



PLANNING COMMISSION MEETING AGENDA

January 20, 2026

The Prince Edward County Planning Commission encourages citizens participation in public meetings through in-person participation, written comments and/or remote participation by calling: **1-844-890-7777, Access Code: 390313** (*If busy, please call again.*) Additionally, citizens may view the Commission meeting live in its entirety at the County's YouTube Channel, the link to which is provided on the County's website.

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**AGENDA**

|                                                                                                                                                                                                                | <u>PAGE #</u> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>7:00 P.M.</b>                                                                                                                                                                                               |               |
| 1. The Chair will call to order the January organizational meeting of the Planning Commission to order.                                                                                                        |               |
| 2. Invocation                                                                                                                                                                                                  |               |
| 3. Pledge of Allegiance                                                                                                                                                                                        |               |
| 4. Conflict of Interest Disclosures                                                                                                                                                                            |               |
| 5. Election of Chair                                                                                                                                                                                           | 3             |
| 6. Election of Vice Chair                                                                                                                                                                                      | 3             |
| 7. Set Day, Time and Place of Regular Meetings                                                                                                                                                                 | 3             |
| 8. Adoption of By-Laws                                                                                                                                                                                         | 3             |
| 9. Adoption of Rules of Procedure for Public Hearings                                                                                                                                                          | 3             |
| 10. Approval of Minutes                                                                                                                                                                                        | 7             |
| 11. 2025 Annual Report                                                                                                                                                                                         | 27            |
| <b>12. PUBLIC HEARING:</b>                                                                                                                                                                                     | <b>33</b>     |
| a. An ordinance amendment to amend Appendix B - Zoning of the Prince Edward County Code Section 3-100.13 Miscellaneous Uses (Towers) in order to allow tower height increase exceptions by Special Use Permit. |               |
| 13. Review of Supervisors Actions                                                                                                                                                                              |               |
| 14. Old Business                                                                                                                                                                                               |               |
| 15. New Business                                                                                                                                                                                               |               |
| 16. Next Meeting – Regular Meeting, February 17, 2026                                                                                                                                                          |               |
| 17. Adjournment                                                                                                                                                                                                |               |

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**Planning Commission  
Agenda Summary**

**Meeting Date:** January 20, 2025  
**Item No.:** 5 thru 9  
**Department:** Planning and Community Development  
**Staff Contact:** Robert Love  
**Agenda Item:** Planning Commission Organization

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**Summary:**

The first meeting of each year is the organizational meeting of the Planning Commission. The Commission will wish to act on the following items:

- Elect a Chair – One Year Term
- Elect a Vice Chair – One Year Term
- Set day, Time, and Place of Regular Commission Meetings – *(Historically they are the third Tuesday of each month at 7:00p.m. in the Board of Supervisors Room, Prince Edward County Courthouse.)*  
Note: The April Meeting conflicts with the Board of Supervisors Budget Meeting and will need to be held on an alternative date.
- Adopt Commission By-Laws – Attached are the Commission By-Laws.
- Adoption of Rules of Procedure for Public Hearings – Attached are the Board of Supervisors Rules of Procedure.

**Attachments:**

1. By-Laws of the Planning Commission
2. Planning Commission Rules of Procedure for Public Hearings

**Recommendations:**

The Planning Commission will wish to take the action outlined above.

Motion \_\_\_\_\_  
Second \_\_\_\_\_

Copeland \_\_\_\_\_  
Fuller \_\_\_\_\_  
Gilliam \_\_\_\_\_

Hart \_\_\_\_\_  
Hogan \_\_\_\_\_  
Paige \_\_\_\_\_

Perry \_\_\_\_\_  
Prengaman \_\_\_\_\_  
Weiss \_\_\_\_\_



**Bylaws Of  
Prince Edward County Planning Commission**

- 1) Meetings shall be held on a monthly basis, normally on the third Tuesday of the month at 7:00 P.M. in the Board of Supervisor's room. The schedule may be altered at any regularly scheduled meeting. Meetings may be cancelled due to lack of business; but the Commission shall meet at least every two months.
- 2) Additional meetings may be held at any time upon the call of the chairman, or by a majority of the members of the commission, or upon request of the Board of Supervisors following at least twenty-four hours' notice to each member of the commission.
- 3) The commission at its regular meeting in January of each year shall elect a chairman and vice-chairman. The recording secretary shall be the Director of Planning and Community Development or a designated alternate, who shall make an audiotape of the proceedings of each meeting and prepare minutes for the permanent records of the commission.
- 4) The duties and powers of the officers of the planning commission shall be as follows:
  - A. Chairman
    - Preside at all meetings of the commission.
    - Call special meetings of the commission in accordance with the bylaws.
    - Sign documents of the commission.
    - See that all actions of the commission are properly taken.
  - B. Vice-Chairman
    - During the absence, disability, or disqualification of the chairman, the vice-chairman shall exercise or perform all duties and be subject to all the responsibilities of the chairman.
  - C. Recording Secretary
    - Prepare an audiotape of the proceedings of each meeting of the commission.
    - Prepare minutes from the audiotape of each meeting in detail sufficient to include the tenor of public comments and the commission's reasoning underlying each decision or recommendation.
    - Circulate a copy of the minutes to each member of the commission before the next meeting.
    - Prepare the agenda for all commission meetings.
    - Be custodian of commission records.
    - Inform the commission of correspondence relating to business of the commission and attend to such correspondence.
    - Handle funds allocated to the commission in accordance with its directives, state law, and county ordinances.
    - Sign official documents of the commission.
- 5) All maps, plats, site plans, and other materials submitted to the commission shall be filed in the office of the Director of Planning and Community Development and maintained for public access until the project to which they relate has been completed or vacated. Minutes of the commission's meetings shall be permanently filed in the office of the planner and maintained for public access.

- 6) Matters referred to the commission by the Board of Supervisors shall be placed on the calendar for consideration and possible action at the first meeting of the commission after the referral and appropriate public notification.
- 7) A majority of the members of the commission shall constitute a quorum for the transaction of business, but no quorum shall be required for informational meetings at which no action is to be taken.
- 8) Reconsideration of any decision of the commission may be taken when the interested party for such reconsideration makes a showing satisfactory to the chairman that, without fault or deliberate omission on his own part, essential facts were not presented to the chairman.
- 9) *Roberts Rules of Order for Committees* shall govern the commission's proceedings in all cases not specifically ordered by these bylaws.
- 10) Any member of the commission who has any personal or financial interest in any matter before the commission shall declare the nature of that interest and shall if the interest constitutes a legal conflict of interest by Virginia law recuse him/herself from the deliberations on that matter, including lobbying other members, participating in the discussions, or voting on the matter. In cases where the interests do not raise to the level of legal conflict of interest by Virginia law, a member may voluntarily recuse him/herself in the interest of avoiding the appearance of conflict. All commission members shall be sensitive to the importance of impartiality and shall endeavor to always avoid any actual or appearance of conflict of interest.
- 11) Each member of the commission who has knowledge that he/she will be unable to attend a scheduled meeting of the commission shall notify the County Administrator's office at the earliest opportunity. The Director of Planning and Community Development shall notify the chairman if projected absences will produce a lack of quorum. Members who are absent from three consecutive meetings, or who are absent from more than half of the commission's meetings during a calendar year, will be referred to the Prince Edward County Board of Supervisors for possible replacement.
- 12) The vice-chairman shall succeed the chairman if he vacates his office before his term is completed. A new vice-chairman shall be elected at the next regular meeting.
- 13) These bylaws may be recommended for amendment at any meeting having a quorum present by a majority vote, provided that notice of such proposed amendment has been given to each member in writing at least two weeks prior to its consideration. If recommended for approval, proposed amendments must then be adopted by the Board of Supervisors before becoming effective.
- 14) Planning Commission members are strongly encouraged to attend a Virginia Certified Planning Commissioner's Training Program within two years of their appointment to the Planning Commission. This certification course will provide a basic foundation of planning law, history, and technical expertise needed by planning commissioners to maximize their competency and ability to render legally defensible decisions and recommendations. Costs associated with the program will normally be paid by Prince Edward County.



## PLANNING COMMISSION PUBLIC HEARINGS RULES OF PROCEDURE – 2026

### PUBLIC HEARING SPEAKING ORDER

1. The order of presentation shall be as follows, unless varied by the Commission Chair.
  - a. Staff report.
  - b. Applicant's presentation.
  - c. Questions of the applicant by members of the Commission of Supervisors.
  - d. Comments from members of the public. Speakers shall be heard in the order in which they registered on the public sign-in sheet.
  - e. Rebuttal by applicant/applicant's representative (time determined by Chair).
  - f. Questions by the Commission members of speakers.
2. Following discussion of all matters to be considered and once the public hearing has been closed, the Commission will consider one of the following three actions regarding each matter:
  - a. Approval (with conditions, as applicable);
  - b. Denial; or
  - c. Table for further review.

### PUBLIC HEARING GUIDELINES

- Individuals wishing to speak should register using the sign-in sheet posted outside the Commission of Supervisors room on the night of the meeting. Individuals wishing to participate remotely may register in advance with the Deputy Clerk or call into the meeting and remain on the line until acknowledged by the Commission Chair.
- Speakers will be asked to stand at the lectern and address the Commission, if able, unless participating remotely, and to provide their name and district.
- Speakers arriving after the commencement of the hearing or who are participating remotely, and who are not on the sign-up sheet, will be recognized after the registered speakers have finished and at the discretion of the Chair.
- The Chair may establish a time limit for each speaker and to limit or decrease time for any portion of the public hearing due to the number of potential speakers, or repetition, or any other concern.
- All comments shall be directed to the members of the Planning Commission. Debate is prohibited. This includes debate among speakers or speakers/Commission members/staff. Citizen comments may be supplemented by written comments and/ or handouts and should bring ten copies for distribution to the Commission of Supervisors.
- Speakers are asked to keep comments brief and to avoid repetitive testimony. Each speaker may speak once at a hearing. Remarks shall be confined to the matter under discussion and shall be relevant.
- The Chair has the authority to vary these guidelines as may be necessary and to end a presentation or comments that violate the rules or for other cause. The Planning Commission will not tolerate personal attacks by anyone on any participant in the proceedings.
- Once the public comment period has been closed, no further public input will be permitted unless clarification is requested by a Commission member. The response shall address only those questions raised by the member.



**Planning Commission  
Agenda Summary**

**Meeting Date:** January 20, 2026  
**Item No.:** 10  
**Department:** Planning and Community Development  
**Staff Contact:** Robert Love  
**Agenda Item:** Approval of Minutes

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**Summary:**

For approval.

