

**UDO 2016-10-03
Special Use Permit
Findings of Facts**

PROJECT INFORMATION

File Reference: UDO 2016-10-03
Project Name; Solar Farm
PIN: 03-8973-00-40-4337
Applicant: Shiloh Hwy 1108
Solar LLC
Address: 192 Raceway Drive
 Mooresville, NC
28117
Phone: (704) 662-0375
Email:

Agent for Applicant: Linda Nwadike
Address:
Phone:
Email:

Current Owner of Record: Michael/Stacey Riggs

Meeting Dates:
11/16/2016 **Planning Board**

Application Received: 19/10/2016
By: David Parks, Permit Officer

Application Fee paid: \$400 Check # 16843

Completeness of Application: Application is generally complete

Documents received upon filing of application or otherwise included:

- A. Land Use/Development Application
- B. Commercial Site Plan
- C. Project Summary Letter
- D. Deed & Lease Agreement
- E. Documentation of all requirements from NC State Utilities Commission (not in packet).
- F. Technical Review comments
- G. Drainage Report (Not in packet)

PROJECT LOCATION:

Street Address: Intersections of Sandy Hook Road and Sassafras Lane
Location Description: Shiloh Township

Vicinity Map:



REQUEST: Construction of a 5MW AC Solar Facility. Camden County Code Article 151.334 Table of Permissible Uses (Use # 17.400); Specific Standards – Article 151.347(V).

SITE DATA

Lot size: Approximately 90 acres in size
Flood Zone: X
Zoning District(s): Mixed Single Family Residential (R2)
Existing Land Uses: Farmland/Woodland

Adjacent Zoning & Uses:

	North	South	East	West
Zoning	R2/GUD/CC	R2/GUD	R2	R2
Use & size	Woodland/Farmland 41 acres	Farmland over 88 acres/4 residential lots – 4 acres	Woodland – approx 32 acres; 1 residential lot	7 residential lots will be adjacent to the solar farm.

Proposed Use(s): Solar Farm

Description of property:

Property has approximately 36 acres of woodland and 54 acres under farm use.

ENVIRONMENTAL ASSESSMENT

Streams, Creeks, Major Ditches:

Distance & description of nearest outfall:

INFRASTRUCTURE

There are currently no utilities servicing the property.

Traffic: During construction phase there will be increased traffic along Sandy Hook Road and Sassafras Lane.

1. Utilities:

- A. Does the application include a letter or certificate from the District Health Department regarding septic tanks?** Applicant requesting use of portable toilet.
- B. Does the applicant propose the use of public sewage systems?** No
- C. Does the applicant propose the use of public water systems?** No.

- D. **Distance from existing public water supply system:** Approximately 2,500 feet on Sandy Hook Road.
- E. **Is the area within a five-year proposal for the provision of public water?** No
- F. **Is the area within a five-year proposal for the provision of public sewage?** No

2. Landscaping

- A. **Is any buffer required?** Yes. Indicated on site plan.
- B. **Is any landscaping described in application?** Yes.

3. Findings Regarding Additional Requirements:

- A. **Endangering the public health and safety:**
- B. **Injure the value of adjoining or abutting property:**
- C. **Harmony with the area in which it is located:** Yes. The property is zoned for the proposed use.
- D. **Conformity with the Plans**
 - (1). Land Use Plan – Area is consistent with County’s Future Land Use Map for proposed use.
 - (2). Thoroughfare Plan – Only access to site is off Ponderosa Road (Private 30’ easement).
 - (3). Other Plans officially adopted by the Board of Commissioners – N/A
- E. **Will not exceed the county’s ability to provide public facilities**
 - (1). Schools – No impact.
 - (2). Fire and rescue – Minimal impact.
 - (3). Law Enforcement – Minimal impact.
- F. **Other County Facilities** – N/A

Planning Staff is recommending approval of the Special Use Permit for the installation of the requested Solar Farm with the following conditions:

1. The applicant must strictly abide by all requirements of the Unified Development Ordinance of Camden County, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules and regulations as one or more ordinances, laws, rules and regulations may apply to this development.
2. The applicant shall complete the development strictly in accordance with the approved plans contained in the file titled UDO 2016-10-03.
3. Applicant shall provide Camden County Planning Office proof of the continuous operation annually and/or upon request of the county which shall not be unreasonable in the form a letter from Dominion Power stating the facility is still operational. Letter shall contain the name and phone number of the point of contact at Dominion Power.
4. Upon completion of the installation of the solar farm, Sun Energy shall provide training to Fire Marshall, South Camden Volunteer Fire Department and Sheriff’s Office personnel as to the potential risks involved in case of an emergency inside the facility.
5. Applicant shall provide the Sheriff’s Officer with a key or combination to the entrance into the facility in case of an emergency.
6. Place Type A – Opaque Landscape Buffer starting at the South East portion of the property from Sassafras Lane to a point 10 feet past the out building of the property that abuts the solar farm.

