



Minutes
Louisa County Planning Commission
Thursday, December 9, 2021
7:00 PM
Louisa County Public Meeting Room

CALL TO ORDER

ROLL CALL

Attendee Name	Title	Status	Arrived
Tommy J. Barlow	Mountain Road District Supervisor	Present	
Gordon Brooks	Commissioner	Present	
Holly Reynolds	Chairman	Present	
Ellis Quarles	Commissioner	Present	
Garland Nuckols	Mayor/Louisa Town Representative	Absent	
Cyrus Weaver	Commissioner	Present	
George Goodwin	Commissioner	Present	
John Disosway	Vice Chairman	Present	
H. Manning Woodward	Commissioner	Present	
Tony Henshaw	Mineral Town Representative	Present	

Others present: Robert Gardner, Director of Community Development; Helen Phillips, County Attorney; Tom Egeland, Senior Planner; Bridgette Bittle, Planning and Zoning Technician.

INVOCATION

Mr. Weaver gave the Invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Brooks.

CONSENT AGENDA

On motion by Mr. Goodwin, seconded by Mr. Quarles, the Planning Commission voted to approve the consent agenda by a vote of 7-0; which included approval of the agenda and the November 18, 2021 minutes.

APPROVAL OF AGENDA

On motion by Mr. Goodwin, seconded by Mr. Quarles, the Planning Commission voted 7-0 to approve the agenda.

APPROVAL OF PLANNING COMMISSION MINUTES

On motion by Mr. Goodwin, seconded by Mr. Quarles, the Planning Commission voted 7-0 to approve the minutes.

Planning Commission - Regular Meeting - Nov 18, 2021 7:00 PM

PUBLIC ADDRESS

Chairman Reynolds opened the Public Address period. There were no speakers. Public Address period was closed.

UNFINISHED BUSINESS

REZ2021-04; Louisa Mini-Storage LLC

Mr. Egeland presented staff notes for Rezoning REZ2021-04; from Industrial (IND) & General Agricultural (A-2) to General Commercial (C-2), to allow for the construction of an approximate 72,000 SF self-service storage facility.

Mr. Egeland noted three things regarding this project 1.) The parcels in the area surrounding the proposed project contain several different zoning types. 2.) The facility fits into the 2040 Comprehensive Plan to broaden the County's tax base. 3.) Staff believes a storage facility would not require many county services.

Mr. Egeland explained that Citizens have expressed concern with traffic, trash, and noise. In addition, the proffer statement was a concern to the Planning Commission since the remaining possible uses allowed in C-2 might not be a good fit with the adjacent existing residences and would provide additional traffic to the area.

Mr. Egeland concluded with Staff recommending approval of the rezoning, however Staff still believes there should be a time limit to access the facility from 7AM to 9PM.

Mr. Shimp presented the updated proffer statement that excludes the following additional uses on the Property, in addition to a vegetative screening buffer for the adjacent eastern property line that would include a mix of evergreen trees, dark sky lighting, and trash control and monitoring:

- Day Care
- Day Care Center
- Private School
- Restaurant
- Restaurant Drive-In
- Assisted Living Facility
- Business or Trade School
- Car Wash
- Clinic
- Grocery Store
- Hospital
- Kennel, Commercial
- Post Office

Mr. Shimp addressed the suggested time change as 5:00am to 10:00pm hours of operation.

Mr. Goodwin states that he is still not comfortable with all of the uses that are available to the property under the C-2 zoning.

Mr. Disosway motioned to approve the rezoning request with proffers including with the hours of operation from 5:00am to 10:00pm; seconded by Mr. Brooks; and approved by a vote of 6:1, with Mr. Goodwin opposing the approval.

Vote to approve the rezoning request with proffers including the hours of operation set form 5:00am to 10:00pm.

Motion to Approve: Disosway

Second: Brooks

Vote: 6:1

Dissenting vote: Goodwin

PUBLIC HEARINGS

CUP2021-05 Newcomb/Farmhouse 5 LLC

Mr. Gardner presented the request by Newcomb & Farmhouse5 LLC, for approval of a CUP to establish an Agricultural Operation use on three parcels they own: 97 68A, 97 68 B, and 97 68 C. All three parcels are currently zoned Residential General (R-2). The R-2 zoning district allows an Agricultural Operation, only through the approval of a CUP. These three parcels are between a larger parcel, also owned by the applicants, addressed as 2194 Owens Creek Road and its right-of-way. The property is surrounded by A-1, A-2, and R-2 zoning.

Mr. Gardner continued with staff conditions to exclude of swine, alpacas, and llamas on the properties if approved for rezoning to A-2.

