

**RICHMOND COUNTY PLANNING COMMISSION
MEETING MINUTES**

March 9, 2020

The Richmond County Planning Commission held its regularly scheduled meeting on Monday, March 9th, 2020, in the Public Meeting Room, County Administrative Building, Warsaw, VA.

The following members were present:

Rick Cox
Glenn Bowen
Harry Smith, Jr.
Brian Mothershead
Cassandra Jackson
John W. Lewis
Marion James Packett
Darnell Clayton
J.R. Fidler
Brian Jackson

Also present:

R. Morgan Quicke, County Administrator
Hope Mothershead, Director of Planning and Zoning
Liz Hylan, Administrative Assistant
Denise Nelson- Berkley Group
Vivian Giles- Sands Anderson County Attorney
Louis Iannone, Strata Solar, Zoning Manager
Brent Neimann, PE, Strata Solar, Director of Civil Engineering
Katy Hill, Strata Solar, Vegetation Manager
Christian P. Kaila, Property Impact Analysis
Approximately 65 others.

CALL TO ORDER, INVOCATION, AND PLEDGE OF ALLEGIANCE

Glenn Bowen called the meeting to order at 7:00 p.m. Mr. Bowen gave the invocation and Mr. Cox led everyone in the Pledge of Allegiance.

APPROVAL OF MINUTES – FEBRUARY 10, 2020

Glenn Bowen asked if there were any additions or corrections to the minutes from the February 10, 2020 meeting. Mr. Fidler noted some recommended changes to the minutes. Cassandra Jackson made a motion to approve the minutes, as amended. Darnell Clayton seconded the motion and they were approved unanimously.

PUBLIC HEARING

- *Application from Bookers Mill Solar, LLC to determine whether the project is in substantial accord with the Richmond County Comprehensive Plan.*

Mr. Quicke noted there would be two public hearings on the agenda one to review the Richmond County Comprehensive Plan in accordance of section 15.2-2232 of the Code of Virginia regarding the location of solar facilities within Richmond County and the second item will be the public hearing on the solar application for the proposed Bookers Mill Solar facility.

Mr. Quicke gave an overview of the 15.2-2232 review. Mr. Quicke mentioned there are areas where solar facilities are exempt from this review such as if the solar facility is a by-right use of that property. Mr. Quicke noted the application being considered is not a by-right use of A1 property it is a use of special exception.

Mr. Quicke noted all other solar facilities shall be reviewed for substantial accord with the Comprehensive Plan in accordance with this section. Mr. Quicke mentioned however, a locality may allow for a substantial accord review for such solar facilities to be advertised and approved concurrently in a public hearing process with rezoning, special exception, or other approval process.

Mr. Quicke mentioned Denise Nelson, a project manager from the Berkley Group is in attendance to give an analysis. Mr. Quicke noted the Berkley Group is a well thought of organization with experts specializing in the areas of local administration, executive searches, organizational assessment, planning, zoning, and a good support group for local governments. Mr. Quicke also noted the Berkley Group was contracted to be the third-party reviewer of the County's Comprehensive Plan, in relation to solar facilities within the County and whether or not the location of solar within the County is in "substantial accord" with the County's adopted Comprehensive Plan.

Mr. Quicke noted the recommendation is to consider holding a joint work session with the Richmond County Board of Supervisors, either prior to the April 6th Planning Commission Meeting, or at the April 6th Planning Commission Meeting. Mr. Quicke mentioned the purpose of this work session, would be for the Planning Commission and the Board of Supervisors to discuss the report given from the Berkley Group, and to determine whether or not the locating of solar facilities within the County is in "substantial accord" with the Comprehensive Plan.

Mr. Quicke mentioned if the Planning Commission and Board of Supervisors decide the locating of solar facilities within Richmond County is in "substantial accord" of the Comprehensive Plan, then the application may continue through the process, and the Planning Commission may consider a recommendation to the Board of Supervisors.

Mr. Quicke noted if the Planning Commission and the Board of Supervisors decide the locating of solar facilities within Richmond County is not in "substantial accord" with the Comprehensive Plan, options include:

1. Recommendation to the Board of Supervisors for denial of the application, based off of the fact that it is not in “substantial accord” with the Comprehensive Plan.
2. Proposed language amendments to the Richmond County Comprehensive Plan that would allow the County to consider solar facilities in the “substantial accord” of the Comprehensive Plan.

Mr. Quicke mentioned proposed amendments to the Comprehensive Plan shall only be approved after Public Hearing.

Mr. Quicke noted the April 6th work session will be a meeting open to the public.

Mrs. Nelson gave a presentation on the Bookers Mill Solar Application. **(See Exhibit I)**

Chairman Bowman opened the floor to public comment for the Comprehensive Plan.

