

CHESTER COUNTY COUNCIL MEETING

R. Carlisle Roddey Chester County Government Complex

1476 J.A. Cochran Bypass Chester, SC 29706

Monday, July 18th, 2022 at 6:00 PM

Agenda

1. **Call to Order**
2. **Pledge of Allegiance and Invocation**
3. **Approval of Minutes**
July 5th, 2022 Council Minutes.
4. **Citizen Comments**
5. **Public Hearing**
 - a. **3rd Reading of Ordinance 2022-13**- Clarifying Ordinance No. 2018-11, Which Provides For the Allocation of Fee In Lieu Of Tax Revenues For Some Property Located In The County; And Providing For Other Related Matters.
6. **Ordinances/Resolutions/Proclamations**
 - a. **3rd Reading of Ordinance 2022-13**- Clarifying Ordinance No. 2018-11, Which Provides For the Allocation of Fee In Lieu Of Tax Revenues For Some Property Located In The County; And Providing For Other Related Matters.
 - b. **2nd Reading of Ordinance 2022-14**- An Ordinance to authorize a referendum to permit Chester County to partner on Sewer and Treatment Services in unserved areas of the County.
 - c. **Resolution 2022-8** A Resolution to Support Amendment to Catawba Regional Council Of Governments Operating Agreement.
 - d. **1st Reading in Title only** An Ordinance to create a deadline for the registration of bidders for individuals wanting to bid at the Chester County Delinquent Tax Sale.
7. **Old Business**
 - a. **2nd Reading of CCMA22-05**: Birdseye Renewable Energy request Tax Map # 144-00-00-022-000 on Mt. Vernon Road be rezoned from Rural Three (R3) to Rural Two (R2). *Planning Commission voted 4-1 to approve the rezoning as it's been requested with a reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make the solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council.*
 - b. **2nd Reading of CCMA22-06**: Birdseye Renewable Energy request Tax Map # 155-00-00-025-000 on George Argus Road be rezoned from Rural Three (R3) to Rural Two (R2). *Planning Commission voted 4-1 to*

approve the rezoning as it's been requested with a reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make the solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council.

c. 2nd Reading of CCMA22-07: Birdseye Renewable Energy request Tax Map # 144-00-00-021-000 on Mt. Vernon Road be rezoned from Rural Three (R3) to Rural Two (R2). *Planning Commission voted 4-1 to approve the rezoning as it's been requested with a reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make the solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council.*

d. 2nd Reading of CCMA22-08: Birdseye Renewable Energy request Tax Map # 155-00-00-039-000 on Thrailkill Road be rezoned from Rural Three (R3) to Rural Two (R2). *Planning Commission voted 4-1 to approve the rezoning as it's been requested with a reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make the solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council.*

e. 2nd Reading of CCMA22-09: Birdseye Renewable Energy request Tax Map # 144-00-00-019-000 on Thrailkill Road be rezoned from Rural Three (R3) to Rural Two (R2). *Planning Commission voted 4-1 to approve the rezoning as it's been requested with a reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make the solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council.*

f. 2nd Reading of CCMA22-10: Birdseye Renewable Energy request Tax Map # 144-00-00-018-000 on Mt. Vernon Road be rezoned from Rural Three (R3) to Rural Two (R2). *Planning Commission voted 4-1 to approve the rezoning as it's been requested with a reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make the solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council.*

8. Executive Session

- a. To receive legal advice regarding Project Paper. Attorney Winters.
- b. To receive legal advice regarding Project 2242. Attorney Winters.
- c. To receive legal advice regarding Project 2187. Attorney Winters.
- d. To receive legal advice regarding the use of County property. Interim Chairman Dr. Frederick.
- e. To receive legal advice regarding the Sheriff's Office. Attorney Winters.

9. Council Actions Following Executive Session

- a. Action taken regarding Project Paper.
- b. Action taken regarding Project 2242.
- c. Action taken regarding Project 2187
- d. Action taken regarding the use of County property.
- e. Action taken regarding the Sheriff's Office.

10. Council Comments

11. Adjourn

Pursuant to the Freedom of Information Act, the Chester News & Reporter, The Herald in Rock Hill, SC, WSOC-TV, Channel 9 Eyewitness News, the Mfg. Housing Institute of SC, WRHI Radio Station, C&N2 News, WCNC News and Capitol Consultants were notified, and a notice was posted on the bulletin board at the Chester County Government Building 24 hours prior to the meeting.

↓ ***PUBLIC NOTICE*** ↓

Chester County Council has relaxed some of the COVID measures put into place for personal appearances at County Council meetings but continues to encourage social distancing while in County facilities.

Guidelines for Addressing Council

Citizens Comments:

- Each citizen will be limited to three minutes.

Public Hearings:

- Each speaker will be limited to a three-minutes.

When introduced:

- Approach the podium, state your name and address.
- Speak loudly and clearly making sure that the microphone is not obstructed.
- Do not address the audience – direct all comments to Council.
- Do not approach the Council table unless directed.

Anyone addressing Council will be called out of order if you:

- Use profanity
- Stray from the subject
- Make comments personally attacking an individual member of Council

CHESTER COUNTY COUNCIL MEETING MINUTES

R. Carlisle Roddey Chester County Government Complex

1476 J.A. Cochran Bypass Chester, SC 29706

Tuesday, July 5th, 2022 at 6:00 PM

Present: Interim Chairman Dr. Frederick, Vice Chairman Branham, Councilman Jordan, Councilwoman Guy, Councilman Vaughn, Councilman Wilson, Councilman Killian and County Attorney Winters.

Absent: Clerk to Council Lee

1. **Call to Order-** Interim Chairman Dr. Frederick called the meeting to order.
2. **Pledge of Allegiance and Invocation-** Pledge was recited in unison: Vice Chairman Branham gave the invocation.

3. **Approval of Minutes**

a. **June 27th, 2022 Special Called Council Minutes.**

Vice Chairman Branham motioned to approve, second by Councilwoman Guy. Vote 5-0 to approve. Councilman Killian was not present for 6-27-22 meeting and did not vote.

b. **June 20th, 2022 Council Minutes.**

Councilwoman Guy motioned to approve, second by Vice Chairman Branham. Vote 5-0 to approve. Councilman Killian was not present for 6-20-22 meeting and did not vote.

4. **Citizen Comments**

Brooks Camp, 1125 E. Morehead St, Charlotte, NC stated he was the lead developer for Rutabaga Holding Solar Project. They had given Council additional information showing amendments made to the site plan from feedback from the community. After hearing concerns regarding the impact of construction on local roads they did reach out to SCDOT and did confirm that all access roads to their project were maintained by DOT. He stated DOT did not express any concerns over their ability to manage repairs over the course of normal maintenance. He said they would be asking for a partial tax abatement, a fee in lieu of taxes were a common practice for solar farm development. Solar farms did not require any county services or infrastructure to be extended to them.

Emily Brown, 1125 E. Morehead St, Charlotte, NC stated she was a colleague of Mr. Camps at Birdseye Renewable Energy. One of the core values at Birdseyes was being a good neighbor, they had reached out to the community and the planning department. They had sent out 100 invitations to surrounding landowners to attend a community meeting that was held at the Fort Lawn Community Center on June 2nd, 2022. They had around 18 to 20 people come and give their feedback. She stated using that feedback they made some additional changes to their original site plan; they added more setbacks from all residential housing and widen the wildlife corridor throughout the project. Their driveways to the solar farms were changed to be further away from residential parcels. The plans were still in process but will have those to Council before the next meeting.

Roxann James, 3007 Steele Village Road, Rock Hill, SC stated she and Councilman Jordan had discussed adding fire substations to Lewis and Lowry's district to help bring insurance payments down for people who live in those communities. She asked how Council could have second reading on an ordinance they

did not have under 5.a., 2022-11 she stated it was not on the website and staff did not have it. She would like to see the ordinance when it was available.

5. Ordinances/Resolutions/Proclamations

a. 2nd Reading Ordinance 2022-11 An Ordinance for Fee schedules for development agreement fees and impact fees. Councilman Vaughn motioned to approve, second by Councilman Jordan. Attorney Winters stated Council voted in 2021 to provide a development agreement for residential housing developments. Council was concerned as to how the money would be distributed, she stated this was not impact fees and not governed by statute the way impact fees were. They could only be spent for certain things, developed agreement fees were different. It was the wish of Council for the money to be spent within the district where the development would be located. The ordinance provides a fee schedule for those development agreement fees go to a certain area or project. She stated there was exhibit "A" attached to the ordinance, there were no dollar figures or percentage that was up to Council. This would be reviewed yearly at budget time.

Councilman Jordan stated he had had an ordinance in title only for allocation for a percentage for fire, this ordinance would address this but also other entities where the funds would be allocated.

Attorney Winters stated in number two a minimum of X percent would be escrowed for use by the fire district in which the development was located. The next ordinance would revise the master fee schedule.

Councilman Vaughn stated under exhibit A it included not only the fire district but included the landfill, EMS use, Sheriff's Office, maintenance, parks recreation facilities in that district where the development would be located. It wasn't in stone and the amounts had not been decided.

Councilman Jordan suggested having a workshop to determine allocation of the fees. Councilman Jordan withdrew his second, Councilman Vaughn withdrew his motion.

Councilman Wilson stated as a point of discussion, as the percentages get filled in it didn't include the impacts to the building zoning department or to the assessor's office there's a lot of other pieces of the puzzle that will get touched by this development. He thought it made a lot of sense to dedicate especially the ones that are for the district, such as fire or EMS or sheriff's office. Maintenance of parks and recreational facilities that are in the district where the development is located. His opinion would be that Council leave just a bit of room for the county operations as well.

Interim Chairman Dr. Frederick stated it was agreed to table and have the second reading the day of the workshop.

b. 2nd Reading of Ordinance 2022-13- An Ordinance to amend the master ordinance for fee allocation.

Councilman Jordan motioned to approve, second by Councilman Vaughn. Attorney Winters stated Vice Chairman Branham, brought up a good point on page two section five where it says the council authorizes the county supervisor and Mr. Branham suggested that that verbiage include and or the County Administrator since this document will transcend that change.

Councilman Jordan stated this was the second reading of the ordinance that would reallocate a percentage of the fee in lieu to 5% for the fire district that the industry is located in.

Attorney Winters stated the county has a master ordinance; this would amend the master. Vote 6-0 to approve.

c. Resolution 2022-8 A Resolution To Support Amendment To Catawba Regional Council Of Governments Operating Agreement. Vice Chairman Branham motioned to approve, second by Councilman Wilson.

Vice Chairman Branham recommended having someone to come from Catawba Regional to come and explain in detail the full overview of what they're considering. He stated there was a lot of things that would come in to play

regarding the number of people and constituents and nomination of people on the board and not exceed a certain amount of people on the board.

Interim Chairman Dr. Frederick stated the deadline for each county council was September 7.

Attorney Winters stated this was triggered by the census.

After discussion Council decided to table until they hear from a representative from the COG. Councilman Wilson withdrew his second, Vice Chairman Branham withdrew his motion. Tabled.

6. New Business

a. Council to approve accepting state funding for an additional SRO at Chester Park Complex. Captain David Peeples. Vice Chairman Branham motioned to approve the reward given for an extra SRO at Chester Park School, second by Councilwoman Guy. Vote 6-0 to approve.

b. Council to authorize EMA to accept a grant for \$45,000 dollars from FEMA to install an emergency generator at the Fort Lawn Fire Station with a grant match of \$ \$11,500 dollars. EMA Director Ed Darby. Councilwoman Guy motioned to authorize EMA to accept the grant for \$45,000 from FEMA to install an emergency generator at the Fort Lawn Fire Station with a grant match of \$11,500, second by Councilman Jordan. Vote 6-0 to approve.

c. Council to authorize EMA to accept a grant for \$70,000 dollars from FEMA to install an emergency generator at the Chester Catawba Regional Airport with a grant match of \$ 17,500 dollars. EMA Director Ed Darby. Councilwoman Guy motioned to authorize EMA to accept the grant for \$70,000 from FEMA to install an emergency generator at the Chester Catawba Regional Airport with a grant match of \$17,500, second by Vice Chairman Branham. Vote 6-0 to approve.

d. 1st Reading of CCMA22-05: Birdseye Renewable Energy request Tax Map # 144-00-00-022-000 on Mt. Vernon Road be rezoned from Rural Three (R3) to Rural Two (R2). Planning Commission voted 4-1 to approve the rezoning as it's been requested with a reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make the solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council. Councilman Vaughn motioned to approve, second by Councilman Killian. Councilman Jordan stated the Planning Commission added the reverter clause for five years to complete and another two years to connect, he asked County Attorney Winters if for whatever reason it ceased to operate as a solar farm could a reverter clause be added it would revert back to R3 zoning.

Attorney Winters stated yes, but they would need a sunset.

Councilman Jordan stated he would vote for the first reading but would ask that they consider adding a different reverter. Vote 6-0 to approve.

e. 1st Reading of CCMA22-06: Birdseye Renewable Energy request Tax Map # 155-00-00-025-000 on George Argus Road be rezoned from Rural Three (R3) to Rural Two (R2). Planning Commission voted 4-1 to approve the rezoning as it's been requested with a reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make the solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council. Councilman Wilson motioned to approve, second by Councilman Vaughn. Vote 6-0 to approve.

f. 1st Reading of CCMA22-07: Birdseye Renewable Energy request Tax Map # 144-00-00-021-000 on Mt. Vernon Road be rezoned from Rural Three (R3) to Rural Two (R2). *Planning Commission voted 4-1 to approve the rezoning as it's been requested with a reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make the solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council. Councilwoman Guy motioned to approve, second by Councilman Killian. Vote 6-0 to approve.*

g. 1st Reading of CCMA22-08: Birdseye Renewable Energy request Tax Map # 155-00-00-039-000 on Thraikill Road be rezoned from Rural Three (R3) to Rural Two (R2). *Planning Commission voted 4-1 to approve the rezoning as it's been requested with a reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make the solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council. Councilman Vaughn motioned to approve, second by Councilman Wilson. Vote 6-0 to approve.*

h. 1st Reading of CCMA22-09: Birdseye Renewable Energy request Tax Map # 144-00-00-019-000 on Thraikill Road be rezoned from Rural Three (R3) to Rural Two (R2). *Planning Commission voted 4-1 to approve the rezoning as it's been requested with a reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make the solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council. Councilwoman Guy motioned to approve, second by Councilman Killian. Vote 6-0 to approve.*

i. 1st Reading of CMA22-10: Birdseye Renewable Energy request Tax Map # 144-00-00-018-000 on Mt. Vernon Road be rezoned from Rural Three (R3) to Rural Two (R2). *Planning Commission voted 4-1 to approve the rezoning as it's been requested with a reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make the solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council. Councilman Wilson motioned to approve, second by Councilman Vaughn. Vote 6-0 to approve.*

7. Executive Session

Councilman Jordan motioned to go to executive session, second by Vice Chairman Branham. Vote 6-0 to approve.

a. To receive legal advice regarding Richburg Millage. Councilman Jordan.

b. To receive legal advice regarding the sewer referendum. Councilman Jordan.

8. Council Actions Following Executive Session

Councilwoman Guy motioned to go back to regular session, second by Councilman Killian. Vote 6-0 to approve.

a. Action taken regarding Richburg Millage. Taken as information only.

b. Action taken regarding the sewer referendum.

Councilman Jordan motioned in title only an ordinance to authorize a referendum to permit Chester County to partner on sewer and treatment services in unserved areas of the County, second by Councilman Killian. Vote 6-0 to approve.

9. Council Comments

Councilman Vaughn thanked Planning Director Mike Levister for stepping in while Clerk to Council Karen Lee was out.

10. Adjourn-Councilwoman Guy motioned to adjourn, second by Vice Chairman Branham. Vote 6-0 to adjourn.

Pursuant to the Freedom of Information Act, the Chester News & Reporter, The Herald in Rock Hill, SC, WSOC-TV, Channel 9 Eyewitness News, the Mfg. Housing Institute of SC, WRHI Radio Station, C&N2 News, WCNC News and Capitol Consultants were notified, and a notice was posted on the bulletin board at the Chester County Government Building 24 hours prior to the meeting.

CHESTER COUNTY ORDINANCE NO. 2022-[13]

CLARIFYING ORDINANCE NO. 2018-11, WHICH PROVIDES FOR THE ALLOCATION OF FEE IN LIEU OF TAX REVENUES FOR SOME PROPERTY LOCATED IN THE COUNTY; AND PROVIDING FOR OTHER RELATED MATTERS.

WHEREAS, the County Council previously enacted Ordinance No. 2018-11 (“2018 Ordinance”), which provided for an allocation of fee in lieu of tax revenues;

WHEREAS, a question has arisen regarding how revenue generated from an extension of a fee arrangement, whether negotiated or contractual, is treated under the 2018 Ordinance;

WHEREAS, the County Council intends to clarify the 2018 Ordinance;

WHEREAS, the County Council intends to amend the manner in which revenue is allocated under the 2018 Ordinance to accommodate increased fire protection needs; and

WHEREAS, each capitalized term used, but not defined, in this Ordinance has the meaning ascribed to that term in the 2018 Ordinance:

NOW, THEREFORE, BE IT ORDAINED by the County Council as follows:

Section 1. Amendment. Section 1 (Allocation of Revenue), paragraph (A) is stricken in its entirety and replaced with the following:

(A) From each payment due as a part of any Project that is subject to a negotiated fee in lieu of tax agreement, located in a multi-county industrial/business park, or both, net of any portion due: (i) a partner county, (ii) any other party to another agreement, as a credit, (iii) as otherwise provided by any agreement or applicable state law, or (iv) any combination of (i), (ii), and (iii) (collectively, “Net FILOT Payment”), the County shall (w) set aside 4.0% of each Net FILOT Payment to be used primarily for the County’s economic development, (x) provide the fire district in which jurisdiction the Project is located with 5.0% of each Net FILOT Payment, (y) provide the Chester County School District with 30%; and (z) retain the remainder of each Net FILOT Payment for use as the County deems appropriate.

Section 2. Clarification. The 2018 Ordinance, as amended by Section 1 of this Ordinance, is further clarified so as to explain that any additional investment (expansion) of an existing Project, or any extension of a fee arrangement (whether negotiated or contractual), or both, is not subject to the distribution provided by the 2018 Ordinance, but rather the County elects to retain, subject only to any portion due: (i) a partner county, (ii) any other party to another agreement, as a credit, (iii) as otherwise provided by any agreement or applicable state law, or (iv) any combination of (i), (ii), and (iii), 100% of any fee revenue generated from a Project expansion, or a fee arrangement extension, or both.

Section 3. Suspension of Net FILOT Payment. In addition to the County’s rights reserved under Section 3 of this Ordinance, the County may, by resolution or ordinance, withhold one or more Net FILOT Payments that would otherwise have been payable according to this Ordinance or the 2018 Ordinance and use the withheld Net FILOT Payment, to finance one or more projects for use by the entity to which each Net FILOT Payment would have otherwise been payable.

Section 4. Reservation to County. This Ordinance is not a contract with any taxing entity. The County reserves the right to amend this Ordinance, or the 2018 Ordinance, or both, at any time, from time to time, as often as the County, in its sole discretion, deems appropriate. A taxing entity, other than the County, is not entitled (a) to rely on this Ordinance or the 2018 Ordinance or (b) pledge any of the revenue anticipated to be received as a result of this Ordinance or the 2018 Ordinance.

ORDINANCE NO. 2022-[13]

Section 5. Authorization for County Officials to Execute Documents. The Council authorizes the County Supervisor, Clerk to County Council and other County Officials to execute and consent to documents and instruments as may be necessary to affect this Ordinance's intent.

Section 6. General Repealer. Except for the Ordinance enacted August 20, 2018, partially entitled "An Ordinance Authorizing the Execution And Delivery of a Fee In Lieu of Tax and Special Source Revenue Credit Agreement by and between Chester County and Shayonano Opt, LLC," (which remains in full force and effect despite this Ordinance's enactment), each ordinance, resolution, order, policy, or similar directive, or any part of the same, in conflict with this Ordinance is, to the extent of that conflict, repealed.

[SIGNATURE PAGE FOLLOWS]
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ORDINANCE NO. 2022-[13]

CHESTER COUNTY, SOUTH CAROLINA

By: _____
Interim Supervisor/Chairman, Chester County Council
Chester County, South Carolina

ATTEST:

Clerk to Council, Chester County Council
Chester County, South Carolina

First Reading: June 27th, 2022
Second Reading: July 5th, 2022
Public Hearing: July 18th, 2022
Third Reading: July 18th, 2022



STATE OF SOUTH CAROLINA)
)
COUNTY OF CHESTER)

Ordinance No. 2022-14

AN ORDINANCE TO AUTHORIZE A REFERENDUM TO PERMIT CHESTER COUNTY TO PARTNER ON SEWER AND TREATMENT SERVICES IN UNSERVED AREAS OF THE COUNTY

WHEREAS, Chester County, South Carolina (the “County”), acting by and through Chester County Council (the “Council”), wishes to have the ability to join another authority to form a joint sewer system should it ascertain that a joint system best serves the interests of the County, its citizens and relevant users; and,

WHEREAS, the Joint Authority Water and Sewer Systems Act, South Carolina Code of Laws, Title 6, would allow the County to form a joint system to plan, finance, develop, construct, improve, enlarge, sell, lease, maintain, and operate a project to service the needs of areas not currently served; and

WHEREAS, the County does by and through this ordinance authorize a referendum for the purpose of submitting to qualified electors the question of the formation of such a joint system; and

WHEREAS, the Chester County Elections Commission (the “Elections Commission”) shall conduct the Referendum and publish notice of the Referendum in accordance with requirements. The Elections Commission is authorized to change any of the locations of precincts or polling places for the Referendum in accordance with State law as deemed necessary or advisable. Appropriate changes are to be made to the Notice of Referendum; and

WHEREAS, The Referendum question to be on the ballot shall read substantially as follows:

“Should Chester County be authorized to form a joint sewer system with another authority to plan, finance, develop, construct, improve, enlarge, sell, lease, maintain, and operate a system to service the needs of areas not currently served?”

Yes

No

WHEREAS, the Election Commission is requested to conduct the Referendum in accordance with State law. Upon approval, the form of ballots to be used in the Referendum and the instructions to voters appearing thereon shall be in substantially the form set forth above with such other changes as may be deemed necessary by the Election Commission upon consultation with the Council Chair; and

WHEREAS, in the event the Referendum results favorably to the authorization of the formation of such a joint system, the County may conduct a study to assess the necessity and feasibility of such a project.

NOW THEREFORE BE IT ORDAINED THAT:

The County does by and through this ordinance authorize a Referendum for the purpose of submitting to qualified electors the question of the formation of a joint sewer system with another authority to plan, finance, develop, construct, improve, enlarge, sell, lease, maintain, and operate a system the needs of areas not currently served.

This ordinance shall take effect upon adoption.

Adoption this ____ day of _____, 2022

1st Reading: July 5, 2022
2nd Reading: July 18, 2022
3rd Reading: _____
Public Hearing: _____

Dr. Wylie Frederick, Interim Supervisor
Chester County Council

Karen Lee
Clerk to Council



Resolution 2022-8

A RESOLUTION TO SUPPORT AMENDMENT TO CATAWBA REGIONAL COUNCIL OF GOVERNMENTS OPERATING AGREEMENT

WHEREAS, Chester County has been a long-standing member of the Catawba Regional Council of Governments (the “COG”); and

WHEREAS,; the area of jurisdiction for the COG includes all incorporated and unincorporated areas within the limits of Chester, Lancaster, Union and York Counties, South Carolina, and

WHEREAS, the purpose of the COG is to develop and maintain a continuing, cooperative planning program for the Catawba Region as defined by the provisions of Public Act 487 of the 1967 General Assembly , as amended; and

WHEREAS, the COG is operated through several governing documents, including without limitation, the Operating Agreement, and the Bylaws of the COG; and

WHEREAS, during a duly called meeting of the Executive Committee and following comprehensive staff review, recommendations have been made for amendments to the COG’s governing documents, and

WHEREAS, as a member of the COG, Chester County Council must approve or deny the amendments recommended by the Executive Committee.

THEREFORE, be it resolved that the following amendments be approved for Articles II and IV of the Operating Agreement of the Catawba Regional Council of Governments:

Current CRCOG Operating Agreement Text:

ARTICLE II – MEMBERSHIP AND REPRESENTATION

Section 2. Representation of Members – Members shall be entitled to representation on The Council according to the following schedule with all population totals based upon the most recently completed U.S. Census of Population:

- a. Counties: One elected county official for each 50,000 population or fraction thereof; one person who either does not hold elective public office or is a local official of a governmental entity not otherwise represented for each 40,000 population or fraction thereof; one minority representative

from each county; and one representative from the county legislative delegation as set forth in Act 393 of the 1998 General Assembly. Unincorporated county areas and incorporated municipalities with 3,000 persons or less shall be represented by these persons.

b. Incorporated Municipalities:

1. A municipality with a population between 3,000 and 20,000 shall be represented on the Council by one person from its governing body.
2. Any municipality with a population exceeding 20,000 shall be represented on the Council by two people from its governing body.

Proposed Operating Agreement Text:

ARTICLE II – MEMBERSHIP AND REPRESENTATION

Section 2. Representation of Members – Members shall be entitled to representation on The Council according to the following schedule with all population totals based upon the 2020 U.S. Census (municipalities) or the 2021 U.S. Census estimate (counties), and thereafter starting in 2030, the most recently completed U.S. Census of Population:

a. Counties: One elected county official for each 100,000 population or fraction thereof; one person who either does not hold elective public office or is a local official of a governmental entity not otherwise represented for each 90,000 population or fraction thereof; one minority representative from each county; and one representative from the county legislative delegation as set forth in Act 393 of the 1998 General Assembly. Unincorporated county areas and incorporated municipalities with 5,000 persons or less shall be represented by these persons.

b. Incorporated Municipalities:

1. A municipality with a population at least 5,000 shall be represented on the Council by one person from its governing body.

Current Operating Agreement Text:

ARTICLE IV – FINANCES

Section 3. Computation of Amounts Due from Member Counties – Based upon findings of the most recently completed U.S. Census of Population, including any special census, annual fiscal support shall be provided with a twenty-three thousand dollar (\$23,000) base together with a per capita contribution amount of fifty and six/tenths cents (50.6¢) for the first 60,000 in population, twenty-eight and three-quarter cents (28.75¢) for the next 50,000 in population, and seventeen and one-quarter cents (17.25¢) for the next 50,000 in population.

Proposed Operating Agreement Text:

ARTICLE IV - FINANCES

Section 3. Computation of Amounts Due from Member Counties – Based upon findings of the most recently completed U.S. Census of Population and the American Community Survey population estimates at the five-year mid-point between each decennial Census, annual fiscal support shall be provided with a thirty-two thousand dollar (\$32,000) base together with a per capita contribution amount of twenty-six (26.0¢) for the first 100,000 in population, nineteen cents (19.0¢) for the next 100,000 in population, twelve cents (12.0¢) for the next 100,000 in population, and five cents (5.0¢) for the next 100,000 in population and beyond.

DONE IN MEETING DULY ASSEMBLED, this 5th day of July, 2022.

COUNTY COUNCIL OF CHESTER COUNTY

Wylie Frederick
Interim County Supervisor

ATTEST:

Karen Lee
Clerk to County Council of Chester County



✓

Chester County, South Carolina
 Department of Planning, Building & Zoning
 1476 J.A. Cochran Bypass
 Chester, SC 29706

Zoning Map Amendment (Rezoning) Application

Fee: Residential \$150.00, Non-Residential \$300.00, Planned Development \$1000.00

Meeting Date: 6-21-2022 Case # CCMA 22-05 Invoice # 5212

The applicant hereby requests that the property described to be rezoned from R-3 to R-2

Please give your reason for this rezoning request:

To allow for a solar facility, permitted as a Special Exception in R-2.

