

**Buckingham County
Planning Commission
Monthly Meeting
September 25, 2023**

At a regular monthly meeting of the Buckingham County Planning Commission held on Monday, September 25, 2023 at 6:00 p.m. in the Peter Francisco Auditorium located in the Buckingham County Administration Complex, the following members were present: John E. Bickford, Chairman; Ashley Shumaker, Vice-Chairman; Pete Kapuscinski; James D. Crews, III; Steve Dorrier; Joyce Gooden, Stephen Taylor and Danny R. Allen. Ashley Shumaker was absent. Also present were Cheryl T. “Nicci” Edmondston, Zoning Administrator/Planner and E.M. Wright, Jr., County Attorney.

Re: Call to Order

Chairman Bickford called the meeting to order.

Re: Invocation and Pledge of Allegiance

Commissioner Gooden gave the invocation and the Pledge of Allegiance was said by all who were in attendance.

Re: Establishment of a Quorum

Chairman Bickford certified that there was a quorum. Seven of eight members present and the meeting could continue.

Re: Approval of Agenda

Bickford: Nicci, are there any changes to the agenda?

Edmondston: No, sir, Mr. Chairman.

Bickford: Seeing none, do I have a motion to approve as presented.

Allen: So moved.

Gooden: Second.

Bickford: We have a motion and a second to approve the agenda as presented. All in favor raise our right hand. Agenda is approved.

Supervisor/Commissioner Allen moved, Commissioner Gooden seconded and was unanimously carried by the Planning Commission to approve the agenda as presented.

Re: Approval of Minutes

Bickford: That brings us to Approval of Minutes. We have August 21 work session. Do I have a motion to approve as presented or is there any changes?

Gooden: So moved.

Allen: Second.

Bickford: I have a motion and a second to approve as presented. Any discussion? All in favor raise your right hand. That passes.

Commissioner Gooden moved, Supervisor/Commissioner Allen seconded and was unanimously carried by the Planning Commission to approve the minutes of the August 21, 2023 Planning Commission Work Session as presented.

Bickford: That brings us to the August 28, 2023 Regular meeting. Do I have a motion to approve as presented or does someone have changes?

Gooden: So moved.

Allen: Second.

Bickford: I have a motion and a second to approve as presented. Any discussion? All in favor raise your right hand. That passes.

Commissioner Gooden moved, Supervisor/Commissioner Allen seconded and was unanimously carried by the Planning Commission to approve the minutes of the August 28, 2023 Planning Commission Regular meeting as presented.

Re: Public Comments

Bickford: That brings us to public comment period. Do we have any people signed up?

Edmondston: Yes, sir. Mr. Chairman. We have three individuals signed up. The first would be John Snoddy followed by Kenda Hanuman.

Bickford: Okay, thank you. Please remember you have three minutes. State your name and address.

John Snoddy: Good evening, my name is John Snoddy. I am the Environmental and Safety Director at Kyanite Mining Corporation, 30 Willis Mountain Plant Lane, Dillwyn, Virginia. On behalf of Kyanite Mining, thank you all for the work you're undertaking to review the County's Comprehensive Plan. Over the last few weeks I've spoken with many of my 125 coworkers about the Comprehensive Plan review. A recurring request from my coworkers and here I am making that request of you all is to ensure that

mining continues to be recognized in the plan as the vitally important land use that it's been in Buckingham County for the last couple of centuries. As I just noted, there are 125 families, 126 when you include mine, who depend on their good paying jobs in the mining industry, right here in Buckingham County. Related to that number of mining jobs. Kyanite Mining Corporation respectfully requests that the data presented to you for inclusion in the draft plan be reviewed for accuracy. Last week, when you folks were presented a table entitled employment by industry, that was Figure 25 in the draft plan, I'm afraid you were given inaccurate information. The table indicated that mining and quarrying only provided 64 jobs in this county. Kyanite Mining provides 126 jobs in this county alone. When you add the 21 jobs provided by Boxley and the 15 at James River Slate, the actual number of mining jobs in Buckingham is more than 160. Since you'll be using demographic and employment data as a tool to review the Comprehensive Plan, we respectfully request that the data be accurate. Earlier I alluded to the fact that mining is woven into the very fabric of Buckingham County. I presented each of you with an informational summary from a study performed by Virginia Tech just this year. The summary is entitled "The Economic Contribution of Construction Aggregates and Industrial Mineral Mining in Virginia". Two or three items on that front page are worth mentioning. First, mining contributes 6769 jobs in this state. Further, mining contributes \$132 million in state and local taxes in the Commonwealth. Finally, if you look at the graphic at the bottom of the page, you'll see that the 10 county region of which Buckingham is apart, mining contributes \$63 million in economic vitality. In closing, ladies and gentlemen, I'm here to remind you of mining's positive impacts my family and I experience those impacts every day and request that mining continues to be recognized as the beneficial land use that it's been for many a generation of Buckingham families. Thank you.

Bickford: Thank you, sir.

Snoddy: You're welcome.

Edmondston: Kenda Hanuman and Swami Dayananda will be next.

Kenda Hanuman, District 5: Good evening. Kenda Hanuman, District 5. I heard, well, Mr. Snoddy's comment about land use. I think it's really important. And I really care about that too. I think when Commissioner Kapuscinski asked regarding the policy for industrial scale solar, if anybody had put pen to paper, I don't know if that was ever accomplished. Supervisor Miles suggested that there will be 7500 acres in the fenced area only counted. So all of that outside the fence would amount to approximately 18,600 acres that would be removed from agricultural use or basically timbering. That's greater than the 2% that Supervisor Miles portrayed. He said that would be 2% of Buckingham County. It would be more about 5% of the total County and it will be a higher percentage if you only consider the land that's in timber production. So that's a lot of land use for industrial scale solar, I'm sure you can see. "The Economic Impact of the Agriculture and Forest Industries in Virginia" by Terence Rephann, PhD from

Weldon Cooper says every job created in the agriculture and forest industries results in another 1.6 jobs in the Virginia economy. Every dollar generated in value added results in another \$1.39 value added to the Virginia economy. So I usually talk to you about gold but tonight I'm talking to you about timber and land use and industrial scale solar. Thank you for listening.

Bickford: Thank you, ma'am.

Edmondston: And Swami Dayananda will be the last one signed up for public comment, Mr. Chairman.

Swami Dayananda, District 5: Good evening. I wanted to come and thank you all and to say how happy I have been to be living in Buckingham. I just noted this year that it's been 40 years since I came to Buckingham from New York City. And I live as a Monastic at Yogaville Satchidananda Ashram for 30 years of the 40 that I have lived. The last 10 years on Warminster Church Road where my mother left 30 acres of land for me to take care of. And I had no idea that I would become a farmer. Using a little part of this 30 acres, I have grown vegetables, and medicinal herbs. And I continue. I'm hoping to build a pizza kiln which is halfway done, and lots of tomatoes for tomato sauce. So, in Buckingham, I had no idea what wonderful soil it has. I've been having a very good success in different kinds of vegetables. And I come here today to say that I hope to continue growing many medicinal herbs and vegetables, and to share more regenerative way, better way to use the soil to create healthier soil. And to share that with others. I do vermiculture which is to grow worms, and making compost, which is a wonderful way to. I'm sure some of you probably know better than myself about farming, I'm still learning. And so in regard to the Comprehensive Plan, I don't have anything specific, but just to hope and to be part of healthy, environmentally safe, economic growth for Buckingham. And I would love to be a part of any project or anything that can promote more farming, as well as tree planting, and so on. And I hope in the future, that I have an opportunity to speak with you more. And thank you all for your service, very much appreciated. And Yogaville, by the way, when I came, it was a family of five. And now it is 250 or more people with adults and children with many, many new homes built. And this is wonderful for Yogaville Village Center, which I hope will remain and expand under your guidance. Thank you so much.

Bickford: Thank you, ma'am. That's all the people who signed up, Nicci?

Edmondston: Yes, sir. That's all.

Bickford: I will close public comment period.

Re: Old Business: Public Hearing Case 23-SUP320 RWE Energy-Blue Rock Solar

Bickford: We'll move to Old Business and that's the public hearing case for Blue Rock Solar.

Edmondston: Yes, sir. That Case is 23-SUP329. Landowners are Blue Rock Resources LLC and JAMN Limited Partnership LLP. The applicant is Blue Rock Solar LLC. And of course, their request first came to you in July. And that is to obtain a special use permit to allow for the construction and operation of a solar photovoltaic PV models to produce up to 100 megawatt utility scale solar facility on approximately 1,127 acres in Buckingham County. Our applicants are here with us this evening. They do have a presentation. And as far as the public hearing is concerned, I do not have anyone signed up to speak during the public hearing. But we did receive an email from a citizen today who was unable to attend. She asked that I forward that email to all of the Planning Commission, which I did earlier today.