**Attachments:**

November 18, 2025 Draft Planning Commission meeting minutes

Motion \_\_\_\_\_  
Second \_\_\_\_\_

Copeland \_\_\_\_\_  
Fuller \_\_\_\_\_  
Gilliam \_\_\_\_\_

Hart \_\_\_\_\_  
Hogan \_\_\_\_\_  
Paige \_\_\_\_\_

Peery \_\_\_\_\_  
Prengaman \_\_\_\_\_  
Weiss \_\_\_\_\_



Prince Edward County Planning Commission  
Meeting Minutes  
November 18, 2025  
7:00 pm

|                  |                                       |                                          |
|------------------|---------------------------------------|------------------------------------------|
| Members Present: | Ken Copeland                          | Brad Fuller                              |
|                  | Llew W. Gilliam, Jr.                  | David Hart                               |
|                  | John H. Hogan                         | John "Jack" W. Peery, Jr.                |
|                  | John Prengaman                        |                                          |
| Absent:          | Whitfield M. Paige                    | Rhett Weiss                              |
| Staff Present:   | Robert Love, Planning/Zoning Director | Douglas P. Stanley, County Administrator |

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Public Hearing comments for Planning Commission meetings will be subject to the "Citizen Guide for Providing Input During Public Participation and Public Hearings For Prince Edward County Government Meetings" revised October 12, 2022.

Chairman Prengaman called the November 18, 2025 meeting to order at 7:00 p.m., established there was a quorum, gave the invocation and led the Pledge of Allegiance.

**In Re: Approval of Minutes**

Commissioner Peery made a motion, seconded by Commissioner Copeland, to approve the meeting minutes from August 19, 2025; the motion carried:

|         |                                 |             |
|---------|---------------------------------|-------------|
| Aye:    | Ken Copeland                    | Nay: (None) |
|         | Brad Fuller                     |             |
|         | Llew W. Gilliam, Jr.            |             |
|         | David Hart                      |             |
|         | John H. Hogan                   |             |
|         | John "Jack" W. Peery, Jr.       |             |
|         | John Prengaman                  |             |
| Absent: | Whitfield M. Paige, Rhett Weiss |             |

**In Re: Public Hearing – Special Use Permit, Tobacco Trail Solar, LLC**

Chairman Prengaman announced this was the date and time scheduled to receive citizen input prior to considering an application request filed by Tobacco Trail Solar, LLC to make a determination if the project is substantially in accord with the 2045 Prince Edward County Comprehensive Plan and for the proposal to construct and operate a 150MWac solar energy facility on land totaling 2,324 +/- acres denoted as Tax Map Parcels 111-A-28, 111-A-3, 112-A-19A, 112-A-40, 120-A-2, 120-A-3, 120-A-4, 120-A-7, 120-A-8, 120-A-15, 120-A-20, 120-A-21, 120-A-29, 121-A-9, 120-A-1, 120-A-46, 120-A-5, 12-A-6, 120-A-42, 120-A-43, and 120-A-10 located north of Patrick Henry Highway (State Route 360), east of Farmville Road (State Route 15), and just west of New Bethel Road (State Route 634) and Virso Road (State Route 633), which is zoned Agricultural Conservation (A1) District. Notice of this hearing was advertised according to law in the Wednesday, November 5, 2025 and Friday, November 12, 2025 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

The County has received an application request by Tobacco Trail Solar, I.LC to make a determination if the project is substantially in accord with the 2045 Prince Edward County Comprehensive Plan and for the proposal to construct and operate a 150MWac solar energy facility on land totaling 2,324 +/- acres denoted as Tax Map Parcels 111-A-28, 111-A-3, 112-A-19A, 112-A-40, 120-A-2, 120-A-3, 120-A-4, 120-A-7, 120-A-8, 120-A-15, 120-A-20, 120-A-21, 120-A-29, 121-A-9, 120-A-1, 120-A-46, 120-A-5, 12-A-6, 120-A-42, 120-A-43, and 120-A-10 located north of Patrick Henry Highway (State Route 360), east of Farmville Road (State Route 15), and just west of New Bethel Road (State Route 634) and Virso Road (State Route 633), which is zoned Agricultural Conservation (A1) District.

**Purpose of the review under Virginia Code Section 15.2-2232:**

As required by VA Code§ 15.2-2232, requires that the Planning Commission review all proposed developments that include a "public utility facility" prior to the construction or authorization of such facility. A public hearing is required to determine whether the location, character, and extent of the proposed solar facility is in substantial accord with the Prince Edward County Comprehensive Plan, prior to any approval of the special use permit for the facility.

The public hearing notice was published in the November 5, 2025 and November 12, 2025 editions of the Farmville Herald. The list of adjoining property owners and the sample letter sent to each, along with the letter of notification to Charlotte County and Lunenburg County, and the staff prepared Potential Conditions, was presented to the Commissioners for review.

**Existing Conditions and Zoning:**

The application property consists of mostly cut-over timber land. It is bordered by existing agricultural land consisting of pasture and timber land, as well as single-family residential homes. The property is shown as Rural Preservation on the Future Land Use map as described in the 2045 Prince Edward County Comprehensive Plan.

**AgriVoltaics:**

Tobacco Trail Solar aims to employ the practice of agrivoltaics where practical on site. Agrivoltaics, also known as agrosolar or dual-use solar, is the practice of collocating solar facilities and agriculture on the same land. The most common forms of agrivoltaics are raising livestock, creating pollinator habitats, or growing crops.

**Third Party Engineering/Planning Review:**

The County enlisted the firm The Berkley Group to perform a full analysis of the application submitted by Tobacco Trail Solar, LLC. As part of their review, it was noted that the application met the minimum requirements set forth in the Prince Edward County Code, Appendix B, Article VII. - Alternate Energy Facilities (Zoning Ordinance) and the 2045 Prince Edward County Comprehensive Plan. It was their conclusion that Tobacco Trail Solar, LLC has made a good faith effort to meet the requirements of the County's applications and procedures for utility scale alternative energy facilities.

Mr. Love said the land totals 2,324 acres, but the fenced-in area is 610 acres where the panels will be located. He said Berkley Group looked at the full conditions; he said Strata, the developer, has done a workshop with the local fire departments and working with Trey Pyle, the County's Emergency Service Coordinator, on solar safety. He added that it is a requirement in the conditions to have on-site training; he said the conditions also include a full decommissioning section, including the decommissioning plan, bonding, and surety.

Michael Zehner, Director of Planning and Community Development, Berkley Group, reviewed the application to determine that it is complete pursuant to the County ordinance as well as compliant and meets all of the objective regulations. He said that was determined to be the case, with two issues: the glare study which the applicants cured in their follow-up response. He said they also identified an area of non-compliance with respect to pollinator planting and the applicants cured that as well with their follow-up response. He stated they provided a staff report which sets forth that the project is in accordance with the County's Comprehensive Plan, and stated the conditions set forth are sufficient to mitigate for any potential impacts anticipated or unknown. He said two conditions were not recommended [#39 and #40] regardless of the ownership of a facility to protect the County and the citizens and ensure that there is a bond in the full amount in place, which goes along with the comment made regarding a reduction of the bond amount for anticipated scrap or repurposing value. He said that in a project in an adjoining county, they anticipated the scrap value exceeded the cost of decommissioning. He said the purpose of the bond is that if the company goes defunct, the County has money available to decommission [the project]. Even if there is scrap value, there would be a reduction

of money that would need to be in place to do the decommissioning; therefore, they do not recommend any reduction for scrap value, and to make sure there is sufficient letter of credit or bond amount available to the County in the event that it is necessary.

Mr. Love said the County chose the Berkley Group to conduct this third-party review; he said the County was reimbursed and the cost was borne solely by the applicant. Mr. Love stated emailed letters were received; one was from Donna Goff with concerns regarding waste associated with the project, the proposal and the life of the project, and the specific plan for the decommissioning of the project. He said an email was received from Lorraine and Larry Agee who have concerns regarding hunting and fishing, and the effects this project would have on wildlife, the watershed downstream, and the abandonment of the project. They also requested there be an irrevocable letter of credit. Mr. Love said these are all covered in the County ordinance and the conditions.

Whitney St. Charles, Senior Development Manager, Strata Clean Energy, presented the company background and stated they are a Durham, NC based company. They have built over 300 solar and storage projects to date and have invested \$4 billion in clean energy across the United States. She said that in Virginia, they have developed 26 solar projects, powering over two million Virginia homes and businesses. She said there are currently seven projects under construction in the state. She said there are a number of operational depots around the state, so in the event of an incident, someone can be on-site within an hour.

Ms. St. Charles said Tobacco Trail Solar is 150 MW and is on 2,300 acres, but only 600 of that will be under panel. She said there is an additional 500 acres that will be disturbed for stormwater controls. She said 1,100 acres would be left as open space. She stated this location was ideal because it was previously timber operations, and gives the opportunity to leave trees in place for the visual buffer; she said the project is a \$317 million capital investment directly in Prince Edward County; she said in revenue to the County, that would provide about \$230,000 annually for revenue share, a 750% increase in tax revenue and \$4 million in direct payments to Prince Edward County and the Virso community prior to the project construction.

Ms. St. Charles said that [the state of] Virginia is on track to be in a deficit for power as soon as 2026. Dominion's most recent Resource Plan said that our demand for power has increased 6.3% each year and within the next decade, it is anticipated to double by 2045. She stated projects like Tobacco Trail Solar are at the heart of the solution to that issue; this project could provide power to up to 70% of the County's current electrical demands. In addition, projects such as this help to strengthen the grid, reduce reliance on imported power, and helps to keep the energy level. This project will provide \$3.7 million in wages and benefits during construction, and folks that help to build this can go on to work on developing other solar projects.

Heather McAlister, Permitting Manager, Strata Clean Energy, reviewed the project and stated it is in conformance with the Comprehensive Plan and the Zoning Ordinance. She said this project will provide substantial economic support for the county, and is a self-sustaining project, not drawing on any of the County's resources. She stated one of the biggest concerns they have heard is the visibility of the site; she said they will protect the viewshed by employing screening and vegetative buffers throughout the site. These buffers will consist of existing trees and in areas that are sparse, more will be planted.

Ms. McAlister stated they intend to use agrivoltaics on the site which will allow the site to produce power and remain a farm use as well. She said they intend to contact local farmers and local farming extensions to pick the best agrivoltaics program for the site. She said part of the erosion and sediment control, and stormwater management on large projects such as this are essential; they plan to increase erosion and sediment control, and stormwater management measures during and after construction, and presented examples. She said they will be using temporary and permanent stabilization methods on any areas not under active construction and will maintain those throughout construction and post-construction. She added that post-construction, they will seed the areas with appropriate pollinators and there will be wildlife corridors throughout to allow wildlife to migrate safely. She added the site will have 1,100 acres of preserved buffers throughout and setbacks for all wetlands and streams, which will be more than what is required by ordinance.