Mr. Goodwin stated that the applicants are requesting rezoning to allow for limited agricultural activity. He asked how “limited agricultural activity” is defined.

Mr. Gardner stated that we have a definition for “passive agricultural” that includes crops and the like with no animals, but nothing for limited agricultural activity.

Mr. Goodwin continued; without definition how do we enforce any abuse of the ordinance?

Mr. Gardner stated that the designation of animal or other restrictions by the commission is not enforceable if we don’t have it defined.

Mr. Goodwin read a list of animal numbers by acre that he would like to use to define “Limited Agriculture”:

- Sheep/Goats NTE (Not to Exceed) 6 per ac. with a 150' setback
- Cattle NTE 1 per 2 ac.
- Llama/Alpacas NTE 5 per ac.
- Swine NTE 10 per ac. with a 200' setback
- Horses NTE 1 per 2 ac.
- Chickens NTE 50 per ac.

The applicant’s introduced themselves stating that Mr. Gardner explained their rezoning intent.

The Commission questioned the applicants about the logistics and distance from adjoining properties.

Mr. Goodwin asked the applicants if they would be willing to agree to the numbers mentioned.

The applicants said they would be willing to agree to numbers but they would like to do some research before agreeing to those numbers.

The Planning Commission deferred the applicant’s request, to allow time to review a set number of limitations to animals and setback regulations.

This item was deferred without opening the public comment period.

CUP2021-04 Two Oaks Solar LLC

Mr. Egeland introduced the Two Oaks Solar project, and stated that the applicants are seeking approval of a conditional use permit for a more or less 1,234 acre utility-scale solar generating facility producing up to 118 MWAC and containing up to, a 50 MWAC battery storage system.

Mr. Egeland continued to explain the project in detail and worked through several slides. He stated that energy produced by the Project will connect to the Dominion Energy electric grid via a nearby 230 kV electric transmission line that will be connected to the Two Oaks project via a new substation and new transmission lines.

Mr. Egeland stated, the 2040 Comprehensive Plan’s Future Land Use Map designates the project properties as being located inside the Mineral Growth Area overlay district with the designation of Industrial, except for a few parcels listed in the chart on packet page 65 as Rural/Agricultural; Staff believes this project would support the 2040 Comprehensive Plan principle to broaden the County’s tax base.

Mr. Egeland said the proposed solar facility’s lifespan is 35 to 50 years, at which time the project owner shall remove all improvements in accordance with the Louisa County Solar Ordinance’s requirements for decommissioning.

Mr. Egeland went over findings from VDOT and the transportation plan. Quoting from the VDOT letter received, “What the applicant is proposing is in line with VDOT's goals in regards to limiting points of access off primary routes. The specific points of access the applicant is proposing off routes 625 & 623 will need to be evaluated to ensure they meet applicable VDOT requirements. (Sight distance, intersection spacing, dimensional standards, etc.) Will need to be verified as the project moves forward. Additionally the final design of other mitigation measures the applicant is proposing (MOT plan, Erosion and Sediment control measures, etc.) will need to be reviewed as the project moves forward. However, generally any concerns relative to this project, VDOT should be able to address with the applicant/their consultants as the project moves forward.”

Mr. Egeland continued to go over the staff recommendations and concluded with a recommendation of approval with 31 conditions.

Mr. Goodwin requests a correction to page 79 paragraph 19-a. (list of conditions) stating that it should read “

- a. “Removal from the surface of the Property, any Project facilities and appurtenances installed or constructed thereupon, including permanent foundations, which break off three feet or ~~more~~ less below the ground, during the course of deconstruction. Structural members that break off three feet or less more underground shall be abandoned in place.”

Ms. Sink introduced herself and Mr. Illad Goldberg joining via Zoom. Ms. Sink proceeded through her slides explaining the plans for the site.

Mr. Goodwin questioned the storage for the batteries and the monitoring of the batteries; he asked to limit the construction traffic during high traffic hours as well as limit truck speeds on roads Chalklevel Rd. and Chopping Rd.

Mr. Goldberg Explained in detail the safety and monitoring of the batteries.

After much discussion there was still great concern about the possibility of fires started by the batteries and the fact that a chemical fire would have to burn off for days before going out. There was also still a concern about not having enough vegetation surrounding the battery storage area.

Ms. Reynolds opens the public discussion period.

Speaker #1: Bill Witt
12024 Cross County Rd. Louisa
Against Solar

Speaker #2: Deborah Pettit
4327 Fredericks Hall Rd. Mineral
Pro Solar

Speaker #3: Howard Loudin
1445 Kennon Rd. Mineral
Pro Solar

Speaker #4: Mary Havasy on behalf of her neighborhood, Hidden Farm Subdivision
268 Hickory Ridge Cir. Mineral, Requested that the substation and batteries not be located near such a populated area. Ms. Havasy had the letter signed by the neighbors as permission to speak on their behalf.

