

**RICHMOND COUNTY PLANNING COMMISSION  
MEETING MINUTES**

July 6th, 2020

The Richmond County Planning Commission held its regularly scheduled meeting on Monday, July 6th 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, Admin. Assistant  
Vivian Giles, County Attorney  
Louis Iannone, Strata Solar (By Zoom Meeting)  
Richard Stuart, Strata Solar Attorney  
Approximately 20 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. Lewis led everyone in the Pledge of Allegiance.

**PUBLIC COMMENT**

Debbie Holbrook noted she is a concerned citizen and neighbor of Richmond County, VA and this is her final attempt to end the solar project. Mrs. Holbrook mentioned they have only been able to share feelings about how this project will devastate the area a few times. Mrs. Holbrook noted many questions have been asked and many have been answered but there are still some that are unanswered. Mrs. Holbrook mentioned some issues she has is how this project was handled. Mrs. Holbrook noted when in discussion with several individuals she has heard how transparent and legally this has been handled and has been assured by several that Mr. Quicke's strengths are following the laws and to that she doesn't argue. Mrs. Holbrook mentioned there are several ways to follow the law some of them are just following the words of the law and some of them being intent. Mrs. Holbrook stated she does not feel the intent is being followed as far as the good of the community. Mrs. Holbrook noted she has asked several questions about who is in control and has been

told the County has no control. Mrs. Holbrook mentioned it took several calls to this locality to find out whether or not the people from Strata would be present and what the agenda would be she was not able to find that out until hours before the meeting. Mrs. Holbrook noted legally she understands it's a regular scheduled Planning Meeting and maybe it is not required to tell citizens what the agenda is. Mrs. Holbrook also noted it stated in the newspaper about the re-zoning but there was nothing about Strata Solar. Mrs. Holbrook mentioned she was told this has been on Facebook and several people were called and would like to know why the people who live in the heart of this project were not called. Mrs. Holbrook noted many people who are attending this meeting are afraid of this COVID virus and feels this is suppression of participation and she does not approve of it. Mrs. Holbrook mentioned she has asked at one of the meetings are any of the products going to come from China. Mrs. Holbrook noted if something comes in from China against all odds it will end up getting torn out. Mrs. Holbrook mentioned she does not believe that Strata does not know if their products will come from China or not. Mrs. Holbrook noted there will be inverters included in this project that will give an opening to China to get into our grid. Mrs. Holbrook mentioned she has been told the County has no control over who attends these meetings and feels they do have control. Mrs. Holbrook asked who does have control over the products that are bought. Mrs. Holbrook noted the County has the ultimate right and control to state in the contract no products will come from China or don't sign the contract. Mrs. Holbrook stated for every person on the Commission who votes this project to move forward to resign.

Mortimer Payne stated home comes from the heart. Mr. Payne mentioned hopes, dreams, success, failures, love and deceit all that is home. Mr. Payne also mentioned hunting territory is home. Mr. Payne noted when Mr. Lewis, Mr. Booker and Ms. Lowery go home they will drive past fields and see deer and turkeys but if this project goes in somebody will lose his hunting territory that is part of home and that is their home. Mr. Payne mentioned that is more important than this solar farm. Mr. Payne stated that himself, Mr. Booker and Ms. Lowery are all County people not the traveling salesman of solar. Mr. Payne noted the County is not obligated to copy Westmoreland County and have a solar farm. Mr. Payne also noted Richmond County should not sacrifice the way of life, the hunting, the homes of County people.

William Booker mentioned he has sent pictures to the Commissioners and Board of Supervisors of Strawberry Bottom where a guardrail was washed out after a major rain storm in 2018. Mr. Booker noted if you remove trees on 1600 acres what do you think is going to happen. Mr. Booker mentioned it is a tremendous watershed and he is opposed to this project.

Ms. Lowery asked if there is an emergency evacuation plan if this solar farm catches on fire. Ms. Lowery also asked will wells be checked. Ms. Lowery noted there was advertisement from the Powhatan solar site for people to spray pesticides. Ms. Lowery mentioned they had found one of the guys online who sprayed and his complaint was that by the time he finished, there was faulty equipment and he was covered in herbicides and pesticides. Ms. Lowery noted he sprayed poison all over the land. Ms. Lowery mentioned she is worried about all that. Ms. Lowery noted that is her home and she cherishes her home and can't stand to think someone is going to come in and cut down trees, spray pesticides and take the animals away. Ms. Lowery stated this is Dominion and Governor Northam pushing this making it all political. Ms. Lowery noted in the end this will be a catastrophe.

#### **APPROVAL OF MINUTES – JUNE 8, 2020**

Glenn Bowen asked if there were any additions or corrections to the minutes from the June 8<sup>th</sup> meeting. *J.R. Fidler made a motion to approve the minutes from June 8<sup>th</sup>, 2020 meeting 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).*

### PUBLIC HEARING

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

Mrs. Mothershead gave the Commissioners some background on Eli and Elsie Hertzler:

- Mr. & Mrs. Eli Hertzler own a parcel of land located at 1498 Sharps Road, Warsaw, VA, containing approximately 105 acres.
- Mr. and Mrs. Hertzler intend 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 approved through VDOT as a low-volume commercial entrance.
- Mr. & Mrs. Hertzler intend to subdivide the portion of property necessary to run such a business and has engaged the services of Michael A. Wind in Tappahannock, VA to prepare such a survey. Currently, a rough sketch is enclosed with the application that will set forth the approximate boundaries.
- 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 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.
- Mr. & Mrs. Hertzler have agreed to finalize and record a survey of the 1 acre, more or less, portion of land as a condition to the rezoning.
- Mr. & Mrs. Hertzler agree that all proper permits (state and local) will be obtained for the construction and operation of a small community variety store.
- Mr. & Mrs. Hertzler agree that 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.
- Adjoining property owners have been notified of tonight's discussion and have responded with positive feedback. Mr. & Mrs. Bliss Coates have supplied a written note in favor of the project. We did however, receive an email from a resident at 1225 Riverdale Road who are concerned about the seasonal traffic on Sharps Road.

Mrs. Mothershead mentioned the Hertzler family is present and can take public comment on the issue. Mrs. Mothershead noted she would like to recommend to the Planning Commission that while staff supports this application, no action should be taken in the way of a vote. Mrs. Mothershead mentioned with concerns being raised on notifications of this re-zoning application, she feels more comfortable with a re-advertisement and notices mailed prior to an actual public hearing. Mrs. Mothershead asked for a hearing to be scheduled on August 10<sup>th</sup> at 7:00 p.m.

*Harry Smith, Jr. made a motion to hold a public hearing August 10<sup>th</sup>, 2020 at 7 p.m. for the re-zoning of Eli & Elsie Hertzler for the purpose of a community variety store, 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).*

Mr. Hertzler noted his family plans to open a whole foods store with 50lbs bags of flour, sugar, oatmeal, brown sugar as well as shoes and hats and whatever the Amish Community may need. Mr. Hertzler mentioned this store will also be open to the public. Mr. Hertzler also mentioned he hopes to keep this a small business.

