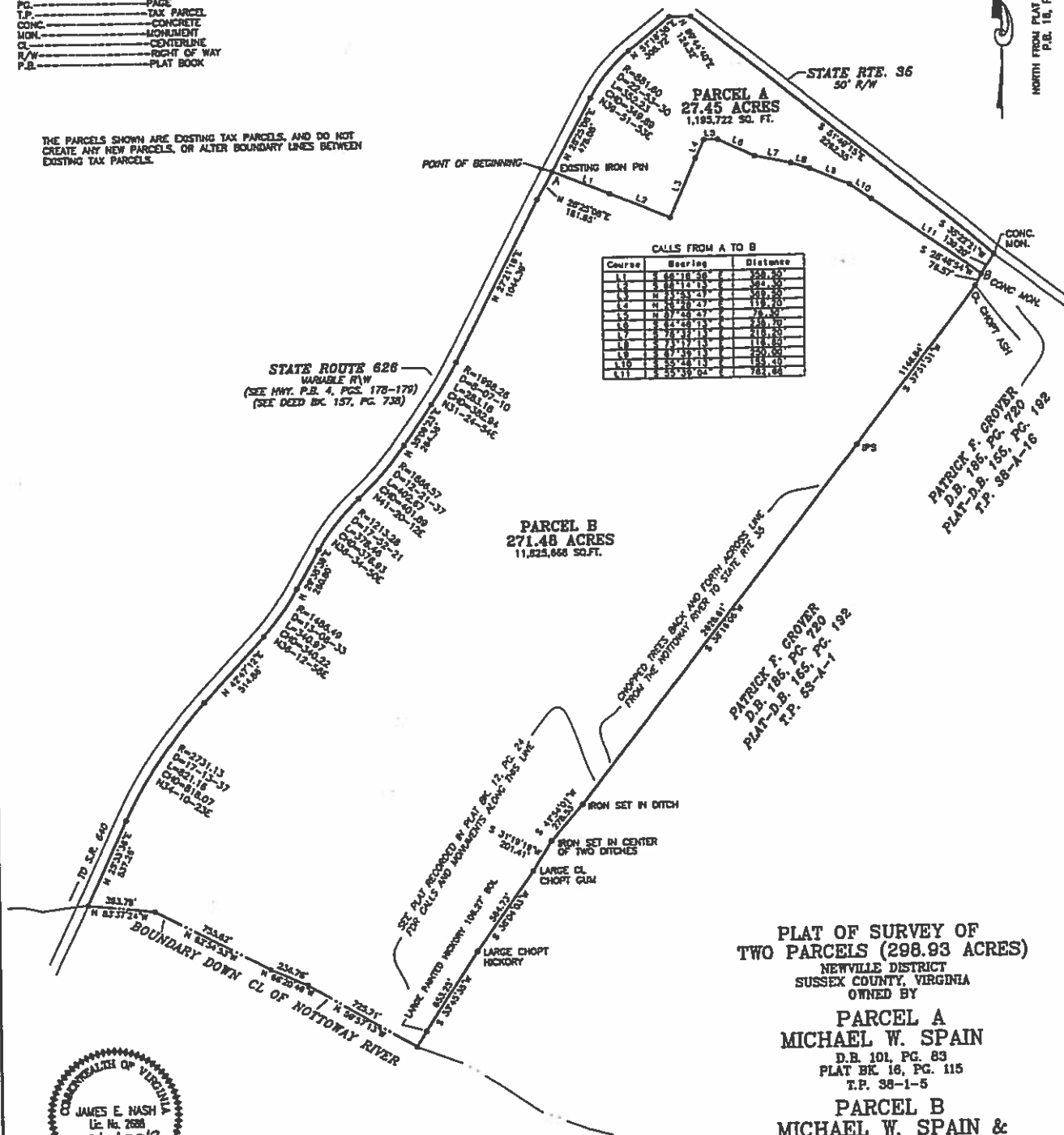
CLERK OF COURT : GARY M. WILLIAMS

RECEIPT COPY 1 OF 3

LEGEND:

- IFS-----IRON PIN SET
- BOL-----BACK ON LINE
- TOT-----TOTAL
- D.B.-----DEED BOOK
- P.G.-----PAGE
- T.P.-----TAX PARCEL
- CONC.-----CONCRETE
- MON.-----MONUMENT
- CL-----CENTERLINE
- R/W-----RIGHT OF WAY
- P.B.-----PLAY BOOK

THE PARCELS SHOWN ARE EXISTING TAX PARCELS, AND DO NOT
CREATE ANY NEW PARCELS, OR ALTER BOUNDARY LINES BETWEEN
EXISTING TAX PARCELS.



**PLAT OF SURVEY OF
TWO PARCELS (298.93 ACRES)**

NEWVILLE DISTRICT
SUSSEX COUNTY, VIRGINIA

OWNED BY

PARCEL A
MICHAEL W. SPAIN

D.B. 101, PG. 83
PLAT BK. 16, PG. 115
T.P. 38-1-5

PARCEL B
**MICHAEL W. SPAIN &
RICHARD T. SPAIN, III**

D.B. 253, PG. 468
PLAT BK. 12, PG. 4
T.P. 38-A-15



SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS CURRENT
BOUNDARY SURVEY, TO THE BEST OF MY
KNOWLEDGE AND BELIEF, IS CORRECT AND
COMPLIES WITH THE MINIMUM PROCEDURES
AND STANDARDS ESTABLISHED BY THE
VIRGINIA STATE BOARD OF ARCHITECTS,
PROFESSIONAL ENGINEERS, LAND SURVEYORS,
AND CERTIFIED LANDSCAPE ARCHITECTS.

James E. Nash
JAMES E. NASH, L.S. 2688



CRUTCHFIELD
ASSOCIATES, INC.
SURVEYORS - ENGINEERS - PLANNERS
7996 HIGHWAY 47 EAST P. O. BOX 248
CHASE CITY, VIRGINIA 23824
434-372-5884 FAX 434-372-0871
FILE NO.: 19120.CRD DATE: AUG. 7, 2019
19120.DWG

County of Sussex, Virginia

■ County Boundary
Hidden Roads 72224

Map Printed from Sussex

Feet

0 600 1200 1800 2400



Title:

Date: 8/1/2019

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



5700 Lake Wright Drive, Suite 300
Norfolk, Virginia 23502
Telephone (757) 858-6500
Fax (757) 855-7707

September 18, 2019

Sussex County Planning Department
Post Office Box 1397
21035 Princeton Road
Sussex, VA 23884

Attn: Andre Greene
Director of Community Development

Re: Titan Mid-Atlantic Aggregates LLC-Conditional Use Permit Application

Dear Mr. Greene:

We appreciate you reviewing our request submitted by letter dated August 22, 2019 in order to begin the process to obtain a conditional use permit to operate a new sand mining operation on the former Spain property purchased by Titan Mid-Atlantic Aggregates LLC located off Jerusalem Plank Road in Waverly.

I will now answer the questions that we received by e-mail yesterday from Lorenzo Turner.

1. *Will the operation create any new jobs? If so, how many FT and/or PT?*

The operation will not create any new jobs but will result in the retention of 10 full time positions that currently work at the facility off Sussex Drive. This is further explained below.

2. *Traffic Generation – How many dump truck trips per day at full capacity? How many passenger vehicles/pick-up trucks per day for employees and visitors?*

On a maximum demand shipping day, there will be 150 dump trucks per day at full capacity and 15 passenger vehicles/pick-up trucks per day. The proposed VDOT entrance to the site is being designed to accommodate that specification. This truck volume is consistent with that at Sussex Drive location.

3. *Place the setbacks from Route 626 to the proposed improvements (i.e. scale house, etc.) on the site sketch.*

A Titan Group Company

The attached site plans have been amended to include the setback distances to all proposed structures.

4. *What are the proposed days and hours of operation?*

The proposed hours of operation are Monday-Friday 6am – 5pm, Saturday 6am – 12pm when necessary which are identical to the operating hours at the Sussex Drive facility.

5. *Will any existing vegetation be preserved to serve as a natural buffer? If so, please indicate it's location on the site sketch.*

A vegetated screening berm of an approximate 6' height will be constructed as a buffer along Route 626 as indicated on sheet one of the site plans. It should be noted that the Division of Mineral Mining requires all mining areas to construct temporary earthen berms during active mining operations for safety reasons until reclamation is completed and vegetation established for a minimum of two years before these areas can be released from bond.

6. *What is the anticipated truck route to and from the facility. Would there be any objection to a conditions being imposed limiting left hand turns for trucks leaving the facility with the purpose being not to increase truck traffic on Route 626 (Courthouse Road)? Trucks leaving the facility would turn right onto Route 626 and then travel either north or south on Route 35.*

The majority of truck traffic (approximately 75%) will enter onto Route 626 and the site coming off Route 35. The majority of the truck traffic (approximately 75%) leaving the site will turn right onto Route 626 and go to Route 35. Therefore, we don't anticipate this being an issue and would request that imposing a limit on left hand turns not be included as a condition.

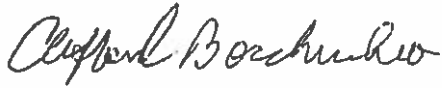
7. *Can you provide a brief explanation as to why the new facility is needed? Explain the need to expand from current location.*

Although Titan Mid-Atlantic Aggregate LLC acquired a large tract of land from Goodwood in recent years, due to Environmental regulations and restrictions the available mineral reserves on that tract have mostly been mined. The sand reserves at the current Sussex location are scheduled to be depleted during the first half of 2020. The proposed plan is to relocate the Sussex Drive portable sand processing plant to this location in 2020 pending all local and state approvals/permits. That plan will result in us retaining our current experienced workforce to begin this operation in order to continue to supply construction sand and gravel to the local markets.

Titan Mid-Atlantic Aggregates LLC-Conditional Use Permit Application
Page 3

I trust that these responses and the revised plans should address the questions. If you have any questions or require any additional information, please contact me at 757-858-6537.

Sincerely,



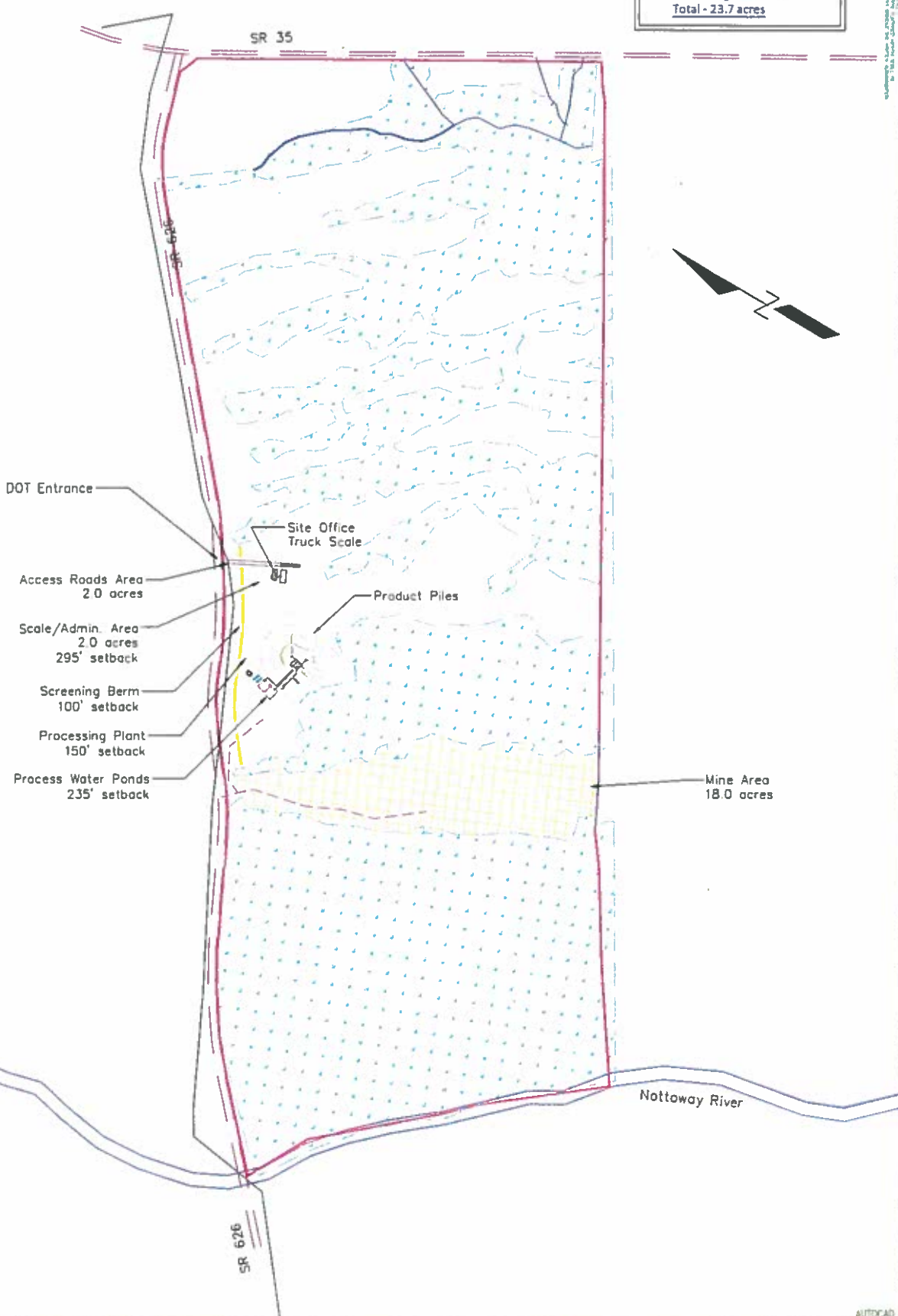
Clifford Bocchicchio
Environmental Manager

D. Ingrassano L. Rieder

A Titan Group Company

1. Mine area - 18.0
2. Access roads - 0.5
3. Scale/Admin. - 2.0
4. Processing Plant - 3.2
- Total - 23.7 acres**

All dimensions shown on this plan are based on the latest available aerial photography and field measurements. The owner warrants that the information is true and correct to the best of their knowledge.



Sheet 1 of 3

PLM

REVISIONS

Date	Description	Approved

Spain Property
Site Plan

SEC. 01

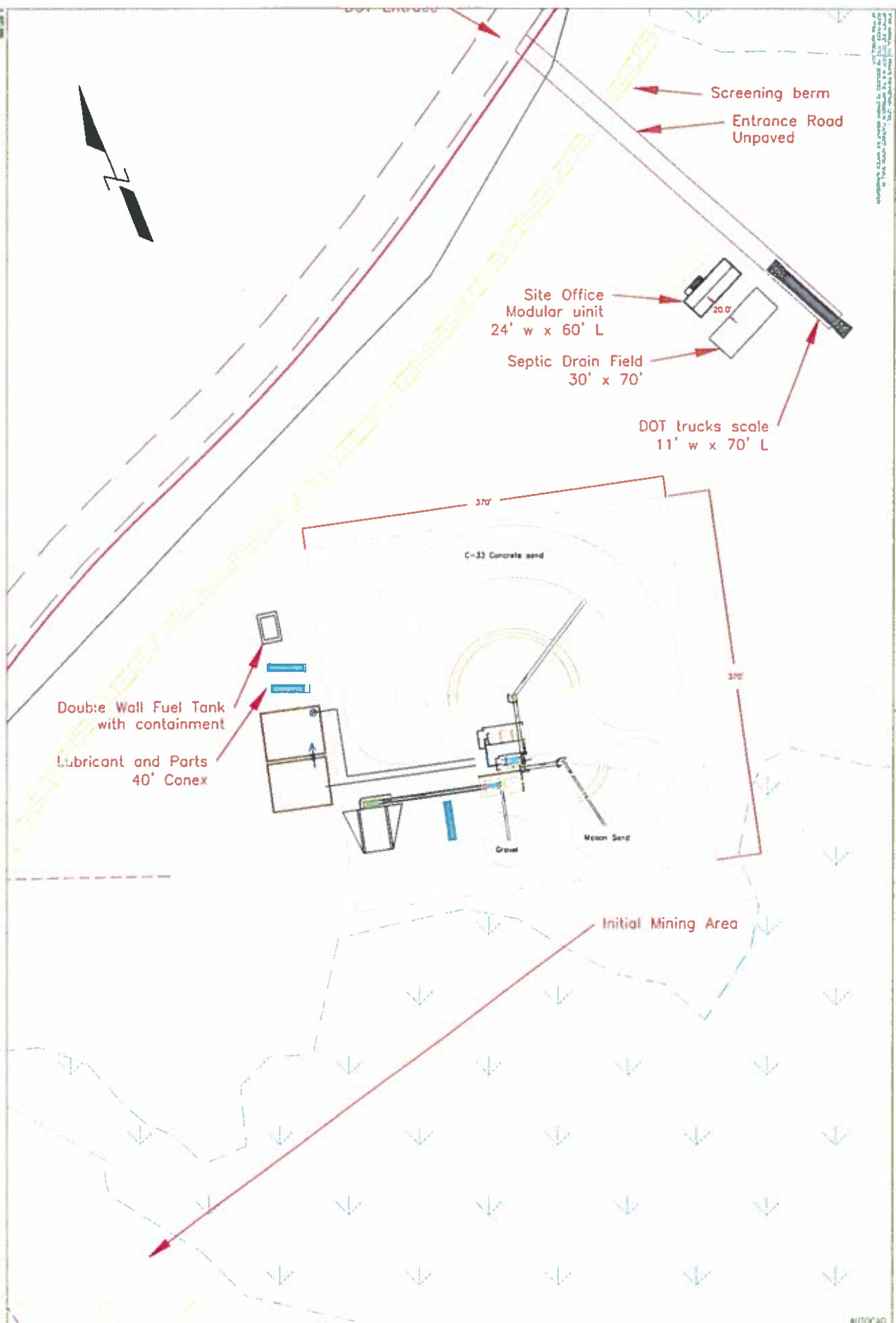
APPROVED BY: _____ DATE: _____

TITLE: _____

AUTOCAD

Mid-Atlantic
Aggregates

THIS DRAWING IS THE PROPERTY OF TITAN MID-ATLANTIC AGGREGATES. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF TITAN MID-ATLANTIC AGGREGATES.

