



COMMONWEALTH OF VIRGINIA
COUNTY OF CUMBERLAND

Internal Use Only
FILE # _____ STAFF _____
RECEIVED 5/25/18
COMPLETED _____
FEE/CK. # _____
RECEIPT # 410 448

Application for Change in Zoning

(A.K.A. Rezoning/Zoning Map Amendment)

Last revised 12/20/17

Form must be completed in ink, Pencil will not be accepted.

NOTES: REZONINGS MAY REQUIRE A TRAFFIC IMPACT ANALYSIS IN COMPLIANCE WITH STATE LAW. If required, the subdivision application will not be deemed complete until such analysis has been prepared and submitted. For more information, please obtain an information packet prepared by county staff and available in the Planning Dept. entitled, "Traffic Impact Analysis Information." Please contact the Planning Dept. with any questions.

The application fee associated with a rezoning application is directly associated with meeting the specific legal advertisement and public notification requirements required by state law. Such application fee has been the same amount for over 10 years.

Project/Development Name (how should we refer to this application?):

Green Ridge Recycling and Disposal Facility

Describe the change of zoning being requested (i.e. how are proposing to amend the zoning map?):

Change zoning from A-2 and R-2 to M-2

Address/ Location: Undeveloped land, located North of Route 60, near Powhatan line

Current Zoning: A-2, with Tax Map Parcel: 45-1-41 Zoned A-2 and R-2

Tax Map Parcel(s): See Attached

Election District: Election District 2

Are you submitting proffers with this application? If so, attach proffer(s).	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Is this an amendment to an existing zoning application or to any existing zoning conditions? If so, provide copy of items to be amended.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Are you proffering a site/design plan with this application? If so, attach plan(s).	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Is a Traffic Impact Analysis (TIA) required for this request? If so, attach TIA. See TIA info sheet and checklist for more information.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Is an amendment to the subdivision or zoning ordinance also proposed as part of the rezoning application? If so, complete and attach the Code Amendment application.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

Contact Person (who should we call/write concerning this project?): William H. Shewmake

LeClairRyan PLLC

Address: 919 East Main Street, Twenty-Fourth Floor City: Richmond State: Virginia Zip: 23219

Daytime Phone: (804) 783-7595 Fax #: (804) 783-7695 Email: william.shewmake@leclairryan.com

Owner of Record (who currently owns the property?): See Attached

Address: _____ City: _____ State: _____ Zip: _____

Daytime Phone: (____) _____ Fax #: (____) _____ Email: _____

Applicant (who is the contact person representing?): William H. Shewmake, Esquire on behalf of
CWV Land Acquisition, LLC and Green Ridge Recycling and Disposal Facility, LLC

Address: 919 East Main Street, Twenty-Fourth Floor City: Richmond State: Virginia Zip: 23219

Daytime Phone: (804) 783-7595 Fax #: (804) 783-7695 Email: william.shewmake@leclairryan.com

Does the owner of this property own (or have any ownership interest) in any abutting property? If yes, please list those tax map parcel numbers. 31-A-1, 45-1-40

Section 15.2-2284 of the Code of Virginia states that, "Zoning ordinances and districts shall be drawn and applied with reasonable consideration for the existing use and character of property, the comprehensive plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation of flood plains, the preservation of agricultural and forestal land, the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the locality."

The items that follow will be reviewed by the staff in their analysis of your request. Please complete this form and provide additional information which will assist the County in its review of you request. If you need assistance filling out these items, staff is available.

What public need or benefit does this rezoning serve?

