A G E N D A
ISLE OF WIGHT COUNTY PLANNING COMMISSION
January 24, 2023

1. CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

2. ROLL CALL/DETERMINATION OF A QUORUM

BRIAN CARROLL, CHAIRMAN
BOBBY BOWSER, VICE-CHAIRMAN
CYNTHIA TAYLOR
JAMES FORD
JENNIFER S. BOYKIN
GEORGE RAWLS
THOMAS J. DISTEFANO
RICK SIENKIEWICZ
RAYNARD GIBBS
MATTHEW SMITH

A. ELECTION OF CHAIRMAN FOR 2023

B. ELECTION OF VICE-CHAIRMAN FOR 2023

C. APPOINTMENT OF SECRETARY FOR 2023

E. ADOPTION OF 2023 PLANNING COMMISSION SCHEDULE

E. ADOPTION OF 2023 PLANNING COMMISSION INVOCATION SCHEDULE

3. ACTION ON REQUESTS TO WITHDRAW OR TABLE PENDING AGENDA ITEMS

4. APPROVAL OF AGENDA

A. NOVEMBER 22, 2022 PLANNING COMMISSION REGULAR MEETING MINUTES

B. DECEMBER 8, 2022 BOARD OF SUPERVISORS' WORK SESSION/REGULAR MEETING ACTION LIST

C. DECEMBER 13, 2022 PLANNING COMMISSION WORK SESSION MINUTES

5. CITIZENS' COMMENTS

6. PUBLIC HEARINGS

A. ZA-6-22 EDWARDS RESIDENTIAL REZONING

Application ZA-6-22 of Dana Louise Edwards, George W. Edwards, and Jeanette J.

Edwards, owners, for a change in zoning classification of one (1) acre from Rural Agricultural Conservation (RAC) to Rural Residential (RR). The application also includes a request to withdraw the one acre of property from the Moonlight Agricultural/Forestal District. The purpose of the application is to create one lot for single family residential use.

B. CUP-08-22 Babb Contractor Office and Storage

Application CUP-8-22 of John Babb, applicant, and the Alyne C. Buchanan Estate, property owner, for a conditional use permit (CUP) to establish a contractor office and storage facility on property located at 14232 Benns Church Boulevard with tax map parcel 32-01-064

C. CUP-07-21 Bay Sand Borrow Pit Operation Expansion

The application CUP-7-21 of Bay Sand Company, Inc., applicant, and Everets Properties, Inc., Charles H. Rose, Lynn K. Rose, and Estate of EE Holloway, Jr., property owners, for a conditional use permit to allow resource extraction at multiple existing and new borrow pits on portions of properties with tax map numbers 32-01-080, 33-01-034, 41-01-053, 42-01-005, 41-01-074, 41-01-046, 41-01-056, and 41-01-057 for a total of approximately 125 acres. The property is located on Muddy Cross Road and is zoned Rural Agricultural Conservation. The application includes a request to withdraw portions of the properties for a total of 129.8 acres from the Longview Agricultural/Forestal District.

7. OLD BUSINESS

A. Solar Energy Facility Ordinance Change Discussion

Solar Energy Facility Discussion on Draft Ordinance Changes

8. NEW BUSINESS

A. MISC-11-22 Stone Subdivision Ordinance Waiver Request

The application (MISC-11-22) of LaJeune Stone, property owner, for a waiver to Section 3.2.4.A.4 and Section 5.9.1.C of the Subdivision Ordinance to allow a family member subdivision from tax map parcel 06-01-053 on a private right-of-way not built to public standards which serves more than two lots

B. EXC-4-22 Langley Federal Credit Union NDSO Sidewalk Width Exception Request

The application of Glenn Development, applicant, and JRC APB, LLC, property owner, for an exception to section 6-2009.L.1 of the Newport Development Service Overlay (NDSO) regulations. The purpose of the application is to allow for an exception to the NDSO requirement that sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas.

C. EDWARDS SUBDIVISION ORDINANCE WAIVER REQUEST

Application MISC-1-23 of Dana Louise Edwards, George W. Edwards, and Jeanette J. Edwards, property owners for a waiver from Section 5.11.1 of the Subdivision Ordinance regarding lot design and configuration

D. COUNTY ATTORNEY'S REPORT

E. PLANNING DIRECTOR'S REPORT

9. CLOSED MEETING

10. ADJOURNMENT

PLANNING REPORT

APPLICATION:

A. ELECTION OF CHAIRMAN FOR 2023

PLANNING REPORT

APPLICATION:

B. ELECTION OF VICE-CHAIRMAN FOR 2023

PLANNING REPORT

APPLICATION:

C. APPOINTMENT OF SECRETARY FOR 2023

PLANNING REPORT

APPLICATION:

E. ADOPTION OF 2023 PLANNING COMMISSION SCHEDULE

ATTACHMENTS:

Description	Type	Upload Date
DRAFT 2023 PLANNING COMMISSION SCHEDULE	Cover Memo	1/18/2023

DRAFT ISLE OF WIGHT COUNTY
PLANNING COMMISSION
2023 MEETING SCHEDULE

Tuesday, January 24th	6:00pm	Regular Meeting
Tuesday, February 28th	6:00pm	Regular Meeting
Tuesday, March 28th	6:00pm	Regular Meeting
Tuesday, April 25th	6:00pm	Regular Meeting
Tuesday, May 23rd	6:00pm	Regular Meeting
Tuesday, June 27th	6:00pm	Regular Meeting
Tuesday, July 25th	6:00pm	Regular Meeting
Tuesday, August 22nd	6:00pm	Regular Meeting
Tuesday, September 26th	6:00pm	Regular Meeting
Tuesday, October 24th	6:00pm	Regular Meeting
Tuesday, November 28th	6:00pm	Regular Meeting
Tuesday, December 12th	6:00pm	Regular Meeting
Tuesday, January 22nd, 2024	6:00pm	Regular Meeting

WORK SESSIONS

Work Sessions will be held on an as-needed basis on the 2nd Tuesday of the month at 6:00 p.m.

PLANNING REPORT

APPLICATION:

E. ADOPTION OF 2023 PLANNING COMMISSION INVOCATION SCHEDULE

ATTACHMENTS:

Description	Type	Upload Date
DRAFT 2023 INVOCATION SCHEDULE	Cover Memo	1/18/2023

DRAFT 2023 PLANNING COMMISSION MEETING INVOCATION SCHEDULE

January 10th	Work Session	Jennifer Boykin	District 5
January 24th	Regular Meeting	Brian Carrol	District 5
February 14th	Work Session	George Rawls	District 4
February 28th	Regular Meeting	Bobby Bowser	District 3
March 14th	Work Session	Thomas Distefano	District 2
March 28th	Regular Meeting	Cynthia Taylor	District 2
April 11th	Work Session	Rick Sienkiewicz	District 4
April 25th	Regular Meeting	James Ford	District 3
May 9th	Work Session	Raynard Gibbs	District 1
May 23rd	Regular Meeting	Jennifer Boykin	District 5
June 13th	Work Session	Matthew Smith	District 1
June 27th	Regular Meeting	George Rawls	District 4
July 11th	Work Session	Brian Carroll	District 5
July 25th	Regular Meeting	Thomas Distefano	District 2
August 8th	Work Session	Bobby Bowser	District 3
August 22nd	Regular Meeting	Rick Sienkiewicz	District 4
September 12th	Work Session	Cynthia Taylor	District 2
September 26th	Regular Meeting	Raynard Gibbs	District 1
October 10th	Work Session	James Ford	District 3
October 24th	Regular Meeting	Matthew Smith	District 1
November 14th	Work Session	Jennifer Boykin	District 5
November 28th	Regular Meeting	Brian Carroll	District 5
December 12th	Regular Meeting	Bobby Bowser	District 3
January 9th, 2024	Work Session	Thomas Distefano	District 2
January 23rd, 2024	Regular Meeting	Cynthia Taylor	District 2

PLANNING REPORT

ATTACHMENTS:

Description	Type	Upload Date
NOVEMBER 22, 2022 PLANNING COMMISSION REGULAR MEETING MINUTES	Cover Memo	1/18/2023

MINUTES OF THE MEETING OF THE ISLE OF WIGHT COUNTY PLANNING COMMISSION HELD ON THE TWENTY-SECOND DAY OF NOVEMBER IN THE YEAR TWO THOUSAND AND TWENTY-TWO

CALL TO ORDER

Brian Carroll, Chairman, called the Isle of Wight County Planning Commission meeting to order at 6:00 PM on November 22, 2022, in the Board of Supervisors Room at the Isle of Wight County Courthouse, Isle of Wight, Virginia.

INVOCATION

Bobby Bowser delivered the invocation.

PLEDGE OF ALLEGIANCE

Chairman Carroll invited everyone present to join in the Pledge of Allegiance.

ROLL CALL/DETERMINATION OF A QUORUM

PRESENT
Brian Carroll, Chairman
Bobby Bowser, Vice-Chairman
Cynthia Taylor
James Ford
Jennifer Boykin
Thomas Distefano
Rick Sienkiewicz
Matthew Smith

A quorum was determined.

ABSENT
George Rawls
Raynard Gibbs

ALSO IN ATTENDANCE
Robert W. Jones, Jr., County Attorney
Don Robertson, Assistant County Administrator
Amy Ring, Community Development Director
Jeryl Phillips, Assistant Director, Planning and Zoning
Caleb Kitchen, Planner I

Amanda Landrus, Secretary

ACTION ON REQUESTS TO WITHDRAW OR TABLE PENDING AGENDA ITEMS

Chairman Carroll asked if there were any requests to table or withdrawal agenda items. Amy Ring, Community Development Director, stated there were no requests.

APPROVAL OF AGENDA

Chairman Carroll called for a vote to approve the agenda. Commissioner Bowser made a motion to approve the agenda. Commissioner Boykin seconded the motion. Chairman Carroll asked for all in favor to signify by saying aye. The motion passed unanimously.

APPROVAL OF CONSENT AGENDA

Chairman Carroll called for a vote to approve the consent agenda. Commissioner Bowser made a motion to approve the consent agenda. Commissioner Taylor seconded the motion. Chairman Carroll asked for all in favor to signify by saying aye. The motion passed unanimously.

CITIZENS' COMMENTS

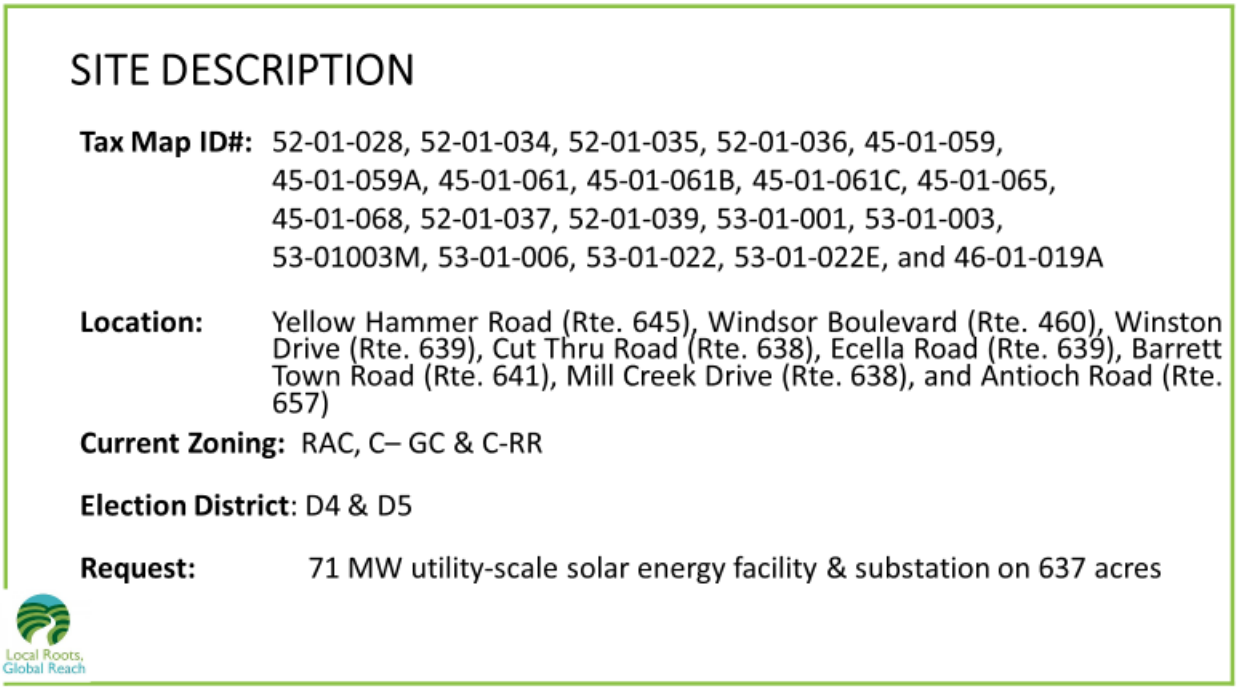
There being no citizens comments, Chairman Carroll closed Citizens' Comments.

PUBLIC HEARINGS

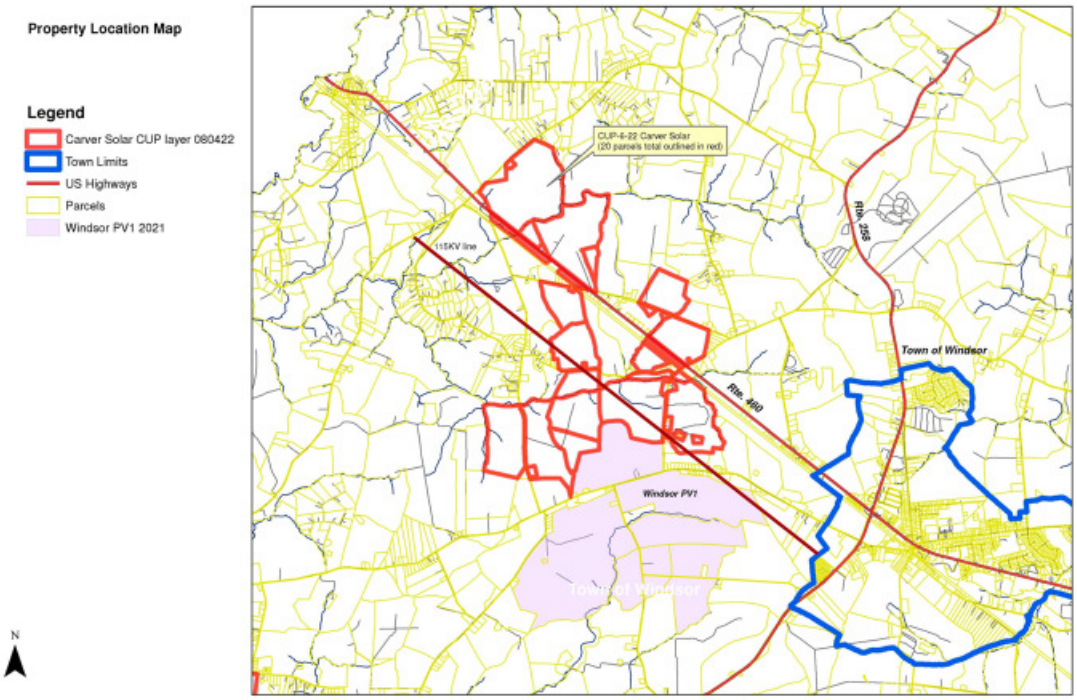
Chairman Carroll called for the public hearing for the following application:

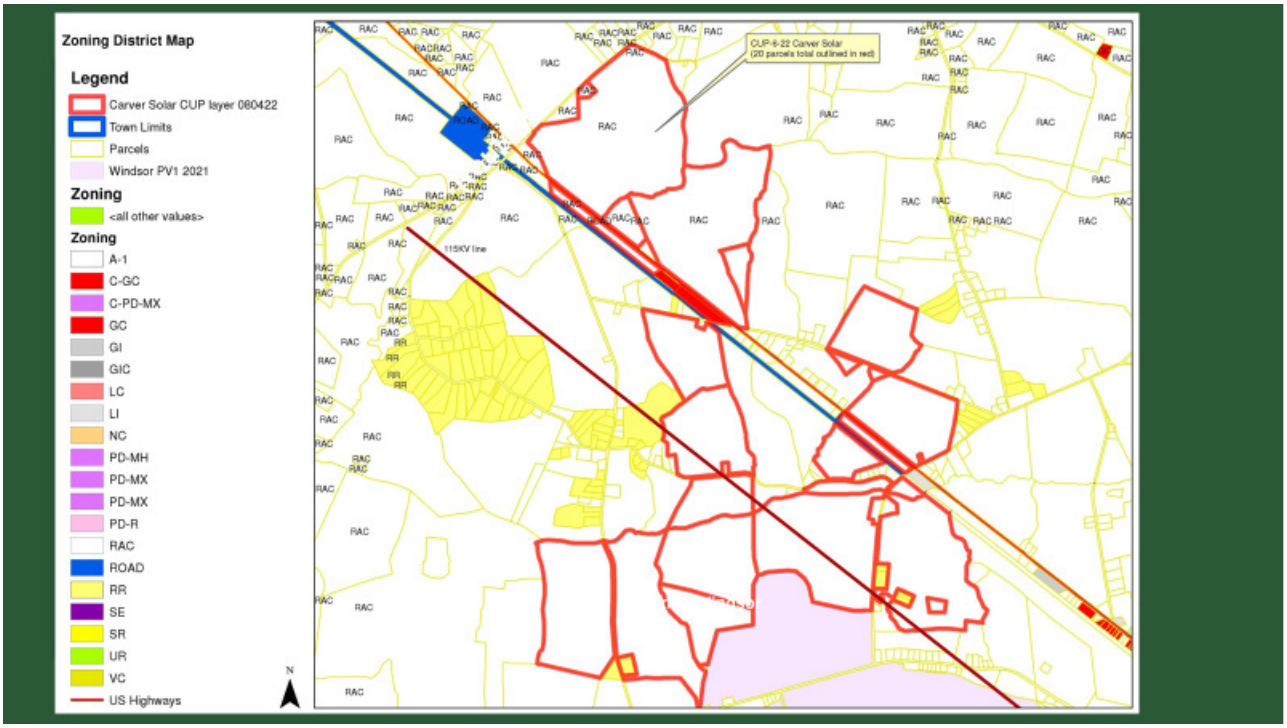
> The Application of Carver Solar I, LLC (CUP-06-22), applicant, and Carter R. Clements, Joyce G. Clements, Travis W. Williams, Lewis Clarence Lee Trust (Clarence Lee Lewis, Trustee), Joshua Pretlow, Jr., Garrison Farm Solar LLC, Delman Lew Carr Trust (Delman Lew Carr, Trustee), Chester G. Carr Trust (Glenn and Susan S. Carr, Trustees), Helene Johnson Hobbs, Joest Properties, LLC, Scott L. Thomason, Carla A. Thomason, James K. Edwards, Marsha F. Edwards, Cobb Land Limited Partnership, Troy L. Robinson, and Margaret F. Robinson, property owners, for a conditional use permit to establish a major utility service, specifically a 71 MW utility-scale solar energy facility and substation, on 637 acres located on Yellow Hammer Road (Rte. 645), Windsor Boulevard (Rte. 460), Winston Drive (Rte. 639), Cut Thru Road (Rte. 638), Ecella Road (Rte. 639), Barrett Town Road (Rte. 641), Mill Creek Drive (Rte. 638), and Antioch Road (Rte. 657) with tax parcel numbers 52-01-028, 52-01-034, 52-01-035, 52-01-036, 45-01-059, 45-01-059A, 45-01-061, 45-01-061B, 45-01-061C, 45-01-065, 45-01-068, 52-01-037, 52-01-039, 53-01-001, 53-01-003, 53-01-003M, 53-01-006, 53-01-022, 53-01-022E, and 46-01-019A in the Rural Agricultural Conservation, Conditional-General Commercial, and Rural Residential zoning districts. The current uses of the properties are agricultural and silvicultural uses.

Amy Ring, Community Development Director, gave the following presentation.



Legend
Carver Solar CUP layer 080422
Town Limits
Parcels
Windsor PV1 2021
US Highways
Land Use Designations
LAND_USE
BE
CD
CI
MU
PI
RAC
RC
Rail
Road
SE
SR
Town
UR
VC
115KV line
Town of Windsor
N


Property Location Map
Legend
Carver Solar CUP layer 080422
Town Limits
US Highways
Parcels
Windsor PV1 2021
CUP-6-22 Carver Solar
(20 parcels total outlined in red)
115KV line
Rte. 258
Town of Windsor
Rte. 460
Windsor PV1
N



BACKGROUND

- Currently in agricultural, silvicultural, and residential uses.
- Board of Supervisors changed the zoning for tax map number 45-01-061 to C-GC in 1998 to allow a number of commercial uses such as building material, garden supply, and equipment sales and service, welding shops, dry cleaning plants, and other low-volume traffic businesses.
  - Conditional zoning was amended in 2009 to allow the outdoor display of storage sheds and other goods.
  - Only portion of project to be located on this property is an underground conduit measuring 1-2 inches in diameter buried three feet underground.
- Board of Supervisors changed the zoning for a 4.09 acre portion of tax map number 52-01-039 to C-RR in 2011 for a single family residential lot.
  - Lot has not yet been subdivided from the parent tract. No portion of the solar energy generation facility is proposed for this portion of the property.

Local Roots, Global Reach

PROJECT DESCRIPTION

- 71 MW solar energy generation facility on a total of 637 acres that spans across twenty different parcels
- Any acreage of the properties not within the project area will remain in their current uses
- Project will consist of solar panels along with their racking systems and metal posts, inverters, collection lines, a substation, fencing, underground conduits lines, and access roads that will connect different sections of the projects
- No new upgrades are proposed to the existing transmission lines or substation

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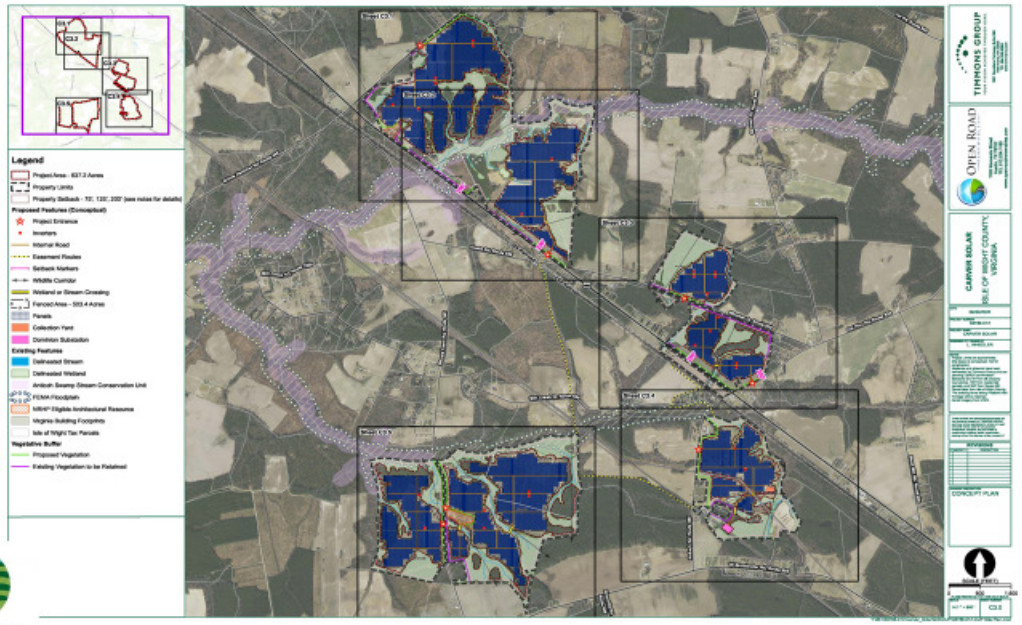

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CRITERIA FOR CUP CONSIDERATION (Section 1-1017)

1. Will not be detrimental to or endanger the public health, safety, and general welfare;
2. Will not be injurious to the use and enjoyment of other nearby property nor substantially impair the use of other property within the immediate proximity;
3. Adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements will be provided;
4. Adequate measures will be taken for ingress and egress/traffic control;
5. Not contrary to the goals and objectives of the Comprehensive Plan;
6. Will conform to ordinance regulations; and
7. Will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.

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ADDITIONAL CONSIDERATIONS FOR BOARD

1. Number of persons working on the site & proposed hours of operation;
2. Conditions, for roads, sidewalks, parking facilities, vehicle access, and peak periods of traffic,
3. Orderly growth of the community and the fiscal impact on the County;
4. Effect of odors, dust, gas, smoke, fumes, vibration, glare, and noise;
5. Impacts to public facilities and the ability of the County or persons to supply public services;
6. Consistency with acceptable engineering and planning practices;
7. Location of structures in the vicinity of schools, houses of worship, theaters, hospitals, and similar places of public use;
8. Consistency of the proposal with County ordinances and plans;
9. Environmental impacts and opportunities for recreation and open space; and
10. Preservation of cultural and historic resource landmarks.

Local Roots, Global Reach

STAFF ANALYSIS – PUBLIC FACILITIES

1. Impacts on public roads will occur primarily during construction- neighboring properties may be temporarily impacted by construction traffic and noise generation.
2. Applicant has provided a proposed construction traffic route which has been reviewed and approved by the Virginia Department of Transportation.
3. The applicant states that most of the deliveries will be coming from the east along Route 460 in order to take advantage of the ports.
4. To ensure adequate provision of emergency services, staff recommends the applicant submit an Emergency Response Plan at the time of site development plan application for review and approval by the County, which shall detail fire suppression methods to include a training program and installation of a Knox Box or other remote access technology at the facility

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STAFF ANALYSIS – ENVIRONMENTAL RESOURCES

1. Lies within the Blackwater River watershed area
2. Wetland areas have been confirmed by the US Army Corps of Engineers.
3. A portion of the property lies within the Antioch Swamp Stream Conservation Unit (SCU). The Department of Conservation and Recreation's Division of Natural Heritage ranks this SCU as a site with very high significance and includes species of concern.
4. Little to no impacts are proposed to wetlands, streams or floodplain except for several access road crossings.
5. Concept plan shows the stream corridors remaining open which may serve as wildlife corridors. Staff recommends fencing be placed around the facilities only and not the whole site.

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STAFF ANALYSIS – HISTORICAL RESOURCES

1. Phase I archeological study – identified 14 archeological sites – 3 of these sites are considered eligible for listing in the National Register for Historic Places (NRHP)
2. Applicant states that they plan to excavate and donate artifacts during the Permit by Rule (PBR) process with the Virginia Department of Historic Resources (VDHR) and Department of Environmental Quality (DEQ)
3. Phase I Architectural Study – identified 82 architectural resources greater than 50 years of age (constructed in 1972 or earlier) in survey area – 4 are NRHP eligible
4. Staff recommends that all solar arrays, inverters, substations and all other associated structures should be subject to a minimum 200 foot setback from these structures in addition to an enhanced landscaping buffer to minimize visual impacts to these resources

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STAFF ANALYSIS – ECONOMIC IMPACT

1. IMPLAN model shows current use generates 3 jobs, $58,400 in labor income, and $236,600 in economic output in addition to $6,573 in real estate taxes per year. Agricultural operations are exempt from machinery and tools tax.
2. In contrast, solar facility would generate two jobs, $68,900 in labor income, and $210,600 in economic output per year. This is in addition to $75,990 in real estate taxes per year and an average of $76,236 in machinery and tools tax revenue.
3. Project would be the 7th solar energy generation facility and represents a subtraction of approximately 0.8 percent of the County's cultivated land (USDA-NASS, 2017)
4. Would represent almost 1% of the collective 3% of cultivated land encompassed by all seven solar energy projects

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STAFF ANALYSIS – VIEWSHED IMPACT

1. To minimize the visual impacts to historic, civic and residential properties, staff recommends that all solar arrays, inverters, substations and all other associated structures should be subject to a minimum 200 foot setback from these structures in addition to an enhanced landscaping buffer of triple-stacked evergreen and deciduous species meeting the minimum specifications of the landscaping ordinance
2. Should have varying heights at maturity, with trees to be planted to no more than 10 feet on center.
3. Staff recommends fencing along the right of way and adjacent to residential, historic, and civic properties be an agricultural style fence as approved by the Zoning Administrator at site plan approval.

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VIEW D

BUFFER ZONE LANDSCAPING: *ABUTTING RESIDENTIAL PARCELS*

EXISTING

AT PLANTING

AT MATURITY (10+ YEARS)

ANTIOCH RD.

BUFFER ZONE LANDSCAPING: *ABUTTING RESIDENTIAL PARCELS*

EXISTING

AT PLANTING

AT MATURITY (10+ YEARS)

YELLOW HAMMER RD.

BUFFER ZONE LANDSCAPING: *ABUTTING RESIDENTIAL PARCELS*

EXISTING

AT PLANTING

AT MATURITY (10+ YEARS)

CARVER SOLAR FACILITY

LANDSCAPE BUFFER VISUALIZATION – BEFORE AND AFTER BUFFER INSTALLATION

TIMMONS GROUP

VIEW A
FRONTAGE ZONE LANDSCAPING

EXISTING

AT PLANTING

AT MATURITY (10+ YEARS)

WINDSOR BLVD. VIEWS B AND C

NO LANDSCAPING PANELS NOT VISIBLE

EXISTING VIEW A

EXISTING VIEW B

WINDSOR BLVD. VIEW D

FRONTAGE ZONE LANDSCAPING

EXISTING

AT PLANTING

AT MATURITY (10+ YEARS)

CARVER SOLAR FACILITY

LANDSCAPE BUFFER VISUALIZATION – BEFORE AND AFTER BUFFER INSTALLATION

TIMMONS GROUP

VIEW E

FRONTAGE ZONE LANDSCAPING

EXISTING

AT PLANTING

AT MATURITY (10+ YEARS)

WINSTON DR.

BUFFER ZONE LANDSCAPING: *ABUTTING RESIDENTIAL PARCELS*

EXISTING

AT PLANTING

AT MATURITY (10+ YEARS)

CUT THRU RD.

BUFFER ZONE LANDSCAPING: *ABUTTING RESIDENTIAL PARCELS*

EXISTING

AT PLANTING

AT MATURITY (10+ YEARS)

CARVER SOLAR FACILITY

LANDSCAPE BUFFER VISUALIZATION – BEFORE AND AFTER BUFFER INSTALLATION

TIMMONS GROUP

COMPREHENSIVE PLAN CONSISTENCY

- Future recommended land use designation for these properties is Rural Agricultural Conservation (RAC) and Resource Conservation (RC) under the adopted Comprehensive Plan.
- Appropriate uses for the RAC land use designation include agriculture, horticulture, forest lands, and scattered low-density residential uses. Other uses such as resource extraction and utility-scale solar facilities are also permitted when appropriately sited. Appropriate uses for the RC land use designation include wetlands, farms, forest uses, open space, and limited park facilities.
- Solar energy facilities are considered compatible with the RAC land use when properly sited and with the application of appropriate development criteria. The areas designated as RC should be preserved due to environmental constraints unless site-specific analysis demonstrates there are no environmental concerns in a specific area.

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DEPARTMENT AND AGENCY REVIEW

Staff distributed the application to the following departments for review and comment.

- Economic Development: No concerns.
- Emergency Services: The recommended condition for submission of a fire response plan and annual training addresses concerns.
- Utility Services: Site plan will have to meet stormwater requirements.
- Isle of Wight County Museum: No concerns with the application, provided that the conclusions and recommendations outlined in the Phase 1 reports are followed.
- Virginia Department of Historic Resources (VDHR): Please see attached review comment letter.
- Virginia Department of Transportation (VDOT): No concerns.

Please note that, should the conditional use permit be approved, the project will be subject to site plan review and approval from all necessary agencies.

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STAFF ANALYSIS

Strengths:

1. Application is generally consistent with the Comprehensive Plan & can meet all ordinance requirements.
2. Proposed use will have minimal impact on community facilities and resources with the conditions presented.
3. Enhanced setbacks from Route 460 have been proposed by the applicant.

Weaknesses:

1. Proposed use would remove agricultural land from production.
2. Temporary impact to residential development in the area from construction traffic and noise is expected during the construction phase.
3. Project will create visual impacts to historical properties and the highway corridor overlay district which can be substantially mitigated with the attached conditions.

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STAFF RECOMMENDATION

Based on the strengths of the application, staff recommends approval of conditional zoning request with the following conditions:

1. The portion of the subject property supporting solar panels shall be enclosed by security fencing of a type that is harmonious with the rural, agricultural, and historical character of the County while meeting federal and state regulations for solar electric generating facility fencing as determined by the Zoning Administrator adjacent to all public rights-of-way, residential property, properties eligible for listing on the National Register of Historic Places, and civic uses prior to final site plan approval.
2. Fencing shall be placed around the solar arrays, inverters, and substation only and not the whole site in order to provide wildlife corridors.
3. In order to minimize the visual impacts to historic, civic and residential properties, staff recommends that all solar arrays, inverters, substations and other associated structures be subject to a minimum 200 foot setback from these structures if part of the project and 200 feet from the property line of these properties if outside the project.

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STAFF RECOMMENDED CONDITIONS (4-7)

4. The enhanced landscape buffer plan proposed on the concept plan exhibit is conceptual only at this time. The landscape buffer design and required plantings will be reviewed in detail for approval during site plan review and, at minimum, must include a triple row of staggered evergreen and deciduous species meeting the minimum specifications of the landscaping ordinance and of varying heights at maturity where existing vegetation is not being retained. Trees shall be planted no more than ten (10) feet on center.
5. The applicant shall permanently preserve and maintain existing and newly installed buffer landscaping and shall not clear or cut live trees within required setbacks or buffer zones except as necessary to avoid shading of solar panels as approved by the Zoning Administrator.
6. Excluding the bufferyards described above, the ground between the panels and in areas not otherwise covered by gravel or infrastructure shall be planted and maintained with a vegetative cover. This vegetative cover will be managed with mowing and/or grazing.
7. The applicant shall meet any additional delineation and buffer requirements specified by the Virginia Department of Historic Resources prior to receiving final site plan approval.

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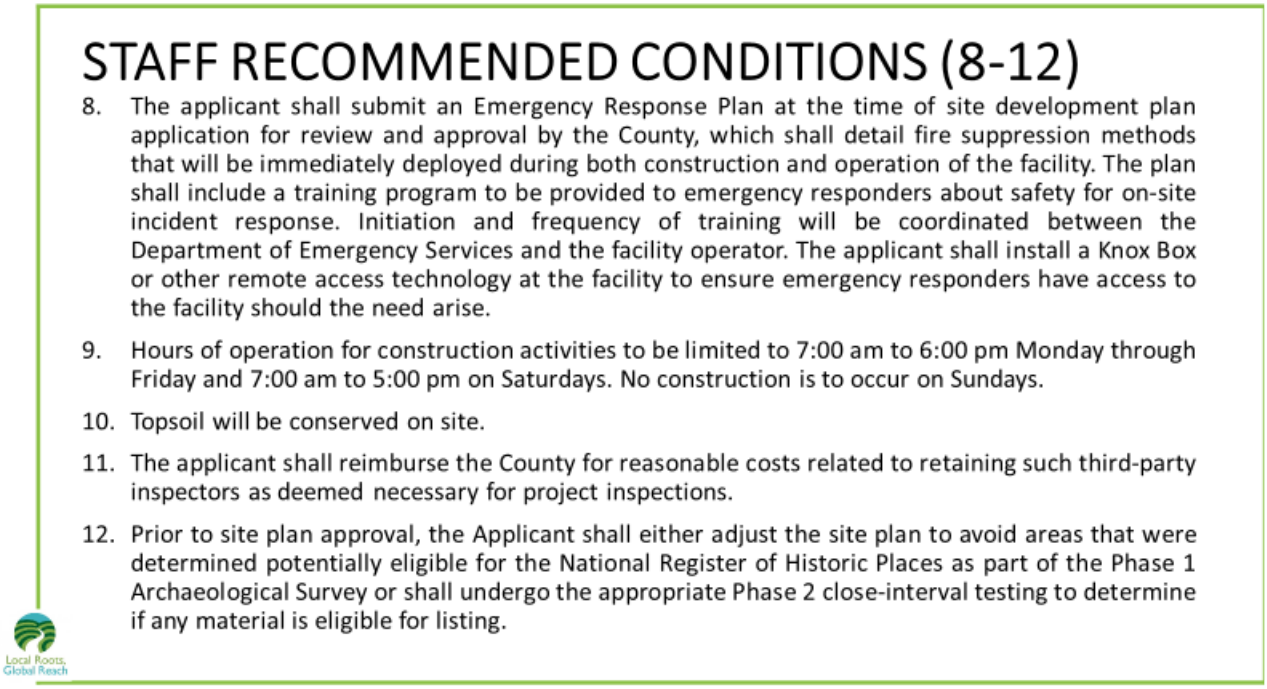
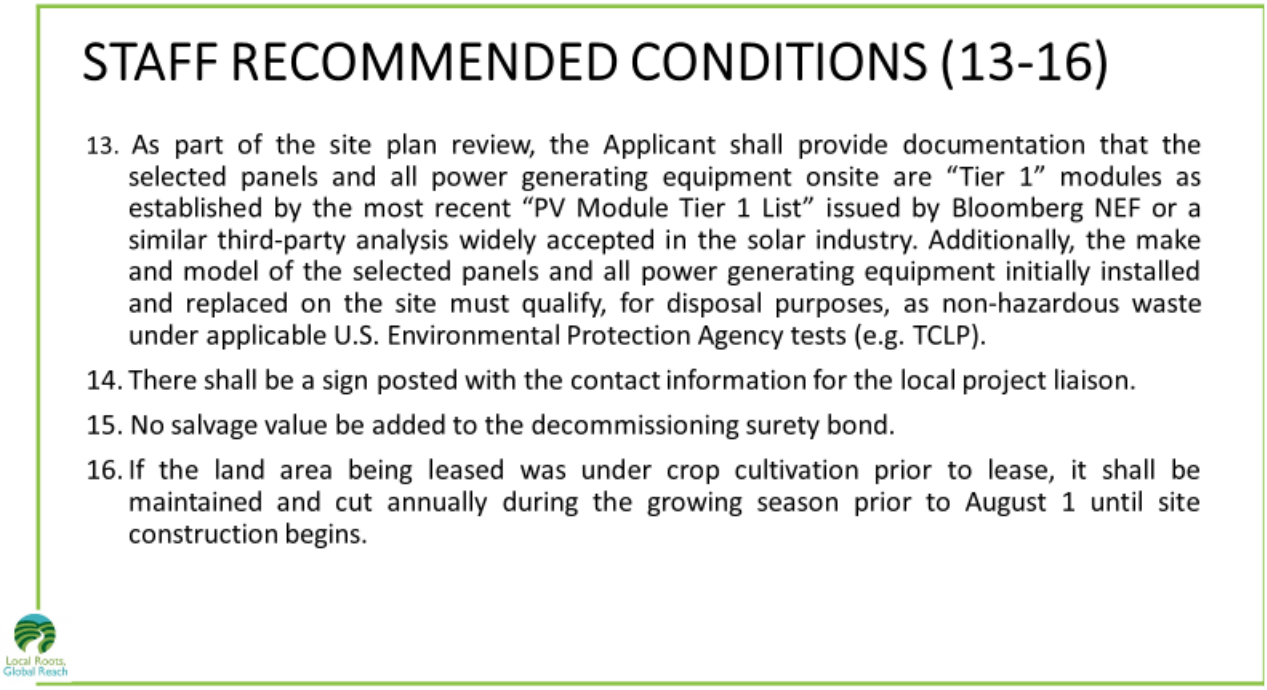




Chairman Carroll invited the applicant to speak.

Ryan Gilchrest, applicant representative, gave the following presentation:

Carver Solar Presentation
Planning Commission Public Hearing

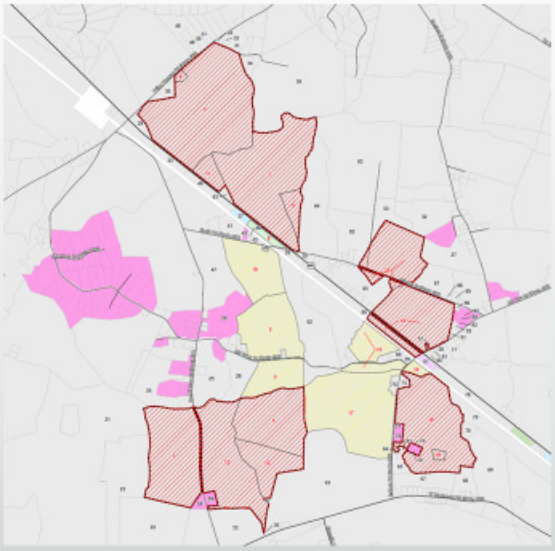
November 22, 2022

Why this Location?

- Selected in early 2018 based on the transmission system carrying capacity, landowner interest, and construction-related site attributes
  - Existing VEPCO transmission line running through the project
  - Scarce capacity (or headroom) to accept new power on the existing VEPCO line
  - Entire project within approximately 1 ½ miles of the transmission line
  - Limited topography and suitable soils for solar array construction
  - Previously disturbed land minimizes impacts to wildlife habitat
  - Waterway avoidance

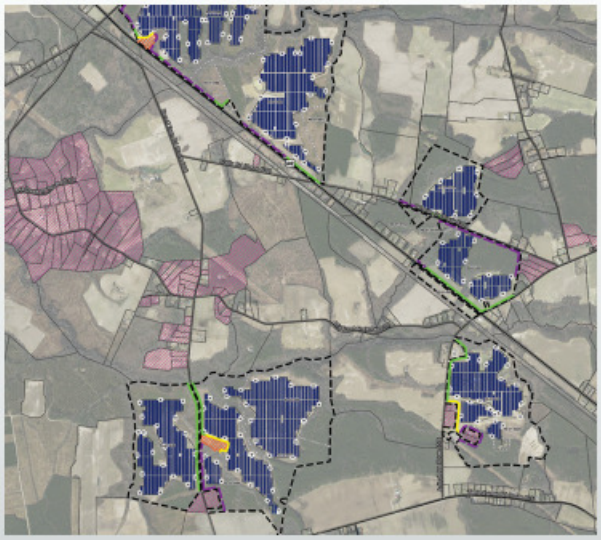
Carver Solar Project Basics

- 71MW solar electric generation facility
- Point of Interconnection: existing transmission line (no upgrades to the line)
- Series of separately-fenced fields of ground-mounted solar panels connected by buried cables
- 20 parcels owned by 13 different families
- Mix of:
  - easement parcels: underground medium voltage cables (no viewshed impact)
  - paneled parcels: max 12' high panels at full tilt, conforming to the slope of the land (minimal grading)



Low Impact and Passive Use of Land

- Project area: 637 acres
- Fenced area: 503 acres
  - 0.6% of farmland acreage in the County[1]
  - Within fences of solar fields, approx. 1/3rd will be "under panel" when flat (noon)
- Ag style fencing (no barbed wire) in harmony with surroundings – **staff condition #1**
- Wildlife corridors enabling passage through the project area – **staff condition #2**
- Panels supported by steel piles driven directly into the ground (no concrete footings)



1 USDA NASS, 2017

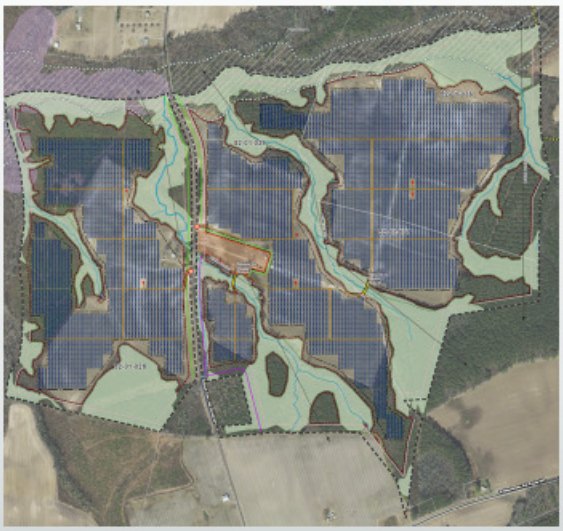
Enhanced Setbacks

Setback	Ordinance Requirement	Carver
Route 460	75′	200′
Cut Thru Road	75′	200′
Residential parcels	125′	200′

Staff condition #3 increases the residential setbacks

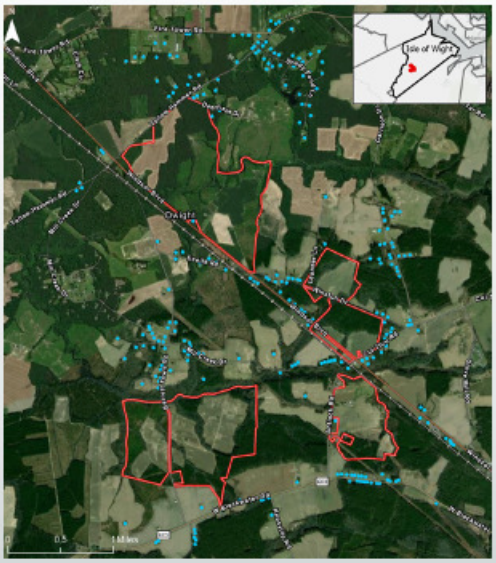
Waterways and Wildlife

- No floodplain impact
- Less than 1/10th acre of wetlands impact (field delineation complete, JD issued)
- 7 wildlife corridors to allow deer and other animals to pass freely through the project area
- Coordination with state agencies to ensure the protection and avoidance of protected species



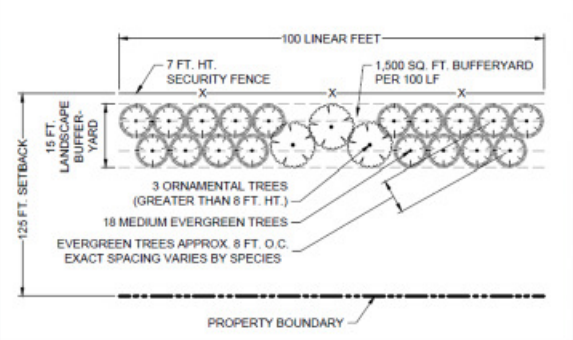
Visual Impact

- Several separate, relatively small, solar fields "nested" within existing forested areas
- Robust vegetative buffering along full perimeter
  - Exceeding the highly-detailed vegetative buffer requirements of the Zoning Ordinance
  - Spacing, mix of evergreen/coniferous, staggering – **staff condition #4**
  - Maintain existing buffers – **staff condition #5**
  - Establish and maintain vegetative cover throughout project area – **staff condition #6**
  - Meet any additional requirements if later specified by the state – **staff condition #7**
  - Maintain vegetation on the land prior to construction – **staff condition #16**
- Result: broad project footprint, but limited visibility by neighbors

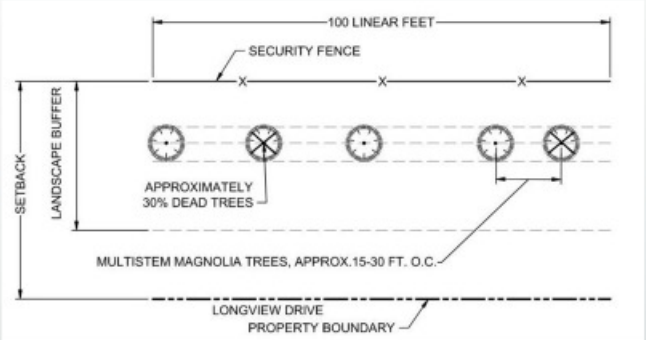


Comparative Landscaping Analysis

Carver Solar



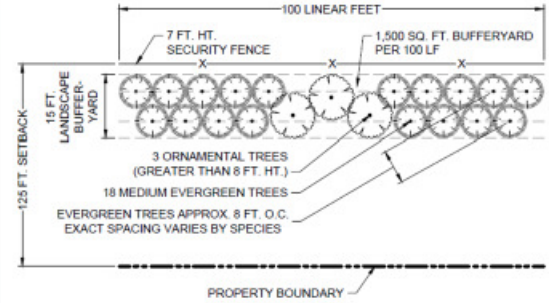
Woodland Solar



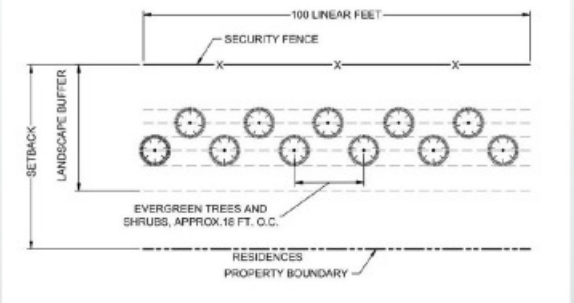
Staff condition #4 adds a 3rd row

Comparative Landscaping Analysis

Carver Solar



Suffolk/460 Facility



Staff condition #4 adds a 3rd row

Neighborhood & Community Engagement

- Good faith efforts to engage with community
  - Neighbor outreach & Open House held Wed, Aug 17 at Ruritan Club
- Site plan improved after meetings, including:
  - Antioch Church (boundary line adjustment)
  - Yellow Hammer Rd residences (enhanced screening and relocated construction entrance)
- Partnering with local businesses
  - Schultz Lawnscapes (consulting/supply/maintenance)
  - Food trucks (commitments for construction period)
- Educational
  - Kiwanis Club presentation, Hunt clubs, Peanut Soil & Water Conservation District, Cooperative Extension, Town of Windsor leadership, Chamber of Commerce

Emergency Services & County Access

- Robust emergency services coordination – **staff condition #8**
  - Emergency Access: immediate access by first responders managed by keycode with specific entry credentials issued to county personnel
  - Emergency Plan: developed in coordination with County Emergency Services, submitted as part of the site plan approval process, and updated as necessary, but no less than every 5 years
  - Training: occurring annually in coordination with the County's Emergency Services, regarding safe responses to on-site emergencies
- Transparency with the county and its citizens
  - Company representative designated as POC between citizens and construction crews
  - Public liaison contact info posted at each access– **staff condition #14**
  - Reimbursement for inspections as necessary – **staff condition #11**

Land Preservation & Equipment Selection

- Commitments to preserve/improve soil health
  - Ground planted and maintained with vegetative cover – **staff condition #6**
  - Topsoil conserved on site – **staff condition #10**
  - Decompaction of soils
  - Use of pesticides/insecticides prohibited
  - Herbicide use only if approved for commercial applications and approved by Zoning Administrator
- In addition to complying with all requirements found in the Zoning Ordinance:
  - Make and model of selected panels must be Tier 1, and – **staff condition #13**
  - Qualify, for disposal purposes, as non-hazardous waste under applicable U.S. Environmental Protection Agency tests (e.g. TCLP) – **staff condition #13**
- Preference for domestic equipment
  - Carver Solar is currently exploring a LOI for MADE IS USA panel supply
  - Carver Solar is willing to commit to using commercially reasonable efforts to source panels MADE IN USA if so desired by the Planning Commission and Board of Supervisors

Economic Impact & Workforce Development

- Job creation
  - Estimated 56 construction jobs and 2 operations jobs
  - "rolling workforce" of construction jobs
  - Educational/certification partnerships (i.e. NABCEP) to create a local hiring pipeline
  - Local job fairs
- Workforce development partnerships under discussion with:
  - Paul D. Camp Community College
  - Hampton Roads Workforce Council
  - Solar Hands-On Instructional Network of Excellence (SHINE)
- Fiscal impact
  - Real estate re-assessed at $15k/acre
  - Taxation of equipment via Machinery & Tools
  - Revenue Share
  - Additional revenues to be negotiated in a Siting Agreement

Revenue Stream	Value over 40 yrs
Real property tax increase	$3.1M
Machinery & Tools	$3.0M
TOTAL	$6.1M

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Economic Impact & Workforce Development

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- Fiscal impact
  - Real estate re-assessed at $15k/acre
  - Taxation of equipment via Machinery & Tools
  - Revenue Share
  - Additional revenues to be negotiated in a Siting Agreement

Revenue Stream	Value over 40 yrs
Real property tax increase	$3.1M
~~Machinery & Tools~~	
Revenue Share	$6.1M
TOTAL	$9.2M

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Economic Impact & Workforce Development

- Job creation
  - Estimated 56 construction jobs and 2 operations jobs
  - "rolling workforce" of construction jobs
  - Educational/certification partnerships (i.e. NABCEP) to create a local hiring pipeline
  - Local job fairs
- Workforce development partnerships under discussion with:
  - Paul D. Camp Community College
  - Hampton Roads Workforce Council
  - Solar Hands-On Instructional Network of Excellence (SHINE)
- Fiscal impact
  - Real estate re-assessed at $15k/acre
  - Taxation of equipment via Machinery & Tools
  - Revenue Share
  - Additional revenues to be negotiated in a Siting Agreement

Revenue Stream	Value over 40 yrs
Real property tax increase	$3.1M
Revenue Share	$6.1M
Voluntary Payments via Siting Agreement	$2.8M - $4.8M
TOTAL	$12M - $14M

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Thank You

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Chairman Carroll opened the public hearing and asked for public comment.

Nick Balice, 7277 Mill Creek Drive, stated he moved to his home for the rural and quiet neighborhood. Mr. Balice stated the adjoiner letter he received was the first he had heard about this project. Mr. Balice stated he was concerned about the impact this project will have to the neighboring homeowners.

Carter Garrison, 12808 Crimson Court, Richmond, spoke for the application and stated he believes it is the best use for the land and his family. Mr. Garrison stated he manages his family's farms and two of the parcels are under lease for this application.

Gayle Hobbs, 21539 Barrett Town Road, spoke for the application stated that his land has been in his family since before the Civil War. Mr. Hobbs stated he believes this will be a better use for the property and will no longer use pesticides and herbicides and believes animals and birds may return.

Annette Bishop, 22165 Deer Trail, spoke against the application. Ms. Bishop stated she has a rare species, Lady Slipper, and is concerned that it will go away along with other wildlife. Ms. Bishop stated she also is concerned about property values.

David Tucker, 6251 Old Stage Highway, stated he created a list of items to be considered for solar developers: be honest, buy US panels, use County manpower for construction and operation, recruit from the County, get on board with a community college, know PJM material, start aesthetics immediately, no work on Sunday, and maintain a technical pulse. Mr. Tucker stated seventeen solar facilities are looking to come into Isle of Wight County.

Blake Cox, founder of Energy Right, said he encourages his organization's members to keep an eye on property rights, yet be mindful on economic growth opportunities, and pay all applicable taxes. There are better economic benefits to local businesses with this type of development, and there is a small percentage of land converted from farmland to solar compared to other development types. Mr. Cox stated the landowners are willingly choosing solar on their property.

Paul Garris, 7284 Yellow Hammer Road, believes this should be called solar infrastructure not a farm just because it's placed on farmland. Mr. Garris played a sound recorded from the solar farm on Route 460. He stated it is the fans from the inverters. Mr. Garris stated this sound is a nuisance and is concerned about the sound traveling through the trees to his property. Mr. Garris also stated he was concerned about after the solar facility reaches its end of life.

Ryan Gilchrest stated several of the citizens' concerns are being addressed through the conditions or are already being implemented like the utilization of community colleges. Mr. Gilchrest also stated that DEQ and DCR will create their own conditions for the project to further protect wildlife. He stated that a pollinator meadow would be beneficial for the concern brought up about the Lady Slipper. He stated it was not yet a condition for this project but is a standard condition where a section of the project is set aside to plant and maintain pollinators.

Mike Volpe, team member of Open Road Renewables, stated that the concerns are taken sincerely. Mr. Volpe stated Rich Kirkland is in the audience and can talk about property values and the impact of solar on the property values. Mr. Volpe stated that with proper landscaping and setbacks, research shows there will not be a negative impact to property values. He stated the inverter is the only infrastructure on site that makes noise, and something that can be done to address that is to move the inverter to be located within the array and increase the setback for the inverter to five hundred feet from the property line. Mr. Volpe stated that even though the PJM queue shows multiple projects slotted for Isle of Wight, the carrying capacity of the overhead lines will not be able to support that without network upgrades, and that Carver will be the last facility that could interconnect before upgrades would be needed.

Chairman Carroll asked for the following letters to be entered into the minutes and closed the public hearing.

November 21, 2022

To: The Isle of Wight Planning Commission
cc: Amy Ring

Our family lived, worked, and served the Isle of Wight community for many years. We I grew up in Windsor and still consider it home. We still own land that our parents, grandparents, and great-grandparents owned. One such farm is on the corner of Cut Thru Road and Route 460.

We have been working with Carver Solar to determine the viability of placing a solar facility there. We believe it would allow us to maintain the property that was left in our care by our parents as well as support the well being and financial needs of a progressive and growing Isle of Wight County.

I would ask that you support the land use application submitted by Carver Solar at this location. We believe it is a great balance for the productive use of the land and Isle of Wight's effort to maintain the quality of life that we adults grew up with and still care about.

Very Respectfully,
Pat Stanley
Bill Garrison

GLEN-DEL FARMS
WINDSOR, VA

28124 Spivey Town Road
Windsor, VA 23487
Home Phone (757) 242-6229
Cell (757) 544-2222

CHESTER GLENN CARR

To The Isle of Wight County Planning Commission:

I am requesting that the Planning Commission approve three contiguous parcels that I own for a solar project by Carver Solar:

Parcels 52001-036, 52-01-037 52-01-039
23255 Barrett Town Road, Zuni, Virginia

I purchased these farms in1980-1983. I then farmed them and raised trees on them. Now the possibility of partnering with Carver Solar Project would be the "best and most practical" use of them for myself and my family.

Here are some positive reasons for this property to be used as a solar farm:

* These parcels are not visible to any residence.
* Tree buffers will remain on borders.
* The re-zoned parcels would command a higher tax rate for I of W County
*A solar farm would be excellent for the environment.
* A solar farm would require a minimum potential need for Fire and Rescue Squads.
* A solar farm would not require additional tax burden for more schools.
*A solar farm is quiet.
* Once completed, it would not generate any oversized vehicle traffic.
* There would be minimal vehicular traffic to maintain a solar farm.
* And the number one reason is the ever-increasing need for renewable sources of electricity.

Yours truly,

Chester Glenn Carr

November 17, 2022

Isle of Wight Planning Commission
C/O Amy Ring
PO Box 80
Isle Of Wight, Va. 23397

Dear Planning Commission Representative,

My name is Clarence Lewis and I've had a long-time grassroots connection to the Isle of Wight County area for over 70 years. I was born in Zuni and have owned my farm located at 7230 Ecella Drive for almost 40 years. Because of my continued close relationship with the area, I have a sincere appreciation for the value and importance of farmland in the area. Farmland has played and continues to play a vital role in the livelihood of landowners in the area. In support of the Carver Solar Project, I have listed the factors I feel justify the approval and acceptance of this project.

Income for Farmers

As the owner of farmland that was recently harvested for its timber, I was looking for a way to seek a source of a long-term income. With the return on timber sales and farm rental not being a stable/guaranteed source of income, renewable energy is a future source of stable income. Lease payments are guaranteed and increase over time and offer predictability of income that agriculture and timber cannot provide. Solar will serve as a stable source of income for the farmland owners in the area. The end result being a boost to the economy of Isle of Wight and the surrounding areas.

America's National Interest

Solar energy reduces our country's dangerous dependencies on fossil fuels (see the Ukraine conflict's impact on Western Europe!)

Impact on Land Value

It is not true that ground mounted solar farms decrease nearby property values. Research examining property value in states across the United States demonstrates that large-scale solar arrays often have no measurable impact on the value of adjacent properties.

Environmental

- Saves water which is the main requirement for survival to plants and animal life
- Solar energy does not pollute the air
- Solar energy reduces the carbon emission levels

Although there are many Pros and Cons of Solar Energy projects, I sincerely believe the Pros outweigh the Cons. I strongly support this Project and respectfully request that Isle of Wight approve Carver Solar to proceed with this project installation.

Respectfully,
Clarence Lewis

844 Colonel Meade Drive
Suffolk, Virginia 23434
November 14, 2022

Isle of Wight County Community Development
c/o Amy Ring
P. O. Box 80
Isle of Wight, Virginia 23397

My name is Delman Lew Carr. I, as was my family for several generations, am a native of Isle of Wight County. Even though I did not choose to make a living farming the land, as has most of my family, I maintained that agricultural connection through ownership of farmland in Isle of Wight County.

I was approached by Carver Solar about turning my property at 23258 Barrett Town Road, Zuni, VA 23898 (parcel numbers 52-01-028 and 52-01-039A), into a solar farm. After much consideration, I concluded that their offer would be the best long term use of that property for several reasons:

* A solar farm is environmentally friendly. There would be little or no chemical or fertilizer run-off generated that would pollute our waterways.

*A solar farm would reduce this country's reliance on foreign sources for fuels to power our electric grid, thereby enhancing our ability to be energy self-sufficient.

* These two parcels are situated as to not be visible to any neighboring properties.

* The re-zoning of these properties would yield additional tax revenue for Isle of Wight County while at the same time not add to the need for additional schools, police force or fire and rescue squads.

* A solar farm is quiet, thereby making it an ideal neighbor.

* Once completed, a solar farm would not generate any "over-sized" traffic on the local, rural roads such as over-the-road trucks or large farm equipment.

* The Carver Solar Project would be sensitive to our rural environment. Few, if any, trees would be cut, wet lands would be avoided and wildlife corridors are incorporated into the site plan.

* The Carver Solar Project has conducted a wide range of site surveys to ensure no impact to animal species, historical resources or natural features.

In short, Carver Solar is an obvious choice for providing low-cost electricity to the grid with little or no negative environmental impact. Consequently, I request that the Planning Commission approve this project by Carver Solar.

Yours truly,

Delman Lew Carr

c/o Amy Ring
PO Box 80
Isle of Wight VA 23397

November 14, 2022

Dear Members of the Planning Commission,

I am writing in support of the solar farm proposed by Carver Solar. I am a daughter of the owners of a farm along Yellow Hammer Road and Route 460. I grew up in Isle of Wight county and I spend a lot of time there with my parents. Some of my earliest memories are of riding in a tractor with my grandfather on this farm. This land has been in my family for several generations and it has always meant a lot to me.

My sisters and I will inherit this land in due course, all being well, and this solar farm will make it much easier for us to agree to keep this land in the family rather than sold out. While selling would never be my first choice it will not be my choice to make alone. I doubt it would stay a farm if it were sold, and there would soon be more houses permanently altering the land.

The amount of pesticides and herbicides used on farmland has been increasing dramatically the last decade, and the effect this will have on the land, wildlife, and groundwater remains to be seen. The solar farm will have its own effects but I'm convinced they will be less harmful than continued farming. Perhaps in 30 to 40 years more sustainable farming practices will be the norm, and the land will be available for farming again.

Thank you for your consideration. I feel that this solar farm is a good fit for this part of the county that will only benefit those around it.

Sincerely yours,

Elizabeth Hobbs

From: Heather O"Donnell
To: Planning Commission
Cc: Amy Ring
Subject: Support for solar farm proposal in Zuni.
Date: Monday, November 14, 2022 1:02:42 PM

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My name is Heather O'Donnell and I am one of the heirs of the owner of the land for the projected solar farm. My father's family has lived in the Zuni area for years and I would hate to see the area go through any drastic changes that would change the environment or atmosphere. I have always loved how beautiful the area is and I feel a solar farm would help preserve the wonderful countryside feel and charm the area has. I fully support the building of the solar farm.

Heather O'Donnell(Formally Hobbs.)

November 17, 2022

Hello, I am James Kenneth Edwards. I reside at 22149 Little Beach Lane in Carrollton, Va. My wife and I own a small farm on Mill Creek Drive in Zuni, Va where we raised 2 children for 15 years. A small portion of our property is being acquired by Open Road Corporation for part of the Carver Solar project. We wholeheartedly support and we ask your support of the project as well. As owners we would like to help determine what is the best use of our land. Because this is a time of high energy cost and high inflation we believe this could be a small step in helping these issues. Working with Open Road will help us keep the remainder of our land and help sustain my fixed income. We are sure that the Open Road project is environmentally sound and will help in some small way to bring us out of this economic low point that we are all experiencing.

Thank you for your time and consideration of support,

James K Edwards

Marsha F Edwards

From: true1sun@yahoo.com
To: Amanda M. Landrus; PlanReview
Cc: miranda evans
Subject: Carver Solar Application-Objection
Date: Friday, November 18, 2022 11:03:58 AM

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

November 17, 2022

Dear Isle of Wight County Planning Commission:

In response to the notice received November 7, 2022 regarding the application of Carver Solar I, LLC, we object to the installation, maintenance or disposal of solar panels and any related activities that may impact all property associated with 8107 Winston Drive, Zuni, VA and the Melvin Evans and Regina Evans Trusts.

From our research and telephone conference with the solar company's representatives, who offered revenue from the installation of solar panels, they failed to address five major concerns:
1. Environmental impact to the surrounding animal habitats in the community
2. The long-term impact of degrading solar panels to our land/soil
3. Responsible company for removing solar panels at end of asset life and/or lease
4. Responsible company funding restoration of land after solar panels stop generating power to ensure land use for future generation and
5. Impact to local farmers.

The property that belongs to the Evans Family at 8107 Winston Drive, Zuni, VA has been in the family for over 70 years and could not be used by the next generation to either farm, raise animals or protect wildlife with the installation of solar panels. How many acres of land must be sacrificed to produce a small quantity of energy in comparison to other clean energy power generation sources? Please take our statement made as an objection to the installation of solar panels and related activities that would impact the property and trusts under Melvin and Regina Evans trusts.

Thank you,
Katina Evans-Gallien
Miranda Durham

From: Ric Erickson
To: Planning Commission
Cc: Amy Ring
Subject: Carver Solar
Date: Monday, November 21, 2022 5:21:39 PM

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: Isle of Wight Planning Commission
I have reviewed the proposed Landscape plan prepared by Timmons Group for tree and shrub buffering surrounding Open Road sites. I feel that the plant material choices are of good standards based on my 26 years of experience working in the South East area of Virginia.
Schultz Lawnscapes is planning to advise Open Road on best practices , such as time of year planting , species procurement and
best watering techniques to assure successful landscape installation.
We are In discussion of plant procurement such as sizing and species though our vendors .
I feel that Open Road is well aware of the shortfalls of past projects, and knows what needs to be done to meet the high standards that are desired by the community.
In closing I feel Open Road's approach to the Buffer plantings is of the best possible standards and I'm in support of the plan.
Sincerely,
Ric Erickson – Schultz Lawnscapes, VSLD Landscape Designer
804-712-3039

Commissioner Boykin asked if this project is in the Zuni Village Center.

Amy Ring stated this project is not in the Zuni Village Center.

Commissioner Boykin asked if there is anything staff is doing for the complaints about another solar facility working on Sundays.

Ms. Ring stated that she has been in contact with Dominion and the Solar Company, and there is confusion as to where and who is doing the work. Ms. Ring stated she has asked that Dominion and the Solar Company speak with their staff and notify them that there are conditions that prohibit work on Sundays, and there are consequences if those conditions are not followed.

Commissioner Boykin asked why the soil testing was not included in staff's conditions.

Ms. Ring responded that soil testing is now an ordinance requirement.

Commissioner Taylor asked how much prime farmland soils are included in this application.

Ms. Ring stated those percentages were requested but does not have those numbers off the top of her head.

Commissioner Boykin asked if Shultz Landscapes will be maintaining the property after it is developed.

Ryan Gilchrest stated currently they are discussing the best species to plant with them. They have not chosen the contractor who will maintain the site after planting, but stated they are in the running.

Commissioner Boykin asked if it was correct that three of the properties were being purchased.

Ryan Gilchrest stated yes, it is a mix of purchases and leases.

Commissioner Boykin asked if once it is developed, will be it sold.

Ryan Gilchrest stated yes.

Commissioner Boykin asked if this was to be decommissioned now, what would be the cost estimate.

Mr. Gilchrest stated between five and seven million dollars. Mr. Gilcrest stated the bond would be for the higher amount and no salvage value would be included.

Chairman Carroll asked if enforcement of the conditions of the conditional use permit could be part of the developer covering the cost of the third-party inspections. Chairman Carroll stated he has a lot of concern with the Cavalier project and conditions not being followed.

Ms. Ring stated the third-party inspections would be used if there was not enough staff to cover needed inspections.

Chairman Carroll asked if someone could be hired to make sure Cavalier is abiding by the restrictions of their conditional use permit.

Ms. Ring stated staff would respond if any complaints were to come in.

Commissioner Bowser asked what the build out time frame is, and if any US panels would be used.

Mr. Gilchrest stated late 2024 or early 2025, and US-made panels are the preference. He said the hope is in two years there will be more US manufacturers of the panels.

Commissioner Taylor asked where the staging area would be located, and if there were going to be multiple staging areas.

Mike Volpe stated each fenced-in area of subarrays would have their own independent laydown yard.

Commissioner Taylor asked if this would be phased or done at the same time.

Mr. Volpe stated it is most likely that it will be done in phases and general construction time would be nine to twelve months.

Commissioner Distefano asked if this would prevent newer technologies from coming to the County since the transmission lines will be at maximum capacity.

Mr. Volpe stated in ten years from now, a coal plant may come offline opening room for new technologies.

Commissioner Smith asked what the converter setback is in their current proposal.

Mr. Volpe stated there is not a prescribed setback for the inverters as proposed but has agreed to a 200 foot setback from property lines in the current plan. Mr. Volpe added that he believes committing to a 500 foot setback from property lines for central inverters will address the concern of noise emissions.

Commissioner Bowser asked if he could commit to that.

Mr. Volpe stated that he could 100 percent commit to that now.

Commissioner Ford asked what the most polarizing factor is in regard to why people do not like the solar infrastructure.

Mr. Volpe stated he believes it is because it represents change, and change is difficult. He added that the way they try to address that concern is to slow things down, knock on doors, engage with neighbors and propose conditions that will reduce the impacts to neighbors.

Commissioner Ford stated that for some homeowners this is what they feel is the best use for their property. Mr. Ford shared his concern with hearing about misinformation.

Mr. Volpe stated its important to rely on the regulators and scientists who research these things and to put a degree of trust in that. Mr. Volpe added that with sufficient conditions solar projects are a passive use and can be a source of not having to raise taxes down the road.

Ms. Ring stated she found the answer to Commissioner Taylor's question regarding prime farmland. On the map, prime farmland is shown in pink and represents 223 acres. The area shown in yellow represents soils of statewide importance which is six acres. The County has a total of 122, 300 acres of prime farmland or soils of statewide importance. The number of acres impacted by this project is a tenth of precent of the County total.

Commissioner Boykin shared her concern about the responsibility of decommissioning the solar farm and the property owner being responsible for what the solar company left behind.

Bobby Jones stated a bond is required from the beginning that is 100 percent of the value of decommissioning with no salvage value and with annual increases.

Commissioner Smith asked for the additional condition to be attached for the increased setback of the central inverters.

Commissioner Sienkiewicz asked if there is battery storage on site.

Ryan Gilchrest responded no battery storage will be on site.

Commissioner Sienkiewicz asked if there a way to remotely shut the system down and will there be a person with a required response time in the event of an emergency to respond to the site to let first responders know if an area is safe to go into.

Mr. Gilchrest stated that there is technology to shut the system down remotely, along with a safety plan updated every five years. Training will happen every few years that will offer onsite training. Mr. Gilchrest added with technologies changing the safety plan will continue to change.

Commissioner Sienkiewicz asked if there was access for a truck to be driven around the facility inside the fence.

Mr. Gilchrest responded yes, there is a twelve or fifteen-foot buffer area around the facility inside the fence to allow access for a truck.

Chairman Carroll asked if they would be bringing fiber to the facility and the possibility of expanding broadband in that area.

Mr. Gilchrest stated it is already in the one-to-two-year plan with Spectrum.

Commissioner Bowser made the motion to recommend approval to the Board of Supervisors with the sixteen conditions recommended by staff along with a five-hundred-foot setback for central inverters.

Commissioner Distefano recommended to amend the motion to add the additional two conditions; commercial best efforts to source US made panels and other materials and provide pollinator meadows.

Commissioner Bowser agreed to add the two additional conditions stated by Commissioner Distefano.

Commissioner Ford asked what happens if US made panels and or material is unavailable.

Bobby Jones stated as long as the applicant makes commercially reasonable efforts.

Commissioner Ford asked how staff would assess that.

Bobby Jones stated the staff would follow their standards on how they currently handle accessing items.

Ms. Ring stated staff would request in writing what their efforts were and who they spoke to.

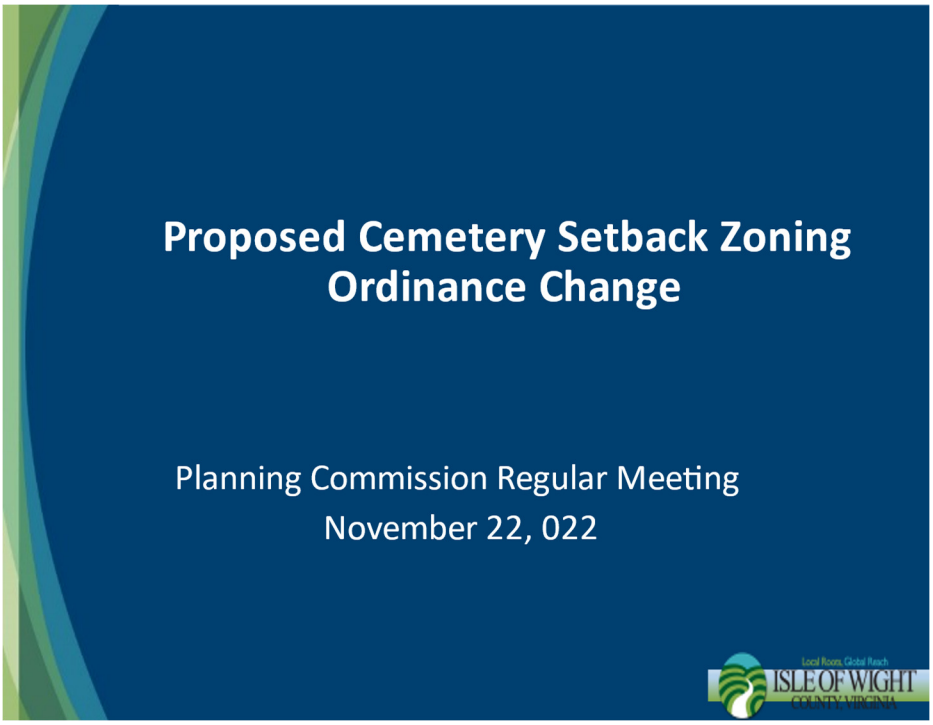
Commissioner Smith seconded the motion, which was adopted with Commissioners Bowser, Distefano, Ford, Sienkiewicz, Smith and Carroll voting in favor of the motion, and Commissioners Boykin and Taylor voting against the motion (6-2).

Motion was carried and will go to the Board of Supervisors January 19, 2023.

Chairman Carroll called for the next public hearing.

> An ordinance to amend the following section of Appendix B, Zoning, of the Isle of Wight County Code: Article 5 (Supplementary Use Regulations), Section 5-5003.B.1, "Cemetery," in order to reduce the front yard setback requirement for any burial plot on land abutting a public or private street to 25 feet.

Amy Ring gave the following presentation.



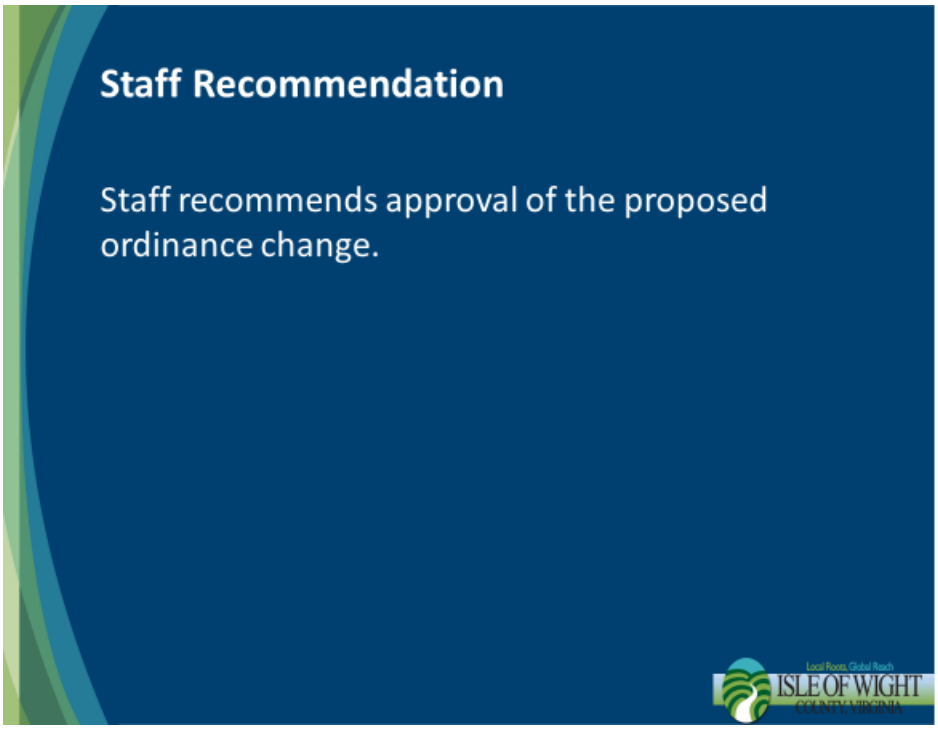
Background

- Staff received request from the Board of Supervisors to allow additional flexibility to place burial plots closer to adjacent roads. There is a need for more room in older or smaller cemeteries to allow for additional burials.
- Section 5-5003.B, "Cemetery," of the Zoning Ordinance requires that any burial plot on land abutting a public or private street comply with the required front yard setback of the underlying zoning district.
- Review of other local ordinances reveals no commonly used setback for cemeteries.
- Proposed setback of 25 feet is consistent with setbacks found elsewhere in the Ordinance and would allow room between burial plots, roadside ditch maintenance and movement of people and vehicles.
- Planning Commission directed staff to advertise the change for public hearing at their next regular meeting on October 25.

Description

Section 5-5003.B.1 would be restated to read as follows:

> Any burial plot on land abutting a public or private street shall comply with the required setback of twenty-five (25) feet from all property lines. In addition, cemeteries shall comply with all state regulations, including setbacks from residential uses and public water supplies.



Chairman Carroll opened the public hearing.

There being no comment, Chairman Carroll closed the public hearing.

Chairman Taylor asked if fences or a brick wall would be included.

Ms. Ring responded that fences or walls would be required to meet the current fence ordinance.

Chairman Taylor made the motion to approve this text amendment. Commissioner Ford seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Taylor, Sienkiewicz, Smith and Carroll voting in favor of the motion, no commissioners voting against the motion (8-0).

Motion was carried and will go to the Board of Supervisors December 8, 2022.

Chairman Carroll called for the next public hearing.

> An ordinance to amend the Isle of Wight County Comprehensive Plan, Envisioning the Isle, to incorporate by reference the plan known as, "Share the Isle: Isle of Wight County's Plan for an Aging and Mixed Ability Inclusive Community," as Appendix XII in the Comprehensive Plan.

Amy Ring gave the following presentation.

Share the Isle:
Isle of Wight's Plan for an Age and Mixed Ability Inclusive Community

Planning Commission Regular Meeting
November 22, 2022

Local Roots, Global Reach

Background

- Isle of Wight County initiated its plan to develop services for persons aged 55 and over in February 2021.
- New part of the Comprehensive Plan will serve as a decision-making guide to help the County remain livable for all ages and abilities.
- First step was to survey residents on their top concerns with aging in the County as well as their future lifestyle priorities from February 1 through March 1, 2021.
- Survey results presented to the Board, Planning Commission and the Commission on Aging in April 2021.
- Small work group appointed by Commission on Aging. Technical support provided by Community Development, Social Services, Parks and Recreation, and SSEVA staff.
- Draft plan distributed to working group then to the full Commission on Aging in February 2022.
- Final draft advertised for public feedback October 1 through November 1, 2022.

Local Roots, Global Reach

SURVEY RESULTS: Top Priorities for Isle of Wight

Top Five Things to Maintain Quality of Life:

1. Having financial means;
2. Staying physically active;
3. Having access to quality healthcare;
4. Staying connected to friends and family;
5. Having quality health care coverage.

Top Five County Investment Priorities to Better Serve Seniors:

1. Affordable health care services;
2. Senior Centers/Better Transportation Options (tied for second priority);
3. Internet access;
4. Affordable housing; and
5. Home delivered meals such as Meals on Wheels.

Local Roots, Global Reach

Share the Isle Plan: Five Focus Areas

FOCUS AREA 1: HEALTHY AND ACTIVE LIFESTYLE
Provide access to healthy food and exercise options, and education on nutrition and wellness.

FOCUS AREA 2: QUALITY HEALTH CARE AND COMMUNITY SUPPORT SERVICES
Provide connections to health facilities and related services and support

FOCUS AREA 3: TRANSPORTATION ACCESS
Expand range of safe, dependable, and affordable transportation options

FOCUS AREA 4: HOUSING CHOICE
Provide a range of safe housing options that promotes independence and aging in place

FOCUS AREA 5: EDUCATION, EMPLOYMENT AND ENGAGEMENT
Ensure employment opportunities for all ages, a life-long learning environment, and multiple opportunities for economic, social and civic engagement

Local Roots, Global Reach

Share the Isle Plan: Five Focus Areas

FOCUS AREA 1: HEALTHY AND ACTIVE LIFESTYLE
Provide access to healthy food and exercise options, and education on nutrition and wellness.

FOCUS AREA 2: QUALITY HEALTH CARE AND COMMUNITY SUPPORT SERVICES
Provide connections to health facilities and related services and support

FOCUS AREA 3: TRANSPORTATION ACCESS
Expand range of safe, dependable, and affordable transportation options

FOCUS AREA 4: HOUSING CHOICE
Provide a range of safe housing options that promotes independence and aging in place

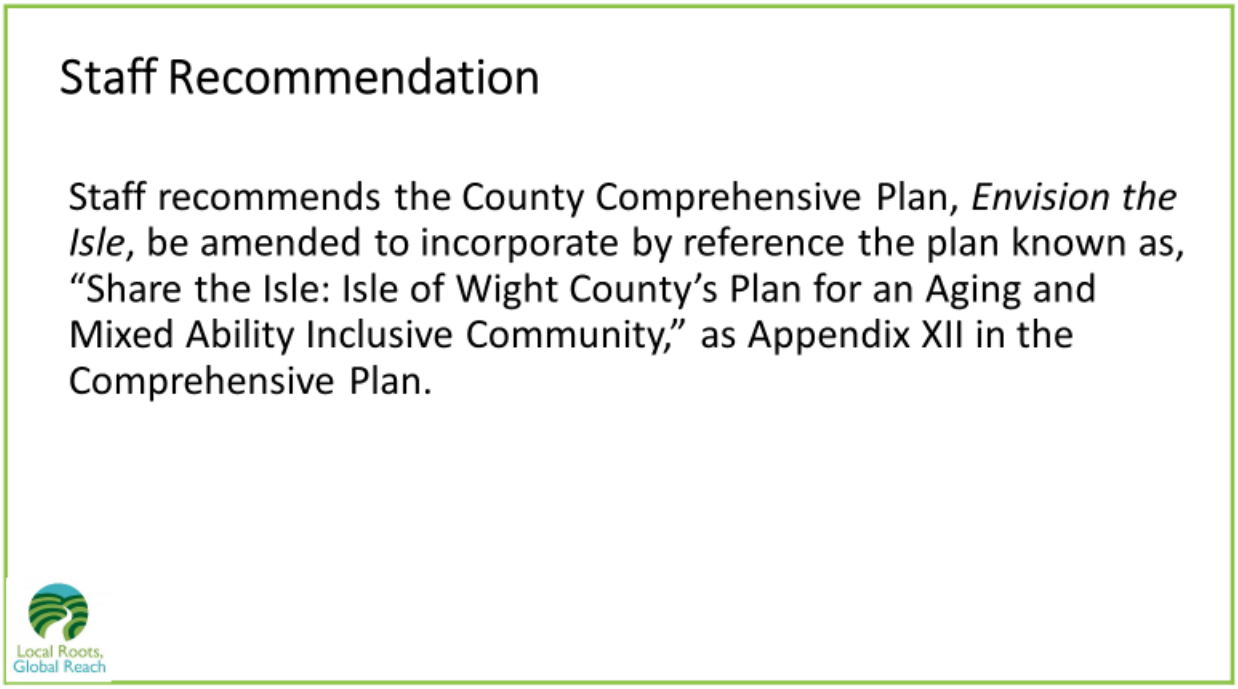
FOCUS AREA 5: EDUCATION, EMPLOYMENT AND ENGAGEMENT
Ensure employment opportunities for all ages, a life-long learning environment, and multiple opportunities for economic, social and civic engagement

Local Roots, Global Reach

Next Steps

- Presentation of the final plan to the Planning Commission, Board of Supervisors, and the public for community feedback.
- Make any final revisions to the Plan based on feedback.
- Set public hearing dates for Planning Commission and Board of Supervisors.

Local Roots, Global Reach



Chairman Carroll opened the public hearing.

There being no comment, Chairman Carroll closed the public hearing.

Commissioner Taylor stated the *Share the Isle* is going to be an asset to the Comprehensive Plan.

Commissioner Smith asked if there was currently anything allowing a "Granny Pod" type structure for multi-generational housing.

Ms. Ring stated the zoning ordinance does allow for accessory apartments as well as mother-in-law type suites in existing houses. Ms. Ring added that she has had conversations about congregate housing as well.

Commissioner Ford shared his concern about affordable housing and how unobtainable it is for the senior citizens but also first responders and teachers. Commissioner Ford also stated the concern with keeping millennials in the County and what we offer for them.

Commissioner Bowser made the motion to approve the resolution. Commissioner Ford seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Taylor, Sienkiewicz, Smith and Carroll voting in favor of the motion, no commissioners voting against the motion (8-0).

Motion was carried and will go to the Board of Supervisors December 8, 2022.

OLD BUSINESS

Amy Ring confirmed there is no old business items

NEW BUSINESS

Discussion on the Creation of an Ad Hoc Energy Task Force

Commissioner Distefano stated he would like to hold a work session to discuss Surry and Southampton's new solar regulations along with the 167 additional conditions King and Queen's County added to a current project they have for Open Roads Solar.

Commissioner Distefano stated he would like the Planning Commission to form an Energy Task Force that reviews Isle of Wight County's energy infrastructure, in-place and approved energy generation projects, and available remaining capacity within the County. The Task Force should consider current and emerging energy generation technologies and ultimately make a recommendation to the Board of Supervisors if a committee should be formed to establish an energy plan amendment to the comprehensive plan and/or revision of zoning ordinance text.

Commissioner Taylor seconded the motion. Chairman Carroll asked for all in favor to signify by saying aye. The motion passed unanimously.

COUNTY ATTORNEY'S REPORT

Bobby Jones confirmed there was no items for the County Attorney's Report.

PLANNING DIRECTOR'S REPORT

Amy Ring confirmed there was no items for the Planning Directors Report but wanted to take a poll for the December Planning Commission Meeting to ensure a quorum would be present. No items needed to be advertised.

Commissioner Distefano made the motion to cancel the Planning Commission Regular meeting and hold a work session on December 13, 2022.

CLOSED MEETING

Chairman Carroll confirmed there were no items to discuss in closed meeting.

ADJOURNMENT

There being no further information to discuss, Chairman Carroll adjourned the meeting at 8:43 PM.

Adopted this 24th day of January, 2023.

_____

Brian Carrol, Chairman, Isle of Wight County Planning Commission

Attest: _____

Amanda Landrus, Secretary

PLANNING REPORT

ATTACHMENTS:

Description	Type	Upload Date
DECEMBER 8, 2022 BOARD OF SUPERVISORS' WORK SESSION/REGULAR MEETING ACTION LIST	Cover Memo	1/17/2023

ACTION LIST
Board of Supervisors
December 8, 2022
Regular Meeting

1. Approval of Agenda

Supervisor Acree moved that the agenda be amended to include a continuation of a discussion of options for consideration at the Intersection of Sugar Hill Road and Route 17 following Citizens Comments. The motion passed unanimously (5-0) with Supervisors McCarty, Acree, Rosie, Grice and Jefferson voting in favor of the motion and no Supervisor voting against the motion.

2. Closed Meeting

No action followed the closed meeting.

3. Citizens' Comments

A resident of the City of Chesapeake introduced Dr. Kathy Gilliam, the new Director at the 4-H Center in Wakefield.

4. Sugar Hill Road and Route 17 Continued Discussion: Jamie Oliver, Transportation Manager, continued the discussion from the work session regarding Monday's Town Hall Meeting regarding the transportation updates that were presented at the community Town Hall meeting. She advised that staff will be posting information requested by the citizens onto the County's website. Staff has already been following up with VDOT on several items of concern expressed at that meeting.

5. Consent Agenda

A. Resolution to Amend the Budget and Appropriate Funding from the Virginia State Police Help Eliminate Auto Theft (HEAT) Grant Program ($10,000)

B. Resolution to Amend the Budget and Transfer Funding from the FY2022-23 Utilities Fund Budget to the FY2022-23 Capital Fund Budget ($1,845,000)

C. Resolution to Amend the Budget and Appropriate Funding from the Virginia Tourism Corporation ($50,000)

D. Minutes

October 6, 2022 Work Session Minutes

Supervisor McCarty moved that the agenda be adopted as presented. The motion passed unanimously (5-0) with Supervisors McCarty, Acree, Rosie, Grice and Jefferson voting in favor of the motion and no Supervisor voting against the motion.

5. Regional and Inter-Governmental Reports

No reports were offered

6. Appointments

No appointments were offered.

7. Special Presentations / Appearances

Presentation of a Study of Housing in Isle of Wight County: Dr. Tom Hall, Christopher Newport University, presented the findings of a housing study recently completed in the County and sponsored by the Peninsula Realtors' Association.

8. County Attorney's Report

A. SPSA Transfer Station Ground Lease: Supervisor McCarty moved that the lease be renewed for five years or until January 24, 2028 for the approximately 6.1 -acre site located in the Hardy District of Isle of Wight. The motion passed unanimously (5-0) with Supervisors McCarty, Acree, Rosie, Grice and Jefferson voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Jones

B. Isle of Wight County Board of Supervisors' By-Laws and Rules of Procedure: The Board members were requested to provide comments or suggestions to the County Attorney for revision in preparation for the Board's annual by-laws and rules of procedure adoption at its January 5, 2023 organizational meeting.

County Attorney Jones offered to amend its bylaws to allow for six meetings per year to be attended electronically.

Assignment: Jones

9. Public Hearings

A. Ho-Fel Solar, LLC Siting Agreement: Supervisor McCarty moved to table action until later in the agenda under 14.B. The motion passed unanimously (5-0) with Supervisors McCarty, Acree, Rosie, Grice and Jefferson voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Jones

B. Ordinance to Amend the Following Section of Appendix B, Zoning, of the Isle of Wight County Code: Article 5 (Supplementary Use Regulations), Section 5-5003.B.1, "Cemetery," in order to Reduce the Front Yard Setback Requirement for any Burial Plot on Land Abutting a Public or Private Street to 25 Feet: Chairman Jefferson moved that the Ordinance be adopted with the setback from the property line versus the actual front yard setback. The motion passed unanimously (5-0) with Supervisors McCarty, Acree, Rosie, Grice and Jefferson voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Jones

C. Ordinance to Amend the Isle of Wight County Comprehensive Plan, Envisioning the Isle, to Incorporate by Reference the Plan Known as, "Share the Isle: Isle of Wight County's Plan for an Aging and Mixed Ability Inclusive Community," as Appendix XII in the Comprehensive Plan: Supervisor McCarty moved that the Ordinance be adopted as amended keeping the same focus areas, but creating a large umbrella that says something to the effect of the fiscal security for our seniors The motion passed unanimously (5-0) with Supervisors McCarty, Acree, Rosie, Grice and Jefferson voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Jones

D. Sale of County Property Located at 10272 Newport Street, Battery Park, Virginia: Supervisor Grice moved to authorize the Chairman to execute all appropriate documents necessary to transfer said property. The motion passed unanimously

(5-0) with Supervisors McCarty, Acree, Rosie, Grice and Jefferson voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Jones

E. Sale of County Property located at 15030 Carrollton Boulevard, Carrollton, Virginia: Supervisor McCarty moved to authorize the Chairman to execute all appropriate documents necessary to transfer said property. The motion passed unanimously (5-0) with Supervisors McCarty, Acree, Rosie, Grice and Jefferson voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Jones

10. County Administrator's Report

A. Board of Supervisors' Meeting Schedule for Calendar Year 2023: The Board was asked to consider the meeting schedule contained in the agenda and advise of any adjustments that will need to be made for calendar year 2023.

Assignment: Robertson

B. Strategic Planning Retreat/Tour: The Board was asked to consider potential subjects, dates and locations for its next retreat.

Assignment: Robertson

11. Unfinished / Old Business

Application of Ho-Fel Solar, LLC (CUP-02-22), Applicant, and Dustin and Brandy Atkins and Cobb Land Limited Partnership, Property Owners, for Expansion of a Previously Approved Conditional Use Permit: Supervisor McCarty moved that the application be tabled and ask that staff work out some of the kinks noted tonight and bring back another report at another time when it is sufficient and staff has all the answers. The motion passed unanimously (5-0) with Supervisors McCarty, Acree, Rosie, Grice and Jefferson voting in favor of the motion and no Supervisor voting against the motion.

The following were specific questions posed by the Board:

1. How are they going to guarantee paying us $4.5 million?
2. Wants clarity in terms of numbers and projections

3. Wants to see what the revenue stream looks like for the first 20 years and then what the revenue stream looks like thereafter in five-year increments

Assignment: Ring

12. New Business

Fire and Emergency Medical Services Mutual Aid Agreement with Surry County: Supervisor McCarty moved that the Chairman be authorized to execute the Agreement with Surry County. The motion passed unanimously (5-0) with Supervisors McCarty, Acree, Rosie, Grice and Jefferson voting in favor of the motion and no Supervisor voting against the motion.

Assignment: P. Humphries

PLANNING REPORT

ATTACHMENTS:

Description	Type	Upload Date
DECEMBER 13, 2022 PLANNING COMMISSION WORK SESSION MINUTES	Cover Memo	1/18/2023

MINUTES OF THE ISLE OF WIGHT COUNTY
PLANNING COMMISSION WORK SESSION HELD ON THE THIRTEENTH DAY OF DECEMBER IN THE YEAR TWO THOUSAND AND TWENTY-TWO

CALL TO ORDER

Bobby Bowser, Vice Chairman, called the Isle of Wight County Planning Commission Work Session to order at 6:00 PM on December 13, 2022, in the Board of Supervisors Room at the Isle of Wight County Courthouse, Isle of Wight, Virginia.

INVOCATION

James Ford delivered the invocation.

PLEDGE OF ALLEGIANCE

Vice-Chairman Bowser invited everyone present to join in the Pledge of Allegiance.

ROLL CALL/DETERMINATION OF A QUORUM

PRESENT
Bobby Bowser, Vice-Chairman
Cynthia Taylor
James Ford
Jennifer Boykin
George Rawls
Thomas Distefano
Rick Sienkiewicz
Matthew Smith

A quorum was determined.

ABSENT
Brian Carroll
Raynard Gibbs

ALSO IN ATTENDANCE
Robert W. Jones, Jr., County Attorney
Amy Ring, Community Development Director
Jeryl Phillips, Assistant Director, Planning and Zoning
Caleb Kitchen, Planner I
Amanda Landrus, Secretary

NEW BUSINESS

Solar Energy Facility Discussion

Amy Ring, Community Development Director, introduced the new business item and reviewed the Planning Commission's request from their November 22, 2022, regular meeting to have a Commission member-led discussion on potential changes to the County's solar facility requirements at their December 13, 2022, worksession. She added that she attached background information for the discussion to the staff report, including the Southampton County Solar Ordinance, the Draft Surry Energy Policy, the Board of Supervisors August 2021 Solar Facility Memo, the *Envisioning the Isle* Community Energy Section, and past draft of the Solar Energy Generation Facility Ordinance changes.

Commissioner Distefano made the motion to request the revision of the County's Zoning Ordinance to specify that a maximum of two percent of total prime farm soils shall be converted for utility scale solar energy generation. Commissioner Boykin seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Rawls, Taylor, Sienkiewicz, and Smith voting in favor of the motion and Commissioner Ford voting against the motion (7-1).

Commissioner Distefano made the motion to request staff to review acceptable definitions for the term "utility scale" solar and propose an ordinance revision as a result of the review findings. Commissioner Taylor seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, and Smith voting in favor of the motion and no commissioners voting against the motion (8-0).

Commissioner Distefano made the motion to request staff to provide detailed capacity information to the Planning Commission for each project, which should include at a minimum, but not limited, available capacity in MW on effected distribution lines and any details that may impact future energy generation projects. Staff may require the applicant to prepare this information. Commissioner Taylor seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, and Smith voting in favor of the motion and no commissioners voting against the motion (8-0).

Commissioner Distefano made the motion to request staff to propose a zoning text revision that requires an annual activity report from solar energy generators to be shared with the Planning Commission and Board of Supervisors. Commissioner Boykin seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, and Smith voting in favor of the motion and no commissioners voting against the motion (8-0).

Commissioner Distefano made the motion to request staff to propose a zoning text revision to require the applicant to provide documentation demonstrating the selected panels and all power generating equipment initially installed and replaced qualify, for disposal purposes, as nonhazardous waste under applicable US EPA regulation using a Toxicity Characteristics Leaching Procedure or equivalent laboratory analysis. Commissioner Boykin seconded the

motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, and Smith voting in favor of the motion and no commissioners voting against the motion (8-0).

Commissioner Distefano made the motion to request staff to propose a zoning text revision to remove the allowance for net salvage value in the decommissioning agreement. Commissioner Boykin seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, and Smith voting in favor of the motion and no commissioners voting against the motion (8-0).

Commissioner Distefano made the motion to request staff to propose a zoning text revision that establishes a method for the public to communicate complaints to the operator. Commissioner Boykin seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, and Smith voting in favor of the motion and no commissioners voting against the motion (8-0).

Commissioner Distefano made the motion to request staff to propose a zoning text revision that prohibits the on-site storage of power without separate approval from the Planning Commission and Board of Supervisors. Commissioner Boykin seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, and Smith voting in favor of the motion and no commissioners voting against the motion (8-0).

Commissioner Distefano made the motion to request staff to propose a zoning text revision that would require utility scale solar operators to establish an emergency operations plan, which would be communicated and coordinated with County Emergency Services and require solar energy generators to provide fire and EMS training, creating a set of protocols and procedures for managing response to fire or a medical emergency at the facility. This training should include tours and be conducted prior to site operation and reoccur for the life of the project at a periodicity agreed to by memorandum with the County Fire and EMS managers. Commissioner Sienkiewicz amended the motion to correct the terminology to major utility scale solar. Commissioner Smith seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, and Smith voting in favor of the motion and no commissioners voting against the motion (8-0).

Commissioner Distefano made the motion to request staff to propose a zoning text revision that allows for a third-party company to inspect the condition of landscaping and performance of necessary maintenance to preserve the landscaping requirements imposed on the solar facility. The solar project should be responsible to fund the third-party inspection. Commissioner Boykin seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, and Smith voting in favor of the motion and no commissioners voting against the motion (8-0).

Commissioner Boykin made the motion to request staff to amend the ordinance to increase the landscaping points with a decrease of the linear feet requirement. Commissioner Smith seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls,

Taylor, Sienkiewicz, and Smith voting in favor of the motion and no commissioners voting against the motion (8-0).

Commissioner Boykin made the motion to request staff to amend the ordinance to require a five-hundred-foot setback from any non-participating property line for the inverter. Commissioner Rawls seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Rawls, Taylor, Sienkiewicz, and Smith voting in favor of the motion and Commissioner Ford voting against the motion (7-1).

ADJOURNMENT

There being no further information to discuss, Vice Chairman Bowser adjourned the meeting at 8:07 PM.

Adopted this 24th day of January, 2023.

_____

Brian Carrol, Chairman, Isle of Wight County Planning Commission

Attest: _____

Amanda Landrus, Secretary

PLANNING REPORT

APPLICATION:

Application ZA-6-22 of Dana Louise Edwards, George W. Edwards, and Jeanette J. Edwards, owners, for a change in zoning classification of one (1) acre from Rural Agricultural Conservation (RAC) to Rural Residential (RR). The application also includes a request to withdraw the one acre of property from the Moonlight Agricultural/Forestal District. The purpose of the application is to create one lot for single family residential use.

ELECTION DISTRICT:

D5

LOCATION:

The proposed lot contains one acre of land which is part of tax map number 11-01-022 and will be located on the west side of Moonlight Road (Rte. 627). The property is bounded to the north by the Moonlight Hunt Club, to the west and south by agricultural and silvicultural land, and to the east by Moonlight Road and single family homes.

BACKGROUND:

The proposed lot is required to be rezoned to RR due to the fact that the owner is not classified as an immediate family member of the prospective owner and does not qualify as a family member subdivision.

The Agricultural and Forestal District Advisory Committee recommended approval of the removal of the one acre proposed for single family residential use from the Moonlight District at their meeting on January 4, 2023.

DESCRIPTION:

The subject lot proposed to be rezoned is part of an existing forty acre parcel. The current land uses of that parcel are approximately 29 acres of agricultural fields and eleven 11 acres of forested land. Under the sliding scale option in the Zoning Ordinance for development in the RR zoning district, if this rezoning request is approved, this will be the only new lot allowed. Family member subdivisions would still be permitted.

A accompanying waiver request to Section 5.11.1 of the Subdivision Ordinance to allow the irregular lot configuration is under consideration as a New Business item.

COMPREHENSIVE LAND USE PLAN:

The subject property is designated RAC, Rural Agricultural Conservation, on the Future Recommended Land Use Map in the Comprehensive Plan. This district is intended to maintain and conserve rural character and farmlands, and to provide for a full range of agricultural and farming activities and related uses, along with some low-density residential development. The proposed use is consistent with the future recommended land use.

ORDINANCE REVIEW:

The required lot area in the RR zoning district is a minimum of 40,000 square feet. The minimum lot frontage is 120 feet with 150 feet of lot width at the front setback line. The proposed lot will front on Moonlight Road and meets the minimum requirements of the RR zoning district. A subdivision plat creating this lot is required to be approved following rezoning approval.

The proposed lot is not located within the Chesapeake Bay Preservation Area and does not contain a special flood hazard zone.

AGENCY REVIEW:

Staff distributed the application to the following agencies and departments for review and comment.

- Emergency Services - No concerns.
- Environmental Planner - No concerns.
- Virginia Department of Transportation - No concerns.
- Isle of Wight County Museum (Historical Resources) - No concerns.
- County Attorney - No concerns.

STAFF CONCLUSIONS:

Strengths:

1. The proposal is consistent with County plans and ordinances.
2. The application is compatible with the existing land uses in the vicinity and within the guidelines of the future Recommended Land Use Plan

Designation.

Weaknesses:

Staff identified no weaknesses.

STAFF RECOMMENDATION:

Based on the strengths of the application, staff recommends approval of the rezoning request and the Agricultural and Forestal District Withdrawal request.

ATTACHMENTS:

Description	Type	Upload Date
Rezoning Application	Cover Memo	1/10/2023
Location Map	Exhibit	1/10/2023
Land Use Map	Exhibit	1/10/2023
Zone Map	Exhibit	1/10/2023
PIC South to North	Exhibit	1/8/2023
PIC Proposed Lot	Exhibit	1/8/2023
Subdivision Plat	Exhibit	1/8/2023
Resolution	Resolution	1/18/2023

REZONING APPLICATION

Applicants: Dana Louise Edwards, George W. Edwards and Jeanette J. Edwards

Property: Tax Map Parcel 11-01-022

REASONS FOR APPLICATION: The applicants desire to create a residential building lot from the subject tract of land, which will include a single-family dwelling house.

NARRATIVE: The property which is the subject of this application is composed of 40.4 acres. The tract is located on Moonlight Road and has road frontage on Moonlight Road. The property is currently zoned AGR/UNDDEV 20-99 ACR. The last deed in the chain of tile is a deed to the applicants, dated May 7, 2013, recorded as Instrument No. 130004363, a cop of which is attached herewith.

REQUESTED ACTION: The applicants respectfully request that the zoning classification of the property be changed to Rural Residential (RR) to permit the creation of one, 1.00 acre residential building lot. Also, the applicants request that the one acre lot be withdrawn from the Moonlight agricultural district.

WAIVER REQUEST: The applicants request a waiver from the interpretation provisions of Section 5.11.1, Appendix A, Subdivisions, which state "Lots should be designed, arranged, and shaped so that they provide satisfactory and desirable lots for buildings, be properly related to topography, ... Lots may not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes ....." The proposed lot is configured in such a way as to provide a suitable building site and avoiding the inclusion of nearby wetlands. It is not being configured in order to solely provide necessary square footage of area. The proposed lot design is the most practical use of the land given the natural features and constraints.

27064
ZA-6-22

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA
DEPARTMENT OF PLANNING AND ZONING

APPLICATION FOR REZONING/CONDITIONAL ZONING AMENDMENT

This application should be used to petition for a change to the Official Zoning Map or for an amendment of zoning conditions. The following application requirements are consistent with the procedures set forth in Section 1-1015, *Amendments*, of the Isle of Wight County Zoning Ordinance, as amended.

[X] Rezoning

[ ] Conditional Rezoning (Are voluntary proffered conditions attached?):_____Yes _____ No

Request to change the subject property(s) from the AGR/UNDEV 20-99 ACR to the RR zoning district.

Proposed Use or Activity: Construction for single-family dwelling

[ ] Amendment to Conditional Zoning

Request to change conditional zoning as follows (Attach current and proposed conditions): _____

B. PROJECT DESCRIPTION:

Project Name: Minor Subdivision - Dana Louise Edwards

Property Address (if any): TBD Moonlight Road, Smithfield, VA

Election District: 5

Comprehensive Plan Designation: RAC

The rezoning will apply to 1.00 acres out of 40.4 total acres

Tax Parcel Identification # 11-01-022 Number of Acres to be Rezoned: 1.00

Requesting Zoning District Change from: AGR/UNDEV 20-99 ACR to RR

Tax Parcel Identification #_____Number of Acres to be Rezoned: _____

Requesting Zoning District Change from:_____to _____

Tax Parcel Identification #_____Number of Acres to be Rezoned: _____

Requesting Zoning District Change from:_____to _____

Proposed Utilities (check all that apply): Public Water_____Private Well ✓

Public Sewer_____Private Septic ✓

C. **APPLICATION INFORMATION:** Jeanette J.

Applicant(s) Name(s): Dana Louise Edwards, George W. Edwards & Edwards

Address: 11183 Burwells Bay Road

City, State, Zip Code: Smithfield VA 23430

Phone No.: 757-268-8411 Email: deel2011@gmail.com Fax No.:

Property Owner(s) Name(s): Same

Address:

City, State, Zip Code:

Phone No.: Email: Fax No.:

Dana Edwards Jeanette Edwards George W. Edwards 2/7/22

Applicant Signature **Date**

Owner Signature *if different* **Date**

NOTICE: THE ATTACHED CHECKLIST MUST BE COMPLETED, CERTIFIED, AND SUBMITTED OR THE APPLICATION WILL BE CONSIDERED INCOMPLETE.

Remit Application to: Isle of Wight County Central Permitting, 17140 Monument Circle, Suite 100
P. O. Box 80, Isle of Wight, Virginia 23397

FOR OFFICE USE ONLY:

Complete Application Received On: Fees Paid: ✓

Tax Query: [ ] Current [ ] Delinquent Distribution Date:

Posted/Date to Post:

AGENCIES REFERRALS:

_____ Department of Conservation & Recreation
_____ Economic Development
_____ Emergency Services
_____ General Services
_____ Environmental Planner
_____ Health Department
_____ Transportation Manager
_____ Commission of Revenue
_____ Other

_____ Inspections
_____ Sheriff's Office
_____ Town of Smithfield
_____ Town of Windsor
_____ VDOT
_____ Schools
_____ Budget & Finance
_____ County Attorney

Verified By: Date: 01/06/23

COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS

Applicant Dana Louise Edwards, George W. Edwards & Jeanette J. Edwards

Address 11183 Burwells Bay Road
Street

Smithfield VA 23430
City State Zip

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
8263 Moonlight Road	40.4 acres

OTHER OWNERS OF AFFECTED REAL ESTATE

(Not Required for Corporation whose stock is traded on a national or local stock exchange or having more than 500 shareholders.)

Name of Individuals Corporation/Partnership Business Association	Address

Does any member of the Isle of Wight County Planning Commission or governing body have any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust, or whether a member of the immediate household of any member of the Planning Commission or governing body has any such interest? Y Yes Y (No)

If yes, names of members:

I do solemnly swear that the foregoing statement(s) and attachments(s), if any, are complete, correct, and true.

Applicant: Jeanette Edwards (Dana Edwards George W. Edwards Dana Edwards George W. Edwards) Applicant: Jeanette Edwards Date: 12/7/22
Printed or Typed Name Signature

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Carol J. Darden,
A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia, this 7th day of December, 2022.

Carol J. Darden
Notary Public

My Commission Expires 7-31-2024

CAROL JEAN DARDEN NOTARY PUBLIC MY COMMISSION NUMBER 7520357 COMMONWEALTH OF VIRGINIA

REZONING/CONDITIONAL ZONING AMENDMENT APPLICATION CHECKLIST

Both checklist and application required upon submission to central permitting or application will not be accepted

In conjunction with Section 1-1015, *Amendments*, of the Isle of Wight County Zoning Ordinance, as amended, the following information shall be submitted for a Rezoning/Conditional Zoning Amendment Application. Please note that it is the applicant's responsibility to ensure that the application is in compliance with all Federal, State and County regulations.

No application for a rezoning shall be certified as complete unless the following information is provided. The required number of copies may be reduced with permission of the Zoning Administrator.

- ☑ Application: ~~Ten (10)~~ 2* copies of the original, executed application, one (1) digital copy of all application documents, and one (1) original executed application. Both the applicant(s) and the property owner(s) must have their signature(s) notarized on page 3 of the application.

- ☑ Fees. Application fee must be submitted with the application. Checks should be made payable to: Treasurer, Isle of Wight County.

- ☐ Statement of the reasons for seeking such amendment, and if applicable, a statement of proffered conditions with owner(s) original, notarized signature. ~~Ten (10)~~ 2* copies required.

- ☑ Narrative description. ~~Description~~ of current condition and use of the property, to include the Tax Parcel Identification Number. ~~Ten (10)~~ 2* copies required.

- ☑ Concept plan. ~~Ten (10)~~ 2* of plan DRAWN TO SCALE showing the following items:
  - A vicinity map at a scale of no less than one (1) inch equals two thousand (2,000) feet
  - Title of drawing
  - Date of drawing
  - Existing wood line
  - North arrow
  - Scale bar
  - Current zoning of parcel(s) to be rezoned, including tax map number(s) and owner(s)
  - Current zoning of adjacent parcel(s), including tax map number(s) and owner(s)
  - Street names including route number and width(s) of the right-of-way(s)

- N/A ☐ Supplemental material. Ten (10) copies of any additional information required for the proposed use in accordance with Section 5-5000, *Supplementary Use Regulations*, of the Zoning Ordinance.

- N/A ☐ Community Impact Statement. Required for residential subdivisions of five (5) or more lots, planned development, commercial, industrial, or miscellaneous rezoning/conditional zoning amendment applications. Please refer to Section 1-1015.F for detailed requirements of the Community Impact Statement. Ten (10) copies required.

* SCW

N/A ☐ Water Quality Impact Assessment. Ten copies for any rezoning in the Chesapeake Bay Preservation Area prepared in accordance with Appendix B-1 of the County Code for applications containing any of the following:

- will disturb any portion of the 100-foot buffer area of a Resource Protection Area (RPA), or any component identified in Section 3000.B.1 of the Chesapeake Bay Preservation Area Ordinance;
- contains ten (10) acres or more for any use, other than a development of single family detached residential lots;
- contains twenty-five (25) acres or more for the development of single family detached residential lots; or,
- any other development that may warrant such assessment due to the unique characteristics of the site or intensity of the proposed use or development, as may be required by the Zoning Administrator.

N/A ☐ Planned Development supplemental information. Ten (10) copies shall be submitted in accordance with Section 4-14005, *Submission Requirements,* of the Zoning Ordinance.

☑ All real estate taxes must be paid and current at the time of submittal; otherwise, the submittal will be refused at the counter.

N/A ☐ Voluntary Proffer Statement if applicable

N/A ☐ Waiver and Release of Claims if cash proffer is proposed

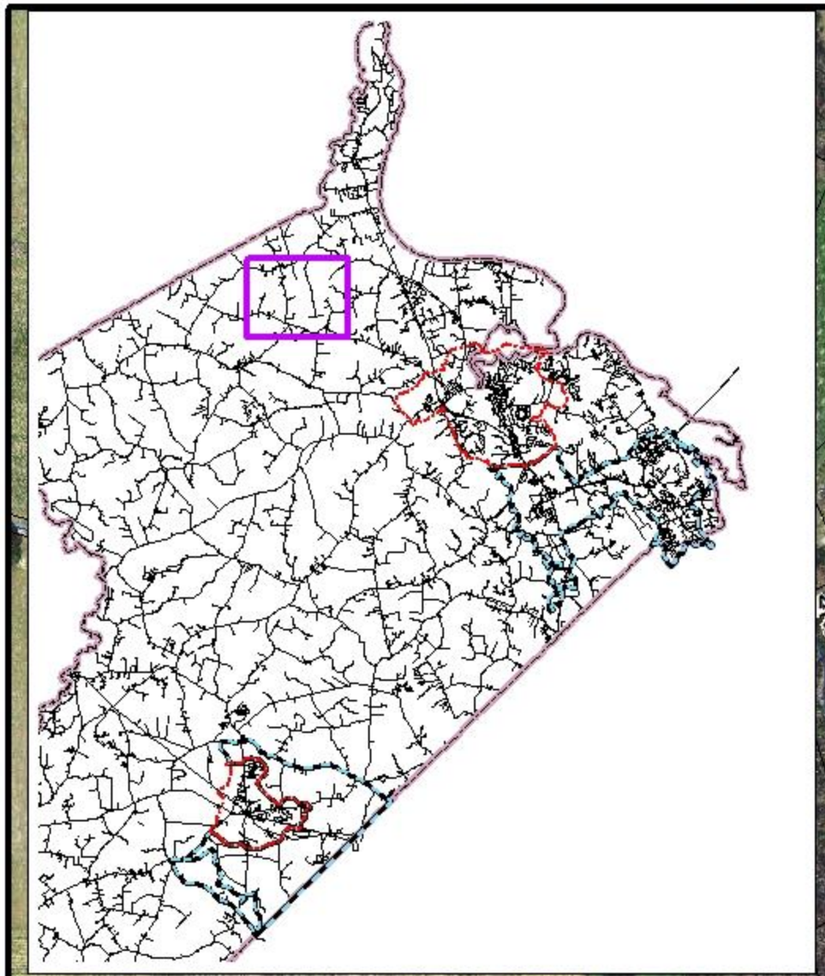
I, the undersigned, certify that this application is complete, accurate and contains all required and requested information, documents and other submittals, and that all statements made herein are, to the best of my knowledge, true and correct. I further certify that I have exercised due diligence to obtain the most recent, complete and correct information available. I understand that any section not completed in its entirety may delay processing of this application and the date of the Planning Commission public hearing and that the submittal of a complete application does not guarantee the application will be placed on the next available Planning Commission agenda.