Chairman Bowen opened the floor to public comment.

Elaine Mullin noted she lives across the road from the Hertzler family. Mrs. Mullin commented that traffic on Sharps road is no more than what it usually is with seasonal visitors coming and going. Mrs. Mullins commented the Hertzlers are good neighbors and she knows if her family needs help or if the Hertzlers need help they can count on each other. Mrs. Mullin stated she believes this store would be an asset to the community.

Chairman Bowen closed the public comment period.

Mrs. Mothershead mentioned this discussion will be picked back up again at the August 10<sup>th</sup> Public Hearing.

Mr. Cox noted in the application it talks about one acre and the sketch shows approximately one acre yet the intro shows is it two acres. Mrs. Mothershead mentioned initially a two-acre area was discussed and when talked about what would really be necessary for the 40x60 it would probably end up being closer to the one acre. Mrs. Mothershead noted the Hertzlers wanted to involve the building, parking and driveway.

Mr. Cox asked would this be an addition to their house. Mrs. Mothershead noted they currently are living in this space now but ultimately the plan is once the store is up and operating, they will have plenty of space to build a primary residence of their own and make the house that sits there now part of the store.

Mr. Cox asked will food be served. Mr. Hertzler stated no food will be served.

Mr. Mothershead asked if the VDOT approval was documented. Mrs. Mothershead mentioned she does have an email from VDOT stating as long as it's under 50 cars per day they are considered low volume commercial.

Mr. Clayton asked what the hours of operation will be. Mr. Hertzler noted hours of operation have not been discussed yet.

Mr. Clayton asked will there be big sized trucks entering and existing the store. Mr. Hertzler mentioned he anticipates it to be a few trailers in and out but mostly UPS and smaller trucks.

#### **EDF RENEWABLES-HEMINGS SOLAR SPECIAL EXCEPTION APPLICATION**

Mrs. Mothershead noted EDF Renewables joined us via zoom last month to introduce a special exception application for a solar project to be located on Rt. 360, known as Hemings Solar Partners, LLC. Mrs.

Mothershead mentioned the plan was for EDF to return to the meeting tonight to answer any questions that may have arisen after the introduction. Mrs. Mothershead stated after a considerable amount of discussion with EDF, it was determined that keeping this solar project separate from the Strata project would probably be beneficial for discussion purposes. Mrs. Mothershead noted therefore, EDF has asked for the Planning Commission to consider a special called meeting on Monday, July 13<sup>th</sup>, 2020 at 6:00 p.m. for a work-session style question and answer time. Mrs. Mothershead mentioned Virginia Code Section 15.2-2214 states that “written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting.” Mrs. Mothershead noted a meeting July 13<sup>th</sup> would allow adequate time to have a public hearing scheduled for August 10<sup>th</sup>, if desired by the Commissioners.

The Commissioners gave consensus to have a work session Monday July 13<sup>th</sup> at 6:00 p.m. with EDF Renewables.

### **BOOKERS MILL SOLAR- STRATA SOLAR DISCUSSION**

Mr. Quicke mentioned this is the first time Strata Solar has been discussed since the March public hearing. Mr. Quicke noted as there has been significant delay due to the meeting restrictions the last three months another option is for the Planning Commission to use this meeting to refresh themselves on the project asking additional questions to Strata Solar, the County Attorney or himself or bring up any comments or concerns they wish to discuss with the fellow Commission members.

Mr. Quicke noted a recent updated copy of the conditions being considered were recently given to the Commissioners for review. Mr. Quicke mentioned he believes the majority of these changes since the March meeting are general and technical in nature and do not substantially alter the conditions from three months ago.

Mr. Quicke mentioned at the June board meeting the Board spent a considerable amount of time with the County attorney reviewing Legislative changes from the 2020 General Assembly session. Mr. Quicke noted as a result of that meeting the Board voted to begin negotiating with Strata Solar for the purpose of creating a siting agreement therefore eliminating the need for a joint 2232 review.

Mr. Quicke noted section 15.2-2316.9C of Code of Virginia states approval of a siting agreement by a local governing body in accordance with subdivision B of 15.2-2316.8 shall deem the solar facility to be substantially in accord with the Comprehensive Plan for the host locality thereby satisfying the requirements of 15.2-2232. Mr. Quicke mentioned the siting agreement is between the governing body and the applicant meaning the Planning Commission is not tasked with this portion of the project.

Mr. Quicke mentioned still in front of the Planning Commission remains a recommendation to the Board of Supervisors for the applied special exception permit with conditions. Mr. Quicke noted any conditions imposed as part of this project by the Planning Commission and ultimately the Board of Supervisors will be in cooperated into a siting agreement shall the County approve this project.

Mr. Quicke noted should the Planning Commission wish to move forward with a recommendation to the Board of Supervisors he is prepared to give his recommendation to the Commission shall they wish.

Mr. Quicke thanked the Commissioners for the time they have spent on this project for the past several months.

Mr. Cox noted he sent out some minor comments directed at documents in regards to the Bookers Mill Solar Project Special Exception permit conditions and the closure and decommissioning document.

Mr. Cox mentioned on page 2 of 7 item number 8 where it states that the applicant agrees to no more than 50% of the land disturbance area as reflected on the site plan shall be disturbed without stabilization at any one time. Mr. Cox noted it further states that stabilization for the purposes of erosion and sediment control shall mean the application of seed or mulch to disturb the areas.

Mr. Cox noted he further comments that the application of seed or mulch doesn't do anything but stabilize the property. Mr. Cox suggested that statement be modified stating it should require established ground cover that will then stabilize and reduce runoff.

Mr. Cox mentioned item number 13 where it states the applicant shall drill a test well on the site or location approved by the County and annually monitor the water quality. Mr. Cox suggested due to the topography and the watershed he believes you're going to need more than one test well to adequately cover that site.

Mr. Fidler noted going along with Mr. Cox's comment he thinks you will need to have a base line as far as residence as well for that test well. Mr. Cox noted that recommendation is stated that as long as the residence agree to it that the background monitor will be done. Mr. Cox also noted in item number 13 it states the application prior to construction may work with the property owner. Mr. Cox suggested changing that to the applicant shall work with the property owners within 1,000 ft of the site testing the conditions of drinking water.

Mr. Cox asked how are you going to know if there's any contamination in the water if you don't test it first to see what's there before you start.

Mr. Lewis commented he agrees with Mr. Cox, it's up to the homeowner to decide if they want their well to be monitored. Mr. Lewis noted saying shall does not apply it absolutely has to be done.

Mr. Fidler noted he thinks that would eliminate issues later on and cover any bases.

Mr. Cox mentioned on page 4 item 15B stating in the areas mutually identified by the County and the applicant in all areas in which there is stand of timber of at least 100 ft. from the fence along the public right away the applicant shall be required to leave in place no less than 100 ft. of standing timber to buffer the site. Mr. Cox noted if he is understanding this correctly it is areas where the site has timber along the public right away and you want a 100 ft. buffer. Mr. Cox commented why not say a 100 ft. timber buffer shall be required immediately adjacent to the fencing along the public right away.