Ms. McAlister said this project would make them part of this community; they want to be good community partners and make sure the community prospers. This project would be a substantial economic benefit for the county and will protect the rural viewshed.

Commissioner Hogan asked for clarification on the buffer size; Ms. McAlister stated it would be 1,100 acres and if areas are sparse, they will be filled in with plantings.

Commissioner Gilliam asked if the perimeter is fenced, and asked about access for fire emergency equipment. Ms. McAlister said the perimeter around the panels is fenced, and introduced Matt Kim, from Fire Risk Alliance, who provided the fire training.

Matt Kim, Senior Fire Protection Engineer, Fire Risk Alliance, stated they will work with the County to ensure there is adequate fire access provided to meet or exceed the fire department requirements.

Chairman Prengaman asked if they have given access before on a project. Mr. Kim said that typically inside the facility, there are 20' fire access roads. He said this is required for the equipment.

Commissioner Fuller asked that in addition to the 600-acre footprint [map] of the facility, if there is a topographic map of the site. Ms. St. Charles said there is not a topographic map submitted with the application; she added that generally they avoid any topography above a 15% slope, but that she can provide a topographic map later.

Chairman Prengaman opened the public hearing.

Dawn Wilkerson, Leigh District, stated that she owns property that is included in this project. She asked that the project be approved for herself and the other landowners as the project will benefit the county. She said her late husband loved the property and spent many years on the land, was an avid hunter and fisherman, and Strata answered all of his concerns, with the site not being visible from the road, and there will be adequate corridors for wildlife. She said they timbered this land as their livelihood and an investment for their retirement, and some is still clear cut and was never replanted. She said her late husband chose Strata over other companies because they are an American company, and are a family-owned business. They build and maintain the site. She said anything that would be built would change things.

Jody Hobgood, Leigh District, said that they [Strata] are trying to put panels on Bethel Road which is concerning because that road has a problem with flooding. She said there is a big slope at the bridge and there is flooding at Dempsey Road; she said she is not sure how that will work with solar panels. Ms. Hobgood said the solar panels are made of glass; when the glass breaks, lead leaks into the land. She said the land is hilly and rocky, and there will be problems with erosion with the solar panels. She said that another problem with the company is regarding bankruptcy; she said that this company has been in business for quite some time but if they become bankrupt, they would be unable to provide the revenue to the county, and another company would have to come in and get permission to start over. She said the landowners would have to get a secondary insurance supplement to protect the solar panels that break during hailstorms; she added they need to think about how and where [the panels] will be disposed of, because there is nowhere in the state of Virginia that will dispose of them.

Mary Whitlock, Leigh District, stated her concerns regarding the wildlife and that [the land] won't be wooded as it is now. She said she is concerned about the effects on her land value, and the visibility of the site. She added that there are only 220 days of sunlight a year and this will use a lot of battery backup; she said the batteries will leak and deteriorate which is a concern. She said she is concerned about the environment and is opposed to this project.

Ann Bowman, Leigh District, stated that when there are heavy rains, there is flooding in the area. She said this project will help give the county funding that it needs for the schools and other projects that the County is obligated to do; it will help keep real estate taxes and property taxes from escalating. She said she enjoys watching wildlife, but the corridors planned will give plenty of room for the wildlife and the forest. She said this is a clean source of energy and there will be some noise with construction, which happens with any type of construction. She added that the state of Virginia needs more electricity; this is a clean energy. She stated the [company] has addressed any issues with erosion and if something happens, they would be there to correct it. Ms. Bowman said she attended a meeting in October at the library, where a professor from Charlottesville, who is working on solar projects, stated that technology is expanding and is the wave of the future. He also said that 95% of these panels, when taken down at the end of their life span, can be recycled, and there are improvements all the time in the ways to recycle the silver and the glass. She said the United States used to be the #1 producer of the panels; China is now the largest producer of the panels but the

United States has increased the number of panels produced. She closed by stating this company uses panels made in the United States.

William Keplinger, Leigh District, stated that concerning erosion near the bridge at New Bethel [Road], there are culverts there that become overgrown and trees fall into the culverts that contribute to the flooding. He stated he toured a site in Buckingham to see what concerns could be; he gave an example of a spot in the Buckingham Solar Site, one of the oldest solar projects in the area. He said there were 350 head of goats and sheep grazing. He could find no negative issues with the project.

Chantry Ranck, Leigh District, stated he lives close to where the industrial solar site may be going; he said more traffic means less deer and asked the Commission to vote no. He said that when a solar site goes up, the wildlife population goes down, and said the solar site will be timbered before panels will be installed. When trees are timbered, it exposes wildlife hiding places and habitat. He quoted from Integrity Solar: "Solar energy projects can contribute to habitat fragmentation. This occurs when large areas of land are cleared for solar installation, disrupting the natural habitats of wildlife." Chantry stated he is also concerned about bats which will decrease; he quoted Phys.org: "The activity of six out of eight bat species was significantly reduced at solar sites, researchers have observed." He said he would throw small pebbles into the air to watch the bats dart around at them, using their sonar navigation. He said this solar site is very damaging to wildlife and their habitat, and this would ruin his childhood memories.

Seth Cogbill, Energy Right, a Virginia-based non-profit working to educate communities on energy and helping to ensure projects are developed responsibly in ways that serve the County's interest and respect landowners' property rights. He said as Prince Edward County considers new proposals, it is easy to get caught up in the politics of competing agendas, but at the core of the debates is one simple truth: Virginia has fallen behind in energy development and now ranks as #1 in energy imports nationally, making every project brought forward by willing landowners worthy of thoughtful consideration. Solar projects, when developed properly, bring steady revenue for schools, roads, and first responders without adding the strain that often comes from other types of development. Solar projects like Tobacco Road help to preserve county land and strengthen local economy by providing a huge influx of spending with local goods and service providers, both during construction and throughout the operation of the project. Mr. Cogbill stated that this past summer, the South Central Business Alliance hosted an event with the Farmville Area Chamber of Commerce to introduce their members to opportunities to the energy industry. He said from sheep grazers to solar installers, to electricians to landscape companies, the opportunities that emerge from projects of this size are great and widely-felt. He said not everything that you read on Facebook is necessarily true; no one is well-served by misinformation. He said Energy Right will host a solar event later this week at Charley's Waterfront Café, and invited all to come and have questions answered about solar [projects]. He closed by saying solar is an important piece of the puzzle which delivers clean, cost-effective electrons to the grid every day the sun rises.

Jerry Townsend, Leigh District, stated he represents all constituents in Leigh District and the individuals seen here this evening are a small portion of the individuals that would be concerned [about this project]. He asked the Planning Commission to consider tabling this project until a later date, in order to arrange a special meeting between Strata and more constituents to know what is actually transpiring in that district. He said that personally, from a clean-energy perspective, he is familiar with the grid and that solar provides power to the grid, and he is familiar with fusion and nuclear [power]. He said he is concerned about the battery storage. He asked this to be tabled until a future date and reconvene after a meeting can be held that is more accommodating to the constituents in that area. He said he wants to make sure his constituents know what will occur that may affect them, and that they are informed.

Chairman Prengaman asked to clarify that there was no battery storage included in this project; Ms. St. Charles said that is correct, there is no battery storage included.

Catherine Hines, Leigh District, stated her concerns regarding the wildlife that will be forced out of their habitat and into her backyard. She said she is concerned it will affect her way of raising her grandchildren and their ability to play in the yard.

Mitchell Dempsey, Leigh District, said he sent a letter expressing his concerns and is not sure why it wasn't received. He said about two years ago, this company tried to lease his property and [tried to contact him] by putting sticky-notes on his front door. He said he did finally get a letter but that was unprofessional to leave a sticky-note. He said his

property will border where the site will be, and stated he would like to see a map of the plan. He has concerns about the wildlife and the land, and said he would like more information.

Eileen Ranck, Leigh District, said she is opposed to the project, and stated her concerns include solar panels that leak into the water. She said she is concerned about how this will affect the environment and the peace and quiet in the community. She said a neighbor had some of their property logged and the noise woke her son; she said this company will have their logging companies coming in on a daily basis for an unknown period of time, which is very disturbing to the community.

Patrick Murphy, Prospect District, said he represents the 300+ agricultural producing members of Prince Edward County Farm Bureau. He said they are adamantly opposed to the project due to the size and scope of the project as it sits on the table. He said 2,300 acres of forest land being taken out of production for a poor energy source is utterly ridiculous. He said there is only 22-28% efficiency on solar panels, no batteries on site, [which would equate to] walking to work one out of every four days with the same type of efficiency if your vehicle ran on the same percentages. He said this is zoned A1, Agricultural and Rural Preservation according to the newest County Comprehensive Plan. He said the Comprehensive Plan mentions specifically trying to expand forestry and harvesting operations within the County for employment, and this would be a counterproductive incident taking place which would be detrimental to all the timber harvesters in the area as active forest management that he has actively participated in on this property for at least the last 25 years. He said from the public safety standpoint, two of the blocks would nearly comprise  $\frac{3}{4}$  to close to a mile of runs within the fenced-in area. He said they are not to enter their site to suppress fires, which gives the fire a tremendous amount of fuel going south to north with the predominant wind direction. He said the runs would be too vast for active fire suppression. He then said the company states the site would be rehabilitated [at the end of the lease], but in the Midwest where they built steel mills and they "dropped them" after 15 years, these production mills that made stainless steel were dropped when they were paid off, and then they locked the doors and walked away, and the same would be done with solar. Mr. Murphy said the government proposed ideas regarding kudzu and multiflora rose. He closed by stating there are more people here to speak against this project than are speaking for [the project].

Chairman Prengaman asked for explanation of what is in a panel. Ms. St. Charles stated the panels are comprised of silicon wafers with silver electrodes to move the power; the silicon receives and converts the solar energy into power, and the silver moves it to the inverter. Those are encased in PC layer on both sides to keep any water from getting into the panels; there is safety glass on either side with an anti-reflective coating on that surface, and then aluminum [goes around] around the outside.

Chairman Prengaman asked if anything would leak if a panel would break. Ms. St. Charles said it does not, as there is nothing to leak. She added there is no lead in the panels.

There being no one further wishing to speak, Chairman Prengaman closed the public hearing.

Chairman Prengaman summarized the project and asked if the commissioners had further questions.

Commissioner Peery asked how much of the land is currently clear-cut. Mrs. Wilkerson stated that the property where the proposed site is has already been clear-cut; she added that nothing will be able to be seen from Route 15 because that is planted timber that her husband replanted and is already grown. Mrs. Wilkerson said she will continue to live on the property.

