

RICHMOND COUNTY BOARD OF SUPERVISORS
September 24, 2020

Public Hearing
MINUTES

At a Public Hearing of the Board of Supervisors for Richmond County, Virginia, held on the 24th day of September, 2020, thereof in the Public Meeting Room of the County Office Building.

Present:

F. Lee Sanders, Chairman
Richard E. Thomas, Vice-Chairman
Robert B. Pemberton, Member
J. David Parr, Member
William C. Herbert, II, Member

Also Present:

R. Morgan Quicke, County Administrator
Hope Mothershead, Planning/ Zoning
Liz Hylan, Admin. Assistant
Vivian Giles, County Attorney
Eli & Elsie Hertzler, Applicant
Louis Iannone, Strata Solar (Via Zoom)
Richard Stuart, Strata Attorney
Steve Romine, Strata Attorney
Approximately 30 others.

CALL TO ORDER

Chairman Sanders called the meeting to order at 7:00 p.m.

Chairman Sanders read the following statement:

As we continue to take precautions and aim to reduce the spread of COVID-19, we ask that each of you wear a cloth face covering as recommended by the CDC. The face coverings should be worn throughout the duration of the meeting and also social distancing should be maintained as best as possible with the space available. If needed, masks are available near the entrance of the meeting room. Temperatures are being monitored through a computerized device at the door and hand sanitizer is available as needed.

PUBLIC HEARING

- Eli I. and Elsie S. Hertzler propose to rezone approximately 2 acres (a portion of Tax Map No. 31-105) located at 1498 Sharps Road, Warsaw, VA, from Agricultural, General (B-1) for the purpose of a community variety store.

Mrs. Mothershead reviewed the background on Mr. & Mrs. Hertzler.

Richmond County Board of Supervisors Minutes:
September 24, 2020

- Mr. & Mrs. Eli Hertzler own a parcel of land located at 1498 Sharps Road, Warsaw, VA, containing approximately 105 acres.
- Mr. and Mrs. Hertzler wish to construct a 40' x 60' building adjacent to the home to open a community variety store. Mr. Hertzler ran a dry goods/variety store very similar to this style in Wisconsin prior to moving to Virginia.
- The entrance to the residence/store has been reviewed with VDOT as a low-volume commercial entrance.
- Mr. & Mrs. Hertzler intend to subdivide a portion of property necessary to run such a business – an advance print of the subdivision is shown on the screens.
- The parcel of real estate is currently zoned Agricultural, General (A-1) therefore, not allowing for a business of this nature.
- Mr. & Mrs. Hertzler have applied for a re-zoning to Business, General (B-1), which would ultimately allow him to use the parcel for a community variety store

Mrs. Mothershead reviewed suggested conditions of rezoning.

- Finalize and record a survey of the 1 acre, more or less, portion of land to be rezoned
- All proper permits (state and local) will be obtained for the construction and operation of a small community variety store.
- The rezoning will be conditional for the operation of a community variety store only – any additional operations at the location will need to come back before the Planning Commission / Board of Supervisors for approval.

(In addition to the conditions included, a suggestion was made for clearing an area of brush that was close to the roadway in this area. That right of way area has been cleared by VDOT. In addition, conversations with VDOT staff have taken place to discuss possible new signage in the area to alert drivers of new activity.)

Mrs. Mothershead noted staff recommends granting the re-zoning request based on the following:

- The rezoning will allow Mr. & Mrs. Hertzler to construct and operate a business that will benefit the community, all while not substantially changing the look of the agricultural area.
- All adjoining property owners have received notice of this rezoning and responses have been included in the Board Members packets.
- At the August 10th meeting, the Planning Commission unanimously voted (9-0) for approval of the subject rezoning and recommended same to the Board.

Mr. Herbert asked if VDOT is going to require turn lanes or adjustments. Mrs. Mothershead noted they will not require any turn lanes or adjustments since this is being considered low volume commercial. Mrs. Mothershead also noted she spoke to Mr. Hertzler when this process started and he mentioned he may want to increase the size of the drive but VDOT did not say it would be a requirement as long as it stayed low volume commercial.

Mr. Thomas asked to clarify the meaning of low volume commercial. Mrs. Mothershead stated low volume commercial is 50 cars per day and if Mr. Hertzler finds this business has expanded

Richmond County Board of Supervisors Minutes:
September 24, 2020

with more than 50 cars per day then that entrance may need to be widened. Mr. Thomas asked who would monitor the car volume per day. Mrs. Mothershead noted there was discussion with VDOT in regards to a traffic study but she does not believe that has been done as of yet. Mrs. Mothershead also noted she believes VDOT would only monitor if there were complaints.

Mr. Thomas asked if the 50 count of cars per day counted buggies also. Mrs. Mothershead noted she believes it counted for cars and buggies.

Mr. Pemberton asked why the Hertzler's changed from 2 acres to 1 acre. Mrs. Mothershead mentioned after a site visit from Mr. Wind, surveyor, it was found just a 1-acre spot was needed. Mrs. Mothershead noted if they found out they needed to expand beyond that 1-acre with the store itself they would have to come back for another rezoning process.

Mr. Herbert asked would that be a boundary line adjustment. Mrs. Mothershead stated it would be shown on the plat as a boundary line adjustment but it would be back before the Planning Commission and the Board to take in that extra area.

Mr. Pemberton asked if the concerns about the waste on the road have been discussed. Mrs. Mothershead noted it has been discussed but there is no resolution at this time.

Mr. Parr asked if the building being put in will be an addition to the house or can that fit anywhere on that acre. Mrs. Mothershead mentioned their intent is to make it an addition to the house and ultimately open the front of the store into the dwelling, down the road they hope to use all of the existing dwelling as a store and build another dwelling behind the store.

Mr. Thomas stated he is not opposed to the store but he has had many concerns and questions from citizens that drive and visit Sharps Road. Mr. Thomas mentioned there are concerns of having to load and unload goods from the roadway and how delivery vehicles are safely going to turn into the narrow driveway.