John Janson noted when discussing the Comprehensive Plan, he thought it would be more of a global view not just an attempt to make Strata’s project fit by pointing out that solar isn’t mentioned in the plan. Mr. Janson mentioned he did not see a lot in the plan for large scale industrial solar. Mr. Janson noted he has read the Comprehensive Plan and agrees it is important that the County reevaluate the plan and believes it is a law to be reevaluated every five years and does not believe it has been done in Richmond County. Mr. Janson mentioned if solar will be included that should be done during that reevaluation process. Mr. Janson noted when reevaluating the plan keep in mind the maps the Planning Commission District did on the Coastal Zone Management Plan and the DCR of Virginia National Resources map that were left out of the last Comprehensive Plan because they called those areas where the proposed Farnham site is environmentally sensitive and designated priority conservation areas. Mr. Janson asked who Mrs. Nelson is working for is she hired by the Planning Commission or was she hired by Strata to answer the 2232 questions that have been brought up in the last several meetings. Mr. Janson noted it seems Mrs. Nelson is working for Strata. Mr. Janson reminded everyone that the 2232 meeting is to simply vote up or down this proposal as the Comprehensive Plan exist not if it might fit in to the future. Mr. Janson mentioned the 2232 is supposed to be first in the flow chart and if it fits you go through the six months of cording the industry and try and finesse the buffers and different things wanted. Mr. Janson noted it shouldn’t be done backwards and then get someone in to say it fits the Comprehensive Plan. Mr. Janson mentioned a lot of this has been done behind closed doors and the 2232 plan hearing needs to come first.

Addison Lewis stated he has 140 acres of land and does not want it screwed up by solar. Mr. Lewis noted he does not want solar in the area because back in the Civil War days and the Indians were there. Mr. Lewis mentioned he would appreciate if the County would avoid solar and not have it.

Chairman Bowen closed the public comment period.

Mr. Packett asked Mrs. Nelson has she been in any contact with Strata during the review. Mrs. Nelson stated she had no contact with Strata and received the application from Mr. Quicke in order to go through the 2232 for review. Mrs. Nelson noted she saw the application for the first time along with the Comprehensive Plan for the first time.

- *Application from Bookers Mill Solar, LLC for a Special Exception Permit in order to allow for a Utility Scale Solar Power Facility to be located on Tax Map Parcels 34-87, 34-84, 34-98, 39-1, 39-37, 39-36 (pt. of), 39-53C.*

Mr. Iannone stated Strata did not hire the Berkley Group.

Mr. Iannone noted the project in Strata's view meets several stated goals. Mr. Iannone mentioned they have gone great lengths of studying archaeological and historical resources believed to protect the site. Mr. Iannone noted this is a multi-layer process with statistical sampling. Mr. Iannone also noted early indications state there are no registered historic features on site.

Mr. Iannone mentioned there has been several iterations of redesign on the project as well as some considerable RPA changes to the site plan. Mr. Iannone noted the project is now down to 600 acres of equipment out of 1600 acres. Mr. Iannone also noted 61% of the site is set aside in either RPA, Buffers or permanent Erosion Control.

Mr. Iannone noted there has been some conditions made to the hazardous materials such as there will be no Cadmium Telluride, no Teflon, no GenX or PFAS. Mr. Iannone mentioned there will be very small amounts of lead that will be permanently encapsulated and sealed so there is no risk of release into ground water.

Mr. Iannone mentioned there has been several iterations of buffer design that is now at least 100 feet everywhere of existing forest that will be professionally managed by a professional forester. Mr. Iannone noted he feels it will provide a visual screen to intend on keeping, preserving and promote.

Mr. Iannone noted this project has opportunity for new employees to be retained and promoted. Mr. Iannone mentioned there would be 12 permanent jobs not 3. Mr. Iannone also mentioned he has a meeting with the President of Rappahannock Community College and Director of the Workforce Development in hopes to embark on a workforce development program for solar.

Mr. Iannone mentioned he feels Strata is in substantial accord with the goals and the Comprehensive Plan.

Mr. Iannone stated there are much more intense uses than solar farms such as dairy farms, manufactured housing development and commercial greenhouses.

Mr. Iannone noted the Virginia Energy Plan which includes 5,000 MW of utility-owned and utility-operated wind and solar resources deemed in the public interest. Mr. Iannone also noted that means there was a diligent study of cost and benefits.

Mr. Iannone reviewed a summary of the State Law that is titled role of local governments in achieving objectives of the Commonwealth Energy Policy. Mr. Iannone noted it is supposed to be consistent with the policy and is supposed to be reasonable conditions as well as consistent with local ordinances. Mr. Iannone mentioned Strata feels all of that applies.

Mr. Iannone noted there are thorough application requirements:

- Special Exception Permit
- Solar Ordinance
- Comprehensive Plan Review
- Multiple Public Hearings
- Competent, Sound Decision Process by Boards

Mr. Iannone noted it sounds like Mr. Janson will be suing the County if a decision is made his clients don't want. Mr. Iannone also noted he does not think a judge will overturn a decision made by the Boards.

Mr. Iannone mentioned Strata has a strong group of professionals as well as the Berkley Group who is not there to represent Strata. Mr. Iannone noted when an appraiser gives an opinion or professional engineering gives an opinion there putting their license on the line and not going to lie for a few thousand dollars.

Mr. Iannone stated one addition to the schedule is if Strata gets a permit they will start managing the buffers that same day.

Mr. Iannone noted this project will not impact the community. Mr. Iannone mentioned it will not endanger public health or safety, it will not produce any emissions, or have no noise or light. Mr. Iannone noted it will not harm property values, or the environment or will not consume County services or utilities.

Mr. Iannone mentioned there will be natural construction debris. Mr. Iannone noted timber will be removed, stumps will be mulched, there will be no burning and the construction debris will be hauled daily.

Mr. Iannone noted there will be no Cadmium Telluride, no Teflon, GenX or PFAS which are conditions of the permit. Mr. Iannone mentioned there are very small amounts of lead. Mr. Iannone noted they can't promise what will happen to those panels after decommission and put in the landfill but the panels will be removed from Richmond County. Mr. Iannone noted decommissioning will be bonded.