Chairman Bowen noted he thinks they are trying to say only if the timber is already there, they don't have to go plant.

Mr. Cox recommended defining the meaning of topographical challenges.

Mr. Cox mentioned on page 6 traffic and road repairs where it calls for the applicant to submit a construction traffic management plan the CPMB as part of the site plan further explaining the evaluation of the conditions of the public roads along the delivery routes prior to construction and the description of the estimated of any anticipated repairs to public roads that may arise due to damages of critical construction from the solar facilities to be reviewed by a third party may be at the sole cost of the applicant. Mr. Cox

noted he does not believe the evaluation along the public roads that any damage that may arise from it should be done by Strata Solar and believes it should be done by an independent professional engineer to determine whether there is damage there or the cost of that damage. Mr. Packett asked if VDOT would have someone on staff to help with this.

Mr. Fidler mentioned bullet number 8 when erosion control was being discussed on a personal stand point 50% of the land being disturbed at one time seems like a lot of land that's open for erosion. Mr. Fidler noted he would like to see it done in smaller phases.

Mr. Quicke noted after comments are received from Commissioners, Ms. Giles will address the concerns as a lump sum.

Mr. Cox mentioned in the closure and decommissioning documents item 4.2.2 and item 4.2.3 needs some clarification between those two provisions. Mr. Cox noted when reading 4.2.2 it seems the decommission shall begin immediately after the facility has, for a period of 6 months, seized the operation. Mr. Cox mentioned there is nothing stating the County must be notified immediately. Mr. Cox noted 4.2.3 states the periods during which the facility can be non-operational for maintenance repair due to catastrophe events beyond the control of Bookers Mill. Mr. Cox asked if the Solar facility then has a period of two years before they have to start decommissioning. Mr. Cox asked is it 6 month or 2 years for the decommission. Mr. Cox also asked what triggers 4.2.2 is it when Booker Mill decides to voluntarily cease their operation or if they come to the County stating they no longer want to operate as a solar facility any longer.

Mr. Cox stated to secure the cost of decommissioning, Bookers Mill shall allow at all times beginning at commercial operation until termination of decommissioning provide financial surety in the amount approved by the County except that if Bookers Mill Solar facility be transferred to an investor or utility company, for example Dominion Energy, the applicant may cancel at the time of transfer and no further surety may be required. Mr. Cox asked what if the facility is sold to a third-party private owner is surety going to be required and if so, it should state that.

Mr. Fidler commented on page 1 under the decommissioning plan and activities 4.2.1.1 stating specifications for the removeable of all solar equipment, buildings, cabling, electrical components, foundations, pilings and fencing to a depth of 36 inches. Mr. Fidler mentioned from the minutes March 9<sup>th</sup> he had asked this question and made notes that certain AC power cables and DC power cables were different depths and clarified that it was somewhere between 36 and 48 inches for both. Mr. Fidler asked why do they have 36 inches. Mr. Fidler noted the response from Mr. Neimann was noted that storm basins would be decommissioned as well and be converted back to sediment basins as his recommendation to the project during the disturbance of activity. Mr. Fidler also noted Mr. Neimann stated everything would be brought back to the original state minus the stand of trees. Mr. Fidler asked why this does not say back to the original state and says to a depth of 36 inches. Mr. Fidler stated this is a red flag that something could be left.

Mr. Smith noted in 4.2.1.2 stating the site will be restored to the condition of the property as the date of construction commences of the tress. Mr. Smith asked will they be planting trees back and if they are per owner's request, he believes it should be required to reforest at the end.

Mr. Smith commented if all the sediment ponds being put in fail whose responsibility will it be.

Mr. Lewis commented on the replanting of trees he thinks if the land owner timbers the trees and profits, from the trees, he should be responsible for replanting the trees after the lease is over. Mr. Lewis noted if the solar company timbers the property and profits from the trees then the solar company should replant the trees after the lease is over.

Mr. Packett mentioned it would be a cover but if it has to be required to dig down and remove all the underground wiring that cover is going to be disturbed again to remove that. Mr. Packett noted at that point it will have to be addressed through a secondary application, because if it is dug up, you're basically rooting up the ground again to pull the stuff back up.

Mr. Smith commented all the post that pulled up will have to be filled back in with dirt. Mr. Smith also commented with all these ponds if they are not maintained they could fail and cause erosion problems.

Ms. Giles reviewed the decommission revisions. Ms. Giles noted she has taken notes on the comments and tried to insert them into the larger document which will ultimately go to the Board of Supervisors with the recommendation from the special exception.

Ms. Giles mentioned with respect of the 36 inches the intent is that the property be restored to whatever depth because the provisions say to restore to the condition of the property at the date the construction commences. Ms. Giles commented she understands the need to reconcile those two provisions.

Ms. Giles commented with the respect of replanting the trees technically the harvesting of the timber is a part of the transaction to be done by the property owner which can be done anyway that's outside of the scope of anything before the Planning Commission or Board of Supervisors. Ms. Giles noted whatever they would have to do and basically you can't make them replant and they could turn it into pasture. Ms. Giles also noted once the cabling is pulled up, they could then reseed. Ms. Giles commented she is not finding any jurisdiction to require that it be replanted because the land owner could turn their timber property into a pasture anytime they want.

Ms. Giles noted if the sediment ponds fail after decommissioning that would be a concern to be addressed by the property owners at that time. Ms. Giles also noted once the company has done everything that it needs to do with the decommissioning and it is fully complete and excepted by the County then anything that may happen after that would be the responsibility of the land owner.

Ms. Giles mentioned with respect of the decommissioning with the six months or two years that two year provision is what lawyer type people tend to refer to as a tolling revision in another words its six months if there is no desire to try and rehabilitate this project given whatever happened to it but if there is a good faith and substantial progress towards rehabilitating and putting back this project that decommissioning requirement would effectively be tolled during that window of time so the County would have to work with the project owner at that time. Ms. Giles noted if this language could be said better, she would take another look at it.

Ms. Giles noted if the project is sold to a private company surety would then be required unless you meet an exception and a private owner would not be an exception.

Ms. Giles mentioned the 50% of the land disturbance of the project. It is her understanding that the total acreage was approximately 700 acres. With some of the topography and primarily the buffers they were concerned about, its down closer to 600 acres total.

Ms. Giles asked Mr. Iannone with the project as it is now some of the buffers were modified and how many acres are under panel proposed at this point. Mr. Iannone noted roughly it is 635 acres under panel. Mr. Iannone also noted there are a tremendous number of sediment basins on site.

Ms. Giles mentioned she made a note where the application states to seed or mulch to clarify that to say seed or mulch that yields a ground cover meaning if it was seeded and it didn't cover it, it would need something done to stabilize it.

Ms. Giles mentioned she has made a note to add test wells or revisit that language to add test wells as needed.

Ms. Giles noted she has made a note to clarify the language stating the project owners shall work with the property owners.

Ms. Giles mentioned she will look at 15 B to making that clearer and 15D to define and clarify the meaning of topographical challenges.