Mrs. Mothershead noted as far as the size of this building it is a 40x60 and is not over the 2,500 sq. ft. limit and it will be done with an erosion and sediment agreement that Richard English will monitor. Mrs. Mothershead also noted along with that erosion and sediment agreement there will be necessary silt fence measures.

Mr. Thomas asked if this is adjacent to the house and will the whole structure become a store. Mr. Hertzler stated that is the plan once a new structure is built in the future. Mr. Hertzler noted plans are to make a driveway that everybody can drive in and to make it safe. Mr. Hertzler mentioned they have plans to take down a tree to make it safe to pull up, back in, and turn around so there will be no parking on the street.

Mr. Thomas asked about the commercial business following County, State and Federal guidelines as well as the USDA for inspections. Mrs. Mothershead noted all those permits are things that will not be monitored locally, that would be something Mr. Hertzler would have to obtain.

Richmond County Board of Supervisors Minutes:
September 24, 2020

Mr. Thomas asked about water testing. Mr. Hertzler stated he would do that if needed. Mr. Thomas asked about cooking. Mr. Hertzler noted there will be no cooking.

Mr. Thomas asked about plumbing in the additional building. Mrs. Mothershead stated there will be plumbing facilities in the new building.

Mr. Thomas asked will there be any propane or petroleum products sold. Mr. Hertzler mentioned there will be no propane or petroleum sold.

Mr. Thomas asked what the store hours would be. Mr. Hertzler stated store hours would probably run Monday- Friday 8 a.m. to 4 p.m. and until noon on Saturdays.

Mr. Thomas asked about dogs or animals on the property and if so, are they vaccinated according to County Regulations. Mr. Hertzler noted they could make sure that current vaccinations are achieved.

Mr. Thomas asked about what they will have for all the trash. Mr. Hertzler mentioned they will have a dumpster.

Mr. Thomas expressed his concern about the size of the store and the parking lot being safe for turning around and asked if the parking lot would be part of the stormwater management. Mrs. Mothershead noted the parking area will be part of it however, Mr. Hertzler right now has the existing driveway in and has quite a bit of parking that would be already there that would be up against the proposed addition.

Mr. Thomas stated he believes there will be a lot more vehicles in and out than anticipated.

Mr. Hertzler asked would it be okay if they get somebody to take the topsoil off to change the driveway more for trailers. Mrs. Mothershead noted anything that matches up to the VDOT right of way, you would just need to work with VDOT on.

Mr. Hertzler mentioned they will make the driveway safe for trucks and trailers to be able to come in and turn around.

Chairman Sanders opened the floor to public comment.

Cary Longest commented he recently bought property in Simonson and asked for a description of what a general variety store consists of. Mr. Longest stated he is not against the store but feels 50 trucks/ cars a day is unrealistic. Mr. Longest noted a gravel driveway with no modifications for traffic safety doesn't seem logical. Mr. Longest also noted he is concerned about the safety.

After no other comments, Chairman Sanders closed the public comment period.

Mr. Hertzler noted the store is going to be a variety of bulk food groceries, variety of fabrics, shoes, hats for the Amish community or anyone in the public.

Richmond County Board of Supervisors Minutes:
September 24, 2020

Mr. Herbert commented Mr. Hertzler has listed they will have a cooler for cold drinks, meat, cheeses and produce along with the hats and the fabric.

Mr. Thomas asked will the meats be fresh or packaged meats. Mr. Hertzler stated it will be packaged meats.

Mr. Parr asked about the security light shown on the plat. Mr. Quicke stated that plat is an "as is" and that is the reason it shows the security light.

Chairman Sanders stated there will be no vote on this topic at this meeting and discussion will continue at the October 8th meeting at 7 p.m.

- *Application from Bookers Mill Solar, LLC for a Special Exception Permit in order to allow for utility Scale Solar Power Facility to be located on Tax Map Parcels 34-98, 39-1, 39-37, 39-36A and 39-53C.*

Mr. Romine gave a brief overview of the Bookers Mill Solar project.

- 127Mw utility scale project requested for approval
- Comprises about 1600 acres with a little less than 700 acres under panels
- Generate approximately \$225,000 of additional annual tax revenue
- 400 temporarily construction jobs and 10-15 permanent jobs
- Native Timber after 5-6 years of growth
- Low environmental impact
- Less than 1% of Richmond County timber land and no farmland impact in the County
- No danger to the public health or safety
- Construction traffic is routed and managed through a construction plan
- Tremendous economic development for the County
- Doesn't require goods and sources from the County
- Overall, about a \$9 million dollar revenue projected from the project

Mr. Quicke gave an overview of the conditions. Mr. Quicke stated this site shall be developed, constructed, operated, and decommissioned in substantial compliance with all of the following (See Exhibit I)

- All applicable federal, state, and local laws, statues, ordinances, and regulations
- Requirement of site plans
- Decommissioning Plan approved Richmond County
- The Emergency Response Plan approved by Richmond County
- Erosion and Sediment Control plan approved by Richmond County
- Stormwater Management Plan approved by the Virginia Department of Environmental Quality (DEQ)
- The construction Phase Plan approved by Richmond County

Richmond County Board of Supervisors Minutes:
September 24, 2020

Mr. Quicke noted one of the biggest issues that has been discussed with the Planning Commission and Board is the buffers and setbacks. Mr. Quicke mentioned he feels they have agreed on a good buffer and setback for this project.

Mr. Quicke mentioned they have included and agreed on additional setbacks that include setbacks of 36-38 acres of land that was taken out of areas close or near RPA's. Mr. Quicke stated they have to follow the 100 RPA setback that is required by law.

Mr. Quicke noted construction, traffic, and road repairs all construction activity shall be conducted during daylight hours Monday- Saturday and Sundays only to include onsite planning, walking and riding the site by passenger vehicle (not heavy construction trucks or equipment), office work and other items that do not produce large quantities of traffic on the surrounding roads or loud construction noises within the site.

