



**Board of Supervisors
County of Louisa
Monday, July 17, 2023
Louisa County Public Meeting Room
5:00 PM**

CALL TO ORDER - 5:00 P.M.

Chairman Adams called the July 17, 2023 regular meeting of the Louisa County Board of Supervisors to order at 5:00 p.m.

ADMINISTRATIVE ITEMS - 6:00 P.M.

Attendee Name	Title	Status	Arrived
Tommy J. Barlow	Mountain Road District Supervisor	Present	5:00 PM
Fitzgerald A. Barnes	Patrick Henry District Supervisor	Present	5:00 PM
Willie L. Gentry Jr.	Cuckoo District Supervisor	Present	5:00 PM
Eric F. Purcell	Louisa County Supervisor	Absent	
R. T. Williams	Jackson District Supervisor	Absent	
Duane A. Adams	Mineral District Supervisor	Present	5:00 PM
Rachel G. Jones	Green Springs District Supervisor	Present	5:00 PM

Others Present: Christian Goodwin, County Administrator; Helen Phillips, County Attorney; Chris Coon, Deputy County Administrator; Wanda Colvin, Deputy County Administrator/Director of Finance; Alexandra Stanley, Executive Assistant/Deputy Clerk; and Scott Raettig, Information Technology

CLOSED SESSION

On the motion of Mr. Barlow, seconded by Mr. Barnes, which carried by a vote of 5-0, the Board voted to enter Closed Session at 5:00 p.m. for the purpose of discussing the following:

1. In accordance with §2.2-3711 (A) (5) VA Code Ann., to discuss a prospective business in the Cuckoo District and the Mineral District where no previous announcement has been made of the business's interest in locating in the County; and
2. In accordance with §2.2-3711 (A) (7) and (8) VA Code Ann., to consult with legal counsel and staff about potential litigation regarding a contract; and
3. In accordance with §2.2-3711 (A) (7) and (8) VA Code Ann., to consult with legal counsel and staff about *Board of Supervisors v. Vallerie Holdings*; and

REGULAR SESSION

On the motion of Mr. Barnes, seconded by Mr. Barlow, which carried by a vote of 5-0, the Board voted to return to Regular Session at 6:00 p.m.

RESOLUTION - CERTIFICATION OF CLOSED SESSION

Voter	Role	Vote
Tommy J. Barlow	Voter	Yes/Aye

Fitzgerald A. Barnes	Seconder	Yes/Aye
R.T. Williams, Jr.	Voter	Absent
Willie L. Gentry Jr.	Voter	Yes/Aye
Duane A. Adams	Voter	Yes/Aye
Rachel G. Jones	Voter	Yes/Aye
Eric F. Purcell	Voter	Absent

On the motion of Mr. Williams, seconded by Mr. Purcell, which carried by a vote of 5-0, the Board voted to adopt the following resolution:

WHEREAS, the Louisa County Board of Supervisors has convened a Closed Meeting this 17th day of July 2023, pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by the Louisa County Board of Supervisors that such closed meeting was conducted in conformity with the Virginia Law.

NOW, THEREFORE BE IT RESOLVED on this 17th day of July 2023, that the Louisa County Board of Supervisors does hereby certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting was heard, discussed or considered by the Louisa County Board of Supervisors.

INVOCATION

Mr. Adams led the invocation, followed by the Pledge of Allegiance.

ADOPTION OF AGENDA

On the motion of Mr. Barnes, seconded by Mr. Barlow, which carried by a vote of 5-0, the Board voted to adopt the June 20, 2023 agenda, as amended, with the following changes:

- Added a resolution to approve a settlement agreement between United Bank and Louisa County to Action Items.

MINUTES APPROVAL

Board of Supervisors (BOS) - Regular Meeting – June 20, 2023 5:00 PM

On the motion of Mr. Barnes, seconded by Ms. Jones, which carried by a vote of 5-0, the Board voted to approve the minutes of the June 5, 2023 regular meeting.

BILLS APPROVAL

Resolution – To Approve the Bills for the Second Half of June 2023

On the motion of Mr. Barnes, seconded by Ms. Jones, which carried by a vote of 5-0, the Board adopted a resolution approving the bills for the second half of June 2023.

Resolution – To Approve the Bills for the First Half of July 2023 (FY23)

On the motion of Mr. Barnes, seconded by Ms. Jones, which carried by a vote of 5-0, the Board adopted a resolution approving the bills for the first half of July 2023 (FY23).

Resolution – To Approve the Bills for the First Half of July 2023 (FY24)

On the motion of Mr. Barnes, seconded by Ms. Jones, which carried by a vote of 5-0, the Board adopted a resolution approving the bills for the first half of July 2023 (FY24).