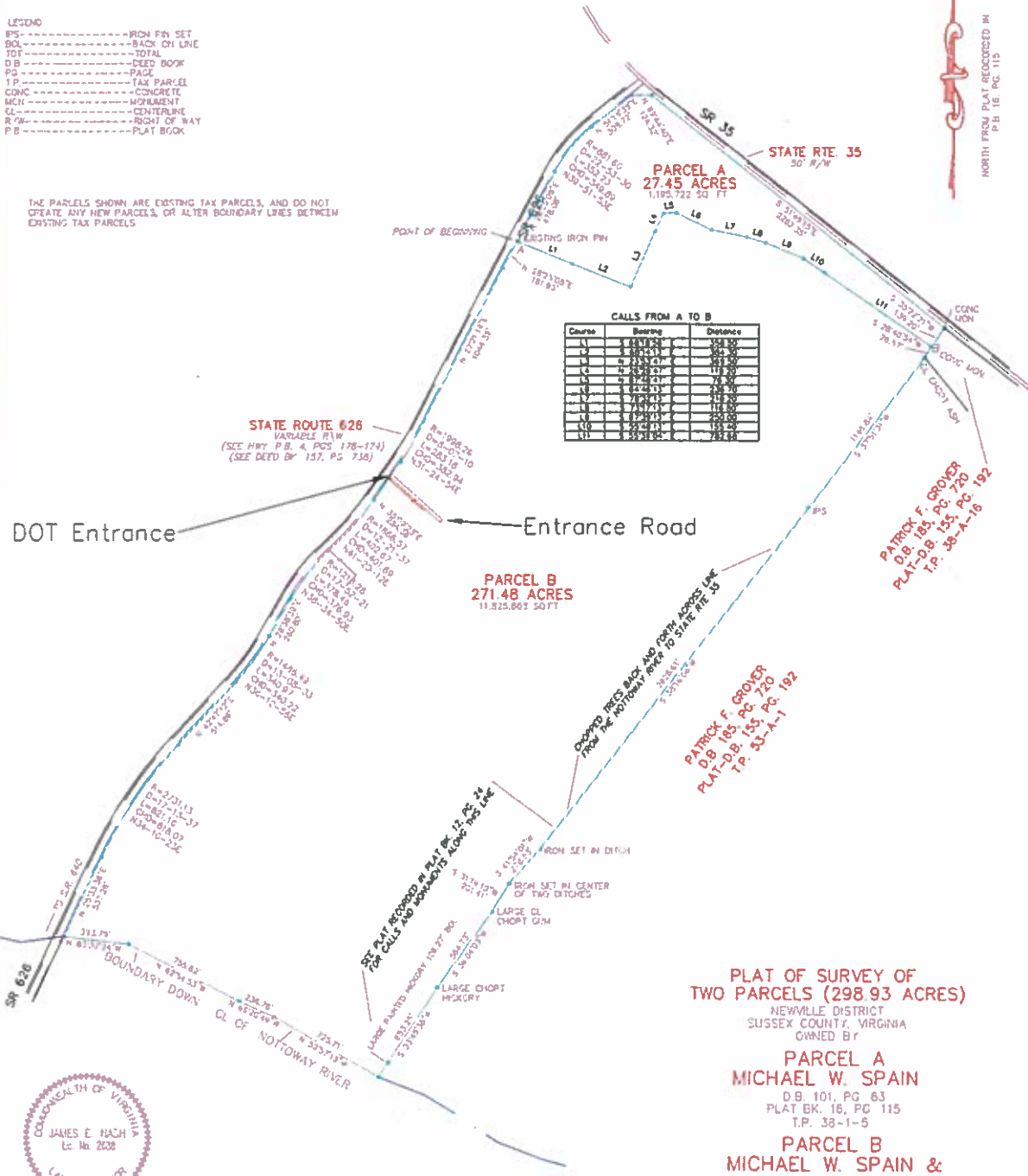


REVISIONS Date Description Approved			Title SEC - 02		Date Approved	
Drawn by Checked by Project manager			Scale Date		Title	

LEGEND
 IPS-----IRON PIN SET
 BOL-----BACK CH LINE
 TOT-----TOTAL
 DB-----DEED BOOK
 PG-----PAGE
 TP-----TAX PARCEL
 CONC-----CONCRETE
 MON-----MONUMENT
 CL-----CENTERLINE
 R/W-----RIGHT OF WAY
 PB-----PLAT BOOK

THE PARCELS SHOWN ARE EXISTING TAX PARCELS, AND DO NOT
 CREATE ANY NEW PARCELS, OR ALTER BOUNDARY LINES BETWEEN
 EXISTING TAX PARCELS

NORTH FROM PLAT RECORDED IN
 P.B. 16, PG. 115



SURVEYORS CERTIFICATE
 I HEREBY CERTIFY THAT THIS CURRENT
 BOUNDARY SURVEY, TO THE BEST OF MY
 KNOWLEDGE AND BELIEF, IS CORRECT AND
 COMPLIES WITH THE MINIMUM PROCEDURES
 AND STANDARDS ESTABLISHED BY THE
 VIRGINIA STATE BOARD OF ARCHITECTS,
 PROFESSIONAL ENGINEERS, LAND SURVEYORS,
 AND CERTIFIED LANDSCAPE ARCHITECTS

JAMES E. HACH, L.S. 2538



**PLAT OF SURVEY OF
 TWO PARCELS (298.93 ACRES)**

NEWVILLE DISTRICT
 SUSSEX COUNTY, VIRGINIA
 OWNED BY

PARCEL A
MICHAEL W. SPAIN
 D.B. 101, PG. 63
 PLAT BK. 16, PG. 115
 T.P. 38-1-5

PARCEL B
**MICHAEL W. SPAIN &
 RICHARD T. SPAIN, III**
 D.B. 253, PG. 468
 PLAT BK. 12, PG. 4
 T.P. 38-A-15

**CRUTCHFIELD
 ASSOCIATES, INC.**
 7996 HIGHWAY 47 EAST P.O. BOX 268
 CHASE CITY, VIRGINIA 23924
 434-372-5884 FAX 434-372-0871
 FILE NO 19120 CRD DATE AUG 7 2019
 19120 DWP

Spain Property
 Survey - Detail

SEC 15.93





COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
23116 Meherin Road
COURTLAND, VIRGINIA 23837

September 30, 2019

Andre M. Greene
Director of Planning
P.O. Box 1397
Sussex, VA 23884-0397

**RE: Titan Mid-Atlantic Aggregates LLC – Conditional Use Permit Application
Courthouse Road (Route 626)
TM #'s 38-1-5 and 38-A-15
Sussex County**

The District has completed its review of the subject conditional use permit request and conceptual plan dated 8/22/19 and received by the VDOT Land Development Office on 9/20/19. Our review was based on the conceptual plan, aerial photography, and a general knowledge of the area. We offer the following comments:

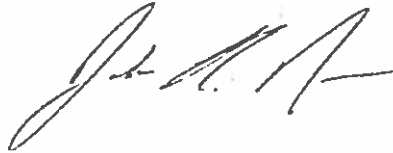
- 1) Entrance design shall be in accordance with Appendix F of the VDOT Road Design Manual. A concrete apron should be installed to protect the integrity of the roadway from turning movements with heavy loads.
- 2) Sight distances for entrances must be evaluated for compliance in accordance with Appendix F of the VDOT Road Design Manual. No less than minimum intersection sight distance shall be obtained for a commercial entrance. Sight distance lines shall be shown to scale.
- 3) A Drainage Report including a drainage narrative, summary of results, drainage area maps, and applicable calculations for hydrology, pipes, structures, stormwater management, and outfalls entering State maintained right of way shall be provided during the development plan review process.
- 4) Culvert sizing calculations shall be provided during the development plan review process. Entrance pipe culverts shall be sized to accommodate the runoff from a 10 year frequency storm. The minimum culvert size within state maintained right of way shall be 15" unless otherwise approved by the Department.

A Land Use Permit will be required for the installation of the entrance. Information about Land Use Permitting as well as the required forms can be found on the VDOT website at:

<http://www.virginiadot.org/business/bu-landUsePermits.asp>.

If you have any questions, please contact me at (757) 346-3068 or Joshua.Norris@vdot.virginia.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joshua R. Norris', with a stylized, cursive script.

Joshua R. Norris
Land Use Engineer
Virginia Department of Transportation
Franklin Residency

EMAIL ATTACHMENTS AND RESPONSES

Virginia Department of Transportation Email Attachment

Lorenzo Turner

From: Bocchicchio Cliff <CBocchicchio@titanamerica.com>
Sent: Tuesday, December 3, 2019 5:05 PM
To: Lorenzo Turner; Andre Greene
Subject: RE: [EXTERNAL] RE: Proposed Sand and Gravel pit

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

Andre/Lorenzo,

As you can see from the below e-mail VDOT does not perform traffic studies. So if the Board of Supervisors is requiring this, we would like to know specifically what information that they are requesting. Can you contact Supervisor Fly to see what he is after if he is the one requesting this? I have contacted State Department of Archeology and they are to get back to me. On the DMME report or study, I know the people at DMME and again they generally only become involved in a site when you apply for a mine permit. We can't apply for the mine permit until we have the VDOT land use permit for the entrance and the Sussex County Use permit. I will contact them to see if they can write something to that effect. Please try to get me an answer on the VDOT question.

We would like to be put on the schedule for January's meeting so as not to delay this further. Thanks.

Cliff

From: Joshua Norris <Joshua.Norris@vdot.virginia.gov>
Sent: Tuesday, December 03, 2019 12:02 PM
To: Bocchicchio Cliff <CBocchicchio@titanamerica.com>; Jason Fowler <jason.fowler@vdot.virginia.gov>
Subject: [EXTERNAL] RE: Proposed Sand and Gravel pit

Cliff,

It appears that the BOS is requesting you to have an engineer perform a traffic study, as we do not perform traffic studies for private entities to use for their rezoning applications. I gather they will want us to review it. Your site does not qualify for a 527 TIA, so this requirement is from the County. I would start with Lorenzo and Andre to verify exactly what it is that they want you to look at. Some suggestions could include a review of the existing and anticipated traffic, a review of existing road geometry and configuration, a review of any accident data, and to look at the need for any infrastructure improvements, such as turn lane warrants, or by coring the road to verify pavement depths.

Josh

From: Bocchicchio Cliff <CBocchicchio@titanamerica.com>
Sent: Monday, December 2, 2019 4:12 PM
To: Joshua Norris <joshua.norris@vdot.virginia.gov>; jason.fowler@vdot.virginia.gov
Subject: FW: Proposed Sand and Gravel pit

Josh/jason,

Hate to bother you again but the Sussex County Board of Supervisors has requested a Traffic Study from VDOT (see below) for our proposed sand mine off of Courthouse Road (Route 626) and Jerusalem Plank Road (Route 35). Does such a thing exist or how do you think we can proceed on this? I know that Jason addressed the traffic issue adequately

Lorenzo Turner

From: Tribble, Derek <derek.tribble@deq.virginia.gov>
Sent: Monday, November 25, 2019 8:28 AM
To: Lorenzo Turner
Cc: Shrewsbury, Nicholas; Andre Greene
Subject: Re: Sand and Gravel operations

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

Hi Lorenzo,

Construction Stormwater (my shop) does not regulate sand/gravel mining operations if they have a DMME permit.

Please let me know if this answers your question.

Derek

On Fri, Nov 22, 2019 at 10:38 AM Lorenzo Turner <lturner@sussexcountvva.gov> wrote:

Hello Derek:

My supervisor wanted me to reach out to you to ask if sand/gravel mining operations are regulated by DEQ or is the DMME permit all that's required. Thanks Derek.

Lorenzo Turner

Assistant to the Director of Community Development

Program Administrator-ESPA0124

Community Development Office

434-246-1043

434-246-2175 (Fax)

lturner@sussexcountvva.gov

Lorenzo Turner

From: Lorenzo Turner
Sent: Monday, December 23, 2019 3:12 PM
To: 'Andre' Greene (amgreene@sussexcountyva.gov)
Subject: FW: DMME Mine Permitting Process
Attachments: APPLICATION CHECKLIST.pdf

From: Saunders, Paul <paul.saunders@dmme.virginia.gov>
Sent: Friday, December 6, 2019 9:55 AM
To: Lorenzo Turner <lturner@sussexcountyva.gov>
Subject: DMME Mine Permitting Process

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

Mr. Turner,

Section 45.1-180.2 of the Code of Virginia states the Virginia General Assembly's legislative findings and declaration of policy concerning the mining of minerals in Virginia.

Sections 45.1-181 through 45.1-184 of the Code of Virginia details requirements for the issuance of a mining permit.

Also 4VAC 25-31-110 through 4VAC 25-31-200 of the Virginia Mineral Mine Reclamation Regulations further details the requirements for a mineral mining permit in Virginia.

I will provide a brief synopsis:

All persons conducting mining operations in Virginia are requirement to obtain a permit from DMME prior to beginning mining operations.

The application for this permit will include:

1. A map or maps of the proposed mining area including sensitive features within 500 feet of the mine boundaries and showing all properties within 1,000 feet of the mine.

Previously delineated wetlands or riparian buffers are required to be shown on the map.

2. An Operations Plan describing the proposed method of mining and processing including the location of stockpiles, overburden disposal areas and equipment.

The operations plan details methods for storage and disposal of scrap metals, tires, batteries chemicals and other hazardous materials.

The operations plan details related design and construction data for roads, fills, process water ponds etc.

3. A Drainage plan that describes the drainage system to be constructed before, during, and after mining and all sediment and drainage control structures to be installed.

4. A Reclamation Plan that includes a statement of the post mining land use and the proposed actions to ensure suitable reclamation.

The plan will include the method of grading, removal of all mining related equipment and the revegetation of the disturbed areas.

5. If mining is to be below the water table, the operator must submit an assessment of the potential for impact on overall hydrologic balance from the proposed operation and a plan to minimize the adverse effects on water quality or quantity.

6. The operator is required to obtain a VDOT land use permit for the entrance road where it connects to the public road.

7. The operator is required to provide proof of the right to mine the property by deed or by lease or other agreement.

8. The operator is required to notify all property owners within 1,000 feet of the permit boundary - these property owners are entitled to ask for a public hearing prior to the

issuance of the permit so that express any concerns that they may have concerning the proposed mining operation.

9. The operator is required to notify any public utilities within 500 feet of the proposed mining area.

Once a permit application has been reviewed and approved by DMME, the mine operator will post a surety bond or equivalent per disturbed acre to ensure reclamation of the mining areas once mining is completed. This bond will be held until DMME is satisfied that the land has been returned to a suitable post mining land use and has been adequately stabilized with permanent vegetation where needed.

During operations, DMME inspects the mine at least two times a year to ensure compliance with the above plans and the Virginia Reclamation Laws and Regulations for Mineral Mining. This includes erosion and sediment control on the mine. Safety inspections are conducted by either Federal MSHA or DMME.

Attached is an application checklist that we use when reviewing new mine permit applications - that will give you some insight in what we look require prior to issuing a permit.

I hope this provides what you need.

Please give me a call if you have any questions.

Paul E. Saunders

Mine Inspector Supervisor

VA Division of Mineral Mining

(804) 519-7440



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING
900 NATURAL RESOURCES DRIVE, STE. 400
CHARLOTTESVILLE, VA 22903

APPLICATION NO. _____

DMM APPLICATION CHECKLIST

APPLICANT'S NAME: _____ DATE: _____

INSPECTOR: _____ COUNTY: _____

LOCATION: _____

ACTION TAKEN

REVIEWER: _____ DATE: _____

() RETURN TO OPERATOR FOR CORRECTION () MAIL TO DMM OFFICE () _____

EXPLANATION: _____

ACTION TAKEN

REVIEWER: _____ DATE: _____

() RETURN TO OPERATOR FOR CORRECTION () MAIL TO DMM OFFICE () _____

EXPLANATION: _____

ACTION TAKEN

REVIEWER: _____ DATE: _____

() RETURN TO OPERATOR FOR CORRECTION () MAIL TO DMM OFFICE () _____

EXPLANATION: _____

ACTION TAKEN

REVIEWER: _____ DATE: _____

() RETURN TO OPERATOR FOR CORRECTION () MAIL TO DMM OFFICE () _____

EXPLANATION: _____

GENERAL INSTRUCTIONS FOR PERMIT APPLICATIONS:

1. ALL SHEETS AND MAPS 8 ½ X 11 INCHES OR FOLDED TO 8 ½ X 11. NO ROLLED MAPS ARE ACCEPTED.
2. TWO COMPLETED SETS OF ALL APPLICATION MATERIALS MUST BE SUBMITTED TO THE DIVISION.
3. ALL BLANKS ON ALL FORMS MUST BE COMPLETED. IF NOT APPLICABLE ENTER N/A OR NONE. IF ADDRESSED IN NARRATIVES, PROVIDE REFERENCE. INCOMPLETE FORMS WILL BE RETURNED FOR CORRECTION.
4. APPROPRIATE SIGNATURE AND NOTARIZATION ON ALL FORMS.
5. PRE-APPLICATION CONFERENCE WITH MINE INSPECTOR (REG.3.3)

	YES	NO	N/A	REGULATION	COMMENT
1.0 ADMINISTRATIVE INFORMATION					
1.1 PERMIT/LICENSE APPLICATION FORM DMM-101				3.5	
A. ALL OWNERS, CORPORATE OFFICERS AND DIRECTORS LISTED IN ITEM 4.					
B. RIGHT OF ENTRY CLEARLY SPECIFIED IN ITEM 17 BY LISTING PARTIES TO THE AGREEMENT, DATE OF EXECUTION AND RECORDING INFORMATION OR BY PROVIDING A COPY OF THE DEED OR LEASE.					
C. BUILDINGS/STRUCTURES UNDER ITEM 22 ADDRESSED DISPOSITION OF BUILDINGS ON COMPLETION OF MINING.					
D. NARRATIVE ATTACHED TO PROVIDE DETAILED OPERATION RECLAMATION/DRAINAGE PLANS FOR ITEM 23.					
E. SIGNED BY PERSON LISTED IN ITEM 5.					
F. ORIGINAL SIGNATURE ON AT LEAST 1 COPY.					
G. TWO COPIES OF ALL PERMIT DOCUMENTS					
H. ALL BLANKS COMPLETED.					
I. ALL MAPS 8 ½" X 11" OR FOLDED 8 ½" X 11" OR SMALLER.					
1.2 PERMIT NOTIFICATIONS					
A. FORM DMM-103A ENCLOSED TO LIST ALL OWNERS WITHIN 1000 FEET OF PERMIT BOUNDARY.					
B. COPIES OF DMM-103 NOTICE OF APPLICATION TO MINE ENCLOSED FOR EACH ADJACENT PROPERTY OWNER.					
C. CERTIFIED MAIL RETURN RECEIPTS OR CERTIFIED MAIL RECEIPTS STAMPED BY THE POST OFFICE ARE ENCLOSED.					
D. PROOF OF NOTIFICATION TO THE LOCAL CHIEF ADMINISTRATIVE OFFICIAL (COUNTY ADMINISTRATOR, CITY MANAGER, ETC.)					
E. PROOF OF NOTIFICATION OF ALL UTILITIES WITH FACILITIES WITHIN 500 FEET OF THE PERMIT BOUNDARY.					
1.3 PERMIT SIGN				3.2	
A. DESCRIPTION					
B. INFORMATION CONTAINED ON SIGN					
C. LOCATION					