Mr. Quicke mentioned all road repairs will be bonded with the County.

Mr. Quicke noted they have prohibited the use of cadmium telluride, GEN X, and any other materials prohibited by federal or state agencies.

Mr. Quicke mentioned applicant shall drill test wells on site at locations set forth on the approved site plan to annually monitor the water quality within the project for contaminants listed in the National Primary Drinking Water Regulations (contaminants) as complied by the U.S. Environmental Protection Agency.

Mr. Quicke noted soil testing was added to be a better indicator of the surface.

Mr. Quicke stated the total estimated value to Richmond County over 35 years is approximately \$9,839,000.

Mr. Quicke mentioned this is \$1,400 per MW, per year on 127 MW= \$177,800.

Mr. Quicke noted there would be an increase in Real Estate Property Value.

Mr. Quicke noted the upfront payment to Richmond County will be \$1,656,000.

Mr. Quicke stated Richmond County would need to see 160 homes built at an average cost of \$250,000 in one single year to see an annual increase of \$280,000.

Mr. Quicke mentioned Richmond County would need 375 new vehicles valued at \$20,000 in one single year to see an annual increase of \$280,000.

Mr. Quicke listed how this money can be deployed over the next couple of years to benefit the citizens and tax payers of Richmond County.

- Allow the creation of a second EMS facility within Richmond County to better serve the Farnham Community, to decrease response time to calls.

Richmond County Board of Supervisors Minutes:
September 24, 2020

- \$125,000- Contribution to RCVFD for Company 2 renovations and additions
- \$150,000 proposed to allocate and work with a Tower Building Company, to locate a tower in the Newland area of the County, to enhance cell phone and emergency radio communications.
- \$100,000 Enhanced 911 Radio Communications
- \$81,000-2023 Comprehensive Plan Re-Write
- \$225,000- Pedestrian Trails (Phase II and Phase III)
- \$200,000- Economic Development
- \$125,000- Other/ Community Programs
- \$200,000- Capital Improvement Plan
- \$200,000- Un-allocated funds (Funds currently not allocated to a specific purpose or program)

Mr. Thomas commented when talking about the 260 some homes the needs and cost of those homes needs to be taken into consideration as well as the schools. Mr. Quicke noted the services that come with residential such as the schools (which is the biggest expenditure of the Counties budget), Social Services, Law Enforcement, and Public Safety, those are the four things that encompass 92% of the County budget.

Mr. Quicke presented the Staff Recommendation on the Strata Solar Re-zoning project. Mr. Quicke noted there has been considerable changes to the State Code regarding Solar Facilities, as a result of the 2020 General Assembly Session. Mr. Quicke listed the two major changes affecting this project:

1. Adoption of a Revenue Share Ordinance, providing the County with \$1,400 megawatt hour annually, for a total of \$177,800 per year, of which the Board of Supervisors adopted on August 13th.
2. The ability to enter into a siting Agreement with a Solar Facility, which may allow money to be provided up front to the County for the purposes of:
 - a. Funding the capital improvement plan of the County
 - b. To meet the needs of the current fiscal budget of the County
 - c. Supplement or establish any fund for which the county maintains a balance policy
 - d. Support broadband funding

Mr. Quicke noted he does not make this recommendation lightly as there has been much thought and deliberation put into this recommendation to the Board of Supervisors. Mr. Quicke mentioned he knows his recommendation may not be well received but it is his responsibility, as well as the Planning Commission and Board of Supervisors, to make decisions for Richmond County that they feel will benefit the County as a whole and for the long term. Mr. Quicke noted he understands there will be several property owners affected by this decision of Richmond County, and feels as though the County Staff, the Planning Commission, the Board of Supervisors have taken extraordinary steps to ensure this facility, if built, will be a neutral impact to these affected property owners.

Mr. Quicke mentioned he feels the additional RPA setbacks in addition to the required 100' buffer will only help with the surface water quality as the project progresses. Mr. Quicke also mentioned

Richmond County Board of Supervisors Minutes:
September 24, 2020

he is aware this project could be negative environmental impacts that have been witnessed with other solar projects, but assures the citizens, and the board, that the County, with engineers, will remain fully vested in the protection of these water sources through the construction of the project. Mr. Quicke noted the required phasing of this project into two separate pieces of land disturbance will help the County and Strata make sure this project is completed with the impacts to the environment being limited.

Mr. Quicke mentioned they have worked diligently on bonding requirements over the last several months and feel that they provide maximum protection to Richmond County should something go wrong.

Mr. Quicke noted some additional conditions include restrictions on construction hours, required security fencing, test wells for ground water quality, soil testing, increased buffer requirements from roads and residences, reimbursement of county costs on third party services, limits on solar panels and equipment based off of national solar standards, and stringent decommissioning terms, conditions and bonding requirements.

Mr. Quicke mentioned he views this project as Economic Development for Richmond County and believes the financial resources that will come to Richmond County from this project will better the County as a whole.

Mr. Quicke noted through the adoption of a Revenue Share ordinance localities are now able to adopt, Richmond County can collect \$1,400 per megawatt hour annually, and through the siting, the financial impact to Richmond County over the next 35 years will be in the millions, as mentioned before the overall financial impact to Richmond County over 35 years is just under \$10,000,000.

Mr. Quicke mentioned he anticipates the majority of these impacts to be during the relatively brief construction phase of the project, some 12-24 months.

Mr. Quicke stated his recommendation to the Board of Supervisors is that the project be approved with the conditions as presented.

Chairman Sanders opened the floor to public comment.

