

November 28, 2022

Montgomery County
Brea Hopkins, Director of Planning & GIS
755 Roanoke St, Ste. 2A
Christiansburg, VA 24073

Dear Ms. Hopkins,

Please let this letter serve as an overview of some of the additions, revisions, and efforts we have made on our SUP application since our previous Planning Commission hearing.

- 1) First and most significant, we have redesigned our Project layout so that it is fully obscured behind the existing, mature tree line on the host property. Our new location is hundreds of feet from abutting parcels or roads and is a significant improvement from the previous version. We have included an in-depth viewshed analysis to highlight these improvements from the key vantages.

You will see 3 different versions of our updated site plan—the most meaningful difference between the three is the placement of the vegetative buffer. We wanted to provide the county different options for this piece. We believe all would work fine and while we have our preference, we are open to whichever the county prefers. You will also see a conceived parcel boundary adjustment that would ensure that the full extent of the project is limited to one future parcel, should the county prefer this approach.

- 2) We have provided more information about “solar grazing” and have proposed as a permit condition to utilize sheep grazing as the primary method of vegetative maintenance. This dual agricultural use would allow all the benefits of the proposed Project to proceed while continuing the livestock grazing use of the property that exists today.
- 3) Included in our application is a breakdown of the three different revenue sources that we understand our Project to provide. We have included the relevant Virginia code sections (in their entirety, separately) to confirm the basis for these sources. Our intent is to highlight the significant contributions our Project could make to Montgomery County’s fiscal priorities while ensuring the legitimacy of these sources as affirmed by Virginia law.
- 4) Shared Solar is a popular topic in Virginia but there were questions about the program. In our application, we examine the current law that shaped Shared Solar as well as our understanding of expansion to AEP/APCo territory. Additionally, we have included analysis that shows the potential savings to local AEP/APCo customers from a Shared Solar project and included a permit condition that requires our Project to secure Shared Solar program capacity in order to be constructed.
- 5) The updated application’s proposed condition on height limitation was decreased to 12 feet.

- 6) Given that we work in renewable energy, diligence and respect for the environment is a top priority. There are two separate agency permits that we have proposed as requirements before completing permitting in our conditions. The first would require a confirmation from the US Army Corps of Engineers that we have accurately delineated any wetlands and avoided those areas in our site design. The second is a multi-agency permit in Virginia known as DEQ's PBR. More information is in our application, but these are both robust, external controls from subject matter experts that our project would have to satisfy to complete Montgomery County permitting.
- 7) Before we can begin construction, we will be required to provide copies of manufacturer certificates that all Project materials comply with the Uyghur Forced Labor Prevention Act, per our proposed permit condition.

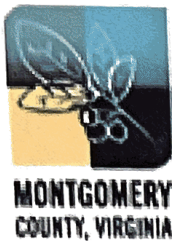
Since our October hearing, we have reached out to all the public commenters from the Planning Commission hearing twice to answer questions we heard and continue providing information about the project and its diligence. We have also reached out to folks with IBEW Local Union 26 as the jobs created by the project will all be prevailing wage.

On December 1st, we are hosting a community meeting at the Meadowbrook Community Center to share more about the project with PC commenters, abutters, and any other interested parties. We want to continue working with the community to improve our proposed project and address any concerns that we can.

I look forward to presenting our revised application to the Planning Commission in December and am available for any questions from county staff or commissioners in the meantime.

Sincerely,

Buzz Becker | Director, Project Development
bbecker@pivotenergy.net
918.346.9542



Special Use Permit Application Form

Montgomery County, Virginia

755 Roanoke St. Suite 2A, Christiansburg, VA 24073
540-394-2148 | mcplan@montgomerycountyva.gov

Applicant Information: (PLEASE PRINT – If additional owners, please attach additional sheets)

Owner of Record (attach separate page for add'l owners): Fotheringay LLC	Address: 2330 Camp St, New Orleans, LA 70130
Telephone: 504-813-3226	Email: dabneyjacob@gmail.com

Applicant Name: Owner Contract Purchaser/Lessee CF VA Solar 105 LLC	Address: 1750 15th St, Ste 400, Denver, CO 80202
Telephone: 918-346-9542	Email: bbecker@pivotenergy.net

Representative Name and Company: Buzz Becker - Pivot Energy	Address: 1007 Forest Hills Ave, Unit A, Charlottesville, VA 22903
Telephone: 918-346-9542	Email: bbecker@pivotenergy.net

Property Description:

Location or Address: (Describe in relation to nearest intersection) Just south of 4580 Eastern Montgomery Lane, east of Roanoke Rd		
Parcel ID Number(s): 023523, 013660, 013681	Acreage: 241	Existing Zoning: A1 - Agricultural
Comprehensive Plan Designation: Resource Stewardship	Existing Use: Cattle grazing	

Description of Request: (Please provide additional information on attached sheet if necessary)

Proposed Use(s) including acreage: 5MW ground-mounted solar array across approximately 30 acres.
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I certify that the information supplied on this application and on the attachments provided (maps or other information) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of Montgomery County and State of Virginia to enter the above property for the purposes of processing and reviewing the above application.

If signing on behalf of a Corporation, Partnership, or LLC, please specify your title with the entity and provide documentation clarifying your authority to sign on behalf of the entity.

Sarah Dabney Jacobs MANAGER Fotheringay LLC 10 NOV 22
 Owner 1 Signature Date

Owner 2 Signature (for add'l owners please attach separate sheet) Date

[Signature] 10 NOV 22
 Applicant Signature Date

[Signature] 10 NOV 22
 Representative/Agent Signature Date



Special Use Permit
Application for:
CF VA Solar 105 LLC

Executive Summary

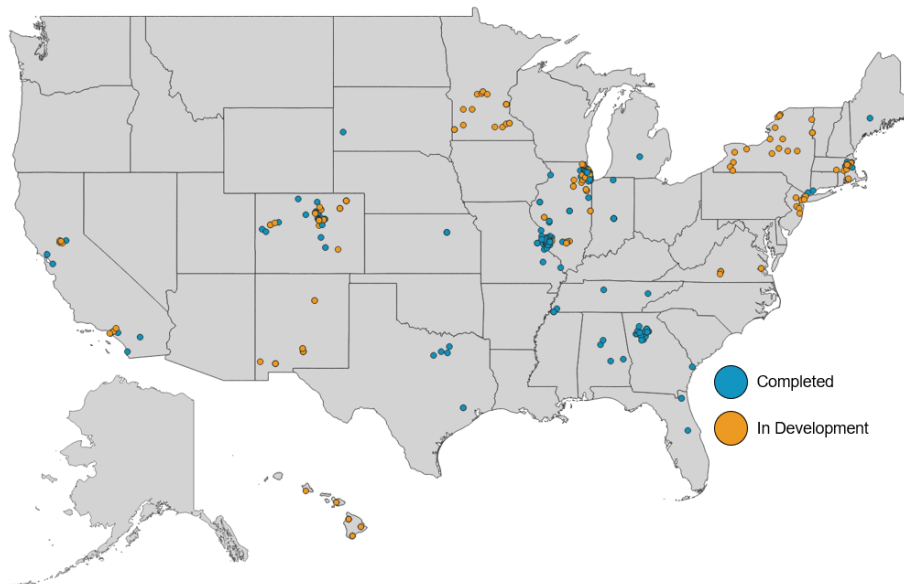
Pivot Energy is pleased to apply for a Special Use Permit (SUP) from Montgomery County for CF VA Solar 105, LLC (aka: Kumis Solar) (the Project). This Project represents a small, solar photovoltaic (PV) facility of five (5) megawatts in capacity as measured in alternating-current (AC). The proposed Project would be located at Parcel IDs 023523 and 013680, with proposed northern bufferyard on Parcel ID 013681. These three properties are east of Roanoke Road and approximately 3 miles south of the Elliston Fire Department. The Project will be sited on approximately 28 acres (the Site) of the approximately 241-acre host properties (the Property) located in the Agricultural (A1) zoning district. The Project has been designed in full compliance with Montgomery County code.

Included in our revised site area proposal is a conceived parcel boundary adjustment. If approved with the consideration of the SUP, this would ensure that the entire fenced boundary of the Project is contained within the 023523 parcel. While not necessary for the evaluation of the Project, we believe that separating the extent of the built array onto a single Property parcel would be favored by all stakeholders.

This project will positively impact the local community by employing local labor, decarbonizing the local grid, offering a discount to local subscribing AEP/APCo customers, and providing increased resources to the county over the life of the project. Pivot's lead developer on this project, Buzz Becker, is based in Virginia and has previous experience permitting similar solar projects in Virginia. With a strong development and customer relationship background in small utility, commercial, and community solar projects, Pivot continues to expand its offerings throughout the solar industry by working with low-income communities, residential renters and homeowners, agricultural customers, local businesses, & local government organizations.