Mr. Iannone mentioned there would be typical equipment emissions during construction and will be no emissions after completion.

Mr. Iannone mentioned solar farms produce lower voltage and EMF than existing interconnection lines, there is no interference with telecommunications or solar farms on major airports, within proximity of ATC.

Mr. Iannone stated there will be substantial construction traffic, road repairs will be bonded and Strata will pay for any road damage and operations traffic will be 3-5 trucks per day.

Mr. Iannone mentioned there will be no exterior lighting.

Mr. Iannone noted he believes this project has low public impact and extensive environmental studies and permitting. Mr. Iannone mentioned Strata is now down to 600 acres of equipment approximately from 800. Mr. Iannone noted there will be 1,000 acres of buffers, Erosion Control and RPA and preserved

wildlife corridors. Mr. Iannone mentioned there would be less than 1% of 74,000 acres of Richmond County Timber Land and virtually no farmland impacted.

Mr. Iannone mentioned they have a thorough construction management plan. Mr. Iannone noted the salvage value exceeds decommissioning cost but will be bonded.

Mr. Iannone noted there will be 500 feet setbacks from principal residential structures and 100 feet buffers on road. Mr. Iannone mentioned they will utilize existing wooded buffers and there will be additional RPA at steep slopes.

Mr. Iannone mentioned the erosion control plan will be designed by an outside third-party engineer. Mr. Iannone noted they will need a VA DEQ permit, erosion control measures need to be installed before construction and the site will need to be stabilized before construction. Mr. Iannone also noted construction is separated into two phases and erosion control measures are bonded.

Mr. Iannone stated there would be six compliance inspectors for this site regularly.

Mr. Iannone noted Essex County's farm was due to removing the sediment basins immediately before heavy storms.

Shawn Lowe with Kimley-Horn and Associates, noted they have designed and approved hundreds of megawatts of projects. Mr. Lowe mentioned many of them have been constructed or are under construction right now. Mr. Lowe noted he was the civil engineer on the Essex project hired by a contractor to do the civil engineering design including the erosion and control and stormwater. Mr. Lowe mentioned they designed and received approvals from Essex County and DEQ for the project. Mr. Lowe noted during construction their services were limited due to so many inspectors already on site. Mr. Lowe mentioned they were notified during construction that there were some erosion and control issues and after a site visit it was noticed the contractor had removed the sediment basins before it was stabilized. Mr. Lowe stated that was not what the plans had in there and was not in DEQ standards. Mr. Lowe mentioned to date Kimley-Horn is no longer in any sort of litigation as engineer on record for that project.

Cutter Sydnor, licensed engineer with Kimley-Horn and a native of Richmond County, noted a third-party firm would go through detailed construction drawings and calculations to show how the designs meet the State and County code and all the regulations that are in place to protect waterways and downstream properties. Mr. Sydnor mentioned the devices are designed with silt fence around the perimeter, ditches, grass is established seeded and fertilized and those basins are left in place to collect every drop of water on site detains it and releases it. Mr. Sydnor noted there is no re-disturbance at the end. Mr. Sydnor stated he would not stand up and present testimony to Mr. Iannone's point unless what he has seen he thought would be a positive impact on the County.

Mrs. Hill noted this is not Strata's first farm and they have over 200 ground mounted facilities primarily in North Carolina, Virginia, Tennessee and several other states. Mrs. Hill mentioned Strata has learned their lesson in North Carolina where there are very similar soils such as clay, sandy soils as well as everything in between. Mrs. Hill also mentioned they have learned to grade and stabilize almost all of those

conditions. Mrs. Hill noted they have been working on a four- or five-years stabilization, specification and processes starting with soil testing on the simple site plan to make appropriate lime and fertilizer recommendations. Mrs. Hill also noted there is clear language on seed bed prep insuring recent disturbance so that there is good seed to soil contact. Mrs. Hill mentioned they have worked to identify different seed mixes and application rates. Mrs. Hill noted there is a cool season and a warm season mix and being in a transition zone that will support those types of vegetation. Mrs. Hill also noted there is about 10-15% of a seasonally appropriate cover crop that would be going out to hold soils as soon as they are applied. Mrs. Hill mentioned Strata is very proactive in stabilization.

Mr. Neimann mentioned after discussion with staff other measures that were taken was Strata did an analysis with aerial topography for this site. Mr. Neimann noted they took that data and processed any slopes that were steeper than 5-1, which is a 20% array and a very steep array. Mr. Neimann mentioned the array is built on about 15% slopes.

Mr. Neimann noted this is 1643 acres of partial acreage and of that site 511 acres is existing RPA. Mr. Neimann mentioned this is 100 feet each side of the wetlands or streams that are hydraulically connected. Mr. Neimann noted the additional RPA setback areas total 36 acres. Mr. Neimann mentioned in conversation with staff it was discussed about getting an extra 25 feet. in previous site plans there was a red buffer that indicates 50 ft preservation which was extended to a 100 ft preserved buffer. Mr. Neimann noted it gets them out of steep slopes and provides more screening for the project.