7. Hours of operations during construction phase shall be Monday – Saturday, dawn to dusk.
8. Property shall be maintained throughout the solar farms lifetime to include maintenance of the buffer area and grass. Grass shall be cut at a minimum of once during the first week of every month.
9. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this approval in its entirety shall be void and have no effect.



Land Use/Development Application
County of Camden, North Carolina

Depending upon the type of proposal, the proposal may require a Zoning Permit, Conditional Use Permit, or Special Use Permit. This form is used as the start of application process. All applicants must submit a site plan (see "Minimum Site Plan Requirements") and a valid Health Department permit. Applicants for a Conditional Use Permit or Special Use Permit should review the "Requirements for Conditional Use Permit and Special Use Permit Applications".

Applicants for a subdivision must submit this form as their Special Use Permit application.

Please consult the Planning Office (1-252-338-1919) with any questions about your application.

Please Do Not Write in this Box
PIN: 03-8973-00-40-437
UDO# 2016-10-03
Date Received: 10/10/16
Received by: [Signature]
Zoning District: R-2
Fee Paid \$ 400.00

CK # 16843

PLEASE PRINT OR TYPE

Applicant's Name: Shiloh Hwy 1108 Solar, LLC

If the Applicant is acting as agent for another person (the "principal"), please give that person's name on the line below and submit a copy of the agency agreement/letter with this Application.

Linda Nwadike

Applicant's Mailing Address: 192 Raceway Drive Mooresville, NC 28117

Daytime Phone Number: (704) 662-0375 X104

Street Address Location of Property: approximately at S. Sandy Hook Rd, Shiloh NC 27974 GPS Point 36.161082 & -76.020209

General Description of Proposal: Construction of a 5MW AC solar facility.

I swear or affirm that the foregoing information and all attachments hereto (now or subsequently provided as part of this application) are true and correct to the best of my knowledge.

Signed: [Signature]

Dated: 10/7/16

* Information to be filled out by Planning Department

*Is the Property in a Watershed Protection area? NO

*Flood Zone (from FIRM Map): X *Taxes paid? / no

(F) Applicants for a Conditional Use Permit or a Special Use Permit must respond to the following issues and include those responses with their application: [Article 151.509] (The applicant may use separate sheets for answers to these questions.)

(1) Will the proposal in any way endanger the public health or safety?

The installation of the solar photovoltaic facility will not endanger public health or safety. The solar panels do not generate any emissions that will cause negative health effects to the public. The panels do not generate any noise, odor or lighting. The panels are safe and the technology have been widely used since the 1950s. Additionally, the panels do not have any impact on the environment.

(2) Will the proposal in any way injure the value of adjoining or abutting property?

The proposed solar facility will not injure the property value of adjoining or abutting properties in the vicinity of the project site. Many studies conducted by real estate companies, banks and local home value assessors have concluded that having a solar facility next to your home does not affect the value of that home positively or negatively. The solar facility will implement setbacks from property boundaries as required by the county ordinance. Additionally, a vegetative buffer will be added to mitigate any visual impact. A solar facility is a low impact use of neighboring property. A long term lease of the proposed solar facility site protects the property current zoning status and ensures there are no additionally development of the property for 25+ years. A list of property owners within 250 feet of the proposed site is shown on the preceding page.

(3) Is the proposal in conformity with the:

(a) Land Use Plan The parcel is currently zoned Residential 2 and conforms to Camden County Special Use Permit table (151.334) of permissible Use No 17.400 for Solar farms.

(b) Thoroughfare Plan Not applicable

(c) Watershed Plan Not applicable

(4) Will the proposal exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities?

(a) Schools The installation of the solar facility will not affect nor impact the Camden county school system in anyway.

(b) Fire and rescue

The solar facility will not affect the Camden county fire and rescue facilities.

(c) Law Enforcement

The construction of the facility will not impact the Camden county law enforcement. The Applicant will need security personnel during construction of the facility and is willing to hire local law enforcement.

(d) Other County facilities

There will be no additional burden to the Camden County infrastructure including the roadway system, water and sewer service.