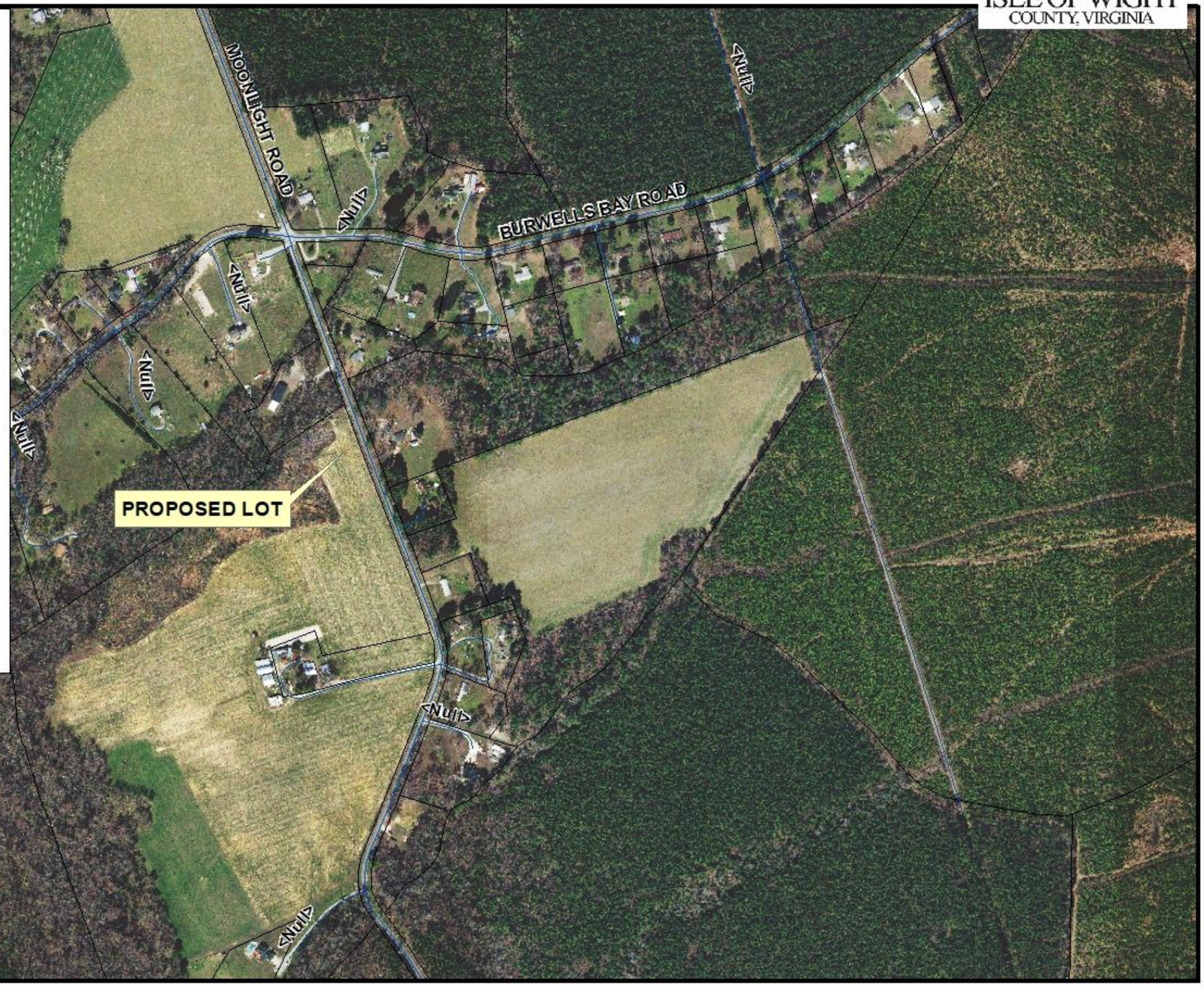
Dana E Edwards Jeanette Edwards George A Edwards

Signature

ZA-6-22 EDWARDS REZONING LOCATION MAP

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA





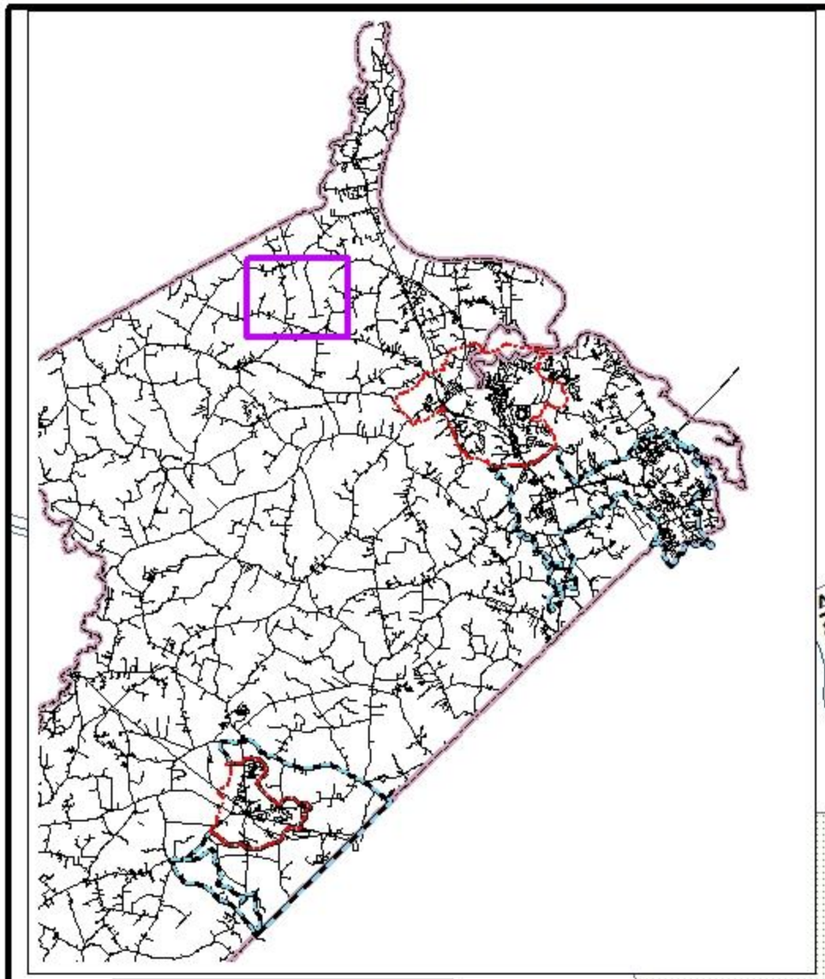
Legend

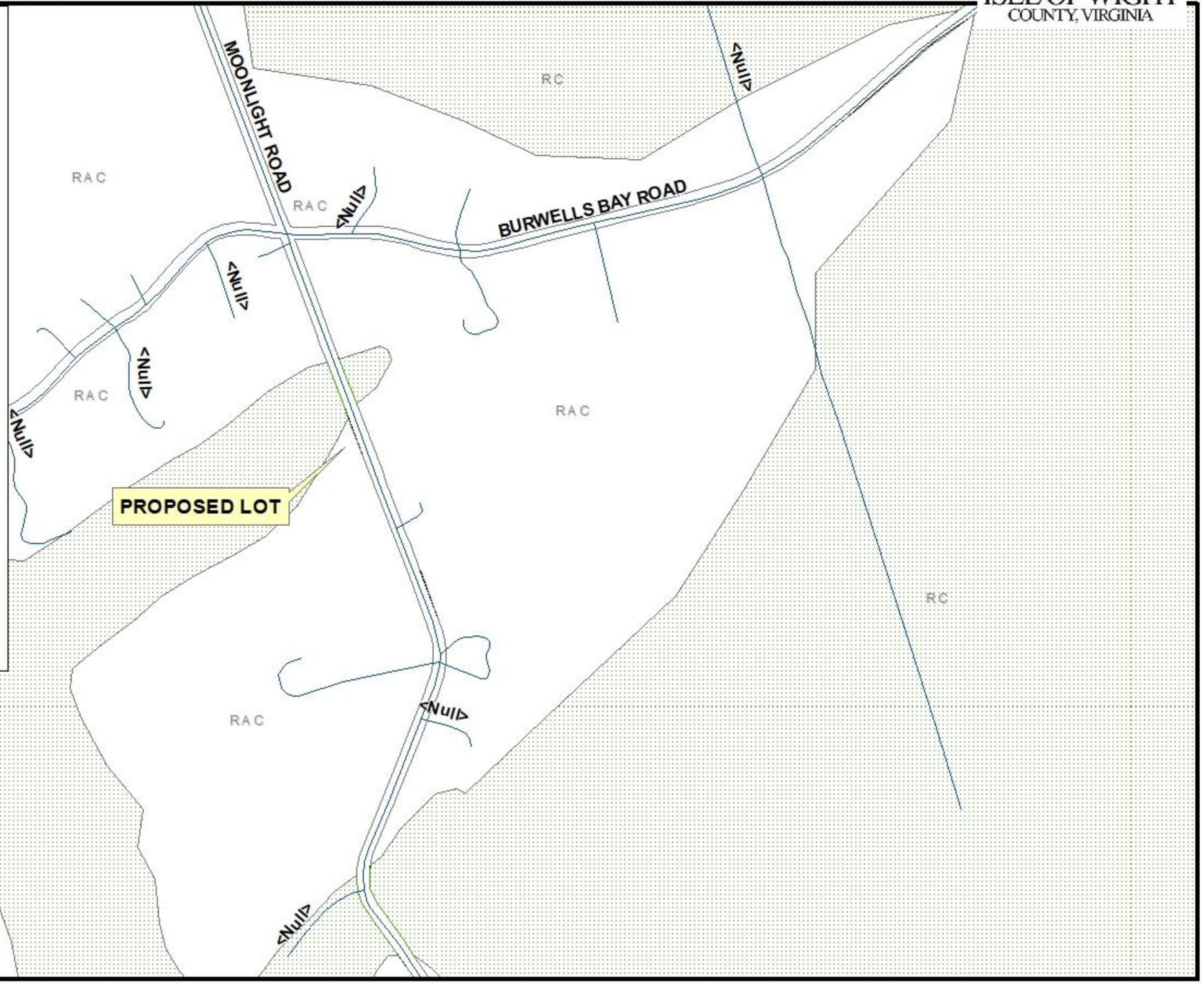
- Road Center Lines
- Parcels
- County Boundary

N

ZA-6-22 EDWARDS REZONING LAND USE MAP

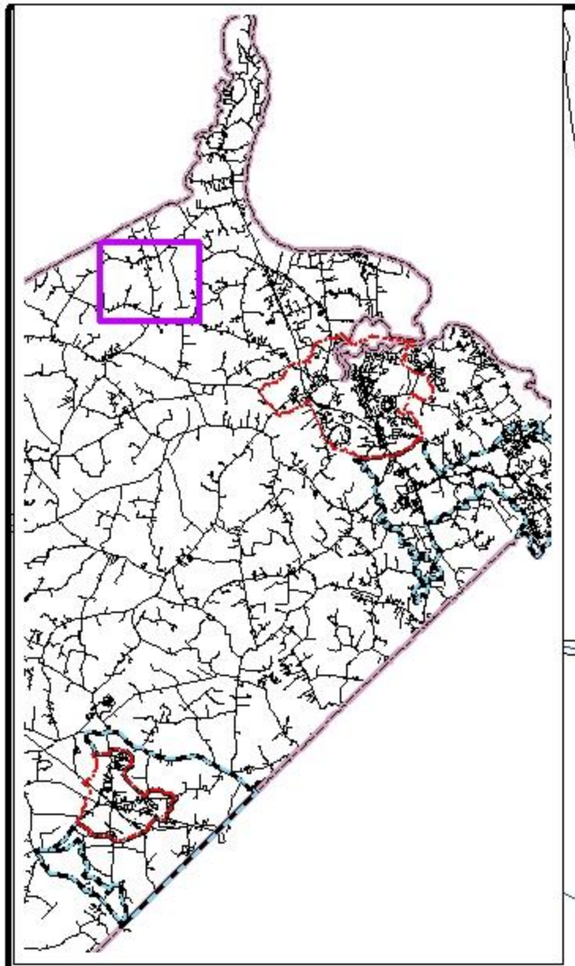
Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA





ZA-6-22 EDWARDS REZONING ZONE MAP

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA



MOONLIGHT ROAD

BURWELLS BAY ROAD

<Null>

PROPOSED LOT

N

Legend

- Road Center Lines
- Parcels
- GC
- GI
- GIC
- LC
- LI
- NC
- PD-MH
- PD-MX
- PD-R
- RAC
- ROAD
- RR
- SE
- SR
- TOWN
- UR
- VC
- WATER
- County Boundary

THIS SUBDIVISION OF PROPERTY AS IT APPEARS ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS.

DATE _____ _____ OWNER.

DATE _____ _____ OWNER.

DATE _____ _____ OWNER.

STATE OF VIRGINIA
CITY/COUNTY OF _____ TO WIT:

I, _____, A NOTARY PUBLIC IN AND FOR THE CITY AND THE STATE AFORESAID DO HEREBY CERTIFY THAT THE ABOVE PERSONS WHOSE NAMES ARE SIGNED TO THE FOREGOING WRITING HAVE ACKNOWLEDGED THE SAME BEFORE ME IN MY CITY AND STATE AFORESAID.
GIVEN UNTO MY HAND THIS _____ DAY OF _____, 20 ____.
MY COMMISION EXPIRES _____

_____
NOTARY PUBLIC

I HEREBY CERTIFY THAT THIS SUBDIVISION WAS MADE BY ME AT THE DIRECTION OF THE OWNERS AND THAT THIS SUBDIVISION IS ENTIRELY WITHIN THE BOUNDARIES OF LAND OWNED BY THEM AND THAT STEEL PINS, AS SHOWN ON THIS PLAT BY SMALL CIRCLES, HAVE ACTUALLY BEEN PLACED AND THEIR LOCATIONS CORRECTLY SHOWN AND THAT THE PLAT DETAILS MEET THE STANDARDS FOR PLATS AS ADOPTED UNDER VC 42.1-82 OF THE VIRGINIA PUBLIC RECORDS ACT (42.1-76, ET. SEQ.).
SOURCE OF TITLE AND LAST PLACE OF RECORD: (INSTRUMENT NUMBER - 130004363 RECORDED IN THE CLERK'S OFFICE OF ISLE OF WIGHT COUNTY, VIRGINIA

DATE 10/23/22 F. Hunter Walters LAND SURVEYOR #2551

THIS SUBDIVISION PLAT HAS BEEN FOUND TO BE IN CONFORMANCE WITH THE ISLE OF WIGHT COUNTY SUBDIVISION ORDINANCE AND MUST BE RECORDED WITH THE OFFICE OF THE CLERK OF CIRCUIT COURT OF ISLE OF WIGHT COUNTY WITHIN SIX MONTHS OF THE DATE OF APPROVAL. APPROVAL WILL BE DEEMED VOID AFTER SIX MONTHS AND THE PLAT MUST BE RESUBMITTED FOR APPROVAL.

DATE OF APPROVAL: _____ SUBDIVISION AGENT: _____

DATE OF APPROVAL: _____ VDOT RESIDENT ENGINEER: _____

NOTES:

1. WHERE SEPTIC TANKS ARE TO BE INSTALLED ON INDIVIDUAL LOTS, THERE SHALL BE AN APPROVAL OF THE DRAINFIELD BY THE HEALTH DEPARTMENT AT THE TIME APPLICATION IS MADE FOR A SEPTIC TANK SYSTEM. APPROVAL OF THIS PLAT BY THE PLATTING AUTHORITY DOES NOT INDICATE THAT THE INDIVIDUAL LOT IS SUITABLE FOR APPROVAL OF A SEPTIC DRAINFIELD.
2. THE ZONING OF THIS PARCEL IS "RAC - RURAL AGRICULTURAL CONSERVATION"
3. THE LOT SHOWN ON THIS PLAT IS NOT SERVED BY PUBLIC WATER OR SEWER.
4. NO ZONING PERMIT OR BUILDING PERMIT SHALL BE ISSUED FOR ANY LOT UNTIL A WELL OR WATER SOURCE HAS BEEN APPROVED BY THE COUNTY HEALTH DEPARTMENT.
5. THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.
6. THIS PROPERTY IS NOT LOCATED WITHIN THE CHESAPEAKE BAY PRESERVATION AREA (CBPA).
7. THERE ARE NO WETLANDS LOCATED ON THIS LOT.

THE PROPERTY SHOWN HEREON APPEARS TO BE IN FLOOD HAZARD AREA ZONE X AS SHOWN ON COMMUNITY PANEL NO. 5103C0065 F FLOOD INSURANCE RATE MAP FOR ISLE OF WIGHT COUNTY, VIRGINIA EFFECTIVE DECEMBER 02, 2015.

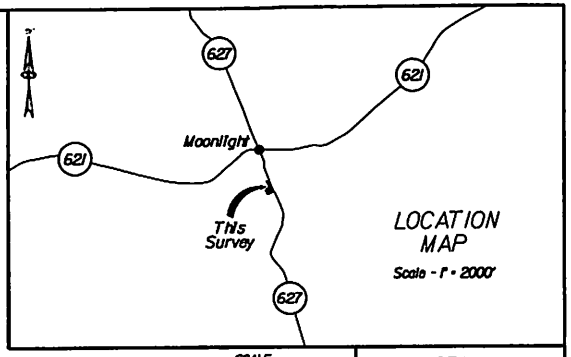
** - 25' DEDICATION OF RIGHT OF WAY FROM CENTERLINE FOR PUBLIC USE

PLAT# 22-148

PLAT
SHOWING MINOR SUBDIVISION OF PROPERTY OWNED BY
DANA LOUISE EDWARDS
GEORGE W. EDWARDS & JEANETTE J. EDWARDS L/E
TO BE CONVEYED TO
JORDAN EDWARDS CHAFFER
LOCATED AT 8263 MOONLIGHT ROAD
HARDY MAGISTERIAL DISTRICT ISLE OF WIGHT COUNTY, VIRGINIA
SCALE 1" = 50' OCTOBER 23, 2022

F. HUNTER WALTERS, JR.
LAND SURVEYOR #2551
306 COLLINS ROAD
SUFFOLK, VIRGINIA
PHONE # (757) 986-4848
HUNTER@ECSURVEYORS.COM

DEED BOOK 316 PAGE 444

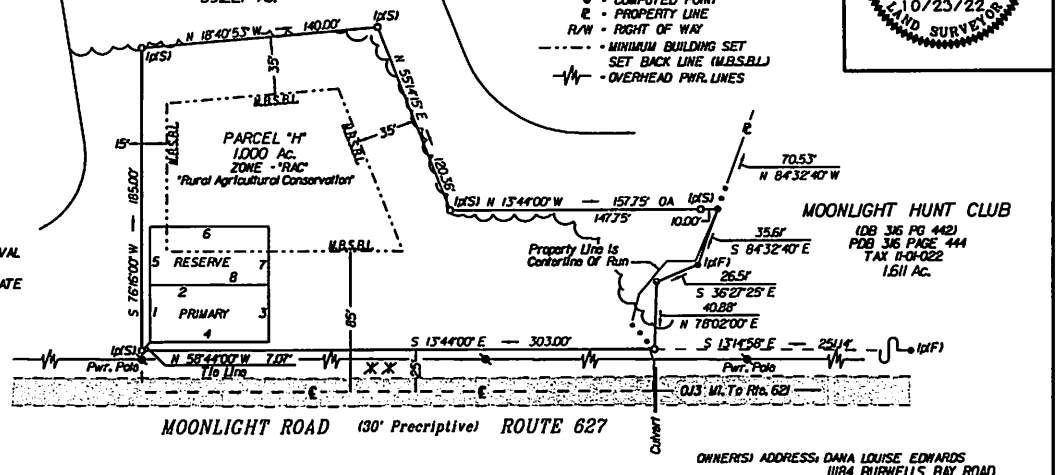


SCALE
0 25' 50' 100'

SEAL
COMMONWEALTH OF VIRGINIA
F. Hunter Walters, Jr.
F. HUNTER WALTERS, JR.
Lic. No. 2551
10/23/22
LAND SURVEYOR

"Residue"
DANA LOUISE EDWARDS
GEORGE W. EDWARDS & JEANETTE J. EDWARDS L/E
(INST# 130004363)
PLAT BOOK 4 PAGE 58
TAX 11-01-022
39.227 Ac.

LEGEND
- o - IRON PIN SET - I(pS) (5/8" X 2' REBAR)
- ● - IRON PIN FD.- I(pF)
- ⊙ - COMPUTED POINT
- ℄ - PROPERTY LINE
- R/W - RIGHT OF WAY
- ---- - MINIMUM BUILDING SET BACK LINE (M.B.S.B.L.)
- -/\/\/- - OVERHEAD PWR. LINES



OBSERVED DRAINFIELD		
#	BEARING	DISTANCE
PRIMARY		
1	S 76°16'00" W	35.0'
2	N 13°44'00" W	70.0'
3	N 76°16'00" E	35.0'
4	S 13°44'00" E	70.0'
RESERVE		
5	S 76°16'00" W	35.0'
6	N 13°44'00" W	70.0'
7	N 76°16'00" E	35.0'
8	S 13°44'00" E	70.0'

ACREAGE TABLE

40.40	Ac. Tax Parcel 11-01-022 (From Tax Records)
- 1.000	Ac. To Lot "H"
- 0.173	Ac. Dedicated From Centerline For Future Widening
39.227	Ac. Residue Tax Parcel 11-01-022
1.000	Ac. Net Developable Area (Lot "H")

NEW PARCEL "H" INCL. 0.000 AC. OF WETLAND CRITICAL AREA

OWNER(S) ADDRESS: DANA LOUISE EDWARDS
11184 BURWELLS BAY ROAD
SMITHFIELD, VIRGINIA 23430
TELEPHONE: (757) 268-8411

OWNER(S) ADDRESS: GEORGE W. EDWARDS & JEANETTE J. EDWARDS
10522 BURWELLS BAY ROAD
SMITHFIELD, VIRGINIA 23430
TELEPHONE: (757) 357-4961

SUBJECT PARCEL: TAX MAP 11-01-022
GRANTOR(S): GEORGE W. EDWARDS
GRANTOR(S): JEANETTE J. EDWARDS
GRANTEE(S): DANA LOUISE EDWARDS
GRANTEE(S): GEORGE W. EDWARDS L/E
GRANTEE(S): JEANETTE J. EDWARDS L/E
DEED DATE: MAY 07, 2013
RECORD DATE: AUGUST 12, 2013
LAND RECORD: INSTRUMENT# 130004363

RESOLUTION NO. PC-23-1

ISLE OF WIGHT COUNTY PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION TO THE BOARD OF SUPERVISORS RELATING TO REZONING REQUEST ZA-6-22 TO CHANGE THE ZONING DISTRICT OF ONE ACRE OF PROPERTY WITH TAX MAP NUMBER 11-01-022 FROM THE RURAL AGRICULTURAL CONSERVATION ZONING DISTRICT TO THE RURAL RESIDENTIAL ZONING DISTRICT AND TO WITHDRAW THE SAME ACRE FROM THE MOONLIGHT AGRICULTURAL AND FORESTAL DISTRICT

WHEREAS, Dana Louise Edwards, George W. Edwards and Jeanette J. Edwards, property owners, have requested to change the zoning district of one acre of property with tax map number 11-01-022 from the Rural Agricultural Conservation zoning district to the Rural Residential zoning district; and

WHEREAS, the procedural requirements for the consideration of this request by the Planning Commission have been met; and,

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on January 4, 2023, considered a request by the property owners to withdraw this same one acre parcel from the Moonlight District and voted to recommend approval of this request; and,

WHEREAS, the Planning Commission considered the recommendation of the Agricultural and Forestal Districts Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of Isle of Wight County,
that:

Section 1. Findings.

A. The Isle of Wight County Planning Commission finds that the proposed rezoning is reasonable, and warranted due to a change in circumstances affecting the property, and has considered the following factors and finds that the proposed rezoning does not conflict with:

1. the existing use and character of property within the County;
2. the Comprehensive Plan;
3. the suitability of the property for various uses;
4. the trends of growth or change;
5. the current or future requirements of the community as to land for various purposes as determined by population and economic studies and other studies;
6. the transportation requirements of the community;
7. the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services;

8. the conservation of natural resources;
9. the preservation of flood plains;
10. the preservation of agricultural and forestal land;
11. the conservation of properties and their values; and,
12. the encouragement of the most appropriate use of land throughout the County.

B. The Isle of Wight County Planning Commission considered the recommendation of the Agricultural and Forestal Districts Advisory Committee.

Section 2. Recommendation to Board of Supervisors.

The Planning Commission recommends to the Board of Supervisors that the request, ZA-6-22, be:

___a. Granted as submitted, and that the Board of Supervisors adopt the proposed Ordinance without modification.

___b. Denied, and that Board of Supervisors do not adopt the proposed Ordinance.

___c. Granted with the modifications set forth on the attached listing of specific recommendations, and that the Board of Supervisors adopt the proposed Ordinance with such modifications.

Furthermore, the Planning Commission recommends to the Board of Supervisors that the request by the property owner to remove this same parcel from the Moonlight Agricultural & Forestal District be granted.

DATE:_____

READ AND PASSED:_____
Chairman, Isle of Wight County Planning Commission

TESTE:_____
Secretary, Isle of Wight County Planning Commission

Approved as to Form:

_____
Robert W. Jones, Jr., County Attorney

PLANNING REPORT

APPLICATION:

Application CUP-8-22 of John Babb, applicant, and the Alyne C. Buchanan Estate, property owner, for a conditional use permit (CUP) to establish a contractor office and storage facility on property located at 14232 Benns Church Boulevard with tax map parcel 32-01-064

ELECTION DISTRICT:

District 1

LOCATION:

The subject property is located on Benns Church Boulevard (Route 10 & 258). The property is located less than one mile north of the St. Lukes Church Cemetery. The Red Oak Mobile Home Park lies directly to the west of the property and additional commercial uses abut the property to the north. Benns Church Boulevard lies adjacent to the property to the east across which several single-family homes are located. There is vacant property with commercial zoning directly to the south. The affected parcel is located in the Newport Development Service Overlay District.

BACKGROUND:

The project site is currently being used as a residence and lies in the Rural Agricultural Conservation (RAC) zoning district. The County tax records indicate that the residence was built in 1940. An accessory garage and two wooden sheds are also found on the property.

In late 2022, the applicant discussed with County staff the possibility of establishing a contractor's office and storage yard on the property. It was determined that the proposed uses require a CUP per Section 4-2003 of the Zoning Ordinance.

DESCRIPTION:

The applicant proposes to modify an existing residence into an office and showroom for his general contracting business. The applicant has stated that the occupancy will be limited to one person daily, while all other employees will work

from their respective job sites. The site will be used as a central location for the business office and appointment-only customer visits to the showroom. Storage of materials and equipment shall be within existing structures. The concept plans shows a screened storage area proposed on the west side of the site. Section 5-5005.J of the Zoning Ordinance prohibits contractor storage areas within 100 feet of a residential district.

COMPREHENSIVE LAND USE PLAN:

The future recommended land use designation is Urban Residential (UR). This land use designation envisions single family or multifamily housing types with less of a suburban design. UR land use consists of detached single-family homes on smaller lots, attached single-family homes such as townhouses, or multi-plex and apartment-style housing options. Preservation of environmental features still occurs, and community amenities are often offered.

Appropriate uses found in the UR land use are small lots, detached single-family residences, and attached single-family structures such as duplexes. Limited commercial uses which are either existing or support development in close proximity are also appropriate. While the contractor office and storage facility use is not generally consistent, the business would provide home improvement services which would support nearby residential development and could be considered compatible with appropriate conditions.

ORDINANCE REVIEW:

The zoning district classification for this property is RAC. The RAC zoning district is intended to preserve and protect areas of the County that are predominantly in agricultural and forestal use, and to maintain the existing land base to support those activities. The applicant proposes to establish an office and showroom, which is classified as a contractor office and storage facility use type in the zoning ordinance. The contractor office and storage facility use are permitted as conditional uses in the RAC district and may be considered compatible with appropriate conditions to mitigate any potential negative impacts on the surrounding community.

The property also lies with the Newport Development Service Overlay District

and the Chesapeake Bay Preservation Area Overlay District, both of which require additional design criteria for nonresidential development.

In addition to a CUP, Section 5-5005.J of the Supplementary Use regulations contains additional performance criteria for contractor's office and storage yards which require that all materials stored on the property to be placed either indoors or in a storage yard. Any storage yard must be fully screened from public view and be set back at least 100 feet from any adjoining residential district. In order to reduce the required 100 foot setback, the applicant would need to apply for a variance from the Board of Zoning Appeals.

Section 1-1017 of the Zoning Ordinance provides standards for review of a conditional use application that the Planning Commission and Board of Supervisors shall consider before granting a conditional use permit. They are as follows:
1. That the establishment, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, safety, and general welfare;
2. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially impair the use of other property within the immediate proximity;
3. That adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements have been or will be provided;
4. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets;
5. That the proposed conditional use is not contrary to the goals and objectives of the Isle of Wight County Comprehensive Plan;
6. That the conditional use shall, in all other respects, conform to the applicable regulations of the zoning district classification in which it is located and to the special requirements established for the specific use; and,
7. That the use(s) at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.

In addition to the standards and other guidelines described in the Zoning Ordinance, the Board may impose conditions or limitations on any approval, including the posting of performance guarantees. Such conditions may include, but are not necessarily limited to:
1. The number of persons living or working in the immediate area and the proposed hours of operation, as may applicable;
2. Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities; the access of vehicles to roads; peak periods of traffic; and

proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future;
3. The orderly growth of the neighborhood and community and the fiscal impact on the County;
4. The effect of odors, dust, gas, smoke, fumes, vibration, glare, and noise upon the use of surrounding properties;
5. Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal, and the ability of the County or persons to supply such services;
6. The degree to which the development is consistent with generally accepted engineering and planning principles and practices;
7. The structures in the vicinity such as schools, houses of worship, theaters, hospitals, and similar places of public use;
8. The purposes set forth in this ordinance, the County's Comprehensive Plan, and related studies for land use, roads, parks, schools, sewers, water, population, recreation, and the like;
9. The environmental impact, the effect on sensitive natural features, and opportunities for recreation and open space; and,
10. The preservation of cultural and historic resources of landmarks.

If the CUP is granted, the applicant will be required to meet all supplementary use regulations for the contractor office and storage facility and must also follow the appropriate site plan review process to facilitate the development of the site.

AGENCY REVIEW:

The application was forwarded to the following departments for their review:

- **Emergency Services**: No issues with the storage of general building materials as long as the quantity of the materials being stored does not trigger the need for some type of fire system (alarm/suppression) by Code.
- **Inspections**: Requested conditions be added stating that the building would have to get a structural assessment to demonstrate compliance with the building code, and that the applicant applies for a Change of Use permit as well as any other permits if alterations are to be made.
- **General Services**: No concerns expressed.
- **Health Department**: Requires a letter from a certified engineer on the suitability of the sewer system.
- **VDOT**: Requires that a low-volume commercial entrance be installed.

Please note that, should this project be approved, it will be subject to review and approval from all associated agencies.

STAFF CONCLUSIONS:

Strengths:

1. The proposed use will have minimal impact on community facilities and resources.
2. The approval will allow for an existing business in the County to expand.

Weaknesses:

1. The use is generally not consistent with the recommended future UR land use, but since it a home improvement business that would support nearby residential development, it could be considered generally consistent with appropriate conditions.

STAFF RECOMMENDATION:

Staff recommends approval of the CUP with the following conditions: 1. Customer traffic to be limited by appointment-only. 2. The applicant must install a low-volume commercial entrance. 3. The building will have a structural assessment to demonstrate compliance with the building code and the applicant must apply for a change of use permit as well as any other permits if alterations are to be made. 4. Storage of equipment and materials on-site shall be of such a nature so as to not warrant the need for any type of fire supression-sprinkler system as may be required by the local Building Code. 5. Hours of operation shall be limited to 7:00 AM until 8:00 PM Monday through Saturday and from 12:00 Noon until 6:00 PM on Sundays. 6. The use shall be limited to home improvement businesses only. 7. In lieu of constructing the required pedestrian pathway as per Section 6-2009.M of the zoning ordinance (NDSO), the applicant shall dedicate a twelve foot wide easement along the Route 10 frontage to the County for the purpose of construction of the pedestrian pathway prior to final site plan approval.

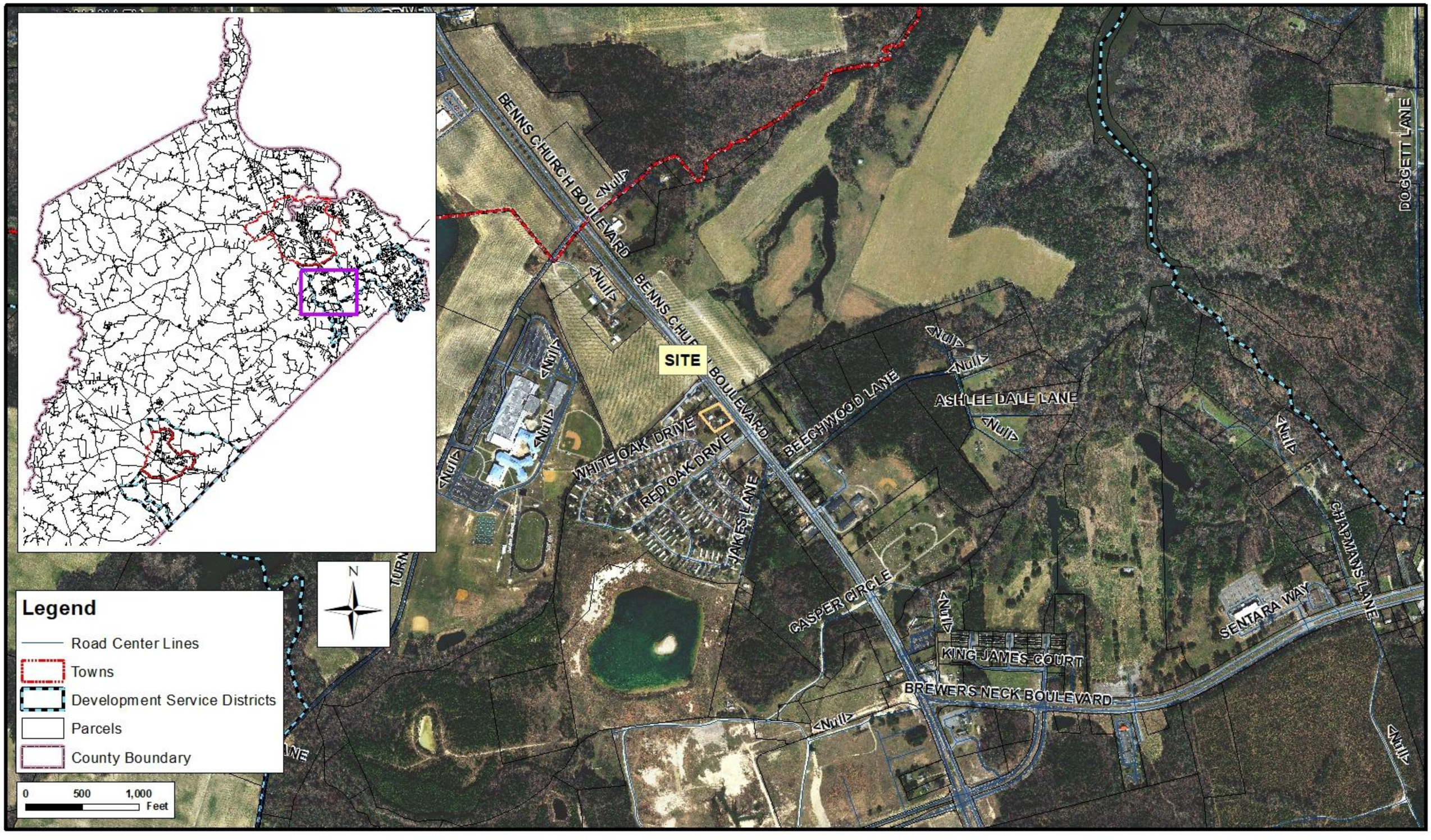
ATTACHMENTS:

Description	Type	Upload Date
Location Map	Backup Material	1/10/2023
Location Closeup Map	Backup Material	1/10/2023
Zoning Map	Backup Material	1/10/2023

Land Use Map	Backup Material	1/10/2023
Site Images	Backup Material	1/10/2023
Concept Plan	Backup Material	1/10/2023
Application	Backup Material	1/10/2023
PC Resolution	Resolution	1/10/2023

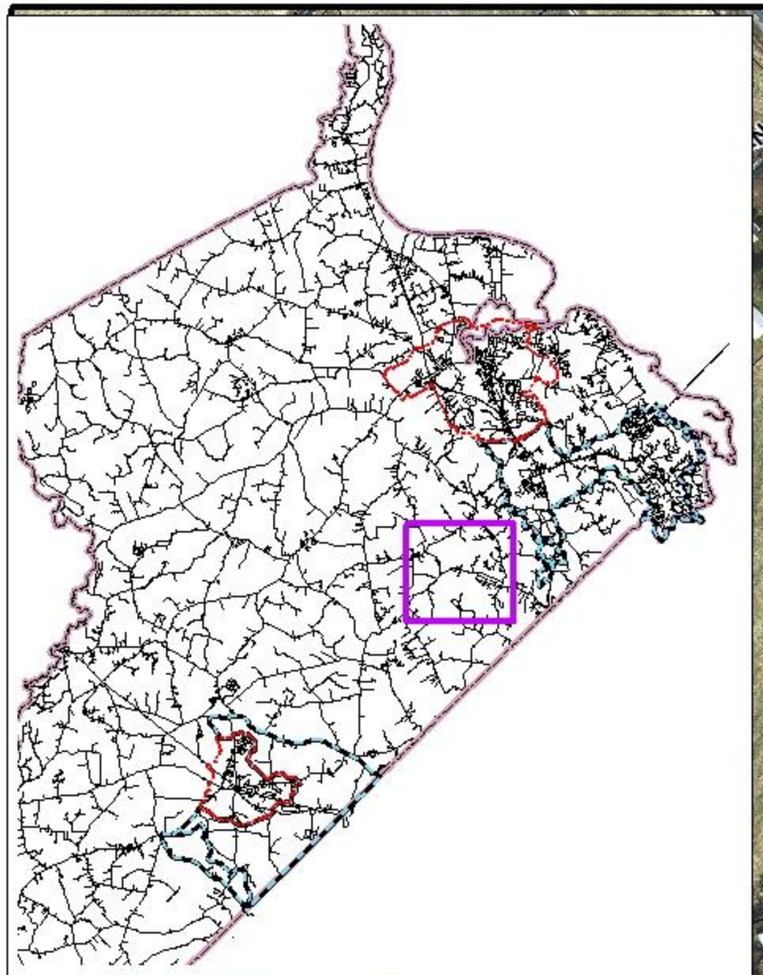
CUP-08-22 Conditional Use Permit - Location Map

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA



CUP-08-22 Conditional Use Permit - Location Closeup

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA



CUP-08-22 Conditional Use Permit- Zoning Map

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA

SITE

Legend

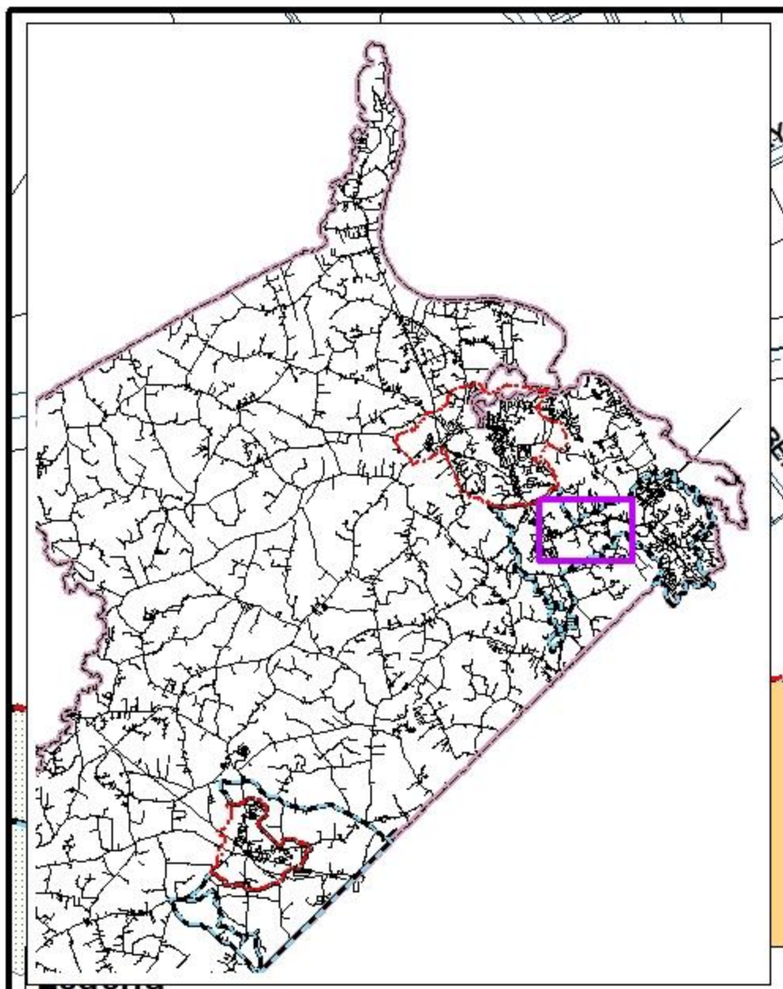
- General Commercial
- General Industrial
- General Industrial Conservation
- Limited Commercial
- Limited Industrial
- Neighborhood Conservation
- Planned Dev. - Mobile Home
- Planned Dev. - Mixed Use
- Planned Dev. Residential
- Rural Agricultural Conservation
- Rural Residential
- Suburban Estate
- Suburban Residential
- Urban Residential
- Village Center
- Road Center Lines
- Towns
- Development Service Districts
- County Boundary

N

0 500 1,000 Feet

CUP-08-22 Conditional Use Permit - Land Use Map

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA



SITE

BUCKINGHAM WAY
BENNS CHURCH BOULEVARD
WATERFRONT LANE
DOGGETT LANE
PONDEROSA LANE
ASHLEE DALE LANE
BEECHWOOD LANE
WHITE OAK DRIVE
RED OAK DRIVE
JAKES LANE
CASPER CIRCLE
KING JAMES COURT
BREWERS NECK BOULEVARD
SENTARA WAY
CHAPMANS LANE
REYNOLDS DRIVE

Legend

- Business & Employment
- Conservation Development
- Mixed Use
- Planned Industrial
- Rural Agricultural Conservation
- Resource Conservation
- Suburban Estate
- Suburban Residential
- UR
- Road Center Lines
- Towns
- Development Service Districts
- County Boundary

0 500 1,000 Feet

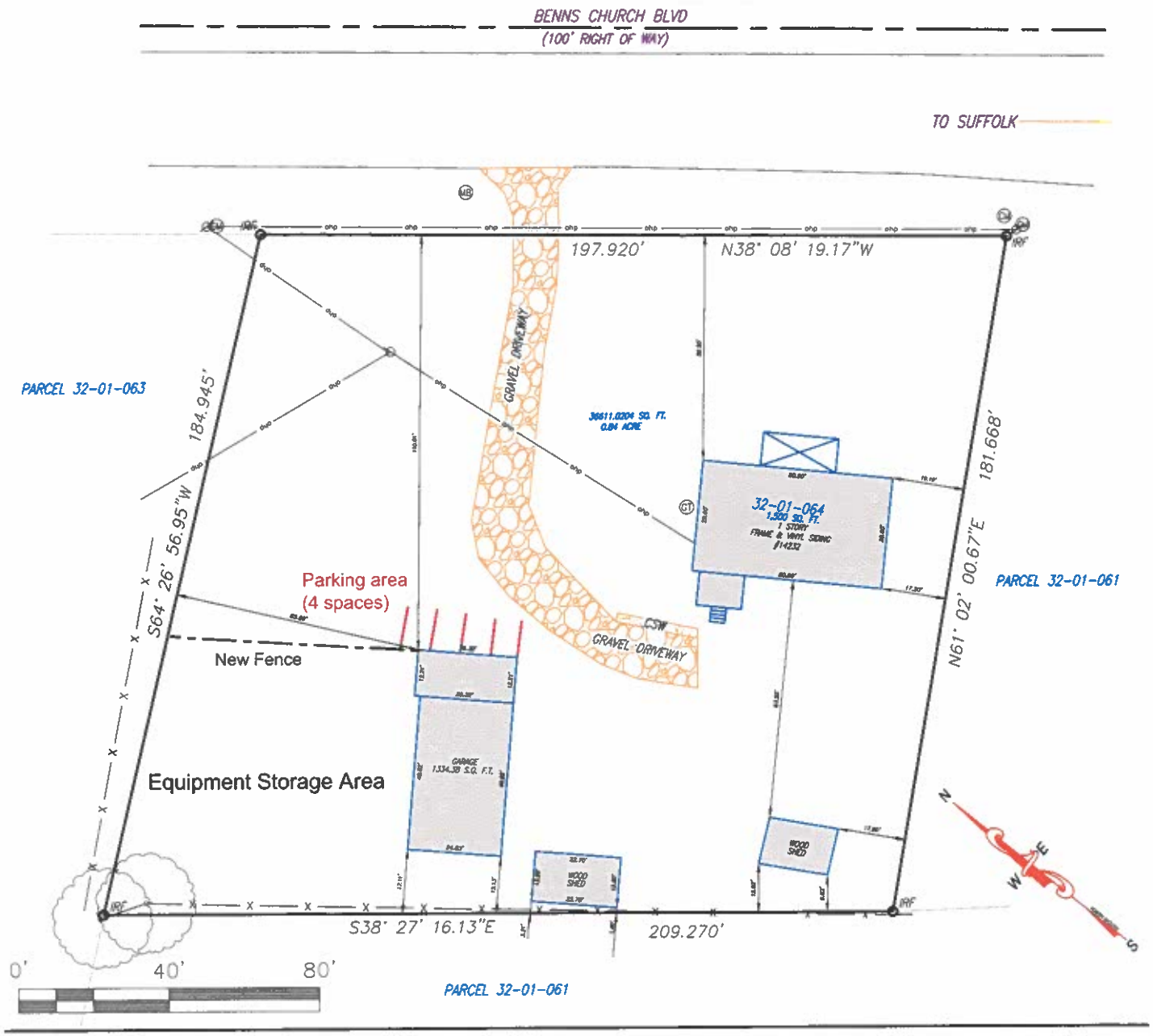
N

Looking South towards the site from Benns Church Boulevard.

Existing Drive

Looking West towards Red Oak Mobile Home Park

The residence from Benns Church Boulevard


BENNS CHURCH BLVD
(100' RIGHT OF WAY)
TO SUFFOLK
197.920'
N38° 08' 19.17"W
PARCEL 32-01-063
184.945'
S64° 26' 56.95"W
GRAVEL DRIVEWAY
36611.0204 SQ. FT.
0.84 ACRE
32-01-064
1,320 SQ. FT.
1 STORY
FRAME & VINYL SIDING
#14232
181.668'
N61° 02' 00.67"E
PARCEL 32-01-061
Parking area
(4 spaces)
New Fence
CSW
GRAVEL DRIVEWAY
Equipment Storage Area
GARAGE
1,334.39 S.Q. F.T.
WOOD SHED
WOOD SHED
S38° 27' 16.13"E
209.270'
0'
40'
80'
PARCEL 32-01-061

Local Roots, Global Reach

ISLE OF WIGHT COUNTY, VIRGINIA

DEPARTMENT OF PLANNING AND ZONING

MEMORANDUM

TO: Inspections
Emergency Services
General Services
VDOT
Health Department
Economic Development

FROM: Trenton Blowe, Planner 1

RE: Conditional Use Permit, CUP-08-22
Built By Babb Contractor Office and Storage Facility
Tax Map No. 32-01-064

DATE: August 23, 2022

Attached please find the conditional use permit application and associated application documents for the above-referenced project to be located at 14232 Benns Church Blvd. The proposal is for a contractor office and storage facility. The applicant is proposing to convert an existing dwelling to office space for his contractor business. No additional development is proposed with this application.

Please review the attached and provide written comments to me by **September 23, 2022,** indicating that you have no objections to the application as submitted or noting specific deficiencies to be addressed. As always, please feel free to contact me at (757) 357-9113 or tblowe@iwus.net if you have any questions.

ISLE OF WIGHT
COUNTY, VIRGINIA

APPLICATION FOR CONDITIONAL / SPECIAL USE PERMIT

This application should be used to petition for a permit for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but which may, under the right set of circumstances and conditions be acceptable in certain specific locations. The following application requirements are consistent with the procedures set forth in Section 1-1017, *Conditional Uses,* and Section 1-1018, *Special Use Permits for Uses Not Provided For,* of the Isle of Wight County Zoning Ordinance, as amended.

A. APPLICATION FOR (CHECK ALL THAT APPLY):

[✓] Conditional Use Permit (Are applicant proposed conditions attached?): ____ Yes ✓ No

The proposed use or activity is listed as a conditional use in the RAC zoning district as per Section 4-2003 in Article IV of the Isle of Wight County Zoning Ordinance.

[ ] Special Use Permit (Are applicant proposed conditions attached?): ____ Yes ____ No

Proposed Use or Activity: Contractor office and Storage Facility

B. PROJECT DESCRIPTION:

Project Name: Built By Babb

Property Address (if any): 14232 Benns Church Blvd

Election District: D-1

Comprehensive Plan Designation: Urban Residential

The use permit will apply to 0.84 acres out of 0.84 total acres

Tax Parcel Identification # 32-01-004 Number of acres to be effected: 0.84

Tax Parcel Identification # ____ Number of acres to be effected: ____

Tax Parcel Identification # ____ Number of acres to be effected: ____

Proposed Utilities (check all that apply): Public Water ✓ Private Well ____

Public Sewer ____ Private Septic ✓

C. **APPLICATION INFORMATION:**

Applicant(s) Name(s): John Babb Built By Babb

Address: 7995 Purvis Lane

City, State, Zip Code: Smithfield VA 23430

Phone No.: 757-279-4129 Email: _____ Fax No.: _____

Property Owner(s) Name(s): The Estate of Alyne C. Buchanan by Story B Hurley, Ex Leora LEE Thibeault, Ex.

Address: 14232 Benns Church Blvd.

City, State, Zip Code: Smithfield, VA 23430

Phone No.: 919-724-5424 Email: mshurlarius@aol.com Fax No.: N/A

John H. Babb 7/25/22

Applicant Signature **Date**

The Estate of Alyne C. Buchanan by Story B Hurley, Ex. Leora A Thibeault Ex 7/25/22

Owner Signature ***if different*** **Date**

NOTICE: THE ATTACHED CHECKLIST MUST BE COMPLETED, CERTIFIED, AND SUBMITTED OR THE APPLICATION WILL BE CONSIDERED INCOMPLETE.

Remit Application to: Isle of Wight County Central Permitting, 17140 Monument Circle, Suite 100
P. O. Box 80, Isle of Wight, Virginia 23397

FOR OFFICE USE ONLY:

Complete Application Received On: _____ Fees Paid: _____

Tax Query: | | Current | | Delinquent Distribution Date: _____

Posted/Date to Post: _____

AGENCIES REFERRALS:

_____ Department of Conservation & Recreation
_____ Economic Development
_____ Emergency Services
_____ General Services
_____ Environmental Planner
_____ Health Department
_____ Transportation Manager
_____ Commission of Revenue
_____ Other _____

_____ Inspections
_____ Sheriff's Office
_____ Town of Smithfield
_____ Town of Windsor
_____ VDOT
_____ Schools
_____ Budget & Finance
_____ County Attorney

Verified By: _____ Date: _____

- Please note that additional information on the site layout may be requested by the Zoning Administrator during the review process to **review the application and prepare the staff reports for the Planning Commission and Board of Supervisors more effectively**.

Ten (10) copies of such supplemental material as may be necessitated by the proposal itself or the district in which located or proposed to be located, and in accordance with Section 5-5000, *Supplementary Use Regulations*, of the Isle of Wight County Zoning Ordinance.

A WQIA (Water Quality Impact Assessment) if located in the Chesapeake Bay Preservation Area.

All real estate taxes must be paid and current at the time of submittal; otherwise, the submittal will be refused at the counter. Proof of the most recent tax payment to the County must accompany the application.

I, the undersigned, certify that this application is complete, accurate and contains all required and requested information, documents and other submittals, and that all statements made herein are, to the best of my knowledge, true and correct. I further certify that I have exercised due diligence to obtain the most recent, complete and correct information available. I understand that any section not completed in its entirety may delay processing of this application and the date of the Planning Commission public hearing and that the submittal of a complete application does not guarantee the application will be placed on the next available Planning Commission agenda.

John H. Babb III

Printed or Typed Name

John H. Babb III

Signature

7/25/22

Date

SUBMITTAL CHECKLIST FOR CONDITIONAL / SPECIAL USE PERMIT APPLICATIONS

In conjunction with Section 1-1017, *Conditional Uses*, and Section 1-1018, *Special Uses Permits for Uses Not Provided For*, of the Isle of Wight County Zoning Ordinance, as amended, the following information shall be submitted for a Conditional / Special Use Permit Application. Please note that it is the applicant's responsibility to ensure that the application is in compliance with all Federal, State and County regulations.

No application for a Conditional / Special Use shall be certified as complete unless the following information is provided**, unless the Zoning Administrator reduces the number of required copies.**

Ten (10) copies of the original, executed application and one (1) original executed application, **unless the Zoning Administrator reduces the number of required copies**. Both the applicant(s) and the property owner(s) must have their signature(s) notarized on page No. 3 of the application.

The appropriate fees have been submitted with the application. Checks should be made payable to: Treasurer, Isle of Wight County.

Ten (10) copies of a statement of the reasons for seeking such permit **unless the Zoning Administrator reduces the number of required copies**. and if applicable, a statement of conditions.

Ten (10) of a narrative description of the property which shall include the Tax Parcel Identification Number **unless the Zoning Administrator reduces the number of required copies**.

A concept plan of the property showing all existing and proposed physical improvements and such other information as is necessary to clearly indicate to the Planning Commission and Board of Supervisors that adequate provisions shall be made for compliance with all standards for that particular use and the extent of the property to be so used on a given parcel or parcels. Such document shall be drawn to scale and shall include the following information:

- A vicinity map at a scale of no less than one (1) inch equals two thousand (2,000) feet
- Title of drawing Built By Babb. Plate Conditional use permit
- Date of drawing
- Existing wood line
- North arrow
- Scale bar
- Current zoning of parcel(s) to be rezoned, including tax map number(s) and owner(s)
- Current zoning of adjacent parcel(s), including tax map number(s) and owner(s)
- Street names including route number and width(s) of the right-of-way(s)
- Ten (10) full size copies, with one (1) reduced 11-inch X 17-inch copy shall be submitted

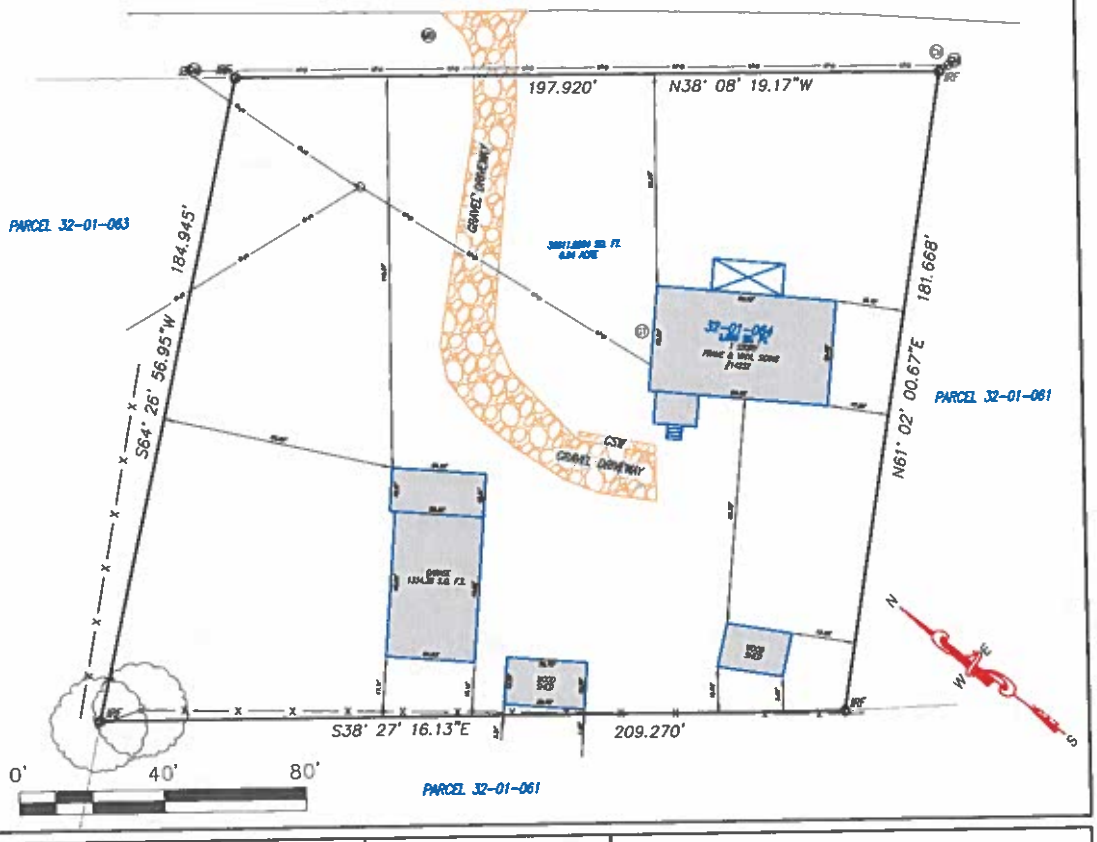
LEGEND

IRF	IRON ROD FOUND
CS	CONCRETE SLAB
CDWY	CONCRETE DRIVEWAY
CSW	CONCRETE SIDEWALK
EOP	EDGE OF PAVEMENT
◇	ELECTRIC BOX/METER
⊡	CLEAN OUT
-X-X-	CHAINLINK FENCE
WM	WATER METER
Ø	POWER POLE
GT	GAS TANK

TO SMITHFIELD

BENNS CHURCH BLVD
(100' RIGHT OF WAY)

TO SUFFOLK



COMMONWEALTH OF VIRGINIA
GUARIONEX ADORNO
Lic. No. 3070
01/30/2022
LAND SURVEYOR

MLS GROUP CONSULTING LLC.
123 ANCHOR STREET
PORTSMOUTH, VA, 23702
PHONE: 757.975.9305
EMAIL: mls.survey.va@gmail.com

SCALE: 1" = 40'
DATE: 07/30/2022
FILE NUMBER: 21.069

FEMA PANEL: 51093C0154E
DATE MAP: 12/02/2015
FLOOD ZONE DESIGNATION: X

TAX MAP NUMBER: 32-01-064
REFERENCES:

HOUSE LOCATION

PARCEL 32-01-064

BR WIGGINS LOT

ISLE OF WIGHT, VIRGINIA

PROPERTY ADDRESS: 14232 BENNS CHURCH BLVD, SMITHFIELD, VA 23430
SELLER:
OWNER: HURLEY STACY BUCHANAN ET ALS

NOTES:
-THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO REFLECT ALL EASEMENTS, ENCUMBRANCES OR OTHER CIRCUMSTANCES AFFECTING THE TITLE TO THE SUBJECT PROPERTY.
-FENCE LOCATIONS (IF SHOWN) ARE APPROXIMATE.
-THIS PLAT IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES.
-THIS PHYSICAL IMPROVEMENT SURVEY REPRESENT A CURRENT FIELD SURVEY & IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION & BELIEF.
-THE BEARING SYSTEM SHOWN HEREON IS REFERENCED TO PLAT AS RECORDED.

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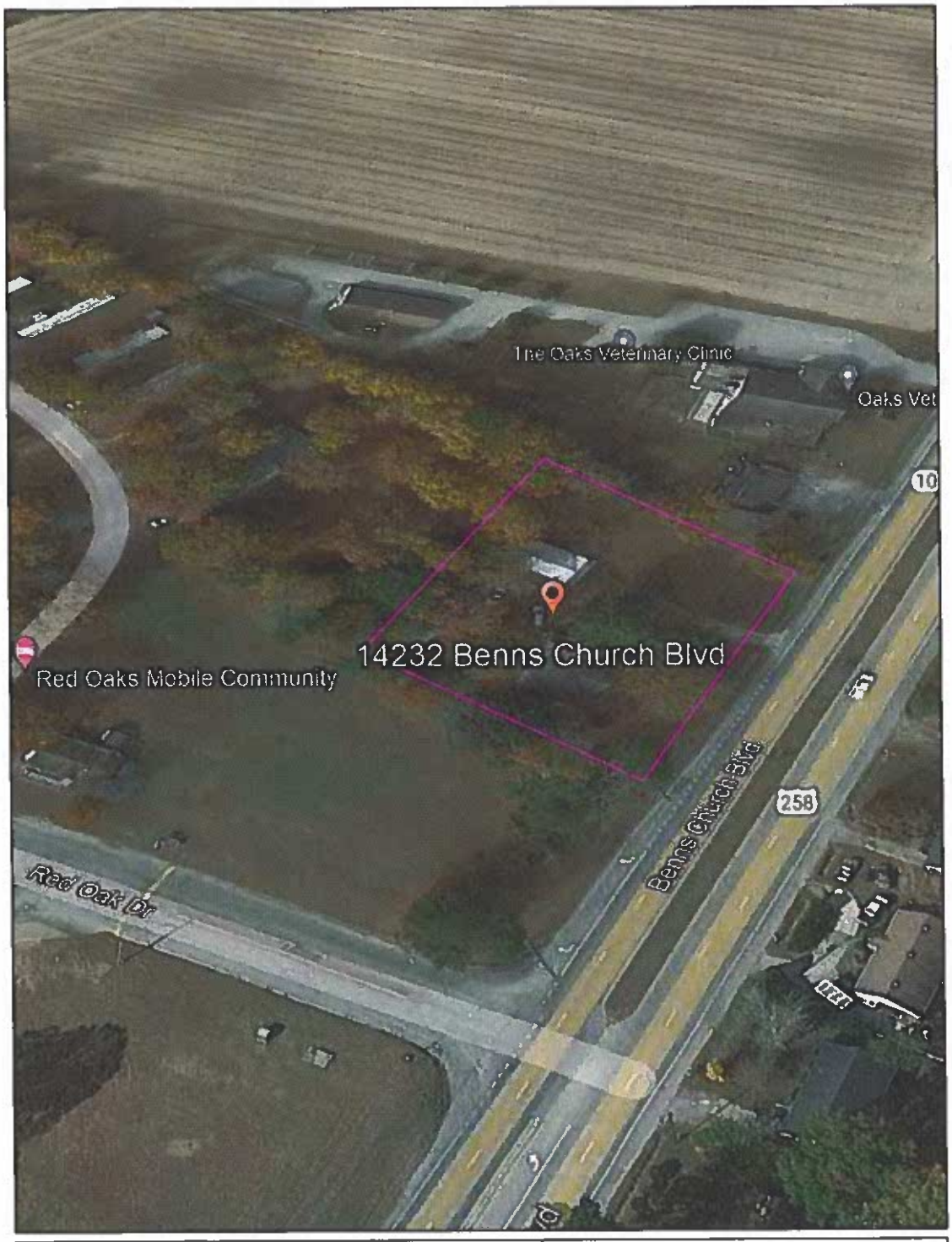

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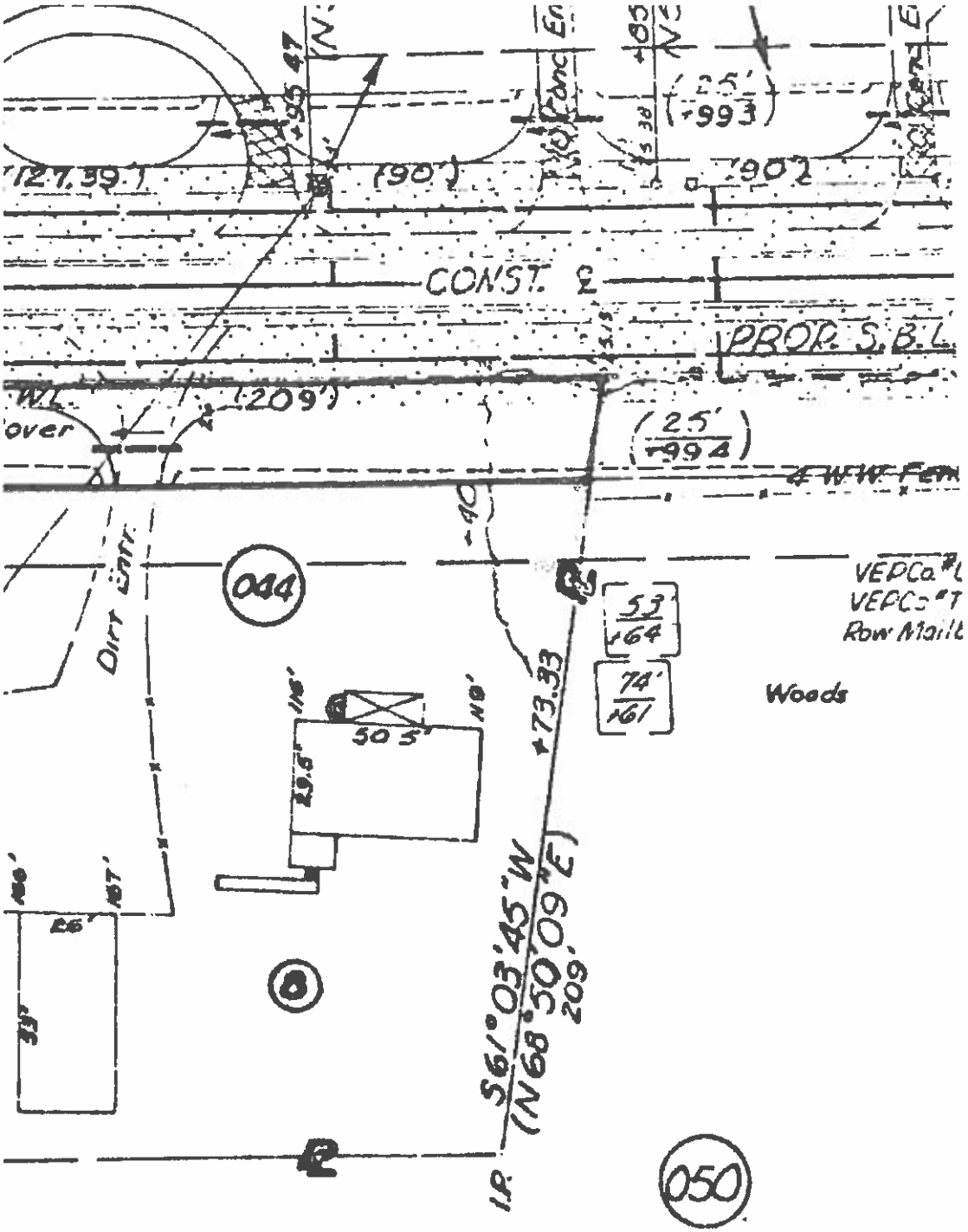
Hwy Plat Bk3 Pg 204


(127.39')
(90')
(90')
CONST. ℄
PROP. S.B.L.
(209')
over
(25' / 994')
044
Dirt Entr.
VEPCo
VEPCo
Row Mark
53 / 164
74' / 161
Woods
73.33
50.5'
S61°03'45"W
(N68°50'09"E)
209'
050
COASTAL SAND CO., INC.
Plat D.B. 193 Pg. 68
D.B. 193 Pg. 65
UNITED STATES DEPT. OF AGRICULTUR
D.B. 220 PG
GEORGE A. & ALYNE C. BUCHANAN
D.B. 162 PG. 579

RESOLUTION NUMBER PC-23-02

ISLE OF WIGHT COUNTY PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION TO THE BOARD OF SUPERVISORS RELATING TO CONDITIONAL USE PERMIT REQUEST CUP-08-22 TO ALLOW CONTRACTOR OFFICE AN STORAGE FACILITY, ON PROPERTY WITH TAX MAP PARCEL 32-01-064

WHEREAS, Bryan Babb, LLC, applicant, on behalf of Alyne C. Buchanan Estate, property owner, has requested issuance of a conditional use permit for a portion of a certain tract of land with tax parcel number 32-01-064 situated in Isle of Wight County; and

WHEREAS, the specific request is to permit a contractor office and storage facility, in accordance with sections 1-1017 and 4-2003 of the Zoning Ordinance;

WHEREAS the procedural requirements for the consideration of this request by the Planning Commission have been met.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of Isle of Wight County, that:

Section 1. Findings.

_____ A. The Isle of Wight County Planning Commission finds that the proposed amendment to conditional zoning is reasonable and warranted due to a change in circumstances affecting the property and has considered the following factors and finds that the proposed rezoning does not conflict with:

1. the existing use and character of property within the County;
2. the Comprehensive Plan;
3. the suitability of the property for various uses;
4. the trends of growth or change;
5. the current or future requirements of the community as to land for various purposes as determined by population and economic studies and other studies;
6. the transportation requirements of the community;
7. the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services;
8. the conservation of natural resources;
9. the preservation of floodplains;
10. the preservation of agricultural and forestal land;

11. the conservation of properties and their values; and

12. the encouragement of the most appropriate use of land throughout the County.

_____ B. The Isle of Wight County Planning Commission does not find that the proposed zoning map amendment is reasonable based on the consideration of the factors listed herein.

Section 2. Recommendation to Board of Supervisors.

The Planning Commission recommends to the Board of Supervisors that the request, CUP-08-22, be:

__ a. Granted as submitted, and that the Board of Supervisors adopt the proposed Ordinance without modification.

___b. Denied, and that Board of Supervisors not adopt the proposed Ordinance.

___c. Granted with the modifications set forth on the attached listing of specific recommendations, and that the Board of Supervisors adopt the proposed Ordinance with such modifications.

DATE: _____

READ AND PASSED: _____
Chairman, Isle of Wight County Planning Commission

TESTE: _____
Secretary, Isle of Wight County Planning Commission

Approved as to Form:

_____
Robert W. Jones, Jr., County Attorney

PLANNING REPORT

APPLICATION:

The application CUP-7-21 of Bay Sand Company, Inc., applicant, and Everets Properties, Inc., Charles H. Rose, Lynn K. Rose, and Estate of EE Holloway, Jr., property owners, for a conditional use permit to allow resource extraction at multiple existing and new borrow pits on portions of properties with tax map numbers 32-01-080, 33-01-034, 41-01-053, 42-01-005, 41-01-074, 41-01-046, 41-01-056, and 41-01-057 for a total of approximately 125 acres. The property is located on Muddy Cross Road and is zoned Rural Agricultural Conservation. The application includes a request to withdraw portions of the properties for a total of 129.8 acres from the Longview Agricultural/Forestal District.

ELECTION DISTRICT:

District 3

LOCATION:

The property is located on the south side of Muddy Cross Drive across an agricultural field and through a wooded area. Immediately adjacent to the east is a wooded area and the existing permitted borrow pit. To the north across Muddy Cross Drive are agricultural fields and a few scattered single-family residences. To the west of the site are wooded areas. To the south of the site are wooded areas and a portion of the existing borrow pit. The affected parcels are located in Newport Development Service Overlay District.

BACKGROUND:

The property under consideration has been used as agricultural fields, silvicuture, and existing resource extraction sites. An initial Conditional Use Permit (CUP) was approved in 2009 (CUP-03-09) for a 56.5 acre borrow pit operation on parcels 33-01-034 and 42-01-005. An expansion of the operation area was approved in 2017 (CUP-03-17) for 141 acres on adjacent parcels 41-01-056 and 41-01-057. The latest expansion received approval in 2018 for parcel 32-01-080 (CUP-05-18) for twenty acres. No previous conditional use permit exist for parcels 41-01-046, 41-01-053, and 41-01-074.

DESCRIPTION:

The applicant is proposing to mine an area approximately 125 acres in size. The

mining will be an expansion of two existing sites known as Pea Hill and Murphy. There are eight (8) parcels associated with this application. Many of the parcels included have existing resource extraction operations. Parcels 41-01-053, 41-01-074, and 41-01-046 are new parcels associated with this expansion. Once mining is completed, the site will be reclaimed as required by the state Department of Mines, Minerals, and Energy (DMME). The proposed mining operation would utilize the same roads internal to the site and the same access on Muddy Cross Drive. During the original CUP and site plan in 2009, the applicant made improvements on Benns Church Boulevard (Rte. 10) and Muddy Cross Drive to provide adequate ingress/egress to the site. Those improvements are still in place and will be sufficient to serve the new pit area as mining equipment will be transitioned from the existing pit area to the proposed pit area.

The applicant has also requested to remove the acreage associated with this application from the Longview Agricultural and Forestal District. The Agricultural and Forestal District Advisory Committee recommended approval on January 4, 2023.

Public Facility Impacts:

The applicant has not proposed additional truck or employee trips. Impacts of the proposed use on public roads will be minimal and occur on the existing route currently used. Emergency Services stated the proposed use will not negative impact their operations.

Environmental Assessment:

The project lies within the Chesapeake Bay watershed area and has several wetland areas within it. The applicant provided a professional wetland delineation which still need to be confirmed by the US Army Corps of Engineers prior to site plan submittal.

Although the mining activity will occur primarily in existing farm fields, the concept plan shows impacts to two small, isolated wetland areas on parcel 41-01-046 and 41-01-057. Proof of impact permits will be required at site plan submittal. The existing woodland will remain generally intact and there are no impacts proposed to streams or resource protection area buffers.

Historic Resources Assessment:

The project area lies in areas of either low or moderate probability for

archeological resources according to County records. County mapping shows no identified archeological or architectural resource sites on any of the properties subject to this application. A Phase I archeological study was performed for the initial 2009 CUP application on parcels 33-01-034 and 42-01-005 only. The analysis only included the proposed mining area at the time and did not recommend further investigation based on the study's findings.

There is an identified historic architectural structure on an adjacent property located at 17076 Benns Church Boulevard known as Locust Grove. This structure lies adjacent to an existing borrow pit and will be over 1,000 feet from the closest new borrow pit area. The distance to the nearest residence to the proposed mining areas will be a minimum of 200 feet due to setback requirements.

Economic Impact Assessment:

Continued mining operations will generate additional tax revenue to the County. The applicant proposes no new employees with the expansion of the operation.

Viewshed Analysis:

The concept shows the mining operation 300 feet from Benns Church Boulevard and 200 feet from Muddy Cross Road. Views will be further restricted by the operation's location above the elevation of the main road. The applicant proposes to preserve existing trees and ground cover. The mining activity will commence from the back acreage of the property with no visibility from public roads. Frontage and perimeter buffer landscaping will be required as appropriate. The 2009 CUP included a condition to install a heavy landscaping buffer consisting of three rows of landscaping and a three foot tall berm with 3:1 slopes in the first 25 feet of the front setback along the road frontage of Muddy Cross Drive and Benns Church Boulevard in order to better screen the operations.

COMPREHENSIVE LAND USE PLAN:

The majority of the land use for the subject property is designated as Rural Agricultural Conservation (RAC) in the Comprehensive Plan, which provides for agricultural, horticultural, and forest lands, and scattered residential development at a low density. Non-farm uses, such as resource extraction, and small-scale processing of the agricultural and forest products may be accommodated when appropriately sited. The proposed resource extraction uses are consistent with

those described as appropriate in the Comprehensive Plan .

Portion of several sites are also outlined with the Environmental Conservation (EC) land use designation. The EC land use is identified for the protection of a variety of sensitive environmental features found in the
County and serves to create natural connections for wildlife, protect commercial and recreational fisheries, and to provide breaks in and between developments. EC land use areas should remain largely undeveloped and consist of wetlands, floodplains, forest and some areas of farmland. This application does not propose impacting the environmentally sensitive areas found on site.

Parcels 42-01-005 and 41-01-053 are designated as Conservation Development, CD. The CD land use is intended for development that is conservation or rural character-oriented or for residential cluster development which preserves environmental features and large areas of open space. These areas should be developed with large lot sizes typically around five acres in size, or clustered lots of a smaller size with large open space and preserved natural areas. Expected development in CD might include small farmettes, equine communities, or development oriented around a natural feature such as wetlands. The resource extraction use would not be compatible with the CD land use designation; however, parcel 42-01-005 was a part of the original 2009 approval and has been used for resource extraction previously.

Parcel 33-01-034 is designated as Suburban Estate (SE). The SE land use consists of larger lot sizes with single-family homes, some preservation of environmental features, and limited community amenities Non-residential uses may include parks and trails and community facilities such as schools, churches, libraries, and similar uses which are supportive of the residential use and enhance development when in close proximity. The resource extraction use would not be compatible with the SE land use; however, parcel 33-01-034 was a part of the 2009 approval and is currently used as resource extraction.

Parcel 32-01-080 is designated as Suburban Residential (SR). The SR land use consists of single-family homes, preservation of environmental features, and community amenities on smaller lots. These areas should be developed with lots of 14,000 to 8,500 square feet (3 to 5 units per acre) in size. Non-residential uses may include parks and trails and community facilities such as schools, churches, libraries, and similar uses which are supportive of the residential use and enhance development when in close proximity. The resource extraction use would not be consistent with the SR land use; however, this parcel was previously approved for the use as resource extraction and is currently being used as such.

ORDINANCE REVIEW:

The current zoning designation for these properties is Rural Agricultural Conservation (RAC). The RAC zoning district is intended to preserve and protect areas of Isle of Wight County that are predominantly in agricultural use and maintain the land base necessary to support agricultural activity. This district is designed to protect the agricultural industry from sprawling residential development that displaces substantial areas of agricultural land for a small number of dwelling units. Resource extraction is a conditional use in the RAC zoning district.

The project area also lies within the Chesapeake Bay Preservation Area and Newport Development Service District Overlay Districts which require enhanced site design criteria. In addition, Section 5-5006.H of the Zoning Ordinance specifies additional criteria for resource extraction activities, including enhanced setbacks from roads and property lines, landscaping, and application requirements. The applicant will need to demonstrate compliance with these requirements as well as any conditions of the CUP approval at site plan submittal.

Section 1-1017.H of the Zoning Ordinance outlines standards of review for a conditional use permit application. The planning commission and board of supervisors shall consider the following criteria before the granting of a conditional use permit:

1. That the establishment, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, safety, and general welfare;
2. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially impair the use of other property within the immediate proximity;
3. That adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements have been or will be provided;
4. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets;
5. That the proposed conditional use is not contrary to the goals and objectives of the Isle of Wight County Comprehensive Plan;
6. That the conditional use shall, in all other respects, conform to the applicable

regulations of the zoning district classification in which it is located and to the special requirements established for the specific use; and

7. That the use(s) at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.

In addition to the standards and other guidelines described in the Zoning Ordinance, the Board may impose conditions or limitations on any approval, including the posting of performance guarantees. Such conditions may include, but are not necessarily limited to:

1. The number of persons living or working in the immediate area and the proposed hours of operation, as may applicable;
2. Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities; the access of vehicles to roads; peak periods of traffic; and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future;
3. The orderly growth of the neighborhood and community and the fiscal impact on the County;
4. The effect of odors, dust, gas, smoke, fumes, vibration, glare, and noise upon the use of surrounding properties;
5. Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal, and the ability of the County or persons to supply such services;
6. The degree to which the development is consistent with generally accepted engineering and planning principles and practices;
7. The structures in the vicinity such as schools, houses of worship, theaters, hospitals, and similar places of public use;
8. The purposes set forth in this ordinance, the County's Comprehensive Plan, and related studies for land use, roads, parks, schools, sewers, water, population, recreation, and the like;
9. The environmental impact, the effect on sensitive natural features, and opportunities for recreation and open space; and
10. The preservation of cultural and historic resource landmarks.

If the CUP is granted, the applicant will be required to meet all supplementary use regulations for resource extraction and follow the appropriate site plan review process to facilitate the site's development.

AGENCY REVIEW:

The application was sent to the following departments and agencies for review and comment. The following is a summary of comments received:

- General Services - No concerns with the application;
- Environmental Planner - No concerns with the application
- Emergency Services - No concerns with the application;
- VDOT - No concerns with the application;and
- County Attorney- Should the applications be granted the extraction fee agreements will need to be amended to encompass the additional parcels.

Please note that, should this project be approved, it will be subject to review and approval from all associated agencies.

STAFF CONCLUSIONS:

Strengths:

1. The application is an expansion of an already approved and existing borrow pit operation.
2. The borrow pit provides tax revenue to the County and supports local construction projects.
3. There have historically been no operational issues associated with this resource extraction use by this operator, according to both state and local records.

Weaknesses:

1. Some of the parcels with existing resource extraction operations have a land use designation not consistent with resource extraction.
2. Two small isolated wetlands will be impacted.

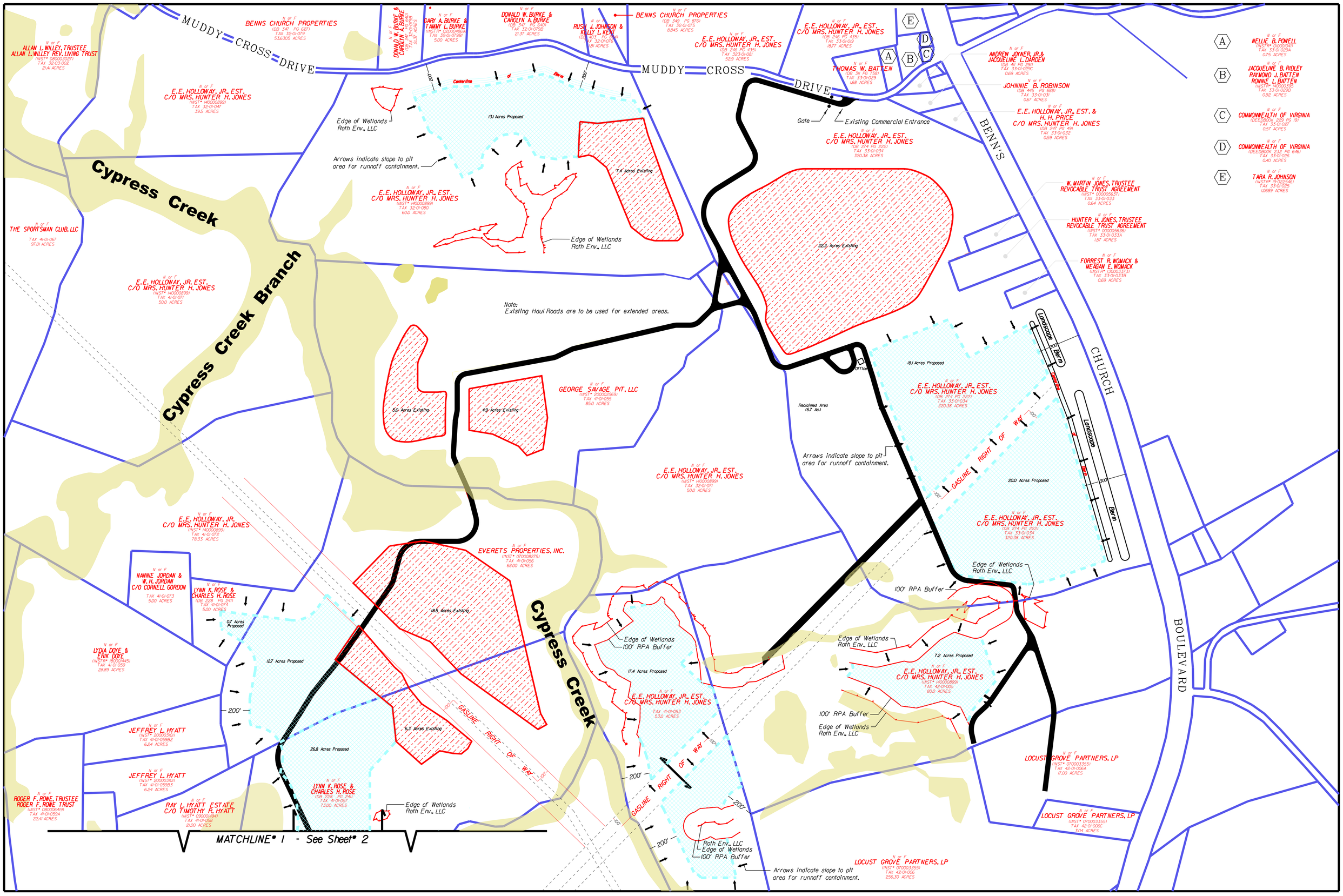
STAFF RECOMMENDATION:

Staff recommends approval of the CUP with the following conditions, because it continues an existing use for which there has been no track record of abuse or violations. Although the proposed use is not entirely consistent with the Comprehensive Plan's designated land use, it is a conditional use in the RAC zoning district whose potential negative impacts can be mitigated as follows: 1. Hours of operation be limited to 7:00 a.m. to 4:30 p.m. Monday through Friday; 7:00 a.m. to 2 P.m. Saturday; and closed on Sunday. 2. Must utilize existing internal roadways for all associated traffic. 3. After operations cease, the pits must

be reclaimed in accordance with the VA Department of Mines, Minerals, and Energy (DMME) regulations for reclamation. 4. The applicant shall install a heavy landscaping buffer consisting of three rows of staggered landscaping planted a maximum of eight foot on center and a three foot tall berm with 3:1 slopes in the first 25 feet of the front setback along the road frontage of Muddy Cross Drive and Benns Church Boulevard in order to better screen the operations.

ATTACHMENTS:

Description	Type	Upload Date
Concept Plan	Backup Material	1/11/2023
Application	Backup Material	1/11/2023
Operations Plan	Backup Material	1/11/2023
A&F District Recommendation	Backup Material	1/11/2023
PC Resolution	Resolution	1/11/2023
Exhibit B	Exhibit	1/11/2023
Site Images	Backup Material	1/11/2023
Location Map	Backup Material	1/11/2023
Location Closeup Map	Backup Material	1/11/2023
Zoning Map	Backup Material	1/11/2023
Land Use Map	Backup Material	1/11/2023



Bay Sand Company
121 S. Mason Street
Smithfield, VA 23430
Amendment Map August 2021

Note:
124.7 Acres Proposed Excavation
4,213,440 Yards Proposed Excavation

Legend

- Proposed Pit Area
- VA Tax Parcels
- Existing Haul Roads
- Wetland Areas
- Existing Pit Areas

COMMONWEALTH OF VIRGINIA
F. HUNTER WALTERS, JR.
Lic. No. 2651
12/09/2022
LAND SURVEYOR

Scale

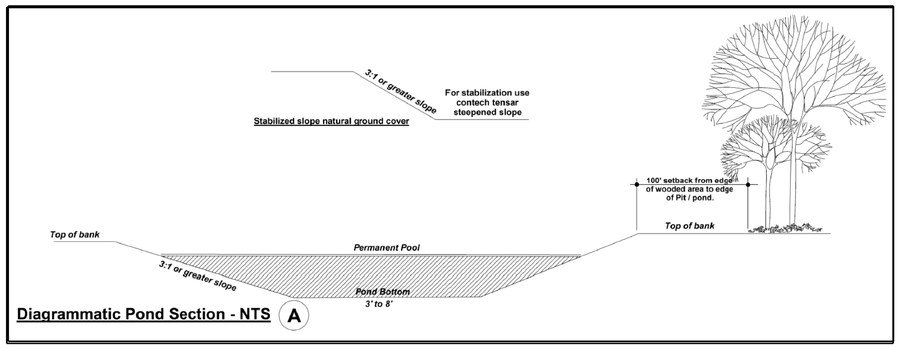
1 Inch = 300 Feet

0 150 300 600 900 Feet

ECS

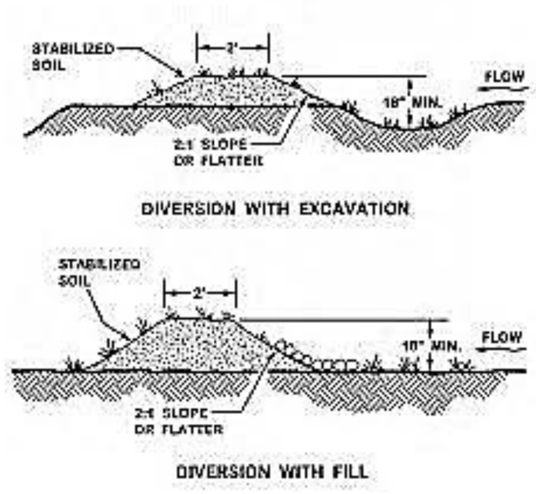
DMM Permit No: 90501AA
Drawn by: FHW
Checked by: N/A
Date: 06/01/2021 Rev. 12/09/2022

Sheet No. 1 of 2



Diagrammatic Pond Section - NTS (A)

Berm Section



General Note Information

E&S - Information provided on sheets# 1 & 2 with regard to Pit Section, required slopes, and Silt Fence which is to be installed at required areas. Existing haul roads to be used for proposed pit expansion for the Pea Hill Pit.

Estimated cubic yards to be removed from proposed expansion pit. - 1.2 Million Cubic Yards.

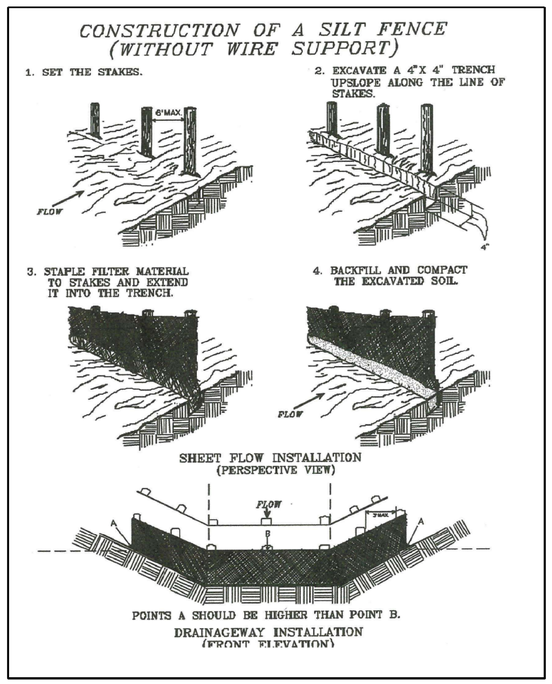
Total cubic yards removed over the past 5 years from the current pit. - 2.6 Million Cubic Yards.

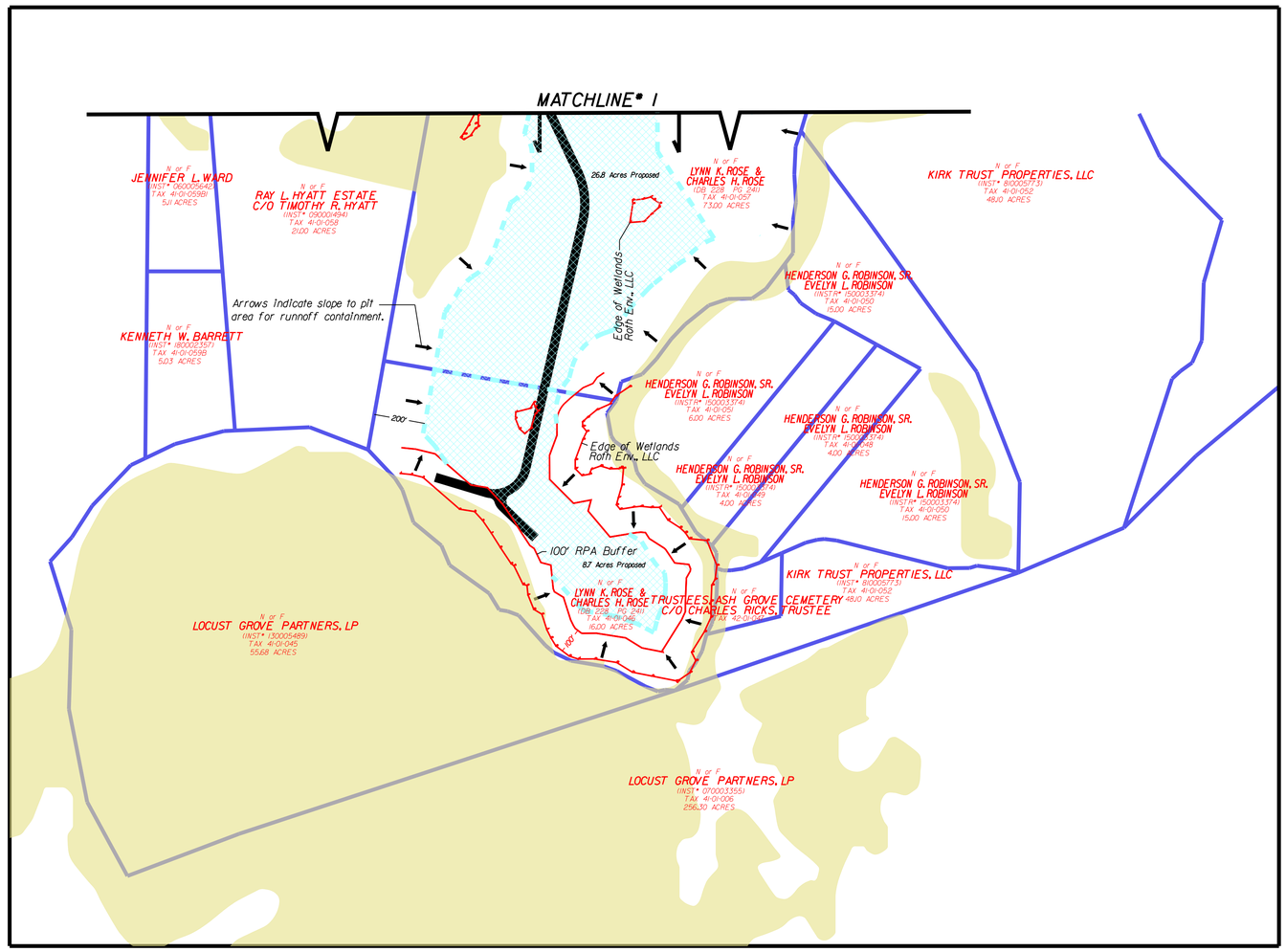
Estimated term for the mining activity for current proposed expansion pit. - 5 years.

Operating hours for the proposed pit will be the same as the existing pit:
Normal operating hours -
7:00 am to 4:30 pm. Monday thru Friday
Saturday - 7:00 am to 2:00 pm.
Sundays - CLOSED

Maintenance

1. Silt fences shall be inspected immediately after rainfall and at least daily during prolonged rainfall. Any required repairs shall be made immediately.
2. Close attention shall be paid to the repair of damaged silt fence resulting from end runs and undercutting.
3. Should the fabric on a silt fence decompose or become ineffective prior to the end of the expected usable life and the barrier is still necessary, the fabric shall be replaced promptly.
4. Sediment deposits should be removed after each storm event. They must be removed when deposits reach approximately one-half the height of the barrier.
5. Any sediment deposits remaining in place after the silt fence is no longer required shall be dressed to conform with the existing grade, prepared and seeded.





Bay Sand Company
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- Proposed Pit Area
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COMMONWEALTH OF VIRGINIA
F. HUNTER WALTERS, JR.
Lic. No. 0651
12/09/2022
LAND SURVEYOR

Scale
1 Inch = 300 Feet
0 150 300 600 900 Feet

Sheet No. 2 of 2

DMM Permit No: 90501AA
Drawn by: FHW
Checked by: N/A
Date: 06/01/2021 Rev. 12/09/2022

App# 24971

ISLE OF WIGHT
COUNTY, VIRGINIA
DEPARTMENT OF PLANNING AND ZONING

RECEIVED
DEC 20 2022
By:

CUP-9-22

APPLICATION FOR CONDITIONAL / SPECIAL USE PERMIT

FORM 1 OF 2

This application should be used to petition for a permit for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but which may, under the right set of circumstances and conditions be acceptable in certain specific locations. The following application requirements are consistent with the procedures set forth in Section 1-1017, *Conditional Uses*, and Section 1-1018, *Special Use Permits for Uses Not Provided For*, of the Isle of Wight County Zoning Ordinance, as amended.

A. APPLICATION FOR (CHECK ALL THAT APPLY):

[X] Conditional Use Permit (Are applicant proposed conditions attached?): X Yes _____ No

The proposed use or activity is listed as a conditional use in the RAC zoning district as per Section 4-2003 in Article IV of the Isle of Wight County Zoning Ordinance.

[ ] Special Use Permit (Are applicant proposed conditions attached?): _____ Yes _____ No

Proposed Use or Activity: Expansion of existing operation & AMENDMENT to CUP for the purpose of mineral extraction to be used in residential, commercial, and Municipal projects (i.e. roadways, schools, etc)

B. PROJECT DESCRIPTION:

Project Name: EXPANSION PEA HILL/MURPHY EXCAVATION SITES

Property Address (if any): OFF MUDDY CROSS Rd- APPROX 1.8 MILES SOUTH OF BENNS CHURCH INTERSECTION

Election District: WINDSOR

Comprehensive Plan Designation: _____

The use permit will apply to 75.8 acres out of 433.38 total acres

TAX Parcel ID #

Tax Parcel Identification # 42-01-005 Number of acres to be effected: 7.2

Tax Parcel Identification # 32-01-080 Number of acres to be effected: 13.1

Tax Parcel Identification # 33-01-034 Number of acres to be effected: 38.1

Tax Parcel Identification # 41-01-053 Number of acres to be effected: 17.4

Proposed Utilities (check all that apply): Public Water _____ Private Well _____

Public Sewer _____ Private Septic _____

Local Roots, Global Reach

ISLE OF WIGHT
COUNTY, VIRGINIA
DEPARTMENT OF PLANNING AND ZONING

FORM 2 OF 2

APPLICATION FOR CONDITIONAL / SPECIAL USE PERMIT

This application should be used to petition for a permit for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but which may, under the right set of circumstances and conditions be acceptable in certain specific locations. The following application requirements are consistent with the procedures set forth in Section 1-1017, *Conditional Uses,* and Section 1-1018, *Special Use Permits for Uses Not Provided For,* of the Isle of Wight County Zoning Ordinance, as amended.

A. APPLICATION FOR (CHECK ALL THAT APPLY):

[X] Conditional Use Permit (Are applicant proposed conditions attached?): X Yes _____ No

The proposed use or activity is listed as a conditional use in the RAC zoning district as per Section 4-2003 in Article IV of the Isle of Wight County Zoning Ordinance.

[ ] Special Use Permit (Are applicant proposed conditions attached?): _____ Yes _____ No

Proposed Use or Activity: Expansion of existing extraction site and amendment to CUP for the purpose of mineral extraction required for residential, commercial & Municipal projects both locally & throughout Hampton Roads

B. PROJECT DESCRIPTION:

Project Name: Pea Hill | Murphy SITE EXPANSION

Property Address (if any): OFF MUDDY CROSS Rd - Approx 1.8 miles South of Benns Church & Rt 10 Intersection

Election District: WINDSOR

Comprehensive Plan Designation: _____

The use permit will apply to 48.9 acres out of 161.50 total acres

Tax Parcel ID# 41-01-074 .7

Tax Parcel Identification # 41-01-056 Number of acres to be effected: 12.7

Tax Parcel Identification # 41-01-057 Number of acres to be effected: 26.8

Tax Parcel Identification # 41-01-046 Number of acres to be effected: 8.7

Proposed Utilities (check all that apply): Public Water _____ Private Well _____

Public Sewer _____ Private Septic _____

C. **APPLICATION INFORMATION:**

Applicant(s) Name(s): BAY SAND COMPANY, INC.

Address: PO BOX 231

City, State, Zip Code: SMITHFIELD VA 23431

Phone No.: 757-438-3160 Email: henry.layden1@gmail.com Fax No.: N?A

Property Owner(s) Name(s): E E HOLLOWAY JR ESTATE, HUNTER H JONES, AGENT

Address: 16184 BENNS CHURCH BLVD

City, State, Zip Code: SMITHFIELD VA 23430

Phone No.: 757-357-2208 Email: N/A Fax No.: N/A

NOTICE: THE ATTACHED CHECKLIST MUST BE COMPLETED, CERTIFIED, AND SUBMITTED OR THE APPLICATION WILL BE CONSIDERED INCOMPLETE.

Remit Application to: Isle of Wight County Central Permitting, 17140 Monument Circle, Suite 100
P. O. Box 80, Isle of Wight, Virginia 23397

FOR OFFICE USE ONLY:

Complete Application Received On: _____ Fees Paid: _____
Tax Query: [ ] Current [ ] Delinquent Distribution Date: _____
Posted/Date to Post: _____

AGENCIES REFERRALS:

_____ Department of Conservation & Recreation
_____ Economic Development
_____ Emergency Services
_____ General Services
_____ Environmental Planner
_____ Health Department
_____ Transportation Manager
_____ Commission of Revenue
_____ Other _____

_____ Inspections
_____ Sheriff's Office
_____ Town of Smithfield
_____ Town of Windsor
_____ VDOT
_____ Schools
_____ Budget & Finance
_____ County Attorney

Verified By: Trenton S. Blee Date: 12/20/2022

C. **APPLICATION INFORMATION:**

Applicant(s) Name(s): BAY SAND COMPANY INC.

Address: PO BOX 231

City, State, Zip Code: SMITHFIELD VA 23431

Phone No.: 757-438-3160 Email: henry.layden1@gmail.com Fax No.: N/A

Property Owner(s) Name(s): Lynn K Rose & Charles H Rose/Everets Properties, Inc.

Address: 6001 Everets Road

City, State, Zip Code: SUFFOLK VA 23434

Phone No.: 757-715-5173 Email: n/a Fax No.: n/a
(Rusty Rose-Agent)

NOTICE: THE ATTACHED CHECKLIST MUST BE COMPLETED, CERTIFIED, AND SUBMITTED OR THE APPLICATION WILL BE CONSIDERED INCOMPLETE.

Remit Application to: Isle of Wight County Central Permitting, 17140 Monument Circle, Suite 100
P. O. Box 80, Isle of Wight, Virginia 23397

FOR OFFICE USE ONLY:

Complete Application Received On: _____ Fees Paid: _____
Tax Query: [ ] Current [ ] Delinquent Distribution Date: _____
Posted/Date to Post: _____

AGENCIES REFERRALS:

_____ Department of Conservation & Recreation
_____ Economic Development
_____ Emergency Services
_____ General Services
_____ Environmental Planner
_____ Health Department
_____ Transportation Manager
_____ Commission of Revenue
_____ Other _____

_____ Inspections
_____ Sheriff's Office
_____ Town of Smithfield
_____ Town of Windsor
_____ VDOT
_____ Schools
_____ Budget & Finance
_____ County Attorney

Verified By: Trenton S. Blow Date: 12/20/2022

Revised August 13, 201·

COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS

Applicant E E HOLLOWAY JR ESTATE-HUNTER H JONES, AGENT

Address 16184 BENNS CHURCH BLVD
Street

SMITHFIELD VA 23430
City State Zip

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
OFF MUDDY CROSS RD	XXXXXXXXX 33-01-034
OFF MUDDY CROSS RD	32-01-080
OFF MUDDY CROSS RD	41-01-053
OFF MUDDY CROSS RD	42-01-005

OTHER OWNERS OF AFFECTED REAL ESTATE

(Not Required for Corporation whose stock is traded on a national or local stock exchange or having more than 500 shareholders.)

Name of Individuals Corporation/Partnership Business Association	Address

Does any member of the Isle of Wight County Planning Commission or governing body have any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust, or whether a member of the immediate household of any member of the Planning Commission or governing body has any such interest? Yes No

If yes, names of members:

I do solemnly swear that the foregoing statement(s) and attachments(s), if any, are complete, correct and true.
E E HOLLOWAY, JR ESTATE BY HUNTER

Applicant: H JONES, AGENT (Printed or Typed Name) Applicant: Hunter H Jones (Signature) Date: 10/8/21

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Elizabeth D. McDaniel,
A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia, this 8th day of October, 2021.

Elizabeth D. McD.P
Notary Public

My Commission Expires 5/31/22

ELIZABETH D MCDANIEL
NOTARY PUBLIC
REG. #7803692
MY COMMISSION EXPIRES
May 31, 2022
COMMONWEALTH OF VIRGINIA

Revised August 13, 2014

COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS

Applicant LYNN K ROSE & CHARLES H ROSE

Address 6001 EVERETS RD
Street

SUFFOLK VA 23434
City State Zip

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
OFF MUDDY CROSS RD	41-01-074
OFF MUDDY CROSS RD	41-01-057
OFF MUDDY CROSS RD	41-01-046

OTHER OWNERS OF AFFECTED REAL ESTATE

(Not Required for Corporation whose stock is traded on a national or local stock exchange or having more than 500 shareholders.)

Name of Individuals Corporation/Partnership Business Association	Address

Does any member of the Isle of Wight County Planning Commission or governing body have any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust, or whether a member of the immediate household of any member of the Planning Commission or governing body has any such interest? Yes No

If yes, names of members:

I do solemnly swear that the foregoing statement(s) and attachments(s), if any, are complete, correct and true.

Applicant: Lynn K Rose / Charles H Rose
Printed or Typed Name

Applicant: Lynn K Rose / Charles H Rose Jr
Signature

Date: 10/11/21

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Elizabeth D. McDaniel, A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia, this 11th day of October, 2021.

Elizabeth D. McD

Notary Public

My Commission Expires 5/31/22

ELIZABETH D MCDANIEL
NOTARY PUBLIC
REG. #7803692
MY COMMISSION EXPIRES
May 31, 2022
COMMONWEALTH OF VIRGINIA

Revised August 13, 2014

COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS

Applicant EVERETS PROPERTIES INC

Address 6001 EVERETS RD

SUFFOLK (City) Street VA (State) 23434 (Zip)

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
OFF MUDDY CROSS RD	41-01-056

OTHER OWNERS OF AFFECTED REAL ESTATE

(Not Required for Corporation whose stock is traded on a national or local stock exchange or having more than 500 shareholders.)

Name of Individuals Corporation/Partnership Business Association	Address

Does any member of the Isle of Wight County Planning Commission or governing body have any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust, or whether a member of the immediate household of any member of the Planning Commission or governing body has any such interest? Yes No

If yes, names of members:

I do solemnly swear that the foregoing statement(s) and attachments(s), if any, are complete, correct and true.

EVERETS PROPERTIES, INC. BY

Applicant: _____ (Printed or Typed Name) Applicant: Lynn K. Rose (Signature) Date: 10/11/21

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Elizabeth D. McDaniel, A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia, this 11th day of October, 2021.

Elizabeth D. McD
Notary Public

My Commission Expires 5/31/22

ELIZABETH D MCDANIEL NOTARY PUBLIC REG. #7503692 MY COMMISSION EXPIRES May 31, 2022 COMMONWEALTH OF VIRGINIA

BAY SAND COMPANY INC.

OPERATIONAL PLAN
DMME Permit #90501AA

Proposed Expansion & Amendment to Conditional Use Permits
Pea Hill/Murphy Sites

P. O. BOX 231
SMITHFIELD, VA 23431

OPERATIONAL PLAN

BAY SAND COMPANY INC
PERMIT #90501AA

1. PERMIT SIGN

The permit sign will be posted at the entrance gate to the site from the approved entrance from Muddy Cross Road. The sign will be approximately 2 feet X 3 feet. The sign will contain the name of the company and the permit number. In addition, a gate at the end of the access road onto the mining site will always be maintained and locked when mining operations are not functioning.

Hours of Operation will be 7:00 a.m. to 4:30 p.m. Monday through Friday; 7:00 a.m. to 2:00 p.m. Saturday; Closed Sunday.

2. SCREENING

The site is located adjacent to Muddy Cross Road. Additionally, the mining operation will be restricted from view from the public highway by its location above the elevation of the main road and once mining begins the mine will be taken below ground level. Existing trees and ground cover will remain intact and preserved as road frontage. The mineral extraction will commence from the back acreage of the property with no visibility from the roadway.

The setback for mining excavation shall be 200 feet to protect adjoining property from collapse, caving or sliding, and shall not be used for any purpose during the period of excavation to include overburden and spoilage storage except as necessary for temporary topsoil storage.

3. MARKING PERMIT BOUNDARY

The permit boundary of the current acres is defined and marked as is the additional 40-50-acre tract associated with this requested expansion. Once mining begins, the footprint of each lake area will become defined by the outer perimeter containment berm that will be constructed. This will become the permanent identifiable feature that denotes the permit boundary. As additional area on the permit becomes disturbed, the boundary will be marked to define the permit boundary as identified on the attached Exhibit.

4. METHOD OF MINING

The permitted area where the mine site is located is generally level and primarily flat with very minimal changes in elevation. Typically, the elevation ranges between 35 and 40 feet above sea level. Mining will create two incised lakes on the property. Mining will be done primarily with excavators and front-end loaders. Excavation will begin at ground level and take the mine floor level to approximately 25 feet below ground level. Outer banks will initially be cut and sloped to

an angle of repose for the type of material. Groundwater is encountered approximately 12 feet below the elevation of the surface.

5. PROCESSING

Screening of topsoil and/or sand will be processed on site with appropriate equipment and guidelines in place.

6. TOPSOIL STORAGE

The mine area is farm fields and cut-over woods land. The topsoil will be removed from the area to be disturbed and retained for reclamation in the containment berm around the perimeter. As expansion occurs and additional topsoil is stripped, the topsoil will be retained on site and used in the construction and extension of the screening berm.

7. OVERBURDEN & WASTE DISPOSAL

Overburden removed during mining will remain on the site. These materials will be used to repair and fill the slopes as the site is reclaimed in the final reclamation of the site.

No metal, lumber, or debris will be left on the mine site once mining is completed.

While this permit has been amended to allow for the disposal of inert materials, all materials will meet DMME disposal requirement or be certified prior to acceptance. Debris, building materials, tires, or garbage will not be brought on the site during the life of this operation. Any site generated waste will be removed and disposed properly. No other buildings will be retained after mining.

8. HAUL ROADS & ACCESS ROADS

The main entrance road to the mine is approved from Muddy Cross Road (Route 620) at the northern end of the permitted area. The entrance is currently in existence and constructed according to an approved plan with no intersection of any public road and the appropriate angle of less than 60 degrees.

The land is level with no significant differences in elevations. The internal grade will be constructed according to the drawing provided.

The road will be maintained to control dust by wetting and applying water as necessary.

If conditions cause tracking of materials from the mine road public highway, the tracked materials will be cleaned up promptly. Bay Sand has enlisted the services of an on-call contractor to keep Route 620 clean at the site entrance.

9. SEDIMENT & DRAINAGE CONTROL

Temporary controls such as silt fencing and straw bales will be used to control drainage and sedimentation temporarily until permanent controls can be constructed.

Once the pit area is started and excavation begins, the pit or basin will serve as the drainage and sedimentation collection basin for the applicable section of the permitted area. The proposed site will have two basins established by mining operator that is more than adequate to provide .125 acre/feet of capacity per disturbed acre for each section. The size of the lakes when completed will cover an area between and 30 acres to a depth of approximately 10 feet deep.

10. GROUND WATER MANAGEMENT

Excavation is conducted below the water table. The land is generally level. The ground surface elevation ranges thirty-five to forty feet above sea level. The water table is located 12 feet below ground elevation throughout the permitted acreage. The actual groundwater level has been determined by where water was encountered by exploration of the property. The maximum mining depth is approximately 25 feet below ground elevation.

Precautions will be taken to prevent the introduction of pollutants into the ground water. The preventative measures will include:

- Presently, no fuel will be stored on site. Should fuels be stored on site, either a double walled fuel storage tank with outer containment will be located on the site or if a single walled tank is used, it will be placed within an earthen spill containment berm constructed around the tank.
- All scheduled maintenance of equipment will be done away from the pit to prevent spills of motor oils, hydraulic fluids, transmission fluids, grease, anti-freeze, degrease solvents, etc. on the site that could potentially enter the surface waters.
- The equipment will be inspected for leaks of fluids.
- Leaks will be repaired promptly and not allowed to contaminate the ground and potentially enter the ground water.
- Any trash generated will be collected, removed from the site, and properly disposed.
- Should a spill of potentially toxic or hazardous materials occur, all measures to contain and confine the spill are to be implemented. The spill will be controlled by the construction of a berm from sand or other absorbent materials to prevent spreading into the water or being carried by water or rain into the drainage basin.
- Any contaminated materials used to contain a spill will be removed from the site and property disposed.
- Professional assistance will be used if needed to properly clean a spill.
- At this time, pumping to dewater the pit for mining is not planned. However, should it become necessary to dewater the pit for mining, pumping will cease immediately upon having an accidental spill to prevent the spread of the spill and to further prevent the

spread of the contamination. Dewatering will not resume until all the contaminated materials have been removed from the site.

Dewatering

Dewatering of the mine is not planned at this time. Should it become necessary to dewater for mining, the applicable DEQ Discharge Permit will be acquired. The discharge will be regulated by DEQ. All inflow and outflow are self-contained.

Treatment of Water

The normal PH of the water in the area is acidic. If pumping becomes necessary, the water will be treated prior to discharging off the permitted area. Pumping would only be done during operating hours while personnel are present on the site and pumping operations can be monitored.
A DEQ Discharge permit will be acquired if the pumping becomes necessary and the discharge will be regulated by DEQ.

The nearest home is located approximately 1000 feet from the permitted area.

There are water wells located within 1000 feet of the permitted area. The known wells are approximately 400 feet in depth and is separated from the surface aquifers by a clay and sand layer below the depth of mining.

11. SIMULTANEOUS RECLAMATION

The mining operation will develop lakes upon completion of mining. The depth of the water will be approximately 10 feet minimum in most of the lake and in no case less than 4 feet deep. The floor of the pit will be maintained smooth as possible. All outer perimeter slopes around the lake will be sloped and graded to 3:1 or flatter for final reclamation.

All areas of the slope above water will be limed, fertilized, mulched, and seeded with the approved permanent vegetation mix as described in the re-vegetation section of this plan.

Any area where mining is not complete, but there has been no disturbance in one year, will be sloped to at least 3:1 and seeded with temporary cover vegetation.

Any area where mining is totally complete and there has not been any disturbance for at least one year, the area will be reclaimed. Slopes will be final graded to 3:1 or flatter. Approximately 4 to 6 inches of topsoil will be applied. Soil tests will be taken to determine the appropriate rates for lime or fertilizer that is to be applied. The graded area will be prepared as a seedbed, the ground scarified, and seeded with the approved permanent vegetation mix listed in the re-vegetation section of this plan. A straw mulch will be applied after seeding.

12. POST MINE LAND USE

The area is presently zoned agricultural. The mining operation will develop a single lake area upon completion of mining and final reclamation. The lake will be self-contained and will not have an outlet because the water table will remain approximately 12 feet below the ground elevation. The minimum water depth will be greater than four feet in all areas and in most applications, depth will be approximately 10 feet. All banks located above the water will be sloped to 3:1 or flatter and vegetated as described in the re-vegetation section of this plan. Access roads into the property may be left at the landowner's discretion during the final reclamation.

Previous mines have been restored and used as waterfowl sanctuaries, wildlife preserves, as well as residential development. Currently there is a proposed development for a post mine site such as Exhibit "A".

13. RE-VEGETATION

No plant species considered a highly invasive species by the Department of Conservation & Recreation will be planted on the mine site.

The soil will be tested prior to final seeding to determine the appropriate rates of fertilizer and/or lime. Recommended rates of 1000 lbs./acre of 10-10-10 fertilizer or equivalent will be used. The recommended rate of application of two tons of agricultural lime will also be used, if determined appropriate by the soil test, on all the areas receiving fertilizer and permanent seeding.

The temporary seed mixture will consist of 50 lbs/acre of annual rye to establish quick ground cover. Foxtail millet may be applied with any of the permanent seed mixtures to be sown to provide a permanent ground cover. Straw mulch will be applied at the rate of 1500 pounds per acre after seeding. The permanent seed mixture and seeding rate will be:

Ky. 31 Fescue----------108 lbs/acre
Seasonal Nursery Crop-------20 lbs/acre
Red Clover----------10 lbs/acre
Love Grass----------20 lbs/acre

14. TRAFFIC IMPACT

Due to the rural location of the area, traffic of all types is minimal other than peak travel times as commuters travel to and from their work locations. The impact of Commercial Hauling Trucks will be the same as the current operation averaging 8-10 trucks daily with the probability of hauling 4-5 loads each. All truck traffic will utilize the identified Access Haul Road except for the short distance (approximately .3 mile) required on Muddy Cross to reach Rt. 10. Bay Sand Company has funded the paving of the road at the Muddy Cross intersection as well as monitors the roadway for debris. Sweeping ensues as needed.

In consideration of safety and the narrow road conditions, all truck traffic leaving the area of operation is prohibited from turning left onto Muddy Cross as there is no outlet to a major highway.

MUNIS 24971

STAFF REPORT

APPLICATION:

The request to withdraw approximately 145 acres of land owned by the E. E. Holloway, Jr. Estate, Lynn K. Rose and Charles H. Rose, and Everets Properties, Inc. from the Longview Agricultural/Forestal District. This request is for the expansion of the Pea Hill/Murphy Mining Excavation Borrow Pit Site.

ELECTION DISTRICTS:

D3 Hardy and D4 Windsor

LOCATION:

The parcels are located on the east side of Longview Drive and west side of Benns Church Blvd. The parts of the parcels being requested to be withdrawn are from tax map #32-01-080, #33-01-034, #42-01-005, #41-01-053, #41-01-074, #41-01-057, #41-01-046, and #41-01-056 which total approximately (145) acres of land.

BACKGROUND:

The Longview Agricultural/Forestal District was originally created on June 21, 1979, for a period of eight (8) years. The district has been subsequently renewed every ten (10) years. The district contains approximately 8,145 acres and its expiration date is June 21, 2025.

The purpose of the district is to encourage the maintenance of farming and forestry, protect farming and forestry practices and provide for the lands being used for agricultural or forestal production to automatically qualify for agricultural or forestal use-value assessment.

DESCRIPTION:

Agricultural and Forestal Districts are created to conserve and protect and to encourage the development and improvement of the Commonwealth's agricultural and forestal land to produce food and other agricultural and forestal product. These lands are protected as valued natural and ecological resources, which provide essential open spaces for clean air sheds, watershed protection, and wildlife habitat, as well as for aesthetic purposes.

CODE REQUIREMENTS:

This request is for the withdrawal of approximately 145 acres of land from the district pursuant to the following:

> **(A) At any time after the creation of a district within any locality, any owner of land lying in such district may file with the locality a written request to withdraw all or part of his land from the district for good and reasonable cause. The program administrator shall refer the request to the advisory committee for its recommendation. The advisory committee shall make recommendation concerning the request to withdraw to the local Planning Commission, which shall hold a public hearing and make recommendation to the local governing body. Land proposed to be withdrawn may be reevaluated through the Virginia or local Land Evaluation and Site Assessment (LESA) System. The landowner seeking to withdraw land from a district, if denied favorable action by the governing body, shall have an immediate right of appeal de novo to the circuit court serving the territory wherein the district is located. This section shall in no way affect the ability of an owner to withdraw an application for a proposed district or withdraw from a district pursuant to clause (v) of subdivision 1 of § 15.2-4307 or § 15.2-4311.**
>
> **(B) Upon termination of a district or withdrawal or removal of any land from a district created pursuant to this chapter, land that is no longer part of a district shall be subject to and liable for roll-back taxes as are provided in § 58.1-3237. Sale or gift of a portion of land in a district to a member of the immediate family as defined in § 15.2-2244 shall not in and of itself constitute a withdrawal or removal of any of the land from a district.**
>
> **(C) Upon termination of a district or upon withdrawal or removal of any land from a district, land that is no longer part of a district shall be subject to those local laws and ordinances prohibited by the provisions of subsection B of § 15.2-4312.**

COMPREHENSIVE LAND USE PLAN:

Most of the properties associated with this district are in the Rural Agricultural Conservation (RAC) District, as designated in the Comprehensive Plan. The RAC designation is intended to maintain and conserve rural character and farmlands. This designation is intended to provide for a full range of agricultural and farming activities and related uses along with some low-density residential development.

STAFF CONCLUSIONS:

vote – to rec * to pc

*The request is in keeping with County Codes and Ordinances and does not negatively impact the integrity of the district; therefore, staff recommends approval if the Conditional Use Permit for the expansion of the Pea Hill/Murphy Mining Excavation Borrow Pit Site is approved by the Board of Supervisors.

The Conditional Use Permit request is being scheduled for the January 24, 2023, Planning Commission meeting for consideration and recommendation to the Board of Supervisors in February.

ATTACHMENTS:

- Request
- Maps

Isle of Wight County
Commissioner of the Revenue
Agricultural / Forrestal District

This letter is in request for acreage of below listed parcels to be removed from Agricultural and Forrestal land use program within Isle of Wight County for the purpose of mineral excavation.

E. E. Holloway, Jr. Est
c/o Mrs. Hunter H. Jones
16184 Benns Church Blvd
Smithfield, VA 23430

Parcel #32-01-080 / Parcel Address: Muddy Cross ive, Smithfield
Total Parcel Acreage of 60.0 Acres
Total Acreage to be Removed from Land use Program of 13.1 Acres

E. E. Holloway, Jr. Est
c/o Mrs. Hunter H. Jones
16184 Benns Church Blvd
Smithfield, VA 23430

Parcel #33-01-034 / Parcel Address: 16091 Benns Church Blvd S
Total Parcel Acreage of 320.38 Acres
Total Acreage to be Removed from Land use Program of 38.1 Acres

E. E. Holloway, Jr. Est
c/o Mrs. Hunter H. Jones
16184 Benns Church Blvd
Smithfield, VA 23430

Parcel #42-01-005 / Parcel Address: 16432 Benns Church Blvd
Total Parcel Acreage of 80.0 Acres
Total Acreage to be Removed from Land use Program of 9.4 Acres

E. E. Holloway, Jr. Est
c/o Mrs. Hunter H. Jones
16184 Benns Church Blvd
Smithfield, VA 23430

Parcel #41-01-053 / Parcel Address: Longview Drive, Windsor
Total Parcel Acreage of 53.0 Acres
Total Acreage to be Removed from Land use Program of 19.8 Acres

Signature _____

Date _____

Isle of Wight County
Commissioner of the Revenue
Agricultural / Forrestal District

This letter is in request for acreage of below listed parcels to be removed from Agricultural and Forrestal land use program within Isle of Wight County for the purpose of mineral excavation.

Lynn K Rose & Charles H Rose
Parcel #41-01-074 / Parcel Address: Longview Drive, Windsor
6001 Everets Road
Suffolk, VA 23434

Total Parcel Acreage of 5.0 Acres
Total Acreage to be Removed from Land use Program of 2.4 Acres

Lynn K Rose & Charles H Rose
Parcel #41-01-057 / Parcel Address: Longview Drive, Windsor
6001 Everets Road
Suffolk, VA 23434

Total Parcel Acreage of 73.0 Acres
Total Acreage to be Removed from Land use Program of 37.4 Acres

Lynn K Rose & Charles H Rose
Parcel #41-01-046 / Parcel Address: Longview Drive, Windsor
6001 Everets Road
Suffolk, VA 23434

Total Parcel Acreage of 16.0 Acres
Total Acreage to be Removed from Land use Program of 9.6 Acres

Signature Lynn K. Rose

Date 11-14-22

Signature Charles H Rose

Date 11-14-22

Isle of Wight County
Commissioner of the Revenue
Agricultural / Forrestal District

This letter is in request for acreage of below listed parcels to be removed from Agricultural and Forrestal land use program within Isle of Wight County for the purpose of mineral extraction.