Ms. McAlister presented a large poster-sized site plan and an exhibit showing the preserved tree cover.

Commissioner Hogan said that a lot of the land is already clear-cut, and the with the timber cut off is the worst that can be had as far as erosion. He said what he sees in this proposal with this 600+ acres, they will create timber and wildlife areas which will not be fenced in and will be available to wildlife. He continued that inside the compound there will be grass and native vegetation that will be maintained by sheep or mowing.

Tiffany Severs, Director of Permitting, Strata Clean Energy, said her background is in Construction/Stormwater and she is certified in Erosion and Stormwater for the State. She said the disturbed area will be approximately 600 acres but that will not all be open at one time. She said one of the things that is very important is that they apply stabilization

often and layer stabilization. She said agrivoltaics will be one portion of the project; pollinators will be applied to provide that there is a strong vegetative stand. She then said that during construction, they will also be working in stormwater controls for under panel; she said it is important that they do not have concentrated run-off or flooding downstream. She said they are looking not only at the quality of the water but also the quantity. She said they will be sure to maintain and not increase the flow. If there are current conditions onsite, they also have their stormwater engineer to determine any mitigation of those current issues.

Ms. Severs said that regarding wildlife, the intent is to allow for continuity in wildlife and to allow them to migrate through, and not fragment, how their habitat is now. She said when looking at the layout, they will not cut them up into chunks, but to maintain continuity of habitat. She said they will not expose them to the panels and will fence the panels off, but they will be able to move around them. She said their reviews include habitat assessments, which include everything from what is there and what could be there, and then they examine layers to ensure they are taking every step possible to avoid impacts. She said that when they are figuring the long-term planning of the site, those wildlife cycles are taken into consideration so they are not disrupted.

Commissioner Hogan asked about the possibility of forest fires and said he was a firefighter in the past and never saw a pasture catch on fire; he asked for clarification on the concern regarding a major fire inside this area of materials burning up. He asked if these forest buffers that are going to be created will be safer than a pine forest. Ms. Sears said that part of the management is controlling the brush and woody debris, which is what fuels fires. She said this is included in the management of the site with the fire safety piece.

Mr. Kim said that the #1 risk factor when signing the solar sites is vegetation management separation and it is the #1 tool they have to prevent fire from coming outside to inside or [from] inside to outside [the site]. He said that as long as that is maintained, the risk remains low.

Commissioner Gilliam said he has seen solar systems where they raised the panels to allow cattle to graze [underneath], and asked if they have done anything like this.

Adam Thompson, Director of Development, Strata Clean Energy, said the biggest issue with that application, across the board, is cost. He said if panels are raised from two to three feet off the bottom edge of the panel to 15 feet, that is a lot of steel that must be put in. He said then it starts to look like a carport. He said there are some incredible niche projects across the country; one has gone up in northern Virginia as a test site for exactly that. He said they are raising crops and will conduct studies and a report on the effects there. He said they are seeing the first phase of figuring out how to do agriculture and solar together; so far, the easiest has been having sheep graze because they are tame and are easy to manage on-site, and don't damage the equipment. He said there are some grazers that are going through breeding processes to come up with cattle that are more tame to be on solar sites and won't knock everything over. These big projects are power plants and if you're building a gas power plant, you aren't being asked to also be a farmer; it's hard to go that far up to the edge on agrivoltaics.

Commissioner Hart asked about the financial relationship between the farmers that he is speaking about and the company. Mr. Thompson said the contracting is becoming more and more specific to the grazers and the [land] owners and they often work out deals based on the specific conditions of the site. Mr. Thompson said this is a natural progression from the traditional vegetation management and hiring a commercial landscape manager to come out and cut the grass; that contract has been adapted to fit with grazers, and often the grazers will do the traditional mowing. The sheep farmers are getting access to more land than they would normally have access to, which allows them to grow their flocks, and while it costs more to move the flocks from site to site, they are getting compensated for providing a service maintaining the vegetation.

Commissioner Gilliam asked if they put in wells for watering the sheep. Mr. Thompson said they have not done that yet, but there is an avenue where that could be permitted to provide water for any kind of agricultural use going on.

Commissioner Fuller said he received a few telephone calls about how this would reflect the Comprehensive Plan and the potential deforestation and reduction in agricultural land that this project may or may not affect. He thanked Mr. Love and his team for their due diligence and Michael Zehner. He said that the revenue received from this project is not going to be the final deciding factor but it has to be part of the decision process. He said the Comprehensive Plan is a guiding document over a wide range of topics and is intended to facilitate rational and responsive decision making.

He said we must also consider that [in] the A1 [zone], data centers and the consumption of energy is increasing; the first half of 2024, energy [usage] increased 160%. He said if we do not consider addressing these problems, there is a possibility there will be a push to have them approved at the state level. He added that of the 226,447 acres of Prince Edward County, 64% of the county is forested, 14% is pasture-land, 1% is crop land. He said 15% of the county is in Conservation Easement or state-held land and cannot be touched. Currently we have 0.16% of the land based in solar projects. He said this puts these 600 acres in perspective of how it will affect our community.

Commissioner Gilliam stated his agreement with Supervisor Townsend in tabling this issue to give those constituents time. He then said the income of this project to the county would be substantial; agriculture is very positive but he sees a need for both agriculture and power and when there is a decision to make one versus the other will be a tough day.

Mr. Love stated there have been two community meetings. Some discussion followed.

Commissioner Hogan made a motion, seconded by Commissioner Fuller, that the Planning Commission recommend to the Board of Supervisors that Tobacco Trail Solar, LLC's Special Use Permit for a proposed 150-megawatt solar energy generation facility, as presented, be approved with conditions, to ensure consistency with the following findings:

1. The proposed use is substantially in accord with the County's Comprehensive Plan and compatible with other existing, planned, or proposed uses based upon its design and recommended conditions;
2. The proposed use provides for significant open space, ensuring the optimal and balanced use of Prince Edward County's land and natural resources;
3. The potential for adverse impacts of the Project is sufficiently mitigated by the proposed conditions, with the amendment of the removal of Condition #39 and Condition #40.

The motion carried:

Aye: Ken Copeland

Nay: Llew W. Gilliam, Jr.

Brad Fuller

David Hart

John H. Hogan

John "Jack" W. Peery, Jr.

John Prengaman

Absent: Whitfield M. Paige, Rhett Weiss

**Tobacco Trail Solar, LLC  
PRINCE EDWARD COUNTY, VIRGINIA  
Special Use Permit Conditions**

**SECTION I.**

**GENERAL PROVISIONS**

1. This Special Use Permit applies to the following properties for which a special use permit application was submitted: Tax Map Parcel Identification Numbers: 111-A-2B, 111-A-3, 112-A-19A, 112-A-40, 120-A-1, 120-A-15, 120-A-2, 120-A-20, 120-A-21, 120-A-29, 120-A-3, 120-A-4, 120-A-42, 120-A-43, 120-A-46, 120-A-5, 120-A-6, 120-A-7, 120-A-8, 121-A-9, 121-A-10. The Special Use Permit application was submitted on 07/15/2025 by Tobacco Trail Solar, LLC on behalf of the owners of the said properties, and compliance with these conditions is the express duty of, and these conditions shall bind, the Applicant and any assignee of the Applicant who operates the Solar Facility
2. The Site shall be developed, constructed, operated, and decommissioned in compliance with all of the following:
  - a. All applicable federal, state, and local laws, statutes, ordinances, and regulations.
  - b. All written agreements entered into between the Applicant and the County, expressly including, but

- c. not limited to, a Solar Facility Siting Agreement.
- d. The Site Plan approved by Prince Edward County.
- e. The Decommissioning Plan approved by Prince Edward County.
- f. The Emergency Response Plan approved by Prince Edward County.
- f. The Construction Traffic Management Plan approved by Prince Edward County.
- g. The Erosion and Sediment Control Plan approved by Prince Edward County.
- h. The Stormwater Management Plan approved by Prince Edward County and/or DEQ.

Violation by the Applicant or by any one or more of Applicant's agents, employees or contractors of any terms, conditions, or provisions of any of the foregoing shall constitute a violation of this Special Use Permit if Applicant has failed to begin and diligently pursue (or has failed to cause its agents, employees or contractors, as applicable, to begin and diligently pursue) correction of the violation within thirty (30) days after written notice by the County to Applicant.

3. The following terms shall have the following meanings if or when used in these Conditions:

- a. **"Abandoned"** means the discontinuation of power generation by the Solar Facility for a period of at least 180 consecutive days, except in the event of a force majeure event requiring reconstruction.
- b. **"Applicant"** means Tobacco Trail Solar, LLC.
- c. **"Approved Site Plan"** means the detailed drawing showing all equipment, excavation, landscaping, and other changes or improvements to be made to the real property or properties for the development of the Project following approval of the Special Use Permit Application by the Prince Edward County Planning Commission, and the Prince Edward County Board of Supervisors and administrative review and approval by Prince Edward County staff.
- d. **"Board"** means the Board of Supervisors of Prince Edward County, Virginia.
- e. **"Commercial Operation"** means the period beginning on the date that the sale of electricity generated from the Solar Facilities to a third party through the Grid commences pursuant to a Power Purchase Agreement or offtake by an investor-owned utility or Independent Power Producer and terminating contemporaneously with the commencement of Decommissioning.
- f. **"County"** means Prince Edward County, Virginia.
- g. **"County Administrator"** means the county administrator of Prince Edward County, Virginia.
- h. **"Decommission" or "Decommissioning" or "Decommissioning Activities"** means the work on the Solar Facility to remove improvements on the real property and to otherwise comply with the Decommissioning Plan.
- i. **"Decommissioning Commencement Date"** means the earliest date on which Decommissioning is required to begin under the terms set forth in these Special Use Permit Conditions.
- j. **"Decommissioning Plan"** means the plan for Decommissioning Activities submitted by Tobacco Trail Solar, LLC and approved by the County.
- k. **"Grid"** means the interconnected network for delivering electricity from producers to consumers (consisting of generating stations, electrical substations, high voltage transmission lines, and distribution lines that connect individual customers) to which the Project is connected and provides power.
- l. **"Investor Owned Utility Company"** means an electric utility as defined in Section 56-576 of the Code of Virginia.
- m. **"Operator"** means any party which undertakes the management, maintenance, and operation of the Solar Facility, including, but not limited to, as assignee of the Applicant.
- n. **"Power Purchase Agreement"** means the written agreement pursuant to which electricity generated from the Solar Facilities is sold to a third party.
- o. **"Project"** means the Solar Facility on the parcel, including the following: (i) the development, design, procurement, construction, installation, commissioning, testing, interconnection, and start-up of the Solar Facility on the Site; (ii) the operation, repair, replacement, and maintenance of the Solar Facility on the Site; and (iii) the decommissioning and removal of the Solar Facility from the Site.