Debbie Holbrook commended Mr. Quicke on his presentation. Mrs. Holbrook noted in the knowing of the person proving the County with the Solar Farms she requests a presentation to the public and Board of the ongoing sites that have fines and how they have been addressed. Mrs. Holbrook asked in the process of developing the site plan she would like to know the exact locations of the entrances. Mrs. Holbrook mentioned the question in regards to how much carbon monoxide is removed from a forest of trees and replaced by 700 acres of panels never could get answered. Mrs. Holbrook noted how much more carbon monoxide is caused when you are starting and stopping an electric plant. Mrs. Holbrook stated the measurement was going to be 100 ft. from the boundary and noted she has never been able to get that clarified. Mrs. Holbrook asked about the clause in making it reasonable in the borderlines. Mrs. Holbrook stated she feels it is very important and does not trust China to meet that requirement of keeping those products safe.

Richmond County Board of Supervisors Minutes:
September 24, 2020

Carol Lowery stated she is opposed to this project. Mrs. Lowery noted she has heard of all the money making this project is going to make. Mrs. Lowery mentioned there is a few of them down there and they are the ones that are going to be impacted by this project, and for 24 months. Mrs. Lowery noted other counties have turned down solar facilities because of the zinc pipes in the ground ruining the water and wetlands. Mrs. Lowery mentioned she agreed with Mr. Smith and his statement in regards to there should not be 200 water basins placed in that area. Mrs. Lowery noted this area is prone to bad weather and the runoff it will cause. Mrs. Lowery mentioned the hot coal used in making these solar panels will never be able to get rid of. Mrs. Lowery stated these solar panels will not save the earth they will demolish the earth.

Jake Buit commented it seems no one speaks they are for this project. Mr. Buit noted Strata has stated their property values will not go down and he believes it is impossible. Mr. Buit stated no one wants this project and are all against it. Mr. Buit asked why not shell this project for three years and see what happens with the other solar facilities around then make a decision. Mr. Buit commented who is going to want to buy a house with solar panels all around their property.

Mike Rowland stated he manages the property adjacent to this solar project and asked how they will continue having access to this piece of property with it being fenced in, including hunt clubs.

Chairman Sanders closed the public comment period.

Mr. Quicke noted there was an email received today from Mike Sisson requesting it be included and read out loud.

Mr. Thomas noted C.B. Kemper of Farnham has stated he is opposed to this project.

Mr. Quicke apologized to Mrs. Holbrook for the email mishap and will work with her to get her questions answered. Mr. Quicke stated the 100 ft. of trees begins at the edge of right of way, road by road depending and generally right of ways in this area are going to be called 50 ft. right of ways, 25 ft. from the center line of the road will start that the edge of right of way.

Mr. Quicke noted in regards to the right of way issue with the hunt club, Mrs. Mothershead has spent extensive time working with the engineers and representatives from Strata on how it's going to be fenced in and allow that right of way to continue. Mr. Quicke stated he does not have an answer at this time but there have been considerable discussions regarding this issue and the right of ways. Mr. Quicke mentioned there is a legally deeded access that shall remain and should have that access. Mr. Quicke also mentioned they will work strongly with Strata and what Mr. Stuart is agreeing too in making sure that right of way is preserved.

Ms. Giles stated this is the first public hearing to the conditions discussed and there is a request to amend one of the conditions in paragraph 1 condition number 26 stating in the sentence with disturbed adding without stabilization and concluding the sentence to say "without stabilization at any one time" and following that to add another sentence reading "stabilization, for the purposes of erosion and sediment control, shall mean the application of seed and mulch to disturbed areas." Ms. Giles mentioned that is consistent with the current DEQ regulations.

Mr. Thomas asked about the right of way on Mr. Hancock's property and will that be resolved. Mr. Stuart stated they have a deeded right of way through that site that has been identified and it cannot be blocked. Mr. Stuart noted this right of way has been made aware of and documented on the site plan and will be figured out in the site plan process to make sure there is access.

Chairman Sanders stated there will be no vote on this topic at this meeting and discussion will continue at the October 8th meeting at 7 p.m.

- *Consideration of a Solar Siting Agreement between Bookers Mill Solar, LLC and the County of Richmond, VA*

Ms. Giles reviewed changes from the General Assembly that helped Solar Farms. Ms. Giles noted one of the changes that came out of the General Assembly is the ability to enter into a siting agreement, that was new in Virginia Code Section 15.2-2316.7. Ms. Giles mentioned in order to enter into the siting agreement with an applicant you are required to go to public hearing.

Ms. Giles noted one requested edit to be made in the conditions, paragraph 3.3 shall read, as that ordinance may from time to time be amended, the request is to delete that phrase.

Ms. Giles gave a brief overview of the siting agreement. (See Exhibit II)

Ms. Giles noted it is interconnected with the Special Exception Permit, so that a violation of a condition and special exception permit would constitute a default of the siting agreement and conversely a default of any provision of the siting agreement, would be a violation of the special exception permit.

Ms. Giles mentioned it requires the approval of the same plans as SEP and does require an addition to the ongoing collaboration with the developer and operator in the form of the liaison. Ms. Giles stated she has requested language be added for an annual report for the County to know on a regular basis how this project is performing.

Ms. Giles noted in the siting agreement there's also a provision for an 800 number to be provided and publicized at the property on signage that in the event years from now that perhaps a contact is needed citizens would have the ability to contact the company.

Ms. Giles mentioned the financial provisions, siting agreement, and the decommissioning are the biggest points and extremely important to the County. Ms. Giles noted the cost reimbursement, any engineering, little fees occurred and other upfront fees in the course of the project, the company has agreed to reimburse. Ms. Giles noted it calls for a cost reimbursement anytime fire or rescue is called to the site through construction and operation.

Ms. Giles noted the revenue share ordinance the company would be subject to the revenue share from that statement adopted and in addition a voluntary payment.

Richmond County Board of Supervisors Minutes:
September 24, 2020

Ms. Giles noted anything added to the property as a part of decommissioning will be removed and the cost of decommissioning is secured at 100% with a bond or letter of credit unless the project is owned by an investor or utility company.