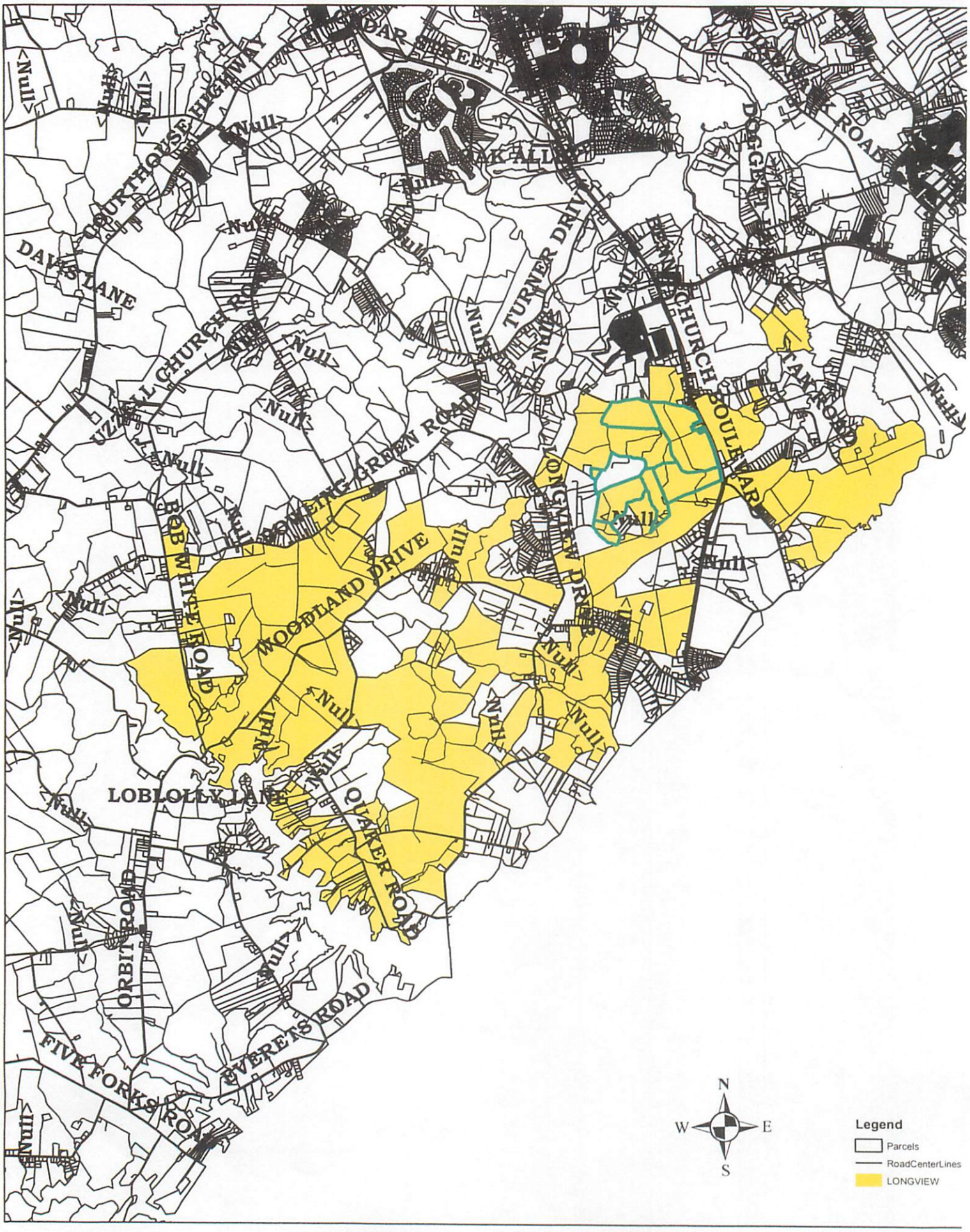
Everets Properties, Inc.
Lynn K Rose, President
Parcel #41-01-056 / Parcel Address: Benns Church Blvd, Smithfield
6001 Everets Road
Suffolk, VA 23434

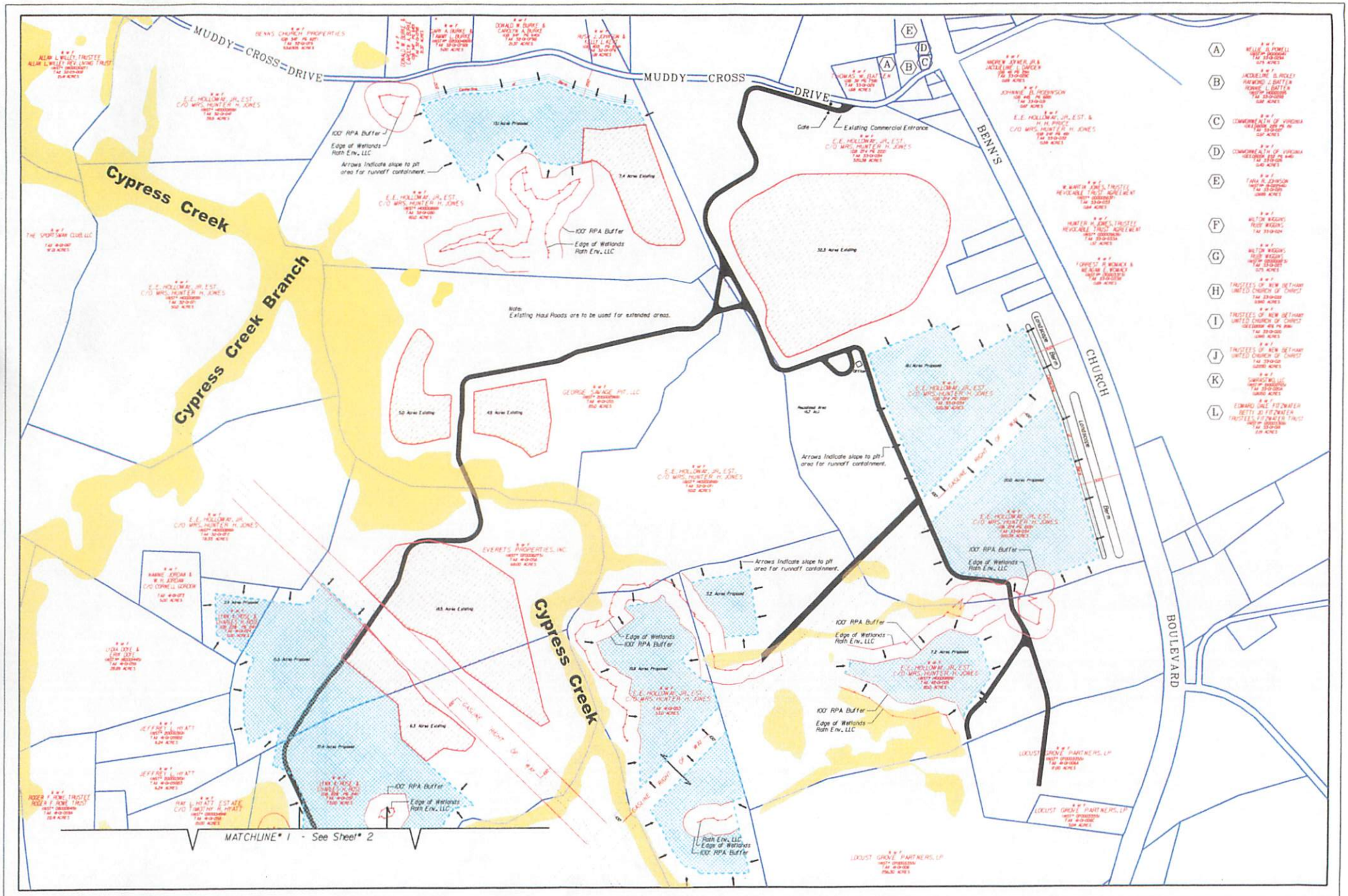
Total Parcel Acreage of 68.0 Acres
Total Acreage to be Removed from Land use Program of 15.5 Acres

Signature Lynn K. Rose, Pres.

Date 11-14-22

SELECTED PARCELS REQUESTED
TO BE WITHDRAWN FROM LONGVIEW AGRICULTURAL/FORESTAL DISTRI





Bay Sand Company
121 S. Mason Street
Smithfield, VA 23430
Amendment Map August 2021

Note:
143.3 Acres Proposed Excavation
4,213,440 Yards Proposed Excavation

Legend

- Proposed Pit Area
- VA Tax Parcels
- Existing Haul Roads
- Wetland Areas
- Existing Pit Areas

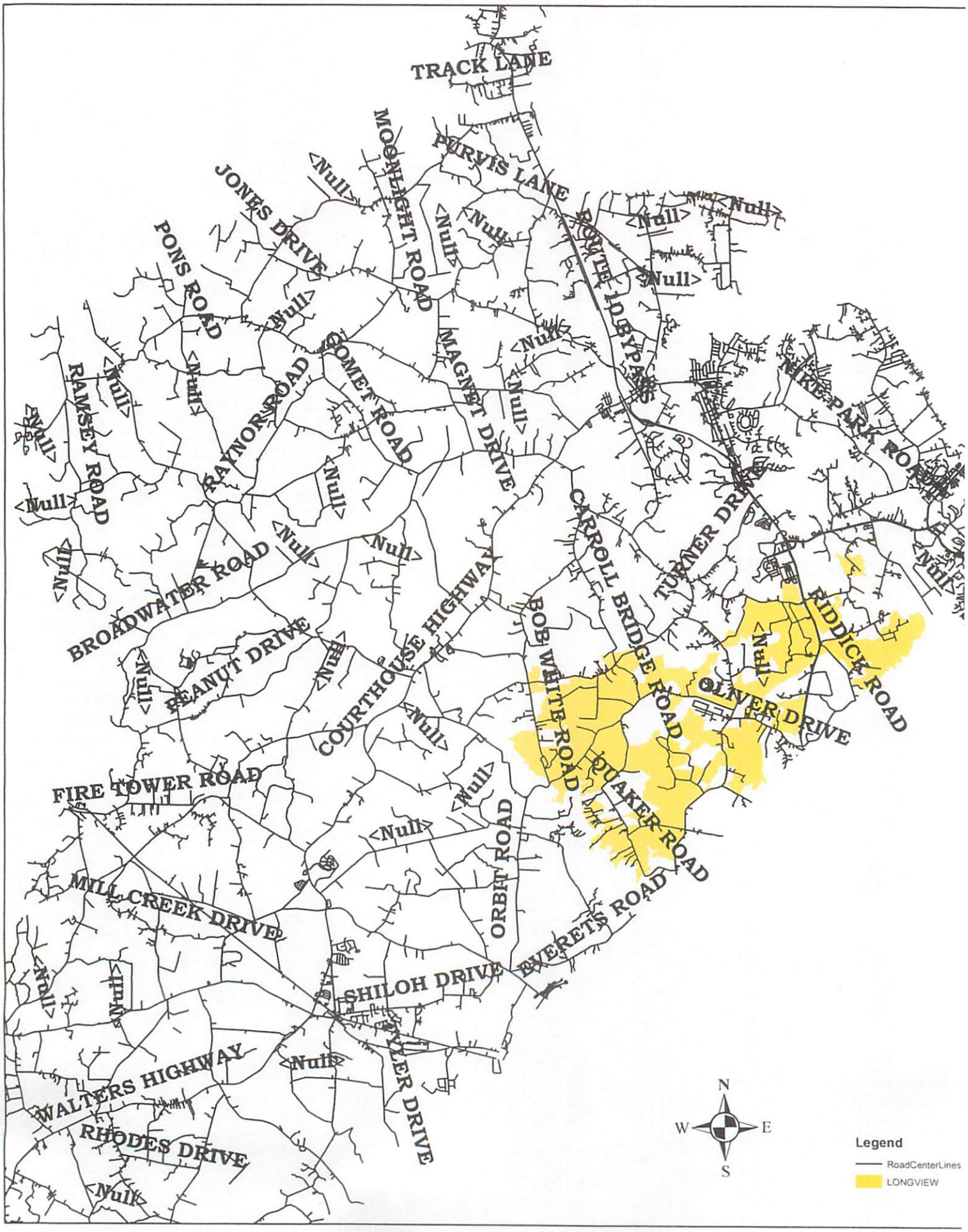
Scale

1 Inch = 200 Feet

0 100 200 400 600 Feet

DMM Permit No: 90501AA
Drawn by: FHW
Sheet No. 1 of 2
Checked by: N/A
Date: 06/01/2021 Rev. 11/04/2022

LONGVIEW AGRICULTURAL/FORESTAL DISTRICT



RESOLUTION NUMBER PC-23-3

ISLE OF WIGHT COUNTY PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION TO THE BOARD OF SUPERVISORS RELATING TO CONDITIONAL USE PERMIT REQUEST CUP-09-22 TO ALLOW RESOURCE EXTRACTION, ON PROPERTY WITH TAX MAP PARCELS 32-01-080, 33-01-034, 41-01-053, 42-01-005, 41-01-074, 41-01-046, 41-01-056, and 41-01-057

WHEREAS, Bay Sand Company, Inc., applicant, on behalf, Everets Properties, Inc., Charles H. Rose, Lynn K. Rose, and Estate of EE Holloway, Jr. property owners, has requested issuance of a conditional use permit for a portion of a certain tract of land with tax parcel numbers 32-01-080, 33-01-034, 41-01-053, 42-01-005, 41-01-074, 41-01-046, 41-01-056, and 41-01-057 situated in Isle of Wight County; and

WHEREAS, the specific request is to permit resource extraction, in accordance with sections 1-1017 and 4-2003 of the Zoning Ordinance;

WHEREAS the procedural requirements for the consideration of this request by the Planning Commission have been met.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of Isle of Wight County, that:

Section 1. Findings.

_____ A. The Isle of Wight County Planning Commission finds that the proposed amendment to conditional zoning is reasonable and warranted due to a change in circumstances affecting the property and has considered the following factors and finds that the proposed rezoning does not conflict with:

1. the existing use and character of property within the County;

2. the Comprehensive Plan;

3. the suitability of the property for various uses;

4. the trends of growth or change;

5. the current or future requirements of the community as to land for various purposes as determined by population and economic studies and other studies;

6. the transportation requirements of the community;

7. the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services;

8. the conservation of natural resources;

9. the preservation of floodplains;

10. the preservation of agricultural and forestal land;

11. the conservation of properties and their values; and

12. the encouragement of the most appropriate use of land throughout the County.

_____ B. The Isle of Wight County Planning Commission does not find that the proposed zoning map amendment is reasonable based on the consideration of the factors listed herein.

Section 2. Recommendation to Board of Supervisors.

The Planning Commission recommends to the Board of Supervisors that the request, CUP-09-22, be:

___ a. Granted as submitted, and that the Board of Supervisors adopt the proposed Ordinance without modification.

___b. Denied, and that Board of Supervisors not adopt the proposed Ordinance.

___c. Granted with the modifications set forth on the attached listing of specific recommendations, and that the Board of Supervisors adopt the proposed Ordinance with such modifications.

DATE: _____

READ AND PASSED: _____
Chairman, Isle of Wight County Planning Commission

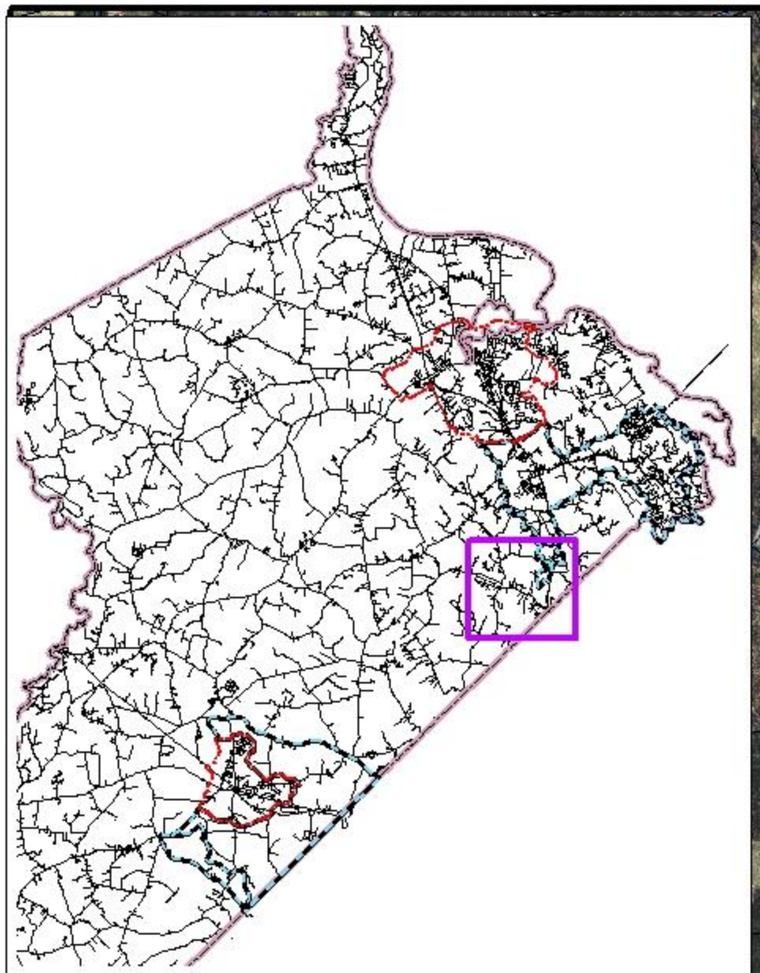
TESTE: _____
Secretary, Isle of Wight County Planning Commission

Approved as to Form:

_____
Robert W. Jones, Jr., County Attorney

Exhibit B

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA



Legend

- Road Center Lines
- Highway Corridor Overlay District
- Towns
- Development Service Districts
- Parcels
- County Boundary

N

0 500 1,000 Feet

Existing Entrance along Muddy Cross Drive

Some of the existing resource extraction area

Existing area not currently in operation

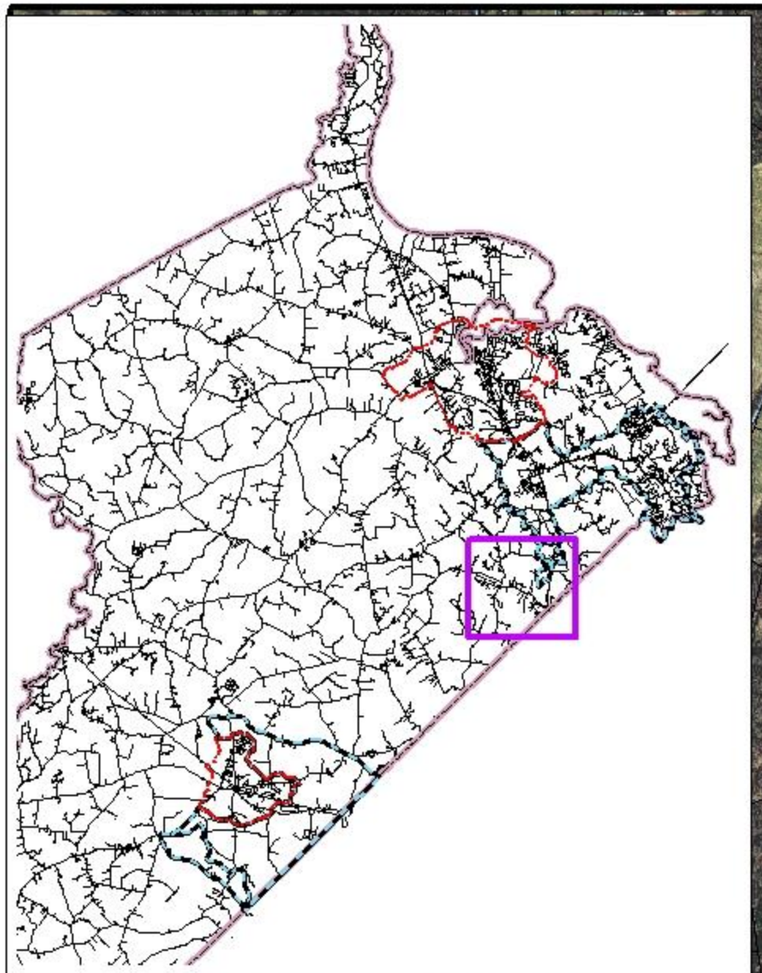
Existing area not currently in operation

CUP-09-22 Conditional Use Permit - Location Map

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA

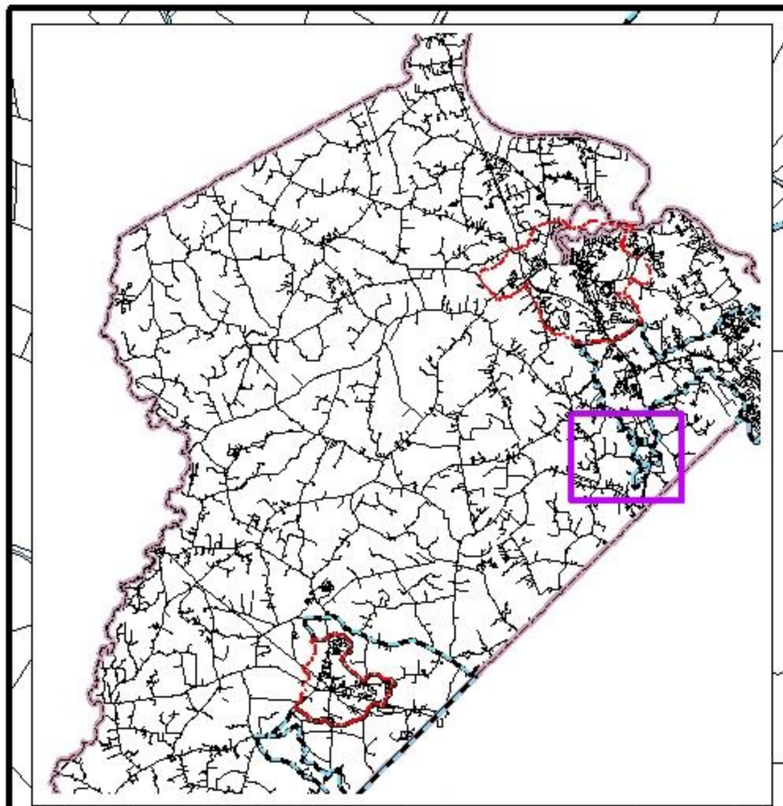
CUP-09-22 Conditional Use Permit - Location Closeup

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA



CUP-09-22 Conditional Use Permit- Zoning Map

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA



Legend

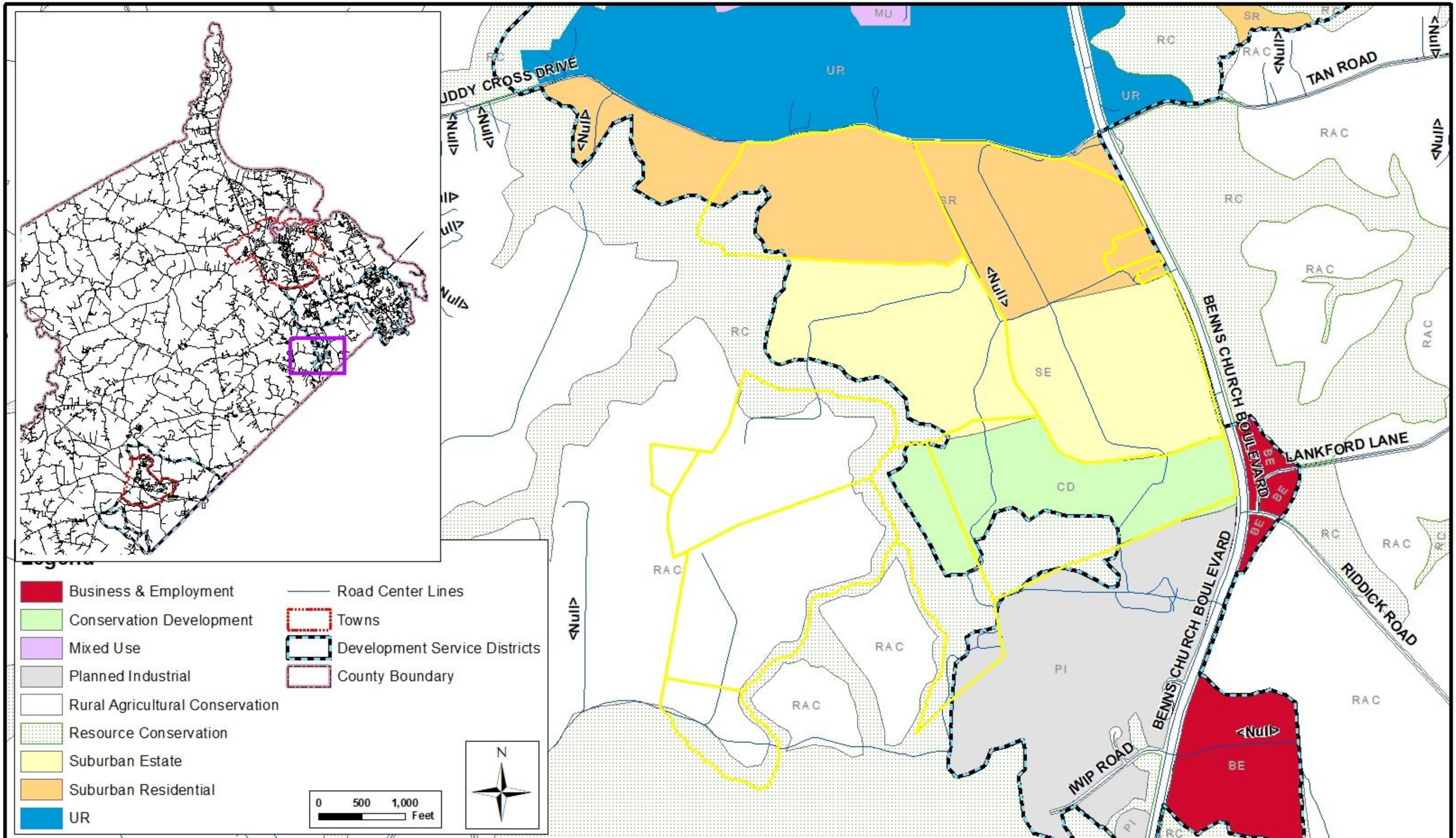
- General Commercial
- General Industrial
- General Industrial Conservation
- Limited Commercial
- Limited Industrial
- Neighborhood Conservation
- Planned Dev. - Mobile Home
- Planned Dev. - Mixed Use
- Planned Dev. Residential
- Rural Agricultural Conservation
- Rural Residential
- Suburban Estate
- Suburban Residential
- Urban Residential
- Village Center
- Road Center Lines
- Towns
- Development Service Districts
- County Boundary

N

0 500 1,000 Feet

CUP-09-22 Conditional Use Permit - Land Use Map

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA



PLANNING REPORT

APPLICATION:

Solar Energy Facility Discussion on Draft Ordinance Changes

BACKGROUND:

At their November 22, 2022, regular meeting, the Planning Commission voted to hold a worksession on December 13, 2022, in order to discuss the form and location of solar energy generation facilities in the County.

After their December 13, 2022, worksession, the Planning Commission directed staff to prepare draft ordinance changes based on the discussion at the meeting.

DESCRIPTION:

Staff prepared draft Zoning Ordinance changes for the major utility type Utility Scale Solar Energy Generation facilities. The draft Ordinance changes are attached to this staff report.

COMPREHENSIVE LAND USE PLAN:

The Comprehensive Plan addresses solar energy facility concerns in the Community Energy section of the "Serve the Isle" Chapter starting on page 73. A copy of this section is attached to this report.

ORDINANCE REVIEW:

The County Zoning Ordinance considers utility scale solar energy generation facilities a major utility use type and includes supplemental use regulations for these uses in Section 5-5003.M.4. A copy of this Ordinance section is attached to this report.

STAFF RECOMMENDATION:

This item is for discussion by the Planning Commission only. No action is recommended.

ATTACHMENTS:

Description	Type	Upload Date
Draft Zoning Ordinance Changes	Backup Material	1/17/2023
Southampton County Ordinance	Backup Material	12/7/2022
Draft Surry Energy Policy	Backup Material	12/7/2022
BOS Solar Facility Memo August 2021	Backup Material	12/7/2022
Solar Energy Generation Facility Ordinance	Backup Material	12/7/2022
Envisioning the Isle - Community Energy Section	Backup Material	12/7/2022

Proposed Zoning Ordinance Revisions
Revised January 17, 2023

The draft revisions are listed by section below. New, proposed language is in red underlined text. Language proposed to be deleted is shown in red text with ~~strikethrough~~ markings.

Article II, Interpretations and Basic Definitions

Utility scale solar energy facility.\ A renewable energy generation facility is a major utility use type as defined by this Ordinance that either:

(a) Generates electricity from sunlight, consisting of one or more PV systems and other appurtenant structures, to include energy storage, and facilities within the boundaries of the site; or

(b) Utilizes sunlight as an energy source to heat or cool buildings, heat or cool water, or produce mechanical power by means of any combination of collecting, transferring, or converting solar-generated energy; and

(c) Does not meet any of the following criteria: has a disturbance zone equal to or less than two acres, is mounted on or over a building or parking lot or other previously disturbed area, or utilizes integrated PV only.

Article V, Supplementary Use Regulations

M. Utility services, major.

4.Utility Scale Solar Energy Facilities.

a. In addition to any conditional use permit application requirements, the applicant shall provide the following at the time of application:

i. A conceptual plan showing the proposed layout of all structures, adjacent properties, screening, landscaping, internal roadways, easements, environmentally sensitive features including proposed wildlife corridors;

ii. A visual impact analysis demonstrating through project siting and proposed mitigation, if necessary, that the solar project minimizes impacts on the visual character of a scenic landscape, vista, or scenic corridor;

iii. A transportation plan showing vehicular access to the site, proposed construction traffic route to the site, parking areas, and laydown yards;

iv. An estimated time frame and proposed hours of operation for construction activity;

v. Economic impact analysis of the project including projected net new tax revenue as well as loss of active agricultural and silvicultural lands and its indirect impact to associated local businesses;

vi. An environmental resource impact analysis discussing any proposed activities within designation resource conservation areas;

vii. A historical and cultural resources impact analysis; and

viii. Written comments from the relevant electric company regarding the capacity of the transmission lines as part of any use permit application. ~~An applicant can satisfy this requirement by submitting proof of application for interconnection to the electricity system.~~

b. Ground-mounted systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt, except when temporarily stowed in a vertical position for vegetation management or for inspection, maintenance and/or repair.

c. Audible sound from a solar energy system shall not exceed 60 dBA (A-weighted decibels), as measured at any adjacent non-participating landowner's property line. The level, however, may be exceeded during short-term exceptional circumstances, such as severe weather.

d. All equipment, accessory structures and operations associated with a large solar energy system shall be setback at least seventy-five (75) feet from all property lines and at least one hundred, ~~and~~ one hundred and twenty-five (125) feet from any residential parcels, and two hundred and fifty (250) feet from any a structure with documented historical significance, a cemetery, a cultural resource, or a school. New substations, connector stations, inverters and transformers shall be set back at least five hundred (500) feet from the property line of any non-participating properties. structure with documented historical significance, a cemetery, a cultural resource, or a school. In addition, these facilities are subject to the following:

i. Setbacks shall be kept free of all structures and parking lots; and

ii. Setbacks shall not be required along property lines adjacent to other parcels which are part of the solar energy system with the exception structures with documented historical significance, a cemetery, a cultural resource, or a school,; however, should properties be removed from the system, setbacks must be installed along all property lines of those properties remaining within the project and which are adjacent to a parcel which has been removed.

e. The following landscaping standards shall apply:

i. Along public roadways ~~with at least fifty (50) feet of right-of-way,~~ a minimum fifty-foot wide bufferyard shall be installed or retained with ~~at least seventy-five (75) landscaping points per one hundred (100) linear feet shall be required in the bufferyard;~~ consisting of a three, staggered rows of trees and shrubs installed a maximum of eight feet on center in order to create an effective visual screen as approved by the Zoning Administrator;

~~ii. Along public roadways with less than fifty (50) feet of right-of-way, twenty-five (25) landscaping points per one hundred (100) linear feet shall be required in the bufferyard;~~

iii. Where solar facility properties abut residential parcels, a fifty-foot wide bufferyard shall be installed or retained ~~with a minimum of one hundred twenty (120) landscaping points per five hundred (500) square feet of bufferyard shall be required~~ consisting of a three, staggered rows of large and small canopy trees and medium shrubs installed a maximum of eight feet on center in order to create an effective visual screen as approved by the Zoning Administrator;;

iv. Existing vegetation that meets the minimum landscaping specifications may be used to meet required landscaping ~~points~~; ~~and~~

v. No silvicultural activities or removal of required landscaping materials shall occur in the required bufferyards except as approved by the Zoning Administrator; and

vi. If the land area being leased was under crop cultivation prior to lease, it shall be maintained and cut annually during the growing season prior to August 1 until site construction begins.

f. Provide soil testing for any contaminants directly attributable to the solar panels before and after construction and every five (5) years during the interim until the facility is decommissioned. Owner/operator must provide copies of initial baseline report and subsequent reports to the zoning administrator. Should a negative finding indicating contamination from the solar panels occur, contamination must be remedied by the owner/operator to applicable state and federal standards.

g. Prior to final site plan approval, an owner, lessee, or developer of real property shall enter the following agreement and provide them to the zoning administrator for review and approval:

i. A written agreement to decommission solar energy equipment, facilities, or devices upon the following terms and conditions:

a) If the party that enters into such written agreement with the county defaults in the obligation to decommission such equipment, facilities, or devices in the timeframe set out in such agreement, the locality has the right to enter the real property of the record title owner of such property without further consent of such owner and to engage in decommissioning; and

b) Such owner, lessee, or developer shall provide financial assurance of such performance to the county in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee, based upon an estimate of a professional engineer licensed in the commonwealth, who is engaged by the applicant, with experience in preparing decommissioning estimates and approved by the county; such estimate shall not exceed the total of the projected cost of decommissioning, ~~which may include the net salvage value of such equipment, facilities, or devices~~, plus a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor.

c) Decommissioning of discontinued or abandoned large solar energy systems shall include the following:

i. Physical removal of all solar energy equipment and above-ground appurtenant structures from the subject property including, but not limited to, buildings, machinery, equipment, cabling and connections to transmission lines, equipment shelters, security barriers, electrical components, roads, unless such roads need to remain to access buildings retrofitted for another purpose, or the landowner submits a request to the board of supervisors that such roads remain.

ii. Below-grade structures, such as foundations, underground collection cabling, mounting beams, footers, and all other equipment installed with the system shall be completely removed: however, these structures may

be allowed to remain if a written request is submitted by the landowners and a waiver is granted by the Board of Supervisors.

iii. Compacted soils shall be decompacted as agreed to by the landowner.

iv. Restoration of the topography of the project site to is pre-existing condition, except that any landscaping or grading may remain in the after-condition if a written request is submitted by the landowner and a waiver is granted by the board of supervisors.

v. Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local, state, and federal solid waste disposal regulations.

h. During and at the end of project construction, any damage done to public roads by solar farm construction equipment shall be repaired in accordance with VDOT standards and specifications. Post construction damage shall be identified based on inspections by VDOT with the developer or their agent, prior to construction and upon completion, identifying the items for repair. Additionally, at the request of VDOT, in order to ensure the safety of the traveling public, some damages may need to be addressed immediately.

i. Facilities shall not be located within the limits of the County's Development Service Districts.

j. The facilities themselves must be wholly located within a two mile radius of existing substations and/or high voltage transmission lines.

k. These use types shall be limited to a maximum of 2% of the County's total number of prime farm soils and soils of statewide importance, or 2,446 acres.

l. The applicant shall provide detailed capacity information to the Planning Commission for each project which shall include at a minimum, but not limited to, available capacity in MW on effected distribution lines and any details that may impact future energy generation projects.

m. The facility operator shall prepare and submit an annual activity report to the Zoning Administrator to be shared with the Planning Commission and Board of Supervisors.

n. The applicant shall provide documentation demonstrating the selected panels and all power generating equipment initially installed and replaced qualify, for disposal purposes, as nonhazardous waste under applicable US EPA regulation using a Toxicity Characteristics Leaching Procedure or equivalent laboratory analysis.

o. The applicant shall submit an Emergency Response Plan at the time of site development plan application for review and approval by the County, which shall detail fire suppression methods that will be immediately deployed during both construction and operation of the facility. The plan shall include a training program to be provided to emergency responders about safety for on-site incident response.

Initiation and frequency of training will be coordinated between the Department of Emergency Services and the facility operator. The applicant shall install a Knox Box or other remote access technology at the facility to ensure emergency responders have access to the facility should the need arise.

p. The operator shall post a notification sign at each site entrance that states (a) the rated nameplate capacity, (b) the name of the project owner, and operator (if different from the owner), (c) the street address of the site, and (d) a 24-hour emergency contact phone number for the operator.

q. On-site energy storage shall require a separate conditional use permit.

r. The applicant shall be responsible for any costs incurred by the County for additional staff and/or third party inspectors for inspection services.

s. Topsoil is not permitted to be removed from the property.

t. The portion of the subject property supporting solar panels shall be enclosed by security fencing of a type that is harmonious with the rural, agricultural, and historical character of the County while meeting federal and state regulations for solar electric generating facility fencing as determined by the Zoning Administrator adjacent to all public rights-of-way, residential property, properties eligible for listing on the National Register of Historic Places, and civic uses prior to final site plan approval.

u. Fencing shall be placed around the solar arrays, inverters, and substation only and not the whole site in order to provide wildlife corridors.

10A. PUBLIC HEARING – SOLAR ORDINANCE

OPENING STATEMENT

Attached is the proposed utility scale solar ordinance. The Planning Commission held a public hearing on this matter at its June 9, 2022 meeting and made a unanimous recommendation of approval from the eight (8) members in attendance.

Beth Lewis, Planning Director is in attendance to provide you with an overview of the proposed ordinance.

Attachments

Ordinance
Public Hearing Advertisement
PowerPoint Presentation
Memo from Beth Lewis, Planning Director
Minutes from previous Planning Commission Meetings

MOTION REQUIRED:	If the Board is so inclined, a motion is required to adopt the attached ordinance.

ORDINANCES TO REPLACE REPEALED ORDINANCES UNDER ARTICLE XXII. UTILITY SCALE SOLAR ENERGY PROJECT FOR SOUTHAMPTON COUNTY, SECTIONS 18-621 THROUGH 18-637 WITH THE PURPOSE AND INTENT TO PROTECT ACTIVE VIABLE FARM AND FORESTED LAND WHILE PERMITTING THE INSTALLATION OF UTILITY SCALE SOLAR ENERGY PROJECTS IN LIMITED AREAS THROUGHOUT THE COUNTY ENCOURAGING THE USE OF BROWN FIELDS AND OTHER MARGINALLY PRODUCTIVE LAND

BE IT ORDAINED, by the Southampton County Board of Supervisors, that the Southampton County Code is hereby amended by the addition of Sections 18-622 A through 18-636 A, set out herein below:

Article XXII.A - Utility Scale Solar Project for Southampton County

Sec. 18-622.A - Purpose and Intent

The purpose and intent of the Utility Scale Solar Project regulations is to protect active, viable farm and forested land while permitting the installation of utility scale solar energy projects in limited areas throughout the County, encouraging the use of brownfields and other marginally-productive land.

Sec. 18-623.A - Definitions

- *Applicant* means the person or entity who submits an application to the locality for a permit to install a solar energy project under this article.
- *Disturbance zone* means the area within the site directly impacted by construction and operation of the solar energy project.
- *Integrated PV* means photovoltaics incorporated into building materials, such as shingles.
- *Operator* means the person responsible for the overall operation and management of a solar energy project.
- *Owner* means the person who owns all or a portion of a solar energy project.
- *Photovoltaic or PV* means materials and devices that absorb sunlight and convert it directly into electricity.
- *Rated capacity* means the maximum capacity of a solar energy project based on the sum total of each photovoltaic system's nameplate capacity.
- *Site* means the area containing a solar energy project.
- *Utility scale solar energy project, solar energy project or projec*t means a renewable energy project that either:

  (a) Generates electricity from sunlight, consisting of one or more PV systems and other appurtenant structures and facilities within the boundaries of the site; or

(b) Utilizes sunlight as an energy source to heat or cool buildings, heat or cool water, or produce mechanical power by means of any combination of collecting, transferring, or converting solar-generated energy; and
(c) Does not meet any of the following criteria: has a disturbance zone equal to or less than two acres, is mounted on or over a building or parking lot or other previously disturbed area, or utilizes integrated PV only.

Sec. 18-624.A - District Boundaries
The utility scale solar energy project regulations shall apply to all properties seeking a zoning map amendment and/or a Conditional Use Permit to install such a development in the unincorporated portions of Southampton County.

Sec. 18-625.A - District Regulations
All Utility Scale Solar Energy Projects shall meet the following district regulations:

1. The minimum rated nameplate capacity of any utility scale solar energy project shall be at least twenty (20) megawatts (MW).
2. The maximum rated nameplate capacity of any utility scale solar energy project shall be no more than one hundred (100) megawatts (MW).
3. The total land area devoted to utility scale solar projects shall be no more than one (1) percent of the area of Southampton County, with the current ratios between farm and forested land being used as determined by information from the Virginia Farm Service Agency and the Virginia Department of Forestry at the time of application.

Sec. 18-626.A – Zoning Considerations
Utility scale solar energy projects shall only be permitted in the M-1, Limited Industrial, zoning district with a Conditional Use Permit.

Sec. 18-627.A - General District Standards
In addition to the standards contained in Article XVIII, Conditional Use Permits, all applications shall comply with the following standards for a utility scale solar energy project:

1. The subject properties shall be served by an existing electrical transmission/distribution line, so as to not require an extension to connect to the receiving line.
2. Any utility scale solar energy project shall be located in its entirety at least one (1) mile from the corporate limits of any incorporated town or city.
3. The project shall comply with all applicable federal and state regulations.

4. Decommissioning shall be accomplished in accordance with the requirements of Sec. 18-631 A of this ordinance and the approved decommissioning plan.
5. Technical/review fees. Applications for utility scale solar energy projects shall require a technical review that will be conducted by a consultant selected by the County. Any fees associated with performance of this review will be paid by the applicant.
6. Should property proposed as part of a utility scale solar energy project be included in a Voluntary Agriculture and Forrestal District, a request to withdraw the property from said District shall be submitted and approved in advance of a submittal of a request for a zoning map amendment and Conditional Use Permit to install the proposed project.
7. Any required siting agreement shall be approved by the Board of Supervisors prior to submittal of an application for a zoning map amendment and/or Conditional Use Permit.

The Board of Supervisors may modify the standards of Sec. 18-627A upon application for an approval of a Conditional Use Permit specific to the standard for which a modification is requested, upon a finding by the Board that the applicant has demonstrated that the proposed modification reasonably protects and promotes the public health, safety, and welfare with respect to the application.

Sec. 18-628.A – Setbacks

1. Utility scale solar energy projects shall meet the front, side, and rear setbacks of the M-1, Limited Industrial district for the exterior parcel boundaries of the project unless specified otherwise elsewhere in these regulations. Buildings and equipment may cross property lines interior to the utility scale solar project, however, subsequent to development, should properties be removed from the project, perimeter setbacks must be installed on properties remaining within the project.
2. New substations or connector stations shall be set back at least five hundred (500) feet, and inverters and transformers set back at least two hundred and fifty (250) feet, from existing dwellings, schools, places of worship, State Scenic rivers, and rights-of-ways.

The Board of Supervisors may modify the setbacks of Sec. 18-628A as it deems necessary to ensure adequate buffer yards and screening to mitigate the visibility of the utility scale solar energy project from the exterior of the property to residential property, public facilities, places of worship and public rights-of-way and site conditions specific to the project.

Sec. 18-629.A - Additional Submission Requirements

In addition to the Submission Requirements of Sec18-678, the following additional requirements shall be satisfied with the filing of an application for a Conditional Use Permit:

1. Documentation evidencing control over the properties for the intended use, including decommissioning. Sensitive financial or confidential information may be redacted. Power of attorney must be provided if the applicant for the zoning map amendment and/or Conditional Use Permit is not the property owner
2. A narrative describing the proposed utility scale solar energy project, including how it meets the purposes and intent noted in the Comprehensive Plan and this ordinance
3. The intended end user(s) of the electricity generated by the project. No speculative projects will be considered by the Board of Supervisors and Planning Commission.
4. The preliminary site plan and supporting documentation shall demonstrate that the project meets the design and development standards set forth in Article XX of the zoning ordinance. Additionally, the plan shall indicate the following:
    a) The approximate location and dimension of solar panels, inverters, existing and proposed structures, fencing, property lines, ancillary equipment, transmission lines, vegetation, waterways and streams, and the location of residences within three hundred (300) feet of the perimeter of the facility, buffers, boundaries, and acres of the limits of disturbance
    b) The amount of energy in megawatts (MW) that the facility is designed to generate in alternating current (AC) and direct current (DC)
    c) Dimensions, locations, orientation and typical section of the solar energy equipment, and the type of system proposed (i.e. tracking or stationary)
    d) The materials that are to be utilized (e.g. aluminum, copper, glass, etc.) in the construction of the facility and approximate percentages
    e) Location of interconnections to any existing or proposed substations or connector stations
    f) Existing structures on the parcel(s) and occupied structures on adjacent properties that may be affected by the placement of solar panels. Include places of worship, schools, public buildings, and State Scenic rivers
    g) Parking and access areas, including proposed construction and permanent driveways
    h) Location of proposed access and utility easements

i) A general landscape and buffering plan that demonstrates that the application meets the buffering requirements of Sec. 18-630A.

j) Demonstration through project siting and proposed mitigation, if necessary, that the project mitigates impacts on the visual character of adjacent properties, designated scenic roads or rivers, or historic properties as designated in the Comprehensive Plan or the Virginia/National Register of Historic Places

k) A construction management plan which includes, but is not limited to, the location of staging areas for construction materials and equipment, hours of operation, estimated duration of construction, number and type of vehicles entering and leaving the site, including a traffic impact analysis of same, temporary lighting, anticipated noise and dust generation and corresponding mitigation measures;

l) Proof of adequate liability insurance for the project, which shall be maintained throughout the life of the project

m) The name and contact information for the owner, who shall be responsible for all aspects of the operation and maintenance of the facility for purposes of compliance with the Conditional Use Permit.

Notwithstanding the approved preliminary site plan, the final site plan may be modified to meet federal, state or local regulations, site design, or engineering requirements provided such modifications do not materially change the approved site plan.

5. A statement signed by the applicant that the electrical utility provider or regional transmission authority has been informed of the applicant's intent to install an interconnected project.

6. A description of the upgrades or improvements to the current electrical grid required to support the proposed solar energy facility and the status of the applicant's application for interconnection to the grid.

7. Stormwater management plan as required by Chapter 13.5 of the Southampton County Code.

Sec. 18-630.A - Design and Development Standards

Utility scale solar energy projects shall comply with the following design and development standards:

1. Exterior Buffer Area

Within the required exterior setbacks, a minimum of one-half the setback shall provide a buffer area on all sides of the project, including areas around any new substation or connector station, to any adjacent parcel or public right-of-way. If the adjacent parcel includes a residence, a place of worship, a structure with documented historical

significance, a cemetery, or a school, the minimum buffer width shall instead be one hundred (100) feet. Any combination of landscaping, fencing, berms, or natural areas may be used to satisfy this standard as outlined in this section, which shall screen the project from view from the exterior of the property.

The following activities may be permitted within the buffer:

a) Vehicular access drives which ties into approved access points to the public right-of-way system as determined by VDOT
b) Landscaping and landscaping features
c) Security lighting in accordance with Sec.18-630A
d) Fencing in accordance with Sec.18-629A(4)
e) Signage in accordance with Sec 18-629A(5)
f) Utility lines, provided such lines cut through the buffer areas at an angle, as shown on the site plan, to protect the viewshed provided by the buffer
g) Erosion and sediment control/stormwater management measures

The Board of Supervisors may modify the buffer area as it deems necessary to ensure adequate screening to comply with this standard.

2. Landscaping and Buffering

Fencing abutting public rights-of-way - As part of the conditional use permit application, zoning map amendment request, or site plan approval request, a landscape plan for the perimeter of the project in areas that the required fencing will abut a public right-of-way must be provided. Such plan must provide an intermittent screen along such roadways to reflect the agricultural nature of the surrounding countryside. Plantings at intersections are to reduce the visual impacts of the solar panels and equipment on drivers. Plantings along the public rights-of-way are not meant to completely screen the solar installation, but to break up the impact of the installation on drivers and nearby residents. Four (4) foot tall landscaped berms planted with grass shall be required as necessary abutting all public rights-of-way, with such requirements specifically imposed by the board of supervisors at the time a conditional use permit is issued.

Fencing not abutting public rights-of-way - Plantings in areas that the required fencing will abut residential uses, cemeteries, schools, structures with documented historical significance, places of worship, or State Scenic rivers shall provide an opaque screen of the solar installation to the abutting properties. Such plans shall to the greatest extent possible use native and locally adapted vegetation. Opaque screening to a height of eight (8) feet within three (3) years of installation must be provided along these areas. If the fence abuts any property in residential use, a

four (4) foot tall landscaped berm planted with grass shall be part of the opaque screening.
If landscaping is proposed and/or required to meet the visual screening requirements, plantings shall be installed during the first available planting season following issuance of a land disturbing permit to ensure viability of the plantings, as determined by a Landscape Design Professional. Vegetation to be installed shall be of such size and variety so as to achieve required screening effects within three (3) years of installation.

It is preferred that natural areas be retained to meet some or all of the buffer requirements, provided a Landscape Design Professional determines the existing vegetation is of adequate size and health to meet the screening requirements. Vegetation to be retained for this purpose shall be shown on the site plan, type and size enumerated.

Native vegetation and pollinator species shall be incorporated into landscape plans and natural areas to the extent possible. The planting of non-native plant species is discouraged. If non-native species must be utilized, such planting shall not constitute more than twenty five (25) percent of all new plantings, unless the Landscape Design Professional determines additional non-native plantings are necessary to meet the desired buffering standards. All landscape material must be certified nursery stock, so as to ensure invasive species and insects are not in the material.

The landscape plan shall also include information regarding the grass or ground cover to be installed within the solar installation. Such ground cover or grass is limited in height to twelve (12) inches by Southampton County Code Sec. 10-48. A landscape plan for the installation and maintenance of the plantings, natural areas, and other vegetated areas within the buffer shall be provided, which shall ensure the long-term viability of the buffer area. Invasive species plans and pest management plans specific to the site for both insects and vegetation, prepared by a licensed landscape architect or certified agronomist or equivalent, shall be incorporated into all landscape plans. Such landscape plans shall be approved by the County as part of the site plan review process.

Prior to the issuance of the first land disturbance permit, appropriate surety equal to fifty (50) percent of the cost of the installation of the landscaping for the entire project shall be submitted. Additionally, a $50,000 landscape bond shall be submitted that remain in effect for the life of the project. Once 100% of the landscaping for the entire project has been installed and verification by the

Landscape Design Professional is provided that the landscaping is healthy and meets the mitigation requirement, the fifty (50) percent surety shall be released upon request. However, the $50,000 landscape bond shall remain in effect for the life of the project. That bond, to be renewed if/when the County needs to pull from it, shall cover landscaping that needs to be replaced, damaged fencing, tall vegetation that needs to be mowed, or complaints of glare from the project from an abutting neighbor, should the owner of the project not accomplish those repairs in a timely manner upon receiving knowledge of the issue. Any dead, diseased, or dying vegetation shall be replaced in accordance with the specification of the maintenance plan in the first planting season after such replanting is required. Annual inspection of the landscaping and ground cover shall be made by a licensed Landscape Architect and a report provided to the Community Development Department.

The Board may determine that further screening improvement may be reduced or are not required based on supporting documentation provided by the Landscape Design Professional.

3. Fencing

Fencing shall be as required by the National Electric Code. It shall be screened from exterior view from occupied adjacent properties and public rights-of-way. Screening may include plantings to mitigate the view of the fence. Breaks in fencing shall be provided to facilitate wildlife movement corridors where necessary to address findings and recommendations of the studies pursuant to Sec. 18-633A(1).

4. Grading

Clear-cutting and grading of the development zone shall be prohibited, except in areas where panels, internal paths, and equipment are to be installed. Existing buffer areas must be protected from clear-cutting. The Southampton County Code Ch. 6, Erosion and Sediment Control, shall be adhered to. The use of existing contours shall be utilized to the extent practical. Where grading is necessary because of slopes or other topographic features, slopes exceeding fifteen (15) percent and/or slopes defined as critical slopes by the Virginia Erosion and Sediment Control Handbook, shall not be disturbed. All site development shall be performed in phases so that not more than fifty (50) percent of the land disturbance areas reflected on the site plan shall be disturbed without stabilization at any time. Site specific plans shall be prepared and approved that may limit or phase the amount of disturbed acreage as determined by site characteristics. Topsoil is not permitted to be removed from the property. For purposes of erosion and sediment control, stabilization shall mean the application of seed and straw or mulch to disturbed areas. The applicant shall be responsible for any costs incurred by the County for additional staff and/or third party inspectors for inspection services. If

forested land is to be included, the requirements of the Virginia Department of Forestry BMP standards shall be included. Southampton County Community Development may permit selected thinning in areas based upon best management practices and in accordance with the approved landscape plan. The provision shall not be deemed to preclude cutting or thinning necessitated by disease or infestation and recommended by the Virginia Department of Forestry or other qualified professional.

5. Signage

Signage shall be limited to a notification sign placed at each site entrance and at locations along the exterior fence that states (a) the rated nameplate capacity, (b) the name of the project owner, and operator (if different from the owner), (c) the street address of the site, and (d) a 24-hour emergency contact phone number for the operator. Signage is prohibited on solar equipment except as follows: (a) appropriate warning signs and placards; (b) signs required by a federal or state agency; (c) signs that provide a 24-hour emergency contact phone number, and (d) panel manufacturer information and/or other identifier. If the contact information changes, new signage with up-to-date contact information is required.

6. Height

Solar Energy Arrays shall not exceed eighteen (18) feet in height when oriented at maximum tilt, as measured from the ground, and shall be screened to meet the visual buffering requirements at the time of site plan approval. Ancillary non-solar collector equipment and/or structures, including, but not limited to inverters and transformers, may exceed the height limitation of eighteen (18) feet, provided such equipment or structures are not visible from the exterior of the property.

Sec. 18-631.A - Additional Requirements

1. Site access shall be designed to mitigate site visibility from the public road, residences, schools, places of worship, properties on a historic register or listing, and state scenic rivers.

2. Security lighting shall be the minimum necessary for security of the site. All lighting shall be sourceshielded and downcast to prohibit glare onto abutting properties. The maximum height of any light structure shall not exceed twenty (20) feet along the exterior boundary or within the approvedsetback/buffer areas and thirty-five (35) feet in the interior. Motion sensitive lighting shall be utilizedto the maximum extent possible. Except for site entrances, all lighting shall be internal to the facility.

3. New and/or relocated on-site electrical interconnections and powerlines shall be installed underground unless otherwise approved by the Board of Supervisors with the issuance of the Conditional Use Permit.

4. The project upon completion shall not exceed the noise limitations throughout Southampton County at the exterior boundary of the properties. During construction, noise shall be minimized using acceptable industry practices for back-up alarms that do not emit traditional warning sounds. The hours of operation of post-driving and other construction equipment shall be limited to sunrise to sunset, Monday through Saturday.

5. All solar collection devices shall be located to avoid directing glare or reflection onto adjacent properties and roadways so as to not create a traffic or safety hazard or nuisance to adjacent properties. In the event that glare is identified as an issue after construction, the owner of the solarenergy facility, or its assigns, shall prepare and implement a corrective plan of action that is acceptable to the County sixty (60) days after notification of the issue to the owner by the County. The required landscape bond may be utilized by the County to abate the condition should the operator fail to do so.

6. The development area shall not include any area in an identified 100 year floodplain, except asminimally necessary for service utility or access road crossing areas, provided such improvements are permitted in accordance with the Southampton County Code. The development shall comply with Article XIV of the Southampton County Code.

7. All solar photovoltaic (electric energy) projects, shall utilize generally accepted national environmental protection and product safety standards for solar panels and battery technologiessuch as those developed for existing product certifications and standards; including the NationalSanitation Foundation/American National Standards Institute No. 457, International Electro technical Commission No. 61215-2, Institute of Electrical and Electronics Engineers Standard 1547, and Underwriters Laboratories No. 61730-2. Sourcing all equipment from facilities located in the United States is encouraged.

8. No utility scale solar energy project shall be located within five (5) miles of another major solar energy project permitted under this section as measured at the nearest exterior boundary of each project.

9. All Southampton County Fire and Rescue Departments shall be provided emergency response training by the owner or its assigns prior to commencement of commercial operation.

10. Community meeting. Prior to submittal of an application, the applicant shall hold a meeting to inform the community about the planned utility scale solar installation. Said meeting shall be open to the public. Notice of the date, time, and place of the meeting, as well as a contact name and phone number of the project representative and a summary of the request, shall be delivered by first class mail to all property owners as noted in Southampton County tax records within one (1) mile of the perimeter of the project. Such notice shall be mailed so as to be delivered at least five (5) and no more than twenty-one (21) working days prior to the community meeting. Upon conclusion of the community meeting, a mailing list of property owners notified, a sign-in sheet from the community meeting, an agenda from the meeting, and a written summary of the meeting shall be included with the application. Such meeting shall take place no more than six (6) months prior to complete submittal of an application for a utility scale solar Conditional Use Permit.

The Board of Supervisors may modify the provisions of Section 18-630A provided the Board finds that the amended provisions protect the public health, safety and general welfare.

Sec. 18-632.A - Decommissioning

1. A decommissioning plan signed by the project owner and binding upon their successors and assigns, who shall be responsible for decommissioning the project. Elements shall include, but are not limited to:

(a) The anticipated life of the project.

(b) An equipment and materials analysis that includes deconstruction, reclamation, salvage,recycling, transportation, labor and estimates for the amount and types of materials to be salvaged, including contingencies in the event that the local salvage market is inundatedand disposal of materials is required outside of the local market area.

(c) The estimated decommissioning costs in current dollars, based upon the equipment andmaterials analysis above, based upon the recycling market for materials at the time of the preparation of the estimate.

(d) The method for ensuring that funds will be available for decommissioning and restoration.

(e) The anticipated timeline and manner in which the project will be decommissioned and the site restored to agricultural ready. Agricultural ready condition means the property is ready for agricultural/silvicultural use at the beginning of the next growing cycle.

2. Decommissioning shall be required following a continuous period of twelve (12) months of thecessation of use for the electrical power generation or revocation of the special exception permit,whichever shall first occur. The owner shall have not more than twelve (12) months to complete decommissioning of the solar energy facility.

3. Decommissioning shall include removal of all solar panels, footers, foundations, structures, cabling,electrical components, conduit, and any other associated facilities and equipment as described in tedecommissioning plan, both above and below the surface of the Earth.

4. All fences, access roads or other non-utility improvements shall be removed unless an executedagreement is provided to the Community Development Department indicating that the property owner agrees for these improvements to remain.

5. Prior to site plan approval, the applicant shall provide the County with a performance guarantee in the form of a bond, irrevocable letter of credit and agreement, or other financial security acceptable to the County in the amount of one-hundred (100) percent of the estimated decommissioning cost, with no allowance for salvage value. Estimates shall be determined by an engineer licensed to practice in the Commonwealth of Virginia. An administrative fee in the amount of $1000 shall be paid with the delivery of the estimate or any recalculation thereof or with the recalculation of the surety.

6. A revised engineer's estimate of probable cost of decommissioning shall be submitted for review approval every five (5) years in the same manner as the initial submission, and the surety shall bee adjusted appropriately. If at any time the County has questions or concerns about the decommissioning cost estimate, then the County may prepare its own decommissioning cost estimate with the cost to be borne by the owner(s) of the facility.

7. The decommissioning plan shall be referenced in either the site plan, the Siting Agreement or both as applicable. The site plan and any Siting Agreement shall be recorded in the land records of the Clerk of the Circuit Court of Southampton County. The instrument shall identify the street addresses, parcel number(s), owners of record, deed book and page number, and identify the location and availability of the approved decommissioning plan. Proof of recordation shall be provided to the Director of the Community Development Department prior to site plan approval.

8. Project Owners and any landowners on which a major solar facility is located, in applying for a site plan approval, acknowledge the County's ability to enter their property to effectuate decommissioning pursuantto Va. Code §15.2-2241.2.

9. Project Owners and any landowners on which a utility scale solar project is located acknowledge that nothing herein shall limit other rights or remedies available to the County to enforce the obligations of the Applicant, including under the County's zoning powers. The County reserves the right to enter the property up to three (3) times per calendar year for unannounced inspections. In the event of emergencies in which damage to person or property has occurred or is imminent, the right of access by County representatives shall be immediate.

10. Any changes to the ownership of the project shall require an updated plan and surety reflecting same. Southampton County shall be named as additionally insured on bonds/surety/insurance policies.

Sec. 18-633.A – Additional Resources required

(1) Environmental resource impact analysis

The Southampton County Comprehensive Plan stipulates that the natural and scenic beauty of the County shall be protected and preserved through the development process. The inventory and analysis requirements contained herein implement that stipulation and are coordinated and compatible with other environmental resource protection measures in this Code including erosion and sediment control, stormwater management, wetland protection, and floodplain management. A natural resources inventory, prepared and submitted in accordance with the provisions established herein, shall be required for all properties seeking a zoning map amendment and/or conditional use permit and/or site plan approval request for a utility scale solar installation and shall be the basis for environmental resource impact analysis and mitigation efforts. The inventory shall meet the following requirements:

(a) The inventory shall be prepared and certified by a professional qualified to perform environmental inventories. Evidence of the professional qualifications of the person preparing the inventory shall be submitted as a part of the inventory.

(b) The inventory shall contain a plan sheet that clearly depicts the extent and location of any sensitive or environmentally significant features and areas. For each feature and area, descriptive information such as: flood plains; tree lines to be impacted (including the limits of clearing and where buffers will be installed); slope precents (with topography shown at five-foot contour intervals); wetlands classification; groundwater to be impacted (to include ponds, lakes, stream, rivers, etc.); soil type; habitat (including endangered native plant and animal life); etc. shall be provided.

(c) The applicant is responsible for having a site-specific in-field determination for perennial flow made by a qualified professional. The agent shall confirm the site-specific in-field perennial flow determination. For the purpose of determining whether waterbodies have perennial flow, a state approved, scientifically valid system of in-field indicators of perennial flow must be used.

(d) The inventory shall also contain a narrative element that describes and defines the relative values of the natural resources which are found to be present on the site, including flora and fauna.

(e) Natural resources inventories shall be submitted to the County for review and approval concurrent with the submission of applications for a zoning map amendment, conditional use permit, or site plan approval. The County shall not approve the submitted documents unless the natural features and ecological relationships inherent on the site have been identified as deemed appropriate by the reviewer and plans for avoidance and/or mitigation of environmental impacts are fully incorporated into the proposed plan of development for the district.

Proposed utility scale solar installations shall be planned and undertaken in accordance with the following standards, depending on the type(s) of natural features and resources present on the site

(1) Wetlands delineation shall be performed in accordance with the comprehensive onsite determination method specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987, as it may be amended from time to time.

(2) All construction within flood plain areas shall be in accordance with the requirements of erosion and sediment control chapter of the Southampton County Code and the most recent version of the Virginia Uniform Statewide Building Code and any special requirements of the National Flood Insurance Program applicable to such area.

(3) In areas having excessive slopes or having highly erodible soils, no roads, driveways, structures, or land disturbing activities shall be allowed except where no other practical option exists, as determined by the County, and then, such activities shall be conducted in a manner which does not contribute to increased stormwater run-off velocities or erosion.

(2) Community impact assessment.

An assessment of the impact on the immediate vicinity of the proposed utility scale solar project as well as the greater Southampton County community shall be prepared and submitted to the County with a zoning map amendment and/or Conditional Use permit request and/or site plan approval request. The report shall be prepared by a professional acting within his or her competency, shall be presented in written form and shall analyze in specific terms the probable impact of the project on the vicinity and community over time. Specific attention, as may be appropriate to the individual proposal, should be given but not be limited to the following elements:

(a) Anticipated direct revenues to the county from real estate and other taxes.

(b) An assessment of the short and long term economic impact of the proposed development. If the development is replacing an existing enterprise, including agriculture and forestry, an assessment of the impact the current enterprise has on the local economy and how the local economy will be impacted by the loss of the existing enterprise.

(c) An assessment of temporary and permanent employment opportunities to be created by the proposed development.

(d) Fire, rescue, and law enforcement requirements as compared to existing capacities and facilities.

(e) Water, sewer and stormwater management needs as compared to existing capacities and facilities to address adequacy of existing utilities, water, sewer, public services and public facilities in the vicinity of the development, as well as public and private improvements both offsite and onsite that are proposed for construction and a cost estimate for providing these improvements.

(f) Other public and quasi-public facility and service impacts intended to serve the development.

(g) Socioeconomic changes and impacts to result from the proposed development.

(h) The budgetary costs to Southampton County both in capital and operating costs of providing services to the proposed development.

(i) What efforts, if any, are proposed to mitigate the service demands or costs to the County.

(3) Traffic impact analysis

Pursuant to the Code of Virginia, § 15.2-2222.1, a traffic impact analysis shall be prepared and submitted to the agent at the time of request for a zoning map amendment and conditional use permit for a utility scale solar project. The traffic impact analysis shall include sufficiently detailed information to reasonably determine the impact of the proposed development on the existing and planned transportation network and systems and shall be prepared in accordance with the relevant provisions of the zoning ordinance. The traffic impact analysis shall include all pertinent information relative to the proposed development phasing and shall be correlated with that phasing.

All zoning map amendment and conditional use permit requests must include estimated driveway traffic volumes based on the anticipated traffic generation, using the Trip Generation Manual (Institute of Transportation Engineers, Seventh Edition or as it may be amended from time to time). Where only a portion of the entire property is being used, the traffic projections for the balance of the land remaining to be developed shall be based on the most traffic-intense uses permitted under existing zoning. The applicant shall provide driveway (street intersection) volume data for 24-hours, AM peak hour, PM peak hour, and peak hour of use for weekday and weekend. In addition, the development proposal must show the existing volume of adjacent streets.

The submitted traffic impact analysis shall contain the information and analysis and be in the format as required in 24 VAC 30-155, as amended.

All existing or planned intersections, commercial entrances, median breaks, pavement markings, driveways, or other roadway features potentially affecting traffic flow located within five hundred (500) feet of the proposed development as well as all intersections and driveways internal to the development shall be considered and either shown or clearly noted on a scaled plan submitted with traffic impact statement.

The developer shall be responsible for paying all review fees required by the Virginia Department of Transportation for the review of traffic impact statements. Such fees shall be submitted by check paid directly to the Virginia Department of Transportation.

(4) Historic resource impact analysis.

In accordance with the objectives of the adopted comprehensive plan and specifically with § 15.2-2306, Code of Virginia, the purpose of the historic resources impact analysis is to protect the historic cultural resources of the county by ensuring that historic buildings and archeological sites are acknowledged and incorporated into the overall design of a utility scale solar installation.

Specifically, these provisions apply to all development in areas of the county which have or are predicted to have historic and archaeological resources present on the site. However, because of the high potential that any land in the county could contain resources of sufficient historical value as to warrant additional study, any utility scale solar installation comprising twenty-five (25) acres or more in any location in the county shall prepare and submit the studies and reports in the manner specified below. The historic resource impact analysis for a proposed utility scale solar installation should identify historic resources to be impacted including, but not limited to locally identified historic areas, sites and structures, all historic places designated by the state, and all historic places designated by the National Register of Historic Places.

Special requirements for archaeological sites and structures are as follows:

(1) *Archaeological sites.*

a. A Phase I archaeological study, as defined by the Virginia Department of Historic Resources in Guidelines for Archaeological Investigations in Virginia Department of Historic Resources (1996, as amended), shall be undertaken for all developments described above.

b. If, based on the "Guidelines for Preparing Archaeological Resource Management Reports" of the Virginia Department of Historic Resources, the Phase I study indicates the desirability for additional studies, a Phase II (as defined by the Virginia Department of Historic Resources, above) and, if warranted, a Phase III (as defined by the Virginia Department of Historic Resources, above) study of the site shall also be completed. The recommendations of such studies shall be incorporated into the plan of development and any clearing, grading, or construction activities.

c. Alternatively, instead of performing additional studies, the archaeological resource may be preserved in place provided, whoever, that the county shall

require that sufficient study analysis are performed which shall determine the location al extent of the resource so as to ensure its future accessibility.

(2) *Architectural structures.*

a. The Secretary of the Interior's Standards for the Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be used in performing appropriate architectural studies or analyses of standing structures.

b. In the case of demolition of historic standing structures, the county may require that a set of measured drawings be prepared by a licensed architect and filed with the county and the state historic preservation office prior to demolition occurring.

(3) All archaeological and architectural studies shall be submitted to the county for review and approval and shall be made a part of any development plan approval.

Upon written request from the developer, the Board of Supervisors may waive any of the above requirements for community, environmental, or historic resource analyses deemed not to be necessary for the proposed project. The Virginia Department of Transportation will analyze the project to determine the need for a traffic impact analysis.

Sec. 18-634.A - Ground water monitoring.

Ground water monitoring to assess the level of groundwater contamination shall take place prior to, during, and upon completion of construction of the project throughout the area of the utility scale solar project. Ground water monitoring shall take place every five (5) years of the operation of the project, and upon completion of decommissioning. Results from said monitoring shall be delivered to the Southampton community development department.

Sec. 18-635.A - Phasing plan.

As part of the master plan submitted for review in conjunction with a zoning map amendment for a utility scale solar installation, or a request for site plan approval, a phasing plan shall be provided. Such plan shall show in general how the property will develop so as to be able to discern the timing for necessary infrastructure extension. No speculative applications will be accepted.

Sec. 18-636.A - Commencement of Construction

Notwithstanding any provisions related to the timing and validity of site plan approvals set forth in the Code of Virginia, construction shall commence within twelve (12) months from the date of approval of the Conditional Use Permit or the Conditional Use Per shall be void. Not less than six (6) months prior to the expiration date of the original Conditional Use Permit, the owner may request a one-time extension from the Board of Supervisors for an additional twelve (12) months to commence construction. The Board of Supervisors may grant the extension, based upon satisfactory evidence that the applicant has proceeded in good faith with the permitting process. In no case shall the permit be extended beyond twenty-four (24) months.

This ordinance shall become effective at 12:01 a.m., _____.

A copy teste:

_____, Clerk
Southampton County Board of Supervisors

Adopted:_____

Proof

Client	SOUTHAMPTON CO BOARD SUPERVISOR	Phone	(757) 653-3015
Address	MIKE JOHNSON PO BOX 400	EMail	
		Fax	
AD #	1477882	Requested By	SOUTHAMPTON CO BOARD SUPERVISOR
Account	222301		
Class	2610	PO #	MIKE JOHNSON
Start Date	07/13/22	Created By	
End Date	07/20/22	Creation Date	BRITTANY.SCH
Run Dates	10	Dimensions	07/08/2022
Pubs	The Tidewater News, TheTidewaterNews.com	**Price**	1 X 8.778 **$571.46**
Order #			
Sales Rep	Brittany Schofield	Phone	
		EMail	brittany.schofield@shelbycountyreporter.com
		Fax	

NOT AN INVOICE

PUBLIC NOTICE

SOUTHAMPTON COUNTY BOARD OF SUPERVISORS NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended that the Southampton County Board of Supervisors will hold a public hearing on Tuesday, July 26, 2022 at 7:00 p.m., or as soon thereafter as may be heard, in the Board Room of the Southampton County Office Center at 26022 Administration Center Drive in Courtland, Virginia to consider the following matter:

1. **Amendment to Chapter 18, Art. XXII of the Southampton County Code.** Petition to rescind the current Art. XXII of Chapter 18 of the Southampton County Code, Utility Scale Solar Energy Project for Southampton County, and replace it with a proposed Art. XXII. The proposed ordinance includes limits on the land area of the County to be devoted to utility scale solar projects, directs the location of said projects, includes landscaping and buffering provisions, and includes decommissioning requirements, among other amendments.

A full copy of the proposed ordinance is on file and available for public inspection in the County Administrator's office, 26022 Administration Center Drive, Courtland, Virginia during normal office hours of 8:30 a.m. to 5:00 p.m., Monday through Friday.

Any person desiring to be heard on this matter should appear at the time and place referenced herein above and offer his or her comments to the Board of Supervisors.

The hearing is held at a public facility designed to be accessible to persons with disabilities. Any persons with questions on the accessibility of the facility or need for reasonable accommodations should contact Brian S. Thrower, Clerk, at (757) 653-3015. Persons needing interpreter services for the deaf must notify Mr. Thrower at least seven (7) days in advance of the hearing.

Southampton County Board of Supervisors Brian S. Thrower, Clerk

Tidewater News:
July 13 and 20, 2022
PUBLIC HEARING

Utility Scale Solar Regulation in Southampton County

July 26, 2022

Where are we now?
How did we get here?

Moratorium was put in place September 9, 2021 to allow for study of current ordinance so as to:

- Mitigate loss of valuable farm and forested land
- Review long-term effect on tax base
- Study decommissioning process

A lawsuit was filed questioning the ability of the County to enact a moratorium

Highlights as recommended by Planning Commission

- Minimum 20MW, maximum 100 MW
- 1% of County land area to be dedicated to utility scale solar. Existing facility is 1,418 acres, leaving 2,437 acres available.
- Land to be used must be ratio of land use at time of application. Today, 69% of the County is in forestry use, so at least 69% of any proposed solar project must be forested at time of application.
- Land in Voluntary Agriculture and Forestal District must be removed from district prior to application submittal.

Continued

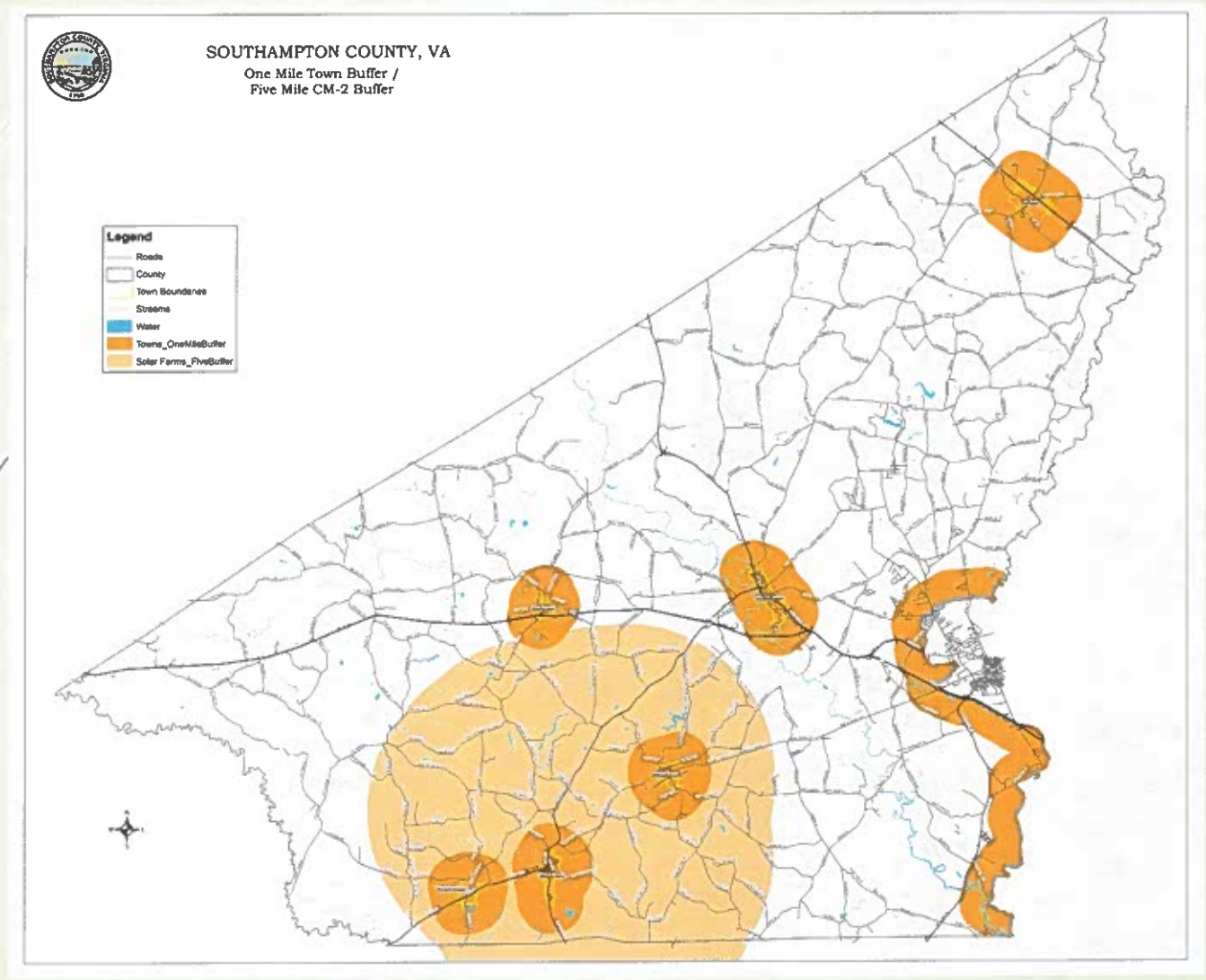
- Buffers must be planted during first growing season after land disturbance permit issued.
- Non-native vegetation limited to 25% of new plantings, all new vegetation must be certified nursery stock
- 100% landscape surety required prior to land disturbance permit. 50% may be released upon request when work complete. $50,000 landscape surety to remain for life of project

Continued

- 1 mile from incorporated places, 5 miles apart
- Setbacks and buffers expanded, including from schools, places of worship, State Scenic rivers, cultural and historic resources
- No topsoil removed from site
- No grading of slopes exceeding 15%
- Community meeting no more than six months prior to application submittal
- Decommissioning: 0% credit for salvage value
- All documents recorded with Clerk of the Court

1 mile/ 5 mile buffer map

Exhibit only, not to be adopted as part of the ordinance



Adoption

- The Planning Commission held the required public hearing June 9, 2022. After the close of the hearing, at which three individuals spoke, the eight (8) attending members of the Commission made a unanimous recommendation of approval of the ordinance to the Board of Supervisors.

Questions?

DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING - BUILDING INSPECTIONS – ZONING

MEMORANDUM

TO: Brian S. Thrower, County Administrator
FROM: Beth Lewis, AICP, Planning Director
DATE: June 24, 2022
RE: Proposed Utility Scale Solar ordinance

Attached please find the proposed utility scale solar ordinance replacement for review by the Board of Supervisors. The Planning Commission held the required public hearing on Thursday, June 9, 2022, and made a unanimous recommendation of approval from the eight (8) members in attendance.

Three members of the public spoke at the public hearing. The first spoke in favor of respecting property rights by permitting the development of utility scale solar projects as a property owner might choose to. They also did not agree with the acreage and megawatt limitations. The second asked for consideration of limiting the use of active agricultural land to thirty (30) percent, rather than the current ratio of forest/agricultural land, and permitting projects of over 100MW. The third recommended consideration of potential projects within one (1) mile of incorporated places and five (5) miles of another such project. They also had concerns about the acreage and megawatt limitations.

There are several places within the proposed ordinance that the Board of Supervisors is specifically noted as being able to modify the requirements, without the applicant seeking variances from the Board of Zoning Appeals. These would not be variances in the strictest sense of the word, they would be modifications based on the specific site conditions. One area the Board could consider is the requirement that utility scale projects be one (1) mile from any incorporated place and five (5) miles from another utility scale solar project. Another is the buffer widths, based on what the project is being buffered from. One Planning Commission member provided they thought the land use ratio between forested and agricultural land should be another area the Board of Supervisors should be able to modify, but no other Commission members advanced the idea, so it is not an area the proposed ordinance gives the Board of Supervisors latitude to modify.

Attached is a compilation of the minutes from all of the Planning Commission minutes at which the proposed utility scale solar ordinance was discussed, beginning with the evening the moratorium was imposed September 9, 2021, through the recent June 9, 2022, public hearing. Pages for the months are as follows:

Sept. 2021	Pages 1-16	Joint meeting with Board of Supervisors
Oct. 2021	Pages 17-33	
Nov. 2021	Pages 34-44	
Dec. 2021	Pages 45-51	
Jan. 2022	Pages 52-76	
Feb. 2022	Pages 77-88	
Mar. 2022	Pages 89-102	
Apr. 2022	Pages 103-109	
May 2022	Pages 110-119	Joint meeting with Board of Supervisors
June 2022	Pages 120-125	Public hearing and recommendation

Attached also is a pictorial representation of the approximate limits of the one and five-mile buffers around incorporated places and the existing utility scale solar facility. This is not part of the ordinance for adoption, merely a representation. Any applicant would need to supply documentation as to their project's location with regard to incorporated places and the existing solar facility as part of their application.

Article XXII. - Utility Scale Solar Project for Southampton County

Sec. 18-621. - Purpose and Intent

The purpose and intent of the Utility Scale Solar Project regulations is to protect active, viable farm and forested land while permitting the installation of utility scale solar energy projects in limited areas throughout the County, encouraging the use of brownfields and other marginally-productive land.

Sec. 18-622. - Definitions

- *Applicant* means the person or entity who submits an application to the locality for a permit to install a solar energy project under this article.
- *Disturbance zone* means the area within the site directly impacted by construction and operation of the solar energy project.
- *Integrated PV* means photovoltaics incorporated into building materials, such as shingles.
- *Operator* means the person responsible for the overall operation and management of a solar energy project.
- *Owner* means the person who owns all or a portion of a solar energy project.
- *Photovoltaic or PV* means materials and devices that absorb sunlight and convert it directly into electricity.
- *Rated capacity* means the maximum capacity of a solar energy project based on the sum total of each photovoltaic system's nameplate capacity.
- *Site* means the area containing a solar energy project.
- *Utility scale solar energy project, solar energy project or proje*ct means a renewable energy project that either:

  (a)Generates electricity from sunlight, consisting of one or more PV systems and other appurtenant structures and facilities within the boundaries of the site; or

  (b)Utilizes sunlight as an energy source to heat or cool buildings, heat or cool water, or produce mechanical power by means of any combination of collecting, transferring, or converting solar-generated energy; and

  (c)Does not meet any of the following criteria: has a disturbance zone equal to or less than two acres, is mounted on or over a building or parking lot or other previously disturbed area, or utilizes integrated PV only.

Sec. 18-623. - District Boundaries

The utility scale solar energy project regulations shall apply to all properties seeking a zoning map amendment and/or a Conditional Use Permit to install such a development in the unincorporated portions of Southampton County.

Sec. 18-624. - District Regulations

All Utility Scale Solar Energy Projects shall meet the following district regulations:

1. The minimum rated nameplate capacity of any utility scale solar energy project shall be at least twenty (20) megawatts (MW).
2. The maximum rated nameplate capacity of any utility scale solar energy project shall be no more than one hundred (100) megawatts (MW).
3. The total land area devoted to utility scale solar projects shall be no more than one (1) percent of the area of Southampton County, with the current ratios between farm and forested land being used as determined by information from the Virginia Farm Service Agency and the Virginia Department of Forestry at the time of application.

Sec. 18-625. – Zoning Considerations
Utility scale solar energy projects shall only be permitted in the M-1, Limited Industrial, zoning district with a Conditional Use Permit.

Sec. 18-626. - General District Standards
In addition to the standards contained in Article XVIII, Conditional Use Permits, all applications shall comply with the following standards for a utility scale solar energy project:

1. The subject properties shall be served by an existing electrical transmission/distribution line, so as to not require an extension to connect to the receiving line.
2. Any utility scale solar energy project shall be located in its entirety at least one (1) mile from the corporate limits of any incorporated town or city.
3. The project shall comply with all applicable federal and state regulations.
4. Decommissioning shall be accomplished in accordance with the requirements of Sec. 18-631 of this ordinance and the approved decommissioning plan.
5. Technical/review fees. Applications for utility scale solar energy projects shall require a technical review that will be conducted by a consultant selected by the County. Any fees associated with performance of this review will be paid by the applicant.
6. Should property proposed as part of a utility scale solar energy project be included in a Voluntary Agriculture and Forestal District, a request to withdraw the property from said District shall be submitted and approved in advance of a submittal of a request for a zoning map amendment and Conditional Use Permit to install the proposed project.
7. Any required siting agreement shall be approved by the Board of Supervisors prior to submittal of an application for a zoning map amendment and/or Conditional Use Permit.

The Board of Supervisors may modify the standards of Sec. 18-626 upon application for an approval of a Conditional Use Permit specific to the standard for which a modification is requested, upon a finding by the Board that the applicant has demonstrated that the proposed modification reasonably protects and promotes the public health, safety, and welfare with respect to the application.

Sec. 18-627. - Setbacks

1. Utility scale solar energy projects shall meet the front, side, and rear setbacks of the M-1, Limited Industrial district for the exterior parcel boundaries of the project unless specified otherwise elsewhere in these regulations. Buildings and equipment may cross property lines interior to the utility scale solar project, however, subsequent to development, should properties be removed from the project, perimeter setbacks must be installed on properties remaining within the project.
2. New substations or connector stations shall be set back at least five hundred (500) feet, and inverters and transformers set back at least two hundred and fifty (250) feet, from existing dwellings, schools, places of worship, State Scenic rivers, cultural resources, and rights-of-ways.

The Board of Supervisors may modify the setbacks of Sec. 18-627 as it deems necessary to ensure adequate buffer yards and screening to mitigate the visibility of the utility scale solar energy project from the exterior of the property to residential property, public facilities, places of worship and public rights-of-way and site conditions specific to the project.

Sec. 18-628. - Additional Submission Requirements
In addition to the Submission Requirements of Sec18-578, the following additional requirements shall be satisfied with the filing of an application for a Conditional Use Permit:

1. Documentation evidencing control over the properties for the intended use, including decommissioning. Sensitive financial or confidential information may be redacted. Power of

attorney must be provided if the applicant for the zoning map amendment and/or Conditional Use Permit is not the property owner

2. A narrative describing the proposed utility scale solar energy project, including how it meets the purposes and intent noted in the Comprehensive Plan and this ordinance
3. The intended end user(s) of the electricity generated by the project. No speculative projects will be considered by the Board of Supervisors and Planning Commission.
4. The preliminary site plan and supporting documentation shall demonstrate that the project meets the design and development standards set forth in Article XX of the zoning ordinance. Additionally, the plan shall indicate the following:
   a) The approximate location and dimension of solar panels, inverters, existing and proposed structures, fencing, property lines, ancillary equipment, transmission lines, vegetation, waterways and streams, and the location of residences within three hundred (300) feet of the perimeter of the facility, buffers, boundaries, and acres of the limits of disturbance
   b) The amount of energy in megawatts (MW) that the facility is designed to generate in alternating current (AC) and direct current (DC)
   c) Dimensions, locations, orientation and typical section of the solar energy equipment, and the type of system proposed (i.e. tracking or stationary)
   d) The materials that are to be utilized (e.g. aluminum, copper, glass, etc.) in the construction of the facility and approximate percentages
   e) Location of interconnections to any existing or proposed substations or connector stations
   f) Existing structures on the parcel(s) and occupied structures on adjacent properties that may be affected by the placement of solar panels. Include places of worship, schools, public buildings, and State Scenic rivers
   g) Parking and access areas, including proposed construction and permanent driveways
   h) Location of proposed access and utility easements
   i) A general landscape and buffering plan that demonstrates that the application meets the buffering requirements of Sec. 18-629.
   j) Demonstration through project siting and proposed mitigation, if necessary, that the project mitigates impacts on the visual character of adjacent properties, designated scenic roads or rivers, or historic properties as designated in the Comprehensive Plan or the Virginia/National Register of Historic Places
   k) A construction management plan which includes, but is not limited to, the location of staging areas for construction materials and equipment, hours of operation, estimated duration of construction, number and type of vehicles entering and leaving the site, including a traffic impact analysis of same, temporary lighting, anticipated noise and dust generation and corresponding mitigation measures;
   l) Proof of adequate liability insurance for the project, which shall be maintained throughout the life of the project
   m) The name and contact information for the owner, who shall be responsible for all aspects of the operation and maintenance of the facility for purposes of compliance with the Conditional Use Permit.

Notwithstanding the approved preliminary site plan, the final site plan may be modified to meet federal, state or local regulations, site design, or engineering requirements provided such modifications do not materially change the approved site plan.

5. A statement signed by the applicant that the electrical utility provider or regional transmission authority has been informed of the applicant's intent to install an interconnected project.

6. A description of the upgrades or improvements to the current electrical grid required to support the proposed solar energy facility and the status of the applicant's application for interconnection to the grid.
7. Stormwater management plan as required by Chapter 13.5 of the Southampton County Code.

Sec. 18-629. - Design and Development Standards

Utility scale solar energy projects shall comply with the following design and development standards:

1. Exterior Buffer Area

Within the required exterior setbacks, a minimum of one-half the setback shall provide a buffer area on all sides of the project, including areas around any new substation or connector station, to any adjacent parcel or public right-of-way. If the adjacent parcel includes a residence, a place of worship, a structure with documented historical significance, a cemetery, a cultural resource, or a school, the minimum buffer width shall instead be one hundred (100) feet. Any combination of landscaping, fencing, berms, or natural areas may be used to satisfy this standard as outlined in this section, which shall screen the project from view from the exterior of the property.

The following activities may be permitted within the buffer:

a) Vehicular access drives which ties into approved access points to the public right-of-way system as determined by VDOT
b) Landscaping and landscaping features
c) Security lighting in accordance with Sec.18-630
d) Fencing in accordance with Sec.18-629(4)
e) Signage in accordance with Sec 18-629(5)
f) Utility lines, provided such lines cut through the buffer areas at an angle, as shown on the site plan, to protect the viewshed provided by the buffer
g) Erosion and sediment control/stormwater management measures

The Board of Supervisors may modify the buffer area as it deems necessary to ensure adequate screening to comply with this standard.

2. Landscaping and Buffering

Fencing abutting public rights-of-way - As part of the conditional use permit application, zoning map amendment request, or site plan approval request, a landscape plan for the perimeter of the project in areas that the required fencing will abut a public right-of-way must be provided. Such plan must provide an intermittent screen along such roadways to reflect the agricultural nature of the surrounding countryside. Plantings at intersections are to reduce the visual impacts of the solar panels and equipment on drivers. Plantings along the public rights-of-way are not meant to completely screen the solar installation, but to break up the impact of the installation on drivers and nearby residents. Four (4) foot tall landscaped berms planted with grass shall be required as necessary abutting all public rights-of-way, with such requirements specifically imposed by the board of supervisors at the time a conditional use permit is issued.

Fencing not abutting public rights-of-way - Plantings in areas that the required fencing will abut residential uses, cemeteries, schools, structures with documented historical significance, places of worship, cultural resources, or State Scenic rivers shall provide an opaque screen of the solar installation to the abutting properties. Such plans shall to the greatest extent possible use native and locally adapted vegetation. Opaque screening to a height of eight (8) feet within three (3) years

of installation must be provided along these areas. If the fence abuts any property in residential use, a four (4) foot tall landscaped berm planted with grass shall be part of the opaque screening.

If landscaping is proposed and/or required to meet the visual screening requirements, plantings shall be installed during the first available planting season following issuance of a land disturbing permit to ensure viability of the plantings, as determined by a Landscape Design Professional. Vegetation to be installed shall be of such size and variety so as to achieve required screening effects within three (3) years of installation.

It is preferred that natural areas be retained to meet some or all of the buffer requirements, provided a Landscape Design Professional determines the existing vegetation is of adequate size and health to meet the screening requirements. Vegetation to be retained for this purpose shall be shown on the site plan, type and size enumerated.

Native vegetation and pollinator species shall be incorporated into landscape plans and natural areas to the extent possible. The planting of non-native plant species is discouraged. If non-native species must be utilized, such planting shall not constitute more than twenty five (25) percent of all new plantings, unless the Landscape Design Professional determines additional non-native plantings are necessary to meet the desired buffering standards. All landscape material must be certified nursery stock, so as to ensure invasive species and insects are not in the material.

The landscape plan shall also include information regarding the grass or ground cover to be installed within the solar installation. Such ground cover or grass is limited in height to twelve (12) inches by Southampton County Code Sec. 10-48. A landscape plan for the installation and maintenance of the plantings, natural areas, and other vegetated areas within the buffer shall be provided, which shall ensure the long-term viability of the buffer area. Invasive species plans and pest management plans specific to the site for both insects and vegetation, prepared by a licensed landscape architect or certified agronomist or equivalent, shall be incorporated into all landscape plans. Such landscape plans shall be approved by the County as part of the site plan review process.

Prior to the issuance of the first land disturbance permit, appropriate surety equal to fifty (50) percent of the cost of the installation of the landscaping for the entire project shall be submitted. Additionally, a $50,000 landscape bond shall be submitted that remain in effect for the life of the project. Once 100% of the landscaping for the entire project has been installed and verification by the Landscape Design Professional is provided that the landscaping is healthy and meets the mitigation requirement, the fifty (50) percent surety shall be released upon request. However, the $50,000 landscape bond shall remain in effect for the life of the project. That bond, to be renewed if/when the County needs to pull from it, shall cover landscaping that needs to be replaced, damaged fencing, tall vegetation that needs to be mowed, or complaints of glare from the project from an abutting neighbor, should the owner of the project not accomplish those repairs in a timely manner upon receiving knowledge of the issue. Any dead, diseased, or dying vegetation shall be replaced in accordance with the specification of the maintenance plan in the first planting season after such replanting is required. Annual inspection of the landscaping and ground cover shall be made by a licensed Landscape Architect and a report provided to the Community Development Department.

The Board may determine that further screening improvement may be reduced or are not required based on supporting documentation provided by the Landscape Design Professional.

3. Fencing
   Fencing shall be as required by the National Electric Code. It shall be screened from exterior view from occupied adjacent properties and public rights-of-way. Screening may include plantings to mitigate the view of the fence. Breaks in fencing shall be provided to facilitate wildlife movement corridors where necessary to address findings and recommendations of the studies pursuant to Sec. 18-632(1).

4. Grading
   Clear-cutting and grading of the development zone shall be prohibited, except in areas where panels, internal paths, and equipment are to be installed. Existing buffer areas must be protected from clear-cutting. The Southampton County Code Ch. 6, Erosion and Sediment Control, shall be adhered to. The use of existing contours shall be utilized to the extent practical. Where grading is necessary because of slopes or other topographic features, slopes exceeding fifteen (15) percent and/or slopes defined as critical slopes by the Virginia Erosion and Sediment Control Handbook, shall not be disturbed. All site development shall be performed in phases so that not more than fifty (50) percent of the land disturbance areas reflected on the site plan shall be disturbed without stabilization at any time. Site specific plans shall be prepared and approved that may limit or phase the amount of disturbed acreage as determined by site characteristics. Topsoil is not permitted to be removed from the property. For purposes of erosion andsediment control, stabilization shall mean the application of seed and straw or mulch to disturbed areas.The applicant shall be responsible for any costs incurred by the County for additional staff and/or third party inspectors for inspection services. If forested land is to be included, the requirements of the Virginia Department of Forestry BMP standards shall be included. Southampton County Community Development may permit selected thinning in areas based upon best management practices and in accordance with the approved landscape plan. The provision shall not be deemed to preclude cutting or thinning necessitated by disease or infestation and recommended by the Virginia Department of Forestry or other qualified professional.

5. Signage
   Signage shall be limited to a notification sign placed at each site entrance and at locations along the exterior fence that states (a) the rated nameplate capacity, (b) the name of the project owner, and operator (if different from the owner), (c) the street address of the site, and (d) a 24-hour emergency contact phone number for the operator. Signage is prohibited on solar equipment except as follows: (a) appropriate warning signs and placards; (b) signs required by a federal or state agency; (c) signs that provide a 24-hour emergency contact phone number, and (d) panel manufacturer information and/or other identifier. If the contact information changes, new signage with up-to-date contact information is required.

6. Height
   Solar Energy Arrays shall not exceed eighteen (18) feet in height when oriented at maximum tilt, as measured from the ground, and shall be screened to meet the visual buffering requirements at the timeof site plan approval. Ancillary non-solar collector equipment and/or structures, including, but not limited to inverters and transformers, may exceed the height limitation of eighteen (18) feet, provided such equipment or structures are not visible from the exterior of the property.

Sec. 18-630. - Additional Requirements

1. Site access shall be designed to mitigate site visibility from the public road, residences, schools,

places of worship, properties on a historic register or listing, a cultural resource, and state scenic rivers.

2. Security lighting shall be the minimum necessary for security of the site. All lighting shall be source shielded and downcast to prohibit glare onto abutting properties. The maximum height of any light structure shall not exceed twenty (20) feet along the exterior boundary or within the approved setback/buffer areas and thirty-five (35) feet in the interior. Motion sensitive lighting shall be utilizedto the maximum extent possible. Except for site entrances, all lighting shall be internal to the facility.

3. New and/or relocated on-site electrical interconnections and powerlines shall be installed underground unless otherwise approved by the Board of Supervisors with the issuance of the Conditional Use Permit.

4. The project upon completion shall not exceed the noise limitations throughout Southampton County at the exterior boundary of the properties. During construction, noise shall be minimized using acceptable industry practices for back-up alarms that do not emit traditional warning sounds. The hours of operation of post-driving and other construction equipment shall be limited to sunrise to sunset, Monday through Saturday.

5. All solar collection devices shall be located to avoid directing glare or reflection onto adjacent properties and roadways so as to not create a traffic or safety hazard or nuisance to adjacent properties. In the event that glare is identified as an issue after construction, the owner of the solar energy facility, or its assigns, shall prepare and implement a corrective plan of action that is acceptable to the County sixty (60) days after notification of the issue to the owner by the County. The required landscape bond may be utilized by the County to abate the condition should the operator fail to do so.

6. The development area shall not include any area in an identified 100 year floodplain, except as minimally necessary for service utility or access road crossing areas, provided such improvements are permitted in accordance with the Southampton County Code. The development shall comply with Article XIV of the Southampton County Code.

7. All solar photovoltaic (electric energy) projects, shall utilize generally accepted national environmental protection and product safety standards for solar panels and battery technologies such as those developed for existing product certifications and standards; including the National Sanitation Foundation/American National Standards Institute No. 457, International Electro technical Commission No. 61215-2, Institute of Electrical and Electronics Engineers Standard 1547, and Underwriters Laboratories No. 61730-2. Sourcing all equipment from facilities located in the United States is encouraged.

8. No utility scale solar energy project shall be located within five (5) miles of another major solar energy project permitted under this section as measured at the nearest exterior boundary of each project.

9. All Southampton County Fire and Rescue Departments shall be provided emergency response training by the owner or its assigns prior to commencement of commercial operation.

10. Community meeting. Prior to submittal of an application, the applicant shall hold a meeting to inform the community about the planned utility scale solar installation. Said meeting shall be

open to the public. Notice of the date, time, and place of the meeting, as well as a contact name and phone number of the project representative and a summary of the request, shall be delivered by first class mail to all property owners as noted in Southampton County tax records within one (1) mile of the perimeter of the project. Such notice shall be mailed so as to be delivered at least five (5) and no more than twenty-one (21) working days prior to the community meeting. Upon conclusion of the community meeting, a mailing list of property owners notified, a sign-in sheet from the community meeting, an agenda from the meeting, and a written summary of the meeting shall be included with the application. Such meeting shall take place no more than six (6) months prior to complete submittal of an application for a utility scale solar Conditional Use Permit.

The Board of Supervisors may modify the provisions of Section 18-630 provided the Board finds that the amended provisions protect the public health, safety and general welfare.

Sec. 18-631. - Decommissioning

1. A decommissioning plan signed by the project owner and binding upon their successors and assigns, who shall be responsible for decommissioning the project. Elements shall include, but are not limited to:

    (a) The anticipated life of the project.
    (b) An equipment and materials analysis that includes deconstruction, reclamation, salvage, recycling, transportation, labor and estimates for the amount and types of materials to be salvaged, including contingencies in the event that the local salvage market is inundated and disposal of materials is required outside of the local market area.
    (c) The estimated decommissioning costs in current dollars, based upon the equipment and materials analysis above, based upon the recycling market for materials at the time of the preparation of the estimate.
    (d) The method for ensuring that funds will be available for decommissioning and restoration.
    (e) The anticipated timeline and manner in which the project will be decommissioned and the site restored to agricultural ready. Agricultural ready condition means the property is ready for agricultural/silvicultural use at the beginning of the next growing cycle.

2. Decommissioning shall be required following a continuous period of twelve (12) months of the cessation of use for the electrical power generation or revocation of the special exception permit, whichever shall first occur. The owner shall have not more than twelve (12) months to complete decommissioning of the solar energy facility.

3. Decommissioning shall include removal of all solar panels, footers, foundations, structures, cabling, electrical components, conduit, and any other associated facilities and equipment as described in the decommissioning plan, both above and below the surface of the Earth.

4. All fences, access roads or other non-utility improvements shall be removed unless an executed agreement is provided to the Community Development Department indicating that the property owner agrees for these improvements to remain.

5. Prior to site plan approval, the applicant shall provide the County with a performance guarantee in the form of a bond, irrevocable letter of credit and agreement, or other financial security acceptable to the County in the amount of one-hundred (100) percent of the estimated decommissioning cost,

with no allowance for salvage value. Estimates shall be certified by an engineer licensed to practice in the Commonwealth of Virginia. An administrative fee in the amount of $1000 shall be paid with the delivery of the estimate or any recalculation thereof or with the recalculation of the surety.

6. A revised engineer's estimate of probable cost of decommissioning shall be submitted for review and approval every five (5) years in the same manner as the initial submission, and the surety shall be adjusted appropriately. If at any time the County has questions or concerns about the decommissioning cost estimate, then the County may prepare its own decommissioning cost estimate with the cost to be borne by the owner(s) of the facility.

7. The decommissioning plan shall be referenced in either the site plan, the Siting Agreement or both as applicable. The site plan and any Siting Agreement shall be recorded in the land records of the Clerk of the Circuit Court of Southampton County. The instrument shall identify the street addresses, parcel number(s), owners of record, deed book and page number, and identify the location and availability of the approved decommissioning plan. Proof of recordation shall be provided to the Director of the Community Development Department prior to site plan approval.

8. Project Owners and any landowners on which a major solar facility is located, in applying for a site plan approval, acknowledge the County's ability to enter their property to effectuate decommissioning pursuant to Va. Code §15.2-2241.2.

9. Project Owners and any landowners on which a utility scale solar project is located acknowledge that nothing herein shall limit other rights or remedies available to the County to enforce the obligations of the Applicant, including under the County's zoning powers. The County reserves the right to enter the property up to three (3) times per calendar year for unannounced inspections. In the event of emergencies in which damage to person or property has occurred or is imminent, the right of access by County representatives shall be immediate.

10. Any changes to the ownership of the project shall require an updated plan and surety reflecting same. Southampton County shall be named as additionally insured on bonds/surety/insurance policies.

Sec. 18-632. – Additional Resources required

(1) Environmental resource impact analysis

The Southampton County Comprehensive Plan stipulates that the natural and scenic beauty of the County shall be protected and preserved through the development process. The inventory and analysis requirements contained herein implement that stipulation and are coordinated and compatible with other environmental resource protection measures in this Code including erosion and sediment control, stormwater management, wetland protection, and floodplain management. A natural resources inventory, prepared and submitted in accordance with the provisions established herein, shall be required for all properties seeking a zoning map amendment and/or conditional use permit and/or site plan approval request for a utility scale solar installation and shall be the basis for environmental resource impact analysis and mitigation efforts. The inventory shall meet the following requirements:

(a) The inventory shall be prepared and certified by a professional qualified to perform environmental inventories. Evidence of the professional qualifications of the person preparing the inventory shall be submitted as a part of the inventory.

(b) The inventory shall contain a plan sheet that clearly depicts the extent and location

of any sensitive or environmentally significant features and areas. For each feature and area, descriptive information such as: flood plains; tree lines to be impacted (including the limits of clearing and where buffers will be installed); slope percents (with topography shown at five-foot contour intervals); wetlands classification; groundwater to be impacted (to include ponds, lakes, stream, rivers, etc.); soil type; habitat (including endangered native plant and animal life); etc. shall be provided.

(c) The applicant is responsible for having a site-specific in-field determination for perennial flow made by a qualified professional. The agent shall confirm the site-specific in-field perennial flow determination. For the purpose of determining whether waterbodies have perennial flow, a state approved, scientifically valid system of in-field indicators of perennial flow must be used.

(d) The inventory shall also contain a narrative element that describes and defines the relative values of the natural resources which are found to be present on the site, including flora and fauna.

(e) Natural resources inventories shall be submitted to the County for review and approval concurrent with the submission of applications for a zoning map amendment, conditional use permit, or site plan approval. The County shall not approve the submitted documents unless the natural features and ecological relationships inherent on the site have been identified as deemed appropriate by the reviewer and plans for avoidance and/or mitigation of environmental impacts are fully incorporated into the proposed plan of development for the district.

Proposed utility scale solar installations shall be planned and undertaken in accordance with the following standards, depending on the type(s) of natural features and resources present on the site

(1) Wetlands delineation shall be performed in accordance with the comprehensive onsite determination method specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987, as it may be amended from time to time.

(2) All construction within flood plain areas shall be in accordance with the requirements of erosion and sediment control chapter of the Southampton County Code and the most recent version of the Virginia Uniform Statewide Building Code and any special requirements of the National Flood Insurance Program applicable to such area.

(3) In areas having excessive slopes or having highly erodible soils, no roads, driveways, structures, or land disturbing activities shall be allowed except where no other practical option exists, as determined by the County, and then, such activities shall be conducted in a manner which does not contribute to increased stormwater run-off velocities or erosion.

(2) Community impact assessment.

An assessment of the impact on the immediate vicinity of the proposed utility scale solar project as well as the greater Southampton County community shall be prepared and submitted to the County with a zoning map amendment and/or Conditional Use permit request and/or site plan approval request. The report shall be prepared by a professional acting within his or her competency, shall be presented in written form and shall analyze in specific terms the probable impact of the project on the vicinity and community over time. Specific attention, as may be appropriate to the individual proposal, should be given but not be limited to the following elements:

(a) Anticipated direct revenues to the county from real estate and other taxes.

(b) An assessment of the short and long term economic impact of the proposed development. If the development is replacing an existing enterprise, including agriculture and forestry, an assessment of the impact the current enterprise has on the local economy and how the local economy will be impacted by the loss of the existing enterprise.

(c) An assessment of temporary and permanent employment opportunities to be created by the proposed development.

(d) Fire, rescue, and law enforcement requirements as compared to existing capacities and facilities.

(e) Water, sewer and stormwater management needs as compared to existing capacities and facilities to address adequacy of existing utilities, water, sewer, public services and public facilities in the vicinity of the development, as well as public and private improvements both offsite and onsite that are proposed for construction and a cost estimate for providing these improvements.

(f) Other public and quasi-public facility and service impacts intended to serve the development.

(g) Socioeconomic changes and impacts to result from the proposed development.

(h) The budgetary costs to Southampton County both in capital and operating costs of providing services to the proposed development.

(i) What efforts, if any, are proposed to mitigate the service demands or costs to the County.

(3) Traffic impact analysis

Pursuant to the Code of Virginia, § 15.2-2222.1, a traffic impact analysis shall be prepared and submitted to the agent at the time of request for a zoning map amendment and conditional use permit for a utility scale solar project. The traffic impact analysis shall include sufficiently detailed information to reasonably determine the impact of the proposed development on the existing and planned transportation network and systems and shall be prepared in accordance with the relevant provisions of the zoning ordinance. The traffic impact analysis shall include all pertinent information relative to the proposed development phasing and shall be correlated with that phasing.

All zoning map amendment and conditional use permit requests must include estimated driveway traffic volumes based on the anticipated traffic generation, using the Trip Generation Manual (Institute of Transportation Engineers, Seventh Edition or as it may be amended from time to time). Where only a portion of the entire property is being used, the traffic projections for the balance of the land remaining to be developed shall be based on the most traffic-intense uses permitted under existing zoning. The applicant shall provide driveway (street intersection) volume data for 24-hours, AM peak hour, PM peak hour, and peak hour of use for weekday and weekend. In addition, the development proposal must show the existing volume of adjacent streets.

The submitted traffic impact analysis shall contain the information and analysis and be in the format as required in 24 VAC 30-155, as amended.

All existing or planned intersections, commercial entrances, median breaks, pavement markings, driveways, or other roadway features potentially affecting traffic flow located within five hundred (500) feet of the proposed development as well as all intersections and driveways internal to the development shall be considered and either shown or clearly noted on a scaled plan submitted

with traffic impact statement.

The developer shall be responsible for paying all review fees required by the Virginia Department of Transportation for the review of traffic impact statements. Such fees shall be submitted by check paid directly to the Virginia Department of Transportation.

(4) Historic resource impact analysis.

In accordance with the objectives of the adopted comprehensive plan and specifically with § 15.2-2306, Code of Virginia, the purpose of the historic resources impact analysis is to protect the historic cultural resources of the county by ensuring that historic buildings and archeological sites are acknowledged and incorporated into the overall design of a utility scale solar installation.

Specifically, these provisions apply to all development in areas of the county which have or are predicted to have historic and archaeological resources present on the site. However, because of the high potential that any land in the county could contain resources of sufficient historical value as to warrant additional study, any utility scale solar installation comprising twenty-five (25) acres or more in any location in the county shall prepare and submit the studies and reports in the manner specified below. The historic resource impact analysis for a proposed utility scale solar installation should identify historic resources to be impacted including, but not limited to locally identified historic areas, sites and structures, all historic places designated by the state, and all historic places designated by the National Register of Historic Places.

Special requirements for archaeological sites and structures are as follows:

(1) *Archaeological sites.*

a. A Phase I archaeological study, as defined by the Virginia Department of Historic Resources in Guidelines for Archaeological Investigations in Virginia Department of Historic Resources (1996, as amended), shall be undertaken for all developments described above.

b. If, based on the "Guidelines for Preparing Archaeological Resource Management Reports" of the Virginia Department of Historic Resources, the Phase I study indicates the desirability for additional studies, a Phase II (as defined by the Virginia Department of Historic Resources, above) and, if warranted, a Phase III (as defined by the Virginia Department of Historic Resources, above) study of the site shall also be completed. The recommendations of such studies shall be incorporated into the plan of development and any clearing, grading, or construction activities.

c. Alternatively, instead of performing additional studies, the archaeological resource may be preserved in place provided, however, that the county shall require that sufficient study analysis are performed which shall determine the location al extent of the resource so as to ensure its future accessibility.

(2) *Architectural structures.*

a. The Secretary of the Interior's Standards for the Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be used in performing appropriate architectural studies or analyses of standing structures.

b. In the case of demolition of historic standing structures, the county may require that a set of measured drawings be prepared by a licensed architect and filed with the county and the state historic preservation office prior to demolition occurring.

(3) All archaeological and architectural studies shall be submitted to the county for review and approval and shall be made a part of any development plan approval.

Upon written request from the developer, the Board of Supervisors may waive any of the above requirements for community, environmental, or historic resource analyses deemed not to be necessary for the proposed project. The Virginia Department of Transportation will analyze the project to determine the need for a traffic impact analysis.

Sec. 18-633. - Ground water monitoring.

Ground water monitoring to assess the level of groundwater contamination shall take place prior to, during, and upon completion of construction of the project throughout the area of the utility scale solar project. Ground water monitoring shall take place every five (5) years of the operation of the project, and upon completion of decommissioning. Results from said monitoring shall be delivered to the Southampton community development department.

Sec. 18-634. - Phasing plan.

As part of the master plan submitted for review in conjunction with a zoning map amendment for a utility scale solar installation, or a request for site plan approval, a phasing plan shall be provided. Such plan shall show in general how the property will develop so as to be able to discern the timing for necessary infrastructure extension. No speculative applications will be accepted.

Sec. 18-635. - Commencement of Construction

Notwithstanding any provisions related to the timing and validity of site plan approvals set forth in the Code of Virginia, construction shall commence within twelve (12) months from the date of approval of the Conditional Use Permit or the Conditional Use Per shall be void. Not less than six (6) months prior to the expiration date of the original Conditional Use Permit, the owner may request a one-time extension from the Board of Supervisors for an additional twelve (12) months to commence construction. The Board of Supervisors may grant the extension, based upon satisfactory evidence that the applicant has proceeded in good faith with the permitting process. In no case shall the permit be extended beyond twenty-four (24) months.

September 9, 2021 Joint Public Hearing

Mr. Scott Foster comes to the podium. He says, I will do my best to speak through my mask. He says, I am Scott Foster, an attorney with Gentry Locke out of Richmond. He says, I live in Williamsburg so I took the ferry over here this evening. He says, we provided Mr. Railey with a letter regarding the opinion and the status of legal moratoriums in Virginia as it relates to filing zoning applications, in fact the consensus is that sort of moratorium is generally disfavored. He says, in the local governing attorney practice group, we feel that they are generally invalid. He says, as an alternative, we would appreciate if you all would engage with us on behalf of the industry to take a look at your ordinance, if you have questions or concerns about the status of solar in Southampton, take a look at your ordinance which I think is actually pretty good. We've got several solar land use applications in over seventy jurisdictions in Virginia, some of which had solar ordinances, some of them don't, as yours goes, it's pretty good. There are a number of subsequent matters that I could suggest that might make you all more comfortable going forward but on a whole, I feel like what you have today, both with requiring a rezoning to industrial and then requiring a use permit, the Board of Supervisors and the Planning Commission is in control of solar moving forward. We've had great success working with localities on behalf of the industry to come to consensus ordinances that are really reflective of all the realities of solar development from a practical perspective and also understanding the prospective of localities wanting to restrict and provide reasonable regulations as to buffering, setbacks, proximity, etc. Some of the most recent ones that we've done that I'm proud of are in Caroline County and Lancaster County, and I will point to those as two really good examples, for your reference.

Mr. Foster says, we have one client who is currently interested in Southampton, several others have mentioned interest. He says, that one client is still working to tie up land, tie up options to land. He says, one thing that has changed, this was discussed with Chip Dix, the leader of our practice group changed by practice group that Mr. Railey. It has changed substantially since you all approved the project, is the revenue situation as it relates to solar. The early projects were either completely exempt or partially exempt from machinery and tools taxes. We realize that machinery and tools taxes is not a very good method for taxing solar facilities, you are subject to depreciation schedules so over the life of the project, the payments decline. He says, there are applicable exemptions, they are less than there used to be, but they are still 70-60, depending on when the interconnection was filed, that's the most recent iteration for machinery and tools taxes. In the 2020 session of the General Assembly, our practice group drafted legislation providing for what they call solar revenue share, which in its first iteration was called solar capacity tax of $1400 per megawatt. This past legislative session, they amended the provisions to provide for an escalator, it's an escalation of five percent, excuse me, ten percent every five years beginning in 2026, meaning that first escalation will happen in 2026, it's not the years and time the project exists. That money is going to automatically increase as time moves forward. The beauty of solar revenue share is because it's a capacity tax, it's a local option tax, you all would have to adopt an ordinance enacting solar revenue share. When a locality adopts an ordinance, that revenue generated by solar revenue share is much harder for the state government to re-allocate. As you all know, the state can pass a budget, take money from localities and re-allocate it to the state. I served eight years on the Williamsburg City Council and we referred to that as "death by a thousand cuts", we would have a good thing going and then the state law would change. Solar revenue share would be protected from that. As an example, say 130-150 megawatt project over its lifetime with solar revenue share, you are looking at five to seven million dollars over the lifetime of the project, that's solely from solar revenue share. The other new element, and I'm not sure one has been adopted in Southampton just yet but it is a solar siting agreement, so local government, attorneys and counties realize that solar developers were proposing what they refer to as voluntary payment agreements to house the additional money beyond the statutory tax allegations to be paid to the county for the County development purposes associated with a solar facility. That wasn't a good fit so there needed to be some other vehicle to house that additional voluntary funds flow into the localities, that's why we came up with a site agreement process. It's loosely modeled, based on the agreement process that would relate to siting for landfill, that's where the idea started. Additional revenue can be routed through the siting agreement and that's provided by the applicant to the County on a volunteer basis. The beauty of the siting agreement, once that money

has passes through that document, it can really be used for any lawful purpose for the locality so in Halifax County we funded a massive improvement to their EMS communication system, in King and Queen County, we, on behalf of a different client, we funded their VATI-Match for their broadband department. In other jurisdictions, we've helped defray the cost of fire trucks, etc. It's really a beautiful tool in the local government tool box to route that money. He says, the second feature of the site agreement that is really special is, because the revenue is flowing through that document that is created by statute, it can be used as a financing instrument. Say that a solar facility will produce seven or eight million dollars over its lifetime. Because that money is secured by a siting agreement, you can reduce the total value, the total number to net plus the value for the bond to secure that money up front. That's the newest and frankly the best feature of the site agreement that is now at the disposal of localities. On the whole, I haven't been involved with this for some time, the revenue dynamics for solar has shifted dramatically so we are on somewhat of an educational mission, just a general mission to make sure folks understand and appreciate the power the localities now have as it relates to solar. The development communities is meeting, the solar development communities, is meeting localities half-way, proposing a site agreement for a large project is now standard operating procedure. We know we need to come up with an additional proposition to make sure that solar is economically developed so I would encourage you not to adopt the solar moratorium and absolutely put myself at your disposal to rely on for potential ordinance updates or other questions you have about solar energy in general. Thank you. Mr. Foster says, I'm happy to take your questions.

Mr. Randall says, I have lots of questions. He says, ok. He says, who do you represent? Mr. Foster says, I represent a company called Clenara. Mr. Randall says, and you are speaking of..... Mr. Foster says, I would say also that we represent the organization called CHESA which is the solar trade association in Virginia so we are attuned to and represent the industry in general but tonight I'm here on behalf of Clenara. Mr. Randall says, and you said you are referencing a solar development committee, what is that? Mr. Foster says, excuse me, I think you misheard me, I apologize. Mr. Randall says, maybe I did, but I heard solar development committee. Mrs. Allston says, me too. Mr. Randall says, did anyone else hear that? Mrs. Allston says, yes. Mr. Foster says, I'm sorry, I was referring to the solar siting agreement. He says, that's the newest instrument to house the financial economic development piece concerning solar. Mr. Randall say, I could have misheard you, that's ok. He says, so your belief is that the moratorium should be disfavored. He says, is it your view that it is unconstitutional. Mr. Foster says, it is. Mr. Randall says, ok.

Mr. Randall says, and you say that some localities have an ordinance and some don't. Mr. Foster says, correct. He says, I'll take that a step further. He says, some localities have a specific ordinance, like you all. He says, some localities just have it listed as a specific use that is allowed with a special use permit or conditional use permit and those generally applicable SUP or CUP conditions will apply to solar development. He says, and then some, don't regulate solar at all. Mr. Randall says, in the state of Virginia, you say its split evenly with those with ordinances and those without? Mr. Foster says, I would say it's moving rapidly that folks are adopting ordinances, so I would say that you all are ahead of the curve, it's a minority now that do not have some sort of additional solar regulation on the books. Mr. Randall says, ok. Mr. Foster says, it is a different land use than other uses typically permitted by CUP or SUP.

Mr. Randall says, you reference a figure of five to seven million from a project, so is that a hypothetical Southampton County project of two hundred acres, I didn't really know what you were referring to. Mr. Foster says, that ballpark is from like, let's say a one hundred twenty, hundred thirty to hundred fifty megawatts project over its lifetime. Mr. Randall says, and how many acres would that be? Mr. Foster says, it largely depends on site conditions but you can bet that a one hundred and fifty acre project given eastern Virginia's density or wetlands, etc. is probably going to be about a thousand acres, I think that's a safe estimate. Mr. Randall says, and then you talked about the economics has shifted dramatically towards the locality. Mr. Foster says, bingo.

Mr. Randall says, ok, and are you familiar with our history? Mr. Foster says, I am, you all approved another project, the name of which shows up on my door steps multiple times a week, you got a big amazon project.