Mr. Neimann mentioned those preserved landscape buffers total 92 acres that's inclusive of the 50 ft and 100 ft buffers that's outside of RPA. Mr. Neimann noted the array itself is 640 acres. Mr. Neimann mentioned the storm water BMP will be areas of conserved open spaces. Mr. Neimann noted on a project this size you will have a lot of RPA areas that are not buildable with steep slopes so the regulations and quality standards is to preserve the common open space. Mr. Neimann also noted its their view the project is better projected long term.

Mr. Neimann noted the storm water BMP areas which include the actual basins themselves are 364 acres. Mr. Neimann mentioned the percent improved of the actual used acreage of the site is calculated just under 39%.

Mr. Neimann mentioned other minor revisions that were requested was to relocate a driveway on Cedar Grove Road which was moved further West to line up with an existing drive. Mr. Neimann also mentioned they were made aware of a residence that was going to be constructed South of Maon Road adjacent to the project in which Strata provided the appropriate setback with the proposed 500 feet.

Mr. Neimann noted they have identified all the adjoining property owners and their proximity to the proposed array and Strata has now proposed a 500-foot setback to the equipment of the facility. Mr. Neimann also noted all the equipment sits behind the buffers.

Mr. Packett asked if the catch basins will have engineered soil in the bottom to promote fast draining or will it just be the existing soil use. Mr. Neimann mentioned it will be native soil and during temporary condition there's an amount of wet storage DEQ requires to remain wet except when it's an extreme

drought. Mr. Neimann also mentioned in a permanent condition it's a dry basin known as turf and that water level is maintained by riser structure and is sized to release water at certain intervals. Mr. Packett noted he has had to deal with several of those basins for buildings where the soil is engineered so it is rapidly draining and pulls the water in and filtered through the ground instead of building up and running out. Mr. Neimann stated that is a specific type of basin which is an infiltration basin and is more in the Eastern part of the State and on this scale would be impractical.

Mr. Cox asked to clarify if construction is limited to 15% slopes. Mr. Neimann noted generally for the racking that's the standard tolerance and can overcome slight variations with post height variability.

Mr. Lewis asked if the reduction in the acreage of the panels proposed decrease the power output and if so will more efficient panels be used to boost that output back up or how will that effect the permit process. Mr. Neimann noted the nameplate on the facility is the AC capacity so the fluctuation you would see from a change like that would be in the DC capacity of the system. There is a overbuild initially to overcome loses in energy from possibly building in shaded areas, so what might get morning shade or afternoon shade otherwise will make power during the day. Mr. Neimann also noted as far as the permit process and size of the facility none of that changes.

Mr. Lewis mentioned it was noted that Strata was not using Cadmium Telluride and asked what would be replacing that. Mr. Neimann noted monocrystalline will be used which is silicon.

Mr. Neimann noted other projects have been used with Cadmium Telluride but it has been approximately three years.

Mr. Cox asked if the storm water basins fill rapidly with sediment. Mr. Neimann noted Strata is required during construction activity to monitor the sediment level and when capacity is reduced 50% to its volume that's when sediment has to be removed from the basin. Mr. Neimann also noted it is generally spread on site with a non-point discharge flow area that is seeded and stabilized on site.

Mr. Neimann noted at the end of the project when converting into the permanent facility Strata is not allowed to make that conversion to remove the perforated riser that restricts the flow during construction. Mr. Neimann also noted that doesn't happen until you have 75%-80% stabilized drainage area upstream of the project.

Mr. Cox asked how many basins will be on site. Mr. Neimann mentioned Strata has a preliminary number about 150-160 subject to the final design. Mr. Neimann noted sometimes you are able to divert water to other areas that you can't overcome some areas and insert basins. Mr. Neimann also noted they vary in drainage areas size some as small as 2-3 acres and others probably 25-30 acres.

Mr. Cox asked Mr. Neimann if he feels they are sized adequately to handle any major storm events. Mr. Neimann mentioned they are.

Mr. Fidler noted last month it was mentioned the 24 inches of DC wiring and 48 inches of the AC wiring and in the proposal, it was 36 inches with everything above the ground taken out at decommission, and

why would that not be the 48 inches. Mr. Neimann stated he would like to amend the notes and say it between 36-48 inches and all wiring will be removed.

Mr. Fidler asked what would be left after the decommission other than the storm basins. Mr. Neimann noted the storm basins would be decommissioned as well and will be converted back to sediment basins as his recommendation to protect during the disturbance activity. Mr. Neimann stated everything will be brought back to the original state, minus the stand of trees.

Mr. Fidler noted it was proposed to have a drilling and observation well on site to monitor water quality annually and Strata would reach out to residents to check their wells as a baseline and would that be continued annually or is that a one-time test. Mr. Neimann mentioned the initial test is to set that baseline as well as theirs. Mr. Neimann also mentioned he believes it was to test Strata's and not all of the residence unless something showed up in Strata's.

Ms. Jackson asked during decommission would trees be replanted. Mr. Neimann noted he believes Strata would establish ground cover and it would be up to the property owner in how they wanted to manage that.

Mr. Iannone noted the proposed use shall be signed, sited, and landscaped so that the use will not hinder or discourage the appropriate development or use of adjacent properties and surrounding areas. Mr. Iannone mentioned there will be 500 feet setbacks from principal residential structures, 100 ft natural buffers on roads and additional RPA at steep slopes. Mr. Iannone also mentioned there will be no herbicides or brush removal from the buffers and periodically thin and replant native trees to maintain canopy's at eye level. Mr. Iannone noted where trees are replanted those trees would grow about two feet per year.

