

**MINUTES OF THE MEETING OF THE ISLE OF WIGHT COUNTY
PLANNING COMMISSION HELD ON THE TWENTY-EIGHTH DAY OF
FEBRUARY IN THE YEAR TWO THOUSAND AND TWENTY-THREE**

CALL TO ORDER

Brian Carroll, Chairman, called the Isle of Wight County Planning Commission meeting to order at 6:04 PM on February 28, 2023, in the Board of Supervisors Room at the Isle of Wight County Courthouse, Isle of Wight, Virginia.

INVOCATION

Commissioner 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
George Rawls
Thomas Distefano
Rick Sienkiewicz
Raynard Gibbs
Matthew Smith

A quorum was determined.

ALSO IN ATTENDANCE

Mandy Rogers, Substitute Council to the Planning Commission
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 Taylor made a motion to move Prairie Solar to the first public hearing item and move the proposed solar ordinance change to the last item. Commissioner Distefano 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 Ford 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:

Application of Prairie Solar, LLC, a subsidiary of Energix, US, applicant, and Everets Properties, Inc., property owner, for a conditional use permit to establish a major utility service, specifically a 20 MWac utility-scale solar facility on 152 acres, located on private property located off of Longview Drive (Route 602) at 19604 Longview Drive with tax.parcel numbers 41-01-018, 50-01-009, 41-01-019, 41-01-017, 50-01-007, and 50-01-006 in the Rural Agricultural Conservation (RAC) zoning district. The properties are agricultural and silvicultural uses and a portion of the property is used as a private hunt club. This request is also for withdrawal of approximately 103 acres of land owned by Everets Properties, Inc., from the Longview AgriculturaVForestal District.

Jeryl Phillips, Assistant Director of Planning & Zoning gave the following presentation.

Prairie Solar Energy Generation Facility
Major Utility Service
Conditional Use Permit Request
CUP-7-22
and
A/F District Withdrawal Request



Planning Commission Regular Meeting
February 28, 2023

SITE DESCRIPTION

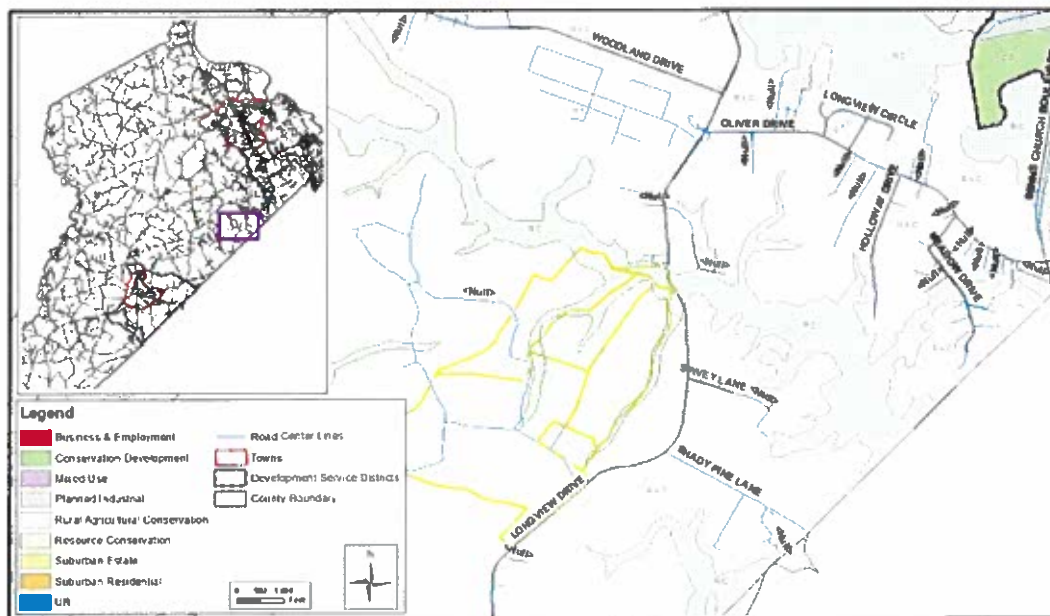
Tax Map ID#:	CUP: 41-01-017, 50-01-009, 41-01-019, 41-01-017, 50-01-007, and 50-01-006 A/F District Withdrawal: 50-01-007 and 50-01-009
Location:	On a private farm lane, west of Longview Drive (Route 602)
Land Use Designation:	Rural Agricultural Conservation (RAC) and Resource Conservation (RC)
Current Zoning:	Rural Agricultural Conservation (RAC)
Election District:	D4
Request:	20 MWac utility-scale solar energy facility and substation on 153 acres



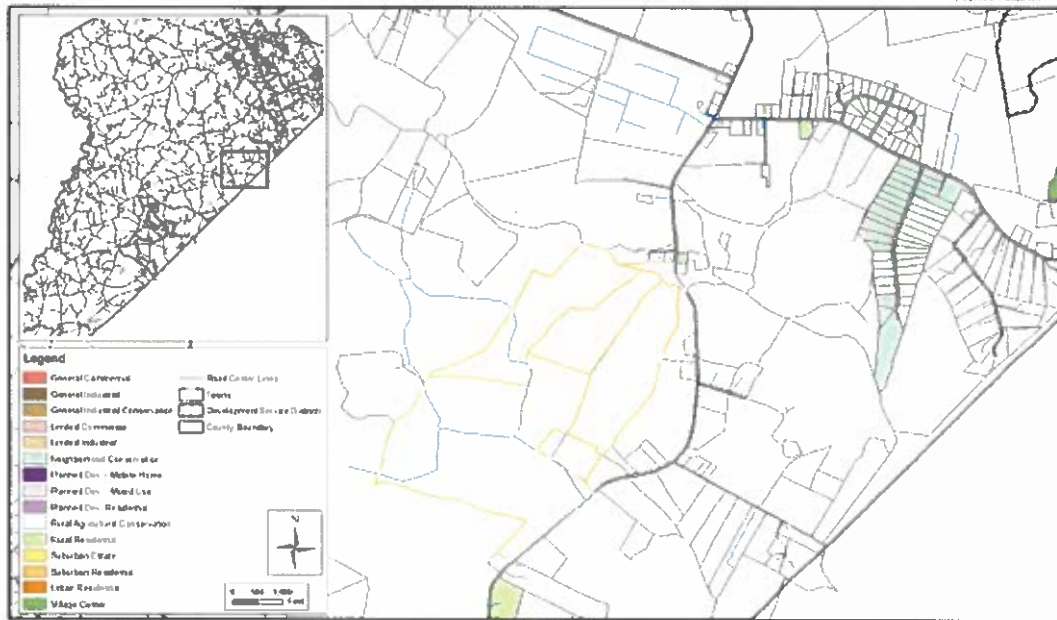
CUP-07-22 Conditional Use Permit - Location Map



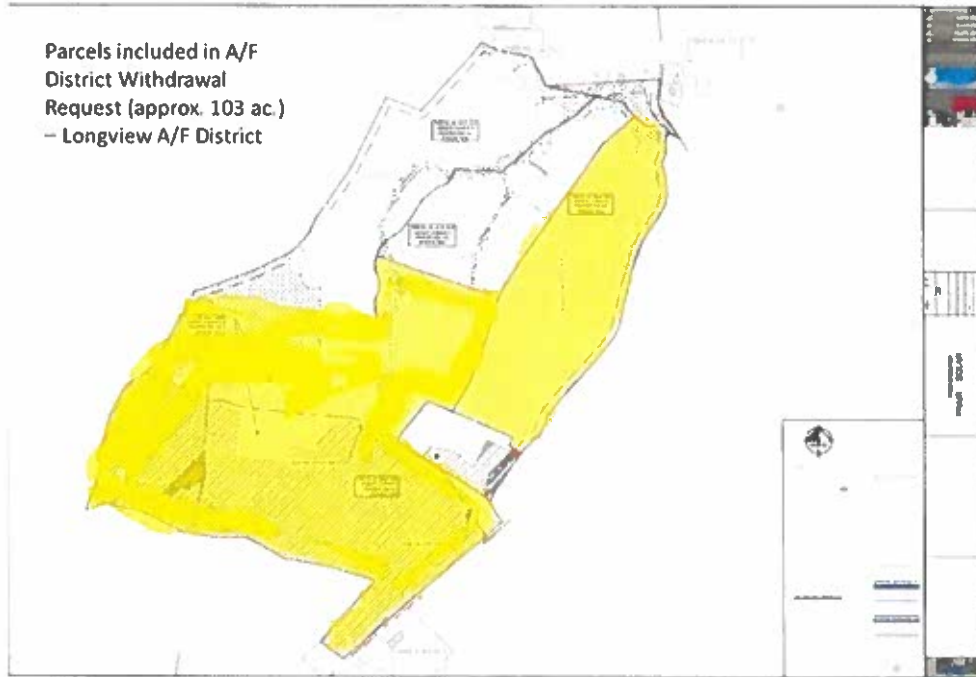
CUP-07-22 Conditional Use Permit - Land Use Map



CUP-07-22 Conditional Use Permit- Zoning Map



Parcels included in A/F
District Withdrawal
Request (approx. 103 ac.)
– Longview A/F District



BACKGROUND

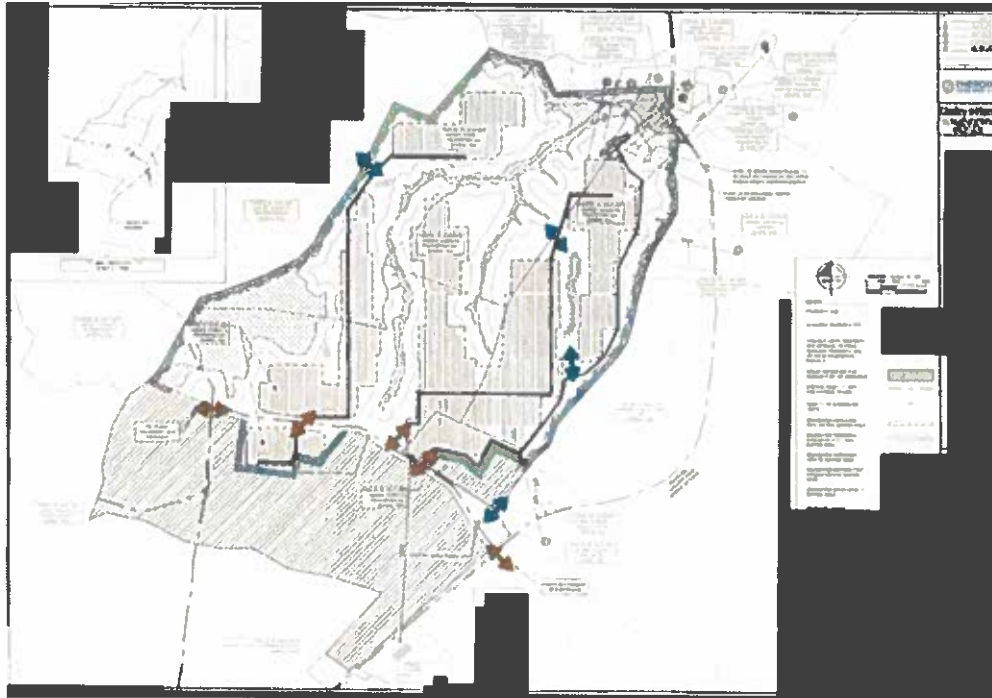
- Currently in agricultural, silvicultural, and hunt club uses
- A withdrawal request of two of the affected parcels, totaling 103 acres, from the Longview Agricultural/Forestal (A/F) District was recommended for approval by the A/F District Advisory Committee on February 1, 2023
- Applicant hosted a community meeting for public informational purpose and Q&A on February 1, 2023 at Christian Home Baptist Church on Longview Drive



PROJECT DESCRIPTION

- 20 MWac solar energy generation facility on a total of 153 acres that spans across 6 different parcels.
- Project area will be leased by the developer with the property owner retaining ownership.
- 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.
- All panels will be manufactured in the U.S. by First Solar.
- Project will include landscaping buffers, RPA Buffer Areas, additional voluntary buffer areas around isolated wetlands, agricultural-style fencing, wildlife movement corridors, and installation of a pollinator habitat.
- Dominion Energy upgrades are necessary off-site along their transmission infrastructure, to and including the main substation at Benn's Church.





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.