Mr. Randall says, and you referenced a little bit of depreciation and the taxes that relate to machinery. Mr. Foster says, correct. Mr. Randall says, you said it shifted dramatically, define dramatically, because I'm looking at specific numbers. He says, my opinion, which is just subjectively my opinion, is that Southampton County did not benefit significantly monetarily or terribly from the one large project that we had. He says, now that's my subjective opinion. Mr. Foster says, now that was 2017 approval. Mr. Randall says, I believe so.

Mr. Foster says, so this new legislation was effective July 1, 2020. Mr. Randall says, so, just give me just a quick summary of how it swung to the government's favor and not businesses favor with depreciation schedule. He says, because my CPA would disagree with you, so I want you to educate me. He says, now I could be wrong.

Mr. Foster says, absolutely, so the old regime, machinery and tools taxes was subject to exemptions and depreciation. He says, there is now a local option to create a solar revenue share ordinance which replaces the old M&T regime, with a capacity tax of fourteen hundred dollars per megawatt, subject to the ten percent escalator every five years, beginning 2026. He says, as the revenue goes over the life of the project, let's say this is a hypothetical one hundred and thirty megawatt project, M&T will keep pace with solar revenue share, for let's say, the first ten or twelve years and then once you get about half way through the life cycle of a project, that's when revenue share really picks up and the escalator kicks in. He says, so if it was on a graph related to a particular project, M&T starts here and goes down and eventually flattens out. He says, revenue share is a straight line out. Mr. Randall says, but can't a company, just say Company X, they start the project, get it approved and they have the option of their depreciation on the front end heavy or the back end heavy and then they are going to flip the project.

Mr. Foster says, if you all adopt the solar revenue share ordinance, you all are taxing at fourteen hundred dollars a megawatt, subject to the escalator and the depreciation question and M&T is out of the question. He says, you all as the locality would say, we are going to access solar facilities on per megawatt basis moving forward and you have moved away from the M&T regime and the depreciation schedule is set by the state corporation and it's the same one that applies to every project across the state. Mr. Randall says, but that's moving forward and not back. Mr. Foster says, correct. He says, your existing projects and your projects that have been approved, that's water under the bridge. He says, the distinction that I would make is, solar in Southampton to date is not representative of what solar in Southampton will be from a revenue perspective. Mr. Randall says, now, what did you call that ordinance? Mr. Foster says, a solar revenue share. Mr. Randall says, ok, so the solar revenue share ordinance will be separate from our current ordinance that we started working on. Mr. Randall says, Mike, when did we have that workshop to start working on the ordinance? He says, do you remember that date? Mr. (Mike) Johnson says, maybe three years ago. Mr. Randall says, three or four? Mr. Johnson says, yes.

Mr. Foster says, you're talking about you adding to your zoning ordinance? He says, it would go to a different part of your code because it relates to that and I would be happy to provide you all with the draft ordinance. Mr. Randall says, the way that I read it, so it would work in conjunction. Mr. Foster says, correct, it really only relates to revenue paid by project, it doesn't relate to any land use approval what-so-ever, it's only how you tax it.

Mr. Randall says, ok, my next question. He says, so, if hypothetically speaking, and you're going to know my position here in a second, we repealed the current ordinance that we've been working on since 2017 and spent countless hours upon hours and talked about things no one is ever going to know the answer of and we did it by special use permit like many localities do, we could still have the solar revenue ordinance with the special use permit and still have significant control. Mr. Foster says, absolutely. Mr. Randall says, thank you, that's all that I need right there.

Dr. Edwards says, let's keep it in perspective. He says, we are not here tonight deciding on ordinances or conditional use permits, we are here deciding solely on the moratorium and that would give us time to decide what to do, that's the issue here tonight.

Mr. Foster says, if it would interest you all, I'd be happy to provide some financials on model projects for your consideration so you can see what you would do on, from a comparative prospective, under the M&T regime versus the revenue share regime on just a hypothetical project with hypothetical capital expenditure value. He says, it's considerable and most of these localities where we are proposing a project that are considering revenue share and when we are proposing a siting agreement, it has some other additional economic development value. He says, it can be a game changer, it's the difference between financing public works projects and not or in one locality that's been in the red for a number of years, we are proposing one project that will completely flip their county finances on its head. He says, it's a whole new look at solar. He says, the other thing that I will say is, the solar industry has gotten a lot better at hiding projects so we all drive past projects that were approved kind of in the early days, from a buffering and setback perspective, frankly, they make me cringe because it's my job to go get permits for projects today and those older, not well setback, not well screened projects ultimately make my job a lot harder. He says, so the industry has responded to that, they anticipate having to have robust buffers and setbacks and like I say, they've gotten a lot better at hiding projects and understanding things. Chairman Drake says, If you could pass that along to Mrs. Lewis' office, we would greatly appreciate that, to see some of the things that's changed.

Mrs. Allston says, I have one question. Chairman Drake says, yes, Mrs. Allston. Mrs. Allston says, which counties have adopted a solar revenue share ordinance? Mr. Foster says, Lancaster is the most recent one that I've been in, Caroline County has as well. He says, Middlesex County probably will within the next several months, we just developed an energy storage facility there that they want to use the capacity tax on. He says, last feature of the solar revenue share and capacity tax, because it is a capacity tax, it is not a factor in your local composite index for calculations of school cost. He says, so today, the machinery and tools taxes paid on an existing solar facility in this jurisdiction, are an input into your local composite index calculations for school funding. He says, solar revenue share is not part of that formula so localities (A) were subject to steep depreciation schedule and subject to exemptions and (B) took a ding on your local ability to pay when looking at the composite index calculations. He says, so it was like a double whammy from that perspective and solar revenue share is not a factor there. Mr. Foster says, I could talk about this all day, y'all, you have to rein me in.

Mr. Mann says, I've got a question. He says, you keep referring to the lifetime of a project, what is your definition of a lifetime? Mr. Foster says, so the industry says these panels are anticipated to last about forty years, so that's what we consider the lifetime of a project. He says, what we do know is panels are increasing in efficiency so it's my theory that in fifteen or twenty years, the panels will be more efficient so that we can get more megawatts out of a certain acreage, such that it will be financially beneficial to the developer and the locality to retool those panels and essentially extend the life of the project. He says, so beginning to end of a specific panel is forty years, but odds are I can see us retooling the projects, just from a gain in efficiency prospective. Mr. Mann says, the fourteen hundred dollars per megawatt is based on what the facility was designed for initially, correct. Mr. Foster says, well, correct, but in the event that the capacity of a facility would ever increase due to increases in efficiency etc., that means your payment goes up. He says, in essence, you could tie up the same amount of land and increase the output, which frankly is good for everybody. Mr. Mann says, so when they increase the megawatt per facility, are they going to have to come back to the County and get a conditional use permit, amendment or something?

Mr. Foster says, depends on how you draft it. He says, what we are doing now is leaving it open-ended, making sure that the County remains on notice, so that as the megawatts increases and the footprint stays the same, then you all get an additional bump in your annual check. He says, a lot of localities say, hey, you're going to build a one hundred fifty megawatt project and if you are going to increase the megawatts,

you have to come back to use to amend your permit. He says, but my perspective is, if the footprint stays the same and the overall layout and function stays the same, the megawatts ought to be able to increase without bothering everybody to come back and amend the permit. He says, so long as you all are put on notice when that megawatt capacity does increase. Mr. Mann says, so there will be no measuring of how many megawatts a facility puts out on a per year basis; that has anything to do with this tax. Mr. Foster says, correct, the tax is based on what they call, the name plate capacity of the project, so if it is rated at one hundred fifty megawatts, you all get a payment for one hundred fifty megawatts. He says, it doesn't matter what it actually produces, you are not going to exceed your name plate capacity. He says, it wouldn't work with the interconnection fee.

Mr. Mann says, well, I drive by the facilities that you see the panels that rotate. He says, I imagine it's designed for it to be efficient and be x number of megawatts. Mr. Foster says, yes. Mr. Mann says, but then you ride by and see spotted out there, some of the panels are not pivoting and you would think that would go on for maybe a week and it's gone on for months, so somebody is not maintaining or keeping an eye on it. He says, to me I would think that it won't keep it efficient, making a point that efficiency is not necessary. Mr. Foster says, and to your point there, it is based on the rating capacity of the project not on its production.

Chairman Drake says, any other questions, we are going to move along. Mr. Foster says, and I'm happy to provide Mr. Railey with a sanitized siting agreement so you can understand what that looks like. He says, I guess the closest one that we have done to you all, I think it was the first one done in the state, was over in Sussex County that was the Catapoint solar project. He says, that was permitted this time last year and that's the one where we assisted, in addition to a number of things, with purchasing a fire truck. He says, all that information is public.

Mr. Drake says, alright, any other questions. Mr. Drake recognizes Mr. Chesson. Mr. Chesson says, have you seen any studies in your work, that, and I guess we've been provided a study by Magnum Economics Group, have you seen in your experiences any studies that have an impact or studied the impact, the negative impact of taking agriculture workers out of the economy as a result of the projects.

Mr. Foster says, so your question is the opportunity cost of the solar facility to the general local economy. Mr. Chesson says, yes, sir. Mr. Foster says, yes and I believe Fletcher Magnum has offered something to that effect and the conclusion is on the macro scale, solar still is more productive than the underlying agriculture or forestry from a macro tangential ripple effect, in the economy perspective. Mr. Chesson says, only since the solar revenue share and the siting agreement changes. Mr. Foster says, that has certainly helped become more so since the law changed and the local revenue has increased. He says, plus it does a really good job of quantifying and extrapolating the ripple effect of spending and etc. and what that does, the cost to the local and regional economy solar stands out.

Dr. Edwards say, is it not true that we have not had this situation long enough to see what the side effects are going to be or the consequences. He says, that's the way I look at it, I mean everybody is saying it's fine, it's great. He says, we haven't had that much experience with it, we don't know what it is and I'd like to see somebody from that industry tell us, "ok, we have no idea". Mr. Foster say, you are exactly right, it's a young industry. He says, I make the point, you know we never decommissioned the solar facility, they are all too new but we know how to do it and we know how to estimate the cost but to your point, this is still very much a developing industry. He says, there is a lot we know, there is a lot we don't. He says, I can say that one of the reports I read that Fletcher had done, it took into account for the impact of the revenue payments to the landowner and when landowners live in the jurisdiction and are local, the ripple effect of that additional income is significant. He says, it's per acre, it's one heck of a land use for those who own the land and when you have that in a locality and it's local land users who are involved, it makes a big difference. He says, one of the examples, out at the Lancaster project we have, that project is primarily on timberland but I'd say thirty percent is actively farmed. He says, those farmers who are only using part of

the property as part of the project have made a very strong point that the guaranteed revenue every year from that solar lease is a welcome benefit to someone who's annual paycheck is not guaranteed so in that situation, those farmers have said that it's kind of guaranteed income, its allowing them (A) to farm better and (B) to experience some financial security they haven't otherwise. Mr. Foster says, so done right and with the right landowners and the right parties, it can be a real shot in the arm to the local economy.

Chairman Drake says, how do you farm better by having a solar lease, what's that mean? Mr. Foster says, it means there is more money coming in, you can pay your bills and you can invest in new equipment, you can farm the remainder of your land with a better cash flow. He says, the balance sheet looks better, it's not as much of a year-to-year revenue perspective. Chairman Drake says, we are a farming community. Mr. Foster says, that you are.

Chairman Drake says, you also made a comment, it had not effect, the comment earlier, no effect on the farming economy. He says, how do you say that when you displace the acres that would typically be farmed, how does it not affect the farming economy. Mr. Foster says, I comment from the landowner perspective. He says, if you own land and the solar facility is on your land and generation revenue and maybe you're still farming land elsewhere, you balance sheet looks better. He says, now I will acknowledge that if you lease land and have to compete with the solar facilities, it's a difficult situation because solar can pay more per acre than a farmer can. He says, it's a fact but if it's your property and you are leasing it, you are in a good position. Chairman Drake says, why don't the electrical companies buy the property instead of leasing it? Mr. Foster says, that's a good question and thinking about our client base, it's a mix as to ones who will come in and purchase and one's who will lease. Chairman Drake says, you might as well sell it, you can't go on it, that's been a couple of complaints over in the Newsom project. He says, they don't even have access to the property, it's under a lease, it's gated. He says, I'm really getting off subject because this is all about the moratorium tonight. He says, we would like to have you back again possibly as we explore this further, you seem to have a point of interest.

Mr. Foster says, I'm happy to. He says, we've got a number of folks that we work with, both from the appraiser community and the economics community so I'd be happy to come back and do the work and speak about the state of the industry because like Mr. Edwards pointed out, this is a developing industry. He says, we are trying to assemble as much information as we can because we are coming to the county just like you, we want to be able to present a really good land use case with a true economic development proposition. He says, we want to go into it with our eyes wide open. He says, I think we are doing better at that as an industry than we have in the past. Chairman Drake says, I'm going to leave this thought with you. He says we are not opposed to solar. Mr. Foster says, I understand.

Chairman Drake says, I think I can speak for everybody in this room, we all love our electricity. He says, we love it, we just don't know if solar is right for Southampton County, that's the big question we have to decide. He says, is it right for our jurisdiction and that's why we need to explore this a little further. He says, but we appreciate your coming tonight and we will certainly be in touch. He says, Mrs. Lewis, do we have his contact information? He says, we may actually invite you back again. Mr. Foster says, happy to do it, it's just an easy, nice scenic ride over here for me and the folks at Clenara are really good company. He says, hoping that they are getting their options tied up so we will be able to maybe talk brass tacks at some point in the future. Chairman Drake says, ok.

Mr. Randall says, can I ask one more question. He says, do you have some information on other solar revenue ordinances that you've advised on or contributed to, that would be very helpful, hypothetically, if you come back. Mr. Foster says, absolutely, I've got a spreadsheet that I can send you that does the basic run of what a project does over its lifetime at fourteen hundred dollars per megawatt with the escalator, you can punch in the different project sizes. Mr. Randall says, if you would send that to Mrs. Lewis, that would be very helpful.

Mr. Foster says, I will do it and the last point I will make is, you all know this because you've approved solar projects, what we are seeing is when land is coming out of land use, which most of it is rural Virginia is, and going into the solar use, the assessed tax value per acre goes anywhere between from whatever is in land use to ten to twelve thousand dollars an acre. He says, that is kind of the hidden revenue, the increase per localities from solar, you are still paying full rate at a higher intensity of use on your underlying real estate so you break up the strings of revenue generated by solar, from real estate taxes, solar revenue share and then potentially additional payments via the site agreement. He says, it becomes a pretty good value proposition. Mr. Randall says, thank you.

Mr. Mann says, I've got one observation and something that I've noticed since July, we've done a lot about the revenue but decommissioning is a big concern of ours and that's not getting addressed and forty years down the road, the cost of decommissioning a facility, I do not want to see it hung around the neck of the County that it's in and that needs to be engraved in stone, not where somebody can file bankruptcy or hide between an LLC or a corporation. He says, I'm not asking for an answer tonight. Mr. Mann says, that is just something that if you've got some more information on that you can forward it to Beth but that is a big factor for me. He says, get paid now, at some point, you've got to pay later on.

Mr. Foster says, your concern is echoed by every jurisdiction we are in. He says, what I can do is provide some use permit conditions on decommissioning that we have come up with that does the best we can do to tie up that loop of the initial potential abandonment of a property. He says, I hate to use that word because it's highly unlikely. He says, state code requires solar operators to re-evaluate their facilities every five years and update the cost of decommissioning and provide that update to the jurisdiction. He says, that has to be done by a professional engineer and stamped. He says, some localities allow for the capitulation of salvage value, some don't. He says, that ensures that (A) inflation, which we are all experiencing and (B) the cost of recycle and disposal is accounted for over time. He says, we are required by statute every five years to update that estimate. Mr. Foster says, some early projects didn't have a condition to that effect, they all do now and a lot of times, they are pretty specific. He says, like I say, I can provide you some information.

Mr. Mann says, abandonment of a project is possible and it doesn't take but one project to be abandoned and then all the revenue we've gained is gone, if the County has to pay for cleaning it up. Mr. Foster says, some of these projects are ultimately purchased by people like Dominion who, if you are a rent payer, you're a guarantor of that project to some degree. He says, in those situations, usually a parent guarantee will suffice. He says, projects that are owned and built and operated and are sold by a private company, there's a bond to that effect. He says, we've built provisions in the use permit where the county is put on regular notice that the bond is in good standing and everything has been paid so the county can take remedial action if someone wasn't going to make the bond payment. He says, pulled a lot of experience, sadly, out of the residential subdivision process and the bonds that were issued during that time, the 2008 financial crisis, and localities having to fight to get their bonds secured and so they defaulted in complete neighborhoods. He says, a lot of lessons learned from that industry that we are applying here. Mr. Mann says, you made note of ownership of the facility but once again, we are back to those companies do not own the property. Mr. Foster, correct. Mr. Mann says, so that is a red flag to me and most of them don't want to own the property, they want to lease it. Mr. Foster says, in the conditions I'm referencing, we agreed to add the landowner as an additional insured as it relates to the security so in the event the company were to go bankrupt and go away, the landowner wouldn't be sitting in the vulnerable position of having this thing on their property that they couldn't get rid of. He says, they could call in the bond and insurance as well. He says, we are coming at it the same way you are, trying to protect everybody that's involved because nobody wants abandoned solar fields in fifteen or twenty or thirty years.

Chairman Drake says, with that said, I'm going to call for a question so we can give other people the opportunity to speak. Chairman Drake says, thank you so much for coming tonight, I appreciate your

comments. Chairman Drake says, so at this time, would anyone else like to come forward, if you have anything relating to the moratorium that is the topic tonight.

Chairman Drake invites Phil Bain to come forward. He says, thank you for being here. Mr. Bain says, yes sir, I appreciate the opportunity to speak. Chairman Drake say, give me your name please for the record. Mr. Bain says, Phil Bain from Ivor, VA. Chairman Drake says, thank you.

Mr. Bain says, I'm here to speak in opposition to the moratorium that is being proposed. He says, I go back in history a little bit, Smithfield Foods, I remember when hog farms came out, much opposition to the hog farms. He says, there are groups like Dogwood Alliance, they are non-profit, they are opposed to cutting any trees. He says, we have opposition to the farming community and I'm in agriculture myself. He says, pesticides, herbicides, secondary discharge, there is a lot of opposition to various business types. Mr. Bain says, I feel that the solar industry is being caught up in this and I hope the County can take, the Planning Commission, excuse me, can take that into view and look past that. He says, at the past meeting, the joint meeting at the high school, there were some negative comments about the panels, about the discharge of the harmful chemicals, I'll say, from the panels. He say, I heard no scientific evidence cited from anybody who spoke and feared the chemicals and the negative effect that can come from these panels, negative chemicals, for lack of a better word. Mr. Bain says, the gentleman who spoke before me talked a lot about the revenue stream. He says, I didn't hear anyone at the last meeting cite an alternative. He says, what are you going to replace, what can you use for a revenue stream if you have a moratorium that blocks the revenue stream that these solar farms will generate. He says, these solar farms do not require more school buses, more infrastructure, none of that takes place. He says, granted, there are potential threats with removal of these panels if the site is abandoned. He says, I know a little bit about financing and banking. He says, an upfront lump sum bond can be purchased and whether the company goes bad or not that bond is I place. He says, I hope that comforts some of those making this decision. Mr. Bain says, I don't want to get too technical but a utility scale, I hope the Planning Commission will look carefully at how they define utility scale. He says some of these projects I learned, can go into a town's substation, provide electricity for the town and potentially provide other benefits for those residents in that town. He says, if that definition of a utility scale is too tight and I've heard anything over two acres or x number of kilowatts, that would eliminate the chance for these community solar farms that are not utility scale. He says, so please keep that in mind when you draw the lines on utility scale. He says, I have heard Commissioner Chesson say that he favors doing this on a conditional use permit basis, that way if it is a good project, if the project is deemed appropriate, you can take each project and evaluate it on an individual basis. He says, the old saying, "don't throw the baby out with the bathwater", I feel a conditional use permit does just that. He says, again, I hope the County does not adopt such a moratorium. He says, I feel like there is a lot of good that can come from solar, I'm in agriculture myself. He says, I've also learned that solar projects can't go anywhere, they have to be within a certain proximity of a high voltage line or substation. He says, you can't afford to run miles and miles of power lines, this will by itself, limit the amount of acreage, if it transitions from agriculture to solar project. I thank the Board, the County, the Planning Commission for all the work you do, you do a great job, thank you for providing a good County for us to live in. He says, I hope you will look at the positives of this as well as the negatives.

Dr. Edwards says, can I ask you a question? Mr. Bain says, yes sir. Dr. Edwards says, how would a moratorium affect any of the positive things that you talked about tonight? Mr. Bain says, how would that affect the positive? Dr. Edwards says, yes, how would a moratorium have a negative effect on the things that you are proposing tonight? Mr. Bain says, I'm not sure if I'm understanding your question but my answer would be that a moratorium would not allow a conditional use permit to be presented; therefore, we.....

Dr. Edwards says, no, you've got the wrong idea then. He says, the moratorium is a temporary thing so we can decide how we want to do this, whether through ordinance or conditional use permit. He says, ultimately, all the things that you are saying that you are for, will probably be allowed, you know, down the

line. He says, what we are trying to decide tonight, you know, whether the moratorium for a year or whatever we set, but down the line it's not going to affect any of the positive things that you've said. Mr. Bain says, let me re-phrase my answer then, please. He says, within the next year, it will prevent any opportunity for a solar farm to be developed and that would eliminate these positives within the next year. He says, someone said they had been exploring, I think Mr. Johnson said for three years he's been looking at a conditional use permit, I would think the County could hammer out a good conditional use permit in three years. Dr. Edwards say, my point is, a moratorium is not going to affect any of these positives or negative things up here, it's going to delay them maybe a year, ok, so what is wrong with trying to find out what's the best way to go about this. He says, that's what we are here for tonight, we are not here discussing the ordinance versus conditional use permit, that's something we plan on doing if we got a moratorium. He says, we would have time to sit and look at it, see what other people, what problems they have had and make a very good scientific, moral decision on which way we want to go. He says, so in essence, it might delay your gratification on whatever you want to do but that would be, in my opinion, a benefit of the County and the people who live here. Mr. Bain says, I understand, maybe I'm under the wrong impression. He says, I was under the impression that's what has been occurring for three years and I just don't understand the time frame that's involved. He says, I thank you for your work on it and hope you can uncover all the facts. Chairman Drake says, thank you very much, Mr. Bain, appreciate it. Mr. Bain says, thank you.

Chairman Drake says, anyone else like to come forward? Mr. Glen Updike comes forward and says, I'm Glen Updike from Newsoms and think you do a lot more than you can on the timetable. He says, I would suggest a minimum of five years. He says you've got all these new ideas, you want to go before the General Assembly and all that stuff and they haven't settled on anything. He says, just look at the trouble the solar panels presented to the County. He says, it's costing the citizens an extra three to five cents on the electric bill because it's not efficient. He says, you can't show me efficiency or production. He says, why do you want to put the citizens, not just that one person that's making a windfall profit, when you've got eighteen hundred other people paying the bills? He says, please take us poor people that doesn't need these new so called feel-good proposition of our political officials, no new taxes, but they will do away with gas lines, forcing me to pay at least thirty dollars every time I fill up that old pickup that's a gas guzzler. He says, that is a huge taxes. He says, food, timber, all of this is taxes. He says, look at the total effects of these projects, for goodness sake. He says, don't just go, this person is going to make a million dollars off a deal and he's going to pay the political official to write articles that are going to benefit him. He says, China, Russia and all the foreign countries paying millions of dollars to our president's son and what he do, cut the gas lines that put us in a big hole. He says, so look at the economics of everybody, everybody, not just of one person, for goodness sakes. He says, and half of the people in our county that order solar panels, doesn't even live in the County, they live in NC, and other counties throughout the United States. He says, what benefit are we getting besides less farm workers, less fertilizer, less businesses? He says, I just can't see how narrow-minded we are in coming up with solar panels. Also, too, I'm not a predictor but we can very easily lose the western part the United States in drought, California, Oregon, Washington, all the way up and down the west coast. He says, where are we going to grow food and I still haven't heard the first one get up here and say "those solar panels are going to take the carbon out of the atmosphere. He says, I want some good oxygen and the only way I can get oxygen is by the plants producing it for me. He says, I can't survive on the solar panels because they cannot, again they cannot produce any benefit for the environment He says, I can go on longer but I'm going not going to take up any more of your time but, I'll be back.

Chairman Drake says, thank you for your comments. He says, anyone else like to come forward. He says, last call, anyone else like to come forward. Chairman Drake recognizes Mr. Gary Cross. Mr. Cross says, good evening gentlemen, ladies and gentlemen, the Board, Gary Cross from Black Creek Virginia. He says, I'm only going to make two statements tonight. He says, if a moratorium is illegal then there are a lot of jurisdictions around us who are breaking the law. He says, the paid employee that came in here with a suit on and spoke the first time, if you heard one thing he said was, he enjoyed the scenic view riding over here to Southampton County. He says, thank you all. Chairman Drake says, thank you sir.

Closed session was held

Return to open session

Chairman Drake says, now, I will ask is there any other discussion about the ordinance, establishing the moratorium on the receipt of applications for utility scale solar energy projects. He says, any discussion or a motion. Mr. Randall says, I would make a motion that we adopt a moratorium for a period of six months. Chairman Drake says, ok, I have a motion on the floor for a moratorium for applications for a six month period of time. He says, do I hear a second to that motion? Mr. Tennessee says, second. Chairman Drake says, I have a second. He says, any other discussion.

Dr. Edwards says, I vote we go twelve months. He says, I think six months is too short. He says we will get caught short on that and not be able to complete it. He says, I think if we are going to do this right, I don't see any harm in twelve months. Dr. Edwards says, I'm going to vote for the moratorium but my vote is against six months. Chairman Drake says, any other discussion, any other comment.

Chairman Drake says, if not, I'll call for the vote. He says, all in favor of the motion presented, say AYE. He says, any opposed, like sign.

Michael Drake	AYE
Dr. Alan Edwards	NO
Lynette Allston	AYE
Keith Tennessee	AYE
Brad Turner	AYE
John (Jack) T. Randall	AYE
Doug Chesson	AYE
Michael Mann	NO
Bill Day	ABSENT

Dr. Edwards says, I oppose six months and vote for twelve. Mr. Mann says, I vote for twelve months, I oppose the six months. Mrs. Lewis says, so we have six in favor of a six month moratorium and two opposed to a six month moratorium. Chairman Drake says, yes. Chairman Drake says, ok, Dr. Edwards.

Dr. Edwards says, I will come down there and be with my crew. Dr. Edwards says, we will entertain any discussion from the Board. He says we can go along with the recommendation or we don't have to go along with it. Mr. White says, I, myself, think we can get it done in six months. He says, I would like to make a motion that we move forward with the six month moratorium. Mr. Faison says, second. Dr. Edwards says, any further discussion. Dr. Edwards says, I can make another motion to that, can I not? Dr. Edwards says, I'd like to make a motion that not for six months, for twelve months. Dr. Edwards says, we have a motion for six months on the floor and we will go ahead and vote on that. He says, six months was brought up and seconded. Mr. Cornwell says, just for clarity sake, Mr. Chairman, are we voting on one at a time. Dr. Edwards says, he says there is already one on the floor so we have to vote on this one first as far as I know. Mr. Faison says, if we vote and you vote against it, we'll just do like they did, so many for it and so many against it. Mrs. Lewis says the Planning Commission didn't have a second motion. Mr. White says, we don't need a second motion, some are for and some are against. Dr. Edwards says, is there any further discussion. Mr. White says, wait a minute, what are you voting on. Mr. Gillette says, the first motion, the six month moratorium. He says, if that fails, if that doesn't pass then we will have to vote on the twelve month. Mr. Gillette says, we've got a motion and a second.

Dr. Edwards says, let's go ahead and have a voice vote on that.

Mr. Jones	YES
Mr. Faison	YES

Mr. Cornwell	NO
Mr. White	YES
Mr. Gillette	NO
Mr. Updike	NO
Dr. Edwards	NO

Dr. Edwards says, four to three, no. Dr. Edwards says, I made a motion that we go twelve months. Mrs. Updike says, doesn't that motion stand. Dr. Edwards says, I made a motion that we go for twelve months. Mrs. Updike says, second. Dr. Edwards says, any discussion on that.

Dr. Edwards says, all that in favor of the twelve months.

Mr. Jones	NO
Mr. Faison	NO
Mr. Cornwell	YES
Mr. White	NO
Mrs. Updike	YES
Mr. Gillette	YES
Dr. Edwards	YES

Dr. Edwards says, it passed four to three that we go for twelve months.

Joint Public Hearing ends, Planning Commission meeting resumes

Chairman Drake reconvenes the meeting. He says, ok, we are going to get back started, ladies and gentlemen. Chairman Drake says, ok, now we are going to go to the next item on our agenda, which would be unfinished business. He says, of course, that is discussion on the utility scale solar amendments. Chairman Drake says, maybe just for a few minutes, we won't keep you all much longer. He says, if you want to go back and review some of those key elements from that workshop meeting. He says, I think Mrs. Lewis had those itemized (I'm looking for the paper where they are at). He says, I thought she did a good job picking the points up at that meeting. Chairman Drake says, of course you know, in considering the buffer areas next to the townships in incorporated towns and areas that we had identified as the R-1, R-2 designations on the county map as well as the, she had gotten the technical IT person for the county to identify those that are prime farmland. He says, a lot of those technical issues have already been addressed and we need to make a note of those and as we come back to the next few meetings, what are we going to suggest that we send forward to the Board for their consideration. He says, of course, these matters, what's coming down the General Assembly that so-called may make solar a little more attractive than what it was with our first project. He says, you know, we are also getting additional information there to get a more comprehensive understanding as to some of the benefits of where solar installation will be provided to go into.

Chairman Drake says, that's kind of where we are at but we need to get some points written down, concrete points that as we go through this process, that's going to be part of our suggestions to the Board for their consideration as we go forward with amending the ordinance that we have today. Chairman Drake says, am I saying that correctly, is that what we are in agreement to. He says, that is our purpose at this point. He says, we can certainly as Mrs. Lewis, for any speaker or anyone you think we need any other consultation with to come forward. He says, there are several people that have volunteered their time to come and speak with us and looks like we could have, should have adequate time. He says, it's a monumental tasks and we will certainly be as efficient as possible to get this job done, hopefully, in a timely manner. Dr. Edwards says, what we have to take away tonight, I believe, is the Planning Commission and the Board of Supervisors all want the same thing, the only divergent of opinion was about how long you want to do it. Chairman Drake says, correct. Dr. Edwards says, we are about all on the same page, we're all on the same team. Chairman Drake says, I think Dr. Edwards, to expand on that the work shop proved

that, that joint meeting, I think we all were eye-to-eye but I think the time limit, hearing differences of opinions, you know, I think the time constraints was probably our division tonight. He says, but I do think that we have the same interests, it seems to be collaborative as we move forward.

Dr. Edwards says, one other thing from that meeting caught my attention. He says, do you remember that lady from Dominion. Chairman Drake says, yes. Dr. Edwards says, she said if you don't want us in your neighborhood, we don't want to come. Chairman Drake says, correct. He says, well, we just want to find out where those places are at.

Mr. Mann says, some of the other things we were talking about was screening the facility, I think that came up tonight. Chairman Drake says, yes it did. Mr. Mann says, changing a little bit of the ordinance on screens. He says, I think we have a lot of them that would like for us to define the difference between large scale facilities and a small scale facility. He says, make note of that. He says, maybe we should encourage the solar on top of rooftops. Chairman Drake says, correct. Mr. Mann says, and try to work that the larger facilities help with the cost of individual land owners, and homeowners. Mr. Mann says, and then the bond issue versus decommissioning. He says, decommissioning is a big topic for me and seems like everybody wants to stay away from it. He says, but forty years down the road, cleaning up a facility can be, we've seen that in use with military dumping, dump sites with military, and then forty years later, it has to be cleaned up. Dr. Edwards says, there's only one thing sure about this, most of the people sitting on this board tonight will not be around to find out.

Mr. Randall says, I'd want to stay away from it because we don't have the answers. He says, I just want to have a productive discussion and I have concluded, and I could be wrong, you could be right, I could be wrong, that we are not going to have a productive discussion on it because we don't have the information, so. Mr. Mann says, I can understand that, we can look at the decommissioning cost as it is now and be sure that it is re-evaluated every three years or every five years, but just make sure it is re-evaluated. Mr. Mann says, and it was brought up tonight that we have been working on this for three years. He says, look at what has changed in three years. He says a lot of times, you hear people say "re-evaluate decommissioning every five years". He says, I still am very concerned about a bond not getting paid and we are left holding the bag. He says, so its little things like that tightening the noose on the decommissioning part. He says, I realize we cannot project the cost forty years from now but we won't put an escalation clause in there that the clause grows with the cost of decommissioning. He says, we have talked in the past about allowing recycling, what money they get from that. He says, I've been opposed to that from day one. He says, I don't want to be in a trading commodities with the County's money.

Mr. Randall says, and maybe we have a philosophical difference, I think that our problems are so catastrophic with the statute because we are restricted to M1. He says, that's why I'm of the essence that we repeal it. He says, I think it is such a disaster. He says, I don't like it and I think it is not three years, I think it is six months. He says, the technology is just light speed ahead of us and I just think procedurally, I just don't like the statute. He says, and when I get into something very specific that I think is bad, I guess maybe that's our difference. He says, but I agree with you, I agree with you about decommissioning and I think it is such an important issue but I'm hung up on some procedural stuff instead of sustenance stuff. He says, and I know you've heard me talk about it, but all the literature out in California where they are so far ahead of us, we just don't know how much it's going to cost, but it's going to be a lot. He says, that's really all we can do and with our bankruptcy code, we are going to be stuck with holding the bag and the way that they are doing all of this amortization, with CPAs doing all the money, is they are going to take it all on the front end of the tax credit and then we are going to be holding the bag. He says, I guess I'm taking that as a given, right off the bat and I think it is going to be such a problem moving forward, more of a fifteen year or a ten year problem, than a thirty year problem. He says, but I really, really think that it's dangerous and I think there are warning signs all around us, all around us right now. He says, and I would have voted for the twelve months but I took Mr. Railey's advice, I voted six months, so. He says, but I think philosophically everybody is in agreement, we are just at different places in this ordinance.

Mr. Tennessee says, we are at a transition period. He says, as the world goes green by what 2030, fifty percent of the cars got to be electric. He says there is so much change, by the next General Assembly session, we will be talking about other changes. So there's going to be working on it as we go forward. He says, we just need to find the best of the best, incorporate that and continue to look at what changes and make changes accordingly as we go along. He says, we are not going to have a hard document that is going to be good for twenty years. He says, it going to constantly change. Mr. Mann says, and I understand that. He says, I think we have learned a lot in the last three years and we learned a lot in the two years we worked on it prior and some of what we learned in the two years prior has gotten ignored when the solar facility came in. He says, we are learning something every day and we learned a lot tonight. He says, I agree with you, we are going to have to review this every twenty-four months really, but we already know we've got to tighten some stuff up tonight.

Chairman Drake says, there's an obvious pressure interest to develop the projects here and my big concern is the best use of the land. He says, it's so many acres in Southampton County. He says, Southampton County is the largest acreage County in the state of Virginia. Dr. Edwards says, three hundred sixty-eight thousand acres.

Mr. Drake says, it's the number one producer of peanuts, it's the number one producer of soybeans, it's the number one producer of cotton in the Old Dominion. He says, we are also considered western Tidewater. He says, now for the Tidewater area to grow, there's going to be another front of westward movement, I refer to it as. He says, because once they come across the Blackwater River, here we are. He says, that's going to be another pressure that's going to come and it's going to be, you know it's going to be hard to resist that because they can't go easterly into the ocean. He says, so it's going to be another thing that is going to conflict with the agriculture community and the agriculture community is a very balanced, a very balanced network in reference to the businesses that are already in the County and surrounding area. He says, and to upset, to dramatically upset that balance is going to affect a lot of other industries. He says, now, at the same time, something else may evolve, that's pretty much the way it works. He says, we have to listen to the people, we have to look at the investments that are going into the agricultural community since that is our largest industry here in the County. He say, and that is where I think some of my issues come from. He says, if we were only talking about a few acres, like the development acres for homesteads or such in a year's time, but I'm going to tell you the project in the Newsoms-Boykins area, and that's the only project that's been approved thus far. He says, we got a bad taste, it just put a bad taste in everybody's being, you might say. He says, it was pushed on us, we got no, very little return. He says, I'm not going to say no, we probably got some return, very little return. He says, the promises that we made never came to be. He says, they came in and built it, they left, developed the fire ants, which the certification of the nursery stock is one of those points of concern as well because I had to deal with the fire ants. He says, I sincerely believe, and that's documented by the Cooperative Extension by the way, they came in those potted plants. He says, but that won't happen again, that's a lesson learned. He says, the Comprehensive Plan clearly mentions, and I've got it somewhere in my notes here, its various pages about the land being our most precious resource, including our forested lands, our water, our clean air. He says, we have an obligation to protect that unless we are going to change our Comprehensive Plan. He says, so, that is a lot of my concern and I value the other concerns that you all have as well, but. He says, so we want to get it right. He says, we did a lot of hard work on the original ordinance as some of these proposals came forward, we saw some places that we were lacking. He says, a lot of the references we were making to other counties in the state, what they had done so it's not like we are out on a limb doing something different from anyone else. He says, there are a lot of things to be considered because we are at a pivoting point. He says, if too many acres are diverted to some other industry, not to sale, I love my electricity, I don't care if it is water, I don't care if it is solar, I don't care if it gas, I don't care if it is wind, but I love my electricity, ok. He says, but I just don't know if the County, for the resources that we already have, we've been blessed with, I just don't know if right here is the best place to do a heavily concentration of this type of industry. He says, that's my major concern.

Mr. Tennessee says, I think not only our locality but localities all across the state is faced with the same thing because for the state of Virginia, by x date, they want so many megawatts of power to be green. He says, so we are not the only County faced with it, it may just seem that way. He says, but as you get out and about throughout the state, you will see a lot of different places with solar farms are coming up. He says, I think we need to be educated because understanding how the grid works and the part that solar is going to play in the future, and then be educated on that. He says, we need to be educated on the efficiency of the panels because we've had a lot of information put out there that may not necessarily be true. He says, so we need a subject matter expert to talk about that. He says, and then the other thing, is the smaller scale solar, it seems to be the way lots are going now, the reason being is because you can supply power to five to six thousand homes in these small areas. He says, and that's why understanding the future of the grid is important because all this is going to play a part into it. He says, planning from their perspective is to get these solar panels in place in different localities, to be able to provide power. He says, we need to understand how it works and then maybe we can envision a little bit something different here in the county. He says, but not knowing that, we make assumptions of a lot of things that may not necessarily be so.

Chairman Drake says, and Mr. Tennessee, I appreciate your opinion. He says, I value your opinion greatly but I want to see more effort put forward in rooftops of the really big warehouses, the really big buildings, our schools possibly. He says, I don't know about our new courthouse addition, I don't know if we are going to incorporate solar there. He says, the Amazon building, I think in Northern Suffolk, I've been wanting to know because Amazon is a big purchaser of solar. Chairman Drake says, did they put solar on their building. Mr. Tennessee says, I don't know. Chairman Drake says, it's such a huge building, let's practice what we preach.

Mr. Tennessee says, also Southampton don't have that many rooftops. He says, I'm saying, we don't have that many rooftops in Southampton. He says, see that's what I'm saying when I say we need to be educated as working together because some of the rooftops here, as we heard at the last meeting, may not, older buildings or older schools were not designed to have solar panels. He says, so from an architectural standpoint, that might not be something we can do, so that's what I mean when I say, we need to be better educated on where they can go, how efficient they are and where they need to be at. He says, sort of like we did when we hired an outside consultant to do the cellphone tower thing. He says, because same way, just like now, we've got private industries coming wanting to build these solar farms, they were the same way when they were building a cell tower. He says, you had private individuals building cell towers trying to sell spots on the tower to carriers and so, you know, we educated ourselves, brought a consultant in to help us understand that. He says, now did we do it right, maybe not, we don't have cellphones sectioned throughout the County everywhere. He says, but we still need to understand. He says, what I'm saying is how it all plays out is, we are planning for a future and we need to make sure that it's going.

Dr. Edwards says, let me say something to you. He says, I grew up in rural Rockingham County, it's not so rural anymore. He says, but the growth up there is so unplanned and haphazard. He says, I want to let everybody know here that the Supervisors and Planning Commission of Rockingham County have contacted us, contacted me, and they are looking at our ordinances and stuff. He says, ok, so there's nothing wrong with us being pioneers in this situation. Mr. Tennessee says, I think we've done some good work and like I said we are going to continue to building on it. He says, we are not going to develop something here in six months that is going to be good for twenty years. He says, we are going to have to continue to work at it. Dr. Edwards says, I agree. He says, the other thing is, you know how much you want to put up with for six to eight percent of your electricity. He says, alright, this is not going to supply everything that we run. He says, there will be a very small amount. He says, the lady from Dominion agreed with that, I asked her if that number was wrong. He says, solar is not the power of the future. He says, it's going to be obsolete in a few years. He says, the Navy has these little panels now that they put up on ships about the size of a shoebox, which are more efficient than a whole field full of these things we

have now. He says, of course, it's very expensive but in the future, you know you may have one the size of a shoebox that you put up on your house and that's all you need.

Chairman Drake say, I'm going to say this and you all stop me if you want to. He says, it is about a quarter to ten, I don't want to keep you all too long but how about, as we recess tonight, Mrs. Lewis, I'll ask again. He says, in our packet that you send out for us at our next meeting, if you will itemize those, it's approximately six to eight points of interest. He says, maybe we will go over those again to be sure as we present those and think of anything else you can bring to the table. He says, whether you read or hear or if you know of a person that might be of interest that might be able to come here and speak with us. He says, I would certainly ask you to share the information, Mrs. Lewis, see if you can get that scheduled.

Mr. Randall say, I'd like to see Mr. Foster come at the next meeting. He says, if we can make that request for him to come. Chairman Drake says, is that ok with everybody, if he came back to the next meeting. Mrs. Lewis says, and Mr. Heck from FSEDI as agreed to come to your October meeting. She says, would you like for me to put him off?

Dr. Edwards says, there's an engineer that just recently retired from Duke Power. He says, I can't remember his name right now, I've got it on my desk, but he has written several editorials that have been in the North Carolina papers, including the Coastal Pines or whatever. He says, and if you read what he puts in there, it's really scary. He says, but you know, I can talk to him. He says, I tried to get in touch with him today but I couldn't, but I'll talk to him to see if he will come to the meeting. He says, he's retired. He says, I think he's about eighty years old but I think it would be worth it. Chairman Drake says, so in fairness... Mrs. Lewis says, so let me get a list of the six to eight things. Chairman Drake says, that we discussed at the workshop, yes. He says, if you could itemize those things, just for a refresher, yes ma'am.

Mrs. Lewis says, ok, so you want Mr. Heck and you want me to ask Mr. Foster to come back. Chairman Drake says, yes. Mrs. Lewis says, and you want him to talk about what? She says, do you want him to talk about the financial side of things or the solar technical side of things or the land development side of things? Mr. Randall say, I want him to talk about an ordinance side of things and how the financial ordinance relates to the basis of a locality's ordinance. He says, that's what I'd like. Mr. Tennessee says, he also spoke that there are some examples of how they are handling the bonds as well for the decommissioning. Mr. Mann says, the financial part is not our discussion. Mr. Randall says, it's not but we've got to understand it in drafting our ordinance because the whole point is to facilitate economic development and hopefully, our new economic director guy can chime in on some of it. He says, I just think they completely play together. He says, and I agree that we don't have any say in that but that's what it's about is economic development and we have to be stewards of the County that if it happens, wherever it happens. He says, you know, I would love it to go on the schools too but it ain't going to happen, it ain't going to happen not in the next twenty years. He says, so we can talk about it but it ain't going to happen. Chairman Drake says, but some schools have it. Mr. Randall says, in Northern Virginia, not in Southampton and no rural jurisdictions. He says, I've researched. Chairman Drake says, but if we get warehousing like is going to Suffolk right now. Mr. Randall says, I don't think that's going to happen. Chairman Drake says, if there are programs available that would help the incentives for these mega warehouses that put solar on top. He says, it looks like me that all we are talking about here now is an open flat field, that's what everybody is looking at. He says, is that the best use of the land. Mr. Tennessee say, that's what I'm saying, like with the warehouses, say for example it depends on what they have in there, as to how much power they can make to run it. He says, if they are just running lights and stuff, you know, maybe they can have enough panels to do that but if they have refrigeration or machinery, they won't make enough off of rooftop. He says for an example, use Franklin Mill. He says, Franklin Mill makes its own power now, it makes about four to five megawatts but it burns black liqueur so that's a by-product of the paper, the froth making process. He says, previously they had power boards as well, they used chips and all that stuff like that and they made enough power to sell back on the grid. He says, now they have to buy a little power, don't have

enough to sell any back but they can suffice themselves. He says, but there is no other facility around here in this area that can do that.

Mrs. Lewis says, while the Planning Commission doesn't have to have a public hearing on the fourteen hundred dollars a megawatt because it is a taxation issue. She says, that doesn't mean that the financial concerns don't impact the Planning Commission's decision. She says, and one of the things that Dr. Edwards said at the joint workshop was that he wanted the Planning Commission to study the long term effects of utility scale solar development on the County's tax base. She says, while you don't have to vote the tax amendment, it is a part of your decision-making process. Chairman Drake says, ok.

Mr. Mann says, also, decommissioning was mentioned as well, correct? Mrs. Lewis says, right, and that is, as you've learned over the past however many years, six, seven, eight years, that's a tough nut to crack. Mr. Mann says, I think adding on, that was one of the things that I mentioned that Mr. Foster could add to. He says, and the General Assembly cannot keep their heads buried in a bucket of sand but so much longer. He says, they address it with other industries... Mrs. Lewis says, right. Mr. Mann continued, and within the same Mineral Mine and Energy department with the state, that department has, they are just looking up in the sky on the energy part. He says, there should be some input from the state in that area, they do it with other industries, they shouldn't turn away from it with the solar energy. He says, decommissioning is a big thing. Mrs. Lewis says, and decommissioning is done in other industries. She says, in some localities, when someone wants to build a new Wal-Mart, that Wal-Mart has to approve the decommissioning plan because it's known that in ten to fifteen years, that store is going to be abandoned for the new one down the road. She says, so decommissioning might not have taken place in the solar industry but it takes place in other industries.

Mr. Mann says, anyway, that's a topic I'd love to hear a little more on, let's get caught up-to-date just like we got caught up-to-date on some of the July 1st issues.

Mr. Drake says, we will go down to Item #5, which is Unfinished Business. Discussion of the utility scale solar amendments. He says, I know Mrs. Lewis included several items of interest in our packets and if you recall, the last meeting there was a year-long moratorium placed in effect for any applications at this time until we get this ordinance right and a recommendation sent to the Board. He says, that being said, Mrs. Lewis, I think we might have a guest here tonight. Mrs. Lewis says, yes we do. She says, last month, Mr. Foster was here. She says, he worked with Caroline County in the creation of their ordinance, which you have. She says, you have Caroline County's ordinance, you also have some work that Greensville County did recently, (they updated their ordinance) and Mr. Foster is here and he'd be glad to talk to you.

Mr. Foster says, good evening, thank you all for having me back. Chairman Drake says, thank you, sir. Mr. Foster says, Beth and I had a good discussion last week, we kind of talked about scoping and we started a dialog that might lead to a really good ordinance for you all. He says, so what I started doing is looking at your ordinance, looking at other ordinances and I realized that I need to hear more from you all before I start carving on an ordinance to make specific suggestions. He says, I am not an engineer, I'm just a solar attorney. I'm in charge of getting these permits, I'm not the person who would do site selecting and things like that. And then from a local government perspective, I think I mentioned last time, I spent eight years on the City Council in Williamsburg so I can appreciate what you all are doing from a Comprehensive Planning perspective. He says, and I've got a lot to learn about your vision or different areas of the County. I've learned a lot by doing my own research and attending this last meeting and the gentleman who spoke just before. He says, but what I hope tonight, we can do is start a dialogue around themes that I've seen and then over the next month or so, Mrs. Lewis and I can work on an update to your existing ordinance. He says, and I'll talk about that in a second, but pulling provisions and pulling ideas and concepts from other areas that have worked well and bolting them onto the frame work that your existing ordinance has because all-in-all, your existing ordinance is better than most jurisdictions have, it's fair, it's pretty straightforward, you've got a lot of protections already built in t there. There are some things I'm going to kind of walk through here that you can add that would provide the type of protection I thing you are looking for. That's my goal in this conversation is hearing from you all what it is you are looking for, what are you trying to control and try to fit that in there in a way that works for everybody. Some themes here, this is similar from Beth's memo, from our conversation the last time, you all are concerned about the impact on agricultural lands, protection of growth areas and kind of concerned with opportunity cost. What are you foregoing by allowing a solar facility to locate in a given area in future development? Sounds like that's coming from the east and then you have same important entrance corridors that are valuable for other type developments. You've got questions and concerns about decommissioning which you are not alone in that. Also, visual impact, it's something that I saw in your ordinance that I think you can do, probably do a little bit more on, be a bit more restrictive and build in some additional language I think would help you, would result in really well designed and well implemented facilities. So just for my edification, do you feel like that's a good summary of your concerns tonight? Am I missing anything?

Chairman Drake says, the main thing, from my perspective, we don't want to disrupt the agricultural community. Agriculture is very important to this county. Mr. Foster says, right. Chairman Drake says, and as I have mentioned before, now this again is coming from me, like I say, I love my electricity, I don't care what form it comes in. I love to hit that button. I'm actually getting ready to put another phase in my three phase current on my farm, that's in the preliminaries right now. And so, I use electricity but at the same point, there is a place for everything. I cannot see, it's hard for me to see, how solar taking up the land compliments agriculture. There is a direct contrast as solar develops on the prime farm land that's taking away from the agricultural community. And I read the description in the notes that was sent out. You know it goes so much further, I appreciate the numbers you submitted but I think about the businesses that the farms are associated with and I think you can go to any business in the County and I'm just going to speak what's right here in the County not what's outside the County. How directly they would be affected by the

potential of their business to expand or even being in existence and it's not just the seed and the fertilizer. It could be Mr. Randall's office. Mr. Foster says, or insurance or anybody.

Chairman Drake says, it's hardly a business in the County that's untouched by the agricultural community. Because that's the way it's always been. So that is a huge interest to me and of course it's listed as one of those and I will put a lot of emphasis that the nature of the farming community needs to be protected. We have enough pressure already from development of other issues, whether it be the industrial type or residential and we seem to manage that in being limited acreage per, on a yearly basis we have, an analysis is put forth each year. But when you are talking about the possibility of, like the project in Newsoms, Boykins, that I'm familiar with, when you are talking fourteen hundred acres at one drop, that takes a lot, it affects a lot of people. Mr. Foster says, right. Chairman Drake says, it's a social impact, it's a physical impact, it's an economic impact. Mr. Foster says, right. And that one was primarily on actively farmed land. Chairman Drake says, that is correct, yes sir.

Dr. Edwards says, how long has your ordinance been in effect. Mr. Foster says, the Caroline ordinance, that one, they adopted back this spring, early summer and since then there's been just a line of applicants all operating within this one so they have yet to approve a project because those applications were made but they are coming to fruiti9on and it will start happening within the next two months. Dr. Edwards says, looks like it's pretty thorough. Mr. Foster says. Extremely thorough.

Dr. Edwards says, so you haven't' had a lot of experience to see what the effect is. Mr. Foster says, right. So we have one project where we are the applicant and several we've tapped on. The really nice thing about having an ordinance that thorough is your conditions can be pretty light because your use permit conditions, because the ordinance is so comprehensive, it speaks to so many aspects of the facility and it's rather descriptive in its design. Dr. Edwards says, where did you come up with, get your information for this. Mr. Foster says, so.. Mr. Randall says, which one are you referring to Dr. Edwards. Mr. Foster says, the Caroline ordinance. Mr. Randall says, was this in our package? Chainman Drake says, yes. Mr. Foster says. We were lucky in that the Caroline Planning Director reached out to us and that ordinance was really developed, kind of through, consensus negotiation, over a period of several months. Really the work product is the County's and then the industry came in and offered our input and that's the results you've seen there. I've got some thoughts on the Caroline ordinance and what parts might apply well to Southampton County and what parts may not.

Dr. Edwards says, was the impetus for developing this problems that you were starting to experience? Mr. Foster says, well, no, it was just an interest, it was an interest in Caroline County and the solar community. But that ordinance does reflect a lot of the lessons learned and issues that have come up in solar because they were kind of late to the game. A lot of these south side counties have had projects for a while. They had not had a lot of interest until Clean Energy Act passed and then that's when they took on the ordinance adoption process. Dr. Edwards says, I read this through a couple of time. I must admit you've covered some things in there that I think we probably haven't thought about. I think it's very thorough and I would hope that we, the Planning Commission, could take this and take it through a step at a time and tweak those areas and see what we can leave in or leave out or add to, to our specific County. Mr. Foster says, and that's what I was thinking. With your existing ordinance, you could go through an ordinance like Caroline and kind of pull concepts in and drop it into your existing form. I think you would be well served in doing that. Dr. Edwards says, in the past, we usually benefitted from problems that have occurred east of us, and the Counties east of us have taken advantage of that. So, I want to thank you for this, this is very thorough and a very good start for us. Mr. Foster says, we are proud of that because it was a consensus driven document and the industry had a heavy hand in it make sure it worked. You know, the realities of solar development were reflected in the ordinance.
Mr. Randall says, I looked at my packet about fifteen times trying to find it and I didn't have this in mine. But I've been looking at a lot of ordinances and just to kind of bring you up to speed and I'm going to give you my take. It's just a little bit different from Mr. Drake's. It is the consensus of the folks that come before

us and speak, from my perspective, is we want to save all the prime agricultural land and then if it has to go somewhere in the vicinity of agricultural land, a cutover or somewhere not in direct view. And a lot of folks have used Gates County. I guess blight would be a strong word but I think it's been used. That it's taken prime agricultural land out of production and then putting solar farms there which don't look very good. Mr. Foster says right. Mr. Randall says, and then they get all the tax breaks and it doesn't benefit the locality and then you are stuck with it for a long time. Those are the concerns and in our solar discussion, from my, again, my perspective, is we go from that. We start going somewhere productive and then we jump and this is a business man, drives me crazy. Well, let's put them on schools, let's put them on, you know, rooftops or whatever and from everything that I read, it's not economically feasible because people are doing this to make money. Mr. Foster says, right, it's just a different product.
Mr. Randall says, yes, it's kind of like a filler and I kind of check out. That's just me and the same. I'm trying to get that transition of how we can protect agricultural farm land and, make that distinction and put it in a very concise and clean way because it's just so amorphous and I'm not a farmer. I lean on Mr. Drake here. How do we do that economic balancing act because I think that's what it is and then pulling that into an ordinance that will be some application that's economically feasible. Does that make sense?
Mr. Foster says, understood.

Dr. Edwards says, if you look at this ordinance that you have, I think that addresses that. Mr. Foster says, it does. Dr. Edwards says, I mean, it is very thorough and I've gone through it two or three times and I tell you, it brought up a lot of points I never thought about. Mr. Randall says, I didn't have it in my package.
Dr. Edwards says, have you got the right one? Mrs. Lewis says, you got it by email. Dr. Edwards says, it's four or five pages and like I said, there is a lot of thought went into this, I'm impressed with the intensity and the completeness of this ordinance.

Mr. Foster says. So let's talk a little about the themes that are in, things that you've covered. Let's talk about the themes that are in the Caroline County ordinance. I think it can help you all. It sounds to me you are looking for some guardrails, A. one solar proliferation and then B, on protecting farm land so the methods people have used to put up those guardrails, this is beyond Caroline County, this is industry wide, are the overlay district and I'll talk about that in detail, that's in Caroline County where you essentially create an overlay surrounding transmission lines and the solar ordinance overlaps the underlying zoning and applies to the parcels within that district. Some jurisdictions, including Caroline, have adopted a total acreage cap in the jurisdiction, so like a total area under panel in the jurisdiction. That provides some sort of backstop for you all to say, ok, we think we can handle, you know, x acres of solar and still keep an adequate balance. In the jurisdictions that have done that, I think they feel like they are in some sort of control. Also some jurisdictions have done a total megawatt cap, which is just a different way of calculating the acreage gap, just kind of depends on how you look at it. In Caroline, particularly, there is a project size cap of one hundred fifty megawatts, reason they picked one hundred fifty is because that's what the size of project that can be built and still go through the permit by rule process administered by DEQ and not have to go through the traditional State Corporation Commission permitting process for a solar facility. I don't particularly like this, like a project size cap, because you can design a two or three megawatt project very well and it functions just like as if you would have approved two or three smaller projects so, you know, area under the panel is area under the panel, no matter the size of the project. One of the things to note, you know, is your project here, that's really in a fairly dense area, it's kind of all, there are not, all the parcels are not adjoining, but they are really close so sometimes you have, the Cabin Point project that got approved in Sussex, that's one big block of land, that's all solar. A lot of projects we are seeing now are, you know, will be one hundred fifty megawatts but its spread out over two hundred fifty acres here, two hundred fifty acres there, sites that can't be seen from each other and sometimes, you know, maybe have a mile or three quarters of a mile between each node so that's a long-winded way of saying the project size cap is kind of a blunt tool so I think that, 1, can actually end up doing more harm than good for all parties involved because you could approve a larger project all at once, capture that really good revenue and it's the functional equivalent of approving several smaller projects. Then some Counties have debated a minimum project size but they still permit the small five megawatt and below projects that you can really hide in the

wood lot that may take up thirty-five or forty acres. So, other guardrails for, like proliferation and current capacity purposes, I think one of your better tools would be an acreage or megawatt type cap. That way you've kind of got a backstop for what you all feel comfortable entertaining for a given period of time.
Mr. Foster says, to talk a little bit about the overlay district and why that works so well in Caroline, I don't know if you saw at the end of the ordinance, if you pull it off-line, they've got a map of the way their transmission lines intersect so they kind of overlay in a portion of the County that they were relatively ok with turning into solar. It was not an area where it was a whole lot of other economic opportunity that they would be off-setting by approving solar in that area. It's also because of the way the lines overlapped, it provided a fairly nice block that was open for development. The reason I don't think an overlay district will work for you all is because your 500kv line parallels 460, that's probably, I'm going to assume, some of your more valuable future industrial highest and best type of area. And then your, I think that's a 230kv line, is kind of running south west at the southern end of the county, that too based on your Comp Plan seems like an area that you all have targeted for growth and there is a number of growth area boundaries... Mrs. Lewis says, community areas.

Mr. Foster says, community areas or the integrated communities along that line, so if you box in, let's say, a mile or two miles around those, you're kind of running counter to your other stated economic goals. So that's why I don't think an overlay is the best fit for Southampton. You know. We talked about this before. Through the conditional use permit process. You all can make a judgment call based on an independent application and say, hey, yes, this touches one of those two transmission lines but it really saves the more developable areas for some other use. It's arranged in a way that doesn't conflict but so much with our other stated goals. So, I would stay away from the overlay in this situation, just because of the way it's laid out.

Mr. Randall says, what about an acreage maximum, like zero percentage. What is something that you would recommend, in your expert opinion? Like one percent? Mr. Foster says, given your County size, overall County acreage, that's the, I'd have to think about that. And that's kind of current capacity that you all would want to retain. The megawatt cap, acreage cap, usually will allow for two to three large projects to be built so that developers have the opportunity to come in and figure out what works but we can discuss a specific number. I really would, frankly, need an industry to kind of look at Southampton, all your area that is flat enough and dry enough to put a solar facility on and then make a call based on that number.

Chairman Drake says, so are all counties looking at it from this perspective? Mr. Foster says, I don't think so, I think a lot of counties are somewhat prescriptive in what they are doing and they are just drawing a line in the sand instead of looking at what land is available and kind of backing in to it that way. I think a lot of people say, just back off regulations and you are not really looking at it in a holistic sense. But about the guardrails, I think if you wanted some assurance, the acreage or the megawatt cap would be the way to go. Protecting your sensitive growth areas. Mr. Foster says, Beth showed a map that showed a number of factors. Let's talk about the high value of economic development type of areas that you want to be considered of. If you all put in line a hard and fast, let's say, I think it was a one mile radius of certain... Mrs. Lewis, incorporated towns. Mr. Foster says, incorporated town. Again that's a blunt instrument and it really takes away you all's independent analysis. To say, hey, this area of the one project is within one mile but it's on old cutover timber, it's not close to anything that we think is going to be developed in any near time, so it's ok to put in those parameters but so long as you provide for flexibility where the Planning Commission and Board of Supervisors can look at an independent project and say, ok, as to X solar, we choose not to apply the one mile ban from that independent town. That's the type of flexibility you can build in but still putting in the lens for you all to look through and say, hey, is this a good project or not. So, go ahead and say one mile but allow for flexibility and variation based on independent project features.

Mrs. Lewis says, there are limited areas in the County that are served by water and sewer. Mr. Foster says, correct. Mrs. Lewis says, and so maybe you would say if it served or can reasonably be served by water and sewer, you don't really want to use it for solar installation because you don't want to waste the

opportunity for that, to be able to use that infrastructure. Mr. Foster says, correct. I saw some notes in there to about your A2 district and that kind of surrounds those areas. And one of the visions for the A2 district is helping to buffer residential and commercial development, human centric development from the realities of farm and you know, frankly, I see solar as a useful tool to also play a role in that buffer because solar panel is not going to complain when you are spraying or you know, making noise or spreading litter. Whatever, it is so, solar can be a good neighbor to farming in ways that residential development can't. I think it was mentioned of not allowing it at all in A2 when in reality, it might help you achieve your goals on certain parcels in A2. So allowing for the type of flexibility is a good idea.
Mr. Foster says, Beth also came up with a pretty impressive map of, it's the same map that had the bubbles around it, the independent towns. Regarding protection of prime farm land and farmland of state wide importance. If you all noticed on that map, all the areas that weren't prime farm land usually surround some sort of body of water or swamp so the areas that are, the areas that aren't prime farm land are also likely to be unbuildable from a solar perspective.

Chairman Drake says, that's a major initiative in the county because we are blessed to have prime farm land. Mr. Foster says, yes.
Chairman Drake says, that's what makes us unique from neighboring counties, from neighboring areas, so go ahead and proceed. Mr. Foster says, my thought on that is when it comes to prime farm land. Farmland is of statewide importance. Maybe have a threshold where the project can consume no more than X percent of prime farm land, or farmland of statewide importance that is in current agricultural production. Because if you notice, there is a lot of land that is designated prime farm land that's probably been planted pines or commercial timber. In anyone's recollection or memory, that's worked well in other jurisdictions. When you narrow the prime farm land designation to an active production, so you are not taking land that is currently tilled in agricultural. You are setting a threshold for the amount of that land that can be consumed but if it's not in agricultural production, it's a different consideration because that map is all encompassing and if it's not in planted pines we can put a solar facility there in a really efficient way and frankly, that's kind of the lowest hanging fruit in Virginia in my opinion and the timber companies are participating with solar and they are in on it, a lot of times..

Chairman Drake says, timber companies are? Mr. Foster says, absolutely, a lot of times, our land owners are timber companies because, A, they control thousands and thousands of acres of land and the revenue per acre relative to planted pines is significantly higher for them to put it in solar. So farm land of statewide importance, that's in timber or not in current agricultural production, probably ought to be considered for solar development. Another parallel, and you all probably know this, the lifetime of a pine plantation with thinning is about forty years which is the same lifetime of a solar facility. Mr. Randall says, so in essence, how do we know that though? You said forty, right? Mr. Foster says, right, we know that because that's how long these panels are expected to last so the productivity of the panels is the highest at the beginning and it wanes over time. So they say a productive lifespan of a panel is forty years now.

Mr. Randall says, there are a lot of inconsistencies, at least in the research I'm doing as it relates to that and decommissioning, what I'm reading, especially from California. Mr. Foster says, right. We are talking about new panels coming on the market today. Mr. Randall says, sure, technology. Mr. Foster says, there's a shorter window of when those panels are guaranteed and that varies by manufacturer. It's like, they are guaranteed to be productive for twenty years, but they expect them to be, it's like the roof on your house you know, it says it's a twenty-five year roof but it will probably last forty or so. In the industry, we say, it's safe to expect a forty year time rising. Now, it's also safe to expect that as panel efficiency increases, it will be economically, it will make sense financially for panels to be retooled so in fifteen years, the panel efficiency increases so much, they can go in and re-panel the entire project. You just re-started the clock. So that is a consideration that some of these projects will be built, live out their lifespan and be decommissioned. Some of these projects will likely be retooled and their life will; be extended. So I think what we are probably going, this is again, I'm not an engineer. I think what we will probably see over the next twenty-five or thirty years, panel efficiency will increase such that we're going to end up using the same

amount of land and produce a whole lot more power so over time, we are going to consume a lot less land in solar than you think you will. But yes, on the protected farm land, setting some threshold and tying it to the land in active production is, I think, that's a god way to go. The other things in our ordinance that I think we can bolt some stuff onto that would really help you all. Decommissioning. Your decommissioning section is as good as any jurisdiction's. There are two small things you might consider adding, is that, in the event if the project is sold, that the CUP does not transfer until proof of surety held by the new owner is given. That's often something we put in conditions. Also, we learned this from the old residential subdivision context, maintaining and watching bonds and make sure they are current and paid. That's a heavy lift for a lot of localities. Even today, neighborhoods built in the 90's, chasing people around to make sure they've made their installation payments. We built in a helpful provision so it kind of takes the work off the locality to insure those things are kept up. And it's like an automatic notice to the jurisdiction and within a certain period of time, it hasn't been paid, so that you can step in if necessary in the event someone is going to default on a bond. Decommissioning is a tough one because nobody is really done it yet on a large scale. The best we can do is provide strong financial security to ensure that it gets done. What we often do is, I believe you all's ordinance has some mention of land owner in the context of decommissioning which is a concern for us as well because if the solar company defaults, being the landowner is first in line. So what we typically do is (this is often added in the conditions) add the landowner as an additional insured in the financial instrument. In the event that the solar company were to default, the landowner would benefit from that policy and be able to do it before the county was forced to step in to it. So we want to make sure the landowner is protected as well, that's in the solar company's interest. There was a period of time there where it looked like we might have to do double bonding, so we have a bond for the landowner, have a bond for the company. We can accomplish that as an additional insured. Visual impact. I believe I mentioned this before to but having been in so many jurisdictions, I've seen some projects be built and well screened and other ones that aren't. It's like, what I feel is like, hierarchy of visual buffering for solar. So your highest order is existing timber or existing vegetation that is retained around the perimeter of the project, that's your best available to buffer and screen a project from the outset. And then second to that, if it's the right area, this doesn't necessarily work in land that has be inactive agricultural production but it it's a recent cutover, The second is letting a natural regenerative buffer come back, you know, this part of Virginia, if it is cutover land, you kind of have to work hard not to grow new trees. There is a project in New Kent near the Henrico jail in New Kent that they just let grow back up around the edges. It was an old cutover and I could tell you where it is today, you could drive by even during wintertime, you wouldn't know a solar farm is there. Poplars come back super quick, you know, poplars, gums. That kind of thing. That first succession trees, they will hide a solar facility in a hurry. Probably third on the rung is a planted buffer. You all have driven past plenty of projects with the buffer that has kind of intermittent evergreen trees and maybe some kind of bayberry looking low shrubs. It's not really hiding anything and a lot of cases, it looks like you are going to drive past a golf course or something. It's very landscaped, it's not, doesn't blend in to the natural setting. I've' seen some really good ordinances that require kind of scattered buffer so like there's no rhythm to it, you know. Things are grouped so really, in effect, when you are driving by, it looks like you are driving by a block of woods. It's like, a nice design so that it doesn't look like a landscaped planted buffer. The new planted stuff, and you all have experience with this, it's tougher to get started, and they don't grow as fast. Small trees have a much higher success rate and are much move likely to survive which is why a lot of times, you have small trees planted. If you want to plant a six or eight foot tree, A, that's expensive, B, the mortality rate is really high. When you can retain existing timber and then where possible, allow natural regeneration to grow back. Other things some jurisdictions have done, (they did this in Lancaster) is provided, cause you all got a lot of area in the county, if you built a solar farm, even if you built it all the way up to the property line, the abutter is another pine plantation so there is really nobody there to offend. That's the area that we think works really well for that natural regenerated buffer. Just allowing a portion of the setback to grow back in a natural state. But then as you come in and say there is a public road or a nearby residence, you can require, within a specific distance of that occupied residence, something more robust So to me, that allows the solar company to spend its money in an efficient way so you are buffering an area where there is actually a viewer that would benefit from the buffer. I think we can be more prescriptive there and kind of provide you all with that hierarchy. But also, we want to build in the

flexibility for you all on the Board of Supervisors to look and say, alright you got, you know, five houses here, what you've done here isn't really enough, you've got to do more and then you also need the discretion to say, yes this thing abuts a swamp and you know, that swamp's going to be there because it's RPA and you can't touch it. We will let you just let that grow back in trees. Let's come at you with that custom approach with a really good landscaping plan but backed up with some rather specific ordinance provisions.

Mrs. Lewis says, and I saw in one ordinance, I don't know if it was Caroline County or Greensville County, that any landscaping that need to be planted and buffered, needs to be planted in the first growing season after the building permits were issued, not at the end but at the first possible growing season. So by the time the work gets done, any landscaping that needs to be planted has been in the ground for a year. Mr. Foster says, yes a year. Sometimes we do that by condition too, when it's a really sensitive issue. We will proffer to plant upfront so that like you say, you've got an extra year of growth. It's that much more mature. One thing we don't love to do are berms because berms can be hard to get trees to grow on. The way I look at berms is like if you have a very specific feature of, say like the road grade is bad, the road comes up out of the ground and you are going to be looking off and seeing it. Maybe use a berm there but that's kind of a feature of last resort.

Mr. Foster says, tell me about, am I correct in the protection of the 460 corridor and the Boykins corridor. Chairman Drake says, well we thought we were. He says, we thought we had a good argument last time. The Boykins-Newsoms corridor has water, sewer, rail, cable. We faced current and we still couldn't break it and it's on the highway. Most of it is on the major highway or either the county roads across the railroad tracks. Chairman Drake says, actually years ago, we had talked about putting a sewer line from the pumping station out on 671 to the treatment plant to give the town of Newsoms more capacity. Now the solar project is located in that right-of-way. Mr. Foster says, same spot? Chairman Drake says, what would have been the right-of-way. He says, it was just a thought and a concept, it never came to being and at the time, the governing body then still approved it. He says, because we had a very good argument as why that was not the proper place. I mean, if you got utilities there, we got fire hydrants right down beside the solar fence, right down beside the fence. It's crazy.

Mr. Foster says, got you. That's a consideration when you can put that in the ordinance. Another thing I failed to mention, we can be solar prescriptive in setbacks and ensure that the setbacks are appropriate when it's on a public highway. Says it's a divided highway, maybe even have a bigger one. Setbacks from lots that contain a residential dwelling with a certain distance. Chairman Drake says, so that's been a major concern, is that residents that have come from outside the area or it could be people that we born and raised here, have built their home, probably spent more money there than any other place than they've ever spent in their livelihood and then the solar project appears and we've got very limited setbacks of where that fencing and all is at.

Chairman Drake says, now what I have been intrigued with your presentation. You've mentioned several times, if you can get off that highway, go that back field, that back corridor so to speak. He says, and I like that natural barrier, I like the idea of just letting, like you said, nature will take its place. He says, if you don't farm the fields, it will be a forest land in ten years or less. He says, much less, believe it or not. It just comes up natural. Chairman Drake says, going from Newsoms to Boykins, on 671, like I said, it give you the idea you are pulling into a golf course if you didn't see the panels. Mr. Foster says, right.
Chairman Drake says, now I was all in favor of that. He says, I voted for that, what little bit of say we did have over there. He says, at least we had some landscaping but it does not suit the natural esthetics of Southampton County. Mr. Foster says, right.

Dr. Edwards says, I do like a lot of the concepts. Mr. Foster says, and I think we can get there in a way that works for both of us too. Because solar companies don't love requiring four rows of evergreens panted on X increments, etc. because it's expensive. What we want is to, is buffer the project as effectively as we can and in a most cost efficient manner. So that natural regenerative buffer and retaining existing trees is

the key. Chairman Drake says, I think one of the drawback of that is you got to get a tree that won't get so tall because of the shade. Mr. Foster says, a nice setback helps you there.
Dr. Edwards says, that's an issued as well. He says, you are taking up more land space because of the shade area. Mr. Foster says, you got it.

Mr. Mann says, what's your definition of a nice setback? Mr. Foster says, so most jurisdiction, I would say, the average is about one hundred feet if it's abutting a residential property or let's say the solar facility is going to be a certain distance of that residence. Mrs. Lewis says, or church. Mr. Foster says, church, business, what have you. You can go a little further. Frankly, we are working on one up in Surry right and the last time I checked there's no place where a panel will be within any closer than five hundred feet of an occupied residence and that one is on, it's mostly pines plantation. It's kind of a recreation property so it's mostly open ground. But, there we are keeping nice trees, it's very flat parcel, so you just drive down the road and really not never know it's there. And I'm biased because I work for the solar industry but, it's just in that situation, you are building a solar facility in an area abutting, that abuts several residential dwellings. Those residential dwellings are guaranteed to have those trees on that property for the life of that project, that's in essence putting that buffer in a conservation easement. So, not many other uses do you get a guaranteed visual buffer, for the project so that in my opinion eschews in favor of that nearby residence because, you know, a timber company can come in there and cut to the line if they wanted to.

Mrs. Lewis says, but when you increase the buffers, it's like air in a balloon. Mr. Foster says, got it. Mrs. Lewis says, you need to take more space someplace else, right? Mr. Foster says, exactly, you're right. He says, but there is a happy medium there, there's a number there that's going to work. He says, and frankly, you know, we can build in flexibility where you have robust setbacks in certain areas and in areas, like we're talking about may abut a swamp or some other non-offended party, you can reduce your setback there, maybe go to fifty feet there. So that will help put some more air in the balloon, more room in the balloon before it starts expanding.

Mr. Mann says, I think out of the project, we have only two tracks that is off the road, is that right? He says, the Cook farm and the Smith farm. Chairman Drake says, I think that's correct. Mr. Mann says, everything else is on the road. Chairman Drake says, I think it's on the road, yes. Mr. Mann says, and the Smith and the Cook, you can ride by the road and you cannot see the project. Chairman Drake says, you don't see them. Mr. Mann says, you've got to ride through the farm to get to it, right. Mr. Foster says, it's possible. He says, good project location and even if it is on the road, you leave enough of a setback and you do your project right, you know, within a reasonable number of years, you are not going to know that it's there. Frankly, a lot of these projects that aren't well buffered and well-designed make my job so much harder because that's what's imprinted in people's mind is what a solar facility looks like. But you are driving past others that you don't know are there.

Mrs. Allston says, are there ever instances where sloped land is used? Mr. Foster says, so they say the grade tolerance is fifteen percent, anything greater than fifteen percent, they really try to avoid. He says, frankly, slope is a cost center for solar as well because even if it's less than fifteen percent, they end up doing some grading which is expensive and causes a whole host of other issues that they usually have to attend to, so, the flatter the better. Mrs. Allston says, that is why the eastern part of the state is better than going further west, which is also our farmland. Mr. Foster says, you've got it. Mr. Mann says, but they've done an awful lot of grading on the project we have here and I don't think there was any tract that was any ways close to fifteen percent. He says, I don't even think we've got fifteen percent on our end of the county, do we Mike? He says, do you know of any place that's fifteen percent grade?

Mrs. Lewis says, I saw one ordinance that prohibited removing topsoil from the tract. Mr. Foster says, so, what we've done in certain conditions is require that any topsoil that is graded has to be retained on site so, the same. He says, we've also done a fairly prescriptive, I think it's in the Caroline ordinance, about what agricultural ready means. He says, after decommissioning, what it means for it to be ready it to be

used again for agricultural purposes. Mrs. Lewis says, because I guess, Southampton Solar, they removed topsoil. Mr. Mann says, and gave it away. Mrs. Lewis says, by the truckload. Mr. Mann says, people were just hauling it like I don't know what and it went off-site.

Mr. Foster says, we are also learning a lot from that erosion/sediment control and storm water for solar and really trying to, you know, make sure that what we are doing is solar specific because it is a bit different and insuring things are de-compacting and what not prior to stabilization so that you can reduce your run-off rates. You are essentially building a better product. That's been the cool thing for me to watch. A lot of these engineering teams are taking info in real time and building a better project at each one they go to. That's been fun. Mr. Foster says, do y'all have any more questions for me?

Dr. Edwards says, yes. He says, I looked at your grading ordinance. He says, topsoil is not prohibited to be removed from the property. Mr. Foster says, exactly. Dr. Edwards says, good idea. Mr. Foster says, and you know, my understanding is, they try to avoid as much grading as possible and they want that topsoil in areas that they are going to have to stabilize because they want the grass to grow in short order so they can move on to the next area of the project. Mrs. Lewis says, right. Dr. Edwards says, we realize once the topsoil is gone, that line is gone forever. He says, it takes five hundred years to make an inch of topsoil Mr. Foster says, even if it's in timber.

Mr. Mann says, so we have a DMME for the state of Virginia, Division of Mineral Mines and Energy, and the energy part catches my attention. He says, but there is no regulatory of DMME for the energy part. He says, now for mineral and mines, they can walk in, do an inspection, lock your gate and shut you down. He says, but when it comes to the solar facility, it's like they are there just to be there. He says, so now, is there any discussion of DMME becoming some type of regulatory teeth put in that organization, I mean, it gets it back to a state level so that big companies have a tendency to listen to state government more than they do the County government. Mr. Foster says, sure. Mr. Mann says, so is there any discussion about them?

Mr. Foster says, not that I've heard. He says I think the DMME, because mining is what it is, it's not what it once was, they are kind of looking at what do we do now so. He says, but I don't know how that relates to solar. He says, I will say that during construction, the entity who is in charge is DEQ. They have added people specifically to process solar applications and handle solar design work, administer permit by rule process, which is for projects between five and one hundred fifty megawatts. But that process ends once the project is complete, you make it through PBR and get your permit, then it moves back to kind of a combination of DEQ and the locality. But I don't know of any move by DMME, I think it's called the Department of Energy now, to play a role in solar.

Mir. Mann says, that would certainly be an avenue for decommissioning, they do that with mines. He says, for the permitted area, you have to pay a fee every year. Mr. Foster says, this is something our firm has been thinking about because everywhere we go, everyone is worried about decommissioning. It's figuring out some state wide solution to the decommissioning question and it's essentially, we don't have an implementation plan yet but building a fund that will cover the cost of decommissioning in the event the solar company were to be defunct. There's several models out there, you know. This industry is pretty new. It's really been booming for about five years and the last two, it's really been booming. So, we are going to get there, I think, but we don't have that product yet. We are thinking about it. Mr. Mann says, well it's new but some of the end results are not any different than a mine. Mr. Foster says, right. Mr. Mann says, I feel like we are five years behind on that. He says, we should have been creating this fund from day one and.

Mr. Foster says, that's another one where the industry is invested in figuring out decommissioning because, A, they get this question but B, when you are holding that bond or surety, it's on your balance sheet for four years. He says, that's a big weight on the industry so they are trying as much as anybody to figure out like a macro state wide solution for this so that you all are protected and it takes a little bit of weight off of them

from a financial perspective. Mr. Mann says, so if you have a facility also that, they go through some financial difficulty and they are not able to maintain it, they are not keeping the equipment up. He says, I already see that in some facilities. Mr. Foster says, yes, Beth mentioned that. He says, the one in North Carolina. Mr. Mann says, so you get to a point that the County doesn't have the staff that can go in to see if that facility is actually still producing energy. He says, you know, it may still be there, they are still getting their tax credit but it's actually not producing energy. He says, so at what point, and this might be where DMME comes into play, is there somebody who's qualified to make sure that facility is producing and some point, when it's not producing for a twelve month period, then they have to start decommissioning. Mr. Foster says, right. Mir. Mann says, instead of just sitting there collecting government funds and it's not doing what it was built to do. Dr. Edwards says, that's covered in your ordinance, isn't it.

Mr. Foster says, it is. He says, two things. I like to call it the decommissioning trigger, the things that have to happen before decommissioning occurs. And I think that we can build that out in here so that you all, there is no gray area to when it's time to decommission. Often we will add a condition, and I don't see any reason this couldn't be in your ordinance, that the operator is to provide the County an annual report of total production, etc, so that's kind of like an automatic generator, auto generated report so that you all get at least once a year notice about what's going on at the facility for the past year. So that's one way of knowing whether or not it's producing energy and you're going to trigger in your decommissioning provisions. Yes, that is a good question. Mrs. Lewis says, yes, you can't tell by looking at it. Mr. Mann says, you can't tell by looking at it but even with a mine, you have to do a tonnage report. Mr. Foster says, right. Mr. Mann says, technically, the state could come in and look at your sales and get some idea of whether your tonnage report is accurate. Mr. Foster says, right. Mr. Mann says, electricity, you can't smell it, you can't see it, it just knocks you out of your shoes. Mr. Foster says, right. Mr. Mann says, so they say we are producing but at some point in time, somebody needs to be qualified to be able to walk in that facility unannounced, just go to the gate and go in and spot check and I don't think nobody gas done that now. He says, they just have free reign to do what they want to do, how they want to do and keep the gate locked. Mr. Foster says, right. Mr. Mann says, and that's like letting the fox look after the chickens.

Mr. Foster says, I'm not sure that's in Caroline but there are access provisions where regular inspectors, with a certain amount of notice but in the event of an emergency, you can go in immediately. Mr. Mann says, you say with a certain amount of notice. He says, I'm not talking about notice, I'm talking about they can come to the gate and they are there to do a spot check. He says, that's the way it's done in other industries, that's the way OSHA or OSHA, however way you want to pronounce it. He says, the mining industry. He says, if you make it announced, everybody can put lipstick on. Mr. Foster says, right. Mr. Mann says, we want to catch them with no lipstick.

Mr. Foster says, right. He says, the other thing is too, from a local revenue perspective, if you are operating under solar revenue share, that's a per megawatt tax. Say the name plate capacity of the project is eighty megawatts, it's based on that. So that's paid to the county annually for any year that it's in operation so that's a stiff enough number that the project's probably not going to sit there and not be operated because you are paying a pretty hefty fee, $1400 a megawatt, subject to a ten percent escalator every five years starting 2026. So that's putting some skin in the game on the part of the operator that will distance it from a project just sitting there. Mr. Mann says, well, I guess I'm looking at the big picture too you know. He says, they pushed the energy thing that we've gotten out a certain amount of energy and clean energy for the next forty years. He says, but yet we had a letter that was sent in here that the food industry, our food supply is going to be having an overburden in forty years as well. He says, so we've got, are we making a decision or what's more important, our energy or our food. Mr. Foster says, right.

Mr. Mann says, and I'm looking at the big picture that's probably beyond the scope of the Planning Commission but hungry stomachs starts war, you know. He says, that's why I say, if that facility is sitting there and not producing energy, then it's time for it go. Mr. Foster says, right. Mr. Mann says and nobody is checking on that. Mr. Foster says, there may be a way the regulatory entity let's say like PJM produces

some public reports that you all would receive an annual notice that wasn't from the company. There may be some way to generate that to ensure the facility is operational.

Mr. Mann says, and on the other hand, you know, I'm not advocating more government control, that's, it can be irritating, but also it would be nice to have some type of spot check. He says, not send you a two week notice and say we are coming so. Mr. Foster says, I think the ones I've drafted, you can go in with twenty-four hours' notice to the project liaison, That's one of the things we typically put in conditions is establishing a person for the facility that is the local; government contact and the public contact so that any of those questions are answered in short order. And if there is a violation, that person receives notice and you've got specific provisions on how to remedy the violation. So trying to building, trying to remove that anonymity that you often feel; with something that's sitting there.

Mr. Mann says, and that's where the vision of energy comes into play, you know. He says, I talked with somebody that worked with the federal government looking at solar and he said what you are going to run into is one county requires this, one county , you need some consistency and it's got to be done on either a state level or federal level because if everybody's running in different directions. Mr. Foster says, we are feeling it too. Every jurisdiction's zoning ordinance is at least a little bit different. I don't have one set of conditions that works in every situation because the conditions kind of wrap around the ordinance like a puzzle piece, every puzzle piece is different. Mr. Mann says, I don't know that you can do your zoning, your zoning has got to fit the locality a little bit. He says, as far as your facility producing electricity, that's pretty standard.

Mr. Foster says, one thing, I don't expect you all to take this up because it's kind of a hard and fast item, but requiring a rezoning to industrial is from my perspective, local government perspective, it's kind of, to me an unnecessary burden on the solar developer, because I've never seen a situation where the CUP is approved but not the rezoning. It's always about the project and you all have, in the CUP process, you really have the same amount of power that you do in the rezoning. So, to me, it's a little bit of an additive administration hurdle. What it ends up doing is, in my opinion, it scares adjoining and nearby neighbors to hear, o man, so and so's farm is going to be rezoned to industrial. When in reality, you know, we could agree or disagree, I would say it's a light industrial use but whether or not, the effect is the same. More often than not, when we do that rezoning we end up disclaiming all the other industrial uses so what you are going to end up with is industrial zoned land where all you can do is one item in the industrial list and that's build a solar facility. And it's going to make your zoning map, over a period of time, look really weird because you've got the rural back 40 type parcels that are surrounded by A-1 and A-2 zoned land that are zoned industrial. So you are going to have these industrial islands throughout the county. So to me, that's painting yourself into a bit of a land use issue twenty or thirty years down the road if the projects are ultimately decommissioned because someone is going to have to effectuate a down zone or a rezoning of those properties down the road so like I say, I've never seen a situation where the CUP wasn't approved but the rezoning was or vice versa. It's always about the project and if the project is right, you've got all the controls you need during the CUP process. The zoning is kind of, it's really an addictive. I would say you all are maybe one of three or four that require a rezoning to industrial, almost everybody else permits it with a CUP in a variety of districts.

Chairman Drake says, if it wasn't fenced and gated and locked, it just makes me think it's an industrial site and its producing energy. Mr. Foster says, agreed. Chairman Drake says, it's a hazard as well. Mr. Foster says, they don't let you in for a reason. Chairman Drake says, right. He says, like I said, it's gated and it's locked. He says, I know of a landowner in Newsoms that could not take his friends on to the site. He says, it's his farm, he was not permitted in. He says, he wanted to go show his neighbor, he lives out of state. He says, he brought his friend over to see it, they wouldn't let him in on his own farm. Mr. Foster says, wow. Chairman Drake says, and he was the owner.

Mr. Mann says, I disagree with you. He says, I think that added protection for the County, it does make the neighbors aware of what's going on because even with as much publicity as the facility had over in Newsoms-Boykins area, it was actually people that approached me, and I didn't know this was going on. Mr. Foster says, yes. Mr. Mann says, and they were in a house that the facility was coming close to. Mr. Foster says, close by. Mr. Mann says, I don't know where, during that point of time but at least when it got rezoned... Mr. Foster says, aware. Mr. Mann says, they were definitely getting a note.

Mr. Foster says, you all send notice whether it's CUP or rezoning, right? Mrs. Lewis says, that is correct. We put up a sign too, so the one in Newsoms-Boykins, our department put up approximately sixty signs. Mr. Mann says, you did a great job on that. He says, when they said, I didn't know this was going on, I just kept my mouth shut.

Mr. Foster says, my main take away is when people hear industrial use, they are thinking dirty, noise, smells and that's not, solar is a lot less than that. I've said this several times, it's a blunt instrument and I understand why you do it to. It's just one more layer where you all can make a determination, the Board of Supervisors can make a determination and say, no this is the wrong fit for X number of reasons. You've got one more layer of protection. I only bring that up just as a comparison to other jurisdictions.

Mr. Mann says, as you said, a while ago, you were biased because you were in the solar industry. He says, I am biased because I am a Southampton County resident. Mr. Foster says, right. Mr. Mann says, and I intend to say here and that's against big government and big industry. He says, we need as many layers as we can. Mr. Foster says, right. Mr. Mann says, especially without any signed guidance from the state or federal, without politics getting involved in it and politics definitely got involved in the last project big time. Mr. Foster says, got you.

Mr. Chesson says, I guess I'll tag on the idea of the closing, when to decommission. He says, if the ordinance did include the right or requirement that PJM, in other words, the owner of the grid work that this electricity is going to be inserted into, they've got to have, they can produce, probably an annual report of how many kilowatts of power and whatever, however you want to measure it, how many went in to that line. He says, can the county ask for an annual report from that. Mr. Foster says, the operator will send an annual report to the county of some variety. Mr. Chesson says, I'm not talking about one from the..... Mr. Foster says, we can have it notarized or some certified form. We will try to figure that one out to make sure you all have notice that the project is operational .from some third party verified.

Mr. Chesson says, the other thing that would do is, and I haven't had the opportunity, I'm kind of like Jack, I didn't receive that, of course even if I did see it, whether I would have spent time to study it, I don't know. He says tying in the size of the facility or the farm to acres or kilowatt hours because panels are going to become more efficient over time. Mr. Foster says, correct, that's a good point.

Mr. Chesson says, how can the county protect itself? He says, I guess number one, or stand to gain more tax revenue as these things become more efficient. Mr. Foster says, exactly. Mr. Chesson says, and also battery storage. Mr. Foster says, first you all are going to fall asleep with me if I talk about battery storage. That's my second favorite topic. Mr. Chesson says, did you say, favorite? Mr. Foster says, yes. The megawatt? It's probably a better nexus with you all's land use concern to not do a megawatt cap and do an acreage cap. If you are going to do anything, for that very reason. You know what your concern is, what land is taken up, what space is taken up. Mr. Foster says, I'm getting there, hold up. Mr. Foster says, what you want is the most megawatts generated by the same amount of land. That's particularly under the solar revenue share regime, where you are paid by the megawatt. You don't care, if the acreage is what it is, if its producing more megawatts, that benefits you all and there's no really, there's no land use nexus with that increased productivity. So I think the more precise guardrail, if you are going to put one in, would be a total acreage cap than a megawatt cap for the point you just made and you are exactly right, more megawatts out of the same acreage, more local government revenue, assuming you are willing to

adopt a solar revenue share ordinance. Mr. Foster says, when I come back, I'll have some numbers so that you can start to noodle over what solar from, like a local government revenue perspective as a land use because I think revenue generated by a particular land use is a major concern of you all's Comp Plan implementation and consideration. So, I'll try to give you a good overview of some of these other projects we have worked on and their lifetime projected local government revenue. It's pretty significant so and it's a lot different from what you've experienced to date.

Mr. Mann says, well, the megawatt revenue, if somebody, they get into the retooling mode and they go in and increase the facility, how can we work in the ordinance that if they retool, they have to get a permit so that if they change a one hundred megawatt facility with the same footprint to a two hundred megawatt facility, then our revenue goes up accordingly. Mr. Foster says, you don't even have to require to do a new permit because the per megawatt capacity tax is based on what they call name plate capacity so it's like a rating capacity. So if the name plate capacity changes and they are producing more electricity, they are required to pay you for that additional production. Mr. Mann says, so if they are retooling and it goes from a hundred to two hundred, they are going to be... Mr. Foster says, publicly known that the project is now producing more than one hundred megawatts. Mrs. Lewis says and there's no reason for more public hearings because nothing of the site of it changes at all. Mr. Mann says, and I guess, I wasn't talking about a public hearing as it was a survey to retool. He says, just like if I added an extra room to my house or whatever. Mr. Foster says, they would have to pull a new building permit right, to retool solar. Mrs. Lewis says, if they just put new panels on existing post, no. She says, you don't need any permits. Mr. Foster says, we are ten to fifteen years from that but that is a good consideration. Mr. Mann says, we are trying to look.... Mr. Foster says, longer than that.

Mr. Mann says, we are looking forty years down the road for decommissioning so we want to be sure the county doesn't miss out on that revenue. Mrs. Lewis says, right, but that's automatic. Mr. Mann says, ok. Mr. Foster says, we will make sure. I'll come back to you on that. That sort of process is automatic. The county gets a letter in the mail. That next month, there's going to be a bigger check or next year, there will be a bigger check.

Mr. Foster says, point battery storage. Because I'm here, battery storage is often considered in the same breath as solar because they, usually, a lot of times they are co-located with solar facilities. So there's co-located energy storage and standalone energy storage. Standalone energy storage sits adjacent to a substation and pulls electricity off the grid at non-peak ties and puts it back on. It's just a big battery. Helps with peak shaving, helps you get more mileage out of the existing transmission infrastructure. Batteries are what's going, like, what's going to allow us to really transition in to a more modern grid. That's the standalone storage. Those things are maybe fifteen acres maximum. So you can stick one beside an industrial type substation in a way that is well buffered, hidden easy access. So from a land use lift, from a permitting perspective for me, they are a lot easier to process because it's just a lot smaller site. The only real concern is EMS and fire response and what we have done on a number of the projects is get the engineering team, get the fire expert with your local EMS people, develop a derailed plan and once you answer that safety question, battery storage is a really good land use. Super helpful to the grid assuming you take care of your, you know, your nearby neighbor's concerns.

Mr. Mann says, how about the toxicity or leaking of a battery. He says, environmental use. Mr. Foster says, lithium battery of any variety. They are dry so it's not like a car, an old car battery where there is something to leak. These things are solid state so really the only risk is what they call thermal runaway event. You can google thermal runaway or battery fire and there have been some but like relative to other industrial uses, it's about the same type of fire risk. And from the EMS perspective, one of the risk is, you know how, what comes off the fire when you approach it. It's the same type of risk as if an Ace Hardware or your house or whatever caught on fire. There is nothing else extra in there that makes it a dirty fire. Where you have to worry about a long plume. It would be the same as if or other commercial business caught on fire. The co-located storage is, functions the exact same way. It allows the solar facility to put

power on the grid throughout the day for a longer period of time. If it is well designed, it's buffered and screened just like everything else, it increases the overall function of the project. From a local government revenue perspective, co-located storage is a little bit more complicated so the default is machinery and tools taxes from solar. The option is revenue share which is capacity tax. Because revenue share is a capacity tax, if there is a one hundred fifty megawatt project that gets a one hundred fifty megawatt battery, the capacity of the project being put on the line, if the maximum is one hundred fifty megawatts. So, you don't capture your additional megawatt under revenue share for a co-located project. So when you are approving those, you have to kind of do a balance, say ok, is it better since it has battery storage to keep it under the old M&T regime and that just becomes and accounting and Commissioner of the Revenue question for you all when you look at those. In order to capture that co-located storage, that value, you would have to tax that project under machinery and tools. But, yes. You can slide them in a solar facility and buffer them just like everything else. They typically do, you know, what they look like? It's like they are fifteen feet tall, look like a Con X sort of trailer, just a metal box and they are all controlled in a big computer lab and each unit, each battery unit has all its own safety and monitoring technology. So they know what's going on all the time with each component. If one starts to get hot, they can cut it off. So pretty cool technology but it often gets considered context. With solar, both standalone and co-located. Co-located of course, would get considered in the same context but the standalone storage is really a different land use because of its small footprint.

Mr. Chesson says, I guess my thing on the battery was that are you protecting yourself in your new ordinance, the ordinance that you had worked on in the past, do you protect yourself from the solar company, Management Company, to come and drop five Con X boxes that have these batteries in the facility. He says, they wire them up and say it's just part of the solar facility. Mr. Foster says, if your ordinance doesn't address energy storage, which currently today, yours does not, you would have to either pursue a zoning text amendment or build that in some other way. You can maybe build it in through the site agreement, that's not a permanent fix. As it sits today, if somebody wanted to bring energy storage to Southampton, you, they would have to go through an additional zoning process. It's not, it wouldn't be covered by your existing ordinance, that's my understanding.

Mrs. Lewis says, for next month's meeting, Mr. Foster is going to provide a marked up ordinance. You get your zoning packages two weeks before the meeting. If I get it from him after that, I'll send it to your e-mail, which is how you got this Caroline County one. I sent that by e-mail to you because I received it from Mr. Foster after the packages were already put together. These packages went out three weeks before this meeting because your last meeting was earlier in the month, it was the 9th, the 8th or 9th and this meeting is late in the month, this is the 14th so there were five weeks. Mr. Randall says, I want it put in the minutes that I missed your e-mail. Mrs. Lewis sys, that's fine. Mr. Randall says, that was on me, but I just kept looking for it, you sent it to me.

Mr. Foster says, so the end of this month is my deadline. Mrs. Lewis says, two weeks from tomorrow they will go out but if I get it later then, I'll send it by e-mail and I'll have paper copies here but that's why you got this one by e-mail because there was an extra week in there. She says, but I wanted to get these out because I know those of you in the agricultural industry this is just one more thing this time of year. Mr. Foster says, I appreciate you all coming. Mr. Randall says, thank you for your presentation. Mr. Foster says, I appreciate your good questions. He says, you all are coming at this from the right perspective. He says, I think we can get you to a position where you feel comfortable.

Mrs. Lewis says, I told Mr. Foster that if he can figure out a way to protect prime farm land and crack a nut that is decommissioning, that is something this Board and the Board of Supervisors is very much looking forward to. Mr. Mann says, you may be able to retire because that decommissioning goes nationwide. Mr. Foster says, because it's so good, I'm going to have to figure out a way I can get a check every time somebody copies my work, Mr. Mann says, maybe we can do it together and we can all retire. Mr. Foster

says, I like that, we can all retire. Chairman Drake says, thank you sir, thank you very much. Chairman Drake says, alright, that was very informative, I must say.

Dr. Edwards says, what are we going to decide to do tonight? He says, I'll make a motion that we take this Caroline County ordinance, starting with the next meeting and go through it, a section at a time and tweak it to what we think we need in Southampton County. He says, then I think we need to, because time is of the essence, go ahead and get started. He says, I'm just going to make that a motion.

Chairman Drake says, so on an individual basis, come back with some thought? Dr. Edwards says, we can go through each section at a time like we've done things before, you know. He says, before we've been very organized and we're going here, there and we've gotten nowhere. He says, I think this gives us a chance to build on this, tweak it how we want and get the job done. Dr. Edwards says, now I've talked with five other members of the Board of Supervisors, they like this and I think we can go through it as the Planning Commission. He says, we can change some of these things we don't like, we can delete what we don't like, we can add what we think needs to be added. He says, well, I think we need to get started so I'll make that motion. Chairman Drake says, alright, I have a motion on the floor about reviewing the Caroline County ordinance and making that as a template to, as we proceed forward. Mr. Chesson says, can I just get a clarification from the motion maker? Chairman Drake says, yes. Mr. Chesson says, so you are, you would be a proponent of taking our old ordinance and throwing it out the window and just working with this one. Dr. Edwards says, yes. Mr. Chesson says, ok.

Dr. Edwards says, if you look into it, if you read this and study it. He says, I've been through it four times, ok and it's much more complete than our ordinance, He says, it answers a lot of questions that I don't think we even thought about. He says, I think it's a better plan than our ordinance and like I said, I think going through our ordnance again and not looking at this, we can put our ordinance in this wherever but this takes sections from sections and it answers questions I never thought about. He says, so I'm making a motion we get started and use that as a base. Dr. Edwards says, we don't have to adopt the same ordinance but use it as a base.

Mr. Mann says, well I got, I want to get clarification on something from Mr. Foster and I guess you need to be at the mike but do you have anybody in North Carolina that you work with that, has possibly looked at this as well, that is trying to adopt something in North Carolina. Mr. Foster says, I do not. He says, we represent a couple of companies that had projects in North Carolina, building projects in North Carolina, and frankly, a lot of this, a lot of the companies who have built projects in Virginia today were there five, seven, ten years ago, both are private. He says, no I don't have anything from North Carolina but I would say that's just about as state of the art as Virginia gets. He says, and direct me otherwise, because my plan was to work within your existing ordinance and bolt on to Caroline County to what you've already done, eliminate any redundancy, etc. and pull in the parts that we think we like bur if you want me to go in the other direction, I'll do that, I just thought since there are some really good parts in your existing ordinance, we could, it might be easier to flow there instead of the other direction. Just let me know.

Mr. Randall says, and this is an administrative, do you think we can, if we approve this motion, we can have that ordinance and our ordinance together, kind of, because I think you are right. Dr. Edwards says, well that's the idea. He says, I'm not saying incorporate, I said take this as a foundation, look at our own ordinance and go through step-by-step to see what in our ordinance we want to put in this or what we want to delete here but use this as a foundation. Mr. Randall says, put both of the ordinances together and pack it under unfinished business maybe, or solar discussion for every meeting. He says, because I think that's what the Board wanted us to do in the joint meeting. Chairman Drake says, correct, and then we can highlight our progression in red so we are more productive, more like a workshop. He says, I mean, we can get things accomplished because I think that's what the Board is expecting. Dr. Edwards says, exactly. He says, I think we need to make this a regular project in every meeting and go through this step-by-step. Chairman Drake says, maybe put the changes in bold. Dr. Edwards says, twelve months is going to end

up in a hurry. Chairman Drake says, like we've done before. Dr. Edwards says, twelve months is going by in a hurry.

Mrs. Lewis says, and this solar has been on your agenda every month for a year and a half, but we can... Mr. Randall says, it just keeps us more organized because I think there are some god things in our ordinance and I agree with Mr. Mann. He says, I don't like some of the stuff in our current ordinance, I guess. Mr. Mann says, and I guess the fear is when I hear you saying, throw the old one out, take this one and do a foundation. He says, I guess I don't want to think of throwing our old one out. Mr. Randall says, and that's not what I'm saying. Mr. Mann says, I know that's not what you are saying. He says, I just like to combine the two and what your intent is, we need to get to work on that. Mr. Randall says, but I'm not exactly following this because as I understood, Mr. Foster, that he was going to take something from the Caroline and draft it and more or less present it to us next meeting and do a lot of the heavy lifting.

Mr. Foster says, correct. He says, I guess what I can do to, is maybe set up some decision points for you because, just take the Caroline ordinance, there are just pure use regulations in there that are in a lot of ways overlapped with what you already have. He says, but you all have some decision points on what your mechanics are so one of the fundamental questions is..... Mr. Randall says, that's why I want it because I want to have a reference point and then our current ordinance and that's why I kept looking through what you were referring to because I want to know exactly what you are saying. Mr. Foster says, right. Mr. Randall says, and I think that would be helpful, at least for me, in processing the information and kind of comparing it and contrasting some of your suggestions. Mr. Foster says, right. Mr. Randall says, changes, etc. Mr. Foster says, right. He says, so think on this but, you know, Caroline County.... Mr. Randall says, I understand completely what you are saying. Mr. Foster says, ok.

Mr. Randall says, but I still want that as a reference point because it's going to come up in the discussion. He says some of the public policy changes from what they have, what we currently have and what you are recommending and I'll be able to follow with that. He says, that's why I guess, it's just more of a procedural issue than a substantive issued because I want to see your suggestions. Mr. Foster says, sure, ok. Mr. Randall says, but, I kind of want to look at what you've changed too. Mr. Foster says, right. Mr. Randall says, and I want what exactly it is, is.

Mr. Foster says, right. He says, I guess if I start with your existing document that will be falling under the manner that you have regulated solar today. He says, if I start under the Caroline document, we are going to be starting under the regime of the overlay district and that's kind of how they administer where solar can get. He says, you all administer industrial only and if it's not industrial, you have to apply for a rezone, so that's kind of the overarching umbrella. He says, the use regulations really fall under all of that and that's where, you know, Caroline is very comprehensive. He says, but that's you know, they administer the district in a different way than you do and if we are going to stay under the existing regime of industrial zoning, it's probably best to start with yours. He says, if you are going to go a different direction, then we can talk about Caroline, use Caroline as the base.

Mr. Mann says, personally, I like staying with ours and growing from there. He says, and I agree with you, we need, twelve months is going to get by quick, but I still like ours. Chairman Drake says, but we've got a good template, that's a good template to go by to get where we want to. He says, now we do have a motion on the floor. Dr. Edwards says, my motion is to take this, take this as a basis, take our ordinance and sit down and go through each section, see what we want to keep and what we throw out. He says, we can combine the two, get the best of the two, but get to work on it and have a regular session every month. He says, as Mrs. Lewis says, she's going to put on there and get this done. Mrs. Lewis says, I should think in three or four meetings, you should have worked through this and gotten it.
Mr. Mann says, I agree. Dr. Edwards says, so this is my motion. Mr. Railey says, we've got some good help. Chairman Drake says, yes we do. He says, alright, the motion on the floor to get on with it and to use Caroline County as a model and combine the two. He says, do I have a second to that motion. Mr.

Randall says, I'll second it because that's what the Board asked us to do. Chairman Drake says, right. He says, ok, any discussion.

Mr. Mann says, my discussion is I still want to use ours and us it on the side of industrial. He says, I still think it's necessary that we rezone these sites to industrial because you are, I mean, it's electricity, it's, you need a fence around it. Chairman Drake says, and I think Mr. Foster being here tonight hearing the discussion, I think he understands some of what our priorities and how we want to proceed. He says, you may come back with some different opinions but you know where we are coming from and we may be a little bid argumentative if you make significant changes but you know the direction we are sending it anyway. Mr. Foster says, understood.

Dr. Edwards says, well if you look at Caroline County, it's not a whole lot unlike us. He says, you are on the Rappahannock River, you've got thirty thousand people in the County, you do have farming, you do have forestry and you have mining and Bowling Green is your capital there. He says, and everybody there, I think enjoys the quality of lie they have. He says, that's what I get from talking to people when I go there. Mr. Foster says, they have a very large federal installation that you all lack but that's about it. Chairman Drake says, alright, I have a motion, any more discussion. He says, if not, I'll call for the vote.

Chairman Drake says, all in favor, say AYE.

Michael Drake	AYE
Dr. Alan Edwards	AYE
Lynette Allston	AYE
Keith Tennessee	ABSENT
Brad Turner	ABSENT
John (Jack) T. Randall	AYE
Doug Chesson	AYE
Michael Mann	AYE
Bill Day	ABSENT

Chairman Drake says, any opposed, like sign. Chairman Drake says, it's unanimous.

Chairman Drake says, ok, so Mrs. Lewis, we appreciate taking your time too. He says, I hope you and Mr. Foster can.... Mrs. Lewis says, we are like this.

Chairman Drake says, we appreciate your, but in the meantime, I would encourage the Commissioners to go back and review the Carol document that we have in our presence tonight and our back and highlight and make notes so we will all be on the same page.

Chairman Drake says, we appreciate you getting that out to us, Mrs. Lewis. He says, I encourage any one that has seen the new Greenville update, that's pretty interesting too, that's right next door to us. He says, it seems like a lot of localities are doing the same thing we are doing. He says, they had an ordinance and now they've gone back and made revisions and you know, for whatever reasons, so we are not alone in this. He says, but anyway, I think we made good progress tonight and I think we are going to get some good assistance as we proceed forward. Dr. Edwards says, I'd like to thank Mrs. Lewis for sending this to each member of the Board. Mrs. Lewis says, you are very welcome. Mr. Foster says, if you all have suggestions as you go through the ordinance, if you send, Mrs. Lewis has my contact information.

Mrs. Lewis says, ok, I sent in your agenda package the Caroline County ordinance marked up with Southampton County kind of put in and it's noted in bold the things that are Southampton County, from Southampton County's ordinance. She says, that's what was requested last month, that we use Caroline County as the base and put in the Southampton County issues. She says, so you got that with your agenda package. Mrs. Lewis says, in an email today, you got from Mr. Foster his version of the Caroline County ordinance with the Southampton County things added and then his comments. She says, you got that by email and I printed one out for you and put at your place, with the purple along the side. She says, so I guess you wanted to go through this item by item and now you have it. Mrs. Lewis says, you also have at your place tonight, I think I mailed them to you, a map of Farmland of Stateside Importance. She says, that strip through Southampton County that goes from, goes down to the state line and starts, I can't remember where but, far north of Southampton County. She says, you can see the green areas are in the web soil service USGS mapping. She says, these are the areas of Farmland of Statewide Importance and the version of the ordinance that I sent you, number 4 under General District Standards, the project shall not be located on property designated as Farmland of Statewide Importance in the Natural Resources Conservation Service Soil survey of Southampton County.

Vice-Chairman Randall says, can I ask, I hate to interrupt you but, for us my grandad was a peanut farmer but I don't quite understand the Farmland of Statewide Importance. He says, can someone just clarify that definition for me. Mrs. Lewis says, that is a definition from the Natural Resources Conservation Service Soil survey. She says, that is soil that is exceptionally good at producing crops and is the best for growing. She says, it's flat, has the right amount of water, it has the right amount of.... Chairman Drake says, slope. Mrs. Lewis says, amount of chemistry, yes. She says, so that is from the Natural Resources Conservation Service Soil survey.

Vice-Chairman Randall says, I would just ask the question and I hope some of our farmers could help me out but let's say that you own a farm that's in this, I guess, the Eastern, the southeastern part of our county, I guess that's Forks of the River area. He says, I do a little fishing down there around Round Gut, but there's some fields there that have crops in them and if I own a four hundred acre farm and I have a farm of "not of statewide importance", it's pretty important to me. He says, I mean, should we restrict it to Farmland of Statewide Importance or agricultural farmland or farm land in cultivation.

Vice-Chairman Randall says, I'm just thinking, restrict our definition because I looked at this and I'm thinking to myself, "man, I thought we had more Farmland of Statewide Importance than what's showing here" and I don't know what the percentages are but do we have an idea of, is this twenty percent, is this sixty percent?

Mrs. Lewis says, it doesn't look like more than ten percent, to tell you the truth. She says, but there are other categories. She says, the next best category is prime farming and prime farm land takes up well over sixty percent of Southampton County. She says, the next highest level is prime farm land, if drained. She says, so that means that there's some water issues and the lowest grade of farmland is called not prime farm land. She says, that doesn't mean that it doesn't grow the crops, that doesn't mean that it doesn't grow trees but its soil types are not the most conducive to growing. She says, the Farmland of Statewide Importance is made up of soil types that the Natural Resources Conservation Service and the USDA has determined have the combination of soil types and hydrology that make it the most productive land. She says, that doesn't mean that other soil types and other classifications aren't productive but.... Dr. Edwards says, is forestry included in that too? Mrs. Lewis says, yes.

Mr. Day says, some of the best, some of the not the highest and driest land is not the best timber growing area but it's our wintertime logging that I think we would like to preserve, your Rumford soils, your Eucha, very sandy sites. Vice-Chairman Randall says, and that's been in play recently because it's been so wet.

Mr. Mann says, pretty much so. Vice-Chairman Randall says, and they can't find sites to log because it's too……

Mrs. Lewis says, but you see in Mr. Foster's version, he added not using Farmland of Statewide Importance but perhaps a percentage that is currently in agricultural crop production. She says, so that brings in your point, Jack, that it is in active agricultural use. Vice-Chairman Randall says, so now, I'm reading page one on the bottom, that's what you were trying to project, "the project shall not be located on property designated as Farmland of Statewide Importance in the Natural Resources Conservation Service Soil Survey of Southampton County that is currently in agricultural crop production. Mrs. Lewis says, and that's the note that Mr. Foster added, yes. Vice-Chairman Randall says, but isn't that even overly restrictive, I mean, but, that's like element one and element two, the way it is written is, the project shall not be located on property designated as Farmland of Statewide Importance in the Natural Resources Conservation Service Soil Survey of Southampton County that is currently in agricultural crop production. So there is some of this that is not in agricultural, so that is even more overly restrictive, which I don't like. He says, I don't know how you all fee but I don't like that at all.

Mr. Day says, what is timber considered? Is that an agricultural crop? Vice-Chairman Randall says, yes but it's just saying this and it has to be in agricultural use. Mrs. Lewis says, right, so the areas, these green areas that are not in agricultural use would be available for solar installations. She says, it's this minus… Vice-Chairman Randall says, I agree but… Mrs. Lewis says, but Mr. Foster is here and he can answer questions. Vice-Chairman Randall says, I don't think that protects enough farmland. Mrs. Lewis says, ok, you want to protect more farmland? Vice-Chairman Randall says, absolutely. Mrs. Lewis says, ok. Vice-Chairman Randall says, I think it is overly…. Mrs. Lewis says, permissive? Vice-Chairman Randall says, right. Dr. Edwards says, I think it's ridiculous.

Vice-Chairman Randall says, but this definition would allow some of the small percentage that, you know, qualifies with the soil samples, etc. He says, but it would have to be actively farmed, basically. Dr. Edwards says, you put in there, A1 is actively farmed, I guess. He says, if you want to get more protected then of course, if you want to get rid of your place, you just quit farming it. He says, I don't know. He says, this map is disappointing to me. He says, I just don't follow that, I thought. He says, who decides if it is Farmland of Statewide Importance. He says, I mean what. Mrs. Lewis says, the Natural Resources Conservation Service. Vice-Chairman Randall says, the science decides it, you know, the soil. Mrs. Lewis says, yes. Vice-Chairman Randall says, I'm just trying to get a discussion going about it, but… Mrs. Lewis says, it's a combination of the natural. Vice-Chairman Randall says, it looks great on paper but then, in application, it's not so great. Mrs. Lewis says, right. Vice-Chairman Randall says, that's just the way I see it and I'm just giving my, you know, subjective opinion.

Mrs. Allston says, someone last month stated that Southampton was the largest producer, agricultural producer, in the state and… Chairman Drake says, row crop. Mrs. Allston says, right. Chairman Drake says, row crop production, that's correct. Mrs. Allston says, right and this map does not, to me, does not reflect that. Mr. Turner says, not all the maps that we've been seeing up to this point with prime farmland. He says, I mean, it's all over the whole area, not these little teeny dots, all over. Mrs. Lewis says, right. Dr. Edwards says, this map was drawn by a pro-solar farmer. Mrs. Lewis says, no, this map just used the Soil Survey map. Dr. Edwards says, I disagree. He says, I agree with his reservations, I look at this and say, wait a minute here. Mrs. Lewis says, your maps that you had in the past that showed the areas that were not prime farm land, the tan-shaded areas.

Vice-Chairman Randall says, Mrs. Lewis, I was very poor in taking notes. He says, can you give me the levels of…. So Farmland of Statewide Importance is basically the…. Mrs. Lewis says, best. Vice-Chairman Randall says, cream of the crop. He says, what was the next level? Mrs. Lewis says, prime farmland. Vice-Chairman Randall says, prime farmland and then what's the next one? Mrs. Lewis says, prime farmland if drained. Vice-Chairman Randall says, if drained. Mrs. Allston, says, drained. Mrs. Lewis says,

drained, yes. Vice-Chairman Randall says, ok. Mrs. Lewis says, and not prime farmland. Dr. Edwards says, four levels, right. Mrs. Lewis says, correct. Mr. Tennessee says, so for example, does not prime farmland become prime farmland if you irrigate it, or Mrs. Lewis says, no, it's the soil types. Vice-Chairman Randall says, I think this is just based on soil testing. Mrs. Lewis says, that's correct.

Mr. Mann says, but to answer your question, there is some, that would not have prime farmland, that if you put irrigation on it, it turns into productive land and there's an awful lot of land in Southampton County that's got drain tile on it and there was an awful lot of money spent in that process and you are grandfathered in to keep it maintained, keep it drained, even though we have a lot of wetland laws on the book.

Mrs. Allston says, repeat what you said about the forest, the timberland. She says, did you say that is categorized as prime farmland? Mrs. Lewis says, it all depends on what the soil is not what's growing on it. Mrs. Allston says, all of it is based on the quality of the soil. Mrs. Lewis says, the soil and the hydrology, not what's growing on it. Mrs. Allston says, ok. Mrs. Lewis says, and some of the land that is Farmland of Statewide Importance has timber growing on it and some of the land that is designated as not prime farmland has timber growing on it. She says, all the categories have... Mrs. Allston says, cross-overs. Mrs. Lewis says, right, but this is indicative of the type of soil and the hydrology.

Dr. Edwards says, it seems to me that we need a map that shows those four stages before we make a decision. He says, this bothers me. He says, I mean we are the top row crop county in the state, aren't we sir. Chairman Drake says, that is correct. Dr. Edwards says, and you are going to tell me you get to the top of the state by having, this little dream you got put in here. He says, he's right, there are a lot of farms that have tile in them and that's very expensive.

Chairman Drake says, Mr. Chairman, Vice-Chairman, can I make a comment, please. Vice-Chairman Randall says, yes. Chairman Drake says, I'm going to try to get through this if I can. He says, this may be of some help as we go forward. He says, the USDA requires every farmer to certify the crops that are planted and harvested in the county each year. He says, it's been going on for many, many, many years. He says, so every acre, every field that you see throughout the county, throughout the state of Virginia, throughout the nation actually, every acre that, once it's planted has to be certified by June 15, for traditional row crops. He says, I think small grains may be a little later and it has to meet the acreage of the GSI map. He says, I mean, every tenth acre has to be accounted for. He says, the planting date has to be recorded and what the crop is on that particular piece of land. He says, same thing when it is harvested and that goes back to property insurance situations. He says, if it is harvested on time or if it is not harvested, it has to be recorded, has to be checked so that claims can be adjusted accordingly. He says, but there are acreage or there is acreage in the county that is not planted crops. He says, Mr. Mann may have some acreage, I'm not sure, I know we do. He says, I have some personal that I own, I have some that I rent. He says, now I don't like to rent acreage that I can't plant because when you rent a farm, you rent the farm with the notion that you are going to work the land that will produce a crop to make a profit on.

Chairman Drake says and then those fields or corners of fields or it could be an abandoned pasture land, we refer to as marginal land. He says, marginal land can be really iffy about putting a crop on because it can come back to bite you. He says, you might get it planted and maybe a prettiest crop growing. He says, if the rains come early in the fall or if they come in the summer, they may drown and you may not be able to go out and retrieve the crop. He says, so the marginal land we tend to stay away from but the landowner, he wants the farmer to continue to mow and keep his farm looking nice. He says, so when you, when we say farm that has marginal land on it, you still have to maintain it. He says, for some reason, some people just don't want it to grow back up in trees. He says, so that being said, those records are available on file at the FSA office, which here, it would be in Courtland. He says, and you know, if a parcel of that farm is not being tended like say, if it is marginal, wet or it could be converted wetlands for whatever reason, not being actually row cropped, there's going to be a record in the FSA office. He says, and I would say, you know that would be a place that solar would definitely have a place. He says, if the landowner doesn't want

it to grow up in trees, he may want to put a solar project there. He says, but at the same time, be careful because you don't want that same tenant or owner to say, well I got this, you know, prime tract here, I'm going to lay out one year and I'm going to say it wasn't a farm last year. He says, you can do that but that's going to kind of defeat the purpose of what we are trying to protect tonight. He says, but if it's been abandoned for ten years or more, like I say, the records would be available. He says, if it's been marginal land and been laid out for ten years, well, it probably has another better use than being row cropped. He says, I don't know if that adds any light to your question or not but there are parcels, many, many parcels in the county that are not being tended that this may be a good use for.

Vice-Chairman Randall says, can I ask a quick question? Chairman Drake says, yes. Vice-Chairman Randall says, so that would most likely, probably not in every case, but in the majority would fall in not prime farmland category. Chairman Drake says, that is correct, that would be a correct statement, yes. Vice-Chairman Randall says, I just want to make sure that I'm following it. Mr. Mann says, but a lot of times, that's going to end up being small acreage. He says, I mean, it's going to be a place in the field, or at one edge of the farm or somewhere close to a creek or swamp so it's not going to be something that is big enough for a solar facility to be interested in. Vice-Chairman Randall says, well...