Speaker #5: Ed Jarvis
Mineral District
Pro Solar

Speaker #6: Scott Foster, ESQ. Gentry Locke
Proposes that if storage seems to be a hang-up for the project, the battery and storage portion of the project can be tabled to move forward with the approval. Choosing to proceed with storage in the future would require a CUP amendment or a secondary CUP.

Speaker #7: Charlie Purcell
Patrick Henry District
Mr. Purcell is in favor of the project with three revisions; the 150ft buffer should require 75ft of evergreen trees (45 feet isn't enough and the existing vegetation might not consist of evergreen). The 9 phases of clearing needs addressing as does clearing no more than 100 acres or less at a time. Additionally he would recommend that the top soil be enriched with nutrients after each phase to mitigate erosion and sediment issues. His last concern is that the substation should not be located in a residential area.

Ms. Reynolds read three letters into the record.

Letter #1: Kim Doyle, Hidden Farm Estates
243 Cedar View Cir. Mineral
Against Solar Project

Letter #2: Ray Gordon Jr. and Shirley Gordon
Chopping Road
Against Solar Project

Letter #3: Stephanie Koren
President, Louisa Arts Center
Cooke Foundation appreciation letter.

Letter #4: Jeanne Trabulsi (Warran County)
524 N Royal Ave.
Front Royal, VA 22630
Against Solar Project

Ms. Reynolds closed the public comment period.

After extensive discussion the Planning Commission went into a recess. Upon their return Mr. Egeland clarified conditions and discussed the additions to the conditions.

CUP 2021-04 Two Oaks Solar Conditions:

1. CUP 2021-04, Two Oaks Solar, LLC request approval for a more or less 1,234 acre utility-scale solar generating facility producing up to 118 MWAC of electricity. The applicant also plans to construct a utility service, major substation and transmission lines.
2. The Two Oaks Solar, LLC, energy facility is a Solar Generation Facility, Utility Scale, as defined in the Louisa County Land Development Regulations. It will consist of an integrated power generation facility and solar modules on more or less than 1,234 acres as identified in Exhibit N prepared by Kimly-Horn dated October 12, 2021.
3. This CUP is for up to a 118 MW AC solar photovoltaic (PV) solar facility to be accompanied by a new substation and required transmission lines, to be constructed, owned, operated, and developed by Two Oaks Solar, LLC any successors, assignees, current or future lessee, sub-lessee, owner, or operator, and designed for a life of 35 years from the date of commencement of operations. This conditional use permit may not be phased or extended beyond 35 years from the commencement of operations without further approval from the Louisa County Board of Supervisors.
4. Site Plan Requirements. Location of the solar panels and other structures shall be generally consistent with Exhibit N prepared by Kimley-Horn dated October 12, 2021. The Applicant or project owner shall provide the following plans for site plan review and approval for the Solar Generation Facility, Utility Scale and Utility service, major (the "Project"). The applicant will provide a certified plat of the Project. In addition to all state and local site plan requirements, such plans shall include, at a minimum, those items listed below.
 - a. Construction Traffic Management and Mitigation Plan
 1. The Applicant or Project Owner shall prepare and submit such a plan to the Virginia Department of Transportation (VDOT) and the County of Louisa for review and approval. The Plan shall address traffic control measures, a pre- and post-construction road evaluation, and any necessary repairs to public or private roads which are necessary due to damage from the Project. If a traffic issue arises during the construction of the Project, the applicant or project owner shall develop a resolution, with input from the VDOT and the County, and complete appropriate measures to mitigate the issue.
 2. The Applicant or Project Owner shall perform general maintenance during construction. All final repairs shall take place within 30 days post-construction to bring roads to a minimum of the pre-construction condition. A video of the existing road conditions must be provided to VDOT prior to the start of any construction. VDOT will provide a map detailing the roads that need to be videoed. Pursuant to VDOT's email EXHIBIT K0.1 and K 1.1.
 - b. Construction Traffic Control Plan
 1. Traffic control methods, including, if applicable, lane closures, flagging procedures, directional and informational signage, and designated access points for deliveries and employee access.
 2. Designated delivery and parking areas.
 3. Designated routes for deliveries of equipment and materials on secondary roads to the property.
 4. Plans to direct employee traffic and delivery traffic to specific roadways to access the property to minimize conflicts with local traffic patterns.

