



**Board of Supervisors
County of Louisa
Monday, August 2, 2021
Louisa County Public Meeting Room
5:00 PM**

CALL TO ORDER - 5:00 P.M.

Chairman Babyok called the August 2, 2021 regular meeting of the Louisa County Board of Supervisors to order at 5:00 p.m. Mr. Gentry attended remotely, via zoom, respectfully.

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	Remote	5:00 PM
Eric F. Purcell	Louisa County Supervisor	Present	5:00 PM
R. T. Williams	Jackson District Supervisor	Present	5:00 PM
Duane A. Adams	Mineral District Supervisor	Present	5:00 PM
Robert F. Babyok	Green Springs District Supervisors	Present	5:00 PM

Others Present: Christian Goodwin, County Administrator; Helen Phillips, County Attorney; Jeff Ferrel, Assistant County Administrator; Sean Hutson, Assistant County Attorney; Alexandra Stanley, Executive Assistant County Attorney; Wanda Colvin, Finance Director; Bob Hardy, Information Technology Director; Andy Wade, Economic Development Director; Robert Dube, Fire & EMS Chief; Tom Egeland, Planning Associate; and Griff Carmichael, Human Resources Director.

CLOSED SESSION

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) (3) VA Code Ann., to discuss the potential acquisition of real property in the Mineral District and in the Green Springs District, and the potential disposition of real property in the Patrick Henry District and in the Mineral District, where discussion in open meeting would adversely affect the bargaining position of the County;
2. In accordance with §2.2-3711 (A) (5) VA Code Ann., to discuss a prospective business in the Patrick Henry District where no previous announcement has been made of the business's interest in locating in the County; and,
3. In accordance with §2.2-3711 (A) (8) VA Code Ann., for consultation with legal counsel regarding a utility issue in the Green Springs District.

REGULAR SESSION

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, 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.	Mover	Yes/Aye
Willie L. Gentry Jr.	Voter	Yes/Aye
Duane A. Adams	Voter	Yes/Aye
Bob F. Babyok, Jr.	Voter	Yes/Aye
Eric F. Purcell	Voter	Yes/Aye

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to adopt the following resolution:

WHEREAS, the Louisa County Board of Supervisors has convened a Closed Meeting this 2nd day of August 2021, 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 2nd day of August 2021, 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. WILLIAMS

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

ADOPTION OF AGENDA

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to adopt the August 2, 2021 agenda, as amended, with the following changes:

- Added a resolution authorizing a budget transfer in Fiscal Year 2021 to Rappahannock Juvenile Center to Consent Agenda
- Added a resolution to approve the performance agreement between the County of Louisa, Virginia and Klockner Pentaplast of America, Inc. to Consent Agenda

MINUTES APPROVAL**Board of Supervisors (BOS) - Regular Meeting - Jul 6, 2021 5:00 PM**

On the motion of Mr. Barnes, seconded by Mr. Adams, which carried by a vote of 7-0, the Board voted to approve the minutes of the July 6, 2021 regular meeting.

BILLS APPROVAL

Resolution – To Approve the Bills for the Month of July 2021 (FY21)

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board adopted a resolution approving the bills for the month of July 2021 (FY21)

Resolution – To Approve the Bills for the Month of July 2021 (FY22)

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board adopted a resolution approving the bills for the month of July 2021 (FY22)

CONSENT AGENDA ITEMS

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to adopt the Consent Agenda items for August 2, 2021, as follows:

- Resolution – Designating Louisa County as a Purple Heart County
- Resolution – Recognizing Dr. John "Jack" Manzari for His Years of Service and Contributions to Louisa County
- Resolution – Resolution to Approve Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding
- Resolution – To Approve and Award a Contract for Liquefied Petroleum Gas Services
- Resolution – Authorizing a Budget Transfer in Fiscal Year 2021 to Rappahannock Juvenile Center
- Resolution – To Approve the Performance Agreement Between the County of Louisa, Virginia and Klockner Pentaplast of America, Inc.

RECOGNITIONS

Presentation – Recognizing Chef Ben Howell as the Louisa County Public School's 2021 William G. Thomas Educator of the Year

Mr. Goodwin read the resolution and Mr. Babyok presented a framed copy to Chef Ben Howell, recognizing her as the Louisa County Public School's 2021 Wallace L. Tingler MVP of the Year Award.

Presentation – Recognizing Jessica Osborne as the Louisa County Public School's 2021 Wallace L. Tingler MVP of the Year

Mr. Goodwin read the resolution and Mr. Babyok presented a framed copy to Ms. Jessica Osborne recognizing her as the Louisa County Public School's 2021 William G. Thomas Educator of the Year Award.

PUBLIC COMMENT PERIOD

Mr. Scott Newton, Mineral District, appeared before the Board to express his concerns with the de-appropriation of remaining FY2021 and FY2022 operational and maintenance budget for Mineral Volunteer Rescue Station.

INFORMATION/DISCUSSION ITEMS**Presentation – Update from the Virginia Department of Health**

Dr. Denise Bonds, Health Director - Blue Ridge Health District/Virginia Department of Health, appeared before the Board to provide an update on COVID-19, vaccination percentage and information, the Delta variant and increasing cases in Louisa County compared to surrounding localities within the health district.