Mr. Mann says, I will say that we've had land that was in pasture for forty years and then because of genetically altered crops, the possibility of using Roundup, we converted it to row crops. He says, and the biggest thing we have to contend with is the fact of whether the river comes up and goes across that crop. He says, that's where our biggest risk is and it makes a good crop and I have learned that if it doesn't get deep, cotton can set up there above it and it doesn't hurt if it's flooding in September. He says, so we've got land that because of science that has created the genetically altered crop has brought land in that is very productive to especially certain crops, maybe not peanuts but other crops. He says, so it has made some property, that years ago they said this is not worth farming, we've converted it and done that and we've got, like Mr. Drake said, we are used to having wet soil conditions but with the equipment we've got now, I have actually picked beans that the combine was doing a great job standing up on it, but when I went to walk out there, I was miring down above my tennis shoes. He says, but the picker was floating like it was floating on top of the ground so we've lightened up the weight of the equipment, put more tires on it, under it, taller tires and we've put stuff in production. He says, and my point of all this and I think we've got this in the record, that with the last solar project that came into this county, we had different food processes in this county, different AG industries and the AG industry is big to this county, sent letters to the Board of Supervisors stating in comparing the need for food was just as urgent in forty years as the need for energy and we can produce solar energy on rooftops, on Brownfield sites and we can now produce food, we cannot produce it on top of an airstrip, an old airstrip. He says, we cannot produce it on top of rooftops except in small containers. He says, but that's not going to feed the masses. He says, so you know, we don't want to restrict it, we wouldn't want to put language in here that turns around and sneaks up behind us and bites us because in forty years, I say this all the time, I can sleep by cutting the lights off at night but I cannot sleep with an empty stomach and the demand for food is going to be there so I don't want to put something in here that we wish we hadn't.

Dr. Edwards says, American Farmers supply thirty-five percent of the world's food right now and it's going to get... Chairman Drake says, short. Dr. Edwards says, more than that. Mr. Mann says, and only ten percent of the American Farm, I think produces ninety percent of the crops. He says, it is a lot of gentlemen farmers out here that are rated as farmers but ten percent of them are the ones that produce most of the food and whether it is food, fiber or whatever and we don't want to forget our timber industry either because I have seen times when they've cut timber and the forestry person said, you know, I don't know that we need to plant pine trees back in there. He says, our suggestion is the person that looks at soils and down beside the river, we say, well you know the best thing to do is try and there's a perfect stand of timber, pine timber right next to the river. Now once in a while, it floods but I dare say that our forestry industry forty years ago was saying don't put pines in that spot so some things just, they just work. He says, and NRCS has to look at the broad picture with a man out there that knows the difference between this soil and take

twenty steps and knows the difference in that soil. He says, the soil maps, they look at the broad picture, they do not, a lot of times they have to, I've had NRCS to come to my farm with their GPS unit to really narrow down whether I was in a wetland issue or whether I was in good soil issues and the person is walking around me, around the edge of a field, whereas looking at the map, the map is saying one thing and this person is walking around, you are in compliance. He says, no problem. He says, so it's the boots on the ground that really makes the decision and I just want, I'd like to and I think I've got a copy of some of those letters, the last time that showed the importance of what we are going to be facing with the food supply in forty years. He says, and I want my energy but I certainly want my food and fiber as well.

Dr. Edwards says, you know, I agree with you. He says, if you look at this, Jack and I live in Darden Mills. He says, you come out 646, the Beale Farm on one side and the Lee Farm on the other side. He says, hardly any of that's green. He says, I mean they are very productive farms, they irrigate, they take care of it. He says, you are right about that now. He says, some land might not be judged as prime or whatever but with a little push, a little tweak, it's good. He says, that's just why I don't like this map. He says, I just don't think this map shows us what really we need.

Mr. Mann says, I'm looking at a lot of land that I farm personally and it's not planted green but with a little TLC, I can produce the same yield that the next guy can and the biggest restricted thing that we have is water. He says, I don't care what I do if I do not get the rain or I cannot put irrigation water on it, I don't care what kind of land you go, you not going to make a crop. He says, so, but I do see a lot of land that I personally work and I've been farming since 1978 so I haven't gone broke yet. He says, farmland is not planted green on this map.

Chairman Drake says, I'd like to make one other comment if I could. He says, to continue along with your comment, Mr. Mann, of course the numbers are not out yet because the harvest is still going on. He says, but we will have those the first part of the year but I think the corn, the peanuts, the cotton and probably soy beans, for the first time, it's all going to be record yields in Southampton County this year and probably could actually top some state yields. He says, and of course, we've had a blessed year. He says, we've had water when we needed it and never had too much at one time. He says, but it goes by, it reflects about what's in our Comprehensive Plan and I'm sorry I don't have that tonight. He says, I actually bring it with me but some of those maps in the Comprehensive Plan, you can go back and review them about the prime farmland and such but the twenty mile barrier inclusion going through right here in the middle of Courtland, you know, just substantiates that remark that up to Colonial Beach, I mean, this is the best, some of the best row crop land for productivity, not only for row crops but vegetable crops, vegetable crops are coming into Southampton County for the first time. He says, there seems to be a move to produce or a market rather for vegetable type crops grown locally and some farmers are starting to experiment with those. He says, so it just re-enforces that fact, you know, and the whole thing about it is, you know, we need it all. He says, we need food production, we need our solar, we need our energy. He says, we've got to find the best places for it. He says, we've got to be real, we've got to be stewards of the land and use the land for what the best purpose is. He says, and that's what our major reason for being here tonight as we continue these discussions. He says, what's the best use of the land in Southampton County?

Mr. Foster says, do you mind if I offer a suggestion? Vice-Chairman Randall says, sure. Mr. Foster says, just listening to you all talk, I can maybe add a little bit of a summary. He says, I think Mr. Mann put it pretty well. He says, you all's primary concern is land that is currently in agricultural production, whether it's that off lowland or true prime farm or land you can prove, whatever. He says, so if your primary goal is preserving land in agricultural production, then it may be best not to rely on the NRCS for the Farmland of Statewide Importance designation and just set a threshold with no more than X of private area can impact land that currently in agricultural production. He says, and that was the basis for my comment to number 4, is that a percentage threshold could be added there where no more X number of, X percentage of a given project could impact land currently in production. He says, if you took away the NRCS designation and set the directional for impact, I think you'd be on the right track. He says, this is something, I'm going to repeat

myself a bunch from the last time I was here, you all are in the driver's seat in the rezoning and use permit process to look at a particular application and say, hey, you know, that land is low or is wet or whatever, the data doesn't bear out from the farm service agency where you report your yield. Vice-Chairman Randall says, FSA. Mr. Foster says, then you can say, hey, that's a good call. He says, it makes sense, it's not productive. He says, you guys can evaluate that data during the use permit process, you don't have to hold yourself to a hard and fast threshold, it would just be one factor.

Vice-Chairman Randall says, can I ask one question? Mr. Foster says, sure. Vice-Chairman Randall says, and I'm jumping up. He says, I recall reading that it was just a half a mile from any town. He says, I'm trying to remember where that was. Mrs. Lewis says, it's on the first page, 235.2 Dr. Edwards says, what number is it? Mrs. Lewis says, the bottom of the first page. Mr. Turner says, 235, number 2. Vice-Chairman Randall says, why did you just say half a mile? He says, I was thinking some of the other ones that I've seen was minimum of one mile. Mr. Foster says, and that wasn't me, I believe that was straight out of you all's current ordinance. Mrs. Lewis says, our current ordinance says a mile. Mr. Foster says, Caroline County, maybe said a half. He says, just to be clear, you are looking at the red line with the comments. He says, my comments are through the red line in the margin. Vice-Chairman Randall says, ok, I got you.

Mr. Foster says, I believe Mrs. Lewis additions are in bold. Mrs. Lewis says, are in bold, yes. Mr. Foster says, everything else is kind of static language, either pulled from Caroline County or that's in your current. Mrs. Lewis says, the base of the Caroline County ordinance and my additions are in bold and Mr. Fosters are in purple.

Vice-Chairman Randall says, what's some of the language you would recommend with percentages? Mr. Foster says, percentages is ultimately up to you all. He says, but I think if you take the category of land that is currently in agricultural production and set a threshold, I think you are on the right track. He says, but, you know with the way these projects are designed, you are signing the lease for something that may be fifty percent timber, fifty percent crop and then, but that's but one part of may be up to a one thousand acre project. He says, I think having some percentage for variance into that land in current agricultural production is a good thing because it affords you some flexibility. He says, the other alternative is, and this goes back to the nature of the conditional use permit, is you all can just make, you can provide language that makes the impact to land currently in agricultural production a factor for consideration and approval or disapproval of a project.

Mr. Foster says, now if somebody brings a project that's ninety percent in agricultural production, you can say, hey this isn't what we had I mind and deny the project. He says, you know, if they bring you a well-designed project that impacts forty percent, most of which is the type of land you all have been describing, it might be well suited for solar then we can say, well, sure that makes a lot of sense. Mr. Foster says, backing away from the hard and fast line in the sand threshold is probably not a bad thing and it gives you all, gives you all some discretion to evaluate projects on a case-by-case basis and puts the onus on applicants to bring you the data on what's gone on with this land in the past. He says, so two options there, either go general or set a threshold on land currently in agricultural production, would be my suggestion. Vice-Chairman Randall says, thank you.

Mr. Foster says, and I've got a lot of thoughts for you all. He says, just like from a procedural perspective, there's a lot on your plate here. He says, what Mrs. Lewis has put together and this re-work of the ordinance, so it might be worthwhile to identify like, five to seven topics that you want to hit per meeting and kind of maybe, develop a consensus on each one. Mr. Foster says and then send Mrs. Lewis and I back to put our heads together and I'll draft it up, so that's just a thought but you are jumping into.

Dr. Edwards says, if we get back to the map. He says, is it a consensus that we need a map that shows those four categories, just not what we've seen here? Vice-Chairman Randall says, I think that would be

helpful. He says, I'm leaning more towards, you know, getting rid of this completely and saying that you know, land in agricultural production and then we can consider a percentage but I'm... Dr. Edwards says, well, how about a map that shows that. Vice-Chairman Randall says, I mean I... Dr. Edwards says, I mean, if it's in production, its farmland. He says, there's no farmer here that's going to farm something he can't make a profit on. Vice-Chairman Randall says, and I guess the contrary position is someone is selling their land and they've got a percentage, I guess that is timberland, non-productive, not in use, it would restrict them, I guess in doing the deal. He says, so I'm trying to look at both sides but I think whatever we do, we have to protect the farmland. He says, I think that is of paramount importance and I think it definitely has to be significantly, and again, I'm talking my perspective, significantly more restrictive than what's written here. Chairman Drake says, if it's being farmed, it's productive land. He says, a farmer is not going to raise a crop... Vice-Chairman Randall says, its capitalism, why would he do it if he wasn't making any money. Chairman Drake says, like I said earlier, if it's not productive, I don't plant it, I just cut it for the landowner, you know, for cosmetics. Vice-Chairman Randall says, yes, I understand.

Chairman Drake says, but that same land probably hasn't had a crop ever on it. He says, it was just cleared up for the wrong intention. He says, like Mr. Mann said, it's not a huge amount of acreage but everybody has a spot here and there. He says, but if it's being farmed, its farmland and we need to protect the farmland. He says, I'm also, I know we keep talking about the cutover and the forest areas, to me that is just as important, that's a crop. He says, if the land is capable of growing trees and fiber, that's a renewable resource. Chairman Drake says, it is aesthetically pleasing to a rural area. He says, it promotes the wildlife, it cleans the air. He says, it cleans and filters the water. He says, it's a reason, there's a reason our forefathers cleared the parcels that are clear today. He says, you've got to remember now when this area was discovered and we are going back a long ways back in our history. He says, this was all wooded area, this was all wooded, it was just a forest land. He says, it wasn't fields out there automatically, all this land has been cleared. He says, it was cleared for a reason, it was cleared to produce crops and the reason this area was not cleared was because they were better suited for growing trees.

Chairman Drake says, so there's a reason that our fields are so odd-shaped because if you go to the edge of the field, there's usually a drop off. He says, you are getting in to the edge of a marginal area or wetland or whatever, but there's a reason the fields are shaped the way they are, just like roads, you know. He says, I don't know how people pay attention to the highways, generally, generally the highways are, you know, going between the crest of the runs and the creeks. He says, now I know at some point, you've got cross over but to me, the wooded land is just as important. He says, I'm not in favor of allowing solar for someone to go up and clear, you're going to clear the woods and develop solar on it. He says, are you kidding? He says, I mean, you need to, for you all to have not experienced the Newsoms-Boykins project, you need to come over and see. He says, you can't just do it riding by one time but to see a deer run up to that fence and can't cross-over. He says, know my wife, my son, we see it all the time. He says, they'll come across the road and run right up to that chain link fence like, oh my gosh, I can't go any further and they don't know what to do. He says, so then they are out in the middle of 671, you know.

Chairman Drake says, you know, it's very disruptive to the wildlife. He says, now I'm not a hunter but I do enjoy the animals. He says, you know, I enjoy the wildlife, I enjoy taking a walk through the woods. He says, but I think anybody that owns land in this room tonight, the trees are just another crop and in the meantime, those maturing, you know, the wildlife and the hunters get to enjoy it, get to enjoy that. He says, it takes twenty or twenty-five years to produce that timber. He says, the truth of the matter is, I'm doing more talking than I thought, I'm going to get to coughing in a minute. Vice-Chairman Randall says, that's ok. Chairman Drake says, the truth of the matter is, you know I've gone back and read... Vice-Chairman Randall says, that's why you are sitting back there tonight I think.

Chairman Drake says, I've read through this a couple of times and I've noticed the changes. He says, I've noticed the megawatts and the land masses and you know, it's all been increased from the original ordinance. Chairman Drake says, I don't like any of it. He says, I'm going to be honest with you. He says,

I just like those numbers being inserted because it's all been inflated and you know, we've already took in fourteen hundred acres of mostly prime farmland in Newsoms and Boykins and I've seen, I've seen how disruptive it's caused our community. He says, for one reason or another. He says, and the monies, you know, those few landowners, a lot of that money is out of state. He says, it's not ever here local, it's not being spent here. He says, it's not doing anything as far as I'm concerned for us. He says, as far as I'm concerned with this whole solar issue is, you know that lady that came to our workshop. He says, do you all remember the lady that came from Dominion Power and she stood up, she said, look, if you all don't want it, you don't have to accept it, it will go somewhere else. Dr. Edwards says, that is exactly what she said.

Chairman Drake says, and I had thought about that, I said, you know, that's a pretty abrupt statement from Dominion. He says, but you know, that's true and now I'm seeing this cap and Mr. Foster brought that to our attention last meeting. He says, I didn't realize we could put a cap on it, I didn't know. He says, to me, I thought it was being very restrictive, I was trying to bend the rules a little bit but find places that we maybe could put solar and everybody would be happy. He says, but people that call me and associate me, I don't know if you all get calls or contacts but I do have several people, they just don't want it. He says and we got a taste of it in Newsoms. He says, I think it is mentioned here we can have another solar project within a mile. He says, are you kidding? He says, wait for the public hearing and my people are going to be over here. He says, they just don't want it ten miles of Newsoms, another one. He says, believe me, we don't want another one, we got enough of solar, we are done with it. He says, so we can cap it, I say cap it at fourteen hundred acres, which we already have it. He says, we've got some, we got one of the first ones in Virginia so our supervisor said a few years ago. He says, we started it, let's cap it at fourteen hundred acres and just move forward. Mr. Day says, fourteen additional acres? Chairman Drake says, no, fourteen. He says, we've got it, we've already got our project. He says, we are doing our solar thing and if we need to come back and review it in a few years, we will come back and review it then. He says, but just think, we just tossed this thing in circles, it's not pleasing anybody but my people just don't, they don't want another one. He says, believe me, within a mile. He says, we just don't want another one on the south side of 58 as far as I'm concerned.

Mr. Mann says, and to piggyback on that, how big is that project that was proposed over around Ivor? Mrs. Lewis says, that was about the same size. Mr. Mann says, ok, I was thinking it involved more acres than the acres they are talking. Mr. Day says, a thousand acres.

Mr. Mann says, ok, and I just sent a text to a friend of mine that's from Charlotte County and the acres they are talking about proposing up there is, makes a thousand acres look small. He says, and when I hear that, it shows me what kind of stewards that the solar energy is. He says, they will take whatever they can get and Charlotte County is just getting wrapped up with people signing over their rights to the property. He says, and as far as, Pete Barham used to say that we are just the caretakers, we don't own this property, we are the caretakers for the next generation. He says, if we allow an industry to just come in and rape a county, shame on it and that's where we are headed in and Charlotte County is right in this state and it's not but two hours away from us. He says, so as long as we give it somebody will take it and forty years down the road, I've got three grandchildren right now and I do not want to have to depend on food coming across the ocean to feed my grandchildren because if you think food is not safe now, Lord help us in forty years.

Mr. Mann says, you know, we got so many places, you know, something I didn't even bring up, if we are going to do solar facilities then we should just do like the housing industry too. He says we have proffers and we've got the tax thing that's proposed but if we are going to give up a thousand acres of land, then we ought to have five thousand houses in the county that the solar industry pays to put the solar panels on top of that house and we are not dependent upon the grid. He says, so when the grid goes down, those five thousand houses have energy, at least during the daylight hours. He says, we are not even addressing that but I don't know, we've got brownfields, you can Google it, look at in Europe and when we had this last

solar industry, this solar company came before us and we mentioned brownfield solar, the guy stood right there, looked us in the eye, told us he didn't know what that was. He says, in fact, he stood right there and told us a lot of things he didn't know what it was and he really put a bad taste in my mouth. He says, and then to hear what they are doing in Charlotte County, it hasn't stopped. He says, it's like as long as we can move into a county and catch them off guard, let's stick it to them and I'm just, I just, I can get upset about it. He says, but I'm trying to be objective as well, but anyhow.

Mr. Day says, one question I've got is, across the state of Virginia, across the nation, what percent of solar panels and batteries are made in China versus US produced. Mr. Foster says, I don't know the exact percentage, I can find out for you. Mr. Day says, ninety percent? Mr. Foster says, I wouldn't be surprised if it was ninety percent. He says, First Solar is one you may have heard of who's based in Ohio and they assemble and manufacture all of theirs in the states. He says, they are kind of the star of the solar energy right now because they are domestic. He says, but you are exactly right, right now for the most part, they are all imported. Mr. Day says, I would have a more different perspective if it was produced in the US. He says, I would have a little bit more, maybe we will try it here. He says, I'm not a fan of supporting Chinese government and I'm not there and I can't get there.

Mr. Foster says, and a number of them are manufactured in China but also the South East Asian countries. He says, but if you all don't mind, this might be some helpful content too. He says, because you brought up Charlotte and we are working on that big project, so. He says, I don't know the specific numbers on it but I kind of wanted to contextualize. He says, because you all have pulled the six hundred megawatts number in so you guys are making a land use call and you are saying, ok, what's the value proposition of this land use relative to its detractors so I kind of wanted to go through what solar means today, 2021, for local government revenue and what it can mean, possibly mean to the bottom line.

Mr. Foster says, so there is three primary buckets where solar generates local government revenue, real estate taxes, that's just largely derived by the change in use so land that's zoned for solar is usually assessed at about ten to twelve thousand dollars per acre so you all know what your land is currently accessed for, particularly if it's in land use, so that results in a big bump. He says, there are three, what I call statutory streams of revenue related to solar. He says, so one is solar revenue share which is fourteen hundred dollars per megawatt of rated name plated capacity which means the label on the facility that says this facility can produce one hundred megawatts, you pay a tax based on that production every year and that's fourteen hundred but it's set to increase every five years by ten percent every five years beginning in 2026. He says, that's a years and time increase, so it's not like if you build a project it goes up ten percent in five years, it goes up ten percent in five percent increments, starting 2026, from there forward. He says, we refer to that as a capacity tax because it's a tax on the productive capacity of the project. He says, that stream of revenue is not factored into your local composite index for school funding meaning its revenue that comes to you without that off-setting factor of causing the state to view you as more able to pay for local schools. He says, so that's a major feather in the cap of solar revenue share.

Dr. Edwards says, you know to me, this tax stuff, you are just trading the land for money, ok, and you have to decide which you want. He says, I agree with Mr. Mann, you know, I just can't see this. He says, you can talk about taxes all you want but the bottom line is, are you willing to trade the land for money, ok. He says, that's the bottom line, everybody needs to understand that. He says, and you know, the people are going to come in here and bring this stuff in here, are going to put it in, make their money and get out, whatever, and go back to their homes ok. He says, now one hundred fifty years ago, they called them carpetbaggers. He says, I put them in the same category.

Vice-Chairman Randall says, alright, I'm going to jump in here to try to get a laser focus. He says, we have a job from the Board of Supervisors to get this ordinance done. He says, I think we've got a good core to start with and tonight, we've talked about philosophy, ok of our, I guess philosophical views. He says, I think we need to get this to the Board of Supervisors, whatever it's going to be, whether it's capped at

fourteen hundred or it's less restrictive, ok. He says, so I would recommend that we put this on our agenda and this is nine pages. He says, I would say that three months, because there is a lot to this, I would suggest we do three pages a meeting and we get it done. He says, on the third month and we present it after the third meeting from today and we present it to the Board of Supervisors as our final product. He says, because we need to get this to them, we need to stop talking philosophy and start putting whatever it is that we want that we can agree upon. He says, and maybe we don't agree but the majority rules, and we get this to the Board of Supervisors, to us appointed officials, to the politicians, to the people that make the big bucks. Dr. Edwards says, I agree with that, what I envision is the best thing to do is take each section and top it off in a month.

Vice-Chairman Randall says, can you put that on there, on the agenda, it's basically pages one through three, three pages each, the next three meetings. He says, we need to submit it and hold ourselves accountable and get it done in our next three meetings. He says, can we commit to that. He says, I think that's a reasonable time line, it's three pages a night and we can do our pen and ink changes, submit them and that way, we can kind of review it and I would ask everyone too, you know, some homework. He says, get your pen and ink of what you want so we are not looking for language and lets come with specific, you know, suggestions and you know, we can discuss it, I'm not saying we can't discuss it but the philosophical stuff, I think this body is in fair agreement of what we want to do but we've got to take our concepts and put them specifically into writing. He says, so I would just ask everyone here to do some homework on the three pages in advance and come up with some language that meets your philosophy, because Mr. Chesson isn't here tonight so I'm going to pick on him, because he's a philosophical, I think he majored in it, philosophy, I think he was on top of a mountain top at some point. He says, but we don't need to talk about it for thirty minutes of four or five sentences. He says, we need to put it down and vote on it and make a decision, ok.

Dr. Edwards says, I can say this from the Board's point of view, you are exactly right. He says, that's what we envisioned and everybody do their homework and everybody get here. He says, this is one night a month. He says, unless you are in the hospital or you are dead, make some plans to get in here and represent your district. He says, that's how important this is, it might be one of the most important things that this Planning Commission does. He says, we've got forty percent of the Board here tonight and I think they will agree with me that's what we need to do.

Vice-Chairman Randall says, so is everybody in agreement and I just, because I think they are looking for something and you know we are going to give our vision to them and then you know, they will probably have some changes too. He says, but I think we've got to get pen to paper and whatever it is, but I think this Board has, I think we are eighty percent, I don't think we have any, you know, far left. He says, I think we are all fairly central in what, we all want to protect agricultural land. He says, it's just how we do it, we've got some different ideas but if we come ready with specific changes, we can, you know, go down the line, boom, boom, boom, discuss it, agree to some language because we need to be more procedural in some of the substance, you know, I think we could have done, not all of it. He says, but I'm saying eighty percent just so we can throw it out there and we can kind of just go down it, boom, boom, boom.

Mrs. Allston says, we have a lot of information we've been given over the past two years. She says, I went back and pulled the report and some other things. She says, at this point, I think, if we went through it point by point in three pages is objective and gets us to where we need to be but.... Vice-Chairman Randall says, the general standards are certainly going to be more discussion than setbacks. He says, you know, we don't need to waste two hours on setbacks. Mrs. Allston says, my concern and my thought is that we do not need to forget what was discussed tonight because I think that is like a dome over the rest of this. Vice-Chairman Randall says, sure. Mrs. Allston says, that we have that in our mind that this is an agricultural county and that we protect our land so I don't want us to forget that and if that can be clearly stated as a tenant in our overall discussion, I think we need to keep that focus.

Vice-Chairman Randall says, I think our overall, and I'm just going to try and summarize because we've been here for a while, is that on number four, on number two, we are somewhere between one mile and ten miles and I'm drawing that from Mr. Drake, and I just said one because that stuck in my head from our ordinance. Mr. Turner says, that's what we discussed before.

Vice-Chairman Randall says, I certainly wasn't trying to be disrespectful to any of the Newsoms residents. He says, I was just referring to what we discussed before and I understand the sentiment because I've given my comments on that project it's not positive for me because they couldn't cut the grass, couldn't do basics. He says, but I don't want to get bogged down in that and then I think number four, we've pretty much decided that we want to not use the map, we want to see the map but, you know, agricultural land in production, so a very general instead of a specific and then we would consider percentage, I'm just reading my notes, or other alternatives. He says, and Mr. Drake has made his position clear so I think when we come back, do page one through three, we will discuss that and make a decision of whether it's restricted at fourteen hundred or there's a percentage of the agricultural farmland. He says, I think that's our specific where we are at from the discussion. Dr. Edwards says, the other thing that concerns me, Mr. Chairman is, we are not deciding on protecting our farmland. He says, the byproduct of protecting our farmland is protecting our way of life and I think all of us love what we have so, by protecting the land we do that also.

Vice-Chairman Randall says, alright, so we have a schedule so we are going to stick to our schedule. He says, we are going to hold ourselves accountable and in four months, we should have a proposal for the Board of Supervisor's review. He says, do we all agree to that. Mrs. Lewis says, so those first three pages, which you will discuss next month are a cap. She says, if you are going to have a cap of some sort, how you are going to determine where it's going to be, whether in agricultural production or some percentage of that and the only, the larger thing in those three pages is discussion of the buffers. Vice-Chairman Randall says, ok and can you make sure you put this in our proposal. He says, I mean in our package so we have them and can take notes against. Mrs. Lewis says, yes.

Chairman Drake says, Mrs. Lewis, I'll let you bring us up to the point where we're at and we will go through the worksheet. Mrs. Lewis says, ok, I didn't know if this would be helpful to you. She says, this is kind of the way I think, to have a place to write while you think. She says, use it if you want. She says, I'll make it look different if it's not useful or not at all. Mrs. Lewis says, last month you said you wanted to talk about the first three pages of the ordinance so that's what this worksheet does. She says, it turns it into nine pages because there's spaces to scribble, but it asks some question. She says, you also have a series of maps. She says, you have a map that shows farmland of statewide importance, that's the first map. She says, the second map is prime farmland. Mr. Day says, and that's the big difference. Mrs. Lewis says, yes that's a big difference. She says, the third map is prime farmland if drained and the fourth map is not prime farmland. She says, the green is not prime farmland. She says, if you look at the tan, the underlying part, that's all prime farmland. She says, and you have a map that shows where all the Voluntary Agricultural and Forestry districts are. Mrs. Lewis says, and then the GIS Company was able to take the Commissioner of Revenue's list of all the properties that are in the land use program, that's this set of papers, and he turned them in to a map of everything that is in the land use program, that is in green.

Mrs. Lewis says, now that there's no income requirements, there may be some parcels of property that are in the land use program that are not especially income producing. She says, and there may be some parcels of property that are in agriculture and forestry use that are not in the land use program. She says, but these are the properties that are in land use so if you are looking for a measure of lands to exclude from potential solar. She says, I don't know if you want to use any of these but you have all the information. Chairman Drake says, we thank you for compiling for us.

Mrs. Lewis says, so if we start with the worksheet where it talked about the purpose and intent, the purpose and intent, the way this is written, to me, says that you are facilitating commercial installation and I don't know if you want the purpose and intent to say that Southampton County's purpose and intent is agriculture and forestry and the purpose of this ordinance is to make space for some utility scale solar. She says, I don't know if you want the focus to change. She says, then you go down to, on district regulations, how you are going to measure.

Chairman Drake says, excuse me, let's have a little discussion as we go forward. He says, so you know, with the purpose and intent, if we are going to enter this in the ordinance, you know, how do we want to word it. He says, is it to, is it direct enough? He says, I actually, personally like your last statement, the purpose and intent is to protect active viable farmland while permitting, if it has to be a solar project in a limited area. He says, but we need to protect the active viable farmland and forest land, and forest land.

Mrs. Lewis says, and that may be the purpose and intent of... Vice-Chairman Randall says, say that again, we need to write that down. Mrs. Lewis says, it is under questions. She says, it is the last sentence under questions. Chairman Drake says, but we need to add.... Vice-Chairman Randall says, you added some stuff. Chairman Drake says, you need to add to forestland, forested land. Mrs. Lewis says, viable farm and forest land. Vice-Chairman Randall says, limited. Mrs. Lewis says, right. Vice-Chairman Randall says, the way you worded it was good. Chairman Drake says, well, it was pretty much the way she had it written. He says, I just added forested land.

Chairman Drake says, now any other discussion. He says, that was my opinion, any other discussion. Vice-Chairman Randall says, I agree. Dr. Edwards says, that's a good point. Chairman Drake says, now we proceed on.

Mrs. Lewis says, the next talks about you are going to measure it and how you are going to limit it. She says, do you want to say that you are going to start measuring at twenty megawatts, that kind of excludes the little three to five megawatt ones. She says, do you want an overall maximum one hundred fifty

megawatts of project. She says, do you want to have no more than six hundred megawatts in the county, say one or two percent of the county's acres. Mrs. Lewis says, Southampton County is three hundred eight-five thousand five hundred eight acres, one percent of that is three thousand eight hundred fifty-five acres and Southampton Solar is one thousand seventeen acres. She says, so if you said one percent, if you limit to one percent, that would be two more Southampton Solars, maybe not all in one big piece but another you know, two hundred megawatts or another two thousand acres of solar. She says, if you want to do it that way.

Vice-Chairman Randall says, Mr. Railey, one percent is pretty restrictive but I think that would pass constitutional muster. He says, what's your take? Mr. Railey says, I'm willing to try it. Vice-Chairman Randall says, I'm willing to try it too.

Chairman Drake says, and another thing is you know, if you, if, and I'm talking ok, it is just my opinion. He says, if we are going to be more restrictive on the prime farmland.... Vice-Chairman Randall says, this is how you do it. Chairman Drake says, because you get to a point if you allow, you allow more capacity than what we have suitable areas presented, we could be challenged with that, so. Vice-Chairman Randall says, we've talked about that so I think the Board is, so I think we go with the one percent and I think there's other localities actually going with the one percent. He says, so I think that would be permissible. Mr. Day says, are we already at half of that right now with what we've got? Mr. Turner says, not quite but we are close. Mr. Chesson says, you got eight thousand eight hundred thirty-eight acres left.

Mr. Day says, do we have a person that will be designated in the county to look out for solar facilities or would that be you? Mrs. Lewis says, we have a very lean staff in Southampton County so we all wear lot of hats. Vice-Chairman Randall says, I think we should do one percent, I think that's the most restrictive that we can do. Chairman Drake says, that's the least I've seen is one percent, I haven't seen.... Dr. Edwards says, if you go under that, you are going to leave yourself open. Chairman Drake says, correct. Vice-Chairman Randall says, so I think we should go with one percent. Vice-Chairman Randall says, does everybody agree with that? Mr. Tennessee says, yes. Vice-Chairman Randall says, ok. Chairman Drake says, one percent.

Mrs. Lewis says, ok, now on the second page of the notes, do you want to continue to remain in the M-1 district with a conditional use permit or do you think that just a conditional use permit is strong enough? She says, do you want to say, in any zoning district with a conditional use permit? Vice-Chairman Randall says, can I ask Mr. Railey a question. He says, if we, because we are already restricting it to one percent, if we do the M-1 and not any, could we get ourselves in trouble from a constitutional perspective? He says, in your opinion, would you recommend, because we still need the conditional use permit but should we allow A-1 or M-1 or just A-1 because we've already restricted it to one percent?

Chairman Drake says, and Mr. Railey, I'm going to ask you before you answer, I'm politely interjecting, the Southampton Solar project in the Newsoms-Boykins, we did rezone that to M-1, is that correct? Dr. Edwards says, M-2. Mrs. Lewis says, it was M-2 then. Chairman Drake says, it was M-2 then. Mrs. Lewis says, at that point before we had the current solar ordinance, the only zoning district that permitted solar generation was the M-2 district. Chairman Drake says, M-2. He says, my question is, my comment, do we need to follow suit to keep it the same? Mr. Railey says, I think so. He says, I think you need as many tools as you can get to accomplish what you are after. He says, it's not, the whole idea is consistent with agricultural land is to put a solar on it. Vice-Chairman Randall says, correct. Mr. Railey says, that's not farming, that's an industry. Vice-Chairman Randall says, correct.

Mr. Railey says, so consequently, it ought to be rezoned that way. He says, now out of this, you can accomplish a whole lot or maybe everything you want in a conditional use but still I would like you to have both. Vice-Chairman Randall says, and I'm asking the question, I just want to make sure. Mr. Railey says, I agree with you. Mr. Randall says, I'm with you that if we are right, there is a line we make sure we don't

invite unneeded litigation because those drums are already beating. He says, I think it is fairly apparent but I, if Mr. Railey gives the green light, I'm fine with leaving it like this. He says, I just want to hear him say it. Mr. Railey says, you've got the green light.

Mr. Day says, can I ask a question? Chairman Drake says, yes sir. Mr. Day says, going back up top, are we just going to say one percent no matter what size they are or are we going to restrict the size to twenty megawatts or what? Mrs. Lewis says, that was my question too. Mr. Day says, or are we going to have a bunch of three, five, ten megawatt facilities out here or are we going to restrict to twenty and bigger? He says, in my opinion, I think we ought to do the bigger, if we are going to do them, do the bigger ones and not the threes and fives. Mr. Chesson says, the three and the five hide better. Vice-Chairman Randall says, have we had any three and five? Mr. Day says, we have two. Mrs. Lewis says, the one on Flaggy Run Road is five. Vice-Chairman Randall says, ok. Mr. Turner says, the Boykins one that got pulled, how big was that? Mrs. Lewis says, that was five megawatts as well. Mr. Turner says, ok.

Mrs. Lewis says, on one hand, the small ones, the three to five megawatt ones are thirty to fifty acres. She says, they are less intrusive, you know, they can fit more places. Mr. Day says, can the three to five megawatt feed back into the grid, Mr. Tennessee? Mr. Tennessee says, yes. Mr. Day says, they can? Mr. Tennessee says, yes. Vice-Chairman Randall says, what do you think about that Mr. Railey?

Mrs. Lewis says, the gentleman that was here that spoke, he said that the one that was just outside Boykins, it was a fault further down the line, that small facility could serve Boykins, is that accurate? Mr. Tennessee says, I do believe so. He says, so those might be useful to have some of this smaller size ones near the incorporated towns for the more populated areas like Sedley. Chairman Drake says, but for that to happen though, there has got to be a substation. Mr. Tennessee says, in the area. Chairman Drake says, plus.... Mr. Tennessee says, and that's why the areas they've chosen are close to substations because if there is not a substation, they can't get it to the grid. Chairman Drake says, and plus, until we have batteries, they can't do nothing at night, correct? Mr. Tennessee says, correct. Chairman Drake says, until they have the batteries. Mr. Tennessee says, until they get batteries.

Vice-Chairman Randall says, can I ask Mr. Railey a question? He says, so do you think we are pushing our luck a little bit in restricting the size or no? He says, you think going to twenty will be overly restrictive? Vice-Chairman Randall says, that kind of answers my question, with your silence. Mr. Railey says, it's not an absolute yes or no question. Chairman Drake says, we are getting close though? Mr. Railey says, yes, you are getting close. Mr. Tennessee says, if we think we are ok with the three and five, then I would say just restrict the large, here it says one hundred fifty. He says, I would say we keep it at one hundred because that's the largest one we got currently, He says, I wouldn't want to put anything bigger than that so that's enough under that one percent, even if it's one hundred or less, until they use that one percent up. Dr. Edwards says, on the other hand, the bigger they go, the least they are to bother the rest of the county or some part of it. Mrs. Lewis says, right. Chairman Drake says, then my concern is, I want to enforce, like I say, personally I want to say, that mile in the corporate limits. He says, I don't want to see that small site because at some point, it's going to be developed around it, at some point as the pressure keeps coming our way.

Dr. Edwards says, the other thing is, you are right about that and they won't be able to build there so they will be coming out in farmland and forest land to build. He says, you are right about that concept. He says, if you let, if you get too close to the townships, for the natural things to build but if you have these things there, they can't. He says, so what are they going to do? He says, they go out in the farmland, out in the forest. He says, the way to keep them there is, you are right, keep that area preserved so they can't expand. Dr. Edwards says, and we also used that as a so-called argumentative point with one of the other projects in the Courtland area. He says, I'm just trying to follow suit, I'm not going to do too much changing. Mrs. Lewis says, and also in the incorporated, there is often municipal water and sewer available so there are services that wouldn't be used if it was developed with a solar installation.

Chairman Drake says, but I agree with Mr. Tennessee, the Newsoms-Boykins project is one hundred megawatts and if you all haven't seen that, you need to ride over and take a look at it. He says, most of it, you can see from the highway, there are a couple pods back off the road. He says, it encompasses a lot of land, it is a lot, it is a lot in that general area. He says, so I don't even want to see a one hundred fifty megawatt project in a certain locality, that would really be overwhelming, I think. Mrs. Lewis says, do you want to keep maximum of one hundred megawatts per project? Mr. Tennessee says, yes, that's what I think. Mrs. Lewis says, ok. Vice-Chairman Randall says, sounds good.

Mr. Chesson says, and do we need to put area in parenthesis to let the reader know that two projects maximum side-by-side is not what we are looking for? Mrs. Lewis says, right, do we want to put distance between them? Chairman Drake says, yes. Mr. Chesson says, and then how would you regulate it? Mr. Railey says, only thing that troubles me about that if you say once you have one, you can't build another one for ten miles, then you are telling me it's alright on your farm but I can't get it on mine. Chairman Drake says, that's restrictive. Mr. Chesson says, that's what we're doing to the whole county with this ordinance.

Mr. Tennessee says, the best one that I've seen, if you get a chance to ride through Emporia on Dry Bread Road, it's the Elliott Sadler Solar Farm. He says, and that's in a cutover and in a few more years, you won't even know that solar farm is over there. He says, that's a very nice one and that's one hundred megawatts, that's one of the nicest ones I've seen. He says, you can see some of the panels now but when they went and put it, they left enough growth to almost cover it up now. He says, you can't hardly see it. He says, in a couple of years, you won't even know it was there. Chairman Drake says, so it is natural? Mr. Tennessee says, yes. Chairman Drake says, it's a natural screen? Mr. Tennessee says, yes, left a ten to fifteen foot buffer, natural trees and all way around that thing, that's one of the best looking one's I've seen.

Mrs. Lewis says, so do you want to say they need to be so far apart or not? Vice-Chairman Randall says, I wouldn't do that. Chairman Drake says, I don't want to be challenged. Mrs. Lewis says, do you want to have the minimum twenty megawatts or do you want the three and five megawatt ones? Mr. Day says, how many acres approximately would be a twenty megawatt? Mrs. Lewis says, well, five megawatts is about forty acres, so. Mr. Railey says, I think they ought to be, that's policy, but I think they ought to be. Vice-Chairman Randall says, I think so. He says, and that makes it overall consistent. He says, if you believe in the process, you ought to believe in doing it. Mr. Turner says, we are basically saying we will entertain five to one hundred, that's the limit we are saying right now. Vice-Chairman Randall says, correct. Mr. Turner says, ok.

Mrs. Lewis says, do you want to do a distance from the incorporated places? Mr. Turner says, I think that mile buffer we talked about. Mr. Tennessee says, yes. Vice-Chairman Randall says, other localities have that, I think that's safe.

Mrs. Lewis says, do you want to use, when you go to the page labeled 15-3, it's the third page of your worksheet. She says, it talks about the project shall not be located on property designated as farmland of statewide importance, do you want to use any of those maps, do you want to use any of those things? Vice-Chairman Randall says, doesn't the one percent kind of handle that? Mrs. Lewis says, ok.

Chairman Drake says, you know, I don't mean to get so technical but I think it was mentioned last month at the meeting that we've got to state the land type that we are trying to protect. He says, it was mentioned about having a variance or percentage. He says, my position is zero tolerance on that tract, you got, instead of using a field, it's per, you've got to have some parameter to designate it to. He says, it would be a tract number correct? He says, that's my feelings. He says, if that prime land is in the tract, well it's a no go, that's my thoughts. He says, I welcome y'alls comments. Vice-Chairman Randall says, I think the one percent because we were kind of sold last time, you know with that map. He says, the prime, we were

thinking that, it would be a huge acreage and it wasn't. He says, it was kind of like smoke and mirrors. He says, I think we are being very specific at one percent. He says, we know that there is some certain that's left.

Mr. Tennessee says, then taking into consideration that the one percent, we are already a third into that. He says, only two thirds of that one percent is left. He says, I think like Jack said.... Vice-Chairman Randall says, I think that's almost over, choose my words very carefully on the record here, that's our most politically aggressive maneuver. He says, we decided it so we don't need to beat a dead horse, does that make sense? Mrs. Lewis says, it's very measurable. She says, there's this many acres in the county and one percent can be used for solar installation.

Chairman Drake says, so you are saying you can use one percent of any of the farm lands, is that correct? Mr. Tennessee says, county, as a total, only one percent of, Mrs. Lewis gave the number. He says, they have already used a third of that with the project in Newsoms. Dr. Edwards says, three hundred eighty six thousand. Mr. Tennessee says, so, it's only a certain amount. Chairman Drake says, but it could be on prime farm land, is that correct? It could be on prime farm land. Vice-Chairman Randall says, because we are doing the one percent.

Dr. Edwards says, but on the other hand, it is most likely to be on prime farm land, that's likely to be sold as farm land that's not productive, correct? Vice-Chairman Randall says, its buyer caveat emptor. He says, I mean, buyer whatever he wants to do and wherever he can get it. Mrs. Lewis says, between the one percent and a mile from the incorporated places, you have kind of pushed it to certain areas.

Mrs. Lewis says, ok, then we go to the page labeled 15-4, it talks about number 2, the substations or connector stations shall be setback at least five hundred feet and inverters and transformers at least two hundred fee from existing dwellings, churches, schools and public right-of-way. She says, do you want that? She says, that's not for the panels themselves, that is the workings of it, the mechanics of it. She says, do you want them to have those setbacks? She says, today's ordinance doesn't have those setbacks but Caroline County did have those setbacks.

Vice-Chairman Randall says, I mean, I think that's beneficial, right? He says, there is nothing detrimental to that, it is beneficial. He says, I would say yes. Mr. Chesson says, is there anything we could put in here to govern, I guess we are thinking about aesthetics and these structures that they are putting up. He says, if they were all fluorescent orange, would it make it look less appealing? He says, so if the answer to that question is yes, then should we not consider putting something that would dictate the color?

Mrs. Lewis says, Mr. Tennessee, would that ever in the world ever happen? Mr. Tennessee says, not that I know of. He says, I've never seen it any other color than the galvanized steel that you see out there, but that don't mean that they don't exist. Vice-Chairman Randall says, I mean the conditional use permit, that's the whole point, right? He says, I mean, we can ask, I guess you can ask for color in your conditional use permit. He says, it is kind of like a case-by-case. Mr. Tennessee says, the inverter boxes are kind of a beige color, they look like they.... Mr. Chesson says, they are today Mr. Tennessee says, you might see them green or army green or something like that sometimes.

Mrs. Lewis says, but when you, when you get to landscaping and buffering, so perhaps when you get to those last pages that talk about landscaping and buffering and leaving the existing vegetation. Chairman Drake says, like Mr. Tennessee was speaking about, that may help a lot, hopefully alleviate some concerns about what can be seen. He says, also I know the setbacks are pretty standard for what's allowed in an M-1 district but in a case, cases where the homeowner doesn't own the property and he or she is affected with the solar installation being so close to their property, is there anything , you know, the homeowner that builds next to the project, he pretty much governs what he is doing but I do have the greatest respect for the ones that have come out here and built their dream home and maybe didn't buy enough frontage or

beside the lot or whatever and then that was a major issue in the Newsoms-Boykins area about it being so intrusive to their property line.

Chairman Drake says, now I know it is a setback and it's a place for the shrubbery and flowers and whatever they plan and then the fence, you know, but that seems to be, that was the big issue and I know when I went to the Ivor, it was a presentation that a group there gave, the locals there, and when I came out, that seemed to be a big issue with the homeowners that were not participating but they were concerned about the visual and that type of thing. He says, anything we could do, I listened to Mr. Tennessee, you know, there is something to say about the natural vegetation and I made this remark before, in going to one of the farms I tend at Newsoms, when I come out to the intersection and see the shrubs, and it's shrubs and dwarf trees and landscaping. He says, you know, that little corner, but it looks like you are going into a golf course or subdivision, it doesn't really match, you know, the aesthetics of the rural Southampton. He says, I wish if they were built, I wish they could all be kind of in the back forty and not along the highway or around, especially somebody's house. He says, I just have a sentiment because I wouldn't want them around my house. Mrs. Lewis says, well then maybe when you talk about buffers, you want to have at least a one hundred foot buffer along the property line that abuts a school, church or residence. She says, and this ordinance encourages leaving the existing vegetation and supplementing it if it is not opaque enough but leaving the existing. She says, if you leave a fifty or one hundred foot natural buffer, that's going to be, you know....

Vice-Chairman Randall says, we are on setbacks right now, right? Mrs. Lewis says, yes. Vice-Chairman Randall says, ok, let's talk about setbacks. He says, this is something I talked about. He says, we've got to stay on focus so when we get to that, we can talk about one hundred foot. He says, so anything else on setbacks? He says, is that everything, Mrs. Lewis? Mrs. Lewis says, yes, and that's for equipment and not the panels themselves. She says, and if you talk about the setback for the panels, that's on page 15-6 and that talks about, asks what you want for the setbacks. She says, only fifty feet from the side property lines but only if it abuts a residential zoning district. She says, there are residences but there aren't residentially zoned land. She says, perhaps, you want to say, your setbacks are one hundred feet from an existing residence, church or school.

Vice-Chairman Randall says, take any of the districts and residents, churches, schools. He says that will solve it right? He says, let's do that. Mrs. Lewis says, and you want to encourage that they leave the existing vegetation as they can, that's what this ordinance says. She says, it also says, any planting they have to do, they have to do it while they are still under construction in the first growing season while they are still under construction, not at the end so that it has nine months or a year to grow before they are done. She says, you want to leave that, do you want that? Vice-Chairman Randall says, yes.

Mr. Day says, can we also say that they will be free of fire ants? Mrs. Lewis says, it talks about certifying nursery stock. Mr. Day says, I would say add that certified nursery stock. Mrs. Lewis says, and would that solve the problem, Mr. Turner? Mr. Turner says, it should, it should.

Mrs. Lewis says, ok, see we needed you a couple years ago. She says, and this talks about them having to put up a bond for their landscaping, fifty percent of the cost of installation and then it goes down to thirty percent, then it goes down, goes away after three years or something, down to fifteen percent. She says, that seems to me to be a lot of paperwork.

Chairman Drake says, and if we are doing natural buffers like they were talking about, how much landscaping plan are we going to be doing. She says, we are trying to leave the natural vegetation around the perimeter. She says, but I guess if it is farmland, we got to put something, obviously to give it privacy. Mrs. Lewis says, and with Southampton Solar, they have put up a fifty thousand dollar landscaping bond to be in place for the life of the project and that's to take care of the dead vegetation, tall grass. She says, it says, if the neighbors complain about the glare from their equipment and they don't do anything about it,

the county will use.... Vice-Chairman Randall says, I think there's no detriment to that, I think we just keep the fifty thousand dollar bond. He says, that can't hurt us in anyway. Mrs. Lewis says, that's your first three pages of the ordinance.

Chairman Drake says, the worksheet was great. He says, I've got one other point I want to bring up and I don't remember if this was done with the Southampton Solar project or not but was there a schematics map. He says, was that given to the county with all the underground burial of all the cabling. He says, are you aware, any kind of, not really inventory but where it's located at. Mrs. Lewis says, I think there was a general, like the collector lines or whatever but I don't think all the underground. She says, the solar plan showed where all the panels were going to be when it got to be to the site plan stage but I don't know how much of the construction plans included every buried wire. Chairman Drake says, the reason I mention it was because in the decommissioning plan it talked about everything had to be removed but thirty years from now, a lot of people going to be coming and going or gone and they are going to have to know where those lines are located at. He says, is that asking too much, you think? Mrs. Lewis says, I'd have to look at those construction plans to see exactly how much of that was included. She says, that is a good point.

Chairman Drake says, the thig about it is with that project, with those pods, you know, they went across tracts of land. Mrs. Lewis says, but these are all showing... Chairman Drake says, they are showing, they were right-of-ways purchases and easements. Mrs. Lewis says, there are easements and all those are showing. Chairman Drake says, ok, in the middle of where the panels are. Mrs. Lewis I don't know that every wire is showing but the ordinance only requires that you remove down to three feet below ground. She says, after thirty years, it might be deeper than three feet so you probably don't want to say only the top three feet you have to remove. Chairman Drake says, ok, alright, I think we pretty much got that part covered. Mrs. Lewis says, yes.

Chairman Drake says, I think it was good. He says, we made some determinant answers and maybe you can, I hate to ask, but can you reprint for the ones that were not here tonight? He says, we can all review it before the next meeting and then we will take on. Mrs. Lewis says, I have a worksheet almost done. Chairman Drake says, the worksheet is great. He says, that give us the pinpoint of what we need to be looking at. Mrs. Lewis says, ok.

Chairman Drake says, any other comments on how were are proceeding. He says, we are going to knock it on out. He says, we've had so many times we've talked but....

Mr. Tennessee says, keeps us from chasing rabbits.

Chairman Drake says, we are getting there, we are trying to be precise and productive. He says, the way it looks, we hope to send this to the Board by May, April or May, we will probably be able to send this to the Board.

Mrs. Lewis says, well you will do pages in January and February and then in March, you will look at the whole. She says, in January, you will look as you go along but in March, you should have it altogether and you can have a public hearing.

Chairman Drake says, it's unanimous. Thank you, now we'll move down to item number five, Unfinished Business, which is continued discussion of the utility solar amendments. We certainly thank Mrs. Lewis for bringing us up to date from the December meeting where we're at and how we can proceed forward. She requested that we go back and review her interpretation of what we have gotten to this point. Do you all have any questions about that part, what we have reviewed before we go further into the chapter?

Chairman Drake recognizes Mr. Chesson. r. Chesson says, I've got one. He says, I guess on the district regulations, fourth section down and this is just my personal thoughts. In reading number two, it's talking about megawatts and item number three is talking about acres. To me, I think it would be helpful even if we only tag number two, to kind of put in parentheses after it and then it's the currently estimated to be how many acres does a 100, no more than a 100 megawatt, I mean because that, I think, as we know is changing as technology in panels change, a 100 megawatts might be 50 acres but today it's 100 acres and that's something I don't know. To me, it would be helpful to have that defined in this. Mrs. Lewis says, that's why number three says no more than one percent that is about 3850 acres. Mr. Turner says, you can't consume any more than one percent of county land so if they make more megawatts in a small area, it's not going to change the land value or the amount of land that's going to be consumed. Dr. Edwards says, I think we've got about 1600 acres left. Mr. Chesson says, so what's the purpose of item number two then? Mrs. Lewis says, to prevent projects that are.... Chairman Drake says, too large. Mrs. Lewis says larger than 100 megawatts, however much space that takes up. She says, the technology may improve that you can build a 100 megawatts on half the land that you can build it today but it's probably not going to get that efficient before the one percent is used up. Mr. Day says, the one now is what, 1400 acres? Mrs. Lewis says, it is, yes, 1400 acres. Mr. Day says, and that's a 100 megawatts? Mrs. Lewis says, it is 100 megawatts. Chairman Drake says, I think, and I was part, I think that is where that came from, they decided the Newsoms/Boykins project was pretty large project for the first one and we used that as an example that may want to have that intensity in one area any more than that. He says, so it's kind of a double sword, you might say. He says, I'm not saying that would take up the remaining land space but that would kind of limit the size If it is another huge project and then it'd be enough for a secondary project or maybe several other projects smaller. He says, and it may be several smaller projects anyway, we just don't know it but that would kind of limit the individual project maybe. Chairman Drake says, does that answer your question? Mr. Chesson says, yeah, I mean I recognize it. He says, I'm just trying to figure out how to make things clearer. He says, but if it's clear to you all, I'm ok with it, I understand it.

Chairman Drake says, well, since we're right there on that Item three, I had a question, I had made a note. He says, like Mr. Day mentioned, I think we're saying the Newsoms/Boykins project takes up approximately fourteen hundred acres of land mass, made of fourteen hundred acres. He says, again, Mrs. Lewis, I'm going to ask, is that within the fenced area or is that of all the land, being wooded land that was converted over or the farmland or whatever, is the fourteen hundred acres the total land of the tracks that were affected, or is it the land inside the fenced area? Mrs. Lewis says, the portion of land that went through the zoning map amendment process, which is everything inside the fence and access areas outside the fence. She says, everything that is used for that project today was one thousand four hundred eighteen acres. She says, not all of it is covered by panels, some of it is pathways, roadways. Mr. Day says, buffers. Mrs. Lewis says, buffer areas, landscape areas, but that entire project today takes one thousand four hundred eighteen acres.

Chairman Drake says, I have trouble identifying the project but to me, the project includes all of the lands that have no use at all. He says, there's no buffer, there is no crop being grown on it and some of it is inside the project is fenced out. He says, but there's one project there on Cross Keys Road that goes inside, I guess it's a low area like a wetland area, but it was cleared, but it doesn't have panels on it.

Mrs. Lewis says, but certainly everything that is fenced off, everything that is inside the fence is part of that 1, 418 acres. She says, there are some areas outside the fence that are used for that project that are part of the 1,418 acres. Chairman Drake says, ok, then that's what I'm asking. He says, are those areas outside the fence that were taken out either for forestry, harvesting or crop production, are they included in the project? Mrs. Lewis says, yes. She says, the area that has a zoning designation of conditional M2 is part of the project and is 1,418 acres. Dr. Edwards says, everything that's fenced up is included.

Chairman Drake says, but that's what I wanted clarification because I know it's a lot of areas they're being mowed and they're being mowed by the Strata Solar, I think, I guess the group in Newsoms that's charge of the mowing, they're mowing these areas that are outside the fence. Mrs. Lewis says, yes, because that it's all part of that. Chairman Drake says, all part of the project. Mrs. Lewis says, yes. Mr. Mann says, so all of that will be contributed to the one percent. Mrs. Lewis says, yes. Mr. Mann says, ok. Chairman Drake says, that's what I'm getting to. Mr. Mann says, the industrial sites, the roadways, and all of it is part of the project. Chairman Drake says, yes, that's what I'm assuming. Yes. Mrs. Lewis says, yes. Chairman Drake says, ok. He says, so actually, the land mass inside of the fenced area is considerably less, I mean like a couple hundred acres but less probably. Mrs. Lewis says, it's about thirteen hundred acres of panels, twelve to thirteen hundred acres of panels, yes. She says, but everything that underwent a zoning map amendment is part of the project in that count. Chairman Drake says, ok. Mrs. Lewis says, and there are three hundred eighty-five thousand and some change acres in Southampton County, so that is three thousand eight hundred fifty acres is one percent and one thousand four hundred eighteen acres has already been used. She says, so little more than a third of it has already been used.

Mr. Mann says, you all discussed last month the one percent. He says, there was some discussion about making a distinction between clear land and wood land. He says, there is no distinction here, all you said was one percent of the total amount of land in Southampton County, right? He says, I read that and I got to thinking about it, if we just say one percent of the acres in Southampton County, then what's going to get hit is all clear land. He says, that's what they're going to hit. He says, if we're going to do one percent, it should represent the ratio of woods land and open land. Mr. Mann says, in other words, out of that one percent, if we got the ratio of woods land and clear land in this county, it should apply to the one percent. He says, in other words, out of that one percent, there should be a certain amount of acres in woods land and a certain amount in clear land. He says, and that affects all the land within the county and doesn't put the burden on just one. Mr. Mann says, I'm not trying to throw the timber industry under the bus, but technically the way this is written, the Ag industry is thrown under the bus because they're not going to voluntarily say, "Well, I'm going to put it over here in the woods land". They're going for that cleared land. He says, I noticed there was some discussion about it and that would certainly be a fair equation because Southampton County is not, would you say three hundred thirty-five thousand acres. Mrs. Lewis says, three hundred eighty-five thousand.

Mr. Mann says, ok, well Southampton County is not..... Mr. Chesson says, three eighty six. Mr. Mann says, of what? Dr. Edwards says, the total number of acres, three eighty six. Mr. Mann says, three eighty six, well we don't have three hundred eighty-six thousand acres of clear land. He says, part of it is woods and part of it is open, so we should apply that to a whole different way. He says, then put that equation in the one percent. Mr. Mann says, it's just something that hit me, something to carry home, give it some thought because we're not voting on passing this tonight, but it thought one industry is carrying the burden. He says, and the one percent is, I noticed that Mr. Updike talked extensively about we could do better and that kind of rang out in my head.

Chairman Drake says, well, I agree, I think it's hitting agriculture pretty hard because I'm involved in Ag industry but you know it's, I guess we're pretty proud of our history of being the largest row crop farmer, I mean row crop county in the state. He says, of course, we're leading in corn, peanut and in cotton crops, especially, but we take almost two thousand acres out of fifteen hundred, is it fifteen hundred acres remaining? Is that right, Mrs. Lewis? Dr. Edwards says, sixteen hundred. Mrs. Lewis says, twenty-four

hundred. Mr. Day says, twenty-four hundred, right, twenty-four sixty.. Chairman Drake says, they might make some changes, it may be Isle of Wight. He says, someone else might take over. He says, I'm just saying that it could change things.

Mr. Mann says, well, the other thing that hit my attention was that Mr. Tennessee brought out that there was a project in Greenville County and didn't you say that was put over on cut over land? Mrs. Lewis says, yes. Chairman Drake says, that was the Sadler track, is that correct? Mr. Mann says, yes. He says, I promoted that. He says, I think it was one of the applicants that we had years ago and I went to him personally and asked him would they agree to put in a certain percentage of it on woods land and certain percentage on clear land and they said they would certainly consider that but as it turned out, they pulled the application anyway.

Mr. Mann says, I know of other projects that they come in and they start out saying we'll put the solar panels on your marginal land but then as discussions go on and the land owner says, let's include some timberland. He says, well, if we're going to include timberland, we're not going to pay you as much so they're forcing the landowner to go towards cleared land but in this case, we don't have all clear land in the county so if we're willing to share one percent, then we share it accordingly.

Mr. Mann says, the other thing that's caught my attention is this is all solar, so when the wind folks come in here are we going to have to do another one percent or do we class this as our wind and solar ordinance, do we piggyback on the other and we're contributing one percent to any type of renewable energy, green energy. He says, we're starting out with a title that is just talking solar and wind is on its way. Mr. Mann says, I saw a wind turbine this weekend instead of having the blades on it, it was a spiral blade on it, it was down at the Outer Banks. He says, it was suitable, it looked like to me for a home owner but yet I could see where it might catch more wind than the blades could, but the thought is that's coming. Mrs. Allston says, that's the new style that is going in residential areas. She says, the two big wind farms that are off the coast, one of the coast at Virginia Beach, the other one's down at Kitty Hawk, and so..... She says, wind farms are coming into our area and that is a big push within the state, but I had a question about the one percent. Chairman Drake says, yes' ma'am. Mrs. Allston says, does it include the few brownfields we do have in the county? Is that included in the one percent? Mrs. Lewis says, one percent is the..... Mrs. Allston says, anything..... Chairman Drake says, landmass..... Mrs. Lewis says, the landmass of Southampton County. Mrs. Allston says, right, because I know that there are several places in Southampton that are flat but the land has been ruined as far as cultivation is concerned. Mrs. Lewis says, and if somebody wanted to use that, that would be part of the one percent. Mrs. Allston says, ok.

Mr. Mann says, we've pushed it. He says, I'm glad you brought that up because in the past, we've always tried to push, what was the proper terminology? Mrs. Allston says, brownfields. Mr. Mann says, brownfield. He says, I know with our first applicant, we mentioned that and the gentleman looked at us like he did not know what we were talking about. He says, you can google it and there's an issue in Europe, so obviously, he was leading us down a road in the first place. Mr. Mann says, so my thinking is with the ordinance, that we say in the ordinance, we want to use our brownfield acreage first. He says, that it is suitable for that and then we do the balance of it accordingly percentage wise, timber, open land with the balance of the one percent to be in use, but encourage in writing the use of the brownfield. He says, so we're still contributing to renewable energy, but we're using it wisely. He says, we don't know how many brownfield acres we have in the county.

Mrs. Allston says, I know the one down on the far end of the county that was part of animal by-product processing plant. She says, that was where they diffused anything that they needed, water that had been affected. She says, there's a huge field, it used to be a productive farmland but now it has these sprinklers sporadically placed out but it's just a wide open field. Mrs. Lewis says, I think it's been recently sold. Mrs. Allston says, you know where I'm talking about. Mrs. Lewis says, yes, Valley Proteins. Mrs. Allston says, Valley Proteins, right.

Mr. Mann says, well, you could have a project that might be 500 acres and if they're in an area and there is brownfield acreage there, then they have to use the brownfield acreage and then work the rest of it, a certain percentage of open land and timber land. Mrs. Lewis says, well, you may want to discuss some sort of incentive that there can be less buffering around the edges or something if you do use brownfield land but I have to say that I think if you turn this into a wind and solar ordinance, it's not going to get done in any reasonable length of time and you have to remember that the moratorium ends September 10th. Mr. Mann says, well, I understand that and I guess I don't want us to set one percent to solar energy and then two years down the road, we're looking at well, wind energy want one percent, so.

Mrs. Lewis says, when you look at wind farms, I'm sure they call them wind installations, just like we call them solar installations, there are crops and grazing animals right up to the edge of the pedestal that holds the turbines. Mrs. Lewis says, well, they are usually quite impactful, that landmass that they take up is very minimal. Mr. Mann says, well, we were told that when solar started. Mrs. Lewis says, you can graze around them. She says, I've seen the animals and the crops right up to the edge. She says, when you drive through Kansas, you spend an entire day seeing wind installations with crops and animals right up to the pedestal. Mr. Turner says, even in North Carolina like down Elizabeth City, they still have tillable farmland around all those windmills. Mrs. Lewis says, that's right. Mrs. Allston says, you see them in the mountains where they have cattle and everything's open and is big. Mrs. Lewis says, yes. Mr. Turner says, I think I have to agree with Mrs. Lewis. He says, I think that's a whole different animal, and I think if we start doing that, we're never going to finish this vote of Board of Supervisors. He says, I think we just need to concentrate on solar for now and bring up wind later. Dr. Edwards says, Amen. Mrs. Allston says, focus. She says, I think we're wasting too much time trying to combine it when we just need to focus on these three pages and keep moving forward. Mr. Mann says, well, I understand where you're coming from and I just know that we're going to be faced with wind in the future and we could change it to renewable energy and take the solar out of it. Mr. Turner says, we can always do an amendment to our ordinance when that comes about, but I think we need to stay on track with this one. What the Board of Supervisors is requesting. Dr. Edwards says, if you look at the science of this, people who know, say natural gas and small compact nuclear units are what we're going to end up with. He says, this is probably going to be obsolete in a few years. He says, we have enough natural gas in this country. He says, the power of this country for fourteen hundred years, one thousand four hundred years is the estimate. He says, clean, nonpolluting. Mr. Mann says, well I would like to think you are right.

Mr. Chesson says, Mr. Chairman, can I move. He says, you asked for comments regarding this page, the Item number 6, I guess my question is, can we simplify this to just say that no property in the application is to be an Ag and Forestry district. He says, to me, the application would, from that, they would know they would need to get it all of the Ag and Forestry district. Mrs. Lewis says, for this just affects the timing. She says, this says that the one process has to be done before the second process begins. Mr. Chesson says, well, I'd say it's just semantics. My other thought, note on questions on Item 7, help me on this. He says, the State change some rules that allowed for revenue sharing in a solar project that would be identified during this siting agreement process. He says, maybe I'm mixing two together and you'll help me if I am. He says, but has the Board of Supervisors adopted the necessary ordinance that would allow the county to participate in the revenue sharing yet? Mrs. Lewis says, that would be a question for an attorney but since the state law requires it, the county has to take part in it. She says, there is in the question if anyone wants to develop solar, they have to have a discussion with the county elected officials regarding a siting agreement right. Mrs. Lewis says, the fourteen hundred dollars versus the personal property machine and tools tax. She says, that's a whole different question. That's something that the Board of Supervisors would have to adopt but the siting agreement is state law. She says, procedurally, I don't know if the county Board of Supervisors has to adopt that but that's required by state law. She says, and that is different than the revenue share. Mr. Chesson says, ok. Mrs. Lewis says, the revenue share is a taxation question.

Chairman Drake says, I'm going to share a comment. He says, I picked up this information sheet, I was at a meeting in Williamsburg back in December. He says, I had a breakout session that I got to attend on solar impact. He says, well just general questions, information but just to kind of let you know where we are at in Virginia today, in case you don't know. He says, this was updated in the third quarter of 2021 and it's entitled, "What the solar will look like in Virginia today". Chairman Drake says, well Virginia has right now at least five thousand nine hundred eight-seven megawatts of solar installed on just over sixty-seven thousand eight hundred eighty acres of land. He says, that's listed on the DEQ permanent by rule database. He says, this number does not include the thousands of additional acres installed or already approved to be installed outside the PBR process. He says, I thought this was interesting. Chairman Drake says, Virginia ranked fourth in the nation, last year, solar isolation. He says, that's hard to believe isn't it. He says, we ranked fourth for solar installation in 2020. He says, so to meet the goals of the Virginia Clean Economy Act right now is estimated that Virginia will need at least an additional one hundred thirty thousand acres of land for solar installation. He says, so it looks like with just a little over the halfway point. He says, in other words, if every locality, I'm just using an analogy, if every locality would double what they ought to have, we're going to exceed the number of required for that mandate on the Virginia Clean Economy Act. He says, so Virginia, nobody can say Virginia has been lagging behind and I guess that's why we have so much attention in our State because we all forerunner for solar installation. Dr. Edwards says, I won't say we're probably lagging behind. Chairman Drake says, we are on the front burner. Dr. Edwards says, we shouldn't be accused lagging behind. Dr. Edwards says, it's going to furnish, getting back to the basics, about six or seven or eight percent of our electricity at most. He says, that's the price we have to pay for it. Mr. Day says, say that again, what percent? Dr. Edwards says six to eight percent, that's the goal.... Mr. Day says, of green energy.

Dr. Edwards says, of our electricity. He says, a lot of it is not going to be used for us, it's going to be used for shipping off to New Jersey and wherever, you know, the capitals are. He says, and like I said, I, the way it looks, look what happened in France. He says, they shut down on nuclear stuff, they went wind. He says, their gas is almost nineteen dollars a gallon. He says, there's a lesson to learn there. Dr. Edwards says, and like I said, I think most experts in this area say, we got all the natural gas in the world and nuclear power is safe. He says, I think one of these days we're going to really be sorry, we went down this track with the solar and wind. He says, in Europe, they tried it before us and it didn't work. He says, they had wind towers all over the Mediterranean Sea, they are now taking them down. He says, every one of those towers, those windmill you see, uses eighty gallons of oil per year to lubricate. He says, if you add up the carbon footprint to make that and run that, they won't to get it back in fifty years. He says, the stuff that's going in is not carbon efficient, this is all political. Dr. Edwards says, we have to live with it. He says, I think one percent, you said the other, I'd go for zero percent, tell the truth. He says, some of these counties that go to four percent more power to them, then they can have the four percent, ok. He says, maybe that'll take the pressure off of us. He says, maybe they don't care about preserving their land and their way of life for their farmland, so.

Chairman Drake says, let's move on. He says, we could go on and on. He says, I don't want to talk in circles but anyhow, I appreciate everybody's comments. Chairman Drake says, alright, we got clarification that the project area is the entire site's being rezoned, and that will be considered into one percent.

Chairman Drake says, Mr. Mann, I'll come back to you just for clarification before we go forward. He says, do you have a proposal, are you ok, do you want to put a percentage of clear versus forestry? He says, plus, Mrs. Allston mentioned about using those brownfield area. He says, is there any way we could specify, Mrs. Lewis? He says, is that being to capricious and limiting. He says, you know, it goes back to the prime farmland in the Comprehensive Plan. Chairman Drake says, if a person comes in, the greatest developer of them, you know, he uses a high percentage of prime farmland only, I'm going to vote against it. He says, that's just my right because I don't think he's utilizing or following language that we all have in the Comp Plan. Chairman Drake says, so can we put percentages? Is that allowable? Mr. Mann says, one percent

of the land that Southampton County has to offer as it stands right now based on forestry open with brownfield being an emphasis that we won't use to perk.

Mrs. Lewis says, we know how many acres there are in Southampton County. She says, how do we come up with how many acres are forested. How many acres are crop land? How many acres are..... Chairman Drake says, residential, and everything else. Mrs. Lewis says, right. Mr. Mann says, the Department of Forestry has that information. Mrs. Lewis says, well can somebody come up with a number? Mr. Mann says, we can do that. Chairman Drake says, let's get Mrs. Lewis some number. He says, I would think the FSA would have a cropland, wouldn't they? Mr. Mann says, we can come up with it now and I imagine we can come up with the residential land but I was just looking at the fact that a cleared land and forested land and that ratio there is how we apply it to the one percent.

Mrs. Lewis says, so would you say if the land area of the County, excluding residential areas and paved areas and water areas is forty percent cleared land and sixty percent forested, then would you say of this one percent, forty percent of the one percent could be used and sixty percent of the other percent could be used. Mrs. Lewis says, we have to have something that you all can work with. Chairman Drake? Chairman Drake says, yes, I think we can use vague numbers, we can set those standards. He says, so they have the exact, I don't think they have the exact. Mrs. Lewis says, in your description at the beginning of the ordinance, you're already saying that the purpose and intent is to protect active, viable farm and forested land while permitting the installation of utility-scale solar energy projects in limited areas throughout the County. She says, you've already said that you want to protect farm and forest land. Mr. Turner says, so that's why we're keeping the conditional use permit because then that would be when you would evaluate those things that you're concerned about. Mrs. Lewis says, and as Chairman Drake says, if they come in and they use one hundred percent of the land that's now in farmland, this body has the right to make a recommendation of no and the Board of Supervisors has the recommendation not to approve it. She says, but I think when your purpose and the intent is to protect it while permitting this development in limited areas, I think you have pretty much stated what you're looking for. Chairman Drake says, it does counter-act.

Mr. Turner says, I think Mr. Randall has made a couple of comments about it. He says, if you keep it a little bit vague, it gives you more control than if you outline everything so specific. Mrs. Lewis says, right. Chairman Drake says, I agree with that. Mr. Mann says, and I agree with that, that's why I said using the same ratio of the land that we have to offer. Dr. Edwards says, you want to move with that, what exactly is it we're moving with that, what are the numbers? He says, what numbers? Chairman Drake says, do we want to put numbers on it or not put numbers on it. Mr. Mann says, you don't want to put numbers on it. He says, it's the ratio of the land that we have to offer, so you ratio the land we have to offer. He says, well part woods land, well part open land and you might want to include that the brownfield is an emphasis of what we want to see go into solar. Chairman Drake says, right, incorporate those brownfield areas. Mr. Mann says, incorporate the brownfield land. Chairman Drake says, that looks more attractive

Mr. Mann says, with the ratio and you don't put numbers on it because those numbers can change but the ratio is going to be pretty much the same. He says, I mean, I understand where you're coming from. He says, if you start putting acreage on, it's going to tie our hands but when you say that the ratio of how our land stands right now based on forest being cleared then at the time of the application, they know they've got to come in here with part of their project on woodland and part of it on cleared land with the emphasis on brownfield use. Mrs. Lewis says, so are they going to tell us the percents when they come in? Mr. Mann says, that's easy enough. He says, once again, they know they've got to come in here. He says, when they come in here, we can know that the acreage of the forested land in this County. Dr. Edwards says, what's the ratio number? Mr. Mann says, I didn't look that up before I came. He says, I made these notes now. He says, we can get that number. Mrs. Lewis says, but that's going to change tomorrow and next week. Mr. Chesson says, and that's what your consultant that's being hired to look at the application, to me, that would be an expectation of the consultant to go out and get that number, could be.

Mr. Day says, does the solar facilities have to be near a substation within what, a mile or whatever it might be? Chairman Drake says, according to what we'll writing here, we want to not have to add a lot of additional land. Mr. Day says, right, what I'm saying, the brownfield might be in the western part of the County, there might not be a substation within twenty miles of it correct? He says, so they couldn't use it anyhow. He says, am I saying that correctly? Mr. Mann says, they ran lines all over that end of the County. They ran from one pod to the next pod and they put in a substation. Mr. Day says, but they tied it into Boykins, right.

Mr. Mann says, no, they built a substation for that run. He says, and they started out saying, we're putting it close to a substation and then when the project got started, they built a substation. He says, they can do what they want to do because money is no object. He says, brownfield can be twenty miles away where they run a wire twenty miles down to where they got a substation. He says, all they got to do is acquire the right-of-way. He says, I'm just looking at the fact that we've got a certain amount of land in this County and it's not all cleared land. He says, so we're asking one industry to take the lead and so we're emphasizing brownfield and we'll just say that we want one percent of the ratio that we have tied up and cleared and forest land. Mr. Mann says, the wording may have to come back to an attorney. He says, I didn't come prepared tonight with the proper wording but the wording will have to come from an attorney, how we want do it. He says, I'd hate to tie down to X number of acres so-and-so because we won't keep it broad like Jack said, but it's just food for thought. He says, we can come up with the wordage and bring it back next month. Dr. Edwards says, I'm actually mentioning to do that. He says, let's get it finalized and get it in there. Mr. Mann says, yes, ok. Dr. Edwards says, it's a good idea, we're going to pursue it. Mr. Mann says, I second the motion.

Mr. Chesson says, let me tag, let me give a suggestion to tag Item #3. He says, we move the period and include with open and woods land ratios being considered. Mr. Mann says, which three are you talking about? Mr. Chesson says, Item #3 on district. Chairman Drake says, in the middle of the page Mr. Mann says, under district regulations? Mr. Chesson says, yes. Mrs. Allston says, would you repeat that statement. Mr. Chesson says, yes, with open and woods land ratios being considered. He says, if they have a question about what that means, then send them to the minutes of this meeting. He says, I don't know, that's just some language

Mr. Mann says, what did we refer to it earlier, forestland? He says, did we refer to it woods land earlier or the forest land? Mrs. Lewis says, in the purpose and intent, you call it farm and forested land. Mr. Chesson says, rather than woods land, but forested land. Mr. Mann says, forested land and what was the other, open land? Mrs. Lewis says, Mr. Chesson said open and woodlands. She says, the purpose and intent, says farm and forested land. She says, you can make a match or you can make them different. Mr. Mann says, I would think we would keep them matching. Mr. Chesson says, I'm thinking matching too. Mr. Mann says, ok, that might be sufficient there but I think we need to have an attorney look at it but I second the motion in the guideline.

Chairman Drake says, then we want to vote on this or do you want Mrs. Lewis to come back with wordage. Mr. Mann says, well the motion was made that we wait until next week Mrs. Lewis says, we are not doing any motions. Chairman Drake says, this is just a discussion. Mr. Mann says, I understand that, but didn't you make a motion a while ago. Dr. Edwards says, yes I did. Mr. Mann says,, that's what I'm getting at, Dr. Edwards made a motion and I seconded it. Dr. Edwards says, then we proceed with that plan. He says, take it back, bring it back, document it, take it to the next meeting and move on. Mr. Mann says, ok. Chairman Drake says, to change the statement under Number 3, is that right? Mrs. Lewis says, yes. Mr. Mann says, ok. Chairman Drake says, to the one-to-one ratio, is that what we are saying? Mr. Mann says, no, we are just saying we going to move it until next month and look at it with this idea. He says, I have seconded your motion so you won't reword it, however you want to do it.

Chairman Drake says, do we really need a motion to just go forward? He says, I mean, we're just discussing. Dr. Edwards says, no, we probably didn't. He says, I said, to move forward with that idea. Chairman Drake says, will you withdraw the motion since it's just discussion or do you want to consider going forward. Dr. Edwards says, yes. Chairman Drake says, for the record? Dr. Edwards says, yes. Chairman Drake says, go forward. Dr. Edwards says, that way it'll be on there if you move it back. Chairman Drake says, so, we have a motion and a second that we come back and review the number three item on a district regulations that we're going to rewrite it to include both wooded and forested and open land. Mrs. Lewis says, if we are going to make the language match, it would say with farm and forested land ratios being considered. Chairman Drake says, ok. Dr. Edwards says, got it. Chairman Drake says, do you understand that motion. Mrs. Lewis says, none of the other words have been made with motions just so you know. Chairman Drake says, ok. Mrs. Lewis says, now are we ready to move on to what you were going to talk about tonight. Chairman Drake says, do we need a vote on this? Mrs. Lewis says, I guess so. Dr. Edwards says, no we are going to bring it back and vote on when we come back. He says, I just made a motion to put it in place, bring it back whatever you want to bring it back. Chairman Drake says, so this motion does not require a vote, is that what we are saying? Mrs. Lewis says, if it is a motion. Dr. Edwards says, let's get it in printing, let's get it in writing. Chairman Drake says, if it is a motion second, we need to proceed. Mrs. Lewis says, yes you do need a.....
Chairman Drake says, is there any other discussion, everybody understands where we are at? Mrs. Lewis says, and is that all that you are going to just make changes on this first part of the ordinance. Mr. Mann says, I doubt it. Mrs. Lewis says, because then we are never going to get to what we're going to discuss tonight. Chairman Drake says, if we ready, we are going to vote, all in favor say Aye. Any opposed, like sign. He says, majority have it. Chairman Drake says, alright, let's go forward. He says, anything else under the general district standards, anything there that seem out of the ordinary

Chairman Drake says, the only question I have there is it mentions corporate limits of any incorporated town. He says, you've got seven towns in the county. Mrs. Lewis says, six. Chairman Drake says, six. He says, are they not all incorporated. Dr. Edwards says, no. Chairman Drake says, they are not? Mrs. Lewis says, there are six incorporated towns, there are six mayors in Southampton County. Chairman Drake says, which one is not, what little settlement is not incorporated Mr. Turner says, Sedley. Mrs. Lewis says, Drewryville. Mrs. Allston says, Drewryville is not incorporated. Chairman Drake says, Sedley is not incorporated. Mr. Turner says, Sedley is not incorporated either. Mrs. Lewis says, the incorporated towns are Boykins, Branchville, Capron, Courtland, Ivor and Newsoms. She says, everything else is not incorporated. She says, it may have a name and a place but there are six mayors. Chairman Drake says, ok, thank you.

Chairman Drake says, any other discussion on that page. He says, I'm going to call it page 2 or page 1 rather. He says, ok, let's flip over. He says, anything in the second page. He says, alright, we'll go to the third page. He says, anybody have any notes there. He says. I encourage you all to make notes when you are reading this.

Chairman Drake says, so we will move our way up to come to the meeting. He says, what I did like and I know we talked about this, under some of these provisions, you know, that the governing body, the Board of Supervisors, will still have the flexibility to modify the buffer areas which I like, Mrs. Lewis, how you put that in, so that the unusual circumstance where a house ends up being and surrounded, if it was like a horse shoe of our solar project at least they will be able to have that flexibility to maybe offer a little different of buffer. He says, but that's the way I perceive this

Chairman Drake says, is that correct, Mrs. Lewis? Mrs. Lewis says, yes, in areas where a buffer isn't required as if..... Chairman Drake says, we don't need it. He says, it could be a natural buffer that doesn't need, or the so-called back forty, nobody can see it anyway. Mrs. Lewis says, it could a creek or a stream or river. Chairman Drake says, correct. Mrs. Lewis says, or Southampton Parkway. She says, you don't need to buffer the people on the other side of Southampton Parkway.

Chairman Drake says, on the bottom, I'm going to call it page three, the landscaping, it's next to the last paragraph, the first word is, if the landscape is proposed. He says, the last statement if vegetation is to be installed, wait a minute, that's not where….. He says, no, I got that wrong. He says, ok, I'm sorry.

Chairman Drake says, they're going to maintain the vegetation for three years. He says, well the Newsoms project, we are still having trouble with some of the trees surviving and what effect they are going to have, I don't know why some of these established trees, Mr. Turner, why they can't get them to take root, but are we saying that after three years they can abandon that task of getting those trees to take root and grow? Mrs. Lewis says, no. Dr. Edwards says, what do you say, Mr. Turner. Mr. Turner says, just because of the maintenance part of it, they are just not maintaining them like fertilization schedules and all of that kind of stuff. Chairman Drake says, ok. Mrs. Lewis says, once a site plan is approved, it is in effect until the property changes use, so.

Mr. Turner says, one quick question. He says, I know in the city if you apply for a business license and you would get a site plan they have to maintain that landscape plan as long as the business is occupied. Mrs. Lewis says, that's correct. Mr. Turner says, so, who is going to enforce that. He says, is it our building officials going to be able to go to these sites to enforce if the vegetation is dead? Mrs. Lewis says, that would be me, yes. Mr. Turner says, and they all get replaced? rs. Lewis says, yes. Chairman Drake says, but they are being replanted, the ones that are, they come back and replant it but for some reason we haven't got them all going yet. Mrs. Lewis says, right.

Mr. Day says, what is the term that we were talking about with the plantings? He says, is it certified plants? Mr. Turner says, certified nursery stock, so basically it's a nursery they get it from and it goes through inspections. Mr. Mann says, I don't see that in here. Mrs. Lewis says, that's in this section that we are going to talk about tonight. Chairman Drake says, it is.

Mr. Turner says, what I think you were commenting about was the three years of installation, basically if the Board of Supervisors deems it they need a buffer because of a house, house of worship whatever the list is sending prior application on a paragraph and it has to be of that height within a three year period. He says, so they can't put like a little shrub like this and in three years is only going to be four feet. He says, they're going to have to put a bigger nursery stock in so it gets mature faster. Mrs. Lewis says, that's what this paragraph says, it says, it has to achieve the required screening effects within three years. Mr. Mann says, so they got to put something ten foot tall. Mrs. Lewis says, they have to put something that grows quickly, yes, then intersperse it. She says, Norfolk Pines, they grow quickly but they only live ten to fifteen years. She says, so when you plant them you have to intersperse them with something that grows more slowly but that is going to still be alive after the Norfolk Island Pines no longer are alive. She says, but they have to achieve their screening purposes within three years. Mr. Mann says, that's not happening either because they started out very small. Mrs. Lewis says, and the County didn't have any landscape regulations at that time. Mr. Mann says, I understand. He says, I'm not griping with you, I'm just saying they put smallest thing out there that cost the least amount of money. Mrs. Lewis says, right. Mr. Mann says, they didn't obviously care about the screening. Mrs. Lewis says, and when they built that installation in Newsoms, they didn't have to plant anything except grass to cover the ground. Mr. Mann says, that's why I like my berm. Mr. Chesson says, I'm with you on the berm. Chairman Drake says, we've got berm in here, I saw it, that's a possibility for it. Mr. Mann says, that's why I like my berm, you put grass on that, you get the screening, anyhow.

Chairman Drake says, are there any other concerns about where we are at so far. Chairman Drake recognizes Mr. Chesson. Mr. Chesson says, I know you all are going to throw shoes at me and I know we've already been by the page that I was afraid to say something but I feel like I need to. Chairman Drake says, what page was that, Mr. Chesson? Mr. Chesson says, back on the previous page. Chairman Drake says, ok. Mr. Chesson says, number 2, nobody had any comment on. Chairman Drake says, ok. Mr.

Chesson says, in the buffer area, the last sentence of that first paragraph, it says any combination of landscape and fencing berms, natural areas may be used to satisfy this standard which shall screen the project from view from the exterior product. He says, the natural areas, I guess as long as everybody understands the natural area of the buffer that everybody seems to be in favor of is not favorable for the solar panels because the trees grow higher than what they would want to be for. Chairman Drake says, I agree. Mr. Chesson says so the natural, and the way we think about it is, yeah, yeah, but the companies that are managing those solar panels are not going to let the tress that shade grow up so.... Chairman Drake says, it's taking up more land. Mr. Chesson says, so it's not going to be natural the way we think natural is and I just want everybody to understand that. Mr. Mann says, I thought the project on the Low Ground Road did have a natural buffer. He says, are going to leave the timber in the buffered area. Mr. Day says, they cut it down and now it's planted back.

Mrs. Lewis says the section of worksheet that I am working on now I think, because it all kind of runs together, the last couple of pages talks about the areas that are natural vegetation. She says, first the landscape professional has to certify that it is in healthy shape and that it's going to stay and if it doesn't do the screening job year round, then it has to be supplemented with something that is of size and type that is going to provide that screening year round. She says, so a lot of the natural area is already deciduous so they are bare in the Fall and Winter. She says and if it abuts a place of worship or school or house, that buffer has to be supplemented with something that's going to provide that screening year round. Chairman Drake says, ok.

Mr. Chesson says, and the other thing I had was the fact that we've got planting season and I understand that it's best to plant trees and things in the Fall but I also understand that if you plant something in the springtime and keep it watered, it will also live. Chairman Drake says, true. He says, are you suggesting limiting? Mr. Chesson says, I don't know, I'm just throwing that out there because that's going to be a screen that I think a potential developer is going to hide behind to kind of say, hey, the planting season is not right. Chairman Drake says, ok. Mrs. Lewis says, most of the year is planting season. She says, some localities say you can't plant anything in June, July and August that's a required landscape feature but, you know, nine months out of the year, Mr. Turner, you can plant stuff. Mr. Turner says, yes.

Mrs. Lewis says, you can plant in June, July and August if you are going to water enough but... Mr. Turners says, these big scale projects, I just don't see them being able to water or make it happen enough, I think, I mean you see what is happening in Newsoms, fertilization and watering and pruning , that's just not happening so. He says, if you take out that where they have to plant in the summertime, they are just going to have to replant it again, it's all going to die. Mr. Chesson says, that's not our concern. He says, we want the buffer, they need to figure out how to get the buffer, shouldn't be our concern. Mr. Mann says, DMME, which has been changed to Virginia Department of Energy, they have some verbiage in some of their stuff pertaining to planting. He says, I don't know whether that would be helpful in this or not and I've never looked at it that much but they do pertain to planting. Mr. Chesson says, well anyway, we can move on. Chairman Drake says, we will keep the worksheet as presented.

Mr. Chesson says, the other thing, middle of the page, Item F, the last five words, viewshed provided by the buffer, that's just my opinion, the shed, what's that mean? Mrs. Lewis says, viewshed should be one word. She says, it's a word that means what you can see. Mr. Chesson says, ok, thank you.

Chairman Drake says, ok, any other comments on what we have already talked about? He says, so it seems the big question was up in the front about the land masses being equated. He says, the other, Mrs. Lewis, seems to be. Chairman Drake says, ok, alright. Mrs. Lewis says, ok. Chairman Drake says, I don't see any need in re-writing this but we will start the next meeting with that discussion. He says, we will see how you write it up.

Mrs. Lewis says, so next meeting, you are going to look at Section 1 again and Section 2 again and new Section 3, right? Chairman Drake says, I'm going to say, right, yes. He says, we need to get on with it, yes. Mrs. Lewis says, thank Heavens there are no public hearings next month.

Chairman Drake says, good, appreciate you arranging that. He says, alright, anything else on solar. Mrs. Lewis says, now you have Section 2 to look at. She says, the worksheet I sent you at the beginning of, before Christmas, pages four through six. Mrs. Lewis says, this talks about more landscaping and it talked about the surety of fifty percent and then it's reduced to forty percent and then gets reduced to thirty percent then down to fifteen percent. She says, the question was, do you want the Board to be able to reduce or alter the landscape requirements based on the specifics of the site. She says, it seems logical and it may give the Board more latitude to reduce landscaping in an area where it isn't needed and increase it elsewhere. She says, and at your December meeting, the Commission decided a flat fifty thousand dollar ($50,000) landscape bond was preferred. She says, the landscape professional should be required to submit the findings to the County and to provide a schedule to fix any problems found in a reasonable length of time prior to the end of the next planting session. Mrs. Lewis says, anything else. She says, and that fifty thousand dollar bond would be forever, as long as the project's there. She says, and if gets used, it has to get refilled. Chairman Drake says, right. Mrs. Lewis says, and that would be for landscaping, screening if a neighbor experiences glare, which is improbable because the purpose of the panels is not to create glare but to retain all that light, but that fifty thousand dollars would be available for use as needed and then refilled. Chairman Drake says, any discussion on that? He says, I think we are good there.

Mrs. Lewis says, the next one talked about fencing. She says, this is from the Caroline County ordinance. She says, fencing shall not exceed a height of eight feet top by three strands of razor wire or otherwise as required by the National Electric Code. She says, perhaps the fencing requirement should just refer to the National Electric Code that's the most up-to-date rather than saying eight feet and three strands razor wire, they might change over the years so then the Counties would have to go back and change to meet the National Electric Code. She says, if you just say that you have to meet the National Electric Code that seems to be the cleanest way to do it, to me. Chairman Drake says, and that will always be some type of chain link fence, would you say? Mrs. Lewis says, yes chain link fence. Chairman Drake says, I think the fence became a big issue because the Eastern Shore project in the very beginning was, what my knowledge was, was a wire fence and that's why we had a big to do with the fence, but long as it is chain link and that code will take care of, I think its fine. Mrs. Lewis says, the code will require a fence with razor wire. Chairman Drake says, I think that's fine. Mr. Mann says, what do they require now, eight foot with razor wire? Mrs. Lewis says, yes, the County code today requires seven feet with razor wire and doesn't tell how many strands of razor wire but the National Electric Code today says eight feet and three strands. Mr. Mann says, ok.

Mrs. Lewis says, and the next one is grading. She says, this says that you have to meet, this talks about exceeding the fifteen percent slopes and all site development shall be performed in phases so that not more than fifty percent of the land disturbance area reflected on a site plan shall be disturbed without stabilization at any time. She says, site specific plans shall be prepared, approved that may limit or phase the amount of disturbed area and for purposes of erosion and sediment control, stabilization shall mean the application of seed and straw. Mrs. Lewis says, and the applicant shall be responsible for any costs incurred by the County. She says the County has erosion and sediment control ordinances so that perhaps should be included as well as the Virginia Erosion and Sediment Control handbook because Counties can be more strict than the handbook, but they cannot be less strict. Mrs. Lewis says, and if a forested area is to be developed, it might not be economically practical to clear in phases. She says, so those are two things you may want to consider.

Mr. Day says, when you start pushing stumps in timberland, you're going to run into the Corp of Engineers issues there with getting into wetlands and the stumps. He says, I'm not sure how much of that can be done. He says, that will be an interesting topic, I guess, down the road. He says, that's why I'm assuming

they were doing it in open fields because there are no regulations with pushing stumps with the Corp. Chairman Drake says, well it's, if they are going to develop forest land, it's going to have to be high elevation lands. He says, and I don't see them going, I don't see what happened in the Boykins area, happening again. He says, that was unusual, that was very unusual what they did up there, if course, what they are telling me is DEQ has control over everybody and they allowed it to happen up there. Mrs. Lewis says, and they never entered that site one time.

Chairman Drake says, really. He says, they really turned that around, that's crazy. He says, but anyway, Mrs. Lewis, personally, I agree that we should incorporate, if this County has anything in addition, I would say that would be in addition to the State code and so far as the, if there is a forest area as much as I hate that might happen, I do see where, and Mr. Day, I want you to comment, is they going to clear up a portion of high land where it's got stumps on it, it's probably more practical to do the entire site instead of doing in phases, would you agree? Mr. Day says, sure. Chairman Drake says, from a standpoint of construction, like I say, I don't endorse it but I reckon it would be more practical to go in and finish that process. He says, so I would say to allow that, to not have to be done in phases for the forested area. Mr. Day says, well can we look at the timber aspect on timber land. He says, is going through the Department of Forestry the best management practices. Chairman Drake says, I think that's good, we'll use their guidelines, yes. Mrs. Lewis says, and this does require that even if you do it much earlier than you need it, you need to stabilize it with seed and straw. Chairman Drake says, do I hear additional comments, Mrs. Allston, anybody? Mrs. Allston says, I'm good with that.

Mr. Mann says, and I agree with that. He says, I just want to point out that with the titanium mines that were up there the other side of Emporia, they stopped for nothing. He says, they went right on through wetlands, they went right across highways, there was no boundaries whatsoever, saying they got the blessing of the state government. He says, so when it comes to the solar, they may get the very blessings of the state government, DEQ didn't even go out there to Newsoms. He says, so we say what people can't do unless the government wants them to do it, then they can do it. He says, but I agree that they are perfect but if they get into woodlands and its wetlands, I guarantee you they will pull enough political strings and get it done. He says, and the titanium people, of course, they're bankrupt but they still did it. Mr. Mann says, I had a guy from DMME, I asked that question too and he said that's not in my district and I'm not going to answer that question.

Chairman Drake says, alright, we will proceed with number three. Mrs. Lewis says, ok, signage just says, one sign at each side entrance that provides information. She says, and I believe Southampton Solar has signs along the entirety of the fence with a contact number. She says, so you might want to include that. Mrs. Lewis says, I think the discussion was at the time, if a dog or a deer gets over the fence or under the fence, you he want to see pretty quickly who to call to be able to get in there, get somebody in there, rather than go and find and entrance and whatever. Mr. Mann says, on a case like this, the sheriff's office has the contact numbers for a facility like that, wouldn't it. Mrs. Lewis says, I don't know. She says, if your dog's on the inside and you call the Sheriff's office, who calls the whoever, if there was just, you know, some five foot signs around the outside of the fence, that doesn't seem to impose on anybody but provides information that's needed readily. Mr. Mann says, I understand, I agree with that. Chairman Drake says, I agree too.

Mrs. Lewis says, ok, on height. She says, the Caroline County ordinance says, "shall not exceed fifteen feet in height when oriented at maximum tilt". She says, Southampton Solar has a height limit of eighteen feet because the panels they used were that tall when they are perfectly vertical. Mrs. Lewis says, you might want to say eighteen feet. Mr. Mann says, ok. Chairman Drake says, and I guess, I'm trying, I guess, it's three foot, just bringing a little continuity between what we have and you know.... Mr. Mann says, I'm just thinking, we are talking about the panels getting smaller and we already have them on ships. He says, I'd hate to see a little bitty panel put up to eighteen feet tall just because there are trees around them buffering them and they say we would get more sunlight. Mrs. Lewis says, well the only time that it's eighteen feet tall is perfectly perpendicular. She says, the legs aren't that tall, it's the time of the day that

switches from that way to facing this way. Mr. Mann says, that is with your present technology, right? Mrs. Lewis says, that's right. Mr. Day says, but it can't be any taller than that. Chairman Drake says, that's right that would be the maximum. Mrs. Lewis says, that's right, at any point of the day.

Mrs. Lewis says, number five at the bottom of the page says, site access shall be designed to mitigate site visibility from the public road, and the question is, what do you want to accomplish? Do you want to say the panels can't run parallel to an abutting right-of-way? She says, depending on the location of the road, there might not be possible, the buffer should accomplish the screen, so maybe this needs to be removed. She says, seems maybe we want to limit visibility from homes, schools, churches, state scenic rivers more so that roadways because roadways will have some buffering. Mrs. Lewis says, at the December meeting, the Commission decided on a one hundred foot buffer along property lines of schools, churches and residences, not residential zoning as it is now. She says, do you want a one hundred feet along public rights of way and state scenic like rivers as well. Mrs. Lewis says, you have to remember the greater the buffer is, the more land is necessary to accomplish the megawatts, but if buffers can narrow in places where it isn't necessary, then maybe the extra buffer which won't impact the project. She says, if you think of a balloon, you squeeze a balloon, it gets bigger here and gets smaller there. She says, so that may be what you do with buffers that can vary in width. She says, you don't take up more land area altogether. She says, you just take up more land area and buffer in this place and a little less land area here. Mrs. Lewis says, but that sentence from the Caroline County ordinance that says site access shall be designed to mitigate site visibility from the public road, I'm not sure what that means. If it's well buffered. Whether you see a row of solar panels this way or you see a number of the ends or rows of solar panels running perpendicular to the road, I don't know that that changes its impact on you very much when you're driving by. Mrs. Lewis says, so do you want to add the 100 foot buffer along public rights-of-way in state scenic rivers as well as churches, schools and residences? Mrs. Allston says, yes. Mrs. Lewis says, ok. Mr. Day says, yes. Mrs. Lewis says, ok. Mr. Turner says, I would agree because none of that land is going to be counted as the one percent. Mrs. Lewis says, right.
Mr. Mann says, if it's not a solar panel, is it still included in that one percent. Mrs. Lewis says, that's correct.

Mr. Chesson says, but to build a berm, you can do it fifty feet, is that right Mr. Mann? Mr. Mann says, well berm was on my mind but I was scared to bring it up. He says, anyway, I like the idea of keeping one hundred feet along the road. He says, you can do a conditional use permit and if somebody brings up, they just don't like it. He says, I would like for somewhere in this ordinance allow the governing body to have the authority to require a berm when it's necessary. Mrs. Lewis says, right. Mr. Mann says, in a conditional use permit.... Chairman Drake says, and I think we have that.

Mrs. Lewis says, correct and if you think of you're driving along the road and the road is at this elevation and the land, the abutting land is five or eight feet above that..... Chairman Drake says, you might not need, you might not notice it. Mrs. Lewis says, it's the other way around. Mr. Mann says, yeah, the berm would cover the block. Mrs. Lewis says, right. Mr. Mann says, I understand around Drewryville and Capron, my ears would pop up by it. Mrs. Lewis says, right. Mr. Mann says, It might call elevation and might be twenty five feet.

Mrs. Lewis says, that's what this ordinance does is give this body the authority to look at it and flip over them and the Board of Supervisors to have a look over them as well to make it appropriate for the site and the surrounding area. Mr. Mann says, I just wanted to be sure that a governing body realizes they have berm as a tool and I guess it just sticks out in my mind because of a gravel pit in Suffolk and I brought this out. He says, it amazed me how well they hid that facility and you didn't even know it was there. He says, out of sight, out of mind. He says, you get less complaints from people that don't see what you are doing. Mr. Mann says, same thing with solar, I would think they would certainly be encouraged, the less the guy driving by sees what I'm doing, the better off with it. Mrs. Lewis says, right. Dr. Edwards says, but it has to come through here so you can make those comments, when it comes through here. Mr. Mann says, I understand that. Dr. Edwards says, pay attention to A,B,C, whatever. Mr. Mann says, I'm not going to live

forever, so somewhere at the front of this, put in bold print some of the tools that are available. Dr. Edwards says, give it some notice then will you. Mr. Mann says, yeah, I try to. Chairman Drake says, alright.

Mrs. Lewis says, number six is about security lighting. She says, the maximum height of any light structure shall not exceed twenty feet along the exterior or within the approved buffer area and thirty-five feet in the interior and motion sensitive lighting shall be used to the maximum extent possible. She says, and except for entrances all lighting shall be internal to the facility. Mrs. Lewis says, do you want any changes to that? She says, that seems logical. Chairman Drake says, yeah, that's good. He says, any questions? He says, alright we will proceed, number seven.

Mrs. Lewis says, number seven is new or relocate on-site electrical interconnection shall be installed underground unless otherwise approved by the Board of Supervisors, and so the question is if the Board wishes to permit the above ground power lines. She says, it's unlikely, just be outlined in a site plan and not require a special conditional use permit? She says, it seems to because they're already getting a conditional use permit for the solar installation as a whole. Mrs. Lewis says, so that could just be one of the conditions that is part of the conditional use permit. Mr. Mann says, some above ground. Chairman Drake says, I agree and the underground is, do we have language for the schematics to be outlined where there is underground wiring is located. Mrs. Lewis says, the National Electric Code requires that. Chairman Drake says, so the County will have that on file? He says, very good, I'm good with that. He says, any other questions. Mr. Mann says, yeah, I'm sitting here thinking that so, thirty years down the road we turn to that, we can pull out the schematic. Chairman Drake says, very good. Mrs. Lewis says, their plans were, I don't know, several inches thick, their construction plans. Chairman Drake says, yes.

Mrs. Lewis says, number eight, the project shall not exceed the noise limitations throughout Southampton County at the exterior boundary of the property during construction noise shall be minimized using acceptable industry practices for backup alarms that do not emit traditional warning sounds.

Mrs. Lewis says, hours of operation, post driving and other construction shall be limited to sunrise to sunset Monday through Saturday. She says, with Southampton Solar, they said they wouldn't start before one 'o clock on Sunday rather than just Monday through Saturday. Mrs. Lewis says, so what do you want to do? Chairman Drake says, any discussion on the Sunday operation right now being.... Mrs. Allston says, one o'clock on Sunday. Chairman Drake says, being none. Mrs. Lewis says, the Caroline County ordinance doesn't permit it on Sunday at all. She says, Southampton Solar request included working on Sundays after one. Chairman Drake says, well I'm going to suggest to just leave it Monday through Saturday. Mr. Day says, I agree. Chairman Drake says, if the Board, if the governing body thinks it's necessary, we will let them decide if they need to make allowance but we will say Monday through Saturday. Mr. Mann says, we have stuff that comes through here, we limit them six days a week. Chairman Drake says, I agree, ok.

Mrs. Lewis says, ok, number nine says all solar collection devices shall be located to avoid direct and glare or reflection onto adjacent properties. She says, but if a surety bond is required for landscaping, it could be used should glare arise, if you choose. Mrs. Lewis says, so do you want to leave the language of number nine as it is and just know that there is a way to fix it? Chairman Drake, says, yea, I think that's good.

Mrs. Lewis says, number ten, the development area should not include any area now identified as 100-year floodplain except as minimally necessary for service access roads, provided the improvements are permitted in accordance with the Southampton Code. She says, and that needs to say Article 14, the floodplain district of the Southampton County code that was adopted by the Board of Supervisors several years age and it mirrors the state code and it's very specific as to what can go in a floodplain. Chairman Drake says, everybody good with number ten, ok. Mr. Mann says, so we are going to add that article? Mrs. Lewis says, yes. Mr. Mann says, ok.

Mrs. Lewis says, the development area should not include any land that's part of a Voluntary Ag district. She says, do you want to be able to do it? She says, do you want them to be two separate requests or one request? She says, do you want to have to finish withdrawing it from a Voluntary Ag district before they submit their request? She says, the risk is that the property could be withdrawn from a voluntary Ag district and the solar installation request denied, then they would have to reapply to put it back into an Ag District. Chairman Drake says, you know what I'm going to say. Mr. Turner says, I think that's another tool we can use, you have to finish the Ag district process before you submit for the solar installation. Chairman Drake says, well, is that your recommendation. He says, I'm just curious, you know, at your office that that's the intention. He says, that's the reason, right? He says, there will have to be a reason for withdrawing, so we would know at that point. Mrs. Lewis says, that's right. Mr. Mann says, or we could say, if an application comes to withdrawal, can we say, we'd allow you to withdraw or you cannot put this into solar or whatever, I don't know. Mrs. Lewis says, but the application to withdraw from a Voluntary Ag district requires that you state why you're doing it. Mr. Mann says, ok. Chairman Drake says, plus there is a fee involved. Mrs. Lewis says, there's $500. Chairman Drake says, well I'm in favor of two-step process, but what do y'all think. Mr. Turner says, yeah, I think that's another tool we can use to limit. Mrs. Lewis says, it's like an early warning system between that and the siting agreement because the siting agreements have to have a public hearing before the Board of Supervisors before they can submit an application for the solar installation so the siting agreement is all out in the open before they even submit an application. Chairman Drake says, are you ok with that? Mr. Mann says, I'm ok with that. Chairman Drake says, two step, everybody good with that? Chairman Drake says, alright.

Mrs. Lewis says, ok, number twelve. She says, number twelve just says, you have to follow the National Electric Code, there isn't any reason to make any changes to that.

Mrs. Lewis says, number thirteen says, from the Caroline County ordinance, no major solar energy project shall be located within one mile of another major solar energy project, as measured at the nearest exterior boundary of each project. She says, at your December meeting, you decided to do away with that because when this one thousand acres solar project on it, that excludes the rights of everybody within a mile from even applying. She says, so do you want to do that. Mr. Mann says, now I was in a conversation with Greenville County, apparently they've put distances between their facilities, am I correct on that? He says, I just know that the man I was talking to brought it up and what hit my mind was if we don't put some type of distance between it, we could end up with all the solar facilities on our end of the County because they've already got the substation there and they go, shoot, it's better for us to put it all on one end. Mrs. Lewis says, whether they're spread out or close together, it's still one percent, but that might not be the feeling this evening. Mr. Mann says, well, we do that with rural residential, don't we? Mrs. Lewis says, that they have so many feet apart? Mr. Mann says, no, the fact that we limit the amount on each farm that can go to rural residential. Mrs. Lewis says, I don't know that applies on that.

Mr. Mann says, it just hit my mind that we could end up with every bit of it on one end of the County. He says, I noticed it was one hundred megawatts. He says, I like the idea of putting some distance in it. Chairman Drake says, that's the maximum, correct, one hundred megawatt site is the maximum for that project. Chairman Drake says, and then Mrs. Lewis, it kind of gets to if the project is hard to put a parameter on the project, if you don't put a distance because you can actually connect those parts together, I see it both ways. Mrs. Lewis says, right. Chairman Drake says, I also agree but if somebody, if a landowner wants to participate, it's kind of putting him, if he's within that one mile of that, I'm going to say the Newsoms project, the Boykins project, it eliminates him from even participating in a plan so I don't know how to address that, trying to be fair to everybody. Mrs. Lewis says, it's right across the street from each other. She says, then are you meeting the spirit of the ordinance that you don't want more than a hundred megawatts in one place. Chairman Drake says, so that's another philosophical question, but I also agree.

Chairman Drake says, I know that we don't have lodging in the County or the City but most of them stay in Roanoke Rapids and Emporia, it's so many facts, or so many points of interest come before us, a lot of it

in the end doesn't really facilitate, I really didn't, but any way, that's another point, we keep on going. Mr. Mann says so we are going to require that emphasis be put on US made products. Mrs. Lewis says, yes, during the conditional use permit process.

So that was twelve, was that right? Mrs. Lewis says, yes. Chairman Drake says, that's twelve. Mr. Mann says, so that gets us down to thirteen again about the one mile. Chairman Drake says, yeah. Mr. Mann says, we backed off from there. Chairman Drake says, I guess. r. Mann says, I'm excited about my forty megawatts.

Mr. Day says, Mecklenberg County just turned down one Monday morning because it was closer than their two miles, it was 1.7 miles and their restriction was two miles apart and this was a massive five hundred, six hundred acre and they just turned it down because of that. He says, that was one of the reasons. Mr. Mann says, well there was discussion last month about doing away with it. He says, there was no discussion about increasing it from one mile to two mile. Chairman Drake says, yeah. He says, I think I said ten miles away from it. Mrs. Lewis says, you also said you want zero more, so. Chairman Drake says, I did. He says, well I just gave my opinion, I know I shouldn't do that.

Mr. Mann says, well, I'm back. We've got other counties that have got to miles. He says, I'm not sure what Greensville County's is but I wasn't even picking the guy, he just brought it up that they had put a mileage thing on it and I was listening on the phone, didn't ask. Mr. Mann says, are you aware, Mrs. Lewis? Mrs. Lewis says, no. Mr. Mann says, I didn't know whether that was a standard because I think y'all had said anywhere from 1,2,3 and 4 percent of what other Counties was doing. Chairman Drake says, some.... Mr. Mann says, there's no consensus. Chairman Drake says, it seems like somebody had done up to four. He says, I don't know where that came from, somebody has done up to 4%. r. Mann says, well I guess there is no consensus on, like the mileage between projects within the Counties in Virginia. Chairman Drake says, I'm not sure. Dr. Edwards says, what's your question? Mr. Mann says, pardon me. Dr. Edwards says, what's your question?

Mr. Mann says, my question is, is it any consensus on what other counties are doing, keeping it a mile between projects, two miles or five miles or six miles. He says, is there some type of thing we can hang our hat on just like we did the 1, 2, 3 and 4%. Dr. Edwards says, I don't know if we need to hang our hat on everything everybody else does. He says, let's do our own and see what happens. Mr. Mann says, and I understand that. He says, I understand but I think Jack brought up the point about let's not open up the legal door so.... Dr. Edwards says, well if it opens up a legal thing, then we can change it. He says, I don't think we need to be afraid, unless we do something really stupid by a legal situation as long as we're not really arbitrary and capricious about what we put down there, if it's reasonable we back it up with this so it could be hard to get around.

Mrs. Lewis says, and the next page after number fifteen says, the Board of Supervisors may amend the provisions of these sections provided the Board finds that the amended provisions protect the public health, safety and general welfare. She says, all of these things are discussion items. Mr. Mann says, I understand that but I sat here and watched this project get approved and watch this Board never ask a question. He says, so if we don't put it in the ordinance, the next Board, ten years down the road may just sit here and say nothing. Mrs. Lewis says, ok, do you all want to pick a number? She says, do you want it to be a mile, do you want it to be more? Mr. Mann says, how far, seriously how far is it from one end of the County to the other? Mrs. Lewis says, I don't know. Mr. Mann says, well I guess I'm just saying I was looking at two or three miles, and I didn't want to be, I'm just, was looking for the.... Dr. Edwards says, put it in furlongs if you want to. Mr. Mann says, put it in what? Dr. Edwards says, furlongs.

Mrs. Lewis says, there's a difference in how long it takes to drive from one end of the County and how many miles it is. Mr. Mann says, well, I'm saying air miles. He says, I'm thinking air miles. He says, I'd say let's put two or three miles in there and the next meeting, I'll know how many air miles it is from one end of the

County to the other, from whatever to whatever, the narrowest point to the longest point. He says, but when we say miles, we're talking about air miles, correct? Mrs. Lewis says, yes. Mr. Mann says, I certainly wouldn't delete it. Mrs. Lewis says, what number do you want to put in there? Mr. Mann says, three miles. He says, if that's too much we will go to two. He says, and I'm throwing a number out there. Mrs. Allston says, three miles sounds good. Chairman Drake says, it's going to be close to a substation one way or another. He says, it's going to be relatively close so they can attach on to something. Mr. Mann says, I see them in Carolina. Chairman Drake says, well, it's the smaller one can go on a smaller line but the bigger ones are going to have to be on a main transmission line, I think.

Mr. Day says, don't we have ten substations in Southampton County? He says, I believe it's ten. Mrs. Lewis says, that's a question that's hard to get out of Dominion. Mr. Mann says, yeah. He says, we allow them. He says, we got one hundred megawatt system out there, that's what they put in the last time, right? Mrs. Lewis says, yes. Mr. Mann says, ok. He says, well they built the substation.

Mrs. Lewis says, Southampton County is served by six facilities, so you want to say three miles? Chairman Drake says, give three miles tonight and we'll need to review that next meeting. Chairman Drake says, let's go ahead and say the three. He says, I'm getting a lot of knowledge on that.

Mrs. Lewis says, ok. She says, our fire and rescue department shall get emergency response training prior to the commencement of commercial operation and now we're fifteen as a community meeting. She says, do you want to keep the requirement for our community meeting and do you want to say that it can take place no more than six months prior to the submittal of the application? She says, now there's no time period, so they could have a meeting and they might not submit their application for two, three, four, five years and the property's changed hands. Chairman Drake says, I like six months. Mrs. Lewis says, ok. Mr. Mann says, I agree with that. Chairman Drake says, and Mrs. Lewis, how is that meeting announced? He says, do the adjoining property owners get a notice? Mrs. Lewis says, everybody that owns property within one mile. Chairman Drake says, one mile, ok. rs. Lewis says, the small one on Flaggy Run Road, that was only forty acres but there were three hundred property owners within one mile and they all had to get a notice in the mail. Mr. Mann says, who pays for that? Mrs. Lewis says, they do all of that. She says they set up the meeting, it outlines exactly what has to be submitted to the County. Chairman Drake says, they've got plenty of money. Chairman Drake says, let's go to six months. Mrs. Lewis says, ok. Mr. Mann says, now how soon after that, so what you are saying, they've got to present an application within six months. Chairman Drake says, correct. He says, this is an important meeting.

Mr. Mann says, now once they get a positive response from the Board of Supervisors or the governing body, how long do they have before they have to start? Mrs. Lewis says, conditional use permit in today's ordinance requires that you do something within twelve months. She says, that could be surveying, that could be soil borings, but you have to do something within twelve months to keep any conditional use permit alive. Mr. Mann says, I agree because if they start doing surveying, the people in there would know that because they go all the way in everybody's property like they want to. Mrs. Lewis says, by the time they get to that point, they've already had both the community meetings and the required public hearings. Mr. Mann says, I understand.

Mrs. Lewis says, the middle of the page says that the Board of Supervisors may amend the provision and that question is, this is generally part of the conditional use process. She says, the Board of Supervisors can't reduce the requirements found in the zoning ordinance, but there is some give-and-take. She says, is that what you would like to continue to do? She says, that is the purpose of a conditional use permit. Mrs. Lewis says, for some discussion that takes place based on the property itself and what's around it. She says, I think this Board has decided that they don't want to be so prescriptive that your ordinance is one hundred twenty pages long and there's no room for any discussion because you might be presented with a wonderful project but if it doesn't meet the one hundred twenty page ordinance, you can't say yes, and you might be presented with a terrible project that does meet all the requirements and then you can't

say no. She says, so, you want some discussion room. Mrs. Lewis says, do you want to continue that? Chairman Drake says, any comment? Mr. Day says, I agree. Chairman Drake says, yeah, I think so, I think so.

Mrs. Lewis says, then we go to decommissioning which is the nut that nobody seems to be able to crack. She says, from the Caroline County ordinance says 1A through E, agricultural ready condition means the property is ready for agriculture or silviculture use at the beginning of the next growing cycle and any changes to the ownership of the property shall require an updated plan and surety reflecting the same. Mrs. Lewis says, my question is, how do you want to ensure the County's apprised of a change of ownership? She says, do you want an annual report? Chairman Drake says, now this is the ownership of the..... Mrs. Lewis says, project. Chairman Drake says, leasing the project, correct? Mr. Day says, can't you do it like an additional insured every time or something. He says, if your insurance lapses, you're notified. He says, can you do it something similar to that?

Mrs. Lewis says, that would be a question for Mr. Railey but that's certainly a consideration. Mr. Mann says, but this is under decommissioning. Mrs. Lewis says, right. Chairman Drake says, that would be the easiest way, I think. Mr. Day says, let's go with additional insured. Mr. Turner says, so they would have to produce a certificate of insurance every year to the County. Mr. Day says, and if they ever drop their insurance, the County would be..... Chairman Drake says, that would be a red flag. Mr. Day says, yeah. Mr. Mann says, insurance for decommissioning. Mr. Day says, it would be similar to that. He says, I'm not saying that at it would be insurance but it would be similar to that. Mr. Mann says, you are not talking about a bond. Mr. Day says, no. Mr. Mann says, bond insurance. He says, but if the facility is sold prior to decommissioning, it gets up running in five years down the road, say Dominion wants to get out of this one and then sell it to another electric company. He says, are we notified of that? Mrs. Lewis says, I don't know. Chairman Drake says, we didn't have any guidelines, we don't know.

Mr. Mann says, ok, do we have any annual inspections at all with the facility we have now? Mrs. Lewis says, we don't have any annual inspections now. r. Mann so is this ordinance have anything built into it as an annual inspection? Mrs. Lewis says, a physical inspection of the site? Mr. Mann says, yeah. Mrs. Lewis says, no. Chairman Drake says, well, I'm going to ask something precarious. He says, I don't mean to be funny, please don't take it the wrong way but do we actually know it's in operation? He says, do we really know it's in operation? Mrs. Lewis says, are you asking if I know? She says, I do not know. Chairman Drake says, does the County know, not you? Mrs. Lewis says, I do not know who in the County would know, I do not know. Mr. Mann says, I agree with you. Chairman Drake says, we can't look at it and tell. Mrs. Lewis says, that's correct.

Chairman Drake says, it don't know either, I don't know. He says, it looks like it is but I don't know. Chairman Drake says, and Mrs. Lewis the reason I asked that is because we say if it's not in operation for a twelve month period and they can't give a reason for update by getting it back online, they have to start decommissioning process, but how do you know? He says, if they keep cutting the grass, maintaining the nursery stock. He says, how do we know it's actually producing energy? Mr. Day says, well, do the landowners get paid whether it's running or not? He says, because if they're not running, the landowner doesn't get paid, then somebody would be raising cane right now. Chairman Drake says, I agree, but I don't know. He says, I can't answer that either, but you're right. He says, but there is so much money in this, they get paid five years before they even start a project, it's crazy. He says, and since if kind of, once it's constructed, it's kind of a passive use. Mrs. Lewis says, the panels go back and forth and somebody mows the grass but do you care if it's operational? Mr. Chesson says, if it's not operational, it needs to be decommissioned, so yes, we do care. Mrs. Lewis says, but if the grass continues to be cut and it looks like it does when it's operational for all intents and purposes. Mr. Turner says, they can't build another one because it takes up fourteen. Mrs. Lewis says, that's right. Chairman Drake says, that's right, they can't build another one. Mr. Turner says, it's under one percent so they can't build another one.

Mrs. Lewis says, if it's still maintained and the grass is cut and the trees are taken care of and you know everything looks nice and shiny, who cares if it's running? She says, if it's abandoned, if you can look at it and see that it's abandoned, that's something. She says, but if it looks like it always does, I don't know who in the County would know if it's creating electricity and I don't know why it matters if it's maintained. Chairman Drake says, well, I guess you're right, unless you had a megawatt cap. He says, you want to know what it's producing and is it one hundred megawatts or is it eighty or is it one hundred twenty. He says, they say it's a one hundred, who knows. Mrs. Lewis says, I believe that Mr. Foster, when he was here, the attorney was here, says that there is a report to the state every year as to how much electricity it's creating. Dr. Edwards says, why don't we just check with Mr. Tennessee, he would know the answer to that. He says, everybody up here needs to know. Mrs. Lewis says, yes. Dr. Edwards says, we can debate that all night. Mr. Day says, I'm assuming we are all paying for solar in one way, shape or form. Chairman Drake says, my electric bill is steady going up. Mr. Day says, it affects me if my energy costs are going up and they're not using it. rs. Lewis says, well, I don't know if even at its most, it's only going to provide six percent of the electricity. She says, I don't know if making it or not making it makes any difference to your bill. Mr. Day says, which is costing them millions of dollars, solar facilities. Mrs. Lewis says, and you're paying that today, whether it's creating electricity or not. Chairman Drake says, it's a footprint. He says, you've got to meet that footprint by 2030.

Chairman Drake says, let's continue on the decommissioning. Mrs. Lewis says, the ordinance from Caroline County says, decommissioning shall be required following a continuous period of twelve months of cessation of use or revocation of the conditional use permit. She says, the owner shall have not more than twenty-four months to clean it up. She says, it only takes a year to install it, twenty-four months seems like a long time. Chairman Drake says, is that something we put into the first ordinance, twenty-four months? Mrs. Lewis says, no, that's from the Caroline County ordinance. Mrs. Allston says, will one year be enough, one year, twelve months? Chairman Drake says, well, I kind of like it, I agree with you. He says, a year probably could do, because it goes up quick. He says, when they start, once they get in land level like they wanted or whatever they're going to do, the panels go up quick. He says, I think a year. Mrs. Lewis says, and they have no incentive to drag it out. Chairman Drake says, well it shouldn't. He says, once that crew comes in that's going to do that, it's probably going to be very quick anyway.