	YES	NO	N/A	REGULATION	COMMENT
1.4 RELINQUISHMENT				45.1-184.2	
A. ALL BLANKS COMPLETED					
B. SIGNED BY APPROPRIATE COMPANY OFFICIAL					
C. NOTARIZED					
D. RELINQUISHED ACREAGE IS EQUAL TO OR DOES NOT EXCEED PERMIT ACREAGE OF PERMIT RELINQUISHED FROM					
1.5 BOND AND PERMIT FEES				3.6.1-3	
A. RESTRICTED PERMIT					
B. ESTIMATED BOND AND FEES LICENSE FEE (\$20 OR \$75) _____ PERMIT FEES (ACREAGE X \$12) _____ BOND - ACREAGE DIST. + TO BE DIST. X \$1000 _____ MINERALS RECLAMATION FUND: ACREAGE DIST. + TO BE DIST. X \$50.00 _____					
C. OPERATOR ADVISED OF ESTIMATED FEES. NO FEES TO BE SUBMITTED WITH APPLICATION. OPERATOR WILL BE BILLED UPON APPROVAL.					
1.6 HAS THE POSSIBLE NEED FOR OTHER PERMITS BEEN DISCUSSED WITH THE OPERATORS?				10.2	
A. VA. DEPT. OF TRANSPORTATION					
B. VA. MARINE RESOURCES COMMISSION					
C. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER DIV.					
D. ARMY CORPS OF ENGINEERS					
E. DEPARTMENT OF ENVIRONMENTAL QUALITY - AIR DIV.					
F. DEPARTMENT OF HISTORIC RESOURCES					
G. DEPARTMENT OF ENVIRONMENTAL QUALITY - WASTE MANAGEMENT DIV.					
H. LOCAL ZONING/LAND USE AGENCY					
2.0 OPERATIONS PLAN					
2.1 MINING METHOD				3.6.4.B, 7.2, 7.6	
A. EXTRACTION METHOD AND EQUIPMENT					
B. PROPOSED DEPTH OF EXCAVATION					
C. WILL MINING EXTEND BELOW THE WATER TABLE?					
D. IF MINING EXTENDS INTO THE WATER TABLE, IS A GROUNDWATER PROTECTION PLAN INCLUDED?					
E. DESCRIPTION OF HOW SIMULTANEOUS RECLAMATION WILL BE ACCOMPLISHED.					
F. DESCRIPTION OF SCREENING AND LOCATION SHOWN ON PERMIT MAP.					
G. NARRATIVE DESCRIPTION TO SPECIFY SLOPES OF PROPOSED CUTS AND FILLS OR CROSS SECTION PROVIDED.					
H. NECESSARY STRUCTURES AND MAINTENANCE FACILITIES SHOWN ON PERMIT MAP OR SEPARATE SITE PLAN.					
	YES	NO	N/A	REGULATION	COMMENT

2.2 PROCESSING METHOD		3.6.4.B	
A. PROCESSES AND EQUIPMENT DESCRIBED			
B. PROCESSING FACILITIES AND STOCKPILES SHOWN ON PERMIT MAP OR SITE PLAN.			
C. DESCRIPTION OF PRODUCTS AND WASTES, USE AND DISPOSAL.			
D. DESCRIPTION OF WATER SYSTEM INTAKE, TREATMENT, DISCHARGE			
2.3 SPOIL, OVERBURDEN AND WASTE DISPOSAL AND HANDLING		3.6.4.B DRAINAGE HANDBOOK	
A. DESCRIPTION OF WASTES PROVIDED			
B. PLANS FOR DISPOSAL PROVIDED (CONSTRUCTION METHOD, LOCATION, SITE PREPARATION, SLOPES, DRAWINGS)			
C. DESCRIPTION OF DISPOSAL AREA DRAINAGE SYSTEM (DIVERSIONS, UNDERDRAINS, ETC.)			
D. LOCATED ON PERMIT MAPS			
2.4 TOPSOIL HANDLING		7.5	
A. GENERAL DESCRIPTION, DEPTH AND AVAILABILITY			
B. DESCRIPTION OF STORAGE METHOD AND PROTECTION			
C. REAPPLICATION METHOD, DEPTH, AND PREPARATION			
D. STORAGE AREA, SHOWN ON PERMIT MAPS			
2.5 PRINCIPAL ACCESS ROADS		6.0	
A. HIGHWAY ENTRANCE PLAN PROVIDED			
B. NARRATIVE DESCRIPTION OF CONSTRUCTION, SURFACING AND MAINTENANCE.			
C. DUST CONTROL, MEASURES DESCRIBED			
D. HAULROAD ABANDONMENT DISCUSSED			
E. DRAINAGE CONTROL PLAN PROVIDED DETAILING CULVERTS, SIZES, BERMS, STREAM CROSSINGS, DITCHES, FILTER STRIPS.			
F. ROAD LOCATION SHOWN ON PERMIT MAP.			
G. CROSS SECTIONS OF ROAD & CULVERT INSTALLATION PROVIDED			
H. DRAINAGE STRUCTURES AND SIZES SHOWN ON PERMIT MAP			
3.0 DRAINAGE PLAN			
3.1 NARRATIVE DESCRIPTION OF DRAINAGE CONTROLS TO BE IMPLEMENTED, AREA TREATED, LOCATION OF STRUCTURE AND DESIGN CONSIDERATIONS		3.6.4.C	

	YES	NO	N/A	REGULATION	COMMENT

3.2 CONSTRUCTION, MAINTENANCE AND ABANDONMENT

- A. CONSTRUCTION METHODS INCLUDING SITE PREPARATION, COMPACTION AND EROSION PROTECTION
- B. MAINTENANCE PLAN INCLUDING INSPECTION, REPAIR & CLEANING
- C. SEDIMENT HANDLING PLAN TO COVER DISPOSAL OR USE OF SEDIMENTS REMOVED DURING MAINTENANCE
- D. ABANDONMENT PLANS FOR EACH STRUCTURE OUTLINING PROCEDURE FOR RECLAMATION OF EACH STRUCTURE
- E. DESIGNS PROVIDED FOR EACH SEDIMENT CONTROL STRUCTURE TO BE USED
- F. ALL DRAINAGE AND SEDIMENT CONTROL STRUCTURES SHOWN ON PERMIT MAPS

4.0 RECLAMATION PLAN

3.6.4.A

4.1 POST MINING LAND USE

- A. POST MINING USE SPECIFIED
- B. COMPATIBILITY WITH SURROUNDING LAND USES DISCUSSED
- C. RECLAMATION PROCEDURES TO BE IMPLEMENTED TO FACILITATE THE POST MINING USE

4.2 BACKFILLING AND REGRADING

3.6.4.A

- A. BACKFILL AND REGRADE SLOPES SPECIFIED
- B. DESCRIBE HANDLING AND DISPOSAL OF METAL, LUMBER & DEBRIS
- C. DISPOSITION OF BUILDINGS
- D. HANDLING AND DISPOSITION OF STOCKPILES
- E. RECLAMATION OF WASTE DISPOSAL AREAS

4.3 REVEGETATION

9.0

- A. SEEDBED PREPARATION & TOPSOIL REAPPLICATION DISCUSSED
- B. SEED MIXTURE SPECIES & APPLICATION RATES SPECIFIED
- C. TREE SPECIES & STOCKING RATE SPECIFIED
- D. SOIL SAMPLING & TESTING DESCRIBED
- E. DISCUSSION OF FERTILIZER & LIME APPLICATION PROVIDED

5.0 MAPS

4.3

5.1 PERMIT MAP

- A. MAP LEGEND - ALL BLANKS COMPLETED & PROPERLY SIGNED
- B. SHOWS ENTIRE PERMIT AREA
- C. SHOWS BOUNDARIES & NAMES OF SURFACE OWNERS WITHIN 100 FEET OF PERMIT BOUNDARY
- D. MAP DRAWN TO SCALE

	YES	NO	N/A	REGULATION	COMMENT
E. MAP IDENTIFIES ALL STREAMS, CREEKS, WATER BODIES, ROADS, CEMETERIES, BUILDINGS, UTILITIES, OIL & GAS					

WELLS ON OR WITHIN 500 FEET OF THE PERMIT BOUNDARY

F. SHOWS PROPERTY BOUNDARY OF TRACT BEING MINED

G. SHOWS NORTH ARROW

H. COLOR CODED AS INDICATED ON THE MAP LEGEND

I. SHOWS DIRECTION OF DRAINAGE FLOW

5.2 UNDERGROUND MINE MAP

4.3.3

A. PROJECTED MINING PLAN FOR UNDERGROUND WORKINGS

B. DRAWN TO SCALE

C. NORTH ARROW

6.0 TECHNICAL STUDIES

6.1 PREBLAST SURVEY

6.2 HYDROLOGICAL (GROUNDWATER) STUDIES

6.3 WETLAND INVESTIGATIONS

CONDITIONAL USE PERMIT #2019-04



MEMORANDUM

TO: Members, Sussex County Board of Supervisors
Vandy V. Jones III, County Administrator

FROM: Andre M. Greene, Director of Community Development

RE: Conditional Use Permit Application #2019-04

DATE: January 31, 2020

The applicant, Shands Energy Center, LLC (wholly owned by East Point Energy, LLC), seeks a conditional permit to construct and operate a battery energy storage facility on tax map numbers 64-(A)-21 (11.48 acres) and 64-(A)-23 (20.8 acres). The site in question (totaling approximately 32.28 acres), is located on the north side of Route 40 (Sussex Drive adjacent to an existing Dominion Energy Substation Stony Creek Election District.

PLANNING COMMISSION RECOMMENDATION- Approval

The Planning Commission held a public hearing on November 4, 2019 to consider this request and voted (8 ayes, 2 nays) to forward the request for Conditional Use Permit #2019-04, Shands Energy Center LLC owned by (East Point Energy LLC), applicant to the Board of Supervisors with a recommendation of approval subject to several conditions.

Attached for the Board's review and consideration are the staff report and supporting documents

To date, no opposition or concerns have been received from the public.

STAFF REPORT - Conditional Use Permit Application #2019-04

This staff report is prepared by the Sussex County Planning Department to provide information to the Planning Commission and the Board of Supervisors to assist both bodies in making a recommendation on this application. It may also be useful to the members of the general public interested in this application.

SUMMARY FACTS

APPLICANT:	Shands Energy Center, LLC (East Point Energy, LLC)
OWNER:	Ruth Pride
REQUEST:	Pursuant to Section 34-217§18b of the Zoning Ordinance a Conditional Use Permit is requested to construct and operate a battery energy storage facility.
PROPERTY LOCATION:	The site in question located on the north side of Route 40 (Sussex Drive) adjacent to an existing Dominion Energy Substation.
PROPERTY IDENTIFICATION:	Tax Map Numbers 64-(A)-21 and 64-(A)-23
ELECTION DISTRICT:	Stony Creek
PARCEL SIZES:	64-(A)-21- 11.48 acres 64-(A)-23 - 20.80 acres
TOTAL ACREAGE:	Approximately 32.28 acres
PARCEL CHARACTERISTICS:	The topography of the site is gently rolling. The site consists of woodlands and open land.
SURROUNDING LAND USES:	Surrounding land uses include farmland, woodlands, a Dominion Energy Substation, overhead electrical power transmission lines and single-family dwellings.
EXISTING ZONING:	A-1, General Agricultural

DESIGNATED COMP PLAN AREA: Stony Creek/I-95/U.S. Route 301/VA Route 40

COMP PLAN FUTURE LAND
USE DESIGNATION: Agricultural/Forested/Open Space

FLOODPLAIN DESIGNATION: Zone X – The site is not located in a 100-year Flood Zone

SUMMATION

The applicant, Shands Energy Center, LLC (wholly owned by East Point Energy, LLC) is requesting is requesting issuance of a Conditional Use Permit to construct and operate a grid scale stand-alone battery energy storage facility. The properties in question are tax map number 64-A 21 (consisting of 11.48 acres) and tax map number 64-(A)-23 (consisting of 20.80 acres). A summary of the application as follows:

- The batteries will consist of Lithium-Ion. The batteries will be NFPA (National Fire Protection Agency) complaint.
- The battery energy storage area will be located on tax parcel 64-A-21 (approximately 300 feet off Route 40) just behind an existing Dominion Energy Substation.
- The battery storage area will be approximately 2-3 acres in size.
- The existing trees/vegetation adjoining the proposed 2 battery storage area will be preserved to serve as natural buffer.
- The batteries will be stored in approximately twenty-one (21) modular containers. The containers will be anchored to a concrete pad. The concrete pad will be constructed in adherence to the building code. The containers will be designed to contain any leakage from worn batteries. No diversion dikes will need to be constructed.
- The containers will be transported to the site via flatbed trucks.
- The facility will take approximately 3-5 months to construct. Hours of construction will be Monday-Friday from 7am to 7pm in adherence to the County's Noise Ordinance.
- Anticipated traffic impact – Temporary and minimal during construction.
- For security and public safety, the applicant is willing to construct a seven (7) foot high galvanized security fence around the perimeter of the battery storage area
- Security lighting will be installed.
- The applicant is willing to provide specialized training to the County's EMS staff to deal with possible incidents.
- The applicant has stated that the life expectancy of the facility is perpetuity with the life expectancy of the batteries to be 20-25 years. Worn or degraded batteries will be replaced as necessary.
- Estimated local tax revenues from the project are as follows:
 - Sales Taxes in the amount of \$14,974 (\$7,199 to the County and \$7,775 to the Schools)
 - Machinery and Tools Taxes in the amount of \$146,775.85 over a 25 year period (roughly \$5,871 per year). Real Estate Taxes paid in 2019 on the 32.28 acres were \$299.28.

- The estimated jobs to be created during construction is between 15-20 persons.
- The applicant has estimated that the cost of de-commissioning the facility if it ceases operation is approximately \$103,000.00. \$63,000.00 for removal of the containers (21 @ \$3,000 per container) and \$40,000.00 for removal and disposal of the concrete padding, fencing and all other improvements.

PLANNING COMMISSION'S RECOMMENDATION: APPROVAL WITH CONDITIONS

The Planning Commission held a public hearing on November 4, 2019 to consider this request and voted (8 ayes, 2 nays) to forward the request for Conditional Use Permit #2019-04, Shands Energy Center LLC owned by (East Point Energy LLC), applicant to the Board of Supervisors with a recommendation of approval subject to several conditions which are listed below and also with the condition that another de-commissioning cost estimate from an engineering firm be provided before the item goes to the Board of Supervisors which is attached.

LAND USE RATIONALE

Planning Commission recommends approval for the following reasons:

- 1) The proposed project will be sited on primarily timberland. Of the 32.28 acres in question, only 2-3 acres will be disturbed. Existing vegetation (trees), and the setback of 300' feet off Route 40 (Sussex Drive) will minimize visual impacts of the proposed facility.
- 2) The proposed facility will not impair the integrity or character of the surrounding community as it will be located next to an existing Dominion Energy sub-station.
- 3) The proposed battery storage facility is passive in nature and will not cause any nuisances to the surrounding community as it does not produce emissions to the air, it does not produce any glare or foul odor. Also, noise emitted from the facility will be minimal and equivalent to the low humming noise generated by the existing sub-station.

PROPOSED CONDITIONS:

Planning Commission recommends approval subject to the following conditions:

1. All requirements and obligations of this Conditional Use Permit ("CUP") shall become a part of the zoning regulations and shall therefore be binding on the Applicant, and any future owner or operators (which shall include, but not be limited to, any successors, assignees, current or future lessee, or sub-lessees).
2. The Applicant shall install a standard galvanized security fence around the battery storage Facility that is a minimum of seven (7) feet in height.
3. All federal, state and local laws, regulations, permit requirements and ordinances will be adhered to including but not limited to:
 - a. US Army Corps of Engineers
 - b. The Virginia Department of Transportation (VDOT)

- c. Virginia Department of Environmental Quality – Virginia Storm-water Management Program (VSMP)
 - d. State building code and shall be inspected by either the county building inspector or a third-party inspector through the building permit process.
 - e. The Applicant is required to obtain a County Land Disturbance permit after submittal and approval of an Erosion and Sediment Control Plan prior to any land disturbance.
 - f. The site shall fully comply with all applicable provisions of the Sussex County Zoning Ordinance, throughout the life of this CUP.
4. The Applicant is required to obtain approval of a decommissioning plan by the Director of Community Development Department prior to approval of any building permits for the battery energy storage facility. The battery energy facility shall be decommissioned and removed within eighteen (18) months after the facility ceases operation for a continuous twelve (12) month period.

The costs of decommissioning shall be secured by adequate surety in a form agreed to by the County Attorney, including but not limited to a surety or performance bond, certified check, or letter of credit, which shall be provided to the County Attorney, the County Administrator and the Director of Community Development prior to the issuance of the land disturbance permit and building permit from the County. The performance bond, certified check or letter of credit shall be in an amount of no less than One Hundred Thousand Dollars (\$103,000) while the battery energy storage facility remains on the Property. If the battery energy storage facility is sold, the CUP shall not transfer to the purchaser until such time as the adequate surety is provided.