Below are conditions that you may consider attaching to the request if approved:

1. **Inspections.** BLUE ROCK SOLAR LLC or any successors, assignees, current or future lessee, sub-lessee, or owner of the solar energy facility (the “Applicant”) consent to annual administrative inspections by Planning Department Staff for verification of compliance with the requirements of this SUP after the completion of the construction of the Project. During construction of the Project, the County and its assigns and designees shall have access to the site for inspections and to assure compliance with the conditions of the SUP.
2. **Compliance with Conditions.** The Applicant shall sign the list of the adopted conditions for this SUP signifying acceptance and intent to comply with these conditions.
3. **Compliance with Laws; Erosion and Sediment Control and Stormwater.** That all federal, state, and local laws, regulations, permit requirements and ordinances will be adhered to including but not limited to:
 - a. All active solar systems and solar equipment used in this Project shall meet the requirements of the National Electrical Code (NEC), National Electrical Safety Code (NESC), American Society of Civil Engineers (ASCE), American National Standards Institute (ANSI), Institute of Electrical and Electronics Engineers (IEEE), Underwriters Laboratories (UL), or International Electrotechnical Commission(IEC) as applicable and comply with state building code and shall be inspected by a County building inspector through the building permit process.
 - b. An Erosion and Sediment Control Plan must be submitted to the County and approved by the Soil and Water Conservation District and the Virginia Department of Environmental Quality prior to any land disturbance. Prior to Applicant’s submission of the Erosion and Sediment Control Plan, the Applicant will contact the County’s erosion and sediment control reviewer and use reasonable efforts to arrange a meeting on the Property with the Applicant’s engineer. The County may obtain an independent third party review of the Erosion and Sediment Control Plan at the expense of the Applicant.
 - c. The erosion and sediment control plan shall be prepared in accordance with the Virginia Erosion and Sediment Control Handbook. As an additional precaution, the erosion and sediment control plan will be implemented as a sequential progression, demonstrating that not more than 25% of the Maximum Extents (a “Phase”) be initially disturbed during construction without temporary seeding or

other stabilization in accordance with the Virginia Erosion and Sediment Control Handbook. Temporary seeding or other stabilization in accordance with the Virginia Erosion and Sediment Control Handbook shall be implemented as soon as possible, and no more than 7 days after final grading in a Phase is complete. As soon as the stabilization of a phase, as referenced in sentence 2 of this condition, has been completed, construction activity (disturbance) may commence in a subsequent Phase. This condition shall not prevent continued construction activities in a previous Phase after a previous Phase has been stabilized in accordance with the Virginia Erosion and Sediment Control Handbook, and such stabilized areas will not be subject to the 25% limitation of sentence 2 of this condition; however continued construction activities, excluding maintenance of erosion and sediment control and stormwater management features or associated activities, shall not be re-initiated in a previous Phase until at least 50% vegetative cover (as determined by an independent inspector) has been established in that Phase or 60 days after a Phase has been temporarily stabilized, whichever is sooner. During this period, the applicant shall take continued action implementing best management practices to promote successful establishment of vegetative cover in a Phase. The erosion and sediment control plan will provide the means and measures in accordance with the Virginia Erosion and Sediment Control Handbook to achieve stabilization of the disturbed areas and to comply with this condition.

d. During the construction of the Project, the Applicant shall require the following:

- (1) All Erosion and Sediment Control facilities will be inspected by a qualified third party inspector: (i) at least every four calendar days; or (ii) at least once every five calendar days and within 48 hours following any runoff producing storm event. Any discrepancies should be noted and corrective action should be taken to ensure facilities are operating properly. Corrective measures include regularly cleaning out sediment basins and traps, stabilizing eroded banks or spillway structures, cleaning inlets and outlets and repairing damaged silt fence shall be prioritized.
- (2) Runoff at stormwater outfalls will also be observed just as often for characteristics listed in the land disturbance permit (clarity, solids, etc.).
- (3) A record of the amount of rainfall at the Project during land disturbing activities.
- (4) A record of major land disturbing activities, including dates when clearing, grading and excavating occurred in each Phase. Dates when construction activities are either temporarily or permanently ceased in the Phase should be recorded along with stabilization areas.

e. The County may inspect the Project during construction as determined by the County and shall retain all enforcement rights under applicable law.

f. A Stormwater Management Plan must be submitted to the Virginia Department of Environmental Quality (VDEQ) and approved by VDEQ prior to any land disturbance. The Applicant will obtain approval of a Stormwater Pollution Prevention Plan (“SWPPP”). The Applicant and its contractor will have operational day-to-day control of the Project and must implement the SWPPP measures. The Applicant will cause the active up-to-date SWPPP to be made publicly available either electronically or at a location viewable not less than once per month upon request by the public. The Applicant and its contractors will ensure that the applicable subcontractors are trained on appropriate best management practices and requirements in the SWPPP.

g. The Project shall fully comply with all applicable provisions of the Buckingham County Zoning Ordinance, to the extent not modified herein, throughout the life of this SUP.

4. **Expiration.** The building permit application must be submitted within 2 years of obtaining the Special Use Permit and the commercial generation of solar electricity shall begin within 24 months of the approval of the building permit or this SUP shall be null and void. The building permit deadline will

be extended for 12 months (3 years total), and the construction time period extended by 12 months (30 months total) by administrative approval of the County Administrator after consultation with the Board of Supervisors due to delays in state permits, interconnection approval, or other good cause demonstrated by the Applicant. Any timeframe under which the Commonwealth is under an Executive Order of the Governor declaring a statewide emergency will toll the timeframe specified in this condition.

5. **Definitions.** All racking, solar modules, inverters, breakers, switches, cabling, communications components, and other ancillary components necessary to convert solar energy to electricity and interconnect to the electrical transmission are considered “Solar Equipment” and subject to the requirements for such, together with setback requirements of that district and other requirements, unless otherwise stated in these conditions. Solar Equipment shall not include access roads and transmission lines and poles. “Project Area” shall include all areas within the Property line boundary that include, but not limited to the following: Solar Equipment, ingress/egress, access roads, fencing, parking, laydown areas, setbacks, buffers, storage area, wetlands, erosion and sediment control features, storm water management features, and other ancillary components. Battery storage and other energy storage methods are not approved as part of this SUP and will require separate special use permitting. The “Maximum Extents” shall not exceed 718 total acres, 686 total acres in Buckingham County, and is depicted on the General Plan. The “Property” is defined as 1,127.2-acres consisting of the following parcels situated in Buckingham County Tax Map 202 Parcel 70 approximately 796.67 acres, Tax Map 207 Parcel 41 approximately 108 acres, and Tax Map 207 Parcel 40 approximately 192.91 acres.

6. **Binding Obligation.** This SUP shall be binding on the Applicant or any successors, assignees, current or future lessee, sub-lessee, or owner of the solar energy facility.

7. **General Plan.** The construction of the Project shall be in substantial conformance with these conditions and in general conformance with the Special Use Preliminary Site Plan prepared by RWE Clean Energy dated June 26, 2023 (the “General Plan”). The Solar Equipment and accompanying storm water features shall be limited to no more than the 718 acres (686 acres in Buckingham County) of the 1,127.2-acre Property as shown on the General Plan. Modifications to the General Plan shall be permitted at the time of building permit based on state and federal approvals and final engineering and design requirements that comply with these conditions.

8. **Construction Hours.** All site activity required for the construction and operation of the solar energy facility shall be limited to the following:

a. All pile driving activity shall be limited to the hours from the earlier of sunrise or 8 a.m. to the later of 6 p.m. or sunset, Monday through Friday. Applicant may request permission from the Zoning Administrator to conduct piling driving activity on Saturday or Sunday, but such permission will be granted or denied at the sole discretion of the Zoning Administrator; and

b. All other construction activity within the Project Area shall be limited to the hours from the earlier of sunrise or 8 a.m. to the later of 6 p.m. or sunset, Monday through Sunday in accordance with the provisions of the County’s Noise Ordinance and shall not be unreasonably loud for a sustained duration of time as monitored at the property line of the Project Area.

9. **Noise.** After completion of construction, the solar energy facility, during normal operation, but excluding maintenance, shall not produce noise that exceeds 50 dbA as measured at the property lines of the Project Area boundary, unless the owner of the adjoining affected property has given written agreement to a higher level.

10. **Setback from Existing Residential Dwellings.** A minimum three hundred and fifty (350) foot setback shall be maintained from Solar Equipment to any adjoining or adjacent residential dwellings (and not the property line) that exist at the time of the approval by the Board of Supervisors. This requirement may be reduced or waived for the life of the solar energy facility, if agreed to, in writing, by the owner of the residence. Transmission lines and poles, security fence, and project roads may be located within the setbacks only where necessary. During construction, the setback may be used for the staging of materials and parking if the buffer is not disturbed. The Applicant shall retain and maintain existing vegetation and timber in the setback that are under the control of the Applicant and located on the Property.

11. **Setback to Property Lines and Rights of Way.**

a. **Property Line.** A minimum of a fifty (50) foot setback from Solar Equipment to the property line shall be provided around the perimeter of the Solar Equipment where it is adjacent to property not owned by the same property owner as covered in the SUP at the time of the approval by the Board of Supervisors.

b. **Right of Way.** The Applicant shall provide a minimum of a seventy-five (75) foot setback from Solar Equipment to any adjoining public right of way.

c. Transmission Lines and poles, security fence, and project roads may be located within the setbacks only where necessary.

12. **Setback to Perennial Streams and Connected Wetlands.** As an additional erosion and sediment control and stormwater management precaution, a minimum fifty (50) foot setback shall be maintained from Solar Equipment to the edge of all perennial streams and connected wetlands located within the Project Area. Transmission lines and poles, project roads, erosion and sediment control and stormwater management features may be located within the setbacks where necessary.