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.



STAFF ANALYSIS – PUBLIC FACILITIES

Roads

- Impacts will occur primarily during construction and will be minimal once use is established
- Proposed truck route has been reviewed and approved by VDOT and the County's Transportation Manager, as well as the Department of Community Development, and is a proposed condition of approval.
- Limited to Route 10 in the County and in City of Suffolk, accessing the site on Longview Drive via either Audubon Road in Suffolk to Sandy Ridge Drive in the County turning north on Longview Drive to the site entrance, or via Oliver Drive in the County, turning south on Longview Drive to the site entrance.
- Staff recommends against the use of Sandy Ridge Drive, when possible, due to its narrow width which makes it unable to safely accommodate two-way traffic in most places.
- Route 602 bridge over Chuckatuck Creek is currently under replacement and will no longer be weight-restricted once complete.
- No other County roads will be permitted to be used for construction and post-construction traffic.



STAFF ANALYSIS – PUBLIC FACILITIES (cont.)

Fire/EMS

- Fire/EMS Department has reviewed this application and has no concerns
- Applicant has proposed to submit an Emergency Response Plan with the first submission of the Preliminary Site Development Plan
- Plan shall include a training program to be provided to County emergency responders with regard to safety for on-site emergency response
- Applicant shall install Knox Box or other remote access technology at facility to ensure emergency responders have access to the facility should the need arise



STAFF ANALYSIS – ENVIRONMENTAL RESOURCES

CBPA, Wetlands, Streams, and Floodplains

- Lies within the Chesapeake Bay Protection Area (CBPA) and the Chuckatuck Creek watershed
- Wetland areas will be confirmed by the US Army Corps of Engineers during Preliminary Site Plan review
- Little to no impacts are proposed to wetlands, streams, or floodplains
- No equipment or project activities may occur within the RPA Buffer Area
- The concept plan's access roads have been designed such that no stream crossings or crossings of the RPA Buffer Area are necessary
- Applicant has proposed a 25-foot buffer around all non-CPBA wetland features, which is not a requirement of the CBPA Ordinance



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STAFF ANALYSIS – ENVIRONMENTAL RESOURCES

Threatened & Endangered Species Surveys

- Neither state nor federal listed species are identified on the site
- Determined it is not likely for the proposed solar development to adversely affect documented occurrences of federally-protected or state-listed threatened/endangered species, critical habitat, or other wildlife resources included in the assessment



STAFF ANALYSIS – ENVIRONMENTAL RESOURCES (cont.)

Threatened & Endangered Species Survey

- Applicant requested the Virginia Department of Conservation and Recreation's Division of Natural Heritage (DCR) to search its Biotics Data System for occurrences of Natural Heritage Resources for the area outlined for the project area
- Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations
- DCR found there is a potential for rare amphibians including Mabee's salamander, Tiger salamander, and Barking treefrog to occur in the project area *if suitable habitat exists at the site*
- Due to the potential for this site to support populations of rare amphibians, DCR recommends an inventory for the resources in the study area. With the survey results, DCR states that they can more accurately evaluate potential impacts to natural heritage resources and offer specific protection recommendations for minimizing impacts to the documented resources.



STAFF ANALYSIS – ENVIRONMENTAL RESOURCES (cont.)

Threatened & Endangered Species Survey

- DCR also recommends the development of an invasive species management plan for the project and the planting of Virginia native pollinator plant species that bloom throughout the spring and summer, to maximize benefits to native pollinators. DCR recommends planting these species in at least the buffer areas of the planned facility, and optimally including other areas within the project site.
- For screening zones outside the perimeter fencing, DCR recommends native species appropriate for the region being used. Staff recommends these recommendations as conditions of approval.
- A pollinator habitat will be designed to ensure continuation of natural pollination for the surrounding agricultural use properties
- concept plan shows wildlife movement corridors in several locations, reflecting the current movement of wildlife on the site from/to natural areas. To help ensure such movement opportunities, fencing will be placed around the area proposed to be under panels and not the whole project site.



STAFF ANALYSIS – CULTURAL RESOURCES ASSESSMENT (con't.)

Archaeology

- Report documents an archaeological survey of approximately 316.9 acres
- Six new archaeological sites (44IW0345-44IW0350 inclusive) and three isolated finds were recorded as part of this investigation and were determined not to be eligible for listing in the NRHP.



Local Roots,
Global Reach

STAFF ANALYSIS – CULTURAL RESOURCES ASSESSMENT (cont.)

Archaeology

- VDHR concurs with the eligibility recommendations and that no additional archaeological work is needed within the proposed project area
- The Isle of Wight County Museum also reviewed this report and concurs with the findings and recommendations



Local Roots,
Global Reach

STAFF ANALYSIS – CULTURAL RESOURCES ASSESSMENT (cont.)

Architectural

- The report identified thirty-three (33) resources within 0.5 miles from the edge of the project area boundary
- Four (4) resources are previously recorded and nine (9) are newly identified
- Further research on the [Christian Home School \(DHR ID #04605053\)](#), [church \(DHR ID #046-5247\)](#), [ca. 1937 cemetery \(DHR ID #046-5659\)](#), and [Spivey Farm \(DHR ID #045-5696\)](#) is recommended to determine eligibility for Virginia Landmarks Register (VLR) and NRHP listing



STAFF ANALYSIS – CULTURAL RESOURCES ASSESSMENT (cont.)

Conclusions

- Since no archaeological or architecture features are found within the project area that have been determined to be potentially-eligible for listing on the VLR/NRHP, VDHR determined no further work is needed by the applicant
- Applicant states that they plan to excavate and donate any artifacts found during the Permit by Rule (PBR) process with the Virginia Department of Historic Resources (VDHR) and Department of Environmental Quality (DEQ) to the Isle of Wight County Museum for public display and interpretation, with the consent of the property owner



STAFF ANALYSIS – ECONOMIC IMPACT

- The project improvements will be on property leased or sold by the property owner to the applicant and will provide a diversification of income to Everets Properties, Inc.
- Areas not included within the project area or project area setbacks will continue to be leased for farm use and forestal and hunting activities
- The 40-member Rogers Deer Club has submitted a letter of support for this request, stating that the land proposed for panels is not their primary hunting fields, and the land surrounding the panels will still be available for their use



STAFF ANALYSIS – ECONOMIC IMPACT (con't.)

- According to the applicant's economic impact report, prepared by Magnum Economics in November 2022, the project will include:
 - 152 acres of improvements for solar panels and equipment (35.11% of total parcels area included with this application);
 - 3.89 acres of setbacks (approx. 1% of total parcels area); and,
 - 118.14 acres of wetlands and wetlands setback areas (27.30% of total parcels area).
- The project area will exclude:
 - 122.23 acres of the southern tract (28.13% of total parcels area) to be leased for farm and forestall use (timbering), and hunting activities



STAFF ANALYSIS – ECONOMIC IMPACT (cont.)

Job Creation/Land Conversion Economic Impacts

- Based on the economic analysis report using the IMPLAN model, the proposed Prairie Solar project would provide an estimated:
 - one-time pulse of economic activity to the County during its construction phase supporting approximately 33 direct, indirect, and induced jobs;
 - \$1.4 million in associated labor income; and,
 - \$4.4 million in economic output.
- In its current agricultural use, the land provides an annual economic contribution to the County as follows:
 - The current agricultural use of timberland and a rotation of crops which includes soybeans, corn, cotton, and peanuts provides an estimated average annual economic impact to the County supporting approximately 1 direct, indirect and induced job;
 - \$15,400 in associated labor income; and,
 - \$60,300 in economic output.



STAFF ANALYSIS – ECONOMIC IMPACT (cont.)

Tax Revenue

- The current assessed value of the affected acreage is approximately \$2,604.02 under Land Use Value Taxation, or \$91,141.00 over 40 years, the proposed lifespan of the solar energy facility.
- Independent of a siting agreement, the solar facility would be reassessed to \$15,000.00 an acre times 152 acres, totaling \$2,280,000.00.
- In addition, the County would derive revenue from machinery and tools taxes on the capital facilities at \$42,000.00 annually, or \$2,625,000.00 over 40 years.
- In total, the facility would generate \$3,400,200.00 in additional tax revenue over 40 years.



PROJECT	DEVELOPED AREA (PER CUP)	PRIME FARMLAND/ SOILS OF STATEWIDE IMPORTANCE*	% OF TOTAL PRIME SOILS (rounded)	LOCATION	% OF TOTAL FARMLAND**	TOTAL MW	APPROVAL DATE
Woodland	180 +/-	124	0.1%	Longview	0.2%	20	2015
Solidago	170 +/-	170	0.1%	Redhouse	0.2%	20	2018
Ho-Fel	330 +/-	315	0.2%	Lees Mill	0.4%	55	2019; Amended 2023
Windsor PVI	630 +/-	630	0.52%	Windsor	0.8%	85	2019; Amended in 2021
Cavalier	500	500	0.41%	Hardy	0.6%	240	2021
Noby Run	20	20	0.02%	Osht	0.02%	2	2022
Carver (Proposed)	637	297	0.24%	Windsor	0.8%	71	In Review
Prairie Solar (Proposed)	152	152	0.12%	Longview	0.2%	20	In Review
TOTAL	2,619 +/-	2,208 +/-	1.81%		3.25%	513	

*Prime soils include Prime Farmland, Prime, if Drained, and Soils of Statewide Importance – 122,296 total acres in County

**Total active agricultural lands as of 2017 Census of Agriculture – 80,672 acres

STAFF ANALYSIS – VIEWSHED IMPACT

1. To minimize the visual impacts 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. Landscape screening should have varying heights at maturity, with trees to be planted to no more than 10 feet on center.
3. Staff recommends fencing adjacent to the security fencing surrounding the solar array be an agricultural-style fence as approved by the Zoning Administrator at site plan approval.



1. View at Access Road off Longview Drive (Route 602)

Below images show current view from various points at the access road off of Route 602. From these viewpoints, there is approximately 969 feet from the beginning of the access road to where the project area begins.



Looking south from access road



View from access road across 602



Looking directly at access road

2. Viewshed on Longview Drive (Route 602)

Below images show various viewpoints along Longview Drive. There is a dense existing tree line on an unleased tract. This will provide a buffer between the project and Longview Drive, making the solar facility impossible to see behind the trees. There is approximately 1,160 from these viewpoints on Longview Drive to where the project begins.



View from Longview looking into project.



Prairie Solar located behind existing vegetation.



Looking north on Longview

3. Existing Berm and Bridge (Route 602)

These images show an existing berm located on Longview Drive. This berm will shield the site from view and has approximately 380 feet of dense vegetation from the road to the project fence line. The bridge on Longview Drive has a 5-ton posted weight limit and is under reconstruction to remove the weight-limit restriction.



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.



DEPARTMENT AND AGENCY REVIEW

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

- Economic Development: No concerns
- Commissioner of Revenue: The estimated revenue calculations from either the Machinery & Tools Tax method or the revenue sharing method, should a siting agreement be entered into, is acceptable as presented.
- Environmental Planner: All concerns have been addressed.
- Emergency Services: No concerns, will work with applicant during site plan review on required Emergency Response Plan to include annual training.
- Utility Services: No concerns, site plan will have to meet State Stormwater regulations.



DEPARTMENT AND AGENCY REVIEW

- General Services – Transportation Manager: Adherence to Transportation Plan shall be required. Pre-construction photo documentation of roadway conditions at least 1000 feet of the site entrance on Longview Drive to establish baseline traffic type and roadway conditions should be a condition of approval. Impacts to any roadways used in the County in accordance with the approved Transportation Plan shall be subject to damage claims by VDOT and repair at applicant's cost if proven to be related to applicant's construction truck traffic. Recommend that Transportation Plan limit truck traffic to only two routes: Route 10 in Isle of Wight County via Oliver Drive then south on Longview Drive to the site entrance and/or Route 10 in the City of Suffolk via Audubon Road to Sandy Ridge Road, then north on Longview Drive to the site entrance. No other local routes in Isle of Wight County may be used and no access to such from Route 460 will be allowed.



DEPARTMENT AND AGENCY REVIEW

- County Attorney: Proposed conditions are enforceable.
- Isle of Wight County Museum: If archaeological artifacts are uncovered during project construction, such items may be donated by the property owner to the Isle of Wight County Museum for public display and historical interpretation.
- Virginia Department of Conservation & Recreation (VDCR): Please see attached review comment letter.
- Virginia Department of Historic Resources (VDHR): Please see attached review comment letter.