c. Construction Mitigation Plan

1. Dust control and mitigation, using water trucks, mulch, or similar methods.
2. Smoke and burn mitigation and limits, such as containment or similar methods.
3. Noise mitigation, such as the enforcement of hours of operation.
4. Measures necessary to prevent deposits of soil and mud onto adjacent roads from construction-related traffic.
5. Daily road monitoring and policing shall occur along Davis Highway (Route 22) , Chopping Road (Route 623), Chalklevel Road (Route 625), and School Bus Road (Route 767) including the cleaning of roadways of soil and mud tracked onto these roads from construction-related traffic.
6. All waste water (both black water and grey water) must be removed from the Project site and disposed in accordance with County Rules and the Virginia Department of Health.
7. The applicant will use central/public water and sewer service if feasible.

d. Traffic Safety Requirements

1. The Project owner will advise and enforce all contractors to drive no more than 35 miles per hour while on Chopping Road (Route 623), Chalklevel Road (Route 625), and School Bus Road (Route 767).
2. The Project owner will ask the Board of Supervisors to request that VDOT reduce the speed limit to 35 miles per hour on roads around on Chopping Road (Route 623), Chalklevel Road (Route 625), and School Bus Road (Route 767), during construction. The project will be allowed to receive site plan and building permit approval without a VDOT approved reduction in speed.
3. The applicant is aware the Project is in close proximity to the Town of Mineral and the Town of Louisa as well as the Schools and Railroads. Therefore, construction traffic will be scheduled to avoid morning and afternoon peak traffic periods, particularly the times around school bus arrival and departure. The applicant will work with the town and county governments ahead of high traffic events. The applicant will coordinate with the railroad as necessary.
5. Fencing. The Applicant or Project Owner shall install a chain-link security fence surrounding the Project. The fence shall be a minimum height of a six (6) feet high and topped with a one (1) foot tall anti-climbing device. Installation of such fencing shall be outside the exterior of any solar panels and related equipment and on the interior of the required setbacks/buffers addressed in the following conditions #10 and #11. The Project will be designed, constructed and tested to meet relevant local, state, and federal standards as applicable.
6. Lighting. The project shall not have exterior lighting, except for safety and security, which shall face downward. Such safety and security lighting shall not exceed fifteen (15) feet in height and shall be Dark Sky compliant. Substation lighting will also be Dark Sky compliant when possible while conforming the PJM and Dominion Energy Requirements.
7. Noise. Noise generated from construction of solar energy facilities shall comply with the Louisa County Code, Chapter 51 Noise Ordinance.
8. Construction and Deconstruction Hours. All site work (including equipment warm up and positioning) shall be limited to Monday through Friday between the hours of 7:00 a.m. to 6:00 p.m. only. All decommissioning work will follow the same days and hours above.
9. Solar Panels. All solar panels will use anti-reflective technology.

10. Existing vegetation. The Applicant shall establish and/or maintain all vegetative areas illustrated and noted on the preliminary site plan labeled Site and Surrounding Land Exhibit N. Removal of this vegetation requires prior approval from the Zoning Administrator. Criteria for removal shall only involve trees threatening the Project, the property, or neighboring property, or when trees grow to a height of greater than thirty five (35) feet and impacts the Project's energy output. A similar type tree having a minimum 2 inch diameter at breast height, or DBH, shall replace each tree removed at the same location. This replacement requirement shall also apply in the case existing trees dies or becomes diseased and there is a resulting gap in the visual buffer.

11. Buffers and Supplemental Plantings. The Applicant is proposing a buffer configuration as depicted on the preliminary site plan labeled Conceptual Site Plan and Landscape Notes & Details prepared by Kimley-Horn dated October 12, 2021 Exhibit N.

The perimeter of the site will be surrounded by a vegetative buffer at least 150 feet wide, to screen the facility from surrounding properties. The vegetative buffer will consist of the following starting at the property line:

- a. 75 feet of existing tree and ground vegetation that will remain undisturbed to create a visual screening buffer. This area 75 foot buffer area is identified as the blue shaded area of the Conceptual Site Plan Page, prepared by Kimley Horn dated October 12, 2021, Exhibit N.
- b. The next 75 feet in towards the perimeter fence will comprise native Virginia grasses and pollinator plant species that meet the requirements of the Virginia Department of Conservation and Recreation's Virginia Pollinator Smart Program.
- c. Supplemental plantings will be required in certain sections of the project and in areas that become damaged over time due to storm events, disease, etc... The areas as depicted in the green shaded areas as shown on the Conceptual Site Plan Page, prepared by Kimley Horn dated October 12, 2021, Exhibit N, are areas that will need supplemental plantings at the start of the project. These supplemental planting areas between the property line and perimeter fence will consist of Evergreens tree species planted in an area 60 feet in width, consisting of 4 rows with trees, 5 foot in height, planted at 15 feet centers, in three rows, 10 feet apart. After the 45 foot tree buffer a 105 foot pollinator buffer will be installed that meet the requirements of the Virginia Department of Conservation and Recreation's Virginia Pollinator Smart Program.
- d. There are areas of the project that do not contain sufficient screening in the form of existing vegetation, therefore those areas will be planted in four staggered rows of planted trees at 5ft height. Examples of the proposed species to be planted are American Holly Eastern Red Cedar, and Eastern White Pine that grow an estimated 1-3 feet per year in addition to the Wax Myrtle that grows an approximate 3-5 feet per year.