13. **Buffer.**

a. Within the setback, the Applicant shall retain at least a fifty (50) foot buffer of existing vegetation and timber with the intent to substantially obscure from view the Solar Equipment and security fence from the property line. Along the property line where there is no vegetation or timber to retain, the Applicant will supplement the buffer with new plantings in the fifty (50) foot buffer.

b. Along existing public right-of-way (ROW) where there is existing timber, the Applicant shall retain at least a fifty (50) foot buffer of existing vegetation and timber with the intent to substantially obscure from view the Solar Equipment and security fence from the public right-of-way. Along existing public rights-of-way where there is not at least 50' of vegetation and timber remaining to substantially obscure from view the Solar Equipment and security fence, the Applicant will create a buffer of at least fifty (50) feet. The new buffer will include timber, evergreens, cedars or other vegetation as determined by the Applicant with the advice of a professional arborist and subject to the prior written approval of the Zoning Administrator prior to the issuance of a building permit. All plantings installed in the buffer

shall have an anticipated five-year height of six (6) to eight (8) feet after planting and an anticipated mature height of at least twenty (20) feet. Any new plantings shall be planted during the appropriate time of year after the completion of construction of the Project. The buffer may be included in the setback area.

c. The Applicant will maintain all buffer areas with the advice and support of a professional arborist or forester for the duration of the Project's operational life. Such maintenance may include thinning, trimming, seeding or other modifications to the buffer to ensure the health of the vegetated buffer areas, public safety, and the energy efficiency of the Project. In the event the health of the vegetation within the buffer area is compromised and no longer substantially obscures the visibility of the Solar Equipment and security fence, the Applicant will plant a new buffer, or supplement the remaining buffer, including timber, evergreens, cedars or other vegetation as determined by the Applicant with the advice of a professional arborist or forester.

d. A performance bond reflecting the estimated costs of anticipated landscaping maintenance, as determined by the Applicant with the advice of a professional arborist or forester, shall be posted by the Applicant prior to construction. This ensures buffer landscaping is adequately maintained for the life of the Project.

14. **Fencing.** The Applicant shall install a security fence around the Solar Equipment that is a minimum six (6) feet in height. Fencing must be installed on the interior of the vegetative buffer required in this section so that it is screened from the ground level view of adjacent property owners. The fencing shall be always maintained while the facility is in operation.

15. **Lighting.** Construction lighting shall be minimized and shall be directed downward. Post--construction lighting shall be limited to security lighting only and shall be full cut-off lighting pointed in a down direction. All post-construction lighting shall be dark sky compliant.

16. **Interconnection.** The Project shall not receive a building permit until evidence has been given to Buckingham County that the electric utility company has a signed an interim interconnection service agreement or interconnection service agreement with the permittee.

17. **Decommissioning.** If the solar energy facility is inactive completely or substantially discontinuing the delivery of electricity to an electrical grid) for a continuous twelve (12) month period, it shall be considered abandoned. The Applicant shall provide notice to County Administrator immediately upon the Project becoming abandoned, inactive and/or shutting down operation. The Applicant or its successor and/or assign ("Project Owner") shall decommission the Project within twelve (12) months abandonment, inactivity, or substantially discontinuing the delivery of electricity to an electrical grid, whichever occurs first. The decommissioning shall be in accordance with a Decommissioning Agreement between the Applicant, Project Owner and the County. If the Project (or relevant part) is not removed within the specified time, the County may cause the removal of the Project with costs being borne by the Project Owner as will be provided for in the approved Decommissioning Agreement. The costs of decommissioning shall be secured by an adequate surety in a form agreed to by the County Attorney, including but not limited to a bond, letter of credit, cash, or a parent guarantee by an investment grade entity. The Applicant's cost estimate of the decommissioning shall not include the salvage value of the Solar Equipment. The cost estimate of the decommissioning shall be updated by the Applicant every five (5) years and be provided to the County. At its option, the County may require

the surety amount be increased based on the new cost of decommissioning. The Decommissioning Agreement shall be agreed upon and the surety shall be provided before the issuance of the building permit.

18. **Decommissioning Timeframe.** The Project shall be decommissioned within twelve (12) months. The decommissioning shall require (i) the removal of any Project facilities installed or constructed thereupon, (ii) the filling in and compacting of all trenches or other borings or excavations made in association with the Project and (iii) the removal of all debris caused by the Project from the surface and 36” below the surface of the Property.

19. **Training of Emergency Services.** The Applicant shall coordinate with the County's emergency services staff to provide materials, education, and/or training to the departments serving the solar energy facility regarding how to safely respond to on-site emergencies. Prior to construction, the Applicant shall ensure that emergency services staff has keys and other access to the Property and the Applicant shall provide the County and emergency services with safety data sheets (SDSs) on the Solar Equipment for the life of the project.

20. **Access Roads and Signage.** Access roads are to be marked by the Applicant with identifying signage. The manufacturers' or installers' identification and appropriate warning signage shall be posted on or near the panels in a clearly visible manner. The signage must identify the owner and provide a 24-hour emergency contact phone number. Each access gate must also have the signage that identifies the owner and provides a 24-hour emergency contact phone number.

21. **Construction Management.** The following measures will be taken:

- a. A Construction Traffic Management Plan and mitigation measures shall be developed by the Applicant and submitted to the Virginia Department of Transportation (VDOT) and Buckingham County for review. The Plan shall address traffic control measures, an industry standard pre- and post-construction road evaluation, proposed work zones and delivery locations, and any necessary localized repairs (i.e., potholes, wash-boarding of gravel, shoulder rutting, culvert crushing, etc.) to the public road that are required as a result of damage from the Project.
- b. During construction, each project entrance will have a dedicated wash station to mitigate natural debris from unintentionally leaving the Project Area. The Applicant will take all reasonable precautions to minimize impact and damage to public roads including regular maintenance, washing and sweeping. If a traffic issue arises during the construction of the Project, the Applicant shall immediately develop with input from the County and VDOT and implement appropriate measures to mitigate the issue.
- c. During construction, the Applicant will hold a Town Hall every quarter within the County, inviting county officials, neighboring landowners, and the broader Buckingham community. During these Town Hall's, the Applicant will provide a report on the Project's construction progress from the previous quarter and summarize construction activity to occur in the subsequent quarter, and provide an opportunity to receive citizen comments.

22. **Parking.** Parking of vehicles or staging of equipment or materials related construction or decommissioning of the Project shall be limited to the Project Area.

23. **Glare.** All panels will use anti reflective coatings. Exterior surfaces of the collectors and related equipment shall have a non-reflective finish and solar panels shall be designed and installed to limit glare to a degree that no after image would occur, towards vehicular traffic and any adjacent building.

24. **Height.** No aspect of the Solar Equipment shall exceed 17 feet in height, as measured from grade at the base of the structure to its highest point. Such height restriction shall not apply to electrical distribution facilities, substations, or transmission lines.

25. **No County Obligations.** Nothing in this SUP shall be deemed to obligate the County to acquire any interest in property, to construct, maintain or operate any facility or to grant any permits or approvals except as may be directly related hereto.

26. **Severability of Conditions.** If any one or more of the conditions is declared void for any reason whatever, such decision shall not affect the remaining portion of the permit, which shall remain in full force and effect, and for this purpose, the provisions of this are hereby declared to be severable.

27. **Enforcement.** Any infraction of the above-mentioned conditions could lead to a stop order and discontinuation or revocation of the special use permit in accordance with Virginia law.

28. **Solar Panel Technology.** The Applicant will be restricted from utilizing photovoltaic panels with internal components containing cadmium telluride. Only silicon type panels, or those other panels that have been established as optimal standard best practice shall be utilized by the Applicant.

29. **Ground Cover; Pollinators.** Prior to the start of construction, the Applicant will perform no less than 10 soil tests in areas across the Project Area to achieve an appropriate sample size of Project Area. The soil tests will be used to inform and develop a comprehensive and detailed vegetative management plan with the intended effect to revegetate the Project Area with ground cover. The vegetative management plan may include the optimal seed types, fertilizer rates, and liming rates (if necessary) to be used for temporary and permanent stabilization. Once operational, the Applicant will maintain ground cover in good condition throughout the operation of the Project. Where grubbing is not required for the construction or operation of the solar farm, or for the installation of erosion control and stormwater management features, existing stumps shall remain in place. The Applicant will consider implementation of Pollinator Habitats where appropriate and in accordance with applicable laws and regulations.

Bickford: Well, I'll tell you what, let's hold that and I'll get you read that. But Mr. McNeely, do you want to do your presentation first before the public hearing? We only got that one. Do you come on forward and do your presentation, sir?

McNeely: Good evening, Chairman, thank you. Running through, yeah, you can go ahead and start.

Blue Rock Solar Project

Presentation to the Buckingham County Planning Commission

September 25, 2023

Blue Rock Solar is seeking a recommendation of approval from the Planning Commission for the SUP application

The project aligns with the Buckingham County Comprehensive Plan as well as conditions of the Special Use Permit.

RWE 23/09/2023

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Project Overview

- The project is a proposed 100- megawatt photovoltaic solar facility located in southeast Buckingham County, with a small portion in Cumberland County
 - Situated near the intersection of Route 683 and Route 636, east of Sheppards
 - The Project will span three (3) parcels of land, which are owned by two different owners
- Total Project area (leased area) includes approximately 1,127.2 acres of forested and agricultural land currently being managed for timber production or farmed
- The Solar Project development area will be limited to approximately 718 total acres and 686 acres in Buckingham
- At the end of the Project's life, the land may be converted back to commercial forestry or used for agriculture.