DEPARTMENT AND AGENCY REVIEW

- Virginia Department of Transportation (VDOT): Adherence to Transportation Plan shall be required. Pre-construction photo documentation of roadway conditions at least 1000 feet of the site entrance on Longview Drive to establish baseline traffic type and roadway conditions should be a condition of approval. Impacts to any roadways used in the County in accordance with the approved Transportation Plan shall be subject to damage claims by VDOT and repair at applicant's cost if proven to be related to applicant's construction truck traffic. Recommend that Transportation Plan limit truck traffic to only two routes: Route 10 in Suffolk via Oliver Drive to Longview Drive and/or Route 10 in Suffolk via Audubon Road to Sandy Ridge Road to Longview Drive. No other local routes in Isle of Wight County may be used and no access to such from Route 460 will be allowed. *The second option is preferred due to the width of the Audubon Road right-of-way.*



DEPARTMENT AND AGENCY REVIEW

- City of Suffolk Department of Planning and City Manager's Office: No comments received.

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.



STAFF ANALYSIS

Strengths:

1. The proposed use is consistent with the County's adopted Comprehensive Plan for the Rural Agricultural Conservation (RAC) future land use designation.
2. The proposed use is consistent with the County's Conditional Use Permit criteria as set forth in the Zoning Ordinance.
3. The applicant and the County, as well as other reviewing agencies external to the County, have proposed conditional of approval which mitigate any issues addressed in the criteria for consideration of issuance of a Conditional Use Permit.

Weaknesses:

1. The proposed site for this use lies within one (1) mile of an existing major utility-scale solar facility.
2. The proposed use would remove agricultural land from production.
3. Temporary impact to residential development in the area from construction traffic and noise is expected during the construction phase.



STAFF RECOMMENDATION

Staff also recommends approval of the CUP with the following 23 conditions and the A/F District Advisory Committee recommends approval of the withdrawal request for two (2) of the parcels comprising approximately 103 acres:

1. The subject property shall be developed in general conformance with the Concept Plan included in the Prairie Solar application as determined by the Zoning Administrator.
2. The portion of the subject property supporting solar panels shall be enclosed by security fencing of a type which 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 while upon approval of the site plan for the project.
3. The applicant shall preserve and maintain both existing forest and vegetation as well as planted landscape buffering within required setback areas and buffer yards and shall not clear or cut live trees within required setbacks or buffer yards without written authorization from the Zoning Administrator.



STAFF RECOMMENDED CONDITIONS 4-6

4. The applicant shall submit an Emergency Response Plan with the first submission of the site plan, 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, at the discretion of the County, to County emergency response staff with regards to safety for on-site emergency response. 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 and include plans for the same on the project site plan.
5. The applicant shall conserve topsoil on the site. Topsoil stockpiled on the site shall be stored out of view from adjacent properties and public roads.
6. The applicant shall reimburse the County for reasonable costs related to retaining such third-party inspectors as deemed necessary for project inspections.



STAFF RECOMMENDED CONDITIONS 7-10

7. The applicant shall submit an invasive species management plan as recommended by DCR with the submission of the final site plan.
8. The applicant will work directly with Isle of Wight County's Chamber of Commerce the Paul D. Camp Community College, and the Economic Development Department to ensure inclusion of local contractors in the bidding process.
9. The applicant shall submit a seed mix for site groundcover that includes native pollinators blooming in spring/summer as recommended by DCR.
10. A sign shall be installed at the entrance of the site with contact information for the facility.



STAFF RECOMMENDED CONDITIONS 11

11. Adherence to the proposed Transportation Plan shall be required. Pre-construction photo documentation of roadway conditions taken within 1000 feet in both directions of the proposed site entrance on Longview Drive shall be undertaken to establish baseline road conditions. Truck traffic shall be limited to only two routes to routes: Route 10 in Suffolk via Audubon Road to Sandy Ridge Road to Longview Drive north to the site entrance until such time as the bridge repair project is completed; then, the truck haul route shall be limited to Route 10 in Isle of Wight or Suffolk via Oliver Drive to Longview Drive south to the site entrance. No other local routes in Isle of Wight County may be used and no access to such from Route 460 will be allowed. Impacts to any County roads and rights-of-way from construction and post-construction vehicles shall be subject to damage claims by VDOT, and repairs shall be undertaken at the applicant's cost based on confirmation by VDOT of such directly-attributable damage.



STAFF RECOMMENDED CONDITIONS 12-13

12. If construction has not begun by August 1 of each ensuing year post-lease or purchase, then the project area shall continue to be managed under prior site cultivation management practices, such as by mowing or cover vegetation. This is to avoid introduction of invasive weed or other species of surrounding cropland owned or leased by others.
13. An enhanced landscape buffer plan proposed on the concept plan exhibit is conceptual only at this time. A detailed landscape plan shall be included with the Preliminary Site Development Plan application for review and will require approval by the Zoning Administrator as part of final site plan approval. At a minimum, a double- or triple-staggered row of evergreen and deciduous trees and shrubs that are designed to form an effective landscape screen at full maturity will be a required design. Trees shall be planted no more than ten (10) feet on center.



STAFF RECOMMENDED CONDITIONS 14-16

14. 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.
15. 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.
16. Due to the potential for this site to support populations of rare amphibians, an inventory for the resources in the study area is recommended by the Virginia Department of Conservation's Division of Natural Heritage (DCR). With the survey results, DCR states that they can more accurately evaluate potential impacts to natural heritage resources and offer specific protection recommendations for minimizing impacts to the documented resources. DCR also recommends the development of an invasive species management plan for the project and the planting of Virginia native pollinator plant species that bloom throughout the spring and summer, to maximize benefits to native pollinators. DCR recommends planting these species in at least the buffer areas of the planned facility, and optimally including other areas within the project site. For screening zones outside the perimeter fencing, DCR recommends native species appropriate for the region being used.



STAFF RECOMMENDED CONDITIONS 17-20

17. 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.
18. Fencing shall be placed around the solar arrays, inverters, and substation only and not the whole site in order to provide wildlife corridors.
19. In order to minimize the visual impacts to historic, civic, and residential properties, staff recommends that all solar arrays, substations, and others 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 of the project. Inverters shall be setback a minimum of 500 feet from these properties.
20. Hours of operation for construction and post-construction operation shall be limited to Monday through Wednesday and on Fridays, 7:00 a.m. to 6:00 p.m., Thursdays 7:00 a.m. to 6:00 p.m. with no deliveries between 11 a.m. and 1:00 p.m.*, and Saturdays from 7:00 a.m. to 5:00 p.m. No construction is to occur on Sundays by any party involved with the project, including the solar developer, its contractors, and Dominion Energy contractors.

**Requested by Christian Home Baptist Church due to Senior Bible Study and applicant has agreed*



STAFF RECOMMENDED CONDITIONS 21-22

21. As part of the site plan review, the Applicant shall provide documentation that the selected panels and all power-generating equipment onsite are "Tier 1" modules, as established by the most recent "PV Module Tier 1 List" issued by Bloomberg NEF or a similar third-party analysis widely accepted in the solar industry. Additionally, the make and model of the selected panels and all power-generating equipment initially installed and replaced on the site must qualify, for disposal purposes only, as non-hazardous waste under applicable U.S. Environmental Protection Agency tests (e.g., TCLP).
22. No salvage value shall be added to the decommissioning surety bond.



STAFF RECOMMENDED CONDITIONS 23

23. The applicant shall implement a program for the collection of baseline data establishing pre-construction soil conditions for the production of row crops for the agricultural areas within the project area. The program shall establish the relevant characteristics of the topsoil. The baseline data shall be derived from field and laboratory testing of soil conditions, including depth, density and quality from representative locations. Laboratory testing shall be conducted by an accredited laboratory. Parameters for assessing soil quality may include the following: infiltration rate, bulk density, water holding capacity, pH, percent organic matter, cation exchange capacity, Phosphorous/Phosphate (P), Nitrogen (N), and Potassium/Potash (K). After 30 years of operation and again after 35 years of operation, soil conditions shall be determined for the same sampling locations using the same parameters and the results used to plan soil restoration activities. After equipment is removed as part of decommissioning, soil conditions shall be determined for the same sampling locations using the same parameters. Soil restoration activities shall be performed as necessary during operations or decommissioning to return soil conditions to at least baseline conditions. The County will be provided with data of soil conditions within 30 days after the receipt of results.



Chairman Carroll opened the public hearing and invited the applicant to speak.

Allie Ondash, project developer with Energix Renewables, 1201 Wilson Blvd suite 2200, Arlington, VA, introduced Dominica Sink, Director of Project Development, Scott Foster, outside counsel with Gentry Locke, Cynthia Wong, Engineer with Kimley-Horn and Cameron Hucek, Project Analyst. Allie Ondash gave the following presentation.



-  Energix, with headquarters in Arlington, Virginia, is one of the **leading solar energy companies in Virginia**, with 9 operational projects, 6 more under construction in 2023, and many more in various stages of development.
-  Energix is a **long-term partner** for the communities in which we operate. We **site, develop, construct, own and operate** projects through their entire lifecycle which makes us a reliable partner through every step of the process and a unique partner in the market.
-  **Buy American** – We at Energix **are committed to the US market** and source our equipment in the US, namely through our strategic partnership with First Solar, the leading domestic supplier of solar panels.



PROJECT OVERVIEW

Prairie Solar will be located on private property that will:

-  Have a capacity of **20 megawatts**—enough to power approximately 5,000* homes a year.
-  Generate **no pollution, noise, or traffic after construction** and will not place any strain on existing infrastructure.
-  Contribute an estimated **\$3.3 million in additional tax revenue** over the life of the project.
-  Have a useful **lifespan of approximately 35 years**.

* According to the United States Environmental Protection Agency's Avoided Emissions and generation Tool (AVERT) and Greenhouse Gas Equivalencies Calculator



PROJECT OVERVIEW

-  Prairie Solar will be located on six parcels, zoned RAC, owned by Everets Properties, Inc.
-  It is located west of Longview Drive, in the town of Windsor.





PROJECT OVERVIEW



The 6 parcels equal 432.87 acres, but **only 152 acres** will be used for solar panels.



The parcels are currently used for a tree farm, crop growing and hunting. Even with the addition of solar panels, **the land will continue to be used for active timbering, crop production and recreation.**

Parcel ID Number	Total Number of Acres
41-01-018	77.50 acres
50-01-009	211.65 acres
41-01-019	40 acres
41-01-017	5.6184 acres
50-01-007	82.1 acres
50-01-006	16 acres
Total acreage	432.87 acres
Acreage proposed for solar	152 acres

The rest of the acreage will be used for setbacks, vegetative buffers, pollinator plants and wetland protection areas.



LANDSCAPE AND VEGETATION



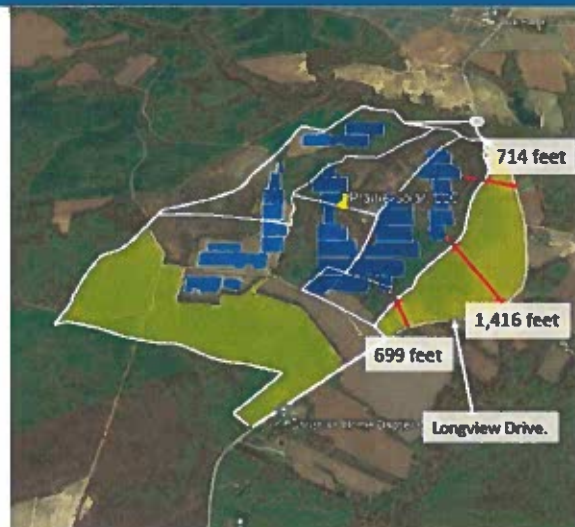
Prairie Solar has worked diligently with the landowner to design the best possible sited location.



Not only is Prairie Solar nestled behind a **dense, existing tree line**, there are large, unleased parcels that separate the project from Longview Drive.



The project will be located between 699 – over **1,400 feet** away from the road, ensuring that any panels and fence will be **100% hidden** from residents traveling along Longview and adjacent neighbors.





LANDSCAPE AND VEGETATION

Prairie Solar is committed to maintaining the rural character of Isle of Wight County.