Prior Solar Development Success:

Recently Completed and Ongoing Projects



Community Solar Development Experience

Background on Pivot Energy

Pivot Energy is a turnkey solar developer of commercial and industrial solar projects founded in 2009 and headquartered in Denver, Colorado. Pivot has become a national leader in commercial and industrial solar projects, with hundreds of successful projects completed for many small, mid-sized and Fortune 500 companies, as well as for nonprofit, government, and military organizations.

Pivot Energy has built or developed the most community solar projects of any developer in Colorado and has expanded to build projects nationwide over the last several years. Our development team works in conjunction with our EPC team to plan a project for success from the beginning and execute in a timely manner. Pivot will provide turnkey development of the community solar project, from initial site planning and engineering to system design, construction, commissioning, and customer subscriptions.

Pivot Energy is a certified B Corps, using a triple bottom line approach to measure our progress on more than just a financial basis. Our goal is to achieve balance between three, sometimes opposing, ends of People, Planet, and Profit. B Corps, or Benefit Corporations, are redefining success in business to include benefits to workers, society, and the environment. We aim to balance these measures in all aspects of our projects to bring widespread benefit to multiple areas of the community.



Experience with Developing and Operating Similar Solar Facilities

Pivot Energy has invested heavily in both the Colorado community solar market as well as community and commercial solar nationally. Our company also has community solar projects either under construction or in development in states including Minnesota, Illinois, New York, New Mexico, Virginia, and more totaling well over 150MW.

In Colorado Pivot has become the largest community solar developer having built or in process of developing more than 70 MW of community solar. Pivot Energy is also one of the only developers to never abandon a community solar project with a 100% success rate post-bid. As noted in the project examples, our community solar projects range in size and type from small urban rooftops to medium and large-scale ground mounts. Our team's experience is deeply rooted in Colorado development having built many of the early projects at previous companies and then coming together as a team of industry experts to accelerate community solar development, construction, and customer adoption throughout the state and country.

Pivot Energy's SunCentral team has also become the largest and most all-encompassing subscription manager in Colorado with thousands of residential customers and serving more than 16MW of low-income customer capacity throughout Colorado. We are proud that our SunCentral management platform is so widely used by the market – especially in Colorado. Our team regularly communicates with MPEI to not only manage customers within the market but also look for ways to improve how utilities and developers can communicate and operate to continuously provide better experiences to the end customer and bring projects to successful completion.

Pivot Energy Acquisition by ECP

As of June 1, 2021, Pivot Energy is wholly owned by Energy Capital Partners (ECP)¹. Founded in 2005, ECP is a leading investor across energy transition, electrification and decarbonization infrastructure assets, including power generation, renewables and storage solutions, environmental infrastructure and efficiency & reliability assets facilitating the energy transition. The ECP team, comprised of 53 people with 500 years of collective industry experience, deep expertise and extensive relationships, has consummated more than 60 transactions over the last 10 years, representing more than \$45 billion of enterprise value.



More information on the acquisition available at: <https://www.prnewswire.com/news-releases/ecp-announces-acquisition-of-pivot-energy-301303505.html>

ECP has extensive experience in energy infrastructure with portfolio companies including Sunnova and Calpine. The investment in Pivot Energy by ECP allows for Pivot to not only develop solar assets and manage customers through our SunCentral platform but to maintain ownership of the assets through their full life. Additionally, Pivot Energy is a part of ECP's continued commitment to Environmental, Social, and Governance (ESG) goals and their expansion into renewable energy. Pivot Energy is ECP's first certified B Corporation and, as noted in their 2021 ESG Report highlights ECP's "ability to source attractive investments that have positive benefits from both a social justice and environmental standpoint."²

More information on ECP's ESG goals available at:

https://www.ecpgp.com/system/uploads/fae/file/asset/136/ECP_ESG_Report_2021_Web.pdf

In addition to the funding from ECP, Pivot Energy is nearing closing with both our tax equity partner and back leverage partner for our 2023 project portfolio that this project would be placed into. Pivot Energy is in final negotiations with a single tax equity partner that we have chosen as well as a single back leverage partner which are allowing us to get industry leading terms and cost of capital to make these projects very financially efficient.

¹ PR Newswire – ECP Announces Acquisition of Pivot Energy: <https://www.prnewswire.com/news-releases/ecp-announces-acquisition-of-pivot-energy-301303505.html>

² Energy Capital Partners (ECP) – ESG Report:
https://www.ecpgp.com/system/uploads/fae/file/asset/136/ECP_ESG_Report_2021_Web.pdf

Selected Customer List

Our customer list includes small, mid-sized, and Fortune 500 companies, as well as utilities, nonprofits, governments, and military institutions.



Project Design

Pivot Energy seeks to develop Kumis Solar with a collective nameplate capacity up to 5MWac. The clean energy generated by the solar array will be delivered to Appalachian Power's (APCo) grid (the Grid) at 12.47kV distribution line along Roanoke Road. The Project is designed to be a community solar project that would offer a discount to local AEP/APCo customers on their utility bill once operational.

Kumis Solar will be comprised of approximately 10,560 solar PV panels from Tier 1 manufacturers. Standard additional equipment includes single axis tracker components, DC to AC inverters, medium-voltage transformers and control cabinets, project switchgear, meters, and the attachment facilities to the current local grid.

These panels will be mounted to a single-axis tracking (SAT) system designed to maximize the panel production by following the rising and setting of the sun. This SAT system includes linked horizontal steel support beams known as torque tubes, with a centrally located drive train system. The rows will be 25 feet apart (center-to-center) and the square footage of the panels will account for approximately 24% of the total Project acreage. Kumis Solar's racking system will be affixed to pile-driven metal beams at a depth of approximately 10 feet. At full tilt, the maximum height of any panel will be under twelve feet (12').

The solar panels in each row will be wired together into a circuit. There will be a DC to AC string inverter for approximately every 3 rows, typically mounted on a piling adjacent to the tracker structure. Once the inverter converts the panels DC power to AC, this power will be transmitted from the string inverters via three-phase direct-buried cables (at a depth of approximately 4.5 feet) and aggregated at the AC collection switch gear before moving to the medium-voltage transformer. This transformer will be mounted on a concrete slab alongside project switchgear and control cabinet. After the transformer steps up the electric power voltage to match the existing Grid, the power is transmitted to the Project's protective recloser and metering equipment before connecting with AEP/APCo's powerlines.

An internal access drive made from all-weather aggregate base will provide access to the array. This Site access will be restricted by a perimeter security fence in compliance with Federal and State regulations. Manual swing gates will be built at the main entrance and other required entry points as determined by maintenance crews and/or safety personnel. National Electric Code Standards for safety and signage will be met or exceeded.

The project will be obscured from view with a 50ft deep vegetative buffer, as seen in the conceptual site plan and proposed conditions. The buffering mix includes 50% evergreen trees and 50% deciduous trees. The layout and density of the buffer will meet or exceed the Type 4 standards as outlined in the Montgomery County landscaping ordinance in Section 10-43. Kumis Solar will seek input from county staff and neighboring residents on species selection within our vegetative buffer. To best preserve the existing natural aesthetic, we will seek out native species that are present in the surrounding area and support the broader environment. To ensure adequate screening from the beginning of the Project, evergreen trees within the western and northern bufferyards will be no less than 8 feet (8') tall at the time of planting. As you can see from our provided Viewshed Analysis, the siting of the array hundreds of feet from neighboring vantages ensures that it will not be seen, even before planting this buffer.

Environmental and Cultural Impact

Wetlands

According to the United States Fish and Wildlife Services (USFWS) National Wetlands Inventory, there are no existing wetlands on the Property. We have included this finding from USFWS in our application packet. As you will see in our Proposed Conditions, Pivot Energy will engage qualified environmental professionals to conduct a field delineation to confirm the USFWS finding before submitting for building permit. We propose that this delineation will be verified by the US Army Corps of Engineers prior to construction while the project is designed to ensure environmental compliance.

Wildlife Habitats

The applicant has utilized the U.S. Fish and Wildlife Services online reporting tool (IPaC) evaluate the potential for habitat occurrence for rare, threatened, and endangered species on the Property. This report is included in the application submission and indicates that no critical habitats have been found at the Property location. All local, state, and federal laws shall be followed if a rare, threatened, or endangered species is encountered during Project development or construction.

Cultural and Historical Resources

Kumis Solar has conducted a preliminary desktop analysis of cultural and historical resources on the property through the Virginia Department of Historic Resources' (DHR) Virginia Cultural Resource Information System (V-CRIS). No known historic resources were identified within the Project limits and the closest identified resource is located over 1,200ft away. A map of the VCRIS results is provided within the application submission.

State Agency Diligence

Before solar projects in Virginia can begin construction, they must be vetted by the Virginia Department of Environmental Quality (VADEQ) regulation process in the form of permits by rule (PBR). This state-level oversight ensures that conditions and standards necessary to protect the Commonwealth's natural resources are met by a proposed project. This review, in coordination with the Virginia Department of Historic Resources, the Virginia Department of Wildlife Resources, and the Virginia Department of Conservation and Recreation analyze the proposal for potential impacts on wildlife, historic resources, prime farmland, and environmental impact.