12. Facility Abandonment. If the solar energy facility becomes inactive, completely or substantially discontinuing the delivery of electricity to an electrical grid for a continuous 365 day period, the Zoning Administrator, may deem the facility abandoned. The County shall notify the Applicant or current Project Owner in writing to begin ("Decommissioning") the Project within six (6) months of receipt of such notice. If Decommissioning of the facility does not occur within the specified time after notice, the County may remove or cause removal of the solar energy facility with costs borne by the Project Owner. Unless otherwise not allowed by local, state, or federal law, the costs of decommissioning requires an adequate amount of surety in a form agreed to by the County Attorney.

Such surety may include a letter of credit, cash, or a bond, or guarantee by an investment grade entity, posted within 30 days of the Project receiving its occupancy permit or equivalent permit from the County. A third party engineer approved by the County and hired by the Applicant will determine an initial surety amount approved by the County prior to site plan approval. Updates of the surety cost estimates shall occur every five (5) years by a third party engineer approved by the County and hired by the Applicant and be provided to the County. At its option, the County may require the additional surety amounts based on the updated net costs of Decommissioning. The applicant shall provide a Phase II Environmental Site Assessment report to the County when the Decommissioning work is completed.

13. Louisa County Staff Training. Upon request, but not more than once per year, the applicant or project owner shall provide materials, education, and/or training, in coordination with the County's Emergency Services staff, to the departments serving the solar energy in regard to safely responding to on-site emergencies.

14. Road Access Ways. All access points to the Project will be from existing public roads via fee simple and Right-of-way access with no obligation to the Virginia Department of Transportation or the County of Louisa for construction, maintenance or access. VDOT will be responsible for reviewing and approving each access. The applicant or project owner shall provide identification signs for all approved access points to the Project.

15. Cemetery Protection and Access. The applicant shall keep all construction activity and material stockpiling at least 100 feet away from any private cemetery that may be found within the limits of the Project, and provide an access way for persons visiting the cemetery subject to County review and approval.

16. Heights. No aspect of a solar facility shall exceed 12 feet in height, as measured from grade to its highest point. Such height restriction shall not apply to electrical distribution and transmission lines, or the poles and structures that support them. Within the Project area electrical lines will be below panel height except for when crossing creeks, wetlands, public rights-of-way.

17. Agency Approvals. The Project's design, construction and testing shall meet relevant local, state and federal standards as applicable.

- a. All active solar systems 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 Electro technical Commission (IEC), as applicable and state building code shall be inspected by a county building inspector through the building permit process.
- b. Approval of an Erosion and Sediment Control and Storm water plan with a surety bond posted with Louisa County is necessary prior to commencing any land disturbance activity.
- c. The site shall fully comply with all applicable provisions of the Louisa County Land Development Regulations, to the extent not modified herein, throughout the life of this Conditional Use Permit.

18. Building Permit Deadlines. Building permits must be obtained within five (5) years from the date of approval for this Conditional Use Permit and the generation of solar electricity shall reach a maximum phase of 118 MW AC within three (3) years from issuance of the building permit, or this Conditional Use Permit shall become null and void.

19. Decommissioning. Decommissioning is complete when all real and personal property related to the Project is removed from the Property and the Property is made ready for agricultural or forestall use (as defined in the Louisa County Ordinance). This process must begin within twelve (12) months after the Project site is permanently decommissioned. As used herein "deconstructed and removed" shall mean the following:

- b. Removal from the surface of the Property, any Project facilities and appurtenances installed or constructed thereupon, including permanent foundations, which break off three feet or less below the ground, during the course of deconstruction. Structural members that break off three feet or more underground shall be abandoned in place.
- c. Filling in and compacting of all trenches or other borings or excavations made in association with the Project.
- d. Removing of all debris caused by the Project from the surface of the Property.
- e. Performing and providing the County a Phase II Environmental Site Assessment report detailing compliance with all of the Conditional Use Permit requirements required for decommissioning.
- f. The project owner or operator shall provide to the Zoning Administrator a report detailing compliance with all Conditional Use Permit requirements required for Decommissioning. County staff will review the provided decommissioning report for approval or denial. If denied, a list of corrective actions will be provided to the project owner or operator. Failure to perform these corrective actions will result in the county performing, or causing to be performed. Cost for such actions will be levied against the Project Owner and/or the surety. At the completion of decommissioning the properties will be made ready for agricultural or forestal use, preserving and protecting Louisa County's rural and agricultural character.