The rezoning, along with a companion conditional use permit, will allow the design, construction, and operation of a sanitary landfill with associated uses as defined and described in more detail in the attached proffered conditions. Among other things, the rezoning would also allow a convenience center and recycling facility that County residents and County government can use free of charge, and at some point, the site will also have a facility that converts gas from the landfill into electricity and other types of power. The County will benefit from the substantial revenues that the County will receive in the form of host fees, taxes, and gas royalties, as well as a substantial cost savings to the County and its residents in connection with the convenience center and recycling facility. The landfill will also provide a number of well paid jobs to local residents. The applicant estimates that revenue to the County will range between 1.2-2.8 million dollars annually, which will be annually adjusted for inflation after year four. The landfill and the energy generation plant will also encourage business and industry growth in the County because of the competitive advantages Cumberland County will enjoy by virtue of the proximity of the landfill and the energy generated by the power plant.

Describe your request in detail including why you are requesting this particular zoning

district and it's compliance with the comprehensive plan: In order to operate a landfill and associated uses, the property must be zoned M-2 with a Conditional Use Permit. See the previous responses. Moreover, the project is fully consistent with the comprehensive plan. The landfill is not located in an area that is designated for higher residential use. Moreover, it is in the general area where another property was originally zoned for a landfill, but that property can no longer be used for that purpose. In addition, the comprehensive plan emphasizes the need to increase the tax base and promote business and industry. The Green Ridge project should increase the County's annual revenue by at least 10-20 percent, and will provide a number of well-paying jobs to County residents that will average at least \$60,000 a year plus full benefits. The facility is strategically located off Route 60 and the landfill and gas conversion plant will encourage business and industry to locate in Cumberland.

If you would like to proffer any restrictions on the development of the property, please list these proffers on an attachment in a form acceptable to the County. Proffers are voluntary offers to use property in a more restrictive way than the overall zoning district classification would allow. By State Code, proffers must have a reasonable relationship to the rezoning and are not mandatory. The rezoning must give rise to the need for the proffers; the proffers must be related to the physical development or physical operation of the property; and the proffers must be in conformity with the Comprehensive Plan.

Are there any liens against the property? YES NO (If Yes, please list them below:)

Metropolitan Life Insurance Company

Tax Map Parcels 45-A-7, 45-A-1, 44-A-20, and 37-A-69

Attachments Required – provide two (2) copies of each:

1. **Recorded plat or boundary survey of the property requested for the rezoning.** If there is no recorded plat or boundary survey, please provide legal description of the property and the Deed Book and page number or Plat Book and page number.

Note: If you are requesting a rezoning for a portion of the property, it needs to be described or delineation on a copy of the plat or surveyed drawing.

2. **Ownership information** – If ownership of the property is in the name of any type of legal entity or organization including, but not limited to, the name of a corporation, partnership or association, or in the name of a trust, or in a fictitious name, a document acceptable to the County must be submitted certifying that the person signing below has the authority to do so.

If the applicant is a contract purchaser or an agent of the owner, an owner/agent agreement must be attached (ask staff for form if needed).

Owner/ Applicant Must Read and Sign

I hereby certify that I own the subject property, or have the legal power to act on behalf of the owner in filing this application. I also certify that the information provided on this application and accompanying information is accurate, true, and correct to the best of my knowledge.

William H. Shewmake, Esquire

Print Name of Owner/ Applicant

5-25-18

Date



Signature of Owner/ Applicant

(804) 783-7595

Daytime Phone # of Signatory

The below is to only be completed by County staff.

Rezoning Package Completeness Review: I have reviewed the rezoning package and find it to complete. If the scope of the rezoning request is such that a traffic impact analysis is required, such rezoning package shall include a completed TIA and applicable fee. A complete rezoning package will contain this completed application, proffers (if proposed), TIA (if required), plan of development, county application fee and VDOT TIA fee (if TIA required).

By signing the below, County staff is stating the rezoning package is complete; it does not and should not imply any approval or denial of the request.