Ms. Giles stated the amount of surety is reviewed every 5 years.

Mr. Thomas asked at the decommissioning can a term be set that the site has to be put back into its normal state in a reasonable amount of time. Ms. Giles stated if something were to happen and it was not a planned voluntarily shut down the company has some time to get things back online, if they do not then the full decommissioning would be required. Ms. Giles noted the company has 18 months to complete.

Chairman Sanders opened the floor to public comment.

Mrs. Holbrook noted at the Planning Commission a question was asked if the entire piping would be removed because it was intended to be cut off at a certain level, but understands what is put in will be removed. Mrs. Holbrook asked about the basins being left behind and noted that would not be consistent with the removing of everything that was put there. Ms. Giles noted the storm water retention ponds are supposed to stay as a benefit for the soil. Ms. Giles stated in reference to the all items being removed there was at one time a depth threshold and that was removed and it now states whatever is there will be removed.

Chairman Sanders closed the public comment period.

Chairman Sanders stated there will be no vote on this topic at this meeting and discussion will continue at the October 8th meeting at 7 p.m.

OTHER BUSINESS

Chairman Sanders noted Hemings Solar discussed doing an Agricultural fence, after discussion he is not happy with this kind of fence and asked the Boards permission to request Hemings to change the fencing to chain link.

Mr. Quicke noted himself and Mrs. Mothershead would work with Hemings Solar to try and get that changed to the chain link style fence.

ADJOURNMENT

After no further business, Chairman Sanders adjourned the meeting.



F. Lee Sanders, Chairman
Richmond County Board of Supervisors

Strata Solar – Bookers Mill Solar, LLC

SPECIAL EXCEPTION PERMIT CONDITIONS
SEPTEMBER 24, 2020 – PUBLIC HEARING

Overview of Conditions

GENERAL PROVISIONS

The site shall be developed, constructed, operated, and decommissioned in substantial compliance with all of the following:

All applicable federal, state, and local laws, statutes, ordinances, and regulations

All written agreements entered into between the Applicant and the County, including, but not limited to, a siting agreement entered into pursuant to Virginia Code § 15.2-2316.7.

The Site Plan approved by Richmond County.

The Decommissioning Plan approved by Richmond County.

The Emergency Response Plan approved by Richmond County.

The Construction Traffic Management Plan approved by Richmond County.

The Erosion and Sediment Control Plan approved by Richmond County.

The Stormwater Management Plan approved by the Virginia Department of Environmental Quality ("DEQ").

The Construction Phase Plan approved by Richmond County.

Overview of Conditions

BUFFERS, HEIGHTS, AND SETBACKS

Buffers throughout the Site shall include the following:

In areas where the solar panels will be visible from the public right of way, the Applicant agrees to establish a setback of no less than 100' from any portion of the solar panels or other equipment, including fencing, and implement a buffering plan (the "Buffering Plan") in areas mutually agreed to by the Applicant and the County during the Site Plan process.

As part of the Buffering Plan referenced above, all timber that exists at the time of SEP approval within 100' of the fence-line along public rights of way shall remain unless permission to remove the said timber is granted in writing by the county administrator, which permission shall not be unreasonably withheld.

Pursuant to the adopted Buffering Plan, all solar panels shall be setback at least 500' from any residential structure, including structures that are temporarily vacated or for sale but excluding structures that are uninhabitable or permanently vacated.

Overview of Conditions

As mutually agreed by the Applicant and the County, additional setbacks may be defined in areas with topographical challenges as determined during the Special Exception Permit Application process.

All Buffer Areas, both natural and planted, shall be a part of the approved project and should be protected from harvest so long as the Site is operated as a solar facility.

Buffer areas shall be managed to ensure health and preservation of the buffer.

Any historical resources noted in the Virginia Department of Historic Resources Map would have to be identified, marked and preserved at a setback of at least 100', as reflected on the Site Plan.

The maximum height of ground mounted systems, equipment and structures, as measured from the grade or base of the improvements to its highest point, shall not exceed eighteen (18) feet in height. Excluded from this height requirement are overhead electric distribution and transmission lines and poles, project substation, and utility switchyard.

Overview of Conditions

CONSTRUCTION, TRAFFIC, AND ROAD REPAIRS

All construction activity shall be conducted during daylight hours Monday-Saturday. Activities allowed to be done on Sundays include: onsite planning, walking and riding the site by passenger vehicle (not heavy construction trucks or equipment), office work and other items that do not produce large quantities of traffic on the surrounding roads or loud construction noises within the site. The Applicant shall comply with the Noise Ordinance during operation but shall not be required to do so during construction.

The Applicant shall submit a Construction Traffic Management Plan ("CTMP") as part of the Site Plan. The CTMP shall address traffic control measures, an evaluation of the condition of the public roads along the Delivery Routes prior to construction, and a description and an estimate of any anticipated repairs to public roads that may arise due to damages attributable to construction of the Solar Facilities to be reviewed by a third-party to be selected by the County and to be paid at the sole cost of the Applicant.

Prior to Site Plan approval and commencement of construction, the Applicant shall provide the County, a bond equal to 100% of the cost of the anticipated repairs to be made to the public road along the Delivery Routes, to include the entire public right of way along the Delivery Routes. The bond may be in the form of a letter of credit, a surety bond, or a cash bond given to the County, to be held by the County without interest, but any surety bond must be approved by the County Administrator.

Overview of Conditions

Subject to approval of the Construction Traffic Management Plan as part of the Site Plan, delivery routes to the Site shall include the following roads: (a) Maon Road (SR601) from the intersection of Route 3, to the intersection of Ridge Road (SR600); (b) Cedar Grove Road (SR602) from the northern most boundary of the project along this road, to the intersection of Maon Road (SR601); (c) Quinton Oak Lane (SR603) from the northern most boundary of the project along this road, to the intersection of Maon Road (SR601); and (d) Ridge Road (SR600) from the intersection of Maon Road (SR601) east until the project boundaries.