Copy of plat must be presented with the application request

Designation of Agent (complete only if owner is not applicant): I (we) hereby appoint the person named as applicant as my (our) agent to represent me (us) in this request for rezoning. A Corporate Resolution letter or a permission letter must be presented at the time of application request. NAICS CODE: _____

Property Address Information

Property address: Mt. Vernon Road

Tax Map Number: 144-00-00-022-000 Acres: 46

Any structures on the property: yes _____ no X. If you checked yes, draw locations of structures on plat or blank paper.

PLEASE PRINT:

Applicant (s): Birdseye Renewable Energy

Address 1125 E. Morehead St. Suite 202 Charlotte, NC 28204

Telephone: _____ cell _____ work _____

E-Mail Address: _____

Owner(s) if other than applicant(s): Carter Timber and Land, LLC

Address: 1490 Burl Ivy Way Hemphill, TX 75948

Telephone: _____ cell _____ work _____

E-Mail Address: _____

I (we) hereby agree that this information I (we) have presented is correct. Insufficient information may result in a denial of your request.

Owner's signature: Date: 4/13/22

Applicant signature: Date: 4/14/22

CANCELLATION MAY RESULT IN AN ADDITIONAL FEE OF \$150.00. SOMEONE MAY REPRESENT YOU AT THE MEETING.

Chester County Planning Commission Minutes
June 21st, 2022

1. **Call to Order – Chairman Raines called the meeting to order.**
2. **Quorum Established:** Chairman Robert Raines, Commissioners Marvin Grant, Carolyn Williams, Azzie Lee Hill and Joe Howell were present. **Absent:** Vice Chairman Nathan Smith and Nancy Walley. **Staff:** Mike Levister, Jaime Chappell, Karen Lee, and County Attorney Joanie Winters.
3. **Approval of Agenda-** Chairman Raines stated John Ross, applicant for Griffin Land Holdings LLC withdrew his request for consideration. Chairman Raines motioned to approve the agenda as presented except for Case number CCMA22-04 being withdrawn, second by Commissioner Howell. Vote 5-0 to approve.
4. **Approval of Minutes from May 17th, 2022, Meeting**
Commissioner Howell motioned to approve, second by Commissioner Williams. Vote 5-0 to approve.
5. **New Business**
 - a. **Withdrew CCMA22-04:** John H. Ross for Applicant: Griffin Land Holdings, LLC request Tax Map # 106-00-00-121-000 on Hwy 9 and Hwy 909 be rezoned from (Rural Two) R2 to (Planned Development (PD)).
 - b. **CCMA22-05: Birdseye Renewable Energy Request Tax Map # 144-00-00-022-000 on Mt. Vernon Road be rezoned from Rural Three (R3) to Rural Two (R2).** Brooks Camp, project developer with Birdseye Renewable Energy. They are a Charlotte based solar farm developer. He gave a brief intro to Birdseye which was founded in 2009. They have been developing solar projects in the Carolinas and across the southeast. For the last 13 years, developed 45 projects in North and South Carolina, roughly 545 megawatts, and over 3000 acres of operational projects during that time and their success is really driven by attention to details. Careful, citing thoughtful development, and engagement with planning staff and with local communities is what they pride themselves on and this is there first project in Chester County. Really hoping that they can set a precedent for future solar developments in the area, our current request. Their current request is to rezone six parcels from R three to R two, because solar farms in Chester County are allowed as a special exception in rural two district. They respectfully request a recommendation of approval from you to the county council. And if approved the next steps would be to apply for a special exception to the Zoning Board of approvals. And along the way based on feedback from this body and from the council. We will be revising the site plan in order to best meet the needs of the community.

The project will be built on portions of seven parcels all those parcels are just north of Fort Lawn, South Carolina. And the actual project area that would be solar panels and, in a fence, line would be roughly 450 acres, so it will be broken up into a couple of different sections across those parcels. When completed, the total project would be 70 megawatts of power. And it will interconnect to the Duke 100 kV line that runs just there from Highway 21, I believe it is across Corbett Road north. And we expect construction to begin in early 2025. So that

that schedule depends somewhat on Duke Energy and how we move through their interconnection process. But at this point, that's what we're expecting. So, this project was cited, and the site plan was designed to mitigate as many impacts as possible to the surrounding community. We did have a community meeting on June 2, and we had some folks come out from the surrounding areas, had some really good discussions, people voiced some concerns, and we did revise the site plan that we originally submitted to you guys as a result of those conversations.

So, I'll go over the changes that were made in a few minutes. But in general, solar projects are quiet, safe, low to the ground, low traffic and passive uses when properly designed and properly constructed. And they really represent an opportunity for landowners to realize some revenue on land that would otherwise take a good bit of effort to cultivate and manage and it offers the county an opportunity to collect some additional tax revenue. So, we will be engaging with the county council to request a tax abatement, but we expect still our tax payments at the very lowest level to represent roughly 150 times the current tax payment under ag deferment.

All the parcels are owned by the Carter family under a couple of different entities, LLC, and a family trust. And so solar farms are permitted as a special exception in rural two district and there are very few differences between R two and R three. The R two designation will maintain the low-density development requirements that exist in R three. And any additional uses that would be allowed in the R two district also require a conditional use permit of some kind, so it doesn't really change the available uses significantly.

This is a compatible use to the Chester County 2020 2030 Comprehensive Plan and the future land use plan. Most of the surrounding area is rural two and with a few exceptions that are zoned ag represents a minor change to the zoning map and does maintain that low density rural character of the area. But just want to go over kind of what we think out that the design and development of a solar facility. There are three basic types of impact to surrounding properties from any kind of development. And that would be visual impact, noise impact, and smell. Solar farms do not emit any kind of fumes or noxious gases. There's no smell impact of any kind. Once construction is complete, the solar farm is low traffic, low noise, very low impact and what we've done to mitigate any visual or sound impact that may occur is first for the visual impact. We are including visual buffers vegetative buffers around all roadways and adjacent residential parcels and our minimum buffer will be 50 feet wide. And I'll go over the buffer types. We use wildlife permeable fencing, which is a little bit lower profile than your average chain link fence and kind of fits in blends into the background a little bit better. It also allows small wildlife to move in and out of the facility rather than rallying them through adjacent parcels. For the sound impact, there's not much sound emitted from a solar farm but there are pieces of electrical equipment that can emit noise. So, you know from learning from experience, what we've decided to do is first include the vegetative buffers once mature, those will present a strong physical impediment to any noise escaping from the facility, but we also locate our inverters which are the noise producing piece of equipment internal to the array, so we've committed to keeping at least 150 feet of solar modules between our inverters and the outside of that project.

So here you have a couple of different exhibits that show the two types of buffers that we plan to use on the Rutabaga project. So again, we're using a 50-foot minimum width, vegetative buffer and we I guess we submitted to you originally committing to 30-foot buffers,

and after discussing with the community and talking through their concerns, you know, the visual impact was on the top of the list as well. As wildlife corridors. So, in order to increase the concealment of the project, as well as to give wildlife a little more avenue to move through that area. We've increased our buffer width to 50 feet, and that's a minimum it does get larger than that in certain areas. And we will utilize this is a timber farm now. And our plan is to utilize existing vegetation anywhere that we can. So, where there is standing timber, we would come to an agreement with the Carter family and have them harvest inside of that 50-foot boundary but leave 50 feet of standing timber around the edges where we're showing buffers on our site plan. And that allows us to keep the general appeal of that forested roadway. And what we found is you leave a strip of standing mature trees on either side of that strip, you're going to have low growth regroups that sprouts up and kind of fills in the gaps between those trees because I'm sure you're all familiar with a well-managed timber farm. You can see a decent way back into the forest. If you allow sun underneath that canopy, you're going to get a lot of regrowth sprouting up and within a season or two, it's going to be very thick. So that has proven to be an effective visual buffer in our experience.

Our other strategy is something that we've worked with North Carolina Wildlife Federation Fish and Wildlife Service to develop a method called Managed regrowth and with that, we go into an area there are certain parcels on this project area that have already been timbered by the Carter family. So, there's no mature standing trees. And in those areas, we would supplement the natural regrowth of that area with some saplings, native species normally, you know, medium height, mature species but we plant them as smaller seedlings and that just supplements the natural regrowth of that native seed bank and allows that area to grow in and look more natural than say a prescribed Leyland Cypress buffer that from what we've seen in solar farms around the Carolinas if they plant six-foot material, it's already mature. And we do so for miles along a roadway. It just doesn't get done well it doesn't get irrigated well and a good bit of it dies. So, our answer to that problem is to work with nature. And then to allow the native plants to populate that buffer area and to give him a little kickstart with some sapling plants.

Chairman Raines asked how much of the acreage was currently being forested and how many years of service did they expect from the solar farm?

Mr. Camp stated the entire seven parcels that totaled 800 acres under timber management, some was harvested a few years ago. We're looking at these as 40-year lifetime facilities. But one of the most valuable pieces of this project will be the interconnection to that transmission grid. So, if the solar project comes to the end of its life and those solar modules and inverters are no longer producing well enough, then most likely the facility would be retrofitted either another solar facility or some other kind of electrical generation would be placed there in order to take advantage of that interconnection point. The lifespan of the initial equipment was warrantied for twenty-five years, along with the inverters for fifteen to twenty years. The facility itself was seen as a forty-year investment.

Commissioner Grant asked if the buffers would be placed along the roads.

Mr. Camp stated yes, they would be fifty-foot buffers.

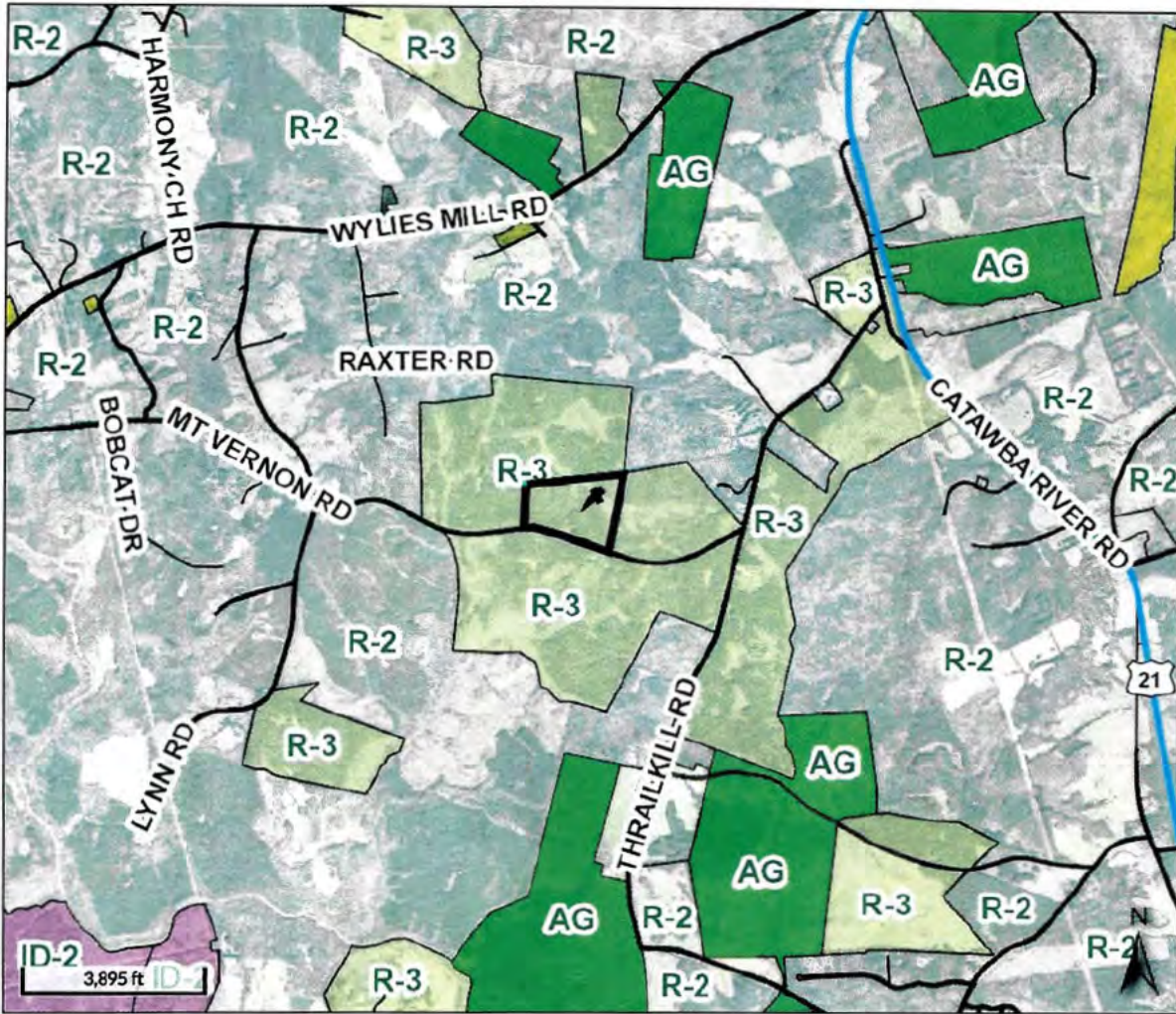
Commissioner Howell asked how many vehicles would be used to build the sites and if they had contacted SCDOT.

Attorney Winters stated that was not a reverter clause, the commission is recommending the zoning you could put the reverter on if it ever stops being a solar farm then it would go back to R3 otherwise it would stay a solar farm forever.

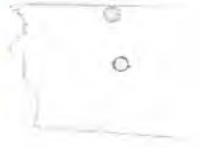
Chairman Raines stated they could use the reverter clause if the project isn't developed to fruition in four years it would revert to the original zoning.

Mr. Camp asked if they could request five years since the project could hit delays with Duke Energy.

Chairman Raines withdrew his second, Commissioner Grant withdrew his motion. Chairman Raines motioned to approve the rezoning as it's been requested with the reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make solar farm basically operational if not it would revert to R 3 zoning the time would start with final approval from County Council second by Commissioner Howell. Vote 4-1 to approve. Commissioner Hill opposed.



Overview

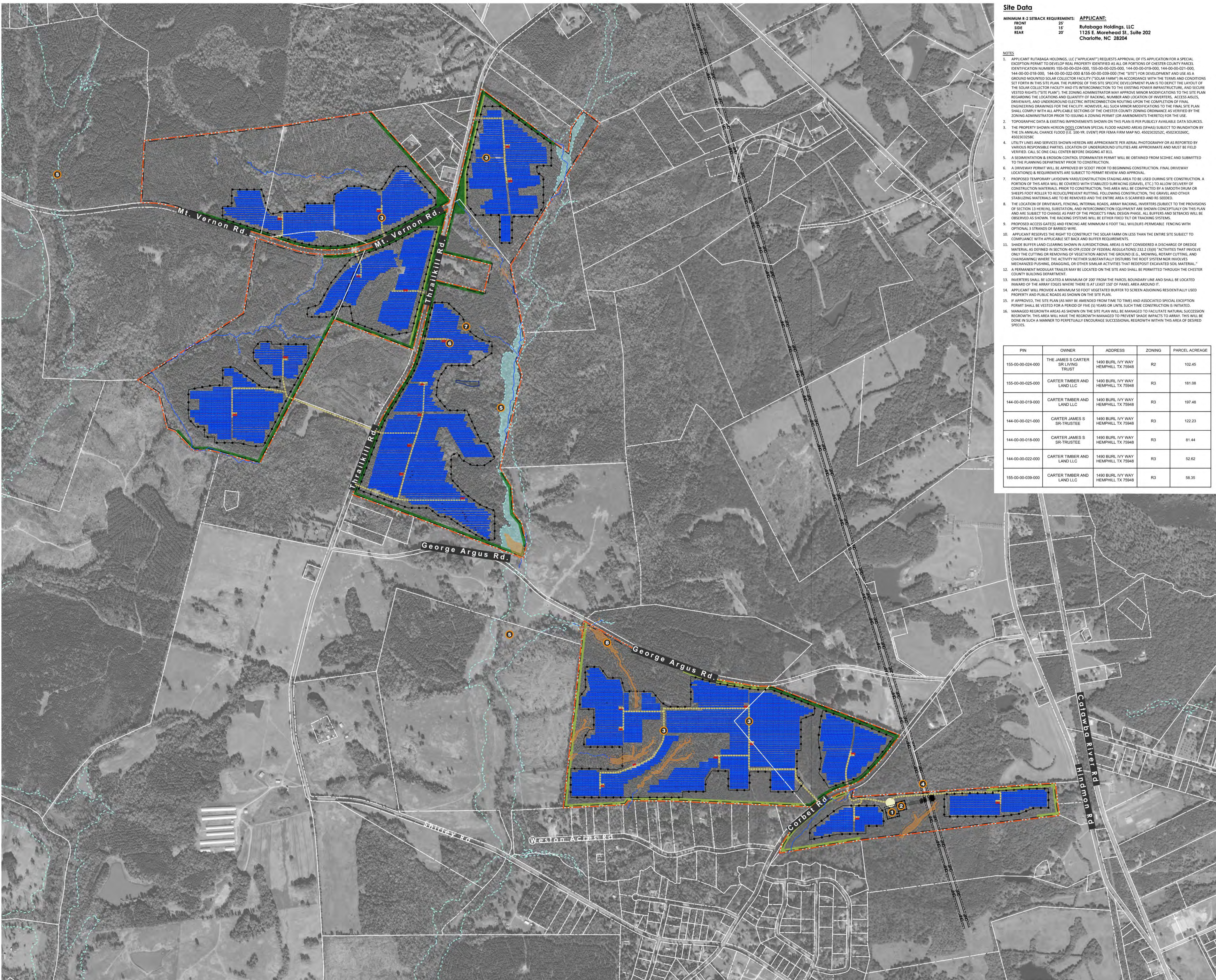


Parcel ID	144-00-00-022-000	Alternate ID	n/a	Owner Address	CARTER TIMBER AND LAND LLC
Sec/Twp/Rng	n/a	Class	AC		1490 BURL IVY WAY
Property Address		Acreeage	52.617		HEMPHILL TX 75948
District	05				
Brief Tax Description	n/a				

(Note: Not to be used on legal documents)

Date created: 6/21/2022
 Last Data Uploaded: 6/21/2022 4:01:19 AM

Developed by  Schneider
 GEOSPATIAL



Site Data

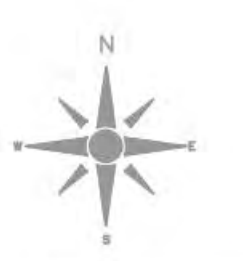
MINIMUM 8-2 SETBACK REQUIREMENTS:	APPLICANT:
FRONT 25'	Rutabaga Holdings, LLC
SIDE 15'	1125 E. Morehead St., Suite 202
REAR 20'	Charlotte, NC 28204

- NOTES**
1. APPLICANT RUTABAGA HOLDINGS, LLC ("APPLICANT") REQUESTS APPROVAL OF ITS APPLICATION FOR A SPECIAL EXCEPTION PERMIT TO DEVELOP REAL PROPERTY IDENTIFIED AS ALL OR PORTIONS OF CHESTER COUNTY PARCEL IDENTIFICATION NUMBERS 155-00-00-024-000, 155-00-00-025-000, 144-00-00-019-000, 144-00-00-021-000, 144-00-00-018-000, 144-00-00-022-000 & 155-00-00-039-000 (THE "SITE") FOR DEVELOPMENT AND USE AS A GROUND MOUNTED SOLAR COLLECTOR FACILITY ("SOLAR FARM") IN ACCORDANCE WITH THE TERMS AND CONDITIONS SET FORTH IN THIS SITE PLAN. THE PURPOSE OF THIS SITE SPECIFIC DEVELOPMENT PLAN IS TO DEFINE THE LAYOUT OF THE SOLAR COLLECTOR FACILITY AND ITS INTERCONNECTION TO THE EXISTING POWER INFRASTRUCTURE, AND SECURE VESTED RIGHTS (SITE PLAN). THE ZONING ADMINISTRATOR MAY APPROVE MINOR MODIFICATIONS TO THE SITE PLAN REGARDING THE LOCATIONS AND QUANTITY OF RACKING, NUMBER AND LOCATION OF INVERTERS, ACCESS ARIES, DRIVEWAYS, AND UNDERGROUND ELECTRIC INTERCONNECTION ROUTING UPON THE COMPLETION OF FINAL ENGINEERING DRAWINGS FOR THE FACILITY. HOWEVER, ALL SUCH MINOR MODIFICATIONS TO THE FINAL SITE PLAN SHALL COMPLY WITH ALL APPLICABLE SECTIONS OF THE CHESTER COUNTY ZONING ORDINANCE AS VERIFIED BY THE ZONING ADMINISTRATOR PRIOR TO ISSUING A ZONING PERMIT OR AMENDMENTS THEREOF FOR THE USE.
 2. TOPOGRAPHIC DATA & EXISTING IMPROVEMENTS SHOWN ON THIS PLAN IS PER PUBLICLY AVAILABLE DATA SOURCES.
 3. THE PROPERTY SHOWN HEREON DOES CONTAIN SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD (I.E. 100-YR. EVENT) PER FEMA FIRM MAP NO. 45023C0252C, 45023C0260C, 45023C0268C.
 4. UTILITY LINES AND SERVICES SHOWN HEREON ARE APPROXIMATE PER AERIAL PHOTOGRAPHY OR AS REPORTED BY VARIOUS RESPONSIBLE PARTIES. LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE AND MUST BE FIELD VERIFIED. CALL SC ONE CALL CENTER BEFORE DIGGING AT 811.
 5. A SEDIMENTATION & EROSION CONTROL STORMWATER PERMIT WILL BE OBTAINED FROM SCDEH AND SUBMITTED TO THE PLANNING DEPARTMENT PRIOR TO CONSTRUCTION.
 6. A DRIVEWAY PERMIT WILL BE APPROVED BY SCOT PRIOR TO BEGINNING CONSTRUCTION. FINAL DRIVEWAY LOCATION(S) & REQUIREMENTS ARE SUBJECT TO PERMIT REVIEW AND APPROVAL.
 7. PROPOSED TEMPORARY LANDING AND CONSTRUCTION STAGING AREA TO BE USED DURING SITE CONSTRUCTION. A PORTION OF THIS AREA WILL BE COVERED WITH STABILIZED SURFACING (GRAVEL, ETC.) TO ALLOW DELIVERY OF CONSTRUCTION MATERIALS. PRIOR TO CONSTRUCTION, THIS AREA WILL BE COMPACTED BY A SMOOTH DRUM OR SHEEP'S FOOT ROLLER TO REDUCE/ PREVENT RUTTING. FOLLOWING CONSTRUCTION, THE GRAVEL AND OTHER STABILIZING MATERIALS ARE TO BE REMOVED AND THE ENTIRE AREA IS SCARIFIED AND RE-SEEDDED.
 8. THE LOCATION OF DRIVEWAYS, FENCING, INTERNAL ROADS, ARRAY RACKING, INVERTERS (SUBJECT TO THE PROVISIONS OF SECTION 13 HEREIN), SUBSTATION, AND INTERCONNECTION LOCATION AND INTERCONNECTION CONCEPTUALS ON THIS PLAN AND ARE SUBJECT TO CHANGE AS PART OF THE PROJECT'S FINAL DESIGN PHASE. ALL BUFFERS AND SETBACKS WILL BE OBSERVED AS SHOWN. THE RACKING SYSTEMS WILL BE EITHER FIXED TILT OR TRACKING SYSTEMS.
 9. PROPOSED ACCESS GATES AND FENCING ARE MINIMUM 6-FOOT TALL WOODPILE-PERMEABLE FENCING WITH OPTIONAL 3 STRANDS OF BARBED WIRE.
 10. APPLICANT RESERVES THE RIGHT TO CONSTRUCT THE SOLAR FARM ON LESS THAN THE ENTIRE SITE SUBJECT TO COMPLIANCE WITH APPLICABLE SET BACK AND BUFFER REQUIREMENTS.
 11. SHADE BUFFER LAND CLEARING SHOWN IN JURISDICTIONAL AREAS IS NOT CONSIDERED A DISCHARGE OF DREDGE MATERIAL AS DEFINED IN SECTION 40 OF THE CODE OF FEDERAL REGULATIONS 232.2 (DIB) "ACTIVITIES THAT INVOLVE ONLY THE CUTTING OR REMOVING OF VEGETATION ABOVE THE GROUND (I.E., MOWING, ROTARY CUTTING, AND CHAINSAWING) WHERE THE ACTIVITY NEITHER SUBSTANTIALLY DISTURBS THE ROOT SYSTEM NOR INVOLVES MECHANIZED PUSHING, DRAGGING, OR OTHER SIMILAR ACTIVITIES THAT REDDIST EXCAVATED SOIL MATERIAL."
 12. A PERMANENT MODULAR TRAILER MAY BE LOCATED ON THE SITE AND SHALL BE PERMITTED THROUGH THE CHESTER COUNTY BUILDING DEPARTMENT.
 13. INVERTERS SHALL BE LOCATED A MINIMUM OF 200' FROM THE PARCEL BOUNDARY LINE AND SHALL BE LOCATED INWARD OF THE ARRAY EDGES WHERE THERE IS AT LEAST 150' OF PANEL AREA AROUND IT.
 14. APPLICANT WILL PROVIDE A MINIMUM 50 FOOT VEGETATED BUFFER TO SCREEN ADJOINING RESIDENTIALLY USED PROPERTY AND PUBLIC ROADS AS SHOWN ON THE SITE PLAN.
 15. IF APPROVED, THE SITE PLAN (AS MAY BE AMENDED FROM TIME TO TIME) AND ASSOCIATED SPECIAL EXCEPTION PERMIT SHALL BE VESTED FOR A PERIOD OF FIVE (5) YEARS OR UNTIL SUCH TIME CONSTRUCTION IS INITIATED.
 16. MANAGED REGROWTH AREAS AS SHOWN ON THE SITE PLAN WILL BE MANAGED TO FACILITATE NATURAL SUCCESSION REGROWTH. THIS AREA WILL HAVE THE REGROWTH MANAGED TO PREVENT SHADE IMPACTS TO ARRAY. THIS WILL BE DONE IN SUCH A MANNER TO PERPETUALLY ENCOURAGE SUCCESSIONAL REGROWTH WITHIN THIS AREA OF DESIRED SPECIES.

