

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF RUSSELL COUNTY, VIRGINIA HELD AT THE COUNTY GOVERNMENT CENTER, LOCATED AT 137 HIGHLAND DRIVE, LEBANON, VIRGINIA 24266, ON THE 7TH DAY OF FEBRUARY, 2022, FOLLOWING A PUBLIC HEARING BEFORE THE BOARD HELD ON THE 7TH DAY OF FEBRUARY, 2022, UPON NOTICE TO THE PUBLIC BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN RUSSELL COUNTY, THE FOLLOWING ORDINANCE WAS ADOPTED, FOLLOWING PUBLIC HEARING, A MOTION, AND SECOND:

Date: February 7, 2022

AN ORDINANCE TO PERMIT RUSSELL AND TAZEWEEL COUNTY BUILDING INSPECTION OFFICIALS AND RUSSELL AND TAZEWEEL COUNTY EROSION AND SEDIMENT CONTROL INSPECTION OFFICIALS TO MUTUALLY PERFORM INSPECTIONS UPON PROPERTY OWNED BY PURE SALMON VIRGINIA, LLC IN RUSSELL COUNTY AND TAZEWEEL COUNTY, VIRGINIA

WHEREAS, Pure Salmon Virginia, LLC is a limited liability corporation sponsoring a private business initiative to create multiple aquaculture facilities in Tazewell County, Virginia and Russell County, Virginia for the growth, harvesting, and processing of salmon on a commercial scale heretofore not accomplished in the United States, including facilities ranging from fish hatcheries, to facilities for growing fish, to facilities for processing and packaging fish for wholesale, to facilities for commercialization of fish by-products.

WHEREAS, in the construction of said aquaculture facilities, Project Jonah will conduct significant land-disturbing activities, which will displace greater than one million cubic yards (1,000,000 yd³.) of soil;

WHEREAS, land-disturbing activities that displace greater than ten thousand square feet (10,000 ft².) of soil require erosion and sediment control permits, pursuant to Section 62.1-44.15:51 *et seq.* of the Code of Virginia (1950), as amended;

WHEREAS, both Russell County and Tazewell County have adopted Virginia Erosion and Sediment Control Programs (herein, "VESCP") and have become VESCP authorities, pursuant to Section 62.1-44.15:54 of the Code of Virginia (1950), as amended;

WHEREAS, the construction of said aquaculture facilities will require Project Jonah to acquire building permits in Russell County and Tazewell County, pursuant to Section 36-105 of the Code of Virginia (1950), as amended;

WHEREAS, pursuant to Section 62.1-44.15:54 of the Code of Virginia (1950), as amended, both Russell County and Tazewell County are entitled to implement fee schedules and charge fees pertaining to erosion and sediment control inspections;

WHEREAS, pursuant to Section 36-105 of the Code of Virginia (1950), as amended, both Russell County and Tazewell County are entitled to implement fee schedules and charge fees pertaining to industrial building inspections;

WHEREAS, pursuant to Section 62.1-44.15:58 of the Code of Virginia (1950), as amended, Russell County and Tazewell County, as VESCP authorities, are permitted to enter into agreements with adjacent jurisdictions to assist with the responsibilities of the Virginia Erosion and Sediment Control Law, being Section 62.1-44.15:51 *et seq.* of the Code of Virginia (1950), as amended, which includes review and determination of adequacy of erosion and sediment control plans;

WHEREAS, pursuant to Section 15.2-1300 of the Code of Virginia (1950), as amended, the power of industrial building inspections may be exercised jointly between Russell County and Tazewell County, and the Counties may enter into an agreement between them, after adoption of an *Ordinance*, for jointly exercising said powers;

WHEREAS, the Counties remain committed to assist Project Jonah in the creation of hundreds of jobs and millions of dollars worth of taxable assets throughout the region;

NOW THEREFORE, the Board of Supervisors for Russell County, Virginia, does hereby **ORDAIN** that, pursuant to Sections 15.2-1300, 36-97 *et seq.*, and 62.1-44.15:51 *et seq.* of the Code of Virginia (1950), as amended, that:

- (1) Pursuant to Section 62.1-44.15:58 of the Code of Virginia (1950), as amended, Russell County grants, authorizes, and otherwise empowers the Tazewell County Director of Engineering, and/or his agents and assigns, to enforce the provisions of the Virginia Erosion and Sediment Control Law, Section 62.1-44.15:51 *et seq.* of the Code of Virginia, and the Russell County VESCP, within the territorial limits of Russell County, Virginia, pertaining to property owned by Pure Salmon Virginia, LLC.
- (2) Pursuant to Section 15.2-1300 of the Code of Virginia (1950), as amended, Russell County grants, authorizes, and otherwise empowers the Tazewell County Director of Engineering, and/or his agents and assigns, to enforce the provisions of the applicable state and local building codes, pursuant to Section 36-97 *et seq.* of the Code of Virginia, and such ordinances adopted by Russell County, within the territorial limits of Russell County, Virginia, pertaining to property owned by Pure Salmon Virginia, LLC.

- (3) Pursuant to Section 62.1-44.15:58 of the Code of Virginia (1950), as amended, the Russell County Building Official, and/or his agents and assigns, accept any reciprocal powers granted and/or authorized by Tazewell County to enforce the provisions of the Virginia Erosion and Sediment Control Law, Section 62.1-44.15:51 *et seq.* of the Code of Virginia, and the Tazewell County VESCP, within the territorial limits of Tazewell County, Virginia, pertaining to property owned by Pure Salmon Virginia, LLC..
- (4) Pursuant to Section 15.2-1300 of the Code of Virginia (1950), as amended, Russell County accepts any reciprocal powers granted and/or authorized by the Tazewell County Director of Engineering, and/or his agents and assigns, to enforce the provisions of the applicable state and local building codes, pursuant to Section 36-97 *et seq.* of the Code of Virginia, and such ordinances adopted by Tazewell County, within the territorial limits of Tazewell County, Virginia, pertaining to property owned by Pure Salmon Virginia, LLC..
- (5) All erosion and sediment control inspection fees shall be collected in the jurisdiction which such erosion and sediment control inspection occurred, regardless of which County's employees performed the erosion and sediment control inspection.
- (6) All industrial building inspection fees shall be collected in the jurisdiction which such industrial building inspection occurred, regardless of which County's employees performed the industrial building inspection.

- (7) All employees of Russell County or Tazewell County shall remain and be considered employees of their respective County, regardless of the jurisdiction in which the employees are performing work under this Agreement.

It is so **ORDAINED** this 7th day of February 2022.

RECORDED VOTE:

MEMBERS PRESENT: 7
MEMBERS ABSENT: 0
AYES: 7
NAYS: 0
ABSTENTIONS: 0

ATTEST:

Lou Ann Wallace
Lou Ann Wallace
Chairperson – Board of Supervisors

Lonzo Lester
Lonzo Lester
Russell County Administrator

Sworn to me this 7th day of February, 2022 in the county of Russell
state of Virginia.

Notary signature: Vicki Porter
My commission expires: May 31, 2025
Notary number: 168621



2200476

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT OF RUSSELL COUNTY, 2-17, 2022. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 10:01 o'clock A. M, after payment of \$ — tax imposed by Sec. 58.1-802.

Original returned this date to: File

TESTE: ANN S. McREYNOLDS, CLERK
BY: Ann S. McReynolds CLERK