The cost estimates of the decommissioning shall be updated every five (5) years by an independent consultant (“consultant”) retained at the expense of the Applicant, or any future owner or operator, and provided to the County. The consultant shall be a professional engineer licensed in Virginia with expertise in the subject of decommissioning solar projects. The Applicant, or future owner or operator, is required to obtain approval of the independent consultant by the Director of Community Development prior to being engaged by the Applicant, or future owner or operator, which approval shall not be unreasonably withheld. The consultant’s reports will identify the cost of decommissioning. The surety amount will be increased or decreased based on such updated cost of decommissioning, but the surety shall not be below the minimum amount required by this condition. The Applicant, or future owner or operator, shall be liable to the County for any deficiency if the bond amount does not fully fund the costs of decommissioning.

Decommissioning shall include, but not be limited to, the removal of all fencing, posts, foundations, battery storage containers, underground cables and conduits, transformers, other electrical components, and other accessory equipment/structures from the Property and properly disposed of as part of the decommissioning.

If the Applicant, or future owner or operator, intends to cease operations, or to shut down the battery storage energy facility, it shall send the County Administrator and

Director of the Community Development Department written notice at least ninety (90) days prior to such action and will provide, with such notice, a revised consultant's report. The Applicant, or future owner or operator, shall remove the facilities ("decommissioning") within six (6) months of receipt of notice from the County. If the solar energy facility is not removed within the time provided in the notice to the County, the County may cause the removal of the solar energy facility with costs being borne by the Applicant, future owner or operator.

5. Prior to the end of construction of the battery energy facility, the Applicant, shall hold a series of training classes with the County's first responders (Fire and Rescue) to provide materials, education and training to the departments serving the solar energy facility in regard to how to safely respond to on-site emergencies. The training classes shall be scheduled with the assistance of the County Public Safety Coordinator. The Applicant, future owner or operator, shall provide on-going training as deemed necessary by the Public Safety Coordinator.
6. The existing vegetation surrounding the battery storage area shall be preserved for the life of the project. Any removal of existing vegetation shall require the approval by the County. If any existing vegetation (trees) die or are destroyed by a natural disaster and the project becomes visible to adjoining properties and from the road, the applicant shall replace the damaged trees at their expense to make the project area again non-visible.
7. If the applicant plans to use herbicides for existing vegetative weed control along the fence surrounding the facility, only EPA approved herbicides shall be used. The applicant shall submit herbicide land application plan prior to approval of the certificate of occupancy (or equivalent). The plan shall specify the herbicides to be used, the frequency of land application, the identification of approved groundwater wells, wetlands, streams and the distances from land application areas to features such as wells, wetlands, streams and other bodies of water.

This is to certify that letters notifying adjacent property owners of a Public Hearing of the Board of Supervisors on February 20, 2020 for **Conditional Use Permit Application #2019-04**, Shands Energy Center LLC, (owned by East Point Energy LLC) applicant, were mailed on February 5, 2020 to the persons listed below.

64-A-16

ROBINSON SELESTER MAE
9023 SUSSEX DRIVE
STONY CREEK, VA 23882

64-A-18

BAILEY HARRIS EST
C/O SHIRLEY BOSWELL-PLAUNT
40 BOULDER RIDGE PLACE
PAINESVILLE, OH 44077

64-A-19 & 20

THOMPSON EUGENE
7800 HALIFAX ROAD
PETERSBURG, VA 23805

64-A-23A

MOORE ANTONIO C.
PO BOX 9
STONY CREEK, VA 23882

64-A-24

MABRY JOHN R.
22211 MCKENNEY HWY
STONY CREEK, VA 23882

64-A-24B

HOUSE ROSALYN M.
PO BOX 515
STONY CREEK, VA 23882

64-A-24C

WEBB GWENDOLYN J.
(AKA) GWENDOLYN J. MABRY
8386 SUSSEX DRIVE
STONY CREEK, VA 23882

64-A-27

ALVIS ANDREW D. III & WENDY G.
23290 BOOTH ROAD
STONY CREEK, VA 23882

64-A-27A

ROBBINS JOHN D. III & ELIZABETH A.
PO BOX 687
DINWIDDIE, VA 23841

64-A-28

JONES ANTIONETTE
13174 SHANDS ROAD
STONY CREEK, VA 23882

64-A-1A

SHANDS MARTIN A. & MARCIA J.
13321 SHANDS ROAD
STONY CREEK, VA 23882

64-2-1

CURLEY DOLENA W.
C/O DORETHEA CURLEY
842 FORT HENRY STREET
PETERSBURG, VA 23803

64-4-1

JOHNSON CURTIS N. & MARGARET D.
13188 SHANDS ROAD
STONY CREEK, VA 23882

64-4-3

JARRELL PERCY JR.
13152 SHANDS ROAD
STONY CREEK, VA 23882

64-4-4

HALL DELPHINE
PO BOX 335
STONY CREEK, VA 23882

André M. Heane

Director of Community Development

1/30/20

Date

CUP Number:
Date Application Filed
\$500 Processing Fee Received By:

2019-04
6/14/19
L.T.



Sussex County Planning Department
Post Office Box 1397
20209 Thornton Square
Sussex, Virginia 23884
Phone: 434-246-1043
Fax: 434-246-8259

CONDITIONAL USE PERMIT APPLICATION

Owner Information:

Name: Ruth Fride
Address: 36228 Walkers Mill Road
Stony Creek, VA 23852
Phone Number: 434-246-9276

Applicant Information:

Name: Shands Energy Center LLC
Address: 200 Garrett Street, Suite J
Charlottesville, VA 22902
Phone Number: 434-485-6210

Legal Description of Property:

Tax Map Number: 64-A-21, 64-A-23
Zoning District: 7b
Block Number:
Lot Size (Acreage): 32.28
Election District:
Subdivision:
Lot Number:
Square Footage:

Please answer the following. Please refer to Attachment 1 of application.

1. When was property acquired by applicant?
2. Are there any deed restrictions on the property in question? Yes No
(If yes, attach a copy of restrictions)
3. What is the proposed use of property or type of improvement? Please be detailed and specific in your description. (For example: new construction, addition or demolition, agricultural, residential, or commercial use)
4. What is the Fair market value of improvements?
(Value must include all buildings, electrical, plumbing, and mechanical work to be performed)
5. Describe briefly the type of use and improvements proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings
6. Describe how the proposed use and improvements are to be designed and arranged to fit into the development of adjacent property of the neighborhood
7. Furnish plot plan, preliminary site plan, and/or preliminary subdivision plat showing boundaries and dimensions of property, width of boundary streets, location and size of buildings on site, roadways, walks, off street parking and loading space, landscaping and the like. Architects/Engineer's sketches showing elevations of proposed buildings and complete plans are also desirable and if available should be filed with application
8. I hereby certify that I have the authority to make the foregoing application and that the application is complete and correct and that the conditional use permit is in accordance with section 34-217(16b) of the Zoning Ordinance

Owner Signature

Applicant Signature

Date

Date

June 4, 2019
6/14/19



Attachment 1 to Condition Use Permit Application

1. The purchase option agreement of the land was executed on November 28th, 2018.
2. No, there are deed restrictions.
3. The proposed use of the property is for the new construction of a grid scale stand-alone battery energy storage system.
4. The fair market value of improvements is between \$10,000,000 and \$20,000,000, pending final project specifications.
5. Newly constructed grid scale stand alone battery energy storage energy system will interconnect at distribution voltage to an already existing Dominion Energy Substation in order to store excess electricity from the grid.
6. The containers will be propped up on a small concrete pier or pad to ensure protection from flooding. The entire project area will be fenced in and a visual screen will be installed. The decibel level at the property boundaries will be similar to the decibel level of that already existing Dominion Substation.
7. See attached site plan.
8. I hereby certify that I have the authority to make the forgoing application that the application is complete and correct and that the conditional use permit is in accordance with section 34-217 (18b) of the Zoning Ordinance.



June 14th, 2019

Andre Greene, Director of Community Development
Post Office Box 1397
20135 Princeton Road
Sussex, VA 23884

Conditional Use Permit Application
Shands Energy Center, LLC

Dear Mr. Greene,

Shands Energy Center, LLC is pleased to submit the following Conditional Use Permit application. Shands Energy Center, LLC is wholly owned by East Point Energy, LLC.

East Point Energy is a battery storage project development firm. Our projects make the electrical grid more reliable, resilient, and affordable. We partner with utilities, landowners, and communities to deploy energy storage solutions to benefit the grid and our environment. We believe that energy storage is critical to increasing renewable energy penetration on the grid, thus reducing dependence on fossil fuels and sustaining our planet. Our management team has over a decade of experience developing Distributed Energy Resources around the country with over 1GW of operating projects and over \$1.5B in deployed capital.

Contained within this complete application are the following attachments:

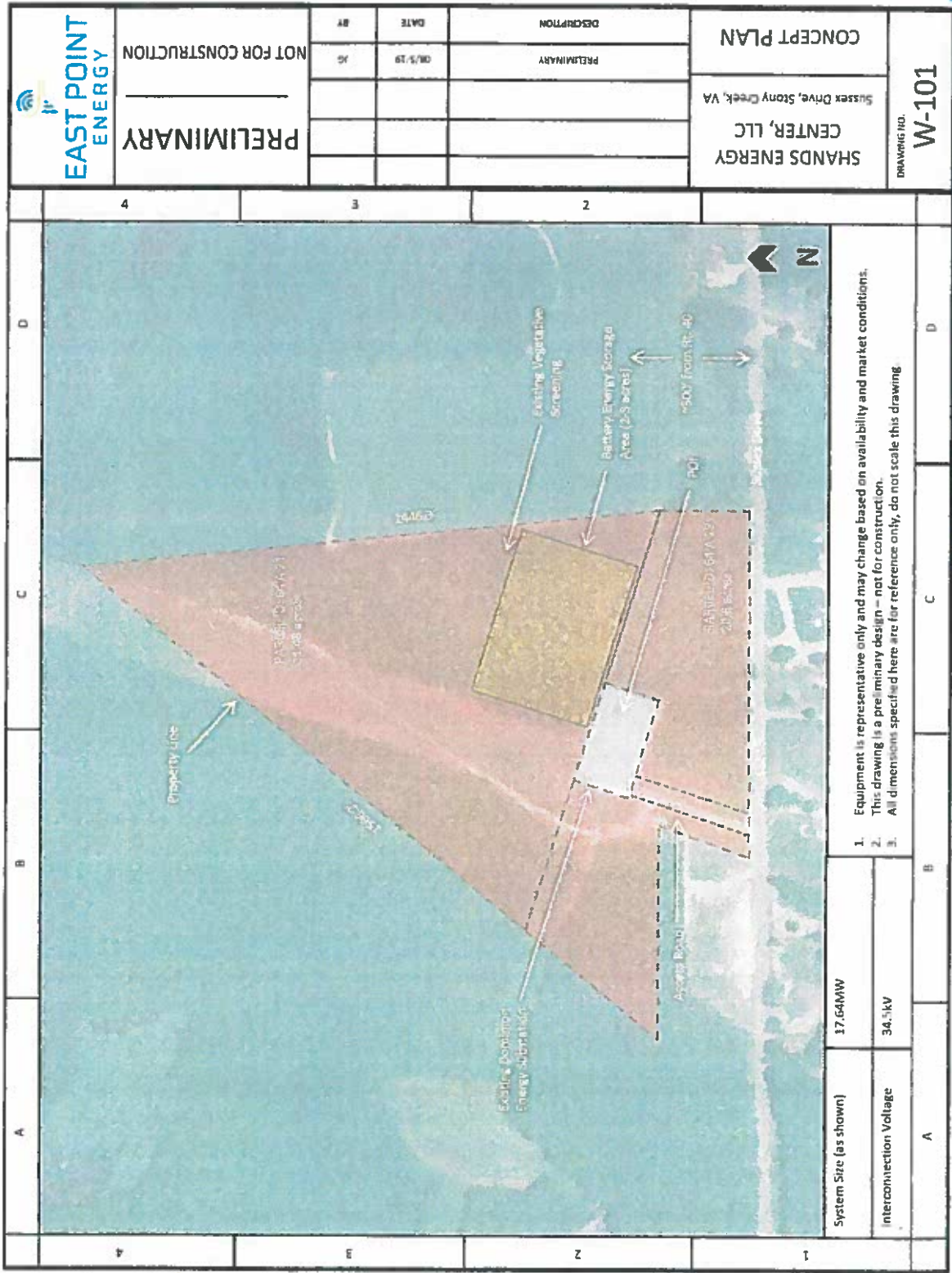
1. Conditional Use Permit Application
2. Attachment 1
3. Site plan
4. Site Control: Affidavit of Fact
5. Equipment specifications sheet
6. Statement of qualifications
7. \$500 Check

Should you have any questions or comments, please feel free to reach out to us at any time.

Sincerely,


Jayne Githorn, Development Engineer

Site Plan



AFFIDAVIT OF FACT

In the State of Virginia, City of Charlottesville, Andrew Foukal, President of East Point Energy, LLC, being duly sworn, deposes and says that he has full knowledge of all and every fact set forth herein:

1. East Point Energy, LLC is the sole owner of Shands Energy Center, LLC.
2. Ruth Pride ("Owner") is the owner of the property located at 13191 Shands Road, Stony Creek, VA (the "Property").
3. Shands Energy Center, LLC and Owner are parties to an Option to Purchase Agreement dated November 28th 2018 which provides Shands Energy Center, LLC with the right to purchase the Property from Owner at any time up to November 28th, 2023.
4. Shands Energy Center, LLC has been authorized by Owner to act as its agent for the purpose of applying for permits and undertaking related activities necessary to develop this project.

I SWEAR AND AFFIRM THAT THE ABOVE AND FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.

6/3/19



Date

Andrew Foukal

STATE OF VIRGINIA)

CITY OF CHARLOTTESVILLE)

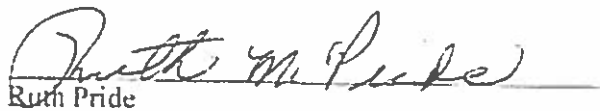
I, the undersigned Notary Public, do hereby affirm that Andrew Foukal personally appeared before me on the 3 day of June 2019, and signed the above Affidavit as his free and voluntary act and deed.


Notary Public

My Commission Expires on 05/31/2021



ACKNOWLEDGED AND AGREED TO:


Ruth Pride



Statement of Qualifications

Founded in 2018, East Point Energy is a battery storage project development firm. Our projects make the electrical grid more reliable, resilient and affordable. We partner with utilities, landowners, and communities to deploy energy storage solutions that benefit the grid and our environment.

We believe that energy storage is critical to increasing renewable energy penetration on the grid, thus reducing dependence on fossil fuels and sustaining our planet. Success is measured by delivering profitable energy storage solutions to the market that benefit the grid, communities, and our environment.

East Point Energy was founded by renewable energy executives with over a decade of energy development experience, including 4 gigawatts of renewable energy development and over 1,500 megawatts of operating wind and solar projects across the country. That's equivalent to the energy required to power approximately 250,000 American homes. For more information visit www.eastpointenergy.com.

EXECUTIVE EXPERIENCE AT A GLANCE

- Over 10 years of developing DER's
- 4GW of renewable energy development experience
- 1.5GW of operating wind and solar projects
- Over \$1.5B of transaction experience

Utility Partners (Executive Experience)



Supply Chain Partners



Representative Projects

(References Upon Request)



Elm City Solar Facility – Duke Energy *Elm City, NC | 40.0 MW*

The Elm City Solar Facility is a 52 MW (DC), 40 megawatt (AC) ground mounted solar facility located in Wilson County, NC. The project was developed by HelioSage Energy, constructed Strata Solar and is now owned and operated by Duke Energy (NYSE: DUK), the largest electric power holding company in the United States. The Elm City Solar Facility includes more than 500,000 First Solar FS-4 solar PV modules and produce enough power for more than 6,800 North Carolina homes per year.



Richland Solar Center – Georgia Power Co. *Jeffersonville, GA | 20.0 MW*

The Richland Solar Center is a 20 MW (AC) ground mounted solar facility in Twiggs County, GA. The project was developed by HelioSage Energy after receiving an award from Georgia Power in the utility's highly competitive 2013 Advanced Solar Initiative ("ASI") RFP. HelioSage was responsible for site selection, PPA negotiation, interconnection, and permitting. The Richland Solar Center was constructed by M + W Group and is owned and operated as a part of Dominion Energy's 1,200 MW solar fleet.



Somers Solar Center – Connecticut Light & Power *Somers, Connecticut | 5.0 MW*

The Somers Solar Center is a 7.4 MW (DC), 5.0 MW (AC) project awarded to HelioSage following an RFP issued by the Connecticut Department of Energy & Environmental Protection. Construction on the project was completed in late October 2013. Spanning more than 50 acres of land and generating enough electricity to power over 600 homes each year, the facility sells power directly to Connecticut Light & Power and owned and operated by Dominion Energy.



Camden County Municipal Utilities Authority *Camden, New Jersey | 1.8 MW*

Located along the Delaware River, the Camden County Wastewater Treatment Plant is a nationally recognized environmental management system, treating 80 million gallons of wastewater each day for 37 municipalities and over 500,000 people. Following a public RFP, CCMUA selected HelioSage Energy for the construction of a 1.8 MW solar array, which incorporated an innovative design - the solar panels span open-air treatment tanks. The project was commissioned in May 2012.



The Boston Scientific Corporation
Quincy, MA | 1.3 MW

The Boston Scientific Solar Center (developed by HelioSage Energy) is located on the roof of the company's logistical hub for NE operations. In November 2012, the 1.3 MW facility became a showpiece for Boston Scientific's innovative approach to facilities management. Owing to its coastal location, this project is

also noteworthy for the design required approval for operation in wind zones rated for 120 mph gusts. The project passed its first test with flying colors when the system rode out Hurricane Sandy unscathed.



Elk River Windfarm
Butler County, Kansas | 150 MW

Located in southeastern Kansas, the Elk River Windfarm is a 150 MW project currently operating pursuant to a long-term power purchase agreement with Empire District Electric Company. Nelson Teague, General Counsel of East Point Energy helped develop the project as a Principal and Director of Development of Greenlight Energy, Inc. Greenlight was responsible for the

origination and development of the project and, following project permitting and PPA execution, sold the project to PPM Energy. Elk River generates enough electricity for approximately 46,000 households.