Elaine F. Marshall
Secretary

North Carolina
DEPARTMENT OF THE
SECRETARY OF STATE

PO Box 29622 Raleigh, NC 27626-0622 (919)807-2000

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Corporate Names

Legal: Shiloh Hwy 1108 Solar, LLC

Limited Liability Company Information

SosId: 1391111
Status: Current-Active
Annual Report Status: Current
Citizenship: Domestic
Date Formed: 7/21/2014
Fiscal Month: January
State of Incorporation: NC
Registered Agent: Habul, Kenny

Corporate Addresses

Mailing: 192 Raceway Drive
Mooresville, NC 28117-6509
Principal Office: 192 Raceway Drive
Mooresville, NC 28117-6509
Reg Office: 192 Raceway Drive
Mooresville, NC 28117-6509
Reg Mailing: 192 Raceway Drive
Mooresville, NC 28117-6509

Company Officials

All LLCs are managed by their managers pursuant to N.C.G.S. 57D-3-20.

Manager: Kenny Habul
192 Raceway Drive
Mooresville NC 28117



SHILOH HWY 1108 SOLAR LLC

PROPOSED SOLAR PROJECTS

SPECIAL USE PERMIT APPLICATION

Project Overview:

Shiloh Hwy 1108 Solar, LLC (the "Applicant") is proposing to build a 5 MW (AC) renewable energy generating facility within Camden County. The facility will be constructed on approximately 50 acres of land. The Shiloh Hwy 1108 solar site is located approximately at South Sandy Hook Rd, Shiloh, North Carolina, GPS point 36.161082 & -76.020209.

The 5 MW AC project will be a ground-mounted solar photovoltaic facility utilizing a single-axis tracking system and comprised of approximately 23,000 solar modules. There will be 6-foot security fence with 1-foot barbed wire that will enclose the solar facility and there will be a 10-foot wide security access gate to allow operation and maintenance personnel access to the site. Once the solar farm has been constructed, it is anticipated the crew will visit each site less than once a month. There will be no additional burden to Camden County infrastructure including the roadway system, water and sewer service, schools or fire/police.

The panels do not generate any noise, have no emissions, no odor, no lighting and are remotely monitored on a 24-hour basis. The panels will be mounted on a racking system secured by piles driven into the ground. Geotechnical evaluations will determine the depth of the piles and all work will be in accordance with North Carolina Codes and certified by North Carolina engineers. The structural design will be designed to withstand local hurricane requirements.

Construction Timeframe & Jobs:

We anticipate construction of the site will take two to three months from issuance of a building permit and intend to hire local vendors and subcontractors whenever possible. We anticipate the creation of 100-200 full-time jobs during construction and four to five permanent positions.

Permits:

The applicant, Shiloh Hwy 1108 Solar, LLC will comply with all local building codes, North Carolina Utilities Commission rules & regulations, storm-water and erosion control standards, and Federal Energy Regulatory Commission regulations to ensure a safe and viable development for Camden County and its residents. Applicant will follow all Camden County zoning requirements in regards to setbacks, buffering, height & decommissioning



restrictions. At the end of the solar facility's useful life, the land can be easily returned to its current state.

Land Control:

Shiloh Hwy 1108 Solar LLC has entered into an Option to Lease with the below property owner and will own 100% of the generating facility built on the site. The site is comprised of the parcel as identified below:

Owner	Parcel #	Owner Address	Current Zoning
Michael Carey Riggs & Stacey Midgettte Riggs	038973004033370000	1442 South 343 Shiloh, NC 27974	Residential 2

Flood Zone:

The proposed site is located on flood Zone X as can be seen on the below map, which is a minimal flood risk zone. This area is outside the 1% annual chance floodplain.



Legend

Panel	Flood Hazard Areas
Political Area	AE
Stream Centerline	Floodway (AE)
Cross Section	0.2 % Chance Annual Flood Hazard
Levee	Future Conditions 1% Annual Chance Flood Hazard

North Carolina Floodplain Mapping Program





Decommissioning Plan:

The applicant will follow Camden County ordinance for decommissioning. If the solar facility does not generate any electricity for a continuous period of 12 months, the facility owner has 12 months to complete decommissioning. However, the 12 months does not include any delay resulting from force majeure.

The Project consists of numerous recyclable materials, including glass, semiconductor material, steel, wood, aluminum, copper, and plastics. When the Project reaches the end of its operational life, the component parts can be dismantled and recycled. The Project components will be dismantled and removed using minimal impact conventional construction equipment and recycled or disposed of safely.

This Project has an estimated useful lifetime of 30 years or more, with an opportunity for a lifetime of 50 years or more with equipment replacement and repowering. However, this plan assumes that at the end of the 25-years the system will be completely dismantled and the site restored to its preconstruction state.

In case of abandonment of project during construction, the same decommissioning procedures will be undertaken and the same decommissioning and restoration program will be honored. The facility will be dismantled, materials removed and recycled, the soil that was removed will be graded and the site returned to its preconstruction state.