The thorough diligence involved in securing VADEQ's PBR—and any subsequent mitigation measures required—offer strong protection for localities considering a project like ours. The land use decision within our SUP application is only the first of many steps a project must satisfy before submitting for a building permit. We have included a condition in our proposed conditions to require that Kumis Solar secure VADEQ's PBR approval before submitting a site plan review. This would ensure that a potential solar project must fulfill state agency environmental and cultural diligence before it is able to proceed in the permitting process.

Construction

Based on the current project schedule, construction is tentatively planned for late Fall 2023. We estimate construction to last approximately three months, depending on the weather. Submitted within the proposed conditions are limits on general construction hours from 7am-7pm Monday-Friday and further limits on pile-driving activities from 8am-6pm Monday-Friday. After construction is complete, the Project will work with APCo for testing and commissioning verification and is expected to begin commercial operations in early Spring 2024. This timeline is contingent on the legislative enactment of Shared Solar for AEP/APCo territory—something we address in more detail below.

Ground disturbance will be minimal during the construction process. Ingress and egress related to construction will be restricted to Roanoke Road, where vehicles must enter the property from the south (turning right) and must exit the property to the north (turning right). Kumis Solar has included a preliminary transportation plan as a part of its permit submission. Prior to land disturbance permit, the Applicant shall submit a Construction Traffic Mitigation Plan to VDOT and the Planning Director for approval. This measure is included in our submitted proposed conditions.

The final site plan will include an in-depth erosion and sediment control plan. Such measures will be implemented to prevent runoff from entering the surrounding environment and typically include straw bales, silt fencing, run-off channels, sediment basins, and hay coil logs. The cleared nature of the vast majority of the property is an important safeguard to maintaining or improving the existing stormwater management on the property. During final site plan review, we will also include a stormwater management plan and pollution prevention plan that satisfy VADEQ and local county officials.

After construction, natural vegetation will be established throughout the Site to ensure erosion and sediment control. This ground cover will include native pollinator seed mix with multi-season bloom composition as identified through the Virginia Department of Conservation and Recreation's Pollinator-Smart program and affirmed in our proposed conditions. This "Fuzz and Buzz" mix supports both pollination and solar grazing as a dual agricultural use for the vegetative maintenance of the property—something we discuss in more detail below.

Operations and Maintenance

After construction is complete, we anticipate minimal site access requirements for Project maintenance activities. At a minimum, the Project will undergo two annual preventative maintenance checks, once in the spring (~April) and once in the fall (~August). While all products installed on site are of the highest quality per industry standard testing practices & classifications, occasional dispatch to site may be required to correct outages on an as needed basis. Corrective activities such as this may add two to four site access instances each year.

As the long-term owners & operators of the proposed Project, our team will also actively monitor site performance 24/7 and will address any issues in a timely manner; based on performance impact, our contracted O&M providers will respond within 24, 48, or 72 hours depending on the outage type. Average rainfall in Montgomery County is anticipated to be adequate for natural cleaning of the panels. Vegetative ground cover will be managed during the growing season in compliance with local requirements, including but not limited to land use permit specifications, water management plans, and site access agreements.

Solar Grazing – Vegetative Maintenance through Dual Ag Use

“Solar Grazing” is a method of vegetation control for solar sites that utilizes livestock. Sheep are best suited due to their size and grazing behavior. Ground cover is established with a “Fuzz and Buzz” mix that is conducive to grazing as well as pollinating. Projects such as the proposed Kumis Solar would contract with local sheep farmers to move onto site in the Spring, care for them during grazing season, and move off site in the Winter. Sheep are excellent at grazing under panels where mowing is more labor intensive. The perimeter fence protects sheep from predators and solar panels provide shelter from rain, wind, and direct sun on hot days.



Pivot Energy has established a partnership with United Agrivoltaics to help lead our Solar Grazing initiatives. With a network of sites across the country and partners in Solar Grazing since 2015, United Agrivoltaics will assist Pivot Energy in a vegetative maintenance plan that continues the current agricultural use of the property. We are submitting a proposed permit condition that requires the submission of this Solar Grazing vegetative maintenance plan as the primary management method and a required submission component during Site Plan Review.

Impacts and Mitigations

Water – No on-site source of potable water will be required during construction or operations for Kumis Solar. If any on-site water source is required during construction or operation, it will be supplied by the host Project and sourced offsite. No new well will be dug for this project.

Sound – The majority of sound associated with the proposed Project will occur during construction. This is expected to be the result of material deliveries to the Property and support beam installation for the array. Impacts from noise are mitigated from a selected site that requires minimal ground disturbance and restricted hours of construction operations as seen in our proposed conditions.

Once operational, Kumis Solar will be practically inaudible. At a distance of 3ft from the security fence, our inverters and racking equipment create a sound comparable to a home HVAC unit. These sound measurements fall to less than 30dB at only 50ft from the perimeter—equivalent to background noise in the county. Given the nearest abutting structure (Eastern Montgomery Elementary School) is approximately 700ft from the array, no sound impact is expected.

Glare – No glare hazard is expected during construction or operations. Our Tier I panels are treated with anti-glare coating and are designed to absorb as much sunlight as possible. The setbacks and robust vegetative screening from neighbors will further obscure any visual impact of the proposed Project.

Odor – Our EPC team will store, collect, and dispose of any solid construction material waste to prevent any odors from the Site, mitigating any impact on neighboring properties. No detectable odors are produced from the solar array components during operations.

Dust – Possible dust occurrence during operations is most likely to result from delivery or construction trucks on the Site. This will be mitigated by spraying water on dry dirt and enforcing a 5 MPH speed limit within the construction area. Minimal vehicle or foot traffic during operations and vegetative groundcover will naturally mitigate against concerns for dust.

Security and Access – The perimeter fence around the array will be no taller than 8 feet in height and contain no barbed wire. This fence will be black or another neutral color with final design approval to be sought from the Planning Director. The gates within the fence will remain locked while access will be coordinated through our operations and maintenance personnel. Our Site will provide a “Knox Box” to provide 24/7 access for local emergency personnel. The Applicant will ensure suitable access from Roanoke Road is maintained for fire or other emergency vehicles.

Removal

At the end of the Project’s life, it will be decommissioned, removed from the Property, and recycled outside of Montgomery County. Formal notice of end-of-operations will be sent to Montgomery County via Certified Mail. The Project will then be completely removed from the Property and reasonably restored to previous condition within 365 days of receipt of notice. Kumis Solar has included a proposed condition for county approval of our decommissioning plan—to include posting of surety funds—prior to building permit issuance.

These surety funds will be posted in favor of Montgomery County. This means that if our Project is in violation of its permit conditions or if Pivot Energy fails to maintain or remove the Project according to its permitted agreements, Montgomery County will have the resources at hand—provided by Pivot Energy, before building permit issuance—to remove the Project and restore the land at no cost to the County. This is a strong protection in place for Montgomery County to ensure that Pivot Energy maintains the design standards and permit condition commitments throughout the life of the project. We have included a preliminary decommissioning cost estimate in our submission and anticipate a more in-depth review to be provided with the Decommissioning and Restoration Plan and Agreement as mentioned in the proposed conditions.

Economic Development

Jobs

To the extent possible, Kumis Solar will source local materials and labor for the construction and maintenance of the project and have committed to hosting jobs fairs in Montgomery County as seen in our proposed conditions. We estimate that this project will create approximately 30 new construction positions and 1-2 operations positions, all of which will be hired at prevailing wages. Operations jobs will be focused on facility upkeep with responsibilities such as vegetation management, equipment repair, and component maintenance. Typical cadence for site maintenance is every two to three months.

Increased County Revenue

Kumis Solar will increase the site acreage tax revenue to over 100x the current use of the land. This increase is a product of increased assessment of the host acreage, M&T tax on the project, and the proposed revenue share payment.

The main property is currently under a Deferred Land Use assessment of \$28,700 for the 53.343 acre parcel. The 28-acre portion of land from Parcel IDs 023523/013680 that are proposed to host Kumis Solar would increase in assessment from \$538.03/acre (Deferred Land Use Rate) to \$5,000/acre (Agricultural 20-99 Acres Rate).

	Assessment Rate	Assessed Value	Real Estate Tax Rate	Annual Real Property Tax	30 Year Revenue
Current (28 Acres)	\$538.03 /acre	\$15,064.84	\$0.89 /\$100 assessed value	\$134.08 / year	\$4,022
Project (28 Acres)	\$5,000 /acre	\$140,000	\$0.89 /\$100 assessed value	\$1,246.00 / year	\$37,380

M&T Tax

During the previous legislative session, a law was passed that makes projects sized at 5MW or less newly subject to M&T Tax. This law can be found in Virginia Code § 58.1-2606.1. Since the new law's July 1st, 2022 effective date, projects 5MW or less now follow the same stepped-down exemption schedule as seen in larger solar projects historically. Additionally, the effective tax rate must not exceed the local real estate tax rate.