CONSENT AGENDA ITEMS

The Board removed the following items from the Consent Agenda and directed staff to report back with a plan to have the Transportation Safety Commission review speed/safety and other road safety improvement requests:

- Resolution – Requesting a Speed/Safety Study on Route 208 (Courthouse Road) from Bells Lane to Johnson Hollow Road in the Patrick Henry District
- Resolution – Requesting VDOT Study the Feasibility of a Hidden Driveway Sign on Route 605 (Shannon Hill Road)

On the motion of Mr. Barnes, seconded by Ms. Jones, which carried by a vote of 5-0, the Board voted to adopt the Consent Agenda items for July 17, 2023, as follows:

1. Resolution – To Reappoint Mr. Sanders Wyatt, Jr. to the Louisa County Board of Zoning Appeals
2. Resolution – To Rescind Action Taken on Resolution 2023-107
3. Resolution – Authorizing a Pass Through Appropriation for PSAP Training Grant
4. Resolution – To Approve and Award a Contract for Disposal of Recycled Materials

RECOGNITIONS

(None)

PUBLIC COMMENT PERIOD

Chairman Adams opened the public comment period.

Ms. Vicky Harte, Louisa District, appeared before the Board to talk about Trail Life USA, American Heritage Girls, and asked about the County's stance on reinterring FEMA's flood protection program. She also wanted to know how many people she would need to sign a petition for the Board to consider reentering the program.

Ms. Lynnel Morris, Patrick Henry District, appeared before the Board to express her concerns with her neighbor's farm animals that continue to roam her property and destroy her garden and

personal property. She urged the Board to consider passing an ordinance that would enforce livestock running at large.

Chairman Adams acknowledged one comment that was received via email and asked that it be made part of the official meeting record. (See attached Appendix A)

With no one wishing to speak, Chairman Adams closed the public comment period.

INFORMATION/DISCUSSION ITEMS

Presentation – Louisa 4-H Update

Ms. Bridgette Groome, 4-H Youth Development, Unit Coordinator, provided a brief update on Louisa 4-H Camp for 2023. Ms. Groome and Ms. Thompson noted that because of the Board's continued support, they can continue to host camp week and offer partial and full scholarships to a percentage of those who qualify.

Discussion – Road Review by the Transportation Safety Commission

Mr. Goodwin noted that over the years, the Board has forwarded a fair amount of speed/safety study requests to VDOT for their review and consideration and felt that road safety improvement requests should really pass through the Transportation Safety Commission for their review.

Discussion ensued regarding the Transportation Safety Commission's mission and if they are designed to review such requests.

After discussion, the Board directed staff to report back with a plan to have Transportation Safety Commission review speed/safety and other road safety improvement requests.

Discussion – Legal Ads/Publications

Due to recently adopted legislation, it is no longer feasible for staff to routinely use The Central Virginian for publication of legal ads since their publications are limited to once a week.

The Board agreed to use Richmond Times Dispatch as the paper of general circulation for public hearing and meeting notices.

UNFINISHED BUSINESS

(None)

NEW BUSINESS/ACTION ITEMS

Resolution – Authorizing a Supplemental Appropriation to Children's Services Act Funding

The Children's Services Act (CSA) for at-risk youth and families is a law enacted in 1993 that establishes a single state pool of funds to purchase services for at-risk youth and their families. The services provided under CSA are mandated services as prescribed in the Act. The Fiscal Year 2023 CSA case load projections within contractual services are exceeding budgeted expectations by an additional \$90,000 with the County's local portion being \$39,600, therefore, a

budget supplement will be needed.

On the motion of Mr. Barnes, seconded by Mr. Gentry, which carried by a vote of 5-0, the Board voted to authorize a supplemental appropriation in the amount of \$90,000 to the CSA fund for Contractual Services (20553500-430020) in Fiscal Year 2023. The source of funds is \$50,400 from State Revenue (0205R23-323090) and \$39,600 from General Fund Balance (0100R99-399011).

Resolution – Authorizing a Budget Supplement for Parks & Recreation

The Louisa County Parks & Recreation Department has collected an additional \$83,688 more than originally budgeted due to increased programming and increased participation in programs.

The Department of Parks & Recreation has also incurred additional expenses for salaries and supplies during FY2023 and is requesting a budget supplement of \$56,300 from these additional revenues.

On the motion of Mr. Gentry, seconded by Ms. Jones, which carried by a vote of 5-0, the Board voted to authorize a supplemental appropriation to Parks & Recreation for additional salary and operating costs incurred in Fiscal Year 2023. The breakdown is as follows:

- Parks & Rec Part-Time Compensation (10071100-413000) - \$9,300
- Parks & Rec Self Supporting Salaries (10071111-413090) - \$11,100
- Parks & Rec Self Supporting FICA Benefits (10071111-421000) - \$9,700
- Parks & Rec Self Supporting Program Costs (10071111-469080) - \$8,000
- Aquatic Facility Part-Time Compensation (10071320-13000) - \$10,600
- Aquatic Facility Water & Sewer Services (10071320-451300) - \$ 7,600

The source of funding is Parks & Recreation Fees (0100R16-316120) in the amount of \$56,300.

Resolution – Authorizing a Budget Supplement for Transportation

The Transportation Department has incurred larger than anticipated repair and maintenance costs and fuel costs for Fire and EMS vehicles and apparatus during fiscal year 2023. A budget supplement of \$55,560 is needed to cover these additional costs at this time. Funding to cover the fuel and repairs for the FEMS vehicles and apparatus can be covered using Revenue Recovery.