General Removal Process:

1. The PV facility shall be disconnected from the utility power grid.
2. PV modules, shall be disconnected, collected and returned per the Solar Collection and Recycling Program
3. Site aboveground and underground electrical interconnection and distribution cables shall be removed and recycled off-site by an approved recycling facility.
4. PV module support beams and aluminum racking shall be removed and recycled off-site by an approved recycler.
5. PV module support steel and support posts shall be removed and recycled off-site by an approved metals recycler.
6. Electrical and electronic devices, including transformers and inverters shall be removed and recycled off-site by an approved recycler.
7. Fencing shall be removed and will be recycled off-site by an approved recycler.



8. The only roads constructed for the project site will be the interior and perimeter access roads constructed of a minimum 4" aggregate base. These roads can remain onsite should the landowner choose to retain them, or be removed and the gravel repurposed either on- or off-site.

9. The Project Site may be converted to other uses in accordance with applicable land use regulations in effect at that time of decommissioning. There are no permanent changes to the site and it can be restored to its original condition including re-vegetation. Any soil removed for construction purposes will be relocated on the site or used for landscaping after construction is complete. [E]

Estimated Demolition Cost:

Demolition of Solar Arrays	\$	434,946.78
Electrical Demo Costs	\$	75,093.81
Labor Demo Costs	\$	140,797.73
Equipment Costs and Operator	\$	32,497.62
Truck Costs	\$	82,914.50
Landfill Costs	\$	103,643.12
Demolition of O&M Building	\$	253.10
Costs to Demo Building	\$	-
Transportation Costs to remove building	\$	75.93
Landfill Costs for Building	\$	177.17
Demolition of Substation	\$	-
Costs to demo Substation Steel and Equipment	\$	-
Decommission MPT, remove oil & ship	\$	-
Transportation Costs to remove debris (per truck)	\$	-
Landfill Costs for Substation Debris (per truck)	\$	-
Transportation Costs of foundation debris	\$	-
Landfill costs of foundation debris	\$	-
Demolition of Transmission Line	\$	-
Labor Costs to remove T-Line, Poles, equipment, etc.	\$	-
Landfill costs for Poles	\$	-
Demolition of Perimeter Fences	\$	16,000.00
Labor Costs to remove security Fence	\$	14,400.00
Transportation Costs	\$	1,600.00



Land Restoration	\$	47,531.57
Land Restoration Costs for Array Area	\$	47,531.57
Land Restoration at Substation	\$	-
Management and Overheads (10% of Total)	\$	48,273.15
Demolition Total	\$	547,004.60

Estimated Decommissioning Cost:

Investment	\$	12,654,838.00	2.0%
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Year	Removal Costs (assume 2% annual labor cost inflation) (\$)	Salvage Value (\$)	NET (\$)
1	547,005	8,858,387	8,311,382
2	557,945	8,459,759	7,901,814
3	569,104	8,079,070	7,509,966
4	580,486	7,675,117	7,094,631
5	592,096	7,291,361	6,699,265
6	603,938	6,890,336	6,286,398
7	616,017	6,511,368	5,895,351
8	628,337	6,088,129	5,459,792
9	640,904	5,692,401	5,051,497
10	653,722	5,293,933	4,640,211
11	666,796	4,923,358	4,256,562
12	680,132	4,554,106	3,873,974
13	693,735	4,212,548	3,518,813
14	707,610	3,875,544	3,167,934
15	721,762	3,565,500	2,843,738
16	736,197	3,244,605	2,508,408
17	750,921	2,952,591	2,201,670
18	765,939	2,657,332	1,891,393
19	781,258	2,391,599	1,610,341
20	796,883	2,128,523	1,331,640
21	812,821	1,894,385	1,081,564
22	829,077	1,667,059	837,982
23	845,659	1,467,012	621,353
24	862,572	1,246,960	384,388
25	879,823	1,097,325	217,502



26	897,419	987,593	90,174
27	915,367	987,593	72,226
28	933,674	987,593	53,919
29	952,347	987,593	35,246
30	971,394	987,593	16,199

As discussed above, this plan assumes that at the end of the 25-years the system will be completely dismantled. At the end of the useful life of the solar modules, the facility value will be reduced to that of the commodity materials it's constructed of - steel, copper, and aluminum.

As illustrated on the above table at year 25 the estimated removal cost of the system is \$879,823 and the salvage value is \$1,097,325. Therefore, the salvage value of the system is greater than the demolition cost.

An irrevocable letter of credit required per the County Ordinance which is equal to the estimated removal cost of the solar facility less the salvage value of the equipment should be waived as the salvage value is greater than the removal cost.