We have shared a tax schedule chart below that is our analysis of how this project would be assessed and taxed under this provision and the revenue share provision (discussed later). While it is far too early in the development process for any equipment acquisition, we utilized the US Department of Energy average cost for a 5MW project from their National Renewable Energy Laboratory. This figure is approximately \$8,270,000 for total project costs and is the input we used for our analysis below along with a simple, straight-line depreciation schedule.

Revenue Share

State law also enables localities to approve a revenue share from solar energy projects, pursuant to Virginia Code § 58.1-2636. This comes in the form of \$1,400 per MWac, increasing 10% every 5 years. The revenue source is often designated toward the County's Public Works department to support construction of public improvements such as transportation infrastructure or various public safety facilities.

This secondary source of county revenue from the project can be approved as a permit condition, as is the established precedent in counties across Virginia and affirmed in VA Code § 15.2-2288.8. As you can see from the M&T Tax law referenced above (VA Code § 58.1-2606.1), localities cannot receive both revenue sources in a given year. What our tax analysis chart below shows is the overall anticipated revenue from Kumis Solar for each source (M&T Tax and Revenue Share) and a column that identifies which source is greater each year. This blended tax schedule, that optimizes the Project's contributions to Montgomery County and its fiscal priorities, is what we propose for our Public Improvements permit condition. By our analysis, this would bring an additional \$366,087 in revenue to Montgomery County.

Value Before Depreciation	8,270,000
Local Real Estate Tax Rate	\$0.89

Year	Assessed Value Before Depreciation	Depreciation Curve	Assessed Value After Depreciation	Exemption %	Assessed Value After Exemption	M&T Revenue	Revenue Share	Higher of 2 Options
1	8,270,000	96.0%	7,939,200	80.0%	1,587,840	\$ 14,132	\$ 7,000	\$ 14,132
2	8,270,000	92.0%	7,608,400	80.0%	1,521,680	\$ 13,543	\$ 7,000	\$ 13,543
3	8,270,000	88.0%	7,277,600	80.0%	1,455,520	\$ 12,954	\$ 7,000	\$ 12,954
4	8,270,000	84.0%	6,946,800	80.0%	1,389,360	\$ 12,365	\$ 7,000	\$ 12,365
5	8,270,000	80.0%	6,616,000	80.0%	1,323,200	\$ 11,776	\$ 7,000	\$ 11,776
6	8,270,000	76.0%	6,285,200	70.0%	1,885,560	\$ 16,781	\$ 7,700	\$ 16,781
7	8,270,000	72.0%	5,954,400	70.0%	1,786,320	\$ 15,898	\$ 7,700	\$ 15,898
8	8,270,000	68.0%	5,623,600	70.0%	1,687,080	\$ 15,015	\$ 7,700	\$ 15,015
9	8,270,000	64.0%	5,292,800	70.0%	1,587,840	\$ 14,132	\$ 7,700	\$ 14,132
10	8,270,000	60.0%	4,962,000	70.0%	1,488,600	\$ 13,249	\$ 7,700	\$ 13,249
11	8,270,000	56.0%	4,631,200	60.0%	1,852,480	\$ 16,487	\$ 8,470	\$ 16,487
12	8,270,000	52.0%	4,300,400	60.0%	1,720,160	\$ 15,309	\$ 8,470	\$ 15,309
13	8,270,000	48.0%	3,969,600	60.0%	1,587,840	\$ 14,132	\$ 8,470	\$ 14,132
14	8,270,000	44.0%	3,638,800	60.0%	1,455,520	\$ 12,954	\$ 8,470	\$ 12,954
15	8,270,000	40.0%	3,308,000	60.0%	1,323,200	\$ 11,776	\$ 8,470	\$ 11,776
16	8,270,000	36.0%	2,977,200	60.0%	1,190,880	\$ 10,599	\$ 9,317	\$ 10,599
17	8,270,000	32.0%	2,646,400	60.0%	1,058,560	\$ 9,421	\$ 9,317	\$ 9,421
18	8,270,000	28.0%	2,315,600	60.0%	926,240	\$ 8,244	\$ 9,317	\$ 9,317
19	8,270,000	24.0%	1,984,800	60.0%	793,920	\$ 7,066	\$ 9,317	\$ 9,317
20	8,270,000	20.0%	1,654,000	60.0%	661,600	\$ 5,888	\$ 9,317	\$ 9,317
21	8,270,000	16.0%	1,323,200	60.0%	529,280	\$ 4,711	\$ 10,249	\$ 10,249
22	8,270,000	12.0%	992,400	60.0%	396,960	\$ 3,533	\$ 10,249	\$ 10,249
23	8,270,000	8.0%	661,600	60.0%	264,640	\$ 2,355	\$ 10,249	\$ 10,249
24	8,270,000	4.0%	330,800	60.0%	132,320	\$ 1,178	\$ 10,249	\$ 10,249
25	8,270,000	0.0%	(0)	60.0%	(0)	\$ (0)	\$ 10,249	\$ 10,249
26	8,270,000	0.0%	(0)	60.0%	(0)	\$ (0)	\$ 11,274	\$ 11,274
27	8,270,000	0.0%	(0)	60.0%	(0)	\$ (0)	\$ 11,274	\$ 11,274
28	8,270,000	0.0%	(0)	60.0%	(0)	\$ (0)	\$ 11,274	\$ 11,274
29	8,270,000	0.0%	(0)	60.0%	(0)	\$ (0)	\$ 11,274	\$ 11,274
30	8,270,000	0.0%	(0)	60.0%	(0)	\$ (0)	\$ 11,274	\$ 11,274
						\$ 263,499	\$ 270,046	\$ 366,087

30yr Sum

Shared Solar Savings

Kumis Solar is designed with the intention of enrolling into an AEP/APCo Shared Solar program. While the current Virginia Code (§ 56-594.3) has authorized a Shared Solar program for Dominion, we have been working with industry groups and legislators to support a bill that would expand this opportunity to AEP/APCo during the 2023 legislative session. The analysis below is indicative of a program that largely mirrors the existing VA Code. We have included a proposed condition in our application that requires Kumis Solar to submit a confirmation of Shared Solar capacity before applying for a construction permit. This restriction on the SUP would ensure that only a Shared Solar version of this Project (and the proposed savings for local residents outlined below) would be able to complete permitting.

To understand how many people could benefit from Shared Solar, we will take a look at the expected annual production from the proposed Project and divide that by an average Virginia residence. Our modeling estimates Kumis Solar to produce 10,360,000 kwh per year. According to the Energy Information Administration, the average Virginia home consumes around 13,000 kwh per year. Variations in this number can stem from home size, energy efficiency attributes, degree of electrification, etc. With this average home size, we see that Kumis Solar could provide enough electricity to power 795 homes in Montgomery County.

Using that same average home usage, we will look at annual electricity bill charges for AEP/APCo customers. In our analysis of 12 months of residential bills, we find an effective rate of \$0.0842/kwh or roughly \$128.40/month for the average home size described above. Again, individual bills may vary

based on their usage, time of year, etc. This average home would spend \$1,540.80 per year on their AEP/APCo electricity bill.

The Shared Solar program would allow local AEP/APCo customers to subscribe to the Kumis Solar project and get a bill credit on their monthly utility bill. This bill credit and associated fee from the Project would net out to a 10% discount for the subscribing customer on what they would have paid if they did not subscribe to the project. So that average home would see over \$150 of savings per year just for signing up to the project and the total annual savings for Montgomery County residents is \$122,493 if fully subscribed. Over the projected 30-year life of the Project, this would amount to \$3,674,790 in utility bill savings for local AEP/APCo customers—just for subscribing to the Project.

	Annual Usage	Average Monthly Bill	Average Annual Bill	Total Annual Bill for 795 Average Customers	30 Year Total Bill for 795 Average Customer
Average AEP/APCo Customer	13,000kwh	\$128.40	\$1,540.80	\$1,224,936	\$36,748,080
Average Subscribing Customer	13,000kwh	\$115.56	\$1,386.72	\$1,102,442	\$33,073,272
Savings		\$12.84	\$154.08	\$122,493	\$3,674,790

Regulatory Conformance

Virginia Code § 15.2-2232 requires that the Planning Commission makes a determination as to whether or not the general location, character, and extent of a proposed solar energy facility is in substantial accord with the locality's adopted comprehensive plan *Montgomery County, 2025*.