RWE 23/09/2023

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So I'm gonna skip over the nuances of what we've already talked about. And I think I want to follow up on a couple of questions from Pete on the last time we were here and then just reiterate some of the items that we've previously talked about. I know there's been some discussion at the county around an ordinance. I know there was some additional discussion around a cap and maybe a change in the proposed cap. I'll just walk through a high level. Pete, last time we were here you asked about two things. So the topo map, we looked back the topo was included. It was an exhibit in the application, I believe it was Exhibit C 6. I've got that I'll show that in a little bit. We also went back about the VDOT and you had some concerns about traffic entering in through the south proposed entrance. We did go back through the application there was a VDOT consultation in there, which essentially just requires us to go through a full traffic management plan. We did confirm that that is both incorporating comments and review from VDOT and also Buckingham County. So even though think Mr. Allen mentioned it was a public road or county or state road. Buckingham County will get input into that. So any

signage, stop, stoplight or anything that may be required on a temporary basis for use of that, you know, we will obviously incorporate all those comments, thank you for your review. The bulk of today is, like I mentioned, to go over some of the highlights of the project and reiterate that, you know, RW wants to be a good neighbor. And we think we've selected a site that is, you know, really ideal for large scale solar. And we want to just reiterate some facts that we believe this gives the county a very real prospect, at potential revenue, both from a tax side, but then also what's created during the construction phase of the project.

Benefits of Blue Rock Solar project for Buckingham County

- **Economic and Fiscal Impact**
 - Increase in annual real estate taxes: \$5,300 current use vs \$34,000 for solar use
 - Revenue Share: \$1,540/MW/year annual revenue share contribution
 - Siting Agreement: project will contribute millions through Siting Agreement to be negotiated upon SUP approval
- **Near-Term Project Viability**
 - One of the most viable prospects for near-term economic benefit due to its position at the top of the PJM interconnection queue
 - \$0 Network Upgrades allocated to our queue position

FIGURE 11-07-2023

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In there, so you guys are all familiar with the location of the project. So some of the economic and fiscal benefits, so when we look at the economic benefits of the project, in the application, we talked about it. It will contribute roughly \$3.2 million and associated local wages and benefits, and another \$15 million in local economic output during the construction phase. During operations, we estimate that there's roughly \$1.2 million dollars in local benefit. And then the project itself will generate approximately \$9.6

million in local tax revenue. That's not in addition to the additional tax revenue or additional citing agreement revenue that we assume will be required as part of the conditional use or special use permit. One of the facts I know you guys have been back and forth on an acreage cap. And so and I know you guys have been presented, you know, a handful of these projects. When we look at the PJM queue. So what has been proposed for projects coming through PJM and so this excludes what may be smaller scale with Dominion. We believe our project provides you with the highest probability to actually see those tax benefits received. Go to the next slide, I can show you why.

Advanced PJM Position Compared to Other Proposed Projects

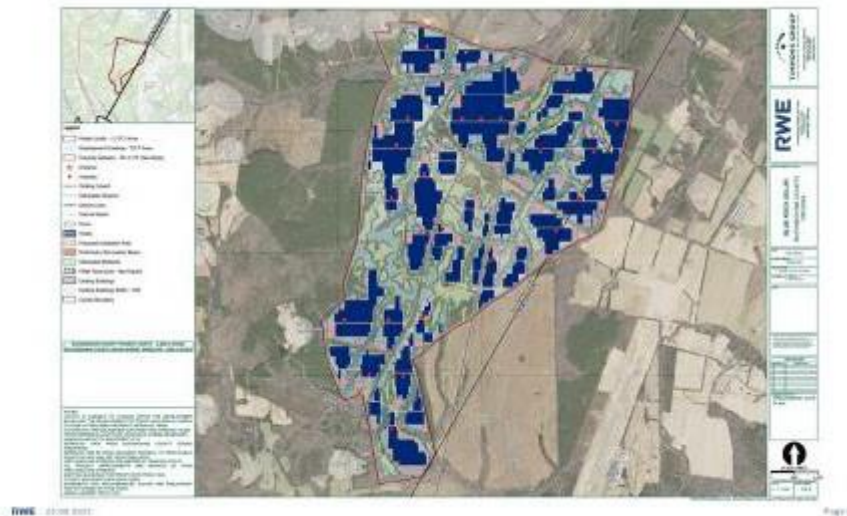
401-001	Buckingham 34 MW	Va	In Service	Domion	10.8	10.8	11.5	16.5	22	
401-008	Brown Mountain 100 MW	Va	Engineering and Procurement	40P	140.5	140.5	85.7		22	
402-018	Lynchville 600 MW 115 MW	NC	Active	Domion	200	200	50		22	Feasibility Study (Plan cost)
401-010	Brown Mountain 100 MW	VA	Active	40P	140.5	0	7.7		22	Feasibility Study (Plan cost)
401-011	Lynchville 600 MW 115 MW	VA	Active	Domion	200	200	130		22	40P (Transition Cycle 1)
401-012	Lynchville 600 MW 115 MW	VA	Active	Domion	200	200	130		22	40P (Transition Cycle 1)
401-013	Lynchville 600 MW 115 MW	VA	Active	Domion	200	200	130		22	40P (Transition Cycle 1)
401-014	Lynchville 600 MW 115 MW	VA	Active	Domion	200	200	130		22	40P (Transition Cycle 1)
402-009	Buckingham 34 MW 210 MW	VA	Active	Domion	70	70	40,000		22	Feasibility Study (Transition Cycle 2)
402-010	Portsmouth - CINC Liberty 80 MW	VA	Active	40P	50	50	20		22	Feasibility Study (Transition Cycle 2)
402-011	Roanoke - Brown 130 MW	VA	Active	40P	30	30	30		22	Feasibility Study (Transition Cycle 2)
402-012	Roanoke - Brown 130 MW	VA	Active	40P	30	30	30		22	Feasibility Study (Transition Cycle 2)
402-013	Lynchville 600 MW 115 MW	VA	Active	Domion	200	0	40		22	Feasibility Study (Transition Cycle 2)
401-015	Brown 34 MW - Buckingham 220 MW	VA	Active	Domion	30	30	11.5		22	Feasibility Study (Transition Cycle 2)
401-016	Brown - Buckingham 220 MW	VA	Active	Domion	70.8	70.8	07.8		22	Feasibility Study (Transition Cycle 2)
401-017	Roanoke - CINC Liberty 80 MW 40 MW	VA	Active	40P	50.8	50.8	17.8		22	Feasibility Study (Transition Cycle 2)
402-014	Buckingham 34 MW 210 MW	VA	Active	Domion	200	200	50		22	Feasibility Study (Transition Cycle 2)
402-015	Buckingham 34 MW 210 MW	VA	Active	Domion	200	200	50		22	Feasibility Study (Transition Cycle 2)
402-016	Roanoke - Brown 130 MW	VA	Active	40P	140.5	0	10		22	Feasibility Study (Transition Cycle 2)
402-017	Lynchville 600 MW 115 MW	VA	Active	Domion	200	0	22.8		22	Feasibility Study (Transition Cycle 2)

HWB 02/09/2023 - Subject matter of the information, which can also be verified

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This is all public information. So this was pulled directly from PJM’s website. So when you look at the interconnection queue, you've got two projects that are ahead of us that are either active or in service. Those two projects, one was the Apex project. The other is your 20 megawatt project that's on Route 60 that's built. We are third in line. We talked about when we expect this product to be online. And we said the earliest it could come online would be 2026. PJM just recently went through key reform. So I highlighted in three colors where those other projects are. We also put a column in there to show you what attributed network upgrades will be associated with those projects that are behind us in the interconnection queue. If you look at where we are at, we have \$0 in network upgrades associated with the project. So I know there's sensitivity around how much industrial scale solar comes into the county. I can say, you know, factually, based on these numbers that are where they're currently sitting, that our project is probably the only one that is viable right now. And that's not to say the other studies change. But it is certain that other projects are going to struggle to achieve economics that will actually be able to be built and financed. Additionally, the color code talks about just based on the PJM key reform, when in reality, those projects could come online. So the bulk of the projects that have been presented in the county don't have a likelihood of coming online before the end of 27/28 for 4 projects that are behind

us. And then the bulk of the projects don't have a shot at coming online based on the PJM cube reform process until the end of 2020. So closer to 2030.



Project Considerations with Solar Siting Guidance

- **Viewshed**
 - There will be virtually no viewshed from the road and no viewshed from residences given project location relative to dwellings and structures
- **Traffic Impact and Road Use**
 - Few neighbors near project entrance/in surrounding area
 - Construction and operations will have minimal impact to traffic flow and school bus routes due to location near County line
- **Decommissioning**
 - Decommissioning requirement will be for entire leased acreage of the project. County will be named in Decommissioning Bond

So in previous discussions, I think we've talked about a couple of different things and understanding the set demands that we've heard from the county, I think one of the biggest items is view shed. And I think we've picked a location and I think we've presented that where it is, you know, highly protected from any view shed issues, obviously not bisected by major road. It's on the edge of the county. What that does, you know, for impacts to your guy's traffic route impacts, schools. We've been through that. There's no churches on that road, or in close proximity. And so we really do feel that it's ideal. We've also talked about decommissioning what happens to land, you know, as we've been over before, over 938 acres of this project is leased. There's only 194 acres that we purchased with the addition of maybe 5 acres for the substation that will be required to be deeded over to Dominion. But the bulk of that land, under the lease obligations has a decommissioning bond requirement. So will be restored at the end of

the useful life of the project. In addition, we've talked about naming the county, I think we'd like to stick to that. Have that as a condition if we ever get approved for a special use permit.



