

**BOOK 12 PAGE 536**

At a special called meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 30<sup>th</sup> day of November 2010 at the Circuit Courtroom of the Cumberland Courthouse, Cumberland, Virginia:

Present: William F. Osl, Jr., District 1  
Timothy Kennell, Chairman, District 2  
Van H. Petty, District 3  
Elbert R. Womack, Vice-Chairman, District 4  
Robert J. Oertel, District 5  
Howard Estes, County Attorney  
Frederick Payne, County Attorney  
Judy Ownby, County Administrator  
Jill Matthews, Assistant County Administrator  
Michael Cooper, Assistant County Administrator  
Andrew Sorrell, Planning Director  
Stephany Johnson, Deputy Clerk

**1. Call to order**

Chairman Kennell called the meeting to order and the County Administrator called the roll.

**2. Approval of Agenda**

Supervisor Petty requested to add the reconsideration of a one-time 2% bonus for County and Social Services Employees to the agenda.

On a motion by Supervisor Osl and carried, the Board adopted the agenda as amended:

VOTE: Mr. Osl – aye      Mr. Kennell – aye  
Mr. Petty – aye      Mr. Womack – aye  
Mr. Oertel – aye

3. **Re-consider a one-time 2% Bonus for County and Social Services Employees**

Assistant County Administrator, Jill Matthews, informed the Board that staff had identified a funding source for the proposed bonus. The County and School System have become self-insured and merged health and dental insurance. Claims paid to date have been significantly lower than premiums collected creating a substantial surplus which will be transferred to the general fund.

On a motion by the Chairman and carried, the Board approved a one-time two percent (2%) bonus for County and Social Services employees:

VOTE:        Mr. Osl – aye        Mr. Kennell – aye  
                 Mr. Petty – aye     Mr. Womack – aye  
                 Mr. Oertel – aye

County Attorney, Howard Estes, addressed concerns brought forth by citizens at the previous Board meeting regarding notification and advertising of meetings. Mr. Estes also informed the Board that his firm represents Ag Renewable Resources, LLC, and had received a waiver of legal conflict of interest. Mr. Estes stated “However, While I do not believe there is a conflict under Virginia State laws or ethical rules, I further want to disclose that I have not provided, nor has the County staff, or Board of Supervisors sought legal advice regarding the Conditional Use Permit sought by Ag Renewable Resources tonight for its potential sighting in the Cumberland Business Park, or related matters. If this item is discussed in closed session under FOIA, I have and will continue to recues myself from any such discussion. I further made the County aware that it may seek other counsel if needed in its consideration of the Conditional Use Permit for this evening.” Mr. Estes then introduced Mr. Frederick Payne, Attorney for Fluvanna County, who will be providing legal advice for the remainder of the meeting.

Supervisor Osl then stated that “...a week ago, I dissolved all of my connections with the applicant. I have no personal interest with the

business. The applicant has re-paid what I had invested. I have no personal interest and no conflict; I intend to participate this evening.”

Mr. Payne stated that if Supervisor Osl has no personal or financial interest in the business, he may participate in the proceedings regarding Ag Renewable Resources. A question was raised as to whether Supervisor Osl had a conflict of interest when the Board approved rezoning application REZ 10-02 at the last Board meeting. Mr. Payne informed the Board that at that time, the applicant was the IDA, not ARR, therefore, in his opinion, no conflict of interest existed.

The Chairman then made a motion to rescind action taken by the Board at the November 9, 2010 meeting approving REZ 10-02.

Mr. Payne informed the Chairman that his motion was out of order. The action taken by the Board approving REZ 10-02 was a legislative act amended the Zoning Map. In order to “re-set” the action taken, a motion to reconsider must have been made at the same meeting as the action was taken, or at an adjournment of that meeting. The only other way to rescind the action taken would be to begin the rezoning process again.

After receiving this legal advice, The Chairman then withdrew his previous motion.

#### **4. Public Hearings**

- a) Code Amendment 10-11 – to add as a use permitted by condition in the M-1, Industrial zoning district, “manufacture of fertilizer”.

Planning Director, Andrew Sorrell, reviewed the proposed Code Amendment.

The Chairman then opened the public hearing. Four citizens spoke in opposition of the Code Amendment. The Chairman then closed the public hearing.