Camden County, North Carolina

PO Box 128, Camden, NC 27921 (252) 338-8778

03.8973.00.40.3337.0000 1 of 1 1

RIGGS MICHAEL CAREY
STACEY RIDGETTE RIGGS
 1442 SOUTH 343
 SHILOH NC 27974

No Image Found

PROPERTY BASED		
SANDY HOOK PD		
PERM BOOK/PAGE	PAY/BLDG	EXEMPT
237 754	3 47	
ACCOUNT	WAGE CODE	ISSUED
0		7/04/2014

LEGAL DESCRIPTION	LOT
	0

BUILDING INFORMATION	
STRUCTURE	STORIES 0.000
FOUNDATION	CONCRETE
EXT SIDING	SHADE
ROOF STYLE	TRAP BUILT 0
ROOF MATERIAL	EFFECTIVE YEAR 0
POUR WALLS	DPRT 0
FLOORING	BATHS 0.00
HEAT	FIREPLACES
HEAT FUEL	
AIR COND	TOTAL SQFT 0

SALE INFORMATION	
DATE	10/4/2006
PRICE	\$15,000
QUALIFIED	B

BUILDING SECTION				
DESCRIPTION	SOFT	RATE	COST SHR	VALUE

ZONE	CODE	DESCRIPTION	(FRONT DEPTH)	UNITS	RATE	VALUE
R-2	20070	OPEN LAND AC		56.960 A	\$4,200.00	\$239,232
R-2	40030	WOODLAND AC		34.180 A	\$1,200.00	\$41,016

Acres **91.140** Total Land Value **\$280,248**

ZONE	CODE	DESCRIPTION	(FRONT DEPTH)	UNITS	RATE	VALUE
R-2	122000	OPEN LAND #2		17.590 A	\$1,010.00	\$17,765
R-2	125000	OPEN LAND #5		39.370 A	\$675.00	\$26,574
R-2	141000	WOODLAND #1		34.180 A	\$440.00	\$15,039

Total Land Use Value **\$59,378**

OUTBUILDING						
DESCRIPTION	LENGTH	WIDTH	UNITS	ADJ RATE	YEAR	VALUE
Total Out Building Value \$0						

OTHER FEATURES		Total Sections Value	
TOTAL VALUE		\$0	
TOTAL PARCEL VALUE			
LAND	\$280,248	ACCUMULATED VALUE	\$280,248
BUILDING	\$0	LESS DEFERRED	\$220,870
OUT BUILDING	\$0	TAXABLE VALUE	\$59,378

FOOTHS

Issued Jan 28 2003
\$270.00
State of North Carolina
Camden County
Real Estate Excise Tax

BOOK 168 PAGE 243

FILED in Camden County, NC
on Jan 28 2003 at 04:15:30 PM
by: Peggy C. Kight
Register of Deeds *PK*

NORTH CAROLINA EXCISE STAMPS
ATTACHED AND CANCELLED \$270.00
\$2.00 per \$1,000

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 270.00

Parcel Identifier No. 03-8973-00-40-3337 Verified by 3024 LSG County on the 29th day of January, 2003
By: 135,000 - 1350.00 paid 2/11/03

Mail/Box to: WILLIAM H. MORGAN, JR., 410 East Main Street, Elizabeth City, NC 27909

This instrument was prepared by: WILLIAM H. MORGAN, JR., 410 East Main Street, Elizabeth City, NC 27909

Brief description for the Index: 112.9 ACRE PARCEL, SHILOH TOWNSHIP

THIS DEED made this 29th day of January, 2003, by and between

GRANTOR	GRANTEE
ELIZABETH T. DWIGGINS and husband, JOHN A. DWIGGINS 4007 Dogwood Trail Greensboro, NC 27410	MICHAEL C. RIGGS and wife, STACEY M. RIGGS 1442 South Highway 343 Shiloh, NC 27974

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Shiloh Township, Camden County, North Carolina and more particularly described as follows:

SEE ATTACHED "EXHIBIT A" WHICH IS INCORPORATED HEREIN BY REFERENCE

The property hereinabove described was acquired by Grantor by instrument recorded in Book _____ page _____

A map showing the above described property is recorded in Plat Book 3 page 47

NC Bar Association Form No. L-3 © 1976, Revised © 1977, 2002

Printed by Agreement with the NC Bar Association - 1981 SofPro Corporation, 333 E. Six Forks Rd., Raleigh, NC 27609

*See RIW Agreement
BK 175 P 859*

BOOK 168 PAGE 244

"EXHIBIT A"
DWIGGINS TO RIGGS LEGAL DESCRIPTION

All that certain tract or parcel of land, containing 112.9 acres, as shown and delineated on that certain plat entitled in part "Elizabeth T. Dwiggin", said plat being prepared by Charles W. Brown, III, Registered Surveyor, under date of March 26, 1985 and March 27, 1985, which plat is recorded in Map Book 3, at Page 47, of the Camden County Registry, and said plat is incorporated herein by reference.