Cedar Creek Windfarm
Weld County, Colorado | 300 MW

Located in northern Colorado, the Cedar Creek Windfarm is a 300 MW project currently operating pursuant to a long-term power purchase agreement with Public Service Company of Colorado (Xcel Energy). Nelson Teague, Director of Development at Greenlight Energy, Inc helped develop and sell the Cedar Creek Project. Greenlight, along with its partner, Babcock &

Brown, was responsible for the origination, development and financing of the project. Cedar Creek Windfarm generates enough electricity for approximately 92,000 households.

Management Team

Andrew Foukal | President & CEO

Andrew founded East Point Energy in 2018, and is responsible for the business strategy and execution, as well as building and leading the team. Capitalizing on his ten years of energy development experience in utility-scale solar, and with his vision, work ethic and management skills, Andrew is building East Point Energy into a leading energy storage firm in the United States.

In 2009, Andrew joined as one of the first employees of HelioSage Energy, a utility-scale solar project development firm. Andrew rose through the ranks quickly, and was instrumental in developing HelioSage's 350 megawatts of contracted solar before the company was acquired by Coronal Energy in 2015. Coronal promoted Andrew to SVP of Operations, where at the end-to-end, utility-scale solar IPP, he managed the Development Engineering and Procurement team, and the development efforts behind a 4 GW utility-scale PV pipeline. When Andrew left to start East Point Energy, Coronal had more than 600 megawatts of PV projects in operation.

Andrew started his career at Lux Research, an independent research and advisory firm providing strategic advice and ongoing intelligence for emerging technologies, including solar photovoltaics and nanotechnology.

Andrew holds a BS in Physics from Bates College and a Masters in Materials Science and Engineering from the University of Virginia.

Chris Walmsley | COO

Prior to joining East Point Energy as a founding member in 2018, Chris helped start HelioSage Energy in 2007. Chris lead the utility scale solar project development firm as President and CEO until the company was sold in 2015 to Coronal Energy. Chris and his partners navigated tremendous growth at HelioSage establishing the firm as a trusted development partner in the solar industry for a number of the country's largest institutional investors, major equipment vendors and utilities. Chris left Coronal Energy at the end of 2017.

A true entrepreneur, over 25 years ago Chris and his brother, Pierce, started AutoMax, a marketing distributorship headquartered in Prague, Czech Republic. AutoMax has three divisions - lubricants, automotive aftermarket and industrial cleaning - with exclusive rights to major brands like WD-40, Shell Lubricants, and many others. Since 2009, AutoMax has acquired four competing but complementary businesses including the Shell Lubricant division for the Czech and Slovak Republics. With over 110 employees, and offices in the Czech Republic, Slovakia and Hungary, AutoMax continues to grow and remain profitable year after year.

From 2001 until 2005, Chris also spent four years building an online ticketing business for Musictoday, a company sold to Live Nation in 2006. Chris helped design the ticketing system that handled sell out shows from the Dave Matthews Band to John Mayer.

For many years, Chris served on the Board and was the President of Computers4Kids, a local non-profit, after-school technology mentoring program for disadvantaged youth.

Chris holds a BA in History from the University of Virginia.

Pierce Walmsley | CFO

Pierce has over 20 years of executive experience in many different industries and on two continents.

Prior to joining East Point Energy as a founding member in 2018, Pierce served as the CFO and on the Board of Coronal Energy after Coronal purchased HelioSage in 2015. Pierce joined HelioSage as CFO in September of 2008. Along with fiduciary responsibility for Coronal, Pierce's primary responsibility was directing accounting and project finance. Pierce negotiated a series of strategic agreements with some of the country's largest and most active institutional investors, including several Fortune 500 energy companies. Pierce was also instrumental in negotiating the sale of projects to buyers and, ultimately, the sale of HelioSage to Coronal.

Prior to joining HelioSage, Pierce co-founded two successful start-ups: Global Sleep Products Inc., a memory foam mattress business, and AutoMax, a marketing and distribution firm in the Czech Republic, which he and his brother, Chris, still own. Founded in 1991, AutoMax employs over 110 people across three markets, and continues to grow and remain profitable year after year.

Prior to these ventures, Pierce spent 4 years as COO of a 25 store specialty retail chain, The Healthy Back Stores, and 3 years as a Commercial Loan Officer with First Union National Bank. Pierce is also a Director of Froehling and Robertson, Inc, a 133 year old privately held consulting engineering/testing firm.

Pierce holds a BA in Economics and Psychology from the University of Virginia, and an MBA from the Darden Graduate School of Business Administration.

Nelson Teague | General Counsel

With a background in corporate law and structured finance transactions, Nelson has been engaged in renewable energy development for over fifteen years.

Prior to joining East Point Energy as a founding member in 2018, Nelson helped co-found HelioSage, the utility-scale solar project development firm sold to Coronal Energy in 2015. While at Coronal Energy, he served as Vice President – Legal where he supported the company's development efforts in Charlottesville.

Nelson left Coronal Energy in the summer of 2018.

Prior to that, Nelson worked as the Director of Project Transactions with Greenlight Energy, Inc., managing and negotiating a contract suite that became one of the country's largest wind energy project pipelines. Following the sale of Greenlight Energy to BP Alternative Energy Services in 2006, Nelson joined BP where he led the development, project financing, and construction of the 300 megawatt Cedar Creek Wind Farm, a \$480 million facility selling power to Xcel Energy under a long term power purchase agreement.

Nelson has also served as General Counsel for several renewable energy development firms in the arenas of utility scale solar (Axio Power), utility scale wind (Apex Wind Energy, Inc.), biofuels manufacture (Greenlight Biofuels, Inc.) and the commercialization of a wave to energy technology (Columbia Power Technologies).

Nelson practiced law for Williams, Mullen, where he specialized in corporate law. He also served as corporate counsel for Circuit City Stores, Inc. and two of its subsidiaries from 1994-1998.

Nelson holds a BA in Politics from Washington and Lee University and his law degree from the TC Williams School of Law at the University of Richmond.



EAST POINT
ENERGY

Conditional Use Permit Application for Shands Energy Center, LLC

Presented by Jayne Guthorn and Andrew Foukal

Sussex County, VA

August 5th, 2019

Table of Contents

- Introduction to East Point Energy
- Summary of the CUP application
- Answer questions

Objective

We are seeking a recommendation from the Planning Board to the Board of Commissioners to approve the CUP application for the Shands Energy Center, a battery storage project, under the existing ordinance definition of privately owned utility generation

What We Do

East Point Energy – owner of Shands Energy Center, LLC - is a battery storage project development firm. Our projects make the electrical grid more reliable, resilient, and affordable.

We partner with utilities, landowners, and communities to deploy energy storage solutions to benefit the grid and our environment.

Battery project uses: 1) enable intermittent generation - renewable energy resources – to be flexible and dispatchable, and 2) reduce the need for fossil fuel resources to meet peak energy needs.

What is Battery Storage

- Rechargeable battery systems that store energy from the electric grid
- Solution to the intermittency of solar and wind
- Same technology found in electric vehicles and inside existing utility substation



Management Team

- A decade of experience developing Distributed Energy Resources
- 1 Gigawatt + (over \$1.5B) operating
- 60 Megawatt of utility-scale solar operating in VA
 - Essex
 - Isle of Wight
 - Louisa
 - Middlesex
 - Fluvanna

Summary of Project

Property Size: 30.28 acres

Project Size: Approximately 2-3 acres

Location: Off Route 40 in Stony Creek

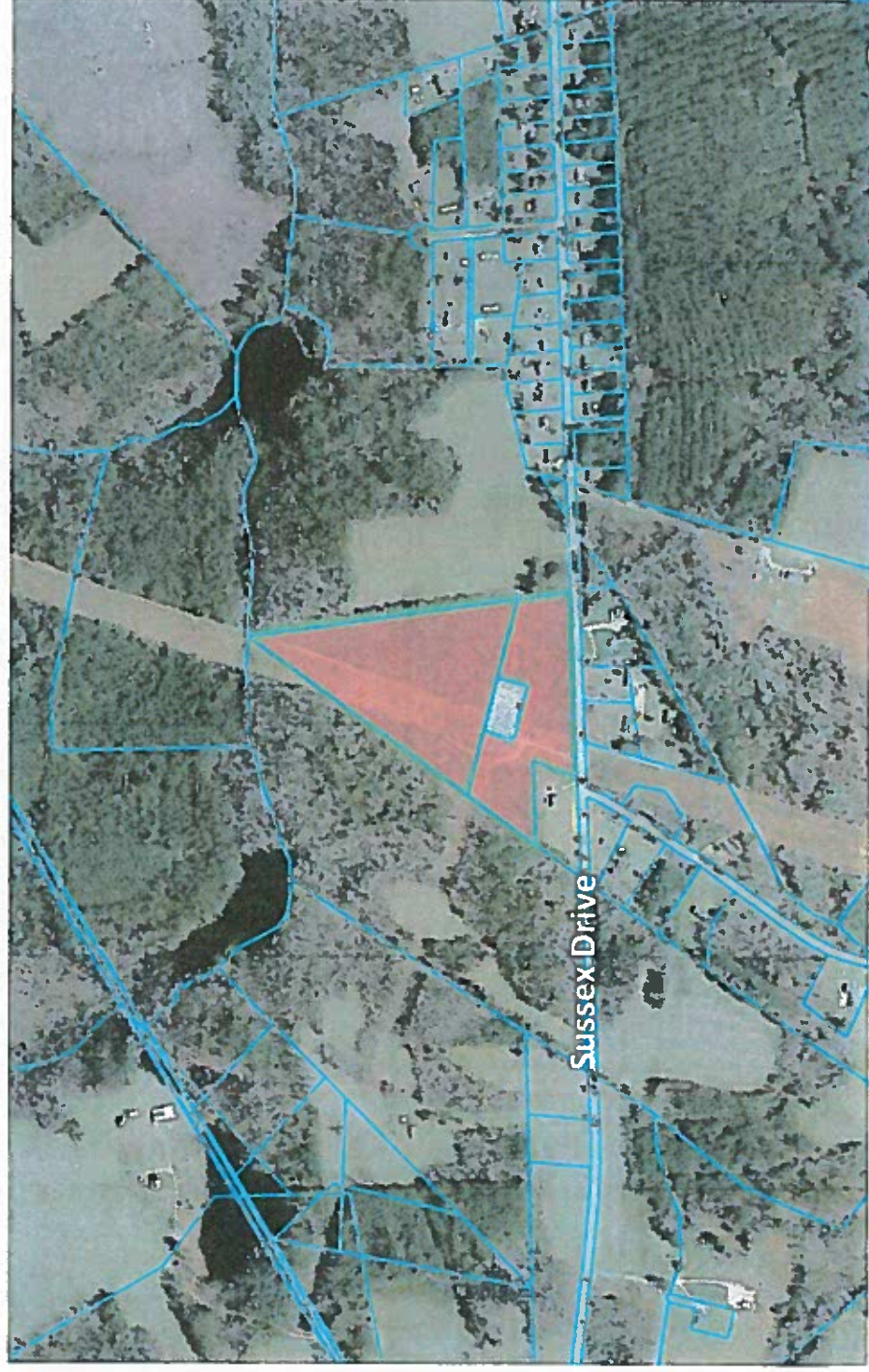
Interconnection: Dominion Virginia Energy's distribution system at the Sappony Substation

Project Benefits

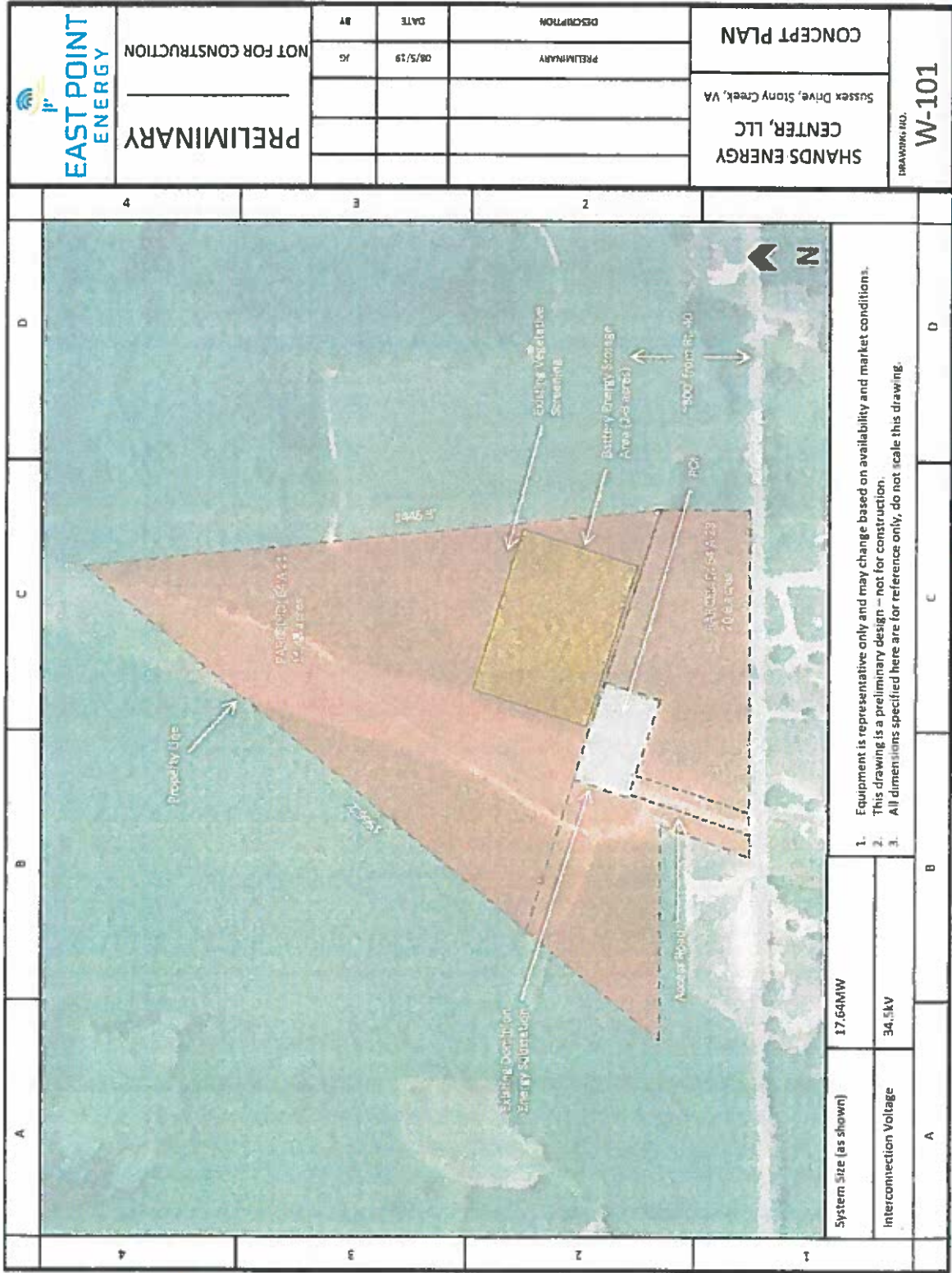
- Increase in tax revenues for the county
- Local reliability
- Supporting renewable energy projects in the area
- Minimal impact on county services (schools, police, other public services)

Shands Energy Center Location

Project Site Address: 13191 Shands Road, Stony Creek VA



Site Plan



EAST POINT ENERGY		PRELIMINARY		NOT FOR CONSTRUCTION	
CONCEPT PLAN		PRELIMINARY		DATE	
SHANDS ENERGY CENTER, LLC		SUSSEX DRIVE, STONY CREEK, VA		BY	
DRAWING NO.		W-101		08/5/19	

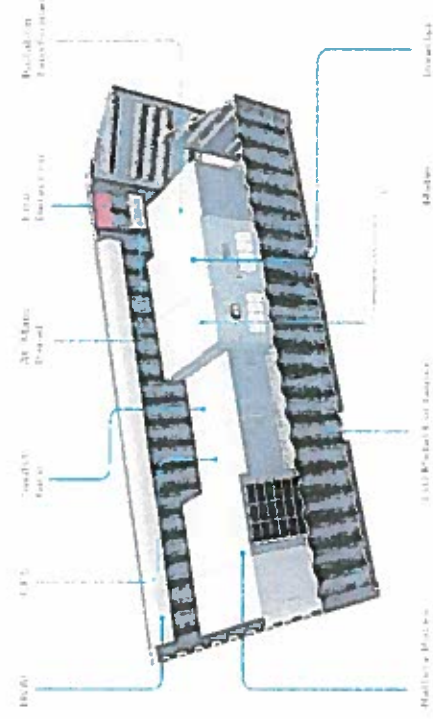
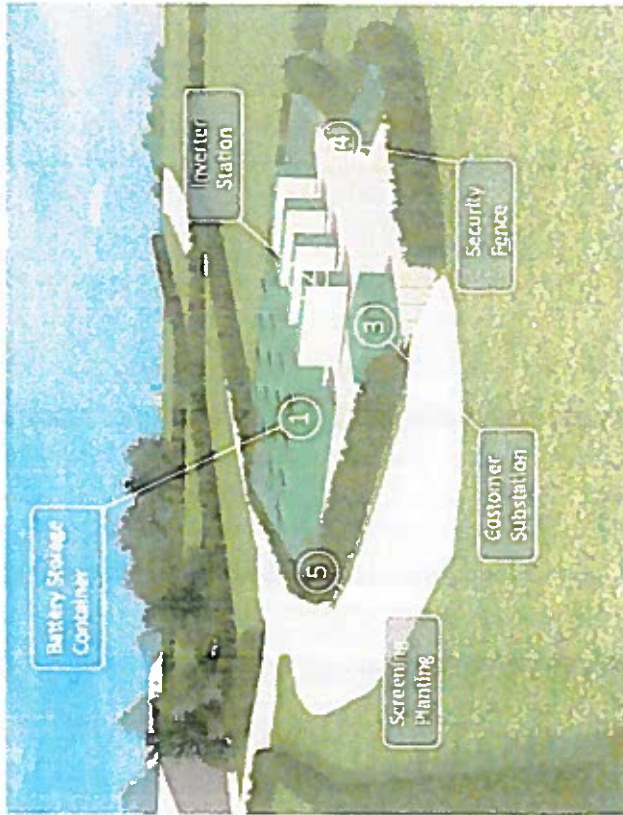
1. Equipment is representative only and may change based on availability and market conditions.
2. This drawing is a preliminary design – not for construction.
3. All dimensions specified here are for reference only, do not scale this drawing.