Ms. Giles noted in the construction traffic management plan has language in the siting agreement where paragraphs one, two and three have been added. Ms. Giles mentioned paragraphs one and two were the big ones where they linked the siting agreement with the control traffic management document and the compliance with the siting agreement is a condition to be able to continue to operate.

Ms. Giles mentioned there is language stating it is Richmond County that chooses the engineers to evaluate and the company has stated they pay for it but Richmond County gets to choose and pick. Ms. Giles also mentioned if the Planning Commission would like to recommend to the Board of Supervisors that it be confined to the universe of the professional engineers it is the Planning Commission recommendation to include it however you wish.

Mr. Cox stated Ms. Giles has clarified that it's the County that's going to select whoever is going to evaluate.

Mr. Quicke noted Ms. Giles is suggesting to take that time to rewrite and revise based on the conversation and send it back.

### **OTHER BUSINESS**

There is no other business.

### **RECESS**

Chairman Bowen recessed the meeting until July 13<sup>th</sup>, 2020 at 6:00 p.m.

**RECONVENE - JULY 13, 2020**

The Richmond County Planning Commission reconvened on Monday, July 13, 2020, in the Public Meeting Room, County Administrative Building, Warsaw, VA.

The following members were present:

Rick Cox  
Glenn Bowen  
Brian Mothershead  
John W. Lewis  
Marion James Packett  
Darnell Clayton  
J.R. Fidler

Members absent:

Harry Smith, Jr. (recused himself from Hemings Solar Project)  
Brian Jackson  
Cassandra Jackson

Also present:

R. Morgan Quicke, County Administrator  
Hope Mothershead, Director of Planning and Zoning  
Vivian Giles, County Attorney  
Chris Gordon, EDF Renewables  
Geoff Suttle, EDF Renewables  
Tess MacMorris, ECT, Inc.  
William Herbert, Board of Supervisor Member  
Clifton Jenkins  
Approx. 4 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. Lewis led everyone in the Pledge of Allegiance.

**EDF Renewables**

Mrs. Mothershead noted that we were joined by EDF Renewables for further discussion on the Hemings Solar Partners, LLC solar project. Mrs. Mothershead mentioned the subject property is zoned agricultural. Mrs. Mothershead noted a solar facility is a permitted use with a special exception permit. Mrs. Mothershead mentioned last month the project was introduced and some time was allowed for review of the special exception permit application, with attachments. Mrs. Mothershead noted with this project being a 4.9 MW project, the path for approval may seem a little different than the larger Strata project that has been under review for some time. Mrs. Mothershead mentioned The Hemings Solar project will of course require a public hearing at the Planning Commission level, but will also require a hearing on the "2232" review. Mrs. Mothershead noted it is her hopes to schedule both public hearings on the same date. Mrs. Mothershead also noted typically, a list of conditions would be tied to the special exception permit. Mrs.

Mothershead stated the conditions on this project will include items such as reimbursement costs, buffers, setbacks, types of panels, E & S measures, road repairs and decommissioning. Mrs. Mothershead noted those conditions are currently being reviewed and a proposed list will be forwarded to you.

Chris Gordon and Geoff Suttle from EDF renewables gave a presentation setting forth the guidelines of the proposed Hemings Solar project. **(See Exhibit D)**

Charles Sanford, from the public, voiced his concerns about the project and noted that he was not in favor. He has family near the property and does not desire to see the solar panels placed at this particular site.

William Herbert asked about the virtual open house and it was noted by Chris Gordon that it was well attended with County staff and persons from the community.

Cliff Mullin, from the public, asked for clarity on the location of existing homes and the area where vegetation and fencing will be located. Chris Gordon described the height of the panels and the tilt that they will extend (12'-15') during the day.

J. R. Fidler asked about the possibility of extending the vegetative screening along the property line that adjoins the dwellings. Geoff Suttle mentioned that conversations had been made with County staff on the extension of the vegetative screening. Mr. Suttle noted that the project was pushed to the back of the property and some existing vegetation would be used for blocking. The supplemental vegetation will be considered in the front of the project.

Rick Cox inquired about stormwater retention facilities to be built. Mr. Suttle mentioned that due to the layout of the land, they did not anticipate any facilities to be needed. The stormwater calculations will be determined by the engineering team and he understands that if necessary, stormwater facilities will be considered. Mr. Suttle explained how the panels and rows would be situated on the property and does not expect significant changes to infiltration. Since construction is proposed next to the RPA, Mr. Cox is concerned about runoff complications.

Charles Sanford set forth a question/concern about the runoff such as that in Essex County. Chairperson Bowen noted that the amount of land disturbance in Essex County is much different than the proposed project.

John W. Lewis asked about materials being used in the construction of the panels, would they be from the United States or brought in from abroad. Mr. Suttle added that it would be a mix of panels and infrastructure coming from United States, Canada, Asia and from a Spanish manufacturer.

Mr. Lewis noted about the existing well on site and asked if it was viable and will the groundwater be tested prior to construction or will there be annual testing every year to make sure there is no ground contamination from the panels and equipment sitting on the property. Mr. Suttle noted that is not the intent and does not recall ever doing that for a solar project. Mr. Suttle also noted groundwater contamination has never been an issue for operating solar projects. Mr. Lewis stated the runoff from the equipment that goes into the ground and contaminates the ground water is what they are trying to prevent. Mr. Suttle mentioned the panels themselves are sealed and if there is any water that can get into the panels it would be massive failure

of the solar panels. Mr. Suttle noted the panels are made of tempered glass so they are more likely to shatter then break and if a panel breaks during operation it is more than likely caused by vandalism but is not common.

Mr. Suttle commented the way the project makes money is by selling power to Northern Neck Electric and if it's not generating power than a return on the investment isn't being made.

Mr. Lewis stated once the damage is done and until they are cleaned up the groundwater has been contaminated by whatever components were inside the panels that were broke open. Mr. Lewis commented the residents are extremely concerned about the groundwater because they have to survive on it and if there is a chance that something could come off these panels and contaminate their ground water the residents want to know who to hold accountable.

Mr. Lewis suggested having groundwater testing annually.

Mr. Suttle noted having EDF find a couple of studies to demonstrate there won't be any leaching if panels were broken. Mr. Suttle mentioned bringing back some research and studies to address concerns.

Mr. Lewis commented that at some point he would like to see a list of components of what the panels are made of. Mr. Suttle noted he would gather some spec sheets for the panels and the solar modules themselves primary components are made of silicone with tempered glass and aluminum frame.

Mr. Cox asked if there is anything toxic in these panels or anything being installed that could impose risk for groundwater or infiltration of any kind. Mr. Suttle mentioned they would have to do some research and talk to his engineers but the only thing that comes to mind is oil in the transformers.

Mr. Mullin asked if the panels, referring to changing positions, are hydraulic or electric and if they are electric the leakage could be only electricity or if they are hydraulic leaks are possible. Mr. Settle stated they are not hydraulic.

Mr. Mullin asked is there is anything that runs through these panels of any kind of fluid or liquid other than the stuff that powers the electricity. Mr. Settle mentioned there is no liquids it is a thin layer of semiconductor between two pieces of reinforced glass held together by aluminon frame. Mr. Settle stated the panels are specially designed to exclude any elements from getting in. Mr. Mullins suggested in the list requested that all the liquids and fluids that could be ran into the ground be included.