We've talked about other projects in the state, this is just one of our other projects, I think it's called Pleasant Hill believe it's in Suffolk County.

Visual simulations of viewshed from Stage Coach Road



Again, just on the view shed, so we want to be a good neighbor. We want to be out of sight out of mind. I think we've picked that location.

Viewshed from Stage Coach Road (no visibility from road)



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Very little visibility along Stagecoach Road as you keep going.

Viewshed from Mohele Road (no visibility from road)



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In addition, natural resources and wildlife and so the incorporation was wildlife corridors. We've touched on that before, you know each individually fenced to allow for that.

Environmental Design Considerations

- **Stormwater Design**
 - Detailed civil design for stormwater management facilities/erosion & sediment control will be performed reviewed and approved by all appropriate regulatory agencies including Buckingham County, Peter Francisco Soil and Water Conservation District and the Virginia Department of Environmental Quality prior to the issuance of a Land Disturbance Permit for the project
- **Environmentally-Friendly Design**
 - Wildlife corridors incorporated into design
 - Will implement pollinator-friendly plants and seeds
- **Site Topography**
 - Site is relatively flat and will require minimal grading, which will minimize water runoff and leave the soil in better condition for future land use

Next slide, please. And then stormwater design being a big one. So just to reiterate, you know, the detailed civil design will have to go through the erosion and sediment control both for temporary measures, and then permanent measures, again, reviewed by the state and the county.



And then, this is a picture of that switch grass project and construction page, just so you could see what those mitigation measures look like, with the buffers around the wetlands in the water basins to catch any runoff and filter that down.

Kapuscinski: Sorry, where is that?

McNeely: That is the Pleasant Hill project of ours in Suffolk County. During its construction phase, that pictures about a year and a half.

Kapuscinski: Just I don't mean to interrupt your presentation. But what's the buffer distance there?

McNeely: I don't have that offhand.

Kapuscinski: Thank you.



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McNeely: This is the topo map. So when we talk about why we select the site in comparison to all the other sites in Buckingham County, you know, the site is extremely flat comparatively. I think if you, we had mentioned there's a couple areas where the slope got over a tolerable amount for solar, those are highlighted in yellow and orange. So as you can see, very flat site overall.

VDOT Processes

APPLICATION FOR A TRAFFIC IMPACT DETERMINATION

Please fill out the following information before submitting to VDOT

Case Number / File Name _____

Applicant: Blue Rock Solar, LLC

Location: The Project is sited over the intersection of Route 632 and Route 638

Proposed Use: Utility Scale Solar Panels

Are VDOT on-site _____

A Traffic Impact Determination is required per 24.2-102-10

A Traffic Impact Determination is not required. The traffic generated by the proposed project is not expected to have a significant impact on the road network.

The Traffic Impact Analysis has been prepared by the following Department for the following reasons:

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Construction Management Conditions:

- A Construction Traffic Management Plan and mitigations measures will be developed by the Applicant and submitted to both VDOT and Buckingham County for review
- Plan will address:
 - Traffic control measures
 - An industry standard pre- and post-construction road evaluation
 - Proposed work zones and delivery locations
 - Any necessary localized repairs (i.e., potholes, wash-boarding of gravel, shoulder rutting, culvert crushing, etc.) to the public road that are required as a result of damage from the Project

The VDOT process. To reiterate what I was mentioned earlier, Pete, this initial consultation letter was included in the application. Again, any further process, the traffic management plan will need to be done in collaboration with VDOT and Buckingham County.

Kapuscinski: Does that has to be done before you're permitted?

McNeely: That has to be done before we start construction. And so typically, it would be done during the PBR process. Lauren, correct me if I'm wrong. Yeah, so we need we would need the state permit to be issued before we can finalize our civil design. And there may be some changes required during the state review process. Obviously, they'd have to be, you know, confined within the limits of whatever the county approves. And then once you have that, and you can have your civil design completed. Then you need that before you can start construction.

Project Timeline



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And that's it. And so just one more time to reiterate, when you look at all the other projects that have been presented, you know, we've given you an aggressive schedule that shows that we can actually be online by 2026 and contribute real dollars to the county comparatively, you know, and genuinely. We believe that. I think the facts show that. So, you know, we do request, you know, you guys put forward a motion to approve this project to the Board of Supervisors.

RWE

Contact Information:

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Natalie Gerber – Manager
natalie.gerber@rwe.com

Tory Kaso – Community Engagement
tory.kaso@rwe.com

Bickford: Any questions from the Commissioners?

Kapuscinski: I've got a couple if you don't mind that. First is, I look at the book and in 4.1, you suggest that setback from existing residential dwellings by a minimum of 828 feet from the site plan, I would assume that's from the fence. And then in your application, you're citing 300 feet. So the question is, which is it? Are you...

McNeely: So the 300 feet, I think is in line with what previous conditions were set on other projects. I think what we were saying with the 800 feet is when you look at the actual conceptual project design that we've showed you, and you, I think we had a map in there that showed the distances from the actual residences, that's 800 feet.

Kapuscinski: And you don't intend to encroach any further.

McNeely: We would stay within the confines of the property. I think just physically, you cannot, right, because of how far a lot of those residences are. Okay. But obviously, one of the things that we'd like to do is maintain that condition, the 300-foot condition, regardless of how the panels may shift during the state permit process.

Kapuscinski: Are your holding ponds inside or outside the fence?

McNeely: So there's a mix, I believe, correct me if I'm wrong, Lauren. It's a mix.

Kapuscinski: So if you've got a condition, a setback condition, to the fence line of 50 feet, and you're suggesting as well that you're going to have 50 feet of dead, vegetative buffering, how would you do that plus a holding pond in that 50 foot?

McNeely: Irregardless and you correct me if I'm wrong, Lauren, it would be 50 foot to the start of the retention pond. So you would just have, it would just be an additional buffer. You'd have a greater than a 50-foot buffer from...

Kapuscinski: So what your condition is is 50 foot of vegetative beyond the holding pond? So you take the fence plus the holding pond and then you'd have 50 foot or you'd make sure that that would not encroach on the property line?

McNeely: Correct.

Kapuscinski: The distance to right away apparently is 75 feet. But with regard to wetlands and streams, I thought I read something where you were going to allow 50 foot from wetlands and streams. Did I read

that correctly? And I don't know if the proposal from the county has anything specifically stated. Mr. Allen, is there a proposal, in the proposal, in the draft, I thought I read it but I couldn't find it again. Is there a minimum requirement to a wetland or stream?

Allen: Not sure.

Bickford: There is a distance from the stream. They delineate the wetlands, and they don't disturb it. Other than if that's what you're asking?

Kapuscinski: The reason I'm asking is because I think there was a, I'm curious to find out what's in the...I mean, I thought I read 75 foot in the county proposal. But what I want to point out, Mr. Chairman, is that in the county proposal, in in the draft, right, the minimum requirements are set out. As an example distance from dwellings is set out at 500 feet. Distance to a wetland is not certain to me, I thought it was 75 feet, distance to a fence line to 75 feet, vegetative buffers 50 and distance right away 75 feet. I think some of these are being met, not just in this particular project, but in other projects that come before us. But there are as in this project, minimums that are not being met. So the question I'm asking you, sir, is shouldn't we be recommending at least, conditions that meet the minimums in this draft proposal? Otherwise, what sense is there in a draft proposal?

Bickford: Well, what we put forward is the 30 conditions of the previous solar farms. And that's what the county has agreed on. And they have met all of those criteria. The draft, I assume was changed to meet as we discussed those previous applications. So what you're asking is, do we want to ask them to have larger buffers?

Kapuscinski: Yeah, in other words, I think for my part, I would recommend and be willing to make a motion, that on a minimum basis, the conditions that are being offered by any project owner, at least meet those minimum requirements that are in the draft proposal. Otherwise, I have no idea why we even want to have a draft proposal.

Bickford: Well, I can't explain why that changed. I just know in the process of the previous applications; this is what the county ended up with. Primarily they came if I recall from Riverstone, wasn't it, Nicci, that we made those changes,

Kapuscinski: And we understand that.

Bickford: So they've been brought forward. So what you're asking is, do we want to go back to the original draft, I assume, the County had prior to those applications?

Kapuscinski: What I'm saying is that we have a draft proposal from the county that sets out minimums, as an example, distance from dwellings of 500 feet, as an example of distance to the wetland is not certain, I thought it was 75 feet distance, the fence line 75 feet. And I'm suggesting to you that in this project as well as other projects, those minimums aren't being met. So my question to you is, should we be recommending conditions that align with this draft proposal?

Bickford: I will answer it this way is that the draft proposal was altered for those previous applications. And the 30 conditions that now the county has been working with did change those minimums. So what you would be doing now is going back and asking any future applications to increase those buffers? As...

Kapuscinski: I'm asking them to at least meet the minimums that are in the draft proposal. That's all I'm asking. I mean, am I out of line here?

Allen: The draft proposal hadn't been approved yet. So it, I know what, it's out there. But the only thing is approved on it is the acreage. And that's changed from the total acreage to the acres inside that fence.