Mr. Kaila mentioned he arrives at his conclusions by researching the body of knowledge on the effect of property values of property's that are adjacent to solar farms. Mr. Kaila noted the people throughout the Country that have studied this and came to conclusions about there is no negative affect on property values. Mr. Kaila mentioned in the last meeting during public comment some concern came up in regards to properties that come up for sale and what real estate agents might say and the owner would have to disclose that theirs a solar farm. Mr. Kaila noted there is no requirement from the listing agent to make any comments about anything outside the property. Mr. Kaila mentioned the selling agent that is representing the buyer it is there responsibility to do that research. Mr. Kaila noted the evidence is there's no negative impact. Mr. Kaila stated his advice to individuals that will be selling their property is to get a real estate agent that knows what the facts are. Mr. Kaila mentioned some positive implications about being next to a solar farm for example there is less traffic, no odor, no noise, no environmental hazards or there won't be any light pollution.

Mr. Packett asked if there are studies available for people to view showing where solar farms adjacent to land pre and post solar construction. Mr. Kaila mentioned in his report he referenced four or five different studies that are also available online.

Mr. Iannone noted the trees VS solar panels the solar prevents 10x more carbon than the trees remove.

Mr. Iannone mentioned the land may also be reassessed.

Mr. Quicke noted since the last meeting there have been a lot of really good changes to the conditions.

Mr. Quicke mentioned some of the suggested conditions to consider is all construction activity shall be limited to day light hours Monday- Saturday. Mr. Quicke also mentioned activities allowed to be done on Sunday's include: onsite planning, walking and riding the site by vehicle, office work and other items that do not produce large quantities of traffic on surrounding roads or loud construction noises within the site. Mr. Quicke noted the applicant shall build the project in two phases with each phase not to exceed 400 acres. Mr. Quicke mentioned prior to commencing with construction on Phase II, Phase I shall have installed approved erosion and sediment control measures, stormwater measures approved by the Virginia Department of Environmental Quality (DEQ), complete grubbing and grading, and apply seed and mulch to disturbed areas. Mr. Quicke also mentioned prior to approval by Richmond County Board of Supervisors, a phasing plan shall be submitted to the County and agreed to.

Mr. Quicke stated Strata Solar shall reimburse the County for all legal fees incurred throughout the project, beginning January 1, 2020. Mr. Quicke noted Strata Solar shall reimburse the County for all other third- party review fees associated with the project incurred by the County at any time beginning January 1, 2020, which fees may include, but may not be limited to, additional studies the County wishes to commission throughout the application process.

Mr. Quicke mentioned the applicant shall drill a test well on the property at a location approved by the County to annually monitor the water quality within the project, Mr. Quicke noted 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. Mr. Quicke mentioned should test results indicate negative changes in water quality, applicant shall be required to test all wells located within 1,000 feet of the boundaries of the project. Mr. Quicke mentioned should test results indicate unsafe levels of chemicals directly attributable to the solar project, applicant shall be responsible for taking all necessary action in order to provide safe and adequate drinking water to affected property owners. Mr. Quicke noted the applicant, prior to construction, may work with all property owners within 1,000 feet of the proposed site to test the current conditions of the drinking water as to create a baseline for future testing as may be required.

Mr. Quicke stated the applicant shall provide an analysis to Richmond County, prior to the granting of a Special Exception through Richmond County Board of Supervisors, that shows the net carbon effect of the project over the 30-year lifespan. Mr. Quicke noted the analysis should consider the effect of the removal of the timber throughout the property as well as trucks, equipment, packing, etc. that will be used and consumed during the construction in relation to the savings associated with the production of solar power compared to that of other means to produce energy.

Mr. Quicke mentioned 100 feet buffers along the public roads with existing trees that will provide a good buffer. Mr. Quicke noted no portions of the solar project shall encroach to within 500' of any residence. Mr. Quicke mentioned in areas mutually identified by the County and the applicant, areas in which there are extreme topographical challenges in relation to areas outside of the 100' RPA, these areas shall be

identified on a subsequent site plan to show areas of increased setback and areas deemed non-developable, and approved by the Richmond County Board of Supervisors.

Mr. Quicke noted all buffer areas, both natural and planted, shall be a part of the approved project and should be protected from harvest in perpetuity, or as long as a solar facility occupies the approved properties. Mr. Quicke mentioned buffer areas may be managed professionally to ensure health and preservation of the buffer.

Mr. Quicke noted any historical resources noted within the Richmond County Comprehensive Plan, otherwise would have to be identified, marked and preserved at a setback of at least 100’.

Mr. Quicke mentioned all traffic and road repairs will be bonded, decommissioning will be bonded and erosion and sediment control will be bonded.

Mr. Quicke noted the applicant shall submit a Stormwater Management Plan and an Erosion and Sediment Control Plan with the first submission of the site plan. Mr. Quicke mentioned the applicant shall reimburse the County for all costs related to retaining such third-party inspectors, plan reviewers, and advisors as deemed necessary by Richmond County in its sole discretion for project review and inspections. Mr. Quicke noted all such payments shall be remitted to the County within thirty (30) days of billing. Mr. Quicke mentioned the County shall retain the right to inspect the project to verify the findings of the third-party inspectors. Mr. Quicke noted the phasing of land disturbance shall be detailed in the Erosion and Control Sediment Control plan and accompanying project narrative.