- p. **"Related Entity"** or **"Related Entities"** means any two or more entities described in I.R.C. § 267(b).
- q. **"Site"** or **"Solar Facility Site"** means all properties to be leased or purchased by the Applicant or any Related Entity for development in connection with the Project, identified as follows: Prince Edward County Tax Map Identification Numbers 111-A-2B, 111-A-3, 112-A-19A, 112-A-40, 120-A-1, 120-A-15, 120-A-2, 120-A-20, 120-A-21, 120-A-29, 120-A-3, 120-A-4, 120-A-42, 120-A-43, 120-A-46, 120-A-5, 120-A-6, 120-A-7, 120-A-8, 121-A-9, 121-A-10.
- r. **"Site Plan"** means the detailed drawing showing all equipment, landscaping, roads, retention facilities, fencing, buffers, and other changes or improvements to be made to the real property or properties for the development of the Project.
- s. **"Solar Facility"** or **"Solar Facilities"** means the Site together with all equipment, apparatus, or other items of personal property used for the construction, operation, or decommissioning of the Project.
- t. **"Surety Review Date"** means the date by which the Applicant will update the cost estimate in the Decommissioning Plan every five (5) years and reimburse the County for the actual and reasonable, out-of-pocket costs of each such independent review and analysis by a licensed engineer of each decommissioning cost estimate revision.

4. The Site shall be developed in general conformance with the information and exhibits submitted with the Special Use Permit application (the "SUP" Application), except as modified by associated conditions, the Approved Site Plan, and as required by the land development ordinances of Prince Edward County. The Site shall employ the practice of agrivoltaics where practical on site.
5. This Special Use Permit (SUP) is issued to the owners of the properties for which the special use permit application was submitted (the Properties) and shall run with the land unless and until this SUP is revoked, expires, or is voided.
6. An Approved Site Plan shall be required for this use.
7. Prior to the issuance of construction permits, the Applicant shall record in the Circuit Court Clerk's Office of Prince Edward County, Virginia a plat of survey delineating the property boundary and total acreage.
8. The Applicant shall submit an Emergency Response Plan (the "ER Plan") with the submission of the Site Plan. The ER Plan shall include fire suppression methods that can be deployed during both the construction and operation of the project. The ER Plan shall also include a program of education and training to be provided for County emergency response staff covering onsite emergency response.
9. Unless approved in writing by the County, no signage shall be permitted on the Site; except that signage containing notices, warnings, or other information, if required by law or by applicable codes and standards, or deemed by the County to be in the interest of the safety and welfare of the community, shall be required.
10. Tobacco Trail Solar, LLC will reimburse, or cause to be reimbursed, to the County all reasonable, out-of-pocket costs and fees incurred for professional services engaged for purposes of assisting the County during the application process and during construction, including, but not limited to, legal fees and consulting fees; however legal fees shall not be assessed to Tobacco Trail, LLC after construction is completed. The purpose of the reimbursement payments is to defray the costs and expenses incurred by the County in connection with (i) the zoning and permitting processes related to the approval of the Solar Facility, (ii) the permitting process with federal and state agencies, as applicable, and (iii) the construction of the Solar Facility. Should the special use permit application submitted by Tobacco Trail Solar, LLC for the Project not be approved by the County, no reimbursement under this paragraph will be owed by Tobacco Trail Solar, LLC to the County.
11. The Project owner or operator will, in coordination with Prince Edward County Emergency Management, provide education and training on how to respond in the event of a fire or other emergency on the premises.

“Knox Boxes” or coded padlocks will be added at access gate locations, so that emergency services resources can gain access inside the security fence during the construction phase of the project.

12. Terms and conditions pertaining to revenue share payments and voluntary payments shall be set forth in a siting agreement between Applicant and the County.

## SECTION II.

## BUFFERS, HEIGHTS, AND SETBACKS

13. Buffers throughout the Site shall include the following:

- a. All setbacks shall be no less than those shown on the site plan approved by Prince Edward County.
- b. The Site Plan will identify the maximum extent of the Project area, outside of which solar panels or other equipment will not be located. The solar panels other equipment of the Solar Facility will not be located within the standard setbacks established by Section 7-110 (D) of the County Ordinance.
- c. The Site Plan will include a vegetative buffering plan (the “Vegetative Buffer Plan”) that will limit the visibility of the Solar Facility from the public rights-of-way adjacent to the Site. For purposes of this Condition, “Solar Facility” does not include the perimeter security fencing, gravel access road, or interconnection equipment. Also, the “Solar Facility” is not an objectionable feature, within the meaning of County Ordinance Section 7-110.
- d. All vegetative buffering areas, as shown on the Vegetative Buffer Plan, shall enable insulation of the Solar Facility and may be both natural and planted, shall be a part of the approved Project, and should be protected from harvest so long as the Site is operated as a solar facility.
- e. Vegetative buffering areas shall be installed and, as necessary, managed to ensure health and preservation of the vegetation. Any vegetative buffering that is dead during the operating period shall be removed and replaced in conformance with the approved site plan, within a six (6) month time period during a typical planting period. The type and height of replacement vegetation shall be similar to that of which was originally planted during construction. In the event that the vegetative buffering is severely damaged due to an unusual weather occurrence or natural catastrophe, the Project shall have one year or one growing season, whichever is sooner, to replace or replant.
- f. A 15' screening buffer shall be maintained with any bordering standing timber harvested after construction of the solar facility.
- g. Electrical lines leaving the solar facility shall be underground until the point of reaching the first pole outside of the facility as to not impact the screening plan unless: (a) otherwise approved by the County in the final site plan; (b) otherwise approved by the County in connection with building permit approvals, including electrical permits; (c) underground lines conflict with other applicable permitting standards, including environmental permits; or (d) underground lines are not reasonably practical given site constraints.
- h. Historical resources noted in the Virginia Department of Historic Resources Map that are listed or eligible for listing in the National Register of Historic Places must be identified, marked, and preserved at a setback approved by the Virginia Department of Historic Resources, as reflected on the Site Plan.
- i. The maximum height of ground mounted systems, equipment, and structures, as measured from the grade or base of the improvements to the highest point, shall not exceed eighteen (18) feet in

height. Excluded from this height requirement are overhead electric distribution and transmission lines and poles, project substation, and utility switchyard.

### SECTION III.

### CONSTRUCTION, TRAFFIC, and ROAD REPAIRS

14. Subject to compliance with applicable site safety requirements and upon reasonable prior notice, the County Administrator, building official, zoning administrator, or environmental codes and compliance officer, or any party or parties designated by any one or more of those county officials, including other federal, state, or local government officials, shall be allowed to enter the Site at any time during construction. Once the facility has commenced Commercial Operation, subject to compliance with applicable Site safety requirements, County officials may enter the Site upon at least one week's advance notice to the Solar Facility liaison.
15. All construction entrances for the Site shall be in general conformance with the information and exhibits submitted with this Special Use Permit application and must be authorized and approved by the Virginia Department of Transportation (VDOT).
16. All construction activity shall be conducted during daylight hours Monday- Saturday. Activities allowed on Sundays include only the following: onsite planning, walking, and riding the Site by passenger vehicle (not heavy construction trucks or equipment), office work, and other activities that do not produce large quantities of traffic on the surrounding roads or loud construction noises within the Site. The Applicant shall comply with the Prince Edward County Noise Ordinance Chapter 46, Article II during operation but shall not be required to do so during construction.
17. All heavy construction traffic, including, but not limited to, dump trucks, tractors and trailers, supplier vehicles, and trucks hauling equipment shall enter the site at the designated private driveway entrances.
18. The Applicant shall submit a Construction Traffic Management Plan ("CTMP") as part of the Site Plan. The CTMP shall address traffic control measures, an evaluation of the condition of the public roads along the Delivery Routes prior to construction, and a description and an estimate of any anticipated repairs to public roads that may arise due to damages attributable to construction of the Solar Facilities. The CTMP must be reviewed by a third-party selected by the County and paid by, and at the sole cost of, the Applicant.
19. No burning of stumps and/or debris will be allowed onsite at the subject solar facility.
20. The Solar Facilities shall be enclosed within chain link security fencing not less than six (6) feet in height.
21. The Project will not utilize permanent lighting. If installed at a later date, lighting will be downward facing, motion activated security lighting located at the Project entrance gate or at the control panels near the equipment pad. Lighting of the substation and switchyard shall be limited to that minimally required for safety and operational purposes and shall be full cut-off type fixtures.
22. Prior to commencement of construction, the Applicant shall provide the County a bond equal to 100% of the cost of the anticipated repairs to be made to the public road along the Delivery Routes, as defined in paragraph 23 below, including the entire public right of way along the Delivery Route. The bond may be in the form of a letter of credit, a surety bond, or a cash bond given to the County, to be held by the County without interest, but the form of any surety bond must be approved by the County Administrator. The County will release, return, and terminate the roadway surety upon completion of construction and Commercial Operation of the Project.
23. Subject to the CTMP, Delivery Routes to the site will include a portion of U.S. Route 15 (Farmville Road), a portion of US Route 360 (Patrick Henry Hwy), Cabbage Patch Road, and Ole Briery Station Road, to the

proposed four (4) entrances as shown in Attachment B -Conceptual Site Plan of the SUP application.

24. The Solar Facilities shall have received Final Site Plan approval from the County within four (4) years of approval. The Board of Supervisors may approve one extension of up to one (1) year each upon written request from the Applicant detailing the need for an extension.
25. Solar panels will be constructed, maintained, and operated in accordance with national industry standards and regulations including the National Electrical Code, International Fire Code of the International Code Council, and the National Fire Protection Association Fire Code, as provided in Va. Code 15.2-2286. In the event of a conflict between the national industry standards and these Conditions, the national industry standards shall control so that as technology advances, updated technology may be used by the Applicant. Notwithstanding any of the foregoing, the use of any of the following materials at any time, whether in construction, maintenance, or operation of the facility, is expressly prohibited: cadmium telluride, cadmium, tellurium, GEN X, field-applied Teflon® coating, or any other materials prohibited by federal or state agencies.
26. No panels, inverters, pyranometers, substations, or any other component of the Solar Facility, except fencing, shall be located in a FEMA Special Flood Hazard Area.
27. Upon completion of the construction of the Solar Facilities, the Applicant shall submit a post-construction evaluation of the condition of the roads along the Delivery Routes to the County Administrator for approval. The post-construction evaluation shall include a plan for repairing any damage caused to the public roads along the Delivery Route directly attributable to the Applicant. The Applicant shall be responsible for causing such repairs to be completed to the satisfaction of the VDOT and shall be responsible for coordination of repairs with VDOT. All roadway repairs along the Delivery Routes shall be made at the sole expense of the Applicant. Once repairs are completed, the performance bond shall be released.