Solar Panels will be constructed, maintained, and operated in accordance with national industry standards and regulations including the National Electrical Code, International Fire Code of the International Code Council and the National Fire Protection Association Fire Code, as provided in Va. Code 15.2-2286. In the event of a conflict between the national industry standards and these Conditions, the national industry standards shall control so that as technology advances, updated technology may be used by the Applicant. Notwithstanding any of the foregoing, the use of any of the following materials is expressly prohibited: cadmium telluride, cadmium, tellurium, GEN X, and any other materials prohibited by federal or state agencies or laws.

Upon completion of the construction of the Solar Facilities, the Applicant shall submit a post-construction evaluation of the condition of the roads along the Delivery Routes to the County Administrator for approval. The post-construction evaluation shall include a plan for repairing any damage caused to the public roads along the Delivery Route directly attributable to the Applicant. The Applicant shall be responsible for causing such repairs to be completed and shall be responsible for coordination repairs with VDOT. All roadway repairs along the Delivery Routes shall be made at the sole expense of the Applicant.

Overview of Conditions

ENVIRONMENTAL

The Applicant shall submit a Stormwater Management Plan and an Erosion and Sediment Control Plan as part of the Site Plan. The Applicant shall reimburse the County for all costs related to retaining such third-party inspectors, plan reviewers, and advisors as deemed necessary by the County for project review and inspections. All such payments shall be remitted to the County within thirty (30) days of invoicing. The County shall retain the right to inspect the Site to verify the findings of the third-party inspectors. The phasing of land disturbance shall be detailed in the Erosion and Sediment Control plan and accompanying project narrative.

The Applicant agrees to maintain the Site at all times in compliance with DEQ standards, rules, requirements, and regulations. The Applicant shall notify the County within twenty-four (24) hours of receiving any DEQ notice of less than full compliance and shall, within forty-eight (48) hours of receipt, provide the County with a copy of the notice. Thereafter, the Applicant shall provide to the County within forty-eight (48) hours of transmission or receipt copies of all correspondence with DEQ regarding the noncompliance issue until such time as the matter is fully resolved to the satisfaction of DEQ. The Applicant agrees that no more than 50 percent of the land disturbance areas as reflected on the Site Plan shall be disturbed at any one time.

Overview of Conditions

The Applicant shall drill test wells on the Site at locations set forth on the approved site plan to annually monitor the water quality within the project for contaminants listed in the National Primary Drinking Water Regulations ("contaminants") as compiled by the U.S. Environmental Protection Agency. Testing results shall be submitted to the County no less frequently than annually, beginning one year after the facility is fully operational and until the facility is decommissioned. Should test results indicate increased levels of contaminants directly attributable to the Solar Project, Applicant shall be required to test all wells located within 1,000 feet of the boundaries of the Site. Should test results indicate unsafe levels of contaminants directly attributable to the Solar Project, the Applicant shall be responsible for submitting a written plan to the Zoning Administrator to take necessary actions in order to provide safe and adequate drinking water to any adjacent property owners affected by the Project. The Applicant, prior to construction, shall make reasonable attempts to work with property owners within 1,000 feet of the Site to test the current conditions of the drinking water as to create a baseline for future testing as may be required, provided that this condition is not applicable if an adjacent property owner declines to allow the Applicant to perform a test on their property.

Overview of Conditions

Soil testing shall be conducted on the Site as follows:

Testing shall be conducted in no less than six locations on the Site, at least one site being within proximity to panels of each different type or manufacturer.

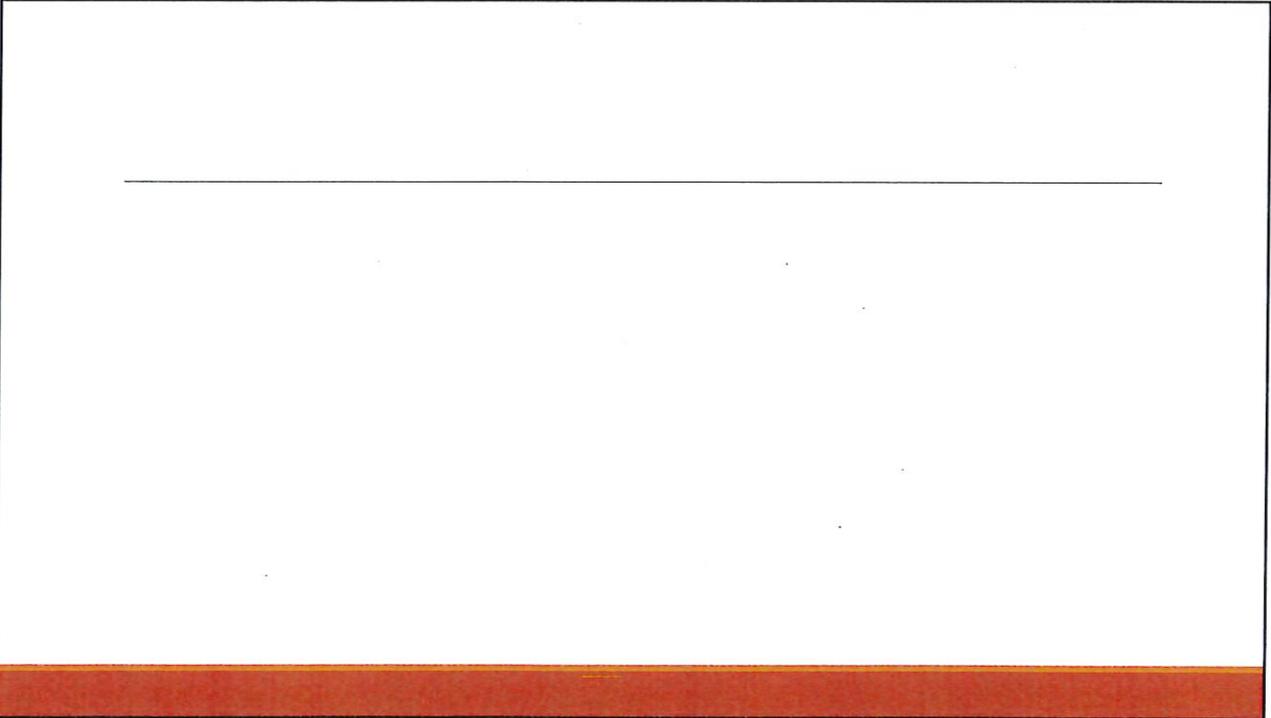
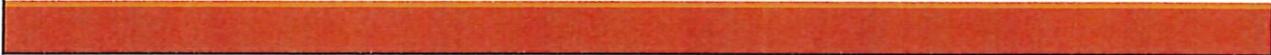
Testing shall be conducted prior to the issuance of a land disturbance permit and every five years thereafter. Testing also shall be conducted immediately prior to Decommissioning and immediately following the termination of Decommissioning.