On the motion of Mr. Barnes, seconded by Ms. Jones, which carried by a vote of 5-0, the Board voted to on authorize a budget supplement to the Transportation Department in the amount of \$55,560 for Fire and EMS vehicle repair and fuel costs. The breakdown is as follows:

- EMS Vehicle Repairs & Maintenance - \$51,200
- EMS Gasoline/Diesel Fuel - \$4,360

The source of Funding is Revenue Recovery Fund Balance.

Resolution – To Approve a Lease Agreement with the Virginia Department of Health

The Louisa County Board of Supervisors recognizes the importance of promoting and safeguarding public health within the County. The Virginia Department of Health (VDH) is a state agency responsible for ensuring the health and well-being of residents across the Commonwealth.

The Louisa County Board of Supervisors acknowledges the need for collaboration and cooperation between the County and VDH to effectively address public health concerns. The County Administration has negotiated a Lease Agreement with the Virginia Department of General Services for the use of certain facilities within the County for the purpose of conducting essential public health services.

On the motion of Mr. Gentry, seconded by Mr. Barnes, which carried by a vote of 5-0, the Board voted to authorize and direct the County Administrator to execute the Lease Agreement on behalf of Louisa County, subject to any necessary revisions or modifications deemed appropriate by legal counsel.

Resolution – To Approve the Settlement Agreement Between United Bank and Louisa County

Bank of Goochland issued two Irrevocable Letters of Credit for the benefit of Louisa County consisting of (i) Irrevocable Letter of Credit No. 1141905 in the sum not exceeding \$78,125.00 (the “\$78,125.00 Letter of Credit”); and Irrevocable Letter of Credit No. 1141939 in the sum not exceeding \$9,657.00 (The “\$9,657.00 Letter of Credit,” and together with the \$78,125.00 Letter of Credit, the “Letters of Credit”).

Essex Bank is the successor in interest to Bank of Goochland and United Bank is the successor in interest to Essex Bank.

In connection with the Letters of Credit, the County has filed a suit against the Bank in the Circuit Court of Louisa County, Virginia styled (the “Suit”): *Louisa County Board of Supervisors v. United Bank*, Case No. CL23000191-00.

To the extent provided for in the Settlement Agreement attached hereto, the Parties have reached an agreement as provided for herein to settle all claims and disputes between and among the Parties regarding the Letters of Credit and the Suit.

As outlined in the Settlement Agreement, Louisa County has made a demand for payment of the Letters of Credit in the respective amounts of \$78,125.00 and \$9,657.00, for a total of \$87,782.00, and United Bank agrees to satisfy such demand by paying to Louisa County \$87,782.00 (the “\$87,782.00 Payment”). Upon the County’s receipt of the \$87,782.00 Payment, United Bank’s obligations under the Letters of Credit shall be satisfied in full and the County will deliver the originals of the Letters of Credit to the Bank.

On the motion of Mr. Barnes, seconded by Mr. Gentry, which carried by a vote of 5-0, the Board voted to approve the Settlement Agreement between United Bank and Louisa County and authorizes the County Administrator to enter into the Settlement Agreement on behalf of the

County of Louisa, only after the County Attorney for Louisa County, Virginia approves such agreement as to form.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Committee Reports

Mr. Barnes informed Ms. Morris, the individual who spoke during public comment period about livestock running at large, that the County is working on a livestock running at large ordinance and indicated that a staff member would be able to provide an update during the break.

Mr. Barnes provided an update on the turf fields. He said schematic drawings should be available at the next meeting for review.

Board Appointments

On the motion of Mr. Gentry, seconded by Mr. Barnes, which carried by a vote of 5-0, the Board voted to appoint the following individuals:

- Appointed Mr. J. Randolph Parker to the Jaunt Board
- Appointed Mr. Michael Hernandez to the JABA Board

County Administrator's Report

Mr. Goodwin reported that there were several monthly reports and items of correspondence in the Board packet and reminded the Board of several upcoming events.

He briefly mentioned that several entities have expressed interest in being in a Technology Overlay District (TOD). He said the interested parties could operate under a by-right use. He said there has been some high-level discussions with a few of the potential locators that are interested in working on some details, possibly performance agreements, for the Board's consideration. Mr. Goodwin said he would be happy to continue with negotiations if the Board agrees.

On the motion of Mr. Barnes, seconded by Ms. Jones, which carried by a vote of 5-0, the Board authorized the County Administrator to proceed with negotiations with the interested parties.

Mr. Goodwin concluded his remarks by recognizing Mrs. Linda Buckler on her 33rd anniversary with the County.

Chairman Adams asked for an update on the Hamilton Road Bridge.