BOOK 168 PAGE 245

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions: Easements, reservations, restrictions, and rights of way of record.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

 (Entity Name)

By: _____
 Title: _____

By: _____
 Title: _____ (SEAL)

By: _____
 Title: _____ (SEAL)

Elizabeth T. Dwiggin By *John A. Dwiggin*
 ELIZABETH T. DWIGGINS, By: JOHN A. DWIGGINS
 Dwiggin, Her Attorney-In-Fact
John A. Dwiggin IN FACT (SEAL)
 JOHN A. DWIGGINS

State of North Carolina - County of Pasquotank

I, the undersigned Notary Public of the County and State aforesaid, certify that JOHN A. DWIGGINS
Camden personally appeared before me this day and acknowledged the due
 execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 29th day
 of January, 2003.

My Commission Expires: Apr. 10, 2004

 Notary Public

State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally
 came before me this day and acknowledged that he is the _____ of _____
 a North Carolina or _____ corporation/limited liability company/general partnership/limited partnership (strike through the
 inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its
 behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____

 Notary Public

State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____

Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____

 Notary Public

The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By: _____ Register of Deeds for _____ County Deputy/Assistant - Register of Deeds

BOOK 168 PAGE 246

NORTH CAROLINA

PASQUOTANK COUNTY

I, the undersigned Notary Public, in and for Camden County, State of North Carolina, do hereby certify that John A. Dwiggins, Attorney-in-Fact for Elizabeth T. Dwiggins, personally appeared before me this day, and being by me duly sworn, says that he executed the foregoing and annexed instrument for and in behalf of Elizabeth T. Dwiggins, and that his authority to execute and acknowledge said instrument is contained in instrument duly executed, acknowledged and recorded in the Office of the Register of Deeds of Guilford County, NC in Book 4828, at Page 0062, and that this instrument was executed under and by virtue of the authority given by said instrument giving him Power of Attorney; that the said John A. Dwiggins acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of Elizabeth T. Dwiggins.

Witness my hand and notarial seal this the 29th day of January, 2003.



William H. Morgan, Jr.

Notary Public

My commission expires: April 10, 2004

NORTH CAROLINA

CAMDEN COUNTY

The foregoing certificate of William H. Morgan, Jr., a Notary Public of Camden County, State of North Carolina, is certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Reggie C. Knight

Register of Deeds for Camden County

By: _____ Assistant/Deputy-Register of Deeds

GROUND LEASE AND EASEMENT AGREEMENT

This GROUND LEASE AND EASEMENT AGREEMENT, including any applicable exhibits and riders attached hereto (this "Ground Lease"), is dated as of the 17th day of March, 2016 ("Effective Date") between MICHAEL C. RIGGS and STACEY M. RIGGS, having an address at 1442 Highway 343 South, Shiloh, NC 27974 (collectively, "Owner") and SHILOH HWY 1108 SOLAR, LLC, a North Carolina limited liability company, having a principal business address at 192 Raceway Drive, Mooresville, NC 28117 and its related affiliated entities (collectively, "Tenant").

In consideration of the mutual agreements herein contained and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the Parties hereto, intending to be legally bound hereby, hereby agree as follows:

1. **Definitions.** For all purposes of this Ground Lease the following terms shall have the meanings assigned to them in this Article 1, and include the plural as well as the singular. Capitalized terms used in this Ground Lease and not defined herein shall have the meaning given in the Option to Lease entered into by and between the Parties hereto and dated December 1, 2014.

1.1 "Affiliate" means, when used with reference to a specified Person, any other Person that directly, or indirectly through one or more intermediaries, controls, is controlled by or is under common control with the Person specified. For purposes of the foregoing, "control", "controlled by" and "under common control with" with respect to any Person means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of such Person, whether through the ownership of voting securities, partnership interests or by contract or otherwise.

1.2 "Business Day" means any day other than Saturday or Sunday or a legal holiday observed by the State of North Carolina.

1.3 "Casualty" means any loss or destruction of or damages to the Facility or the Site resulting from any act of God, fire, explosion, earthquake, accident or the elements, whether or not covered by insurance and whether or not caused by the fault or negligence of either Party, or such Party's employees, agents, contractors, or visitors.

1.4 "Closing" has the meaning set forth in Section 23.2.

1.5 "Commercial Operation Date" means the date upon which Tenant notifies Owner that the Facility is commercially operational.

1.6 "Environmental Laws" means any federal, state or local law, code, statute, ordinance, rule, regulation, rule of common law, guideline or informal policy position, relating to or imposing liability or standards of conduct concerning any hazardous, toxic or dangerous waste, substance or material; or any substances or mixture of any Hazardous Materials regulated thereunder, now or hereafter enacted or promulgated (collectively, and including, without limitation, any such laws which require notice of the use, presence, storage, generation, disposal

further agrees to indemnify and hold Owner harmless for any and all damage of any kind arising from Tenant's failure to comply with the aforementioned rules and regulations.

