

**RICHMOND COUNTY PLANNING COMMISSION
MEETING MINUTES**

September 8th, 2020

The Richmond County Planning Commission held its regularly scheduled meeting on Tuesday, September 8th 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
J.R. Fidler
Brian Jackson

Absent:

Darnell Clayton

Also present:

R. Morgan Quicke, County Administrator
Hope Mothershead, Director of Planning and Zoning
Liz Hylan, Admin. Assistant
Vivian Giles, County Attorney
Geoff Suttle, EDF Renewables
Chris Gordon, Hemings Solar
Approximately 4 others.

CALL TO ORDER, INVOCATION, AND PLEDGE OF ALLEGIANCE

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

Chairman Bowen read the following statement:

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

PUBLIC COMMENT

There is no public comment.

APPROVAL OF MINUTES – AUGUST 10TH, 2020

Glenn Bowen asked if there were any additions or corrections to the minutes from the August 10th, 2020 meeting. Cassandra Jackson made a motion to approve the minutes. John W. Lewis seconded the motion and they were approved unanimously.

EDF- HEMINGS SOLAR PARTNERS, LLC (DISCUSSION)

Harry Smith, Jr. abstained himself from the Hemings Solar discussion and left the meeting room.

Mr. Quicke reviewed changes to the conditions that have been made since August 10th.

- Addition of language to 10 (d.) to indicate that dead trees or shrubs in the vegetative screening will be replaced. (This was a request from the FWS & Friends of NWR)
- Addition of condition #28 to include soil sampling of the project site. (County Staff, County Attorney and EDF agreed that including soil sampling versus test wells would be more beneficial.)
- Removal of the 36' depth in decommissioning language (31 (a.)) (Per the request of the Planning Commissioners)
- Removal of the reimbursement maximums on section 3(r), Surety Review Date, Section 9 fees for professional services and Section 26, fees for third party inspectors, plan reviewers and advisors.

Mr. Quicke noted that EDF has agreed to remove that CAP from the language. Mr. Quicke mentioned he understands that this project is on a budget and the County will do everything moving forward to keep the Attorney and Third-Party Review fees down.

Mr. Gordon gave a brief presentation and update on the Hemings Solar Project. (See Exhibit I)

Mr. Gordon stated updates that have been made by Hemings since the August 10th, Planning Commission Meeting.

- Continued to engage Project neighbors, including discussions with Rappahannock River Valley National Wildlife Refuge & Rappahannock Wildlife Refuge Friends
- Revised conditions for Special Exception Permit based on discussions with County Staff and the Refuge
- Updated project site plan to incorporate additional conditions agreed to with County staff and the refuge
- Provided additional information as required by the Commission, including memorandum on equipment materials and manufacturing locations

Mr. Gordon noted within the 41 conditions Hemings has agreed to extensive vegetative screening, included surety bond to cover decommissioning costs, the wording in the conditions to establish the setbacks from property boundary that meet or exceed County's ordinance and the project will not include battery storage or will not use prohibited panels.

Mr. Gordon listed some updates to the conditions:

- Added soil sampling program
- Eliminated 36-inch limit on equipment removal depth during decommissioning
- Clarified project will replace plantings if vegetative screening dies during operating period, as a direct request from the National Wildlife Refuge

Mr. Gordon stated Hemings fully intends to and are willing to spend what it takes to get the project permitted. Mr. Gordon noted based on conversations and amounts agreed to he feels everyone is on the same page as far as what those expenses will or may be.

Mr. Gordon mentioned there have been some site design modifications where there is extended vegetative screening along southern and eastern project boundary, per County request, added vegetative screening to western boundary, per National Wildlife Refuge request and they have clarified the use of native trees and shrubs from a direct request from the National Wildlife Refuge. Mr. Gordon noted the Refuge provided a planting plan with suggestions of species of trees and scrubs. Mr. Gordon mentioned they have added several species to the vegetative screening plan and have submitted as an addendum to the permit application. Mr. Gordon also mentioned the exact locations and quantities of those will be decided during site plan approval.