Mr. Goodwin said the Hamilton Road Bridge was closed due to concerns about its weight carrying capacity which has been downgraded to 5 tons. He said a Section 106 process has been initiated for the replacement of the bridge. (Section 106 is a review process that is an integral component of the National Historic Preservation Act (NHPA) which requires federal agencies to identify and assess the effects that federal undertakings will have on significant historic resources) He noted that VDOT has not been able to bring the replacement to fruition for various reasons. He said VDOT has attempted to complete a short-term repair of the bridge that would

potentially open the bridge at 3 ton, however, that would not be sufficient to carry emergency vehicles, but would be sufficient to carry law enforcement vehicles and the smaller Fire & EMS SUV units. He said he will continue to work with VDOT in ensuring the bridge can be repaired and opened in a timely manner.

The Board expressed interest in passing a resolution requesting that VDOT make the necessary repairs to the bridge for interim access and to finalize permanent plans for improvements.

They requested a recess so staff could work on preparing a resolution for the Board's approval.

The Board took a recess at 6:52 p.m. and reconvened at 7:10 p.m.

On the motion of Ms. Jones, seconded by Mr. Gentry, which carried by a vote of 5-0, the Board voted to pass a resolution requesting the Virginia Department of Transportation expeditiously make temporary repairs to open the Hamilton Road Bridge for interim access, and finalize permanent improvement plans supporting the bridge's opening at full capacity in order to mitigate the significant and serious concerns associated with the bridge's closure.

PUBLIC HEARINGS

Ordinance – Amending Chapter 70 of the Code of Louisa to Allow for Returning of Surplus Real Property Tax Revenues

Code of Virginia §15.2-2511.1 allows any locality by ordinance to develop a method for returning surplus real or personal property tax revenues, or both, to taxpayers who are assessed such taxes in any fiscal year in which the locality reports a surplus.

The Louisa County Board of Supervisors wishes to issue a 5% rebate of real property taxes in FY2024 from surplus funds from the previous fiscal years and a change to Chapter 70 of the Code of Louisa is required.

Chairman Adams opened the public hearing.

Ms. Vicky Harte, Louisa District, questioned the verbiage “rebate” used to describe the returning of surplus real property tax revenues. She wanted to know if citizens would be receiving a rebate, after taxes are paid or if they will see a 5% reduction on their tax bill.

With no one wishing to speak, Chairman Adams closed the public hearing and brought it back to the Board for discussion.

On the motion of Mr. Barnes, seconded by Mr. Gentry, which carried by a vote of 5-0, the Board voted to hereby approve an amendment to Code of Louisa Chapter 70 - Taxation to allow for the return of surplus real or personal property tax revenues, or both, to taxpayers who are assessed such taxes in any fiscal year in which the locality reports a surplus. Additionally, the Board approves the issuance of a 5% rebate of real property taxes in FY2024 from surplus funds that was included in the FY2024 adopted budget.

Resolution – To Approve/Deny CUP2023-02, Louisa Solar 1, LLC, a Subsidiary of New Energy Equity, LLC, Applicant; Benjamin W. Ochs, Owner

Mr. Josh Gillespie, Director of Community Development, appeared before the Board to provide an overview of the request for a conditional use permit for Louisa Solar. He stated the applicant, Louisa Solar 1 LLC, a subsidiary of New Energy Equity, LLC, and the Owner Benjamin W. Ochs request an issuance for a conditional use permit in the Agricultural (A-2) zoning district to allow a 35-year solar generation facility, utility scale, which would output a maximum of five (5) MWAC. The proposed project is located north of Kloeckner Road, about 500 feet from the boundary line between Louisa and Albemarle County, and is further identified as tax map parcel 1-3, which is designated rural by the 2040 Comprehensive Plan's Future Land Use Map, in the Green Springs election district.

At a regular meeting of the Louisa County Planning Commission held June 8, 2023, the Planning Commission voted to find CUP2023-02 to be in conformance with the 2040 Louisa Comprehensive Plan.

At a regular meeting of the Louisa County Planning Commission held June 8, 2023, the Planning Commission voted that the public necessity, convenience, general welfare, or good zoning practice compels it to make a recommendation of approval to the Louisa County Board of Supervisors on the request of CUP2023-02, to allow a conditional use permit to operate a utility-scale solar generating facility producing up to five (5) MWac with the following thirty two (32) Conditions:

1. CUP 2023-02, (Ochs Project) Louisa Solar 1 LLC., request approval for a more or less 43.9 acre utility-scale solar generating facility producing up to five (5) MWac of electricity. The applicant also plans to construct transmission lines and equipment to connect to the nearby substation and power grid.
2. CUP 2023-02, (Ochs Project) Louisa Solar 1 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 43.9 acres as identified in the concept site plan prepared by Accupoint Surveying & Design dated March 30, 2023 pages PV1 to PV5 within Enclosure 1, Exhibit E of the applicant's application.
3. This CUP is for up to a five (5) MW AC solar photovoltaic (PV) solar facility and required transmission lines and equipment, to be constructed, owned, operated, and developed by (Ochs Project) Louisa Solar 1 LLC., any successors, assignees, current or future lessee, sub-lessee, owner, or operator, and designed for a life of thirty-five (35) years from the date of commencement of operations. This conditional use permit may not be phased or extended beyond thirty-five (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 the concept site plan prepared by Accupoint Surveying & Design dated March 30, 2023, pages PV1 to PV5 within Enclosure 1, Exhibit E of the applicant's application. The Applicant or project owner shall provide the following plans for site plan review and approval for the Solar Generation Facility, Utility Scale (the "Project"). The applicant will provide a certified plat(s) 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
 - i. 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 VDOT and the County, and complete appropriate measures to mitigate the issue.
 - ii. 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 the roads that need to be videoed.