Signature of Zoning Administrator

5/25/18

Date

**PROPERTY OWNERS AND TAX MAP PARCELS
FOR CHANGE IN ZONING AND CONDITIONAL USE PERMIT**

OWNER'S NAME(S)	TAX MAP PARCEL NUMBER(S)	OWNER'S ADDRESS
American Timberland, LLC	37-A-69, 44-A-20, 45-A-1, 45-A-7	c/o Philip Weigel BTG Pactual 647 Timberline Drive Henrico, North Carolina 27842
Aaron Carlisle, Jr.	44-A-19-A	16 Kings Point Drive Hampton, Virginia 23669
CWV Land Acquisition, LLC	44-A-13, 44-A-14, 44-A-19, 44-A-22, 44-A-36	c/o Jerry S. Cifor 4 Enterprise Avenue Clifton Park, New York 12065
Ellis M. Palmore Lumber, INC	45-1-41	c/o Robert M. Palmore 2575 Ballsville Road Powhatan, Virginia 23139
John H. Wick, III	45-2-2-A, 45-2-2-B	302 Virginia Avenue Richmond, Virginia 23226

OWNER'S NAME(S)	TAX MAP PARCEL NUMBER(S)	OWNER'S ADDRESS
John H. Wick, III and Mary R. Wick	44-A-21	302 Virginia Avenue Richmond, Virginia 23226
Curtis Franklin Marion	38-A-7	663 Anderson Highway Cumberland, Virginia 2304

PROFFERED CONDITIONS

1. The permitted uses of the Property include the operation of a sanitary landfill (the Landfill), authorized to accept municipal solid waste, institutional waste, certain industrial wastes, approved special waste, and construction demolition debris as defined pursuant to the Virginia Waste Management Act ("Act") (Va. Code § 10.1-1400 *et seq.* and Virginia Solid Waste Management regulations (9VAC20-81) ("Regulations"). Permitted related and accessory uses to the Landfill, include, without limitation, borrow areas, soil stockpiles, scales and scale house, office, maintenance facility, leachate management system, gas management system including beneficial usage, stormwater management system, trailer storage, parking, convenience center and recycling facilities, storage, transfer stations, composting operations, fuel storage, and equipment storage. Additional permitted uses also include gas collection, generation, and sales, power plants related to the generation and conversion of gas from the Landfill, hydroponics and greenhouses (including for wholesale and retail sale). All other uses that are not related or accessory to the above uses that are allowed as a matter of right in an M-2 zoning district are excluded.
2. Any relocation of Route 654 or 685, as generally shown on the master plan is subject to review and approval by VDOT and subject to any conditions or requirements of VDOT. Any such relocation and improvements shall be at the expense of the Owner.

Date: May 25, 2018

By: _____


William H. Shewmake, Agent For
Owners By Limited Power Of Attorney

PROFFERED CONDITIONS

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2. Any relocation of Route 654 or 685, as generally shown on the master plan is subject to review and approval by VDOT and subject to any conditions or requirements of VDOT. Any such relocation and improvements shall be at the expense of the Owner.

Date: May 25, 2018

By: 
William H. Shewmake, Agent For
Owners By Limited Power Of Attorney

LIMITED POWER OF ATTORNEY

American Timberland, LLC, is the owner of real property located in Cumberland County, Virginia, with Tax ID Numbers 45-A-7, 37-A-69, 44-A-20 and 45-A-1 (the "Property").

William H. Shewmake, Esquire, is counsel for CWV Land Acquisition, LLC and its affiliate Green Ridge Recycling and Disposal Facility, LLC, and pursuant to paragraph 10(a) of the Agreement of Sale between American Timberland, LLC and CWV Land Acquisitions, LLC, signed by the parties on September 20, 2017, American Timberland, LLC hereby nominates and appoints William H. Shewmake, LeClairRyan PLLC, 919 East Main Street, Twenty-Fourth Floor, Richmond, Virginia 23219, to act as American Timberland, LLC's true and lawful attorney-in-fact with authority to execute and to file any zoning applications, conditional use permit applications, proffered conditions, variances, special exceptions, conditional uses, amendments, and any other such associated documents relating to the Property, and to take any other actions in connection with and relating to, obtaining a conditional use permit, conditional use, or special exception for, or a rezoning of, the Property. This limited power of attorney is valid for a period of one (1) year after the execution of this limited power of attorney or upon its written termination that is delivered to the Planning Director for Cumberland County, Virginia, with a copy to William H. Shewmake.