System Size (as shown)	17.64MW
Interconnection Voltage	34.5kV



Example Battery Storage Project

- 40' ISO containers or warehouse structure
- Height of ~10-14'
- Vegetative screening buffer (existing)
- Security fence
- Decibel level similar to that of existing substation



Sample Equipment



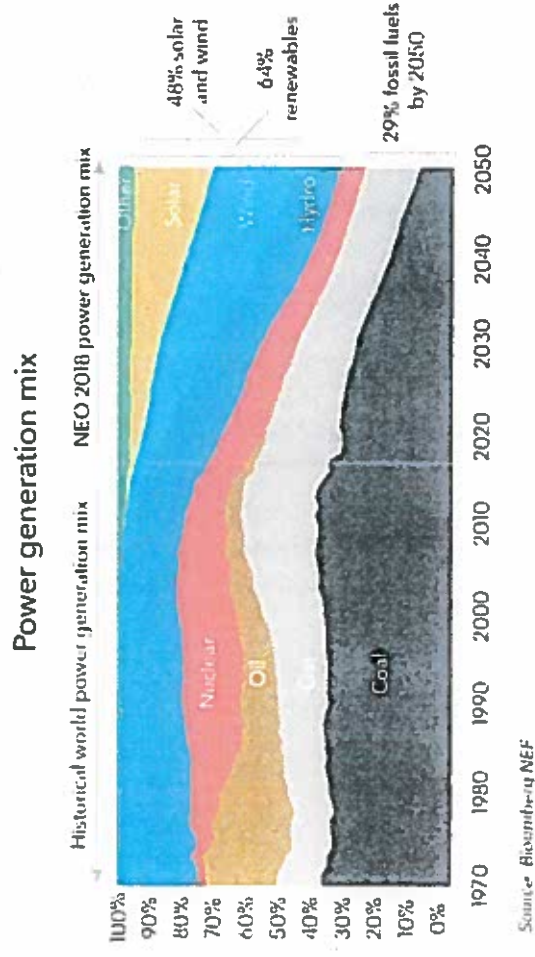
Energy RSU-4000			
Overview	Mid-Power	High-Power	High-Power
Energy Storage Capacity (kWh)	4000	4000	4000
Redundant Battery Banks	Yes	Yes	Yes
Max. Power (kW)	1000	1000	1000
Max. Power (MW)	1.0	1.0	1.0
Key Features			
Energy Management System	Yes	Yes	Yes
Modular Design	Yes	Yes	Yes
Scalability	Yes	Yes	Yes
High Efficiency	Yes	Yes	Yes
Low Maintenance	Yes	Yes	Yes
Advanced Safety Features	Yes	Yes	Yes
Comprehensive Monitoring	Yes	Yes	Yes
Flexible Configuration	Yes	Yes	Yes
Advanced Battery Management	Yes	Yes	Yes
Advanced Safety Features	Yes	Yes	Yes
Comprehensive Monitoring	Yes	Yes	Yes
Flexible Configuration	Yes	Yes	Yes
Battery Information			
Battery Capacity (kWh)	4000	4000	4000
Battery Type	Li-ion	Li-ion	Li-ion
Energy Efficiency (%)	95	95	95
Power Output (kW)	1000	1000	1000
Power Output (MW)	1.0	1.0	1.0



200 Garrett Street, Suite J, Charlottesville, VA 22902 | 434-465-6210
eastpointenergy.com | info@eastpointenergy.com

Tremendous Demand

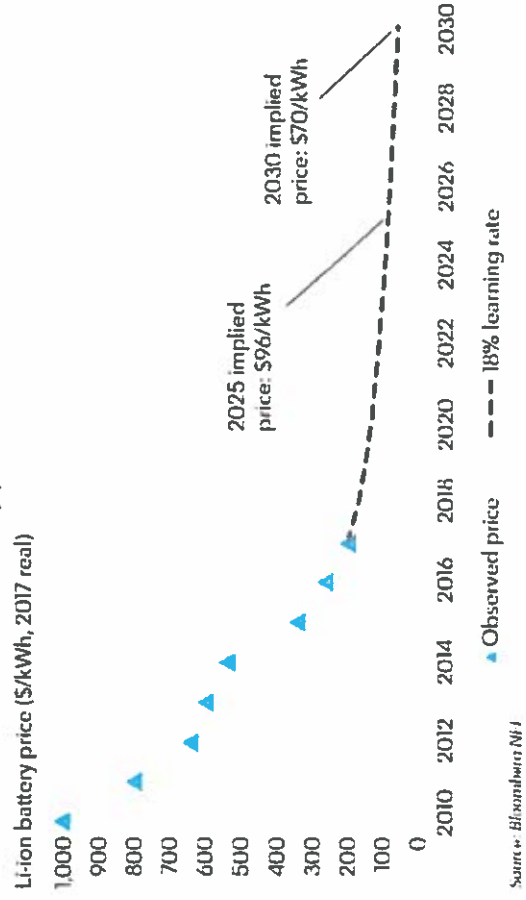
- Solar and wind cost less than fossil fuels
- Declining fossil fuel generation
- Increasing penetration of solar and wind
- Storage solves intermittency



Declining Costs

- 80% reduction since 2010
- 40% by 2022

Lithium-ion battery price, historical and forecast

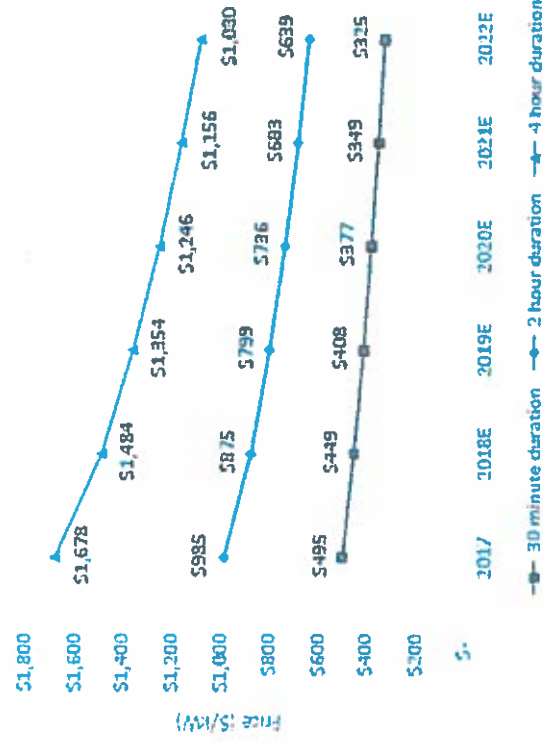


Source: Greentech Media, 2018



Shands Energy Center

Forecasted Turnkey Storage System Price for Systems of Various Durations, 2017-2022E (\$/kW)



Source: Bloomberg









Subject: RE: Decommissioning cost estimates
Date: Monday, August 12, 2019 at 6:47:48 PM Eastern Daylight Time
From: Mitch Boeh
To: Andrew Foukal
CC: Jayne Guthorn
Attachments: image003.jpg, Powin BESS Recycling Program (1).pdf

Andrew,

A bit more info here – please see a quick write up on our recycling program.

Regarding end of life removal costs, the estimate below is incorrect. Shipping costs will be roughly \$3000/container. We can ship 9 stacks per container, so ~2 MWh/container based on the Stack225. Shipping will be roughly \$1480/MWh. It's hard to forecast where shipping costs will go, but this is the biggest variable based on our current understanding.

Thanks,

Mitch Boeh
816.719.0347

From: Andrew Foukal <afoukal@eastpointenergy.com>
Sent: Thursday, August 8, 2019 5:15 PM
To: Mitch Boeh <mitchb@powin.com>
Cc: Jayne Guthorn <jguthorn@eastpointenergy.com>
Subject: Re: Decommissioning cost estimates

Thanks, Mitch. Appreciate that. If you have any IE reports or white paper, please let us know. Otherwise, this data point is a helpful start.

From: Mitch Boeh <mitchb@powin.com>
Date: Thursday, August 8, 2019 at 5:09 PM
To: Andrew Foukal <afoukal@eastpointenergy.com>
Cc: Jayne Guthorn <jguthorn@eastpointenergy.com>
Subject: Re: Decommissioning cost estimates

Hey Andrew,

CATL has agreed to recover spent battery cells at no cost to the customer. Only cost would be removing and shipping the stacks. We're estimating removal and shipping will be \$1200/MWh.

Mitch

Mitch Boeh
816.719.0347

From: Andrew Foukal <afoukal@eastpointenergy.com>
Sent: Thursday, August 8, 2019 1:58:58 PM
To: Mitch Boeh <mitchb@powin.com>
Cc: Jayne Guthorn <jguthorn@eastpointenergy.com>
Subject: Decommissioning cost estimates

Hey Mitch, hope you are well. We are looking for some data on decommissioning cost estimates for a 5-10MW(4-hr) duration Powin project in a containerized layout. Has Powin put any \$/MWh figures or ranges out there on other projects or anything that NREL or others have published, even if it isn't specific to Powin?

Andrew Foukal, CEO
East Point Energy
200 Garrett Street, Suite J
Charlottesville, VA 22902
W: (434) 465-6216
www.eastpointenergy.com



Lorenzo Turner

From: Andre Greene
Sent: Wednesday, December 18, 2019 12:05 PM
To: Marsha Bishop
Cc: Lorenzo Turner; Ellen Boone
Subject: RE: Shands Energy Center Tax Breakout

Thanks.

From: Marsha Bishop
Sent: Wednesday, December 18, 2019 12:02 PM
To: Andre Greene <amgreene@sussexcountyva.gov>
Cc: Lorenzo Turner <lturner@sussexcountyva.gov>; Ellen Boone <e.boone@sussexcountyva.gov>
Subject: RE: Shands Energy Center Tax Breakout

Hey Andre,

Yes, that's correct. The Machinery and tools tax is a county tax only.

Thanks,
Marsha

From: Andre Greene
Sent: Wednesday, December 18, 2019 12:00 PM
To: Marsha Bishop <mbishop@sussexcountyva.gov>
Cc: Lorenzo Turner <lturner@sussexcountyva.gov>; Ellen Boone <e.boone@sussexcountyva.gov>
Subject: RE: Shands Energy Center Tax Breakout

Hello Marsha,

Jayne Guthorn has asked me to verify your statement in the trailing email "that the Machinery & Tools Tax is a County Tax only. Nothing goes to the State." Is this correct?

Sincerely,

Andre Greene

From: Marsha Bishop
Sent: Wednesday, December 11, 2019 3:08 PM
To: Andre Greene <amgreene@sussexcountyva.gov>
Cc: Lorenzo Turner <lturner@sussexcountyva.gov>; Ellen Boone <e.boone@sussexcountyva.gov>
Subject: FW: Shands Energy Center Tax Breakout

Andre,

I have attached a corrected copy of the tax calculations for East Point Energy. Mrs. Boone wants the reply to come from your department. Can you send Jayne Guthorn the new calculation? Also, let them know that Machinery & Tools tax is

a county tax only. Nothing goes to the state. Once the business is open we will need a copy of the depreciation schedule listing all the equipment with the purchase date and cost.

Thank you,
Marsha

From: Jayne Guthorn [<mailto:jguthorn@eastpointenergy.com>]
Sent: Wednesday, December 11, 2019 2:18 PM
To: Marsha Bishop <mbishop@sussexcountyva.gov>
Cc: Andre Greene <amgreene@sussexcountyva.gov>; Lorenzo Turner <lturner@sussexcountyva.gov>; Ellen Boone <e.boone@sussexcountyva.gov>
Subject: Re: Shands Energy Center Tax Breakout

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

Marsha,

The formula on that seems correct except that I believe you are using the Cap Ex Amount instead of the equipment cost. The breakout should start with the \$13,582,800 amount and degrade from there. Would you might adjusting those numbers and sending that excel doc over? We do not believe any equipment will be tax exempt.

Additionally, per the planning board's request, could you please provide what percentage/amount of the M&T tax goes to the state and how much goes to the county. If 100% of the M&T tax goes to the county, can you please confirm that back in writing.

We appreciate all of your help throughout this process. Thanks

Cheers,
Jayne Guthorn, Development Engineer
East Point Energy
(434) 270-8446

From: Marsha Bishop <mbishop@sussexcountyva.gov>
Date: Wednesday, December 11, 2019 at 12:48 PM
To: Jayne Guthorn <jguthorn@eastpointenergy.com>
Cc: Andre Greene <amgreene@sussexcountyva.gov>, Lorenzo Turner <lturner@sussexcountyva.gov>, Ellen Boone <e.boone@sussexcountyva.gov>
Subject: RE: Shands Energy Center Tax Breakout

Jayne,

I have attached a copy of the new calculations. Is any of this equipment tax exempt? I'm not sure what kind of energy your company will be producing. Also be sure and send a carbon copy of all future correspondence to Andre Greene, Director of Planning and Community Development and Ellen G. Boone, Commissioner of the Revenue.

Thanks,
Marsha Bishop

From: Jayne Guthorn [<mailto:jguthorn@eastpointenergy.com>]
Sent: Wednesday, December 11, 2019 10:02 AM
To: Marsha Bishop <mbishop@sussexcountyva.gov>
Subject: Shands Energy Center Tax Breakout

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

Dear Marsha,

I hope you are doing well. We are reviewing again the tax calculation spreadsheet for the Shands Energy Center that you sent us on 10/2/19 and is attached to this email. We are unclear on the calculation for the "County Amount" of the M&T tax, found in Column E of the spreadsheet. Could you please provide more context on how you arrived at the county receiving \$2.43/100 of the assessed M&T tax? To be clear, we understand that the M&T tax rate is assessed at \$2.43/100 of the capital cost of the equipment. However, we are unclear as to how you arrived at the county's share of the M&T being \$2.43/100 of the assessed M&T. Any help you could provide as soon as possible, would be much appreciated. We are scheduled to meet with the county commissioners on 12/19/19.

Sincerely, Jayne

Jayne Guthorn, Development Engineer
East Point Energy
200 Garrett Street, Suite J
Charlottesville, VA 22902
W: (434) 270-8446
jguthorn@eastpointenergy.com | www.eastpointenergy.com



Assumptions

Cap Ex	275,000/MWh	\$
Equipment	70% of Cap Ex	\$
VA Sales Tax	5.30%	\$
MWh	70.56MWh	

Amount
19,404,000
13,582,800
719,888

Tax Calculations

Sales Tax	\$	719,888
1% to County	\$	7,199
1.08% to Schools	\$	7,775
Total Sales Tax to County	\$	14,974

Machinery+Tools Tax Rate
Year

2.43

1	\$13,582,800	100%	\$	330,062.04
2	\$13,582,800	100%	\$	330,062.04
3	\$13,582,800	100%	\$	330,062.04
4	\$13,582,800	100%	\$	330,062.04
5	\$13,582,800	100%	\$	330,062.04
6	\$10,866,240	80%	\$	264,049.63
7	\$10,866,240	80%	\$	264,049.63
8	\$10,866,240	80%	\$	264,049.63
9	\$10,866,240	80%	\$	264,049.63
10	\$10,866,240	80%	\$	264,049.63
11	\$10,866,240	80%	\$	264,049.63
12	\$10,866,240	80%	\$	264,049.63
13	\$10,866,240	80%	\$	264,049.63
14	\$10,866,240	80%	\$	264,049.63
15	\$10,866,240	80%	\$	264,049.63
16	\$10,866,240	80%	\$	264,049.63
17	\$6,791,400	50%	\$	165,031.02
18	\$6,791,400	50%	\$	165,031.02
19	\$6,791,400	50%	\$	165,031.02
20	\$6,791,400	50%	\$	165,031.02
21	\$6,791,400	50%	\$	165,031.02
22	\$6,791,400	50%	\$	165,031.02
23	\$6,791,400	50%	\$	165,031.02
24	\$6,791,400	50%	\$	165,031.02
25	\$6,791,400	50%	\$	165,031.02

Total Machinery & Equipment Tax Value

\$248,565,240

Total Machinery & Equipment Tax Amount

\$ 6,040,135.33

\$ 6,040,135.33

Third Party Decommissioning Cost Estimate

One Environmental Group

Lorenzo Turner

From: Drew Lucas <dylucas@oneenv.com>
Sent: Friday, January 10, 2020 2:45 PM
To: Lorenzo Turner
Cc: Andre Greene; Rusty Field
Subject: Re: Battery Recycling Letter
Attachments: Sussex County - Decomissioning Estimate - FINAL - 010820.pdf

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

Lorenzo and Andre,

Please find attached a copy of the final decomissioning cost estimate report for the East Point Energy Center Project. I have added the additional documentation provided by the Applicant and updated the document to ensure it reflects the most accurate information to support this estimate.

Please let me know if you have any questions, comments or should you need any additional information regarding this estimate. It has been a pleasure working with you on this project and we appreciate your business!

Thanks,
Drew

Andrew C. Lucas | Senior Project Manager
ONE Environmental Group of Carolina, PLLC

| **m.** (336) 613-1665 | **e.** dylucas@oneenv.com

| **w.** www.oneenv.com

| **a.** P.O. Box 4189, Eden, NC 27289

On Jan 10, 2020, at 9:56 AM, Lorenzo Turner <lturner@sussexcountyva.gov> wrote:

Thank you Drew.

From: Drew Lucas <dylucas@oneenv.com>
Sent: Thursday, January 9, 2020 4:39 PM
To: Lorenzo Turner <lturner@sussexcountyva.gov>
Subject: Re: Battery Recycling Letter

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

Thanks Lorenzo. I think this is sufficient as I will add some language to the document that states the manufacturer has guaranteed the recovery of these batteries. I will also discuss that we have done some additional research and discussions took place with other suppliers that manufacturer recovery is currently a standard practice in the industry and can be relied on for accurate cost estimates should the facility ever need to be decommissioned. I should be able to get this to you by end of day tomorrow in the final report.