**BOOK 12 PAGE 536**

On a motion by Supervisor Womack and carried, the Board adopted Code Amendment 10-11 by the following vote:

**BOARD OF SUPERVISORS  
OF THE  
COUNTY OF CUMBERLAND, VIRGINIA  
RESOLUTION  
ADOPTING AMENDMENTS TO THE  
CODE OF CUMBERLAND COUNTY:  
CODE AMENDMENT 10-11:**

**“AN ORDINANCE AMENDING CHAPTER 74 OF THE CUMBERLAND COUNTY CODE AMENDING SECTION 74-543. CONDITIONAL USES. REGARDING THE MANUFACTURE OF FERTILIZER IN THE M-1, INDUSTRIAL ZONING DISTRICT.”**

**November 30, 2010**

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Circuit Courtroom at Cumberland Courthouse, Virginia commencing at 7:00 p.m., November 30, 2010, the following action was taken following a duly held public hearing during which time County staff provided a review of the code amendment proposal and members of the public offered comment:

On a motion made by Supervisor Womack, it was moved that the Board of Supervisors of Cumberland County approve and adopt, in accordance with the following Resolution, an ordinance amending Chapter 74, Section 543 of the Code of Cumberland County pertaining to permitted conditional uses in the M-1, Industrial zoning district;

**BOOK 12 PAGE 536**

Following presentation of the Resolution, the Board of Supervisors adopted and approved the Resolution according to the votes stated below:

<u>Present:</u>	<u>Vote:</u>
Timothy Kennell, Chairman	Nay
William F. Osl, Jr.	Aye
Van H. Petty	Aye
Elbert R. Womack	Aye
Robert J. Oertel	Nay
<u>Absent:</u>	None

**WHEREAS**, at a meeting held on November 15, 2010, the Planning Commission discussed the proposed amendments to the Code of Cumberland County, which said amendments (collectively the "Code Amendment") address "AN ORDINANCE AMENDING CHAPTER 74 OF THE CUMBERLAND COUNTY CODE AMENDING SECTION 74-543. CONDITIONAL USES. REGARDING THE MANUFACTURE OF FERTILIZER IN THE M-1, INDUSTRIAL ZONING DISTRICT." (as shown in the attached ordinance); and

**WHEREAS**, the Planning Commission directed staff to prepare the Code Amendment for public review on October 25, 2010; and

**WHEREAS**, the Planning Commission duly advertised and held a public hearing on November 15, 2010; and

**WHEREAS**, the Planning Commission carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Code Amendment; and

**WHEREAS**, in its review of the Code Amendment, the Planning Commission gave reasonable consideration to furthering the goals of the County's Comprehensive Plan and Zoning Ordinance by addressing ordinance provisions regarding the above defined uses and in what zoning districts such facilities shall be a permitted use or a conditional use; and

**WHEREAS**, after conducting a public hearing and considering the comments of County staff, landowners, residents, and the general public, the Planning Commission found that the Code Amendment furthers the goals of the Comprehensive Plan and Zoning Ordinance by providing greater flexibility in permitting certain limited industrial uses in Cumberland County; and

**WHEREAS**, the Planning Commission, by resolution, adopted on November 15, 2010 recommends that the Board of Supervisors adopt the Code Amendment; and

**WHEREAS**, the Board of Supervisors duly advertised and held a public hearing on November 30, 2010; and

**WHEREAS**, the Board of Supervisors carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Code Amendment and recommendation from the Planning Commission; and

**WHEREAS**, in its review of the Code Amendment, the Board of Supervisors gave reasonable consideration to furthering the goals of the County's Comprehensive Plan and Zoning Ordinance by providing greater flexibility in

permitting certain limited industrial uses in Cumberland County; and

**WHEREAS**, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at this public hearing, and the comments in support or opposition to the proposed Code Amendment, the Board of Supervisors desires to affirm its findings and to take action with respect to the Code Amendment;

**NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, as follows:**

a. The foregoing recitals are hereby incorporated by this reference.

b. The Board of Supervisors further finds that the Code Amendment is in substantial accordance with the County's Comprehensive Plan and Zoning Ordinance.

c. Upon consideration of the proposed Code Amendment, testimony, staff remarks, and public comment, the Board of Supervisors adopts and approves the Code Amendment entitled 10-11 to amend the County Code of Cumberland, Virginia to permit the "manufacture of fertilizer" as a conditional use in the M-1, Industrial zoning district with the specific text and provisions of such ordinance as attached to this Resolution.