PIN	OWNER	ADDRESS	ZONING	PARCEL ACREAGE
155-00-00-024-000	THE JAMES S. CARTER SR. LIVING TRUST	1490 BURL IVY WAY HEMPHILL TX 75948	R2	102.45
155-00-00-025-000	CARTER TIMBER AND LAND LLC	1490 BURL IVY WAY HEMPHILL TX 75948	R3	181.08
144-00-00-019-000	CARTER TIMBER AND LAND LLC	1490 BURL IVY WAY HEMPHILL TX 75948	R3	197.48
144-00-00-021-000	CARTER JAMES S SR-TRUSTEE	1490 BURL IVY WAY HEMPHILL TX 75948	R3	122.23
144-00-00-018-000	CARTER JAMES S SR-TRUSTEE	1490 BURL IVY WAY HEMPHILL TX 75948	R3	81.44
144-00-00-022-000	CARTER TIMBER AND LAND LLC	1490 BURL IVY WAY HEMPHILL TX 75948	R3	52.62
155-00-00-039-000	CARTER TIMBER AND LAND LLC	1490 BURL IVY WAY HEMPHILL TX 75948	R3	58.35



- 1 PROJECT SUBSTATION
- 2 UTILITY SUBSTATION
- 3 14' WIDE X 6' THICK GRAVEL ACCESS DRIVE
- 4 EXISTING TRANSMISSION LINE
- 5 FLOOD HAZARD AREA
- 6 INVERTER STATION
- 7 PERIMETER FENCE
- 8 WETLAND AREA



Rutabaga Holdings, LLC
Chester County, SC



Title
Conceptual Site Plan

Date
07.5.22

Scale
SCALE: 1"= 500'
0 250' 500' 1000'

Sheet Number
SP-1



- 1 PROJECT SUBSTATION
- 2 UTILITY SUBSTATION
- 3 14' WIDE X 6" THICK GRAVEL ACCESS DRIVE
- 4 EXISTING TRANSMISSION LINE
- 5 FLOOD HAZARD AREA
- 6 INVERTER STATION
- 7 PERIMETER FENCE
- 8 50' BUFFER OF EXISTING VEGETATION
- 9 50' BUFFER OF MANAGED REGROWTH
- 10 PROPOSED DRIVEWAY
- 11 WETLAND AREA



Rutabaga Holdings, LLC

Chester County, SC

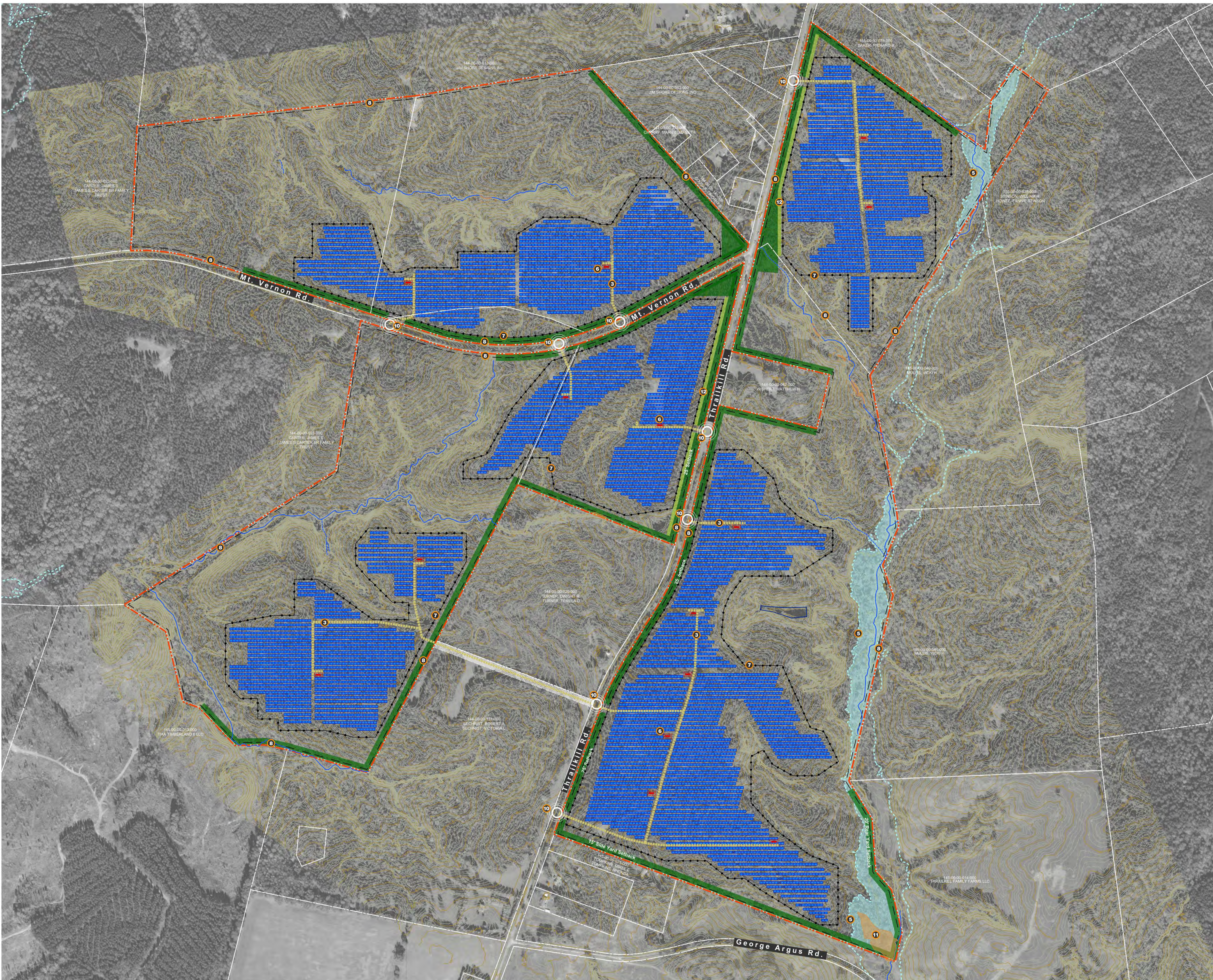


Title
Conceptual Site Plan

Date
07.5.22

Scale
SCALE: 1"= 250'
 0 125' 250' 500'

Sheet Number
SP-2



- 1 PROJECT SUBSTATION
- 2 UTILITY SUBSTATION
- 3 14' WIDE X 6" THICK GRAVEL ACCESS DRIVE
- 4 EXISTING TRANSMISSION LINE
- 5 FLOOD HAZARD AREA
- 6 INVERTER STATION
- 7 PERIMETER FENCE
- 8 50' BUFFER OF EXISTING VEGETATION
- 9 50' BUFFER OF MANAGED REGROWTH
- 10 PROPOSED DRIVEWAY
- 11 WETLAND AREA
- 12 25' BUFFER OF MANAGED REGROWTH



Rutabaga Holdings, LLC
Chester County, SC



Title
Conceptual Site Plan

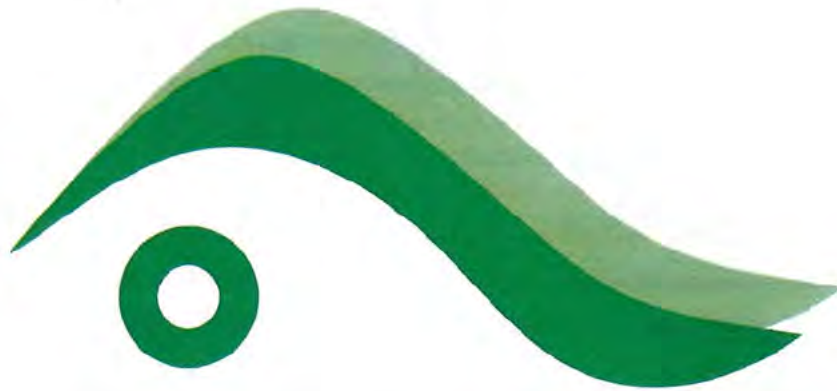
Date
07.5.22

Scale
SCALE: 1"= 250'
0 125' 250' 500'

Sheet Number

SP-3

Rutabaga Holdings, LLC
Rezoning Package
Submitted May 20, 2022



BIRDSEYE

RENEWABLE ENERGYSM

A DOMINION ENERGY COMPANY

Jenna E. Lee
Jenna.Lee@troutman.com

May 20, 2022

VIA HAND DELIVERY

Mr. Mike Levister, Planning Director
Chester County Building & Zoning
1476 J.A. Cochran Bypass
Chester, South Carolina 29706

Re: Rutabaga Holdings, LLC Rezoning Application

Dear Mr. Levister:

I am pleased to submit on behalf of Rutabaga Holdings, LLC, an affiliate of Birdseye Renewable Energy ("Birdseye"), the attached Rezoning application seeking to rezone property located in Chester, South Carolina from the Rural Three District (R-3) to the Rural Two District (R-2) to allow for the installation of a solar farm. The properties proposed to be rezoned include the seven following existing parcels: 144-00-00-018-000; 144-00-00-019-00; 144-00-00-021-000; 144-00-00-022-000; 155-00-00-25-000; and 155-00-00-039-000 (the "Property").

Pursuant to the requirements of the Zoning Ordinance of Chester County (the "Ordinance"), this letter of intent and the attached exhibits provide the documentation required by Chester County in consideration of this request.

1. Completed Rezoning Application;
2. Owner Permission Letters;
3. Plats of the Property;
4. Concept Plan prepared by Birdseye Renewable Energy;
5. Memorandum of Lease and Amendments;
6. Facility Decommissioning Plan prepared by Chris Sandifer, P.E. (including C.V.);
7. Health and Safety Affidavit prepared by Chris Sandifer, P.E.;
8. Land Use Consistency Memorandum prepared by Kara W. Drane, AICP; and
9. Wildlife Permeable Fencing exhibit.
10. South Carolina Solar Habitat Scorecard

We believe the attached documentation represents a complete Rezoning application pursuant to Sections 8-100 and 8-102 of the Ordinance. Birdseye intends to supplement this application with an ALTA survey when that survey is completed. Birdseye has also contacted the Chester County Fire Marshall and provided a project site plan for review. Feedback from that office will be considered in the Project's final design.

Additionally, Birdseye intends to seek approval of a Special Exception to allow for the proposed solar farm use upon the approval of the requested Rezoning. Birdseye will provide all necessary documentation in support of the Special Exception application upon submittal. Birdseye also plans to update this application with the following materials before the June 21st Planning Commission meeting:

1. Draft Emergency Action Plan; and
2. Property Value Impact Report prepared by Richard Kirkland, MIA.

Birdseye is hosting a community meeting on Thursday, June 2, 2022 at 6:00 p.m. The meeting will be held at the Fort Lawn Community Center.

Site Design

Birdseye's proposed solar installation (the "Project") is designed to comply with the minimum site development standards outlined in the Ordinance. The Project will include a solar installation including approximately 600-700 acres of property as shown on the attached Concept Plan. All structures to be located on the Property will be less than 25 feet in height and all setbacks and buffer widths will meet or exceed the Ordinance requirements. The Project will be surrounded by security fence of at least six feet in height and adequate access will be provided for emergency service vehicles.

The attached Concept Plan provides the maximum proposed Project footprint, although the final footprint may be reduced as the final Project design is refined. Once complete, the Project will connect to and serve Duke Energy's existing power transmission grid. Power distribution lines within the facility will be located underground except for at the Point of Interconnection of the facility to the power grid.

Project Operations and Safety

Rutabaga Holdings, LLC will lease the Property from Carter Timber and Land, LLC and James S. Carter Sr. Family Trust. Currently, Birdseye's parent company, Dominion Energy, Inc., plans to own and operate the facility once constructed. Solar installations are a passive, safe, and low intensity land use compatible with nearby farm and low-density residential uses. As provided in the attached Health and Safety Affidavit prepared by Birdseye's engineering consultant, the Project materials are non-combustible, create no site emissions, odor, or dust. The proposed solar panels do not contain any radioactive material, hazardous chemicals, or other material that could potentially cause harm to the surrounding community.

As further provided in the Health and Safety Affidavit, solar farms are safe, non-hazardous, unobtrusive, environmentally friendly, and advance the public necessity of adopting renewable sourcing of electricity. The Project is an unmanned facility and, accordingly, no permanent on-site parking or loading areas are proposed. Sound during full output operations of the Project

will be indistinguishable from ambient background noise at the Property boundary. Additionally, because solar installations are unpaved, solar farms have beneficial stormwater and ground water recharging effects.

Perimeter Fence and Wildlife Protection

The Project will be surrounded by wildlife permeable fencing, which meets National Electric Code standards and allows small wildlife (fox, raccoon, etc.) to move through larger mesh holes in the bottom of the fence. Examples of the proposed fence material are attached hereto. Additionally, Birdseye intends to incorporate elements of the South Carolina Solar Habitat Scorecard (attached) into the site design, as applicable. As part of this effort, Birdseye pioneered the use of Managed Regrowth vegetative buffer systems, which install and/or encourage native, wildlife friendly species within project buffers and setback areas. These buffers provide effective, low maintenance visual screening for the project, and have a much higher survival rate than prescribed planted buffers commonly required for commercial or industrial construction projects, while also providing valuable wildlife habitat.

Decommissioning Plan

A decommissioning plan is attached to this application.

Land Use Consistency and Reasonableness

As provided in the attached analysis prepared by Colliers Engineering & Design, the proposed solar farm is a low intensity use compatible with surrounding farming and agricultural uses. The Project will have no identifiable impacts on farming, agriculture, rural family dwellings, or the environment.

Consistency with Comprehensive Plan

The Project is consistent with the "Chester County Comprehensive Plan 2005-2025." The Property is classified as "Rural" on the County's Future Land Use Plan and is currently surrounded by predominantly agricultural, timber, and residential uses. The proposed solar installation is compatible with low density residential and agricultural uses, consistent with the existing uses and proposed future uses in this portion of the County. The Project will allow for development of valuable renewable energy infrastructure within the County, while also allowing this portion of the County to maintain its predominantly rural character consistent with the stated goals and priorities of the Comprehensive Plan.

Birdseye respectfully requests approval of the Rezoning application to allow for the proposed solar farm. Please do not hesitate to contact me should you have any questions or need any additional information.

Sincerely,

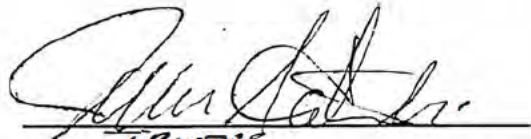
A handwritten signature in black ink, consisting of a vertical stroke on the left that curves into a horizontal line extending to the right.

Jenna E. Lee

Rezoning Application
Birdseye Renewable Energy, LLC Petitioner
Permissions Letter

The undersigned, as the owner of that parcel of land subject to the attached Rezoning Application filed by Birdseye Renewable Energy, LLC that is designated as Tax Parcel Numbers 144-00-00-021-000, 144-00-00-018-000 and 144-00-00-023-000 on the Chester County Tax Maps (the "Site"), hereby joins in this Rezoning Application (as may be amended from time to time), naming Birdseye Renewable Energy, LLC as its agent for the purposes of said Rezoning Application, and hereby consents to the development of the Site for Solar Farm use and the construction of related improvements on the Site for same.

This 13 day of April 2022.

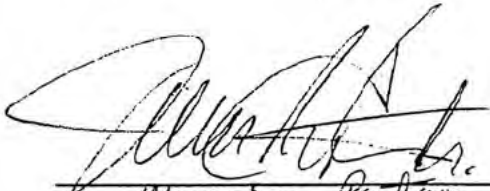


TRUSTEE
James S. Carter Sr. Family Trust

Rezoning Application
Birdseye Renewable Energy, LLC Petitioner
Permissions Letter

The undersigned, as the owner of that parcel of land subject to the attached Rezoning Application filed by Birdseye Renewable Energy, LLC that is designated as Tax Parcel Numbers 144-00-00-022-000, 144-00-00-019-000, 155-00-00-025-000 and 155-00-00-039-000 on the Chester County Tax Maps (the "Site"), hereby joins in this Rezoning Application (as may be amended from time to time), naming Birdseye Renewable Energy, LLC as its agent for the purposes of said Rezoning Application, and hereby consents to the development of the Site for Solar Farm use and the construction of related improvements on the Site for same.

This 13 day of April 2022.


Manning Paulson
Carter Timber and Land LLC



Chester County, South Carolina
Department of Planning, Building & Zoning
1476 J.A. Cochran Bypass
Chester, SC 29706

Zoning Map Amendment (Rezoning) Application

Fee: Residential \$150.00, Non-Residential \$300.00, Planned Development \$1000.00

Meeting Date: 6-21-2022 Case # CCMA22-06 Invoice # 5212

The applicant hereby requests that the property described to be rezoned from R-3 to R-2

Please give your reason for this rezoning request:

To allow for a solar facility, permitted as a special Exception R-2.

Copy of plat must be presented with the application request

Designation of Agent (complete only if owner is not applicant): I (we) hereby appoint the person named as applicant as my (our) agent to represent me (us) in this request for rezoning. A Corporate Resolution letter or a permission letter must be presented at the time of application request. NAICS CODE: _____

Property Address Information

Property address: George Angus Road
Tax Map Number: 155-00-00-025-000 Acres: 189

Any structures on the property: yes _____ no X. If you checked yes, draw locations of structures on plat or blank paper.

PLEASE PRINT:

Applicant(s): Birdseye Renewable Energy
Address 1125 E. Morehead Street Suite 202 Charlotte, NC 28204
Telephone: _____ cell _____ work _____
E-Mail Address: _____

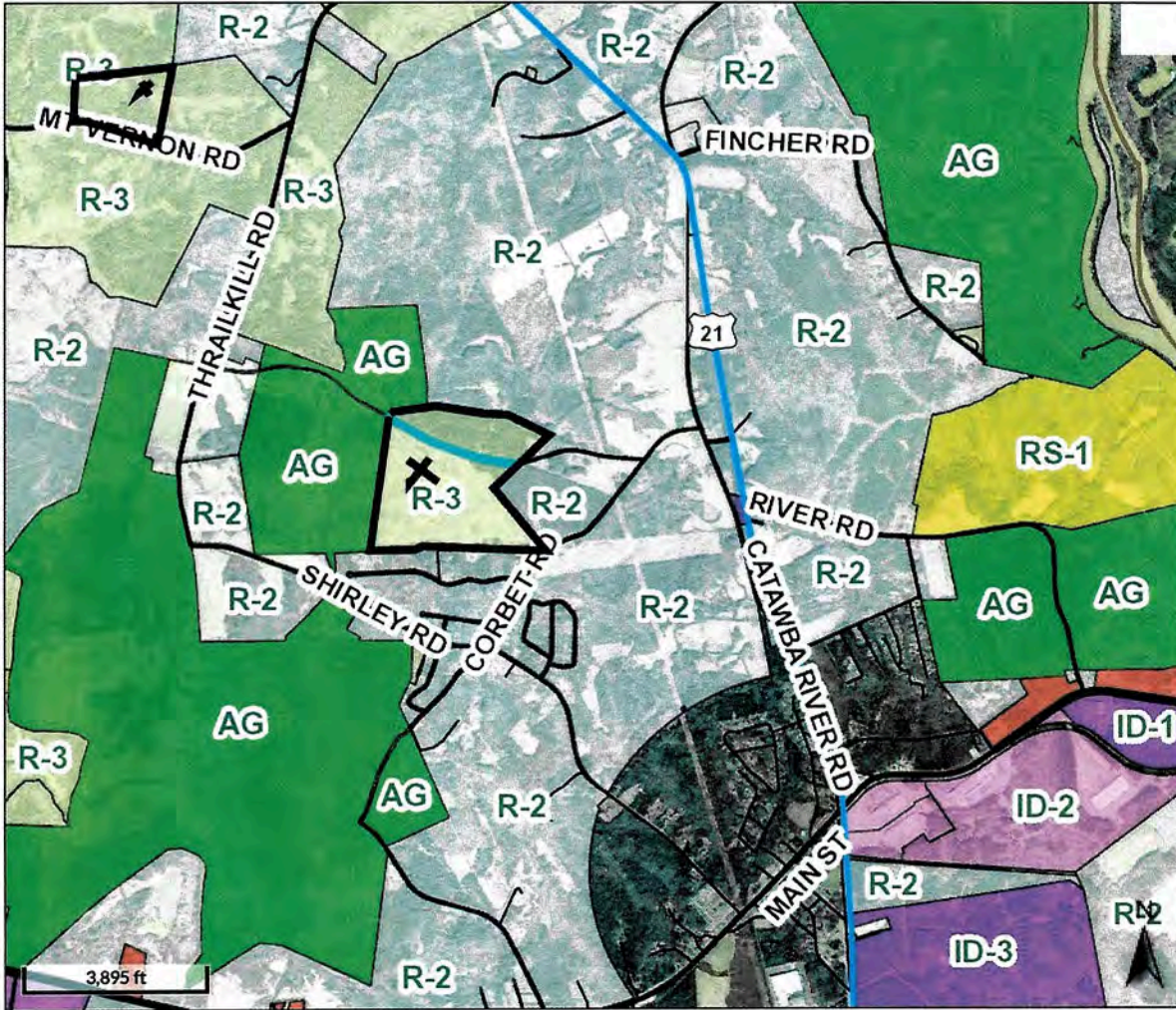
Owner(s) if other than applicant(s): Carter Timber and Land, LLC
Address: 1490 Burl Ivy Way Hemphill, TX 75948
Telephone: _____ cell _____ work _____
E-Mail Address: _____

I (we) hereby agree that this information I (we) have presented is correct. Insufficient information may result in a denial of your request.

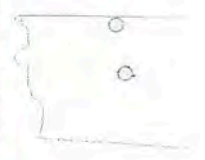
Owner's signature: [Signature] Date: 4/13/22
Applicant signature: [Signature] Date: 4/14/22

CANCELLATION MAY RESULT IN AN ADDITIONAL FEE OF \$150.00. SOMEONE MAY REPRESENT YOU AT THE MEETING.

CCMA22-06: Birdseye Renewable Energy Request Tax Map # 155-00-00-025-000 on George Angus Road be rezoned from Rural Three (R3) to Rural Two (R2). Chairman Raines withdrew his second, Commissioner Grant withdrew his motion. Chairman Raines motioned to approve the rezoning as it's been requested with the reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council second by Commissioner Howell. Vote 4-1 to approve. Commissioner Hill opposed.



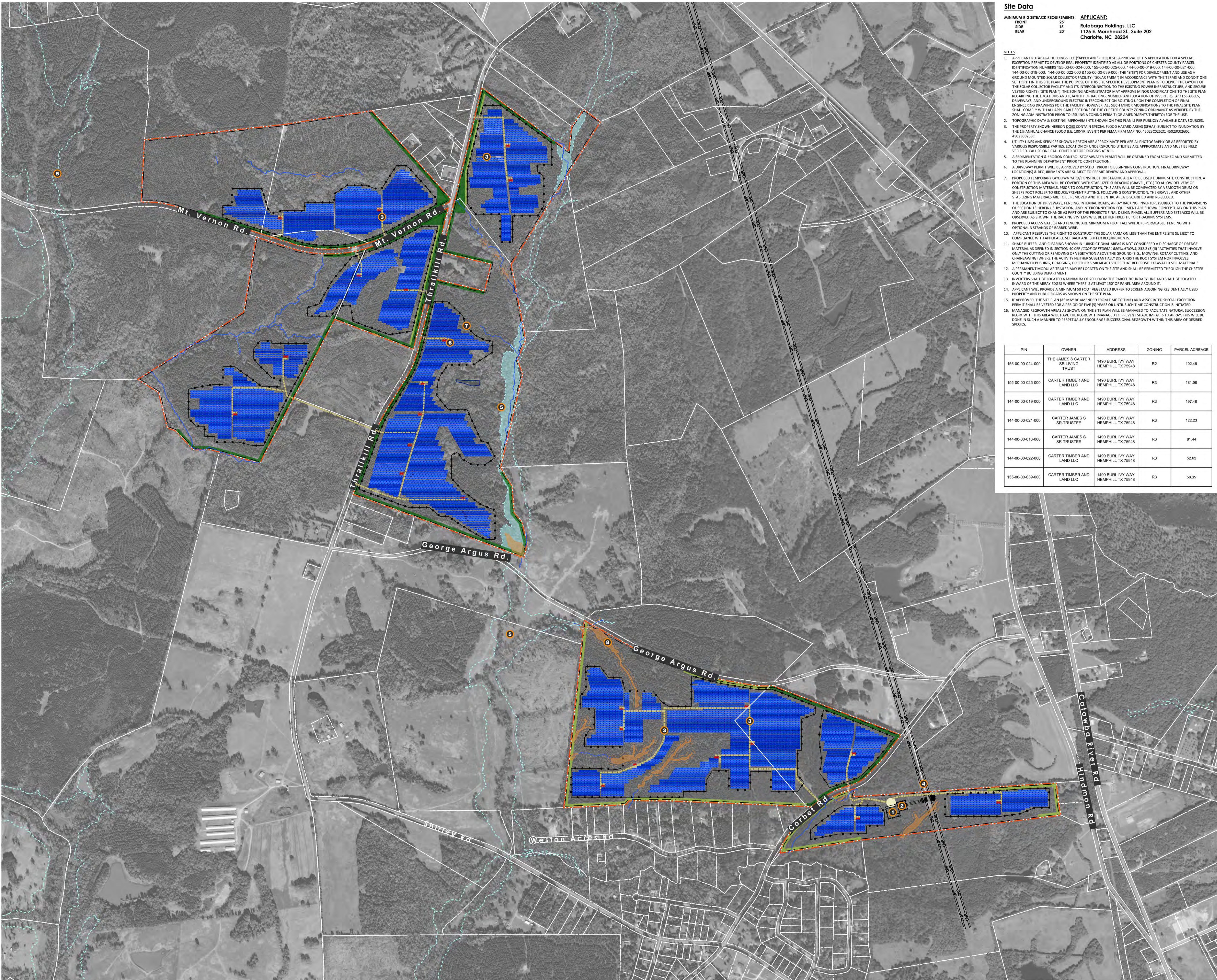
Overview



Parcel ID	155-00-00-025-000	Alternate ID	n/a	Owner Address	CARTER TIMBER AND LAND LLC
Sec/Twp/Rng	n/a	Class	AC		1490 BURL IVY WAY
Property Address		Acreage	181.088		HEMPHILL TX 75948
District	05				
Brief Tax Description	n/a				
	(Note: Not to be used on legal documents)				

Date created: 6/21/2022
 Last Data Uploaded: 6/21/2022 4:01:19 AM

Developed by  Schneider
 GEOSPATIAL



Site Data

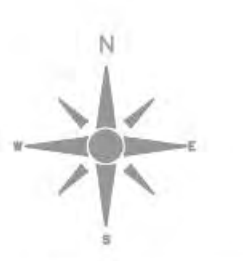
MINIMUM 8-2 SETBACK REQUIREMENTS:	APPLICANT:
FRONT 25'	Rutabaga Holdings, LLC
SIDE 15'	1125 E. Morehead St., Suite 202
REAR 20'	Charlotte, NC 28204