The solar panels will track the movement of the sun, allowing enough sunlight underneath the solar panels for vegetation to thrive.



We are committed to preserving existing vegetation and planting additional ground cover with native species.



Prairie Solar will maintain a **minimum 75 foot setback** from adjacent properties to mitigate potential visual impacts, with 50 feet of that being a landscaping buffer.



LANDSCAPE AND VEGETATION



Prairie Solar is so well situated away from any public ROW and adjacent landowners, that the only area where landscaping is proposed is in the NW part of the project.

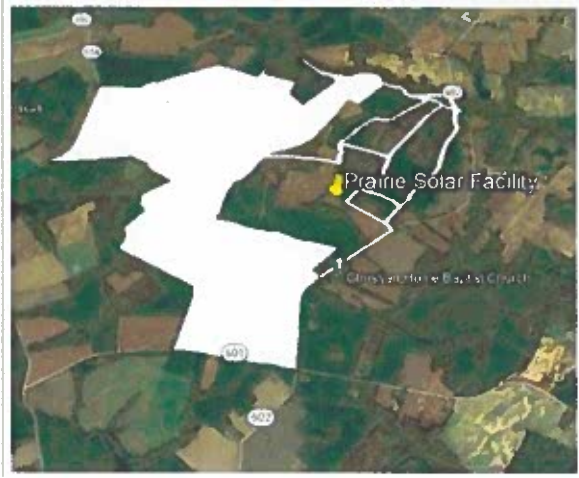


This is important to highlight as the adjacent landowner (where vegetation is proposed) is the same landowner as the parcels under lease.





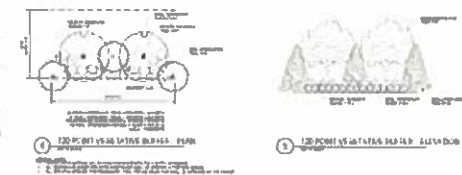
LANDSCAPE AND VEGETATION



In fact, all the property west and south of the proposed site (approximately 809 acres, as shown in the photo to the left) is owned by Everets Properties, Inc – the same landowner that Energix has an executed lease agreement with.



LANDSCAPE AND VEGETATION



- In the area where proposed landscaping is shown, a mixture of non-invasive trees and shrubbery will be planted.
- Fast growing evergreens will be planted, as well as mixture of species to prevent monoculture



VIEW AT ACCESS ROAD



Prairie Solar will utilize the same existing access road as Rogers Deer Club.

Representatives from Energix has been in contact with the President of Rogers Deer Club (a hunting club of approximately 40 members) who wholly support the project and will continue to remain in contact with them throughout the operation of the project.



VIEW AT ACCESS ROAD



Panels located behind tree line, over 1,900 feet away from this picture.





VIEW ALONG LONGVIEW DRIVE



Prairie Solar located behind thick, dense existing vegetation



VIEW ALONG LONGVIEW DRIVE



Prairie Solar located behind thick, dense existing vegetation



VIEW ALONG LONGVIEW DRIVE



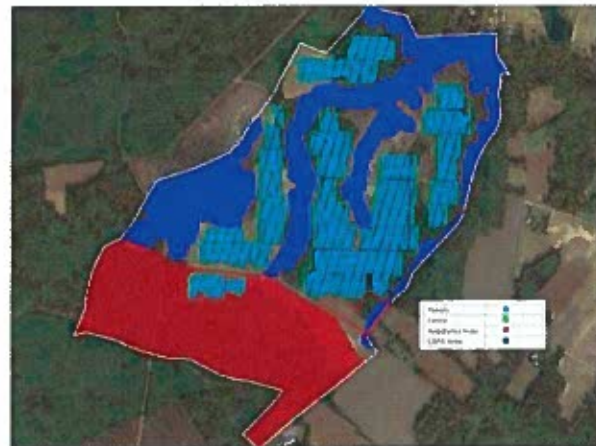
Prairie Solar located behind large berm along Longview Drive.



PRIME SOILS

Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, fiber and crops and that is available for these uses.

- 🌳 Prairie Solar has a disturbance area of approximately 152 acres. Of that 152 acres, 109 acres is listed as prime farmland.
- 🌳 Once the project is decommissioned, the acreage will be converted back to its **prime farmland** use – timbering, crop farming and hunting.
- 🌳 Currently, a total of 77.9 acres, of the 437 acres, is used for active farmland





COMMUNITY OUTREACH

As a long-term owner of our projects, we care about the community where we operate. Prairie Solar is proud of our voluntary community outreach to ensure neighbors and property owners have all the information they need, as well as a direct contact to company representative.

-  Prairie Solar has launched a website to relay important information to the community – www.prairiesolarproject.com – and as a way to gather feedback.
-  On February 1, 2023, Energix representatives went door – to – door to residents owning land adjacent to the site, as well as along Longview Drive.
-  Additionally, a community meeting was held on February 1, 2023 at the Christian Home Baptist Church.
Active communication with the church



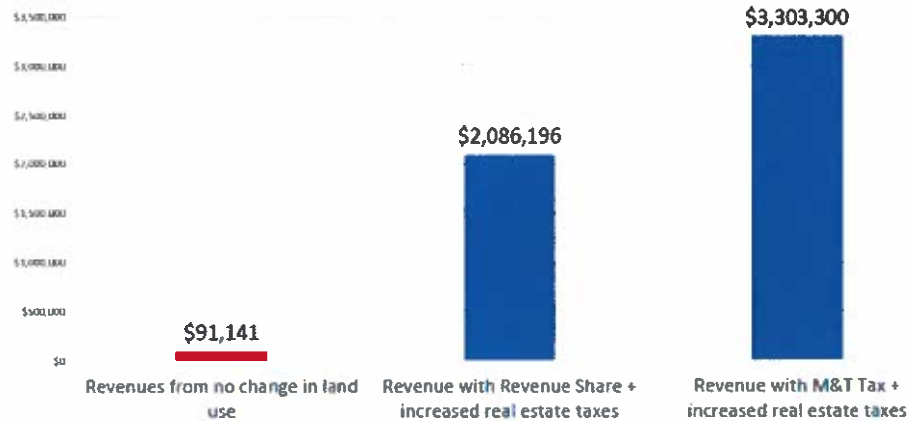
ECONOMIC BENEFITS

-  Energix is a member of the **Isle of Wight Chamber of Commerce** in hopes of identifying local businesses and contractors for construction and maintenance services.
We prioritize hiring local and are hyper-focused on providing a boost to the local county. This project will create approximately 70 well-paying construction jobs and help stimulate the local hospitality businesses.
-  Prairie Solar will deliver significant economic and tax benefits to Isle of Wight County.
Through the revenues generated through county taxes, as well as a siting agreement proposal, the county stands to collect \$3.3 million over the lifetime of the project.



ECONOMIC BENEFITS

Project Revenue Over 35-Year Project Lifespan



DECOMMISSIONING & RECYCLING

- After the end of its lifetime, Prairie Solar will be decommissioned, and **all its equipment will be removed and disconnected**. This includes all the modules, inverters, transformers, wires.
- All efforts will be taken to **return the land to its pre-existing conditions** after removal of the equipment.
- Unlike many other types of development, once **decommissioned, the area will be suitable for other types of development**, including its pre-solar uses. This is a high value, non-permanent land use that does not impact or limit future uses of the land, such as agriculture.





AMERICAN MADE

As part of our commitment to Buy American, Energix has partnered with First Solar, a premium American solar panels manufacturer.

-  American-made equipment, designed to highest safety and quality standards.
-  Technology embraced across the world by the largest power producers and utilities with +200 million panels deployed worldwide, making First Solar the **largest American panel manufacturer**.
-  First Solar is the **only company in the United States** that provides in house recycling capability with the ability to recycle over 90% of the product right in Ohio.
-  First Solar has the lowest carbon and water footprint used in the manufacturing process.

Approximately half of all utility-scale solar capacity in the U.S. in the past decade utilizes First Solar PV panels



FIRST SOLAR CADMIUM TELLURIDE (CdTe) PANEL SAFETY

-  Cadmium telluride (CdTe) is the chosen technology for nearly half of all utility scale solar projects in the US
 - The panels are manufactured in the United States by First Solar, a company with a 30+ year track record of product safety and reliability. The technology is backed by research done by over 50 researchers in more than 10 countries, including a study done by Virginia Tech.
 - Through our supplier partnership with First Solar, we have access to the only established and operational solar panel recycling facility in the United States.
 - Upon being decommissioned, over 90% of the components of First Solar CdTe panels can be recycled and reused. This includes the cadmium component, which can be stabilized and reused as a source of renewable energy for a virtually infinite length of time.





RECYCLING

CIRCULAR ECONOMY: BEYOND WASTE

TYPICAL RECYCLING RATES



~75%



~45%



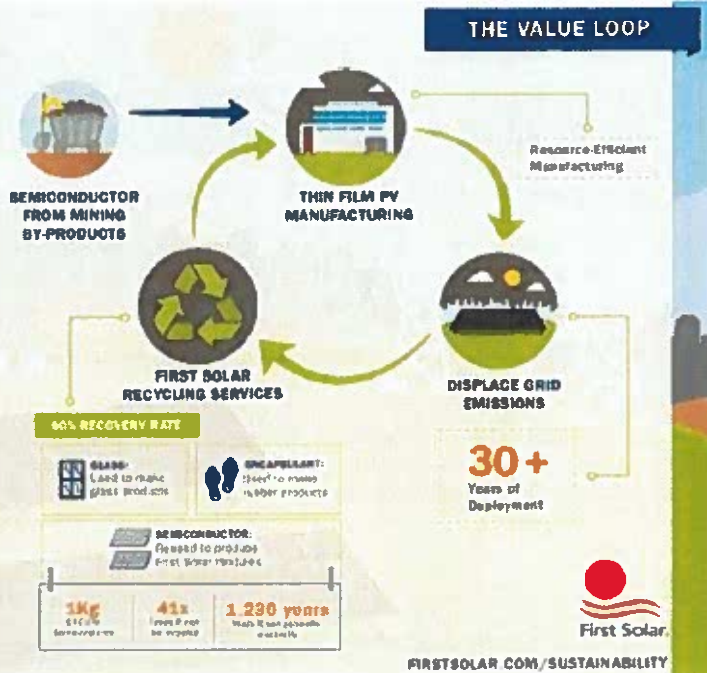
~90%



Once the site is decommissioned, the used panels will be disposed of properly.

The panels will NOT end up in county landfills.

Recycled materials will further the "green" energy cycle:





IN SUMMARY...

- Prairie Solar is a 20MWac solar facility that will be **completely hidden** from neighbors and residents.
- Due to careful and diligent negotiations with the landowner, this site will be nestled behind a dense and existing tree line that will provide **100% visual screening**.
- Through a siting agreement, Isle of Wight County stands to collect **over \$3.3 million** over the next 35 years, compared to just **\$91,000** in that same time frame with no change in land use
- Prairie Solar will utilize its **strategic partnership** with First Solar to procure a vast majority of the equipment, right here in **America**.
- By being the long-term owner of the site, Energix is **committed to be a dedicated and respectful neighbor** in the County.



TIMELINE



Wayne Smith, 7281 Yellow Hammer Road, spoke against the application with concern the County currently doesn't have a working group to investigate hazards and impacts to the County.

Volpe Boykin, 28359 Walters Hwy, stated his opposition to the solar projects in general. Mr. Boykin stated that he has asked solar companies if all the government money was removed from the projects if they would still be continuing. He stated that no one has yet to confirm this. He

believes, if the solar industry was as profitable as they are saying, Dominion Energy would have been installing them long before now.

Robert Black, 20155 Longview Drive, has concerns with construction vehicles traveling on Sandy Ridge Road and the impacts that may bring. Mr. Black also shared that his property contains a Dominion easement and expressed his concern with any work that might be done for connectivity on his property.

Christopher Cavallo, 101 Clipper Creek Lane, Smithfield, spoke against the application and shared concerns with panels and soils health. Mr. Cavallo stated he believed the County should have regenerative agriculture and use the land for its best uses that could produce more tax revenue.

David Tucker, 6251 Old Stage Highway, asked the Planning Commission to not approve this conditional use permit. Mr. Tucker stated the revenue just isn't enough and asked the Planning Commission to not become sympathetic to a developer trying to get the last free tie-in to PJM.