Kapuscinski: I totally understand that. But then my question is, why would it be, I guess I don't understand why you would have included it in a draft proposal, if you wouldn't at least want us to look at it, and determine whether or not those minimums are being met. The whole thing is confusing to me. So I mean, if you want me to totally disregard all of the things except the acreage in the draft proposal then say so. I mean, because, you know, I've already said I thought, you know, the, the use of the land and the area where RW wants to put this thing is optimal, right. I told you that I thought it was really good. But the question I'm asking you is, should we be looking at those minimums that are in that draft proposal that's been published? I've got it here in front of me when we look at these projects.

Gooden: I'm saying it's a draft proposal. So it's looking at what they are thinking it's going to be. Our job is to look like at what we actually have. And it's like saying whatever they've got in committee, we think we're going to do that. So we need to adjust to what we think they're going to put out. And that's the draft. And why would we, there's so many ideas about a draft. I'm just confused why we would be addressing what's in the draft proposal rather than what we've already done?

Kapuscinski: Because they wouldn't be interested in having that minimum if they hadn't put it in the draft. So if the Board of Supervisors is talking about putting those minimums, and they've drafted that, why wouldn't we be considering it? Why wouldn't it be a condition that we would consider?

Gooden: Mr. Chairman?

Bickford: Yes, ma'am.

Gooden: And it just reminds me, and this is just an anecdote. I did a paper and the paper was on breastfeeding. And my instructor marked my paper down. And it was based on her unpublished works, that I had my paper marked down. And I'm looking at a draft for what they have a draft proposal is information that's there. But it's a draft. And, and that's like me looking at her unpublished works. It's not out there yet. Information may be out there. We talk, we know what's in committee, but because it's in committee. This is what we think they're going to do. So we need to set the standard here. I think we need to look at what the standard is now and not the draft, and the 30 points that we've already set forward is what we're going by. So I'm not understanding why I need to look at a draft now and say, Oh, they gonna draft it. So I'm gonna set it this way, because I think that's what they're going to do.

Bickford: Well, the other point is that this applicant came under the assumption of the minimums that we'd already had in our conditions. And although it is being considered by the Board of Supervisors, I really don't think it's fair to come back on this applicant now saying, "Look, we might do this in the future so you need to do it", because they've already constructed their project and everything based on the 30 conditions and limitations and minimums we have. I really don't feel like it's fair now to come and ask them to do increase it. You know, even though that may be the future policy that comes from the Board of Supervisors. So my thinking is, we don't try to institute that on this application, because they've already done all this work and prepared based on the information the county gave them.

Gooden: I agree with that. Mr. Chairman, just one other point. I'd like to go back to that chart that you had and what I want is the chart, I can't see it on my...all I see are tiny and I guess I've had visual problems. Is there a way I can get print of that? I don't know if anybody else wants one. I just want to be able to read what the chart says. Can we can you help me?

McNeely: So Ms. Gooden, this information is all publicly available via PJM.

Edmondston: I've forwarded the PowerPoint presentation to all the Commissioners.

Gooden: All right, the other charts and graphs were already in our presentation. I think most of them are already in the other slides. Most of those, this one I just did not remember seeing. I just want to be able to read it. We so in listening to the minutes from your guy's previous sessions, between the last time we spoke with you guys, we understand, you know, you guys have had, you know, a lot of projects come forth before you. We understand there's a little bit of fatigue. But we also realize that the benefit that we're talking about as far as potential revenue to the county, is real on our project in comparison to a lot of the other ones that have said that they want to come in and construct. You know, we started this project in 2017. So we optioned the land in 2018. The reason why we're only coming forth now is because the project has matured through the interconnection process. And so if you look at it, you know, these are ordered sequentially on when these projects were submitted to PJM for interconnection studies.

You can see that the only two that are in front of us that are active and not have not pulled out of the process is our project. Right and then all the other ones follow in.

Gooden: I hear what you are saying. My point only is I want to be able to read this chart and see for myself. I don't need more words. Okay. Quite simply, I just want to read the chart.

Bickford: While Nicci is getting that printout, does any other Commissioners have any questions whatsoever? Let's do this. Mr. McNeely you sit on down, and when Nicci gets back she'll hand that paper to the Commissioners and then we'll do the public hearing and then any questions before we make a decision I'll call you back up. That'll give you time.

Open Public Hearing:

We are now going to open the public hearing. If you would read the email that you got for public record, please.

Edmondston: Yes, sir Mr. Chairman. The one email that I've received this evening is from Kristin Ghee of 1275 Holland Road. And her email states: In support for Blue Rock Solar Development. Dear Members of the Planning Commission, I'm writing to express my strong support for the Blue Rock Solar Project in Buckingham County. As a concerned resident and advocate for renewable energy initiatives, I believe that this project offers numerous benefits for our community, the environment and our local economy. 1. Sustainability. This project's proposed location is ideal for solar both because of its proximity to major power lines, and because of its relative flatness compared to much of Buckingham County. Its proposed design would honor the lands existing natural resources and rural character while avoiding negative impacts to wildlife. With proper buffers that will be virtually unnoticeable for passersby. 2. Tax Revenues. Solar projects generate property tax revenue for the county, which can be reinvested into essential services such as education, health care and infrastructure. The project owner estimates the project would generate \$9.6 million in County revenue over its anticipated 40-year operational life. 3. Job Creation. Large scale solar projects create jobs and stimulate economic growth in the local community. During construction, these projects generate employment opportunities in various sectors including engineering, construction and maintenance. Furthermore, the presence of renewable energy infrastructure can attract new businesses investments to our county, leading to increase tax revenue and improve local infrastructure. 4. Environmental Benefits. Solar energy is a clean and sustainable power source that has minimal impact on the environment. Unlike fossil fuel power plants, solar installations do not produce air or water pollution, making them an environmentally responsible choice. Additionally, the preservation of open space and natural habitats can be achieved with solar developments by promoting responsible land use practices. 5. Energy Security. Investing in solar energy enhances our energy security by diversifying our energy sources. Solar power is abundant and can be harnessed locally reducing our dependence on distant and sometimes unstable sources of

energy. This stability can help protect our community from energy price fluctuations and supply disruptions. Long term sustainability. Solar installations have a light long lifespan and require minimal ongoing maintenance. The project will provide clean energy for decades, ensuring a sustainable energy future for generations to come. At the end of the project's life, the land can be converted back to existing land uses. I understand that all development projects must be thoroughly reviewed and meet regulatory requirements to ensure their compliance with local laws and standards. However, I believe that the benefits outlined above, combined with a responsible approach to development make the solar project a valuable addition to our county. I kindly request that you consider the positive impact that this solar development can have on our community and provide your support for its approval. By embracing clean energy solutions like solar power, we can create a brighter, more sustainable future for Buckingham County. Thank you for your time and attention to this matter. I look forward to seeing our community take a significant step towards a greener, more prosperous future. Sincerely, Kristin Ghee. District 3.

Bickford: Thank you, Nicci.

Close Public Hearing:

Bickford: I close the public comment period, public hearing, excuse me, and move it back to questions to the Commissioners. Joyce, do you have any in regards to the paper?

Gooden: I'm good.

Bickford: Any other commissioners have any questions for the applicant before we make a decision?

Dorrier: I don't have a question for the applicant. But I have a question. I noticed that we're trying to fulfill on 18,000 acres of acreage now since they've increased the inner and outer part of the fence. Are we just trying to fill a quota here? Or are we trying to help the county? What is going to do to the forest land? And I haven't seen any results of the solar farms and I know this is a great presentation. I appreciate it. But I just hadn't seen anything from any of our projects that we've put in progress. What are we gonna do? What's happening for the county? So I'm just in a little doubt. I mean, if I had something to go on, I'd say yeah, let's do it right now. But we haven't gotten any results back from any of our projects that we've approved. So that's just the way I feel.

Bickford: Okay. I can only address that or just say that it is a time issue that you don't see the money until the project gets completed. And they rely heavily on the Dominion Power of the hookup and that's usually the hold up. The connection. So. If it does go through, it does benefit the county with just economic data that you've been given. Any other questions or anything for the applicant?

Allen: I think it takes about a year or so at least to get all the permits and everything done.

Bickford: It's a lengthy process. The Commission needs to make a decision whether to move this forward or not. If you don't have any other questions, what's the pleasure of the Commission?

Allen: Make a motion to approve it as is and send it to the board.

Gooden: Second.

Bickford: Okay, we have a motion and second to approve and move this forward to the Board of Supervisors. Any further discussion? All in favor, raise your right hand. It passes.

Supervisor/Commissioner Allen moved, Commissioner Gooden seconded and was unanimously carried by the Board to approve Case 23-SUP329 RWE Energy-Blue Rock Solar to the Board of Supervisors.

Bickford: Board of Supervisors for Mr. McNeely, when will that be?

Edmondston: October 10th at 6:00 p.m. It's a Tuesday at 6pm because the 9th is a holiday.

Re: Old Business: Case 23-SUP331 New Energy Equity-Buckingham Solar 1 LLC

Bickford: Now bring us to our second case which is Buckingham Solar 1 LLC.

Edmondston: Yes, our next case is 23-SUP331. And the landowners are Ivan and Deborah Davis at 106 Whetstone Lane, Dillwyn. The applicant is Buckingham Solar 1 LLC, which is a division of New Energy Equity LLC. The Tax Map 151 Parcel 17 contains approximately 166.62 acres located at or near 106 Whetstone Lane. This case came before the Planning Commission in July. The Planning Commission did ask the applicant to hold a community meeting. Their request is to obtain a special use permit to allow for the construction and 35-year operation of a 5 megawatt solar community solar garden. The applicant is back now to update the Planning Commission and the general public regarding those community meetings and to schedule a public hearing for the request. If it is the pleasure of the Planning Commission to hold a public hearing, October 23, 2023 6:00 p.m. would be the next regularly scheduled Planning Commission meeting. Our applicant is here this evening.