Mr. Gordon noted some previous design considerations including

- Pushing the project to the back half of the parcel as close as possible keeping it as far away from the road and residences located along the road as much as possible
- Meeting or exceeding the required setbacks; 500+ft setback from Richmond Road
- Removed battery storage from project design
- Agreed to use Agricultural fencing instead of chain link to maintain the rural character of surrounding area, that was also discussed with Fish and Wildlife who had asked Hemings to include into the conditions.
- Equipment height would be capped at 15 feet or less

Mr. Gordon stated once construction is completed and it is under operation there is little to no demand on County infrastructure or services such as roads, water, sewer, emergency medical services or schools.

Chairman Bowen asked about the slide presentation on slide 15 (10f) the maximum height would not be over fifteen (15) feet but in the special exception permit application says eighteen (18) feet. Mr. Gordon stated he believes that would be to the original conditions presented and they do not anticipate anything being over fifteen (15) feet.

Mr. Packett asked will the installation of the fence and the installation of the vegetation around for the buffer be put out on bid locally or will be it be done within Hemings Solar. Mr. Gordon mentioned Hemings typically tries to use local workforce especially when trying to find native species to the coastal plain area as well as vegetated maintenance, landscaping they typically hire locally.

Mr. Cox noted item 33 states if there is a catastrophic event that disrupts the operation it would be a two-year period to restore the project to operational or the project shall be deemed abandoned. Mr. Cox stated two years seems like a long time to make repairs. Ms. Giles commented this statement came from the

language on their end from previous projects they have had conversations about and the thinking is if there is a catastrophic event sometimes those changes triggers things that are outside of the Counties control and the Companies control, so the window was set purposely high to allow for that. Ms. Giles noted it could potentially in that context require a determination where the company decides they may not put this project back online which would then trigger the decommissioning and sometimes that decision could take three to six months. Ms. Giles also noted if and when that determination is made to trigger decommissioning that's a big shift over to the decommissioning round.

Mr. Cox asked Hemings if they would be comfortable changing it to a one year with the County having the option to extend. Mr. Fidler noted other projects have been accepted in the past with the two years. Mr. Gordon commented Hemings would be willing to do 18 months.

Mr. Fidler commended Hemmings on addressing a lot of the issues. Mr. Fidler noted on bullet 37 page 13 concerning the decommissioning and the amount of surety required shall be 100% of the estimated decommissioning costs estimated at each Surety Review Date, less the scrap or repurposing value of the solar facility, and asked what the value or repurposing value is. Mr. Fidler noted if all goes well this would be transferred over and surety is not an issue, and would like to see that last part taken out. Ms. Giles stated that is required under the Code of Virginia.

The Commissioners gave consensus to review the new information and come back at next month's meeting for discussion with a possible plan to vote.

OTHER BUSINESS

Mrs. Mothershead noted there may be a rezoning coming up for next month and will share more details when they come to her.

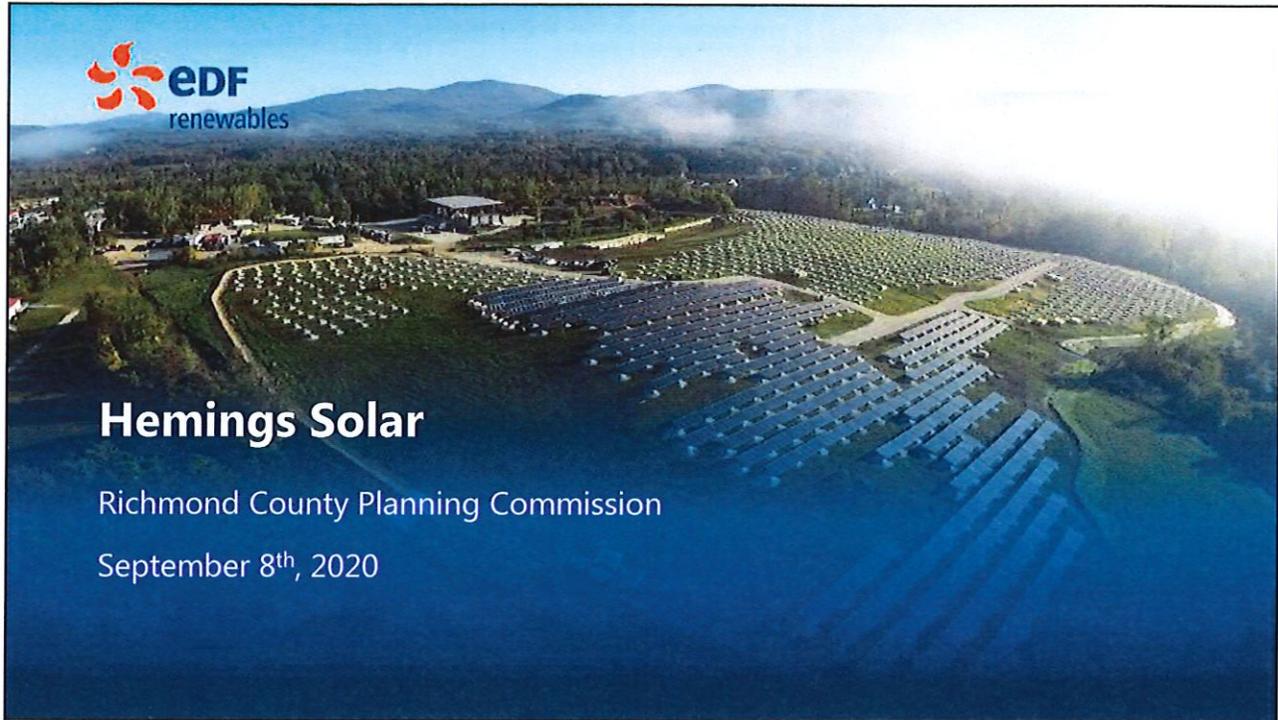
Mr. Quicke asked for a clarification on the two years previously discussed in regards to if a catastrophic event occurs and the repair.