*J.R. Fidler made a motion to schedule a public hearing for August 10<sup>th</sup>, 2020 for the special exception application and the motion carried with a vote of 7-0 (Rick Cox –aye; J.R. Fidler – aye; Glenn Bowen – aye; John W. Lewis –aye; Brian Mothershead – aye; Darnell Clayton-aye; Marion James Packett- aye;)*

*J.R. Fidler made a motion to schedule a public hearing for August 10<sup>th</sup>, 2020 for the "2232" review for substantial accord to the Comprehensive Plan and the motion carried with a vote of 7-0 (Rick Cox –aye; J.R. Fidler – aye; Glenn Bowen – aye; John W. Lewis –aye; Brian Mothershead – aye; Darnell Clayton-aye; Marion James Packett- aye;)*

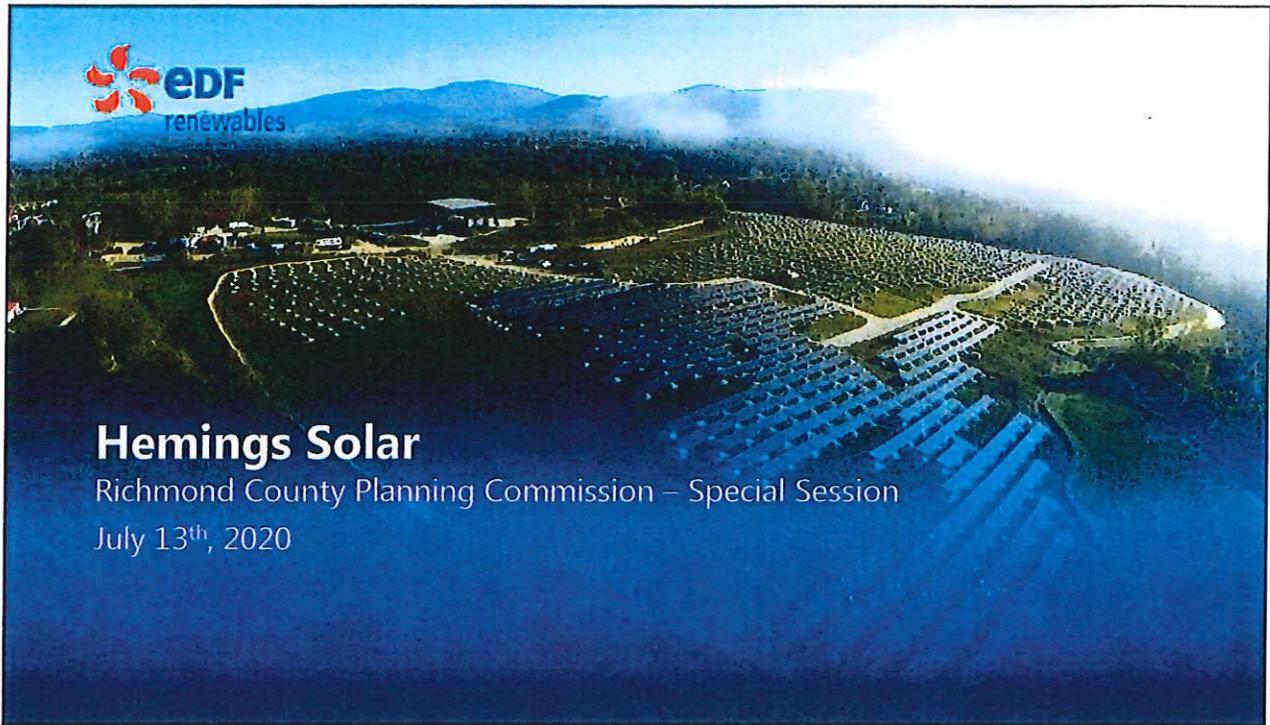
**OTHER BUSINESS**

There is no other business.

**ADJOURNMENT**

There being no further business, the meeting was adjourned.

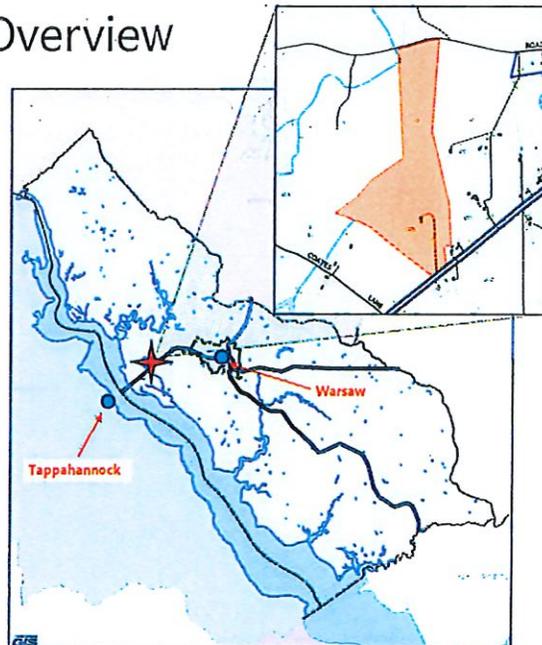
Respectfully submitted,  
Liz Hylan



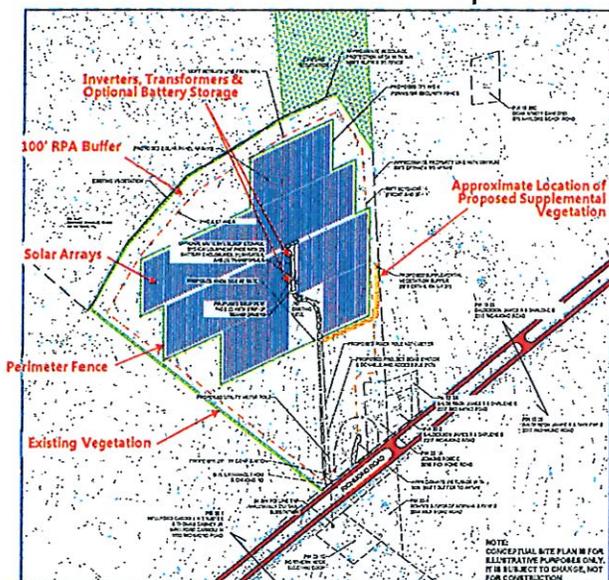
### Project Overview

#### Hemings Solar Partners, LLC

- **Location:** 2201 Richmond Road (West of Warsaw)
- **Technology:** Solar photovoltaic
- **Project Size:** 4.9 MWac (approx. 35 acres)
- **Interconnection:** Connects to NNEC's distribution system via existing line adjacent to substation
- **Parcel Info:**
  - Owner(s): Mr. Clifton Jenkins and Ms. Nancy Wills (Trustees of Lyell E. Jenkins Revocable Trust)
  - ID: 15-26
  - Size: 83.4 Acres
  - Zoning: A-1 Agricultural
  - Planning District: District 5