Samples shall be analyzed for type, acidity, and nutrient levels, including nitrogen, phosphorous, potassium, magnesium, sulfur, zinc, and calcium. Samples also shall be analyzed for heavy metals and other toxins in accordance with test parameters established by DEQ.

Testing shall be performed by a service provider retained by the Operator but approved by the County.

A test report for each testing event, including an executive summary, shall be provided to the Richmond County zoning administrator within ten (10) days of the completion of such report.

No costs shall be incurred by Richmond County relating to soil testing or reports of soil testing provided to Richmond County.



Strata Solar/Booker's Mill Solar Financial Benefits to Richmond County

Financial Benefits to Richmond County

Total estimated value to Richmond County over 35 years is approximately \$9,839,000

- Revenue Share - \$1,400 per MW, per year on 127 MW = \$177,800
 - Total over 35 Years = \$6,223,000
- Increase in Real Estate Property Value
 - The estimated increase in the value of property for the acreage in which solar panels are located is between \$10,000 and \$15,000 per acre.
 - 800 acres of solar panels will increase the land value by \$8,000,000 annually, assuming a conservative increase of \$10,000 per acre. Annual increased revenue of \$56,000.
 - Total over 35 years = \$1,960,000
- Up front Payment to Richmond County - \$1,656,000
- All in over 35 years = \$9,839,000 or \$281,114 annually.

Financial Benefits to Richmond County

To put this in perspective:

- Richmond County would need to see 160 homes built at an average cost of \$250,000 in one single year to see an annual increase of \$280,000.
- Richmond County would need to see a business/industry locate in the County, and invest approximately \$40,000,000 in a new facility to see an annual increase of \$280,000.
- Richmond County would need 375 new vehicles valued at \$20,000 in one single year to see an annual increase of \$280,000.

Financial Benefits to Richmond County

Up front payment to Richmond County - \$1,656,000

Virginia Code Section 15.2 – 2316.7

- B. The siting agreement may include terms and conditions, including (i) mitigation of any impacts of such solar facility; (ii) financial compensation to the host locality to address capital needs set out in the (a) capital improvement plan adopted by the host locality, (b) current fiscal budget of the host locality, or (c) fiscal fund balance policy adopted by the host locality; or (iii) assistance by the applicant in the deployment of broadband, as defined in § [56-585.1:9](#), in such locality.

Financial Benefits to Richmond County

\$250,000 – Farnham EMS – Station 2

- The creation of a second EMS Facility within Richmond County to better serve the Farnham Community, to decrease response time to calls.
- Call Volume in Fire District 2, accounts for approximately 35% of EMS Calls, with an average response time of 14.5 minutes.
- This money would be used to purchase/renovate an property in the Farnham area, ideally within a mile of the RCVFD Company 2.

\$125,000 – Contribution to RCVFD for Company 2 Renovations and Additions

- RCVFD Co. 2 is located along North Farnham Church Road.
- The current building does not fully meet the needs of the Co.2 volunteers in regards to space for trucks and equipment, or space needs for meeting space, living space, bathrooms and shower facilities.
- This contribution would be used to help fund renovations and additions to the current facility to better enhance fire services in the Farnham Community.

Financial Benefits to Richmond County

\$150,000 – Newland Tower

- Propose to allocate \$150,000 to work with a Tower Building Company, to locate a tower in the Newland area of the County, to enhance cell phone and emergency radio communications.
- Location unknown, but would be dependent on studies of surrounding tower locations and coverages.
- Tower builders understand the need for coverage in this part of the County, but the population density does not support the speculative build of a tower site, without a carrier being signed on with a lease.
- With the County allocating approximately 50% of the initial build cost, it will hopefully make it more attractive for a tower company to pursue a site.

\$100,000 – Enhanced 911 Radio Communications

- In 2018/2019, Richmond County joined in with Essex County and King and Queen County on a regional 911 Emergency Radio System.
- While this system is a great improvement over the old system used by Richmond County Fire, Police and Rescue, there are still improvements that can be made countywide to improve communications for our first responders.
- This money will be used to enhance communications countywide to provide a better service to our first responders and ultimately our citizens.

Financial Benefits to Richmond County

\$81,000 – 2023 Comprehensive Plan Re-Write

- Our Comprehensive Plan was adopted in 2013 and is required by law to be rewritten every 10 years. This money will allow the County to work with an independent, third party consulting group to lead, facilitate and manage the work that goes into a project of this size.

\$225,000 – Pedestrian Trails (Phase II and Phase III)

- Our Phase I Trail Project has been tentatively funded through VDOT, with final award coming in October. Total project cost of about \$500,000 with \$400,000 from VDOT and \$100,000 from the County. Our \$100,000 match for Phase I is funded.
- Phase II and Phase III would continue our full vision of the project, ultimately connecting the Fairgrounds/Little League, YMCA, Richmond County Public Schools and the Warsaw Main Street.