#### **SECTION IV. ENVIRONMENTAL**

28. The Applicant shall submit a Stormwater Management Plan and an Erosion and Sediment Control Plan as part of the Site Plan. The Applicant shall reimburse, or cause to be reimbursed to, the County all reasonable, out-of-pocket costs incurred by the County related to retaining such third-party inspectors, plan reviewers, and advisors as reasonably necessary for project review and inspections. All such payments shall be remitted to the County within thirty (30) days of invoicing. The County shall retain the right to inspect the Site to verify the findings of the third-party inspectors upon reasonable, prior notice and subject to compliance with Site safety requirements. The phasing of land disturbance shall be detailed in the Erosion and Sediment Control plan and accompanying project narrative.
29. Stabilization of the Site shall be maintained at all times in compliance with Virginia Department of Environmental Quality (DEQ) standards, rules, requirements, and regulations. The Applicant and the Operator, or either one of them, shall notify the County within twenty-four (24) hours of receiving any DEQ notice of less than full compliance by the Project and shall, within forty-eight (48) hours of receipt, provide the County with a copy of the notice. Thereafter, the Applicant and the Operator, or either one of them, shall provide to the County within forty-eight (48) hours of transmission or receipt copies of all correspondence with DEQ regarding Project noncompliance issue until such time as the matter is fully resolved to the satisfaction of DEQ. In order to ensure orderly development of the Solar Facility and to protect the stabilization and environmental integrity and quality of the Site, no more than fifty percent (50%) of the total site development area shown on the Approved Site Plan may be disturbed at any point in time. For purposes of this condition an area for which one or more of the following is true is not considered to be disturbed: the area has established ground cover, the County has determined that the area is not disturbed, an area where temporary stabilization measures have been implemented, gravel driveways, or laydown areas.
30. Soil testing shall be conducted on the Site as follows:

- a. Testing shall be conducted in no less than ten (10) locations on the Site, at least one location being within proximity to panels of each different type or manufacturer. Samples will be collected from a depth of six inches below ground surface.
- b. Testing shall be conducted prior to the issuance of a land disturbance permit and annually thereafter. Testing also shall be conducted immediately prior to Decommissioning and immediately following the termination of Decommissioning.
- c. Samples shall be analyzed for Priority Pollutant 13 Metals (arsenic, antimony, beryllium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, thallium, and zinc) in accordance with EPA methods SW 6020, SW 6020A, SW1312, and 200.8.
- d. Testing shall be performed by a service provider retained by the Operator but approved by the County.
- e. A test report for each testing event, including an executive summary, shall be provided to the Prince Edward County zoning administrator within ten (10) days of the completion of such report.
- f. No costs shall be incurred by Prince Edward County for soil testing or reports of soil testing provided to Prince Edward County.

31. Any damaged solar components or portions thereof shall be collected by the facility operator and removed from the site or stored on site in a location protected from weather and wildlife and from any contact with ground or water until removal from the site can be arranged; storage shall not exceed sixty (60) days. If not returned to the manufacturer, damaged components shall be transferred directly to an approved recycling facility or disposal site in accordance with local, state, and federal laws.

## **SECTION V. DECOMMISSIONING**

- 32. Decommissioning shall be conducted in accordance with the Decommissioning Plan approved by Prince Edward County.
- 33. The Applicant or the Operator shall provide a Notice of Decommission to the County Administrator of Prince Edward County within thirty days (30) of a determination to cease Operation of the Solar Facility.
- 34. Prior to the commencement of construction, the Applicant shall submit to the County and receive County approval of a Decommissioning Plan. The Applicant shall comply with all terms and conditions of the Decommissioning Plan as approved by the County. The Decommissioning Plan at a minimum shall include provisions regarding the following:
  - a. Specifications for the removal of all solar equipment, buildings, cabling, electrical components, pads or foundations, pilings, and fencing.
  - b. A requirement that all Site real property must be restored to the condition of the property as of the date Construction commences (reasonable wear and tear excepted).
  - c. A requirement that the property must be stabilized so as to adequately control, prevent, and minimize any and all erosion or sediment runoff, consistent with the approved Erosion and Sediment Control Plan.
- 35. Decommissioning shall begin immediately after the Facility has, for a period of six (6) consecutive months,

ceased operating as a solar energy facility distributing energy to the electrical grid and shall be diligently pursued, as determined by the County in its sole discretion, and completed within eighteen (18) months from the Decommissioning Commencement Date. Prior to its expiration, the County may extend this Decommissioning period by six (6) months if the County finds that the Operator commenced Decommissioning the Solar Facility diligently and continuously worked to Decommission the Facility throughout the Decommissioning period, and is reasonably expected to complete the Decommissioning within the additional six-month period.

36. Periods during which the Facility is not operational for maintenance, repair, repowering, or due to a catastrophic event beyond the control of Tobacco Trail Solar, LLC during which time Tobacco Trail Solar, LLC works diligently to return the Facility to full Commercial Operation, shall not constitute the cessation of operations requiring the initiation of Decommissioning requirements herein. Tobacco Trail Solar, LLC must provide written notice and evidence of the Solar Facility status and repair efforts to the County Administrator during the period in which the Solar Facility is not fully operational. Such notice shall identify the last day on which the Facility was fully operational. Regardless of the efforts of Tobacco Trail Solar, LLC to return the Solar Facility to full Commercial Operation, if the Solar Facility does not operate as a solar energy facility distributing energy to the electrical grid after the catastrophic event for a period of eighteen (18) months, the Project shall be deemed Abandoned and Tobacco Trail Solar LLC shall commence Decommissioning no later than the 548th day after the catastrophic event unless the County Administrator finds that Tobacco Trail Solar, LLC is diligently proceeding with repairs to return the facility to operation.
37. Any change of party responsible for Decommissioning of the facility, or change in any part of the contact information, shall be reported to the County Administrator within sixty (60) days of the change(s).
38. If Decommissioning Activities are not completed within the allotted time, or if the Project is Abandoned, the County may complete or have completed at its expense the Decommissioning Activities required under the terms of the Decommissioning Plan and may recover all costs of completing those Decommissioning Activities from the surety provided as set forth herein.
39. ~~To secure the costs of Decommissioning, Tobacco Trail Solar, LLC, or its successor shall at all times, beginning at commencement of construction and until the termination of Decommissioning, provide financial surety in a form and in an amount approved by the County. If the Solar Facility is transferred to a public utility or an Investor or Member Owned Utility Company (e.g.: Dominion Energy, Old Dominion Electric Cooperative or its successor entity), the surety required of the Applicant may be cancelled at the time of the transfer and no further surety will be required.~~
40. ~~The amount of the surety required shall be 100% of the estimated Decommissioning costs estimated at each Surety Review Date, less the scrap or repurposing value of the Solar Facility. The estimated costs and surety to meet the above requirements shall be reviewed by the County Administrator on each Surety Review Date, at which time the County Administrator shall determine if the estimates adequately reflect the Decommissioning costs and any scrap or repurposing value and that the surety will guarantee performance. Should the County Administrator determine that estimated costs and surety are insufficient, the County Administrator and Tobacco Trail Solar, LLC shall mutually agree to determine the correct surety amount; and Tobacco Trail Solar, LLC shall then provide the agreed, adequate surety within one hundred eighty (180) days following the Surety Review Date or, if later, within thirty (30) days after the County Administrator and Tobacco Trail Solar, LLC agree on the adequate surety amount.~~
41. Surety must be provided in the form of a cash bond deposited with the County; by an irrevocable letter of credit provided for the County's benefit; or by a surety bond listing the County as the obligee, a hypothesized account, an escrow account, or a guaranty issued by a credit-worthy entity, or as otherwise provided in Section 15.2- 2241.2 of the Code of Virginia.
  - a. A cash bond shall be in the form of a cashier's check or certified check deposited with the County which has cleared all issuing institutions. Any interest accruing on such funds shall be added to

the total amount and retained by the County for Decommissioning. The deposit shall be accompanied by a letter agreement, acceptable to, and issued by, the County Administrator, confirming that the cash deposit is to be held by the County to guarantee the performance of the Decommissioning work required herein, and should the Solar Facility be Abandoned or should the Decommissioning work not be diligently undertaken or performed according to the requirements herein, or should the Special Use Permit be revoked, lapse, expire, or be voided due to violation thereof, the County may expend the deposited funds to undertake the Decommissioning work required herein, without more, after providing written notice to the person identified as owner of the property in the land records of Prince Edward County as of the date of the notice. Within six (6) months of the completion of the Decommissioning work required herein by a person or entity other than the County or a contractor engaged by the County, as confirmed by the County Administrator, the cash bond and accrued interest, less any amounts expended by the County as allowed herein, shall be released and paid to Tobacco Trail Solar, LLC or, if the Project has been Abandoned, to the person identified as owner of the property in land records of Prince Edward County as of the date of the completed Decommissioning or as otherwise directed by that owner of the property.

- b. An irrevocable letter of credit shall mean an instrument provided by a lending institution guaranteeing payment to the County within seventy-two (72) hours of the County's written notice to the institution that the Solar Facility has been Abandoned or the Decommissioning Activities have not been diligently undertaken or performed according to the requirements herein and demand to the institution for the funds, without more. The letter of credit shall have no expiration date or required renewal and shall remain in effect for the benefit of the County and shall under no circumstances be withdrawn before the Decommissioning Activities required herein are completed or the amount guaranteed has been fully drawn by the County. The letter of credit shall require that the County be notified thirty (30) days prior to any cancellation or alteration of the letter of credit. Should the County receive notice that the letter of credit will be cancelled or otherwise become unavailable or decrease, or should this Special Use Permit be revoked, lapse, expire or be voided due to violation thereof by Tobacco Trail Solar, LLC, the County may, immediately draw down the entirety of the letter of credit and convert the surety to a cash bond to be deposited with the County and subject to the terms herein; this shall be specifically reflected in the language of the irrevocable letter of credit. The County may expend the guaranteed funds, without more, to undertake the Decommissioning Activities required herein and required pursuant to the terms of the Decommissioning Plan after providing written notice to Tobacco Trail Solar, LLC or, if the Project is Abandoned, to the person identified as the owner of the Property in the land records of Prince Edward County as of the date of the notice. Within six (6) months following the completion of the Decommissioning Activities required herein and required pursuant to the terms of the Decommissioning Plan by a person or entity other than the County or a contractor engaged by the County, as confirmed by the County Administrator, the letter of credit shall be released by the County and any amounts drawn on the letter of credit, less any amounts expended by the County as allowed herein, shall be released and paid to Tobacco Trail Solar, LLC or, if the Project has been Abandoned, to the person identified as owner of the property in land records of Prince Edward County as of the date of the completed Decommissioning or as otherwise directed by that owner of the property.
- c. A surety bond shall mean a bond issued by a company with an AM Best rating of A++, that is treasury listed, and that is licensed to do business in the Commonwealth of Virginia. The surety bond shall list the County as an obligee and shall remain in effect for the benefit of the County and shall under no circumstances be withdrawn or cancelled before the Decommissioning Activities required herein and required by the terms of the Decommissioning Plan are completed or the amount guaranteed has been fully paid to the County. The surety bond shall require that the County be notified thirty (30) days prior to any cancellation or alteration of the bond. Should the County receive notice that the surety bond will be cancelled or otherwise become unavailable or decrease below the limits required herein, or should the Special Use Permit be revoked, lapse, expire or be voided due to violation thereof by Tobacco Trail Solar, LLC, the County may, immediately file a claim, for the entirety of the amount of the bond, the guarantor shall pay the amounts guaranteed and the County shall convert the surety to a cash bond to be deposited with the County and subject to the terms herein; this shall be specifically reflected in the language of