d. This Resolution is effective immediately.

b) CUP 10-03 requested by Ag Renewable Resources, LLC

Planning Director, Andrew Sorrell, reviewed the CUP application, and provided the Board with revised conditions agreed to by both staff and the applicant. Ryan Rittercamp with Bowman Consulting, Project Engineer for ARR, and Darryl Bishop, ARR Representative, provided the Board

with a PowerPoint presentation overview of the project. Mr. Bishop answered questions raised by citizens after the presentation. Mr. Cooper, Assistant County Administrator, clarified questions regarding funding received for the project.

The Chairman opened the public hearing. Six citizens spoke in opposition, and ten citizens spoke in favor of the Conditional Use Permit. The Chairman read letters and emails to County staff both for and against the proposed Conditional Use Permit. With no other citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Petty and carried by the following vote, the Board approved CUP 10-03 with the amendments presented:

**BOARD OF SUPERVISORS  
OF THE  
COUNTY OF CUMBERLAND, VIRGINIA  
RESOLUTION APPROVING  
CONDITIONAL USE PERMIT  
APPLICATION #10-03  
FOR TAX MAP PARCEL 49-3-2  
REQUESTED BY AG RENEWABLE  
RESOURCES, LLC  
November 30, 2010**

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Circuit Courtroom at Cumberland Courthouse, Virginia commencing at 7:00 p.m., November 30, 2010, the following action was taken following a duly held public hearing during which time County staff provided a review of the conditional use permit request, the applicant's representative and agents provided

a review of the proposal and members of the public offered comment:

On a motion made by Supervisor Petty, it was moved that the Board of Supervisors of Cumberland County grant, in accordance with the following Resolution, the request for the conditional use permit described in said Resolution;

Following presentation of the Resolution, the Board of Supervisors adopted and approved the Resolution according to the votes stated below:

-----	
<u>Present:</u>	<u>Vote:</u>
Timothy Kennell, Chairman	Nay
William F. Osl, Jr.	Aye
Van H. Petty	Aye
Elbert R. Womack	Aye
Robert J. Oertel	Nay
<u>Absent:</u>	None
-----	

**WHEREAS**, Ag Renewable Resources, LLC (the “Applicant”) filed a conditional use permit application and supporting materials (the “CUP Application, CUP #10-03”) seeking a conditional use permit for the property described below in accordance with Chapter 74 of the Cumberland County Code of Ordinances (the “Zoning Ordinance”); specifically, the Applicant has requested a conditional use permit to initiate a “private electric power generating facility” and a facility that “manufactures fertilizer” both of which are limited industrial uses; and

**WHEREAS**, the subject property is located on the west side of Rt. 728 (Poorhouse Road) just north of its intersection with Range Road, immediately adjacent to the County maintenance shop and animal pound. The subject property is approximately 3,800 feet north of the Poorhouse Road and Rt. 60 (Anderson Highway) intersection and more particularly described as Tax Map Parcel 49-3-2 (the "Property"), with respect to approximately 11.926 acres, as shown on the Site Plan attached to the CUP Application; and

**WHEREAS**, the Board of Supervisors duly referred the CUP Application to the County Planning Commission for its recommendation on October 12, 2010; and

**WHEREAS**, the Planning Commission directed staff to make the CUP Application available for public review on October 25, 2010; and

**WHEREAS**, the Planning Commission duly advertised and held a public hearing on November 15, 2010; and

**WHEREAS**, the Planning Commission carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed CUP Application; and

**WHEREAS**, after the Planning Commission duly considered the testimony and evidence presented at the public hearing in support or opposition to the proposed CUP Application and gave reasonable consideration to numerous factors, including but not limited to the following: the existing use and character of the Property, the County's Comprehensive Plan, the suitability of the Property for the proposed use, the trends of growth or change, and the current and future requirements of the County as to land for various purposes, and the conditional use permit standards more fully described in Sections 74-543 through 549, 74-701 and 74-702 of the Zoning Ordinance; and

**WHEREAS**, the Planning Commission, by resolution adopted at its November 22, 2010 meeting after a duly held public hearing held on November 15, 2010, recommends conditional approval of this CUP Application with twenty (20) conditions; and