Financial Benefits to Richmond County

\$200,000 – Economic Development

- This could allow us several options for our increased work into Economic Development, such as further land development or even the possibility of hiring a full time director for 2-3 years to help grow and sell our County through greater advertising, marketing and connections.

\$125,000 – Other/Community Programs

- Money to be used to continue to help our community organizations that are a benefit to our Community.

\$200,000 – Capital Improvement Plan

- Money to be put into the CIP, to help fund long range CIP needs within Richmond County.

\$200,000 – Un-allocated Funds

- Funds currently not allocated to a specific purpose or program

Financial Benefits to Richmond County

Farnham EMS -	\$250,000
RCVFD Company 2 Building Improvements	\$125,000
Newland Tower -	\$150,000
Enhanced 911 Communications -	\$100,000
Comp Plan Re-Write-	\$81,000
Pedestrian Trails (II and III)-	\$225,000
Economic Development -	\$200,000
Other/Community Programs-	\$125,000
CIP-	\$200,000
Unallocated-	\$200,000
Total	\$1,656,000

Financial Benefits to Richmond County

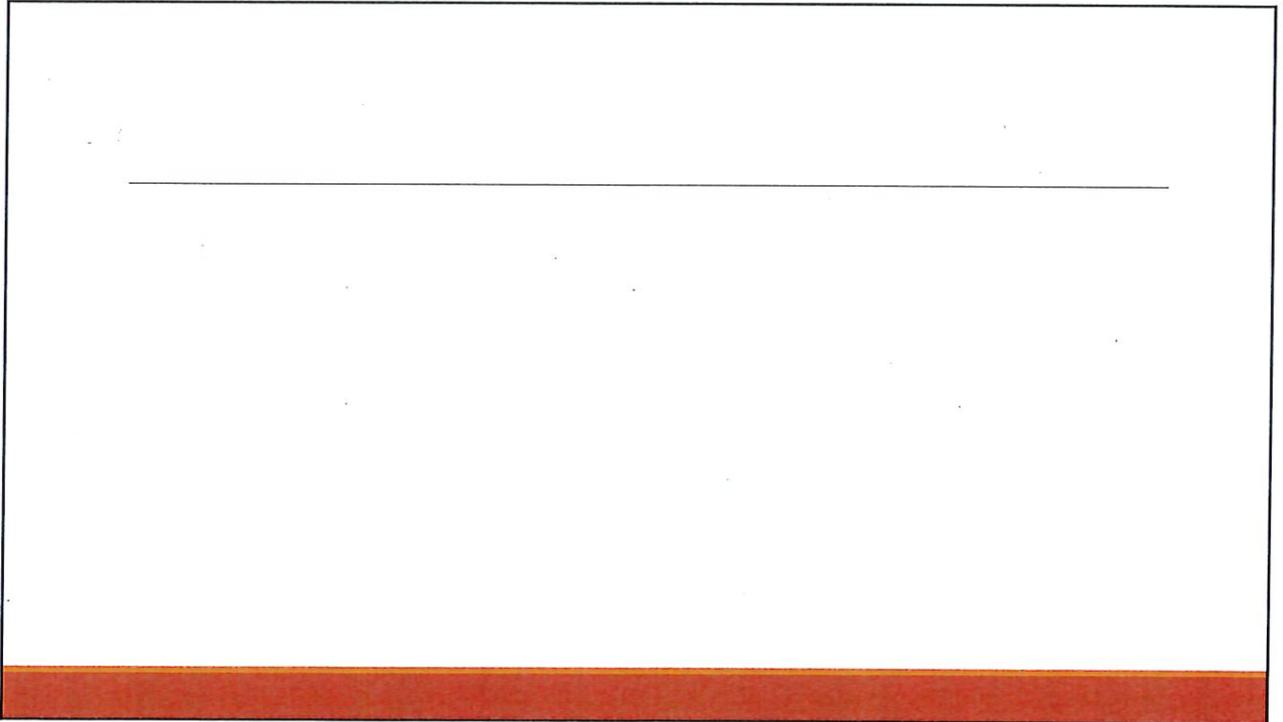
Re-occurring Annual Revenue –

◦ Revenue Share -	\$177,800
◦ General Property Taxes -	\$56,000
◦ Total	\$233,800

- \$200,000 to be used for increased EMS operations/staffing, to be able to operate 2 full time 24 hour trucks in the county, as opposed to current offering of 1 – 24 hour truck, and 1 – 12 hour Part Time Truck.
- \$33,800 – un-allocated

Financial Benefits to Richmond County

Questions?



Strata Solar Bookers Mill Solar, LLC

SITING AGREEMENT

Siting Agreement

Overview

- Interconnected with the Special Exception Permit (SEP)
- Requires the approval of the same plans as SEP:
 - Site Plan
 - Emergency response plan
 - Construction traffic management plan
 - Stormwater management plan
 - Erosion and sediment control plan
 - Construction phase plan
 - Decommissioning plan.
- Ongoing collaboration with the developer and operator:
 - Liaison
 - Annual report
 - Mutual cooperation
- Financial Provisions
- Decommissioning

Siting Agreement

Financial Provisions

- Cost Reimbursement
 - Engineering, legal, inspections, other professionals
 - Through construction (except legal)
- Emergency Services
 - Cost reimbursement for fire and rescue
 - At all times through construction and operation
- Revenue Share
 - Per ordinance adopted
 - \$1400 per megawatt per year
 - \$177,800 per year
- Voluntary Payment
 - \$1,656,226

Siting Agreement - Decommissioning

- In general terms, anything added to the property will be removed
- Cost of decommissioning secured 100% (bond or letter of credit) unless owned by Investor Owned Utility Company (e.g., Dominion)
- Amount of surety reviewed every 5 years
- Decommissioning begins:
 - Voluntarily
 - Upon termination of operations for a period of time (voluntarily or involuntarily)
 - Upon abandonment

Questions