AMERICAN TIMBERLAND, LLC

By: Philip Weigel

Its: MANAGER, BT&PACTUAL ASSET MANAGEMENT US, LLC

STATE/~~COMMONWEALTH~~ OF North Carolina

COUNTY/CITY OF WARREN, to-wit:

The foregoing instrument was acknowledged before me Jackie C Halls this 18th day of May, 2018 by Philip Weigel of American Timberland, LLC, a Delaware limited liability company, on behalf of the company.

Jackie C Halls

Notary Public

Registration No. N/A
My commission Expires: 06-13-2019

JACKIE C HALLS
NOTARY PUBLIC
WARREN COUNTY, NC
My Commission Expires 6-13-2019

LIMITED POWER OF ATTORNEY

I, Aaron Carlisle, Jr., am the owner of real property located in Cumberland County, Virginia, with Tax ID Numbers 44-A-19-A (the "Property").

I hereby nominate and appoint William H. Shewmake to act as my/our true and lawful attorney-in-fact with authority to file any zoning applications, conditional use permits, proffered conditions, variances, special exceptions, conditional uses, amendments, or any other associated documents relating to the Property, and to take any other actions in connection with and relating to, obtaining a conditional use permit, conditional use, or special exception for, or a rezoning of, the Property. This limited power of attorney is valid for a period of one (1) year after the execution of this limited power of attorney or upon its written termination that is delivered to the Planning Director for Cumberland County, Virginia, with a copy to William H. Shewmake.

Signature: *Aaron Carlisle, Jr.*

Printed Name: Aaron Carlisle, Jr.

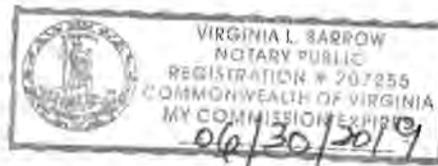
COMMONWEALTH OF VIRGINIA

COUNTY/CITY OF Newport News, to-wit:

The foregoing instrument was acknowledged before me May this 9 day of April, 2018 by AARON CARLISLE, JR.

Virginia L Barrow
Notary Public

Registration No.: 207255
My commission Expires: 06/30/19



LIMITED POWER OF ATTORNEY

CWV Land Acquisition, LLC, is the owner of real property located in Cumberland County, Virginia, with Tax ID Numbers 44-A-36, 44-A-13, 44-A-14, 44-A-22, 44-A-19 (the "Property")..

CWV Land Acquisition, LLC hereby nominates and appoints William H. Shewmake to act as its true and lawful attorney-in-fact with authority to file any zoning applications, conditional use permits, proffered conditions, variances, special exceptions, conditional uses, amendments, or any other associated documents relating to the Property, and to take any other actions in connection with and relating to, obtaining a conditional use permit, conditional use, or special exception for, or a rezoning of, the Property. This limited power of attorney is valid for a period of one (1) year after the execution of this limited power of attorney or upon its written termination that is delivered to the Planning Director for Cumberland County, Virginia, with a copy to William H. Shewmake.

CWV LAND ACQUISITION, LLC

By: Jerry S. Cifor
Its: W. Manager

STATE/COMMONWEALTH OF New York

COUNTY/CITY OF Saratoga, to-wit:

The foregoing instrument was acknowledged before me Bridget Cotugno this 21 day of May, 2018 by Jerry S. Cifor of CWV Land Acquisition, LLC, a Virginia limited liability company, on behalf of the company.

Bridget Cotugno
Notary Public

Registration No. 01C0499 0274
My commission Expires: 12/30/21

BRIDGET COTUGNO
Notary Public, State of New York
No. 01CO4990274
Qualified in Saratoga County
Commission Expires Dec. 30, 2021

LIMITED POWER OF ATTORNEY

Ellis M. Palmore Lumber, INC, is the owner of real property located in Cumberland County, Virginia, with Tax ID Numbers 45-1-41 and 45-1-40 (the "Property").