- NOTES**
1. APPLICANT RUTABAGA HOLDINGS, LLC ("APPLICANT") REQUESTS APPROVAL OF ITS APPLICATION FOR A SPECIAL EXCEPTION PERMIT TO DEVELOP REAL PROPERTY IDENTIFIED AS ALL OR PORTIONS OF CHESTER COUNTY PARCEL IDENTIFICATION NUMBERS 155-00-00-024-000, 155-00-00-025-000, 144-00-00-019-000, 144-00-00-021-000, 144-00-00-018-000, 144-00-00-022-000 & 155-00-00-039-000 (THE "SITE") FOR DEVELOPMENT AND USE AS A GROUND MOUNTED SOLAR COLLECTOR FACILITY ("SOLAR FARM") IN ACCORDANCE WITH THE TERMS AND CONDITIONS SET FORTH IN THIS SITE PLAN. THE PURPOSE OF THIS SITE SPECIFIC DEVELOPMENT PLAN IS TO DEFINE THE LAYOUT OF THE SOLAR COLLECTOR FACILITY AND ITS INTERCONNECTION TO THE EXISTING POWER INFRASTRUCTURE, AND SECURE VESTED RIGHTS (SITE PLAN). THE ZONING ADMINISTRATOR MAY APPROVE MINOR MODIFICATIONS TO THE SITE PLAN REGARDING THE LOCATIONS AND QUANTITY OF RACKING, NUMBER AND LOCATION OF INVERTERS, ACCESS ARIES, DRIVEWAYS, AND UNDERGROUND ELECTRIC INTERCONNECTION ROUTING UPON THE COMPLETION OF FINAL ENGINEERING DRAWINGS FOR THE FACILITY. HOWEVER, ALL SUCH MINOR MODIFICATIONS TO THE FINAL SITE PLAN SHALL COMPLY WITH ALL APPLICABLE SECTIONS OF THE CHESTER COUNTY ZONING ORDINANCE AS VERIFIED BY THE ZONING ADMINISTRATOR PRIOR TO ISSUING A ZONING PERMIT OR AMENDMENTS THEREOF FOR THE USE.
 2. TOPOGRAPHIC DATA & EXISTING IMPROVEMENTS SHOWN ON THIS PLAN IS PER PUBLICLY AVAILABLE DATA SOURCES.
 3. THE PROPERTY SHOWN HEREON DOES CONTAIN SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD (I.E. 100-YR. EVENT) PER FEMA FIRM MAP NO. 45023C0252C, 45023C0260C, 45023C0268C.
 4. UTILITY LINES AND SERVICES SHOWN HEREON ARE APPROXIMATE PER AERIAL PHOTOGRAPHY OR AS REPORTED BY VARIOUS RESPONSIBLE PARTIES. LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE AND MUST BE FIELD VERIFIED. CALL SC ONE CALL CENTER BEFORE DIGGING AT 811.
 5. A SEDIMENTATION & EROSION CONTROL STORMWATER PERMIT WILL BE OBTAINED FROM SCDEH AND SUBMITTED TO THE PLANNING DEPARTMENT PRIOR TO CONSTRUCTION.
 6. A DRIVEWAY PERMIT WILL BE APPROVED BY SCOTD PRIOR TO BEGINNING CONSTRUCTION. FINAL DRIVEWAY LOCATION(S) & REQUIREMENTS ARE SUBJECT TO PERMIT REVIEW AND APPROVAL.
 7. PROPOSED TEMPORARY LANDING AND CONSTRUCTION STAGING AREA TO BE USED DURING SITE CONSTRUCTION. A PORTION OF THIS AREA WILL BE COVERED WITH STABILIZED SURFACING (GRAVEL, ETC.) TO ALLOW DELIVERY OF CONSTRUCTION MATERIALS. PRIOR TO CONSTRUCTION, THIS AREA WILL BE COMPACTED BY A SMOOTH DRUM OR SHEEPS FOOT ROLLER TO REDUCE/ PREVENT RUTTING. FOLLOWING CONSTRUCTION, THE GRAVEL AND OTHER STABILIZING MATERIALS ARE TO BE REMOVED AND THE ENTIRE AREA IS SCARIFIED AND RE-SEEDDED.
 8. THE LOCATION OF DRIVEWAYS, FENCING, INTERNAL ROADS, ARRAY RACKING, INVERTERS (SUBJECT TO THE PROVISIONS OF SECTION 13 HEREIN), SUBSTATION, AND INTERCONNECTION LOCATION AND INTERCONNECTION CONCEPTUALS ON THIS PLAN AND ARE SUBJECT TO CHANGE AS PART OF THE PROJECT'S FINAL DESIGN PHASE. ALL BUFFERS AND SETBACKS WILL BE OBSERVED AS SHOWN. THE RACKING SYSTEMS WILL BE EITHER FIXED TILT OR TRACKING SYSTEMS.
 9. PROPOSED ACCESS GATES AND FENCING ARE MINIMUM 6-FOOT TALL WOODPILE-PERMEABLE FENCING WITH OPTIONAL 3 STRANDS OF BARBED WIRE.
 10. APPLICANT RESERVES THE RIGHT TO CONSTRUCT THE SOLAR FARM ON LESS THAN THE ENTIRE SITE SUBJECT TO COMPLIANCE WITH APPLICABLE SET BACK AND BUFFER REQUIREMENTS.
 11. SHADE BUFFER LAND CLEARING SHOWN IN JURISDICTIONAL AREAS IS NOT CONSIDERED A DISCHARGE OF DREDGE MATERIAL AS DEFINED IN SECTION 40 OF THE (CODE OF FEDERAL REGULATIONS) 232.2 (10) "ACTIVITIES THAT INVOLVE ONLY THE CUTTING OR REMOVING OF VEGETATION ABOVE THE GROUND (I.E., MOWING, ROTARY CUTTING, AND CHAINSAWING) WHERE THE ACTIVITY NEITHER SUBSTANTIALLY DISTURBS THE ROOT SYSTEM NOR INVOLVES MECHANIZED PUSHING, DRAGGING, OR OTHER SIMILAR ACTIVITIES THAT REDDIST EXCAVATED SOIL MATERIAL."
 12. A PERMANENT MODULAR TRAILER MAY BE LOCATED ON THE SITE AND SHALL BE PERMITTED THROUGH THE CHESTER COUNTY BUILDING DEPARTMENT.
 13. INVERTERS SHALL BE LOCATED A MINIMUM OF 200' FROM THE PARCEL BOUNDARY LINE AND SHALL BE LOCATED INWARD OF THE ARRAY EDGES WHERE THERE IS AT LEAST 150' OF PANEL AREA AROUND IT.
 14. APPLICANT WILL PROVIDE A MINIMUM 50 FOOT VEGETATED BUFFER TO SCREEN ADJOINING RESIDENTIALLY USED PROPERTY AND PUBLIC ROADS AS SHOWN ON THE SITE PLAN.
 15. IF APPROVED, THE SITE PLAN (AS MAY BE AMENDED FROM TIME TO TIME) AND ASSOCIATED SPECIAL EXCEPTION PERMIT SHALL BE VESTED FOR A PERIOD OF FIVE (5) YEARS OR UNTIL SUCH TIME CONSTRUCTION IS INITIATED.
 16. MANAGED REGROWTH AREAS AS SHOWN ON THE SITE PLAN WILL BE MANAGED TO FACILITATE NATURAL SUCCESSION REGROWTH. THIS AREA WILL HAVE THE REGROWTH MANAGED TO PREVENT SHADE IMPACTS TO ARRAY. THIS WILL BE DONE IN SUCH A MANNER TO PERPETUALLY ENCOURAGE SUCCESSIONAL REGROWTH WITHIN THIS AREA OF DESIRED SPECIES.

PIN	OWNER	ADDRESS	ZONING	PARCEL ACREAGE
155-00-00-024-000	THE JAMES S. CARTER SR. LIVING TRUST	1490 BURL IVY WAY HEMPHILL, TX 75948	R2	102.45
155-00-00-025-000	CARTER TIMBER AND LAND LLC	1490 BURL IVY WAY HEMPHILL, TX 75948	R3	181.08
144-00-00-019-000	CARTER TIMBER AND LAND LLC	1490 BURL IVY WAY HEMPHILL, TX 75948	R3	197.48
144-00-00-021-000	CARTER JAMES S SR-TRUSTEE	1490 BURL IVY WAY HEMPHILL, TX 75948	R3	122.23
144-00-00-018-000	CARTER JAMES S SR-TRUSTEE	1490 BURL IVY WAY HEMPHILL, TX 75948	R3	81.44
144-00-00-022-000	CARTER TIMBER AND LAND LLC	1490 BURL IVY WAY HEMPHILL, TX 75948	R3	52.62
155-00-00-039-000	CARTER TIMBER AND LAND LLC	1490 BURL IVY WAY HEMPHILL, TX 75948	R3	58.35



- 1 PROJECT SUBSTATION
- 2 UTILITY SUBSTATION
- 3 14' WIDE X 6' THICK GRAVEL ACCESS DRIVE
- 4 EXISTING TRANSMISSION LINE
- 5 FLOOD HAZARD AREA
- 6 INVERTER STATION
- 7 PERIMETER FENCE
- 8 WETLAND AREA



Rutabaga Holdings, LLC
Chester County, SC

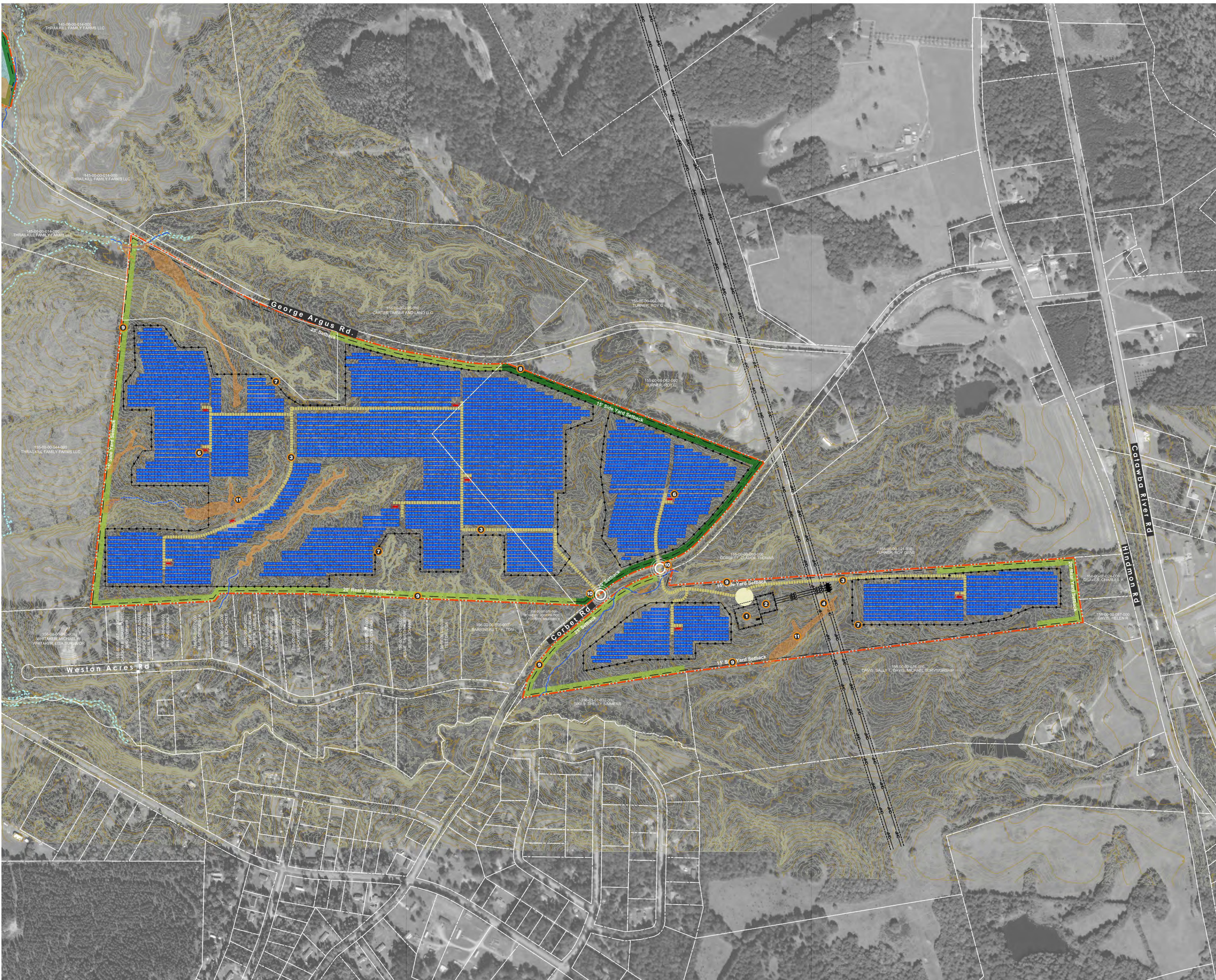


Title
Conceptual Site Plan

Date
07.5.22

Scale
SCALE: 1"= 500'
0 250' 500' 1000'

Sheet Number
SP-1



- 1 PROJECT SUBSTATION
- 2 UTILITY SUBSTATION
- 3 14' WIDE X 6' THICK GRAVEL ACCESS DRIVE
- 4 EXISTING TRANSMISSION LINE
- 5 FLOOD HAZARD AREA
- 6 INVERTER STATION
- 7 PERIMETER FENCE
- 8 50' BUFFER OF EXISTING VEGETATION
- 9 50' BUFFER OF MANAGED REGROWTH
- 10 PROPOSED DRIVEWAY
- 11 WETLAND AREA



Rutabaga Holdings, LLC

Chester County, SC



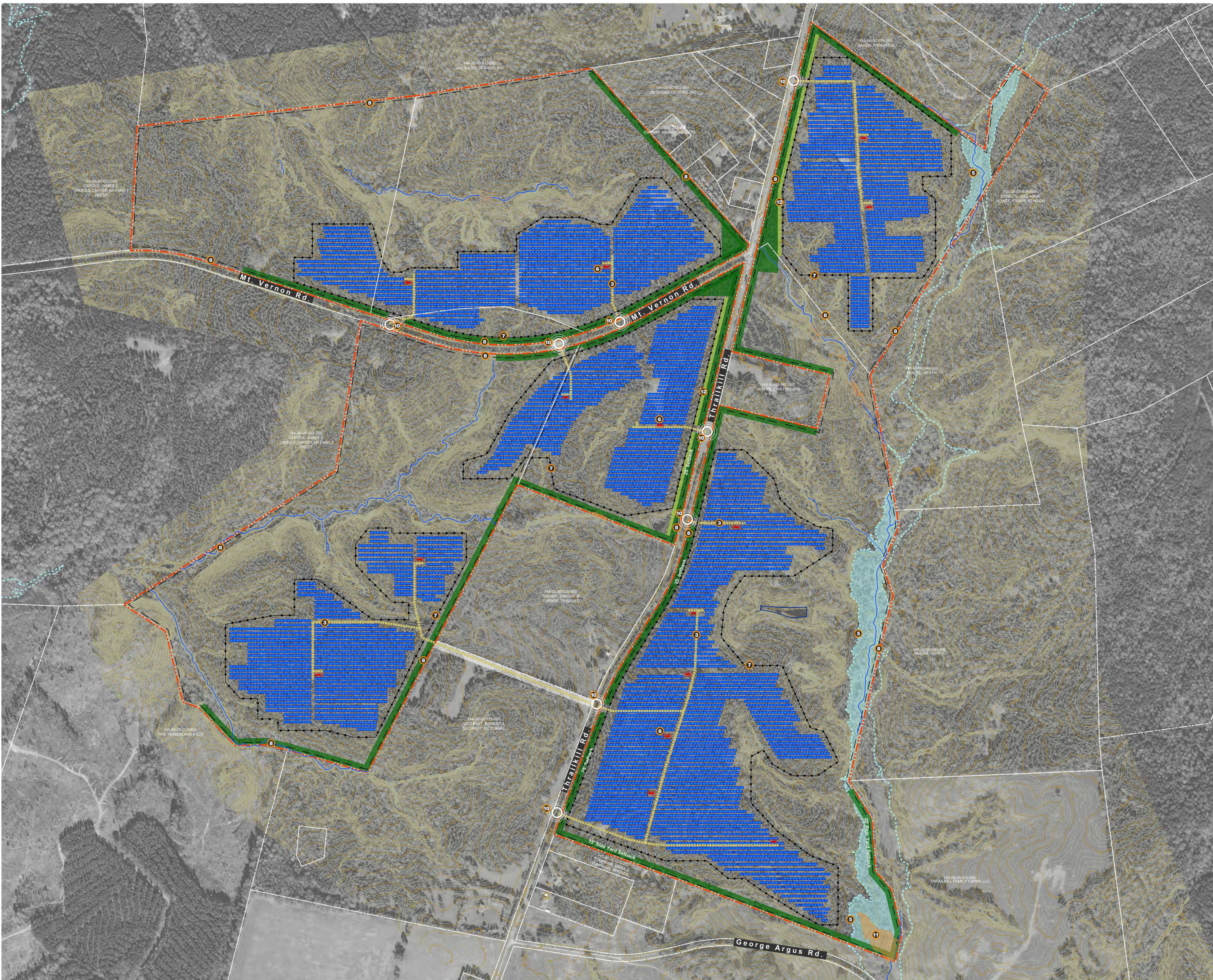
Title
Conceptual Site Plan

Date
07.5.22

Scale
SCALE: 1"= 250'
 0 125' 250' 500'

Sheet Number

SP-2



- 1 PROJECT SUBSTATION
- 2 UTILITY SUBSTATION
- 3 14' WIDE X 6' THICK GRAVEL ACCESS DRIVE
- 4 EXISTING TRANSMISSION LINE
- 5 FLOOD HAZARD AREA
- 6 INVERTER STATION
- 7 PERIMETER FENCE
- 8 50' BUFFER OF EXISTING VEGETATION
- 9 50' BUFFER OF MANAGED REGROWTH
- 10 PROPOSED DRIVEWAY
- 11 WETLAND AREA
- 12 25' BUFFER OF MANAGED REGROWTH



Rutabaga Holdings, LLC

Chester County, SC



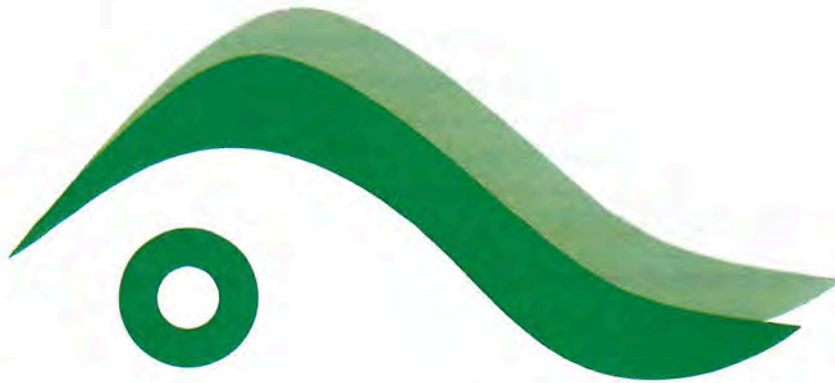
Title
Conceptual Site Plan

Date
07.5.22

Scale
 SCALE: 1"= 250'
 0 125' 250' 500'

Sheet Number
SP-3

Rutabaga Holdings, LLC
Rezoning Package
Submitted May 20, 2022



BIRDSEYE

RENEWABLE ENERGYSM

A DOMINION ENERGY COMPANY

Jenna E. Lee

J [REDACTED]

May 20, 2022

VIA HAND DELIVERY

Mr. Mike Levister, Planning Director
Chester County Building & Zoning
1476 J.A. Cochran Bypass
Chester, South Carolina 29706

Re: Rutabaga Holdings, LLC Rezoning Application

Dear Mr. Levister:

I am pleased to submit on behalf of Rutabaga Holdings, LLC, an affiliate of Birdseye Renewable Energy ("Birdseye"), the attached Rezoning application seeking to rezone property located in Chester, South Carolina from the Rural Three District (R-3) to the Rural Two District (R-2) to allow for the installation of a solar farm. The properties proposed to be rezoned include the seven following existing parcels: 144-00-00-018-000; 144-00-00-019-00; 144-00-00-021-000; 144-00-00-022-000; 155-00-00-25-000; and 155-00-00-039-000 (the "Property").

Pursuant to the requirements of the Zoning Ordinance of Chester County (the "Ordinance"), this letter of intent and the attached exhibits provide the documentation required by Chester County in consideration of this request.

1. Completed Rezoning Application;
2. Owner Permission Letters;
3. Plats of the Property;
4. Concept Plan prepared by Birdseye Renewable Energy;
5. Memorandum of Lease and Amendments;
6. Facility Decommissioning Plan prepared by Chris Sandifer, P.E. (including C.V.);
7. Health and Safety Affidavit prepared by Chris Sandifer, P.E.;
8. Land Use Consistency Memorandum prepared by Kara W. Drane, AICP; and
9. Wildlife Permeable Fencing exhibit.
10. South Carolina Solar Habitat Scorecard

We believe the attached documentation represents a complete Rezoning application pursuant to Sections 8-100 and 8-102 of the Ordinance. Birdseye intends to supplement this application with an ALTA survey when that survey is completed. Birdseye has also contacted the Chester County Fire Marshall and provided a project site plan for review. Feedback from that office will be considered in the Project's final design.

Additionally, Birdseye intends to seek approval of a Special Exception to allow for the proposed solar farm use upon the approval of the requested Rezoning. Birdseye will provide all necessary documentation in support of the Special Exception application upon submittal. Birdseye also plans to update this application with the following materials before the June 21st Planning Commission meeting:

1. Draft Emergency Action Plan; and
2. Property Value Impact Report prepared by Richard Kirkland, MIA.

Birdseye is hosting a community meeting on Thursday, June 2, 2022 at 6:00 p.m. The meeting will be held at the Fort Lawn Community Center.

Site Design

Birdseye's proposed solar installation (the "Project") is designed to comply with the minimum site development standards outlined in the Ordinance. The Project will include a solar installation including approximately 600-700 acres of property as shown on the attached Concept Plan. All structures to be located on the Property will be less than 25 feet in height and all setbacks and buffer widths will meet or exceed the Ordinance requirements. The Project will be surrounded by security fence of at least six feet in height and adequate access will be provided for emergency service vehicles.

The attached Concept Plan provides the maximum proposed Project footprint, although the final footprint may be reduced as the final Project design is refined. Once complete, the Project will connect to and serve Duke Energy's existing power transmission grid. Power distribution lines within the facility will be located underground except for at the Point of Interconnection of the facility to the power grid.

Project Operations and Safety

Rutabaga Holdings, LLC will lease the Property from Carter Timber and Land, LLC and James S. Carter Sr. Family Trust. Currently, Birdseye's parent company, Dominion Energy, Inc., plans to own and operate the facility once constructed. Solar installations are a passive, safe, and low intensity land use compatible with nearby farm and low-density residential uses. As provided in the attached Health and Safety Affidavit prepared by Birdseye's engineering consultant, the Project materials are non-combustible, create no site emissions, odor, or dust. The proposed solar panels do not contain any radioactive material, hazardous chemicals, or other material that could potentially cause harm to the surrounding community.

As further provided in the Health and Safety Affidavit, solar farms are safe, non-hazardous, unobtrusive, environmentally friendly, and advance the public necessity of adopting renewable sourcing of electricity. The Project is an unmanned facility and, accordingly, no permanent on-site parking or loading areas are proposed. Sound during full output operations of the Project

will be indistinguishable from ambient background noise at the Property boundary. Additionally, because solar installations are unpaved, solar farms have beneficial stormwater and ground water recharging effects.

Perimeter Fence and Wildlife Protection

The Project will be surrounded by wildlife permeable fencing, which meets National Electric Code standards and allows small wildlife (fox, raccoon, etc.) to move through larger mesh holes in the bottom of the fence. Examples of the proposed fence material are attached hereto. Additionally, Birdseye intends to incorporate elements of the South Carolina Solar Habitat Scorecard (attached) into the site design, as applicable. As part of this effort, Birdseye pioneered the use of Managed Regrowth vegetative buffer systems, which install and/or encourage native, wildlife friendly species within project buffers and setback areas. These buffers provide effective, low maintenance visual screening for the project, and have a much higher survival rate than prescribed planted buffers commonly required for commercial or industrial construction projects, while also providing valuable wildlife habitat.

Decommissioning Plan

A decommissioning plan is attached to this application.

Land Use Consistency and Reasonableness

As provided in the attached analysis prepared by Colliers Engineering & Design, the proposed solar farm is a low intensity use compatible with surrounding farming and agricultural uses. The Project will have no identifiable impacts on farming, agriculture, rural family dwellings, or the environment.

Consistency with Comprehensive Plan

The Project is consistent with the "Chester County Comprehensive Plan 2005-2025." The Property is classified as "Rural" on the County's Future Land Use Plan and is currently surrounded by predominantly agricultural, timber, and residential uses. The proposed solar installation is compatible with low density residential and agricultural uses, consistent with the existing uses and proposed future uses in this portion of the County. The Project will allow for development of valuable renewable energy infrastructure within the County, while also allowing this portion of the County to maintain its predominantly rural character consistent with the stated goals and priorities of the Comprehensive Plan.

Birdseye respectfully requests approval of the Rezoning application to allow for the proposed solar farm. Please do not hesitate to contact me should you have any questions or need any additional information.

Sincerely,


A handwritten signature in black ink, consisting of a stylized 'J' followed by a horizontal line that extends to the right.

Jenna E. Lee

Rezoning Application
Birdseye Renewable Energy, LLC Petitioner
Permissions Letter

The undersigned, as the owner of that parcel of land subject to the attached Rezoning Application filed by Birdseye Renewable Energy, LLC that is designated as Tax Parcel Numbers 144-00-00-021-000, 144-00-00-018-000 and 144-00-00-023-000 on the Chester County Tax Maps (the "Site"), hereby joins in this Rezoning Application (as may be amended from time to time), naming Birdseye Renewable Energy, LLC as its agent for the purposes of said Rezoning Application, and hereby consents to the development of the Site for Solar Farm use and the construction of related improvements on the Site for same.

This 13 day of April 2022.

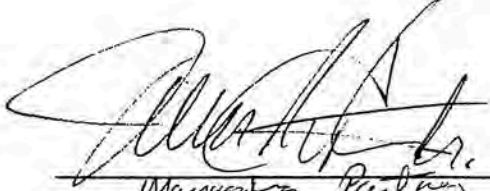


TRUSTEE
James S. Carter Sr. Family Trust

Rezoning Application
Birdseye Renewable Energy, LLC Petitioner
Permissions Letter

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This 13 day of April 2022.


Managing Partner
Carter Timber and Land LLC



Chester County, South Carolina
 Department of Planning, Building & Zoning
 1476 J.A. Cochran Bypass
 Chester, SC 29706

Zoning Map Amendment (Rezoning) Application

Fee: Residential \$150.00, Non-Residential \$300.00, Planned Development \$1000.00

Meeting Date: 6-21-2022 Case # CCMAZZ-07 Invoice # 5212

The applicant hereby requests that the property described to be rezoned from R-3 to R-2

Please give your reason for this rezoning request:

To allow for a solar facility, permitted as a Special Exception in R-2.

Copy of plat must be presented with the application request

Designation of Agent (complete only if owner is not applicant): I (we) hereby appoint the person named as applicant as my (our) agent to represent me (us) in this request for rezoning. A Corporate Resolution letter or a permission letter must be presented at the time of application request. NAICS CODE: _____

Property Address Information

Property address: Mt. Vernon Road
 Tax Map Number: 144-00-00-021-000 Acres: 121

Any structures on the property: yes _____ no X . If you checked yes, draw locations of structures on plat or blank paper.

PLEASE PRINT:

Applicant (s): Birdseye Renewable Energy
 Address 1125 E. Morehead St Suite 202 Charlotte, NC 28204
 Telephone: _____ cell _____ work _____
 E-Mail Address: _____

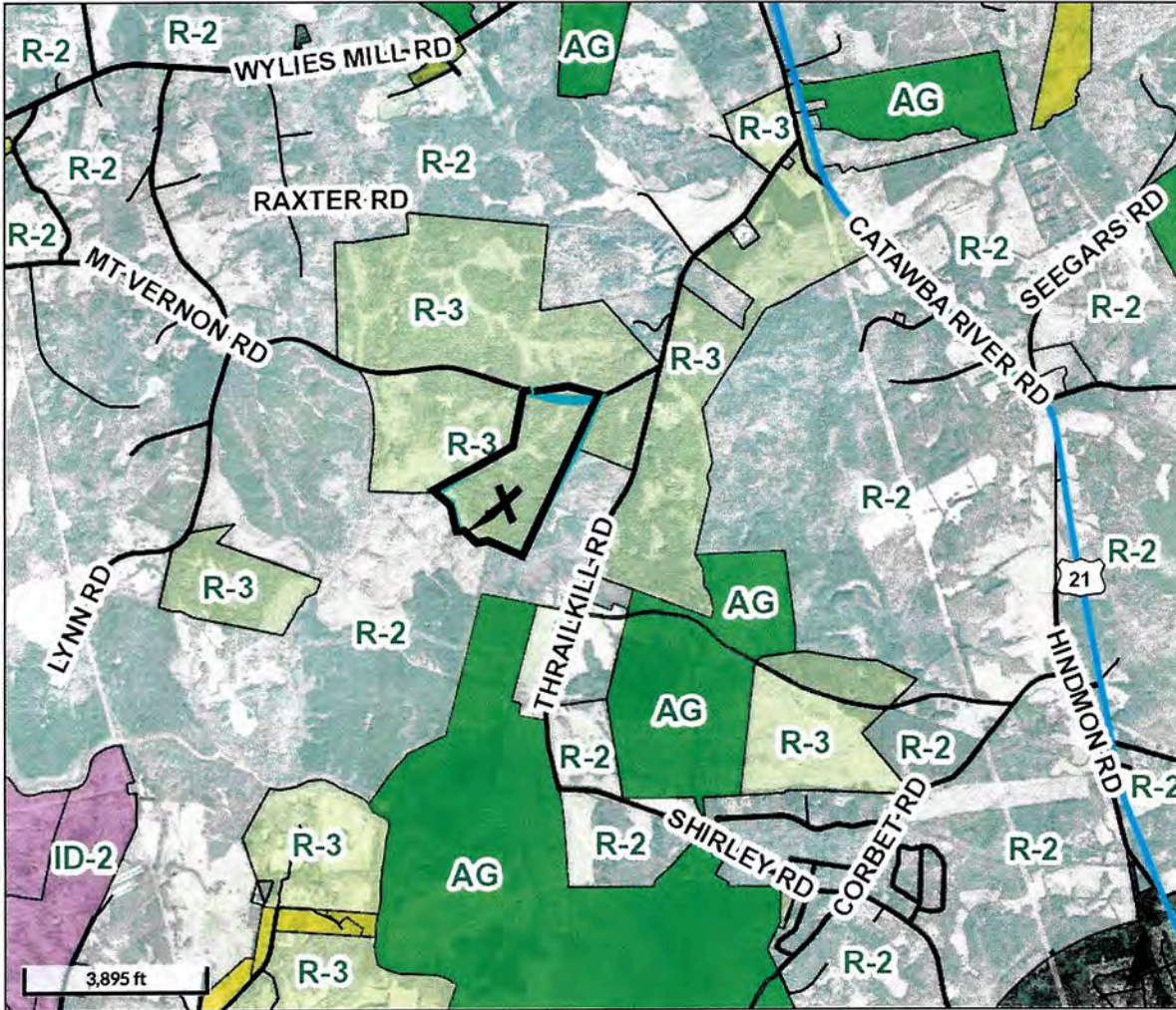
Owner(s) if other than applicant(s): James S. Carter Sr. Family Trust
 Address: 1490 Bury Ivy Way Hemphill, TX 75948
 Telephone: _____ cell _____ work _____
 E-Mail Address: _____

I (we) hereby agree that this information I (we) have presented is correct. Insufficient information may result in a denial of your request.