Mrs. Lewis says, number three says, decommissioning shall include removal of all panels, footers, foundation structures, cabling, electrical components and any other associated facilities and equipment as described in the decommissioning plan. She says, this is basically what yours says now.

Mrs. Lewis says, number four says all fences, access roads and non-utility improvement shall be removed unless an executed agreement is provided indicating that the property owner agrees for these improvements to remain. Chairman Drake says, agreed. Mrs. Lewis says, today some communities say you only have to remove down to three feet below the surface but your ordinance says everything. Mr. Turner says, I would say everything. Mrs. Lewis says and because what's three feet below the surface, thirty years from now might be five or six feet below the surface or it may be less depending on how the soil moves. She says, so today your ordinance says everything, unless the owner wants it to remain. Mrs. Allston says everything. Mr. Turner says, I would say everything. Mr. Day says, everything. Mrs. Lewis says, unless the owner wants it to remain, unless they want the gravel roads to stay or whatever. Chairman Drake says, that right now, unless the owner wants it to remain. Mrs. Lewis says, unless the landowner wants to keep it. Mr. Mann says, can the landowner say, I want the wiring to remain? Mrs. Lewis says, no, because number three requires that they take out all that. She says, number four says, fences, access roads and non-utility improvement. Mr. Mann says, ok. Chairman Drake says, I agree as it's written. Mr. Turner says, so it's just fencing and gravel road specifically?

Mr. Day says, does it have to be left in a graded condition or not? Chairman Drake says, but if you put back like it was. Mrs. Lewis says, it has to be. Mr. Day says, that would be in there as well. Mrs. Lewis says, that is.... Mrs. Allston says, and landscaping. rs. Lewis says, that is in the page before the one that

talks about decommissioning. She says, it needs to be left in agricultural ready condition. Chairman Drake says, if the, Mrs. Lewis, unless the land owner wants to remain, the landscaping has been added. He says, is that option for the landowner as well? Mrs. Lewis says, yes because that's a non-utility improvement. Chairman Drake says, so if the landowner wants it to stay, it's fine. He says, ok, alright. He says, I think we're good with that as presented.

Mrs. Lewis says, ok, number five talks about the salvage value. She says, this says the Caroline County ordinance says you get a one hundred percent of the salvage value. She says, and this Board has discussed for years that you think it should be no percent for the salvage value and do you continue to believe that and do you want a one thousand dollar administrative fee each five years that the decommissioning value is reassessed? She says, that seems reasonable to me. Chairman Drake says, and that will be for, hiring a person to do that? Mrs. Lewis says, no, that is just on our end for us to take it over. Chairman Drake says, administrative duties with that. Mrs. Lewis says, right.

Chairman Drake says, I'm good with that. He says, anybody got a comment? Mr. Chesson says, the current ordinance's salvage value is zero. Mrs. Lewis says, no, the current ordinance's salvage value is fifty percent. Mr. Chesson says, fifty percent. He says, I mean, my thought would be leave it at fifty percent or zero. Mrs. Lewis says, I think some on this Board have had concerns for years that who can tell what the salvage value is going to be and if there is salvage value, then if they get zero credit for salvage value, then either the private company that does the decommission either.....

Chairman Drake says, they will negotiate it out with the cleanup.

Mrs. Lewis says, they'll do well because there's salvage value or they won't do well because there's no salvage value. She says, but that doesn't burden your children and grandchildren with that amount.
Mrs. Lewis says, I think the discussion has been to lessen the potential burden on future taxpayers as much as possible, saying a zero percent salvage value. Mr. Mann says, I had said zero all along. Mrs. Lewis says, yes, you have. Mr. Chesson says, I'm alright with zero. Mr. Mann says, zero percent, berm is just two things sticking in my head. Mrs. Lewis says, well, perhaps that can be accomplished. Chairman Drake says, yes.

Mrs. Lewis says, ok, number six on the last page talks about a review every five years. She says, do you think that's the right review period? She says, that seems to be pretty common in other ones. Chairman Drake says, ok. He says, are we in agreement there? Mr. Mann says, is there anything else in the County that has to be reviewed sooner than five years? Three years sticks out in my mind. He says, it's an industry right now that technology just changes. He says, I mean computers change quicker than five years apart. Mrs. Lewis says, there isn't anything else in the County that our department reviews on any schedule. Mr. Mann says, ok. Mrs. Lewis says, you want to take five years, you want to take a different number? Dr. Edwards says, five years is good. Chairman Drake says, is that going to be a timely process? He says, we are all guessing for, I guess would that be your department? Mrs. Lewis says, yes.

Mr. Mann says, how often do we have to revalue the property values in Southampton County? He says, is it once every seven years or five? He says, what does the state require to reassess property? Mrs. Lewis says, I thought it was like six years. Chairman Drake says, I'm not sure. Mrs. Lewis says, that's a question for the attorney. Dr. Edwards says, it was five, wasn't it. Mr. Mann says, do we re-evaluate property values every five years? He says, the state requires something. Dr. Edwards says, we could do it every year if you want to but it would cost you about three hundred, four hundred thousand dollars to do it, so you will go in the whole doing it. Mr. Mann says, but the state requires you to do it at least once every five, six or seven years. Dr. Edwards says, I think it is five years. Mrs. Lewis says, I don't know. Dr. Edwards says, somewhere around there. Mr. Mann says, let's leave it at five. Chairman Drake says, ok, let's do that.

Mrs. Lewis says, number seven talks about the siting agreement and the site plan and the decommissioning plan being recorded at the Clerk of the Court's office. She says, now the survey outlining the area of the project is required to be recorded at the Clerk's office but the site plan and the decommissioning plan are not required to be recorded. Mr. Mann says, I think it should be recorded. Mrs. Lewis says, ok. Chairman Drake says, as long as it says long-term. Mrs. Lewis says, so you want all of it. Chairman Drake says, do you agree? Mrs. Lewis says, ok. Chairman Drake says, alright.

Mrs. Lewis says, in case you all don't know, the clerk of the courts office has moved to Hunterdale Elementary School and they will open to the public next Tuesday. She says, so just a little information, doesn't have anything to do with this except the recording part. She says, if you need anything recorded, they will open again to the public next Tuesday.

Mrs. Lewis says, the last one says property owners acknowledge the County's ability to enter the property to effectuate decommissioning pursuant to Virginia code. She says that Uniform Statewide Building code permits inspectors to enter any site with an active building permit and a decommissioning plan would require demolition permit. Mrs. Lewis says, they can do this anyhow, but there really isn't anything wrong with saying it again. Mr. Mann says, is there anything that allows the County to enter the property? Mrs. Lewis says, do you mean a project that's done? Mr. Mann says, yes. Mrs. Lewis says, a warrant. She says, you could get a judge to issue a warrant unless there is a life safety issue, then an inspector can enter the property. She says, but just driving by and want to go in there for no complaint, no active life safety issue, not active building permit, they would need to be invited in the property or get a warrant.

Mr. Mann says, well, there's a lot of things that the State government is allowed to come in, all they got to do is announce it, but they do not have to have a warrant to come in. He says, they come to my farm, they don't have to have a warrant. Mrs. Lewis says, they can't come in your house, though. Mr. Mann says, ok, they can't come in my house but we're not talking about a house on a solar project. Mrs. Lewis says, right. She says, there are things that the building inspectors can do, but without any active building permit or any active life safety issue to go inside your house or a factory or anything else, they have to be invited in or get a warrant.

Mr. Mann says, ok, well, I get back to the Department of Energy or DMME, they've changed it to the Virginia Department of Energy. He says, they come in on a facility without a warrant. Mrs. Lewis says, I expect they can go into these facilities without a warrant. She says, and when, with DEQ, there is a pollution issue, somebody is spilling oil or there's Styrofoam in the river as there was a number of years ago, we get a call from DEQ asking if we would be their legs and go in and investigate on their behalf. Mr. Mann says, well, I guess what I'm looking at, I understand, is there any agency in the State, they can actually go in and we say that possibly the Virginia Department of Energy could, but in my conversation this week, they've changed names but they have no regulatory authority over facilities. He says, I keep asking that question on a regular basis and the answer is no and that's coming from a State level. Mrs. Lewis says, and unless there was a fire or some sparks or something. Mrs. Lewis says, I'd have to admit that if a building inspector walked in to the facility, I don't know what he or she would look at. She says, unless there's something bad going on they can see, I don't know what you would want a building inspector to look at. Mr. Mann says, well, you get back to eventually batteries are going on these facilities. He says, I can see that there should be some type of ability or a way that a County can go in if they see the need, not that they have to have a complaint. He says, just as technology changes. He says, I don't know how to word it but I'd like to leave the door open where we could at least have the opportunity of two or three annual inspections a year. Mrs. Lewis says, that may be a question that needs to be answered through the Uniform Statewide Building Code. Mr. Mann says, ok. Mr. Chesson says, if you put it into the code to say the applicant, as a condition, that an inspection of the facilities needs to happen. Mrs. Lewis says, for all intents and purposes, I don't know what the inspector would be looking at.

Mr. Chesson says, would be looking for, we could look for damage. He says, it could be for whatever reason, it may be zero reason, you don't need to visit. He says, but if you had it in the ordinance and say we can visit, one of the hot topics today is fire ants, is my understanding. He says, there's problems with fire ants, well maybe there is a problem, maybe there isn't. He says, if there is not an inspection of it, how do you know? He says, they're not going to tell you about it. Mrs. Lewis says, but the agency that oversees the treatment of fire ants can probably go in there and they are certified and trained. She says, their machinery inside the facility might not be working at all, or might be working completely backwards but I do not believe a building inspector is going to be able to tell that by looking at it. Mr. Chesson says, well, and it may not be necessary of the building inspector, but at least what we're doing is looking. He says, I think what Mike (Mann) is asking for is a key to get into the facility and it may be two people. He says, it may be a building inspector official from our department and another consultant. He says, but at least, if we'd have something in our ordinance to say we have the right to go in.

Mrs. Lewis says, perhaps, the ordinance needs to say, we have the right but to require an annual inspection when no one knows what they're looking at when they go in there. Mr. Mann says, I guess what I'm saying is we have the right to go at least three times in the facility and keep it broad spectrum. He says, I mean, I get visits all the time. He says, they come unannounced, they don't come with a warrant and I'm very polite when they get there because I don't want to tick them off, so the same thing here. He says, the County should reserve the right to be able to enter the facility being that this is an electrical facility. He says, they would have to be accompanied by personnel because they wouldn't let us in the facility up there at Roanoke Rapids. Chairman Drake says, that's right. Mr. Mann says, I'm not saying we just have a key to the gate and we'd go in any time. He says, whereas I do get visits whether the gate is locked, they can climb over the gate and go in anytime and I can't stop them. He says, so, I'm just saying we build into our ordinance that we have the right to go in a minimum of three times during the year. He says, of course, if we see a problem that we can't foresee now in the ordinance, then we know who to contact the appropriate authority to force further inspection into it. He says, but it is a facility that's in our County. He says, the State's not going to look after our County as much as our County. He says, I'd just like to build in somehow or another that they will have to grant us at least three times a year entrance. He says, how we word that would be up to Richard Railey. Mrs. Lewis says, perhaps, including that "we can" rather than "we have to". Mr. Chesson says, right.

Mr. Mann says, that's right. He says, we can because we may pick up something in the future that we have not seen today and it's like, ok, we have the right to do it at least three times. He says, we can do it, we've got the right to. He says, I mean, with my mess, they're required to come three times. He says, I think the State makes them come at least three times a year. Mrs. Lewis says, and they probably know what they're looking at and looking for when they go in. Mr. Mann says, I do and as time goes on, we're going to learn that too. He says, we might not be able to learn about the facility but there's going to be things that pop up eventually that we're going to say, I wish we could go in and look and we didn't build it into our ordinance. He says, of course, we can get high-tech and take a drone to fly over. Mrs. Lewis says, they've made stricter rules about drones in this most recent session. Mr. Mann, well I'm sure they probably got restrictions over the solar facility, it's an electrical facility, but I'm just saying that I'd like to at least.... Mrs. Lewis says, reserve the right. Mr. Mann says, reserve the right, there you go. Chairman Drake says, yeah, I like that because you may not, you may not have any reason. Mr. Mann says, that's right. Chairman Drake says, but if something pops up, that would get you the ticket to the door with accompanying personnel. He says, I think reserve the right, good. Mrs. Allston says, I could see you, if where you live and you're driving past and you see broken panels. She says, because I have seen broken panels going down the interstate and things kind of just turned every which way. She says, and maybe the people who operate the facility don't know about it. She says, so if you have the right to go on the property, you can examine where things are not quite what they should be.

Mr. Mann says, it just concerns me that the Virginia Department of Energy still has no regulatory authority and that's where the authority should be on the state level, rather than a local level. He says, because

we're not trained, we don't have trained professionals in the County to know what we're looking for. He says, I'm not trying to add a job description by any means to anybody in the County but out of sight, out of mind, so sometimes just being able to walk through. He says, and the thing is, we've got a facility already at fourteen hundred acres. He says, is there any other business in the County with fourteen hundred acres big that nobody has the authority to walk in on. He says, mine, they have the authority to walk in on, the Department of Forestry, they can come in. Mr. Turner says, I think the way that you can piggyback with the building inspector is kind of like the State Fire Marshall because they can go into a business and do a random inspection anytime they want to do for signage, fire extinguishers, all that kind of stuff. He says, so you can kind of maybe coordinate that with that building inspector for an inspection. Mrs. Lewis says, but it's not a required inspection, just reserve the right. Mr. Mann says, reserve the right, yeah, that's right. Chairman Drake says, I think that's the language, reserve the right to go into it, if needed. Chairman Drake, says, ok, that's agreeable. He says, anything else? He says, can you, do you mind bringing up the additions and changes on this part for our packet.

Mrs. Lewis says, you want the changes that you made to the first section again? Chairman Drake says, kind of give us just an update and I think we're pretty good on the majority of it. He says, now I still, make it when you get your packet next week, make your notes so you will be ahead of the game. He says, then you can see anything that you don't like or wasn't worded quite right because I know we had a lot of discussion points tonight. He says, next month will be the last section, is the correct? Mrs. Lewis says, yes. Chairman Drake says, and you're going to forward that to us in our agenda package. Mrs. Lewis says, you'll get the worksheet..... Chairman Drake says, beforehand. Mrs. Lewis says, right, next week. Chairman Drake says, that will be good. He says, I found mine by the way, after we got started.

Mr. Chesson says, may I just add, I guess I was thinking about, the only thing I had a little indigestion with is the one mile or two mile rule or three mile rule. He says, I don't know how that would be written up but I guess my thought process is if there was a forty acre project proposed to be on the Back 40 as you were saying, very well hidden, within a mile of another facility or within a mile and a half of another facility and is close to the substation, I don't know that I'd have a problem with that. He says, I mean especially if it didn't take up valuable farmland. Chairman Drake says, it might be that brownfield area. Mr. Chesson says, I'm not as strict on the mileage as everybody else, I guess is what I'm saying. He says, depending on how it is written, I guess. Mr. Mann says, that's why I brought up a while ago that anything over forty megawatts has to be two, three miles or whatever away, anything less could be within a mile. He says, but I don't know whether that would encourage them to make forty megawatts right down just like a chain, like dominoes.

Chairman Drake says, I'm going to go back to Mrs. Lewis. He says, the Board of Supervisors would have that discretionary clause, correct? Mrs. Lewis says, yes. She says, if they thought it was suitable, the Back 40, so to speak, within one mile. Chairman Drake says, if they thought that it was a perfect example, but certainly not bothering the residences, wouldn't that supersede? Mrs. Lewis says, yes. Chairman Drake says, do you put the two or three mile, I'm just going to say two, or do you suggest the three mile or just put nothing, to answer Mr. Chesson's question. He says, can you put the word "suggest" or that doesn't matter? Mrs. Lewis says, you just put the number 1, 2, 3, 5, whatever. She says, and the last sentence says that the Board of Supervisors has the ability to vary any of these things. Chairman Drake says, I think that's good. Mr. Mann says, well, he only said it, he didn't get warm and fuzzy about it. Chairman Drake says, if it's a perfect location, if it's a brownfield location. Mr. Mann says, I still like the three miles. Chairman Drake says, I agree, if it's a perfect location, if this is suitable, it's in that one mile, I concur, that doesn't rule it out. Mr. Man says, you're saying the Board of Supervisors has the right to change any part of this? Chairman Drake says, not all of it, you didn't put that clause.

Mrs. Lewis says, they can, they have the right to make decisions based on the general welfare. Chairman Drake says, the acreage and the megawatts was not debatable or changeable in the first section, you should not put that. Mrs. Lewis says, this says that the Board can modify the standards, which is the one

mile from an unincorporated place. She says, decommissioning, the technical fees, the Voluntary Ag District, the siting agreement, they can modify that. She says, they can modify the setbacks, they can modify the buffers, so it spells out in here what they can modify. She says, the Board can determine that further screening improvement may be reduced or not required based on supporting documentation. She says, so it spells out in here what they can do. Dr. Edwards says, a recommendation to do that would come through here. Mrs. Lewis says, yes. Dr. Edwards says, I can almost guarantee you if the recommendation came from here, that it will be followed.

Mr. Mann says, yeah, but that's with the present Board. He says, we have seen history that what we said here never got listened to. He says, I witnessed that. Dr. Edwards says, I don't think in five or six years, you'll have to worry about it, it will be obsolete, everything you're talking about. Chairman Drake says, it will be outdated. Mrs. Lewis says, and the one percent will be used up by then. Mr. Turner says, yeah. Mrs. Lewis says, and it doesn't, this ordinance as it stands now, doesn't give the Board of Supervisors the authority to waive the one percent. Chairman Drake says, that's right. He says, Mr. Chesson, does that answer your question? Mr. Chesson says, yeah, I hated to rehash. Chairman Drake says, no, no, no. He says, do we leave the three mile and then leave it to the discretion of the Board, if they think it has a fit. Mr. Chesson says, that's fine. Chairman Drake says, ok, we'll leave it like it is. He says, I think it's good. He says, I commend all of you.

Chairman Drake says, anything else to come before the Board on the solar part. He says, when you get your worksheet, just go ahead and follow through that and make your notes and hopefully, we can sum it up. He says, we want to sum it up in the next meeting, correct? He says, the February meeting and then have the hearing at the March meeting, correct?

Mrs. Lewis says, well, next month, you'll get revised the first section and the revised second section. She says, you'll have the third section to look at so maybe at the March meeting, you'll look at the whole thing as a piece and have the public hearing in April. Chairman Drake says, April? Dr. Edwards says, the public hearing will be April? Chairman Drake says, ok. Dr. Edwards says, then it will go to the Board then we will be having a public hearing and we just slide in under twelve months. Mr. Mann says, and the twelve months is September, right? Mrs. Lewis says, September 10th.

Mr. Mann says, September 10th. He says, I was sitting here thinking that before we carry this to a public hearing, do we want to have a joint meeting with the Board of Supervisors and give them a copy of what we've done and get some feedback from them before we carry it to a public hearing and the Planning Commission. He says, just a suggestion, just food for thought. Dr. Edwards says, I'll bring it up with them and see. Mr. Mann says, ok. Chairman Drake says, that would be good. Mr. Mann says, and that way, we're getting a unified page ahead of time instead of having a public hearing and then the Board change something. He says, we have some great ideas that we got from there.

Dr. Edwards says, I would venture to say that the Board feels that this level of expertise in land use in this group, it would be very hard for the Board. He says, the Board is not educated enough, not as much as this group. He says, I think getting together, I'd prefer, but I think it would be very unusual for the Board to make any major modifications, unless legal or an attorney said something like that. He says, we have a very good relationship with the Board, I hope we can stay like that. Mr. Mann says, I do too. Dr. Edwards says, one decision in the last thirty-two years the Board didn't go with and you know what happened, they went to court. He says, what's that telling you? Mrs. Lewis says, I believe that the Board of Supervisors trusts this Board's work. Dr. Edwards says, well, you don't see that at other places. He says, I've got a friend who is on the Planning Commission in Virginia Beach and he's getting ready to quit. He says, he said no matter what we do, the City Council does what they want to do.

Mr. Mann says, I'll admit in a public hearing, you get some good ideas from a public hearing, people start looking at it. He says, if they attend and study, and most of the time that's in the heat of the moment. He

says, but there's a lot of ideas that can come off that podium that sounds good. Chairman Drake says, alright, we'll go to Item number 6. He says, no new business. He says, we've already adopted our schedule for the year.

Chairman Drake says, we'll go to the public comment period.

Mr. Cox says, my name is Blake Cox and I'm with the Virginia Land and Liberty Coalition. He says, first, I just want to start, I really commend you guys because people do not have the robust discussion that you guys had tonight about solar and that, from a younger person to see that, means a lot. He says, also Mr. Railey, I'm sorry to hear about that. He says, I've got to know him this past year, so really sorry to hear about that. He says, but quickly, I just want to introduce the coalition. He says, we are a diverse group of farmers, landowners and stakeholders who are concerned about protecting private property rights, increasing local economic development opportunities and being good stewards of the land. Mr. Cox says, we support renewable energy development by doing grassroots support based on facts and not fear. He says, we utilize communications, industry relationships and direct on the ground advocacy to equip rural communities with the tools they need to engage in utility-scale siting efforts in a way that benefits the entire community while honoring individual rights.

Mr. Cox says, my main goal tonight is really just, I won't get into anything specific here otherwise I'll be up here for a while. He says, but I just would like to engage with you all personally after the fact, particularly before the next meeting just to have this discussion with you guys. He says, I won't do the seven or eight on one right here but I would love to talk to you guys seriously about some of these issues that you brought up. He says, I might have some pretty strong views on this so I would really love to talk with you guys and have a real conversation about it. Mr. Cox says, so I have a letter for you guys here and it's got my card attached to it. He says, I hope you guys would read this and I will be reaching out to all of you individually. He says, so I just hope we can have that conversation and I'll just finish with this, is that I just hope you can consider each project on its merits. He says, don't box yourself into anything, like you got the power. He says, don't take it away from yourselves, just consider each project on their merits.
Mr. Cox says, thank you guys, I appreciate it. Chairman Drake says, thank you.

Chairman Drake says, ok well, if not, and remember, now when we come back, if we go through Section three tonight and we finish that tonight, we'll have also have the March meeting to kind of go over all of it again, if we see anything that when you come back and address. Hopefully after that we'll come back, we'll plan our public meeting or public hearing at the April meeting, that's kind of the schedule.

Mr. Chesson says, the one thing you did ask about, I guess I'm just for clarification. Chairman Drake says, where are we at, Mr. Chesson? Mr. Chesson says, the first page that it's, yes, you've got the highlight and says something about the Board of Supervisors may not modify these regulations per this draft. I mean, they can do what they want to do. That's what I didn't understand. Mr. Chesson says, I mean they have the power to change the regulations. I don't understand the highlighted note. Chairman Drake says, well someone help me. You're welcome to step in. Chairman Drake says, what I got from that was, some of the logistics of that particular part of the draft, we were kind of so-called etching that in stone. But when it comes over to like, there's a lot of other areas that modifications can be made if the governing body decides to do so, like the bulk, to make it fitting for a particular circumstance. But I think the cap, some of those things, we were thinking that we didn't want it to, we were hoping that wouldn't be changed but I guess you're right, the Board of Supervisors can do as they please. But I guess we were trying to say that we hope it is not modified. Vice-Chairman Randall says, yeah, they're saying that the Board, when we put this very strict cap, unless they take additional action to change this, they have no flexibility. Does that make sense? They could always amend the ordinance, ok, but without an amendment of the ordinance, they don't have the discretion to kind of come close. Dr. Edwards says, they can't do that anyway.

Vice-Chairman Randall says, well, it's so in some of the way that our ordinance is written, they do have some discretion. But in this, it would be absolute. Vice-Chairman Randall says, let me give an example because she's put it in red for us. She's kind of walking us through it. It's like, you know, the ratio is being considered say one percent so if we've met the one percent.... Chairman Drake says, right. Vice-Chairman Randall says then the Board of, doesn't have any discretion to go above that one percent at all. Zero, unless, say they would modify it and go to two percent. Mr. Chesson says, right. Vice-Chairman Randall says, that's what she's saying. Dr. Edwards says, we, but that wouldn't mean to have to be, go through the process. Vice-Chairman Randall says, correct. Chairman Drake says, right. Vice-Chairman Randall says, she's just pointing that out to us that we can't come one point o one percent, theoretically. Chairman Drake says, right. He says, does that address your concern. Mr. Chesson says, yeah, sure.

Chairman Drake says, ok, is there anything else in the first and section that we need to take a look at tonight? Mr. Day says, I've got one question on, you know, I think Mr. Mann brought up the idea of going in and inspecting the sites. And I think Mrs. Lewis asked you, what's the purpose of the visitation? Have we talked about any fire ant suppression? There's that, even an issue. Mr. Day says, we're seeing fire ants more and more in the County and could that be addressed as well? Chairman Drake says, I know it was addressed in the nursery stock that has to be certified coming in. I don't know about, you know, so far as any measures they would take on site. Mr. Day says, when you're bringing in equipment from other areas, you can bring in the ants there. Chairman Drake says, that's correct. Mr. Day says, when they're cutting grass, they're going from site to site and they can carry them on their machines as well. So I would like to put something in there with they're responsible for hopefully maintaining the site free of fire ants, if possible. Chairman Drake says, ok, alright. I'll tell you, we'll bring that up at our next meeting and see if we can get some language put in there to address that. Mr. Mann says, and maybe we don't need to tie ourselves just to, just to fire ants. Mr. Day says, correct. Mr. Mann says, we need to have it that they maintain their equipment for noxious weeds or.... Chairman Drake says, ok. Mr. Mann says or any insects that could be a detriment to the County. Chairman Drake says, and that's a good point because a lot of the construction firms are from across the country, it's not really what you call local. And I know the previous project, they were out from the southwest part of the country so that's a very good point. And we'll certainly address that and see if we can get some kind of language inserted, ok.

Chairman Drake says, alright, anything else before we go forward. Alright, if not, I'm going to ask you if you will pull out your worksheet. This is the one that she mailed out to us. We've certainly had ample time to review it and I hope if you saw any issues, I hope you made some notations and put some question marks in.

Chairman Drake says, we'll start on the first page at the top of the page, the final pages of February 2022. I don't mind reading through this, it's just for the sake of time. Does anybody have a question on the first page of the worksheet? Everybody has the worksheet in front of them, any questions on the first page? Mr. Chesson says, my only thought, it was designated County representatives or employees, about the fourth line down. And I was thinking, ok, fire department. The fire department needs to get in that fence at that. Will they be designated County representatives at that point in time? They have to cut a lock to get in there to get to a fire, do they become designated County or do we need to .... Vice-Chairman Randall says, I think it's under police power. At my storage facility, there was a fire back there one time. I mean, obviously, they're acting under the police powers of the government. If they see smoke, they're authorized, they have to have a reasonable, reasonable basis, and obviously smoke coming up, I think would meet that, every time. Mr. Chesson says, ok. Vice-Chairman Randall says, I mean, there's an inference that there's damage to property that's occurring. Like for police, someone screams, you know, there's a basis that a police officer can check on that. Well, the police powers work the same way with firemen. Mr. Chesson says, ok. Chairman Drake says, so is that satisfactory, Mr. Chesson? Mr. Chesson says, yes.

Chairman Drake says, alright, anything else on page one? Mr. Chesson says, item number one on the second section, the twenty-three ten section, item number one, the amount of energy and megawatts. Mr. Chesson says, my only thought process is the inserting the word maximum. So what does that do for it, wouldn't it improve it because as these panels become more efficient and they start aging out and they replace them, panel by panel. He says, all of a sudden, a one hundred fifty megabyte, megawatt facility becomes a two hundred fifty. He says, is that, it going to be a concern of ours? Mr. Turner says, I personally think it wouldn't. We're still consuming the same footprint and if we're getting money or revenue from the County from one fifty to two hundred, we're going to be making more money as a County if we do the fourteen hundred per megawatt. So the more megawatts, the more money the County brings in and you're not changing the footprint. So I don't know if I would put a max on it. Mr. Mann says, I thought Beth mentioned something about that, if we went over a hundred megawatts, they would have to make the County aware of that. Chairman Drake says, correct, that's correct. Mr. Mann says, the permit is only on megawatts. So they'd have to come back before the County anyway. Now I think she mentioned it. Chairman Drake says, some type of reporting that's done and there would be, if it goes up, they would be aware. I agree with Mr. Turner, I think we're more concerned about the footprint and if it gets more efficient, that would be just more revenue for the County. Mr. Turner says, yeah.

Chairman Drake says, anything else on page one? Alright, let's go to page two. We will start at the top and work down. Anybody see anything there that you think needs any attention. Mr. Chesson says, item number eleven. Chairman Drake says, ok. Mr. Chesson says, the name and contact information of the owner. Are we talking about the landowner or the equipment owner? And if we're talking about one or the other, to me, I think we ought to designate this. Mr. Mann says, I think it says, for purposes of compliance with the conditional use permit. So the conditional use permit has a name on it doesn't it. Chairman Drake says, and that's going to be the owner of the project, not necessarily the landowner. Mr. Chesson says, ok, I think I know what you are trying to get at. Chairman Drake says, do you think we need to get more specific? Mr. Chesson says, well I'm just saying if we just put the equipment owner, I don't know, that's just my thought when I was reading it. Chairman Drake says, alright, we will note that. Ok, so noted. Anything else, we're on page two.

Mr. Chesson says, and item number twelve, the natural resource inventory that's required in the middle of that, it talks about. Have we as a Planning Commission ever been presented with a natural resource

inventory that we've looked at in other applications? Does anybody recall, I mean, I don't know what one looks like. Chairman Drake says, isn't that referring to the watersheds, is that correct? Mrs. Allston says, that's the time that we've, it's been pointed out to us that certain areas or wetlands..... Chairman Drake says, right. Mrs. Allston says, that have a, that should be preserved. Chairman Drake says, you're asking is there is a particular listing, if that's mapped out in the Comprehensive Plan or not. Mrs. Allston says, he was wondering if it was noted on the maps that we see, or that we look at and then they are identified that way, but there's nothing that identifies other natural areas in the county other than wetlands. Mr. Chesson says, I mean, just to propose an ordinance with this requirement. Chairman Drake says, we need something specific. Mr. Chesson says, well, I'm just not familiar with it. I just say, and the same thing when it goes down to item number three, when it talks about this perennial flow. What are we talking about there, what is a perennial flow. Chairman Drake says, that's going to be the, that's the direction that the water is traveling, I think. Mr. Day, is that correct. Mr. Day says, I'm assuming they're talking about perennial versus intermittent. Any perennial runs, you know, mostly year round. Intermittent, it's just an intermittent stream. He says, I'm assuming that's what they're referring to there. Chairman Drake says, alright, so noted. Mr. Chesson says, I just like to learn. Mr. Day says, we talked about that in the BMP for forestry. Mr. Turner says, yeah, I think it's in the grading section. It's got it forestry guidelines, the requirements for the Virginia Department of Forestry BMP standards should be included.

Chairman Drake says, ok, alright, let's go the page three. Did you have any notes there. Mr. Chesson says, my only thought in reviewing the wetlands stuff is do we really care if the panels are flooded or not? Chairman Drake says, well, I think we had a..... Mr. Mann says, yeah, I think when it comes to construction time, that's where the problem can develop. Chairman Drake says, yeah, you can't develop wetlands, can't disturb anything in the wetlands. Mr. Mann says, disturbing the wetlands during construction, that's only the titanium companies can do that. Chairman Drake says, right.

Mr. Chesson says, item number three, when we talk about in areas having excessive slopes and having highly erodible soils. Who defines and what is the definition an excessive slope? Mrs. Allston says, well, the panels cannot be on a grade more than ten percent, I believe. She says, so.... Mr. Mann says soil scientists and soil conservation, they have a chart that they go by. They rate slopes and what is more hazardous and what is highly erodible. We refer to it a lot of times as hel land, highly erodible land.

Vice-Chairman Randall says, wouldn't the County come in to regulate some of that? I mean, I know they were at my project about every day, watching the grass grow. So I think they're pretty intense on that, I mean every day. Especially when there's not a lot of projects. And they do a good job, I'm saying that, but you know, they're out there and maybe not every day, but they're out there at least three times a week. And if something, any type of earth moving is done, they're going to know. So, I mean, it is a surprise when they get that permit. Vice-Chairman Randall says, so it's, the County does a very diligent job and, I'm trying to use the correct word, evaluating that and regulating that to make sure that the contractor is not doing something improper. Chairman Drake says, they have a set of standards that they're enforcing. Mr. Chesson says, I mean my thought processes, if you've got a highly erodible soil, I mean, the thing to do is put pasture on that and let the cows grow on it. He says, well, I mean, what's wrong with a solar panel. Vice-Chairman Randall says, they still have to get like an E&S certificate. The building code is still an issue here, that's an overlay for the statute. Mr. Chesson says, yeah, I mean my thought processes..... Chairman Drake says, it could be, it could be just requiring a certain type of vegetation and that would be the control measure for a highly erodible site, I would think.

Vice-Chairman Randall says, yeah, but they are not going to approve the final in section if there are signs of erosion, does that make sense. So the statute kind of places that E&S certificate, because there's building code requirements and then the ordinance I think in theory takes it to, elevates it. But if there is a significant erosion, the E&S certificate for the building permit will never be approved. Vice-Chairman Randall says, and I guess the philosophy behind it is there can't be significant erosion because this project is going to be there for a significant period of time. So in theory, the building inspector, when he approves

it, that this site is going to maintain itself for a significant period of time. Does that make sense. Chairman Drake says, it does, but then again, the vegetation is important because I know..... Vice-Chairman Randall says, well, I'm not saying that it is not important. Chairman Drake says, because you just can't go up and control the vegetation by annihilating. The grass, the natural cover has to be established and continue to be, you know, mowed or cut, whatever. You can't just go in and so-call spray it to control it. Chairman Drake says, so, correct. Vice-Chairman Randall says, I was speaking specifically erosion, right. Chairman Drake says, so, but if there is a weak point, for whatever reason, I'm sure that it had to be addressed and remedied in some other measure, which had been in place because you couldn't allow you know, wash out or whatever in those situations, especially with all the underground wiring. Chairman Drake says, ok.

Mr. Chesson says, and the only other thing, number five, the sentence structure or is that, does that "if" need to be "is? And that sentence didn't read quite right to me, didn't understand it. And maybe we'll just point that out further. Chairman Drake says, alright, we'll have to check it out. But I guess, I could go either way, Mr. Chesson, but we'll certainly look at that as well. Mr. Chesson says, just that we're leaving the word "if" in there, I mean. The sentence should go on, I would think. Chairman Drake says, ok.

Mr. Day says, am I reading number four correctly, that clear cutting of trees shall not be permitted as part of the utility scale solar installation. So are we assuming there's going to be farmland only for solar? I thought we discussed that as being, we did not wat to do just fields. Am I reading that correctly? Mr. Chesson says, good point. Mr. Day says, and I thought we were trying to encourage more non-field solar applications where we were trying to be diverse..... Chairman Drake says, trying to be some type of ratio. Mr. Mann says, but there would be some type of ratio, that ratio that we have established now, right. And follow that through the, through the installation process so that would affect. Chairman Drake says, alright, so what do we need to change? Well, I'm going to make a note of that, but what do we need to change that to, to make that correct? Mr. Chesson says, delete the "not". Mr. Day says, it shall be permitted. But once again, how do you do that if you have to go in and remove stumps for a level topography, correct? Then you're under the Corp of Engineer's jurisdiction. Chairman Drake says, and I'm not sure on that, if it has to be stumped or just cut it to ground level. Anybody know? Mr. Chesson says, I would think, I mean, if you had the right equipment, you go in there and pound those I-beams right in the ground. Chairman Drake says, that's a good question, I don't know.

Mr. Mann says, where is this? As you read down it talks about the buffers. It talks about establishing a site and keeping the natural cover there so that there just wouldn't go in and clear cut everything and install the facility and then go back and plant something in the buffers. They need to establish buffers for the project. Mr. Mann says, so then the buffer areas, yes it would not allow clear cutting in the trees, except for that but unless we put in that, except for maintaining the wood land cleared land ratio stated in section so-and-so, I forgot where that was, but. Chairman Drake says, alright, so we need to find out if this is referring to the buffer or this is referring to the project itself. He says, I understand, I see what you are saying. Chairman Drake says, alright, I've got a note on it. It just still won't take long at our next meeting. We'll get some clarification on it.

Mr. Chesson says, in item number four, it talks about, maybe in the middle area, and it talks about with an approved plan. Who approves the plan? Is it an external approval or is it an approval by our agents, the County's agents. When they talk about thinning, is it a, I'm just trying to clarify who approves the plan. Chairman Drake says, Mr. Day, is that referring to the forestry representative you think. Mr. Day says, I would think that the Department of Forestry would maybe help us with guidelines on that. Chairman Drake says, that's kind of, that's the way I'm interpreting it. Mr. Chesson, that would be a personnel, from the Forestry Department that would suggest what the best method was, whether it be thinning or cutting it. Is that what you're saying? Mr. Chesson says, yeah, I was just saying, Chairman Drake says, I know you want to know who that person is. I think that is referring to the Department of Forestry. Chairman Drake says, alright, we'll make a note of that too. Mr. Chesson says, I mean, we just want to make sure that.....

Chairman Drake says, who it is right? Mr. Chesson says, if it was the gardener outside, right, or the landscaper, and he approves the plans, is that ok? Chairman Drake says, we just need to get clarification on that. Ok. I'm not rushing you at all, we just, we just. Anybody see anything, just bring it to my attention and we're going to bring this back up at our next meeting.

Mr. Day says, you know, we could go back to the buffers. You can cut a tree out of the buffers if you stay within the BNP guidelines. So I think if we would stay within those guidelines, we're ok with that. You can cut fifty percent of the crown cover within those buffers, so as long as we stay within those guidelines, I think we're alright. Mr. Mann says, but when you cut fifty percent, are you still thinning it out so much that you can see through it? Mr. Day says, you can, yes. Mr. Mann says, the purpose of keeping those.... Mr. Day says, a buffer is a buffer. I think the purpose of keeping those..... Chairman Drake says, screening. Mr. Mann says, screening. With forestry, you know, you cut fifty percent, you may be able to see through it, but I don't know. Mr. Day says, typically, it's going to grow at, you know, if you cut out more trees, it stands to reason it's going to grow up and create that buffer. It might take a few years. Chairman Drake says, with all old trees, you don't end up in the undergrowth so you've got to have a balance because if you going to do screening you want some of that undergrowth growing to. Mr. Mann says, thin it out to get the undergrowth, right?

Chairman Drake says, alright, anything else on page three, if not, we will flip over, then page four, anything there? Mr. Chesson says, item number three, assessment of employment opportunities created by the proposed development. I would suggest, and number seven talks about associate economic changes and impacts that result from the proposed development. You know, to me, I would either put number seven close to number three or even maybe tag number seven at the end of that and just make it one requirement to include employment opportunities and socioeconomic, I think they're related. Chairman Drake says, they are related. I had made a note. I would like to know the assessment of short and long term opportunities because I know the previously, you know, we were talking about the hundreds and hundreds of jobs created. Then we found out it was mostly, people from other areas came in to construct it. And it's not a lot of lingering jobs other than pretty much the grass control. Chairman Drake says, I would like to see is short and long term employment opportunities. I had a note on number two and this, and this goes back, if it was to encompass, you know, prime farmland.

Chairman Drake says, I would like to see just how much impact or an impact statement, you know to production records. Now at that point, if the landowner is going to put his land up for a potential project, he would be able to access those records. The landowner is the only one, the landowner and the tenant are the only ones that can, you know, get access to those records. But I'd like to know is if really a high producing tract. Now if you are not a farmer, you don't understand exactly what I'm saying, but you know, if it's so-called better than average yields and all that's terribly lost statistics on the farming side, that would be available and normally they don't like to share that information but if you are getting ready to forfeit your tract of land, at that point, it don't make any difference.

Chairman Drake says, you can show that there's that previous history. That's not necessary, but it might be something that might look into because that goes back to the economic impact. And that's something we talked about before the impact study. They could not get their hands on that information and that's what's critical when you want to find out what the economic impact is, what was the production of those soils or those tracks or fields or whatever, where at that point, it would be available and they should be willing to share it with us. That's something that we couldn't do before, the impact study before. I think that was the tract right outside of Courtland, they couldn't get access to it, they weren't willing to share it. But I think, I think in this case, if you are going to do a full impact study, or how it's going to be negatively impacted, I think those records should be forthcoming. That's just my thought. Mr. Mann says, if the landowner that wants the project to go on their property, they've got to produce the yield data. Chairman Drake says, for the previous five years. Mr. Mann says, right. Well, the other thing you know, we've brought up about drain tile in residential areas. Chairman Drake says, correct. Mr. Mann says, and we have never

mentioned that on any of these, I don't believe on any of these. Chairman Drake says, we haven't, and that's a good point. Mr. Mann says, and we might need to address that because there's a lot of open land that has been improved with drain tile. And it was promoted tremendously in the sixties, seventies and eighties, and you know, it can generate that if there's drain tile in an area where in open land, there's got drain tile, and if for some reason, there is a spill of some shape, form or fashion of anything, I mean, we're looking in the future that drain tile is a direct avenue to go to the streams. Chairman Drake says, correct, I made a note of that, that's a good point and I totally had slipped my mind on that. Chairman Drake says, ok.

Mr. Chesson says, so Mr. Chairman, what you are saying about the yield data, if you were to take the first sentence in item number two and just tag that to include yield data or farmland being proposed. Chairman Drake says, it will be farmland, yes. And I think, the reason I say, the reason I say five years, because typically when you're assessing the property that you're going to like, if you being a farmer or tenant, you look at the five year data, you look at it, you throw out the best year and the worst year and the average the remaining three. That's part of the set formula. That's how you come up with rental proposals that type of thing. So that's why I mentioned the five year, just to kind of get a very good, it wouldn't be fair. Last year was a great year, probably tops of all. It wouldn't be fair to take that one top year if you look at an average, so.

Mr. Mann says, well, if you think about it, crop insurance runs a ten year average, they look it at ten years at a time. Chairman Drake says, it's very easy, it very easy data to obtain. It's very simple, you put your tract number into the computer, it spits it out, but you had to be designated as the tenant or the owner. That's the only way to have access to it. Mr. Mann says, well, I'm thinking we might jump back to ten years that is what crop insurance as a federal agency..... Chairman Drake says, right. Mr. Mann says, uses to determine, they drop the highs and the lows, so you end up with eight years. Right, right, it's still a good, good assessment. Chairman Drake says, ok, I've got a note on that. He says, anything else?

Mr. Chesson says, item number eight, requesting that applicant to include the cost of both capital and operating funds. I guess, I was thinking, ok, well, what are we asking for? Is it, or we asking for the initial capital cost? And if so, that, and the thing about operating funds are we looking for an operating budget. I mean, that's all they're going to have is a proposed budget that's going to include income and expenses. To just say operating funds, what does that mean. Mr. Chesson says, I mean, if we're going to put it in there, I would recommend.... Chairman Drake says, Mr. Randall, what's your analogy on that? How do you interpret number eight? Vice-Chairman Randall says, I mean, I think it's just a plain writing of it. I don't think we can get much more specific unless Mr. Chesson has some type of enlightenment. But, you know, I think it's pretty clear, at least from my plain reading of what I guess Ms. Lewis put that down. What would you suggest, Mr. Chesson?

Mr. Chesson says, well, I mean, I first had the thought process or question to say, well, why do we need this or why would we want even want this? So if not, if we don't just delete it or if you are going to include it, you know, to me, it's replacing capital with initial capital cost and replacing the operating funds to an operating budget. Vice-Chairman Randall says, and Mr. Chesson has got a background in banking, we want to point that out. Chairman Drake says, well, and remember too, we're getting, we're getting some of this outline from the Caroline County ordinance, correct? Vice-Chairman Randall, says, most of it.
Dr. Edwards says, a lot of it. Chairman Drake says, so we need to get a further explanation on that, Mr. Chesson. I've got a note on that as well, ok. Mr. Mann says, we're talking about injecting the word cost, capital cost and operating budget and comparison. I like that idea. Vice-Chairman Randall says, I don't think that hurts in any way. Mr. Mann says, no I don't because.....

Chairman Drake says, well, let's go over to page five. Mr. Chesson says, my only thing is just on the traffic analysis. Is that really needed? I mean to me, that's..... Chairman Drake says, well..... Mr. Chesson says, I mean, we kind of know a little bit about..... Chairman Drake says, yeah, I'm going to tell you, all I

can say is, you've got to remember now that if Newsom-Boykins project was not really on my beaten path, even though I do have a farm adjacent to one of the pods but it was, it was probably in excess of five hundred people working that particular construction job when it came to be and a lot of, a lot of heavy equipment, a lot of, I mean, it was just fleets of trucks and things, you know, going back and forth. And if you were on that corridor between the, I'm going to call it laydown area or laydown yard from that point where kind of everybody met at in the morning and then going out to the different sites, it was, it was a lot of congestion, it really, it really was. But, I know, I know where you're coming from because it's not, it's just a construction phase, actually. I don't know. Mrs. Allston says, I think it would be an issue if it's on Highway 58 or any other major artery. Chairman Drake says, right. Mrs. Allston says, because if you create any congestion on 58..... Chairman Drake says, correct. Mrs. Allston says, it is going to be a danger to people traveling that highway. Chairman Drake says, and mostly needs to avoid spots, I call it kind of like back roads, basically, so it would. If it was on 460 or 58 or 35, it would be warranted. Mr. Chesson says, I'm sure that's fine, that's fine. Mr. Mann says, I mean, in this case, with Newsoms, it was on 671 and there's an awful lot of truck traffic on that. So it has an impact during construction time on the enormous amount of truck traffic Chairman Drake says, and the laydown yard was on 671, by the way. So that it actually may be warranted. Chairman Drake says ok, it doesn't take long to build it out but it's, its busy when it's going on.

Chairman Drake says, anything else on page five, if not, let's flip over to page six. age six, at the top is number fourteen, a historic resource impact analysis. Anything on page six, and with archeological sites or architectural structures?

Chairman Drake says, anything on page six? Anything with archeological sites or architectural structures. Like I said, a lot of this information, I think is copied from the Caroline ordinance. We thought that was a good ordinance to kind of copy from. Mrs. Allston says, Southampton has a potential for a lot of archeological sites. Chairman Drake says, yes. Mrs. Allston says, so, having it, it's based on a US Department of Historic Resources Guide and that is pretty comprehensive Chairman Drake says, do you think, do you think it's adequate, Mrs. Allston? Is this covering all the points you think? Mrs. Allston says, I believe it is because I, I've read their ordinance and I think that if you use that as a reference, then yes. Chairman Drake says, ok.

Mr. Mann says, then something you may want to look at in item two where it says that architectural structures where it says 2B, it talks only about demolition. It may be a structure in there that it is necessary to actually move it rather than take it down and I'm not so sure we might not all agree that it is possible that it could be required to be moved. Mrs. Allston says, historic preservation. Mr. Mann says, that's right. Mrs. Allston says, so that probably should be added. Chairman Drake says, so we need to add, how would you, how would you want to word that to be proper? Mr. Mann says, I guess, I don't know how to word it, I'm just saying that we may need to include it in there that some historic structures may be required to be moved..... Chairman Drake says, physically moved and not torn down. Chairman Drake says, ok, alright. Mrs. Allston says, and the fact that archeological reports and archeological and architectural studies are submitted to the county for review. You've got two years of examination, so that's a safety right there that we don't lose something that's important to the County.

Chairman Drake says, ok, are we good on page six? Alright then, flip over to page seven, any notations there? Mr. Chesson says, I like Michael's berm so the comment section where that was asking, do we want to continue to require four foot tall berms all around. I mean, I don't know that we require, in some cases, I think we might want to use it. He says, I don't, I'd hate to delete them. Chairman Drake says, ok.

Mrs. Allston I think you talked about that in certain instances where there might be a glare from lights or a reflection that the berm was the best way to go. Chairman Drake says, right. Mrs. Allston says, so.
Mr. Mann says, well, you look at your buffers. I mean, if you look at a lot of the facilities in North Carolina, they have a buffer around them and they're there. But on paper, but literally, they are not buffering anything,

whereas, a berm is going to buffer and you can put low growing shrubbery or bushes on it. It's an instant screen. Chairman Drake says, exactly.

Mr. Mann says, and with the facility we had in the Newsoms/Boykins area, they gave away, gave away a lot of topsoil and which is going to come into play when they claim that they're going to put it back like they found it. They moved the topsoil off and gave it away, they'll never put it back like they found it unless they're planning on buying the same tonnage of topsoil and putting it back out there. Mr. Mann says, but my point is they moved a lot of earth so that some of that same soil can be used to make the berm. It's not so much as an extra cost as it is they're going to move it. Mrs. Allston says, that's a good point. Chairman Drake says, and we hoping, hoping this ordinance will retrofire that, that that won't happen again. Very good point.

Mr. Mann says, which put a, to be honest with you, it affected other businesses in the County because the businesses that we're in, in the business of selling soil, that's just directly competed. There's no way that you can give that away. Chairman Drake says, they were giving it away if you brought the truck to haul it away. Mr. Mann says, right, no charge for labor, nothing, just come get it. Mr. Day says, topsoil. Mr. Mann says, right, topsoil, any material that they classed as an overburden for them, right.

Chairman Drake says, alright, so do we want to continue about the four foot berm or use it as needed. How do, what is your, what is your feeling on that. She mentions about the elevation, you know, we talked about that before, if the elevation is already there, it wouldn't be warranted. Do we want to make a requirement. Mr. Mann says, on our end of the County, I don't know that we have a whole lot of elevation at all, it's just flat. Now you can get on the western part of the County, you can have that type of situation but, and they seem to like flat areas anyway. Mrs. Allston says, I think we should leave it, Chairman Drake says, leave it as is.

Chairman Drake says, ok, alright, any other comment then on page seven. Chairman Drake says, any other changes or any other discussion. Mr. Chesson says, looking at the heading that's got landscape and noxious weed spraying. Is that where we want to put insects? Mrs. Allston says, the insects are in another section. Chairman Drake says, I don't think it was, Mrs. Allston about that. Was it the certified nursery stock. I thought I saw that somewhere else, but we've got to insert it somewhere. Mrs. Allston says, and it doesn't hurt to put it two places. Chairman Drake says, and that's true. Alright, let's go over to page eight. Anybody have any notes on that, any concerns or questions?

Chairman Drake says, if you notice in the middle of the page in her listener's comment, she mentions, do you want to add a pest management plan? Is this, is this the place to put that? About insects, that's pest management, correct? Mrs. Allston says, yes. Did you ask about other pests, other than fire ants, I don't know, other foreign? Mr. Mann says, that may not be something that we are aware of now..... Chairman Drake says, today. Mr. Mann says, but twenty years from now, we need to leave that door open, you know, fire ants, twenty years ago, I'd never heard of them and I guess maybe just because we didn't have them in the area. So there's going to be other pests, that's just like with the cotton plant, boll weevil is a pest. It became... Mrs. Allston says, what's the bee, murder bees? Mr. Mann says, well, you're exactly right, you know, just anything. We want to word it so that we keep the door open to.....

Chairman Drake says, because a lot of, well, go back to our, you know, farming background, a lot of equipment, things that we use on the farm, if it's, if it's brought in from, if it's brought in the state from another locality, it's supposed to be inspected and certified clear or clean of any noxious weeds or insects. Believe it or not, I mean things, it could bring in a real ordeal you know if you bring in things from other areas, I think about the boll weevil. Right now, we've kind of, we kind of eradicated the boll weevil in the State of Virginia and North Carolina. They still have trouble down in the Texas area, but we've done a very good job of not bringing that pest back to the area, to this local area.

Mr. Mann says, thirty years ago, the State was, actually equipment that was brought in, they had to inspect it, if they found any insects that were not already a problem in the State, they would actually tent the equipment and fumigate it so that they killed anything that was on that equipment and, and that was part of the program that we paid into. But even with forestry equipment, when fire ants first started, they quarantined that equipment in a certain County, unless it was cleaned before it moved to another one. Is that correct? Mr. Day says, that's correct. He says, that's how the gypsy moth got spread so rampantly.

Mr. Mann says, ok, well, there's another thing, I didn't even think about the gypsy moth. There's just things that constantly crop up and maybe we need to include the forestry service, the USDA and whatever. I mean, I've, years back in the seventies, we put up a wind break and it was designed by soil conservation. These were all these engineers and talented people. Today, I've got a wind break that to one third of it is a noxious weed classed in the State of Virginia, and, but yet it was recommended in the seventies, so stuff can change over time.

Chairman Drake says, alright, page eight, anything there, anything else, I got to, we're going to add noxious weeds and, I've got the fire ants, we'll be sure, sure that we've got it covered somewhere. Ok, anything else there.

Chairman Drake says, ground water monitoring, I think that's pretty clear, pretty clear. We'll flip over to page nine, the first, the phrase being phase in plan. Anything there, any notes there. I didn't, I didn't have anything.

Chairman Drake says, I think we've talked about the commencement of construction, if that happens and you know, they don't get an extension, they will have to come back and reapply after twenty-four months. I think, we think we've discussed that before, anything else on page nine, page nine is the last page.

Chairman Drake says, go ahead Mr. Chesson. Mr. Chesson says, looking at Beth's comment on page nine talking about, she was, I think her thought process was if we were wanting to require a plan that would go in this section I guess that's kind of the way I'm reading it maybe I'm reading it wrong. Mr. Mann says, started construction. Mrs. Allston says, she wants, it seems like she wants to put something that requires, more to this section. Maybe we should ask her for some language there. Chairman Drake says, now do you interpret this to be, maybe a tract where it currently has timber that may be considered, is that, is that the way you're reading this and to get with the department of forestry about what the..... Mr. Chesson says, yeah.... Chairman Drake says, what type of planning to go for. Mr. Chesson says, if you're asking me, I'm not sure. Chairman Drake says, we'll get clarification on that as well, ok. That's the way in interpret it. Chairman Drake says, Mr. Day, you got a comment on that.

Mr. Day says, it looks contradictory to what we just talked about and section four about clear cutting of trees, right, is it going to be permitted or not and here you're talking about, you know, cutting timber and getting to the opinion or plan from the Department of Forestry, right? Chairman Drake says, that's correct. Mr. Day says, I think we need to clarify what we're, what our intent is there with, how much farmland, how much timberland do we want to maybe specify for solar projects. Mr. Mann says, well, we'll be following the ratio of what we've got right, so how it's going to effect a project that's being presented.

Chairman Drake says, and Mr. Mann do we, it seems like I'm trying to recall the last meeting and I remember seeing the notes, did we ever really decide about that ratio? We said something about letting one of the departments come up with that ratio or we are going to set the ratio? Mr. Mann says, I don't think we, I don't know that we can set it but I basically after the meeting just went home and googled, you know..... Chairman Drake says, correct. Mr. Mann says, the amount of total acreage in the State of Virginia and then I googled the amount of forestry acres and kind of did the difference. And I guess you, you know, I didn't go there and pull out residential areas, but I think it's just a matter of math, really. The Forestry department can come up with their acreage. Chairman Drake says, I guess we need to set, may need to

set those parameters, Mr. Mann says, we may, may need to, yeah. Chairman Drake says, alright, we'll go.

Mr. Mann says, but Doug brought up a bit at the bottom of page nine, if you notice in the comments, she's asking us, do we want the twelve months to also require start of construction as well, to be included in that section, twenty-three point nine? And it talks about they can extend it, but they cannot extend it beyond twenty-four months, but it doesn't spell out. I don't believe that at some point they got to start construction and I think start construction, the definition would be anything they do out there, really, Chairman Drake says, it could be, yes, Mr. Mann says, I guess surveying, correct. Chairman Drake, says, I guess, yeah. You want to think it would be more than that, but I guess it's just the idea setting the transit up, they can say they've started construction. So what do you think we need to be a little more specific? Mr. Mann says, they can spend twenty-four months surveying things. I don't know.

Chairman Drake says, Mr. Randall, what do you, how could we put a little more teeth into that so far as the construction starting to be more than just putting a driveway in? I mean, we're thinking about, you know, something being anchored in the ground and some digging and we're thinking about some actual work being performed. How would you word that? Vice-Chairman Randall says, I think we need to send it Beth Lewis and have the code enforcement folks put, say, we want some more teeth in it and let them. Chairman Drake says, ok. Vice-Chairman Randall says, and let them, because it can look beautiful on paper, right but have no teeth for enforcement. Chairman Drake says, right. Vic-Chairman Randall says, and that's what, that's what we're looking for is enforcement. So, the way I learn is actually doing it and sometime I can think theoretically about something and it looks really good but it has no impact in the courtroom, if that makes sense. Chairman Drake says, ok. Vice-Chairman Randall says, it looks beautiful on paper and I thought that was going to work out really great and then I'll walk in court and the judge doesn't think it was very eloquent. I've had that happen firsthand so I would have them take a crack at it and then we kind of come at it from each direction. Chairman Drake says, ok. Dr. Edwards says, I like that idea.

Chairman Drake says, alright, any other comments on page nine, have been our last page corruption, I think. Thank you all for reviewing that, I really appreciate, you know, Mrs. Lewis, coming up with this format. This has made it a lot easier. You know do a section at the time and we're getting there, we're getting there. And when we come back, I've made notations about everybody's comments and the questions that we had. When we come back at our next meeting, we'll spend a little bit of time on, get some clarification on those points and then we'll review everything that she has submitted so far and hopefully if everybody is satisfied at that point, hopefully we will be able to schedule a hearing, that would be at the April meeting, possibly.

Mr. Mann says, did we be talk about meeting with the Board of Supervisors about this once we get it all ironed out before we go to a public hearing. Yea, we..... Chairman Drake says, Mr. Edwards, we did, didn't we? Dr. Edwards says, yeah, the Board would like that, we'd like to have a joint meeting, Mr. Mann says, yeah, that, that way we have a joint meeting and in that case, it would be back in public. Dr. Edwards says, we can invite you to our meeting. Chairman Drake says, ok. Dr. Edwards says, we've got a lot of meetings, we don't need it there. Chairman Drake says, we want to get, we want to move along, you know, before you all get in your budget process again. Dr. Edwards says, the Board unanimously wanted to get together. It's a very complex issue.

Chairman Drake says, so, Dr. Edwards, what do you think would be fitting just, to kind of give us a heads up. We says, would it be, would it be sometime after our March meeting? He says, is that what we're thinking. Mr. Mann says, I guess we would need March to kind of iron all this out and then vote to join the Board of Supervisors in April or May or sometime in there. He says, But we've got to leave enough time because we need this done by August and we got that September..... Dr. Edwards says, September 9, September 9 is the deadline. Chairman Drake says, and we don't have to wait until the last minute just in case. Mr. Mann says, we've got all those thirty day advertising. Dr. Edwards says, I'd recommend we go

ahead and get it all finalized and before the public hearing..... Chairman Drake says, set a meeting. Dr. Edwards says, set a meeting. Chairman Drake says, so, we'll make a note of that. Dr. Edwards says, that gives us plenty of time, September nine, is the magic day. Mr. Mann says, right. Mr. Mann says, so, you'd rather invite us to your meeting instead of us inviting you to ours and I understand. Dr. Edwards says, we'd like to invite you to our meeting, ok. Mr. Mann says, you're not adding another meeting to your schedule? Dr. Edwards says, we're going to have three or four or five every month from now on, you know, getting a new administrator, and the Courthouse.

Chairman Drake says, alright, well, thank you all for your due diligence here. Any of the comments before we go comment period. Is there any other business before the Board before we go forward.

Chairman Drake says, alright, well, thank you all for that.

Chairman Drake says, so at this time, we will go down to item number six, which is public comment period. At this time, I will invite anyone from the audience. If you have anything you would like to come up and speak to us about, you're welcome to come forward now. We just ask that you recite your name for the record. At this time, the public comment period is open. Chairman Drake says, Hello Mr. Gillette.

Mr. William Gillette comes forward and says, Good evening, my name is William Gillette and I live on Old Belfield Road, Capron and I want to thank you all for your due diligence and thorough preparation to prepare the new solar ordinance. I just wanted to ask a question. I don't know, at our last meeting Board of Supervisors meeting, they left the new addition of the Virginia Economic Review, I don't know if you all have seen, did you all get one was my question. Chairman Drake says, No, no, I have not seen this, no sir, I have not seen this.

Mr. Gillette says, there are a lot of things in here concerning new technologies and it's already been written the way Virginia is going and having read this, and I was going back through it a second time earlier this morning, the plan is set for our County, whether we do anything or not in Virginia and this magazine will illustrate it and it's interesting to me of all the new technologies that they talk about in here; they don't have one picture of a solar facility. Now, they've got high rise hydroponic buildings, they've got data processing centers all over the state that are going up and in this major interview in here, it stated that the person that comes up with the technology is the one that's going to reap all the benefits. And it leaves you to wonder who's going to pay for all of this. And I don't think there's any question it would be us and the residents of the County and other rural Virginians outside of this high tech world. Most recently, I'm sure that you all have followed the situation in Canada with the protest by the truck drivers. And I was talking to my wife this morning about that particular incident and how most of the entrepreneurs in a certain section of our country had to be laughing at that. The reason is they're not going to even need truck drives. In Pulaski, I'm sure you all are familiar with the Volvo plant up there that's already retrofitting chassis for tractor trailers to haul thirty thousand pound payloads and they're retrofitting the chassis right now for the battery operated trucks to be autonomous in port. It's a pretty good article in here. There's a port in Portsmouth that will do away with manpower to unload those container units and so you all are familiar with that. Here we are talking about jobs, jobs, jobs, I hear it all the time and I know you do, this is shocking to say the least, when you're considering going over a solar ordinance in a twenty year lifespan, maybe even a thirty year lifespan. It's unpredictable what's going to land in Southampton is totally, totally unpredictable and so I just hope you get a change to read this new issue. They've got pictures of cities and what they're going to look like and what agriculture in those cities is going to look like with high rise agriculture going up, dirt less, meatless, it's all kinds of changes and we're going to end up having to pay for it with no way to do it. So, anyway, they are my comments and by the time we get to our joint meeting, I'd be very interested in your ideas and thoughts. Thank you. Chairman Drake says, thank you, Mr. Gillette.

Dr. Edwards says, you know, getting back to solar power, we've drawn up, I think it's extremely unproductive and I think it's very wise because you see what's going on in Europe now. Wind power or solar power, they

have discovered it's extremely ineffective and very expensive. Gas in France is about nineteen dollars a gallon now and they're starting to go back to nuclear power, what they call smaller, small units. So I don't see solar power is going to be something that will help this country. I mean, it's going to be a transient thing, a lot of political pull and power behind it so I think what we did, we sat down and hammered this thing out and we, you know, we spent a long time on this thing. You know, I think we've done the right thing because I think the limits that we put on it are very, very practical, very real.

Mr. Mann says, well, I think it's, I think solar power is going to have an impact but it think where it's going out, the impact is the individuals, the small, low solar panel that controls that stop light way out in the county, but the homes that have it but to force solar facilities, the thousand and two thousand and the five thousand size facilities and the taxpayer has to come up with the money to create the tax write offs for the major companies, that I think is a waste of our time and a waste of money.

Dr. Edwards says, but what's going to happen to the energy industry then, as far as, then there's more people that won't have a job. He says, see this technology, I've seen it in medicine, the more technology we get in medicine the few jobs there are for people, you know, there's a no win situation a lot of times with that. I don't know what the answer is but that seems the way where we're going. I mean.....

Chairman Drake says, come back up, Mr. Gillette, come back to the front. The public hearing is still, still open, public comment. Mr. Gillette says, I apologize for not including this, but I can't help but wonder there's a cost that's not associated with this. A lot of this is, well, they don't talking about any savings, they never talk about savings but I got to ask in these new facilities, what's the cost of fossil fuels to put those cities up. All of this is going to require that, but yet our County is not going to be able to take advantage of the fuel that's going to be needed to put together structures in our own state that are going to require the fuel that could come right through here. Chairman Drake says, right.

Mr. Gillette says, and the County can reap big benefits of that and in the Richmond-Times Dispatch, the answer was we'll purchase it from outside the state and I think that's a slap in the face to our localities and our rural counties. The energy is here in Virginia, a lot of it but it can also come through here, go to the ports to use to make these structures that you see in this progressive agenda that Virginia has and the one number that I never see is a dollar amount of fossil fuels that it's going to take and where it's going to come from. But Dominion and Duke Energy have already stated in the press that it's going to come from outside Virginia, period. So they're leaning on us to, as a rural county to provide an energy to replace our economic growth in our own county, it makes no sense, makes no sense whatsoever to me.

Mr. Gillette says, if you could see those figures and those numbers might become a little more realistic, but until then we're missing out on a lot because I don't think if it's five hundred thousand dollars for this battery storage, over twenty years, that's what, twenty-five thousand a year and a lot of the equipment that we have is for supervisors having to go agricultural equipment, logging equipment and these kinds of things will generate a whole lot more money than that number, so.

Chairman Drake says, alright, any other questions before we proceed? Ok, so we are going to item number four, unfinished business, which is discussion of our updated draft of the solar ordinance and I hope you've had time to review it. Of course, the first two portions, we pretty much gone over. He says, Mrs. Lewis, I think you did a great job in interpreting our comments from it, from home last meeting from what we were deliberating and speaking about. But tonight, I hope you have had time to look at the entire draft and to see if there is anything we need to review, anything we need to add or reconsider.

Mrs. Lewis says, if I might interrupt, I did add definitions from current ordinances, none of the drafts had definitions so I took the definitions from the current ordinance and just drafted them in the right places. You can consider that tonight as well. But these are word for word, what is adopted today. Chairman Drake says, and on the first page, you did make a couple of comments about maybe some things we weren't clear of, or maybe we gave two answers instead of one at the previous meeting. I'm going to start off with a couple of comments and things I denoted. It seems to be a, we didn't really specify what are the AG acres and what are the forest acres in the County at present. And I know we spoke about ratios between the two. Do you think, and I'm asking, I'm asking the panel as well as Mrs. Lewis, this is for all of you to consider, do we need to go ahead and put some reasonable number? I mean, as close as we can estimate, if we don't put a number for what those acres consist of today, would that be questionable as we proceed forward with requests. Don't we need to put a specific number as to what those acres are today or as we amend this, we'll recommend this proposal? Vice-Chairman Randall says, do you mean like currently there are a total of.... Chairman Drake says x number acres. Chairman Drake says, 12. Vice-Chairman Randall says, two hundred twenty thousand acres in cultivation in Southampton County. Chairman Drake says, if we are going to a base a percentage off of some number, don't we, and I think we I think we have mentioned this before and we didn't get to that point. Maybe we are looking into it but can we get specific, would that be constructive? Mrs. Lewis says, as I recall, Mr. Mann... Chairman Drake somebody was looking into that thing. Mrs. Lewis says, and I believe Mr. Mann said that his feeling as that it should be the consultant's responsibility at the time of the application to get the current ratio whether it was at that season. Mr. Mann says, I said we should get the average from the Forester's office Vice-Chairman Randall says, the FSA office should have that, when you do the farm leases, you have to register. Mrs. Lewis says, but that is what it is today, so your ratio. Vice-Chairman Randall says, well we can put it, I mean you could put as of 2022, Southampton County currently has whatever thousands of acres in agricultural use.

Chairman Drake says, and ok now I see where you are coming from, you are saying it should be revised at the time that new application comes forward because it could change. Mrs. Lewis says, I think that was the thought that it would, it was stated that way so that it could be current when an application was submitted rather than current as of the adoption of the ordinance. Vice-Chairman Randall says, and I wasn't saying put it in the ordinance, I don't know how you would do that, but of course, it's always changing. Mr. Mann says, well, right, I am wondering if we should put an example. Vice-Chairman Randall says, that is what I was saying. Mr. Mann says, in the ordinance as of March 2022 or whenever we approved this so that five years down the road, when they come in and there is no misunderstanding about it. Chairman Drake says, can we do that, have an example, a current example, would that be necessary. To show how the ratio works between... Mr. Railey says, why don't you just put next to the percentage as of the time of the application. Chairman Drake says ok, that would cover. Mr. Railey says, and then because if you put in what it is today, I don't know if that serves any useful purpose. Chairman Drake says, we want to get reliable and correct information. Mr. Railey says, and that is for you to determine as the deliberative body. Chairman Drake says, ok.

Mr. Day says, but we only do have twenty six hundred acres remaining, is that correct? Of solar facilities, if they are AG or timberlands converted. Mrs. Lewis says, that is correct. Chairman Drake says, if we do the one percent. Mrs. Lewis says, if you do one percent, the County's land acres aren't growing and the mapped area of Southampton Solar is one thousand four hundred and eighteen. And that is not changing

so yes. Mr. Day says, so it was all that AG land that was correct. Mrs. Lewis says, I believe I don't know that very much of it was forested, I believe it was all AG. Mr. Mann says, one thousand one hundred and fourteen acres. Mrs. Lewis says, 1, 4, 1, 8. Mr. Mann says, so even though that 1, 4, 1, 8, some of that is paths and fences and borders and everything else, correct, it's part... Mrs. Lewis says, yes, so it is everything that had the zoning changed and had the conditional use granted to it because they were required to turn in a survey that outlined their boundaries and that is what was mapped, yes. Mr. Mann says, I just don't want somebody to come in and say, well, you are saying one percent of the land should go to solar facilities and they say, you know, the actual footprint of the facility, you know that we are including that the fact that it's got setbacks and fence area and... Mrs. Lewis says, buffers, that was not only what was underneath the panels, that was the whole project. Chairman Drake says, alright. Mr. Mann says, and the one percent is twenty, what did you say, twenty-six hundred. Mrs. Lewis says, no, the one percent is thirty six hundred. Mr. Mann says, thirty six hundred, ok. Mr. Day says, 3860. Mrs. Lewis says, I think, yes. It's 3860, and fourteen eighteen is already gone.

Chairman Drake says, alright, I will make another comment. Mrs. Lewis says, so how did you want, well, that one percent phrase worded, to the bottom of page one. Chairman Drake says (to Mr. Randall) go ahead. Vice-Chairman Randall says, I think we have a good statute, you know we are just worried but I think we have done our job. Let's let the Board of Supervisors, I mean, you know, let's let... Chairman Drake says, I'm going to tell you my feeling. Vice-Chairman Randall, says, ok.

Chairman Drake says, I mean, I'm going to tell you the incentives are going to get, are going to be huge if you wait for it. We're going to go electric, there is no question, I mean right now we need fuel, ok, and I don't mean, I'm not going to, but the country and other countries would, everything will be electrified at some point, this is just the way people are thinking. I can't imagine driving an electric tractor, but I might, I might live long enough to see it, driving an electric truck. Dr. Edwards says, people have to get educated about this electric stuff. You are, you are burning much more of a carbon footprint building the thing and then disposing of that twelve hundred pound of battery. You dig up half a million per feet of mining just to make that battery for that car. I won't agree with you. But, the mindset of the populace is to go green, and they are willing to do whatever to say they are going green. So we have got to think of the two different fields. Dr. Edwards says, I think the mindset, I disagree a little bit, certain public certain...
But the reality is we are going to have to keep using fossil fuels as much as it is going to cost. But as a group of people and segments of society, they are just bent on green, ok.

Dr. Edwards says, Mr. Chairman, let me say one thing. We have learned from mistakes that are made to the east of us, so other counties and profited by that. We need to learn what mistakes, look what is going on is Europe. If the solar power and the windmills were so great, why is Germany and France reliant on this so much and I will tell you why, because it is unreliable. We don't have the technology at this point to make it that reliable and France is going back, my understanding, to building more nuclear facilities right now. I mean they have found out this stuff doesn't work and if we are not smart enough to learn from that, well so be it, but why do you think now Germany won't even go along with centering Ukraine because they are going to get their gas and oil cut off so.

Chairman Drake says, so anyway, I'm still having a hard time with one percent, I just think it is too, it is too much. I think as we go forward, like I said, I think there is going to be incentives that is going to pay local governments and jurisdictions that is going to be even greater. We have got to remember, I got big concerns about the one in my neighborhood. But if we had just waited to this point, we would have been collecting a lot more revenue that we are through those same incentives. If we wait a little longer, I think it is going to be even greater, a lot greater. So while we are on this subject with the ratios and such, I just want to go on the record, and I know, like I said, we are reviewing the entire draft right now before we have our public hearing. I still have an issue with the one percent, I just think it is too great. I said before, 1418, for my neck of the woods and I speak, I think for the County, I don't find the support. The information I am receiving is that the people, and I am speaking for the people, I am not getting the people that is supporting

it unless you all enter into a contract. If you enter into a contract, you are all in but everybody else, it is restriction, it is restriction, this is the most restrictive thing I have ever seen. But I am like, Jack, it is good, this is what we came up with but everything in this ordinance is about restrictions and it shows that we had the people's center in mind that we are trying to limit. We are actually trying to limit how much development in solar that we have so why don't we just say enough is enough for right now and see where it goes, one, two, five years from now.

Vice-Chairman Randall says, well, didn't we, and I think I recommend the one percent and I think I said that it was the most restrictive that I could find. I mean, I think from a legal, I was leaning on Mr. Railey quite a bit. I just don't know how you would do it any differently than we did. It is the most restrictive way to do it in Virginia and we followed suit. We hear the word precedent and it is always used improperly, at least ninety percent of the time. I don't see a better way that we could implement public policy better than restricting it by one percent, and that is what we are doing. Mr. Mann says, unless we are restricted by half. Mrs. Allston says, half a percent, yeah. Mr. Mann says, and I know... Vice-Chairman Randall says, and again, I gave my comments, and I think Mr. Railey agreed with me. You know, there could be a constitutional challenge. Mr. Railey says, it could be. Vice-Chairman Randall says, I mean, I...

Mr. Railey says, and plus this, as much as some people, perhaps some of us, perhaps a lot of us would love just to say there shall be no solar farms in Southampton County. Period. Well, you know, what that is going to trigger. Chairman Drake says, yeah, I understand. Mr. Railey says, you know what that is going to cause. Not only litigation but legislation and not legislation right here. It is already a bill. Couldn't determine where it was in the General Assembly, I hope it is dead. Then you have a committee that said, there will be no local control over any solar farm in excess of two hundred acres. It will be completely controlled by state rules. Now I am not saying that's the law because I don't know. It's, I mean, it's got to pass the General Assembly and the government's got to sign it but such ideas are out there. Mr. Mann says, well, isn't it a projection of how many kilowatts or megawatts that the state wants to have by 2030. Mr. Railey says, absolutely.

Mr. Mann says, so where do we find that figure that we can hang our hat on and that we can say according as of date, so and so, is a projection of so many megawatts that the State wants. We look at the acreage, we look at our acreage in the State, we look at acreage in the County, we do the math and if it falls at one percent, eight tenth of a percent, but we have come up with the formula of how we justified our percent and not just sat here and said, I think it ought to be a half, I think it ought to be one. We have got a formula, a format, and we are relying on somebody else's thoughts in the future. So and I have seen that figure somewhere and maybe I saw it from some Farm Bureau information or something. But you know, it's got to be somewhere in the State that we've got that other than coming out of Dominion. So you know, I guess it is just something that we can hang our hat on and divide all the acreage in the State and we contribute our fair share based on the acreage in Southampton County.

Mr. Day says, well, let me ask this question, how are we going to get, if we are talking about AG Forestry districts tonight and if we get a proposal for a solar facility and they are in the AG Forestry District, they have to meet the four requirements, correct? So, the first one proposed new land use will not have significant adverse impact on agricultural or forestal operations doesn't meet it, it is nixed, is that correct? Chairman Drake says, that's correct. r. Day says, so then what is the term significant? Vice-Chairman Randall says, can you ask that question again. Mr. Day says, we are talking about AG forestry. Vice-Chairman Randall says, because the applicant gets into the AG district for their benefit. Mr. Day says, correct.

Vice-Chairman Randall says, so if they don't want that benefit anymore because it is supplemental to land use basically, politically, so they own, and then we are getting into landowners rights and I think how that is going to go when the AG Board says, it's a, you know, I'm just hearing terms like a signed contract. Well, it is a benefit that the government gives and the landowner who has his bundle of landowner rights wants

to get into it to supplement land use. Right, that is the public policy behind it, which is a great way, being a, you know, owning two farms myself, something that is a benefit to me because I own the property and when government gets the view is, you know, well, we are not letting you out. I mean, just think of that politically, we have to be politically consistent in what we do. Then if he doesn't want the benefit anymore, my view is the landowner wants to do something else, you let him out.

Mr. Day says, but it does not meet the criteria of the four guidelines that we have proposed, correct. Vice-Chairman Randall says, that this Board did, but we could have a whole lot of criteria like less than one percent and then the judicial branch will get involved and...Mr. Day says, well, this to me...Vice-Chairman Randall says, and tell us what we can and what we can't do. Mr. Day says, take care of that one percent, correct, if we are not going to let them out of the AG use district that would be an out to say, you can't put solar here because of this, Chairman Drake says because solar is an industrial use. Vice-Chairman Randall says, it would be against the public policy. It's like using that word for the minutes.

Chairman Drake says, it's not promoting AG and Forestry. Vice-Chairman Randall says, correct, that's public policy. Chairman Drake says, basically. Mr. Chesson says, unless you use the power to charge up to your electric tractor. Chairman Drake says, which they promote, they promote everyone, everyone, whether you are farming or whatever, put it on your house top, put on your garage top, put on your shed out in the back yard. You know, that's what we need to be doing more of. Vice-Chairman Randall says, I just think we have to be intellectually consistent in what we do. I just think it is important.

Chairman Drake says, the Ag and Forestry district was, my interpretation was to promote and to keep that in our County and you are not going to expand your utilities absolutely. You are not going to expand. Mr. Mann says, well that comes down to the State right-of-way. That's coming on. Chairman Drake says, I guess I'm waving off the subject but it is good discussion. Mr. Mann, go ahead, I didn't mean to cut you off. Mr. Railey says, remember one thing, the agricultural districts should be taken very seriously. It should be very hard to get out of them or they don't accomplish what... Chairman Drake says, what they were meant to be.

Mr. Railey says, were put there and give you an example, and it is not the same thing but I've been representing this Board for a long time and I can remember twenty years ago when we wanted to stop stripping in Southampton County, building the houses all over A1, and we were largely unsuccessful because people felt like if you own the land, you were entitled to sell a lot or two. If you are a farmer, you are entitled to sell it in a bad year and guess what's happened. Ride the countryside in Southampton County and it's not rural anymore. Everybody can't live in the country. If everybody tries to live in the country, nobody lives in the country. Right. There are houses up and down secondary roads all over the county that weren't dreamed about twenty-five years ago. So it's the same thing. Dr. Edwards says, but those were organized before we came up with the rural residential. Mr. Railey says, absolutely. Dr. Edwards says, there was a panic during that year and everybody went out and set out a couple of lots, remember. Mr. Railey says, yeah, well, I still think, and Beth can correct me, I think about a big number of lots that were put on before we put the rule. Mrs. Lewis says, as I recall, I have heard a number over the years of over three thousand. Mr. Railey says, yeah. Mrs. Lewis says, lots. Mr. Railey says, my friends, the surveyors were very busy.

Mrs. Lewis says, when you talk about using the AG Forest Districts as a restriction, you know, not being able to meet those four criteria, this map was part of that request and the colored areas are the areas that are in the AG and Forestry Districts and the plain light green areas are the areas of the County that are not. So you can see that there are large swaths of land that are not within agriculture and forestry districts, mostly in the north of 58. Thousands and thousands of acres that you wouldn't have the tool of the Voluntary Agriculture District as your first hurdle.

Chairman Drake says, and just to follow up on that, and I knew the same thing, and I kind of wondered, you know, why it was concentrated like below highway 58 and not above, so to speak, but, you know, when the applications cut off, they cut off. We haven't had more people come forward, they wanted to apply for a district or to join a district, maybe one or two, but it was a big rush for several months, a big rush. Mrs. Lewis says, one year, there were thirty-eight. Chairman Drake says, and then it kind of subsided. So I guess that decision, you know, that motivation, has subsided now. So you know, if we are going to recognize the ones that have been established, I think we should follow the same four criteria, you know to the bound to ensure we have that part protected, if that is the word. Well, that being said. Dr. Edwards says, you have the opportunity to get in one or not. Chairman Drake says, that's right, it's your right. Dr. Edwards says, make up your mind.

Chairman Drake says, so let's go back to the other, and I know I'm doing all the talking. Mrs. Lewis mentioned about the areas, the brownfield areas, which she thought of some I have forgot about, tell you the truth, but we are missing the packing plant, which was the Beale packing plant on 616, there's an abandoned school up near Drewryville, the race track, that we are aware of and you right, there are many, many abandoned poultry houses around the County. I think I guess my comment is, I think they should be considered that one percent, I'm being a little greedy. What do, we could do it either way. Would they be considered or not be considered? Some of the properties are already zoned different, correct, Mrs. Lewis? Mrs. Lewis says, no. Chairman Drake says, No? rs. Lewis says, well, the racetrack has industrial zoning but would still need a conditional use permit, but the purpose of the incentives was, if there is no incentive then it may be... Chairman Drake says, never be developed.

Mrs. Lewis says, right, and if you think of that old, what used to be an elementary school between Drewryville and Capron, I don't know that there is much anyone could build there that would look worse than what is there today, and the worst part of that is, you can very easily tell that it was a school. So it looks like Southampton County is not taking care of it. Even though it has not been in Southampton County's ownership for years and years. So I was just trying to offer some suggestions for some incentives to get some of the less utilized and more unsightly tracts of land in some use. But that may not be what this Board and the Board of Supervisors finds important. But I believe that the ordinance that you have in front of you tonight that you all have worked on for so long is, in my opinion, is very good.

Vice-Chairman Randall says, if we send it to the Board of Supervisors, which I think we are a little ahead of schedule, I'm asking it to you, Mrs. Lewis, but I hope Mr. Edwards answers the question, do you think the Board of Supervisors would send this back for additional comments? Mrs. Lewis says, well, I believe what they would like is to have a joint meeting with you before this body holds a public hearing and I believe that... Vice-Chairman Randall says, trying to make Mr. Drake feel better. Mrs. Lewis says, I believe that at that meeting you will get the feedback from the Board of Supervisors to make what may be very likely be minor tweaks before you hold your public hearing so that when it goes to the Board of Supervisors, they will know the work that you've done and be happy with it. Vice-Chairman Randall says, so we will have additional bites at the apple per say to make changes. Mr. Mann says, I would like the Planning Commission and Board of Supervisors meeting together before we have a public hearing.

Dr. Edwards says, I think we have already decided that. The only thing I put forth is, you know, we are going to have a new administrator and I'd like to see us wait if we could until we get the new administrator here. So we have one guy going out and then we have a new guy coming in and get hit with this and not know much about it. Might be the best plan. Mrs. Lewis says, if the, the moratorium ends the middle of September, that means that if an ordinance is going to be in place before that moratorium ends, it would have to be adopted at the August Board of Supervisors meeting. That means that this Board would have to hold a public hearing, if you're going to make a decision in one night no later than the July Planning Commission meeting and we are already looking at the calendar for the April Planning Commission meeting. That notice will go to the newspaper tomorrow, so. Dr. Edwards says, I think the moratorium runs out on September 23rd, doesn't it. Mrs. Lewis says, it was the middle of the month, I think it was the 9th or

10th. Dr. Edwards says, I looked at it and it's about a week before the Board of Supervisors meeting. Mrs. Lewis says, yeah. Mr. Mann says, so when is the new country administrator start? Dr. Edwards says, well, hopefully, we've been working on that since December. Hopefully, officially July 1, but we may have somebody in here in the interim type of position. Mr. Johnson sticking on and with orientation for a while, which we hope so. Be ready to go July 1. Mr. Mann says, well, Mr. Johnson not supposed to leave until July 31st, is that right? Mrs. Lewis says, no, June, July, June 30th. Dr. Edwards says, the last day of June. Mr. Mann says, ok, ok. I knew it was the end of one month because he went to work the next day somewhere else. Mr. Day says, so, does the Board of Supervisors have a copy of this yet? Mrs. Lewis says, no. Mr. Day says, when will they get that? Mrs. Lewis says, when y'all are ready to send it to them. Mr. Day says, they will have plenty of time to look at it and review it, though, correct? Dr. Edwards says, that would be a great idea. Once we get settled, I wouldn't want to send them something that's got ifs and ands in it. Mrs. Lewis says, right.

Dr. Edwards says, you know, I can say from the Board of Supervisors, Mrs. Lynda's here tonight, that we have the utmost faith in what the Planning Commission is going to bring us. The Board of Supervisors has a lot of faith in this Commission and my opinion that there's not going to be a whole lot of changes, there might be some minor things, but I just don't think there's going to be any major change. This Board to have spent almost a year thrashing this thing out and I just don't think the Board of Supervisors has the time or I got to say this, too, the expertise that this Board has been involved with to change a whole lot. And if you look at the past history, like I said before, and I can only remember one decision in the last thirty years where the Board of Supervisors did not go with the recommendations of the Planning Commission.

Chairman Drake says, alright, I got one other comment, I think probably, on page seven of the draft ordinance, item number seven, page seven, item seven, all solar projects environmental protection, safety standards for solar panels and battery technologies. Now we haven't talked, you know, we had a guest speaker last meeting that was talking about, possible battery storage. Do we want to add that term here? Is that something we are going to look at separately later? And I don't mean to exhaust it, I'm just bringing it to your attention if you didn't catch that. Mrs. Lewis says, this means batteries that are part of the solar installation. Chairman Drake says, right. Mrs. Lewis says, the people that came and spoke last time were free-standing. Chairman Drake says, correct. Mrs. Lewis says, they were getting their power from someplace else but these are battery technologies like you have today at substations. There are batteries at substations today that help them function. Chairman Drake says, ok, I wasn't aware of that, I'm sorry. Mrs. Lewis says, so this is batteries that would be part of the solar installation that would... Chairman Drake says, and I guess I am thinking about the... Mrs. Lewis says, you're thinking of the freestanding. Chairman Drake says container. Chairman Drake says, ok. Mrs. Lewis says, that aren't connected to... Chairman Drake says, so this is already being used today at the substations, correct? Mrs. Lewis says, yes. Chairman Drake says, ok, so we probably got some in the Newsoms project, maybe. Mrs. Lewis says, there probably are some between the two substations that are out there, yes, but they are just part of the function. Chairman Drake says, ok, I was just thinking there was going to be twenty-five or fifty on the lot. Mrs. Lewis says, no, no, that's not what this refers to.

Chairman Drake says, so then item number eight on page seven, and this is just my comment and I will say this before, I never got, I think we agreed on three miles of another major solar project and I mentioned before, several meetings back, you know, it could be five miles. I don't know if y'all want to reconsider that, just go to three but I would like to see it go a little further. My district, we just don't want another one close to us, we want to get it away, so if nobody agrees with me, I understand but I wish that could be changed to five. Dr. Edwards says, what do you want change you to? Chairman Drake says, well, I had suggested at an earlier meeting five but I think it was the consensus of the group that night to do three, that was, I'm just asking would you reconsider? Vice-Chairman Randall says, five doesn't bother me. Mrs. Allston says, five sounds good to me. Mr. Chesson says, let's go with five. Chairman Drake says, trying to be democratic. Dr. Edwards says, everything is on a five year plan anyway. Chairman Drake says, and I think that

concludes mine and Mrs. Lewis, you did a great, I'm not picking, I'm not being, well I am too, I am being nitpicky. What am I saying but anyway.

Mr. Chesson says, while everybody's on page seven. Chairman Drake says, ok, go ahead, Mr. Chesson. Mr. Chesson says, my comment on number three. Practically when you present a plan and the contractors come in there and install, according to the plan, there is usually some things that happen that precludes the contractor from doing it exactly like the plan. Chairman Drake says, right. Mr. Chesson says, they have to make some modifications. I'm just wondering should we anticipate that and basically saying they need to come back and give us, have the contractor sign the plan saying either I made some amendments to it and here's the amendments or I installed it exactly like so that the County will have a record of just what we were intending to have, where stuff is underground, maybe that's getting too detailed but I mean, that was my thought when I read number three. Chairman Drake says, Mrs. Lewis, would you like to comment on that?

Mrs. Lewis says, well, they turn in as builts at the end so we know where all the conduits and wires and all that are, but the number three says that they have to anticipate that up front, if they are going to put in any, if they are going to put in any aboveground wiring, they have to anticipate that up front and ask for it in the conditional use permit process and I expect that most of them would because they are going to anticipate that they are going to run into times they can't put it underground. And they may have, be far enough along in the process that they can tell not exactly where that wire is going to go but in this area because of the earth, we may have to use above ground.

Chairman Drake says, and I am assuming the pods were established in the Newsoms Boykins project, I guess everything in the public right-of-way is, I guess is the Miss Utility Network. They know like, because I know we have sewer and we have water lines, the County has especially down the 671 corridor. They know where the crossings and things and... Mrs. Lewis says, because everything that is in the public right-of-way, even that just and they had to get a land use permit for that from VDOT, so their agreements and plans... Chairman Drake says, so we don't have to worry, that's already being done. Mrs. Lewis says, correct.

Chairman Drake says, because that would be critical, you know, anytime, like we put a driveway or such in, you know, we had to call Miss Utility just to be sure there is nothing, because there's phone wires and things that run across farm paths and so you never know what you can dig up. Mrs. Lewis says, right, and when that driveway connects to a public right-of-way, you have to get a permit from VDOT to do that. Chairman Drake says, it's a five hundred dollar permit and they keep your money for ten months. Even though you do the work in one day and then ten months later, they send your check back to you, they use your money for ten months. Mr. Mann says, unless it is grandfathered in, if it's an existing driveway. Mrs. Lewis says, that's a VDOT question. r. Mann says, yeah, if it's an existing driveway, you don't have to get a permit but if you are creating a driveway, you're going to get a permit. All the facilities for, they have the farm path that's touching the public right-of-way. So now if they go there and expand it to eighty feet or whatever, might be a different story. But like the one that went in behind the substation in Boykins, that driveway has been there forever so grandfathered driveways preclude that five hundred dollars.

Chairman Drake recognizes Mr. Chesson. Mr. Chesson says, yeah, I guess a couple of things and just so that you all know, I can write a letter today and read it tomorrow and still come up with some, you know, it can be perfect the first day and then if I read it the second day, I can still have comments on. Beth, on our existing solar farm, if you have an issue with the maintenance of the buffering area and you need to contact the owner of the facility, do you have an easy way and an enforceable way of doing that and if so is that incorporated in this ordinance? I guess specifically, you know, we are looking at bottom of page five where it talks about in a, in a timely manner upon receiving knowledge of the issue. You know, in my opinion, now is the time to tighten that up. If you are having a tough time communicating and documenting that and I am saying something other than having to go and write a certified letter and walk to the post office and you

know. Mrs. Lewis says, with the facility that is in place right now, we do have a contact. We do know a person and they work at Strata Solar and we know a phone number and they are the ones that maintain the facility. Mr. Chesson says, do you have an email address. Mrs. Lewis says, yes. Mr. Chesson says, ok, and that's my thought process is that you make a phone call but you really can't prove that you made that phone call really easy but if you write an email to them saying you need to cut this buffer zone. Mrs. Lewis says, we would do it all by certified letter anyhow. Mr. Chesson says, I know, can we make it easier rather than... Mrs. Lewis says, that's not a difficult thing to do but yes we have a name, a phone number, an email address of the people that run the facility in the Boykins area, yes. Chairman Drake says, they actually have a physical office in Newsoms for that facility. So you do have a place you can go and visit. Mr. Chesson says, I just know that if I have to send a certified letter to somebody, it is laborious, it is expensive but to send an email, it doesn't cost me much. rs. Lewis says, we do five, ten, fifteen, twenty certified letters a week so. Mr. Chesson says, I know and that is what I would like for that to reduce because I think that is expensive for the County. Mrs. Lewis says, it's... Vice-Chairman Randall says, they don't respond, then they don't respond, email, carrier pigeon, whatever. Mr. Chesson says right, so why not implement something that is cheaper to do, rather...
Mrs. Lewis says, because this way you have, this way you have a certified trail. Vice-Chairman Randall says, with certified letter, they are sure not going to fix it with an email. Mrs. Lewis says, with a certified letter, you have a... Mr. Chesson says, ok, I mean, I am just, I'm just bringing up my thought process when I read that. Mr. Mann says, I know I brought it up before and the response was what do we look for, but I think the County still should reserve the right to be able to enter the property three or four times a year. Mrs. Lewis says, well, that is in here. Mr. Mann says, ok, so where was that and I guess the thing is, you know, it kind of piggybacks on what Doug has said. So I have scanned this and I just, I guess I was looking for it too hard. Mr. Chesson says, I think I read something too.

Mr. Mann says, because DMME had changed their name to Department of Energy of the Virginia Department of Energy, they have changed their names and like Doug says, if you have an issue with anybody that they have regulatory authority over, all you got to do is call them and they're Johnny on the spot. Except with solar facilities, they've got no regulatory authority over solar facilities. And they are the Virginia Department of Energy.

Vice-Chairman Randall says, Mrs. Lewis do we need a motion to send this to the Board of Supervisors? Mrs. Lewis says, if you are ready to do that at this step. Dr. Edwards says, I don't think you need a motion, if you want to it would be fine, make sure everybody is on the same page Chairman Drake says, do you still want to have a meeting? Dr. Edwards says, yeah. Vice-Chairman Randall says, yeah, because we are hitting the same issues. Chairman Drake says, but we'll, this it. Vice-Chairman Randall says, I think we've got to jump into the pool and start swimming at some point. Chairman Drake says, I think you all have done a great job, I do Mrs. Lewis says, you want to change the three miles to five miles. Dr. Edwards says, yes Mrs. Lewis says, and I still am not clear what you want to do about the ratio.

Chairman Drake says, well, I agree with what Mr. Railey, you mentioned earlier, maybe it should be apt to change as the timeline goes forward because those acres may, instead of using today's, which I was thinking of a way to put a specific number on it but that's going to change, that could change. Mrs. Lewis says, right. Mr. Railey says, it is going to change. Chairman Drake says, you are right. Mr. Mann says, but since there's already confusion now and we are the ones doing this, maybe what we ought to do is put a ratio in there as of a certain date and it has to be revised every three years by the County.

Vice-Chairman Randall says, or ten years, because isn't the trend in agricultural land shrinking. So if you put today's amount in and you have to change every ten years, you are always going to protect the most possible agricultural land, right. I don't think in the graph that I saw it ever increases. It always decreases and it is not a lot. So if we put, I mean the FSA office, when register, excuse me, I'm not a farmer, nor have I ever held out to be, I have problems with my food plots and tomatoes, is that, they should have that amount of Southampton County. We insert that amount and then, I mean, how can that be or we have the thought

process at the meeting and maybe discuss that with the Board of Supervisors. Mrs. Lewis says, or say as determined by the FSA at the time of application Chairman Drake says, I like that. Mr. Railey says, keep it simple. Mr. Mann says, I like that but we don't need to say FSA and Department of Forestry. Chairman Drake says, one or the other. Mr. Mann says, the FSA does the cleared land and the Department of Forestry does the forestry land. Mrs. Lewis says, at the time of application. Mr. Railey says, you got it Chairman Drake says, that's it, bingo.

Mr. Mann says, but you got to include both of them because FSA is not going to be able to tell you about forestry land. Chairman Drake says, that's true, that will work. Dr. Edwards says, make yourself a purse out of a sow's ear. Chairman Drake says, thank you.

Mr. Mann says, but I guess my thing is if we are getting confused over how to word it and whatever, that is why I say we put a ratio in there and upgrade every ten years. But based on FSA and Department of Agriculture's, I mean, the Department of Forestry's figures, we review it every ten years, six years, three years, whatever, but we do the math now so that somebody is going to know ten years how we intended for it to be. Chairman Drake says, right, I agree, have the formula in place, correct. Which is the numbers are going to be coming from the FSA for cleared or farm land and the Department of Forestry. Mrs. Lewis says, but you don't want to in this ordinance say forty percent at the time of adoption, forty percent forested and sixty percent agriculture, you just want to say as determined by FSA and the Department of Forestry. Chairman Drake says, yes, and one percent of that Mrs. Lewis says, ok. Dr. Edwards says, right, that's the only thing we can go by. Chairman Drake says, ok, and what I meant with the formula was the way we are going to get the information.

Mr. Mann says, let's back up, you said that's where we get to one percent, right. Chairman Drake says, yeah. Mr. Mann says, but the other thing about this that we are discussing is that we are offering that one percent and we also got to know how they are going to develop it by ratios. So and I guess saying one percent of the AG land and one percent of the forest land, will do that with, in other words, we are not going, if we say one percent of our total acreage can go to the solar facilities, but we can say one percent of the AG land and one percent of the forest land gives us the same answer. Mrs. Lewis says, no, then you have two percent. Vice-Chairman Randall says, yeah, it is only one percent Chairman Drake says, yeah, one percent, total. Mr. Mann says, yeah, one percent. Mr. Railey says, I think you got it.

Vice-Chairman Randall says, and now, we are just creating ways to, hypotheticals. Mrs. Lewis says, ok, we are going to add that and change it to five years and Dr. Edwards says, five miles. Mrs. Lewis says, five miles right, and you want to, you are going to make a motion to send it to the Board of Supervisors... Mr. Mann says, and have a joint meeting. Mrs. Lewis says, and ask them if they would schedule a joint meeting to discuss it before your public hearing. Vice-Chairman Randall says, I think the Board needs to look at it, we have a joint meeting and some different, because we have been hammering away at this you know, and we are kind of, you know, I think we have done what we have been asked and then the Board is going to kind of give us a different perspective, I think. And then we will probably make a, and then the public hearing that we have, we are going to say, hey, I didn't think of that...Chairman Drake says, that's right. Mr. Randall says, but I think we are asking hypotheticals like Mr. Chesson likes to. Dr. Edwards says, I don't think the Board is going to have a big disagreement with this.

Vice-Chairman says, that is good, I mean, you know, you think it is different perspectives in your thinking, like Mr. Mann was taking, you know, remediation and when he brings those issues up and makes me think of possibilities, you know. In his line of work, he deals with a lot of different things than I deal with that are more applicable to this type of process. Dr. Edwards says, I don't think the Board's mindset is any different than this committee. The makeup of the Board and the makeup of this Committee is tremendously alike. The Board is just as concerned about the County, more as we are. Ok and I just don't think it is going to be a whole lot, there might be some small things. I bet the, I don't think there is going to be a whole lot of

problem. Mr. Mann says, well, it just adds another layer of eyes and minds on this to get some input so that we've got a very strong document by the time we go to a public hearing. Chairman Drake says, exactly.

Mr. Mann says, that's kind of what I'm looking for because we go to a public hearing, that's a lot of times there's people that bring some go of ideas. I try not to be locked in on an issue. There's a lot of smart people in this County and it amazes me sometimes, they come up with ideas and I'm thinking, why didn't we think of that in the first place. Mrs. Lewis says, and that is why it is nice to have the cushion to have the public hearing one month and make our decision the next month. If you have listened to an hour or a couple of hours of comments, it is hard to digest it all and Mr. Mann says, I agree. Chairman Drake says, and a lot of times, it is good to go back and read the minutes, it refreshes you. Mr. Mann says, and I want to keep the new county administrator on board but I don't want to run out of time either for this ordinance.

Dr. Edwards says, well, you know, we can plan that, I mean, I don't think it would be good to do this and then he or her or whoever is out of the loop when this comes through. This is one of the biggest things that's cone down the pipe in a long time. Mr. Mann says, well that might be that first line of homework. When you do the interviewing, by the way, whether we hire you or not. Dr. Edwards says, you put this to them, they might turn around and leave. Mr. Mann says, I don't know, it may scare them off.

Chairman Drake says, yeah, all right, Mrs. Allston, you have been kind of quiet. Mrs. Allston says, I'm down here and by my lonesome. Chairman Drake says, I feel like you are. Do you have a comment ma'am. Mrs. Allston says, just other than Mr. Mann wanted to know, page nine number nine, the County reserves the right to enter the property up to three times per calendar year. Mr. Day says, can we also say, is there anything in here that if we find noxious weeds, fire ants that they have to suppress those? Is that in here or not? Mrs. Lewis says, there is a requirement for a noxious weeds and invasive species plan. Mr. Day says, so do they have to take care of these? Mrs. Lewis says, the plan would require that they take care of them and if they don't take care of them, then they are in violation of the plan.

Chairman Drake says, alright, any other comments. So what we are suggesting to do is get another revised, a couple of issues here changed and get this draft to the Board of Supervisors as well as ourselves, we will get another copy as well and let everyone review it and then at some point we are going to be invited to a supervisor's meeting, possibly and have a brief... Vice-Chairman Randall says,so we're going to send this with the revisions to the Board for their next meeting. Dr. Edwards says, that's good. Chairman Drake says, that's what I would say, yes. Vice-Chairman Randall says, so I make a motion that we do that. Chairman Drake says, is that what we are saying we are going to do now, I don't mean to put words in your mouth, is that what we want to do. Mrs. Lewis says, I will make these two little revisions. Vice-Chairman Randall says, yes, I will make that motion that it is to be sent to the Board at their next meeting Vice-Chairman Randall says for review, and then the Board can then, and then that motion, we would be glad to have a joint meeting if they deem it appropriate. Chairman Drake says, right, that's good. Dr. Edwards says, I'm not. He says, you want to the Board... Chairman Drake say, to review the draft, they should see it first. Dr. Edwards says, I think the Board ought to individually review it, I think each member should get a copy. Chairman Drake says, correct, yeah, that's right. Vice-Chairman Randall says, that's what I am saying. Dr. Edward ok, that's what he is saying, not to review it officially at the meeting? Mrs. Lewis says, no. Vice-Chairman Randall says, no, it's just to be sent to the Board.

Chairman Drake says, well I meant to the Board members, correct, we would be willing to meet at a joint meeting if so appropriate as determined by the Board members. Dr. Edwards says, and Mrs. Lewis, can work with Mr. Johnson, we'll set up, or the new administrator or whatever, and we'll set up an appropriate schedule so we don't get messed up on the deadline here. Mr. Mann says, but I still like to see the Board of Supervisors and the Planning Commission sitting in the same room... Dr. Edwards says, that's definitely... Mr. Mann says, like we did one time before. Dr. Edwards says, that's what we need to do. Vice-Chairman Randall says, that's what I mean with the joint meeting. Mr. Mann says, right, I know but we want to be sure. Vice-Chairman Randall says, we're showing our deference, we would be willing to

meet if they deem it so appropriate. We don't want to run out of time. Chairman Drake says, that's right, keep us on schedule. Dr. Edwards says, that's why we wanted the whole year. Mr. Mann says, yeah, so if you have to send us an email. Vice-Chairman Randall says, I made the motion. Chairman Drake says, we do have a motion on floor, do I have a second. Dr. Edwards says, I second the motion. Chairman Drake says, everybody knows what the motion is, to have the revised draft sent to each Board member. Chairman Drake says, alright, Mr. Chesson, you have a comment.

Mr. Chesson says, discussion and I guess I wrote I've looked through some of my notes, I'm not going to talk about all of my notes but some of my notes, we include signage, reduce the amount of signage because of the appearance of the facility what may be, we concerned about the buffer zone because of the appearance. Would this Board have a problem if the owner of the company put up these chain link fences and they were bright orange and all the I-beams that were put in were bright yellow? Should we be concerned about the looks of these things? And if so, does this draft include that? Dr. Edwards says, let's go with what we got. Mr. Chesson, says, ok. Mr. Mann says and keep that comment and bring it up. Mr. Chesson says, I mean, I'm not going to bring it up anymore. Chairman Drake says, well, I think you should. Mr. Chesson says, this is the second time I brought it up. Dr. Edwards says, we can repeat and go back and forth about this a thousand different times. The way to learn from this is put what we've got, what we think we got. Chairman Drake says, make a note of that Mr. Chesson, I'm going to hold you responsible for that. Mr. Chesson says, I guess it is a concern, I don't guess it will happen, but you know, you never know, you would never know.

Dr. Edwards says, Mr. Chairman, I call for the question here. Chairman Drake says, alright. I've got a call for the question, so we're going to vote. He says, all in favor of the motion on the floor to send the revised draft, have it sent to the Board of Supervisors, as well as we receiving a copy, say AYE.

Michael Drake	Aye
Dr. Alan Edwards	Aye
Jack Randall	Aye
Michael Mann	Aye
Doug Chesson	Aye
Bill Day	Aye
Keith Tennessee	Absent
Brad Turner	Absent

Chairman Drake says, and opposed, like sign. Carried unanimously.

Let's go to item number six, public comment period. At this time, I will open the public comment period. Anyone wishing to come forward to speak of any County matter, you can come forward now. Did you all see Mr. Updike turn around? He looked at the clock and its twenty-eight until ten. Yeah. Come forward Mr. Updike.

Mr. Updike comes forward and says, you see what happens, I'm hard of hearing. My wife told me to shut up, I thought you said, stand up. You see what happens. Well, I didn't hear her say that. I promise to get you out of here by twelve o'clock. So, thank you, Jack, for inviting me to express my opinion. At your last meeting you were here, you ask the question and I will answer it. The answer is, have the guts enough to stand up and say no more solar panels in the County. And that's a, put it up to vote for the common man out here in the Country and that see what the answer would be. I begged and pleaded with some of you to please have a complete analysis of what we've already done. If you have a complete analysis of the current solar panels here, you wouldn't come to these meetings. We're losing a fortune in tax revenue and not only tax revenue, jobs, businesses, then you go on down the list you're losing maybe five to ten thousand dollars a year on revenue coming to the County because of the solar system. What do we get out of it, nothing. The state is collecting eighty percent of the tax revenue. We get nothing, so then what happens? We sit here with our hands crossed, dictatorship from my government most, what do you do,

what is it our current president does? If that's not a dictatorship, I don't know what it is. He gets up there, writes his John Hancock on a piece of paper, and he bankrupting our Country to no end. You talk about fuel and, I mean solar cars. You might be wealthier than I, which you all are. I know I will never be able to afford a solar car. We will not and I repeat able to exist.
I heard and this was from National Congress person, he said two thirds, repeat it, two thirds of our country is under drought conditions with the coming year. What would you rather do? I hope you can eat those solar panels that you were lined up, you are going to be eating something besides food. Solar panels don't add one thing to our environment and I want anyone, I know you all are a brilliant group of individuals. How can you or anyone explain to me, with my pea brain, what's the difference in our country producing oil, coal or natural fuel for that country as the foreign countries begging them, please buying fuel from them when we are sitting here the fuel. How can you explain to me that it makes sense, common sense? And this is with solar panels, you can't put common sense or economic on the solar panels. No way, no how, look at the solar panels we got. The property owners, we thought, no, it's never going to reduce the value of the property surrounding it. I got an example. The assessors, before the solar panels went in, the house was valued at $75,000, the owner tried to sell it for four years. They finally had to sell it for less than $50,000, if that's not a thirty percent reduction. Then your people are surrounding it is going to receive the same devaluation of your property and your property values. How can you expect these people to carry the load and that is exactly what it is when you are stealing, solar panels are stealing the money from the poor people in the area. And for y'all, excuse me, I don't want to be very critical, but here's one thing I am critical about. It's alright to put solar panels up five hundred feet from your house. How many of you all, land I want to see hands, would like to have solar panels next to your house within five hundred feet surrounding it? Let me see the hands. Well, y'all voted for it. How many hands would go up? I don't want solar panels surrounding my house. It's all right to put on your house, on vacant land, and on builders and driveways and whatever. But to have the agriculture land taken out with solar panels. It's unconscionable to me and I want, the whole shebang goes back to one thing. Why is all these mandates coming down that you can have one percent or two percent? Why are we got to do it so the solar panels can make a living? Who is making a living in China? They the ones producing most of the solar panels and yet we're gung ho because the government is so eager to get green deal passed. They are forming a dictatorship.

Chairman Drake says, Mr. Updike, limit it to what they are charging us with, we can't help what the government does. Please direct your remarks to what this panel can do.

Mr. Updike says, I just got through with making my remarks. Ok, you look at the financial analysis of what's been done. And look at what our future of agriculture is in the County and in the world and look at your dinner plate. You all have a shirt on your back in thirty years with inflation, gas and everything else, but the only place that I can see solar panels are is on the rooftops of buildings. With the land that's been, like been minded and reclaimed land, things like that, and we are being robbed when you say you got to have two percent or one percent, whatever percentage might be. We've got over close to five thousand acres of woods underwater. Donate that five thousand acres to the solar people. Go ahead, I won't say anything about those putting it on the wetlands but they take the food off my, I love to eat so they're taking the food off my plate then I've got a whole lot to say about it. And I'm sick of it. So I don't think we've been treated right with the amount of wetlands that we have included in the summary of woods. You think they going down there in the swamp to build it? No, where are they going to build it, on the best land in the County, period. And you say, no, no, we will won't let them. You just sit back and watch. So, this is not a simple answer and nothing more than the solar panels and y'alls agreement to settle on solar, it's alright but it is bigger than that. And, you know, it's bigger than that and in a couple of years with the environment like it is, you are going to pay for it. Fertilizer going up thirty-six hundred percent, how are we going to make it? And y'all want to take the good land and give it away. Basically, that's what it is. I can't see and you say we got to do it. I want someone, need to stand up and have courage enough to say, NO, this does not benefit our County whatsoever and we cannot afford the extra expense that you are putting on us. Now, let me see. Vice-Chairman Randall says, I don't think you listened to her Mr. Updike, I don't think you

listened to her. Mrs. Updike says, he never does. Mr. Updike says, I listen to you. Vice-Chairman Randall says, but Mr. Updike... Mr. Updike says, but you asked me...

Vice-Chairman Randall says, what we're recommending to the Board of Supervisors is the most restrictive, we are following the most restrictive ordinance that is currently in effect in the state of Virginia. He says, will you just acknowledge that for me? Because the last time you were up here, I told you this, this is maybe three, four months ago. But you understand, we are following the most restrictive ordinance in the State of Virginia that is in effect right now. I just want you to understand that is what we are sending to the Board of Supervisors. Mr. Updike says, what I'm saying is this, we need to have a backbone enough to stand up and say this is not benefitting our citizens, our County, therefore; the answer is NO, except for these pure and simple solar panels on roofs, desert lands, reclaimed land. It's not to go on any agricultural land, forestry is agricultural except for in the swamp. I will let you get by on that one.

Chairman Drake says, alright, thank you, Mr. Updike, anyone else. I know.

Gary Cross comes forward and says, it's quarter to ten. I'm Gary Cross again, and I want thank y'all for the work that you've done with the solar ordinance. And I just want to touch on two points, Mr. Randall, I know as a lawyer it's your job to find gray areas in every rule but if it was so easy for folks to be able to get out of the AG and Forestry districts, if there wasn't some stipulation and some backbone to it, then every acre in land use taxation would have been put in Agricultural and Forestry districts to protect themselves. So there's some backbone there for a reason, and just because a person wants to get out, I don't think, it's allowed to. But I will let you all pass that at a later time. I called a man from Farm Bureau, I texted him while we were back here listening and because you had questions and there currently just plus of sixty-three thousand acres in Virginia, approved for solar facilities now, already installed or already approved, ok, sixty-three thousand acres. That's a drop in the bucket. Dominion wants to produce sixteen gigawatts of solar over the next fifteen years that would require one hundred and sixty thousand acres of land. Virginia's Clean Economy Act says all electricity generated must be one hundred percent carbon free by 2045. Y'all have heard them figures before. Dominion must supply forty-one percent of its power from renewables by 2030, including all the carbon emitting power plants by 2045. Their energy portfolio, whatever that is, includes twenty-seven thousand megawatts of power generation. If you don't know how much that is in Virginia, but it would be about two hundred and seventy thousand acres to generate that much electricity. So one percent of the land in Southampton County, what did we decide it was. Thirty-six hundred acres? Mrs. Lewis says, thirty-eight, six. Mr. Cross says, you know, multiply, we are one of the largest counties in the State, so just multiply thirty-eight hundred by eighty. How many counties? Eighty-one counties in Virginia. Dr. Edwards says, ninety-five.

Mr. Cross says, ninety-five. Just do the math and then if everybody did one percent, Virginia should get what they need to meet any kind of goal. So they're just facts I had for you and the only thing I see we are lacking moving forward at this point is true information. Michael was talking, his thoughts, a way the general public thinks and where we should be with green electricity. Dr. Edwards was trying to bring points forward that has already been discovered by other countries in Europe that it doesn't work. We talk about batteries and how much it cost to mine to make them batteries. As we move forward and you are going to have the general public hounding you about wanting or either not wanting it. I thought you should have had already as many speakers with pure, sound facts, scientific facts about what's involved in putting solar together, what's involved in making batteries, where other countries are, how it's affected their economies. These are things moving forward that we're going to need to let our public in Southampton County realize, hey, we think one percent Southampton County is more than enough to decimate other countries, mine their soils and have slave labor working in mines to build batteries. So points like that is what we are lacking moving forward as y'all address the public and I was just hoping that as many people are going to come up here in coats and ties and tell y'all how my solar facility is a good deal. You need to have as people stand over to the side telling you it didn't work in Europe and they are going broke. To me, that is what I think we

are missing. I commend you for your work and I think most of us are on the same page and I applaud your work. Thank you.

Dr. Edwards says, storage batteries bother me too. There are no different from the current batteries, you know and its take a half a million cubic feet of earth to get the elements to put these things, and sixty percent of it is cobalt. Cobalt comes from, sixty-eight percent of it comes from the Belgian Congo, which is poisoning kids. They are slave labor and kids working there and we are supporting that. So like I said, we need to take a look and the people need to be educated as to what is going on in Europe. People who, you know, when we see stuff, we see something happens in Isle of Wight, we listen to it, ok, it happened to them and it ain't going to happen to us, we are going make sure and I don't know why we're not doing the same thing with looking at other countries. Well, I know why not, because good sense is not prevailing here. It's a political thing.

Mrs. Allston says, today they were talking about there is a lithium shortage, which means there is a shortage in making batteries for electric cars and the electric cars are going to be more expensive because of that and then there are more and more places putting in small scale nuclear. Dr. Edwards says, you know, the energy, the carbon footprint to make that electric car, that car can never neutralize that in its life. And, you know, why are we doing that? Chairman Drake says, very good comments. He says, anyone else like to come forward for public comment period. If not, I will close the public comment period.

Chairman Drake says, ok, alright. At this point, we will go down to Item number four on our agenda under Unfinished Business and we'll take up where we left off at our last meeting on utility scale solar discussion with the revisions of that ordinance. Chairman Drake says, and Mrs. Lewis, again I'll call on you to brief us on where we're at with that.

Mrs. Lewis says, I think that the ordinance that I put together for you and that you have is everything that you asked for in the last couple of meetings. If it is not, just let me know and we'll get it changed up. At your last meeting, one of the final things you talked about was a buffer around a five mile buffer between projects. So if you see the map that was included that was made by the, our GIS company, the dark gold is one mile around all the towns, the incorporated towns, which is part of the ordinance and the, and Franklin and Suffolk because they are incorporated places as well. And the lighter gold is a five mile buffer around the existing Southampton Solar. Mrs. Lewis says, and the GIS Company looked at solar facilities in other counties to see if any of them were less than five miles from Southampton County. And there isn't anything that would be within that five mile area. She says, I thought maybe that one in Emporia, the one, the Sadler Road might be, but he said it's more than five miles. So this is, these by this proposed ordinance would be areas that solar development could not take place by this ordinance. And another thing you talked about was the ratio between farmland and forest land and that the Department of Forestry provided that there's two thousand sixty-nine acres, I mean, sixty-nine percent of the County is forested land. Mrs. Lewis says, he gave me the acreage that leaves, thirty-one percent is agricultural land minus the places that have houses on them. But it's not very much so that if you took the total acres in Southampton County, did the one percent, took out the Southampton Solar that's already developed, that would leave you two thousand four hundred thirty-seven acres available for utility scale solar development. Under this proposed ordinance, sixty-nine percent of that is one thousand six hundred eighty-two acres of forested land that could be developed and seven hundred fifty-five acres of agricultural land that could be developed. That ratio may change as years go by but that's the figures that it was on March 25th when I got it from the Department of Forestry.

Chairman Drake says, you know, it depends on how, well, if this is eventually passed as presented, is this something we need to review each year to get those figures updated? Mrs. Lewis says, well I think your discussion has been at a couple of different meetings that it would be the applicant's responsibility to coordinate with the Department of Forestry at the time they submit their application. Chairman Drake says, right. Mrs. Lewis says, rather than, you know, using a figure that is not up to date. That would be one of their responsibilities, just like all the other studies that have to be done. Chairman Drake says, ok, very good. Mr. Chesson says, you did a good job and your table, and it's very understandable. Mrs. Lewis says, thank you.

Chairman Drake says, and the map with the shaded areas. Your research, I really appreciate all the technical ability they can share with us but if it got to where, I don't want to, I don't want someone to come back and say, well, you missed it by a quarter of a mile. Well, a thousand feet, whatever. Is it on a bigger scale, is there some way to narrow it down? Mrs. Lewis says, well, the map would typically not be part of the adopted ordinance. Mr. Turner says, it's just a visual reference, right? Mrs. Lewis says, right. Mrs. Lewis says, so when an applicant submits an application, they would have to show how far it is from the, and since the only existing solar facility Southampton County is plotted on the County's GIS with metes and bounds measurements, they can, they can do that.

Chairman Drake says, ok, so I concur with Mr. Chesson and some of the, some of you spoke earlier before the meeting started that a lot of hard work, a lot of a, lot of discussion, a lot of good points brought forward and a lot of compromising was done. But I think the finished product, I think personally is exactly what we had discussed and asked for and I asked for other people to comment what your feeling are.

Chairman Drake says, is there any other, do you all see anything different from what we have talked about before. Mrs. Lewis says, now just today, I received and I forwarded to you and you have paper copies of a letter from a company called US Solar out in Minneapolis, Minnesota, asking you to consider permitting distributed solar less than twenty megawatts abutting or within three hundred feet of an otherwise approved utility scale solar project. Dr. Edwards says, I feel particularly honored that somebody in Minneapolis, Minnesota, would care that much about Southampton County to send us a letter and after reading this, it's obvious that he doesn't want to help us out, he wants to swing things back in his favor so he can do what he wants. So, I think it indicates to us we have a pretty good ordinance.

Mrs. Lewis says, and at the meeting last month, I did bring up various incentives that maybe you could consider for re-using brownfield properties like the old school out by Drewryville and an old hog farm in the packing plant for projects that were less than twenty megawatts and there wasn't much interest. So, I told them thank you and that I would provide this to you and you could direct your questions to them.

Mr. Mann says, do we have US Solar in the County as far as on a project that you've seen anywhere? Mrs. Lewis says, no, I don't have any outstanding or pending projects. Mr. Mann says, I don't know whether it was any in the past that they'd sent in and pulled back out or whatever. So, this is your first time, you've spoken to them? Mrs. Lewis says, I've spoken to them, I expect I have to admit, I have a stack of business cards, it's no kidding, an inch and a half thick of solar companies so, if I dug through my phone messages, perhaps I expect I've spoken to them, but I don't have a specific project, no.

Mrs. Lewis says, anybody have any little tweaks here and there, anything that doesn't make sense, anything that's unclear. The way the ordinance was before different you know, it talked about what's required in a site plan in a couple of different places. I tried to gather them all together so the ordinance kind of made sense. But if you see anything, just let me know and we'll get it fixed. Mrs. Lewis says, Mr. Johnson is coordinating with the Board of Supervisors as to when we can have a joint meeting before your public hearing. It may be at this meeting next month, it may be another time. Dr. Edwards says, we have a new man coming on June 1. Chairman Drake says, ok. Dr. Edwards says, I would like to see him involved. Chairman Drake says, certainly, yes. Mrs. Lewis says, as long as, as long as the Planning Commission has their public hearing and makes the recommendation no later than your July meeting, then the Board of Supervisors can have their public hearing and make their decision at their August meeting and that will be before the moratorium expires. Dr. Edwards says, so a September 13th or something like that. Mrs. Lewis says, yes, it's before the Board of Supervisors meeting in September.