- b. Construction Traffic Control Plan
 - i. Traffic control methods, including, if applicable, lane closures, flagging procedures, directional and informational signage, and designated access points for deliveries and employee access.
 - ii. Designated delivery and parking areas
 - iii. Designated routes for deliveries of equipment and materials on secondary roads to the property.
 - iv. 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
 - i. Dust Control and mitigation, using water trucks, mulch, or similar methods.
 - ii. Smoke and burn mitigation and limits, such as containment or similar methods.
 - iii. Noise mitigation, such as the enforcement of hours of operation.
 - iv. Measures necessary to prevent deposits of spoil and mud onto adjacent roads from construction-related traffic.
 - v. Daily Road monitoring and policing shall occur along Kloeckner Road (Route 680) including the cleaning of roadways of soil and mud tracked onto these roads from construction-related traffic.
 - vi. All wastewater (both black water and grey water) must be removed from the Project site and disposed of in accordance with County regulations and the Virginia Department of Health.

- d. Traffic Safety Requirements

- i. The Project owner will advise and enforce all contractors to drive no more than 35 miles per hour within a one-mile radius of the Project site.
 - ii. The Project owner will ask the Board of Supervisors to request that VDOT reduce the speed limit to 35 miles per hour on Kloeckner Road (Route 680) during construction. The cost of the speed study will be paid for by the Project Owner or Applicant. The project will be allowed to receive site plan and building permit approval without a VDOT approved reduction in speed.
5. Fencing. The Applicant or Project Owner shall install a security fence surrounding the Project. The fence shall be a wildlife friendly fence with a minimum height of six (6) feet, 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 applicant will attempt to fence the Project in a way that would allow for wildlife corridors.
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.
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 sitework (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. The Project will be designed, constructed, and tested to meet relevant local, state, and federal standards as applicable.
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 concept site plan prepared by Accupoint Surveying & Design dated March 30, 2023, pages PV1 to PV5 within Enclosure 1, Exhibit E of the applicant's application titled Proposed Landscape Map. 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. The Louisa County Land Development Regulations in 2023 shall apply for any areas of the project that require supplemental or replacement plantings. The concept site plan prepared by Accupoint Surveying & Design dated March 30, 2023, pages PV1 to PV5 within Enclosure 1, Exhibit E of the application. shows areas that supplemental plantings may be required in. The replacement vegetation 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 concept site plan prepared by Accupoint Surveying & Design dated March 30, 2023, pages PV1 to PV5 within Enclosure 1, Exhibit E of the applicant's application.
 - a. Supplemental plantings will be required in certain sections of the project that do not contain existing trees and vegetation that would create a sufficient opaque visual barrier. There may also be areas of the project that become damaged over time due to storm events, disease, etc. The areas as depicted in bright purple boxes on Enclosure 1, Exhibit A, titled Proposed Landscape Map, 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 four (4) rows of staggered evergreens ten (10) feet apart and on fifteen (15)-foot centers. Such trees shall be at least five (5) feet tall at the time of planting and expected to grow to a minimum height of twenty (20) feet within ten (10) years. The applicant shall submit a detailed buffer vegetation plan, prepared by a licensed or certified landscape designer or arborist, when the site plan is submitted. The vegetation plan shall demonstrate aesthetics, year-round maximum reduction of project visibility from neighboring properties and public by-ways, and viability over the life of the Conditional Use Permit. The vegetation plan is subject to the approval of the Zoning Administrator.
 - b. A pollinator buffer will be installed that meets the requirements of the Virginia Department of Conservation and Recreation's Virginia Pollinator Smart Program.
 - c. The Project may not install stormwater or erosion and sediment control features in the required vegetative buffer area. Access, erosion and stormwater outlet structures, and interconnection to the electrical grid is allowable through setback areas if such are generally perpendicular to the property line or underground.
 - d. The Louisa County Land Development Regulation and the concept site plan prepared by Accupoint Surveying & Design dated March 30, 2023, pages PV1 to PV5 within Enclosure 1, Exhibit E of the applicant's application will guide the buffers and supplemental planting of this project.
12. Decommissioning. 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, in consultation with the project owner and other agencies, shall deem the facility permanently inactive. Upon being deemed permanently inactive, 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 in and pursuant to Louisa County Code § 86-633 as amended or recodified as of the date of Decommissioning. Decommissioning must be completed within six (6) months of commencement.
 - a. Decommissioning is complete when all real and personal property related to the Project is deconstructed and removed from the Property and the

Property is made ready for agricultural or forestall use (as defined in the Louisa County Ordinance). As used herein "deconstructed and removed" shall mean the following:

- i. Removal from the surface of the Property, any Project facilities and appurtenances installed or constructed thereupon, including permanent foundations, which break off three (3) feet or less below the ground, during the course of deconstruction. Structural members that break off three (3) feet or more underground shall be abandoned in place.
 - ii. Filling in and compacting of all trenches or other borings or excavations made in association with the Project.
 - iii. Removing of all debris caused by the Project from the surface of the Property.
 - iv. Performing and providing the County a Phase II Environmental Site Assessment report detailing compliance with all the Conditional Use Permit requirements required for decommissioning.
- b. The project owner or operator shall provide 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 them to be performed. Cost for such actions will be levied against the Project Owner and/or the surety.
- c. 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.
- d. 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.
- e. Unless otherwise not allowed by local, state, or federal law, the costs of decommissioning require an adequate amount of surety in a form agreed to by the County Attorney.
 - i. 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 generating power to the electric grid. 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.