Ellis M. Palmore Lumber, INC hereby nominates and appoints William H. Shewmake to act as its true and lawful attorney-in-fact with authority to file any zoning applications, conditional use permits, proffered conditions, variances, special exceptions, conditional uses, amendments, or any other associated documents relating to the Property, and to take any other actions in connection with and relating to, obtaining a conditional use permit, conditional use, or special exception for, or a rezoning of, the Property. This limited power of attorney is valid for a period of one (1) year after the execution of this limited power of attorney or upon its written termination that is delivered to the Planning Director for Cumberland County, Virginia, with a copy to William H. Shewmake.

Ellis M. Palmore Lumber, INC

By: Robert M. Palmer

Its: President

STATE/COMMONWEALTH OF Virginia

COUNTY/CITY OF Chesapeake, to-wit:

The foregoing instrument was acknowledged before me Jessica McDonald this 17th day of ~~April~~ MAY, 2018 by Robert M. Palmer of Ellis M. Palmore Lumber, INC, a _____ limited liability company, on behalf of the company.

Jessica McDonald
Notary Public

Registration No. 7680364
My commission Expires: 11.30.2020

Jessica N. McDonald
Notary Public
Commission #: 7680364
Commonwealth of Virginia
My Commission Expires Nov.30, 2020

Ellis M. Palmore Lumber, INC

By: Paul E. Pal

Its: Vice President

STATE/Commonwealth of Virginia

COUNTY/CITY OF Questedah, to-wit:

The foregoing instrument was acknowledged before me Jessica McDonald this 17th day of ~~April~~ ^{MAY}, 2018 by DAVID E. PALMER of Ellis M. Palmore Lumber, INC, a _____ limited liability company, on behalf of the company.

Jessica McDonald

Notary Public
Jessica N. McDonald
Notary Public
Commission #: 7680364
Commonwealth of Virginia
My Commission Expires Nov.30, 2020

Registration No. 7680364
My commission Expires: 11.30.2020

LIMITED POWER OF ATTORNEY

Green Ridge Recycling and Disposal Facility, LLC, hereby nominates and appoints William H. Shewmake to act as its true and lawful attorney-in-fact with authority to file any zoning applications, conditional use permits, proffered conditions, variances, special exceptions, conditional uses, amendments, or any other associated documents relating to any real property located in Cumberland County, Virginia, and to take any other actions in connection with and relating to, obtaining a conditional use permit, conditional use, or special exception for, or a rezoning of, such real property. This limited power of attorney is valid for a period of one (1) year after the execution of this limited power of attorney or upon its written termination that is delivered to the Planning Director for Cumberland County, Virginia, with a copy to William H. Shewmake.

GREEN RIDGE RECYCLING AND DISPOSAL FACILITY, LLC

By: [Signature]
Printed Name: Jerry S. Cifer
Its: Manager

STATE OF New York

COUNTY/CITY OF Saratoga, to-wit:

The foregoing instrument was acknowledged before me Bridget Cotugno this 18 day of May, 2018 by Jerry S. Cifer of Green Ridge Recycling and Disposal Facility, LLC, a Virginia limited liability company, on behalf of the company.

[Signature]
Notary Public

Registration No. 01CO 4990274
My commission Expires: 12/30/2021

BRIDGET COTUGNO
Notary Public, State of New York
No. 01CO4990274
Qualified in Saratoga County
Commission Expires Dec. 30, 2021

LIMITED POWER OF ATTORNEY

I, Curtis Franklin Marion, am the owner of real property located in Cumberland County, Virginia, with Tax ID Numbers 38-A-7 (the "Property").