Location

The location of Kumis Solar is substantially in accord with the County's Comprehensive Plan. The Project is located in the Resource Stewardship Area. According to the Planning and Land Use Policies on page 46 of the 2025 Comprehensive Plan, "the preferred land uses for Resource Stewardship Areas include agriculture, forest uses, outdoor recreational uses, **other natural resource based uses...**" (PLU 1.2.1.a). This clearly shows that a natural resource use such as solar energy is a preferred land use within the Resource Stewardship Area. This is further affirmed by the proposed dual agricultural use of solar grazing—effectively maintaining the current livestock grazing use of the property.

The compatibility of well-screened solar, lack of threat to public welfare, and preservation of scenic and natural resources meet PLU 1.2.1.f. No sewer or water service required for the proposed development meets PLU 1.2.3.a. Robust vegetative screening that exceeds the county requirements will "preserve on-site natural, cultural, historic, scenic, open space, or environmental resources" (PLU 1.2.2.b).

Character and Extent

The character and extent of Kumis Solar is substantially in accord with the County's Comprehensive Plan. The Project will provide clean, locally sourced energy to nearby APCo customers while investing in county infrastructure improvements. Kumis Solar's proposed low intensity use effectively puts the land in a development conservation for decades and meets PLU 1.2.1.c.

Kumis Solar's commitment to job fairs within Montgomery County to hire locally for positions created by the development addresses ECD 2.1. The considerable uptick in county revenue derived from the development addresses ECD 4.3. The overarching ECD 1.0 to "activity promote economic development in the region, which takes a sustainable approach to the environmental, social, cultural, and economic integrity of the county and which contributes to the quality of life." Kumis Solar squarely meets this goal in providing infrastructure investment for sustainable, environmentally-friendly energy that helps Montgomery County meet its climate goals and deliver cost-savings to local APCo customers who wish to subscribe.

Planning Commission Determination Request

Kumis Solar has been designed to be in substantial accord with the Comprehensive Plan and confirm with all the requirements set forth in the County's Zoning Ordinance. The Applicant, CF VA Solar 105 LLC, requests that the Planning Commission makes this determination pursuant to Virginia Code § 15.2-2232 in one of two ways:

TO RECOMMEND APPROVAL AS IS (please say the following):

"I move that the Planning Commission adopt to forward the application for Kumis Solar to the Montgomery County Board of Supervisors with a favorable recommendation, as it complies with the requirements of the Zoning Ordinance and is substantially in accord with the Comprehensive Plan"

TO RECOMMEND APPROVAL WITH CHANGES (please say the following):

"I move that the Planning Commission adopt to forward the application for Kumis Solar with the following changes: _____ to the Montgomery County Board of Supervisors with a favorable recommendation, as it complies with the requirements of the Zoning Ordinance and is substantially in accord with the Comprehensive Plan"

November 28, 2022

Montgomery County
Brea Hopkins, Director of Planning & GIS
755 Roanoke St, Ste. 2A
Christiansburg, VA 24073

Dear Ms. Hopkins,

Please let this letter serve as the proposed SUP conditions for Pivot Energy's SUP application for our proposed solar project at Parcel IDs 023523/013680/013681.

- 1) Master Plan. This SUP shall be valid for the construction of a photovoltaic solar electrical generation facility (the "Facility") and electrical lines serving the Facility (all together, the "Project") on the property located immediately south of 4580 Eastern Montgomery Ln and further identified as Montgomery County Parcel IDs 023523/013680/013681, (the "Property"). The Property shall be developed, and the Project constructed substantially in accordance with the master plan included in the SUP application submittal, (the "Master Plan").
- 2) Vegetated Buffer. Prior to final approval of any building permit, the Planning Director or designee shall review and approve a landscape plan for the Project. The landscape plan shall provide a 50-foot landscaped buffer (the "Perimeter Buffer") along the northern, western and southern perimeter of the Project site.

The Perimeter Buffer shall be provided by one of the three treatment options below:

- (a) In areas of the Perimeter Buffer that are currently comprised of mature forest, as determined by the Planning Director or designee, the buffer shall be left undisturbed in its natural state.
 - (b) In areas of the Perimeter Buffer that are not completely comprised of existing, mature forest, as determined by the Planning Director or designee, supplementation with evergreen and deciduous trees shall be required in accordance with Condition 2c.
 - (c) In areas of the Perimeter Buffer where little or no vegetation exists, as determined by the Planning Director or designee, the buffer shall be landscaped with a 50% evergreen tree and 50% deciduous tree mix. Species selection will be made in consultation with County staff with developer recommendations to reflect the natural aesthetic of existing local varieties. Evergreen trees within the buffer will be no less than eight feet (8') tall at the time of planting.
- 3) Lighting. If any lighting of the Project is proposed, the Planning Director or designee shall review and approve a lighting plan prior to issuance of a building permit. Any exterior site or building lighting on the Property shall be shielded and directed downward. No glare, defined as 0.1 foot-candle or higher, shall extend outside the boundaries of the Property. Lights shall be operated by a motion detector or be able to be turned on as needed by the Facility operator and shall not be routinely illuminated at night. No light poles

shall exceed a height of 16 feet above finished grade unless otherwise approved in writing by the Planning Director prior to building permit issuance.

- 4) Wetlands Delineation. Prior to issuance of a building permit, the applicant shall provide a wetlands delineation that encompasses all areas of disturbance by the Project to the Planning Director or their designee. This delineation must include a confirmation from the US Army Corps of Engineers.
- 5) Permit By Rule. Prior to final site plan approval, the applicant must secure approval from the Virginia Department of Environmental Quality's Permit By Rule process and provide a copy of this approval to the Planning Director or their designee.
- 6) Vegetative Maintenance. Prior to final site plan approval, the applicant must submit a Solar Grazing Vegetative Maintenance Plan (SGVMP) that ensures sheep grazing as the primary method for dual agricultural use and vegetation maintenance for the Project. This SGVMP is subject to the approval of the Planning Director or their designee.
- 7) Signage. Unless otherwise required by the Planning Director or relevant utility regulations, no outdoor signage related to the Project shall be permitted on the Property.
- 8) Fencing. Any fence on the Property shall be black or other neutral color and shall not exceed a height of 8 feet above finished grade and no consist of barbed wire. Prior to issuance of a building permit, the Planning Director or designee shall review and approve a detail of any proposed fencing on the Property for consistency with this condition.
- 9) Emergency Management Plan. The Facility operator shall prepare and maintain an Emergency Management Plan (EMP) to address situations that may require response from Montgomery County public safety personnel, including, without limitation, fire safety and emergency response personnel. The EMP shall:
 - (a) Be developed in conjunction with and approved by the Montgomery County Fire Chief and Montgomery County Police Chief or their designees prior to issuance of a building permit.
 - (b) Provide a mutually agreed-upon schedule for the Facility operator to provide information sessions and training for Montgomery County public safety personnel relative to possible emergency response situations at the Facility.
 - (c) Provide pertinent contact numbers for the Facility operator emergency personnel.
 - (d) Provide that all emergency contact information will be posted on access gates.
- 10) Construction Management and Mitigation Plan. Prior to issuance of a building permit, The Facility operator shall provide a Construction Management and Mitigation Plan (CMMP) for review and approval of the Planning Director or designee. The CMMP shall include those items listed below:
 - (a) Construction Management:
 - i. Designated parking areas.
 - ii. All pile driving activity on the Property shall be limited to the hours of 8 a.m. to 6 p.m., Monday through Friday.
 - iii. Other construction activities shall be limited to the hours of 7 a.m. to 7 p.m., Monday through Friday.

- iv. Construction delivery traffic to the Property shall not be allowed during pick-up/drop-off times for surrounding schools.
 - v. Appropriate methods for the storage, transportation, and disposal of any waste and/or hazardous materials.
- (b) Construction Mitigation:
- i. Dust mitigation, such as water trucks, mulch, or similar methods.
 - ii. Smoke and burn mitigation, such as containments or similar methods.
- 11) Construction Traffic Mitigation Plan. A Construction Mitigation Plan (CTMP) shall be submitted to the Virginia Department of Transportation (VDOT) and the Planning Director, or designee, for review and approval prior to the issuance of a land disturbing permit for the Facility. The CTMP shall identify all existing conditions along Roanoke Road, provide a plan to address all necessary repairs required as a result of damage from construction traffic, provide a timeline for completion of repairs, and provide a surety in a form acceptable to the County Attorney guaranteeing such repairs. All road repairs as identified by the approved CTMP shall be completed within 6 months of the Facility becoming operational.
- 12) Off-Site Parking. Prior to issuance of a land disturbing permit, an Off-Site Parking Plan (OPP) shall be submitted to the Planning Director, or designee, for review and approval. The off-site parking area shall be used by construction workers who shall be transported to the Property via a shuttle van and/or bus. The OPP shall conform to all Zoning Ordinance requirements and shall identify elements such as, but not limited to, the number of off-site parking spaces provided and the location of the off-site parking area. In order to reduce the amount of construction-related traffic along Roanoke Road, and to ensure that the construction workers are parking their vehicles at the off-site parking area, no more than 20 vehicles may be parked on the Property for the Project at any time except for trucks and delivery vehicles. No on-street parking for the Project shall be allowed.
- 13) Decommissioning and Restoration Plan and Agreement. Prior to issuance of a building permit, a Decommissioning and Restoration Plan (DRP) shall be submitted to the Planning Director or designee for review and approval. The DRP shall outline the required steps for removal of above and below-ground Facility components, disposal and or/recycling of wastes and materials, soil stabilization, and the revegetation and restoration of native habitat of the Property. At the time of decommission of the Facility, the stormwater facilities on the Property must be evaluated for continued need and the final DRP must include the close-out or remediation of stormwater facilities. The DRP shall be enforceable by a written Decommissioning Agreement in accordance with and subject to the terms of Virginia Code § 15.2-2241.2(B). To ensure sufficient funds are available to the County to conduct the DRP, a surety in an amount sufficient for decommissioning the Facility and remediating the Property shall be posted with Montgomery County in a form acceptable to the County Attorney. The Decommissioning Agreement shall be executed prior to approval of a building permit for the Facility.
- 14) Height Limitation. The maximum height of all structures in the Facility, including the photovoltaic solar panel mounts, shall not exceed 12 feet above finished grade.
- 15) Glare. All photovoltaic solar panels on the Property shall be made of or be coated with anti-reflective materials to prevent glare.