- ii. At its option, the County may require additional surety amounts based on the total cost of decommissioning the entire project.
 - f. 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. The first such training shall commence as requested by the Louisa County Chief of Emergency and Fire Services.
- 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 (VDOT) 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, and public rights-of-way.
- 17. Agency Approvals. The Project's design, construction and testing shall meet relevant local, state and federal standards as applicable. 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. In the event of any conflict between these standards, the Virginia Uniform Statewide Building Code shall apply.
 - a. 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.
 - b. 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 output of five (5) MW AC within three (3) years from issuance of the building permit, or this Conditional Use Permit shall become null and void.
19. Soil Stabilization. The Project shall be developed in the following steps to ensure proper soil stabilization during construction. These phases may be modified as required by the Virginia Department of Environmental Quality or the County Erosion and Sediment Control Administrator during site plan review or construction.

Step 1

- a. Building a construction entrance, laydown area(s), and installation of all perimeters, temporary erosion, and sediment control measures.
- b. Wetland and stream limits, conserved open spaces, and the limits of disturbance will be flagged prior to work.
- c. During Step 1, the limits of disturbance will be minimized to only install the necessary erosion control features described above, but in no case shall a Work Area associated with Step 1 activities exceed 100 acres.
- d. No other land disturbing activities will take place until the perimeter controls for the upstream drainage area are in place and deemed stabilized by the County.
- e. Stabilization means seeding with native grasses or a cover crop and application of blankets, matting, hay, mulch, or other surface cover, if necessary, depending on the prevailing weather conditions and time of year.
- f. Stockpile management of the project including geotechnical study is required for topsoil reuse and will be accounted for in the site plan review process.
- g. 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.

Step 2

- a. Establishment of required buffers within the work area, clearing, grubbing, and grading of the interior of the site for the solar arrays and roadways within the protected drainage areas.
- b. The limits of disturbance will be minimized to only disturb the necessary areas, but in no case shall the limits of any work area associated with step 2 activities exceed 100 acres.
- c. Once grading associated with step 2 activities is complete, the area shall be temporarily seeded within seven (7) days.
- d. Stabilization of each work area will be reviewed and approved by the county erosion and sediment control administrator. once a work area has been stabilized and

approved by the county erosion and sediment control administrator, another work area of the project may begin land disturbance activities.

- e. Stabilization means seeding with native grasses or a cover crop and application of blankets, matting, hay, mulch, or other surface cover, if necessary, depending on the prevailing weather conditions and time of year.
- f. Stockpile management of the project including geotechnical study is required for topsoil reuse and will be accounted for in the site plan review process.
- g. 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.

Once features or activities are complete within a given Work Area, Project Owner will notify the County Erosion and Sediment Control Administrator who will inspect and approve or identify any necessary modifications to the completed area(s).

All disturbed areas shall receive temporary or permanent seeding within seven (7) days in accordance with the Virginia Erosion and Sediment Control Handbook. 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.

20. Stormwater 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.

21. 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 Administrator & Inspector and the Virginia Department of Environment Quality, as necessary, to resolve any storm water and erosion and sediment control issues that occur on site.

- a. 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 three (3) bids, the cost of hiring the County Engineer will be paid by the applicant.
 - i. 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 Engineer in consultation with the Zoning Administrator will provide written notice to Applicant of required remediation. If the prescribed remediation is not in process of completion or completed within seven (7) days, 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 to address the issue and memorialize further plans for remediation.

- b. At the time the Site Plan Approval Letter is issued, the applicant will post a construction bond to sufficient to ensure compliance with the construction requirements of the Conditional Use Permit as determined by staff. This bond can be released (i) within six (6) 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.
- 22. 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.
- 23. 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.
- 24. Timbering Operations. Timbering operations by the landowner are also bound by this Conditional Use Permit. The removal of vegetation, other than dead or diseased vegetation with the prior approval of the Zoning Administrator, within the buffers as depicted in the concept plan by Accupoint Surveying & Design dated March 30, 2023 pages PV1 to PV5 within Enclosure 1, Exhibit E of the applicant's application shall constitute a violation of this Conditional Use Permit. The owner is responsible for obtaining permits timbering/logging from the Virginia Department of Forestry.
- 25. Binding. This Conditional Use Permit (CUP) shall be binding on the property owners, (Ochs Project) Louisa Solar 1 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 four (4) foot by eight (8) foot sign at all access points. The sign will be reviewed and approved by County Staff. 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.