Owner's signature: [Signature] Date: 4/13/22
 Applicant signature: [Signature] Date: 4/14/22

CANCELLATION MAY RESULT IN AN ADDITIONAL FEE OF \$150.00. SOMEONE MAY REPRESENT YOU AT THE MEETING.

CCMA22-07: Birdseye Renewable Energy Request Tax Map # 155-00-00-025-000 on George Angus Road be rezoned from Rural Three (R3) to Rural Two (R2). Chairman Raines withdrew his second, Commissioner Grant withdrew his motion. Chairman Raines motioned to approve the rezoning as it's been requested with the reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council second by Commissioner Howell. Vote 4-1 to approve. Commissioner Hill opposed.



Overview



Parcel ID 144-00-00-021-000
 Sec/Twp/Rng n/a
 Property Address

Alternate ID n/a
 Class LA
 Acreage 121.229

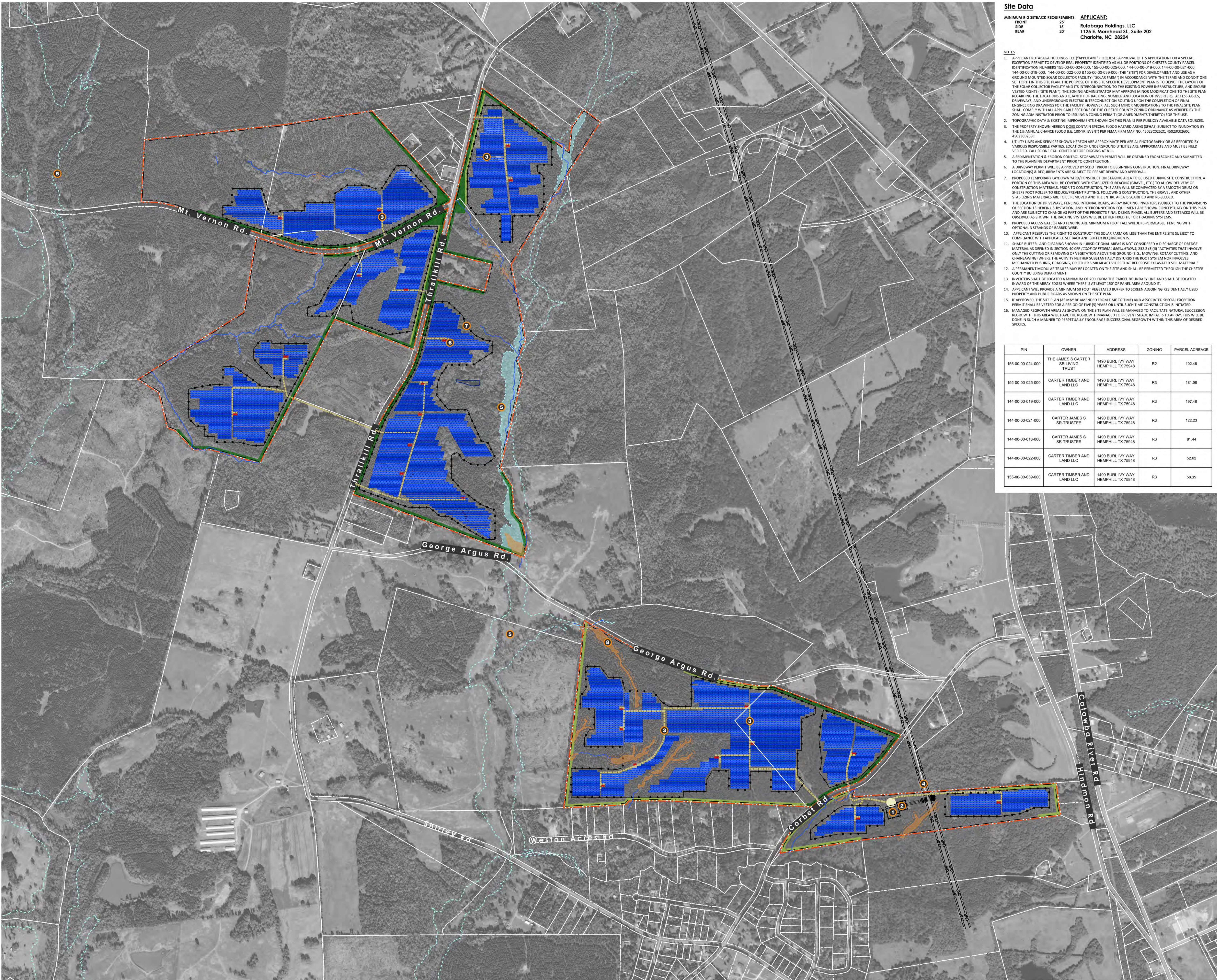
Owner Address CARTER JAMES S SR-TRUSTEE
 JAMES S CARTER SR FAMILY TRUST
 1490 BURL IVY WAY
 HEMPHILL TX 75948

District 05
 Brief Tax Description TR 12-067

(Note: Not to be used on legal documents)

Date created: 6/21/2022
 Last Data Uploaded: 6/21/2022 4:01:19 AM

Developed by  Schneider
 GEOSPATIAL



Site Data

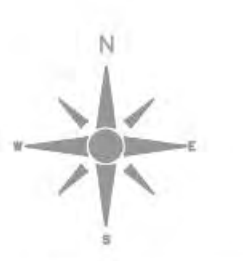
MINIMUM 8-2 SETBACK REQUIREMENTS:	APPLICANT:
FRONT 25'	Rutabaga Holdings, LLC
SIDE 15'	1125 E. Morehead St., Suite 202
REAR 20'	Charlotte, NC 28204

- NOTES**
1. APPLICANT RUTABAGA HOLDINGS, LLC ("APPLICANT") REQUESTS APPROVAL OF ITS APPLICATION FOR A SPECIAL EXCEPTION PERMIT TO DEVELOP REAL PROPERTY IDENTIFIED AS ALL OR PORTIONS OF CHESTER COUNTY PARCEL IDENTIFICATION NUMBERS 155-00-00-024-000, 155-00-00-025-000, 144-00-00-019-000, 144-00-00-021-000, 144-00-00-018-000, 144-00-00-022-000 & 155-00-00-039-000 (THE "SITE") FOR DEVELOPMENT AND USE AS A GROUND MOUNTED SOLAR COLLECTOR FACILITY ("SOLAR FARM") IN ACCORDANCE WITH THE TERMS AND CONDITIONS SET FORTH IN THIS SITE PLAN. THE PURPOSE OF THIS SITE SPECIFIC DEVELOPMENT PLAN IS TO DEFINE THE LAYOUT OF THE SOLAR COLLECTOR FACILITY AND ITS INTERCONNECTION TO THE EXISTING POWER INFRASTRUCTURE, AND SECURE VESTED RIGHTS (SITE PLAN). THE ZONING ADMINISTRATOR MAY APPROVE MINOR MODIFICATIONS TO THE SITE PLAN REGARDING THE LOCATIONS AND QUANTITY OF RACKING, NUMBER AND LOCATION OF INVERTERS, ACCESS ARIES, DRIVEWAYS, AND UNDERGROUND ELECTRIC INTERCONNECTION ROUTING UPON THE COMPLETION OF FINAL ENGINEERING DRAWINGS FOR THE FACILITY. HOWEVER, ALL SUCH MINOR MODIFICATIONS TO THE FINAL SITE PLAN SHALL COMPLY WITH ALL APPLICABLE SECTIONS OF THE CHESTER COUNTY ZONING ORDINANCE AS VERIFIED BY THE ZONING ADMINISTRATOR PRIOR TO ISSUING A ZONING PERMIT OR AMENDMENTS THEREOF FOR THE USE.
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- 2 UTILITY SUBSTATION
- 3 14' WIDE X 6' THICK GRAVEL ACCESS DRIVE
- 4 EXISTING TRANSMISSION LINE
- 5 FLOOD HAZARD AREA
- 6 INVERTER STATION
- 7 PERIMETER FENCE
- 8 WETLAND AREA



Rutabaga Holdings, LLC
Chester County, SC

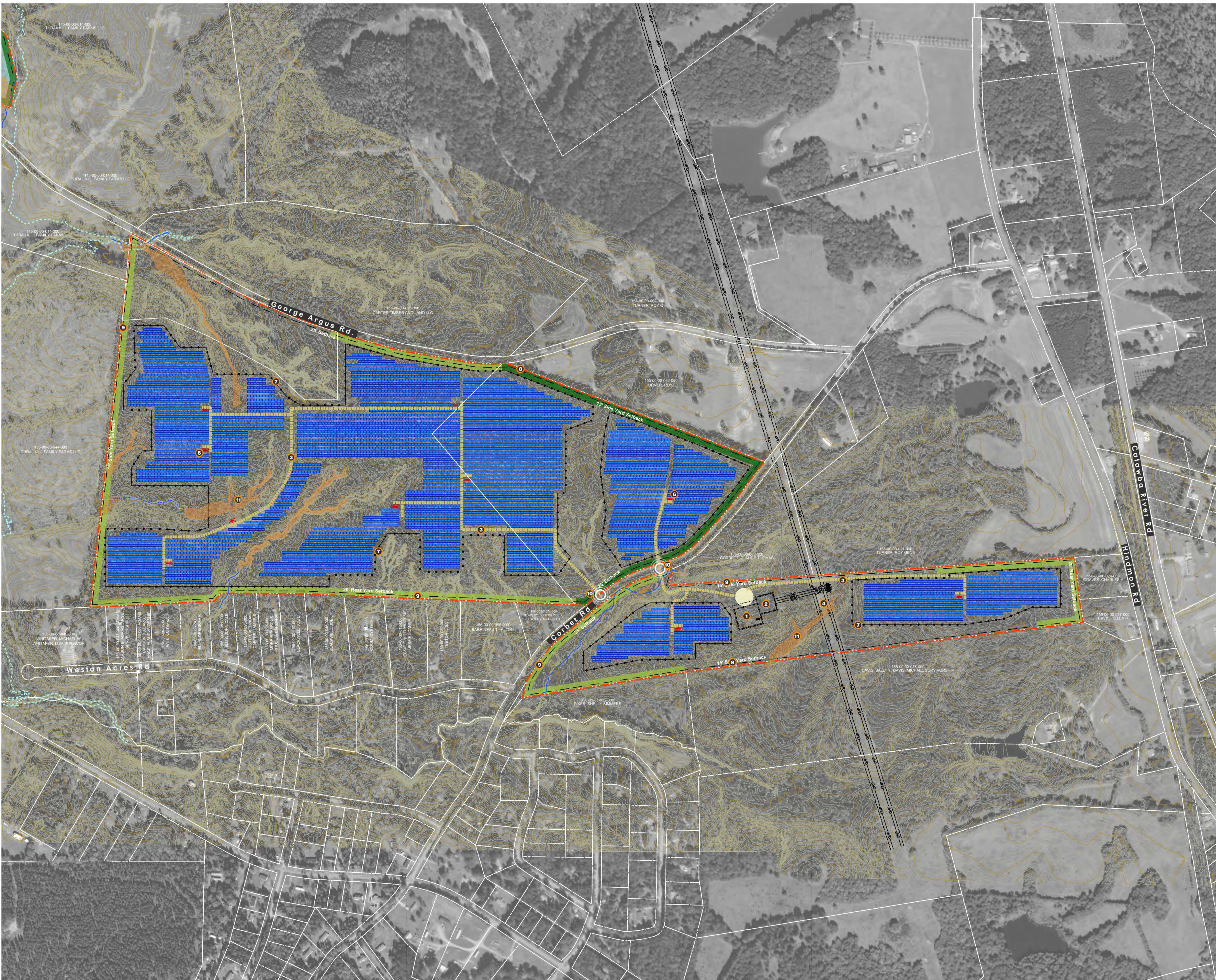


Title
Conceptual Site Plan

Date
07.5.22

Scale
SCALE: 1"= 500'
0 250' 500' 1000'

Sheet Number
SP-1



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Rutabaga Holdings, LLC

Chester County, SC

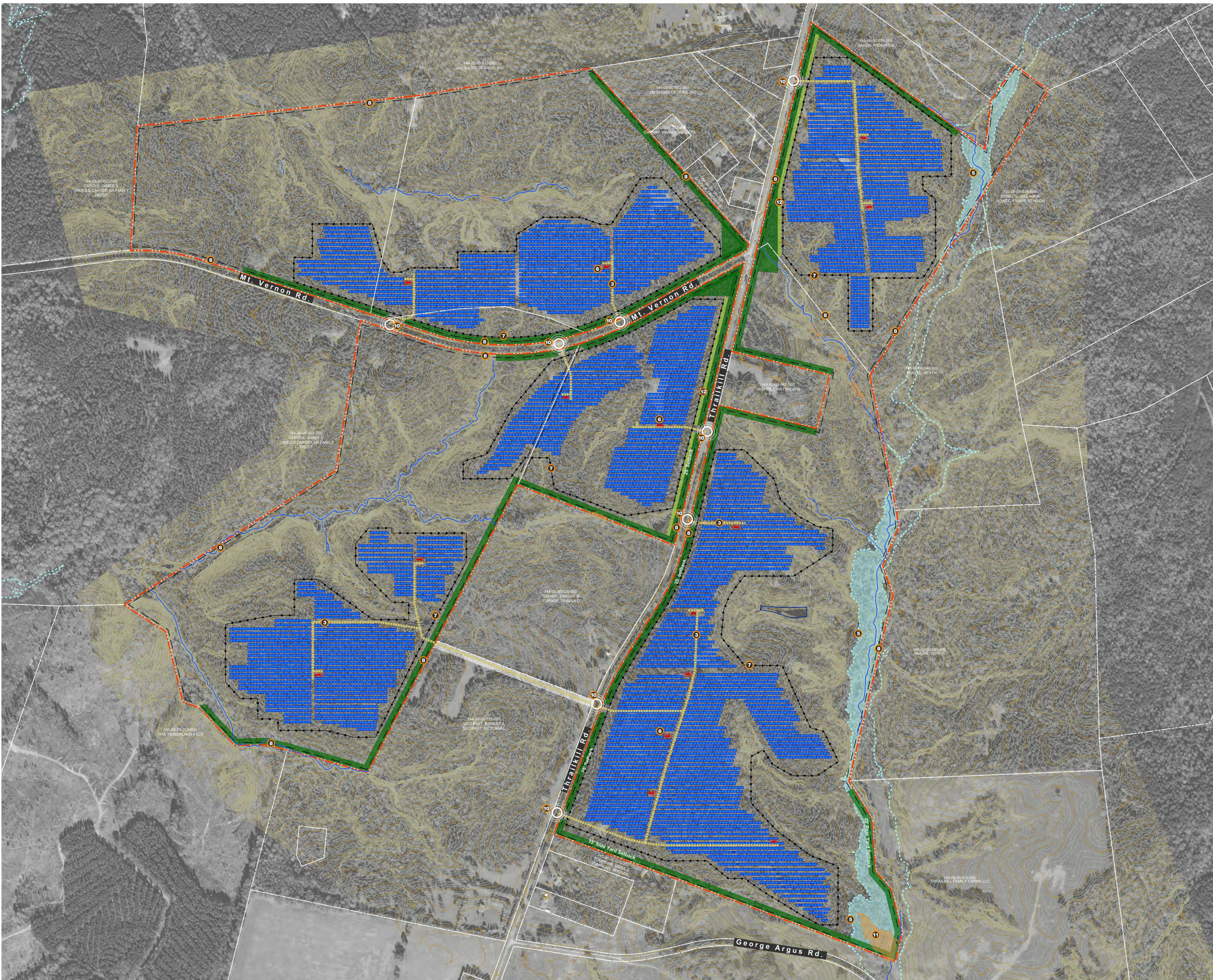


Title
Conceptual Site Plan

Date
07.5.22

Scale
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Sheet Number
SP-2



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- 10 PROPOSED DRIVEWAY
- 11 WETLAND AREA
- 12 25' BUFFER OF MANAGED REGROWTH



Rutabaga Holdings, LLC

Chester County, SC



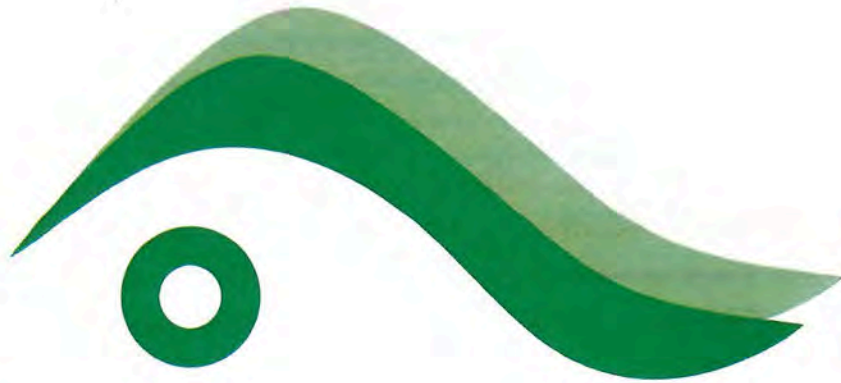
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Sheet Number
SP-3

Rutabaga Holdings, LLC
Rezoning Package
Submitted May 20, 2022



BIRDSEYE

RENEWABLE ENERGYSM

A DOMINION ENERGY COMPANY

Jenna E. Lee

May 20, 2022

VIA HAND DELIVERY

Mr. Mike Levister, Planning Director
Chester County Building & Zoning
1476 J.A. Cochran Bypass
Chester, South Carolina 29706

Re: Rutabaga Holdings, LLC Rezoning Application

Dear Mr. Levister:

I am pleased to submit on behalf of Rutabaga Holdings, LLC, an affiliate of Birdseye Renewable Energy ("Birdseye"), the attached Rezoning application seeking to rezone property located in Chester, South Carolina from the Rural Three District (R-3) to the Rural Two District (R-2) to allow for the installation of a solar farm. The properties proposed to be rezoned include the seven following existing parcels: 144-00-00-018-000; 144-00-00-019-00; 144-00-00-021-000; 144-00-00-022-000; 155-00-00-25-000; and 155-00-00-039-000 (the "Property").

Pursuant to the requirements of the Zoning Ordinance of Chester County (the "Ordinance"), this letter of intent and the attached exhibits provide the documentation required by Chester County in consideration of this request.

1. Completed Rezoning Application;
2. Owner Permission Letters;
3. Plats of the Property;
4. Concept Plan prepared by Birdseye Renewable Energy;
5. Memorandum of Lease and Amendments;
6. Facility Decommissioning Plan prepared by Chris Sandifer, P.E. (including C.V.);
7. Health and Safety Affidavit prepared by Chris Sandifer, P.E.;
8. Land Use Consistency Memorandum prepared by Kara W. Drane, AICP; and
9. Wildlife Permeable Fencing exhibit.
10. South Carolina Solar Habitat Scorecard

We believe the attached documentation represents a complete Rezoning application pursuant to Sections 8-100 and 8-102 of the Ordinance. Birdseye intends to supplement this application with an ALTA survey when that survey is completed. Birdseye has also contacted the Chester County Fire Marshall and provided a project site plan for review. Feedback from that office will be considered in the Project's final design.

Additionally, Birdseye intends to seek approval of a Special Exception to allow for the proposed solar farm use upon the approval of the requested Rezoning. Birdseye will provide all necessary documentation in support of the Special Exception application upon submittal. Birdseye also plans to update this application with the following materials before the June 21st Planning Commission meeting:

1. Draft Emergency Action Plan; and
2. Property Value Impact Report prepared by Richard Kirkland, MIA.

Birdseye is hosting a community meeting on Thursday, June 2, 2022 at 6:00 p.m. The meeting will be held at the Fort Lawn Community Center.

Site Design

Birdseye's proposed solar installation (the "Project") is designed to comply with the minimum site development standards outlined in the Ordinance. The Project will include a solar installation including approximately 600-700 acres of property as shown on the attached Concept Plan. All structures to be located on the Property will be less than 25 feet in height and all setbacks and buffer widths will meet or exceed the Ordinance requirements. The Project will be surrounded by security fence of at least six feet in height and adequate access will be provided for emergency service vehicles.

The attached Concept Plan provides the maximum proposed Project footprint, although the final footprint may be reduced as the final Project design is refined. Once complete, the Project will connect to and serve Duke Energy's existing power transmission grid. Power distribution lines within the facility will be located underground except for at the Point of Interconnection of the facility to the power grid.

Project Operations and Safety

Rutabaga Holdings, LLC will lease the Property from Carter Timber and Land, LLC and James S. Carter Sr. Family Trust. Currently, Birdseye's parent company, Dominion Energy, Inc., plans to own and operate the facility once constructed. Solar installations are a passive, safe, and low intensity land use compatible with nearby farm and low-density residential uses. As provided in the attached Health and Safety Affidavit prepared by Birdseye's engineering consultant, the Project materials are non-combustible, create no site emissions, odor, or dust. The proposed solar panels do not contain any radioactive material, hazardous chemicals, or other material that could potentially cause harm to the surrounding community.

As further provided in the Health and Safety Affidavit, solar farms are safe, non-hazardous, unobtrusive, environmentally friendly, and advance the public necessity of adopting renewable sourcing of electricity. The Project is an unmanned facility and, accordingly, no permanent on-site parking or loading areas are proposed. Sound during full output operations of the Project

will be indistinguishable from ambient background noise at the Property boundary. Additionally, because solar installations are unpaved, solar farms have beneficial stormwater and ground water recharging effects.

Perimeter Fence and Wildlife Protection

The Project will be surrounded by wildlife permeable fencing, which meets National Electric Code standards and allows small wildlife (fox, raccoon, etc.) to move through larger mesh holes in the bottom of the fence. Examples of the proposed fence material are attached hereto. Additionally, Birdseye intends to incorporate elements of the South Carolina Solar Habitat Scorecard (attached) into the site design, as applicable. As part of this effort, Birdseye pioneered the use of Managed Regrowth vegetative buffer systems, which install and/or encourage native, wildlife friendly species within project buffers and setback areas. These buffers provide effective, low maintenance visual screening for the project, and have a much higher survival rate than prescribed planted buffers commonly required for commercial or industrial construction projects, while also providing valuable wildlife habitat.

Decommissioning Plan

A decommissioning plan is attached to this application.

Land Use Consistency and Reasonableness

As provided in the attached analysis prepared by Colliers Engineering & Design, the proposed solar farm is a low intensity use compatible with surrounding farming and agricultural uses. The Project will have no identifiable impacts on farming, agriculture, rural family dwellings, or the environment.

Consistency with Comprehensive Plan

The Project is consistent with the "Chester County Comprehensive Plan 2005-2025." The Property is classified as "Rural" on the County's Future Land Use Plan and is currently surrounded by predominantly agricultural, timber, and residential uses. The proposed solar installation is compatible with low density residential and agricultural uses, consistent with the existing uses and proposed future uses in this portion of the County. The Project will allow for development of valuable renewable energy infrastructure within the County, while also allowing this portion of the County to maintain its predominantly rural character consistent with the stated goals and priorities of the Comprehensive Plan.

Birdseye respectfully requests approval of the Rezoning application to allow for the proposed solar farm. Please do not hesitate to contact me should you have any questions or need any additional information.

Sincerely,


A handwritten signature in black ink, consisting of a stylized 'J' followed by a long horizontal line.

Jenna E. Lee

Rezoning Application
Birdseye Renewable Energy, LLC Petitioner
Permissions Letter

The undersigned, as the owner of that parcel of land subject to the attached Rezoning Application filed by Birdseye Renewable Energy, LLC that is designated as Tax Parcel Numbers 144-00-00-021-000, 144-00-00-018-000 and 144-00-00-023-000 on the Chester County Tax Maps (the "Site"), hereby joins in this Rezoning Application (as may be amended from time to time), naming Birdseye Renewable Energy, LLC as its agent for the purposes of said Rezoning Application, and hereby consents to the development of the Site for Solar Farm use and the construction of related improvements on the Site for same.

This 13 day of April 2022.




TRUSTEE
James S. Carter Sr. Family Trust

Rezoning Application
Birdseye Renewable Energy, LLC Petitioner
Permissions Letter

The undersigned, as the owner of that parcel of land subject to the attached Rezoning Application filed by Birdseye Renewable Energy, LLC that is designated as Tax Parcel Numbers 144-00-00-022-000, 144-00-00-019-000, 155-00-00-025-000 and 155-00-00-039-000 on the Chester County Tax Maps (the "Site"), hereby joins in this Rezoning Application (as may be amended from time to time), naming Birdseye Renewable Energy, LLC as its agent for the purposes of said Rezoning Application, and hereby consents to the development of the Site for Solar Farm use and the construction of related improvements on the Site for same.

This 13 day of April 2022.


Managing Partner
Carter Timber and Land LLC



Chester County, South Carolina
 Department of Planning, Building & Zoning
 1476 J.A. Cochran Bypass
 Chester, SC 29706

Zoning Map Amendment (Rezoning) Application

Fee: Residential \$150.00, Non-Residential \$300.00, Planned Development \$1000.00

Meeting Date: 6-21-2022 Case # CCMA22-08 Invoice # 5212

The applicant hereby requests that the property described to be rezoned from R-3 to R-2

Please give your reason for this rezoning request:

To allow for a solar facility, permitted as a Special Exception in R-2.

Copy of plat must be presented with the application request

Designation of Agent (complete only if owner is not applicant): I (we) hereby appoint the person named as applicant as my (our) agent to represent me (us) in this request for rezoning. A Corporate Resolution letter or a permission letter must be presented at the time of application request. NAICS CODE: _____

Property Address Information

Property address: Thraikill Road
 Tax Map Number: 155-00-00-039-000 Acres: 60

Any structures on the property: yes _____ no X. If you checked yes, draw locations of structures on plat or blank paper.