24.19 No Waiver. Failure of either party to complain of any act or omission on the part of the other party, no matter how long the same may continue, shall not be deemed to be a waiver by said party of any of its rights hereunder. No waiver by either party at any time, express or implied, of any breach of any other provision of this Lease shall be deemed a waiver of a breach of any other provision of this Lease or a consent to any subsequent breach of the same or any other provision. If any action by either party shall require the consent or approval of the other party, the other party's consent to or approval of such action on any one occasion shall not be deemed a consent to or approval of said action on any subsequent occasion. Any and all rights and remedies which either party may have under this Lease or by operation of law, either at law or in equity, upon any breach, shall be distinct, separate and cumulative and shall not be deemed inconsistent with each other; and no one of them whether exercised by said party or not, shall be deemed to be in exclusion of any other; and two or more or all of such rights and remedies may be exercised at the same time.

24.20 Advice of Counsel. Each party to this Ground Lease represents and warrants to each other party that such party has read and fully understands the terms and provisions hereof, has had an opportunity to review this Ground Lease with legal counsel, and has executed this Agreement based upon such party's own judgment and advice of independent legal counsel (if sought).

IN WITNESS WHEREOF, the Parties hereto have caused this Ground Lease to be duly executed by their respective officers thereto duly authorized as of the day and year first above written.

[Signature pages to follow]

OWNER:

Michael C. Riggs
Michael C. Riggs

Stacey M. Riggs
Stacey M. Riggs

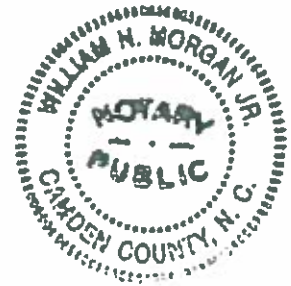
STATE OF NORTH CAROLINA
COUNTY OF PASQUOTANK

I, William H. Morgan, Jr., a Notary Public, do hereby certify that MICHAEL C. RIGGS personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 4th day of April, 2016.

William H. Morgan, Jr.
Notary Public
My Commission Expires: April 10, 2019

(Official Seal)



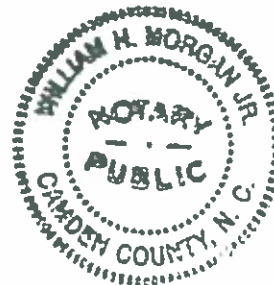
STATE OF NORTH CAROLINA
COUNTY OF PASQUOTANK

I, William H. Morgan, Jr., a Notary Public, do hereby certify that STACEY M. RIGGS personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 4th day of April, 2016.

William H. Morgan, Jr.
Notary Public
My Commission Expires: April 10, 2019

(Official Seal)



[Signatures continued from previous page]

TENANT:

SHILOH HWY 1108 SOLAR, LLC

By: 
Name: Kenny Habul
Title: Manager

STATE OF NORTH CAROLINA
COUNTY OF IREDELL

I, Mackenzie Meinhold a Notary Public, do hereby certify that Kenny Habul personally appeared before me this day and acknowledged that he is the Manager of SHILOH HWY 1108 SOLAR, LLC, and by authority duly given and as the act of Manager, appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 15 day of April, 2016.


Notary Public
My Commission Expires: 4-2-19

(SEAL)



Dave Parks

From: Chris Carver <ccarver@cityofec.com>
Sent: Tuesday, November 01, 2016 10:18 AM
To: Dave Parks
Subject: Re: Proposed Solar Farm

Dave,

I do not see any major issues with this site. The only concern I see is that Sun Energy must maintain the site throughout its lifetime, meaning grass kept cut in and around the fenced area to prevent a grass fire. I feel that they do this at their other sites but wanted to put it in an official comment for TRC. I also agree with Kirk, that there needs to be some sort of training provided in the event an emergency occurs within the fenced in area. They should be aware of the amount of electricity that is present so that no one gets hurt. If you need anything else do not hesitate to give me a call.

*Chris Carver
Deputy Chief of Administration
Elizabeth City Fire Department
252-338-3913 Office
252-340-0343 Cell*

On Thu, Oct 27, 2016 at 2:21 PM, Dave Parks <dparks@camdencountync.gov> wrote:

Attached is a proposed site plan with summary letter on a proposed solar farm located at/near the intersection of Sandy Hook Road and Sassafras Road in Shiloh Township. The Special Use Permit for the use is scheduled to go to the Planning Board on November 16, 2016. Request provide any inputs you may have by November 4, 2016.