- a. 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 twenty-four (24) hours. The liaison role shall commence at the initial pre-construction meeting.
- b. 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 County Code Enforcement Officer and County Planner 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 seven (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, 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. Solar panels and supporting project equipment at the end of the project's life will not be disposed of in the Louisa County Landfill.
29. Job Fair & Career and Technical Education (CTE) Program. The Project Owner will attend the Louisa County High School Job Fair the year the Project will start construction. The Project Owner will attend at least one CTE class to provide information on the solar industry to students. This condition is null and void if the Louisa County School System rejects the Project Owner participating in the CTE class or the job fair. The Project Owner will ask the Louisa County Chamber of Commerce to share any job postings with local businesses.
30. Cultural Resource Report. The applicant must submit, prior to site plan approval, a cultural resource study that must adhere to all applicable state agency recommendations. This report must adhere to the standards that are laid out in 9VAC15-60-40. If mitigation is recommended by state agencies the applicant must work with the County and VADEQ to satisfy the mitigation as required by 9VAC15-60-60.
31. 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, so long as notice is provided to the Applicant simultaneously with entry to the site.

32. 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; and

Mr. Adams asked what the final vote was at the Planning Commission meeting.

Mr. Gillespie said the vote was 6-1 to forward a recommendation of approval to the Board.

Mr. Gentry asked if there was discussion about the buffers at the Planning Commission meeting.

Mr. Gillespie said there was a fair amount of discussion about the adequacy of the buffers but not much discussion regarding the substance. He said the Planning Commission identified the usefulness of the exhibits that were given for the line of sight and said because of the materials that were provided, they had no questions about the buffers that were proposed. He said the Planning Commission felt the buffers were adequate portrayed through the illustrations that were provided.

Ms. Jones asked if the neighbor (Mr. Gilbert) is satisfied with the application.

Mr. Gillespie said that Mr. Gilbert spoke at the Planning Commission meeting and indicated that he was satisfied with all the negotiations he had with the developer at that point.

Mr. Barnes noted the size of the plant and asked who would benefit from the project.

Mr. Gillespie said the applicant would be best to answer that question.

Chairman Adams opened the public hearing.

Mr. Jessie Diamond, Applicant/Agent with New Energy Equity, provided a brief overview of New Energy Equity, its accomplishments, the project team and project basis. He explained the proposed CUP application is part of the process to get accepted into Dominion Energy's Shared Solar Program. He explained under the program, retail customers may purchase subscriptions in a shared solar facility owned by a subscriber organization (SO). The Code defines shared solar facility as a facility that, among other things, generates electricity by means of a solar photovoltaic device with a nameplate capacity that does not exceed 5,000 kilowatts of alternating current and is located on a single parcel of land. Customers that purchase a subscription will receive a bill credit for the proportional output of the shared solar facility attributable to that subscriber, subject to a minimum bill notwithstanding the bill credit. He noted the program is required to offer subscriptions to a certain percentage of low-income households and New Energy Equity recognizes that.

Mr. Diamond talked about the existing conditions of the premises. He stated the property is a small portion of rural ag and it contains a mixture of native forbs, grasses, woodlands, and 8'-20' loblolly pine trees. He noted the intermittent unmapped creek which will be buffered and avoided along with the floodplain area. He elaborated on the proposed land use details and provided a summary of exhibits that identified and outlined the following:

- Civic Design/Stormwater Plan
- Equipment Specifications
- Line of Sight Renderings
- FAA Adherence and Glare Analysis
- Decommissioning Plan
- Operations & Maintenance Plan
- Emergency Response Plan and Traffic Plan
- Cultural/Archeological Resources Report (Absence)
- Economics Report
- Sheep Grazing Plan and Vegetation Management Plan
- Endangered Species Report (Absence)

Mr. Diamond addressed Mr. Gilbert's concerns regarding green energy space. He noted New Energy Equity has agreed to a letter of intent to allow sheep grazing within a portion of the project area, and Mr. Gilbert has agreed to tend to the sheep. Mr. Diamond said the lease area was reduced to accommodate the green energy space where the sheep will be placed. He stated they are requesting a waiver to reduce the setback from 300' to a 170' at the North/West of the property, along Mr. Gilbert's property, and a reduction in setback from 300' to 220' at the property adjacent to the plastics industrial plant and railroad. He said the reduction in setback will accommodate the proposed project without having to reduce the megawatts or impacting neighboring lands.

Mr. Diamond provided a breakdown of setbacks and vegetative buffers for the project.

Chairman Adams questioned the reason for the reduction to the buffer.

Mr. Diamond said the reduction is to accommodate the scale of the project within the confines of the property itself.

Chairman Adams offered suggestions on how to adjust the project area to accommodate a 300' buffer around the perimeter of the project.

Mr. Diamond said adjusting the project area would reduce the useable acreage and impact the projects viability.

Chairman Adams stated the reason for the reduction is to increase the number of panels, which increases the project's profitability.