PLEASE PRINT:

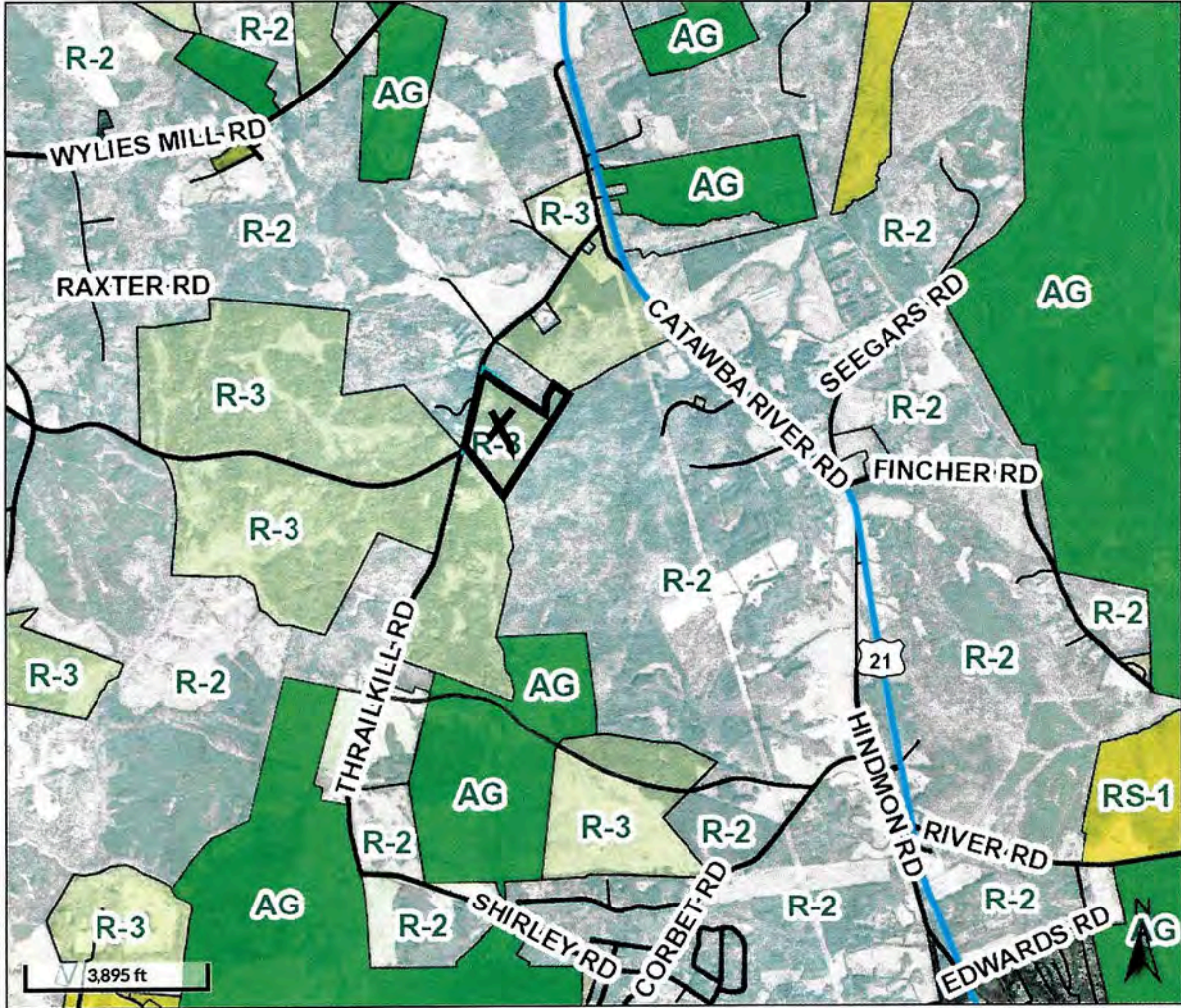
Applicant (s): Birdseye Renewable Energy
 Address 1125 E. Morehead Street Suite 202 Charlotte, NC 28204
 Telephone: (800) 887-6682 cell _____ work _____
 E-Mail Address: _____

Owner(s) if other than applicant(s): Carter Timber and Land, LLC
 Address: 1490 Burl Ivy Way Hemphill, TX 75948
 Telephone: _____ cell _____ work _____
 E-Mail Address: _____

I (we) hereby agree that this information I (we) have presented is correct. Insufficient information may result in a denial of your request.

Owner's signature: [Signature] Date: 4/13/22
 Applicant signature: [Signature] Date: 4/14/22

CANCELLATION MAY RESULT IN AN ADDITIONAL FEE OF \$150.00. SOMEONE MAY REPRESENT YOU AT THE MEETING.



Overview



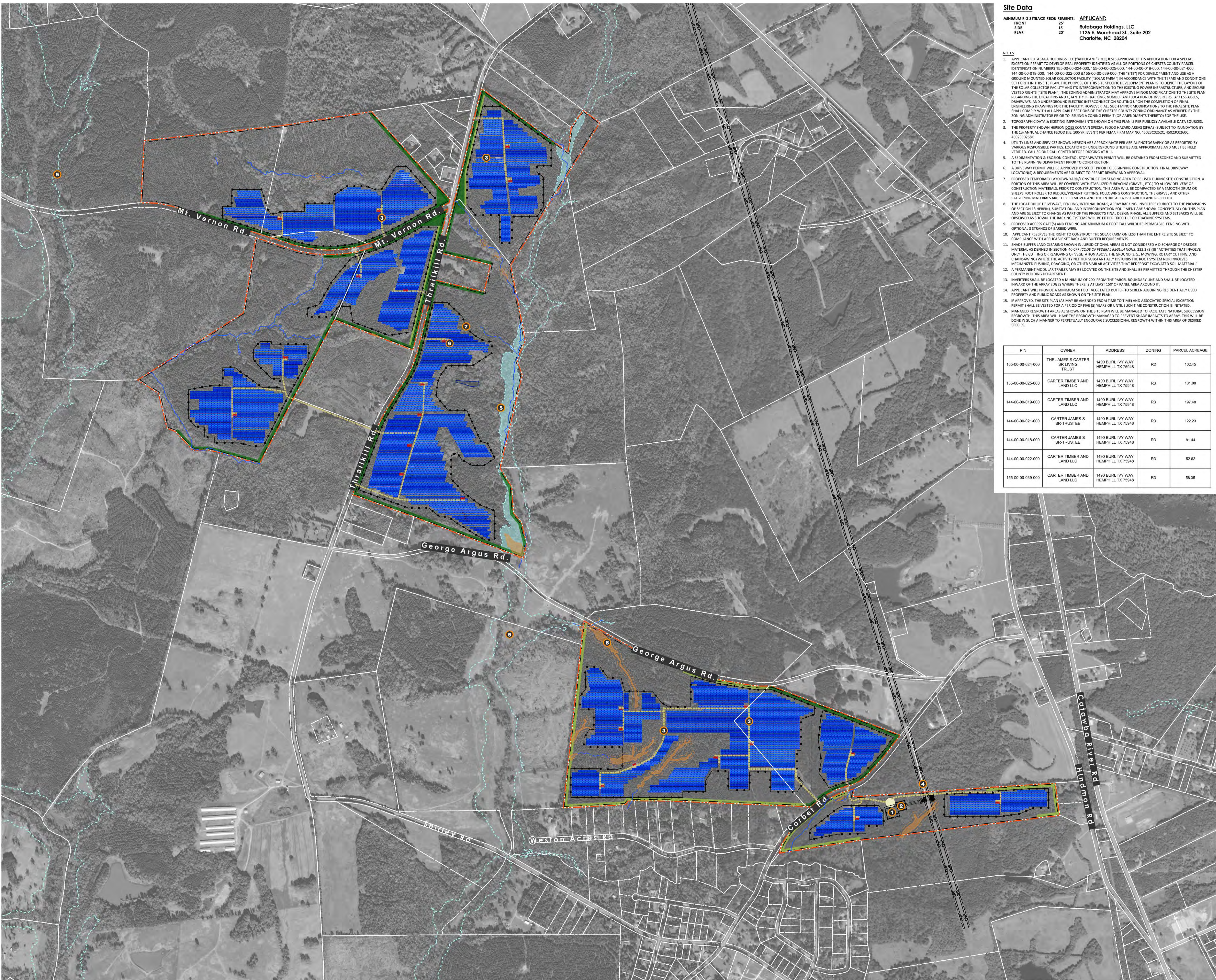
Parcel ID	155-00-00-039-000	Alternate ID	n/a	Owner Address	CARTER TIMBER AND LAND LLC
Sec/Twp/Rng	n/a	Class	AC		1490 BURL IVY WAY
Property Address		Acreage	58.354		HEMPHILL TX 75948
District	05				
Brief Tax Description	n/a				

(Note: Not to be used on legal documents)

Date created: 6/21/2022
 Last Data Uploaded: 6/21/2022 4:01:19 AM

Developed by  Schneider
 GEOSPATIAL

CCMA22-08: Birdseye Renewable Energy Request Tax Map # 155-00-00-025-000 on George Angus Road be rezoned from Rural Three (R3) to Rural Two (R2). Chairman Raines withdrew his second, Commissioner Grant withdrew his motion. Chairman Raines motioned to approve the rezoning as it's been requested with the reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council second by Commissioner Howell. Vote 4-1 to approve. Commissioner Hill opposed.



Site Data

MINIMUM 8-2 SETBACK REQUIREMENTS:	APPLICANT:
FRONT 25'	Rutabaga Holdings, LLC
SIDE 15'	1125 E. Morehead St., Suite 202
REAR 20'	Charlotte, NC 28204

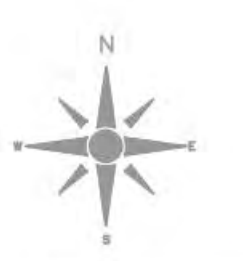
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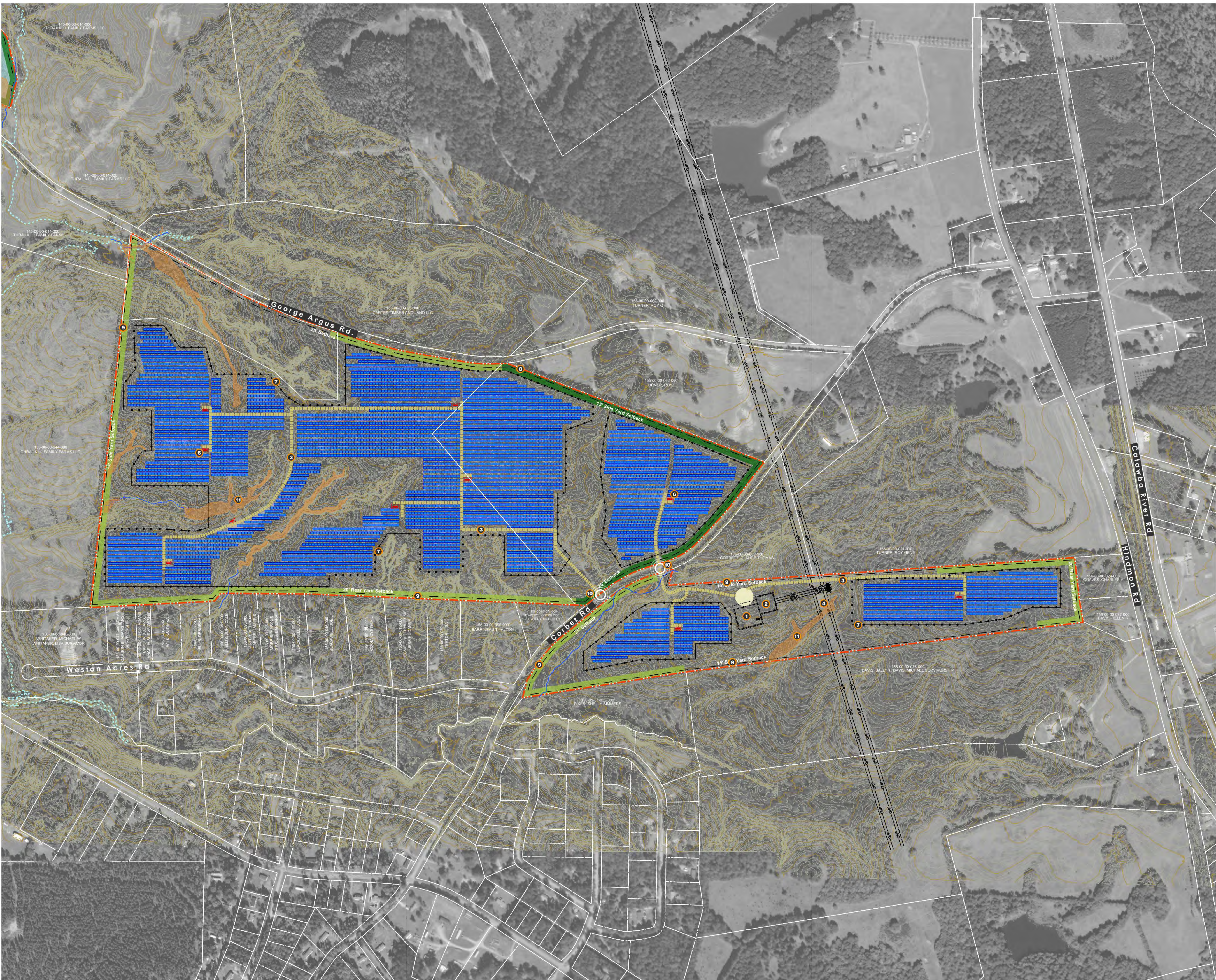
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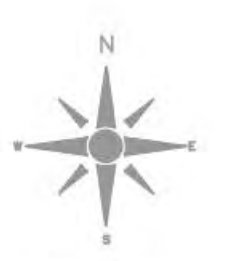
Rutabaga Holdings, LLC
 Chester County, SC



Title
Conceptual Site Plan
 Date
07.5.22
 Scale
SCALE: 1"= 500'
 0 250' 500' 1000'
 Sheet Number
SP-1



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Rutabaga Holdings, LLC

Chester County, SC

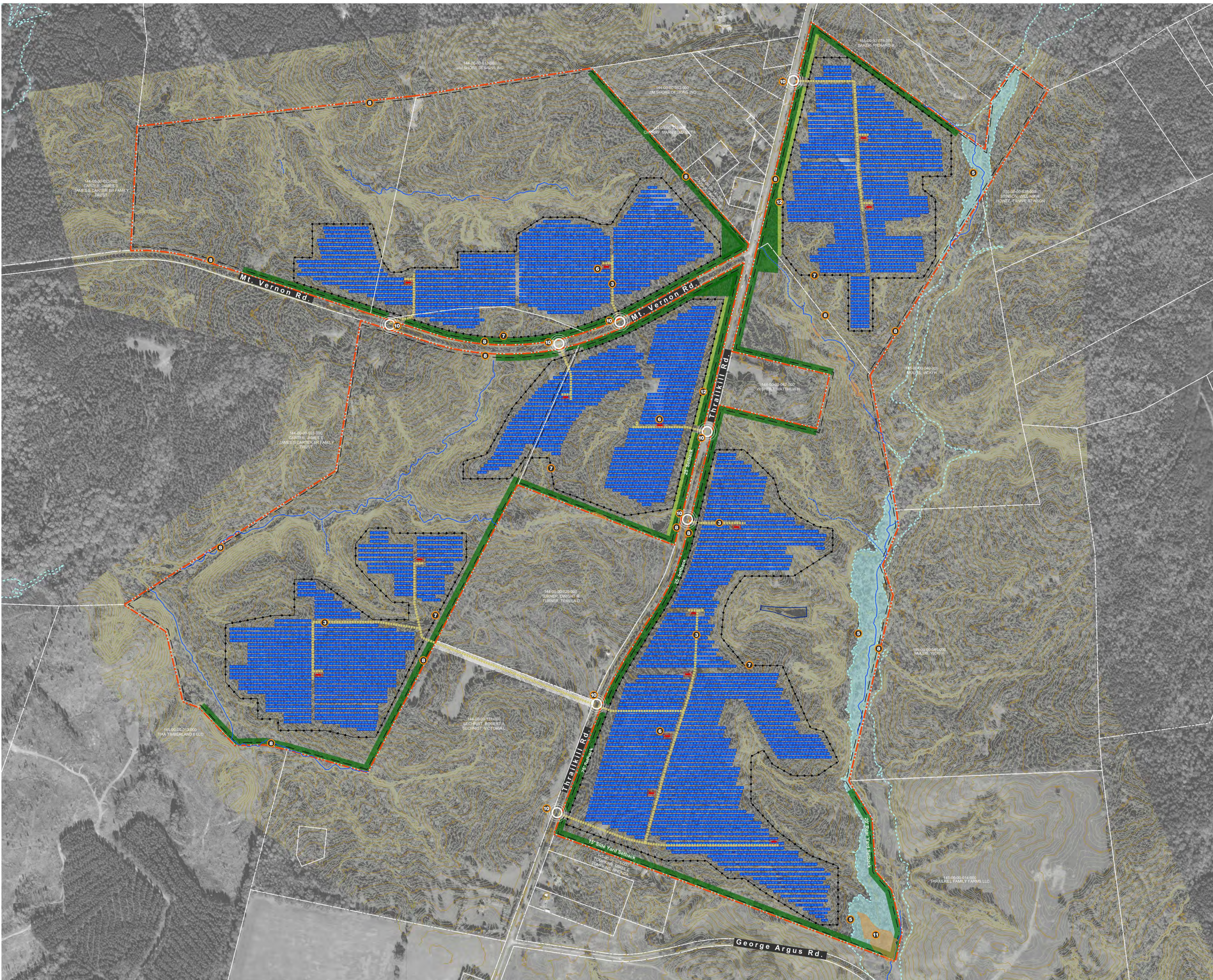


Title
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Rutabaga Holdings, LLC

Chester County, SC



Title
Conceptual Site Plan

Date
07.5.22

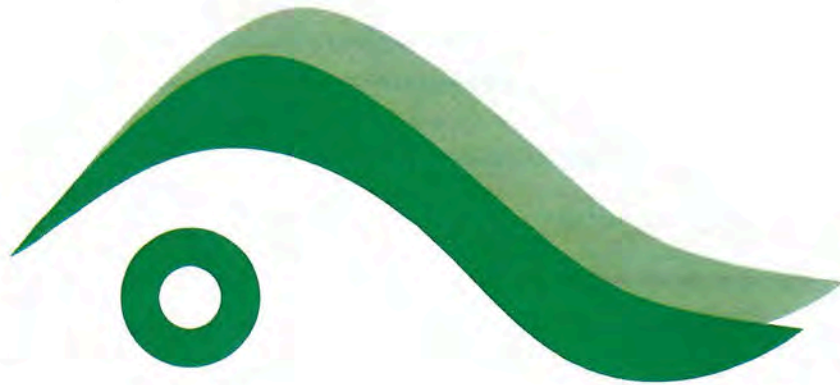
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Sheet Number
SP-3

Rutabaga Holdings, LLC

Rezoning Package

Submitted May 20, 2022



BIRDSEYE

RENEWABLE ENERGYSM

A DOMINION ENERGY COMPANY

Jenna E. Lee
[REDACTED]

May 20, 2022

VIA HAND DELIVERY

Mr. Mike Levister, Planning Director
Chester County Building & Zoning
1476 J.A. Cochran Bypass
Chester, South Carolina 29706

Re: Rutabaga Holdings, LLC Rezoning Application

Dear Mr. Levister:

I am pleased to submit on behalf of Rutabaga Holdings, LLC, an affiliate of Birdseye Renewable Energy ("Birdseye"), the attached Rezoning application seeking to rezone property located in Chester, South Carolina from the Rural Three District (R-3) to the Rural Two District (R-2) to allow for the installation of a solar farm. The properties proposed to be rezoned include the seven following existing parcels: 144-00-00-018-000; 144-00-00-019-00; 144-00-00-021-000; 144-00-00-022-000; 155-00-00-25-000; and 155-00-00-039-000 (the "Property").

Pursuant to the requirements of the Zoning Ordinance of Chester County (the "Ordinance"), this letter of intent and the attached exhibits provide the documentation required by Chester County in consideration of this request.

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2. Owner Permission Letters;
3. Plats of the Property;
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5. Memorandum of Lease and Amendments;
6. Facility Decommissioning Plan prepared by Chris Sandifer, P.E. (including C.V.);
7. Health and Safety Affidavit prepared by Chris Sandifer, P.E.;
8. Land Use Consistency Memorandum prepared by Kara W. Drane, AICP; and
9. Wildlife Permeable Fencing exhibit.
10. South Carolina Solar Habitat Scorecard

We believe the attached documentation represents a complete Rezoning application pursuant to Sections 8-100 and 8-102 of the Ordinance. Birdseye intends to supplement this application with an ALTA survey when that survey is completed. Birdseye has also contacted the Chester County Fire Marshall and provided a project site plan for review. Feedback from that office will be considered in the Project's final design.

Additionally, Birdseye intends to seek approval of a Special Exception to allow for the proposed solar farm use upon the approval of the requested Rezoning. Birdseye will provide all necessary documentation in support of the Special Exception application upon submittal. Birdseye also plans to update this application with the following materials before the June 21st Planning Commission meeting:

1. Draft Emergency Action Plan; and
2. Property Value Impact Report prepared by Richard Kirkland, MIA.

Birdseye is hosting a community meeting on Thursday, June 2, 2022 at 6:00 p.m. The meeting will be held at the Fort Lawn Community Center.

Site Design

Birdseye's proposed solar installation (the "Project") is designed to comply with the minimum site development standards outlined in the Ordinance. The Project will include a solar installation including approximately 600-700 acres of property as shown on the attached Concept Plan. All structures to be located on the Property will be less than 25 feet in height and all setbacks and buffer widths will meet or exceed the Ordinance requirements. The Project will be surrounded by security fence of at least six feet in height and adequate access will be provided for emergency service vehicles.

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Project Operations and Safety

Rutabaga Holdings, LLC will lease the Property from Carter Timber and Land, LLC and James S. Carter Sr. Family Trust. Currently, Birdseye's parent company, Dominion Energy, Inc., plans to own and operate the facility once constructed. Solar installations are a passive, safe, and low intensity land use compatible with nearby farm and low-density residential uses. As provided in the attached Health and Safety Affidavit prepared by Birdseye's engineering consultant, the Project materials are non-combustible, create no site emissions, odor, or dust. The proposed solar panels do not contain any radioactive material, hazardous chemicals, or other material that could potentially cause harm to the surrounding community.

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will be indistinguishable from ambient background noise at the Property boundary. Additionally, because solar installations are unpaved, solar farms have beneficial stormwater and ground water recharging effects.

Perimeter Fence and Wildlife Protection

The Project will be surrounded by wildlife permeable fencing, which meets National Electric Code standards and allows small wildlife (fox, raccoon, etc.) to move through larger mesh holes in the bottom of the fence. Examples of the proposed fence material are attached hereto. Additionally, Birdseye intends to incorporate elements of the South Carolina Solar Habitat Scorecard (attached) into the site design, as applicable. As part of this effort, Birdseye pioneered the use of Managed Regrowth vegetative buffer systems, which install and/or encourage native, wildlife friendly species within project buffers and setback areas. These buffers provide effective, low maintenance visual screening for the project, and have a much higher survival rate than prescribed planted buffers commonly required for commercial or industrial construction projects, while also providing valuable wildlife habitat.

Decommissioning Plan

A decommissioning plan is attached to this application.

Land Use Consistency and Reasonableness

As provided in the attached analysis prepared by Colliers Engineering & Design, the proposed solar farm is a low intensity use compatible with surrounding farming and agricultural uses. The Project will have no identifiable impacts on farming, agriculture, rural family dwellings, or the environment.

Consistency with Comprehensive Plan

The Project is consistent with the "Chester County Comprehensive Plan 2005-2025." The Property is classified as "Rural" on the County's Future Land Use Plan and is currently surrounded by predominantly agricultural, timber, and residential uses. The proposed solar installation is compatible with low density residential and agricultural uses, consistent with the existing uses and proposed future uses in this portion of the County. The Project will allow for development of valuable renewable energy infrastructure within the County, while also allowing this portion of the County to maintain its predominantly rural character consistent with the stated goals and priorities of the Comprehensive Plan.

Birdseye respectfully requests approval of the Rezoning application to allow for the proposed solar farm. Please do not hesitate to contact me should you have any questions or need any additional information.

Sincerely,


A handwritten signature in black ink, consisting of a vertical line that curves into a horizontal line extending to the right.

Jenna E. Lee

Rezoning Application
Birdseye Renewable Energy, LLC Petitioner
Permissions Letter

The undersigned, as the owner of that parcel of land subject to the attached Rezoning Application filed by Birdseye Renewable Energy, LLC that is designated as Tax Parcel Numbers 144-00-00-021-000, 144-00-00-018-000 and 144-00-00-023-000 on the Chester County Tax Maps (the "Site"), hereby joins in this Rezoning Application (as may be amended from time to time), naming Birdseye Renewable Energy, LLC as its agent for the purposes of said Rezoning Application, and hereby consents to the development of the Site for Solar Farm use and the construction of related improvements on the Site for same.

This 13 day of April 2022.



TRUSTEE
James S. Carter Sr. Family Trust


Rezoning Application

Birdseye Renewable Energy, LLC Petitioner

Permissions Letter

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This 13 day of April 2022.


Matthew Parton
Carter Timber and Land LLC



Chester County, South Carolina
 Department of Planning, Building & Zoning
 1476 J.A. Cochran Bypass
 Chester, SC 29706

Zoning Map Amendment (Rezoning) Application

Fee: Residential \$150.00, Non-Residential \$300.00, Planned Development \$1000.00

Meeting Date: 6-21-2022 Case # CCMA 22-09 Invoice # 5212

The applicant hereby requests that the property described to be rezoned from R-3 to R-2

Please give your reason for this rezoning request:

To allow for a solar facility, permitted as a Special Exception in R-2.

Copy of plat must be presented with the application request

Designation of Agent (complete only if owner is not applicant): I (we) hereby appoint the person named as applicant as my (our) agent to represent me (us) in this request for rezoning. A Corporate Resolution letter or a permission letter must be presented at the time of application request. NAICS CODE: _____

Property Address Information

Property address: Thrailkill Road
 Tax Map Number: 144-00-00-019-000 Acres: 201

Any structures on the property: yes _____ no X. If you checked yes, draw locations of structures on plat or blank paper.

PLEASE PRINT:

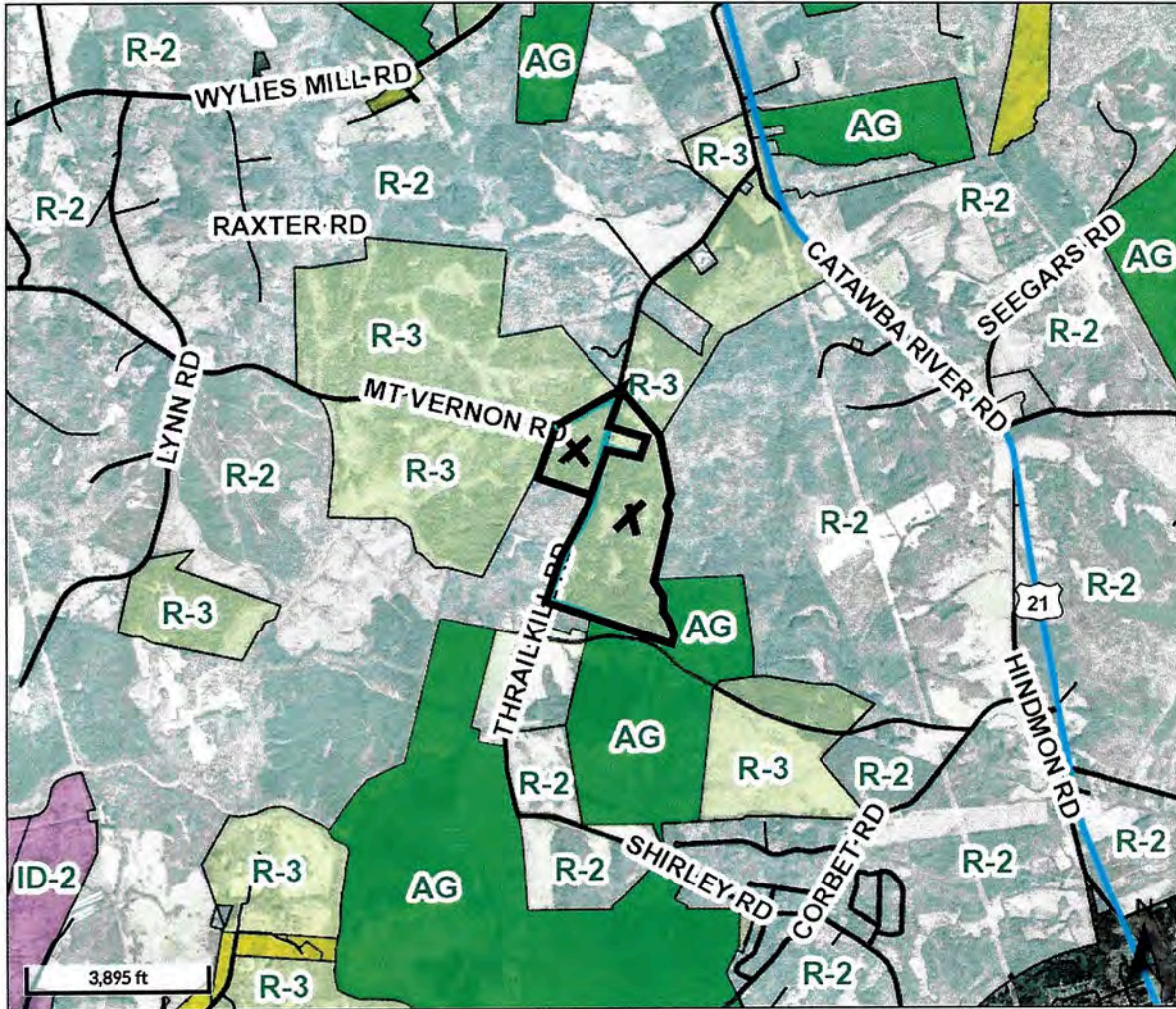
Applicant (s): Birdseye Renewable Energy
 Address 1125 E. Morehead Street Suite 202 Charlotte, NC 28204
 Telephone: _____ cell _____ work _____
 E-Mail Address: _____

Owner(s) if other than applicant(s): Carter Timber and Land, LLC
 Address: 1490 Burl Ivy Way Hemphill, TX 75948
 Telephone: _____ cell _____ work _____
 E-Mail Address: _____

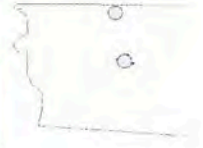
I (we) hereby agree that this information I (we) have presented is correct. Insufficient information may result in a denial of your request.