# Conceptual Site Plan



## In accordance with County Zoning Ordinance for Large Photovoltaic Energy Facilities (Sec. 157.110):

- Meets or exceeds required setbacks; 500+ ft setback from Richmond Road
- Max solar equipment height of 15 feet
- At or below 65 dBA at property line & 50 dBA at nearest residence per County noise ordinance
- No new substation required; connects to NNEC's existing distribution line adjacent to substation
- Perimeter fenced to ensure public safety
- Inverters, transformers, optional battery storage have minimal footprint & located interior to project area
- Limited visual impacts; existing perimeter vegetation & supplement with plantings in select areas
- Gravel access drive off of Richmond Road



## Project Equipment



1 Racking Mounted on Support Posts



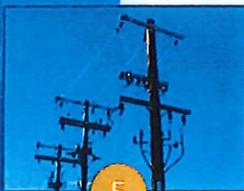
2 Panels Installed on Racking



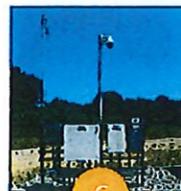
3 Inverter / Transformer Skid



4 Fencing



5 Interconnection Equipment

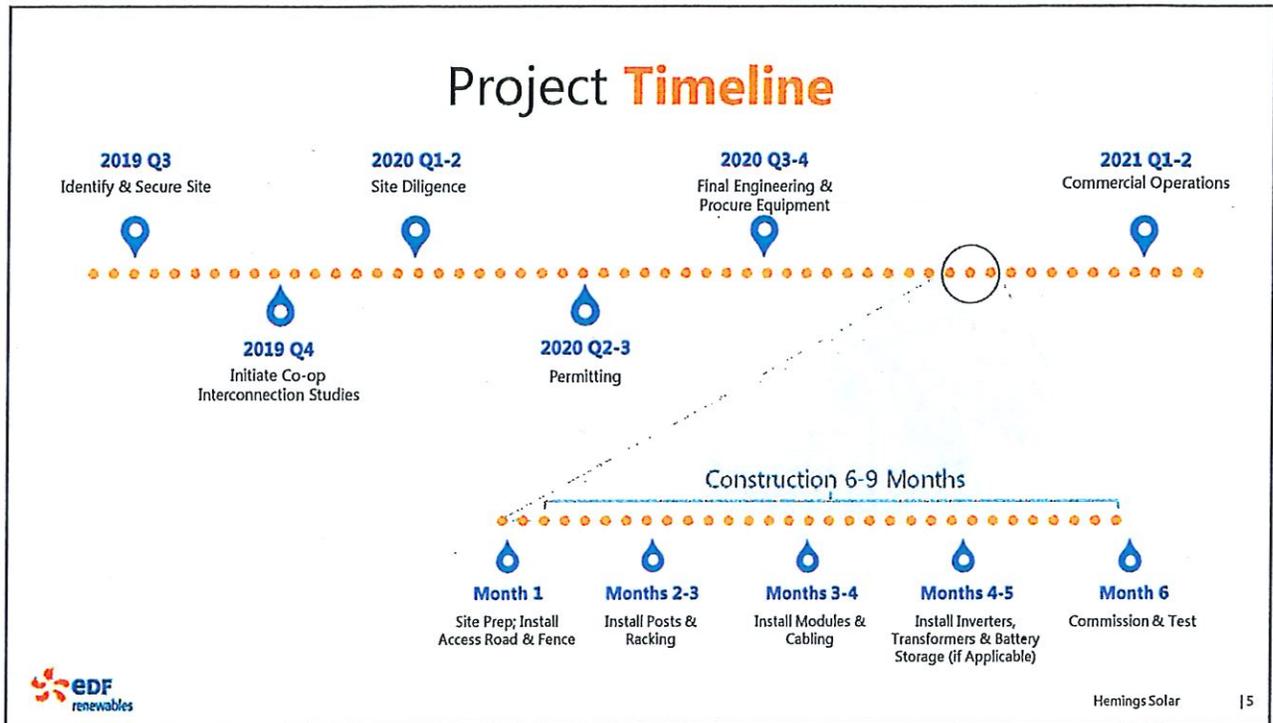


6 Weather Station



7 Optional Battery Storage Equipment





### Site Investigation and Due Diligence

- Wetlands mapped and avoided; minimum 100-ft setback from CBPA
- No threatened or endangered species observed on-site; field reconnaissance indicates low potential for on-site occurrence
- Avoids all known cultural or historic resources; no such resources have been previously identified on-site

### Compliance with Local & State Regulations

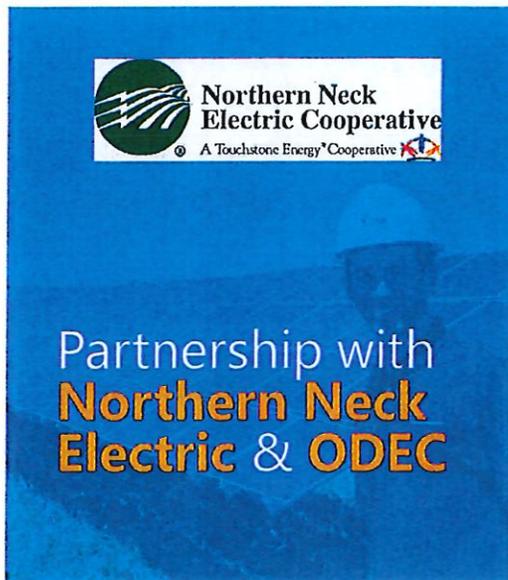
- Stormwater runoff tightly controlled in accordance with state and local regulations; mitigation measures implemented on-site as needed to control quantity and quality of stormwater runoff
- Rain passes through gaps between panels & spaces between arrays to infiltrate into ground (groundwater recharge); <1 acre of impervious surface proposed
- Natural drainage patterns maintained due to limited grading required; driven posts allow for conforming with existing topography
- In harmony with County's Comprehensive Plan & Solar Ordinance
- Project will obtain all required local, state, and federal permits