Alexandria Rose, 6301 Everets Road, stated her family has owned the land proposed for Prairie Solar for over one hundred years and is hopeful her family will own it for the next one hundred years. Ms. Rose added that her family has provided land for the County to build a voting precinct and a water tower in addition to land for the regional landfill in Suffolk. Ms. Rose stated the location for Prairie was chosen, because it cannot be seen from the road or residences. Ms. Rose added that Prairie will require few County resources yet create a tax base needed to increase funding to schools, fire and EMS.

Larry Smith, 6262 Mill Swamp Road, spoke against the application asking when will there be enough. Mr. Smith stated he is concerned with the effect it will have on drinking water and property values in the future.

Adrian Manning, 20221 Shady Pond Lane, spoke against the application due to the County not having a task force as promised. Mr. Manning also asked the Planning Commission to look up the material data sheets for the chemicals that could be utilized in solar farm production. Mr. Manning stated the chemical that was talked about tonight has a high cancer risk from prolonged exposure.

Ron Tominich, 130 Holloway Drive, spoke against this application with environmental and infrastructure concerns. Mr. Tominich added he is concerned with groundwater contamination with the metals that may be used and its close proximity to Chuckatuck Creek as his property is on the other side of the Creek. Mr. Tominich shared his concern with the roads impacted and made the comparison to the solar facility under construction in Isle of Wight/Surry County. He also shared some known environmental contamination and asked the Planning Commission to take concern for our future generations and deny funding and support for this project.

Allie Ondash, project developer with Energix Renewables, addressed Mr. Black's concern and stated no work would be done on his property, and the bridge work would be complete once construction for the project started. Ms. Ondash added pollinator gardens would be planted and

hives added to increase the bee population. She stated reasons for downward adjustments to property values include noise, traffic, and odor, none of which come from solar projects. She also added that because of the location of this project behind trees and landscaping, they do not anticipate this project will have any effect on property values. She addressed the concern with cadmium telluride by stating that cadmium telluride is a stable compound with a high boiling point and insoluble in water.

Chairman Carroll closed the public hearing and called for discussion from the Planning Commission members.

Ms. Phillips stated the interconnection to the overhead powerline is internal to the project area and does not cross onto other property.

Commissioner Bowser asked if the same material would be used in this project as their other projects or has technology improved.

Allie Ondash stated they have a partnership with First Solar and will continue to use those same panels.

Commissioner Bowser asked about the quality of the product.

Allie Ondash stated they only use tier one products which are designed to the highest safety and quality standards. Ms. Ondash added to be qualified as a tier one product they have to be used by six different projects and financed by six different banks.

Commissioner Distefano asked about the word “only” added to condition number twenty-one from the previous applications. Commissioner Distefano also asked if the cadmium telluride would pass the TCLP (toxicity characteristic leaching procedure) process.

Ms. Phillips stated these were conditions proposed by staff and believed this condition was copied verbatim from previous applications.

Commissioner Distefano clarified that he wants all equipment to pass the TCLP not just the ones planned to be disposed.

Dominika Sink, Director of Project Development, stated that the proposed technology does pass this TCLP test. Ms. Sink added the facility in Ohio has tested these panels under multiple conditions. She added that under normal operating conditions, there is little to no risk to environmental or human health.

Commissioner Taylor asked why First Solar uses cadmium telluride instead of crystalline silicon.

Ms. Ondash stated that when zinc is mined cadmium is a byproduct and First Solar uses this instead of putting it back into the environment or landfill.

Commissioner Taylor asked if it is a more efficient material.

Ms. Sink stated that how they react to shading provides more efficiency. Ms. Sink also added that this is proprietary, which may be the reason you see more silicon instead.

Commissioner Rawls asked what is the oldest panel in the field with this technology.

Ms. Sink stated she believes the oldest is eight to nine years.

Commissioner Boykin asked about the citations from DEQ, specifically the Wytheville location with 26 violations.

Ms. Sink stated a contractor made a sequencing error and topsoil was removed from the project. She also stated they have been working with DEQ to bring that site into compliance.

Commissioner Boykin asked about the transportation route and how we are enforcing the conditions.

Amy Ring stated that when the complaints from Cavalier project started being received, staff, VDOT, the Cavalier project team and Surry County began having weekly meetings to discuss how to enforce the approved transportation plan. Ms. Ring added this is a work in progress and the latest activity they are utilizing is having flaggers posted at key intersections to turn around trucks that are not going the right way. She stated this same process will be used with any future solar projects that have an approved transportation plan.

Commissioner Boykin asked if there is a transportation bond in place.

Ms. Ring stated that the County does not, as VDOT is requiring repairs to the road as they find them.

Commissioner Rawls asked if we are billing Stormwater.

Ms. Ring stated they are under weekly inspections with Stormwater and have posted a bond and BMP maintenance agreements as well as other required state permits.

Chairman Carroll asked for the following letters to be entered into the meeting minutes.

February 27, 2023

Ms. Jeryl Phillips, ACIP
Assistant Director – Planning & Zoning
Community Development
Isle of Wight County, VA

Re: conditional Use Permit for Prairie Solar, LLC

Dear Ms. Phillips,

My name is Lynn Rose, and I am the president of Everets Properties, Inc. The Rose and Kirk families have a deep history with Isle of Wight County dating back to the late 1800s in the vicinity of the proposed Prairie solar farm. This land has remained in our family for over 100 years, and we want to make sure it stays in our family for the next 100 years.

The land and history of Isle of Wight has been and still is very important to me. My family and I had three Jamestown ancestors to settle on or near the Chuckatuck Creek. As my neighbors and I grew older, we noticed that the history of our area was becoming lost due to people passing away and taking with them historical knowledge and stories of the past. Not wanting to lose this history, we formed the Greater Chuckatuck Historical Foundation and began collecting data on the Chuckatuck area to include Longview and Everets. This information became the basis for a book: *Chuckatuck: Crossroads in Time*.

My family and I have been approached by many developers in the past few years about the purchase of this land. The property consists of over 1,400 contiguous acres with road frontage on three county roads. If we sell to developers, it could potentially lead to major housing developments. Other development opportunities could cause permanent damage to our land, increase traffic in our community, and increase the number of children needing to attend our already under resourced schools. Prairie Solar will preserve our county's history without placing additional strain on county infrastructure.

Just as *Chuckatuck: Crossroads in Time* has worked to make the past come alive for future generations, Prairie Solar is our way of making sure the future stays alive for generations. I urge you to support this project.

Sincerely,

Lynn Rose
6001 Everets Road
Suffolk, VA 23434

6065 Everets Road
Suffolk, VA 23434

March 15, 2023

Jeryl Phillips, AICP
Assistant Director -Planning & Zoning
Community Development
Isle of Wight County, VA

Re: Conditional Use Permit for Prairie Solar, LLC

Dear Ms. Phillips,

My name is Rusty Rose, Vice-President of Everets Properties, Inc. My family (the Kirk and Rose families) and I have a long history in Isle of Wight County dating back to the late 1800's. The land that is proposed for Prairie Solar has been in our family for over 100 years and we want to keep this land in our family as long as possible. The timber on this property was used to supply our family's sawmill which shut down in 2007 due to economic reasons. Fast forward years later, we are looking for new opportunities to utilize the land, while keeping the property agricultural.

Many members of our family have either attended or watched virtually the many solar hearings that have taken place through the Planning Commission and Board of Supervisors. We have followed closely the discussions that have taken place and the information presented and have incorporated everything into the project design. Everets Properties, Inc. owns 27 parcels (approximately 2,027 acres) in the county, and we feel as though the spot designated for solar is the best possible location due to proximity to the grid, complete screening and will still allow the farm to continue its operations just like it always has. There will still be active timber operations, crop farming and recreational hunting taking place on the land, in addition to solar, making these multi-use parcels.

A tract of land that my brother and I own is the most impacted by the existing Woodland Solar project, and not once have we had any issues with that project. The Oliver family continues to farm some of our land just like their relatives did for many years. We have witnessed firsthand a solar project in the community, and fully support the rights of landowners to utilize their land in ways that conform to the county's rules and regulations. Projects like this add to the county's tax base but require very few county services. Meaning tax dollars generated from this project can be used where the county needs them.

My family continues to invest in land throughout the county. (Just last year, we bought a farm in the county and plan to buy another one this year). We have invested our time, money, and energy into the land, and I feel good about bringing another use to the land that will help provide another energy resource.

We urge you to support the development of Prairie Solar and are excited about the prospect of having solar on our land. This company has done things the right way – by working with us to design a project that is completely hidden and allows for multiple uses on the land. They went out of their way to knock on every adjacent neighbor's door to answer any questions, and voluntarily held a community meeting to be transparent with information. I believe that utilizing this land for solar is a great way to bring another tax base to the county, while allowing my family to continue farming and timbering the land. This project should be one that is an asset to Isle of Wight County.

Sincerely,

Rusty Rose

March 15, 2023

Jeryl Phillips, AICP
Assistant Director -Planning & Zoning
Community Development
Isle of Wight County, VA

Re: Conditional Use Permit for Prairie Solar, LLC

Dear Ms. Phillips,

My name is Al Biagioni, and I am the president of the Rogers Deer Club in Isle of Wight County. I represent a group of approximately 40 hunters from the local area. This hunting club has been around since early 1940's, and we have always been and believed in being good stewards of the land.

The Rogers Deer Club has been renting land from the Rose and Kirk families for over 80 years. In fact, Mills Godwin, Jr. (60th and 62nd Governor of Virginia) was a long-time member of the club, along with his father. I have been a member of the hunting club for 35 years, and president for the past 7 years. The landowners have always been gracious and kind to the club. They have allowed the club to keep a clubhouse on the property, and even an area to house our hunting dogs. They have been great families to work with and we are proud of our successful relationship.

We hunt primarily deer, but also hunt squirrel, rabbits, and turkey. We have hosted hunts for military and veteran organizations throughout the years. We are fully in support of the proposed solar project on this property. The land proposed for panels is not our primary hunting fields, and the land surrounding the panels will still be available for our use. We will be able to continue hunting the land, even with the solar panels being in place.

On behalf of the hunting club, I urge you to approve the Prairie Solar project.

Best regards,

Al Biagioni
President, Rogers Deer Club |

Mary E. Hodge
12383 South River Road
Woodford, VA 22580
804-633-6334
themaryhodge@gmail.com
February 16, 2023

Isle of Wight Planning Commission:

Mr. Raynard Gibbs
Mr. Matthew Smith
Ms. Cynthia Taylor
Mr. Thomas J. Distefano
Mr. Bobby Bowser, Vice-Chairman
Mr. James Ford
Mr. George Rawls
Mr. Rick Sienkiewicz
Mr. Brian Carroll, Chairman
Ms. Jennifer Boykin

Dear Mr. Carroll, Chairman, Mr. Bowser, Vice-Chairman, and Isle of Wight Planning Commission Members,

It is ironic that I recently had just finished re-reading James Michener's book "Chesapeake", when I came upon the article in the February 8, 2023 Smithfield Times on the proposed Prairie solar project presentation by Energix representatives. This book reiterated the deep sense of history and connectedness to the land, and more importantly, the water, as the source of food and life provided in the way of fish, oysters, and crabs that embody spirit of your region.

Your low lying land is similar in many respects to mine in the broad floodplain of the Mattaponi River in Caroline County, where land and water are intertwined and also greatly respected.

As a resident of Caroline County, and a Virginia neighbor a bit to the north and west of you, I would like to offer first person testimony about my county's experience with Energix Renewable Energies, the applicant for Prairie Solar, and reasons why Caroline supervisors unanimously denied (6-0) Energix's Racehorse solar proposal on September 27, 2022, as well as three other solar permits totaling over 2,000 acres.

Energix's proposed 20MW power plant with 58,140 panels may not be in the best interest of Isle of Wight residents. They (Energix) have a contractual and exclusive agreement with First Solar, a company that manufactures solar panels using Cadmium Telluride (CdTe) photovoltaic thin film technology. Cadmium Telluride is a known carcinogen, and its use has been banned in four Virginia counties and by several U.S. governmental agencies. When broken, these panels can potentially leach the heavy toxic metals into the soil and groundwater, as there is only one layer of film surrounding the p-v material.