Chairman Bowen asked the Commissioners if they wanted to be consistent with other projects or lower it to 18 months. Mr. Fidler noted if Hemings would be willing to change it to 18 months he thinks it would show good faith. Mrs. Mothershead asked if they wanted the means to be able to extend that past 18 months or just keep the flat 18 months, so the language can be consistent. The Commissioners agreed on 18 months with a 6-month extension.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,
Liz Hylan



Project Overview

Hemings Solar Partners, LLC

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

2201 Richmond Road

Tappahannock

Warsaw

EDF
renewables

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Project Update

EDF renewables

Updates since Planning Commission meeting on Aug 10

- Continued to engage Project's neighbors, including discussions with Rappahannock River Valley National Wildlife Refuge & Rappahannock Wildlife Refuge Friends
- Revised conditions for Special Exception Permit based on discussions with County staff and the Refuge
- Updated project site plan to incorporate additional conditions agreed to with County staff and the Refuge
- Provided additional information as requested by the Commission, including memorandum on equipment materials and manufacturing locations

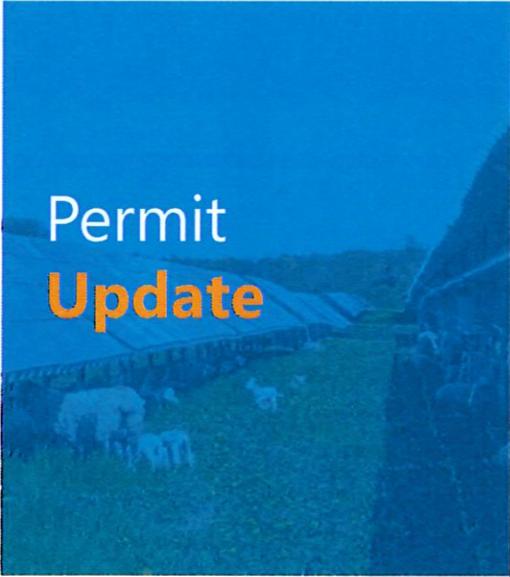
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Project and County staff have agreed on 41 permit conditions

- Reimbursement of County expenses
- Extensive vegetative screening
- Surety bond to cover decommissioning costs
- Setbacks from property boundary that meet or exceed County's ordinance
- Project will not include battery storage; will not use CdTe panels or other prohibited materials

Updates to Conditions

- Added soil sampling program
- Eliminated 36-inch limit on equipment removal depth during decommissioning
- Clarified project will replace plantings if vegetative screening dies during operating period