**WHEREAS**, the Board of Supervisors duly advertised and held a public hearing on November 30, 2010; and

**WHEREAS**, the Board of Supervisors carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed CUP Application including the information and recommendation from the Planning Commission;

**NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors as follows:**

a. The foregoing recitals are hereby incorporated by this reference.

b. Upon consideration of the foregoing and the conditions set forth on the Zoning Ordinance, including Sections 74-543 through 549, 74-701 and 74-702, the Board of Supervisors finds it appropriate to grant Conditional Use Permit #10-03 in accordance with the CUP Application.

c. The Board of Supervisors further finds that the request made in the CUP Application is in substantial accordance with the County's Comprehensive Plan.

d. The Board of Supervisors has also determined that the request made in the CUP Application furthers the general purpose and objectives of the Zoning Ordinance and would be beneficial and appropriate taking into consideration public health, safety, necessity, convenience, general welfare and good zoning practice.

e. The Board of Supervisors hereby grants the CUP Application to the Applicant, to allow the for the uses of “Electric power generating facility, public or private” and the “manufacture of fertilizer” (as shown in the CUP Application), on the Property subject the following terms and conditions:

1) Terms:

- A) When used in the below conditions, the terms:
  - i) “Property” shall refer to Cumberland County Tax Map Parcel, 49-3-2.
  - ii) “Owner” shall refer to the entity that owns the Property.
  - iii) “Park” shall refer to the Cumberland Business and Industrial Park.
  - iv) “IDA” shall refer to the Cumberland County Industrial Development Authority.

2) Compliance with adopted covenants and restrictions:

A) The Owner shall comply with the Park covenants and restrictions recorded on November 18, 2010 in Deed Instrument # 20101246 in the Cumberland County Circuit Court Clerk’s office. In the event of any subsequent changes to the recorded covenants and restrictions the terms and conditions recorded in Deed Instrument # 20101246 shall prevail.

B) In the event that there shall arise any conflict between the provisions of the Park covenants and restrictions and the provisions of the Cumberland County zoning ordinance, the provisions which shall be deemed by the zoning administrator to protect more strictly the public health, safety and welfare shall prevail.

3) Permitted feedstock:

A) In no event shall sewage sludge or biosolids produced at any location other than the Property be permitted as a feedstock in the facility.

B) For the purpose of this condition, the term "*biosolids*" shall mean any solid, semi-solid, or liquid materials removed from municipal sewage and treated to be recycled as fertilizer. Additionally, for the purpose of this condition the term "*sewage sludge*" shall mean any solid, semi-solid, or liquid materials removed during the treatment of domestic sewage in a treatment facility.

4) Conveyance, removal and storage of material:

A) All arriving feedstock shall be transported to the facility in enclosed vehicles.

B) All material removal and storage shall occur in a negative envelope enclosed building. Such a designed structure shall limit the air that exits the building when the doors are opened.

C) For the purpose of this condition, the term "*enclosed*" shall mean a vehicle whose material is completely covered with a roll-back tarp or similar means to reduce odor and prevent material from leaving the vehicle.

5) Noise control:

A) Noise resulting from facility operations, except those not under direct control of the Owner, which include all industrial uses of the Property, shall not exceed the standards listed in the industrial performance standards of the M-1, industrial zoning district [Sec. 74-549]. Once the Owner has certified that the noise levels are within acceptable limits at the property lines, the Owner shall re-monitor noise levels for the Property every year thereafter or anytime there is a significant change in machinery or production processes that may result in increased noise levels at the property lines, are within the aforementioned

limits. A decibel meter, "A-contour filter" (dBA), shall be used to monitor the decibel levels on the Property.

B) If Cumberland County receives any complaints from adjacent property owners regarding noise levels or if Cumberland County upon its own investigation discovers that noise levels exceed what is allowed, the Owner shall be given a warning for the first offense and shall not have another noncompliant event in a 90-day period. If the Owner violates the noise standards within the 90-day warning period, then the County reserves the right to: A) restrict operating hours until the Property is brought back into compliance with the noise standards, B) fine the Owner \$500.00 and/or C) require noise reducing measures to be installed immediately at the cost of the Owner. For any offense after the first offense, the Owner shall A) pay a fine of \$1,000.00, B) have operation hours restricted until the Owner can bring the Property into compliance with the noise standards and C) must install any necessary noise reducing measures to come into compliance with the noise standards.