Energix countered these claims in Caroline, by submitting a 2019 "Virginia Tech report" which I am sure they will have you reference. This report was in reality paid for by First Solar, and authored by Dr. William Reynolds, who claimed the safety of these contentious panels to be "as long as they are operating normally". There was a well known natural disaster that occurred in 2015 when an EF-3 tornado struck and damaged over 170,000 First Solar panels in the Mojave desert at the U.S. government owned Desert Sunlight facility. The operator and BLM have basically "erased" the testing report document (Toxicity Characteristic Leaching Procedure -TCLP) performed after the Mojave disaster, and repeated attempts to FOIA this document have failed. If Energix provided your county this "Virginia Tech report", you will note there are three links used as references to this tornado and other natural disasters such as hurricanes, but they are all null and invalid. I urge you to question this data yourselves, as well as look up Dr. Reynold's many other publications, and you will see this report is far below his normal caliber of scholarly writing. Also, demand Energix provides you the TCLP document that they inferred having possession of at one of my county's meetings.

Now we do live in a designated tornado alley in Virginia. In fact we had such a warning as recently as last fall when one of the tropical storms passed north. If you recall, in 2016, an equally severe EF-3 tornado ripped a 16 mile swath through the Northern Neck and Middle Peninsula of Virginia. I drove out there after, and never witnessed such destruction in my life. A worst case scenario would be if a similar natural disaster damaged the thousands of panels in the Isle of Wight facility. Wouldn't you realize the true possibility of soil and water contamination occurring? In Caroline County, our officials banned the use of Cadmium Telluride panels on three of the solar applications, as well as inserting conditions for annual soil testing for heavy metals be conducted at the the other four solar sites seeking approval. Many other permits for solar plants have been denied in other Virginia counties (Page and Pulaski Counties, for example) due to the potentiality of well contamination threatening the health and safety of the majority residents dependent on local aquifers.

Due to the hazardous elements in First Solar CdTe panels that Energix seeks to install, it is recommended that they be recycled at end of use, rather than dumped

en masse in landfills and leaching into groundwater at these sites. Energix has yet to recycle any of their panels. Dominika Sink, speaking on behalf of Energix Renewables, at our September 27, 2022 meeting in Caroline, for the first time publicly stated that Energix had an alleged "confidential master agreement" with First Solar (to recycle panels). However, they have yet to produce such a document, nor has anyone to date seen a pre-funded recycling contract with First Solar on any of their applications in Virginia. I would urge you to ask their representatives about this during your meeting on February 28, 2023.

According to Parikh Singh, a First Solar scientist who gave testimony in Spotsylvania County in 2019, it costs between \$10-\$15 a panel to recycle them, as opposed to \$2 to landfill. In fact, there are numerous First Solar panels for sale on eBay, and despite the "must be recycled" symbol on the panels, presumably second-hand buyers will ultimately trash them in landfills all over the country. We Caroline citizens requested of our Board to stipulate Energix provide us a pre-paid recycling contract. The Caroline Board also did not want to hold the ultimate liability for the high cost of decommissioning, which important for you to consider, will ultimately fall back on the county to financially assume!

One of several ebay listings. Look at the label, clearly has a "do not trash" symbol: [https://www.ebay.com/itm/295527687100?](https://www.ebay.com/itm/295527687100?hash=item44ced2a3bc:g:l8QAAOSwk0hj6pYM&amdata=enc%3AAQAHA8LSK3UDsES9K%2F%2BfrLIUVkx0pFw0BPKiOwO1QBoJyfiKIkOOLj8GeAPimLw4xwsNsY5vhShnc7C8gl%2F%2FNIWBVyPW2YO7ndS0LwY88b4Q2XSOilXsf7neLUonerrtvBLZ%2FjpCiIlgBZDVI%2BHlBTRin9B4P58hdZV%2Fqr0hZswUSsoOr8t8vLiapXaw03oZFPqvXVwuZz60QpDeqf63IaxoKnDIOI%2BW21R81NHccU4RPw3p7BWBmysHKJoG4svVa59nPo8zT%2FHFyc9iSJVZDMY2Vy2PBivDsQKIqESFdgrA1UFFJDNPofPuAaNYbDPoDPJVPQ%3D%3D%7Ctkp%3ABk9SR-zxzuzKYQ)

[hash=item44ced2a3bc:g:l8QAAOSwk0hj6pYM&amdata=enc%3AAQAHA8LSK3UDsES9K%2F%2BfrLIUVkx0pFw0BPKiOwO1QBoJyfiKIkOOLj8GeAPimLw4xwsNsY5vhShnc7C8gl%2F%2FNIWBVyPW2YO7ndS0LwY88b4Q2XSOilXsf7neLUonerrtvBLZ%2FjpCiIlgBZDVI%2BHlBTRin9B4P58hdZV%2Fqr0hZswUSsoOr8t8vLiapXaw03oZFPqvXVwuZz60QpDeqf63IaxoKnDIOI%2BW21R81NHccU4RPw3p7BWBmysHKJoG4svVa59nPo8zT%2FHFyc9iSJVZDMY2Vy2PBivDsQKIqESFdgrA1UFFJDNPofPuAaNYbDPoDPJVPQ%3D%3D%7Ctkp%3ABk9SR-zxzuzKYQ](https://www.ebay.com/itm/295527687100?hash=item44ced2a3bc:g:l8QAAOSwk0hj6pYM&amdata=enc%3AAQAHA8LSK3UDsES9K%2F%2BfrLIUVkx0pFw0BPKiOwO1QBoJyfiKIkOOLj8GeAPimLw4xwsNsY5vhShnc7C8gl%2F%2FNIWBVyPW2YO7ndS0LwY88b4Q2XSOilXsf7neLUonerrtvBLZ%2FjpCiIlgBZDVI%2BHlBTRin9B4P58hdZV%2Fqr0hZswUSsoOr8t8vLiapXaw03oZFPqvXVwuZz60QpDeqf63IaxoKnDIOI%2BW21R81NHccU4RPw3p7BWBmysHKJoG4svVa59nPo8zT%2FHFyc9iSJVZDMY2Vy2PBivDsQKIqESFdgrA1UFFJDNPofPuAaNYbDPoDPJVPQ%3D%3D%7Ctkp%3ABk9SR-zxzuzKYQ)

How will your county ultimately have to dispose of these, should you be left with a huge mess to clean up, and the county ultimately responsible?

In addition to the dangers of the panels Energix installs, there is a more valid and current issue of their numerous DEQ stormwater violations and fines incurred last year alone at their Wytheville and Buckingham sites, to the sum of almost one hundred thousand dollars! Ms. Dominika Sink repeatedly tries to blame the violations on contractual errors, and the occurrence of several 100 year storm events taking place. Yet I have documentation that the operational date for Energix Buckingham was July 2021, and the DEQ inspections that resulted in the violations and fines took place AFTER that date, in September and December of that year. Does Isle of Wight really want to enter into a contractual agreement with a company who has already violated four state environmental laws?

By the evidence shown in this example alone, I certainly urge your county to not

willingly add itself to becoming yet another poster child of Energix's violations, fines, and bad practices. I can easily see this occurring in this wooded and farmed terrain. How can any rational person conceive clearcutting, destumping, then removing all topsoil off several hundred acres of ground. Our region is subject to frequent heavy rain events. All that fragile, silty subsoil will soon become a field of mud and muck, and flow right into Chuckatuck Creek, then overwhelm the James with heavy loads of sediment it will take ages to recover from. Why would you take a perfect ecosystem and transform it into an environmental disaster?! Caroline County supervisors also voted down CC solar (1600 acres), Woodford Solar (345 acres), and Ladder solar (100 acres) for all these valid rationales.

In Caroline County on September 27, 2022, Energix representative Shawn Hershberger was also questioned how they would rectify damages incurred on neighboring properties, should they be impacted downstream with runoff and sediments causing property destruction. He was unclear in his response and could not come up with a valid solution that would assuage this realistic scenario.

Mr. Crowgey, a respected farmer, who regretfully leased his land in Wytheville to Energix, filed public comments to DEQ last year, on how his property is totally devoid of topsoil, washed out, nothing will grow on it, and 85% is bare ground. Neither he nor his family may never be able to farm it again in the future. He also documents the now muddy creek draining into his neighbor's pond.

Energix and other solar salespeople are trying to get their projects approved before HB206 takes place in December 2024. My county was prudent in denying theirs and three other solar proposals, in light of the fact of stricter upcoming regulations on the solar industry. In fact, in November 2022, Caroline County repealed the solar ordinance, so no new applications may be submitted at this time. I applaud my county administration for protecting our natural treasured resources: farm and forest land!

Energix will most certainly bring in their own real estate appraiser to one of your meetings, who will testify that there will be no decrease in neighboring property values by having a solar plant near by. Of course property values will decrease next door to a facility that looks like a fenced in concentration camp! My home is situated within 1/4 mile of the 348 acre Woodford solar proposal, which also was unanimously 6-0 denied also by Caroline County BoS on November 10, 2022. It was sited on rural preservation land in the 100 year floodplain and all in planted pine and native woodland. If this had been approved, my home and 10 acre farm would significantly decrease in value. I would definitely move from this home of 25 years if a solar facility were allowed on this fragile landscape, nor would anyone give me a fair market value to live close to a very real potential pollutant threat to the lifeblood of my existence: my shallow well water supply.

Energix and other solar corporations have suffered a series of defeats last year, due to well informed county officials and citizens who are mobilizing and demanding their local representatives vote for the interests of their constituents, those who elected them, and not pandering to the greedy self interests of the solar lobby and their numerous fly-by-night LLC's.

Finally what are the implications of removing land that produces humans two most basic needs: food and shelter, and replacing this with vast acreages of electro and radio frequency emanations? Squanders huge amounts of treasured natural resources, our PRIME agricultural and forest land. Please consider that these lands are our country's most important resources. Any land that is disturbed for a solar facility and supposedly reclaimed in the future will most likely never be farmed again. And just because the solar company states it will be hidden from view, does not negate the reality that it is THERE.

Thank you for considering my advice and experience, which I freely and genuinely share with you, when I respectfully ask you to recommend denial to your Board of Supervisors for Energix Prairie in Isle of Wight County, Virginia.

Sincerely yours,

Mary E. Hodge

References:

<https://www.farmvilleherald.com/2022/07/energix-solar-may-face-fines/>
https://swvatoday.com/community/article_85d3a8a0-1f0e-11ed-89ea-138c85a2a35e.html
<https://www.southwesttimes.com/news/sups-deny-permit-solar-farm>
<https://www.prnewswire.com/news-releases/israels-energix-renewable-energies-fined-over-90-000-in-virginia-for-environmental-violations-301589852.html>
<https://original.antiwar.com/smith-grant/2022/10/17/virginia-rejects-israels-energix-cdte-solar-farm-panels/>

Commissioner Distefano shared his concern with the possible upcoming changes to the solar ordinances when considering this application and asked for thought on tabling the application until the task force is established and ordinance is approved.

Commissioner Ford asked for a timeline for the energy task force and the information they will obtain. Commissioner Ford added that the Planning Commission is dependent on the information they provide and is uncertain if that will be available by the time they need to make a decision on this application.

Chairman Carroll stated that due to the time between tonight's meeting and the March Board of Supervisors meeting, regardless of the recommendation, no item will be heard at the March Board of Supervisors meeting.

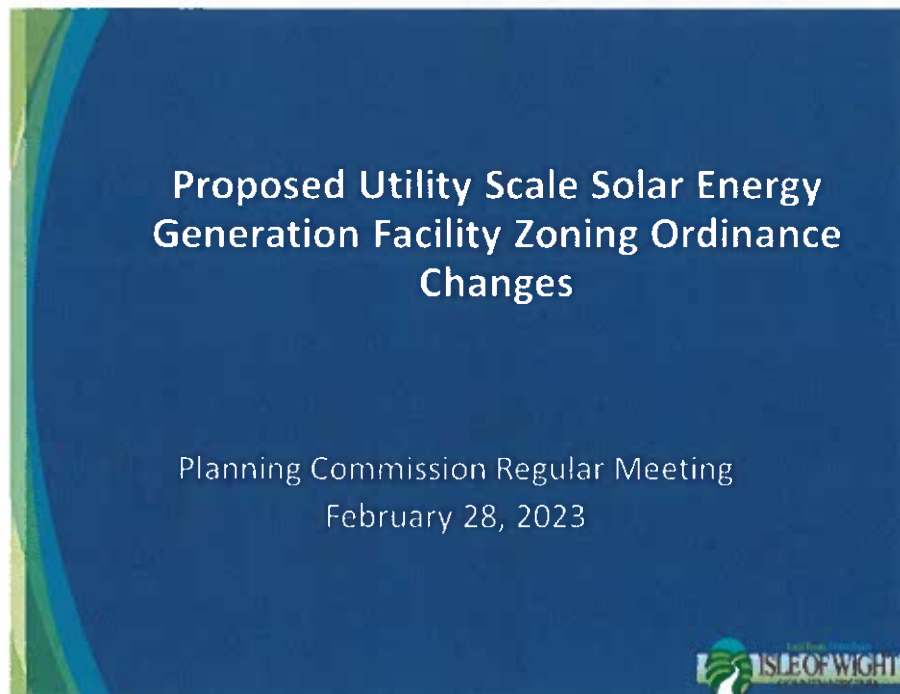
Commissioner Distefano made the motion to table the application. Commissioner Gibbs seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, Gibbs, Smith, and Carroll voting in favor of the motion, and no commissioners voting against the motion (10-0).