Bickford: Okay, will the applicant come forward and give us a summary of the project anything you want to add plus also your public meeting.

Jesse Diamond: Good evening, my name is Jesse Diamond. Again, I'm with New Energy Equity. We held two neighborhood meetings, one on the 22nd and one on the 29th, both from 4:30 to 6:30 p.m. at the Buckingham Recreation Center. Our outreach was we sent letters to all adjacent neighbors. Myself and the landowner have approach most of the neighboring landowners to introduce ourselves. I've handed out multiple business cards so that they know who to contact if they have any questions in the future. Had great conversations. Couple of good questions. Mostly just curiosity. We've we did put an ad in the newspaper on both the 18th and the 25th of September to give some notice to the general public. And then again, we had that meeting on the 22nd where we had a representative and the landowner and nobody from the public attended. On the 29th, Cameron Gilliam from District 2 Board of Supervisors attended. He was the only person outside of the landowner and myself. We discussed just kind of a general introduction of the project, site layout and location. And then he just wanted to understand a little bit better about the benefits of shared solar since you hear a lot about utility scale. And there are some specifics about shared solar that are a little bit different. Any questions on the neighborhood meetings? When we last spoke, Pete, you had a question. You asked how we come up with having an economic impact of \$5 million for the county. So I got to work. In our paperwork in our narrative, we do describe economic impact and kind of some of that. So, if it's alright with you, I'm just going to read a couple of paragraphs which I've shrunk down just a little bit. Is that all right?

Bickford: That will be fine, sir.

Diamond: So in our narrative, we state that in an economic impact is a change in employment income, and the output in an area based on an activity that affects the local economy, such as construction, and operation of shared solar facilities. Economic Impact includes three components, direct impacts, indirect impacts, and induced impacts. The direct impacts include the changes in employment, worker income, and total economic activity directly related to the shared solar facility. The induced impacts are the effects resulting from changes in spending by employees of the shared solar facility of employees and other businesses indirectly affected by these facilities by landowners receiving lease payments, and by consumers who spend money they saved by subscribing to the shared solar facilities. The indirect and induced effect, which is measured how much money ripples through the sectors of the economy is also referred to as the economic multiplier effect. These impacts can be measured three different ways through employment, labor income, and output. If you want to read more about that, that's on pages 26 and 27 of our narrative, and its Section 11 Economic Impact Analysis. So to get to the \$5 million. There's the development phase, which is hard to quantify a specific dollar amount, but there are engineering services, I use a local engineer to Virginia, I stay locally, I spend, I rent cars locally, I eat locally. It does have a smaller impact. But the construction phase, I estimated about \$1.637 million, operational phase is \$2.653 million, signing agreement, generally 4 or 5 megawatts, somewhere between about \$300,000 to \$400,000 of direct impact. And then economic savings from subscriptions, what the community should save on our project, is about \$5.25 million. And so all of that together, is probably just under \$10 million. And so a large portion of that is going to be for Buckingham specifically. And so

that's where I come up with approximately \$5 million of economic impact. And other than that, those are the two items that I wanted to address specifically. Again, my intent tonight is just to request that we can have a public forum in October so that I can address any public comments and get your opinion on whether or not this is a good project to move forward. So if you have any questions, I'd love to answer them now.

Bickford: Go ahead and sit down, Mr. Diamond. I'll turn it to the Commission? Does anybody have questions for the applicant before he sits down?

Allen: Your acreage to be fenced in will be 24 acres? Is that what it will be? 24.08? That to fenced in acreage? I'm just checking just to make sure. 5 megawatts all together. I like that.

Bickford: Any other questions from the Commissioners? Mr. Diamond, you can go ahead and sit down. We'll discuss it now. Thank you, sir. What is the pleasure of the Commission? Are we gonna move this forward to public hearing?

Allen: So moved.

Kapuscinski: Second.

Bickford: We have a motion and a second. Any further discussion? All in favor, raise your right hand? Moves forward. We'll see you in October.

Edmondston: October 23rd.

Bickford: October 23rd. Thank you, sir.

Re: New Business: Introduction of Case 23-SUP332 CWJ Properties LLC

Bickford: That brings us to a new business CWJ Properties LLC.

Edmondston: Yes, sir. We have a new case and introduction before us of Case 23-SUP332. Our landowner is Jessie M. Woodson-Johnson of 3781 Petersville Church Road, New Canton. Applicant is CWJ Properties LLC. Tax Map is 86 Parcel 9 and contains approximately 1 acre and is located at 3973 Petersville Church Road, New Canton, which is State Route 613 in the Marshall Magisterial District. This is an A-1 zoning district and the applicant wishes to obtain a special use permit to operate an adult home, assisted living facility. The applicant is asking the Planning Commission to schedule a public hearing for this request. There are 10 conditions that are conditions that you may consider, as you review and evaluate this permit request. The applicant is with us this evening. And the question before

you would be, would it be the pleasure of the Planning Commission to schedule a public hearing for this requests? October 23, 2023 at 6:00 p.m. is the next regularly scheduled Planning Commission meeting.

Bickford: Will the applicant come forward please? Would you just give us a quick overview of what you provided on your application for us, please?

Jessie Woodson-Johnson: Good evening. My name is Jessie Woodson-Johnson and this is my husband, Lonnie Johnson. What we would like to do is own and operate in adult assisted living facility. We would like to start off being private under the Social Services regulations to be a private adult assisted living facility. In that business, you have to have no more than three residents. It's our desire that we will be able to get our licensure through the state, so that we'll be able to house more than three people. Right now, there are no adult or assisted living facilities in Buckingham County. The last one that I knew was Mary's Rest Home. And now they are called, I want to say Divine Diversity or something like that, but they house individuals that have developmental delay. So I proposed business is for adult people. People that are of age, and people that are disabled. We already have a modular home there. And Pete came by today to look at and tour the home. It is very quiet. We may have 10 or less cars that travel our road every day. And sometimes they're the, you know, the repeaters that live down the road from us. It used to be a home where I was raised. My father built the home sometime in the 1950s. And a couple of years ago, we took the home down because nobody has lived in it since 1994. And that was when my father was living in it. And then he moved in with my husband and I and we took care of him for seven years. Toward the end, he was bedridden and we had to do everything for him. A couple of years ago, my husband's father moved in with us. And we took care him from October of 2019 through May of 2020. And he missed by two weeks, I believe it was from being 100 years old. And so we took care of him. We have four children, and they will be involved, you know in this operation. So it's going to be a family business. And we will like, you know, the opportunity to start this home. As you know, people are living to be much older. And so this is going to be a need for it. Not everyone is qualified to, you know, be admitted into a nursing home because that's a higher level of care. We're looking for people that are still able to feed, bathe and dress themselves. And we will provide shelter, food, and also, you know, do the laundry for them and also help them with their medication. And if they need transportation to go to their local doctor, then you know, we can provide that or in the event, the families are not able to provide or take them to the medical appointments. We are currently about 15 minutes from the Health Center, Central Virginia Community Health Center. We are probably about 17 or 18 minutes from the rescue building in Arvonnia, about 20 minutes, 15 to 20 minutes from Dillwyn rescue squad, the ambulance services and the fire departments. We are very close to the Cumberland County line. In fact, we can walk to the Cumberland County line. And, in terms of what we planned, you know, there's other things that we're planning to do. we plan to provide them with recreation. You know, we have a church, that's a half a mile from our home, and, you know, they can either attend services there or relatives can pick them up and take them to their, you know, home churches. If one of the residents, you know, has a car and still, you know, driving, you know, they'll be

able to do that. We're just wanting to provide, you know, shelter, food, and do their laundry, and make sure that they're in a safe environment. I've worked my present job for 43 years, and I've advocated for the elderly, those that are disabled. There have been many homes I have gone into, and found that there's elderly people living in the home alone, or they're living, you know, in the home with loved ones or loved ones living with them, but they're left alone, because they have to go to work. And the way things are now, you know, there's so many scammers and, you know, people breaking into people's homes, at least, you know, they will be with us and they can be in a safe environment. The home is located on one acre of land. Where we live is right behind the proposed home. And so, you know, we plan to well, my husband and I, we will be the ones doing the work. And then once we've reached the age where or the inability to take care of the home, we're going to hire someone to do what we normally would do. And we will like to be able to expand. That's why, you know, one of the reasons why we're going to get our license through the state because we have property, more property there that we can also locate another, you know, house on. Not sure whether or not we can add to the current home that we have because it's on one acre of land and it's four bedrooms. The largest bedroom will have up to two people in it. And that could be, you know, a couple. Then the other bedrooms, it could be you know, individual person. Two of the bedrooms we may be able to get two people in the room. But I was kind of looking at myself personally. You know if I were to go into an adult home assisted living facility, I would like to be in a room, you know, alone, but we know that in adult homes and assisted living facilities there are like two people, at least two people in the room. So we do know that one of the bedrooms are not large enough to have two people, but we believe that the other two are. Well, actually the other three are. If you have any questions?

Bickford: Okay, I'll turn it over to the Commissioners at this point for questions.

Allen: Oh, I was just looking, how you doing good to see you, so you got three homes in front of you. So you're just going to use one?