Thanks,
Drew

Andrew C. Lucas | Senior Project Manager
ONE Environmental Group of Carolina, PLLC

| **m.** (336) 613-1665 | **e.** dlucas@oneenv.com
| **w.** www.oneenv.com
| **a.** P.O. Box 4189, Eden, NC 27289

On Jan 9, 2020, at 1:22 PM, Lorenzo Turner <lturner@sussexcountyva.gov> wrote:

Hello Drew:

I am forwarding this email attachment to you. It is a Battery Recycling letter from East Point.

From: Jayne Guthorn <jguthorn@eastpointenergy.com>

Sent: Thursday, January 9, 2020 8:40 AM

To: Lorenzo Turner <lturner@sussexcountyva.gov>

Subject: Battery Recycling Letter

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

Hi Lorenzo,

Please find attached the battery recycling letter from Powin stating they will recycle the spent batteries. Please let me know if this letter is sufficient to move forward with February's meeting. Thank you.

Best,
Jayne Guthorn, Development Engineer
East Point Energy



January 8, 2020

Lorenzo Turner
Assistant to the Director of Community Development
County of Sussex Planning Department
20135 Princeton Road
Sussex, VA 23884

Re: Decommissioning Cost Estimate for Proposed Battery Energy Center
Sussex County, VA – CUP Application #2019-04 – Shands Energy Center, LLC

Dear Mr. Turner,

ONE Environmental Mid-Atlantic, LLC (ONE) submits this final report to the Community Development Office of Sussex County, Virginia. ("County"). Specifically, this report was developed in response to the County's need to verify information provided and to further estimate decommissioning costs for a proposed battery storage center to be located near Stony Creek, VA located in Sussex County per Conditional Use Permit Application #2019-04. A summary of the proposed improvements, specifications and cost estimates for future, potential decommissioning of these improvements is included in this report.

Introduction

The County requested assistance from ONE to develop a third-party estimate for decommissioning of a proposed Battery Energy Storage Facility. Based on information provided by the County and East Point Energy ("Applicant"), the proposed project will consist of the following: a two to three-acre facility with concrete storage pad, placement of 21 storage containers which will contain lithium ion batteries, inverter/transformers, 7-foot tall fencing around the site, security lighting, and various other improvements required to operate the facility as seen in Figure 1 of this report. In order to verify information provided by the Applicant and to provide additional estimates of decommissioning costs, the following tasks were performed:

- Specifications and associated documents were obtained from the Applicant on the type, size, weight and additional details regarding the Lithium-Ion batteries and shipping / storage containers.
- Reviewed information and available outlets and costs for Lithium-Ion battery recycling and/or disposal. Discussed and researched availability of future battery recycling opportunities to verify proposed disposal costs upon decommissioning.

- Estimated costs for disconnection, removal, transportation and disposal of batteries and shipping containers from the site including labor for preparing shipment(s) and equipment rental for loading, rigging and shipping.
- Reviewed specifications from information provided by Applicant on concrete pad including depth, height, and total proposed surface area.
- Obtained estimates for demolition of the concrete pad and disposal of concrete debris and other associated materials of construction (see Attachment A).
- Obtained estimates for decommissioning of ancillary equipment associated with operation of the proposed facility including fencing, electrical cable and conduits, inverter/transformers, security lighting and other associated materials of construction (see Attachment A).
- Obtained estimates for site restoration including grading and seeding for up to a 3-acre site disturbance (see Attachment A).
- Estimated project management and oversight costs for total decommissioning of improvements at the Stony Creek Site.
- Estimated costs for engineering and Erosion and Sediment Control planning, labor and materials for future decommissioning project.
- Finalized information for submission of final report with requested information.

Verification of Provided Application Information

In order to verify information related to the project, discussions with the Applicant took place via telephone and e-mail correspondence between ONE and Jayne Guthorn, Development Engineer of East Point Energy. Specifications related to the Stony Creek Project were reviewed and additional information was obtained regarding the size and dimensions of the battery storage area, concrete and electrical improvements, ancillary equipment and site infrastructure. As the project concept has not been fully developed into the detailed engineering phase, specific information on actual project size and details is not available at the present time. All cost estimates within this report are based on information provided by the Applicant as typical information related to past projects and industry experience.

All costs related to the project were reviewed including the proposed shipping and demolition costs of \$103,000.00. A breakdown of this cost was provided as \$63,000 for shipping of 21 containers @ \$3,000.00 each and an additional \$40,000.00 for removal, restoration and disposal of the concrete padding, fencing and all other improvements. The recycling costs are assumed to be zero based on further discussions with the Applicant as the potential battery supplier for this project has confirmed they would, in the future, recycle the batteries at zero cost. This information was provided by Powin Energy to the Applicant as can be seen in Attachment B.

With regards to future battery recycling or disposal, ONE reviewed information provided by the Applicant and confirmed these assumptions through further research and discussions with additional battery manufacturers and recycling outlets. Based on current information available

regarding this topic and, at the present time, it is agreed that potential, future battery disposal costs would be at zero cost for this project.

There are multiple industrial suppliers available that currently provide battery recycling programs for typical Lithium-Ion batteries used in energy storage centers and additional outlets exist for recycling of these industrial-type batteries. Therefore, it is assumed that this cost would be at zero cost to East Point Energy and subsequently the County, to not incur this cost upon decommissioning.

Additionally, shipping cost estimates were provided by the potential supplier, Powin Energy, and are based on typical shipping costs for each battery storage container. These costs were verified as accurate based on likely shipping distances and after further discussion on the basis of these costs within the industry from prior projects. Therefore, the shipping cost of \$3,000 per container is accurate at the present time. This cost would be variable in the future and is dependent upon distance, fuel pricing and other transportation-related complexities, therefore, this cost is difficult to forecast over the lifespan of the project.

ONE also discussed proposed demolition costs with the Applicant to verify information provided in the Conditional Use Permit Application. The Applicant was unable to provide specific details regarding the basis of the \$40,000.00 estimate for demolition and restoration of the site. Therefore, a detailed cost estimate of this portion of the decommissioning was then developed by ONE to ensure an accurate estimate for future bond value or other agreement.

This information provided by the Applicant to ONE is based on an assumed project size and dimensions based on their design concept. The assumed current and worst-case specifications are as follows:

1.) Typical Project Size (provided and based on prior projects by Applicant)

- a. Concrete Storage Pad = ~11,480 ft²
- b. Underground Electrical Cabling and Conduit = 400 linear ft. (PVC)
- c. Perimeter Fence = 7 ft. high, chain-link perimeter of 1.2 acres
- d. Grading and Re-Seeding of up to 2 acres of land

2.) Worst-Case Project Size (based on CUP Application)

- a. Concrete Storage Pad = ~55,000 ft²
- b. Underground Electrical Cabling and Conduit = 400 linear ft. (PVC)
- c. Perimeter Fence = 7 ft. high, chain-link perimeter of 1.2 acres
- d. Grading and Re-Seeding of up to 3 acres of land

Third-Party Cost Estimates for Project

The above-mentioned cost estimates are provided in Tables 1 and 2 of this report. Estimates are based on typical labor, materials, equipment rental, project management, oversight, environmental and loading costs for projects in similar size to this proposed decommissioning. A third-party contractor with expertise in demolition, DH Griffin Wrecking Company Inc. of Greensboro, North Carolina with offices located in Richmond, Virginia was requested to provide detailed proposal for demolition activities at the site. DH Griffin Wrecking Company Inc. has over 50 years of experience in industrial and commercial demolition and wrecking projects including demolition of the World Trade Center (New York, New York) and currently, the recent Hard Rock Hotel implosion (New Orleans, Louisiana).

The demolition contractor was provided all necessary information and details of discussions on project specifications to submit a proposal based on present day costs associated with this activity. Information from this proposal has been included in the overall cost estimate and is also included in Attachment A of this report. Decommissioning costs could be reduced in the future by using local labor and contractors, however, a turnkey demolition contractor was approached on the County's behalf to ensure all potential costs are included without additional effort or costs incurred by the County.

This detailed estimate of labor, materials, equipment, management and ancillary costs for the decommissioning estimate includes the following line items:

- 1.) *Mechanical and electrical disconnections*
- 2.) *Shipment preparations*
- 3.) *Rigging and loading of flatbed trailers*
- 4.) *Crane and/or Forklift Operation*
- 5.) *Project cleanup and preparations for demolition*
- 6.) *Project management and oversight*
- 7.) *Equipment Rental and materials*
- 8.) *Demolition of all improvements*
- 9.) *Grading and Re-Seeding of entire site*
- 10.) *Additional Expenses:*
 - a. *Demurrage*
 - b. *Engineering, erosion and sediment controls*
 - c. *Mobilization and demobilization of equipment and materials*
 - d. *Shipping of containers*
 - e. *Miscellaneous supplies and Personal Protective Equipment (PPE)*

Mr. Lorenzo Turner
January 8, 2020
Page 5 of 5

Based on contractor proposal and typical cost information for this industry and geographic region, the decommissioning cost for the total project is estimated to be **\$175,108.00**. This cost is based on the specifications provided by East Point Energy, their Suppliers and the County as of December 10, 2019. If the project is larger in scope than the Applicant's current assumptions, a worst-case cost estimate would be approximately \$343,680.00 for decommissioning up to a 1.2-acre concrete improvement.

Conclusion and Recommendations

A recommendation to Sussex County, based on these estimates and assumptions, is to increase the value of bond or other contractual agreement with the Applicant prior to site development to better reflect the additional costs that would be incurred for decommissioning of this proposed project. As the project remains in the concept phase at the present time and without detailed engineering having taken place, it is difficult to obtain an exact value for future decommissioning. However, the value proposed in the CUP Application and subsequent documentation is lower than the actual estimated costs for labor, materials, mobilization and demolition to restore the site to its prior state at the present time. All figures, tables and attachments containing information supporting this conclusion have been attached to this report as follows:

- 1.) *Figure 1 – Site Concept Plan*
- 2.) *Table 1 – Current Cost Estimate for Decommissioning*
- 3.) *Table 2- Worst-Case Cost Estimate for Decommissioning*
- 4.) *Attachment A – Demolition Proposal – DH Griffin Wrecking Company*
- 5.) *Attachment B – Battery Recycling Information – Powin Energy / CATL*
- 6.) *Attachment C – Conditional Use Permit #2019-04 - Staff Report*

Please contact Drew Lucas at dllucas@oneenv.com or at (336) 613-1665 or myself at (804) 303-8784 or rfield@oneenv.com should you have any questions regarding this information.

Sincerely,
ONE Environmental Mid-Atlantic, LLC



J. Rusty Field, PE
Principal



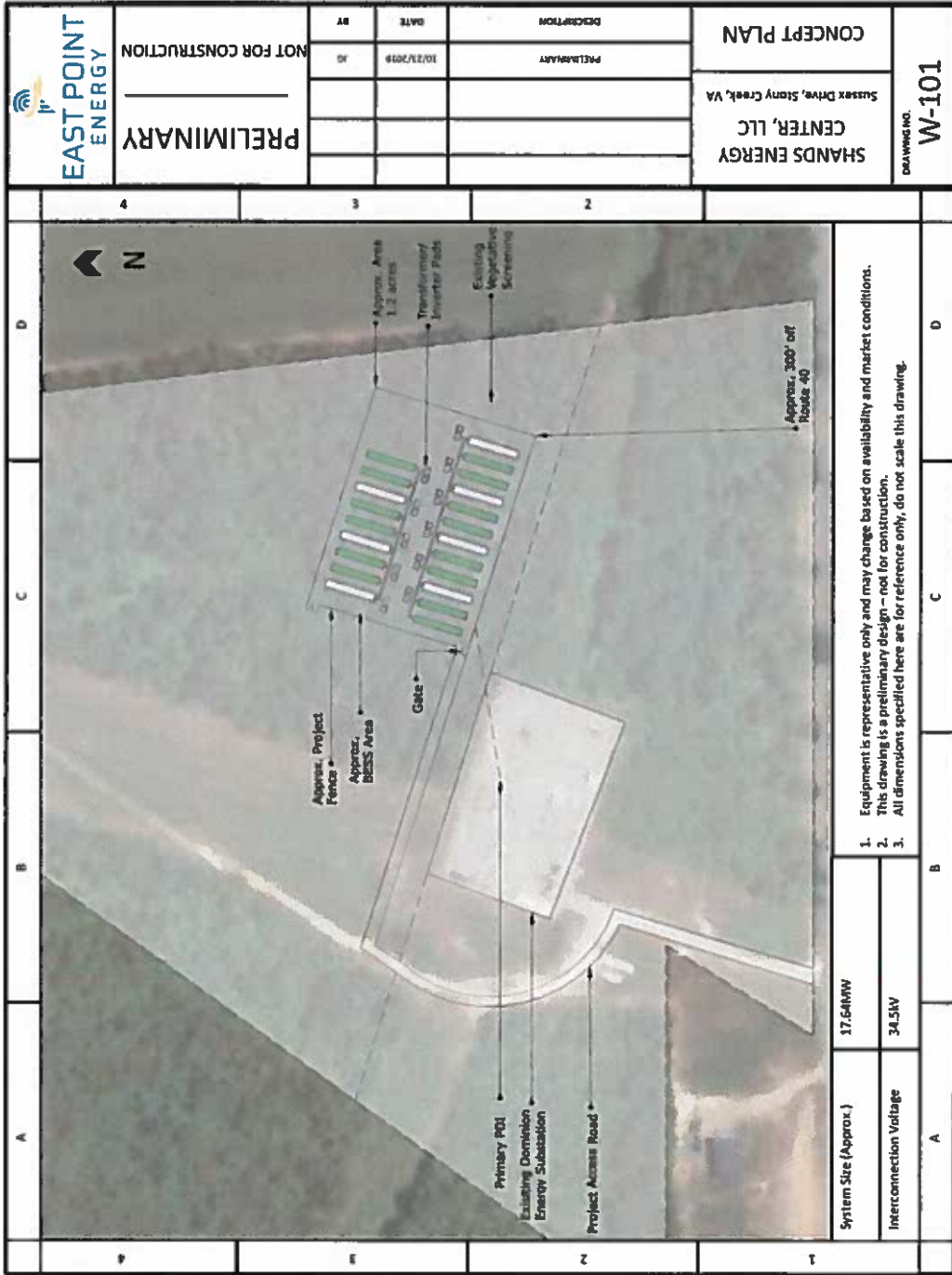
Andrew C. Lucas
Senior Project Manager

FIGURES

FIGURE 1

CONCEPT PLAN, STONY CREEK, VA

Site Plan



TABLES

TABLE 1

ESTIMATED ACTUAL COSTS - DECOMMISSIONING

BUDGET WORKSHEET - Battery Storage Area Decommissioning - Sussex County, VA
Estimated Actual Costs

Level/Item	Rate	Units	# of Units	Extended # of Events	Total Labor	Total Subcontractor	Total Expenses	Subtotals:
Labor:								
Mechanical and electrical disconnection of batteries	\$80	hr	24	3	\$5,760			
Preparation for shipment	\$65	hr	16	5	\$5,200			
Rigging and Loading of Trucks (@ 4 / day)	\$65	hr	40	3	\$7,800			
Crane / Forklift Operation	\$120	hr	40	1	\$4,800			
Cleanup of area and prep for demolition	\$65	hr	16	3	\$3,120			
Project Management and Oversight	\$150	hr	80	1	\$12,000			\$38,680
Subcontractor:								
Equipment Rental for removal of containers and loading	\$15,000	ea	1	1		\$15,000		
Demolition of Concrete, Pad, Cable, Conduit, Fencing (see Attachment A)	\$4	ft ²	11480	1		\$41,328		
Grading and Re-Seeding	INCLUDED	ea	1	1				
Demurrage	\$100	hr	21	1		\$2,100		
Engineering (Erosion Sediment Control Plan)	\$3,000	ea	1	1		\$3,000		
Erosion Control - installation and materials	\$2,500	ea	1	1		\$2,500		\$63,928
Expenses:								
Mobilization and Demobilization	\$6,000	ea	1	1			\$6,000	
Per diem	\$150	week	5	2			\$1,500	
Shipping of containers (see Attachment B)	\$3,000	ea	21	1			\$63,000	
Misc., PPE, etc.	\$2,000	ea	1	1			\$2,000	
Task Total:					\$ 38,680.00	\$ 63,928.00	\$72,500	\$175,108

TABLE 2

ESTIMATED WORST-CASE COSTS - DECOMMISSIONING

BUDGET WORKSHEET - Battery Storage Area Decommissioning - Sussex County, VA
Estimated Worst-Case Costs

Level/Item	Rate	Units	# of Units	Extended # of Events	Total Labor	Total Subcontractor	Total Expenses	Subtotals:
Labor:								
Mechanical and electrical disconnection of batteries	\$80	hr	24	3	\$5,760			
Preparation for shipment	\$65	hr	16	5	\$5,200			
Rigging and Loading of Trucks (at 4 / day)	\$65	hr	40	3	\$7,800			
Crane / Forklift Operation	\$120	hr	40	1	\$4,800			
Cleanup of area and prep for demolition	\$65	hr	16	3	\$3,120			
Project Management and Oversight	\$150	hr	80	1	\$12,000			\$38,680
Subcontractor:								
Equipment Rental for removal of containers and loading	\$20,000	ea	1	1		\$20,000		
Demolition of Concrete, Pad, Cable, Conduit, Fencing (see Attachment A)	\$4	ft ²	\$5000	1		\$198,000		
Grading and Re-Seeding	INCLUDED	ea	1	1				
Demurrage	\$100	hr	50	1		\$5,000		
Engineering (Erosion Sediment Control Plan)	\$4,500	ea	1	1		\$4,500		
Erosion Control - installation and materials	\$5,000	ea	1	1		\$5,000		\$232,500
Expenses:								
Mobilization and Demobilization	\$6,000	ea	1	1			\$6,000	
Per diem	\$150	week	5	2			\$1,500	
Shipping of containers (see Attachment B)	\$3,000	ea	21	1			\$63,000	
Misc. PPE, etc.	\$2,000	ea	1	1			\$2,000	
Task Total:					\$ 18,680.00	\$ 232,500.00	\$72,500	\$343,680

ATTACHMENTS

ATTACHMENT A

*DEMOLITION COST PROPOSAL – D.H. GRIFFIN WRECKING
COMPANY INC.*



BUDGET PROPOSAL
D. H. GRIFFIN WRECKING CO., INC.
1401 Valley Road, Richmond, VA. 23222
PHONE/FAX (804) 254.1033

PROPOSAL SUBMITTED TO:		DATE: 12/11/19
Mr. Andrew Lucas		
One Environmental Group Of Carolina, PLLC		PROJECT NAME/LOCATION:
Eden, NC		East Point Energy
		Stony Point Va
PHONE: 434.348.4331	FAX:	EMAIL: dluca@oneenv.com

Proposal is based on email dated 12/14/19. D. H. Griffin Wrecking Co., Inc. (DHG) proposes the following scope of services: Base Bid includes complete demolition of the concrete slab 55,000 SF 1.5' thick, perimeter fencing, PVC conduit, 11 pieces of equipment / transformers.