Mr. Mann says, so have we got a date? Did you want to wait for us to meet with the Board of Supervisors until the new guy comes on? Dr. Edwards says, that's around, you know, I've got a new guy coming on, I'd like to, I think we'd like to see him get his feet wet here too. Chairman Drake says, right. Mrs. Lewis says, and, I don't know if the new person would be interested in participating before they're officially an employee. Just that might be something that Mr. Johnson or the Board of Supervisors can ask. You hate to run out of time. Chairman Drake says, right. Mrs. Lewis says, you know, you hate to have the moratorium expire without an adopted new ordinance. Chairman Drake says, correct.

Mrs. Lewis says, but from the Board of Supervisors meeting discussion and Dr. Edwards can confirm that the Board of Supervisors members who expressed any opinion, felt that this ordinance was what they were seeking. Mr. Mann says, but we don't have a tentative date. Mrs. Lewis says, not yet, hopefully in the next couple of weeks. I can let you know. Dr. Edwards says, whatever we work out. We've got to make sure we meet the deadline. Mr. Mann says, yes, you know, the sooner the better. Mrs. Lewis says, right. Mr. Mann says, something might set the meeting up, have a tornado come through and have to cancel at the last. You just don't want to get backed up. Chairman Drake says, correct, I agree.

Mrs. Lewis says, so anybody have anything else, they, any other additions, changes, amendments, whatever. Mr. Chesson says, yes, I'll bring up one. And I guess one of the things I feel like and kind of

enjoy about this job is sometimes you communicate with others in the community. And I guess one of those others is here. But, and he was, I guess and it may come forth in a public hearing, but I'll go ahead and put it out there. Mr. Chesson says, is that possibly, if we've got property identified as M1 or if in our Comprehensive Plan we have property already zoned for industrial. Would we consider allowing that, even though it's within some of the buffers? Mrs. Lewis says, yes, I think that was part of the incentive discussion last month too. Like the racetrack has industrial zoning, but it couldn't house twenty megawatts, it's only seventy some acres, so. Chairman Drake says, but then we all, I'm trying to think weren't we also trying to identify those M1 areas that we would, we would look at it in receptive means because to just and I'm just thinking I'd, because then it could go to and I'm just thinking that I don't know exactly where you're coming from Mr. Chesson but if it's just a general M1 designation and not one that we have identified, I don't know how I would answer that, you know. Mr. Chesson says, I just want to throw it out there.

Chairman Drake says, well, I'll think about, I'll just, I'll just use the example and it just might be what you're speaking of. I don't know. But I think about the Camp Parkway parcel, so I don't think that would be, I don't think that would be what we're looking for. I don't think that's what I would look favorably upon, is putting a solar project. Mr. Turner, says wouldn't that be within a mile of Franklin? Chairman Drake says, well, but, but..... Mrs. Lewis says, and I don't that it would house twenty megawatts. Chairman Drake says, ok, well, I guess I was using that as an example because when I think about the racetrack, if that would be a possibility or I think about the Beale's packing plant on Ivor Road location or the school site, I'm thinking about Drewryville. You know, I don't know if that, some of those restrictions that we have put on or stipulations that we had put on, I don't know if that would because, like I say, we were trying to identify areas, we would welcome it, correct? Mrs. Lewis says, right. Chairman Drake says, I don't know. It's just a general, let's take, let's take the Turner Tract for instance, the business park outside of Franklin. Again, you are probably within that one mile perimeter possibly. But you follow what I'm getting at, you know, I don't know if it's just because it's been identified as a potential M1 designation or could be rezoned M1 from the Comprehensive Plan. I don't know, I don't know if I want to.

Dr. Edwards says, I think you better stick with the rules and regulations and then somebody else comes along and they say, ok, you made a, you bent over here. I want it too. Chairman Drake says, yes, well, I don't want to set a precedent. Mr. Chesson says, I'm just throwing it out to consider. I think we will hear it. Chairman Drake says, right, right. Mr. Chesson says, I was just hearing..... Mr. Mann says, was this in the five mile area of existing or was in one mile. Mr. Chesson says one mile. Chairman Drake says, one mile of the town. Mrs. Lewis says, there aren't a lot of areas that have M1 zoning that are not already in use. There are a lot of areas that are identified as industrial on the Comprehensive Plan but they still have agricultural zoning. Chairman Drake says, right. Mrs. Lewis says, so most of the M1 zoning is right in that strip along 671. Chairman Drake says, right. Mrs. Lewis says, by the new Birdsong warehouse and the peanut butter plant and that whole strip, but there isn't a lot of M1 zoning. Chairman Drake says, and I'll give my reason. Mrs. Lewis says, except the racetrack.

Chairman Drake says, you know, I give them a reason, my reason being that if it's like, we're like an industrial park setting. You know, we've already spent the infrastructure, the utilities being installed in some of these locations and I don't know, you know, just for that reason. That's not really going to benefit a solar project, if you follow me. Mr. Chesson says, yes. Chairman Drake says, ok, ok. Mr. Chesson, just trying to give you my personal, in an area possibly like that. Mr. Chesson says, in an area like that at, maybe wasted infrastructure expense. I understand that. Mr. Mann says, which we did in the last property we brought at that. Mr. Chesson says, that's right, it is. Mr. Mann says, we had sewage line running close to it, nobody cared. Chairman Drake says, but that may come up like at the hearing and we'll discuss. Mr. Chesson says, yes, and I'm thinking perfectly ok pushing this thing along as is. Chairman Drake says, now that's a good point, good point. Mr. Chesson says, just wanted to bring it out.
Chairman Drake says, good point. Mr. Chesson says, because I mean, that's to me, that's our job as far as this Board, is to flush out the issues and recommend something and the Board of Supervisors can tweak it if they want to. Chairman Drake says, exactly. Dr. Edwards says, the job of this Board is to do the work.

Chairman Drake says, right. Dr. Edwards says, these are things that the Board of Supervisors doesn't necessarily have the time or talent to do.

Chairman Drake says, is there any other comments, any other section that we need to go over. I mean, I really, I'm glad we did it step-by-step. It took a long time to get through it, but we did it. And like I said, to me, I read through it a couple of times this past thirty days and it looks like it covered all the objectives that we were seeking after. And, Mrs. Lewis, you have interpreted our sentiment and put it on paper and I thought you're doing a great job.

Chairman Drake says, any other comments? Mr. Turner, do you have any comment?

Mr. Turner says, I think she's done a great job putting it together. It was a lot of discussion over the last five months, a lot. Chairman Drake says, Dr. Edwards, you got any other comments? Dr. Edwards says, no, I'm happy with it. Actually, it's been over a year. Mr. Turner says, well since we've taken it to three pages. Mrs. Lewis says, right, since you had your worksheets. Mr. Turner says, it was the worksheets were definitely a good, good way to tackle it. Chairman Drake, a great concept, yes. Chairman Drake says, Mr. Chesson, any other concerns. Dr. Edwards says, the Board of Supervisors has recognized your contribution and we are very thankful. Chairman Drake says, Mr. Mann. Mr. Mann says, the sooner we get it done, the better. Chairman Drake says, alright, so can we empower Mrs. Lewis to maybe help with the Chairman Edwards to maybe set a meeting. Mrs. Lewis says, yes. Chairman Drake says, if they like to come here to our meeting or we'll come to theirs, whatever's appropriate for them. Alright, we will certainly abide by that. Alright, very good, this is going to be a, it's been a tough session, but we've gotten through it and a sigh of relief. I think we've accomplished what we're looking for.

Chairman Drake says, alright, if nothing else on the solar discussion, there was no new business listed in the agenda. Does anyone have anything to bring forward.

If not, we'll go to Item number six, which is public comment period and I will open the public comment period. If anyone would like to come forward to speak on anything we have talked about tonight or something relative to the County. Mr. Glenn Updike comes forward. Dr. Edwards says, Mr. Updike wasn't at the meeting last night to speak so I think he's probably saved up a lot. Chairman Drake says, Mr. Updike give you name and address for the record pleas. Mr. Updike says, Glenn Updike, Newsoms, VA. Chairman Drake says, ok, welcome.

Mr. Updike says, the first thing I want to say is it's obvious to everyone that I oppose solar one hundred percent. There is no rhyme or reason to have solar in the County. You talk to individuals and they agree with me and in the public meeting everybody wants to get along. I'm not that type of person just to say yes just to get along. I think you should look at the facts and the facts are look at our economy, look at the direction of the food supply. In this country, we are running out of food. Agriculture only takes three percent increase. We'll see a big drop in prices. We have three percent shortage and prices going out of this world. We are looking at right now twenty-four percent shortage of wheat in this country, in the world. Where does it come from? You can put it in, say whatever you want, we are not being affected and we are affected greatly. And if you think that solar panels are going to answer all our problems, I would like to know somebody tell me how the solar panels is going to produce food. I'm going to listen, tell me. And you got to have backbone enough to say enough is enough. We got to have food for our country and the people of the world. You can check with any source you want to. Religious, I guess you call people that's finding food for the world, and they are panicking from shortage of food. We can take it lightly, say it's not going to affect us, it's sort of like gas. Take your pen and scratch it off. What has happened? What's going to happen to our country? We've had the environmentalist are predicting a shortage drought in the western part of the United States coming up this year. What's going to happen? You going to take it out and put in solar.

Mr. Updike says, the second thing I want to mention. The electric companies could care less how much it cost. Well, what benefits or what is of anybody. The more it cost, the richer they become. The state corporation committee allow them eight percent. They, you can jack up your price eight percent and make, that's eight percent income for the business. So, the, you can put all these things and it's going to prevent you from doing this and doing that. No. You just helping them to make money for them. Then you can say what you want to. If you talk to people right straight up and down they will, they say no way in the world that they need to take agricultural land out and put in the solar. No way. I was disappointed in like, give you an example. Designate, if you want to come here, we've got some property that I would say, is almost useless. To give the example like Valley Proteins that's so, I guess, five or six hundred acres and that property is useless as far as I'm concerned as far as agriculture is concerned, things like that. Put them on rooftops, put them on things that it's not affecting the agriculture whatsoever. Valley Proteins don't have any timber, so it's useless. Put in the ordinance here's places we will accept it. We look at the woodlands around the edge of the, just well as say, the swamp, where half of our timberland is underwater. Yet, we are expected to give up our prime farmland because our woods is underwater. And I can't agree. I know you all worked hard and all kinds of arguments one way or the other. I appreciate you working to try to come up with something. But have a backbone, enough teeth in it to say we'll have, you can go take X, Y, and Z for your solar panels. Put it on the rooftop, put it. Look at the number of places you can put it. But you know what they're going to do, regardless of how many sheets of paper you're writing down where are they going? They going to the best agricultural land in the County. And like I say, they don't care how much it costs. They make money on the more it costs. So, I know you're not going to change your mind. I think you, down in your heart, you know I'm right and you. I'm just sick and tired of the solar being pushed down our throats. So, like I say, I know nobody is going to change their minds or change any one word and I know that people on this Board will speak your mind honestly, they'll tell you this needs to be kicked out.

Dr. Edwards says, I would like to say I think a lot of us agree with you. If I had my druthers, I would say no, but we have to be realistic about it. If we fail to set up some sort of ordinance and Richmond's going to come down here and say, well, you guys, we are going to take over and you are going to have to listen to our rules. So it's a choice you got to make that's a realistic choice. Mr. Updike says, I disagree with that. I've heard that for the last twenty years, the state coming down making you do this. The state's going to do this, the state's going to do that. I haven't seen the first rules or regulations come down from the state on solar. Chairman Drake says, alright, we'll take your words at heart, Mr. Updike, thank you for your comments tonight. Chairman Drake says, anyone else like to come forward.

Peter Copeland comes forward and says, Mrs. Lewis, Mr. Railey and members of the Planning Commission. My name is Peter Copeland. My address is 29075 Bethany School Road. Chairman Drake says, welcome. Mr. Copeland says, thank you. He says, I would like to make a few comments and I will go ahead and say that Mr. Chesson has already kind of broken the ice for where I am going. I would like to make a few comments and then I would like to make a request. When I stood up to come up here, my wife made a comment, something we quite often say to each other. And she said, cool heads prevail. And I am going to try to have a cool head tonight. If I told you I wasn't aggravated and frustrated about the subject I am going to address, I would be lying to you. Cool heads prevail. If I make it through this plant and harvest season this will be my forty-third year farming in Southampton County. There's good years and some bad years. This year coming up, I don't know what to expect. Michael, I heard you talking about pricing and it's going to be, it's going to be a very challenging year. I've also served on the BZA of this County for twenty plus years, I served with Doug Chesson. And, believe it or not, I think in the years I've served, we've agreed at least two times on subject matters. If you've seen me around, I'm usually dirty. I'm usually got work clothes on. And I'm probably wearing a shirt which has my farm name on the front, Topeka Farms and on the back, I'm not going, I'm not going to show you my political statement but it's a picture of a farm scene and says, American Farmers working to provide you with food, fiber and energy. Mr. Copeland says, Michael do you produce any energy on your farm. Chairman Drake says, do I produce any energy? I produce commodities which is used for energy, yes. Mr. Copeland says, thank you, that's point I was getting at. I believe energy, and its many different forms, is the lifeblood of this country. Right

now, the war going on is because of energy, in my opinion. It's a lifeblood of this country, it's the lifeblood of the world. Some crops we grow are, as Michael said, related to or actually produce energy. Soybeans are crushed for oil. They go, they go in biodiesel fuel. We grow cotton. That's a natural fiber that competes with and replaces polyester which is made of petroleum products. So by growing cotton we are adding to the supply of petroleum products. Corn is instilled in the ethanol. It is predicted this year that thirty-five to forty percent of the corn acres grown in this country will go into ethanol production. That's a lot of corn. That's a lot of acres that's been used to fuel this country. Right now, it's ten percent blends. You probably heard on the news they are talking about bumping it up to fifteen. So that's probably going to increase acres to go in the ethanol production. I follow the minutes of this Commission and I get it. I understand where you guys are coming from. I am a farmer. I understand exactly where you're coming from. This country has a deep heritage of agricultural production and we are farm families. I want to see the family farm go on just like you all do but having said that, I also believe the aspects, there are other aspects we need to look at. Right in front of me, talking to farm families, Michael Mann, he's got a son, Cole, coming on board, already on board. Michael Drake's got a son, Wesley, already on board. I've got son, Landon, he's an active participant in my farming operation. So I get what you all are coming from. I understand completely. But having said that, I am also an advocate of landowner's rights. I grew up thinking that if I owned something, I controlled it. But that is the way I was raised. If you own something, it is yours. You control it. But sadly, that is not the way of the world. It is not the way of the world. Producers in this country are fortunate to have many crops to choose from. Just as farms are diversified, I feel we need energy diversification. I want to be clear, I am not a tree hugger. I am not in favor of the green new deal. I think those people are crazy. But do I feel wind and solar are the answer to everything? No, not in any way, not in any stretch of the imagination but I do feel they have a place and they are part of the overall solution. According to the US EIA, which is the Energy Information Administration, this past year, renewable energy sources produced twenty-one percent of the electricity that this country used. Twenty-one percent. Twenty-one percent was produced by renewable energy sources. That exceeds both coal and nuclear. This year, it is expected that this amount will increase by ten percent. Wind and solar themselves contributed thirteen percent. In 2020, the Virginia Clean Economic Act was passed into law. This law mandates, as Mr. Updike was talking up in Richmond, this law mandates that Dominion Energy is to transition to one hundred percent clean energy by 2045. How is that going to happen? How is that going to happen in Southampton County if only one percent of the land is allowed to go into solar farms? I don't see how it can happen. Years ago, I entered into a solar contract on two parcels that I own, I take that back, I don't own them. Farm Credit and I own one of them. I do own one them by myself. They are still, still being paid for. We are still trying, trying to own them. These two parcels, if you don't mind, can I, can I give you a map which shows the location so you all know what I am talking about. Mr. Copeland passed out maps to the Commission and Mr. Railey.

Mr. Copeland says, alright, as I was saying, years ago, six to be exact, I entered into a solar contract with two parcels that I owned. They are in close proximity to a substation and major overhead transmission lines. Right along highway 58, if you see where I am talking about, a twenty foot berm, it runs along 58 for a good portion of the distance and then there's an eighty foot forest buffer that's been left on the balance. These parcels are labeled as industrial under the Comprehensive Plan. I thought, I thought I had the perfect solar site. I mean, I thought, it's perfect for a solar farm. But as Mr. Chesson said, under the current ordinance, the site isn't acceptable because right across the road is an industrial park, Pretlow Industrial Park and that's the city of Franklin. So that knocks me out. So my request is kind of like what Doug said. I am asking you to consider to allow the site which has an industrial zoning to be exempt of this ruling. I understand where you are coming from on the industrial side but let me just put, let me just throw this out there. This site was put up for sealed bids when I bought it. If Southampton County wanted it for an industrial site, why didn't they buy it? I bought it and I have no intention of selling it. That's not an interest. A lease, a lease, gets my interest but a sale doesn't. Alright. And another thing I keep hearing, it's going to ruin the land. Solar, most solar projects are twenty to twenty-five years. They are not permanent. I don't see a lot of difference in going in and pulling solar up as I do clearing forest land for farmland. Maybe you can correct me but I mean it can come back to farm land, it could come back the industry, it could come

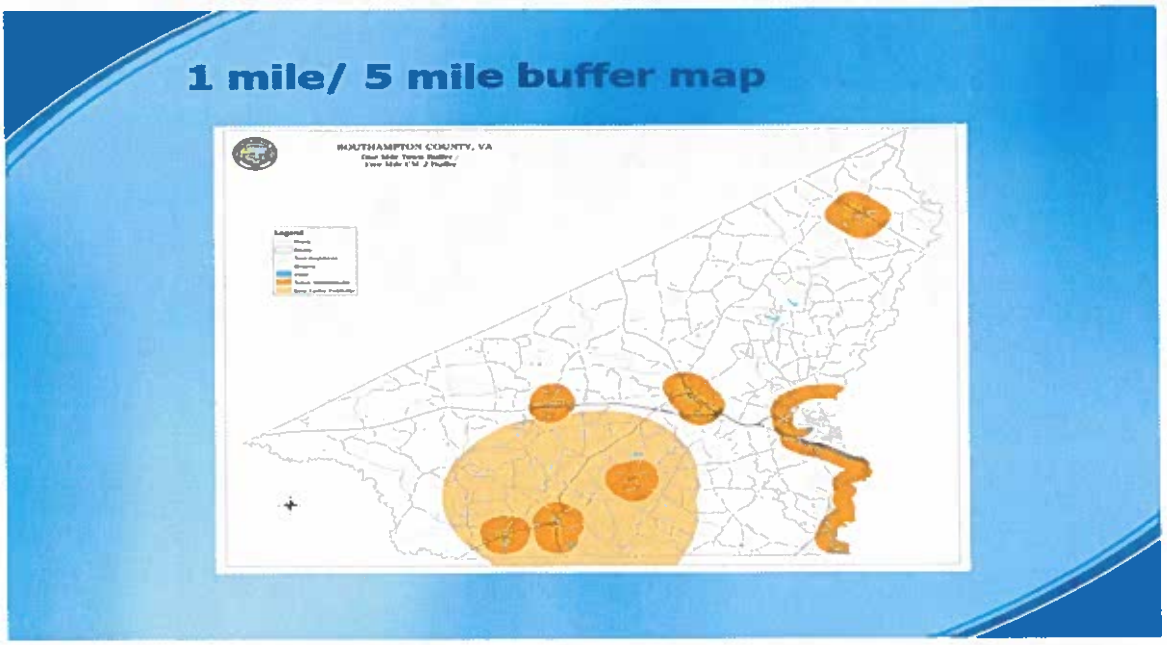
back to anything. As far as industrial development on the site, I don't see it happening. Number one, it is not for sale. Number two, when you look at this location, it is on a limited access highway. You've got to cut through somebody else's property to get to it from 58. I mean, it is not, it is not easily accessible. And one more thing in closing, you know, I look around this county, I don't see a lot of industry. Where is our tax base? Where is this County getting money from? And when I talked to this developer, I was concerned, concerned with the fact that they would pull out and leave it or whatever. He said, Peter, we are not going to leave a forty million dollar investment. Isn't there a lot of money to be made tax wise from something like that. I would think there is. Anyway, I've said my piece. I appreciate your time. If you all have any questions or comments that you want me to hear, I will stand right here.

Chairman Drake says, any questions for Mr. Copeland? Mr. Turner says, just out of curiosity, what is the acreage that you own in that area there? Mr. Copeland says, probably four hundred fifty. Mr. Turner says, ok. Chairman Drake says, any other questions? Mr. Copeland says, thank you for your time.

Chairman Edwards says, okay. With that out of the way, I think I'll just open the meeting up and see if Mrs. [Beth] Lewis would come up and give us a run down on what's been going on the last year or so.

Mrs. Beth Lewis approaches the podium saying, good evening. It's been a long road to get here. As you recall, last August 5, the Board of Supervisors and Planning Commission had a joint meeting at Paul D. Camp Community College to take comments on updating the solar regulations. At that meeting, the Board of Supervisors asked the Planning Commission to start the process to set a moratorium. On September 9 of last year, the Planning Commission and Board of Supervisors had a joint meeting in this room. The Planning Commission had a public hearing about installing a moratorium and they forwarded a recommendation of a six month moratorium. Two of the members preferred 12 months, but the overwhelming vote was for a six month moratorium. The Board of Supervisors had a public hearing and they, in the end, voted for a 12-month moratorium. So, that started September 10, 2021 at 12:01 a.m. Since that time, the Planning Commission has been working on replacing the existing solar regulations. They had help from an Attorney, Scott Foster, who works for a renewable energy company. He also worked on provisions for the Caroline County Utility Scale Solar Ordinance. He was very helpful. The Planning Commission choose to use the Caroline County Ordinance as the basis of their revised Southampton County Ordinance. So, these are the highlights of the Ordinance. The Planning Commission worked very diligently. They broke it down into sections and took a few sections at a time. They had hours of discussion and lots of study at home and contemplation and took lots of comments from whoever happened to be a Planning Commission meeting. And they have come up with a [inaudible; off microphone] that they think meets the desires of the Board of Supervisors and they would like to get your comments, concerns, and questions before they hold a public hearing. The highlights include a minimum of 20 megawatts and a maximum of 100 megawatts per project. The minimum was so there was not small projects scattered around the County.

Mrs. Lewis continues, some of the Planning Committee has seen the smaller projects in northeastern North Carolina and they didn't want that spread throughout Southampton County. Their feeling is the larger projects are probably better kept. The guiding tool in this Ordinance is the Planning Commission recommends that only 1% of the County land area be devoted to Utility Scale Solar. Other counties that have percentages, that percentage ranges from one to four percent, but the Planning Commission recommends 1%. You can see the math in the little summary that I did. The total acres for Southampton County is 385,508. One percent would be 3,855 acres. Southampton Solar already uses 1,418 so that leaves 2,437 acres. The Planning Commission wanted to make sure it wasn't just agricultural land that was used for Utility Scale Solar taking the best, easiest to use out of agricultural use. So, they recommend having a ratio between forested land and agricultural land in each project and have that ratio based on what the Department of Forestry says is Southampton County's ratio between those uses at the time of application. Today, that is 69% that Southampton County is forested. So, that would be 1,682 acres of forested land and about 755 acres of agricultural land. There are Planning Commission members who wish there wasn't one more acre of Southampton County land used for Utility Scale Solar, especially not one more acre of valuable, productive agricultural land. The Ordinance requires the projects to be at least one mile from incorporated places, which would be the six incorporated towns, City of Franklin, and Suffolk. Then they have to be within five miles of each other. Mr. Lewis continues, I have a map and a Power Point Presentation. Go down to that slide number four, please.



Mrs. Lewis continues, this shows the darker mustard color is the one mile boundary around each of the incorporated places. The lighter mustard color is five miles around Southampton Solar. So, those areas would be in this proposed Ordinance not available for Utility Scale Solar Development. We can just leave that up, if you don't mind. There aren't any projects outside of Southampton County that would be within the five mile radius. I had the County's GIS person check. I thought perhaps that the one in Greensville County was within five miles, but it is not within five miles. There aren't any in Isle of Wight County that are within five miles either so this is the only areas of Southampton County that would be effected. The recommendation is if the property is within the Voluntary Agriculture District that process to be completed before they submit their application. That would make it very clear that the applicant is seeking to take land out of the district and put it in the Utility Scale Solar and not try to slip it in, mix it in, and try to make it all one process. It would have to be a separate stand-alone process. It may not get approved at that stage. The Planning Commission and Board of Supervisors may not choose to take that property out of a Voluntary Agricultural District and the process would stop at that point. The state law requires siting agreements now, which Southampton County has not received any. But, this proposed Ordinance requires that the siting agreement process be completed, which requires a public hearing before the Board of Supervisors before any application is submitted so that process would also be out in the open and free standing and available for anyone to see before an application is submitted. It requires that substations and other parts of a solar installation be 500 miles from dwellings, schools, places of worship, State Scenic Rivers, and rights-of-way. And the invertors and transformers must be 250 feet away. That is much greater setbacks than the M1 Zoning requires for any other type of use.

Mrs. Lewis continues, this Ordinance requires landscaping and buffering. The current ordinance is not very specific. It just says it needs to be shielded, but this Ordinance is specific about what the landscaping and buffering needs to be and it requires that the landscaping be installed in the first planting season after a land disturbance permit is issued so it has time to grow while the rest of the project is being put in. This also gives the Board of Supervisors some opportunity to shrink and grow the buffers depending on a project and what's around it. If it is abutting not a state scenic river, but with a lesser river you might not need as much of a buffer because it's not going to impact anyone there. It gives the Board of Supervisors some guides as to what the buffer should be. It discourages non-native vegetation, which is helpful so it stays alive. We have a problem out at Southampton Solar where the buffering is not staying alive. This also requires a $50,000 Landscape Bond that does help with the life of the project so that if the owners of the project or operators don't fix dead landscaping, the County will go in and do it. But the $50,000 Bond has

to be removed if we [noise; inaudible] don't use it. No topsoil may be removed from the site. Southampton Solar removed truckloads of topsoil and removing topsoil makes it difficult, if not impossible, for the property to revert to agricultural use again unless they bring all those truckloads of top soil back in.

Mrs. Lewis continues, this Ordinance requires that the community meeting must be held no more than six months before the application being submitted. In the Ivor area, there were community meetings. It's probably been three years ago. On that project, people were thinking of doing a project in that area [noise; inaudible]. But when you wait a year, two years, or three years, properties change hands and people don't even know about it because they weren't there when the community meetings were held. So, this requires that the community meeting and the submission be much closer together. It requires that the site plans, decommissioning plans, and siting agreements must all be recorded with the Clerk of Court so it's not just dependent on someone remembering something. So, five, ten, or twenty years from now, it's a court record. And one of the things that the Planning Commission has discussed for years is giving 0% credit for salvage value to the decommissioning plans. The Planning Commission does not want to burden their children or grandchildren with cleaning up these projects 35 years from now. Who can guess what the salvage value of material may be. It may be substantial and perhaps whoever does the decommissioning is going to be financially rewarded for it. More power to them. But it may not be. The Planning Commission has felt strongly for years that the salvage value should be zero. The Planning Commission looks for your comments and questions tonight. If there are changes that you want, the Planning Commission is more than willing to make those changes if the changes aren't too extensive or need a lot of discussion before the public hearing June 9 meeting. That means they could make a recommendation and pass this on to the Board of Supervisors for their July meeting, which will give an opportunity for the Ordinance to be in place before the [background noise; inaudible.] I'd be happy to answer any questions. Chairman Edwards says, any questions? Mrs. Lewis says, thank you.

Chairman Edwards says, before we get started, let me check this. William Hart are you with us? Supervisor Gillette says, I am. Chairman Edwards says, good to see you. Supervisor Updike says, what about Doug [Chesson]? Chairman Edward says, Doug Chesson, are you with us? [No response.] Mrs. Lewis says, I think he's really on vacation. Supervisor Chris Cornwell says, he did send me a text, Mr. Chairman that he is listening in. He is unable to talk, but he is listening in. Chairman Edwards says, okay.

Supervisor Updike says, Dr. Edwards, I think that we owe a big thank you to Beth and the Planning Commission because they've worked hard for a long time. And made some good improvements. Chairman Edwards says, no doubt about that. I don't think that I've ever been involved in a project that's been battered back and forth for a long time. And discussed and re-discussed and torn apart and put back together as much as this Ordinance was and they did a great job. I got to say that Mrs. Lewis did one heck of a job for organizing this so we owe all of them a round of thanks. As far as I am concerned, they did an excellent job. I give them five and a half stars out of five. Supervisor Robert White says, looks great. Thank y'all.

Chairman Edwards says, anybody want to discuss any part of it? [Speaking to William Gillette] William Hart. Supervisor Gillette says, yes, sir. Chairman Edwards says, would you like to comment sir? Supervisor Gillette says, well, I don't have a lot to add. The more I read, the less I like solar, especially when it comes down to decommissioning. Nobody yet knows what's going to happen. It's certainly nothing, and I know in the Ordinance, you can't count any recyclable revenue as part of the decommissioning revenue so that's a good thing, but all I can see is when it's all said and done, we will have some excellent sites for some contaminated landfills. So, that's yet to be proven. I hope that never is, but it sure looks like, to me, that's where it's headed. The other thing that troubles me is that the energy – it goes back to the end users, our citizens. Which is pretty much nothing except an increase in the monthly electric bill. So, I never have been a proponent of the government picking and choosing winners and this is a huge project that they have ventured off into picking and choosing winners. The financiers are the taxpayers with very little to show for it. Green energy has never been debated thoroughly in Congress or in any other public forum that I know of. Supervisor Updike says, it's misleading.

Supervisor Gillette continues, it's not to minimize the hard work that this Planning Commission did. They did a tremendous job. It's a tremendous amount of hard work. But, my question is do we have to adopt this. And if that's mandated by the government, then that changes the whole picture in my mind. But, I just can't see taking something like this away from private business. If it worked in the capitalist system, it would be up and running strong already. And sabotaging one business to add another one just doesn't add up in my mind. But, in my comments that doesn't minimize if you got to have an Ordinance, this would be one of the better ones that could have possibly arrived at. Thank you.

Chairman Edwards says, thank you sir. Anybody else. [Speaking to Mr. Jack Randall] Mr. Randall. Mr. Jack Randall says, can I ask Mrs. Lewis a question? Chairman Edwards says, you certainly can. Mr. Randall says, my pen wasn't fast enough when you were up there. So, just so I got my figures right. So, there's 2,437 available acres left taken in consideration of current development of solar power? Mrs. Beth Lewis says, that's correct. Mr. Randall says, no more than 1% of the area so that is what is left. Does that include all the buffers, basically the entire available space? Because the one in Newsoms has, I would speculate, at least 60 acres or 50 acres part of the project, but doesn't actually have solar panels. So does that entire site plan qualify so if we get another one? The entire parcel that is being taken out of agricultural production. Let's just say hypothetically, it is 1,000 aces. The entire site plan that includes buffers and everything. That would go to 2,437. Mrs. Lewis says, yes, that is correct. Mr. Randall says, I just want to make sure I was right.

Chairman Edwards says, anymore questions? Comments? [Speaking to Carl Faison] Yes, sir. Supervisor Faison says, I just want to certainly say thank you to the Planning Commission in coming up with this Ordinance that you've taken account of the County. I think that is very important. Now I was reading this correspondence from U.S. Solar. Is that something we need to consider? Chairman Edwards says, can I answer that? In my opinion, my humble opinion, the letter from solar, to me, indicates that we have a very good Ordinance. Otherwise they wouldn't be complaining about it. I think it's a positive comment. That's the way I look at that. All that company wants to do is come in here, do their business, and get the heck out. And leave us with what happens after that. My consideration to them is zero. I might not be the only one.

Supervisor White says, that's exactly what happened with the last solar developer. He came in, made his pitch, sold it and he's gone. He made his million. Hundreds of millions. And they're gone. So, yeah, that U.S. Solar is just like (I can't remember his name with the company that came in and pitched it) I was on the Planning Commission at the time so I – Supervisor Updike says, Southampton Solar. Supervisor White says, I just remember the developers were the ones that made all the money. So, it's kind of [inaudible] the way that I feel. We didn't know anything about solar and we hashed that thing out, what eight months, ten months. We were trying to figure out a way to do it and – Supervisor Updike says, screwed up. Supervisor White says, yeah. Mrs. Lewis says, we didn't have anyone to look to. Accomack County was the only entity that had a solar installation of any size so we looked at Accomack County.

Supervisor White says, I just remember I traveled through there all time going back and forth from North Carolina and I just remember the guy sitting here telling us that they weren't going to upset any topsoil. That they weren't going to have any heavy equipment or bulldozers. I drove by there and they had heavy sixes out there driving all where they were going to put the transformers and all that so they sat there and lied to us. I got a bad taste in my mouth from that.

Supervisor Faison says, I was just thinking that we have 2,437 acres and solar companies will be coming in to ask to use those acres. What type of format do we have? We have the Ordinance that would eliminate U.S. Solar from being able to come in under the circumstances they wanted to, but, our Ordinance doesn't eliminate people from coming in and using those 2,437 acres. Mrs. Lewis says, correct. Yes. Should this

Ordinance be adopted in some from? Supervisor Updike says, this is utility? Mrs. Lewis says, that is correct. Smaller scale. Up to five megawatts.

Chairman Edwards says, remember anything that comes in has to go to the Planning Commission. Go through you guys and come to us [Board of Supervisors] so if there's anything that doesn't look right, I think we can take care of it. You know, a lot of time we have to learn from our mistakes. We've learned a lot from the counties to the east of us about problems so we take advantage of some of those mistakes they made. If you look in Europe (Europe is what totally hog wild over solar) and now they're getting out of it. They're also getting out of the windmill business. If you talk about it and what Dominion says, it's only going to supply 6% to 8% at most of our electricity. But that's going to go on the grid to the big cities. It's going to be expensive. So you have to determine how much destruction of good crop land and our scenic value you want to put up with for that amount of electricity. I've talked to several engineers. One that retired from Duke Power. I tried to get him to come here and speak, but he's in his late eighties and had some sickness in the family. But anyway. He told me that if we really knew what the bottom line is in this stuff, we would never approve a single, single one. Then, he went through the imbedded cost. The carbon footprint that it takes to make this stuff, every material that's made, you'd never get back even say over 30 years. To put in a solar farm, it takes about five million pounds of different ores and all the materials that go in. Then, you figure in the gas and oil. All the carbon footprint that it took to make the machinery. All the carbon footprint to get here and put the thing in. You'll never get it back. Supervisor Updike says, and call it green energy.

Chairman Edwards continues, the imbedded costs in this situation we need to think about. What we are doing with oil now. We aren't getting it, but we are letting the rest of the world borrow it so what's the difference whether carbon is put in the air there or here. There's no difference. Anyway, that's my feeling on it. I am really proud to be a member of the Planning Commission and this Board. For the Planning Commission standing up on what I feel is a quality document.

Supervisor Cornwell says, I just have a couple of things, Mr. Chairman. First, I'd like to echo the same sentiment as my fellow Board members in extending a big, big, big thank you to Beth and the Planning Commission in going through the effort in making this document happen. We really appreciate you doing that. Second, I had just a couple of questions. How many megawatts are the farms that we have now? Mrs. Lewis says, Southampton Solar is one hundred megawatts. Supervisor Cornwell continues, okay. And of the 385,508 acres total, how much of that is zoned M-1 for the Limited Industrial Zoning? Mrs. Lewis says, a handful. Supervisor Cornwell says, I know that's a tough one, but – Mrs. Lewis says, a handful and it's generally in the area of General Thomas Highway. It's not spread throughout Southampton County. The racetrack has M1 Zoning. Valley Protein has M1 or M2 Zoning. Supervisor Cornwell says, but they would be limited to that without a Conditional Use Permit. Mrs. Lewis says, even with those zoning destination issues, they would still need a Conditional Use Permit for Utility Scale Solar. upervisor Cornwell says, okay.

Chairman Edwards says, according to the stats, 93% of this County is A1 or A2. Mrs. Lewis says, if someone happen to find property that was M1 or M2 Zoning, they wouldn't be able to just need the Zoning App Amendment. They would still need the Conditional Use Permit.

Supervisor Cornwell says, the only other question I have is are they any additional use requirements. At the very bottom of page six, it mentions mitigate site visibility would be in addition to landscaping that's already in the previous sections or does that mean something else? Mrs. Lewis says, it's just another way of describing the buffering. Supervisor Cornwell says, okay. Very good. Thank you so much.

Chairman Edwards says, any questions from anybody? You guys out there? Supervisor White says, I was just going to make one little comment. In most cases, if someone does have M1 or M2 Industrial, they'd be crazy to put solar panels on it. You'd be close to a developer site most of the time. They've got to have

Conditional Use Permit most of the time and got through the whole process. Not many people would take already zoned industrial property and put solar panels on it.

Supervisor Updike says, I've got a couple of comments. On page three, I believe it's F. I was wondering about inserting the word 'museums' because the Ag Museum butts up to some property that could become solar. Mrs. Lewis says, perhaps including the words 'cultural resources' – Supervisor Updike says, it says historical buildings, public buildings, and historical properties, but the Ag Museum is not all historic. [Inaudible; off microphone] Mrs. Lewis says, maybe historical resources.

Supervisor Updike says, and on page 10. What is perennial flow? Mrs. Lewis says, perennial flow means that it's always wet. Supervisor Updike says, oh, okay. Mrs. Lewis says, intermittent flow means it's only wet when it rains. Supervisor Updike says, and that's different than wetlands? Mrs. Lewis says, yes. Wetlands are a specific type of land.

Chairman Edwards says, okay. Anybody else? Supervisor Faison says, just for some reason it's not clear to me. It's under archeological sites. I believe it's on page 12. Read that. Is that confusing to anybody but me? Mrs. Lewis says, those sections that require studies are currently from the Subdivision Ordinance today and they are part of the current Solar Ordinance as well. Supervisor Faison says, I am not questioning the idea. Just the flow of the writing. Mrs. Lewis says, the word 'whoever' is kind of in the wrong place or shouldn't be there at all. The County should require specific study analysis. The 'whoever' doesn't need to be there in letter C on page 12.

Chairman Edwards says, anything else, Carl? [No response.] Anybody else out there on Planning Commission? Anybody from the public here? [Speaking to Glenn Updike] Three minutes, Glenn. Mr. Glenn Updike approaches the podium and says, first of all, I'd like to thank Mr. William Hart Gillette for his wonderful comments. Looks like someone is thinking. Sounds like someone is really listening to what's going on in this world. Even Dr. Edwards stated that the solar panels can't and won't generate enough income to see one penny in our electric bills. There's no way it's ever going to happen. We were having the same discussion five years ago. And nobody was listening, especially the guys that own land around it. You can say what you want, but a guy had to sell his house for 30% less than the assessors had it appraised for. As soon as our land in that area can be sold, it's going to [inaudible.] They don't want to live there. I can't believe I fussed about it before and fussed about it again. I want to know from the people in the audience who wants to live within 500 feet of the solar panels. Let me see the hands. Let me see the hands of the people who are willing to send their children to prison. Only 250 feet from the solar panels. It's ridiculous. Talk about depression. I can't understand mental depression, but nothing is going to be more disastrous to children than having solar panels all around. That's worse than jail. Everyday. There's other things we need to do and stand up. Let me just stop right here. I want to know what judge. What department of criminal divisions sent us a letter stating that we must provide certain amount of land? Who is given freedom enough to send us one and we will do it. But this is not how American's operate. Stand up and say enough is enough. People on the Planning Commission. The People on this Board will tell you out in public that they are opposed to this stuff. But yet, you want to hurry up. Get rid of it.

Mr. Updike continues, its right down irresponsible to destroy our County just because somebody in the Greenville or in Washington wants us to suffer. It's pure and simple. So, solar don't pay. [Inaudible.] You are paying for it. I am paying for it. We're getting nothing. Please do not get in to a big rush. I know how much you've put in to it, but we're going in the wrong direction. Cancel the solar agreements altogether. You can say what you want to. They will get their extra 2,000 acres of wasteland. They are going to the best area in the County [inaudible]. I don't see anything in there that says you can't go to 'x, y, and z.' I don't see anywhere that says this area over here be available. It's too wide-open. They got all these rules and regulations and they don't care how much it costs selected companies or people who go to General Assemblies. All this just came in this past week. This is where every dime they borrow won't get a penny out of it. So, they are making money on our stupid borrowing. That's exactly what we're doing. So, please

wise up. This is not a gold mine. What's going to happen to this land after solar is gone? We are people that is paying, rounding off figures, $2,000 in taxes, but when that goes out of business, what is that land worth? $500 wasteland. [Inaudible.] Because the land is useless. This land will not be able to be put back into agriculture. They are lying to you. Bigtime. They are digging up all the top soil and digging up gravel. Giving an example. Mike went by one of the solar panels and it wasn't even working. It was flipped over in the wrong direction. I don't know the value in rushing through approving the solar panels. Especially to children in 250 feet of these solar panels. Are you kidding me? Sounds like jail to me and I am sure the kids would say the same thing. So, if they know what is right, they will scrap it. Thank you.

Chairman Edwards says, thank you. Anybody else? [No response.] [Speaking to Attorney Richard Railey] Would you like to comment on anything?

Attorney Richard Railey says, if you read the cases of the Supreme Court of the United States, especially the opinion by Chief Justice Roberts in the last two years, and he is talking about property rights, so it is a great debate in a democracy or in the liberty that we enjoy in America. Where do my property rights for my property stop and yours begin? Because the Supreme Court seems to be in favor of the property rights of the individual so factor that in.

Chairman Edwards says, thank you. Any other comments? [Speaking to Mr. Jack Randall] Mr. Randall. Mr. Randall says, looking at this, I feel like we went back and forth and we did balance this and we used numerous examples for the Commonwealth of Virginia. And we feel like, from our public hearings and everyone we heard from, this is the most scrutiny that we could do on a Constitutional basis. And obviously, you just can't say you can't do 'x'. It's not acceptable upon the law and Mr. Railey guided us to that point. We had at least three nights we were there past 11 o'clock debating this issue, but I think from a restrictive standpoint, we all on the Planning Commission believe that it will pass Constitutional Scrutiny and that was one of the main basis why we chose this route. Chairman Edwards says, I remember some counties are four to five percent with the low end at one. I have personally had requests from two counties, my own home county Rockingham County, for a copy of our Ordinance. So, maybe we are setting some guidelines of precedence for other people. And remember when we had that joint meeting with Dominion? And the Representative of Dominion said if we're not wanted, we're not coming there. We'll see if they live up to that. Alright. Floor is still open.

Mrs. Lewis says, may I add a couple of comments? [Approaches podium] Regardless of what Ordinance is adopted, the Commonwealth of Virginia now requires siting agreements between localities and potential solar developer. That's part of state law. I don't know if Southampton County has to adopt that, Mr. Railey. Adopt the citing agreement. [Mr. Railey motions no.] They don't? Okay. Because that would be another task that has to be done. Also there's the taxing issue with the County Revenue Sharing or the [inaudible] that's done now. That's a question that the County can take up at a later time. But the revenue sharing starts at 1,400 megawatts and goes up 10% every five years and the M and Taxes are a step down the panels so that is just the balancing act for somebody who's better at math than me can figure out which way the County wants to go. Once the County should make a decision to adopt the revenue sharing, you don't get to change you don't get to change each project. That's the way you do it with any project that comes in so that's a consideration for the Supervisors to make in the future.

Chairman Edwards says, thank you. Alright. Anyone else? Supervisor White says, that 1,400 megawatts is almost a slap in the face. Because that's $140,000. They're going to spend $350,000,000 building a project and they're going to get $140,000 a year. It's a joke. Chairman Edwards says, doesn't pay for the advertising.

Supervisor Gillette says, Mr. Chairman, can I ask Mr. Railey a question? Chairman Edwards says, you have the floor, Mr. [William] Hart. Supervisor Gillette says, well, I have some friends out in the far west that had property that had coal on it. Can they mine that coal and sell it? Mr. Railey says, coal is subject to

regulation. Just like nuclear plants are subjected to regulation. Just like what you can build on your property. The question is how far can the regulation go or when do my rights interfere with your rights? And that is something to consider. Not only do the Virginia Supreme Court, but the Federal Courts do all the time. So, if they have coal, they may through some type of Federal regulation be prohibited from mining that coal. I'm not familiar with the case – Supervisor Gillette says, and natural gas too. You can see it bubbling up out of the ground out there. I just heard the President of the United States on the television today say that they're going to put them all out of business. Something doesn't add up to me. But that's about all I will say.

Chairman Edwards says, alright. Thank you. Anybody else? From the Planning Commission? Up here? [No response.] Well, I think we have a very good Ordinance. I think we did the best that we could. As Mr. Randall and Mr. Railey have stated, not overstepping the Constitution of the United States and the State of Virginia. If it gets challenged, my feeling is so be it. You have to stand up for what you believe. The world's already getting hungry. And one of these days we're going to regret getting rid of the farm land that we have now. What are we losing, like a million acres a year or something like that to development? It's got to stop somewhere. One of these days, I was thinking there'd be a reverse developer. A guy comes in and tears all the concrete out and pours down top soil and makes a farm out of it. If people go hungry, that might be what happens. Future wars are going to be fought over food and water not –

Mr. Michael Drake says, may I make a comment? Chairman Edwards says, you have the floor, sir. Mr. Michael Drake, Chairman of the Planning Commission, approaches the podium saying, thank you, Mr. Chairman and Board of Supervisors. Everybody makes some really great points tonight. And I, too, have a question whether we're really on the right path so far as figuring out our next energy source. We all enjoy our electricity. We all enjoy our cars, trucks, and traveling. But we also want it as economical as possible. At the same time, we want to preserve clean air and clean water. I think we can all agree on that. I do think the initiative that the process of going about this seems to be forced upon us. It's not voluntary and, to me, with the comments that's been made earlier. It's not really economically feasible. I think we've already seen that. But taking a different approach, the Preamble to our plan, our duties as the governing body of the County is to protect our rich soil and our forestry industry.

Mr. Drake continues, we are very blessed to have excellent drinking water. That's why Union Camp Corporation was so successful with their paper because of the quality of water we have. The air we breathe is clean. Look, we are really fortunate. At the same time, our soils are rich for producing crops or forestry. We are blessed to have that. It's no different than taking ocean front property or maybe near the ocean front and saying maybe we're going to put a project here. And they'll say no, that's not the best use for that land. And it's not. You wouldn't think of putting a solar project next to the ocean front. That's tourism. That's a whole different ballgame. I think the solar initiative or the windmill initiative doesn't need to disrupt any other plan that's already up, going, and feasible. How do we take away from any forestry industry we have today. Or the agricultural industry. We will continually build roads, build houses, and hope that factories will come. We are going to be faced with many other issues that the land will be taken up with these other projects. We're talking about the solar energy. It's such a vast amount so quick. And we don't know what's going to happen at the termination of that lease agreement. Yes, it's all about the money. Money is really pushing it. I've talked with people involved with this who are getting rewarded for it. People who are paid to keep quiet. I know this for a fact; they are coming to complain.

Mr. Drake continues, money gets your attention. I have a lot of concerns going down the right paths in our County. Because of the location, houses, the prime farm land, forestry. That's what drives our economy today. Agriculture and forestry. With that being said, I voted for the Ordinance and those involved did a wonderful job. I was one of those. I just feel like no more at this time. We can always revisit. If it comes a time five-ten-fifteen years out. Technology changes. We'd get more bang for our buck. In other words, if we are eating well and we don't have any electricity, we need to put in solar in if that's the answer. [Inaudible.] But there's a lot of things on my farm and probably a lot of things in your households that you can't do in your yard, but the government tells me all the time what I can and cannot do on my land. So, I'm

not debating. Mr. Railey is certainly right. And Mr. Randall. But there are a lot of other regulations that the government tells us that we can and cannot do with our land so that just depends on what side of the fence you're on. As I stand here, I do have a big problem, but I'm all for the Ordinance and accepting this Ordinance. I don't guess we're going to make any changes tonight, but certainly no more than the one percent that's kind of a minimum. We've heard from one to four. That's how we come up with the one. I'm the one. I'm the descending vote. I'm going to say it now. But I am going to go along with the Committee in endorsing the 1%. If you don't know, I'd be fine with that too. Thank you.

Chairman Edwards says, you know, he mentioned the soil we have here. [Inaudible]. I don't remember the name of it, but there's crop land soil that starts at Colonial Beach is about 50 miles wide and come right through this County. The best crop land probably in the whole United States. Supervisor Updike says, isn't it along Norfolk line? Mr. Drake says, there's actually a standalone of 20 miles east and west of Courtland, north of Colonial Beach and goes down to north eastern North Carolina. I did a little research on that and it's something in the formation of the earth. Many years ago, the continental shift reached up to the fall line that's up I-95 corridor. The top soil is actually silk. That's why I said it's so rich. It's 20 miles wide, east and west of Courtland. And that's how it's stated. We are in that prime strip of land. Not only do we have wetlands, we have those clay ridges. But it's the richest strip of land.

Chairman Edwards says, what's the status of row crops? Aren't we pretty much number one in the state? Mr. Drake says, we're very proud. The farming community and the agricultural community are very proud on the production. You had to quiz me on that. I think we are number one in the cotton yield County wide and probably soybeans. Supervisor Updike says, I think isn't Virginia Beach still soybeans? Mr. Drake says, peanut. I think we are top in peanut. But anyway, we are in the row type farming that is very critical to this area. It's probably number one is my guess.

Chairman Edwards says, thank you. [Speaking to Glenn Updike] Yes, sir. Supervisor Updike says, one minute. One minute this time. Mr. Glenn Updike approaches the podium saying, I won't take but one minute this time. Last week, I went to a specialist in Suffolk and they said I've only got 60% lung capacity. So, what I want is an invested interest in trees. If there's oxygen, I won't have to work so hard in my breathing so. So, we do away with crops and trees. They have proven and this is our projection that trees give out up to 90% of oxygen. On the solar power, how much oxygen are getting from that. We are biting off our nose right in our face. Mexico and California having wildfires after wildfires. What's going to clean the earth? It's going to be trees not solar. I don't care how many solar you put in there they won't be able to provide oxygen for the people. Just today, the largest export of wheat refused to increase their world production for the world and that is India. What are we going to do? Mr. Banks that they had on the talk show went into the store to see if they could find product for the children and couldn't. He went to the bread man and they didn't have any. You better think about what you are eating because we can't. Solar power doesn't provide one iota benefit to society.

Chairman Edwards says, alright. Anybody else? Have we said everything? [Speaking to Richard Railey] Does the Planning Commission need to make a motion to move this onto their next meeting?

Attorney Richard Railey says, well, I think you can do it a number of ways. And Mr. Johnson can certainly correct me. I think what they are looking for tonight is direction from the Board for the Planning Commission to go forward and advertise. Would that be a fair statement? [Overlapping.] You aren't voting up or down. You're just voting for the Planning Commission to still go through the whole process.

Supervisor White says, I make a motion that we advise the Planning Commission to move forward with the Ordinance that is written. Chairman Edwards says, a second to move to their June 9 meeting. Supervisor White says, to their next meeting, June 9. Supervisor Faison says, second.

Chairman Edwards says, is there further discussion? Mrs. Lewis says, with those two changes. Chairman Edwards says, with those two very minor changes. [Static.] If there's no further discussion, William Hart do you have any comments on that? Supervisor Gillette says, no, I don't have any.

Chairman Edwards says, all in favor, say aye.

Alan Edwards	AYE
William Hart Gillette	VIA PHONE
Christopher Cornwell	AYE
Carl Faison	AYE
Dallas Jones	ABSENT
Lynda Updike	AYE
Robert White	AYE

Chairman Edwards continues, okay. We have a unanimous vote so you all proceed to have the public hearing on June 9, which is your next meeting. We thank you. You guys and girls did a terrific job.

Chairman Drake says, we will go down to item number four, public hearings. We do have a public hearing scheduled tonight and I am going to ask Mrs. Lewis will proceed with those remarks.

Mrs. Lewis says, this evening, you have a public hearing regarding your most recent draft of the utility scale solar ordinance which you are forwarding to the Board of Supervisors. This has been unchanged for several months. You looked at it, made sure all the T's were crossed and the I's were dotted. In summary, hitting the highlights that make it different that the ordinance that is in place today. It's proposed that the minimum rated nameplate capacity of any utility scale solar project be at least twenty megawatts and no more than one hundred megawatts. This limits the use of land in Southampton County to one percent of area of Southampton County. With the current ratio between farm and forested land to be determined at the time of application. At the time this ordinance was prepared, sixty-nine percent of Southampton County was forested land. So, this ordinance would require that sixty-nine percent of the land used for proposed solar project be forested land, the rest could be agricultural land. This leaves it in the M1 zoning designation with a conditional use permit. This requires that projects be at least one mile from any incorporated place and five miles from each other. It requires that if the proposed project is in an agriculture and forestal district that that process must be completed before the application is submitted. It includes buffers and setbacks that are not in today's ordinance. It especially protects homes, places of worship, historical resources, cultural resources and state scenic rivers. It does permit buffers to get wider and narrower depending on what they are buffering. If the area doesn't need as much buffering then the buffer could get narrower; at that area that needs more buffering then the buffer could widen in that area. It requires that the buffers be installed in the first planting season after the land disturbing permit is issued so as to let that landscaping start to grow in. It limits the use of nonnative vegetation to no more than twenty-five percent of all the new plantings unless the landscape design professionals says that it is not appropriate there. It requires a surety of fifty percent of the cost of landscaping to be submitted at the beginning of the project. Once the project is completed, it can be refunded except the fifty thousand dollar landscape bond will be retained for the life of the project, to be used by the County in case landscaping needs to be replaced and the owner doesn't choose to do that. It says no topsoil can be removed from the site. It says no grading can take place on slopes exceeding fifteen percent. It requires that the neighborhood meeting be held no more than six months before the application is submitted. Most of the highlights talks about decommissioning, that decommissioning will give no salvage value credit, the decommissioning bond or surety has to be for one hundred percent of the proposed decommissioning costs, requires that the decommissioning plan and the site plan and the siting agreement all be recorded with the clerk of the court. The impact assessments are the same as they are in the ordinance today and it requires a phasing plan so as to determine how the project is going to develop. Mrs. Lewis says, I will be glad to answer any questions.

Chairman Drake says, any questions, comments from Mrs. Lewis before we proceed with the hearing? Mr. Phil Bain (from the audience) says, excuse me, I did have one question, please. He says, could you distinguish between. Chairman Drake says, if you will wait just a second sir, we are going to open the public comment period. Mr. Bain says, yes sir, I'm sorry. Chairman Drake says, or the public hearing rather, this is just for the Board members. Mr. Bain says, well, I'm sorry. Chairman Drake says, that's ok, it's alright.

Chairman Drake says, again, anyone from the Board have a question or comment for Mrs. Lewis. Are you all ready to proceed with the hearing? Alright, at is time then, I will open the public hearing. At this time, anyone can come forward to make any comment about the ordinance that we have proposed that is considered being recommended to the governing body. Anyone can come forward now and you just have to give your name and the jurisdiction you are from for the record, please.

Mr. Blake Hobson comes forward and says, Good evening everybody. My name is Blake Hobson from Chesterfield. Some of you might recognize me from my time with Conservatives for Clean Energy. I

interacted with some of your staff and constituents during that time. Although I'm not with CC anymore, I'm developing a not-for-profit focused on similar issues, solely focused here in Virginia. We are making sure there is a commonsense voice at the local level when we are having these energy discussions.

As a conservative, I believe property rights are indispensable to the success of America and a fundamental role of government is to protect these property rights. John Adams said, "Property must be secured or liberty cannot exist. Private property rights are what separates us from socialist countries". Many Southampton County landowners want to use their own land for solar projects. They believe as Americans, they should be able to do so as long as the rights of others are not violated. They want to use their property to generate income for their families, income that benefits not only themselves but the businesses and citizens of Southampton as well. More specifically, aspects of the ordinance like the megawatt and acreage restrictions would be detrimental to landowners in the state of solar here in Southampton. This would also be detrimental to the County as a whole due to the profound community benefits associated with solar. Southampton's potential to generate millions of dollars in new tax revenue from solar will benefit every resident of the County. This additional tax revenue causes new strain on public services like other types of development demand. These tax dollars can go to help lower taxes on citizens or repairing roads, infrastructure, funding schools or our first responders. I would urge you to move forward in the consideration and approval of solar developments here in Southampton so landowners moving forward with these projects and the benefits of energy developed maybe fully realized by the County. Mr. Hobson says, thank you.

Chairman Drake says, thank you, any questions for this gentleman? Any questions. Mr. Chesson says, I guess I do. You mentioned acreage and megawatts. Mr. Hobson says, yes sir. Mr. Chesson says, were they your two major concerns? Mr. Hobson says, yes sir. Mr. Chesson says, thank you. Chairman Drake says, ok, thank you, sir. Mr. Hobson says, thank you guys.

Mr. Scott Foster comes forward and says, Good evening, Scott Foster with Gentry Locke. My office is in Richmond but I live in Williamsburg. Here on behalf of Clenera who is interested in the projects in Southampton. It is good to be back with you all at what is, I guess, going to be the end of this process. Got a number of thoughts about your draft ordinance. On the macro level, I understand where you are coming from. You guys have a project that really nobody is satisfied with. Don't like the way it looks. You don't like driving by it. The industry has changed a lot since that project was developed. Projects we are permitting today are derived from ordinances or voluntary conditions that are by-and-large reflective of the design parameters that you have put in to your ordinance. The design parameters in here are tough. Some of them are very tough, but most are fair. I think from a perspective of protecting the public from view shed and impacts of solar like you have with your existing project, these parameters you are going to do what you have intended to do and I think a good development partner can come in under this ordinance and design a project that is well hidden and looks good and functions within the community. That being said, I have two specific concerns. Number one, is the one hundred megawatt project cap. I'm not sure that the one hundred megawatt project cap is necessary. The reason I say that is because you all are entertaining an acreage cap in the County, the one percent acreage cap. So, I have here, the one percent given the offset of the existing Southampton Solar, you all have two thousand four hundred thirty-seven acres leftover. The industry estimate at megawatts per acre is you can safely generate one megawatt on ten acres. That leaves you all with approximately two hundred forty-five megawatts of bandwidth in this current ordinance. Let the industry bring you custom-tailored projects within that two hundred forty-five megawatts and don't hold us to a one hundred megawatt limitation. If it is a two hundred megawatt project, more often than not, they are designed like four fifty megawatt projects. We are not talking about fencing in massive amounts of area, the wetlands and typography in Eastern Virginia, you are going to have smaller units broken up. So, I think the one hundred megawatt limitation is a bit arbitrary and it is incongruent with how the industry looks and sizes projects. Number two, it is actually going to hem you all in. There could be one hundred fifty or two hundred megawatt project that comes in that is well buffered, well-designed, well sited and you all have just said no from the outset, that one hundred fifty megawatt project might be divided up amongst

six or eight parcels, spread out over an extended area. I think what you are doing is setting something up that is (A) not reflective of how the industry works and then (B) it really doesn't help you in your end goal of controlling what things look, how they function and how they are located. Not to mention on the revenue side, bigger projects pay more money so if you are going to have one, you might as well capture the revenue available. Second, within the one percent, you all have a commitment to keep current ratios of AG to timber. Now, I think I understand what you are getting at but I think one of the unintended consequences may be, based on the way I read the ordinance, is right now within the 2437, you have using the current ratios of sixty-nine to thirty-one, that would be seven hundred fifty-five acres of AG, 1682 of timber. Say I bring you a project and you approve it on sixteen hundred acres of timber. You are forcing the industry's hand within your existing ordinance to only locate another project on AG. I am not sure that was your intention. My suggestion would be, is an alternate, allow the seven hundred fifty-five acres of AG to be the maximum within the one hundred percent that could be developed on AG land. What if someone were to bring you a project that was entirely located on timber up to that two thousand four hundred thirty-seven acre limit. Allow that to happen and in the meantime, you haven't forced the industry to locate on AG and you have been able to capture that project entirely located on timber. The technical edit to effectuate that would be Section 18-624, number three. After Southampton County, my suggestion would be to say comma, no more than thirty percent of which be located on AG land currently in production, and move away from this moving target of using the state forest service and the state AG service to determine what the ratio is at any given point. Just set that ceiling on AG at thirty percent and allow someone to bring you a project completely on timber up to that two thousand four hundred acre land. Reasonable folks can differ on what the right percentage of acreage I accounting is appropriate. You all have decided on one percent and I'm probably not going to move you off of that. But at twenty-four hundred acres, you give an industry at least a place to start, some room to work with. Mr. Foster says, welcome your questions and appreciate all your hard work on this. Chairman Drake says, any questions. Thank you.

Mr. Phil Bain comes forward and says, good evening, Phil Bain from the Ivor-Berlin magisterial district. And I apologize earlier for my poor timing on my question. I thought you had opened it up. Chairman Drake says, that's alright. I didn't make that clear, sir. That's alright. Mr. Bain says, thanks. I too would like to thank the Planning Commission and Board for their work. They have done a lot of work over the past years and we appreciate that. My question, perhaps clarify some of my following questions. How do you distinguish between a utility scale project, their distribution lines, and transmission lines? Is the distinction drawn there? Is it all encompassed within this size kilowatt project? I would like a little clarification on that, please. Chairman Drake says, Go ahead Mrs. Lewis, who wants to speak. Chairman Drake says it is the number of megawatts produced, correct? Mrs. Lewis says, well, the definition of utility scale solar is the last definition on the first page at the end of 18-622. The definition of utility-scale solar is electricity from sunlight. Utilize sunlight as an energy source and does not meet any of the following criteria, has a disturbance sound, equal to or less than two acres, is mounted on or over a building or parking lot, or other previously disturbed area or utilizes integrated PV only, so everything else. Mr. Bain says, Ok. Mrs. Lewis says, so if a church or a school or a factory wanted to install solar on their property to run their facility. That is not considered a utility-scale solar by this ordinance. Mr. Bain says, feeding into distribution lines to power township, not on transmission lines would still be within the definition. Mrs. Lewis says, that is correct. Mr. Bain says, thank you that was what I wanted to clarify.

Mr. Bain says, as was expressed earlier, I would like to say that I do feel like the maximum number of acres is restrictive. Everyone has their own opinion, but I do feel that that bar is set fairly low. The ratio between timberland and cropland, heard the past gentleman speak to that. I also would like to let you know that I think that will limit the vast number of projects that will come into this, or be proposed to come into this County. If a landowner has all timber or all crop land, my understanding is he would be excluded. Frankly, doesn't seem fair. The attorney from Gentry Locke had seemed to be a reasonable alternative. I can think of one location. I will touch on my next point before I go down that illustration. But having the restriction of one mile from a township and that is why I went down the road of a distribution versus a transmission project. Some of the developers that I have talked to and I have tried to do my due diligence on this. They

have said that the townships can derive benefit from these projects from the distribution style not going on these big utility lines, have power lines, but on the distribution network. It says on page two that no new line will be erected. Well, if we have to get a mile from the township, these substations are located right on the edge of a township. In just about all instances that I can think of, that would prevent what I call a distribution style project, is usually thirty to fifty acres, lower kilowatts and feeds the substation and the township and it could provide benefit for those residents. Hopefully maybe that you could consider excluding those type of projects. It would be a, I will call it, this is my own terminology, a township project from this utility scale definition. I know in the Ivor area, which I am most familiar with, there was a six hundred acre tract of land, comes right up to the substation, entirely forest. If a solar project was put in the middle of it, the only two ways to see it would be to fly over it or trespass to get to it. It seems ideally suited to me. I believe, Mr. Chesson, I'm not putting words in your mouth, but I think he was a proponent of having this viewed on a conditional use basis, evaluating each project on its own merits. Think that has a lot of credit. Thank you for that idea last year.

Mr. Chesson says, well, and it is still, remain a conditional use permit. As I understand it, this is just gives guidelines to applicants coming forward as far as what to start with. Additional conditions can be added as I understand. Mr. Bain says, I was just trying to illustrate, then in your example or under this ordinance, this proposed ordinance, that entire timber location would be excluded. I think under such tight restrictions, you can review that under conditional use application and take it on a case-by-case basis. Again, one mile from a town limit, and I hope you could look at that carefully. Open versus wooded. Hope that could be given some more consideration. That fellow from Gentry Locke, I think had a wonderful idea. Five miles between projects. I think we all know these things have to be on for the transmission style and the high voltage line on the towers. They have to be very close to those lines. You start limiting them five miles apart. If your intentions are to not have many, you will accomplish that. Decommissioning. I applaud you on that. I think that is a great idea. I think, I like your wording on decommissioning. I also thought that the buffering was well-written and I think that is a great idea. Mr. Bain says, again, thank you for your time, thank you for your efforts. I appreciate you considering my thoughts. Chairman Drake says, thank you. Any questions for Mr. Bain. Thank you sir.

Mrs. Lewis says, with regard to Mr. Bain's comments, you will see some places throughout the ordinance that at the end of the standards, there is a paragraph that says the Board of Supervisors may modify the standards and that is at the end of the section that requires them to be more than a mile from an incorporated place. That is also at the end of this section that requires them to be five miles apart. Those are two things that the Board of Supervisors can modify on a case-by-case basis should they choose to. Not all of the sections include that authority for the Board to modify it but those two requirements are in those sections. Mr. Chesson says, I guess to further clarify, I mean, this addresses a project and a project can include, I guess it is the same with a question mark, multiple tax parcels with multiple landowners, can't it? Mrs. Lewis says, certainly, yes. Chairman Drake says, most time it does. Mr. Chesson says, yes, that is what happened last time. But I guess some of the concerns that I thought I heard voiced insinuated that a project only had to be within the same owner or tax parcel.

Chairman Drake says, the hearing is still open. Anyone else would like to come forward. If not, I'm going to close the public hearing. Now I will take comments from any Board members. Any discussion about what we heard? Chairman Drake says, well some of the issues brought up we had discussed pretty lengthy at some of the prior meetings. Is there anything else you all would like to discuss any further? What is the direction?

Vice-Chairman Randall says, Mrs. Lewis, so basically, the plan can be modified by the Board. If the acreage, timber or the agriculture timber issue would come up, the Board would have the authority to modify that. Mrs. Lewis says, that is not one of them that has that qualifying paragraph at the end. That is not one that does. But that ratio has always been a clumsy paragraph. I think the Planning Commission knows what they want to accomplish. As a staff member, I think that Mr. Foster's saying can't be more than thirty

percent but instead can be located on land which is no more than thirty percent in current agricultural production, I think that may make the intention of what the Planning Commission wants to do a little more clear.

Chairman Drake says, and I will make a comment on that as well. Like I say, we have talked about this a lot. But I think the intent and the reason for it is that, and go back to what the gentleman spoke about, you know we've got a, well, our first project came so suddenly, even though it had been planned for almost five years before it went public. Almost five years because I actually saw one of the lease agreements. The potential lease on a particular property. If it was approved, it was going to go into that facility. But it is a lot of work, more than I can ever imagine. That the developer with the engineering and the technical issues at hand. It is not all about locating the property owner, it is, is the site sufficient and are the lines, like I say, the transmission lines or that transfer station, is that close proximity. I just can't imagine what it took to get that project to come together because that has all those various pods, lot of different landowners. But I am not saying they spent every day on it. But it was in the making for almost five years before it came to this Planning Commission. I feel like I think the purpose in mind was to have that balanced ratio and that is going to be up to the developer, whatever the project manager or that developer, he will come up with the scenarios to make so those ratios come about. So, I don't think that is what we have determined. We have established those parameters and it is up to the developer to locate those sites in that area where it is going to be located at to come up with that ratio of forested land or cut-over land versus the open land. But like I say, we had reason for doing that to have a balance, so to speak. I think the project managers do, I guess that is the right word. He is the one to figure out those parameters, I think. Dr. Edwards says, Mr. Chairman you are exactly right, you hit the nail right on the head.

Vice-Chairman Randall says, do we need to make a motion to send this to the Board? Dr. Edwards says, yes. Mrs. Lewis says, that is your job tonight. Vice-Chairman Randall says, I will make a motion that we approve as written. Rev. Lucas says second.

Chairman Drake says, I have a proper motion and a proper second that we send the ordinance up to the Board of Supervisors as a favorable response. Is there any other discussion, any other comments?

Mr. Chesson says, in the issue of the involvement change but to me and I just throwing this question out, can the Board of Supervisors modification statement be below that statement. Would that make it easier? Chairman Drake says, below the percentage? Mr. Chesson says, yes, I'm just throwing it out.

Chairman Drake says, since we are discussing, we have a motion and a second, I am going to revert back to our previous meeting with, Mr. Chesson unfortunately you were not here. But Dr. Edwards, I am going to revert back to you. I think that your Board of Supervisors, I think they pretty much stated we have met all of the objectives which you all had put forward to us. Is that correct? Dr. Edwards says, I think I can definitely say that. I mean, there were a few small tweaks, you know a few wording here and there but I think the Board of Supervisors are very proud of you, the Planning Commission coming up with this. Chairman Drake says, we've got a couple of supervisors in the gallery tonight. I don't know if that is debatable. Mr. Chesson says, I mean we could just push it on. I mean, if they read the minutes but to me that would be a compromise. Chairman Drake says, I understand, I understand your comment. Yes sir. Any other comments.

Mr. Day says, when would this meeting go to the Board of Supervisors? Is this September meeting? Dr. Edwards says, July. Mr. Day says, July. Dr. Edwards says, it will be, go for the final hearing in August. Mr. Day says, ok. Dr. Edwards says, we have to have it done by, September 9th or 10th is the deadline. It will be finished in August. Mr. Day says, will there be one more public hearing? Mrs. Lewis says, the Board of Supervisors will hold a public hearing. If you make a recommendation tonight, they could hold a public hearing at their July meeting and make a decision that night. They could do both at their August meeting

instead but if you make a recommendation tonight, they could hold a public hearing as soon as their July meeting.

Chairman Drake says, any other discussion. We have a motion and a second. I'll call for the vote. All in favor of a sending the ordinance, as presented, say AYE:

Michael Drake	Aye
Dr. Alan Edwards	Aye
Jack Randall	Aye
Michael Mann	Aye
Doug Chesson	Aye
Bill Day	Aye
Brad Turner	Aye
Frank Lucas	Aye
Lynnette Allston	Absent

Any opposed, like sign. Chairman Drake says, it is unanimous.

Chairman Drake says, thank you for the ones who came to speak tonight. We appreciate your comments as well. We encourage you to go to the Board of Supervisors meeting later in the month of July.

Mrs. Lewis says, the fourth Tuesday of July, that is correct.

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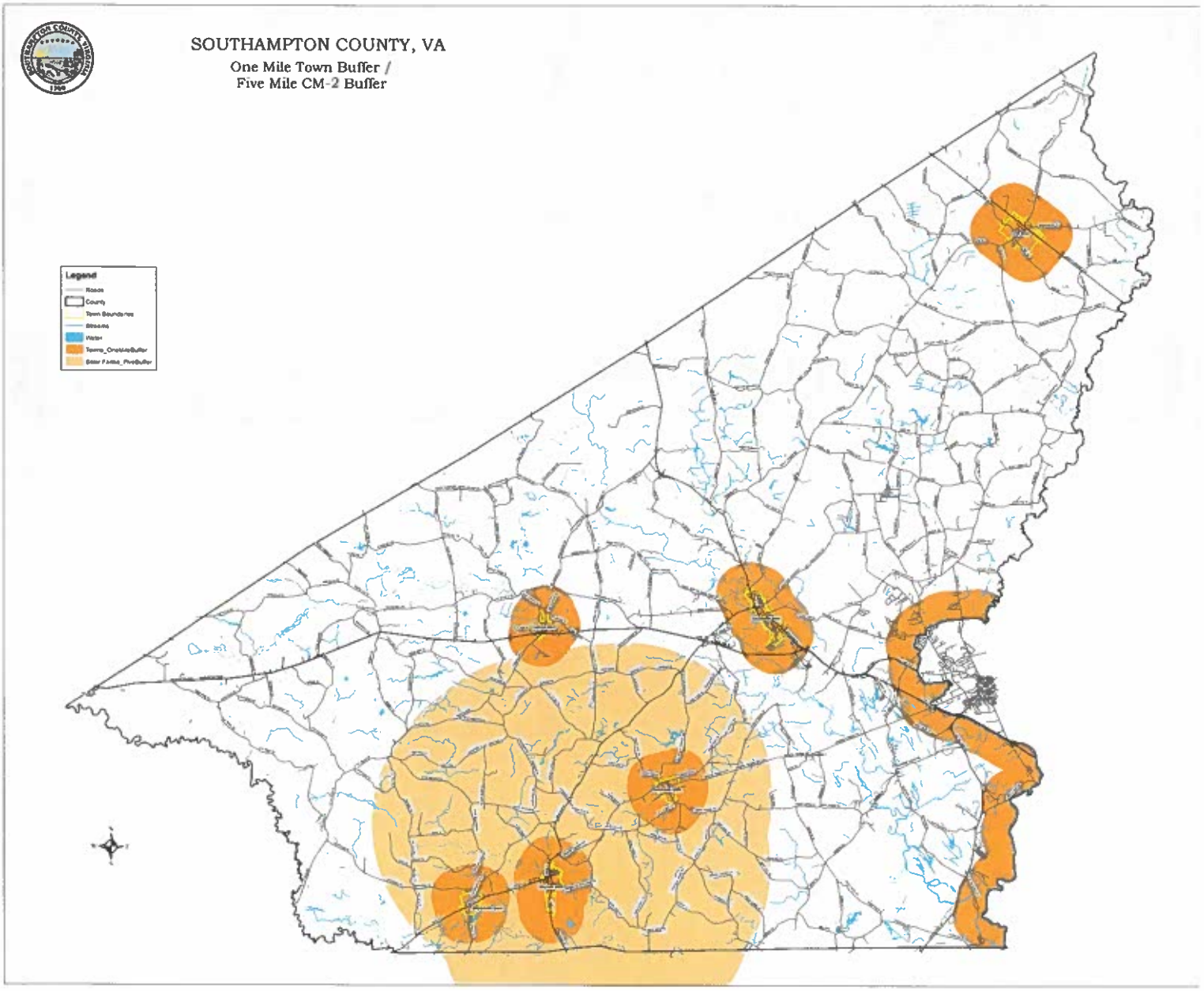

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PUBLIC NOTICE

SOUTHAMPTON COUNTY
Planning Commission
Notice of Public Hearing

Notice is hereby given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended that the Southampton County Planning Commission will hold public hearings on Thursday, June 9, 2022 at 7:30 p.m. in the Board Room of the Southampton County Office Center at 26022 Administration Center Drive in Courtland, Virginia to consider the following:

1. Amendment to Chapter 18, Art. XXII of the Southampton County Code. Petition by the Southampton County Planning Commission to rescind the current Art. XXII of Chapter 18 of the Southampton County Code, Utility Scale Solar Energy Project for Southampton County, and replace it with a proposed Art. XXII. The proposed ordinance includes limits on the land area of the County to be devoted to utility scale solar projects, directs the location of said projects, includes landscaping and buffering provisions, and includes decommissioning requirements, among other amendments.

Any persons desiring to be heard regarding this matter may appear in person at the time and place referenced herein above and offer their comments to the Planning Commission. This hearing will be held at a public facility designed to be accessible to persons with disabilities. Any persons with questions on the accessibility of the facility or need for reasonable accommodations should contact Michael Johnson, County Administrator at 757-653-3015. Persons needing interpreter services for the deaf must notify Mr. Johnson at least seven (7) days in advance of the hearing.

Southampton County Planning Commission
Beth Lewis, AICP, Secretary

Tidewater News:
May 25 and June 1, 2022
PUBLIC HEARING

May 12, 2022

A regular meeting of the Southampton County Planning Commission was held on Thursday, June 9, 2022 in the Southampton County Office Center Board Room at 7:30p.m.

COMMISSIONERS PRESENT

Michael Drake, Chairman (Newsoms District)
Dr. Alan Edwards (Governing Body Representative)
Douglas A. Chesson (Berlin-Ivor District)
Brad Turner (Franklin District)
J. Michael Mann (Boykins-Branchville District)
John (Jack) T. Randall, Vice-Chairman (Jerusalem District)
Bill Day (Capron District)
Reverend Frank Lucas (Drewryville District)

COMMISSIONERS ABSENT

Lynette Allston (At-Large)

OTHERS PRESENT

Richard E. Railey, Jr., County Attorney
Beth Lewis, Director of Community Development (Secretary)
Josh White, Southampton County Sheriff
Deputy Fuller, Sheriff's Department
Shelia Baker, Administrative Assistant

OTHERS ABSENT

At 7:30pm, Chairman Drake says, I'm going to ask tonight if before we have the invocation tonight if we had an indication that we are going to pause for a brief few moments just in remembrance of Mr. Glen Updike, which some of his family, his wife and daughter are here tonight. I didn't know they would be here but Mr. Updike, he missed very few meetings and always contributed a point of view to us as well as the Board of Supervisors. I consider him a real statesman for the County and for all the lives he has touched. I'm going to ask you if you will, just bow your heads for a few moments and afterwards, I'll close with a prayer in just in remembrance of Mr. Glenn's death. Bow your heads, please.

Chairman Drake offered up an invocation.

Chairman Drake says, I will now call the June meeting of the Southampton County Planning Commission to order. I am going to ask if everyone will stand as we Pledge Allegiance to the flag.

The Pledge of Allegiance was recited. Chairman Drake says, you may be seated.

Chairman Drake says, thank you and welcome each and every one of you here tonight to our meeting. One note is we get to our third item tonight. We will have a public comment period. It's a little different position tonight. But if anybody who is willing to speak, just get your thoughts together. That will be the third item on our agenda tonight. Otherwise, let it be noted that Mrs. Allston will not be in attendance tonight but I think everybody else is here and hope everyone has had a chance to review their agendas and their packets which I must say is coming very quickly. It gives us a lot of extra time to review the information. Mrs. Lewis, we appreciate that.

Chairman Drake says, at this time, I welcome any comments or any additions to the minutes as they have been presented. Otherwise, I will entertain a motion.

Dr. Edwards says, I move that they be approved.

Mr. Turner says, second.

Chairman Drake says, I have a motion and a proper second they be approved as presented. Any discussion? If not, all in favor of adopting the minutes as presented, say AYE.

Michael Drake	Aye
Dr. Alan Edwards	Aye
Jack Randall	Aye
Michael Mann	Aye
Doug Chesson	Aye
Bill Day	Aye
Brad Turner	Aye
Frank Lucas	Aye
Lynnette Allston	Absent

Any opposed, like sign. Chairman Drake says, the minutes are approved as presented. Thank you.

Chairman Drake says, so now we will go down on our agenda to item number three, which is public comment period. And like I said tonight, we voted, I think last meeting that we were up there. We would try it for a while and see if there is any comments about anything on our agenda coming up tonight or anything referring to County affairs. So, at this time, if you like, come forward to voice any comments. I just ask that you give your name and maybe the jurisdiction you are from for the minutes. So, at this time, I will open the public comment period.

Mrs. Lewis says, and this is not the public hearing.

Chairman Drake says, correct.

Mrs. Lewis says, this is public comment.

Chairman Drake says, public comment period, correct.

Mr. Chesson says, and they will have the opportunity to speak.

Chairman Drake says, yes. We do have a public hearing scheduled tonight as well, but this is called public comment period.

Chairman Drake says, any other issue concerning the County, this will be your time to come forward. Last call.

Vice-Chairman Randall says, can I make a comment? Chairman Drake says, sure.

Vice-Chairman Randall says, I was just looking out at the gallery and thinking about Mr. Updike. The last time I saw him, I think was at the academy when it was a promotion ceremony of, I assume his grandchildren. I saw you Linda and was with my wife Heather. He came up to me and was talking to me about something that was passionate, solar panels. I didn't always agree with Glen. A lot of times I did agree with him but I'm going to miss him not being there.

Chairman Drake says, we all will.

Vice-Chairman Randall says, he always had a smile on his face whether he agreed with you or disagreed with you. He always was passionate about the issue and I always respected that about Glen. And I think I told him that I thought that his wife was a better politician than him. I think he insulted me too. I can't remember exactly how, but it was all in good faith.

Dr. Edwards says, Mr. Randall, he agreed to that.

Vice-Chairman Randall says, he agreed to that. But Glen would always help anybody that I asked. I am going to miss his commentary.

Chairman Drake says, I think we all will.

Vice-Chairman Randall says, I just wanted to point that out for public comment period.

Chairman Drake says, thank you. If no one is going to come forward, I am going to close to the hearing. Close to periods. Excuse me.

Chairman Drake says, we will go down to item number four, public hearings. We do have a public hearing scheduled tonight and I am going to ask Mrs. Lewis will proceed with those remarks.

Mrs. Lewis says, this evening, you have a public hearing regarding your most recent draft of the utility scale solar ordinance which you are forwarding to the Board of Supervisors. This has been unchanged for several months. You looked at it, made sure all the T's were crossed and the I's were dotted. In summary, hitting the highlights that make it different that the ordinance that is in place today. It's proposed that the minimum rated nameplate capacity of any utility scale solar project be at least twenty megawatts and no more than one hundred megawatts. This limits the use of land in Southampton County to one percent of area of Southampton County. With the current ratio between farm and forested land to be determined at the time of application. At the time this ordinance was prepared, sixty-nine percent of Southampton County was forested land. So, this ordinance would require that sixty-nine percent of the land used for proposed solar project be forested land, the rest could be agricultural land. This leaves it in the M1 zoning designation with a conditional use permit. This requires that projects be at least one mile from any incorporated place and five miles from each other. It requires that if the proposed project is in an agriculture and forestal district that that process must be completed before the application is submitted. It includes buffers and setbacks that are not in today's ordinance. It especially protects homes, places of worship, historical resources, cultural resources and state scenic rivers. It does permit buffers to get wider and narrower depending on what they are buffering. If the area doesn't need as much buffering then the buffer could get narrower; at that area that needs more buffering then the buffer could widen in that area. It requires that the buffers be installed in the first planting season after the land disturbing permit is issued so as to let that landscaping start to grow in. It limits the use of nonnative vegetation to no more than twenty-five percent of all the new plantings unless the landscape design professionals says that it is not appropriate there. It requires a surety of fifty percent of the cost of landscaping to be submitted at the beginning of the project. Once the project is completed, it can be refunded except the fifty thousand dollar landscape bond will be retained for the life of the project, to be used by the County in case landscaping needs to be replaced and the owner doesn't choose to do that. It says no topsoil can be removed from the site. It says no grading can take place on slopes exceeding fifteen percent. It requires that the neighborhood meeting be held no more than six months before the application is submitted. Most of the highlights talks about decommissioning, that decommissioning will give no salvage value credit, the decommissioning bond or surety has to be for one hundred percent of the proposed decommissioning costs, requires that the decommissioning plan and the site plan and the siting agreement all be recorded with the clerk of the court. The impact assessments are the same as they are in the ordinance today and it requires a phasing plan so as to determine how the project is going to develop. Mrs. Lewis says, I will be glad to answer any questions.

Chairman Drake says, any questions, comments from Mrs. Lewis before we proceed with the hearing?

Mr. Phil Bain (from the audience) says, excuse me, I did have one question, please. He says, could you distinguish between.

Chairman Drake says, if you will wait just a second sir, we are going to open the public comment period.

Mr. Bain says, yes sir, I'm sorry.

Chairman Drake says, or the public hearing rather, this is just for the Board members.

Mr. Bain says, well, I'm sorry.

Chairman Drake says, that's ok, it's alright.

Chairman Drake says, again, anyone from the Board have a question or comment for Mrs. Lewis. Are you all ready to proceed with the hearing? Alright, at is time then, I will open the public hearing. At this time, anyone can come forward to make any comment about the ordinance that we have proposed that is considered being recommended to the governing body. Anyone can come forward now and you just have to give your name and the jurisdiction you are from for the record, please.

Mr. Blake Hobson comes forward and says, Good evening everybody. My name is Blake Hobson from Chesterfield. Some of you might recognize me from my time with Conservatives for Clean Energy. I interacted with some of your staff and constituents during that time. Although I'm not with CC anymore, I'm developing a not-for-profit focused on similar issues, solely focused here in Virginia. We are making sure there is a commonsense voice at the local level when we are having these energy discussions.

As a conservative, I believe property rights are indispensable to the success of America and a fundamental role of government is to protect these property rights. John Adams said, "Property must be secured or liberty cannot exist. Private property rights are what separates us from socialist countries". Many Southampton County landowners want to use their own land for solar projects. They believe as Americans, they should be able to do so as long as the rights of others are not violated. They want to use their property to generate income for their families, income that benefits not only themselves but the businesses and citizens of Southampton as well. More specifically, aspects of the ordinance like the megawatt and acreage restrictions would be detrimental to landowners in the state of solar here in Southampton. This would also be detrimental to the County as a whole due to the profound community benefits associated with solar. Southampton's potential to generate millions of dollars in new tax revenue from solar will benefit every resident of the County. This additional tax revenue causes new strain on public

services like other types of development demand. These tax dollars can go to help lower taxes on citizens or repairing roads, infrastructure, funding schools or our first responders. I would urge you to move forward in the consideration and approval of solar developments here in Southampton so landowners moving forward with these projects and the benefits of energy developed maybe fully realized by the County.

Mr. Hobson says, thank you.

Chairman Drake says, thank you, any questions for this gentleman? Any questions.
Mr. Chesson says, I guess I do. You mentioned acreage and megawatts.

Mr. Hobson says, yes sir.

Mr. Chesson says, were they your two major concerns?

Mr. Hobson says, yes sir.

Mr. Chesson says, thank you.

Chairman Drake says, ok, thank you, sir.

Mr. Hobson says, thank you guys.

Mr. Scott Foster comes forward and says, Good evening, Scott Foster with Gentry Locke. My office is in Richmond but I live in Williamsburg. Here on behalf of Clenera who is interested in the projects in Southampton. It is good to be back with you all at what is, I guess, going to be the end of this process. Got a number of thoughts about your draft ordinance. On the macro level, I understand where you are coming from. You guys have a project that really nobody is satisfied with. Don't like the way it looks. You don't like driving by it. The industry has changed a lot since that project was developed. Projects we are permitting today are derived from ordinances or voluntary conditions that are by-and-large reflective of the design parameters that you have put in to your ordinance. The design parameters in here are tough. Some of them are very tough, but most are fair. I think from a perspective of protecting the public from view shed and impacts of solar like you have with your existing project, these parameters you are going to do what you have intended to do and I think a good development partner can come in under this ordinance and design a project that is well hidden and looks good and functions within the community. That being said, I have two specific concerns. Number one, is the one hundred megawatt project cap. I'm not sure that the one hundred megawatt project cap is necessary. The reason I say that is because you all are entertaining an acreage cap in the County, the one percent acreage cap. So, I have here, the one percent given the offset of the existing Southampton Solar, you all have two thousand four hundred thirty-seven acres leftover. The industry estimate at megawatts per acre

is you can safely generate one megawatt on ten acres. That leaves you all with approximately two hundred forty-five megawatts of bandwidth in this current ordinance. Let the industry bring you custom-tailored projects within that two hundred forty-five megawatts and don't hold us to a one hundred megawatt limitation. If it is a two hundred megawatt project, more often than not, they are designed like four fifty megawatt projects. We are not talking about fencing in massive amounts of area, the wetlands and typography in Eastern Virginia, you are going to have smaller units broken up. So, I think the one hundred megawatt limitation is a bit arbitrary and it is incongruent with how the industry looks and sizes projects. Number two, it is actually going to hem you all in. There could be one hundred fifty or two hundred megawatt project that comes in that is well buffered, well-designed, well sited and you all have just said no from the outset, that one hundred fifty megawatt project might be divided up amongst six or eight parcels, spread out over an extended area. I think what you are doing is setting something up that is (A) not reflective of how the industry works and then (B) it really doesn't help you in your end goal of controlling what things look, how they function and how they are located. Not to mention on the revenue side, bigger projects pay more money so if you are going to have one, you might as well capture the revenue available. Second, within the one percent, you all have a commitment to keep current ratios of AG to timber. Now, I think I understand what you are getting at but I think one of the unintended consequences may be, based on the way I read the ordinance, is right now within the 2437, you have using the current ratios of sixty-nine to thirty-one, that would be seven hundred fifty-five acres of AG, 1682 of timber. Say I bring you a project and you approve it on sixteen hundred acres of timber. You are forcing the industry's hand within your existing ordinance to only locate another project on AG. I am not sure that was your intention. My suggestion would be, is an alternate, allow the seven hundred fifty-five acres of AG to be the maximum within the one hundred percent that could be developed on AG land. What if someone were to bring you a project that was entirely located on timber up to that two thousand four hundred thirty-seven acre limit. Allow that to happen and in the meantime, you haven't forced the industry to locate on AG and you have been able to capture that project entirely located on timber. The technical edit to effectuate that would be Section 18-624, number three. After Southampton County, my suggestion would be to say comma, no more than thirty percent of which be located on AG land currently in production, and move away from this moving target of using the state forest service and the state AG service to determine what the ratio is at any given point. Just set that ceiling on AG at thirty percent and allow someone to bring you a project completely on timber up to that two thousand four hundred acre land. Reasonable folks can differ on what the right percentage of acreage I accounting is appropriate. You all have decided on one percent and I'm probably not going to move you off of that. But at twenty-four hundred acres, you give an industry at least a place to start, some room to work with.

Mr. Foster says, welcome your questions and appreciate all your hard work on this.

Chairman Drake says, any questions. Thank you.

Mr. Phil Bain comes forward and says, good evening, Phil Bain from the Ivor-Berlin magisterial district. And I apologize earlier for my poor timing on my question. I thought you had opened it up.

Chairman Drake says, that's alright. I didn't make that clear, sir. That's alright.

Mr. Bain says, thanks. I too would like to thank the Planning Commission and Board for their work. They have done a lot of work over the past years and we appreciate that. My question, perhaps clarify some of my following questions. How do you distinguish between a utility scale project, their distribution lines, and transmission lines? Is the distinction drawn there? Is it all encompassed within this size kilowatt project? I would like a little clarification on that, please.

Chairman Drake says, Go ahead Mrs. Lewis, who wants to speak.

Chairman Drake says it is the number of megawatts produced, correct?

Mrs. Lewis says, well, the definition of utility scale solar is the last definition on the first page at the end of 18-622. The definition of utility-scale solar is electricity from sunlight. Utilize sunlight as an energy source and does not meet any of the following criteria, has a disturbance sound, equal to or less than two acres, is mounted on or over a building or parking lot, or other previously disturbed area or utilizes integrated PV only, so everything else.

Mr. Bain says, Ok.

Mrs. Lewis says, so if a church or a school or a factory wanted to install solar on their property to run their facility. That is not considered a utility-scale solar by this ordinance.

Mr. Bain says, feeding into distribution lines to power township, not on transmission lines would still be within the definition.

Mrs. Lewis says, that is correct.

Mr. Bain says, thank you that was what I wanted to clarify.

Mr. Bain says, as was expressed earlier, I would like to say that I do feel like the maximum number of acres is restrictive. Everyone has their own opinion, but I do feel that that bar is set fairly low. The ratio between timberland and cropland, heard the past gentleman speak to that. I also would like to let you know that I think that will limit the vast number of projects that will come into this, or be proposed to come into this County. If a landowner has all timber or all crop land, my understanding is he would be excluded. Frankly, doesn't seem fair. The attorney from Gentry Locke had seemed to be a reasonable alternative. I can think of one location. I will touch on my

next point before I go down that illustration. But having the restriction of one mile from a township and that is why I went down the road of a distribution versus a transmission project. Some of the developers that I have talked to and I have tried to do my due diligence on this. They have said that the townships can derive benefit from these projects from the distribution style not going on these big utility lines, have power lines, but on the distribution network. It says on page two that no new line will be erected. Well, if we have to get a mile from the township, these substations are located right on the edge of a township. In just about all instances that I can think of, that would prevent what I call a distribution style project, is usually thirty to fifty acres, lower kilowatts and feeds the substation and the township and it could provide benefit for those residents. Hopefully maybe that you could consider excluding those type of projects. It would be a, I will call it, this is my own terminology, a township project from this utility scale definition. I know in the Ivor area, which I am most familiar with, there was a six hundred acre tract of land, comes right up to the substation, entirely forest. If a solar project was put in the middle of it, the only two ways to see it would be to fly over it or trespass to get to it. It seems ideally suited to me. I believe, Mr. Chesson, I'm not putting words in your mouth, but I think he was a proponent of having this viewed on a conditional use basis, evaluating each project on its own merits. Think that has a lot of credit. Thank you for that idea last year.

Mr. Chesson says, well, and it is still, remain a conditional use permit. As I understand it, this is just gives guidelines to applicants coming forward as far as what to start with. Additional conditions can be added as I understand.

Mr. Bain says, I was just trying to illustrate, then in your example or under this ordinance, this proposed ordinance, that entire timber location would be excluded. I think under such tight restrictions, you can review that under conditional use application and take it on a case-by-case basis. Again, one mile from a town limit, and I hope you could look at that carefully. Open versus wooded. Hope that could be given some more consideration. That fellow from Gentry Locke, I think had a wonderful idea. Five miles between projects. I think we all know these things have to be on for the transmission style and the high voltage line on the towers. They have to be very close to those lines. You start limiting them five miles apart. If your intentions are to not have many, you will accomplish that. Decommissioning. I applaud you on that. I think that is a great idea. I think, I like your wording on decommissioning. I also thought that the buffering was well-written and I think that is a great idea,

Mr. Bain says, again, thank you for your time, thank you for your efforts. I appreciate you considering my thoughts.

Chairman Drake says, thank you. Any questions for Mr. Bain. Thank you sir.

Mrs. Lewis says, with regard to Mr. Bain's comments, you will see some places throughout the ordinance that at the end of the standards, there is a paragraph that says the Board of Supervisors

may modify the standards and that is at the end of the section that requires them to be more than a mile from an incorporated place. That is also at the end of this section that requires them to be five miles apart. Those are two things that the Board of Supervisors can modify on a case-by-case basis should they choose to. Not all of the sections include that authority for the Board to modify it but those two requirements are in those sections.

Mr. Chesson says, I guess to further clarify, I mean, this addresses a project and a project can include, I guess it is the same with a question mark, multiple tax parcels with multiple landowners, can't it?

Mrs. Lewis says, certainly, yes.

Chairman Drake says, most time it does.

Mr. Chesson says, yes, that is what happened last time. But I guess some of the concerns that I thought I heard voiced insinuated that a project only had to be within the same owner or tax parcel.

Chairman Drake says, the hearing is still open. Anyone else would like to come forward. If not, I'm going to close the public hearing. Now I will take comments from any Board members. Any discussion about what we heard?

Chairman Drake says, well some of the issues brought up we had discussed pretty lengthy at some of the prior meetings. Is there anything else you all would like to discuss any further? What is the direction?

Vice-Chairman Randall says, Mrs. Lewis, so basically, the plan can be modified by the Board. If the acreage, timber or the agriculture timber issue would come up, the Board would have the authority to modify that.

Mrs. Lewis says, that is not one of them that has that qualifying paragraph at the end. That is not one that does. But that ratio has always been a clumsy paragraph. I think the Planning Commission knows what they want to accomplish. As a staff member, I think that Mr. Foster's saying can't be more than thirty percent but instead can be located on land which is no more than thirty percent in current agricultural production, I think that may make the intention of what the Planning Commission wants to do a little more clear.

Chairman Drake says, and I will make a comment on that as well. Like I say, we have talked about this a lot. But I think the intent and the reason for it is that, and go back to what the gentleman spoke about, you know we've got a, well, our first project came so suddenly, even though it had been planned for almost five years before it went public. Almost five years because I actually saw

one of the lease agreements. The potential lease on a particular property. If it was approved, it was going to go into that facility. But it is a lot of work, more than I can ever imagine. That the developer with the engineering and the technical issues at hand. It is not all about locating the property owner, it is, is the site sufficient and are the lines, like I say, the transmission lines or that transfer station, is that close proximity. I just can't imagine what it took to get that project to come together because that has all those various pods, lot of different landowners. But I am not saying they spent every day on it. But it was in the making for almost five years before it came to this Planning Commission. I feel like I think the purpose in mind was to have that balanced ratio and that is going to be up to the developer, whatever the project manager or that developer, he will come up with the scenarios to make so those ratios come about. So, I don't think that is what we have determined. We have established those parameters and it is up to the developer to locate those sites in that area where it is going to be located at to come up with that ratio of forested land or cut-over land versus the open land. But like I say, we had reason for doing that to have a balance, so to speak. I think the project managers do, I guess that is the right word. He is the one to figure out those parameters, I think.

Dr. Edwards says, Mr. Chairman you are exactly right, you hit the nail right on the head.

Vice-Chairman Randall says, do we need to make a motion to send this to the Board or?

Dr. Edwards says, yes.

Mrs. Lewis says, that is your job tonight.

Vice-Chairman Randall says, I will make a motion that we approve as written.

Rev. Lucas says second.

Chairman Drake says, I have a proper motion and a proper second that we send the ordinance up to the Board of Supervisors as a favorable response. Is there any other discussion, any other comments?

Mr. Chesson says, in the issue of the involvement change but to me and I just throwing this question out, can the Board of Supervisors modification statement be below that statement. Would that make it easier?

Chairman Drake says, below the percentage?

Mr. Chesson says, yes, I'm just throwing it out.

Chairman Drake says, since we are discussing, we have a motion and a second, I am going to revert back to our previous meeting with, Mr. Chesson unfortunately you were not here. But Dr. Edwards, I am going to revert back to you. I think that your Board of Supervisors, I think they pretty much stated we have met all of the objectives which you all had put forward to us. Is that correct?

Dr. Edwards says, I think I can definitely say that. I mean, there were a few small tweaks, you know a few wording here and there but I think the Board of Supervisors are very proud of you, the Planning Commission coming up with this.

Chairman Drake says, we've got a couple of supervisors in the gallery tonight. I don't know if that is debatable.

Mr. Chesson says, I mean we could just push it on. I mean, if they read the minutes but to me that would be a compromise.

Chairman Drake says, I understand, I understand your comment. Yes sir. Any other comments.

Mr. Day says, when would this meeting go to the Board of Supervisors? Is this September meeting?

Dr. Edwards says, July.

Mr. Day says, July.

Dr. Edwards says, it will be, go for the final hearing in August.

Mr. Day says, ok.

Dr. Edwards says, we have to have it done by, September 9th or 10th is the deadline. It will be finished in August.

Mr. Day says, will there be one more public hearing?

Mrs. Lewis says, the Board of Supervisors will hold a public hearing. If you make a recommendation tonight, they could hold a public hearing at their July meeting and make a decision that night. They could do both at their August meeting instead but if you make a recommendation tonight, they could hold a public hearing as soon as their July meeting.

Chairman Drake says, any other discussion. We have a motion and a second. I'll call for the vote. All in favor of a sending the ordinance, as presented, say AYE:

Michael Drake	Aye
Dr. Alan Edwards	Aye
Jack Randall	Aye
Michael Mann	Aye
Doug Chesson	Aye
Bill Day	Aye
Brad Turner	Aye
Frank Lucas	Aye
Lynnette Allston	Absent

Any opposed, like sign.

Chairman Drake says, it is unanimous.

Chairman Drake says, thank you for the ones who came to speak tonight. We appreciate your comments as well. We encourage you to go to the Board of Supervisors meeting later in the month of July.

Mrs. Lewis says, the fourth Tuesday of July, that is correct.

Chairman Drake says, alright, now we will go to item number five – unfinished business.

Again the Board of Supervisors has encouraged us to look at some strategies for litter control. We had a lot of information to read up on that. I have already admitted my guilt, Mrs. Lewis, earlier that I skimmed parts of it but it was interesting. Anyway, Mrs. Lewis, again I will call on you to make a few comments on this please.

Mrs. Lewis says, the Board of Supervisors did task the Planning Commission to study litter and suggest solutions to the problem. There is an ordinance in the current County code that prohibits trash and debris on private property. From my understanding of what the Board of Supervisors was looking for that is not what they would like you to do because there is already an ordinance in place for that. I believe that they want the Planning Commission to come up with a way to solve the litter that ends up along the roadways. I was trying to think of a place to start. My first thought was, well, perhaps there is a way to stop litter from happening in the first place. Let's see what, perhaps, we can do to stop it from becoming litter. And then educate people as to the harm in litter and how to keep it from endangering our environment. The third, which if the first ones are done well, perhaps won't be needed very much is, getting litter picked up and deposited correctly. So that is just my way of thinking. If there is a way to keep it from becoming litter in the first place. That may take some inspection services through the Public Works department to find out where the litter is coming from. The litter behind the Hardee's that the young people

picked up. It would be interesting to see if that was Hardee's litter, I doubt it was. If you drove through the drive-thru, you and I aren't already throwing trash out the window there. If it is Hardee's litter, it may be because they have a dumpster that doesn't have a sufficient cover on it. But I don't think that you eat your cheeseburger and throw the wrapper out that quickly so where did that litter come from? Figuring out things like that. If there is litter at other commercial places, if there is litter near multi-family residential properties, where is that litter coming from and is part of it that the litter containers aren't sufficient. I would also suggest if you would like to recommend changes to our ordinances, that you do it in the solid waste chapter and not in the zoning chapter. The zoning chapter only applies in the unincorporated part of Southampton County, but the solid waste chapter applies throughout Southampton County. So if you exclude the towns, you might be leaving out a big part of the problem. But there may be ways to make it so litter doesn't start in the first place.

Dr. Edwards says, don't we still have a litter committee in the County?

Mrs. Lewis says, I talked to Mrs. Lowe, they haven't met since before COVID started. They are generally, she said, an educational committee. They, at one time were trying to get into the schools to do some education among their young children about litter. But there hasn't been a lot of litter control committee activity picking up anything up or arranging to get it picked up. I included a list of all the people who have adopt a highways through VDOT.

Mr. Turner say, I thought that was pretty, I was reading over that list and a lot of people, I don't know if they did it for advertising purposes or whatever, but they haven't either never picked up or ever recorded that they picked up with dates and in some other dates are ten to twenty years that they have ever picked up any trash.

Dr. Edwards says, well, let's not leave the litter committee out.

Mrs. Lewis says, no.

Dr. Edwards says, ok, let's invite them to the meeting. They may want to get re-organized and start, that would be terrific.

Mrs. Lewis says, they do get some funding too, the County gets funded.

Vice-Chairman Randall says, they need to get educated and picking up some trash.

Mrs. Lewis says, but a litter control committee is at best ten or fifteen people and Southampton County is six hundred square miles.

Vice-Chairman Randall says, my point is they just need to start from somewhere to get a meeting together.

Mrs. Lewis says, I didn't invite them tonight because I figured that your public hearing for solar, could have, you know...

Dr. Edwards says, isn't Allen Applewhite still in charge of that.

Mrs. Lewis says, I don't know if he is.

Dr. Edwards says, he spoke to the Board, I believe about that.

Mr. Railey says, but he hadn't been on it in four or five years.

Mrs. Lewis says, yes, but I expected that your public hearing tonight would go on...

Dr. Edwards says, I suggest to contact him because he came to the Board, one of our meetings.

Mrs. Lewis says, yes.

Vice-Chairman Randall says, I would just invite them to the next meeting.

Mrs. Lewis says, yes, and there used to be a woman who went around to the schools with a parrot.

Dr. Edwards says, if you look at all this information we got, there is very little reliance on law enforcement. That is not the big topic on all this information, ok, that's needed but I think we also need to invite all the clubs around, each area. A lot of these clubs have to get out once a month and pick up stuff and give the kids prizes for who picks up the most trash. Get our local clubs involved, maybe organizations, Sedley, Courtland, the little towns so get everybody involved, give them a chance.

Chairman Drake says, well, that goes back, I thank you for identifying three areas. That's once the litter is out there and I think the educational part of it to prevent it from ever being on the highways and byways. And that goes back to education. We were talking about that earlier before the meeting. I think about, you know we were talking about the schools, but think about all the clubs, churches, any organization, it will be like a featured person or persons that could go and speak and we just showed the difference and of course, Mr. Lucas mentioned up in his area, western part of the County the trouble he has. But go ahead and elaborate about Greensville, has the signs I don't think they are VDOT signs, but you say, you can purchase a sign.

Rev. Lucas says, thank you Mr. Chairman. I live like I said in the western part of the County. I am about a mile and a half before you get to the Greensville County line. My business is in the City of Emporia. In the city, they had a lot of problem areas with litter and what they did was they put up signage that stated that there was a twenty-five hundred dollar fine for littering. Those are some of the cleanest areas in that city right now. So, I think it would be a good idea that if we started putting these in hotspots here in Southampton County, then we probably would see a change.

Mrs. Lewis says, one thing, the rights-of-way in cities are owned and managed by the City themselves so the City can decide to put up those signs. In Southampton County, the roads are all VDOT roads.

Dr. Edwards says, it is five hundred, I believe isn't that, Richard. VDOT won't put up a fine more than five hundred dollars on the sign, is that right? It's a number, I know its two hundred fifty or five hundred. I know it so, if you want to get twenty-five hundred dollars.....

Mr. Railey says, they won't match the law in Southampton, the law in Southampton and is clear just like it has been already expressed. The twenty-five hundred dollars. It also could carry jail time. I think VDOT won't pay for the sign but the question is, would VDOT allow the signs if we funded them and I don't know the answer to that.

Dr. Edwards says, I mean we need to look at that. He says it is good, turn and what I see in other states where it is five thousand and the second time, five thousand dollars and you lose your license for a year. I mean, so if VDOT won't do it, I think it's worth the County maybe putting out a little money for some extra signs or something.

Chairman Drake says, I've got a question for Mr. Fuller. Mr. Fuller, you can keep your seat by the way. If, you have to actually, if you are going to write a citation for someone littering, you actually have to see it happen, correct? Visibly? Do you have to record it?

Mr. Fuller says, no, sir.

Chairman Drake says, no.

I know you are a full-time employee, how many citations do you write in a year's time for littering?

Mr. Fuller says, very few.

Chairman Drake says, that is what I thought. I understand.

Vice-Chairman Randall says, one thing that I have seen is that they will do an illegal dump and they will find their mail or some literature with their address and then the deputies get a magistrate summons or a warrant and then they serve it on the person. That is where I have seen it in this locality and surrounding areas. That is what dumping of trash, like the dump is closed so they just dump it in front of when the gate is closed. I know that has happened.

Dr. Edwards says, I know in the neighborhood where I grew up as a teenager, if that happened in the neighborhood, there was a group that would go around and pick it up and knew what it was and go dump it in their yard.

Chairman Drake says, I'm going to give you another example. It's something that happened in spring. I work a farm off Ridley Road. Nobody lives in the house on the farm anymore, the lady is in a home now. Anyway, so it's nobody residing on the property. When I went down in the spring to do my first tillage work, someone had been to the back of the farm, it was two different vehicles, like a pickup, I would assume or a little trailer, and it is two, probably thirty car and pickup tires at the edge of the field. There is one here and about fifty yards up there is another one. Because it is kind over a ridge, someone knew nobody was in the house, I am assuming. I don't have any idea who did it but it happened sometime in the winter months from last harvest season. Things happen like that. But in the same light, the agricultural community, ok, we have a tire amnesty day each year. We collect all our tires, tractor tires, combine tires, wagon tires, whatever, even lawn mower tires. We collect them. It looks like a dump, Doug, in the back of my lot on the farmstead. But I am collecting them for tire amnesty day. I will probably carry fifty tires in. They take them to a recycling type plant somewhere. This year, it was four semi-truck loads of tires from the AG community.

Dr. Edwards says, do you know how many tires are buried in this Country every year in landfills. Three hundred and thirty million, one for each person in this Country.

Chairman Drake says, wow. So, tire amnesty day, I think that is the AG community, but that is something we could be expanded maybe to anyone.

Mrs. Lewis says, right.

Chairman Drake says, but if you don't know, and I can tell some of you, the way, you are looking like, really. Well, yes, they have been doing it for years. I happens at the fairgrounds, that's the meeting site and the other site is up your way, right off from the airport because I had missed the one in the Courtland and went to that one. Those type of avenues, we need to get that out there to the public. Of course, we find the public can join on that too.

Mrs. Lewis says, when my kids were little, there were the machines at the grocery stores that you could put your cans in, aluminum cans and then change would come out to recycle the cans. My

kids thought that was big fun because you get enough out to go to 7-11 and get a Slurpee with the cans that you would put it in to recycle. I haven't seen one of those machines in years. I don't know if they have them anymore. But things like the tire amnesty day, they do it with pesticide containers for the agricultural community as well.

Chairman Drake says, maybe we could expand on that some type of way to the general public. So, the educational part is the subject, we need to nip in the bud before it gets sat down on the highways or in the edge of the woods.

Chairman Drake recognizes Mr. Chesson.

Mr. Chesson says, yes, I guess in reading this and thoughts that come to my mind is, kind of piggybacking off from Dr. Edwards is about contacting clubs. I like the idea of discussing tools that we can put in the toolbox and the clubs is one. The one that we have already implemented years ago is this Adopt-A-Highway. To me, I think recommendation would be a push to communicate to these Adopt-A-Highway companies, these people, whatever, to encourage them to do it more often. Number three, the biggest thing, I guess of most recent litter that I have seen I think is coming from vehicles put in the back of trucks where you put your garbage in the back of your truck, you take off to the dump. A bag gets blown out and it gets spread by animals or other vehicles. Education standpoint and it may not be worth two cent, but you could put a big sign as people leave the dump to kind of say, as you are on your way home, if you see a bag of your trash, please stop and pick it up because most people won't. Anyway, that is just another tool in the toolbox.

Mrs. Lewis says, and things like requiring grocery stores and so forth to have trash cans in the parking lot. I have seen many times people come out of the grocery store with their cans of soda and beer and their bags of ice and they fill up their coolers and there is no trash can in the parking lot, so they leave the packaging for the drinks and their empty ice bags right there in the parking lot because there is no other alternative for them except to walk two hundred feet back to the store to throw it away where that trash can may be overflowing or non-existent. That's the kind of things that you keep track, keep things from turning into litter in the first place.

Vice-Chairman Randall says, Mrs. Lewis, your three points I really like but I am looking at leadership by example. I just went to a leadership conference and they started off asking the question, are you leading by example. I am really concerned with number three, engage ways to get litter picked up and deposited correctly. If we don't do that, we don't even get to the philosophical question. I really think we have to get the litter committee here, we need to get VDOT here, we need to get the Sheriff, because we can all sit here and talk philosophically about solar panels, ok, just for an example. And, you know, certain things we can and certain things we can't do. Well as it comes to litter enforcement, I am not an expert. The sheriff's probably, he's probably went to training, knows some things which are practicable under his budget or some

ideas that he has. VDOT's probably going to have some ideas. The litter council is going to have some ideas. I think we need to start there and get them to meet first, step one.

Dr. Edwards says, got that Josh?

Vice-Chairman Randall says, no, I am not talking about sheriff, I am talking about the litter council.

Dr. Edwards says, well, I am talking about the sheriff.

Vice-Chairman Randall says, and then the sheriff can give his take because I see in some of the educational component, ok, well, it is great to educate people but on Highway 58, we got bags flying everywhere and Hardee's wrappers going everywhere. That is the problem. So, you identify the problem and then you try to solve the problem. But if we can't get several groups, just pick a Ruritan Club or a Key Club or whatever to come and help. You got a lot of these organizations now that COVID is starting to dissipate and hopefully it is gone, soon. There is a lot of these organizations that want to kind of get together but there is never that lead by example. So, that is why I think it is so important. We just say these following groups come to our meetings and we as the Planning Commission just need to say, hey, we've got this problem, how do you think that we solve it. And we would like to put together a plan of action. We should get out of our chairs and go down there and pick up some trash on Storys Station Road or wherever, Governor Darden. You can name in every district a hot spot where there is. When I was looking at the study, I don't know what they were looking at 2009, how fast food wrappers were dissipated by six hundred percent. I don't know who did that study but I question it quite a bit. There is fast food wrappers everywhere and there is plastic, your Food Lion and I am not throwing Food Lion under the bus, whatever shopping center plastic bag that is blowing and it doesn't decompose, so it is there forever or at least a long time.

Chairman Drake says, and to elaborate on the plastic bag, that is a real issue with the farming community with the production of cotton. The cotton picker, of course, you know is a suction device inside the header. Those plastic bags, it sucks it right on up with the cotton. You can't sell it. If it has plastic contamination, the gin will not get it out. And that is a real concern. You know, Mr. Mann, I am sure his family does that. We have to go out and pick these, I shouldn't' say Wal-Mart bag, but it is a little plastic bag with handles and they will get stuck on a cotton stub from the year before and it just hangs right there all winter long but you got to get it out, it won't deteriorate. I don't know how long, but plastic will last for years before it decomposes. But anyway, I think all the comments are fantastic.

Vice-Chairman Randall says, I think we start somewhere. We start in July and ask for the basic core. Then after the core, gets a plan of action with the Litter Council with input of the Sheriff with the input of Planning Commission. Everybody needs to throw what they think would be our plan of action. Then go to the next level, say the next meeting or two months down the road,

bring some community organizations in. But I think you have to have a leadership group. Then I think people will start to contribute. They got to meet first and then we bring all the stakeholders together to start some type of plan. That should be our step one.

Dr. Edwards says, the Planning Commission needs to be the leadership group. Then we need to send a notice to every club, rotary club, whatever and even the hunt clubs.

Chairman Drake says, any organization.

Mr. Turner says, there is numerous ones of them.

Dr. Edwards says, send everybody a notice, if they want to come, fine. But I think you will see pretty good attendance. In most areas what I can figure and in talking to people back where I grew up in Rockingham County that is how this problem got solved. They got the clubs organized, they got the ballpark club over here, the athletic club in a little town of Kiseltown, goes out once a month to take the kids out. Port Republic they go out once a month. They alternate months going out and pick a Saturday picking up stuff. That really works out. I think that is what we need to do. This gets everybody involved. They don't want to be involved, fine, don't come to the meeting.

I think the awareness that there is a problem. That is the kind of synopsis of what I am hearing now, is to make the public aware that there is a problem.

Chairman Drake says, I know you mentioned earlier Mrs. Lewis, that Mr. Turner, maybe would have come tonight, well, if you all read the river keeper's article in the local paper. He has quite a following. He has certain days, what he calls, cleanup days and people go out on the boats and pick up and at certain points of interests are always a lot of problem. But his little article, it brings awareness. I didn't notice that much issues on the river sheds with the trash and all but I am aware of it now because it brings to my attention.

Dr. Edwards says, I have talked to Jeff today, invited him out and I don' think he will make it tonight. But he says the Nottaway stays pretty clean. He says it is the Blackwater and most of the trash comes in from there, in town here, approximately.

Mr. Railey says, what about a five hundred dollar fee, just like the solid waste fee or just spread the rumor that you are going to recommend that unless it cleans up.

Chairman Drake says, well, we could invite the Litter Council and who else now are you saying.

Mrs. Lewis says, VDOT.

Vice-Chairman Randall says, I would say the Litter Council, VDOT, a representative from the Sheriff's office. Josh, isn't, didn't one of the deputies start a Litter crew as a deputy.

Sheriff Wyche says, one of the deputies is on the Litter Council.

Vice-Chairman Randall says, a sheriff or his designee, maybe the sheriff would like to come.

Chairman Drake says, just give us some input.

Vice-Chairman Randall says, yes, I would say the first meeting there to determine the path. I just remembered seeing in the Speak Life Foundation with the Hornets football. I remember seeing in the Tidewater News, they recently had picked up trash. Good for them. Providing leadership in the community.

Mrs. Lewis says, twice.

Vice-Chairman Randall says, I remember it was very recently. In my head I remember seeing a picture of them and the kids were holding up the trash bags.

Chairman Drake says, can the County give them a recognition?

Mr. Railey says, they have been recognized by the Board of Supervisors.

Vice-Chairman Randall says, they did. I just remember seeing that in the news and I just thought that was great.

Mrs. Lewis says, last month.

At the Board of Supervisors meeting and I talked to Carter off and on. He started it. He not only picks up trash, he's got the, how many were at the meeting, fifteen at least. He brought them in....

Vice-Chairman Randall says, I think we should invite one of those representatives since they have done it. They may have some good input.

He is not only, leadership is what he is after for young kids. And some of them were no higher than this bench, they were little teeny kids. But they are the ones that did work at Hardee's and Food Lion. We brought them in and recognized them and gave them a little token. But he is teaching them civics along with it and parents come out with them. We live in a world today where nobody is embarrassed anymore and in my work-life, out in the mountains one day, I rounded the corner and there was about six or eight people in stripe prison suits and they were

picking up trash. They were the litterers and they had put stripe jumpsuit on. The ones that had been caught and for day, they picked up trash. The hotspots, they definitely they can be easily identified and you will find them usually at places where people work, going to work and leaving work within a couple of mile radius. It's a good hotspot and a lot of those people do not live here but before they get to work in the morning, out go their sausage biscuit bag.

Vice-Chairman Randall says, yes, the study in here, I don't buy it. I think there is way more litter now. Because I see people that are brazen just to take a beer bottle, throw it out the door about hit my truck. I am sure a lot of people have, but it seems like the areas where nobody can see long distances, that is where the litter is. The places with high traffic but they feel like nobody is watching.

Mrs. Lewis says, Ms. Baker and I went out and picked up trash along Cheroenhaka Road in front of our office building and it was disheartening in a week, it looked as bad as it did before.

Chairman Drake says, wow.

Vice-Chairman Randall says, so, Mrs. Lewis, you think we can invite those few groups, maybe five or six groups?

Mrs. Lewis says, yes. Your July meeting will have three public hearings so I don't know if you want to do it at your July meeting or if you want to do it at your August meeting. But you will have three public hearings that night.

Vice-Chairman Randall says, I think we need to do it at the July meeting and maybe put it at the front of the agenda to get the folks out of here. But I don't think we need to talk about it more than thirty minutes, but it will give people a chance because the summer, especially if the kids want to participate.

Chairman Drake says, true.

Vice-Chairman Randall says, we need to get something going and they will have the month of August to do some productivity. If we wait till August, the summer is, the kids are going back to school and I am not saying that kids are going to do it all. We should all contribute. Let's give them an opportunity.

Dr. Edwards says, you did the public comment period.

Vice-Chairman Randall says, I think when you put it like on a line item agenda, I think it is that big of an issue.

Mrs. Lewis says, well the agenda can start with the Pledge of Allegiance and the Invocation and then go to the approval of the minutes and then move new business, have public comment period and then have new business and then have the public hearings.

Vice-Chairman Randall says, that way, they don't have to sit with the whole meeting, not that our meetings are not very interesting.

Mrs. Lewis says, well, three public hearings may take a while.

Vice-Chairman Randall says, the Litter Control people are here. They don't have to sit through the whole meeting.

Mr. Mann says, the public hearing, can you say what they are for?

Mrs. Lewis says, one of them is for a turkey shooting facility, a conditional use permit for a turkey shooting facility. One is part of Matt Crowder's property on 671 next to the Dominion Power facility to change the zoning to permit a three hundred fifty thousand bushel peanut drying facility and one is for the little store in Sedley, so that can be repaired and re-opened as an auto repair facility. It has residential zoning.

Vice-Chairman Randall says, no controversial topics.

We will put it in as a line item but let's try to put it...

Mrs. Lewis says, make it concise.

Chairman Drake says, a little bit discreet about your time limit because it wouldn't be fair to...

Dr. Edwards says, well if it is a line item it is going to be advertised in the paper.

Mrs. Lewis says, no, only the public hearings are advertised in the paper.

Dr. Edwards says, well, can we put it in the paper though, to keep us from advertising it.

Mrs. Lewis says, we could do a press release to the newspaper asking them to do a little article but we wouldn't put it in the legal ad.