20. Soil Stabilization. The Project shall be developed in three phases to ensure proper soil stabilization as depicted in site plan and memorandum labeled Exhibit O.

Phase 1 will consist of building a construction entrance, laydown area(s), establishing the required buffers, and installation of all perimeter temporary erosion and sediment control measures. Wetland limits, conserved open spaces, and the limits of disturbance will be flagged prior to work. In Phase 1, the limits of disturbance will be minimized to only install the necessary erosion control features described above. No other land disturbing activities will take place until the perimeter controls for the upstream drainage area are in place. Once Phase 1 grading is complete, the area will be temporarily seeded within 7 days. Additional measures may consist of blanket, matting, hay, or mulch application. Sediment control features may be installed on a phase basis or on more than one phase at a time. All sediment control features on a particular phase must be approved by the County before any land disturbance or construction activities may begin on that phase.

Phase 2 crew will begin work within the protected drainage areas. As the Phase 1 crew moves through the section and completes the perimeter controls, the Phase 2 crew will follow and complete the site work within the protected areas of the section. Construction activities will consist of clearing, grubbing, and grading of the interior of the site for the solar arrays and roadways. The limits of disturbance will be minimized to only disturb the necessary areas. Once Phase 2 grading is complete, the area shall be temporarily seeded within 7 days. Additional measures may consist of blanket, matting, hay, or mulch application.

Stabilization of each disturbed phase will be reviewed and approved by the County Engineer or Zoning Administrator. Once a phase has been stabilized and approved by the County Engineer or Zoning Administrator, another (phase) of the project may begin land disturbance activities. Stabilization means the replacement of top soil and seeding with native grasses and a cover crop, if necessary, depending on the prevailing weather conditions and time of year. If any problem with stabilization occurs after it has been approved by the County and before construction is complete, the applicant will repair it promptly.

For the purposes of this construction phasing plan, stabilization will be completed in the current section before proceeding to the next section. The Louisa County Zoning Administrator must approve the completion of a section before the next section can begin. Permanent seeding to be provided to areas where final grading has been achieved.

The sequence of phases is depicted in Exhibit O and listed as follows:

1. Section 1 - 332 acres
2. Section 2 - 201 acres
3. Section 3 - 386 acres

The applicant will breakdown the phasing sections into nine (9) total phases to keep the acreage below 100 acres per section. The applicant will provide an updated Exhibit O depicting 9 phases.

All disturbed areas shall immediately receive temporary or permanent seeding according to the Virginia Erosion and Sediment Control Hand Book. The site plan shall show a note for use of native Virginia grasses and plants. Vegetation types classified by VADEQ or DCR as invasive are prohibited.

21. Storm water Improvements. All approved storm water improvements require inspections and approvals by either Virginia Department of Environmental Quality staff, or a qualified professional engineer, licensed by the Commonwealth of Virginia, before commencing any other site work. Evidence of such inspections shall go to Louisa County staff for review.

22. On-Site SWM & ESC Manager. The applicant will provide an individual responsible for performing daily inspections of storm water and erosion and sediment control practices and devices installed throughout construction. This individual will provide the County a weekly status report on the Project and any issues while coordinating with the County Erosion and Sediment Control inspector, Thomas Jefferson Soil and Water Conservation District, and the Virginia Department of Environment Quality, as necessary, to resolve any storm water and erosion and sediment control issues that occur on site.

The applicant further agrees that the County may hire an independent engineer (the “County Engineer”) of its choice to check on the progress of the project on a weekly basis to ensure the job is being built according to the Conditional Use Permit. If the County obtains (3) bids, the cost of hiring the County Engineer will be paid by the applicant.

In the event there is any problem with construction as determined by the County Engineer, then the County Engineer and the applicant will meet and try to resolve the problem. If a mutually agreeable solution cannot be achieved, then the County or the applicant may halt construction and make an appeal to the Board of Supervisors at the next scheduled meeting of the Board.

In addition, at the time the Site Plan Approval Letter is issued, the applicant will post a \$500,000 bond to ensure compliance with the Conditional Use Permit. This bond can be released (i) within six months of completion of the project, or (ii) upon certification by the County Engineer or Zoning Administrator that the Project has been completed and built in compliance with the Conditional Use Permit; whichever occurs sooner. There must also be no outstanding damage to downstream properties that is attributed to the project.