Owner's signature: [Signature] Date: 4/13/22
 Applicant signature: [Signature] Date: 4/14/22

CANCELLATION MAY RESULT IN AN ADDITIONAL FEE OF \$150.00. SOMEONE MAY REPRESENT YOU AT THE MEETING.



Overview

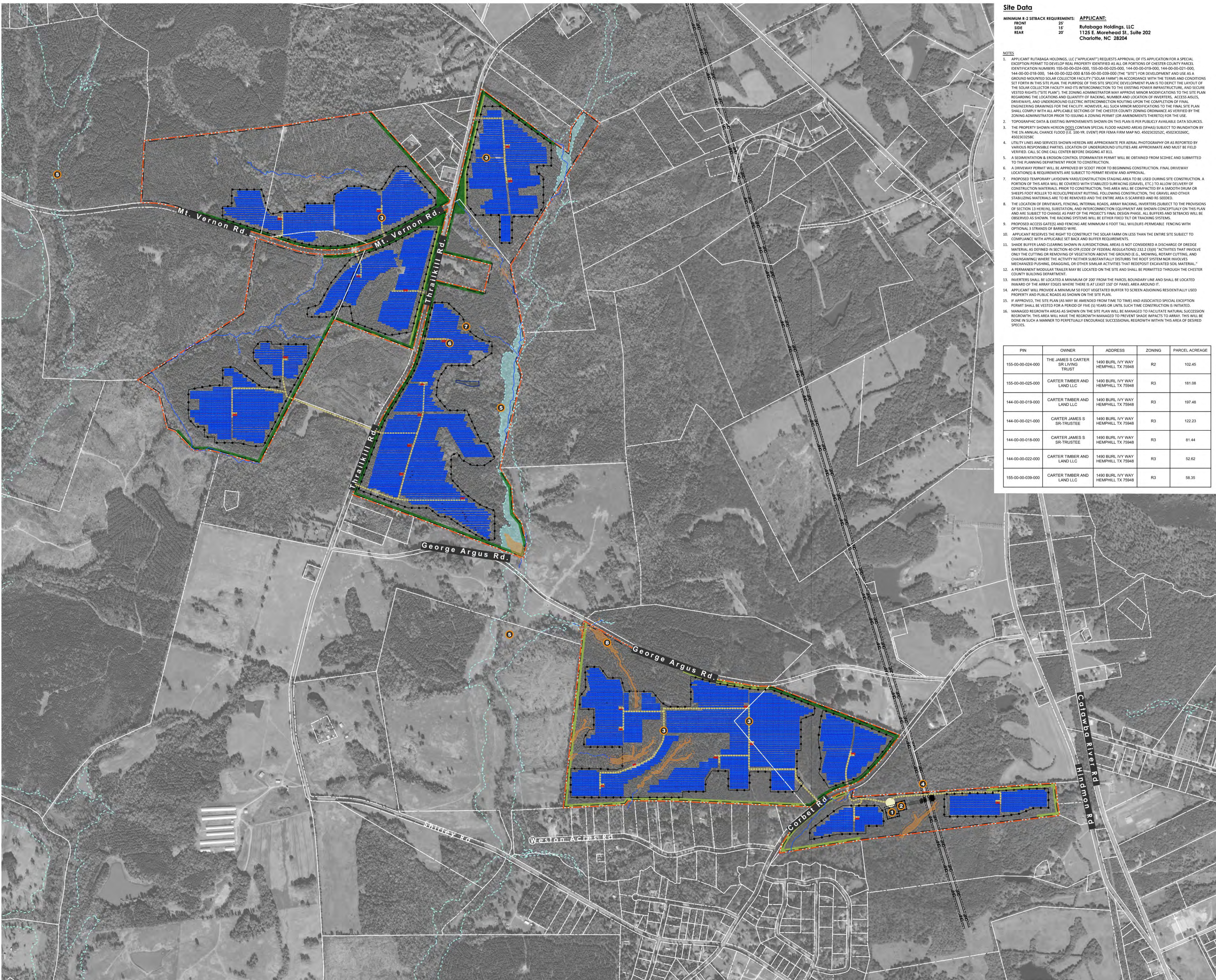


Parcel ID	144-00-00-019-000	Alternate ID	n/a	Owner Address	CARTER TIMBER AND LAND LLC
Sec/Twp/Rng	n/a	Class	AC		1490 BURL IVY WAY
Property Address		Acreage	197.483		HEMPHILL TX 75948
District	05				
Brief Tax Description	n/a				
	(Note: Not to be used on legal documents)				

Date created: 6/21/2022
 Last Data Uploaded: 6/21/2022 4:01:19 AM

Developed by  **Schneider**
 GEOSPATIAL

CCMA22-09: Birdseye Renewable Energy Request Tax Map # 155-00-00-025-000 on George Angus Road be rezoned from Rural Three (R3) to Rural Two (R2). Chairman Raines withdrew his second, Commissioner Grant withdrew his motion. Chairman Raines motioned to approve the rezoning as it's been requested with the reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council second by Commissioner Howell. Vote 4-1 to approve. Commissioner Hill opposed.



Site Data

MINIMUM 8-2 SETBACK REQUIREMENTS:	APPLICANT:
FRONT 25'	Rutabaga Holdings, LLC
SIDE 15'	1125 E. Morehead St., Suite 202
REAR 20'	Charlotte, NC 28204

- NOTES**
1. APPLICANT RUTABAGA HOLDINGS, LLC ("APPLICANT") REQUESTS APPROVAL OF ITS APPLICATION FOR A SPECIAL EXCEPTION PERMIT TO DEVELOP REAL PROPERTY IDENTIFIED AS ALL OR PORTIONS OF CHESTER COUNTY PARCEL IDENTIFICATION NUMBERS 155-00-00-024-000, 155-00-00-025-000, 144-00-00-019-000, 144-00-00-021-000, 144-00-00-018-000, 144-00-00-022-000 & 155-00-00-039-000 (THE "SITE") FOR DEVELOPMENT AND USE AS A GROUND MOUNTED SOLAR COLLECTOR FACILITY ("SOLAR FARM") IN ACCORDANCE WITH THE TERMS AND CONDITIONS SET FORTH IN THIS SITE PLAN. THE PURPOSE OF THIS SITE SPECIFIC DEVELOPMENT PLAN IS TO DEPICT THE LAYOUT OF THE SOLAR COLLECTOR FACILITY AND ITS INTERCONNECTION TO THE EXISTING POWER INFRASTRUCTURE, AND SECURE VESTED RIGHTS (SITE PLAN). THE ZONING ADMINISTRATOR MAY APPROVE MINOR MODIFICATIONS TO THE SITE PLAN REGARDING THE LOCATIONS AND QUANTITY OF RACKING, NUMBER AND LOCATION OF INVERTERS, ACCESS ARIES, DRIVEWAYS, AND UNDERGROUND ELECTRIC INTERCONNECTION ROUTING UPON THE COMPLETION OF FINAL ENGINEERING DRAWINGS FOR THE FACILITY. HOWEVER, ALL SUCH MINOR MODIFICATIONS TO THE FINAL SITE PLAN SHALL COMPLY WITH ALL APPLICABLE SECTIONS OF THE CHESTER COUNTY ZONING ORDINANCE AS VERIFIED BY THE ZONING ADMINISTRATOR PRIOR TO ISSUING A ZONING PERMIT OR AMENDMENTS THEREOF FOR THE USE.
 2. TOPOGRAPHIC DATA & EXISTING IMPROVEMENTS SHOWN ON THIS PLAN IS PER PUBLICLY AVAILABLE DATA SOURCES.
 3. THE PROPERTY SHOWN HEREON DOES CONTAIN SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD (I.E. 100-YR. EVENT) PER FEMA FIRM MAP NO. 45023C0252C, 45023C0260C, 45023C0268C.
 4. UTILITY LINES AND SERVICES SHOWN HEREON ARE APPROXIMATE PER AERIAL PHOTOGRAPHY OR AS REPORTED BY VARIOUS RESPONSIBLE PARTIES. LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE AND MUST BE FIELD VERIFIED. CALL SC ONE CALL CENTER BEFORE DIGGING AT 811.
 5. A SEDIMENTATION & EROSION CONTROL SYSTEM/WATER PERMIT WILL BE OBTAINED FROM SCDEH AND SUBMITTED TO THE PLANNING DEPARTMENT PRIOR TO CONSTRUCTION.
 6. A DRIVEWAY PERMIT WILL BE APPROVED BY SCOT PRIOR TO BEGINNING CONSTRUCTION. FINAL DRIVEWAY LOCATION(S) & REQUIREMENTS ARE SUBJECT TO PERMIT REVIEW AND APPROVAL.
 7. PROPOSED TEMPORARY LANDING AND CONSTRUCTION STAGING AREA TO BE USED DURING SITE CONSTRUCTION. A PORTION OF THIS AREA WILL BE COVERED WITH STABILIZED SURFACING (GRAVEL, ETC.) TO ALLOW DELIVERY OF CONSTRUCTION MATERIALS. PRIOR TO CONSTRUCTION, THIS AREA WILL BE COMPACTED BY A SMOOTH DRUM OR SHEEP'S FOOT ROLLER TO REDUCE/PREVENT RUTTING. FOLLOWING CONSTRUCTION, THE GRAVEL AND OTHER STABILIZING MATERIALS ARE TO BE REMOVED AND THE ENTIRE AREA IS SCARIFIED AND RE-SEEDDED.
 8. THE LOCATION OF DRIVEWAYS, FENCING, INTERNAL ROADS, ARRAY RACKING, INVERTERS (SUBJECT TO THE PROVISIONS OF SECTION 13 HEREIN), SUBSTATION, AND INTERCONNECTION LOCATION AND INTERCONNECTION CONCEPTUALS ON THIS PLAN AND ARE SUBJECT TO CHANGE AS PART OF THE PROJECT'S FINAL DESIGN PHASE. ALL BUFFERS AND SETBACKS WILL BE OBSERVED AS SHOWN. THE RACKING SYSTEMS WILL BE EITHER FIXED TILT OR TRACKING SYSTEMS.
 9. PROPOSED ACCESS GATES AND FENCING ARE MINIMUM 6-FOOT TALL WOODPILE-PERMEABLE FENCING WITH OPTIONAL 3 STRANDS OF BARBED WIRE.
 10. APPLICANT RESERVES THE RIGHT TO CONSTRUCT THE SOLAR FARM ON LESS THAN THE ENTIRE SITE SUBJECT TO COMPLIANCE WITH APPLICABLE SET BACK AND BUFFER REQUIREMENTS.
 11. SHADE BUFFER LAND CLEARING SHOWN IN JURISDICTIONAL AREAS IS NOT CONSIDERED A DISCHARGE OF DREDGE MATERIAL AS DEFINED IN SECTION 40 OF THE CODE OF FEDERAL REGULATIONS 232.2 (B)(1) "ACTIVITIES THAT INVOLVE ONLY THE CUTTING OR REMOVING OF VEGETATION ABOVE THE GROUND (I.E., MOWING, ROTARY CUTTING, AND CHAINSAWING) WHERE THE ACTIVITY NEITHER SUBSTANTIALLY DISTURBS THE ROOT SYSTEM NOR INVOLVES MECHANIZED PUSHING, DRAGGING, OR OTHER SIMILAR ACTIVITIES THAT REDDISTRIBUTE SOIL MATERIAL."
 12. A PERMANENT MODULAR TRAILER MAY BE LOCATED ON THE SITE AND SHALL BE PERMITTED THROUGH THE CHESTER COUNTY BUILDING DEPARTMENT.
 13. INVERTERS SHALL BE LOCATED A MINIMUM OF 200' FROM THE PARCEL BOUNDARY LINE AND SHALL BE LOCATED INWARD OF THE ARRAY EDGES WHERE THERE IS AT LEAST 150' OF PANEL AREA AROUND IT.
 14. APPLICANT WILL PROVIDE A MINIMUM 50 FOOT VEGETATED BUFFER TO SCREEN ADJOINING RESIDENTIALLY USED PROPERTY AND PUBLIC ROADS AS SHOWN ON THE SITE PLAN.
 15. IF APPROVED, THE SITE PLAN (AS MAY BE AMENDED FROM TIME TO TIME) AND ASSOCIATED SPECIAL EXCEPTION PERMIT SHALL BE VESTED FOR A PERIOD OF FIVE (5) YEARS OR UNTIL SUCH TIME CONSTRUCTION IS INITIATED.
 16. MANAGED REGROWTH AREAS AS SHOWN ON THE SITE PLAN WILL BE MANAGED TO FACILITATE NATURAL SUCCESSION REGROWTH. THIS AREA WILL HAVE THE REGROWTH MANAGED TO PREVENT SHADE IMPACTS TO ARRAY. THIS WILL BE DONE IN SUCH A MANNER TO PERPETUALLY ENCOURAGE SUCCESSIONAL REGROWTH WITHIN THIS AREA OF DESIRED SPECIES.



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Rutabaga Holdings, LLC
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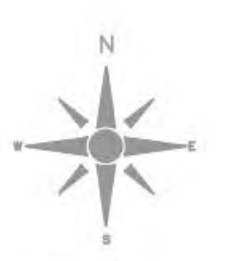
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Rutabaga Holdings, LLC
Chester County, SC



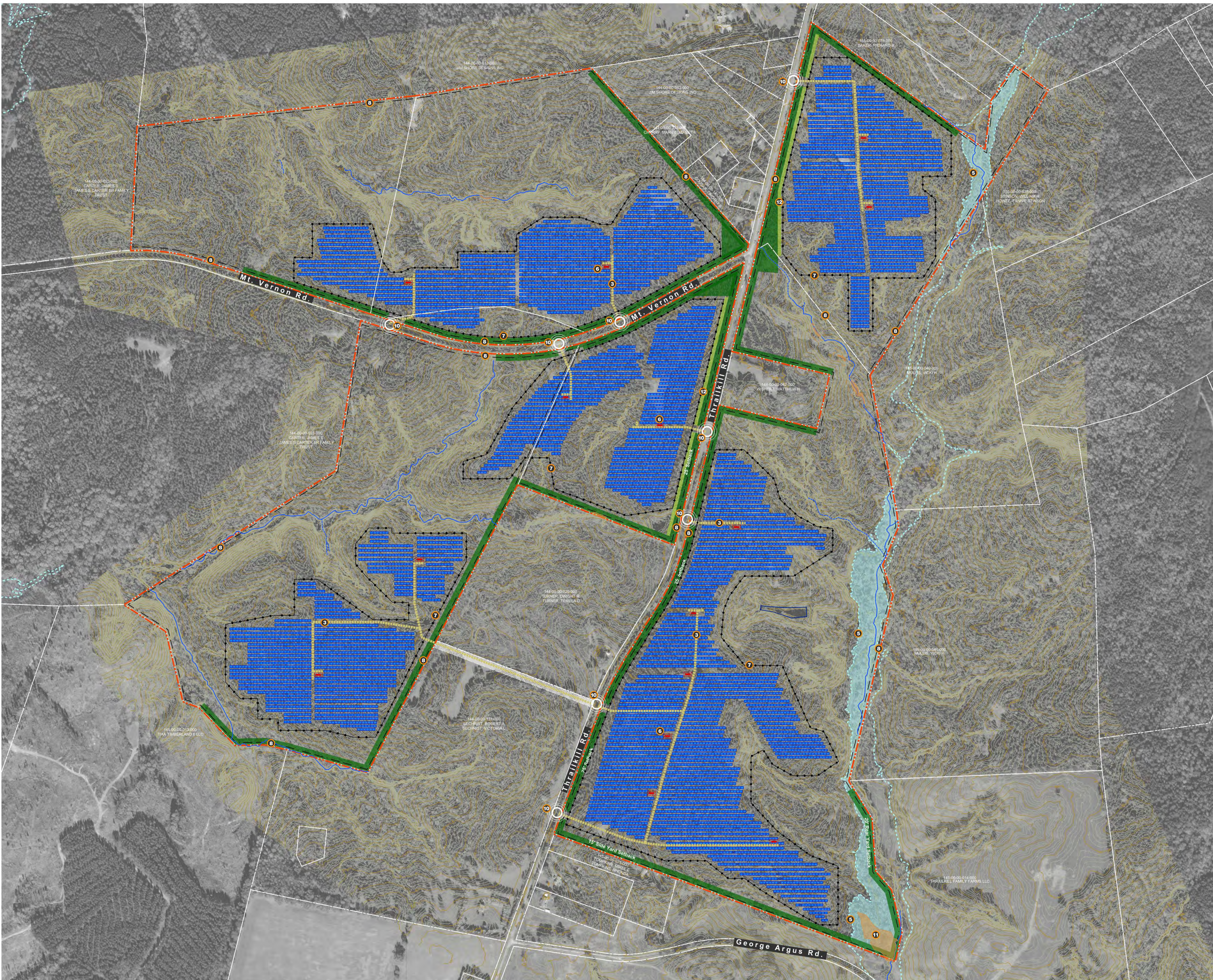
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Rutabaga Holdings, LLC
Chester County, SC



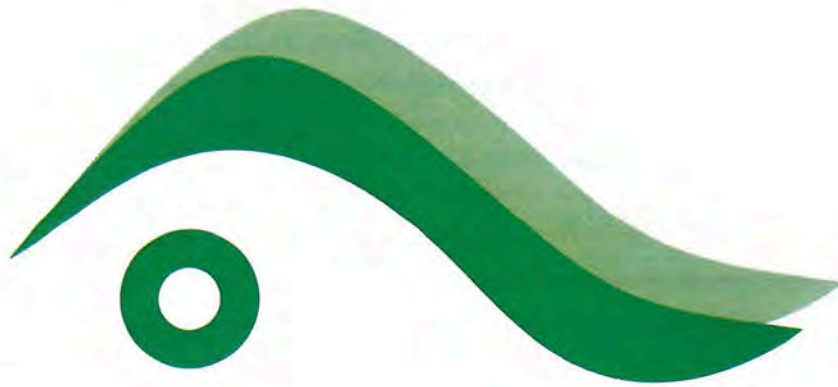
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Rutabaga Holdings, LLC
Rezoning Package
Submitted May 20, 2022



BIRDSEYE

RENEWABLE ENERGYSM

A DOMINION ENERGY COMPANY

Jenna E. Lee
[REDACTED]

May 20, 2022

VIA HAND DELIVERY

Mr. Mike Levister, Planning Director
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1476 J.A. Cochran Bypass
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The Project will be surrounded by wildlife permeable fencing, which meets National Electric Code standards and allows small wildlife (fox, raccoon, etc.) to move through larger mesh holes in the bottom of the fence. Examples of the proposed fence material are attached hereto. Additionally, Birdseye intends to incorporate elements of the South Carolina Solar Habitat Scorecard (attached) into the site design, as applicable. As part of this effort, Birdseye pioneered the use of Managed Regrowth vegetative buffer systems, which install and/or encourage native, wildlife friendly species within project buffers and setback areas. These buffers provide effective, low maintenance visual screening for the project, and have a much higher survival rate than prescribed planted buffers commonly required for commercial or industrial construction projects, while also providing valuable wildlife habitat.

Decommissioning Plan

A decommissioning plan is attached to this application.

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As provided in the attached analysis prepared by Colliers Engineering & Design, the proposed solar farm is a low intensity use compatible with surrounding farming and agricultural uses. The Project will have no identifiable impacts on farming, agriculture, rural family dwellings, or the environment.

Consistency with Comprehensive Plan

The Project is consistent with the "Chester County Comprehensive Plan 2005-2025." The Property is classified as "Rural" on the County's Future Land Use Plan and is currently surrounded by predominantly agricultural, timber, and residential uses. The proposed solar installation is compatible with low density residential and agricultural uses, consistent with the existing uses and proposed future uses in this portion of the County. The Project will allow for development of valuable renewable energy infrastructure within the County, while also allowing this portion of the County to maintain its predominantly rural character consistent with the stated goals and priorities of the Comprehensive Plan.

Birdseye respectfully requests approval of the Rezoning application to allow for the proposed solar farm. Please do not hesitate to contact me should you have any questions or need any additional information.

Sincerely,


A handwritten signature in black ink, consisting of a stylized 'J' followed by a horizontal line that extends to the right.

Jenna E. Lee

Rezoning Application
Birdseye Renewable Energy, LLC Petitioner
Permissions Letter

The undersigned, as the owner of that parcel of land subject to the attached Rezoning Application filed by Birdseye Renewable Energy, LLC that is designated as Tax Parcel Numbers 144-00-00-021-000, 144-00-00-018-000 and 144-00-00-023-000 on the Chester County Tax Maps (the "Site"), hereby joins in this Rezoning Application (as may be amended from time to time), naming Birdseye Renewable Energy, LLC as its agent for the purposes of said Rezoning Application, and hereby consents to the development of the Site for Solar Farm use and the construction of related improvements on the Site for same.

This 13 day of April 2022.



TRUSTEE
James S. Carter Sr. Family Trust

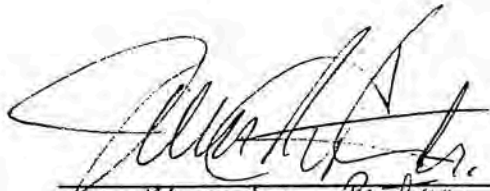
Rezoning Application

Birdseye Renewable Energy, LLC Petitioner

Permissions Letter

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This 13 day of April 2022.


Marjorie Paulsen
Carter Timber and Land LLC



Chester County, South Carolina
 Department of Planning, Building & Zoning
 1476 J.A. Cochran Bypass
 Chester, SC 29706

Zoning Map Amendment (Rezoning) Application

Fee: Residential \$150.00, Non-Residential \$300.00, Planned Development \$1000.00

Meeting Date: 6-21-2022 Case # CCMA22-10 Invoice # 5212

The applicant hereby requests that the property described to be rezoned from R-3 to R-2

Please give your reason for this rezoning request:

To allow for a solar facility, permitted as a Special Exception in R-2.

Copy of plat must be presented with the application request

Designation of Agent (complete only if owner is not applicant): I (we) hereby appoint the person named as applicant as my (our) agent to represent me (us) in this request for rezoning. A Corporate Resolution letter or a permission letter must be presented at the time of application request. NAICS CODE: _____

Property Address Information

Property address: Mt. Vernon Road
 Tax Map Number: 144-00-00-018-000 Acres: 84

Any structures on the property: yes _____ no X. If you checked yes, draw locations of structures on plat or blank paper.

PLEASE PRINT:

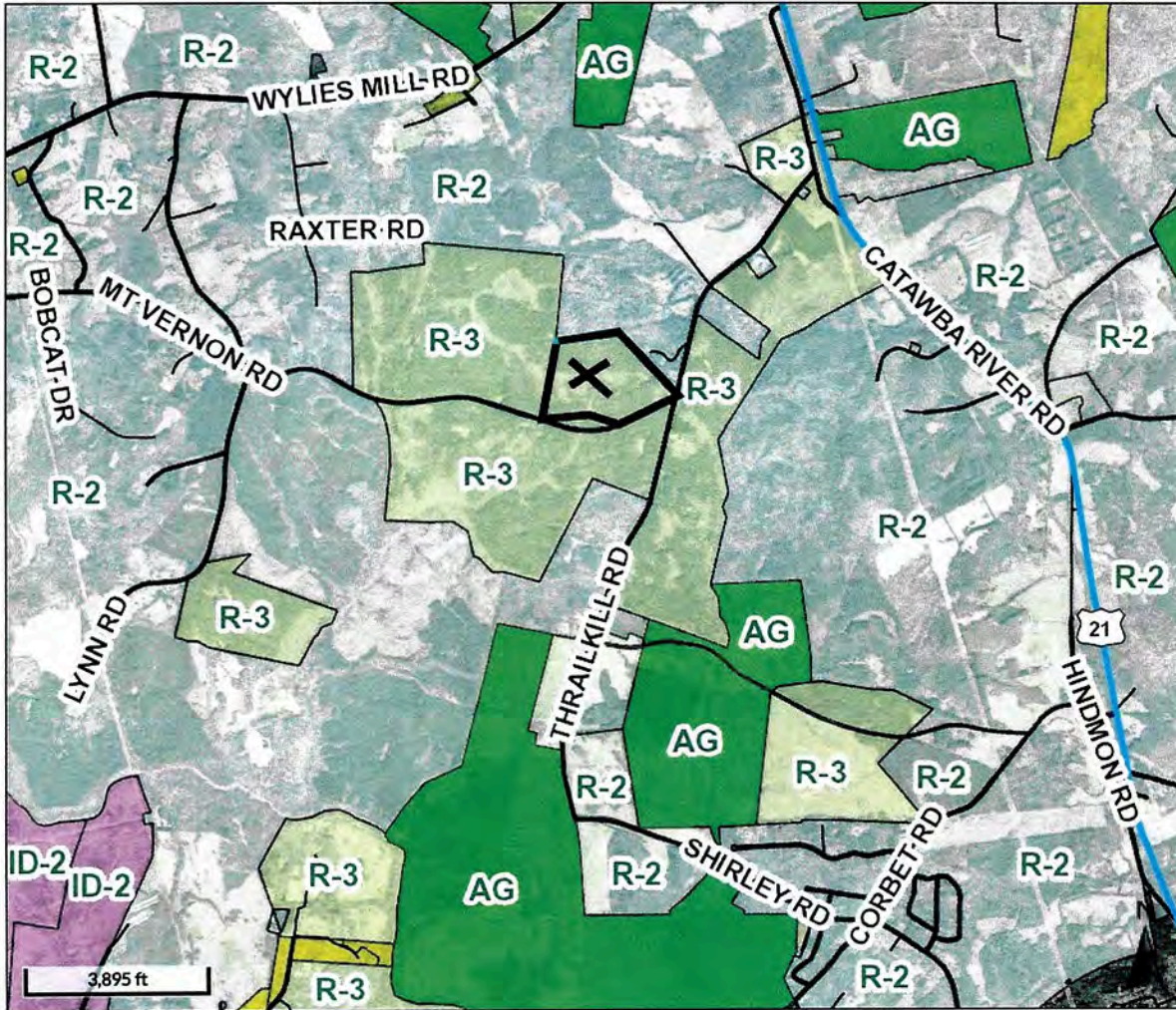
Applicant (s): Birdseye Renewable Energy
 Address 1125 E. Morehead Street Suite 202 Charlotte, NC 28204
 Telephone: _____ cell _____ work _____
 E-Mail Address: _____

Owner(s) if other than applicant(s): James S. Carter Sr. Family Trust
 Address: 1490 Burl Ivy Way Hemphill, TX 75948
 Telephone: _____ cell _____ work _____
 E-Mail Address: _____

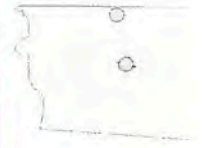
I (we) hereby agree that this information I (we) have presented is correct. Insufficient information may result in a denial of your request.