1. Provide necessary labor, equipment, materials, insurance and permits associated with demolition only.
2. Dispose of concrete materials off site in accordance with local, state and federal regulations.
3. DHG retains salvage rights to materials located in the proposed areas at the time of proposal as part of this contract.
4. Estimated time of completion – (4) weeks.
5. Rough grade disturbed areas, seeding and straw to existing contours.
6. Price excludes cut or cap fire water, electrical etc. Erosion control measures, SWIPP, underground, relocation of any appurtenances, earthwork / grading temp./ permanent soil stabilization, dewatering, protection of asphalt, utility disconnection, capping or rerouting; identification or removal of underground storage tanks (USTs) or their contents; new construction or patching; or hazardous materials removal including, universal waste, oil, Freon or other refrigerants, paint, etc.
7. Electrical disconnects and rerouting is not included in this proposal.

We propose hereby to perform the work as listed above, in accordance with above specifications, for the sum of:

Base Bid: \$198,200.00

Payment to be made as follows: Upon Completion

We hereby exclude the following: Relocation and disconnection of utilities, responsibility for locating and marking utilities within the demolition limits; protection of utilities which are not marked within the limits of demolition; shoring and bracing of structures to remain; cost of performance and payment bonds; removal and disposition of any hazardous or asbestos materials except those items, if any, which are described and itemized above, whether concealed or not.

All payments are due and payable as noted. Whenever retainage is required to be withheld, upon completion of D.H. Griffin Wrecking Company, Inc.'s (DHG) scope of work (contract or sub-contract) DHG will issue an invoice for work performed and a separate final invoice for retainage. All retainage is to be paid in full no later than ninety (90) days from date of final invoice. The undersigned further agrees to pay to D.H. Griffin Wrecking Company, Inc., a reasonable attorney's fee if the obligation evidenced hereby be collected by an attorney-at-law after maturity. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate.

Authorized Signature:		NOTE: This proposal may be withdrawn by DHG if not accepted within 30 days.
Harrison Hubbard III, Division Manager-- (804) 477-4552 or hhubard@dhgriffin.com		

PLEASE SIGN, DATE AND RETURN ORIGINAL

Acceptance of Proposal – The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature	Name and Title	Date of Acceptance
-----------	----------------	--------------------

ATTACHMENT B

CONTAINER SHIPPING COST ESTIMATE – POWIN ENERGY



January 8th, 2020

Jayne Guthorn
Development Engineer
East Point Energy
Phone: (434) 270-8446
jguthorn@eastpointenergy.com

Re: Battery Recycling

Dear Jayne Guthorn:

Powin agrees to recover the battery cells for the 5-20 MW/4-hour project, at no cost to East Point Energy, other than the cost of shipping the retired batteries back to a destination of Powin's choosing.

Kind Regards,

Mitch Boeh | Northeast Sales Manager



Tuesday, October 22, 2019 at 3:04:50 PM Eastern Daylight Time

From: Jayne Guthorn <jguthorn@eastpointenergy.com>
Subject: Re: Sussex County VA - Decommissioning Costs
Date: December 11, 2019 at 10:18 AM
To: Drew Lucas <dylucas@oneenv.com>

JG

Hi Drew,

I hope all is well. I have reached out to Powin regarding documentation that states they will recycle spent batteries. With the holidays and end of the year approaching, they are unsure if they can get a formal document over by Friday but have again assured us that they will recover the spent batteries. I will send that document over if we receive it in the next few days, but wanted to keep you in the loop that we might not get it in time. Let me know if you have any questions. Thank you.

Best,
Jayne Guthorn, Development Engineer
East Point Energy
(434) 270-8446

From: Drew Lucas <dylucas@oneenv.com>
Date: Wednesday, December 4, 2019 at 3:18 PM
To: Jayne Guthorn <jguthorn@eastpointenergy.com>
Subject: Re: Sussex County VA - Decommissioning Costs

Thanks Jayne, I appreciate the info.

One point of clarification, is the concrete pad for battery storage ~1.2 acres in size (as seen in the PowerPoint) or is it ~2-3 acres (as seen in the CUP Application Staff Report).

Also, on the internal estimate of \$40K, is there a breakdown of these costs? Any additional detail here will be helpful as I will need to wait on demolition contractor(s) for budgetary estimates without it.

Thanks,
Drew

Andrew C. Lucas | Senior Project Manager
ONE Environmental Group of Carolina, PLLC

| m. (336) 613-1665 | e. dylucas@oneenv.com
| w. www.oneenv.com
| a. P.O. Box 4189, Eden, NC 27289

On Dec 3, 2019, at 4:39 PM, Jayne Guthorn
<jguthorn@eastpointenergy.com> wrote:

Hi Drew,

Please find the responses to your questions below as well as the ppt presentation and decommissioning email from Powin. All of these measurements are internal estimates and are subject to change.

1.) Please provide the updated Power Point presentation describing the project and specifications, the current PDF version is unreadable in some areas

- Please see attached updated Power Point Presentation

2.) What is the proposed depth of the concrete pad and is it uniform in depth?

- Depth of concrete pads will be approximately 1.5 feet.

3.) Fencing - proposed type and height

- The fence will be chain link and approximately 7 feet tall.

4.) Information on any underground utilities - type / size of conduit, cable and approximate length

- PVC plastic conduit. Approximately 150 feet of conduit from project area to substation, and approximately 10 feet of conduit between each of the containers.

5.) Information on other electrical components including transformers (including type, number and estimated sizes)

- Approximately 11 inverter/transformer pads. Pads are approximately 20x14 ft.

6.) Material of construction for access road(s), sidewalks, or additional pathways and approximate length

- Access road to project will be a continuation of the access road to the already existing Dominion substation. The access road will lead into gravel service road around battery energy storage system area. The access/service road will be 12 feet wide.

7.) Information on battery return/recycling back to supplier including any agreement, contract or other documentation to ensure future removal and disposal from site

- Please see attached email from Powin.

8.) Basis for the \$40K demolition estimate and description of labor cost, material cost, equipment rental or other costs associated with this estimate

- This is an internal estimate that includes labor costs, material costs, equipment rental and other demolition costs.

9.) Please verify the battery container size at 8'X10'X40' for the 21 proposed containers

- Yes, this is the standard size of current battery container technology.

Please let me know of any additional information you may need. Thanks!

Cheers,
Jayne Guthorn, Development Engineer
East Point Energy
(404) 878-8440

(434) 270-8446

From: Drew Lucas <dlucas@oneenv.com>
Date: Monday, December 2, 2019 at 4:29 PM
To: Jayne Guthorn <jguthorn@eastpointenergy.com>
Cc: "lturner@sussexcountyva.org" <lturner@sussexcountyva.org>
Subject: Sussex County VA - Decommissioning Costs

Jayne,

Thanks for your time today to review the Sussex County battery project. As discussed, I am working with Sussex County Economic Development on your CUP Application to verify costs and provide third-party estimate for decommissioning of the proposed project. Understanding there is a tight deadline for submittal, I have a few questions / needs that will help expedite the process, as follows:

- 1.) Please provide the updated Power Point presentation describing the project and specifications, the current PDF version is unreadable in some areas
- 2.) What is the proposed depth of the concrete pad and is it uniform in depth?
- 3.) Fencing - proposed type and height
- 4.) Information on any underground utilities - type / size of conduit, cable and approximate length
- 5.) Information on other electrical components including transformers (including type, number and estimated sizes)
- 6.) Material of construction for access road(s), sidewalks, or additional pathways and approximate length
- 7.) Information on battery return/recycling back to supplier including any agreement, contract or other documentation to ensure future removal and disposal from site
- 8.) Basis for the \$40K demolition estimate and description of labor cost, material cost, equipment rental or other costs associated with this estimate
- 9.) Please verify the battery container size at 8'X10'X40' for the 21 proposed containers

Thanks in advance for your help with this information. Please let me know if any questions or clarifications, I appreciate it.

Thanks,
Drew

Andrew C. Lucas | Senior Project Manager
ONE Environmental Group of Carolina, PLLC

| m. (336) 613-1665 | e. dlu@oneenv.com

| w. www.oneenv.com

| a. P.O. Box 4189, Eden, NC 27289

<CUP_Presentation_Shands_VA_19.11.4.pptx><Decomissioning
Costs_Powin_Shands_19.10.22.pdf>

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

ATTACHMENT C

*CONDITIONAL USE PERMIT APPLICATION #2019-04 – STAFF
REPORT – SUSSEX COUNTY PLANNING DEPARTMENT*

STAFF REPORT - Conditional Use Permit Application #2019-04

This staff report is prepared by the Sussex County Planning Department to provide information to the Planning Commission and the Board of Supervisors to assist both bodies in making a recommendation on this application. It may also be useful to the members of the general public interested in this application.

SUMMARY FACTS

APPLICANT:	Shands Energy Center, LLC (East Point Energy, LLC)
OWNER:	Ruth Pride
REQUEST:	Pursuant to Section 34-217§18b of the Zoning Ordinance a Conditional Use Permit is requested to construct and operate a battery energy storage facility.
PROPERTY LOCATION:	The site in question located on the north side of Route 40 (Sussex Drive) adjacent to an existing Dominion Energy Substation.
PROPERTY IDENTIFICATION:	Tax Map Numbers 64-(A)-21 and 64-(A)-23
ELECTION DISTRICT:	Stony Creek
PARCEL SIZES:	64-(A)-21 - 11.48 acres 64-(A)-23 - 20.80 acres
TOTAL ACREAGE:	Approximately 32.28 acres
PARCEL CHARACTERISTICS:	The topography of the site is gently rolling. The site consists of woodlands and open land.
SURROUNDING LAND USES:	Surrounding land uses include farmland, woodlands, a Dominion Energy Substation, overhead electrical power transmission lines and single-family dwellings.
EXISTING ZONING:	A-1, General Agricultural

DESIGNATED COMP PLAN AREA: Stony Creek/I-95/U.S. Route 301/VA Route 40

**COMP PLAN FUTURE LAND
USE DESIGNATION:** Agricultural/Forested/Open Space

FLOODPLAIN DESIGNATION: Zone X – The site is not located in a 100-year Flood Zone

SUMMATION

The applicant, Shands Energy Center, LLC (wholly owned by East Point Energy, LLC) is requesting is requesting issuance of a Conditional Use Permit to construct and operate a grid scale stand-alone battery energy storage facility. The properties in question are tax map number 64-A-21 (consisting of 11.48 acres) and tax map number 64-(A)-23 (consisting of 20.80 acres). A summary of the application as follows:

- The batteries will consist of Lithium-Ion. The batteries will be NFPA (National Fire Protection Agency) complaint.
- The battery energy storage area will be located on tax parcel 64-A-21 (approximately 300 feet off Route 40) just behind an existing Dominion Energy Substation.
- The battery storage area will be approximately 2-3 acres in size.
- The existing trees/vegetation adjoining the proposed 2 battery storage area will be preserved to serve as natural buffer.
- The batteries will be stored in approximately twenty-one (21) modular containers. The containers will be anchored to a concrete pad. The concrete pad will be constructed in adherence to the building code. The containers will be designed to contain any leakage from worn batteries. No diversion dikes will need to be constructed.
- The containers will be transported to the site via flatbed trucks.
- The facility will take approximately 3-5 months to construct. Hours of construction will be Monday-Friday from 7am to 7pm in adherence to the County's Noise Ordinance.
- Anticipated traffic impact – Temporary and minimal during construction.
- For security and public safety, the applicant is willing to construct a seven (7) foot high galvanized security fence around the perimeter of the battery storage area
- Security lighting will be installed.
- The applicant is willing to provide specialized training to the County's EMS staff to deal with possible incidents.
- The applicant has stated that the life expectancy of the facility is perpetuity with the life expectancy of the batteries to be 20-25 years. Worn or degraded batteries will be replaced as necessary.
- Estimated local tax revenues from the project are as follows:
 - Sales Taxes in the amount of \$14,974 (\$7,199 to the County and \$7,775 to the Schools)
 - Machinery and Tools Taxes in the amount of \$146,775.85 over a 25 year period (roughly \$5,871 per year). Real Estate Taxes paid in 2019 on the 32.28 acres were \$299.28.

- The estimated jobs to be created during construction is between 15-20 persons.
- The applicant has estimated that the cost of de-commissioning the facility if it ceases operation is approximately \$103,000.00. \$63,000.00 for removal of the containers (21 @ \$3,000 per container) and \$40,000.00 for removal and disposal of the concrete padding, fencing and all other improvements.

RECOMMENDATION: APPROVAL WITH CONDITIONS

LAND USE RATIONALE

Staff recommends approval for the following reasons:

- 1) The proposed project will be sited on primarily timberland. Of the 32.28 acres in question, only 2-3 acres will be disturbed. Existing vegetation (trees), and the setback of 300' feet off Route 40 (Sussex Drive) will minimize visual impacts of the proposed facility.
- 2) The proposed facility will not impair the integrity or character of the surrounding community as it will be located next to an existing Dominion Energy sub-station.
- 3) The proposed battery storage facility is passive in nature and will not cause any nuisances to the surrounding community as it does not produce emissions to the air, it does not produce any glare or foul odor. Also, noise emitted from the facility will be minimal and equivalent to the low humming noise generated by the existing sub-station.

PROPOSED CONDITIONS:

Staff recommends approval subject to the following conditions:

1. All requirements and obligations of this Conditional Use Permit ("CUP") shall become a part of the zoning regulations and shall therefore be binding on the Applicant, and any future owner or operators (which shall include, but not be limited to, any successors, assignees, current or future lessee, or sub-lessees).
2. The Applicant shall install a standard galvanized security fence around the battery storage Facility that is a minimum of seven (7) feet in height.
3. All federal, state and local laws, regulations, permit requirements and ordinances will be adhered to including but not limited to:
 - a. US Army Corps of Engineers
 - b. The Virginia Department of Transportation (VDOT)
 - c. Virginia Department of Environmental Quality – Virginia Storm-water Management Program (VSMP)
 - d. State building code and shall be inspected by either the county building inspector or a third-party inspector through the building permit process.
 - e. The Applicant is required to obtain a County Land Disturbance permit after submittal and approval of an Erosion and Sediment Control Plan prior to any land disturbance.
 - f. The site shall fully comply with all applicable provisions of the Sussex County Zoning

Ordinance, throughout the life of this CUP.

4. The Applicant is required to obtain approval of a decommissioning plan by the Director of Community Development Department prior to approval of any building permits for the battery energy storage facility. The battery energy facility shall be decommissioned and removed within eighteen (18) months after the facility ceases operation for a continuous twelve (12) month period.

The costs of decommissioning shall be secured by adequate surety in a form agreed to by the County Attorney, including but not limited to a surety or performance bond, certified check, or letter of credit, which shall be provided to the County Attorney, the County Administrator and the Director of Community Development prior to the issuance of the land disturbance permit and building permit from the County. The performance bond, certified check or letter of credit shall be in an amount of no less than One Hundred Thousand Dollars (\$103,000) while the battery energy storage facility remains on the Property. If the battery energy storage facility is sold, the CUP shall not transfer to the purchaser until such time as the adequate surety is provided.

The cost estimates of the decommissioning shall be updated every five (5) years by an independent consultant ("consultant") retained at the expense of the Applicant, or any future owner or operator, and provided to the County. The consultant shall be a professional engineer licensed in Virginia with expertise in the subject of decommissioning solar projects. The Applicant, or future owner or operator, is required to obtain approval of the independent consultant by the Director of Community Development prior to being engaged by the Applicant, or future owner or operator, which approval shall not be unreasonably withheld. The consultant's reports will identify the cost of decommissioning. The surety amount will be increased or decreased based on such updated cost of decommissioning, but the surety shall not be below the minimum amount required by this condition. The Applicant, or future owner or operator, shall be liable to the County for any deficiency if the bond amount does not fully fund the costs of decommissioning.

Decommissioning shall include, but not be limited to, the removal of all fencing, posts, foundations, battery storage containers, underground cables and conduits, transformers, other electrical components, and other accessory equipment/structures from the Property and properly disposed of as part of the decommissioning.

If the Applicant, or future owner or operator, intends to cease operations, or to shut down the battery storage energy facility, it shall send the County Administrator and Director of the Community Development Department written notice at least ninety (90) days prior to such action and will provide, with such notice, a revised consultant's report. The Applicant, or future owner or operator, shall remove the facilities ("decommissioning") within six (6) months of receipt of notice from the County. If the solar energy facility is not removed within the time provided in the notice to the County, the County may cause the removal of the solar energy facility with costs being borne by the Applicant, future owner or operator.

5. Prior to the end of construction of the battery energy facility, the Applicant, shall hold a series of training classes with the County's first responders (Fire and Rescue) to provide materials, education and training to the departments serving the solar energy facility in regard to how to safely respond to on-site emergencies. The training classes shall be scheduled with the assistance of the County Public Safety Coordinator. The Applicant, future owner or operator, shall provide on-going training as deemed necessary by the Public Safety Coordinator.
6. The existing vegetation surrounding the battery storage area shall be preserved for the life of the project. Any removal of existing vegetation shall require the approval by the County. If any existing vegetation (trees) die or are destroyed by a natural disaster and the project becomes visible to adjoining properties and from the road, the applicant shall replace the damaged trees at their expense to make the project area again non-visible.
7. If the applicant plans to use herbicides for existing vegetative weed control along the fence surrounding the facility, only EPA approved herbicides shall be used. The applicant shall submit herbicide land application plan prior to approval of the certificate of occupancy (or equivalent). The plan shall specify the herbicides to be used, the frequency of land application, the identification of approved groundwater wells, wetlands, streams and the distances from land application areas to features such as wells, wetlands, streams and other bodies of water.