23. Pollinators. The applicant shall establish and maintain a minimum of ten (10) percent of the projects site as pollinator-friendly habitat in accordance with the Virginia Department of Conservation and Recreation’s Virginia Pollinator Smart Program’s Best Management Practices and Comprehensive Manual. The planting of pollinator vegetation will occur after construction of the solar panels is complete and the project is ready for final site stabilization along with any requirements listed in the Land Development Regulations Chapter 86 sec. 86-632 - Performance standards for minor and utility-scale solar generation facilities.

24. Site Plan Approval. Submission and approval of a site plan in accordance with the conditions of this Conditional Use Permit and the Louisa County Land Development Regulations prior to issuance of any building permits or pre-construction meeting.

25. Binding. This Conditional Use Permit (CUP) shall be binding on Two Oaks Solar, LLC, and any successors, assignees, current or future lessee, sub-lessee, owner, or operator, of the solar energy Project.

26. Project Liaison. The Operator shall designate at least one public liaison, publicize a toll-free phone number and email address for communication with the liaison during construction, and post it on a temporary sign at each access. This information shall appear on the Operator's website and Louisa County will also place it on the County's website and other social media. The liaison shall act as a point of contact between citizens and construction crews. The liaison shall be available in person and by phone during active construction hours and shall respond to any questions related to the Facility or Property within 24 hours. The liaison role shall commence at the initial pre-construction meeting. The public liaison shall prepare a monthly report detailing any complaints, complaint date, resolution, and resolution date of any inquiries. The report shall go to the Zoning Administrator on the first business day of each month throughout the construction period and an additional six (6) months following issuance of the final occupancy permit or equivalent from the County for the Facility.

27. Pile driving notice. The project owner or operator will notify the Louisa County Zoning Administrator and adjacent property owners 7 days prior to the start of any pile driving activity.

28. Waste Disposal. Any solids or hazardous waste carried onto the site during construction or operation or decommissioning will be contained and managed in accordance with applicable rules and regulations. Such materials include but not limited to materials used for the proper functioning of the plant and machinery, hydraulic oil, diesel, petroleum, grease, solvents, lubricants, paints, adhesives, and other oil-based products). The Applicant will also take all steps required to prevent the littering or contamination of the Project site or adjacent properties with such materials.

29. Voluntary Conditions

Financial Contribution by Applicant. Pursuant to Va. Code § 15.2-2288.8, and Sec. 86-632. of the Louisa County Development Standards, the County may accept substantial cash payments for the construction of substantial public improvements, the need for which is not generated solely by the granting of a conditional use permit, so long as such conditions are reasonably related to the project. Applicant agrees to make the payments listed below to assist in the deployment of broadband throughout the County and any other broadband project in the current or future County Capital Improvement Plan:

- a. Within in one year of the project becoming operational, Two Oaks Solar, LLC any successors, assignees, current, or future lessee, sub-lessee, owner, or operator will make a one-time payment to the County in the amount of Twenty Thousand Dollars for Louisa County Broadband Deployment (\$20,000.00)

30. Site inspection. The Louisa County Board of Supervisors or their designated representative reserves the right to inspect the site at any reasonable time with or without advance notice.

31. Violations. Violations of any condition of this permit shall be grounds for revocation of the Conditional Use Permit. The Louisa County Board of Supervisors may choose to hear any violations of the conditions of the permit affording the applicant due process during a public hearing.

32. Deliveries. Deliveries may not occur between 7:30AM - 8:30AM and 3:30PM - 4:30 PM.

Mr. Disosoway motioned that the solar project is in accordance with the Comprehensive Plan, seconded by Mr. Weaver and voted on 7:0 with no opposition.

Mr. Disosoway then motioned to approve the solar project CUP with the conditions and amended conditions including but not limited to removal of the battery storage facility; seconded by Mr. Weaver approved 7:0.

Vote to approve the CUP for Two Oaks solar as presented with conditions and no battery storage facility.

Motion to Approve: Disosway

Second: Weaver

Vote: 7:0

Dissenting votes: None

LCR2021-03 Amendments to Land Development Regs. - Motor Vehicle Impoundment Yard & Towing Services

Mr. Gardner presented the changes and reasons for it. He described three changes to the definitions and the application process to allow such uses.

Ms. Reynolds opened the public comment period.

Speaker #1: John Strong

12024 Cross County Rd. Louisa

Complaint about an existing junk yard business

Speaker #2: Douglas Taylor

Culpeper, VA

Pro Tow Yards

Speaker #3: David Navarre

944 Kents Mill Rd.

Stated that a person in the business might help with the conditions of the amendment. He was also concerned it would restrict his business. He was told that the changes would occur in the County and not in the Town of Louisa where his business is located.