I hereby nominate and appoint William H. Shewmake to act as my/our true and lawful attorney-in-fact with authority to file any zoning applications, conditional use permits, proffered conditions, variances, special exceptions, conditional uses, amendments, or any other associated documents relating to the Property, and to take any other actions in connection with and relating to, obtaining a conditional use permit, conditional use, or special exception for, or a rezoning of, the Property. This limited power of attorney is valid for a period of one (1) year after the execution of this limited power of attorney or upon its written termination that is delivered to the Planning Director for Cumberland County, Virginia, with a copy to William H. Shewmake.

Signature: Curtis Franklin Marion

Printed Name: Curtis Franklin Marion

COMMONWEALTH OF VIRGINIA

COUNTY/CITY OF Cumberland, to-wit:

The foregoing instrument was acknowledged before me Stephanie M. Marion this 15th day of May, 2018 by Curtis Franklin Marion.

Stephanie M. Marion
Notary Public

Registration No.: 7578157
My commission Expires: 11/30/2021



LIMITED POWER OF ATTORNEY

I, JOHN H. WICK III, is the owner of real property located in Cumberland County, Virginia, with Tax ID Numbers: 45-2-2-A and 45-2-2-B (the "Property").

I hereby nominate and appoint William H. Shewmake to act as my true and lawful attorney-in-fact with authority to file any zoning applications, conditional use permits, proffered conditions, variances, special exceptions, conditional uses, amendments, or any other associated documents relating to the Property, and to take any other actions in connection with and relating to, obtaining a conditional use permit, conditional use, or special exception for, or a rezoning of, the Property. This limited power of attorney is valid for a period of one (1) year after the execution of this limited power of attorney or upon its written termination that is delivered to the Planning Director for Cumberland County, Virginia, with a copy to William H. Shewmake.

Signature: *John H. Wick III*
Printed Name: John H. Wick III

COMMONWEALTH OF VIRGINIA

COUNTY/CITY OF Henrico, to-wit:

The foregoing instrument was acknowledged before me on this 1st day of May, 2018 by Melissa A. DeLue

Melissa A. DeLue
Notary Public

Registration No.: 240029
My commission Expires: Jan 31, 2020



LIMITED POWER OF ATTORNEY

We, John H. Wick III and Mary R. Wick, are the owner(s) of real property located in Cumberland County, Virginia, with Tax ID Number 44-A-21 (the "Property").

We hereby nominate and appoint William H. Shewmake to act as my/our true and lawful attorney-in-fact with authority to file any zoning applications, conditional use permits, proffered conditions, variances, special exceptions, conditional uses, amendments, or any other associated documents relating to the Property, and to take any other actions in connection with and relating to, obtaining a conditional use permit, conditional use, or special exception for, or a rezoning of, the Property. This limited power of attorney is valid for a period of one (1) year after the execution of this limited power of attorney or upon its written termination that is delivered to the Planning Director for Cumberland County, Virginia, with a copy to William H. Shewmake.

Signature:

John H. Wick III

Printed Name: John H. Wick III

COMMONWEALTH OF VIRGINIA

COUNTY/CITY OF Henrico, to-wit:

The foregoing instrument was acknowledged before me on this 1st day of May, 2018 by Melissa A. DeLue

Melissa A. DeLue
Notary Public

Registration No.: 240029
My commission Expires: Jan 31, 2020



Signature: Mary R. Wick

Printed Name: Mary R. Wick

COMMONWEALTH OF VIRGINIA

COUNTY/CITY OF Henrico, to-wit:

The foregoing instrument was acknowledged before me on this 1st day of May, 2018 by Melissa A. DeLue

Melissa A. DeLue
Notary Public

Registration No.: 240029
My commission Expires: Jan. 31, 2020

Signature: _____
Printed Name: _____

COMMONWEALTH OF VIRGINIA

COUNTY/CITY OF _____, to-wit:

The foregoing instrument was acknowledged before me _____ this ____ day of April, 2018 by _____.

Notary Public

Registration No.: _____
My commission Expires: _____