Owner's signature: [Signature] Date: 4/13/22
 Applicant signature: [Signature] Date: 4/14/22

CANCELLATION MAY RESULT IN AN ADDITIONAL FEE OF \$150.00. SOMEONE MAY REPRESENT YOU AT THE MEETING.



Overview



Parcel ID	144-00-00-018-000	Alternate ID	n/a	Owner Address	CARTER JAMES S SR-TRUSTEE
Sec/Twp/Rng	n/a	Class	LA		JAMES S CARTER SR FAMILY TRUST
Property Address		Acreage	81.437		1490 BURL IVY WAY
					HEMPHILL TX 75948
District	05				
Brief Tax Description	n/a				
	(Note: Not to be used on legal documents)				

Date created: 6/21/2022
 Last Data Uploaded: 6/21/2022 4:01:19 AM

Developed by  **Schneider**
 GEOSPATIAL

CCMA22-10: Birdseye Renewable Energy Request Tax Map # 155-00-00-025-000 on George Angus Road be rezoned from Rural Three (R3) to Rural Two (R2). Chairman Raines withdrew his second, Commissioner Grant withdrew his motion. Chairman Raines motioned to approve the rezoning as it's been requested with the reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council second by Commissioner Howell. Vote 4-1 to approve. Commissioner Hill opposed.



Site Data

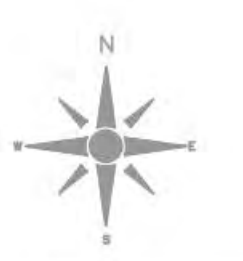
MINIMUM 8-2 SETBACK REQUIREMENTS:	APPLICANT:
FRONT 25'	Rutabaga Holdings, LLC
SIDE 15'	1125 E. Morehead St., Suite 202
REAR 20'	Charlotte, NC 28204

- NOTES**
1. APPLICANT RUTABAGA HOLDINGS, LLC ("APPLICANT") REQUESTS APPROVAL OF ITS APPLICATION FOR A SPECIAL EXCEPTION PERMIT TO DEVELOP REAL PROPERTY IDENTIFIED AS ALL OR PORTIONS OF CHESTER COUNTY PARCEL IDENTIFICATION NUMBERS 155-00-00-024-000, 155-00-00-025-000, 144-00-00-019-000, 144-00-00-021-000, 144-00-00-018-000, 144-00-00-022-000 & 155-00-00-039-000 (THE "SITE") FOR DEVELOPMENT AND USE AS A GROUND MOUNTED SOLAR COLLECTOR FACILITY ("SOLAR FARM") IN ACCORDANCE WITH THE TERMS AND CONDITIONS SET FORTH IN THIS SITE PLAN. THE PURPOSE OF THIS SITE SPECIFIC DEVELOPMENT PLAN IS TO DEFINE THE LAYOUT OF THE SOLAR COLLECTOR FACILITY AND ITS INTERCONNECTION TO THE EXISTING POWER INFRASTRUCTURE, AND SECURE VESTED RIGHTS (SITE PLAN). THE ZONING ADMINISTRATOR MAY APPROVE MINOR MODIFICATIONS TO THE SITE PLAN REGARDING THE LOCATIONS AND QUANTITY OF RACKING, NUMBER AND LOCATION OF INVERTERS, ACCESS ARIES, DRIVEWAYS, AND UNDERGROUND ELECTRIC INTERCONNECTION ROUTING UPON THE COMPLETION OF FINAL ENGINEERING DRAWINGS FOR THE FACILITY. HOWEVER, ALL SUCH MINOR MODIFICATIONS TO THE FINAL SITE PLAN SHALL COMPLY WITH ALL APPLICABLE SECTIONS OF THE CHESTER COUNTY ZONING ORDINANCE AS VERIFIED BY THE ZONING ADMINISTRATOR PRIOR TO ISSUING A ZONING PERMIT OR AMENDMENTS THEREOF FOR THE USE.
 2. TOPOGRAPHIC DATA & EXISTING IMPROVEMENTS SHOWN ON THIS PLAN IS PER PUBLICLY AVAILABLE DATA SOURCES.
 3. THE PROPERTY SHOWN HEREON DOES CONTAIN SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD (I.E. 100-YR. EVENT) PER FEMA FIRM MAP NO. 45023C0252C, 45023C0260C, 45023C0268C.
 4. UTILITY LINES AND SERVICES SHOWN HEREON ARE APPROXIMATE PER AERIAL PHOTOGRAPHY OR AS REPORTED BY VARIOUS RESPONSIBLE PARTIES. LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE AND MUST BE FIELD VERIFIED. CALL SC ONE CALL CENTER BEFORE DIGGING AT 811.
 5. A SEDIMENTATION & EROSION CONTROL STORMWATER PERMIT WILL BE OBTAINED FROM SCDEH AND SUBMITTED TO THE PLANNING DEPARTMENT PRIOR TO CONSTRUCTION.
 6. A DRIVEWAY PERMIT WILL BE APPROVED BY SCOT PRIOR TO BEGINNING CONSTRUCTION. FINAL DRIVEWAY LOCATION(S) & REQUIREMENTS ARE SUBJECT TO PERMIT REVIEW AND APPROVAL.
 7. PROPOSED TEMPORARY LANDING AND CONSTRUCTION STAGING AREA TO BE USED DURING SITE CONSTRUCTION. A PORTION OF THIS AREA WILL BE COVERED WITH STABILIZED SURFACING (GRAVEL, ETC.) TO ALLOW DELIVERY OF CONSTRUCTION MATERIALS. PRIOR TO CONSTRUCTION, THIS AREA WILL BE COMPACTED BY A SMOOTH DRUM OR SHEEP'S FOOT ROLLER TO REDUCE/ PREVENT RUTTING. FOLLOWING CONSTRUCTION, THE GRAVEL AND OTHER STABILIZING MATERIALS ARE TO BE REMOVED AND THE ENTIRE AREA IS SCARIFIED AND RE-SEEDDED.
 8. THE LOCATION OF DRIVEWAYS, FENCING, INTERNAL ROADS, ARRAY RACKING, INVERTERS (SUBJECT TO THE PROVISIONS OF SECTION 13 HEREIN), SUBSTATION, AND INTERCONNECTION LOCATION AND INTERCONNECTION CONCEPTUALS ON THIS PLAN AND ARE SUBJECT TO CHANGE AS PART OF THE PROJECT'S FINAL DESIGN PHASE. ALL BUFFERS AND SETBACKS WILL BE OBSERVED AS SHOWN. THE RACKING SYSTEMS WILL BE EITHER FIXED TILT OR TRACKING SYSTEMS.
 9. PROPOSED ACCESS GATES AND FENCING ARE MINIMUM 6-FOOT TALL WOODPILE-PERMEABLE FENCING WITH OPTIONAL 3 STRANDS OF BARBED WIRE.
 10. APPLICANT RESERVES THE RIGHT TO CONSTRUCT THE SOLAR FARM ON LESS THAN THE ENTIRE SITE SUBJECT TO COMPLIANCE WITH APPLICABLE SET BACK AND BUFFER REQUIREMENTS.
 11. SHADE BUFFER LAND CLEARING SHOWN IN JURISDICTIONAL AREAS IS NOT CONSIDERED A DISCHARGE OF DREDGE MATERIAL AS DEFINED IN SECTION 40 OF THE CODE OF FEDERAL REGULATIONS 232.2 (DIB) "ACTIVITIES THAT INVOLVE ONLY THE CUTTING OR REMOVING OF VEGETATION ABOVE THE GROUND (I.E., MOWING, ROTARY CUTTING, AND CHAINSAWING) WHERE THE ACTIVITY NEITHER SUBSTANTIALLY DISTURBS THE ROOT SYSTEM NOR INVOLVES MECHANIZED PUSHING, DRAGGING, OR OTHER SIMILAR ACTIVITIES THAT REDDIST EXCAVATED SOIL MATERIAL."
 12. A PERMANENT MODULAR TRAILER MAY BE LOCATED ON THE SITE AND SHALL BE PERMITTED THROUGH THE CHESTER COUNTY BUILDING DEPARTMENT.
 13. INVERTERS SHALL BE LOCATED A MINIMUM OF 200' FROM THE PARCEL BOUNDARY LINE AND SHALL BE LOCATED INWARD OF THE ARRAY EDGES WHERE THERE IS AT LEAST 150' OF PANEL AREA AROUND IT.
 14. APPLICANT WILL PROVIDE A MINIMUM 50 FOOT VEGETATED BUFFER TO SCREEN ADJOINING RESIDENTIALLY USED PROPERTY AND PUBLIC ROADS AS SHOWN ON THE SITE PLAN.
 15. IF APPROVED, THE SITE PLAN (AS MAY BE AMENDED FROM TIME TO TIME) AND ASSOCIATED SPECIAL EXCEPTION PERMIT SHALL BE VESTED FOR A PERIOD OF FIVE (5) YEARS OR UNTIL SUCH TIME CONSTRUCTION IS INITIATED.
 16. MANAGED REGROWTH AREAS AS SHOWN ON THE SITE PLAN WILL BE MANAGED TO FACILITATE NATURAL SUCCESSION REGROWTH. THIS AREA WILL HAVE THE REGROWTH MANAGED TO PREVENT SHADE IMPACTS TO ARRAY. THIS WILL BE DONE IN SUCH A MANNER TO PERPETUALLY ENCOURAGE SUCCESSIONAL REGROWTH WITHIN THIS AREA OF DESIRED SPECIES.

PIN	OWNER	ADDRESS	ZONING	PARCEL ACREAGE
155-00-00-024-000	THE JAMES S. CARTER SR. LIVING TRUST	1490 BURL IVY WAY HEMPHILL TX 75948	R2	102.45
155-00-00-025-000	CARTER TIMBER AND LAND LLC	1490 BURL IVY WAY HEMPHILL TX 75948	R3	181.08
144-00-00-019-000	CARTER TIMBER AND LAND LLC	1490 BURL IVY WAY HEMPHILL TX 75948	R3	197.48
144-00-00-021-000	CARTER JAMES S SR-TRUSTEE	1490 BURL IVY WAY HEMPHILL TX 75948	R3	122.23
144-00-00-018-000	CARTER JAMES S SR-TRUSTEE	1490 BURL IVY WAY HEMPHILL TX 75948	R3	81.44
144-00-00-022-000	CARTER TIMBER AND LAND LLC	1490 BURL IVY WAY HEMPHILL TX 75948	R3	52.62
155-00-00-039-000	CARTER TIMBER AND LAND LLC	1490 BURL IVY WAY HEMPHILL TX 75948	R3	58.35



- 1 PROJECT SUBSTATION
- 2 UTILITY SUBSTATION
- 3 14' WIDE X 6' THICK GRAVEL ACCESS DRIVE
- 4 EXISTING TRANSMISSION LINE
- 5 FLOOD HAZARD AREA
- 6 INVERTER STATION
- 7 PERIMETER FENCE
- 8 WETLAND AREA



Rutabaga Holdings, LLC
Chester County, SC

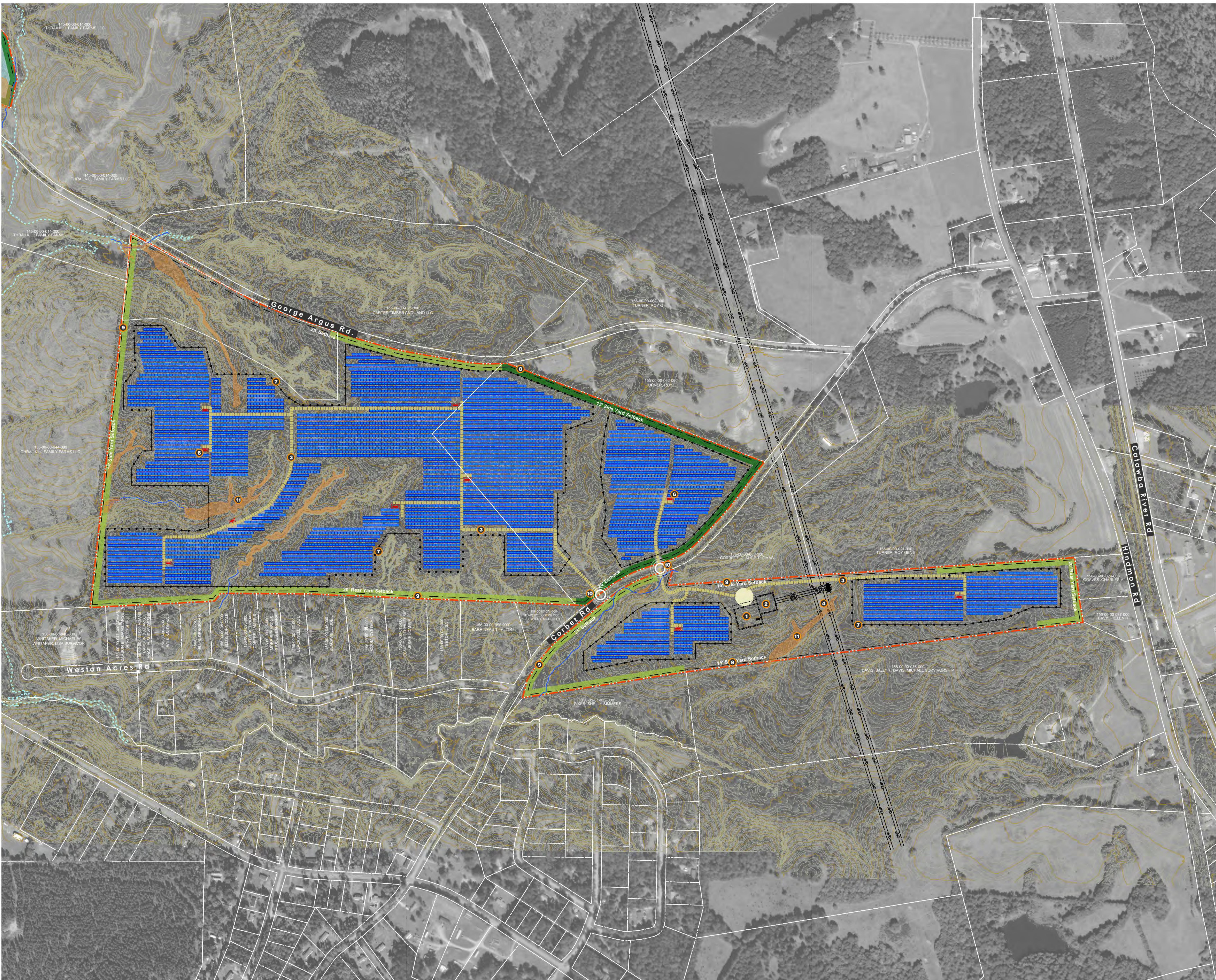


Title
Conceptual Site Plan

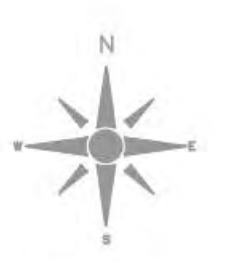
Date
07.5.22

Scale
SCALE: 1"= 500'
0 250' 500' 1000'

Sheet Number
SP-1



- 1 PROJECT SUBSTATION
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- 6 INVERTER STATION
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- 8 50' BUFFER OF EXISTING VEGETATION
- 9 50' BUFFER OF MANAGED REGROWTH
- 10 PROPOSED DRIVEWAY
- 11 WETLAND AREA



Rutabaga Holdings, LLC

Chester County, SC

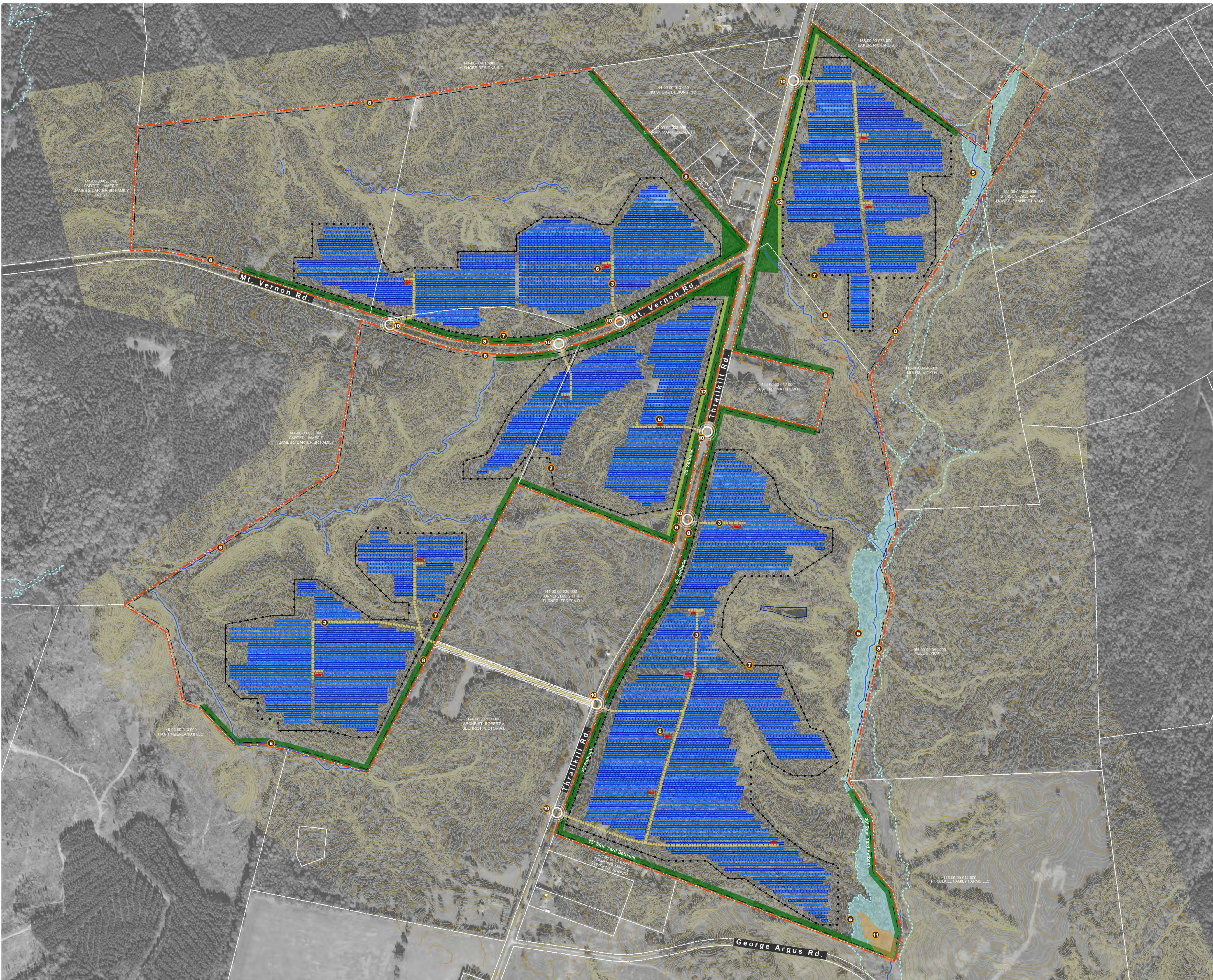


Title
Conceptual Site Plan

Date
07.5.22

Scale
SCALE: 1"= 250'
 0 125' 250' 500'

Sheet Number
SP-2



- 1 PROJECT SUBSTATION
- 2 UTILITY SUBSTATION
- 3 14' WIDE X 6" THICK GRAVEL ACCESS DRIVE
- 4 EXISTING TRANSMISSION LINE
- 5 FLOOD HAZARD AREA
- 6 INVERTER STATION
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- 9 50' BUFFER OF MANAGED REGROWTH
- 10 PROPOSED DRIVEWAY
- 11 WETLAND AREA
- 12 25' BUFFER OF MANAGED REGROWTH



Rutabaga Holdings, LLC

Chester County, SC



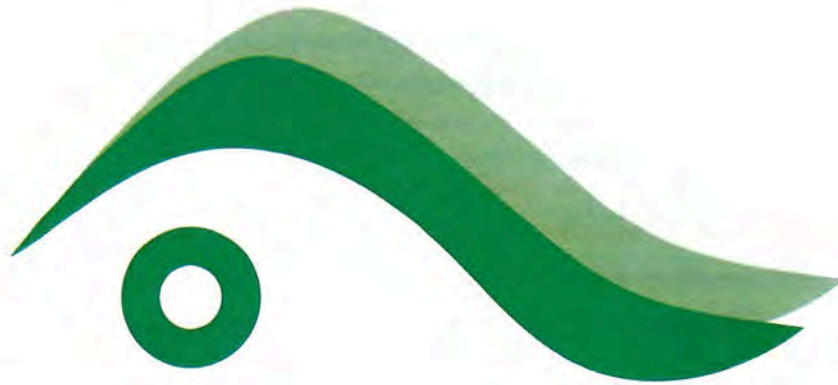
Title
Conceptual Site Plan

Date
07.5.22

Scale
 SCALE: 1"= 250'
 0 125' 250' 500'

Sheet Number
SP-3

Rutabaga Holdings, LLC
Rezoning Package
Submitted May 20, 2022



BIRDSEYE

RENEWABLE ENERGYSM

A DOMINION ENERGY COMPANY

Jenna E. Lee
[REDACTED]

May 20, 2022

VIA HAND DELIVERY

Mr. Mike Levister, Planning Director
Chester County Building & Zoning
1476 J.A. Cochran Bypass
Chester, South Carolina 29706

Re: Rutabaga Holdings, LLC Rezoning Application

Dear Mr. Levister:

I am pleased to submit on behalf of Rutabaga Holdings, LLC, an affiliate of Birdseye Renewable Energy ("Birdseye"), the attached Rezoning application seeking to rezone property located in Chester, South Carolina from the Rural Three District (R-3) to the Rural Two District (R-2) to allow for the installation of a solar farm. The properties proposed to be rezoned include the seven following existing parcels: 144-00-00-018-000; 144-00-00-019-00; 144-00-00-021-000; 144-00-00-022-000; 155-00-00-25-000; and 155-00-00-039-000 (the "Property").

Pursuant to the requirements of the Zoning Ordinance of Chester County (the "Ordinance"), this letter of intent and the attached exhibits provide the documentation required by Chester County in consideration of this request.

1. Completed Rezoning Application;
2. Owner Permission Letters;
3. Plats of the Property;
4. Concept Plan prepared by Birdseye Renewable Energy;
5. Memorandum of Lease and Amendments;
6. Facility Decommissioning Plan prepared by Chris Sandifer, P.E. (including C.V.);
7. Health and Safety Affidavit prepared by Chris Sandifer, P.E.;
8. Land Use Consistency Memorandum prepared by Kara W. Drane, AICP; and
9. Wildlife Permeable Fencing exhibit.
10. South Carolina Solar Habitat Scorecard

We believe the attached documentation represents a complete Rezoning application pursuant to Sections 8-100 and 8-102 of the Ordinance. Birdseye intends to supplement this application with an ALTA survey when that survey is completed. Birdseye has also contacted the Chester County Fire Marshall and provided a project site plan for review. Feedback from that office will be considered in the Project's final design.

Additionally, Birdseye intends to seek approval of a Special Exception to allow for the proposed solar farm use upon the approval of the requested Rezoning. Birdseye will provide all necessary documentation in support of the Special Exception application upon submittal. Birdseye also plans to update this application with the following materials before the June 21st Planning Commission meeting:

1. Draft Emergency Action Plan; and
2. Property Value Impact Report prepared by Richard Kirkland, MIA.

Birdseye is hosting a community meeting on Thursday, June 2, 2022 at 6:00 p.m. The meeting will be held at the Fort Lawn Community Center.

Site Design

Birdseye's proposed solar installation (the "Project") is designed to comply with the minimum site development standards outlined in the Ordinance. The Project will include a solar installation including approximately 600-700 acres of property as shown on the attached Concept Plan. All structures to be located on the Property will be less than 25 feet in height and all setbacks and buffer widths will meet or exceed the Ordinance requirements. The Project will be surrounded by security fence of at least six feet in height and adequate access will be provided for emergency service vehicles.

The attached Concept Plan provides the maximum proposed Project footprint, although the final footprint may be reduced as the final Project design is refined. Once complete, the Project will connect to and serve Duke Energy's existing power transmission grid. Power distribution lines within the facility will be located underground except for at the Point of Interconnection of the facility to the power grid.

Project Operations and Safety

Rutabaga Holdings, LLC will lease the Property from Carter Timber and Land, LLC and James S. Carter Sr. Family Trust. Currently, Birdseye's parent company, Dominion Energy, Inc., plans to own and operate the facility once constructed. Solar installations are a passive, safe, and low intensity land use compatible with nearby farm and low-density residential uses. As provided in the attached Health and Safety Affidavit prepared by Birdseye's engineering consultant, the Project materials are non-combustible, create no site emissions, odor, or dust. The proposed solar panels do not contain any radioactive material, hazardous chemicals, or other material that could potentially cause harm to the surrounding community.

As further provided in the Health and Safety Affidavit, solar farms are safe, non-hazardous, unobtrusive, environmentally friendly, and advance the public necessity of adopting renewable sourcing of electricity. The Project is an unmanned facility and, accordingly, no permanent on-site parking or loading areas are proposed. Sound during full output operations of the Project

will be indistinguishable from ambient background noise at the Property boundary. Additionally, because solar installations are unpaved, solar farms have beneficial stormwater and ground water recharging effects.

Perimeter Fence and Wildlife Protection

The Project will be surrounded by wildlife permeable fencing, which meets National Electric Code standards and allows small wildlife (fox, raccoon, etc.) to move through larger mesh holes in the bottom of the fence. Examples of the proposed fence material are attached hereto. Additionally, Birdseye intends to incorporate elements of the South Carolina Solar Habitat Scorecard (attached) into the site design, as applicable. As part of this effort, Birdseye pioneered the use of Managed Regrowth vegetative buffer systems, which install and/or encourage native, wildlife friendly species within project buffers and setback areas. These buffers provide effective, low maintenance visual screening for the project, and have a much higher survival rate than prescribed planted buffers commonly required for commercial or industrial construction projects, while also providing valuable wildlife habitat.

Decommissioning Plan

A decommissioning plan is attached to this application.

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As provided in the attached analysis prepared by Colliers Engineering & Design, the proposed solar farm is a low intensity use compatible with surrounding farming and agricultural uses. The Project will have no identifiable impacts on farming, agriculture, rural family dwellings, or the environment.

Consistency with Comprehensive Plan

The Project is consistent with the "Chester County Comprehensive Plan 2005-2025." The Property is classified as "Rural" on the County's Future Land Use Plan and is currently surrounded by predominantly agricultural, timber, and residential uses. The proposed solar installation is compatible with low density residential and agricultural uses, consistent with the existing uses and proposed future uses in this portion of the County. The Project will allow for development of valuable renewable energy infrastructure within the County, while also allowing this portion of the County to maintain its predominantly rural character consistent with the stated goals and priorities of the Comprehensive Plan.

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Sincerely,


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Jenna E. Lee

Rezoning Application
Birdseye Renewable Energy, LLC Petitioner
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This 13 day of April 2022.

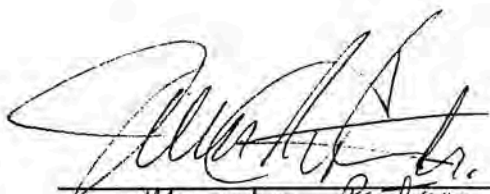


TRUSTEE
James S. Carter Sr. Family Trust

Rezoning Application
Birdseye Renewable Energy, LLC Petitioner
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This 13 day of April 2022.



Manu Singh
Carter Timber and Land LLC