## Due Diligence & Compliance

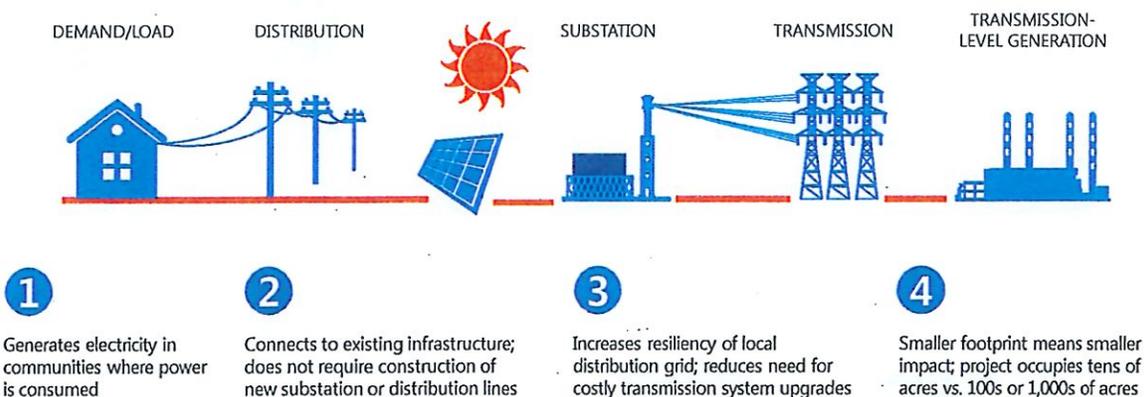
HemingsSolar | 6

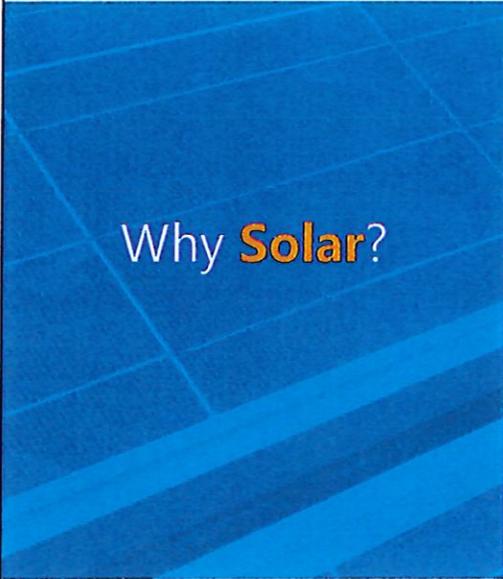
EDF Renewables is developing Hemings Solar in partnership with Northern Neck Electric Cooperative (NNEC) and Old Dominion Electric Cooperative (ODEC)

- NNEC is the not-for-profit electric cooperative serving Richmond County and surrounding area since 1938
- NNEC procures bulk of power through ODEC and is one of 11 distribution cooperative members – and owners of - ODEC
- Hemings Solar will be first cooperative-dedicated renewable energy generation located in NNEC’s service territory; 100% of its output will go to homes and businesses in Richmond County and the Northern Neck
- Locally generated solar power
  - Reduces need for costly transmission system upgrades
  - Connects to existing cooperative infrastructure; does not require construction of a new substation
  - Provides fixed cost of electricity for duration of 25-year contract and not subject to fuel price volatility



## Benefits of Distributed Solar





### Benefits of Solar Energy Projects

-  Generates clean, renewable electricity without using water, creating emissions or producing waste products
-  Places little to no demand on County infrastructure or services such as roads, water, sewer, emergency medical services or schools
-  Low visual profile and quiet operations preserve the rural, open-space character of the area
-  Land may be returned to previous agricultural use at end of the project life
-  Creates jobs during construction of the project; indirect economic benefits include local contracting opportunities, equipment sales and rentals, material purchases, and spending on hotels, restaurants and other local goods and services

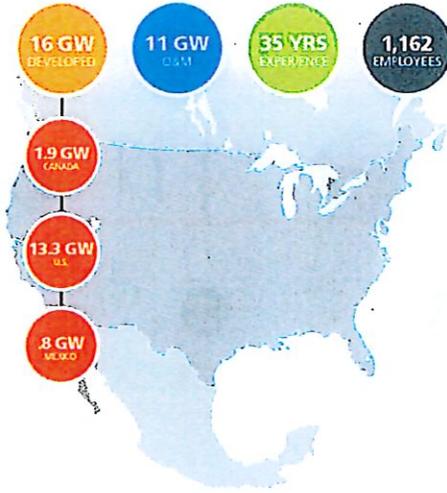


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## EDF Renewables North America

**Trusted Partner in Renewable Energy with 35 Years of Industry Experience and Expertise in North America**

- **Grid-Scale Power:** Wind (onshore and offshore), solar photovoltaic, and storage projects
- **Distributed Solutions:** Solar, solar+storage, electrical vehicle charging and energy management
- **Asset Optimization:** Technical, operational, and commercial skills to maximize performance of generating projects.



Creating value from Origination to Commercial Operation

  
ORIGINATION

  
DEVELOPMENT

  
TRANSACTION

  
CONSTRUCTION

  
OPTIMIZATION



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**Thank you.**

Visit us at [edf-re.com](http://edf-re.com)