Mr. Quicke mentioned of the decommissioning work is not completed with the allotted time, the County may cause removal of the facility with all costs borne by the applicant. Mr. Quicke noted the applicant shall secure the costs of decommissioning by providing financial surety in a form agreed to by the County, as outlined further in this agreement. Mr. Quicke mentioned the applicant shall submit an updated cost of decommissioning to the County Administrator in writing every five (5) years, and the County may, at its option, require the surety amount be increased to reflect the increased cost of decommissioning.

Mr. Quicke stated a lot of time has been spent on this project with the ultimate goal to protect Richmond County.

Mr. Packett recommended a condition for the Board of Supervisors to consider. Mr. Packett mentioned to have water testing done on the quality of the streams within the surrounding area that this project is going to impact so there is a baseline for down the road during construction if this was to happen, to say this is what we started with, this is where we are now and corrective action could be taken. Mr. Packett noted this would be surface water runoff that could be looked at and quantified.

Mr. Lewis asked what streams will be affected from surface water on this project. Mr. Quicke noted it drains into three different tributaries which is a portion of it on the West side of the project, Totuskey Creek and the areas along Ridge Road and Maon down towards the bottom of the project that will go into Chinns Mill Pond, Lancaster Creek and Farnham Creek.

Mr. Lewis noted if one of the creeks is Totuskey is that via Bookers Mill or directly into Totuskey. Mr. Quicke mentioned it would be via the Bookers Mill stream.

Chairman Bowen opened the floor to public comment.

Turner Smith noted he grew up in Farnham when it was a thriving community with about 100 jobs from car dealerships, mills to tomato factories. Mr. Smith mentioned he is concerned about the wildlife that are going to be displaced, owl nest will be destroyed, the deer, hawks, foxes and racoons that will be displaced. Mr. Smith noted he has 15 acres on Totuskey Creek that is built for all the wildlife. Mr. Smith mentioned he is real concerned about the Eagles nesting in his pine trees. Mr. Smith mentioned it is very important to him and the Northern Neck because this is our heritage. Mr. Smith also mentioned he is concerned about the properties in the area when the North wind blows and 800 acres of trees have been cut there will be a lot of wind. Mr. Smith asked will the solar panels increase the heat in the summer. Mr. Smith noted what is in it for the Northern Neck and is assuming this is for the benefit of Dominion Power and Northern Neck Electric. Mr. Smith mentioned he is worried citizens are going to end up paying for this in the end because Dominion Power has no problem going to the State Corporation Commission and asking for a rate increase because a lot of money was spent putting in solar panels. Mr. Smith stated to take the solar panels somewhere else.

Mr. Moncure mentioned he is speaking on behalf of the Friends of the Rappahannock. Mr. Moncure noted Friends of the Rappahannock have concerns that a solar project this scale built in and around the head waters of Totuskey Creek, Lancaster Creek and Farnham Creek on how it could have a significant impact on the health of the Rappahannock River. Mr. Moncure mentioned Friends of the Rappahannock recognize the importance of renewable energy and are very supportive of wind and solar power. Mr. Moncure also mentioned they partner with local solarized campaign in Fredericksburg which provides incentives for homes and businesses to install rooftop solar arrays on their properties. Mr. Moncure noted just like any development project there is a right place and a wrong place when it comes to sensitive areas and resources like streams, wetlands, wildlife habitat, historical and cultural resources. Mr. Moncure mentioned additionally there needs to be more erosion and controls and storm water management to prevent damage to water resources. Mr. Moncure noted converting prime agricultural land, wetlands, forest and flood plains especially to adjacent major rivers or wetland areas to industrial energy facilities is not in the public interest and presents a risk to water resources and down stream land owners. Mr. Moncure noted just across the river State and local officials failed to consider these risks and 175 acres solar development project has done irreparable damage to nearby creeks, and the Strata energy proposal is 1600 acres and because of the size and location this project has the potential to do much more far reaching damage to the Rappahannock River and tributaries. Mr. Moncure stated Strata was fined \$37,000 and \$15,000 by DEQ for impairing 894 linear feet in Powhatan. Mr. Moncure noted given the topography and close proximity to head waters of Farnham, Lancaster and Totuskey Creeks more violations can be anticipated. Mr. Moncure stated he hopes to meet the same conclusion as decision makers in Powhatan and reject the proposal from Strata Energy.

Mr. Janson noted Dominion Power, solar power in Virginia manual calls for sites that are less than 8% grade with minimal grading and clearing necessary. Mr. Janson mentioned as for erosion control there are

a lot of problems with the 100-year design. Mr. Janson noted the project in Mecklenburg County was designed with a 100-year flood and is failing turning nine miles of Butchers Creek red with clay draining out into the creek destroying it. Mr. Janson noted Dominion Power Solar power in Virginia talking about 800 acres to 1000 acres of grubbed stumps and Dominion says 8% grade or less and minimal grading and clearing. Mr. Janson stated on February 24th common sense proposed changes were submitted to the Solar Ordinance but have not heard anything back yet on any of this. Mr. Janson noted one of those items was to design storm water facilities to a 500-year flood instead of a 100-year flood. Mr. Janson mentioned the basic concept of this meeting stressing about design items when it hasn't determined whether or not this fits the Comprehensive Plan as it exists. Mr. Janson noted the 2232 question is does this proposal fit Richmond County's existing Comprehensive Plan. Mr. Janson mentioned on February 10th it was noted the Commissioners took a vote to vote this up or down and make a decision at this meeting. Mr. Janson stated we as a public feel there is no compliance and no substantial accord or anything else. Mr. Janson noted an industrial solar of this scale and the environmentally sensitive head waters of these creeks is a disaster waiting to happen. Mr. Janson stated he feels it is not the best interest of the County to proceed with this project.