Woodson-Johnson: No we don't have but one in front of us. I did have a double wide, that's no longer there. And then that was a single wide that my nieces own. They're no longer there. And then there was my father's home, which we took down and put the modular home there. So there's only one house in front of us.

Allen: I saw another picture that somebody was showing me the other day that somebody was taking care of the folks like you were talking about, but they had a whole bunch of smaller homes in a row. Trying to take care of them.

Woodson-Johnson: That space in front of us, we would like to, you know, to be able to put at least two more homes in front of us. That is, you know, that's the reason why we want to go ahead and get a license to the state to be able to, you know, expand.

Allen: I'm glad to see you looking out for people. I think it's good.

Kapuscinski: First of all, I'd like to compliment you. I saw the property. It's absolutely gorgeous. And I saw what you did with your modular home. I mean, it's just remarkable. Very nice. Thank you. The question I would ask you and I would add, I'm gonna defer a little bit here to Ms. Gooden, I know that I didn't see any fire extinguishers in your house. I'm assuming you're going to have some of those just in case.

Woodson-Johnson: I believe we do have one that's in the utility room.

Kapuscinski: Okay. What about and I'm, again, I'm gonna defer to this to Ms. Gooden, but what about a defibrillator unit? Is that something that's common in a house that tells people who are either elderly or...should there be somebody there trained to use it?

Gooden: Mr. Chairman, may I speak? First, my background is pediatrics. But I think he's referring to an AED that would have a safety. So there would be safety checks, I'm sure. And that you would meet ADA regulation so if someone was there with a wheelchair, so that would be in your licensure, some outline delineating what kind of health and safety checks that are required. So if they require a fire extinguisher, or if they require an AED, or if they require somebody to know CPR? Those were you know, that's it. But I'm thinking AED would be a nice to have thing. You know, knowing CPR would be nice, but all babysitters should know CPR to but they don't. And so I don't know if that's a requirement. My only regulations have been with daycares with pediatrics on military bases, which I stopped in 1994. When I retired.

Kapuscinski: So the suggestion is that it would be up to the licensor.

Gooden: I don't know the regulations. But just from her background, I'm going with it, she's going by the regulation and since she's going to the state, she would know what is required. And also I would not anticipate her doing just the minimum. As she was talking about the bedrooms. She said well, could put two people in there, but I'm thinking one person would go there. So I'm thinking she's talking about comfort. So I just don't envision her doing the bare minimum. Okay.

Kapuscinski: Well, other than that, I those are the only two questions but I thought I thought it was excellent.

Bickford: Mrs. Johnson, do you know, have you done enough investigating to know how long the process will take to perhaps get licensed so you can expand?

Woodson-Johnson: Yes, I contacted the state. And since Buckingham is in the region with Roanoke, I had to call the Roanoke office and you know, had a conversation about, you know, expanding and licensure. And I was told it's a three-month process.

Bickford: Three months. Okay. I was just curious on that.

Gooden: Mr. Chairman?

Bickford: Yes, Maam.

Gooden: Mrs. Woodson-Johnson, I'm going to out you because I don't think the Commissioners all know, that you want served on this Board. And so I really don't anticipate you doing the bare minimum, because you have sat here in our position and done the work that we're doing. And so you know, what it takes to get something done. And like I said, I don't anticipate you doing just the bare minimum. Your work on the Board before has spoken for itself. You know, I didn't know if you knew that. She was a Planning Commissioner, unless she told you today or something? She's been a Planning Commissioner, and on the Board of Supervisors, so she's not going to give a shoddy work. Okay.

Bickford: All right. Very good. Any other questions for applicant? You can go ahead and sit down. Thank you. All right. I'll turn this application over to the Commissioners. Do we want to move this forward to public hearing?

Kapuscinski: I'd make that motion. Mr. Chairman.

Allen: Second.

Bickford: Okay. We have a motion and a second to move this forward to public hearing. Any further discussion? Seeing none, all in favor raise your right hand? Very good. We'll see you October 23. Okay, thank you, ma'am.

Commissioner Kapuscinski moved, Supervisor/Commissioner Allen seconded and was unanimously carried by the Planning Commission to move Case 23-SUP332 to public hearing at the October 23, 2023 Planning Commission meeting.

Re: Reports

Bickford: Okay, that brings us to your building reports and everything.

Edmondston: Yes, sir. Mr. Chairman, the building permit report is there for informational purposes.

Re: Zoning Administrator Report

Edmondston: I don't have anything as Zoning Administrator this evening.

Re: Commission Matters and Concerns

Bickford: Okay, very good. All right, Commission matters of concern. Any Commissioners?

Gooden: Mr. Chairman? Yes, Mr. Chairman, I do have some concerns. And it has to do with the public comment section. And we have county emails accounts for public comments that we can get emails there. And I'm quite willing to read those messages. My question is, how do I stop the emails from people who just happen to have my personal email account and decide they're going to email me at home, so to speak? That's one. You want all of them, Nicci?

Edmondston: Let me just reiterate, the first question is, in regards to your personal email?

Gooden: Right. I'm getting messages and one of the reasons we have the county, I use the county is for FOIA and if I got stuff in my personal, then that makes all of that subject. I don't want that.

Edmondston: Well, do not engage on your personal email and redirect them to your county email. If any information is exchanged, or there's a discussion amongst that particular individual and your email and there is a FOIA request, yes, your personal email, but you can direct them. There is no communication regarding county work and policies on this email, please contact me at jgooden@buckinghamcounty.virginia.gov.

Gooden: Okay, thank you. Also if a person is making a public comment, there is no need to give me the copy of the comment that they're making. And that's just my personal thing, because I'm listening to the comments anyway. And then I'm also taking notes as I'm listening. I'm making notations. So to give me and then the public comments are put in a minutes. So there's no reason to give me a copy of what you're saying. So I think we're kind of burning trees on that. It's just redundant. And if there's additional information, just like we got copies of the chart today, and the additional information that Mr. Snoddy gave us, that was something different. But even with that, if they could, if we could have that, because by the time they walk here and give each one of us, that kind of takes time and we all move at different speeds and we're southern and there's conversation and moving down. So I would like to have, if it's okay with you, Nicci, any other handouts that they come through you if there are any other additional handouts and if there's something else that the person doing the public comments did not think of, you know, to include and then I've got this, that it comes through you because that kind of speeds up the process. And I say that only we had a few, only a few comments tonight. But I've sat through public comments, and I'm looking at my numbers, and I think I hit what did I hit at 80? You

remember that night was making, I was like, what number are we now? You know, and everybody gives handouts. Sometimes it can get quite tedious. So I'm just looking for a more efficient way. And if it's up here when I come in, I can go oh, look at this, this is something additional. So I would appreciate that. Those are my comments. And that's just me. I don't know how the rest of the board feels about that?

Bickford: Well, I will say it would be beneficial to have additional information that handout prior to them handed before to speak. So maybe what we could do is when they have a sign up, is if they have a handout they want to give the Commissioners is give that to you, or have it stated on the signup page. That way they know to hand it to you and you can put it on us and we may have a chance to look at a prior to them speaking. It would be beneficial that way, you know, what they're going towards? As far as, I don't know how you could you could ask them just to email the second issue you had with handing out what they say. You could just ask them to, I don't know, I don't know how you really resolve that other than what you could say is just email that prior to public comment period. And maybe that'll work? I don't know. It doesn't say they will do it. It just says that's an option.

Gooden: And I agree, because I read G's email. Earlier, it was in our...we had already been sent that. You know, we'd already been sent that. So I had already read those comments. I appreciate you reading them into the minutes. And I'm not talking about that part. But if it comes to me, I read it.

Edmondston: When they're actually speaking their comment and then hand you a copy of it as well. I think it's probably a courtesy, maybe it gives you time to take it home and digest it.

Bickford: And look at it closer.

Edmondston: Then we could, you know, do some very courteous housekeeping so that it doesn't inconvenience the speaker the night of that. And that may help them as well, because then if they're able to give it to us just a little bit prior that will help you all understand that and not so much engage in a dialogue during the comment period. But certainly you'd be able to contact them afterwards or they would be able to contact you on your county email just to encourage further discussion from their representative. So I'm sure there's a way to address and manage that appropriately. And I will do all I can.

Bickford: Okay, that's all we can ask. Any other Commissioners before we adjourn? I do want to make one announcement. In October, there will be a solar farm coming from my district, New Canton. They're having a community meeting at the Arvon Fire House on Wednesday, October the 11th between 5:00 and 7:00. I am a minority owner on one of the properties. So I will have to abstain from participating. I've already told Ashley and so she'll be taking over that meeting. That's October the 11th, Wednesday, October the 11th from 5:00 to 7:00 at the Arvon Firehouse which is right to the west of 15. And it will be in the older old building. They've got a new building but it'll be an old building.

They'll have charts and everything set up like all the other sites, but I just wanted to announce that for you.

Re: Adjournment

Bickford: Alright, if no one else has anything, do I have a motion to adjourn?

Crews: So moved.

Dorrier: Second.

Bickford: Any discussion? I didn't think so. All right. We are adjourned.

Commissioner Crews moved, Commissioner Dorrier seconded and was unanimously carried by the Planning Commission to adjourn the September 25, 2023 meeting of the Buckingham County Planning Commission.

ATTEST:

Cheryl T. "Nicci" Edmondston
Zoning Administrator/Planner

John E. Bickford
Chairman