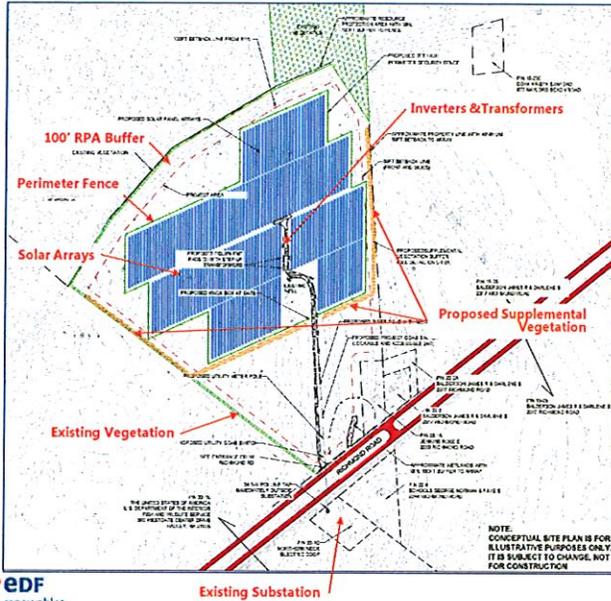


Permit Update

EDF renewables

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Project Updates - Conceptual Site Plan



Site Design Modifications

- Extended vegetative screening along southern and eastern project boundary, per County request
- Added vegetative screening to western boundary, per National Wildlife Refuge request
- Clarified will use native trees & shrubs

Previous Design Considerations

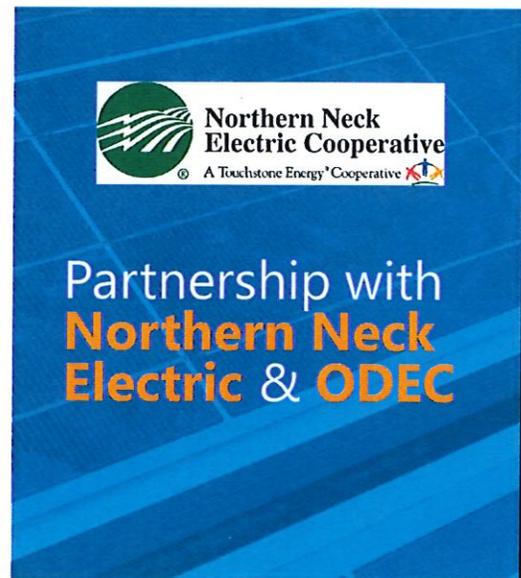
- Project located on back half of parcel
- Meets or exceeds required setbacks; 500+ ft setback from Richmond Road
- Removed battery storage from project design
- Use of agricultural fence instead of chain link to maintain rural character of surrounding area
- Equipment height capped at 15-feet or less

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Benefits of Solar Energy Projects

- 100% of electricity output will go to homes and businesses in Richmond County and surrounding area
- 1st cooperative-dedicated renewable energy generation located in NNEC's service territory
- Locally generated solar power
 - 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
 - Connects to existing cooperative infrastructure; does not require construction of a new substation or costly transmission system upgrades
 - Diversifies cooperative's generation mix; reduces exposure to coal and gas price volatility
 - Creates jobs during construction; provides valuable renewables experience to local workforce



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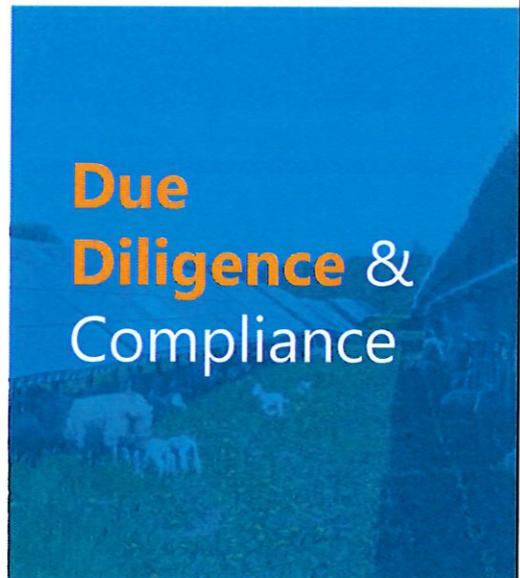