the surety bond. The County may expend the guaranteed funds, without more, to undertake the Decommissioning Activities required herein and required pursuant to the terms of the Decommissioning Plan, after providing written notice to Tobacco Trail Solar, LLC, or, if the Project is Abandoned, to the person identified as the owner of the Property in the land records of Prince Edward County as of the date of the notice. Within six (6) months following the completion of the Decommissioning Activities required herein by a person or entity other than the County or a contractor engaged by the County, as confirmed by the County Administrator, the surety bond shall be released by the County, and the bond funds paid to the County less any amounts expended by the County as allowed herein, shall be released and paid to Tobacco Trail Solar, LLC or, if the Project has been Abandoned, to the person identified as owner of the property in land records of Prince Edward County as of the date of the completed Decommissioning or as otherwise directed by that owner of the property.

42. Should this Special Use Permit be revoked, lapse, expire, or be voided due to violation thereof, the County may immediately draw down all of the surety funds and convert them into a cash bond for purposes of Decommissioning as set forth hereunder and as set forth in the Decommissioning Plan. In such case, no contractual agreement shall be required for the cash bond. This shall be reflected in the surety provided.
43. Should the funds guaranteed for the Decommissioning Activities for any reason not be sufficient for the County to complete the Decommissioning Activities as allowed for herein and as set forth in the Decommissioning Plan, Tobacco Trail Solar, LLC or its successor, shall be and shall remain liable to the County for the difference between the guaranteed funds and the amounts required to Decommission the Solar Facility and shall pay the difference to the County upon demand. The County shall not be liable to any party in any way for the funds drawn pursuant to the conditions set out herein and expended in relation to Decommissioning.
44. Should the Facility be Abandoned, or should the Special Use Permit be revoked, lapse, expire, or be voided due to violation thereof, or should the Decommissioning Activities not be diligently undertaken or performed, and should the County draw down the funds for the purpose of performing the Decommissioning Activities and mobilize its contractors to perform the Decommissioning Activities or otherwise incur liability to its contractors for the performance of the Decommissioning Activities, Tobacco Trail Solar, LLC, its successor or agent, shall have no right to perform the Decommissioning Activities unless specifically authorized by the County in writing that confirms that the County has incurred no liability to any contractors to perform the Activities or that any such liability is transferrable as deemed acceptable to the County. The Applicant or the Operator shall immediately, upon written demand by the County or any person or entity authorized to act on behalf of the County, without more, grant or release to the County, or any person or entity authorized to act on behalf of the County, under terms deemed acceptable by the County, all necessary real property rights, personal property rights, either or both, as determined solely by the County, other than fee simple ownership or a leasehold interest of the real property, so that the County or any person or entity authorized to act on behalf of the County may undertake any required Decommissioning Activities that have not otherwise been performed as required. This shall include, but may not be limited to, releasing any interest in the personal property, facilities, fixtures, and structures which are to be removed and recycled, disposed of, or otherwise demolished.

Mr. Love stated this may be presented during the December meeting of the Board of Supervisors.

**In Re: Review of Supervisors Actions**

Mr. Love stated the Board of Supervisors approved the Arcola Tower. The construction zoning permit has been issued, and the Building Inspection Department is going to file a review for the construction documents and issue a building permit within the week.

**In Re: Old Business**  
(None)

**New Business**

Mr. Love stated there is one incomplete application.

Mr. Love then announced the County Christmas Luncheon will be held Thursday, December 18 at the Sports Arena, from 12:00 to 2:00 p.m. for the employees. He invited the Planning Commission to attend.

Chairman Prengaman declared the meeting adjourned at 8:37 p.m.

**Next Meeting: Tuesday, December 16, 2025**

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**Planning Commission  
Agenda Summary**

**Meeting Date:** January 20, 2025  
**Item No.:** 11  
**Department:** Planning and Community Development  
**Staff Contact:** Robert Love  
**Agenda Item:** 2025 Annual Report

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**Summary:**

As required by Title 15.2, Chapter 22, Section 2221 of the Code of Virginia, an annual report must be submitted to the Governing Body concerning the operation of the Planning Commission and the status of planning within Prince Edward County.

The Prince Edward County Planning Commission one (1) Joint Worksession Meeting and one (1) Joint Public Hearing with the Prince Edward County Board of Supervisors for consideration and adoption of the 2045 Prince Edward County Comprehensive Plan.

Additionally, the Commission held six (6) regular meetings for consideration of one (1) Rezoning, one (1) Ordinance Amendment and ten (10) Special Use Permits.

Attachment (1) is the full report for the year 2025.

**Attachments:**

1. 2025 End of the Year Report

**Recommendations:**

1 No action needed.

Motion \_\_\_\_\_  
Second \_\_\_\_\_

Copeland \_\_\_\_\_  
Fuller \_\_\_\_\_  
Gilliam \_\_\_\_\_

Hart \_\_\_\_\_  
Hogan \_\_\_\_\_  
Paige \_\_\_\_\_

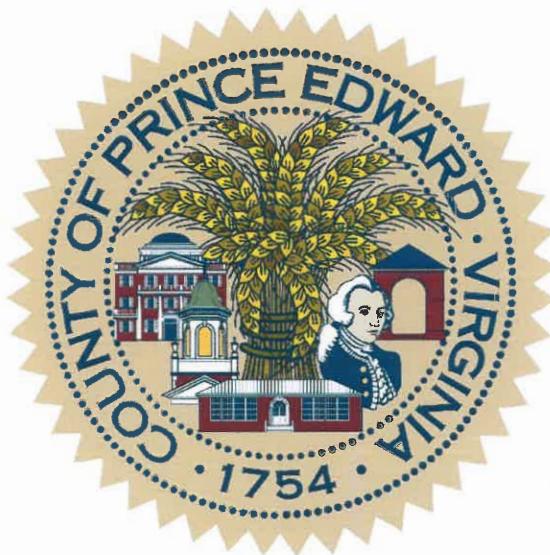
Perry \_\_\_\_\_  
Prengaman \_\_\_\_\_  
Weiss \_\_\_\_\_

PRINCE EDWARD COUNTY

# 2025 END OF THE YEAR REPORT

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ANNUAL REPORT OF THE  
PRINCE EDWARD COUNTY PLANNING  
COMMISSION



SUBMITTED BY:  
COMMUNITY DEVELOPMENT OFFICE  
P.O. BOX 382  
FARMVILLE, VA 23901

## 2025 END OF THE YEAR REPORT

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### ANNUAL REPORT OF THE PRINCE EDWARD COUNTY PLANNING COMMISSION

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#### BACKGROUND

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This report is submitted as required by Title 15.2, Chapter 22, Section 2221 of the Code of Virginia, which requires an annual report submitted to the Governing Body concerning the operation of the Planning Commission and the status of planning within Prince Edward County. This report will also include other items to aid in decision making for the year 2025.

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#### PLANNING COMMISSION

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The Prince Edward County Planning Commission held one (1) Joint Worksession Meeting and one (1) Joint Public Hearing with the Prince Edward County Board of Supervisors for consideration and adoption of the 2045 Prince Edward County Comprehensive Plan.

Additionally, the Commission held six (6) regular meetings with the following items to be considered:

##### *Amendments Considered:*

1. An Ordinance Amendment to amend Appendix B - Zoning of the Prince Edward County Code Section 2-1000.3(B) in order to allow for commercial kennels by Special Use Permit in the CR, College Residential District (*Approved*)

##### *Rezonings:*

1. Anthony & Tracey Ellington – A1 to C1, General Commercial (*Approved*)

##### *Special Use Permits:*

1. Lindsay Mulvey – Commercial Kennel (*Approved*)
2. Kevin Wilson – Commercial Campground (*Approved*)
3. Gabriel Solar, LLC – 80MWac Solar Facility w/120 MWh BESS (*Denied*)
4. Anthony & Tracey Ellington – Mini Warehouse (*Approved*)
5. Oak Lane Solar Farm, LLC – 5MWac Community Solar Facility (*Approved*)
6. Green Bay Solar Farm, LLC – 5MWac Community Solar Facility (*Approved*)
7. Dogwood Properties Green Bay VA, LLC – Restaurant (*Approved*)
8. Michael and Helen Royea – Rural Events Center (*Approved*)
9. Arcola Towers – Communications Tower (*Approved*)
10. Tobacco Trail Solar, LLC – 150MWac Solar Facility (*Approved*)

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**COMMUNITY DEVELOPMENT  
BUILDING & PLANNING / ZONING OFFICE**

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**Zoning Permits Issued:** 202

**Building Permits Issued:** See table below

| Type of Permit                 | Permits Issued |
|--------------------------------|----------------|
| Site-built Homes               | 20             |
| Manufactured Homes             | 16             |
| Modular Homes                  | 9              |
| Residential Trade - Electrical | 215            |
| Residential Trade - Plumbing   | 65             |
| Residential Trade - Mechanical | 83             |
| Residential Trade - Gas        | 78             |
| Residential Trade - Fireplace  | 1              |
| Commercial                     | 23             |
| Commercial Trade - Electrical  | 20             |
| Commercial Trade - Plumbing    | 7              |
| Commercial Trade - Mechanical  | 15             |
| Commercial Trade - Gas         | 1              |
| <b>TOTAL PERMITS ISSUED:</b>   | <b>553</b>     |

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**FY 2025-27 CAPITAL IMPROVEMENTS PLAN (CIP)**