Speaker #4: Ed Jarvis

Mineral District

Questions the effect this will have on the county.

Ms. Reynolds closed the public comment period.

Mr. Gardner and the commission worked through questions and concerns of the amendments.

Changes suggested would allow towing services in all zoning districts other than residential by way of CUP and by right in commercial zonings.

Mr. Goodwin moved to approve with the changes discussed; seconded by Mr. Weaver and voted 7:0 with no opposition.

Vote to approve the amendments to Chapter 86 Land Development Regulations (Motor Vehicle Impoundment Yard & Towing Services) with changes.

Motion to Approve: Goodwin

Second: Weaver

Vote: 7:0

Dissenting votes: None

LDR2021-04 - Amendment to Chapter 86 Land Development Regulations - Prohibited Signs

Mr. Gardner opened discussion by explaining the sign regulations amendment would make it illegal to post offensive signs in public view.

Ms. Reynolds opened public comment period by reading two letters which follow:

Letter #1: Bernie Hill

Opposing bill due to it prohibiting the freedom of speech.

Letter #1: Jack Sheehan

In favor of the amendment to the sign ordinance because the signs are vulgar.

Ms. Reynolds called for a vote to extend the meeting past 10PM.

Mr. Goodwin moved to continue the meeting; seconded by Mr. Quarles carried by a vote of 6:1.

Mr. Goodwin explained that he is not a fan of the language in question and he does not think it is "in keeping with the moral fiber of the citizens of Louisa County," however, he cannot approve an action that violates the constitution he has sworn to uphold.

Mr. Weaver shared he also believes the signs with this kind of language are immoral but not everyone is raised the same, and what is considered vulgar might be different among families and that matter is private to that family. He states that the law shouldn't interfere with their constitutional rights of free speech.

Mr. Quarles agrees that the language is not something he would display or condone but he believes this is a morale issue, not legal. He states "We don't like seeing it; we don't like our children seeing it," but it is not a legal matter. He adds that it wouldn't be wise to take the county down a path that goes against something the state has already upheld.

Mr. Disosway stated that after much consideration, he does not feel that censoring a few words restricts anybody's freedom of speech in getting across a message that they would want to convey. "I believe in a language as vast as the one we have there are many ways to get across a message that doesn't require the use of certain words" He believes the community has a responsibility to uphold certain standards. He states that he is in favor of the ordinance.

Mr. Brooks said that he looked at this as a sign ordinance amendment. An ordinance prohibiting anything obscene, profane, vulgar or indecent is reasonable and he doesn't think those words should be on signs. He supports the change to the sign ordinance.

Mr. Woodward said that Mr. Disosway put it in a wonderful way why this is not a free speech issue and he agrees with him and the ordinance amendment. He believes the vast majority of the county would not want that kind of language on a sign.

Mr. Barlow states that this issue came to his attention because his constituents came to him with concern for their children seeing this type of language on a sign. He feels that government exists to protect the health, safety and welfare of its citizens. He does not believe our forefathers

created the first amendment with this type of language in mind. He asked “Why would we protect something that most wouldn’t want their children to see?” He stated that he only wanted the ordinance to be specific to signs in public view and explained that the way signs are defined in the ordinance is one that can be seen beyond the boundaries of the parcel; which takes care of that concern.

After great discussion among the commission, the members agree that such language on the signs is not favorable but prohibiting them was not a clear choice.

Mr. Goodwin then motioned to send this to the Board of Supervisors with the recommendation to deny the amendment to the sign ordinance; seconded by Mr. Weaver and ending with a vote of 4:3.

Woodward- Nay

Goodwin- Aye

Quarles- Aye

Disosway- Nay

Reynolds- Aye

Weaver- Aye

Brooks- Nay

NEW BUSINESS

Ms. Reynolds introduces Mr. Dickerson. He will be replacing her in January pending his appointment approval from the Board of Supervisors.

Mr. Goodwin requested that staff draft a resolution of gratitude and respect for Ms. Reynolds service and leadership on the Planning Commission to be presented during the next meeting in January.

DISCUSSION

None.

REPORTS

None.

ANNOUNCEMENTS AND ADJOURNMENT

On motion by Mr. Goodwin, seconded by Mr. Woodward, the regular meeting of the Louisa County Planning Commission was adjourned at 10:30PM

BY ORDER OF:

HOLLY REYNOLDS, CHAIRMAN
PLANNING COMMISSION
LOUISA COUNTY, VIRGINIA