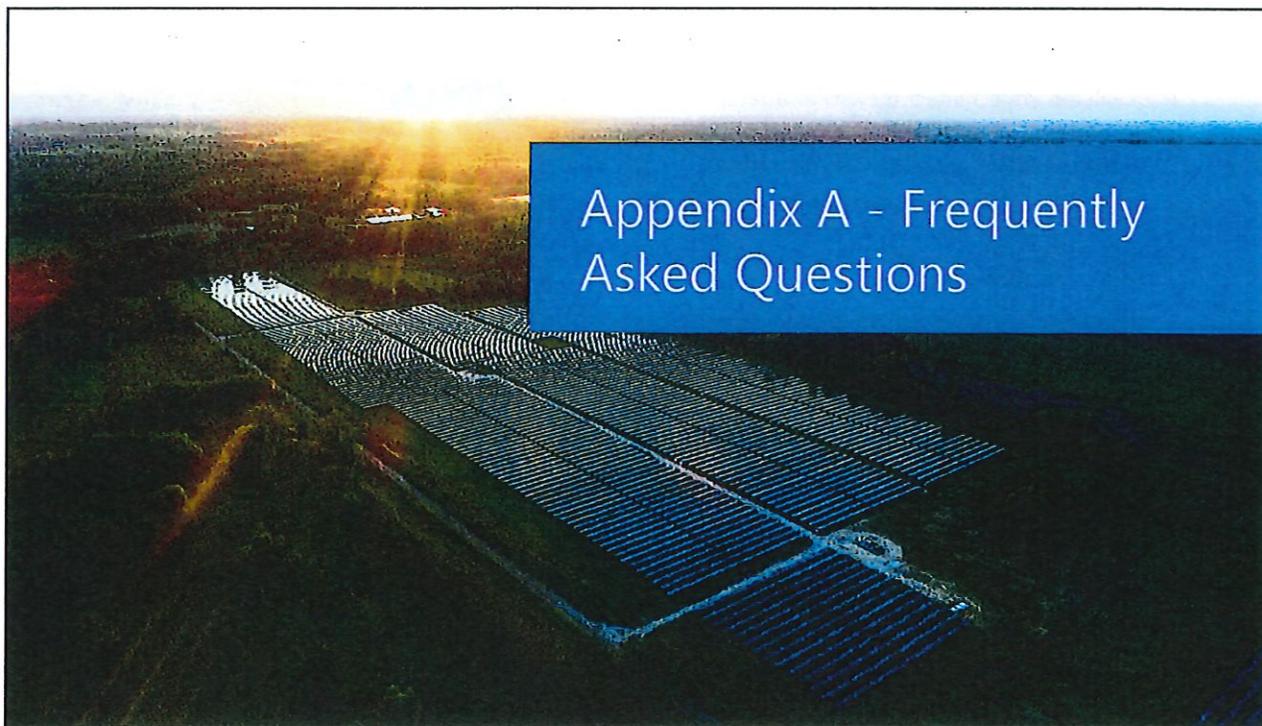
**CONTACT**

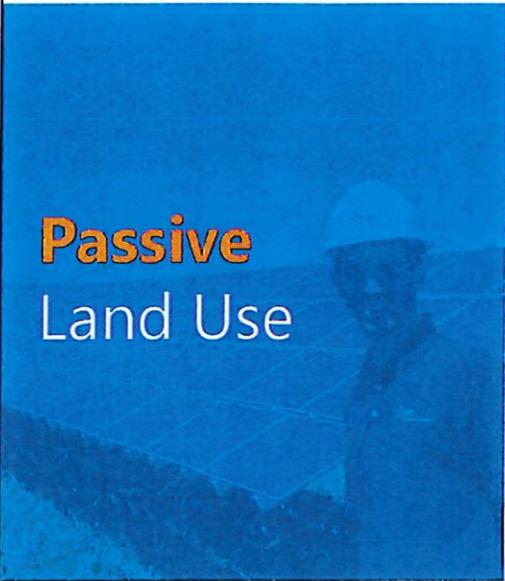
**Chris Gordon**

(434) 996-7430

[chris.gordon@edf-re.com](mailto:chris.gordon@edf-re.com)

Appendix A - Frequently  
Asked Questions





**Passive**  
Land Use

**How will the Project affect the community?**

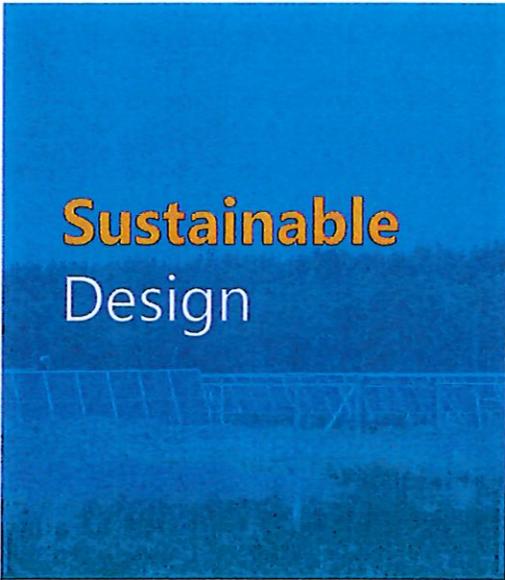
- Project offers low visual profile and quiet operations that preserve the rural, open-space character of the area
- Solar is a passive land use and a less intense use than farming; does not use fertilizers or pesticides, and does not involve land disturbance after construction
- Operation of the facility produces no emissions and does not generate smoke, debris or dust
- Project places little to no demand on County infrastructure and services including roads, water, sewer, fire, emergency medical services or schools
- Unmanned facility; no buildings or other walk-in structures
- No impact on traffic during operation

 EDF renewables

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**How will the Project affect the environment?**

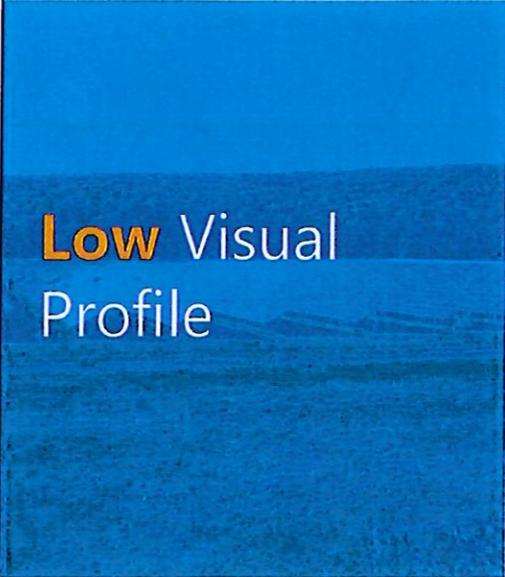
- Generates clean, renewable electricity without using water, creating emissions or producing waste products
- Extensive due diligence conducted prior to construction identifies and addresses potential environmental impacts; includes evaluation of wetlands, sensitive species, and cultural and historic resources
- Project avoids wetlands and will not adversely impact groundwater resources; utilizes best management practices for erosion and sediment control during construction
- Retains existing trees and vegetation along the property boundary to extent possible, adds supplemental plantings in select areas, and only removes existing trees as necessary to construct the facility or prevent shading of solar modules



**Sustainable**  
Design

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## Low Visual Profile

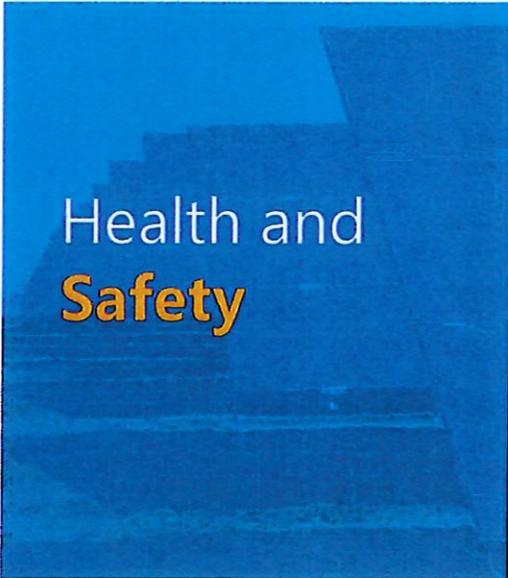
**Will I be able to see the Project?**

- Maximum equipment height will be 15 feet or less except for weather station pole(s) necessary to monitor site conditions
- Project meets or exceed County setback requirements, with minimum 50-foot setback from the edge of the array to any property boundary
- Equipment will not be located within 500 feet of Richmond Road; limits views of the Project from public right-of-way
- Existing vegetation along entire northern and western property boundaries to limit views from adjacent properties to north and west, also eastbound travelers of Route 360
- Supplemental plantings in select areas to limit views from adjacent properties to the south and southeast, also westbound travelers of Route 360
- Solar panels are designed to absorb the sun's rays, not reflect them; panels also utilize anti-reflective coating to further minimize light reflected from their surface
- No lighting or signage other than for safety; Project can provide informational kiosk for educational purposes if County requests

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**Is the Project safe? Will it affect my health?**

- Solar modules are safe and cannot release toxic materials; are typically comprised of silicon (similar to computer chips), copper, and aluminum sandwiched between glass or plastic with an aluminum frame
- Inverters and transformers used to condition power for use on the distribution grid do not contain heavy metals or toxins; pose limited environmental risk even during a malfunction or when damaged
- Operation of the facility is monitored online 24/7, and both emergency and normal shutdown procedures can be implemented remotely or manually on-site
- Project perimeter is fenced and includes warning signage to maintain public safety



## Health and Safety

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### What happens at the end of project's life?

- Project is decommissioned and removed at the end of its 25-35 year life; land may be returned to previous agricultural use
- Decommissioning and removal is paid for by the Project, and not the landowner or the County
- Many project components have salvage value including steel posts and copper wire; solar modules and other equipment may be recycled
- Description of decommissioning and final land restoration provided in the permit application; project owner at the end of useful life bound by permit requirements, including equipment removal and land restoration