Mrs. Holbrook expressed her concern about the survival of the endangered or sensitive species. Mrs. Holbrook noted her friend made a list of at least 20 species that would be affected. Mrs. Holbrook mentioned her favorite one being the box turtle that will be killed in masses. Mrs. Holbrook stated she is not against solar panels but is against destroying suburban areas which is what this project is going to do. Mrs. Holbrook mentioned she appreciates all the effort that has been put in by Mr. Quicke, the Planning Commission and Directors have asked a lot of questions but the bottom line is why here, why now, why the rush when things are in place and meetings the public should be able to get put into. Mrs. Holbrook noted why is now the right time because they have improved and getting money and citizens are paying taxes. Mrs. Holbrook mentioned she hopes someone will come back and let them know what went wrong and everyone will be looking at the cleanup.

Ms. Light mentioned she is representing two family farms on Cedar Grove Road. Ms. Light noted the one thing we don't have and base so many decisions on is history and what has happened. Ms. Light mentioned we do not have a thirty-year history in this area on solar farms. Ms. Lite noted you not only have a legal responsibility to citizens, you have an ethical responsibility to the citizens. Ms. Light mentioned the environmental impact is the major concern it's destroying the timber and its destroying the habitat in the woods. Ms. Light noted in one day she received thirty signatures of people concerned in Richmond County and a lot more people feel the same way. Ms. Light mentioned she likes the fact that some additional space has been added to the areas for the habitat around the streams. Ms. Light noted the buffers are nice. Ms. Light also noted with all do respect the rural character is being destroyed and nothing about this is being that is indicative about our rural character. Ms. Lght mentioned there is proof of dying habitat because of the solar facility. Ms. Light asked if year after year can it be guaranteed Strata will own this farm for thirty years and who will operate this farm for thirty years.

Mr. Booker reviewed pictures with the Commissioners of Strawberry Bottom in 2018. Mr. Booker noted in five days he has received seventy-six signatures of citizens opposed. Mr. Booker mentioned in 1851 his great great- grandfather bought the farm that he loves. Mr. Booker noted in the 20's the Bookers Mill

property there was a dam that was washed out and never been replaced. Mr. Booker mentioned it washed out then with all the trees and you take out all the trees that are being talked about taken out what will happen next. Mr. Booker noted he has 440 acres and values the land and its disturbing that a spot like this is picked for a solar farm. Mr. Booker mentioned based on what he has seen progress is being made. Mr. Booker also mentioned it was talked about having 800 acres of solar panels and 1600 acres that now is down to 600 acres. Mr. Booker recommended to Mr. Quicke that it could be done in two increments of 300 acres instead of 400 acres as shown. Mr. Booker noted his goal is to have no acres.

Mr. Payne noted this project is harmful and destroys timber and places to walk in the woods. Mr. Payne mentioned he has heard laws, rules and regulations and read the laws, rules and regulations which will allow almost all of Richmond County to be converted to solar farms. Mr. Payne noted increasing the buffers is just games. Mr. Payne mentioned almost all the wildlife on this site will be eliminated and much of the land around it. Mr. Payne noted no wildlife is going to use the corridors because they won't be there. Mr. Payne stated this project is contrary to the Comprehensive Plan of farmland, timberland, marshes, creeks and rivers, which we need. Mr. Payne mentioned these large-scale solar farms are dated because of rapidly improving technology. Mr. Payne noted these large-scale solar farms will be eliminated and abandoned. Mr. Payne also noted you better have a large bond from the solar company.

Ms. Lowery stated this solar farm will be in her backyard and she is not happy. Ms. Lowery mentioned when all the fencing is put up, she will feel like she is in prison. Ms. Lowery noted when all the trees are gone, she will end up in Williamsburg. Ms. Lowery mentioned she loves the animals. Ms. Lowery mentioned she has blue birds that come in and doesn't know if they will still come once the solar farm is put in. Ms. Lowery noted she is very unhappy and still not happy with the sink pipes if the sink pipes ruin the land and her well gets replaced what good will that do if the pipes are already in the ground and the ground is ruined. Ms. Lowery mentioned it is up to the Commissioners and she agrees to everything the public has said and hopes this gets studied to make the right decision. Ms. Lowery stated those in Farnham do not need this along with all those trees getting cut, all the animals go away and ruin the looks of the County.

Mr. Rowland noted he is representing an adjoining land owner and he sees nothing addressed about a right of way to access their property that goes right through the middle of the solar panels. Mr. Rowland mentioned he is concerned where the fences are being put will they have access, how wide is the access and when timber is cut what kind of access will be allowed. Mr. Rowland noted there are plans to start cutting timber this coming year. Mr. Rowland mentioned the hunting club leases the land and asked what kind of access they will be allowed in the future. Mr. Rowland asked about the property value and if you have to go through a solar farm that is completely fenced in, he believes will decrease the value of this property.