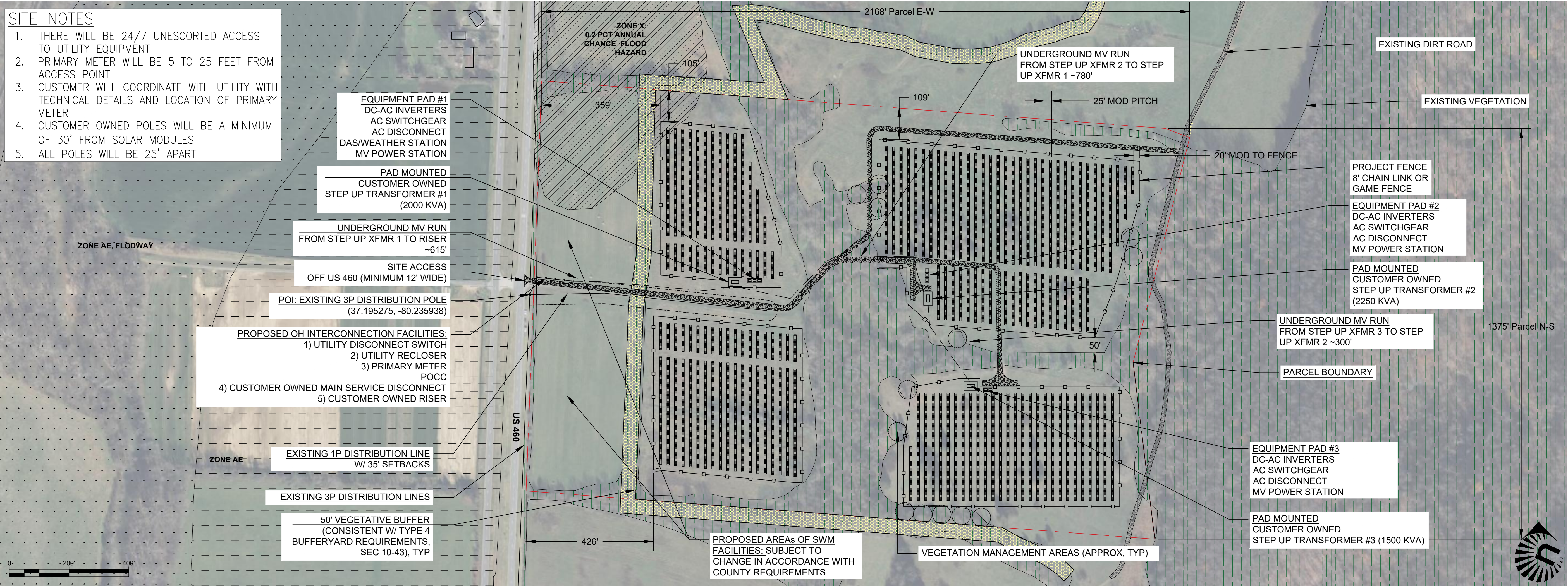
- 16) Public Improvements. Pursuant to Code of Virginia § 15.2-2288.8(B), § 58.1-2606.1, and § 58.1-2636, after commercial operation of the Facility, the corresponding payment as shown in the SUP application's tax revenue analysis chart shall be made to the County on July 1 of each year to support construction of public improvements (including but not limited to transportation infrastructure, facilities for provision of public safety, etc.), the need for which is not generated solely by the Facility, but are reasonably related to it.
- 17) Solar Panel Details. As part of the Site Plan review, the applicant shall provide documentation that the selected panels are "Tier 1" modules as established by the most recent "PV Module Tier 1 List" issued by BloombergNEF or a similar third-party analysis widely accepted in the solar industry. Prior to issuance of a building permit, the applicant will provide copies of manufacturer certificates that all Project materials comply with the Uyghur Forced Labor Prevention Act.
- 18) Commencement. The Facility shall be operational within 36 months from the date of adoption of this resolution authorizing the SUP, or the SUP shall automatically be void. The Facility operator shall submit a signed letter to the Planning Director prior to 36 months from the issuance of the SUP to confirm the operational status of the Facility.
- 19) Shared Solar. Prior to issuance of a building permit, the applicant shall submit a confirmation of Shared Solar capacity to the Planning Director or their designee for review. The applicant may not begin construction on the Project until it has secured capacity in an AEP/APCo Shared Solar program.
- 20) Native Pollinators. Prior to issuance of a building permit, the Planning Director or designee shall review and approve a seed mix for site groundcover that includes native pollinators blooming in spring and/or summer as recommended by the Virginia Department of Conservation and Recreation.
- 21) Job Fairs. The applicant shall host at least two separate job fairs within Montgomery County to hire for jobs created for the construction and/or operations of the Facility. These job fairs will be planned, located, and scheduled in consultation with Montgomery County staff and/or members of the Montgomery County Board of Supervisors.