David Parks

Permit Officer

Camden County

(252) 338-1919 ext 232

Dave Parks

From: Kirk Jennings <kirkjennings@centurylink.net>
Sent: Monday, October 31, 2016 7:54 PM
To: Dave Parks
Subject: Re: Proposed Solar Farm

Dave

I don't see where this would pose any issues to the fire department. However, the only request that I do have would be for Sun Energy to provide us some type of tour and training of the facility when it is completed so that our personnel know what to do or not to do if we are ever faced with an emergency at the facility.

Thanks
Kirk

Sent from my iPhone

On Oct 27, 2016, at 2:21 PM, Dave Parks <dparks@camdencountync.gov> wrote:

Attached is a proposed site plan with summary letter on a proposed solar farm located at/near the intersection of Sandy Hook Road and Sassafras Road in Shiloh Township. The Special Use Permit for the use is scheduled to go to the Planning Board on November 16, 2016. Request provide any inputs you may have by November 4, 2016.

David Parks
Permit Officer
Camden County
(252) 338-1919 ext 232

<Sun Energy Summary.pdf>

<Shiloh_hwy 1108_10-7-16 Site Plan.pdf>

Dave Parks

From: Midgett, Randy <rmidgett@ncdot.gov>
Sent: Monday, October 31, 2016 11:21 AM
To: Dave Parks
Cc: Hoadley, James W
Subject: RE: Proposed Solar Farm

Dave,

Our only comments are that prior to construction they will need to apply for Driveway Permits and Encroachment Agreements.

Randy W. Midgett, PE
District Field Engineer
Division One – District One
NC Department of Transportation

252 331 4737 office
252 339 1766 mobile
rmidgett@ncdot.gov

1929 North Road Street
Elizabeth City, NC 27909



Nothing Compares

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

[Facebook](#) [Twitter](#) [YouTube](#)

From: Dave Parks [<mailto:dparks@camdencountync.gov>]
Sent: Thursday, October 27, 2016 2:21 PM
To: ccarver@cityofec.com; kirkjennings@centurylink.net; Bass, Brent W; Midgett, Randy
Cc: Dan Porter
Subject: Proposed Solar Farm

Attached is a proposed site plan with summary letter on a proposed solar farm located at/near the intersection of Sandy Hook Road and Sassafras Road in Shiloh Township. The Special Use Permit for the use is scheduled to go to the Planning Board on November 16, 2016. Request provide any inputs you may have by November 4, 2016.

David Parks
Permit Officer
Camden County
(252) 338-1919 ext 232

Memorandum

To: Dan Porter, Planning Director
From: Greg Johnson, Drainage Engineer
Date: October 24, 2016
Re: Solar Energy1
Plan and Calculations Review



I received a drainage submittal package from the Timmons Group on Oct 20. The materials were dated October 14, 2016. Contained within the package were

1. Pre and Post development drainage area maps
2. A narrative
3. Solis report
4. NOAA Precipitation report and
5. Pre and Post predicted runoff reports from Pond Pack

The report directly addresses our criterion that the project reduces the potential curve number from the computed existing condition by four points. They note the existing curve numbers based upon row crops in good condition. I validated this as correct during my field inspection. They report that the post developed conditions emulates a grass (open space) condition after construction. Based upon previous experience I suggest that this is correct. There are reports available through an internet search which also suggest this outcome.

Reducing the curve number by four points helps ensure that the pre to post flow rates show a reduction once the project is completed. Based upon this information I advise that the materials be accepted with conditions.

The materials included runoff rates from the project using Pond Pack. I suggest that these rates may not be realistic and not acceptable. Because of the curve number analysis there is no present need to revise them. Our manual directs that EPA SWMM be used to calculate flows. The topography in our county is flat. Simply calculating a runoff without a routing of flows will result in misleading high flow rates. If there is a future need to calculate a flow rate a proper analysis shall be performed and shall analyze the hydraulic characteristics of the receiving system.

The engineer states within the materials that the existing grading and drainage patterns will be maintained. This is stated on the plans. I ask that as a condition of acceptance that an additional note be added that states that existing ditch grades and sections will be maintained and that no pipes or culverts will be placed on the project.

The engineer also states that this submittal does not address the site under construction. The under construction condition can produce more runoff than the existing condition and release significant amounts of sediment. This must be addressed before construction begins.

If you have any questions concerning these comments, please call me.

Respectively submitted

A handwritten signature in black ink that reads "C. Gregory Johnson". The signature is written in a cursive style with a large initial "C" and "J".

C. Gregory Johnson, P.E.

(757) 353-8695

3536 W. Coral Key

Virginia Beach, VA 23452-4404