Mrs. Gordon presented the Commissioners with information about cystic fibrosis and why it is significant with the upcoming project. Mrs. Gordon noted it was mentioned about no burning was going to be in affect however later on things could change. Mrs. Gordon mentioned this will be detrimental to her sons condition as well as others that have conditions that involve the lungs. Mrs. Gordon noted severe pollution such as the proposed action could cause extreme harm to his health and potentially could cause long term

hospital stays. Mrs. Gordon presented the Commissioners with an official doctor's recommendation from VCU Medical Center stating how dangerous this could be for her son's health along with anybody else that has COPD, asthma or anything to that matter. Mrs. Gordon noted grinding would be the better solution instead of burning, pollution will happen and chemicals will happen it won't be avoided. Mrs. Gordon mentioned it is very important to her because her son gets off the school bus on Maon Road and this project will be directly across the road where he will spend his summer with his grandparents. Mrs. Gordon stated a quote from the doctor's recommendation that it is greatly urged to avoid burning as it could worsen the clinical status of anyone with chronic lung disease and leading to a hospitalization or worsen the quality of life. Mrs. Gordon thanked the Commissioners for their time and understanding the seriousness of this.

Mr. Rice stated this is the wrong place because its such an environmentally sensitive area. Mr. Rice noted he understands this is a lease and may would be a little more comfortable if this was bought land. Mr. Rice mentioned he has heard of the per acre per payment with a lease and someone is getting a big tax break which is the citizens tax dollars. Mr. Rice noted you can guarantee this will not give a nickel off your electric bill its going to add to it. Mr. Rice mentioned he is for solar but this is the wrong place for this project. Mr. Rice noted another concern is the herbicide use. Mr. Rice noted there will be mistakes and when the mud runs in the stream you can't get it back out.

Mr. Sisson mentioned he is the current Chairman of the Richmond County Wetlands Board but is commenting as a concerned citizen. Mr. Sisson noted his father taught him a lesson when he was little, he will never forget that when it rains it goes into the Rappahannock River, and at that time it didn't make sense but it makes a whole lot of sense when you look at the maps and drainage areas how this water makes it way to our rivers. Mr. Sisson asked how many acres of impervious surfaces are in this project. Mr. Sisson noted by impervious he means when it rains heavy it doesn't go into the ground it runs off and goes downhill. Mr. Sisson mentioned he does not like this its scary and he is concerned for himself but also for his daughter and her kids. Mr. Sisson noted he wants the Rappahannock River and the Potomac River to remain as it is now and people are not going to be attractive to the Northern Neck especially Richmond County to come look at solar farms. Mr. Sisson also noted there going to come here for the oysters, crabs, seafood and the outdoors that drawls people here now. Mr. Sisson stated we need to think about a lot of different fascist with this project, and its not just solar panels it's the impact that its going to have beyond his lifetime. Mr. Sisson noted you cannot fix land that has been turned into a solar farm the top soil is gone that's acres and acres of concrete, gravel and solar panels. Mr. Sisson stated this project is not right for Richmond County.

Chairman Bowen closed the public comment period.

Mr. Smith noted it started out with 800 acres and stated the Bookers Mill project reads inside fence is 550 acres and then it was stated 640 acres. Mr. Smith asked how many acres is it. Mr. Naftel mentioned at the public meeting in Powhatan he assumed Mr. Smith asked how many acres were inside the fence and the panels per acre and that's where that number came from. Mr. Naftel also mentioned what the acres Mr. Neimann stated earlier was the impacted acres not just inside the fence. Mr. Smith asked if 640 acres would be impacted. Mr. Neimann noted that is the improved array area.

Mr. Smith noted how many acres of trees will be taken out. Mr. Neimann mentioned he does not have that calculation.

Mr. Smith mentioned there is 601 panels per acre with 550 acres the panels will be on which makes it 330,550 panels. Mr. Smith noted to take that amount of trees your looking at 3,305,500 trees that will replace the solar. Mr. Naftel stated he believes the solar panels are 10x better by reducing overall carbon.

Mr. Smith asked if you have one panel how many trees to one panel will offset each other. Mr. Smith noted one thing solar panels do not do that trees do is produce oxygen. Mr. Smith mentioned he is for solar if its in the right place.

Mr. Cleveland mentioned he found there was a range of about 25-250x more carbon dioxide savings from the acre of solar panels then the acre of trees depending on what numbers you use for how much carbon an acre pulls in. Mr. Cleveland noted the most common number was about 50x more in terms of savings from solar carbon dioxide than acres of trees based on carbon dioxide being released per a unit of electricity in Virginia.

Mr. Smith noted he is trying to get a satisfactory answer that losing these trees is going to benefit over solar not what the solar is going to replace by not using coal. Mr. Cleveland asked for an opportunity to give them time to get an answer.

John W. Lewis made a motion to set up a joint work session for Monday, April 6th, 2020 at 6 p.m. with the Berkley Group and Board of Supervisors. Cassandra Jackson seconded the motion and the motion carried with a vote of 10-0 (Rick Cox –aye; J.R. Fidler – aye; Glenn Bowen – aye; John W. Lewis –aye; Harry Smith, Jr. - aye; Cassandra Jackson – aye; Brian Mothershead – aye; Darnell Clayton-aye; Marion James Packett- aye; Brian Jackson- aye).

OTHER BUSINESS

There is no other business.

ADJOURNMENT

There being no further business, Glenn Bowen adjourned the meeting.

Respectfully submitted,
Liz Hylan
Commission Secretary