Sincerely,

Buzz Becker | Director, Project Development
bbecker@pivotenergy.net
918.346.9542

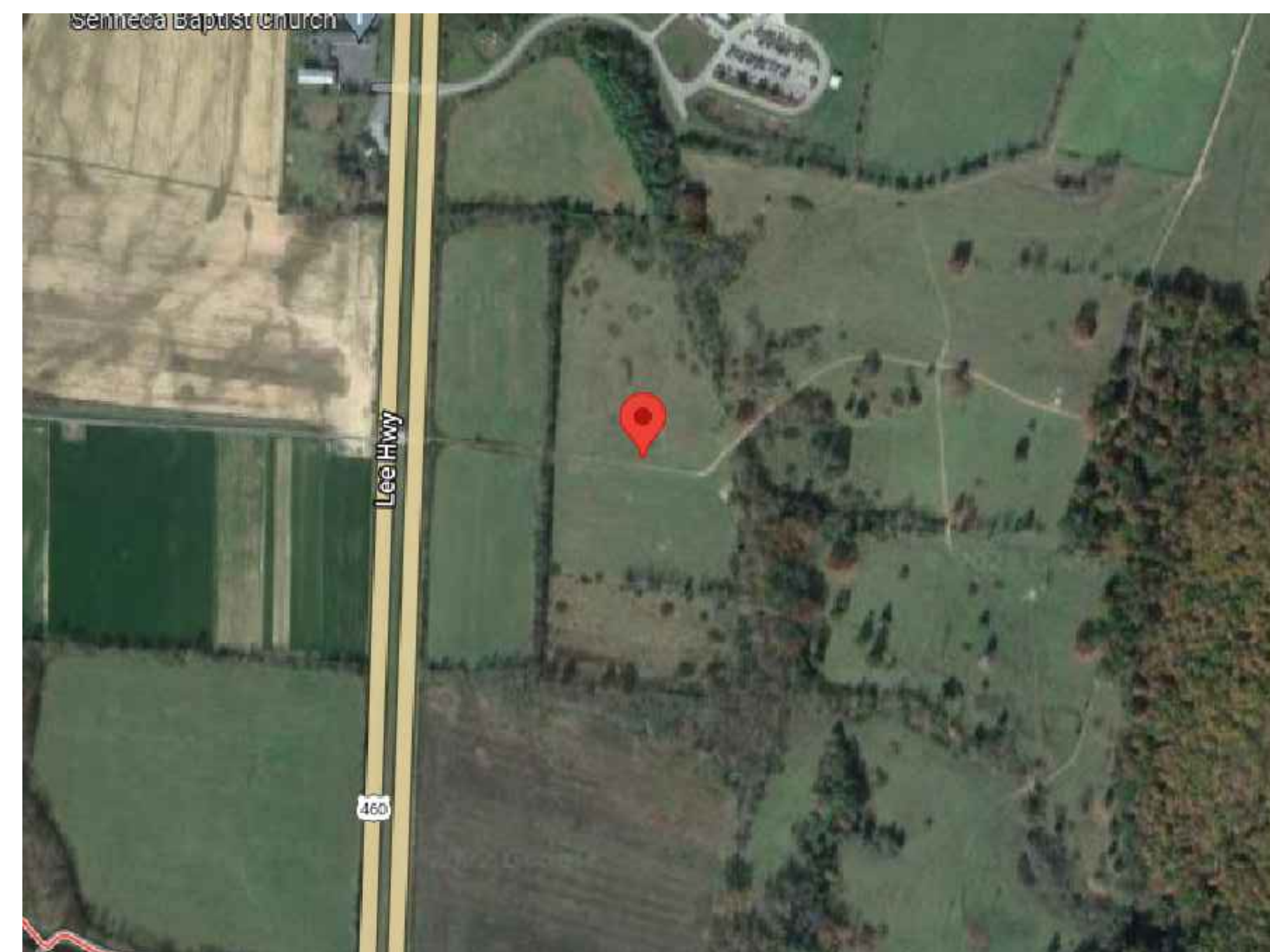
SITE NOTES

1. THERE WILL BE 24/7 UNESCORTED ACCESS TO UTILITY EQUIPMENT
2. PRIMARY METER WILL BE 5 TO 25 FEET FROM ACCESS POINT
3. CUSTOMER WILL COORDINATE WITH UTILITY WITH TECHNICAL DETAILS AND LOCATION OF PRIMARY METER
4. CUSTOMER OWNED POLES WILL BE A MINIMUM OF 30' FROM SOLAR MODULES
5. ALL POLES WILL BE 25' APART



SITE PLAN

1
E.2



SATELLITE VIEW

2
E.2



PARCEL MAP

3
E.2

	OWNER	PARCEL ID	ZONING
1	FOTHERINGAY LLC	023523	A1
2	FOTHERINGAY LLC	013680	A1
3	YAGLE WILLIAM R	024109	M1
4	FOTHERINGAY LLC	013683	A1
5	FOTHERINGAY LLC	013681	A1
6	MONTGOMERY COUNTY	150048	A1
7	MILTON JULIA S	018591	A1
8	SENECA BAPTIST CHURCH TRS	070542	A1

4
E.2

NOTES & SPECIFICATIONS

SYSTEM SPECIFICATIONS

SOLAR MODULE
10560 - Q.PEAK DUO XL-G11.3/BFG 580W

INVERTER
20 - CPS SCH250KTL-DO-US-800

MOUNTING SYSTEM
7 - ATI DURATRACK SINGLE AXIS TRACKER

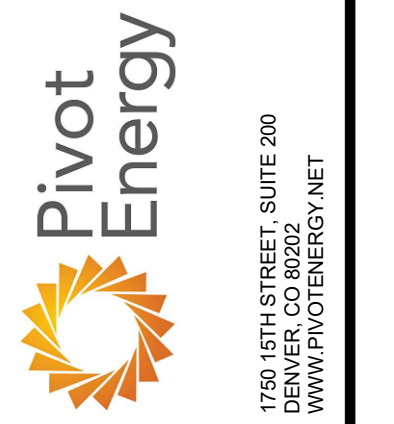
SYSTEM SIZE
6.125 MW DC
5.00 MW AC

FENCED AREA
27.84 ACRES

DATE: 11/21/22
PROJ. NO.: TBA

**072-A 2
SITE PLAN**

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SHEET NUMBER:
REVISION: 0

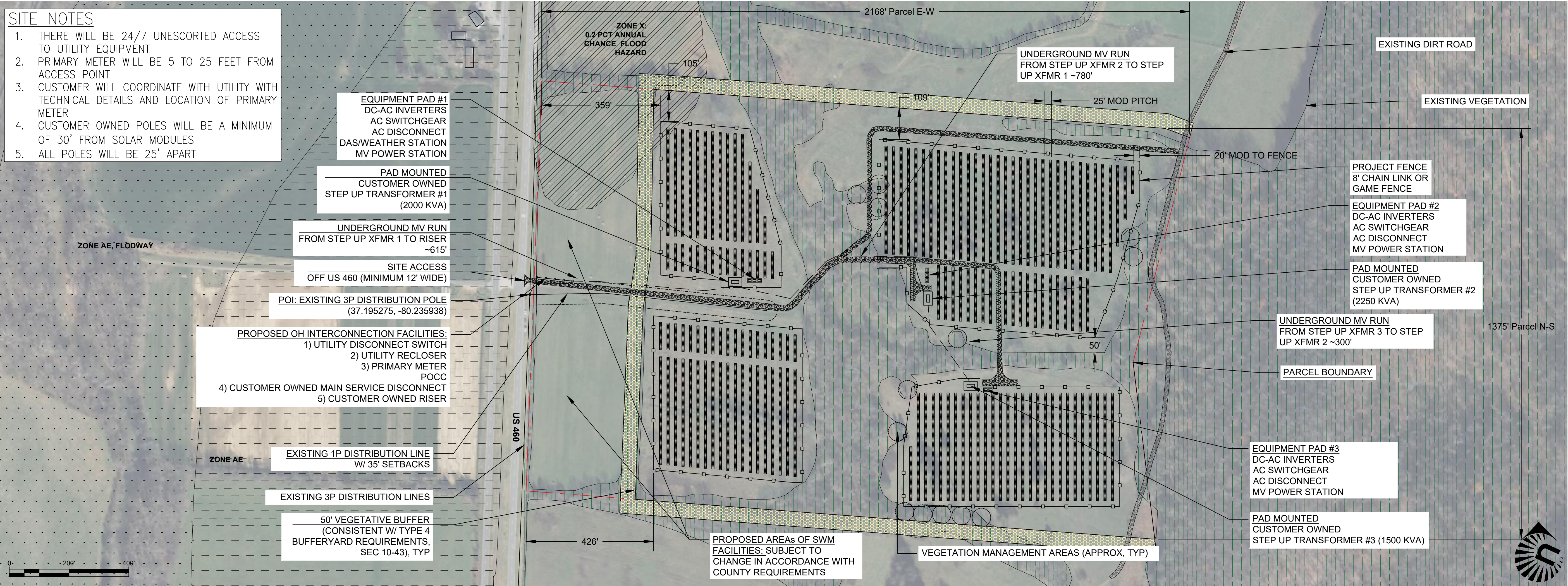


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			APPV DATE	

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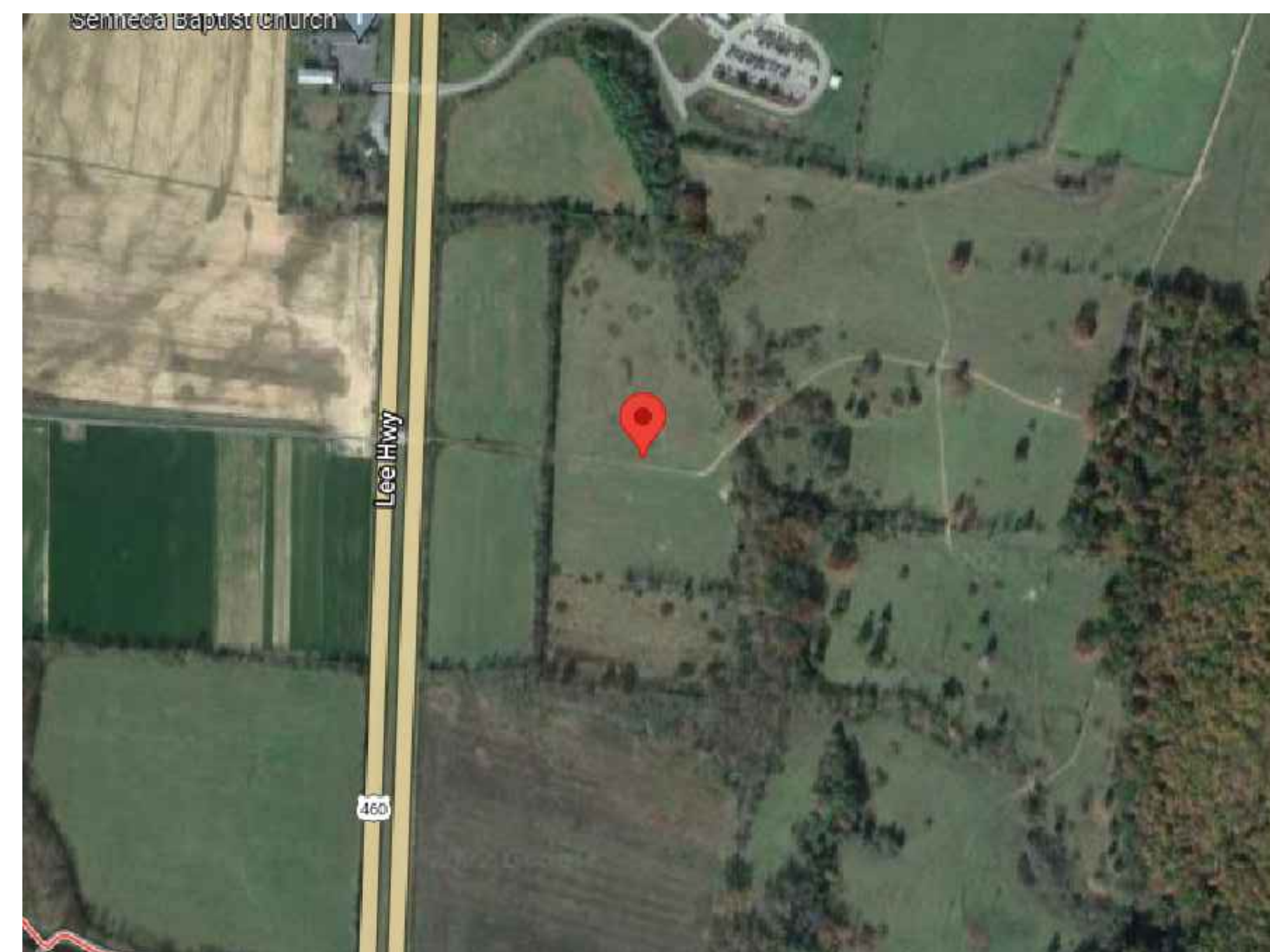
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4
E.2