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**CIP Projects:**

1. PEAC - New Animal Shelter – (*Currently in design phase*)
2. PECEM - SCBA Air Trailer – (*Purchased*)
3. PECPW - Convenience Site Upgrade (Worsham) – (*Completed*)
4. PECPW - Convenience Site Upgrade (Prospect/Toggle) - (*Currently in design phase*)
5. PECPW - Convenience Site Upgrade (Virso) – (*No action*)
6. PECPW - Scale House Replacement - (*Currently in design phase*)
7. PECGS - Courthouse – Backup Generator – (*No action*)
8. PECA - VDOT Revenue Sharing Program – (*Manor project approved*)
9. PECEM – Knox Box Project – (      )
10. PECR – Voting Machines – (*No action*)

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**COMMUNITY DEVELOPMENT  
BUILDING & PLANNING / ZONING OFFICE**

---

**Zoning Permits Issued:** 202

**Building Permits Issued:** See table below

| Type of Permit                 | Permits Issued |
|--------------------------------|----------------|
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| Modular Homes                  | 9              |
| Residential Trade - Electrical | 215            |
| Residential Trade - Plumbing   | 65             |
| Residential Trade - Mechanical | 83             |
| Residential Trade - Gas        | 78             |
| Residential Trade - Fireplace  | 1              |
| Commercial                     | 23             |
| Commercial Trade - Electrical  | 20             |
| Commercial Trade - Plumbing    | 7              |
| Commercial Trade - Mechanical  | 15             |
| Commercial Trade - Gas         | 1              |
| <b>TOTAL PERMITS ISSUED:</b>   | <b>553</b>     |

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**FY 2025-27 CAPITAL IMPROVEMENTS PLAN (CIP)**

---

**CIP Projects:**

1. PEAC - New Animal Shelter – (*Currently in design phase*)
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4. PECPW - Convenience Site Upgrade (Prospect/Toggle) - (*Currently in design phase*)
5. PECPW - Convenience Site Upgrade (Virso) – (*No action*)
6. PECPW - Scale House Replacement - (*Currently in design phase*)
7. PECGS - Courthouse – Backup Generator – (*No action*)
8. PECA - VDOT Revenue Sharing Program – (*Manor project approved*)
9. PECEM – Knox Box Project – (*No action*)
10. PECR – Voting Machines – (*No action*)

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## Planning Commission Agenda Summary

**Meeting Date:** January 20, 2026

**Item No.:** 12-a

**Department:** Planning and Community Development

**Staff Contact:** Robert Love/Doug Stanley

**Agenda Item:** Zoning Text Ordinance Amendment – Miscellaneous Uses - Towers

### **Summary:**

While County staff was working on the new P25 Public Safety Radio Project, it became apparent that Prince Edward County has very few existing towers of sufficient height to ensure reliable emergency services radio coverage. During this review, staff examined the current zoning requirements contained in Prince Edward County Zode Appendix B – Zoning, Article III, Section 3-100.13: Miscellaneous Uses – Towers and determined that the section is outdated and requires revision.

Staff has conducted a detailed review of the ordinance and prepared recommended updates and additions to modernize the section, align it with current industry standards, and ensure compliance with applicable state code. These proposed changes are intended to better support critical public safety communications infrastructure while providing clear guidance for future tower development within the County.

The Board of Supervisors referred the Draft Ordinance Amendment, to the Planning Commission at their December 9, 2025 Regular Meeting. Attachment (1) The public hearing notice was published in the January 7, 2026 and January 14, 2026 editions of the Farmville Herald, Attachment (2).

### **Attachments:**

1. Draft Ordinance Amendment
2. Notice of Public Hearing

### **Recommendations:**

1. Conduct the Public Hearing and render a decision concerning the proposed Ordinance Amendment.

### **Recommended Motions:**

I move that the Planning Commission recommend approval of the Ordinance Amendment to amend Appendix B of the Prince Edward County Code Article III Section 3-100.13 – Miscellaneous Uses - Towers in order to allow tower height increase exceptions by Special Use Permit.

### **OR**

I move that the Planning Commission table the proposed Ordinance Amendment for further discussion at the next meeting.

Motion \_\_\_\_\_  
Second \_\_\_\_\_

Copeland \_\_\_\_\_  
Fuller \_\_\_\_\_  
Guilliam \_\_\_\_\_

Hart \_\_\_\_\_  
Hogan \_\_\_\_\_  
Paige \_\_\_\_\_

Peery \_\_\_\_\_  
Prengaman \_\_\_\_\_  
Weiss \_\_\_\_\_

## Sec. 3-100.13. Miscellaneous uses.

### **Towers**

(A) *Intent:* These minimum standards are intended to govern the location of all towers and the installation of antennas and accessory equipment structures.

(B) Towers, with related unmanned equipment buildings, shall be permitted only by special use permit in zoning districts as specified in article II, District Regulations. Applicants are encouraged to consider properties owned by the county when locating towers.

(C) *General standards:*

1. No tower or related facilities shall be located within 500 feet of any residential district.
2. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the board of supervisors that no existing tower or structure can accommodate the proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
  - a. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
  - b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
  - c. Existing towers or structures are not of sufficient structural strength to support the applicant's proposed antenna or related equipment.
  - d. The applicant's proposed antenna would cause electromagnetic interference with existing antenna, or the antenna on the existing towers, or structures would cause interference with the applicants proposed antenna.
  - e. The applicant demonstrates that there are other limiting factors that render existing towers or structures unsuitable.
3. No tower shall exceed 199 feet in height, including antennas. Requests for exceptions from this height restriction must have Board of Supervisors' approval through the special use permit process.
4. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FCC or FAA, be painted a neutral color.
5. At any tower site, the design of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the facilities to the natural setting and the built environment. The related unmanned equipment structure shall not contain more than 750 square feet of gross floor area or be more than 12 feet in height, and shall be located in accordance with the requirements of the zoning district in which located.
6. Towers shall not be artificially lighted, unless required by the FCC or FAA. If lighting is required, the board of supervisors may review the available lighting alternatives and approve the design that would cause the least disturbances to surrounding views.
7. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers. If such standards and regulations are changed, then the owners of the tower governed by this section shall bring such structures into compliance with such revised standards as required by above named agencies. Failure to bring a tower into compliance with such revised standards and regulations as required by above named agencies shall constitute grounds for the revocation of the special use permit, and removal of the tower at the owner's expense.
8. The owner of any tower shall ensure that it is constructed and maintained in compliance with standards contained in applicable federal, state, and local building codes and regulations.

9. Each applicant requesting a special use permit for a new tower shall submit two copies of a scaled site plan and a scaled elevation view and other supporting drawing, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, height requirements, setbacks, drives, parking, fencing, landscaping, easements, adjacent uses, and any other information deemed necessary by the county to assess compliance with the regulations of this ordinance.

Additionally, the applicant shall provide actual photographs of the site from designated relevant views that include a simulated photographic image of the proposed monopole or tower. The photograph with the simulated image shall include the foreground, the mid-ground, and the background of the site.
10. An engineering report, certifying that the proposed tower and site are compatible for co-location with a minimum of three similar users including the primary user, must accompany the application. The applicant shall provide copies of their co-location policy.
11. Local government access. Owners of towers shall provide the county co-location opportunities ~~without compensation as a community benefit~~ to improve radio communications for county departments and emergency services, provided it does not conflict with the co-location requirements of this section.
12. **Telecommunications transmissions from any telecommunications tower or related facility shall not interfere with the emergency public safety communications system operated by the county or any communications system operated by the federal, state or county government.**
13. In addition to any reasonable application fees established by board of supervisors, the applicant shall be financially responsible for the cost of any professional engineering and or related services that may be procured by the county to independently verify the application information submitted by the applicant.
14. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements for primary structures.
15. Towers shall be enclosed by security fencing not less than six feet high and shall be equipped with an appropriate anti-climbing device.
16. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaping strip of at least four feet wide outside the perimeter of the compound. Existing mature tree growth and natural land form on the site shall be preserved to the maximum extent possible.
17. Any tower that is not operational for a continuous period of 90 days shall be considered abandoned, and the owner of such tower shall remove same within 90 days of receipt of notice from the building official or county administrator notifying the owner of such removal requirement. Removal includes the removal of the tower, all subterranean tower and fence footers, underground cables and support buildings. The buildings may remain with the approval of the landowner. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. If the tower is not removed per this section, the county may require the landowner to have it removed. In all cases, the site shall be returned as closely as possible to its original conditions.
18. Every applicant for a special use permit for a tower shall, as a condition for the issuance of the special use permit, file with the building official a continuing bond in the penal sum of not less than \$10,000.00 and conditioned for the faithful observance of the provisions of this ordinance and all amendments thereto, and of all the laws and ordinances relating to towers, and which shall indemnify and save harmless the county from any and all damages, judgments, costs, or expenses which the county may incur by reason of the removal or the causing to be removed any tower as provided for in this section.

Note: Strikethrough language is recommended by staff to be removed. Bold and underlined language is recommended new language to be added by staff.



**Please publish the following public hearing notice in THE FARMVILLE HERALD on Wednesday, January 7, 2026 and Wednesday, January 14, 2026.**

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### **NOTICE OF PUBLIC HEARING**

The Prince Edward County Planning Commission will hold a PUBLIC HEARING on Tuesday, January 20, 2026 commencing at 7:00 p.m. in the Board of Supervisors Room, Prince Edward County Courthouse, 111 N. South Street, 3<sup>rd</sup> Floor, Farmville, Virginia, to receive citizen input prior to considering the following:

1. An ordinance amendment to amend Appendix B - Zoning of the Prince Edward County Code Section 3-100.13 Miscellaneous Uses (Towers) in order to allow tower height increase exceptions by Special Use Permit and to better support critical public safety communications infrastructure while providing clear guidance for future tower development within the County.

Citizen input for Public Hearings will be received through: (1) in-person participation; (2) remote participation by calling 1-844-890-7777, Access Code # 390313; or (3) by written comments mailed to: Planning Commission, P.O. Box 382, Farmville, VA 23901. Please limit word count to no more than 500 words. Comments must be received by 2:00 p.m. the day of the meeting; via email to [info@co.prince-edward.va.us](mailto:info@co.prince-edward.va.us); or via facsimile at 434-392-6683. Based on the number of speakers, the Chair will determine the time allotted to each. Citizens may also view the monthly Planning Commission meeting live (no public input) at the County's YouTube Channel by using the link on the County website under Meetings & Public Notices.

Additional information regarding the ordinance amendment is available for public review on the County's web site at [www.co.prince-edward.va.us](http://www.co.prince-edward.va.us) or in the Prince Edward County Administrator's Office, 111 N. South Street, 3<sup>rd</sup> Floor, Farmville, VA. It is the County's intent to comply with the Americans with Disabilities Act. Should you have questions or require special accommodations, please contact the County Administrator's Office at 434-392-8837.

###