Dr. Edwards says, alright, looks like if somebody write something for the letter to the editor.

Mrs. Lewis says, yes.

Dr. Edwards says, I will call Titus Molar, he is on vacation. I will call him next week and see what he thinks about that.

Mrs. Lewis says, ok.

Mr. Chesson says, so your document mentioned the Litter Control Sheriff's office. We have added VDOT and anybody else?

Mr. Turner says, I think they are probably the big surprise stakeholders. It starts, like Jack said with a small group and kind of build from there.

Vice-Chairman Randall says, I added VDOT for the Litter Council as my wife's on the Litter Council and I knew that they were trying to get in contact with VDOT about, what are they called?, The turnaround.

Mr. Turner says, the roundabout

Vice-Chairman Randall says, the roundabouts about putting some beautification in there. Then COVID hit and it just went to nothing. That is just one thing and I think they had to get authority through VDOT to do that and if they provide the funding like you said, there is a lot of things that you can do if you contribute money. I just thought that was something they came up with that idea, would have really made that area, especially in front of the Courtland Inn, it just doesn't look very good.

Mrs. Lewis says, the other end doesn't look good either. I am surprised when we drive over and that overpass that goes over 58 after you go through the traffic circle in front of the Courtland Inn you go over the overpass and right there at the end is almost trash.

Vice-Chairman Randall says, they were going to put up a sign about littering there so it would be kind prohibited. That goes for the education piece. I know that was in the works, so hopefully, they can re-energize that and maybe get something done.

Mr. Chesson says, who in the County had headed that Adopt-A-Highway program or was there anybody?

Mrs. Lewis says, that is VDOT.

Mr. Chesson says, that's all VDOT.

Mrs. Lewis says, that's all VDOT.

Chairman Drake says, and some of them are doing a really good job keeping it clean.

Mr. Railey says, to some extent they haven't done a good job because they are people listed on signs that have been dead for years.

Dr. Edwards says, sounds very expensive, too.

Chairman Drake says, my road, the one that I am thinking of the young man has done an excellent job. It was a terrible road. He does it four or five times a year. He walks the road and the thing about it, my road for my house to the dump, that where it is so bad at, not saying I was contributing to it. But I am going to tell you one thing, he really cleaned it up. It looks good now. He's been there for a couple of years now. You know, time will wear you down but right now he is energetic and done a great job on that road.

Chairman Drake says, alright, anything else on litter.

Chairman Drake says, alright, item number six. Any other new business. Any BZA matters.

Mrs. Lewis says, nope.

Chairman Drake says, anything else to come before this Board before we adjourn.

Chairman Drake recognizes Mr. Hart and says, yes sir, come on up Mr. Hart.

Mr. Hart says, the solar project at the elementary school.

Chairman Drake says, why don't you come on up and elaborate a little bit on that sir? This is a solar expansion, educational type at the Capron School, correct?

Yes, William Hart Gillette, Capron on Old Belfield Road. I got a call from, my gosh, I can't remember.

Chairman Drake says, Ms. Francis.

Mr. Gillette says, Jimmy Babb's first cousin. First cousin, Bartholomew. I think some of you know him. Dominion has a grant. It's an educational grant for a small solar rooftop project for elementary children. He had been in touch with the principal, Ms. Francis, about that and the use of Capron Elementary for this project for the students. It is a small-scale project that they want to get going pretty quick. I called Mr. Drake to give him the information. I felt like, I told Mr. Bartholomew that I was going to contact the Planning Commission to see what they said about it since we had this ordinance in effect. So I called him back, I discussed with you the next

day and told him that it would probably be a decision or it would be entertained tonight and then if it had to move to the Board of Supervisors, we would address the issues on the 28th of June. It appears to be a good project, something that the Board here was trying to steer in the direction of using rooftops, brown areas and that sort of thing for solar. This would be a small project that the children would keep up with the data and they would learn a little bit about the industry and where it would take them moving forward even in their educational career.

Mrs. Lewis says, that would be an exempt project from the ordinance.

Chairman Drake says, because it is not utility scale.

Mrs. Lewis says, it is accessory to the school.

Mr. Railey says, it doesn't even have to come here.

Mrs. Lewis says, no, because the power generated would be used by the school. The power generated, it is not going to generate enough power to go into the lines to serve anyone else.

Mr. Gillette says, no.

Mrs. Lewis says, so our opinion is just like the people who put solar facilities at their home. It is just like your air conditioning system for your home. It just serves that school and so it is exempt from the ordinance at all.

Mr. Gillette says, so I take it that would be a yes, you can proceed.

Mrs. Lewis says, yes.

Chairman Drake says, I don't think it takes any action.

Mrs. Lewis says, right.

Mr. Gillette says, thank you.

Chairman Drake says, anything else?

Mr. Chesson says, just something to share because I've heard two comments, and I know a little bit about it because of some of the places I served. But when panels are put on a house or on a building. If that house generates more electricity than it is using, it can go back to the utility and the utility is one of the controversial things, is, how does a utility price that electricity that it gets from the homeowner? It does that because people want to get paid exactly the same kilowatt

hours, dollars for each kilowatt is what the electric company pays for. But the electric company is servicing the transmission lines and the poles and all those other things. There is a built-in cost and the kilowatt cost. The term you will hear in the coming years is called net metering.

Mrs. Lewis says, in that case, just like perhaps at the elementary school or at home, the principal use of that property is a school or a home. A utility-scale solar facility the principle use is the utility scale solar. That is an accessory use and yes, perhaps it generates more power than the home uses, but the principle use of that property is still a residential use.

Mr. Chesson says, ok, your question? Does that answer your question?

Mr. Chesson says, I was just sharing.

Chairman Drake says, but you are right, the co-op is certainly looking at that.

Mr. Chesson says, there have been a couple of statements that it was saying all of it stays where it is generated and that's not really true.

Chairman Drake says, correct.

Chairman Drake says, any other comments? Do I hear a motion to adjourn?

Mr. Turner says, I motion we adjourn,

Chairman Drake says, we have a proper motion to adjourn.

Do we have a second?

Mr. Lucas says, second.

Alright, all in favor, say AYE.

Unanimous.

Chairman Drake says, have a safe trip home. Meeting adjourned. Thank you all for being here.

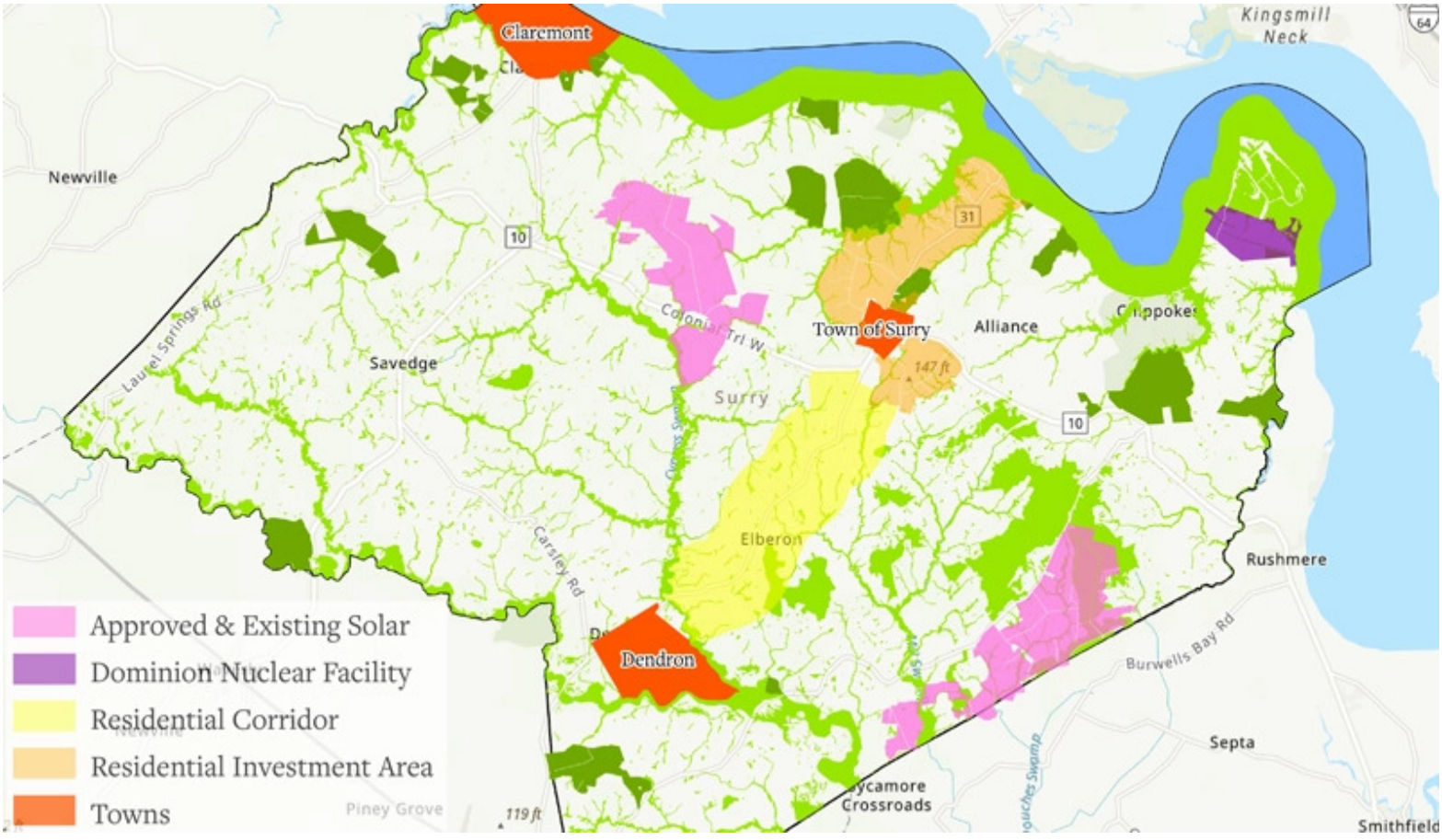
Meeting adjourned.

Read More

Surry ‘energy policy’ set for Nov. 21 hearing

Published 4:16 pm Friday, October 28, 2022

By Stephen Faleski (https://www.smithfieldtimes.com/author/stephenfaleski/)



The proposed energy policy includes this map showing where Surry's solar and nuclear power facilities are located. In light and dark green are conservation areas and wetlands. Not pictured is the Align RNG "biogas" facility approved earlier this year. (Image courtesy of Surry County)

Surry County's Planning Commission will hold a Nov. 21 public hearing on a proposed "energy policy" amendment to its 2040 Comprehensive Plan.

The hearing is to take place during the Planning Commission's scheduled meeting, which begins at 7 p.m. in the county government complex at 45 School St.

While aimed primarily at limiting the number and location of new solar farms, the policy is intended to be inclusive of all energy sources, including Dominion Energy's existing nuclear plant.

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The amendment would limit utility-scale energy project sites to 10% of the county's land, subtracting water and wetlands, for a maximum of 15,278 acres. Of this, 9,263 acres are already taken up by existing and approved utility-scale solar farms and the nuclear plant. Another 22.8 -acre parcel at the Surry-Sussex county line is slated for Align RNG's "biogas" processing facility, leaving just under 6,000 acres available for any future energy projects.

The amendment defines "utility-scale" as any energy storage facility with a rated capacity greater than or equal to 20 megawatts, used to generate electricity beyond the area in which the facility is located. "Shared solar" or "community-scale" energy facilities generating 1 to 19 megawatts and requiring no connection to high-voltage power lines would not be subject to the 10% cap. Nor would "distributed energy" facilities, the term referring to solar panels on residences, businesses and schools generating less than 1 megawatt.

The term "project site" is defined as the "entirety of the parcels on which an energy facility will be installed" rather than just the fenced area where solar panels or other infrastructure would be located.

Surry last revised its Comprehensive Plan in 2020. The 142-page document, intended to guide land use devisions, currently makes no distinction between utility-scale and non-utility-scale solar setups.

The plan adopted in 2020 currently states solar farms are to "avoid or minimize" impact to farmland, be screened and located outside of residential investment areas, not visually impact scenic or cultural resources, and be sited "as close to existing electric transmission lines as possible."

The proposed energy policy would clarify the "as close as possible" provision to a maximum of one mile from the center of the facility site to the nearest high-voltage transmission line. It would further clarify the visual impact provisions to specify a distance of half a mile between any part of the facility and a historic site, and a distance of at least 750 feet between the facility and the property line for any place of worship or cemetery.

Currently, when new solar farms have been proposed in Surry, their developers have requested a slate of approvals, including conditional use permits and a vote declaring the project "substantially in accord" with the Comprehensive Plan. The energy policy proposes changing that process to a "mandatory pre-application meeting" to determine the project's conformity with the plan ahead of any vote on the other slate of requested approvals.

"Substantially in accord" does not mean 100% in compliance with every provision of the Comprehensive Plan, explained Horace Wade, Surry County's director of planning and community development. As such, Commissioner Diane Cheek called for adding the provision barring energy projects from siting less than half a mile from a historic site to the solar ordinance the Board of Supervisors adopted in 2018.

The energy policy further states that facilities are to use “best practices to maintain biodiversity and soil quality,” meet or exceed Virginia stormwater requirements and incorporate “contiguous, unfenced, undisturbed natural areas to serve as wildlife passage corridors.”

An earlier draft of the energy policy had included a provision barring the use of pesticides or herbicides when maintaining a project site’s landscaping buffer. The current less-restrictive draft states herbicides are allowed but “should be overseen by certified professionals to limit air, water, and soil pollution.”

Any noise-generating equipment is to be “installed with sound dampening equipment and/or located a minimum of 750 feet away from any adjacent residential, commercial, or mixed-use parcels.”

At its Oct. 24 meeting, the Planning Commission asked that another provision be added to restrict new energy projects from siting within half a mile of an existing or approved project.

Local Roots, Global Reach

ISLE OF WIGHT COUNTY, VIRGINIA

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEMORANDUM

August 1, 2021

TO: **Honorable Members of the Isle of Wight County Board of Supervisors**

FROM: **Amy Ring, Community Development Director**

SUBJECT: **Considerations for Solar Farm Conditional Use Permit Applications**

In January 2021, the Board of Supervisors directed staff to develop a report and map showing where the most attractive areas of the County are for utility scale facilities and the potential maximum area devoted to these uses. Questions from the Board included how much of this potential area included prime agricultural lands, and whether there should be a cap on the total number of prime farmland acres removed for the purpose of developing a solar facility in order to preserve the County's agricultural industry and rural character.

Background

Since the approval of its first utility scale solar facility in September 2015 with the project known as the Woodland Solar Farm, Isle of Wight County continues to capture the interest of utility scale solar facility development due to the existence of medium and high voltage transmission lines and related infrastructure, its rural, relatively flat landscape, and supply of available property. In the years since the first facility was built, the community has taken several steps to reduce the potential negative impact of these facilities on its traditional agricultural and silvicultural economic base while maintaining flexibility for property owners and accommodating the development of a renewable energy source.

The County included a discussion of site considerations for utility scale solar energy facilities in Chapter 8 of its new Comprehensive Plan, *Envisioning the Isle*, adopted in January 2020. These siting considerations included the following recommended actions to accommodate these facilities while reducing any potential negative impacts:

- Research appropriate target density parameters for future facilities to mitigate the impacts related to the scale of these facilities;
- Set a maximum percent usage of assembled property to mitigate impacts to habitat, soil erosion, and stormwater runoff;

- Require facilities to be located adjacent or close to existing electric transmission lines;
- Require facilities be located outside of DSDs;
- Avoid or minimize impact to prime farmland or farmlands of statewide importance as defined by the USDA and Commonwealth of Virginia, respectively; and
- Facilities should be located outside of the viewshed of any scenic, cultural, or recreational resources (i.e., solar facilities may not be seen from surrounding points that are in line-of-sight with a resource location) or within the Highway Corridor Overlay district.

With these recommendations in mind, the Board of Supervisors subsequently adopted revisions in March 2020 to Section 5-5003.M.4 of the Zoning Ordinance to add performance criteria for utility scale solar facilities such as increased landscaping and setbacks, transportation plans, visual impact analysis, environmental and historic resource impact analysis, soil contaminant testing, noise limits, decommissioning criteria, and height limits for equipment.

Utility scale solar energy facilities, also commonly known as "solar farms," require a conditional use permit (CUP) in all zoning districts, except the Planned Industrial District where it is permitted by right. The CUP application process gives the ability to evaluate the impacts of these facilities on a case-by-case basis, as each proposed location is unique. In addition, CUPs require a public hearing for both the Planning Commission and Board of Supervisors which allows citizens to voice their concerns to the governing body which could then be addressed as a condition of approval.

Solar Facility High Probability Areas

According to academic and industry research, preferred locations for utility scale solar facilities include properties within two miles of a transmission line or substation, but no further than five miles away. Conversations with industry representatives reveal that they may be willing to search for sites as far as ten miles away from these lines, if the cost of land, favorable local approval process, and the number of willing property owners make it cost effective, but that these instances are rare. Other favorable site characteristics include those properties which have few residences nearby and few potential environmental or historical resource impacts.

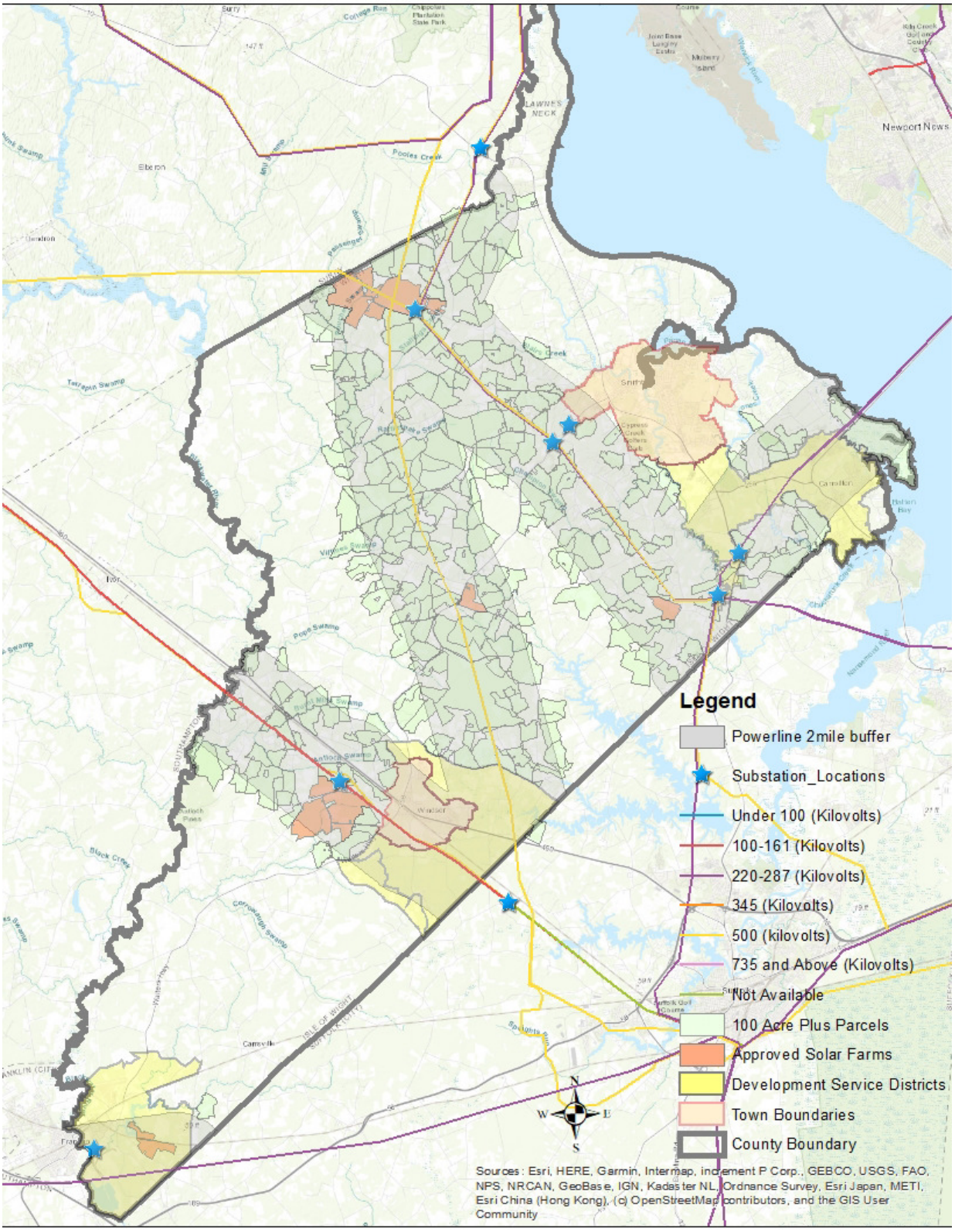
Industry representatives also state they usually begin their site selection process with parcels of at least 100 acres in size, noting that the negotiation and approval process is easier with fewer properties involved in the project. Staff began its analysis of potential sites using a minimum lot size of 100 acres, noting that property sizes involved in recent solar projects could be as small as one acre when used in conjunction with larger properties. Another rule of thumb for solar energy facility sites is that it takes approximately ten acres of solar panels to generate one megawatt of electricity.

With the assistance of County GIS staff, Herb Finch and Michael O'Shell, staff created a map of high probability areas based on the following factors:

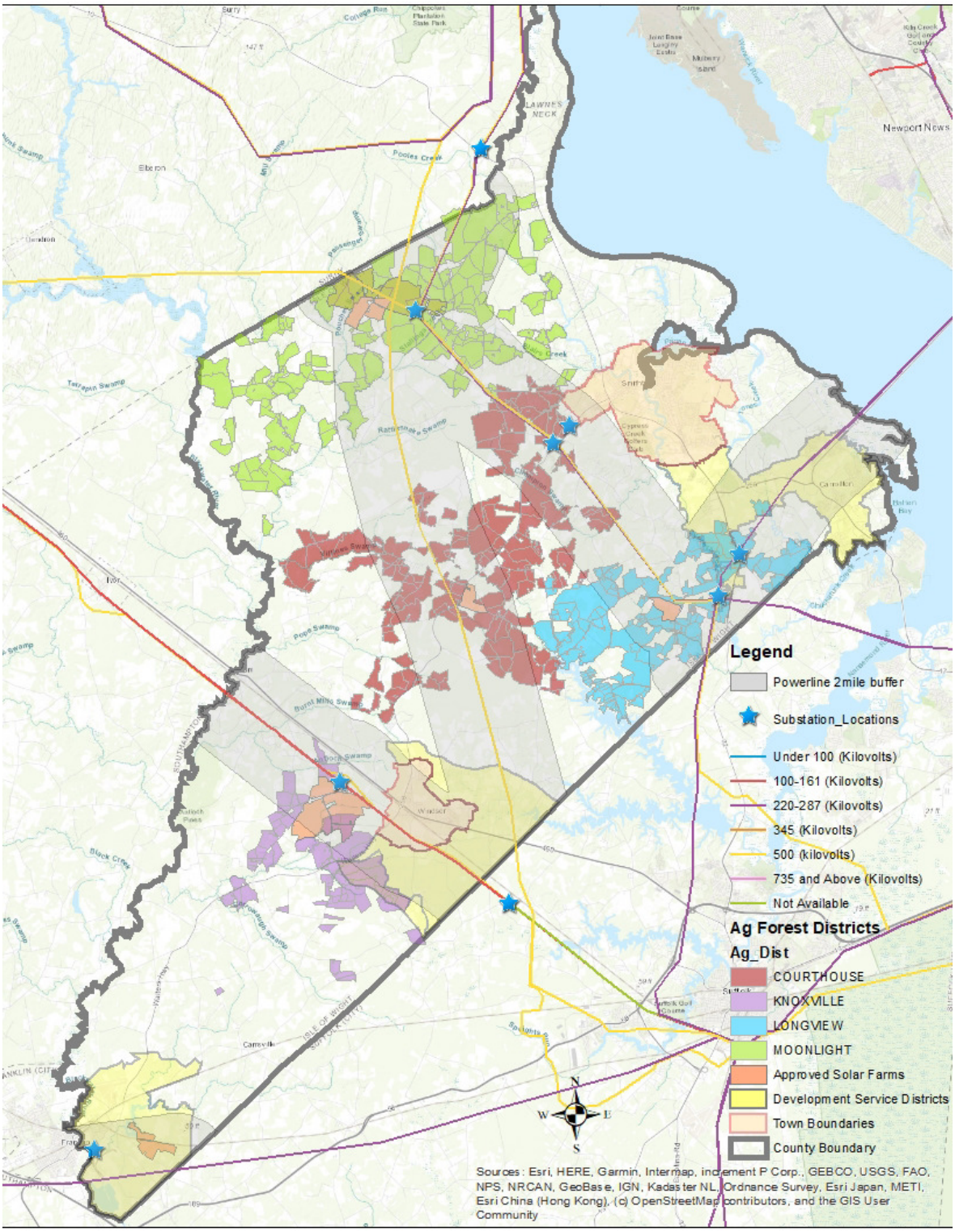
- Areas outside of the Development Service Districts (DSDs);
- Properties within 2 miles of a regional transmission line and substations;
- Properties with at least 100 acres; and
- Properties zoned Rural Agriculture Conservation.

Map 1 shows those areas with those properties within two miles of existing transmission lines and substations. When the location of existing and approved solar facilities are added to the map, they all fall within two miles of a transmission line.

There are a total of 314 parcels measuring at least 100 acres within the two mile zone for a total of 79,729 acres, or approximately 124 square miles. This represents about 39% of the total area within the County. These parcels include those currently under public ownership, under conservation easement, or otherwise constrained for future development.


Legend
Powerline 2mile buffer
Substation_Locations
Under 100 (Kilovolts)
100-161 (Kilovolts)
220-287 (Kilovolts)
345 (Kilovolts)
500 (kilovolts)
735 and Above (Kilovolts)
Not Available
100 Acre Plus Parcels
Approved Solar Farms
Development Service Districts
Town Boundaries
County Boundary
N
W
E
S
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

When the location of the County's Agricultural and Forestal Districts (AFDs) is added as shown on Map 2, it is readily apparent that the high probability areas overlap with these districts. There are a total of 120 parcels that fall within two miles of transmission infrastructure that are also within one of the County's four AFDs. The total acreage impacted is 2,729 acres, or 5% of the total AFD acreage of 58,182 acres.



When looking at the total percentage of prime farmland soils in general in the County, the high probability area with two miles of the transmission infrastructure consists of 32,296 acres of prime farmland soils, prime farmland if drained, and soils of statewide importance out of a total of 79,279 acres within the buffer area on parcels of 100 acres or greater. In other words, 41% of the high probability area consists of these prime farm soil types. There is a total of 122,296 acres of prime farm soils within the County as whole. Prime farm soils within the high probability area represent about 26% of the total prime farm soils in the County.

Although the high probability map results appear to show a high percentage of land in the County capable of hosting a solar facility, there are other factors to consider as well. One of these factors is the maximum amount of additional load that transmission lines and substations can accept before exceeding their capacity. Before a solar facility can connect to an existing transmission line or substation, the developer must first file an interconnection request to PJM, which serves as the regional systems operator who then performs an impact study for the proposed connection on the supporting infrastructure. The size of the transmission line and substation will dictate the maximum amount of additional electrical supply it can accommodate.

Although the capacity size of the infrastructure will ultimately dictate the number of potential facilities on any one line or substation, there is always the possibility that utility companies such as Dominion Energy will choose to increase the size of their infrastructure to increase its capacity. The recently negotiated infrastructure bill, for example, includes $73 million for upgraded and new transmission lines across the nation as of June 25, 2021. As solar panels become increasingly more efficient in their energy production, the more congestion they can add to existing transmission lines thereby increasing the need for upgraded infrastructure.

Future Action Discussion

As mentioned previously, the County has already incorporated utility scale solar facilities as a major utility in the CUP process with supplemental regulations to reduce potential detrimental impacts these facilities may have on surrounding properties and important viewsheds. In addition to the supplemental use regulations which apply to all such facilities, the Board has the ability to impose other conditions, if they feel that they are warranted to ensure compatibility with surrounding uses, such as operating hours, number of employees, restriction on traffic, noise, and the number of acres to be utilized. This may include, but is not limited to, such things as consideration that the proposed facility will not "result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use."

Although not specifically called out, the Board does have the right to deny an application, if they feel there is a saturation of similar uses in the area which is detrimental to the enjoyment of surrounding properties, protection of scenic, historic, or environmental features, or if it runs counter to the goals of the County's plans and ordinances such as preserving agricultural uses.

The existing CUP process is critical to the County's ability to assess an application on a case-by-case basis, because each application and associated properties will have their own unique

characteristics. The public hearings that are part of the CUP process allow future neighbors and community members to express their concerns and have the Board address them, if they feel it is warranted or feasible. Due to the typical large size of these projects with multiple potential impacts, staff does not advise making utility scale solar facilities a by-right, administrative process with no opportunity for public input.

In addition to the existing CUP requirement and supplemental regulations, the Board could consider additional criteria for how much of the County's rural areas can be utilized for future solar energy facilities. Below are a few recommendations from the County's Comprehensive Plan that are not already addressed in the existing Ordinance for the Board's consideration and discussion.

- Set a maximum percent usage of assembled property to mitigate impacts to habitat, soil erosion, and stormwater runoff;

The Board could place a limit on the total number of acres that can be developed with solar panels and associated equipment on the total acreage of any one facility. The advantage to this is to limit the potential size, and therefore the total potential impact, of any one facility on adjacent properties and resources as well as allow sufficient site area for such things as access roads, stormwater facilities and wildlife corridors. Culpepper County limits the total number of developed acreage to 300 acres for any one project. In general, development in the County is currently limited to a maximum site coverage of 60% rather than a total number acres.

- Avoid or minimize impact to prime farmland as defined by the USDA and Commonwealth of Virginia, respectively.

Considering the County has a total of 122,296 acres of prime farm soils, a statistically significant number of these soils could be considered 5% or over of this amount, or 6,145 acres or greater. Any acreage in excess of this number could be considered detrimental to the County's soil resources available for future farming and silvicultural uses. The Board could consider a policy recommending an upper target of 6,000 acres devoted to solar energy facilities to further its Comprehensive Plan goal to preserve the County's agricultural industry.

Another option the Board could consider would be to amend the Zoning Ordinance to prohibit solar facility development on the most significant soil types, such as "prime farmland soils."

- Limit the total number of acres in active agriculture that can be converted to solar energy facilities.

According to the 2017 Agricultural Survey, there are a total of 80,672 acres in active agriculture in the County. The Board could consider a policy of an upper target of 4,000 acres, or approximately 5% of total active farmland, that may be converted to solar energy facilities.

- Require facilities to be located adjacent or close to existing electric transmission lines;

The Board could consider amending the Zoning Ordinance to limit solar energy facilities to locations within two miles of any transmission line or substation. This would help to limit "solar sprawl" throughout the rest of the County.

If you wish to discuss this matter further or if you require additional information, please feel free to contact me.

cc: Randy Keaton, County Administrator

Sec. 5-5003. Supplementary use regulations for civic use types.

M. Utility services, major.

1. Public utility buildings in any permitted residential zone shall have the exterior appearance of residential building. Landscaping shall be provided in accordance with article VIII.

2. Nothing herein shall require a conditional use permit for repair of a water well so long as the design capacity of the repaired well is not increased; nor shall a conditional use permit be required for replacement of a well which is worn out or has become less productive, so long as:

   a. The replacement well is no more than one-fourth (¼) of a mile in distance from the well being replaced;

   b. The replaced well is abandoned in accordance with regulations administered and enforced by Virginia Department of Environmental Quality or other applicable agency;

   c. The replacement well shall draw water from the lower cretaceous aquifer (Potomac Group) only;

   d. The owner of the well demonstrate to the zoning administrator that the replacement well will provide no more water than the well being replaced by providing the zoning administrator board with the initial production tests of the well being replaced and the initial production tests of the replacement well; and

   e. The average static water level of the lower cretaceous aquifer, as determined from the average of all monitoring and observation wells of the Virginia Department of Environmental Quality, has not dropped more than fifty percent (50%) from the most recent average static water level. (Measured from the most recent average static water level to the top of the aquifer.)

   Provided, further, that if the owner has more than one (1) well designed or capable of producing fifty thousand (50,000) gallons or more per day located in Isle of Wight County, Virginia, the owner shall provide the zoning administrator with the name, location and initial production tests of such other wells of said design or capacity.

3. The dissolution or abandonment of a public water system previously approved by the Virginia Department of Health and/or the county shall require obtaining a conditional use permit from the board of supervisors, after recommendation from the planning commission. (7-7-05; 5-27-10; Ord. No. 2012-2-C, 2-16-12, 3-20-14; 12-18-14; 7-19-18.)

4. Utility Scale Solar Energy Facilities.

   a. In addition to any conditional use permit application requirements, the applicant shall provide the following at the time of application:

i. A conceptual plan showing the proposed layout of all structures, adjacent properties, screening, landscaping, internal roadways, easements, environmentally sensitive features including proposed wildlife corridors;

ii. A visual impact analysis demonstrating through project siting and proposed mitigation, if necessary, that the solar project minimizes impacts on the visual character of a scenic landscape, vista, or scenic corridor;

iii. A transportation plan showing vehicular access to the site, proposed construction traffic route to the site, parking areas, and laydown yards;

iv. An estimated time frame and proposed hours of operation for construction activity;

v. Economic impact analysis of the project including projected net new tax revenue as well as loss of active agricultural and silvicultural lands and its indirect impact to associated local businesses;

vi. An environmental resource impact analysis discussing any proposed activities within designation resource conservation areas;

vii. A historical and cultural resources impact analysis; and

viii. Written comments from the relevant electric company regarding the capacity of the transmission lines as part of any use permit application. An applicant can satisfy this requirement by submitting proof of application for interconnection to the electricity system.

b. Ground-mounted systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt, except when temporarily stowed in a vertical position for vegetation management or for inspection, maintenance and/or repair.

c. Audible sound from a solar energy system shall not exceed 60 dBA (A-weighted decibels), as measured at any adjacent non-participating landowner's property line. The level, however, may be exceeded during short-term exceptional circumstances, such as severe weather.

d. All equipment, accessory structures and operations associated with a large solar energy system shall be setback at least seventy-five (75) feet from all property lines and at least one hundred and twenty-five (125) feet from any residential parcels, and are subject to the following:

i. Setbacks shall be kept free of all structures and parking lots; and

ii. Setbacks shall not be required along property lines adjacent to other parcels which are part of the solar energy system; however, should properties be removed from the system, setbacks must be installed along all property lines of those properties remaining within the project and which are adjacent to a parcel which has been removed.

e. The following landscaping standards shall apply:

i. Along public roadways with at least fifty (50) feet of right-of-way, a minimum fifty-foot wide bufferyard shall be installed or retained with at least seventy-five (75) landscaping points per one hundred (100) linear feet shall be required in the bufferyard;

ii. Along public roadways with less than fifty (50) feet of right-of-way, twenty-five (25) landscaping points per one hundred (100) linear feet shall be required in the bufferyard;

iii. Where solar facility properties abut residential parcels, one hundred twenty (120) landscaping points per five hundred (500) square feet of bufferyard shall be required;

iv. Existing vegetation that meets the minimum landscaping specifications may be used to meet required landscaping points; and

v. No silvicultural activities or removal of required landscaping materials shall occur in the required bufferyards.

f. Provide soil testing for any contaminants directly attributable to the solar panels before and after construction and every five (5) years during the interim until the facility is decommissioned. Owner/operator must provide copies of initial baseline report and subsequent reports to the zoning administrator. Should a negative finding indicating contamination from the solar panels occur, contamination must be remedied by the owner/operator to applicable state and federal standards.

g. Prior to final site plan approval, an owner, lessee, or developer of real property shall enter the following agreement and provide them to the zoning administrator for review and approval:

i. A written agreement to decommission solar energy equipment, facilities, or devices upon the following terms and conditions:

a) If the party that enters into such written agreement with the county defaults in the obligation to decommission such equipment, facilities, or devices in the timeframe set out in such agreement, the locality has the right to enter the real property of the record title owner of such property without further consent of such owner and to engage in decommissioning; and

b) Such owner, lessee, or developer shall provide financial assurance of such performance to the county in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee, based upon an estimate of a professional engineer licensed in the commonwealth, who is engaged by the applicant, with experience in preparing decommissioning estimates and approved by the county; such estimate shall not exceed the total of the projected cost of decommissioning, which may include the net salvage value of such equipment, facilities, or devices, plus a reasonable

allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor.

c) Decommissioning of discontinued or abandoned large solar energy systems shall include the following:

i. Physical removal of all solar energy equipment and above-ground appurtenant structures from the subject property including, but not limited to, buildings, machinery, equipment, cabling and connections to transmission lines, equipment shelters, security barriers, electrical components, roads, unless such roads need to remain to access buildings retrofitted for another purpose, or the landowner submits a request to the board of supervisors that such roads remain.

ii. Below-grade structures, such as foundations, underground collection cabling, mounting beams, footers, and all other equipment installed with the system shall be completely removed: however, these structures may be allowed to remain if a written request is submitted by the landowners and a waiver is granted by the Board of Supervisors.

iii. Compacted soils shall be decompacted as agreed to by the landowner.

d) Restoration of the topography of the project site to is pre-existing condition, except that any landscaping or grading may remain in the after-condition if a written request is submitted by the landowner and a waiver is granted by the board of supervisors.

iv. Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local, state, and federal solid waste disposal regulations.

ii. During and at the end of project construction, any damage done to public roads by solar farm construction equipment shall be repaired in accordance with VDOT standards and specifications. Post construction damage shall be identified based on inspections by VDOT with the developer or their agent, prior to construction and upon completion, identifying the items for repair. Additionally, at the request of VDOT, in order to ensure the safety of the traveling public, some damages may need to be addressed immediately. (7-7-05; 5-27-10; Ord. No. 2012-2-C, 2-16-12, 3-20-14; 12-18-14; 7-19-18; 7-18-19; 3-19-20.)

- The new 17,700 square foot Isle of Wight Volunteer Rescue Squad Building in 2014 to replace the former 7,000 square foot facility built in 1985.
- The newly renovated former Sentara Medical Building at 919 South Church Street purchased by the County in 2015 to create new office space and better meet future space needs for the Health Department.
- The new silver LEED certified 46,347 square foot Young-Laine courts building in 2010. The building houses three courtrooms, including circuit, general district, and juvenile and domestic relations courts. It also houses the Commonwealth's Attorney's office, clerk offices for the aforementioned courts, and a records room.
- The former pottery building at Nike Park converted in 2018 to meet office space needs for the Parks and Recreation Department.

Many of the buildings utilized by the County for public purposes contribute to the historic and community character of the County. Their continued renovation and maintenance help to preserve these historic structures and reduce the cost burden on taxpayers to meet space needs as the County grows. Where existing buildings are not available for expansion, renovation or adaptive reuse to fulfill space needs, then new sites should be identified and carefully planned to serve multiple needs and to be compatible with existing community character.

A capital impact study and space needs assessment can help identify future facility and staffing needs. Planning for facility needs and implementation through a capital improvements plan can assist in meeting demands.

KEY FACTS AND TRENDS

- **As population growth and service demands increase, the local government staff and facilities may also need to expand to continue providing a satisfactory level of service.**
- **The County should consider appropriate growth triggers and space needs for planning future facilities.**

Community Energy

Isle of Wight County's energy needs are primarily met by three electrical companies and a private natural gas provider. Dominion Virginia Energy supplies electricity to most of Isle of Wight County, including multi-phased power to most industrial sites. Portions of south and central Isle of Wight are served by Community Electric Cooperative, while Franklin Municipal Power and Light serves the southern portion of the County in the area of the Camptown DSD. Natural gas is supplied by Columbia Gas of Virginia.

There are no power generation facilities within the County. Natural gas is supplied by multistate pipelines originating from the Gulf of Mexico. Although there is adequate supply of natural gas to meet future residential growth, an uninterruptable supply of natural gas to meet the needs of future commercial and industrial users is dwindling. This is due to the constraints of existing infrastructure in the natural gas supply chain. The decreasing supply and increasing demand for natural gas has led to several efforts to build new gas pipelines into the Hampton Roads region.

Renewable sources of energy utilized by County property owners primarily consist of small wind turbines or solar panel systems that supply individual homes or businesses. As of March 2019, the County has approved three utility scale solar energy generation facilities, also known as solar farms. The electricity generated from these facilities is used by Dominion Virginia Energy to sell to large customers elsewhere in the state. Because there are no local electrical generation facilities to receive the electrical power generated by these solar farms, County electrical consumers do not directly monetarily benefit from the location of these energy sources.

Due to continued emphasis on the development of sources of renewable energy and the County's supply of large tracts of reasonably priced agricultural land and existing electrical distribution infrastructure, the County continues to be a prime location for potential solar energy facilities. As the number of these facilities increases, there is also an increasing number of concerns expressed by members of the community on the potential loss of agricultural lands, visual impacts, use of toxic materials in the panels, the potential for groundwater and soils contamination, and decommissioning criteria for returning the site to its pre-existing conditions.

Because of the size of such uses, a solar facility can change the character of an area and the nature of and suitability of that area for future development. The

Code of Virginia (§15.2-2232) provides for a review by the Planning Commission of public utility facility proposals to determine if their general or approximate location, character and extent are substantially in accordance with the Comprehensive Plan. Based on the priorities established in the *Envisioning the Isle* public forums, the following is a list of potential location considerations for large solar facilities to help ensure their compatibility with the community's future vision:

- Research appropriate target density parameters for future facilities to mitigate the impacts related to the scale of these facilities;
- Set a maximum percent usage of assembled property to mitigate impacts to habitat, soil erosion, and stormwater runoff;
- Require facilities to be located adjacent or close to existing electric transmission lines;
- Require facilities be located outside of DSDs;
- Avoid or minimize impact to prime farmland or farmlands of statewide importance as defined by the USDA and Commonwealth of Virginia, respectively; and
- Facilities should be located outside of the viewshed of any scenic, cultural, or recreational resources (i.e., solar facilities may not be seen from surrounding points that are in line-of-sight with a resource location) or within the Highway Corridor Overlay district.

Solar energy generation facilities are included as a major utility service use type in the County Zoning Ordinance which requires a conditional use permit in all of its zoning districts, except for Planned Development Industrial Park, where it is permitted by right. The County Planning Commission has identified potential requirements that could be included as conditions for a solar farm facility conditional use permit approval. An alternative action would be to add these items to the existing supplementary use criteria for major utility services specific to solar farms in the County Zoning Ordinance.

KEY FACTS AND TRENDS

- **The County has no energy generation or supply facilities, and therefore the community's energy supply and pricing are controlled by forces beyond its direct influence.**
- **Energy conservation efforts can provide insulation from, and reduce the community's vulnerability to, volatile energy pricing.**

Parks and Recreation

Access to parks, recreation, trails, and open space enhances the livability of a community and contributes to the well-being of its residents. These amenities provide a variety of opportunities for residents and visitors to enjoy both active and passive activities, while also helping to preserve open space, wildlife habitat, and natural resources.

During the *Envisioning the Isle* public input process, community members identified a future where a wide variety of recreational opportunities are available through a diverse system of parks, trails, and open spaces. This system would be distributed throughout the community and easily accessible from all neighborhoods. It includes not only developed parks, but open spaces to protect natural resources that the community holds in high regard.

The County's Department of Parks and Recreation manages the community's recreational facilities as well as maintains its parks, open spaces, landscaped areas and grounds for all County-owned property. The Department implements programs, classes and special events, and works with the Isle of Wight County Fair Committee to produce the annual County Fair.

As of the spring of 2019, the County maintains 3,000 acres of parkland, or about 80 acres per 1,000 residents. According to the National Recreation and Park Association, the national average is approximately 10 acres per 1,000 residents. The National Recreation and Parks Association (NRPA) standards are general national standards that local Parks and Recreation Departments use as a general starting point to guide their facility plans. The Department proposed a new master plan in its Fiscal Year 2020 budget. A comparison of how County facilities measure up to NRPA standards is included in the chart.

PLANNING REPORT

APPLICATION:

The application (MISC-11-22) of LaJeune Stone, property owner, for a waiver to Section 3.2.4.A.4 and Section 5.9.1.C of the Subdivision Ordinance to allow a family member subdivision from tax map parcel 06-01-053 on a private right-of-way not built to public standards which serves more than two lots

ELECTION DISTRICT:

D3

LOCATION:

The parcel is located at 7020 Robertson Lane, Smithfield, and is zoned RAC, Rural Agriculture Conservation.

BACKGROUND:

The parcel was established in 1989 and contains approximately nine acres. It fronts on Robertson Lane which is a private road and provides access to Burwells Bay Road (Rte. 621) for at least twenty existing lots. The lot was created around an existing single family residence that was built in the 1950's.

When the property owner's surveyor sent a preliminary survey of this proposed lot for her son, she was notified that the family member provision of the Subdivision Ordinance had been amended, and the proposed lot does not meet the present standards.

DESCRIPTION:

The property owner requests a waiver to Section 3.2.4.A.4 of the Subdivision Ordinance to allow her to create a family member lot on a private road that serves more than two lots, as well as a waiver to Section 5.9.1.C which requires that all streets serving three or more lots be public roads built to VDOT standards.

In November 2021, the Subdivision Ordinance family member standard was amended to allow no more than one (1) lot resulting from a single tract be accessed from a single ingress/egress easement unless approved by the Board of Supervisors upon recommendation from the Planning Commission. The

Subdivision Ordinance also stipulates that all roads, which provide access to three (3) or more lots, must be public roads which meet VDOT construction standards. Robertson Lane is not built to VDOT standards. The proposed lot will be approximately 2,070 feet from Burwells Bay Road, the closest publicly maintained road.

COMPREHENSIVE LAND USE PLAN:

The property is designated RAC, Rural Agricultural Conservation, on the Future Recommended Land Use Map in the Comprehensive Plan. This designation is intended to maintain and conserve rural character and farmlands, and to provide for a full range of agricultural farming activities and related uses with low density residential development. The proposal is consistent with the future recommended land use.

ORDINANCE REVIEW:

Section 3.2.4.A.4, which addresses family member subdivisions, states that no more than one (1) family member subdivision lot may be created from a single tract of land which is accessed from a single easement of right-of-way unless approved by the Board of Supervisors upon recommendation from the Planning Commission.

Section 5.9.1.C states that unless specifically modified in this ordinance, all new streets must be public and improved to comply with the VDOT road and bridge standards.

AGENCY REVIEW:

VDOT has reviewed the request and states that there are no impacts to the state-maintained right-of-way with the proposal. No concerns have been identified by County Departments.

The parcel has been surveyed and approved for installation of a septic system including a primary and reserve drainfield, as required for subdivision approval.

STAFF CONCLUSIONS:

Section 3.2.10.E of the Ordinance lists criteria for a waiver from the Subdivision Ordinance requirements. In order to approve a request for a waiver, the Board of Supervisors shall make an affirmative finding that all of the criteria are met.

1. That granting the waiver will not have an adverse impact on land use compatibility. Staff finds the proposed use is consistent with the residential and rural uses of surrounding properties.
2. That strict adherence to the general regulations would result in substantial injustice or hardship. Staff finds no hardship, because the lot is currently being used for its intended single family residential use.
3. The waiver has not been opposed in writing by the county, VDOT engineer, or health official. VDOT recommends the installation of an entrance at the time of development, but does not oppose the application. The Health Department does not oppose the application.
4. That granting the administrative waiver shall be consistent with the purposes and intent of this ordinance. Staff finds that the purpose and intent of the Ordinance is to promote the orderly development of the County and to protect the public health, safety and welfare by ensuring access by emergency service vehicles.

The proposed new lot will be located approximately 2,070 feet from the closest publicly maintained road. Although Robertson Lane does have a maintenance agreement between the existing property owners, it has come to the attention of staff that only a few of the existing property owners currently coordinate and perform the maintenance activities on a volunteer basis. If these property owners cease to perform these duties, it is a concern of staff that the road will no longer be maintained and the safety of EMS personnel, their vehicles, and their patients would suffer. As more properties are added to this private road, coordination of maintenance activities becomes more complex and less reliable.

STAFF RECOMMENDATION:

Staff recommends denial of the waiver request due to safety concerns due to the degradation of the lane over time with additional homes if not maintained.

ATTACHMENTS:

Description	Type	Upload Date
Waiver Request	Cover Memo	1/8/2023
Location Map	Exhibit	1/8/2023
Enlarged Location Map	Exhibit	1/10/2023
PIC Entrance Robertson Lane	Exhibit	1/8/2023
PIC Proposed Lot	Exhibit	1/8/2023
Subdivision Plat	Exhibit	1/10/2023
Existing Road Maintenance Agreement Dated 1992 and Recorded 1993	Backup Material	1/8/2023

To: Isle of Wight County Central Permitting,

From: LaJeune Stone

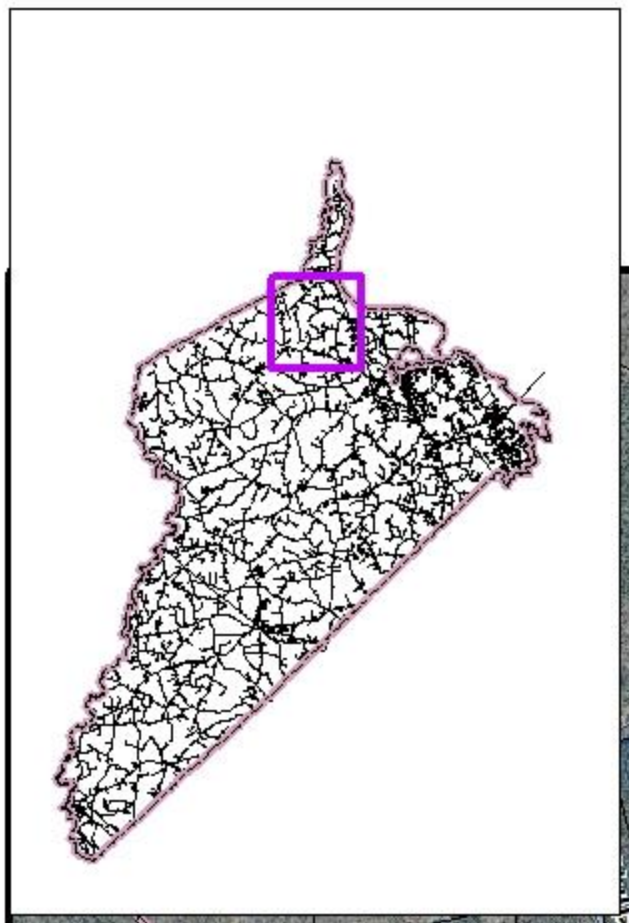
Date: December 4, 2022

Subject: Statement of Reason

I am seeking a family heir subdivision for my son and need an exception to the ordinance.

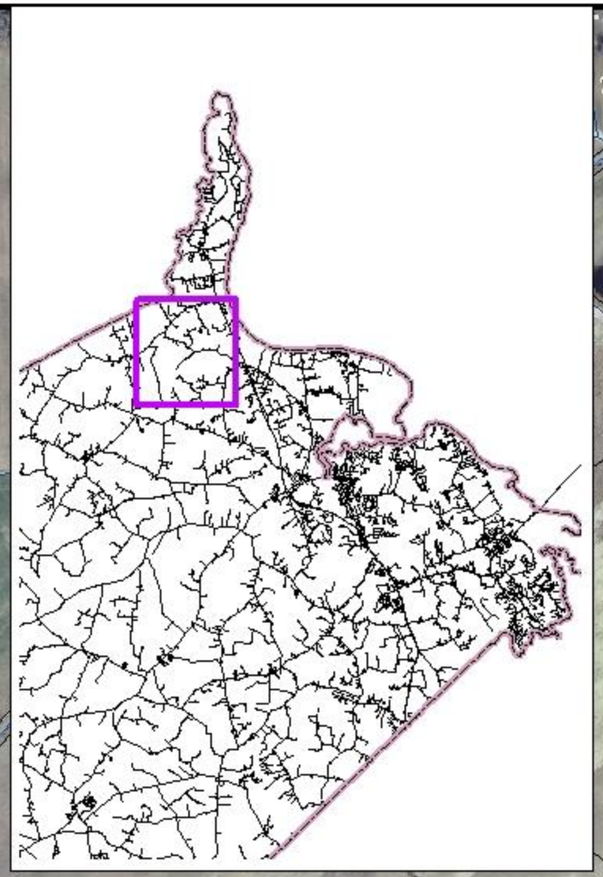
STONE LOCATION MAP
SUBDIVISION ORDINANCE WAIVER
MIS-11-22

ISLE OF WIGHT
COUNTY, VIRGINIA

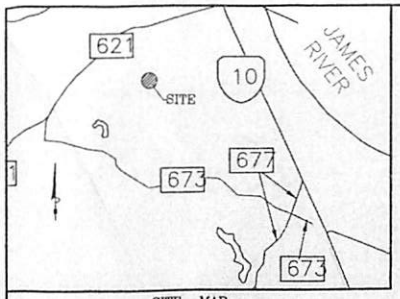


STONE ENLARGED LOCATION MAP
MISC-11-22

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA



ROBERTSON



SITE MAP
SCALE 1"=1000'

LAJEUNE STONE (FATHER) HEREBY CERTIFIES THAT THE SUBDIVISION OF THIS LOT OR PARCEL IS FOR THE SOLE PURPOSE OF SALE OR GIFT TO LEIGHLAND W. STONE (SON) WHO IS A MEMBER OF MY IMMEDIATE FAMILY AS SET FORTH IN SECTION 3.2.4 OF THE ISLE OF WIGHT COUNTY SUBDIVISION ORDINANCE. CONVEYANCE TO ANY OTHER PERSON OTHER THAN THE AFORESAID FAMILY MEMBER OR MEMBERS SHALL BE IN COMPLIANCE WITH SAID ORDINANCE.

THIS SURVEY HAS BEEN COMPLETED WITHOUT THE BENEFIT OF A TITLE SEARCH. THEREFORE, THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD, LAND TRANSACTIONS AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.

THE PROPERTY SHOWN ON THIS PLAT APPEARS TO BE LOCATED IN ZONE "X" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 510303 0066 E, DATED 12-02-2015.

I HEREBY CERTIFY THAT THIS SUBDIVISION WAS MADE BY ME AT THE DIRECTION OF THE OWNER(S) AND THAT THE SUBDIVISION IS ENTIRELY WITHIN THE BOUNDARIES OF THE LAND OWNED BY LAJEUNE STONE, THE LAST INSTRUMENT OF TITLE BEING IN#090002608. I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND ORDINANCES OF THE COUNTY OF ISLE OF WIGHT, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY HAVE BEEN COMPLIED WITH. GIVEN UNDER MY HAND THIS 7TH DAY OF NOVEMBER, 2022.

_____
EDWARD C. "MO" CANADA, III L.S.

LAJEUNE STONE HEREBY CERTIFY THAT HE IS THE OWNER OF THE PROPERTY SHOWN ON THIS PLAT AND THAT THIS SUBDIVISION IS WITH HIS FREE CONSENT AND IN ACCORDANCE WITH HIS DESIRES.

WITNESS MY HAND AND SEAL THIS _____DAY OF _____, 20___.

OWNER _____.

STATE OF _____.

COUNTY OF _____, TO-WIT

SUBSCRIBED AND SWORN TO BEFORE ME _____, A NOTARY PUBLIC IN AND FOR THE COUNTY OF _____, STATE OF _____.

THIS_____DAY OF_____20____.

MY COMMISSION EXPIRES_____.

GIVEN UNDER MY HAND THIS _____DAY OF _____, 20____.

_____
NOTARY REGISTRATION NO. NOTARY PUBLIC

THIS SUBDIVISION PLAT HAS BEEN FOUND TO BE IN CONFORMANCE WITH THE ISLE OF WIGHT COUNTY SUBDIVISION ORDINANCE AND MUST BE RECORDED WITH THE OFFICE OF THE CLERK OF CIRCUIT COURT OF ISLE OF WIGHT COUNTY WITHIN SIX MONTHS OF THE DATE OF APPROVAL. APPROVAL WILL BE DEEMED VOID AFTER SIX MONTHS AND THE PLAT MUST BE RESUBMITTED FOR APPROVAL.

DATE OF APPROVAL:_____, SUBDIVISION AGENT:_____.

DATE OF APPROVAL:_____, VDOT ENGINEER:_____.

TAX PARCEL
06-01-059
NOW OR FORMERLY
EVELYN C. BARLOW
WALTER S. BARLOW REVOC LIVING TRUST
CWF 11-67

TAX PARCEL
06-01-051C
NOW OR FORMERLY
CHRISTOPHER BRINKLEY
IN#210003097
P.C. 2-22-12

TAX PARCEL
06-01-046
NOW OR FORMERLY
WALTER S. BARLOW
EVELYN C. BARLOW TRUSTEES
IN#960004130

PB 14 PG 181

TAX PARCEL
06-01-051
NOW OR FORMERLY
ANNA D. EFFLER
WILLIAM H. EFFLER TRUSTEES
ANNA D EFFLER LIVING TRUST
IN#080002071

TAX PARCEL
06-01-047
NOW OR FORMERLY
EDITH HARRIS MORANT
DB 213 PG 128

T.P. 06-01-053
FORMER AREA 9.487 Ac.
NEW AREA 7.987 Ac.
ZONED RAC

PARCEL 1
AREA 1.50 Ac.
ZONED RAC

WELL & PUMPHOUSE
APPROXIMATE EXISTING DRAINFIELD
DWELLING #7020
PROPOSED DRAINFIELD
GRAVEL DRIVE
GRAVEL DRIVE
TO BURWELLS BAY ROAD
C/L ROBERTSON ROAD IS P/L

AREA TABLE

FORMER AREA OF TAX PARCEL 06-01-053	*9.487 Ac.*
MINUS AREA OF ADDITION PARCEL A	*1.50 Ac.*
NEW AREA OF TAX PARCEL 06-01-053	*7.987 Ac.*

NET DEVELOPABLE AREA (28,000 S.F. MINIMUM)
PARCEL A 1.50 Ac.

FAMILY TRANSFER PLAT
FOR
LAJEUNE STONE
TO BE CONVEYED TO
LEIGHLAND W. STONE
LOCATED AT 7020 ROBERTSON ROAD
HARDY MAGISTERIAL DISTRICT
ISLE OF WIGHT COUNTY, VIRGINIA
SCALE 1"= 60' NOVEMBER 7, 2022

Scale
0 60 120

REFERENCE - IN#090002608, PB 14 PG 181

LEGEND:
- ⊙ – *DENOTES IRON PIN SET*
- ○ – *DENOTES COMPUTED POINT*
- ⌀ – *DENOTES POWER POLE*
- —OHP— – *DENOTES OVERHEAD POWER*
- □ – *DENOTES MONUMENT FOUND*
- (S) – *DENOTES SEPTIC*

COMMONWEALTH OF VIRGINIA
EDWARD C. (MO)CANADA, III
Lic. No. 002846
LAND SURVEYOR

CANADA LAND & MARINE SURVEYING
1212 S. Church Street Smithfield, VA 23430
PHONE: 757-357-2911
DRAWN BY: ECC | JOB #S22-162-1W

SHEET 1 OF 1

BOOK 422 PAGE 796

934070 ROAD MAINTENANCE AGREEMENT

WE the undersigned parties, owners of the property located on Robertson Lane (50' in width and approximately .6 mile to Route 621), Isle of Wight County, Virginia, (which is owned by the County of Isle of Wight but is not maintained by the county) do agree to the following:

WE agree to maintain the above named road in all weather conditions, upon mutual consent of the undersigned and/or their heirs or assigns, until said maintenance is taken over by the County of Isle of Wight, Virginia.

Individuals who are providing maintenance to the roads may continue without legal implications of liability. If at any time monetary expenditures are required the majority of the undersigned property owners must agree to the expense that will be shared equally; the failure of any owner to pay for maintenance costs will not result in a loss of use of the road.

This agreement passes with the property in the event of a change in ownership. All parties participating in this agreement have exclusive and full use of the above named road for ingress and egress.

WITNESS the following signatures and seals this 31st day of July, 1992.

Jeremiah Jefferson
JEREMIAH JEFFERSON (SEAL)
J. JEFFERSON
6270 Robertson Lane

Wilbur J. Robertson
Wilbur Johns Robertson (SEAL)
W. J. ROBERTSON
6301 Robertson Lane

Delorsey Jefferson
Delorsey Jefferson (SEAL)

Glynis Haskins-Robertson (SEAL)
Glynis HASKINS-ROBERTSON

F R Hardy (SEAL) _____ (SEAL)
F R HARDY
6310 Robertson Lane

Leroy Robertson (SEAL) Margaret A. Robertson (SEAL)
LEROY ROBERTSON MARGARET A. ROBERTSON
6315 Robertson Lane

Charles R. Ford (SEAL) Jerrine H. Ford (SEAL)
C. R. FORD JERRINE H. FORD
6324 Robertson Lane

Ralph Robertson (SEAL) Barbara J. Robertson (SEAL)
RALPH ROBERTSON BARBARA J. ROBERTSON
~~6327~~ 6341 Robertson Lane

Luke Robertson, Sr. (SEAL) Mildred Robertson (SEAL)
LUKE ROBERTSON, SR. MILDRED ROBERTSON
6341 Robertson Lane

Luke Robertson Jr. (SEAL) Janet W. Robertson (SEAL)
LUKE ROBERTSON, JR. JANET W. ROBERTSON
6363 Robertson Lane

Randolph Smith (SEAL) Mrs. Gladys Smith (SEAL)
RANDOLPH SMITH GLADYS SMITH
7020 Robertson Lane

W. H. Effler (SEAL) Anna D. Effler (SEAL)
W. H. EFFLER ANNA D. EFFLER
7065 Robertson Lane

COMMONWEALTH OF VIRGINIA,
City/County of Newport News to wit:

I, Ronald Balocki, a Notary Public in and for the City/County and State aforesaid, do hereby certify that J. Jefferson (Jeremiah) and Deloise Y. Jefferson, husband and wife, W. J. Robertson (Wilbur J./Wilbur Jerome) and Glynis Haskins-Robertson, husband and wife, F. R. Hardy, Leroy Robertson and Margaret A. Robertson, husband and wife, C. R. Ford (Charles R.) and Jerrine H. Ford, husband and wife, Ralph Robertson and Barbara J. Robertson, husband and wife, Luke Robertson, Sr., and Mildred Robertson, husband and wife, Luke Robertson, Jr., and Janet W. Robertson, husband and wife, Randolph Smith and Gladys Smith, husband and wife, and W. H. Effler and Anna D. Effler, husband and wife, whose names are signed to the foregoing instrument, have this day acknowledged the same before me in my city/county and state aforesaid.

Given under my hand this 7th day of July, 1992.

Ronald Balocki
Notary Public

My commission expires: 5-31-95

NOTARY PUBLIC NEWPORT NEWS, VA.

VIRGINIA: Clerk's Office of the Circuit Court of Isle of Wight County, This Agreement was received and with the certificate annexed, admitted to record September 30, 1993 at 9:15 o'clock A M. State Tax: $ _____ Local Tax $ _____
Verified and mailed to: Ballard Pasood
10/25/93

TESTE: W. E. Laine, Jr., CLERK, By: Karen R. Mills D.C.

PLANNING REPORT

APPLICATION:

The application of Glenn Development, applicant, and JRC APB, LLC, property owner, for an exception to section 6-2009.L.1 of the Newport Development Service Overlay (NDSO) regulations. The purpose of the application is to allow for an exception to the NDSO requirement that sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas.

ELECTION DISTRICT:

D2

LOCATION:

The property is located on Carrollton Boulevard (Route 17) within the Crossings planned development. The proposed financial institution building will be located on an outparcel of the Crossings on parcel number 34-01-070D2. The property is bounded to the north by another commercial outparcel, to the west by Carrollton Boulevard, and to the east by Lori Ann Way, a private drive aisle which separates the outparcel by the Crossings residential condominiums. To the south, the property is bounded by Crossings Way, another private drive aisle, and another commercial outparcel.

BACKGROUND:

The project site's past uses include forestry and agriculture and is currently vacant. There are no existing structures or environmentally sensitive features on the site. The site is part of the Crossings master planned community which includes a mix of commercial uses and residential use types.

The Crossings development received its initial approval in 2002 and has undergone several revisions to its conditional zoning in the twenty years since this date. The proposed financial institution use with a drive-through will be located on one of the planned commercial outparcels fronting on Route 17 and Crossings Way and is permitted by right.

DESCRIPTION:

The application includes the request for exception to section 6-2009.L.1 of the NDSO regulations that require that sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. The applicant requests a five foot wide sidewalk in these areas in lieu of the eight foot sidewalk normally required, due to the site constraints associated with providing the minimum landscaping, parking spaces and drive aisles required. The applicant proposes to install concrete wheel blocks in the parking spaces adjacent to the sidewalk in order to maintain pedestrian safety. These wheel stops will be placed three feet from the curb to prevent vehicles from hanging over the sidewalk and obstructing pedestrian movement.

COMPREHENSIVE LAND USE PLAN:

The property falls in the NDSO district. The NDSO has initiatives that encourage building design that promote the character and values stated in the district regulations. Architectural guidelines are recommended for nonresidential structures to ensure compatible and positive aspects on the visual experience from the arterial roadways within the district. Buildings should reflect an individual design that considers site location, conditions, intended use, and the character/building mass of the surrounding properties.

ORDINANCE REVIEW:

The property is located within the NDSO and Chesapeake Bay Preservation Area Overlay Districts which carry additional development criteria. Due to its location in the NDSO district, the project must meet enhanced architectural regulations. The regulations are put in place to reduce incompatible and adverse impacts on the visual experience from the highway and provide continuity of site design within the proposed development. The application is requesting for an exception to subsection 6-2009.L.1 of the NDSO Standards found in the zoning ordinance which requires sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas.

For reference, the current Americans with Disabilities Act (ADA) requires a minimum sidewalk with of 36 inches (3 feet). Sidewalks with less than five feet in continuous width excluding the width of curb shall provide a pedestrian passing area a minimum of five feet by five feet at reasonable intervals not to exceed 200 feet. The applicant proposes a sidewalk with a minimum continuous width of five

feet.

When granting an exception the Board of Supervisor must consider the following:

1. Such exception shall be no less beneficial to the residents or occupants of the development , as well as the neighboring property, that would be obtained under the applicable regulation;
2. That the exception is reasonable because of the high level of design and construction that will be incorporated in the development;
3. That the exception will result in design and construction that is in accordance with accepted engineering and building standards

AGENCY REVIEW:

The site plan for this application is currently under technical review with the Stormwater, Building, and Planning and Zoning Departments.

STAFF CONCLUSIONS:

Based on an analysis of the project, staff identified the following strengths and weaknesses for the proposed uses:

Strengths:

1. The proposed use is consistent with the County's future recommended land use plan;
2. The proposed uses will generate additional employment opportunities and tax revenues necessary to fund future public services and facilities; and
3. The proposed business will provide additional local services to community members.

Weaknesses:

1. The proposed exception will result in a sidewalk width less than the minimum required by the NDSO district.

Staff's analysis of the project finds the criteria for granting the exception are met due to the proposed use of the property will not generate the volume of pedestrian traffic similar to a shopping center, the minimum ADA sidewalk width requirements will be met, and pedestrian safety will be maintained by the installation of concrete wheel blocks three feet from the sidewalk in the parking area.

-

STAFF RECOMMENDATION:

Based on the analysis above, staff recommends approval of the exception request.

ATTACHMENTS:

Description	Type	Upload Date
Application	Backup Material	1/17/2023
Project Narrative	Backup Material	1/17/2023
Exception Reason Statement	Backup Material	1/17/2023
Site Plan	Backup Material	1/17/2023
Property Location Map	Backup Material	1/17/2023
Future Land Use Map	Backup Material	1/17/2023
Zoning District Map	Backup Material	1/17/2023

Local Roots, Global Reach

ISLE OF WIGHT
COUNTY, VIRGINIA

DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR EXCEPTIONS AND MISECLLANEOUS APPEALS

A. APPLICATION FOR (CHECK ALL THAT APPLY):

[ ] Chesapeake Bay Preservation Area Ordinance Exception

[X] Newport Development Service Overlay District Exception
REDUCTION OF 8' SIDEWALK REQUIREMENT
ALONG PUBLIC PARKING AREAS

[ ] Highway Corridor Overlay District Exception

[ ] Signage Exception

[ ] Subdivision Ordinance Waiver or Appeal

[ ] Other (please list) _____

The proposal is a request to Section (s) 6-2009.L of the Chesapeake Bay Preservation Area Ordinance, the Isle of Wight County Zoning Ordinance, or the Isle of Wight County Subdivision Ordinance.

Proposed Use or Activity: COMMERCIAL - FINANCIAL INSTITUTION

B. PROJECT DESCRIPTION:

Project Name: SITE PLAN FOR LANGLEY FEDERAL CREDIT UNION AT THE CROSSINGS

Property Address (if any): CARROLLTON BLVD., CARROLLTON, VA 23314 (AT THE CROSSINGS)

Comprehensive Plan Designation: MIXED USE

The exception will apply to 0.024 acres out of 1.453 total acres

Tax Parcel Identification # 34-01-070D2 Number of acres to be effected: 1.453

Proposed Utilities (check all that apply): Public Water X Private Well _____

Public Sewer X Private Septic _____

NOTICE: THE ATTACHED CHECKLIST MUST BE COMPLETED, CERTIFIED, AND SUBMITTED OR THE APPLICATION WILL BE CONSIDERED INCOMPLETE.

Remit Application to: Isle of Wight County Central Permitting, 17140 Monument Circle, Suite 100
P. O. Box 80, Isle of Wight, Virginia 23397

12/15/22

Applicant Signature **Date**

Owner Signature *if different* **Date**

FOR OFFICE USE ONLY:

Complete Application Received On:_____ Fees Paid: _____
Tax Query: [ ] Current [ ] Delinquent Distribution Date: _____
Posted/Date to Post: _____

AGENCIES REFERRALS:

_____Department of Conservation & Recreation
_____Economic Development
_____Emergency Services
_____General Services
_____Environmental Planner
_____Health Department
_____Transportation Manager
_____Commission of Revenue
_____Other _____

_____Inspections
_____Sheriff's Office
_____Town of Smithfield
_____Town of Windsor
_____VDOT
_____Schools
_____Budget & Finance
_____County Attorney

Verified By:_____Date: _____

Revised August 13, 2014

COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS

Applicant Glenn Development

Address 4220 Whaleyville Boulevard
Street

Suffolk, Virginia 23434
City State Zip

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
Carrollton Blvd, Carrollton, VA 23314 (At the Crossings)	GPIN: 34-01-070D2

OTHER OWNERS OF AFFECTED REAL ESTATE

(Not Required for Corporation whose stock is traded on a national or local stock exchange or having more than 500 shareholders.)

Name of Individuals Corporation/Partnership Business Association	Address

Does any member of the Isle of Wight County Planning Commission or governing body have any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust, or whether a member of the immediate household of any member of the Planning Commission or governing body has any such interest? Yes (No)

If yes, names of members:

I do solemnly swear that the foregoing statement(s) and attachments(s), if any, are complete, correct and true.

Applicant: C Kevin Glenn Applicant: _____ Date: 12/15/22
Printed or Typed Name Signature

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Deborah K Gayle,
A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia this 15 day of Dec, 20 22.

Deborah K Gayle
Notary Public

My Commission Expires 4/30/24

DEBORAH KING GAYLE NOTARY PUBLIC REG. #190250 MY COMMISSION EXPIRES 4/30/24 COMMONWEALTH OF VIRGINIA

ISLE OF WIGHT
COUNTY, VIRGINIA

SUBMITTAL CHECKLIST FOR EXCEPTION APPLICATIONS

In accordance with Section 5002, *Exceptions*, of the Chesapeake Bay Preservation Area Ordinance, and in accordance with Section 6-1015, *Exceptions*, Section 6-2011, *Exceptions*, and Section 9-1013, *Exceptions*, of the Isle of Wight County Zoning Ordinance, the following information shall be submitted for an exception application. Please note that it is the applicant's responsibility to ensure that the application is in compliance with all Federal, State and County regulations.

No application for an exception shall be certified as complete unless the following information and minimum number of copies are provided, unless the number of required copies is reduced by the Zoning Administrator:

☒ 1. Ten (10) copies of the original, executed application and one (1) original executed application. Both the applicant(s) and the property owner(s) must have their signature(s) notarized on page 2 of the application.

☒ 2. The appropriate fees have been submitted with the application. Checks should be made payable to: Treasurer, Isle of Wight County.

☒ 3. Ten (10) copies of a statement of the reasons for seeking such exception.

☒ 4. Ten (10) copies of a narrative description of the property which shall include the Tax Parcel Identification Number.

☒ 5. One (1) copy of the most recent deed(s) for the property(s) associated with the application.

☒ 6. A concept plan of the site to show all existing and proposed physical improvements and such other information as is necessary to clearly indicate to the reviewing body that adequate provisions have been made for compliance with all standards for that particular use, the extent of the property to be so used on a given parcel or parcels, and information defining the requested exceptions. The plan shall be prepared by the appropriate authorized design professional licensed to practice in Virginia. No person shall prepare or certify design elements of site plans which are outside the limits of their professional expertise and license. Such document shall be drawn to scale and shall include the following information:

- A vicinity map at a scale of no less than one (1) inch equals two thousand (2,000) feet
- Title of drawing
- Date of drawing
- Existing wood line
- North arrow
- Scale bar
- Current zoning of parcel(s), including tax map number(s) and owner(s)
- Current zoning of adjacent parcel(s), including tax map number(s) and owner(s)
- Street names including route number and width(s) of the right-of-way(s)
- Ten (10) full size copies, with one (1) reduced 11-inch X 17 inch copy shall be submitted
- Please note that additional information on the site layout may be requested by the Zoning Administrator during the review process in order to more effectively review the application and prepare the staff reports for the appropriate reviewing body.

N/A

☒ 7. **<u>For CBPA Exception applications</u>, a major water quality impact assessment which meets the criteria in Section 4003 of the Chesapeake Bay Preservation Area Ordinance must be submitted at the time of application.**

☒ 8. Such other information as may be necessary to demonstrate compliance with all other applicable federal, state and County standards and regulations.

☒ 9. All real estate taxes must be paid and current at the time of submittal; otherwise, the submittal will be refused at the counter. Proof of the most recent tax payment to the County must accompany the application.

I, the undersigned, certify that this application is complete, accurate and contains all required and requested information, documents and other submittals, and that all statements made herein are, to the best of my knowledge, true and correct. I further certify that I have exercised due diligence to obtain the most recent, complete and correct information available. I understand that any section not completed in its entirety may delay processing of this application.

C. Kevin Shaw
Printed or Typed Name

Signature

12/15/22
Date

AES
CONSULTING ENGINEERS

816 Greenbrier Circle, Suite F
Chesapeake, Virginia 23320
Phone (757) 410-7436
Fax (757) 220-8994
aesva.com

Exception Statement

Site Plan (SP-16-22) – Parcel ID: 34-01-070D2
Langley Federal Credit Union – Carrollton Blvd, Isle of Wight County

In accordance with the Isle of Wight County Zoning Ordinance, this application is requesting an exception to provide five (5) feet of sidewalk along public parking areas instead of providing the required eight (8) feet as stated in section 6-2009. L.

Due to site constraints associated with accommodating parking zones, foundation zones and landscape buffers, this site cannot provide eight (8) feet of sidewalk along the façade of the proposed building. Instead, the site will provide a five (5) foot sidewalk section which will abut the proposed public parking area. In order to maintain safe pedestrian access to the sidewalk, the site plan has proposed the use of concrete wheel stops within the parking area. These wheel stops will be place 3' off all vertical obstructions (curbs) and will prevent vehicles from hanging over the sidewalk and obstructing pedestrian movement. This configuration should replicate the apparent function of an eight (8) foot sidewalk section without encroaching on the other zone and buffer requirements associated with the site.

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Parcel ID: 34-01-070D2

Project Narrative

Site Plan

Langley Federal Credit Union – Carrollton Blvd

Project Description:

This project is the construction of a Langley Federal Credit Union on a 1.45 AC. parcel located at the crossings in Carrollton, Isle of Wight County, Virginia. This project will include the construction of infrastructure such as the parking area, utility laterals, and drainage inlets and pipes.

Existing Site Conditions:

The project property is a total of 1.45 acres. The project property soil composition consists of 100% Myatt Fine Sandy Loam. The site topography within the property ranges from elevation 22 to elevation 14 at the bottom of the BMP located onsite, with the site draining primarily towards the BMP located at the front of the parcel parallel to Carrollton Blvd. This property parcel is currently undeveloped and deforested located at the crossings in Carrollton, Isle of Wight County, Virginia. The existing structure for sewer is a 6" sanitary cleanout located in the top left corner of the property along Lori Anne Way. Storm structures are in the right of ways of Crossings Way and Lori Anne Way, outfalling to the BMP that is onsite. This parcel has no historical or architectural significance. This parcel has no environmentally sensitive lands on it. The proposed entrance will come off Lori Anne Way and the main Road connection is US Route 17 Carrollton Boulevard (Variable Width R/W). Emergency vehicle access can circumnavigate the property using Lori Anne Way and Crossings Way. A Fire hydrant is located at the intersection of Lori Anne Way and Crossing Way.

Proposed Stormwater Conditions:

The proposed grading and stormwater system will still take runoff water to the BMP, located parallel to Carrollton Blvd. However, due to the agreement for the property a maximum of 70% of impervious area onsite was allowed, and after the proposed improvements for the site, the total project impervious area is 67%.

Proposed Site Impacts:

The proposed construction will have no impact on the surrounding schools, recreation, or essential services. The proposed construction will add an essential service in the form of a financial institution namely the Langley Federal Credit Union. The surrounding parcels to the east and west are zoned the same as the project zoning, which is zoned C-GC, the parcel to the north is zoned C-UR, and the parcel to the south is the US Route 17 Variable Width R/W of Carrollton Boulevard. The regional plan for this area is to develop more commercial properties along Carrolton Boulevard like the Langley Federal Credit Union. A 12' public use trail easement is along the banks of the BMP on the project property and an 8' multi-use trail has been proposed along with this project.

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Due to site constraints associated with accommodating parking zones, foundation zones and landscape buffers, this site cannot provide eight (8) feet of sidewalk along the façade of the proposed building. Instead, the site will provide a five (5) foot sidewalk section which will abut the proposed public parking area. In order to maintain safe pedestrian access to the sidewalk, the site plan has proposed the use of concrete wheel stops within the parking area. These wheel stops will be place 3' off all vertical obstructions (curbs) and will prevent vehicles from hanging over the sidewalk and obstructing pedestrian movement. This configuration should replicate the apparent function of an eight (8) foot sidewalk section without encroaching on the other zone and buffer requirements associated with the site.

S:\JOBS\W10367-00- Carrollton Blvd Glenn Development\Engineering\Plans W10367-06 C3 0 GRADING AND DRAINAGE PLAN.dwg Kelvin morales 11/17/2022 10:07 AM

LFCU BUILDING
4,800 S.F.
F.F.E.=23.75'

GRAPHIC SCALE
SCALE 1"=10'

SITE PLAN
FOR
LANGLEY FEDERAL CREDIT UNION
AT THE CROSSINGS
CARROLLTON ISLE OF WIGHT COUNTY VIRGINIA

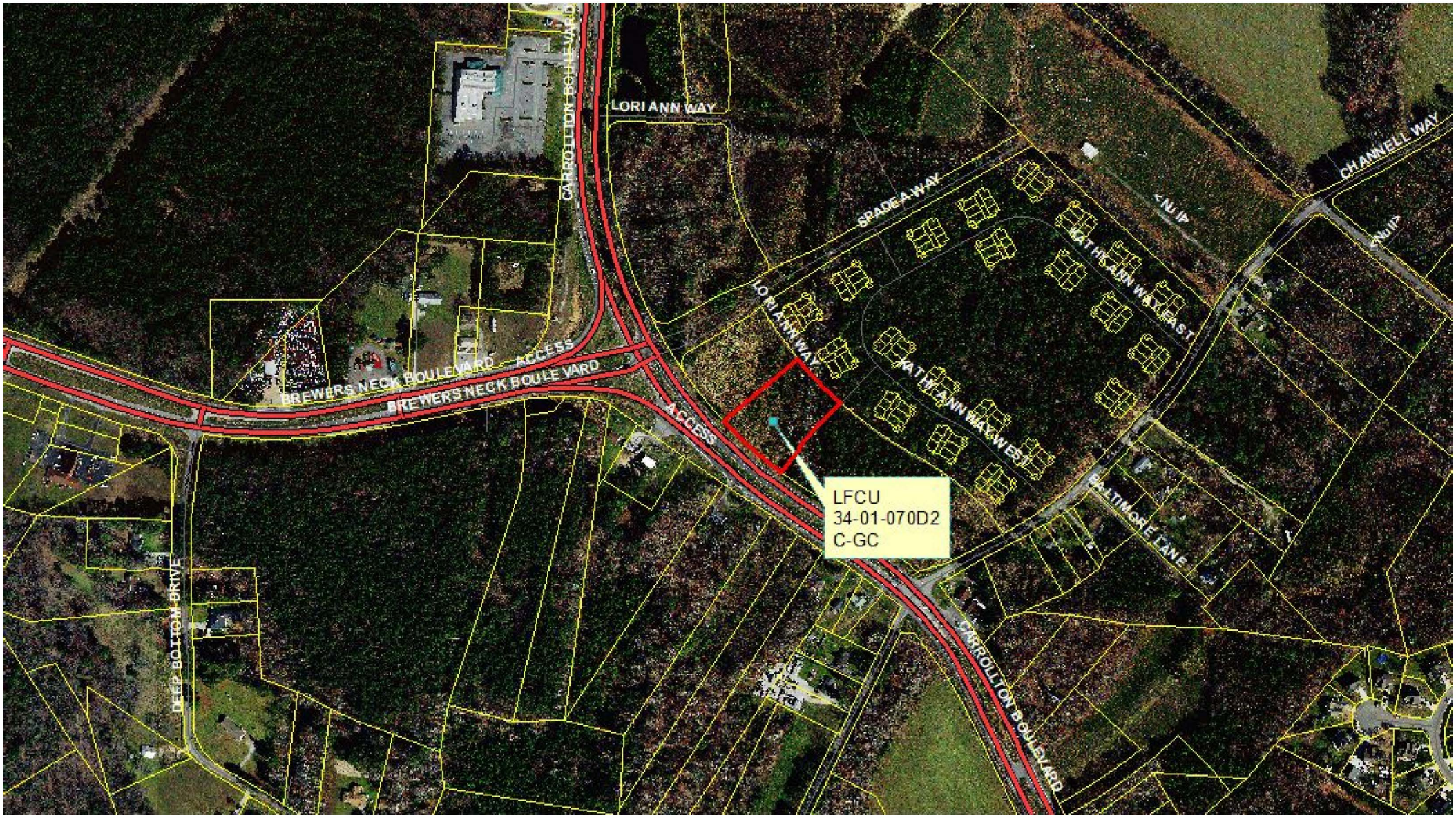
AES CONSULTING ENGINEERS
816 Greenbrier Circle, Suite F
Chesapeake, Virginia 23320
Phone: (757) 416-7436
www.aesva.com
Hampton Roads | Central Virginia | Middle Peninsula

COMMONWEALTH OF VIRGINIA
JASON D. SEAS
Lic. No. 17509
PROFESSIONAL ENGINEER
11/17/2022

Project Contacts
Project Number W10367-06
Scale 1" = 10'
Date 06/22/2022
Sheet Title GRADING AND DRAINAGE PLAN
Sheet Number C3.0

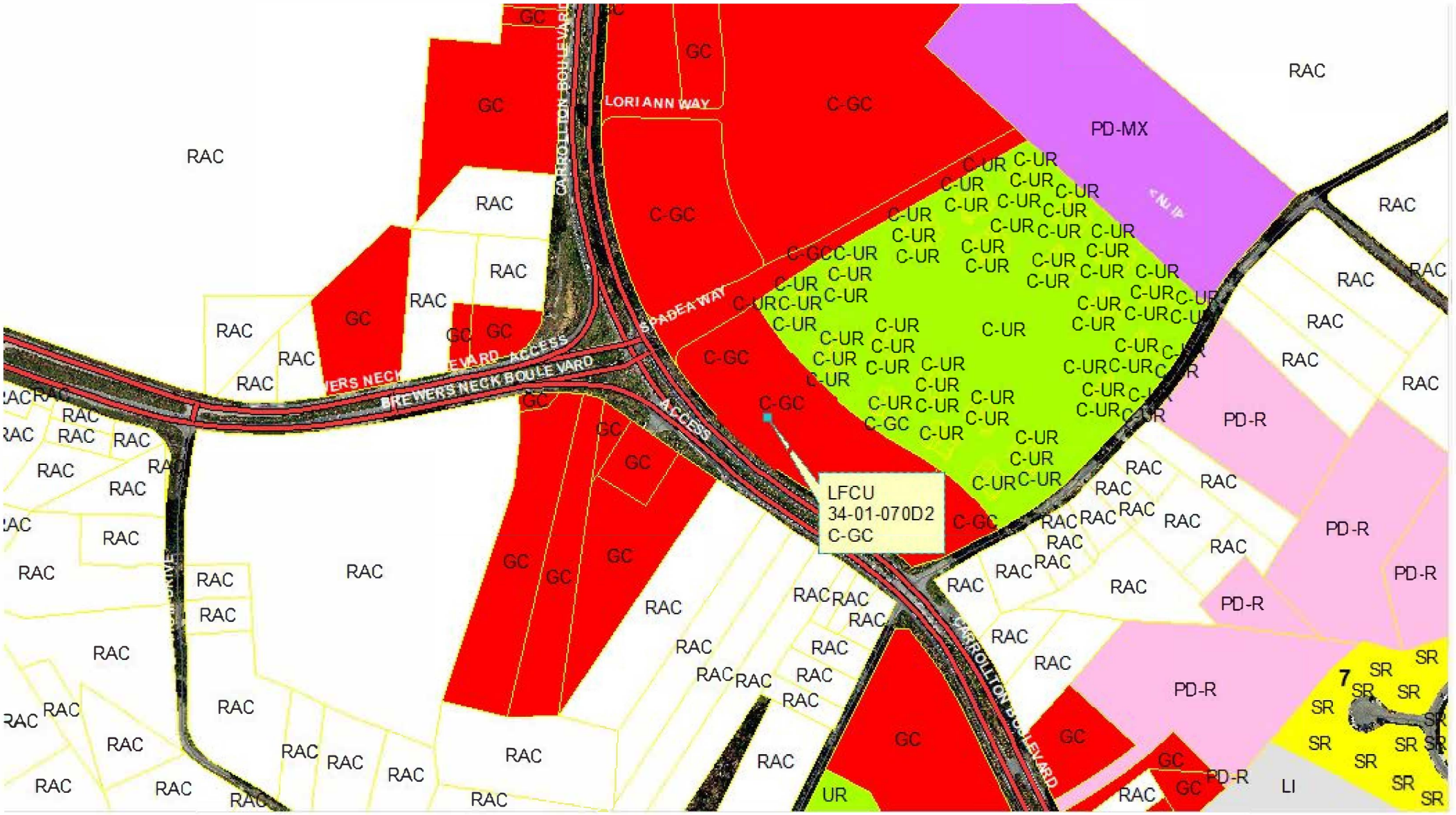
No.	Date	Description	Revised By

ZA-4-22 Langley Federal Credit Union NDSO Exception **Location Map**



ZA-4-22 Langley Federal Credit Union NDSO Exception **Future Recommended Land Use Map**

ZA-4-22 Langley Federal Credit Union NDSO Exception **Zoning District Map**



PLANNING REPORT

APPLICATION:

Application MISC-1-23 of Dana Louise Edwards, George W. Edwards, and Jeanette J. Edwards, property owners for a waiver fron Subdivision Ordinance regarding lot design and configuration

ELECTION DISTRICT:

D5

LOCATION:

The proposed lot contains one acre of land that is part of tax map number 11-01-022 and is located on the west side of Moonlight Road

BACKGROUND:

The applicant submitted a plat with a proposed lot configuration that would result in an irregular shaped lot with a side lot line that followed the northern tree line instead of ext existing side property line. The tree line is not considered a permanent topographical feature. The applicant contends the proposed lot is configured in such a way as to provide a the inclusion of nearby wetlands, and that it is not being configured in order to solely provide additional necessary square footage. The applicant subsequently filed a subdivision waiv

DESCRIPTION:

The applicant is requesting a waiver from Section 5.11.1, "Shape" under Section 5.11, "Lots" of the Subdivision Ordinance which st designed, arranged, and shaped, so that they provide satisfactory and desirable lots for buildings, and be properly related to topography peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.

COMPREHENSIVE LAND USE PLAN:

The property is designated RAC, Rural Agricultural Conservation on the Future Recommended Land Use Map in the Comprehensive is intended to maintain and conserve rural character and farmlands, and to provide for a full range of agricultural farming activities an density residential development. The proposal is consistent with the future recommended land use.

ORDINANCE REVIEW:

Section 5.11.1 of the Subdivision Ordinance states:

"Lots should be designed, arranged, and shaped so that they provide satisfactory and desirable sites for buildings, be properly related to topo to requirements of this ordinance and the zoning ordinance. Lots may not contain peculiarly shaped elongations solely to provide necessary which would be unusable for normal purposes, the only exception to this rule being elongations for use as access within a flag lot. For lots w (60) feet or greater, lot proportions should provide approximately two and one-half (2.5) feet of lot depth for every one (1) foot of lot width.

The proposed lot otherwise meets the minimum lot size, width, and road frontage requirements.

AGENCY REVIEW:

The Health Department states the parcel has been surveyed, approved for installation of a septic system, and primary drainfield, as required. The property is not located within the Area. Therefore, a secondary reserve drainfield is not required.

The Virginia Department of Transportation (VDOT) expressed no concerns with the waiver request.

STAFF CONCLUSIONS:

Section 3.2.10.E of the Ordinance lists criteria for a waiver from the Subdivision Ordinance requirements. In order to approve a re Board of Supervisors shall make an affirmative finding that all of the criteria are met. Below is a list of the criteria with staff's findings.

1. That granting the waiver will not have an adverse impact on land use compatibility.

Staff finds the proposed use is consistent with the residential and rural uses of surrounding properties.

2. That strict adherence to the general regulations would result in substantial injustice or hardship.

Staff finds no hardship, because the parcel is currently being used for its intended use. This proposed one acre lot is to be created thro one acre and subdivision plat approval. It is possible to create a regular shaped lot that meets ordinance requirements from the parent p

3. The waiver has not been opposed in writing by the county, VDOT engineer, or health official.

VDOT does not oppose the application. The Health Department does not oppose the application.

4. That granting the administrative waiver shall be consistent with the purposes and intent of this ordinance.

The purpose and intent of the Subdivision Ordinance is to promote the orderly development of the County and to protect the public hea of its citizens. Staff finds the proposed lot configuration does not promote the efficient use and development of land.

STAFF RECOMMENDATION:

Staff cannot recommend approval of this request, because all necessary criteria to be considered have not been met.

ATTACHMENTS:

Description	Type	U
Waiver Request	Exhibit	1
Location Map	Exhibit	1
Enlarged Location View	Exhibit	1
PC Staff Report	Backup Material	2
PIC of Proposed Lot	Exhibit	1
Subdivision Plat	Exhibit	1

REZONING APPLICATION

Applicants: Dana Louise Edwards, George W. Edwards and Jeanette J. Edwards

Property: Tax Map Parcel 11-01-022

REASONS FOR APPLICATION: The applicants desire to create a residential building lot from the subject tract of land, which will include a single-family dwelling house.

NARRATIVE: The property which is the subject of this application is composed of 40.4 acres. The tract is located on Moonlight Road and has road frontage on Moonlight Road. The property is currently zoned AGR/UNDDEV 20-99 ACR. The last deed in the chain of tile is a deed to the applicants, dated May 7, 2013, recorded as Instrument No. 130004363, a cop of which is attached herewith.

REQUESTED ACTION: The applicants respectfully request that the zoning classification of the property be changed to Rural Residential (RR) to permit the creation of one, 1.00 acre residential building lot. Also, the applicants request that the one acre lot be withdrawn from the Moonlight agricultural district.

WAIVER REQUEST: The applicants request a waiver from the interpretation provisions of Section 5.11.1, Appendix A, Subdivisions, which state "Lots should be designed, arranged, and shaped so that they provide satisfactory and desirable lots for buildings, be properly related to topography, ... Lots may not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes ....." The proposed lot is configured in such a way as to provide a suitable building site and avoiding the inclusion of nearby wetlands. It is not being configured in order to solely provide necessary square footage of area. The proposed lot design is the most practical use of the land given the natural features and constraints.

MISC-1-23
27323

Local Roots, Global Reach

ISLE OF WIGHT COUNTY, VIRGINIA

DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR EXCEPTIONS

A. APPLICATION FOR (CHECK ALL THAT APPLY):

[ ] Chesapeake Bay Preservation Area Ordinance Exception

[ ] Newport Development Service Overlay District Exception

[ ] Highway Corridor Overlay District Exception

[ ] Signage Exception

[X] Subdivision Ordinance Waiver

[ ] Other (please list) _____

The proposal is a request to Section (s) 5.11.1 of the ~~Chesapeake Bay Preservation Area Ordinance, the Isle of Wight County Zoning Ordinance, or~~ the Isle of Wight County Subdivision Ordinance.

Proposed Use or Activity: Proposed Single Family Residence

B. PROJECT DESCRIPTION:

Project Name: Minor Subdivision - Dana Louise Edwards

Property Address (if any): TBD, Moonlight Road, Smithfield, VA

Comprehensive Plan Designation: RAC

The exception will apply to 1 acres out of 1 total acres

Tax Parcel Identification # 11-01-022 Number of acres to be effected: 1

Proposed Utilities (check all that apply): Public Water_____Private Well X

Public Sewer_____Private Septic X

C. **APPLICATION INFORMATION:**

Applicant(s) Name(s): Dana Louise Edwards, George W. Edwards & Jeanette J. Edwards

Address: 11183 Burwells Bay Road

City, State, Zip Code: Smithfield VA 23430

Phone No.: 757-268-8411 Email: deel2011@gmail.com Fax No.: _____

Property Owner(s) Name(s): Same

Address: _____

City, State, Zip Code: _____

Phone No.: _____ Email: _____ Fax No.: _____

Dana Edwards Jeanette Edwards George W. Edwards 2/7/22

Applicant Signature **Date**

_____

Owner Signature ***if different*** **Date**

NOTICE: THE ATTACHED CHECKLIST MUST BE COMPLETED, CERTIFIED, AND SUBMITTED OR THE APPLICATION WILL BE CONSIDERED INCOMPLETE.

Remit Application to: Isle of Wight County Central Permitting, 17140 Monument Circle, Suite 100
P. O. Box 80, Isle of Wight, Virginia 23397

FOR OFFICE USE ONLY:

Complete Application Received On: _____ Fees Paid: _____

Tax Query: [ ] Current [ ] Delinquent Distribution Date: _____

Posted/Date to Post: _____

AGENCIES REFERRALS:

_____ Department of Conservation & Recreation
_____ Economic Development
_____ Emergency Services
_____ General Services
_____ Environmental Planner
_____ Health Department
_____ Transportation Manager
_____ Commission of Revenue
_____ Other _____

_____ Inspections
_____ Sheriff's Office
_____ Town of Smithfield
_____ Town of Windsor
_____ VDOT
_____ Schools
_____ Budget & Finance
_____ County Attorney

Verified By: _____ Date: 01/06/23

COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS

Applicant Dana Louise Edwards, George W. Edwards & Jeanette J. Edwards

Address 11183 Burwells Bay Road
Street

Smithfield VA 23430
City State Zip

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
8263 Moonlight Road	40.4 acres

OTHER OWNERS OF AFFECTED REAL ESTATE

(Not Required for Corporation whose stock is traded on a national or local stock exchange or having more than 500 shareholders.)

Name of Individuals Corporation/Partnership Business Association	Address

Does any member of the Isle of Wight County Planning Commission or governing body have any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust, or whether a member of the immediate household of any member of the Planning Commission or governing body has any such interest? Y Yes Y (No)

If yes, names of members:

I do solemnly swear that the foregoing statement(s) and attachments(s), if any, are complete, correct, and true.

Dana Edwards George W. Edwards Dana Edwards George W. Edwards

Applicant: Jeanette Edwards Applicant: Jeanette Edwards Date: 12/7/22
Printed or Typed Name Signature

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Carol J. Darden,
A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia, this 7th day of December, 2022.

Carol J. Darden
Notary Public

My Commission Expires 7-31-2024

CAROL JEAN DARDEN NOTARY PUBLIC MY COMMISSION NUMBER 7520357 COMMONWEALTH OF VIRGINIA

SUBMITTAL CHECKLIST FOR EXCEPTION APPLICATIONS

In accordance with Section 5002, *Exceptions*, of the Chesapeake Bay Preservation Area Ordinance, and in accordance with Section 6-1015, *Exceptions*, Section 6-2011, *Exceptions*, and Section 9-1013, *Exceptions*, of the Isle of Wight County Zoning Ordinance, the following information shall be submitted for an exception application. Please note that it is the applicant's responsibility to ensure that the application is in compliance with all Federal, State and County regulations.

No application for an exception shall be certified as complete unless the following information and minimum number of copies are provided, unless the number of required copies is reduced by the Zoning Administrator:

☐ 1. Ten ~~(10)~~ 2 copies of the original, executed application and one (1) original executed application. Both the applicant(s) and the property owner(s) must have their signature(s) notarized on page 2 of the application.

☐ 2. The appropriate fees have been submitted with the application. Checks should be made payable to: Treasurer, Isle of Wight County.

☐ 3. ~~Ten~~ 2 (10) copies of a statement of the reasons for seeking such exception.

☐ 4. Ten 2 (10) copies of a narrative description of the property which shall include the Tax Parcel Identification Number.

☐ 5. One (1) copy of the most recent deed(s) for the property(s) associated with the application.

☐ 6. A concept plan of the site to show all existing and proposed physical improvements and such other information as is necessary to clearly indicate to the reviewing body that adequate provisions have been made for compliance with all standards for that particular use, the extent of the property to be so used on a given parcel or parcels, and information defining the requested exceptions. The plan shall be prepared by the appropriate authorized design professional licensed to practice in Virginia. No person shall prepare or certify design elements of site plans which are outside the limits of their professional expertise and license. Such document shall be drawn to scale and shall include the following information:

- o A vicinity map at a scale of no less than one (1) inch equals two thousand (2,000) feet
- o Title of drawing
- o Date of drawing
- o Existing wood line
- o North arrow
- o Scale bar
- o Current zoning of parcel(s), including tax map number(s) and owner(s)
- o Current zoning of adjacent parcel(s), including tax map number(s) and owner(s)
- o Street names including route number and width(s) of the right-of-way(s)
- o Ten (10) full size copies, with one (1) reduced 11-inch X 17 inch copy shall be submitted
- o Please note that additional information on the site layout may be requested by the Zoning Administrator during the review process in order to more effectively review the application and prepare the staff reports for the appropriate reviewing body.

☒ 7. **For CBPA Exception applications, a major water quality impact assessment which meets the criteria in Section 4003 of the Chesapeake Bay Preservation Area Ordinance must be submitted at the time of application.**

☒ 8. Such other information as may be necessary to demonstrate compliance with all other applicable federal, state and County standards and regulations.

☑ 9. All real estate taxes must be paid and current at the time of submittal; otherwise, the submittal will be refused at the counter. Proof of the most recent tax payment to the County must accompany the application.

I, the undersigned, certify that this application is complete, accurate and contains all required and requested information, documents and other submittals, and that all statements made herein are, to the best of my knowledge, true and correct. I further certify that I have exercised due diligence to obtain the most recent, complete and correct information available. I understand that any section not completed in its entirety may delay processing of this application.

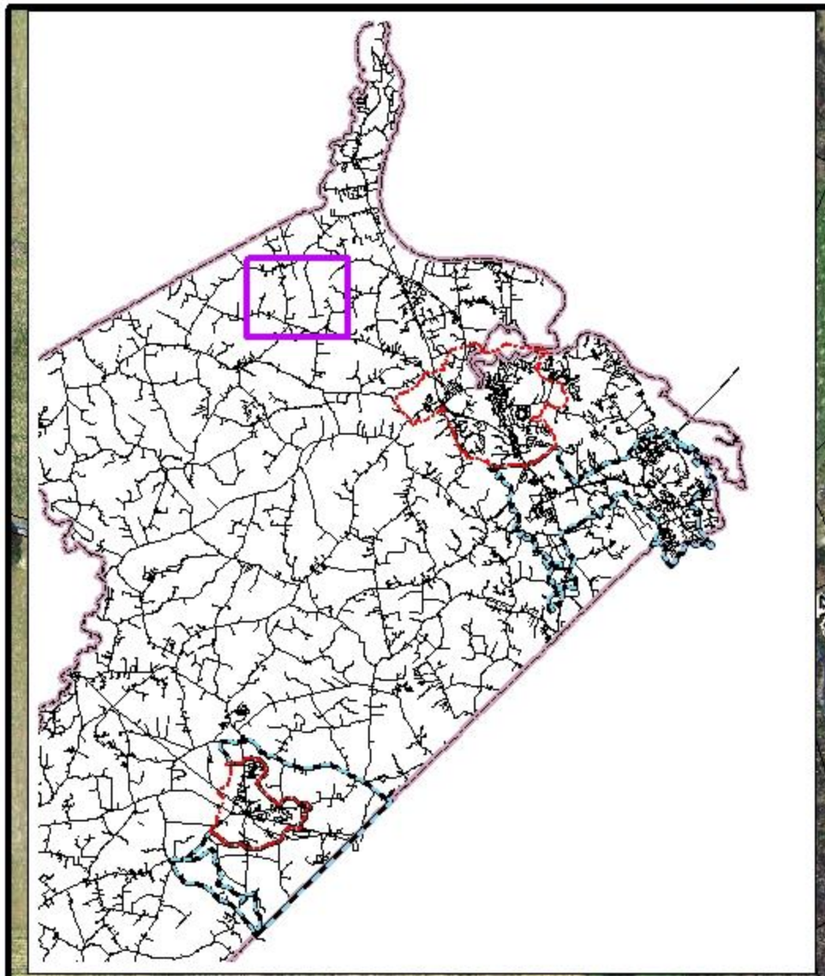
William H. Riddick, III, Attorney
Printed or Typed Name

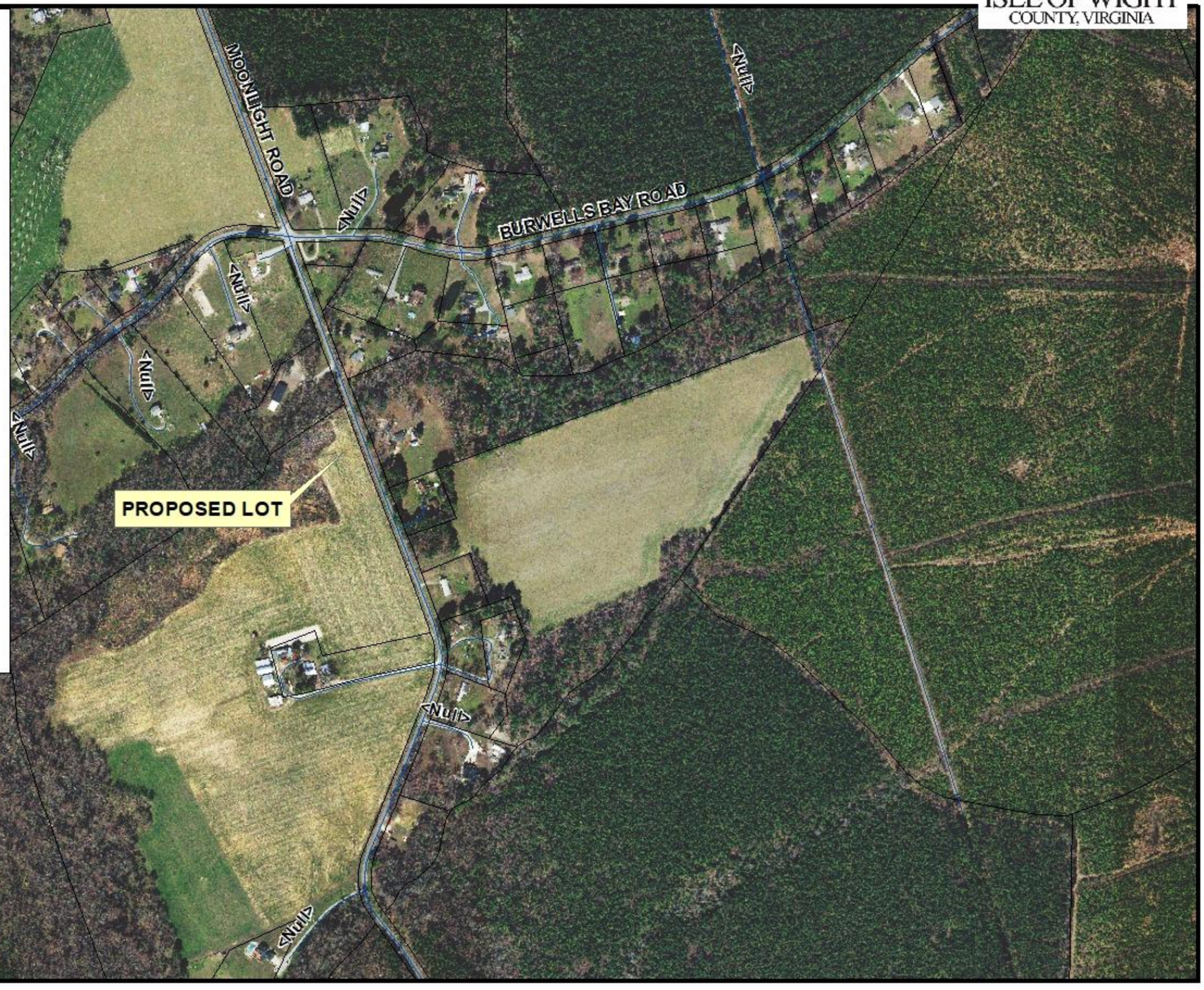
Signature

1-18-2023
Date

ZA-6-22 EDWARDS REZONING LOCATION MAP

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA





Legend

- Road Center Lines
- Parcels
- County Boundary

N

MOONLIGHT ROAD
BURWELLS BAY ROAD
PROPOSED LOT

PLANNING REPORT

APPLICATION:

Application MISC-1-23 of Dana Louise Edwards, George W. Edwards, and Jeanette J. Edwards, property owners for a Subdivision Ordinance regarding lot design and configuration

ELECTION DISTRICT:

D5

LOCATION:

The proposed lot contains one acre of land that is part of tax map number 11-01-022 and is located on the west side of Moo

BACKGROUND:

The applicant submitted a plat with a proposed lot configuration that would result in an irregular shaped lot with a side lot line that followed the northern tree line inste side property line. The tree line is not considered a permanent topographical feature. The applicant contends the proposed lot is configured in such a way as to provide nearby wetlands, and that it is not being configured in order to solely provide additional necessary square footage. The applicant subsequently filed a subdivision waiver

DESCRIPTION:

The applicant is requesting a waiver from Section 5.11.1, "Shape" under Section 5.11, "Lots" of the Subdivision Ordinar designed, arranged, and shaped, so that they provide satisfactory and desirable lots for buildings, and be properly related t peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purpo

COMPREHENSIVE LAND USE PLAN:

The property is designated RAC, Rural Agricultural Conservation on the Future Recommended Land Use Map in the Comp intended to maintain and conserve rural character and farmlands, and to provide for a full range of agricultural farming a density residential development. The proposal is consistent with the future recommended land use.

ORDINANCE REVIEW:

Section 5.11.1 of the Subdivision Ordinance states:

"Lots should be designed, arranged, and shaped so that they provide satisfactory and desirable sites for buildings, be properly conform to requirements of this ordinance and the zoning ordinance. Lots may not contain peculiarly shaped elongations solel footage of area which would be unusable for normal purposes, the only exception to this rule being elongations for use as acce width of sixty (60) feet or greater, lot proportions should provide approximately two and one-half (2.5) feet of lot depth for ev

The proposed lot otherwise meets the minimum lot size, width, and road frontage requirements.

AGENCY REVIEW:

The Health Department states the parcel has been surveyed, approved for installation of a septic system, and primary drainfield, as required. The property is not locate Therefore, a secondary reserve drainfield is not required.

The Virginia Department of Transportation (VDOT) expressed no concerns with the waiver request.

STAFF CONCLUSIONS:

Section 3.2.10.E of the Ordinance lists criteria for a waiver from the Subdivision Ordinance requirements. In order to a Board of Supervisors shall make an affirmative finding that all of the criteria are met. Below is a list of the criteria with sta

1. That granting the waiver will not have an adverse impact on land use compatibility.

Staff finds the proposed use is consistent with the residential and rural uses of surrounding properties.

2. That strict adherence to the general regulations would result in substantial injustice or hardship.

Staff finds no hardship, because the parcel is currently being used for its intended use. This proposed one acre lot is to be one acre and subdivision plat approval. It is possible to create a regular shaped lot that meets ordinance requirements from

3. The waiver has not been opposed in writing by the county, VDOT engineer, or health official.

VDOT does not oppose the application. The Health Department does not oppose the application.

4. That granting the administrative waiver shall be consistent with the purposes and intent of this ordinance.

The purpose and intent of the Subdivision Ordinance is to promote the orderly development of the County and to protect tl of its citizens. Staff finds the proposed lot configuration does not promote the efficient use and development of land.

STAFF RECOMMENDATION:

Staff cannot recommend approval of this request, because all necessary criteria to be considered have not been met.

ATTACHMENTS:

Description	Type
Waiver Request	Exhibit
Location Map	Exhibit
Enlarged Location View	Exhibit
PIC of Proposed Lot	Exhibit
Subdivision Plat	Exhibit

THIS SUBDIVISION OF PROPERTY AS IT APPEARS ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS.

DATE _____ _____ OWNER.

DATE _____ _____ OWNER.

DATE _____ _____ OWNER.

STATE OF VIRGINIA
CITY/COUNTY OF _____ TO WIT:

I, _____, A NOTARY PUBLIC IN AND FOR THE CITY AND THE STATE AFORESAID DO HEREBY CERTIFY THAT THE ABOVE PERSONS WHOSE NAMES ARE SIGNED TO THE FOREGOING WRITING HAVE ACKNOWLEDGED THE SAME BEFORE ME IN MY CITY AND STATE AFORESAID.
GIVEN UNTO MY HAND THIS _____ DAY OF _____, 20 ____.
MY COMMISION EXPIRES _____

_____
NOTARY PUBLIC

I HEREBY CERTIFY THAT THIS SUBDIVISION WAS MADE BY ME AT THE DIRECTION OF THE OWNERS AND THAT THIS SUBDIVISION IS ENTIRELY WITHIN THE BOUNDARIES OF LAND OWNED BY THEM AND THAT STEEL PINS, AS SHOWN ON THIS PLAT BY SMALL CIRCLES, HAVE ACTUALLY BEEN PLACED AND THEIR LOCATIONS CORRECTLY SHOWN AND THAT THE PLAT DETAILS MEET THE STANDARDS FOR PLATS AS ADOPTED UNDER VC 42.1-82 OF THE VIRGINIA PUBLIC RECORDS ACT (42.1-76, ET. SEQ.).
SOURCE OF TITLE AND LAST PLACE OF RECORD: (INSTRUMENT NUMBER - 130004363 RECORDED IN THE CLERK'S OFFICE OF ISLE OF WIGHT COUNTY, VIRGINIA

DATE 10/23/22 F. Hunter Walters LAND SURVEYOR #2551

THIS SUBDIVISION PLAT HAS BEEN FOUND TO BE IN CONFORMANCE WITH THE ISLE OF WIGHT COUNTY SUBDIVISION ORDINANCE AND MUST BE RECORDED WITH THE OFFICE OF THE CLERK OF CIRCUIT COURT OF ISLE OF WIGHT COUNTY WITHIN SIX MONTHS OF THE DATE OF APPROVAL. APPROVAL WILL BE DEEMED VOID AFTER SIX MONTHS AND THE PLAT MUST BE RESUBMITTED FOR APPROVAL.

DATE OF APPROVAL: _____ SUBDIVISION AGENT: _____

DATE OF APPROVAL: _____ VDOT RESIDENT ENGINEER: _____

NOTES:

1. WHERE SEPTIC TANKS ARE TO BE INSTALLED ON INDIVIDUAL LOTS, THERE SHALL BE AN APPROVAL OF THE DRAINFIELD BY THE HEALTH DEPARTMENT AT THE TIME APPLICATION IS MADE FOR A SEPTIC TANK SYSTEM. APPROVAL OF THIS PLAT BY THE PLATTING AUTHORITY DOES NOT INDICATE THAT THE INDIVIDUAL LOT IS SUITABLE FOR APPROVAL OF A SEPTIC DRAINFIELD.
2. THE ZONING OF THIS PARCEL IS "RAC - RURAL AGRICULTURAL CONSERVATION"
3. THE LOT SHOWN ON THIS PLAT IS NOT SERVED BY PUBLIC WATER OR SEWER.
4. NO ZONING PERMIT OR BUILDING PERMIT SHALL BE ISSUED FOR ANY LOT UNTIL A WELL OR WATER SOURCE HAS BEEN APPROVED BY THE COUNTY HEALTH DEPARTMENT.
5. THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.
6. THIS PROPERTY IS NOT LOCATED WITHIN THE CHESAPEAKE BAY PRESERVATION AREA (CBPA).
7. THERE ARE NO WETLANDS LOCATED ON THIS LOT.

THE PROPERTY SHOWN HEREON APPEARS TO BE IN FLOOD HAZARD AREA ZONE X AS SHOWN ON COMMUNITY PANEL NO. 5103C0065 F FLOOD INSURANCE RATE MAP FOR ISLE OF WIGHT COUNTY, VIRGINIA EFFECTIVE DECEMBER 02, 2015.

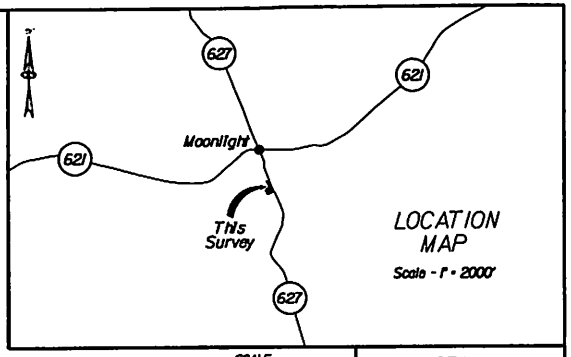
** - 25' DEDICATION OF RIGHT OF WAY FROM CENTERLINE FOR PUBLIC USE

PLAT# 22-148

PLAT
SHOWING MINOR SUBDIVISION OF PROPERTY OWNED BY
DANA LOUISE EDWARDS
GEORGE W. EDWARDS & JEANETTE J. EDWARDS L/E
TO BE CONVEYED TO
JORDAN EDWARDS CHAFFER
LOCATED AT 8263 MOONLIGHT ROAD
HARDY MAGISTERIAL DISTRICT ISLE OF WIGHT COUNTY, VIRGINIA
SCALE 1" = 50' OCTOBER 23, 2022

F. HUNTER WALTERS, JR.
LAND SURVEYOR #2551
306 COLLINS ROAD
SUFFOLK, VIRGINIA
PHONE # (757) 986-4848
HUNTER@ECSURVEYORS.COM

DEED BOOK 316 PAGE 444

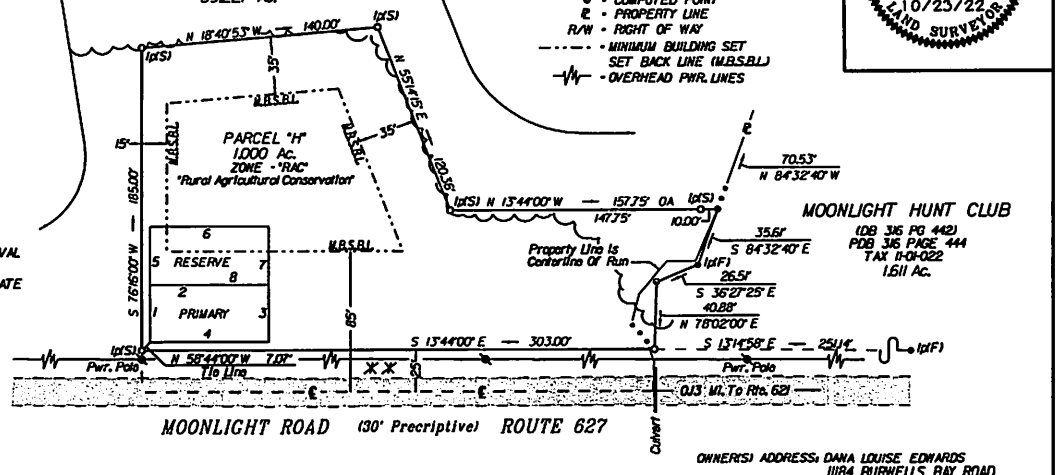


SCALE
0 25' 50' 100'

SEAL
COMMONWEALTH OF VIRGINIA
F. Hunter Walters, Jr.
F. HUNTER WALTERS, JR.
Lic. No. 2551
10/23/22
LAND SURVEYOR

"Residue"
DANA LOUISE EDWARDS
GEORGE W. EDWARDS & JEANETTE J. EDWARDS L/E
(INST# 130004363)
PLAT BOOK 4 PAGE 58
TAX 11-01-022
39.227 Ac.

LEGEND
- o - IRON PIN SET - I(pS) (5/8" X 2' REBAR)
- ● - IRON PIN FD.- I(pF)
- ⊙ - COMPUTED POINT
- ℄ - PROPERTY LINE
- R/W - RIGHT OF WAY
- ---- - MINIMUM BUILDING SET BACK LINE (M.B.S.B.L.)
- -/\/\/- - OVERHEAD PWR. LINES



OBSERVED DRAINFIELD		
#	BEARING	DISTANCE
PRIMARY		
1	S 76°16'00" W	35.0'
2	N 13°44'00" W	70.0'
3	N 76°16'00" E	35.0'
4	S 13°44'00" E	70.0'
RESERVE		
5	S 76°16'00" W	35.0'
6	N 13°44'00" W	70.0'
7	N 76°16'00" E	35.0'
8	S 13°44'00" E	70.0'

ACREAGE TABLE

40.40	Ac. Tax Parcel 11-01-022 (From Tax Records)
- 1.000	Ac. To Lot "H"
- 0.173	Ac. Dedicated From Centerline For Future Widening
39.227	Ac. Residue Tax Parcel 11-01-022
1.000	Ac. Net Developable Area (Lot "H")

NEW PARCEL "H" INCL. 0.000 AC. OF WETLAND CRITICAL AREA

OWNER(S) ADDRESS: DANA LOUISE EDWARDS
11184 BURWELLS BAY ROAD
SMITHFIELD, VIRGINIA 23430
TELEPHONE: (757) 268-8411

OWNER(S) ADDRESS: GEORGE W. EDWARDS & JEANETTE J. EDWARDS
10522 BURWELLS BAY ROAD
SMITHFIELD, VIRGINIA 23430
TELEPHONE: (757) 357-4961

SUBJECT PARCEL: TAX MAP 11-01-022
GRANTOR(S): GEORGE W. EDWARDS
GRANTOR(S): JEANETTE J. EDWARDS
GRANTEE(S): DANA LOUISE EDWARDS
GRANTEE(S): GEORGE W. EDWARDS L/E
GRANTEE(S): JEANETTE J. EDWARDS L/E
DEED DATE: MAY 07, 2013
RECORD DATE: AUGUST 12, 2013
LAND RECORD: INSTRUMENT# 130004363