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SYSTEM SIZE
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5.00 MW AC

FENCED AREA
27.84 ACRES



1750 15TH STREET, SUITE 200
WWW.PIVOTENERGY.NET

KUMIS
37.195416, -80.235598
ELLISTON, VA, 24087

DATE: 11/21/22
PROJ. NO.: TBA

**072-A 2
SITE PLAN**

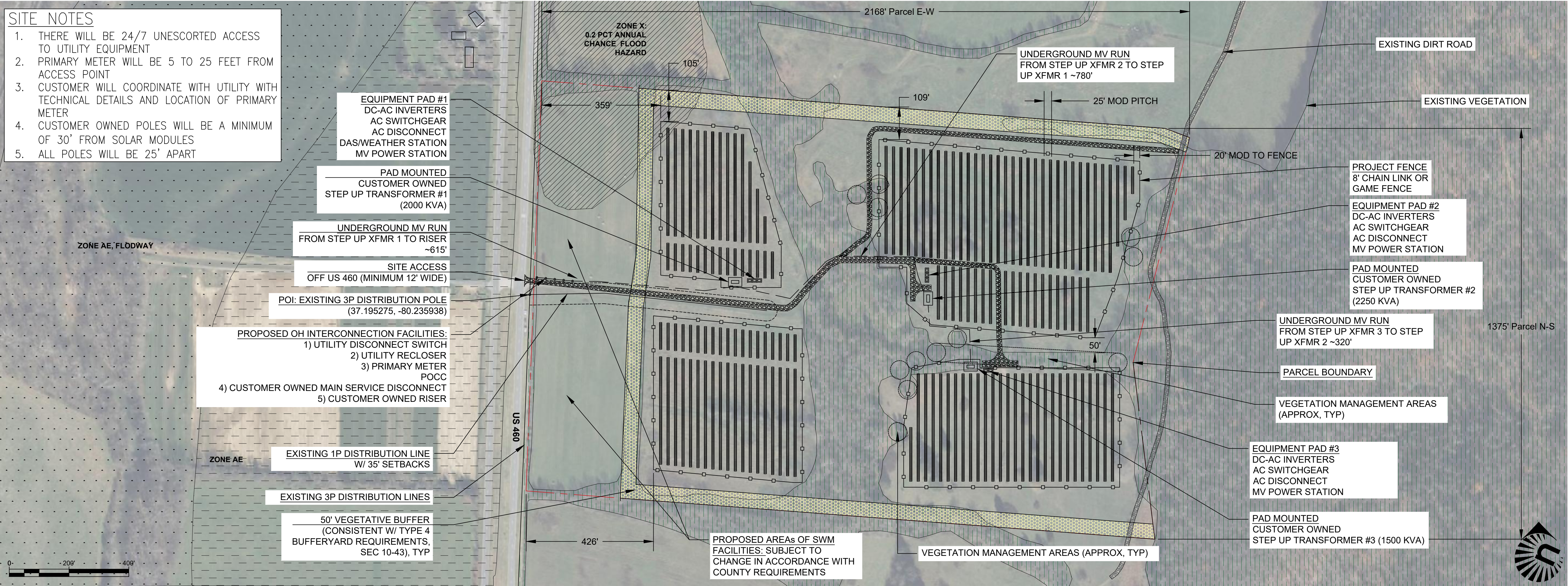
SOLAR ARRAY
WORK PLAN

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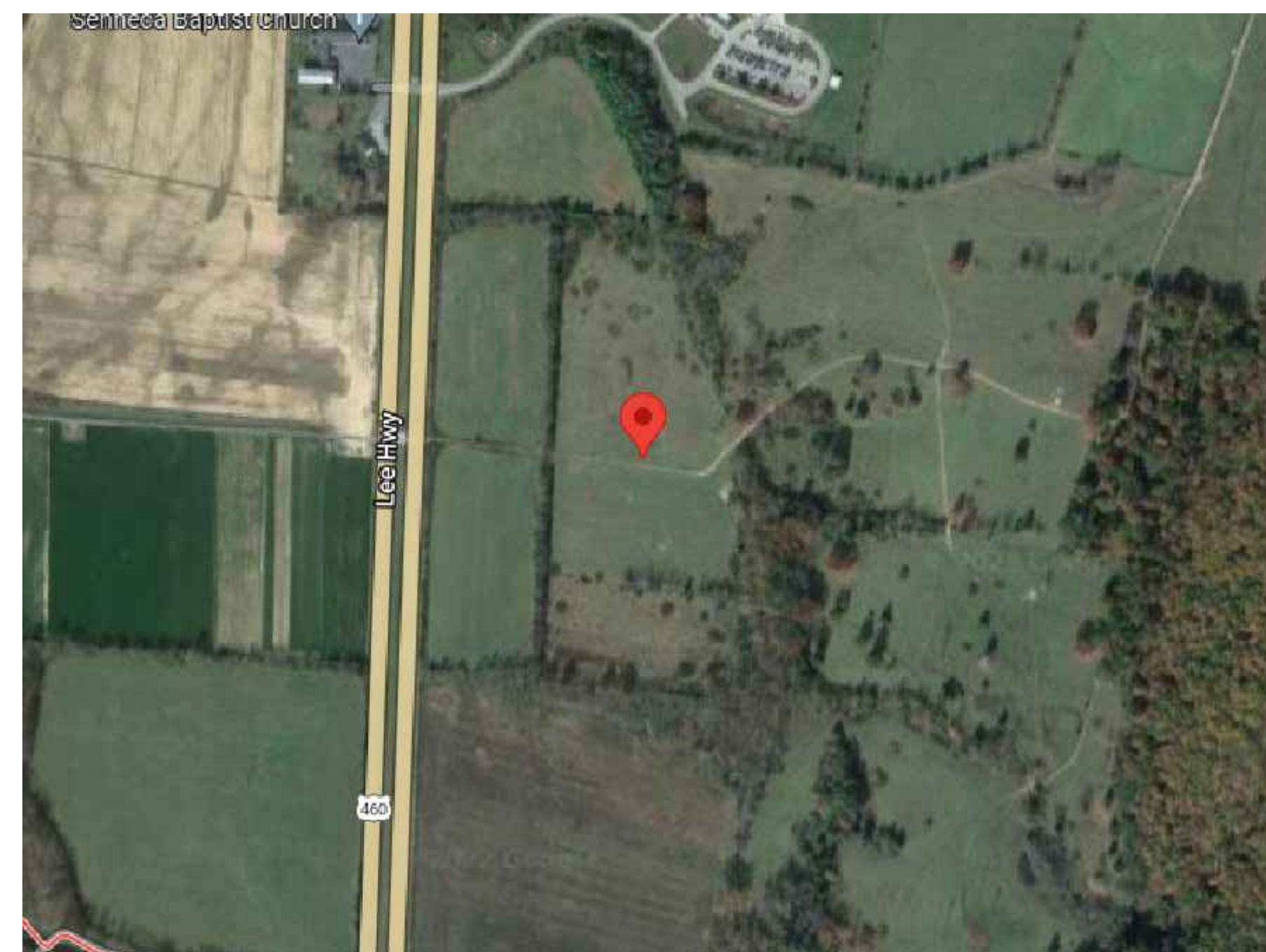
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4
E.2

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KUMIS
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ELLISTON, VA, 24087

072-A 2
SITE PLAN

SOLAR ARRAY
WORK PLAN

DRAWING NUMBER:
E.2

SHEET NUMBER:

REVISION | 0

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		APPVDATE		

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