Questions and comments were addressed by the Board regarding: the project use; the scale of the project; the proposed cost savings and how it applies to those who purchase subscriptions through the shared solar program; and how low-income households can sign up to receive shared solar benefits, which were answered by Mr. Diamond.

Ms. Vicky Harte, Louisa District, made comments regarding the floodplain area, questioned how low-income families would be able to purchase a subscription to receive shared solar benefits, and how the applicant plans to reduce stormwater run off from the site.

Mr. Tom Gilbert, Green Springs District, spoke in favor of the project.

Mr. Benjamin Ochs, Owner, Green Springs District, to talk briefly about the attributes of the property and the purpose for the conditional use permit and how the proposed use is conducive to the nature of the surrounding properties.

Mr. Diamond provided clarification on two comments that were made regarding the program's affordability to low-income families and the flow of water from stormwater runoff.

With no one wishing to speak, Chairman Adams closed the public hearing and brought it back to the Board for discussion.

The Board commented on the application and addressed their concerns specifically on the waiver to reduce the buffer. The Board also noted concerns from the public.

On the motion of Mr. Barnes, seconded by Mr. Barlow, which carried by a vote of 4-1, with Mr. Gentry voting against, the Board voted to deny the application.

Resolution – To Approve/Deny the Siting Agreement for Conditional Use Permit – CUP2023-03, Ochs Solar (Louisa Solar)

No action was taken. The application was denied (see previous discussion).

Resolution – To Approve/Deny CUP2023-01 Sortie Inc., Applicant, Wayne R. Byrd Revocable Trust, Owner – Conditional Use Permit Request

Mr. Josh Gillespie, Director of Community Development, provided a brief overview of the conditional use permit to request a conditional use permit to operate an equipment sales and rental business in the General Commercial (C-2) zoning district. The goal of this conditional use permit is to use an existing building to rent/lease automobiles, small tools, trucks, trailers and supplies. The property is located on the northeast side of Jefferson Highway (Route 33), approximately 0.25 mile south of Pendleton Road (Route 522N) and is further identified as Tax Map Parcel 72-54A in the Cuckoo Election District.

At a regular meeting of the Louisa County Planning Commission held May 11, 2023, the Planning Commission voted that the public necessity, convenience, general welfare, or good zoning practice compels it to make a recommendation of approval to the Louisa County Board of Supervisors on the request of conditional use permit CUP2023-01, Sortie Inc., with the eight (8) conditions listed below:

1. This conditional use permit is an exceptionally unique instance involving very desirable land use on the subject property. The adjoining landowners (parcel 72-54) are aware and are approving of the lack of a buffer requirement placed on the subject property. This instance does not set a precedent for other locations with respect to using existing trees located on the adjacent landowner's property for buffers. The subject site plan will be subject to approval by the zoning administrator.
2. The property owner or applicant will provide the name of the contact person, email, and phone number for citizen concerns and complaints to be addressed. The County may request a list of complaints and how they have been addressed by the applicant at any time.

3. All design and use of exterior lighting shall comply with the International Dark-Sky Association and shall be labeled as such on the site plan sketch.
4. Hours of operation shall be 8AM to 5PM Monday through Friday, 8AM to 2PM on Saturday, and closed on Sunday. Hours of operation may vary for the moving trucks and trailers business with occasional after hours drop offs.
5. The applicant shall secure all necessary permits and approvals from the Louisa County Community Development Department, the Virginia Department of Transportation (VDOT), and the Virginia Department of Health (VDH).
6. The applicant will submit an administrative site plan for approval by Louisa County, with review by VDOT. Should land disturbance meet or exceed 10,000 square feet of area, an erosion and sediment control plan must be prepared and submitted to the County for review and approval, prior to any land disturbing activities commencing on-site.
7. The Board of Supervisors or their designated representative shall have the right to inspect the site at any reasonable time without prior notice.
8. Violation of any conditions contained herein shall be grounds for revocation of the Conditional Use Permit; and

The Board asked questions regarding the buffer on the neighboring property.

Chairman Adams opened the public hearing.

Mr. Ryan Odom, Owner – Sortie Inc., explained the goal of the conditional use permit and briefly talked about his short-term agreement with U-Haul and how it will help him achieve a long-term use for the property.

Ms. Vicky Harte, Louisa District, questioned the buffer on the neighboring property.

With no one else wishing to speak, Chairman Adams closed the public hearing and brought it back to the Board for Discussion.

Chairman Adams asked Mr. Odom if he plans on hiring additional staff to operate the business.

Mr. Odom said he intends to operate the business solely on his own.

On the motion of Mr. Gentry, seconded by Mr. Barnes, which carried by a vote of 5-0, the Board voted to approve the request for conditional use permit CUP2023-01, Sortie Inc., as presented.

ADJOURNMENT

On the motion of Mr. Barnes, seconded by Mr. Gentry, which carried by a vote of 5-0, the Board voted to adjourn the July 17, 2023 meeting at 8:21 p.m.

BY ORDER OF:

DUANE A. ADAMS, CHAIRMAN
BOARD OF SUPERVISORS
LOUISA COUNTY, VIRGINIA