The application was tabled and will come back before the Planning Commission on March 28, 2023, under Old Business.

Chairman Carroll called for the next public hearing item.

An ordinance to amend the following sections of Appendix B. Zoning: Article II (Definitions) for the purpose of defining utility scale solar energy generation facilities and Article V (Supplementary Use Regulations), Section 5-5003.M.4 (Utility Scale Solar Energy Facilities) for the purpose of revising development criteria for utility scale solar energy generation facilities

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



Background

- November 22, 2022 - 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.
- December 13, 2022 - Planning Commission directed staff to prepare draft ordinance changes based on the discussion at the meeting.
- January 24, 2023 - After discussing the draft ordinance changes, the Planning Commission directed staff to advertise them for public hearing at the February 28, 2023, regular meeting.



Description

- Zoning Ordinance considers utility scale solar energy generation facilities a major utility use type
- Includes supplemental use regulations for these uses in Section 5-5003.M.4
- Planning Commission requested that a definition be added for utility scale solar energy generation facilities as well as specific performance criteria discussed during the work session



Summary of Changes

- Utility scale solar energy generation facility definition
- Twelve new or revised performance criteria proposed by Planning Commission
- Staff also proposed several revisions based on other conditions set for previous solar applications



Utility Scale Solar Energy Facility Definition

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.



Draft Ordinance Changes

- Comments from electric company regarding the capacity of the transmission lines part of any use permit application
- 250 foot setback from any historical structure, cemetery, cultural resource, or a school
- New substations, connector stations, inverters and transformers set back at least 500 feet from property line
- 50 foot wide bufferyard shall be installed next to residential properties and roads consisting of three, staggered rows of trees and shrubs a maximum of eight feet on center
- 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



Draft Ordinance Changes

- Removed salvage value credit from required decommissioning surety
- Cannot be located within the limits of the DSDs
- Must be wholly located within a 2 mile radius of existing substations and/or high voltage transmission lines
- Use types shall be limited to a maximum of 2% of the total number of prime farm soils and soils of statewide importance, or 2,446 acres
- Documentation on available capacity in MW on effected distribution lines and any details that may impact future energy generation projects.
- Annual activity report for PC and BOS



Draft Ordinance Changes

- Documentation that all panels and 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
- Emergency Response Plan to include remote access and local training program
- 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



Draft Ordinance Changes

- Separate CUP for energy storage
- Applicant responsible for third party inspectors costs
- Topsoil to remain on site
- Portion of 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
- Fencing to enclose solar arrays, inverters, and substation only in order to provide wildlife corridors



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- Fencing to enclose solar arrays, inverters, and substation only in order to provide wildlife corridors



Staff Recommendation

- Staff recommends approval of the proposed Ordinance changes.
- If the Planning Commission recommends approval of the changes tonight, it will be advertised for the April 20, 2023, BOS meeting.



Chairman Carroll opened the public hearing.

Volpe Boykin, 28359 Walters Hwy, supports the ordinance stating the County needs to control solar farms, if they are going to allow them. Mr. Boykin asked to have an independent appraiser

assess property values of houses that have solar facilities adjoining their property, and if there is a decrease in value, ask the solar company to address this issue.

David Tucker, 6251 Old Stage Hwy, stated he appreciates the willingness to have a sign with contact information posted on the site. Mr. Tucker also stated that he believes the energy generated should be posted and transparent to prevent part-time energy providers. He added that to remain rural, farmland is to be preserved as prime farmland.

Benn Stagg, 15298 Gayle Way, Carrollton, stated he currently has a solar farm project within the County and the task force was suggested at one of the meetings several years ago. Mr. Stagg added that he supports this ordinance except the restriction on prime farmland. He stated the prime farmland cap has been or close to exceeded. By leaving this requirement in the ordinance, we may face an unintended consequence by converting non-prime farmland (timberland) to solar farms.

Ryan Gilchrest, Open Roads Renewables, 124 Franklin Street, Charlottesville, stated he is in support of the proposed ordinance and suggests the ordinance states that it will apply only to conditional use permit applications submitted after the changes are adopted by the Board of Supervisors. He added that this will protect the investments already made and provide regulatory certainties for businesses to come.

Gary Hanson, 7268 Deerfield Drive, Zuni, shared his concern with the amount of power solar facilities actually generate. Mr. Hanson stated there was a study from the City of Tallahassee Director of Alternative Energies that their 62 MW facility was monitored for two years and only produced twenty-one percent of what was proposed. Mr. Hanson asked for the truth in advertising from the solar companies.

Molly Harrison, 20528 Shady Pond Lane, stated that she spoke at the last Board of Supervisors meeting sharing the County's vision statement. Ms. Harrison stated after the meeting she received a letter from Mr. Gilchrist with a picture of her home and the distance from the solar farm shown. Ms. Harrison added that she felt Mr. Gilchrest's letter was intrusive and bullying. She also added that in her career as a fire medic, she has not received training on how to handle an emergency at any of the solar facilities.

Blake Cox, 6454 Waymore Lane, Chesterfield, founder of the nonprofit organization Energy Right, stated that he supports having an ordinance and believes that the landowner rights should be in the forefront. Mr. Cox believes that the cap is unfair to landowners and solar developers and suggests that the County continues to judge projects independently and on its own merits.

Greg Creswell, Senior Development Manager with AES Clean Energy, 4200 Innslake Drive, Glen Allen, stated the County needs to adapt to the changing technology to take advantage of the opportunities in a manner that is compatible with its needs to best serve the citizens and the greater good. Mr. Creswell stated that AES is in support of the ordinance revisions except the cap on prime farmland. He stated that a two percent cap is a moratorium on solar development within the County. Mr. Creswell added the ordinance requirement to be located within a two-mile radius of the high voltage line would increase density and create a solar corridor. Mr.

Creswell also stated that the fifty-foot vegetated buffer requirement would create an institutional look to the landscape. He added that AES believes that each project should stand on its own merit.

Nick Bundren, 407 Webb Street, Blacksburg, Virginia Land and Liberty Coalition, stated renewable energy is the future and asked the County to support solar in a sensible and appropriate way.

Garrett Weeks, 4446 Hendrix Avenue, Jacksonville, FL, Palladium Energy, stated he is currently developing a solar project in Isle of Wight County. Mr. Weeks stated Palladium Energy is in support of developing thorough ordinances to ensure the projects are smartly sited and only projects beneficial to the community are approved. Palladium believes projects should be assessed on their merits. He added that as drafted, some of the conditions will be impossible to comply with, and solar development in the County will cease. He doesn't believe that is the County's intent.

Lynn Briggs, 2111 North Mason Street, stated she supports the proposed ordinance with the exception of the two percent cap. Ms. Briggs added that solar development does not put a strain on the County resources like residential development and is a perfect temporary solution for land owners, because it allows the land to be kept in the family, generates income, and allows the land to be used for other purposes in the future. Ms. Briggs states that she believes the two percent cap is too restrictive and believes projects should be judged by merit and on a case-by-case basis.

Paul Garris, 7284 Yellow Hammer Road, shared his concerns with the environmental dangers associated with solar and industrial hazards spread across our rural area. Mr. Garris added that if solar panels are going to be allowed, they need to be regulated to a reasonable amount. Mr. Garris asked the Planning Commission to approve the proposed ordinance change.

Debbie Arrington, 7346 Yellow Hammer Road, stated she is concerned about the hazards after storm damage to a solar facility and who will be taking responsibility for the damage and clean up. Ms. Arrington added that there has been a seven percent decrease in property values. Ms. Arrington stated that she believes every person has a right to do what they choose on their property but has concern when what they do on their property effects neighboring property. Ms. Arrington added that she received a letter from Mr. Gilchrest after speaking at the Board of Supervisors meeting. Ms. Arrington expressed her dislike with the letter and asked the Planning Commission to not approve any more solar projects.

Adrian Manning, 20221 Shady Pond Lane, Zuni, stated that the solar company representatives that have spoken are not from our area or even state. Mr. Manning added that he doesn't support out-of-state agencies dictating what happens to Isle of Wight County citizens. He also suggested that if the solar facility is tabled due to the task force, he asked for the same for the solar ordinance.

Wayne Smith, 7281 Yellow Hammer Road, stated he is in support of the ordinance changes and supports the two percent cap in addition to other language to regulate land use outside prime farmland.

Christopher Cavallo, Cavallo Creations, 546 New Town Road, Apt. 1312462, stated he has been ignored and denied and has had business ideas stolen from him. Mr. Cavallo stated his programs will bring regenerative agriculture to the County on the largest scale in America. He added that he believes we need to take back our country and have natural security and food security. Mr. Cavallo stated that if generational families need money, they should come to him. Mr. Cavallo stated that he believes there is a lack in knowledge by the farmers because of how the land has been treated. Mr. Cavallo stated that we should not sell out to foreign powers or people who are not from our county. Mr. Cavallo added that this should be revisited in a few years and navigate agriculture instead of selling out. Mr. Cavallo stated he would be calling the White House, Pentagon, Congressmen Kiggans and Governor Yougkin to let them know the planning board is not bringing applications of gigantic tax revenues to the Board of Supervisors.

Larry Smith, 6262 Mill Swamp Road, stated he supports the two percent cap. Mr. Smith also added that he has concerns with the representatives from out-of-state and asked where they would be in forty years.

Quinten Wood, New Leaf Energy, 55 Technology Drive, Lowell, MA, stated he recommends to table this ordinance and have further discussions with both sides. Mr. Wood added that the CUP process is self-regulating and believes each project should be determined if sited appropriately and regulating the type of land it has to be on is not necessary. Mr. Wood stated that he believed this would restrict the landowner. He added that solar is a way a landowner can sustain their way of life.

Chairman Carroll stated that if you spoke and sent a letter, the letter would not be included in the minutes. Chairman Carroll asked for the following to be entered in the minutes.



Renewable Energy Services, LLC
5815 Highgate Dr. Suite 202
Durham, N.C. 27713

Chairman Carroll and members of the Planning Commission,

My name is Tom Delafield and as Director of Project Development, I am writing on behalf of my employer, Renewable Energy Services (RES), a family-owned and operated utility-scale solar developer based in North Carolina. As a developer with significant experience across Virginia, and more specifically, one that has been working on a project in Isle of Wight for several years, I am writing to provide balanced industry input on the Proposed Zoning Ordinance Revisions, dated January 17, 2023.

At its core, our company wholeheartedly support counties that take a thoughtful and well-rounded approach to solar development. We firmly believe in the development of quality, community-friendly projects that strike the proper balance of appearance, harmony with rural character, property rights and economic development. Having an active project within the county, we have been monitoring the evolution of solar within Isle of Wight and overall, we feel the existing ordinance is thorough, thoroughly and consistent with industry best practices. Based on the proposed changes, it seems that there may be some fatigue or frustration with solar development; that there may feel like no end to the number of proposed projects.

Many of the proposed changes will further improve on the county's already robust solar development ordinance, such as the requirements for: increased setbacks from historical structures, a more refined definition of vegetative buffers, and emergency response plan; just to name a few.