Site Investigation and Due Diligence

- 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

- In harmony with County's Comprehensive Plan; meets or exceeds County Solar Ordinance requirements
- <1 acre of impervious surface proposed; rain passes through gaps between panels & spaces between arrays to infiltrate into ground surface (no affect on groundwater recharge)
- 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
- Natural drainage patterns maintained due to limited grading required; driven posts allow for conforming with existing topography
- Project will obtain all required local, state, and federal permits



Project Equipment



1
Racking Mounted on Support Posts



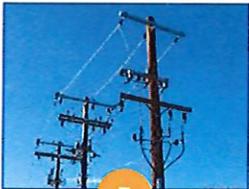
2
Panels Installed on Racking



3
Inverter / Transformer Skid



4
Fencing



5
Interconnection Equipment



6
Weather Station



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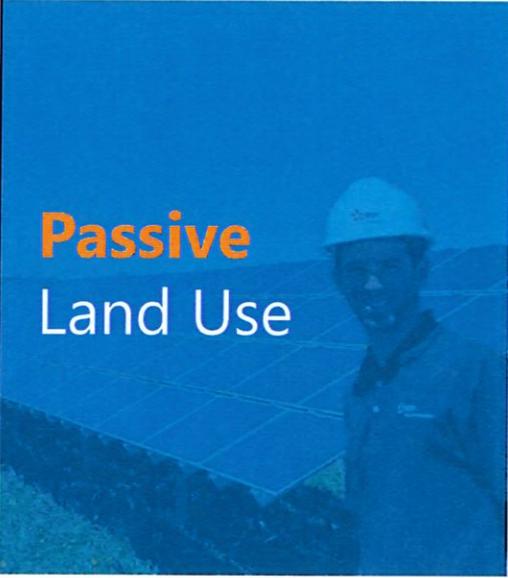
Is the Project safe? Will it affect my health?

- Solar modules are safe and do not pose a health or safety risk; are typically comprised of silicon (similar to computer chips), copper, and aluminum encapsulated in plastic and protected under tempered glass 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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Passive

Land Use

How will the Project affect the community?

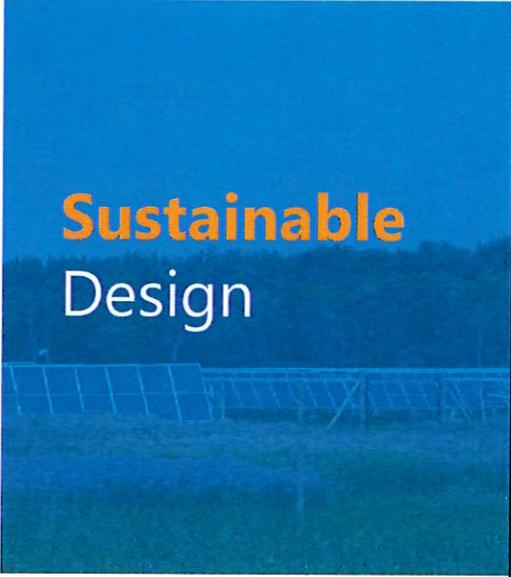
- Project offers low visual profile and quiet operations that preserve the rural, open-space character of the area
- Solar is a passive land use and a less intense use than farming; does not use fertilizers or pesticides, and does not involve land disturbance after construction
- Operation of the facility 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



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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

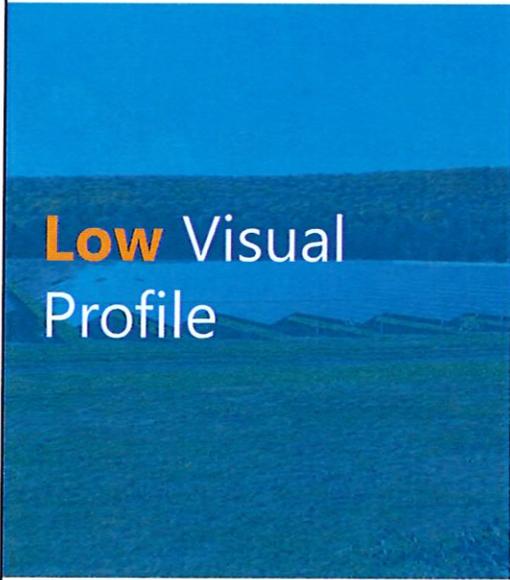


Sustainable

Design



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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

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