6) Odor control:

A) Odor at the property boundary resulting from manufacturing, storage or any operations on the property will not exceed five (5) dilutions of threshold as determined by an olfactometer or other field methodology approved by the Virginia Department of Environmental Quality or other applicable state agency. The Owner shall take monthly odor readings at monitoring stations located at several locations along the property boundary. Such locations shall be shown on a plat of the property and approved by Zoning Administrator prior to beginning of facility operations.

B) Odor readings shall be taken by the Owner or a representative of the Owner who is certified by the equipment manufacturer to utilize the odor reading equipment. The Owner shall maintain a record of the location of the readings and the results of the readings.

All facility operations – including but not limited to unloading, loading, storage of all raw materials and manufacturing and/or processing of raw materials, – shall occur only in fully-enclosed structures.

C) In the event of three exceedances of the odor standards at the property lines in any thirty (30) day period, the Owner shall cease the operation and/or activity causing the odor until it remedies, through measures as approved by the Zoning Administrator in writing prior to the use of such methods, the cause of the exceedances. Provided the Zoning Administrator agrees, the Owner may change the frequency of odor tests. At the request of the Zoning Administrator, the Owner will investigate and consider implementing new or different standards and testing methodology provided they are not less stringent than the standards specified in this condition.

7) Screening and landscaping:

A) Screening and landscaping shall conform to M-1 Requirements for permitted uses (Sec. 74-544), M-1 Industrial Performance Standards (Sec. 74-549) and the Park covenants and restrictions as described in Condition # 2 above.

8) Height and building materials:

A) Structure height and shall conform to M-1 Industrial Zoning District (Sec. 74-548) and the Park covenants and restrictions as described in Condition # 2 above.

9) Outdoor light control:

A) Outdoor light control shall conform to the M-1 Industrial Performance Standards (Sec. 74-549) and the Park covenants and restrictions as described in Condition # 2 above.

10) Particulate control:

A) Particulate control shall conform to the M-1 Industrial Performance Standards (Sec. 74-549) and the Park covenants and restrictions as described in Condition # 2 above. Such covenants and restrictions require all parking areas, access drives, and outdoor storage areas to be paved.

B) Until such time as the permanent entrance to the Property from the interior access road in the Park is in use, the temporary entrance to the Property located on Poorhouse Road shall be permitted to remain unpaved. However, the Owner shall develop a dust control plan (which shall be submitted in the operations plan) that describes specific methods for dust control. If, upon inspection by Cumberland County, such methods are determined to be insufficient, the Owner shall submit a revised dust control plan for review and approval by the Zoning Administrator.

C) For the purpose of this condition, "*temporary entrance*" shall mean the entrance to the Property from Poorhouse Road as shown on the Preliminary Site Plan submitted with the Conditional Use Permit Application # 10-03 prepared by Bowman Consulting and dated September 2010. The length of such temporary entrance to remain unpaved shall be the portion of the entrance noted as "Temporary Gravel Access Road" on the aforementioned plan.

11) Traffic control and flow:

A) Until such time as the interior access road is constructed in the Park, the facility is permitted to access the property directly from Poorhouse Road. After such time the interior industrial access road is constructed, the property will solely access from the interior access road and the temporary entrance on Poorhouse Road shall be closed.

B) After the passage of three (3) years from the date of the issuance of the final certificate of occupancy for the Property, if the interior industrial access road has not been constructed by the IDA or others, the Owners shall pave such temporary entrance. Except that if the IDA or others are diligently pursuing the design and/or construction of such industrial access road, as determined by the zoning administrator, the zoning administrator may permit such temporary entrance to remain unpaved until the industrial access road is completed.

C) For the purpose of this condition, “*temporary entrance*” shall mean the entrance to the Property from Poorhouse Road as shown on the Preliminary Site Plan submitted with the Conditional Use Permit Application # 10-03 prepared by Bowman Consulting and dated September 2010. The length of such temporary to remain unpaved shall be the portion of the entrance noted as “Temporary Gravel Access Road” on the aforementioned plan.

12) Site and facility security:

A) *Site access* - In order to prevent unauthorized vehicular access to the property, sturdy metal entrance gate(s) or cable(s) shall be provided at points of ingress and egress onto the property. Entrance gate(s) and any other point of entry shall be locked when no facility employee or authorized contractor is on site. Prominently displayed at the primary entrance location shall be signage that identifies the facility’s name, hours of operation, and an emergency contact phone number.