While the proposed changes are mostly positive, they are not all constructive. I would like to offer the following comments for your consideration:

1. 4.3.viii & 4.1 – The requirement of proof of capacity is problematic for the following reasons:
 - a. Capacity information is rarely provided directly by the electric company. For larger-scale solar development, the interconnection process is handled by a regional transmission operator (RTO) called PJM, who is not a utility. They perform power flow studies for energy projects of all types, regardless of fuel source (i.e. solar, wind, natural gas, nuclear) to determine how the energy will be moved throughout the grid. These studies identify required grid improvements in order for the energy project to safely connect to the grid, and the associated costs for those improvements, but rarely directly speak to line capacity. Further, transmission-connected projects are not provided with any information on the distribution network because connection costs inherently protect against such impacts by upgrading the appropriate equipment.

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- b. Additionally, it is common for a project to be assigned costs associated with improving infrastructure tens and sometimes hundreds of miles away from the site. Simply understanding the capacity rating of the power line is not an accurate way of assessing the likelihood of project success.
 - c. The requirement is counter to free market ideals. If a business is willing to pay to upgrade the infrastructure in your community, why should they be prohibited from doing so? A restaurant would not be restricted from paying to upgrade water lines, nor a manufacturing facility from improving a road. Improved infrastructure of all kinds benefits residents by making the community more resilient, especially important for our power grid. We all want the lights to come on when we flip the switch, let us invest in the grid so you don't have to.
 - d. **4.a.viii Recommendation:** Delete this requirement all together. If it must remain, reject the deletion of the second sentence and add flexibility for source material (*"An applicant can satisfy this requirement by submitting proof of application for interconnection to the electricity system or supply a power line capacity report provided by a qualified 3rd-party engineering firm."*), keeping the ordinance clear as to how this requirement is satisfied.
 - e. **4.f Recommendation:** Either delete the requirement or make it only applicable to projects interconnecting to the distribution network. It simply does not apply to transmission projects.
2. **4.k –** The restriction on the usage of prime farmland is problematic for the following reasons:
- a. This requirement restricts the financial flexibility of farmers. As the stewards of the land, often for multiple generations, they have earned their property rights and should be free to decide for themselves as to ~~how best to use their land~~.
 - b. 2% is an arbitrary number that leaves no room for additional development. Why not 1% or 3% or 5%? A five percent cap would be equivalent to less than 3% of the county's total land, a restriction in line with other County ordinances in the region.
 - c. In 2022, the legislature passed HB 206 into law, requiring the mitigation of the use not only of prime farm soils but also prime silviculture (timber) soils. As such, the intent of this ordinance is covered by State law, making this restriction duplicative and overly cumbersome.
 - d. **Recommendation:** Delete this requirement.
3. **4.M –** It appears as though the County is hoping to gain a better understanding of which projects are viable and likely to be constructed. We agree this is a reasonable goal for the

county and thus support the addition of 4.M, requiring the facility owner to provide reasonable annual updates to the Zoning Administrator. These reports should allow the county to better understand which projects are ultimately proceeding and which ones are likely to fail, despite having been approved by the County. Once a project has failed, the county should be required to remove that project's acreage from any existing acreage caps.

- a. **Recommendation:** add to section 4.M the requirement that projects notify the Zoning Administrator if the project is pulled from the PIM queue or dissolved, triggering a removal of that acreage from any applicable county acreage caps.

- 4. 4.e(vi) – This section places undue responsibility on the solar developer. In most cases, it is up to the landowner to manage any on-going agriculture activities on the land during development, prior to construction. The developer may not be a party to the agricultural decisions the landowner/farmer is making on the property on a month-to-month basis.

- a. **Recommendation:** Delete this requirement.

- 5. We fully support 4j, 4n, 4o, 4p, 4s, and 4t.

- a. **Recommendation:** Approve these requirements.

If additional conversation or context would be helpful, we would be happy to engage with you in good faith to help find reasonable solutions to replace the ordinances noted above. I appreciate your time and consideration on this topic. Energy is a critical part of our lives and the more available, ~~stronger~~ and cleaner our energy, the better off we will be.

Respectfully,

Tom Delafield

Dir. Project Development

Phone: 919-723-7473

Email: tdelafield@rec-services.com

“INNOVATIVE CLEAN ENERGY SOLUTIONS”

for Ordinance Revisions

Carr Farms is a small family-owned farming business that has been in existence for over 200 years here in Walters in the Southern End of Isle of Wight County. We have seen a great deal of changes to our county during this time, some for the good and some for the not so good.

There is a great deal of farmland that is considered Prime Farmland in this county and a great deal of it is owned by farmers who have retired from farming or are getting ready to retire from farming in the coming years. It seems that these are the citizens the Solar Energy Facility companies are approaching by telling them how much they will get an acre per year if they sell or lease their property to the Solar Energy Facility. What seems at times to get forgotten or glanced over is that this property will come out of agricultural tax status and placed into another tax status where the taxes are higher and the landowner is responsible in paying. It has been proven time and time again, that once land is taken out of agricultural status, it can't be returned to that status. An example of this is:

A Solar Energy Facility Company contacts a landowner about constructing a 10 Mega Watt Solar Energy Facility on their property. The USDA/FSA has deemed this property as "Prime Farmland" due to its particular soil type. The Solar Energy Facility company is offering the landowner a 25 year lease for his property to have this facility constructed, when this takes place that property will no longer be considered "prime farmland" as it has been taken out of agricultural production. That in turn decreases that amount of "Prime Farmland and/or Farmland of Statewide importance", which according to USDA/FSA is only approximately 32% of all farmland in Isle of Wight County.

The biggest take away from establishing a solar energy facility on Prime Farmland and/or Farmland of Statewide importance is that this property will **NEVER BE ABLE TO BE PLACED BACK IN AGRICULTURAL STATUS AS THERE IS NOTHING THAT WILL BE ABLE TO BE GROWN IN THOSE FIELDS AGAIN.**

I am hoping that the Planning Commission takes a hard detailed look at what these Solar Energy Facilities are doing to our precious farmland. There needs to be common sense ordinances put in place in regards to ordinances and policies in allowing Solar Energy Facilities to be established in our county. I also feel that the Planning Commission should contact some of the active farmers in our community, not the ones that the solar energy companies are currently working with and enlist their opinions, concerns and suggestions on commonsense ordinances and policies. Like the saying goes, **NO FARMS, NO FOOD! And you can't feed your family solar energy panels!**

We highly recommend the Planning Commission places a 1% cap on the amount of all farmland that can be considered to be utilized towards Solar Energy Facilities. This should encompass all future and in conjunction with what has already been approved to not exceed that 1% cap.

We thank you all for allowing us to express our feelings and concerns on this topic and hope that the Planning Commission will take into consideration what the farmers in our county are concerned with when establishing the new policies and ordinances in reference to the establishment of Solar Energy Facilities in our county.

Thank you and God Bless

Carr Farms

25 February 2023

Letter to the Isle of Wight County Planning Commission Members:

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

From: Nicholas A Balice
7277 Mill Creek Drive
Zuni, Virginia

RE: Proposed Solar Energy Facility Ordinance Changes

My wife and I have resided in the Isle of Wight community since 2005. We moved our family here while I was serving on active duty because it provided that relaxing atmosphere so eloquently described on the Isle of Wight web page. Specifically, it states "Nestled on the shores of Virginia's James River, Isle of Wight's residents enjoy the rural nature of the county coupled with the quaint atmosphere of the two incorporated towns, Smithfield, and Windsor. We continue to enjoy the rural nature of this community as a sanctuary from the hustle and bustle that seems to be enveloping so many communities.

So relaxing is this area that I paid little attention to local politics and development until my eyes were opened by a sudden spate of Industrial Solar Farms which seem to be popping up everywhere. Just recently we were threatened with the potential development of a 75 MW Solar Farm which would have permanently altered the nature of our rural residential neighborhood. Thankfully, that project was not approved. And I would like to believe it was because a majority of the board members, as I do, held concerns and uncertainties about solar farms, along with the realization that it would be of significant impact on local homeowners.

In a perfect world, a planning commission would have the foresight to anticipate innovation, make calculated and predictive decisions on development and determine placement of these farms to limit impact to homeowners, while preserving the rural nature of the community. With the case of these recent utility scale solar projects, the dwell time between concept development, approval and implementation seems to have resulted in case of "sudden impact" as we can now visualize their actual presence. Likewise, I fear if we continue to approve the

projects, potential long-term impacts could, at some point, result in another "sudden impact" moment.

What's even more exasperating about the intrusion of these industrial farms is that, as stated on page 73 in the "Envisioning the Isle" section of the planning report, the energy generated is sold to other large customers elsewhere in the state and Isle of Wight County members do not benefit from the location of these energy sources.

It is with these concerns in mind that I ask you to approve the proposed Zoning Ordinance Revisions – and in particular – the addition to Article V which states, **"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."**

Thank you,
Nicholas A Balice

Chairman Carroll closed the public hearing and called for discussion from the Planning Commission.

Commissioner Boykin shared her support for the ordinance change to include the two percent cap and thanked Commissioner Distefano for the research and work that was put in to these changes.

Commissioner Distefano stated that based on some of the information that was received he recommends the following three revisions:

1. On page 2, section 4.a.viii, add companies can meet this requirement by submitting a third-party report that provides relevant transmission capacity information.
2. Section 4.1 on page 4 should read, "For projects that are connected to transmission lines, 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 the effected transmission lines and any details that may impact future energy generation projects, such as scheduled power generation facility decommissionings, transmission system capital improvements or other events impacting transmission line capacity."
3. Item k on page 4 should read, "The total acres of prime farm soils and soils of statewide importance that may be within the fence of a utility scale solar facility pursuant to issued and active CUPs shall be limited to a maximum of two percent of the County's total number of prime soils and soils of statewide importance of 2,446 acres."

Commissioner Boykin stated that being near to capacity only pertains to the larger solar projects. She added that the smaller projects do not connect to the transmission lines and capacity doesn't affect those.

Commissioner Taylor stated that she is interested in requiring independent appraisers to assess house values as a condition.

Commissioner Distefano made the motion to recommend approval of the ordinance changes with the following revisions.

1. On page 2, section 4.a.viii, add companies can meet this requirement by submitting a third-party report that provides relevant transmission capacity information.
2. Section 4.1 on page 4 should read, "For projects that are connected to transmission lines, 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 the effected transmission lines and any details that may impact future energy generation projects, such as scheduled power generation facility decommissionings, transmission system capital improvements or other events impacting transmission line capacity."
3. Item k on page 4 should read, "The total acres of prime farm soils and soils of statewide importance that may be within the fence of a utility scale solar facility pursuant to issued and active CUPs shall be limited to a maximum of two percent of the County's total number of prime farm soils and soils of statewide importance of 2,446 acres."
4. Include a requirement for an independent appraiser to assess the impact of the facility on nearby house values.

Commissioner Bowser seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Rawls, Taylor, Sienkiewicz, Gibbs, Smith, and Carroll voting in favor of the motion, and Commissioner Ford voting against the motion (9-1).

The motion passed and will go to the April 20, 2023, Board of Supervisors meeting.

NEW BUSINESS

Chairman Carroll called for the following New Business item.

2022 Planning Commission Annual Report

Amy Ring provided a summary of the 2022 Planning Commission Annual Report.

Chairman Carroll called for a vote to approve the 2022 Planning Commission Annual Report. Commissioner Taylor made a motion to approve the Report. Commissioner Boykin seconded the motion. Chairman Carroll asked for all in favor to signify by saying aye. The motion passed unanimously.

OLD BUSINESS

Amy Ring confirmed there were no items for Old Business.

COUNTY ATTORNEY'S REPORT

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

PLANNING DIRECTOR'S REPORT

Amy Ring reviewed the 2022 Development Activity Report that previously sent to the Board of Supervisors as an informational item.

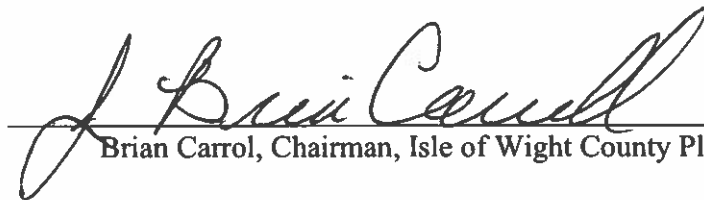
CLOSED MEETING

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 9:10 PM.

Adopted this 28 day of March, 2023.



Brian Carroll, Chairman, Isle of Wight County Planning Commission

Attest: 

Amanda Landrus, Secretary