B) *Emergency plan* - Included in the operations plan shall be an emergency management plan which delineates procedures for responding to fire and other emergency situations.

13) Operations plan:

**BOOK 12 PAGE 536**

A) Prior to initiating the use of the Property, the Owner shall provide the Zoning Administrator with an operations plan, certified by a professional engineer, licensed in the state of Virginia. Such operations plan shall certify the facility's operation meets the requirements for permitted uses and industrial performance standards for the M-1, industrial zoning district as described in Sections 74-544 through 548 (requirements for permitted uses) and Section 74-549 (industrial performance standards) of the Cumberland County Code of Ordinances.

B) The Operations Plan shall additionally include an emergency plan as required by Condition #12 and a dust control plan as required by Condition # 10.

14) Site planning:

A) A final site plan meeting the requirements of Sec. 74-1101 through 1104 of the Cumberland County Code of Ordinances shall be submitted and approved by the Zoning Administrator prior to initiating the use. Such site plan shall state all adopted conditions clearly on the plan. The Owner shall provide the certified engineer's statement as required by the M-1, Industrial zoning district performance standards prior to final site plan approval by the Zoning Administrator.

15) Financial assurance:

A) Pollution insurance -The Owner shall maintain pollution insurance coverage in a minimum amount of \$1,000,000.00 on its operations, provided such coverage is reasonably available from the insurance industry, and shall annually furnish a certificate verifying such coverage to the Zoning Administrator.

B) Closure bond - The Owner shall also furnish a \$150,000.00 surety bond or letter of credit drawn on a national or state regulated financial institution to be used to close the site, including removal of structures and materials from the property in the event of property's abandonment

or cessation of industrial activity or use for more than 24 consecutive months. A copy of the bond or letter of credit shall be furnished to the Zoning Administrator.

c) The certificate of insurance and the closure bond shall be furnished prior to the Owner receiving the first shipment of raw materials and thereafter furnished by January 15 of each succeeding year. The certificate of insurance and the closure bond shall provide that each may not be cancelled during the calendar year unless replaced by a similar certificate of insurance coverage or letter of credit. The issuing financial institution shall be rated AA or better by a national rating agency.

16) County's Right to conduct testing:

A) The County shall have the right at the County's expense to enter upon the property to conduct soil tests, water sample tests, odor tests, noise tests, and/or to install and monitor test wells or to conduct other tests to assure the protection of the health, safety and welfare of the public. In the event that the Owner installs monitoring testing wells, the County shall have access to the wells for its testing purposes. The County shall have the further right to randomly collect samples of material from incoming and outgoing trucks. In the event that any County performed test demonstrates a violation of the applicable standard, the Owner shall reimburse the County for its expenses incurred in conducting the test.

17) Inspection and records:

A) The manufacturing facility and the Property shall be available for inspection by County officials or their designees at all times to assure compliance with the terms and conditions of the conditional use permit and to protect the health, safety and welfare of the public. The County shall further have ready access to inspect all records pertaining to soil samples, water samples or other tests and

reports provided to any State or Federal agency or required to be maintained as a condition of the use.

18) Compliance with laws, rules and regulations:

A) All operations shall be conducted in compliance with all current applicable state, federal and county laws, rules and regulations and the Owner shall perform all testing and monitoring required by applicable regulation, including, without limitation, storm water management and erosion and sediment control regulations of the Virginia Department of Environmental Quality pertaining to air and water quality.

19) Additional uses and changes:

A) Any substantial changes (as determined by the Zoning Administrator) in the use of the Property by the Owner over what has been permitted by this Conditional Use Permit shall require an amendment to this conditional use permit. Substantial changes can include, but are not limited to, changes or additions to the use of the property that would increase the amount of traffic, parking, outdoor lighting, noise, particulate emission, water usage or have other similar impacts.

20) Revocation of permit:

A) Violation of any of these terms and conditions may be grounds for revocation of this conditional use permit.

f. This Resolution is effective immediately.

**BOOK 12 PAGE 536**

With no further business to come before the Board, the Chairman adjourned the meeting until the next regular meeting of the Board scheduled for December 14, 2010 at 7:00 p.m. in the Circuit Courtroom of the Cumberland Courthouse.

---

Chairman

---

County Administrator