Questions and comments were addressed by the Board regarding the increased cases of COVID-19 and metrics used to provide analysis when reporting vaccination and case updates, which were answered by Dr. Bonds.

Presentation – Fiber Broadband Update

Mr. Gary Wood, Central Virginia Electric Cooperative (CVEC), appeared before the Board to provide an update on the Regional Internet Service Expansion Project in Louisa County. Mr. Wood provided a map of the CVEC service territory in Louisa and the status in which they are at with the project. He updated the Board on the CARES Act funding application for projects at Loving Road/Campbell Road and West Green Springs Road. He went over preliminary project estimates and grant opportunities as well as VATI award announcements.

DISCUSSION - COMPENSATION COMMITTEE

Mr. Barnes suggested the Finance Committee work with the schools on compensation for maintenance janitorial staff, and school bus drivers for both the County and the schools in the upcoming budget season.

UNFINISHED BUSINESS

(None)

NEW BUSINESS/ACTION ITEMS**Resolution – Authorizing the De-Appropriation of Remaining FY2021 and FY2022 Operational and Maintenance Budgets for Mineral Volunteer Rescue Station**

Mr. Goodwin explained the County maintains career-staffed emergency medical apparatus at Mineral Fire Department in the same building as the Mineral Volunteer Rescue Squad. He stated while the County is grateful for Mineral Volunteer Rescue Squad's dedication, the entity has experienced recent challenges in its efforts to maintain reliable service levels, and career-staffed units are providing the majority of the response in the district. He noted the de-appropriation of Mineral Rescue's funding will not in any way impact service levels in the area, and staff from Mineral Rescue are permitted and welcome to volunteer for other volunteer agencies or the County itself if they so choose.

Mr. Adams stated the pending action, if it moves forward, will not eliminate the station's charter. He said we've heard the challenges the station has faced in the last three or four years and he believes this move will provide an opportunity for Mineral Rescue to focus on rebuilding the volunteer base and create a fresh start to its organization. Mr. Adams motioned to approve the resolution as presented.

Mr. Barlow said he understands the aspect of not spending tax payer dollars on a station that is having difficulties running calls, however, all stations have fluctuation within their department and feels the de-appropriation sends the wrong signal.

Mr. Gentry stated he has mixed emotions over this request and would prefer to put the item on hold, for 30 days, but since there is a motion on the floor, they shall see where it goes.

On the motion of Mr. Adams, seconded by Mr. Barnes, which carried by a vote of 6-1, with Mr. Barlow voting against, the Board voted to authorize the de-appropriation of the remaining FY2021 and FY2022 operational and maintenance budgets of the Mineral Volunteer Rescue Station (10032212). Additionally, the approval of any funding necessary to maintain apparatus or facilities at the station, or to otherwise ensure the continuance of related and necessary emergency services shall be at the discretion of the Chief of Fire and Emergency Services.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Committee Reports

Mr. Barnes explained that Congresswoman Abigail Spanberger is working on legislation to provide workforce housing in Louisa County and he is requesting the Board create a committee to look into property in Louisa County suitable for workforce housing.

Mr. Babyok agreed to survey the members of the Board individually to see who would like to work on that committee and report back at the next meeting.

Board Appointments

On the motion of Mr. Purcell, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to appoint Mr. Frank Grosch to the JABA Board of Directors.

Discussion ensued regarding the creation of three (3) separate alternate positions to the Board of Zoning Appeals (BZA). After discussion the Board directed the County Attorney to research this request further.

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.

Mr. Adams said he would like to point out that one of the issues that is causing the County's contribution to the Central Virginia Regional Jail to rise is the number of parole violations. He suggested the County Administrator and County Attorney work with the Commonwealth Attorney and judges on sentencing at home incarceration verses incarceration at the jail since it is costing the County hundreds of thousands of dollars a year.

Discussion ensued regarding recidivism and the increase that has occurred over the years.

PUBLIC HEARINGS

Ordinance – A Ordinance to Amend Louisa County Code Section 70-8- Farm Machinery, Farm Animals and Certain Farm Products from Personal Property Tax

Mr. Goodwin explained Louisa County Code Chapter 70-Taxation-Article I-In General Section 70-8 currently states farm machinery, farm animals and certain farm products are exempt from personal property tax. The proposed amendment will add farm machinery and farm implements used for forest harvesting and silvicultural activities to the property tax exemptions allowed by the existing ordinance.

Questions and comments were addressed regarding lost revenue if the ordinance passes.

Mr. Goodwin said the impact of lost revenue could be anywhere between \$14,000 and \$20,000 annually.

Mr. Babyok opened the public hearing.

Mr. Ron Jenkins, Virginia Loggers Association, appeared before the Board to express their support of the ordinance amendment.

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

Mr. Barlow noted the ordinance amendment refers to Chapter 70-8 Farm Machinery, but the request does not involve farm equipment. He asked why the amendment is not identified as and limited to logging equipment.

Mr. Goodwin said the code section refers to farm machinery, but the request is to add language that states “farm implements used for forest harvesting and silvicultural activities”

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to approve an amendment to Chapter 70, Taxation-Article I-In General Section 70-8 Farm Machinery, Farm Animals and Certain Farm Products from Personal Property Tax to add exemptions from property taxation for farm machinery and farm implements used for forest harvesting and silvicultural activities to the existing ordinance language.

Mr. Adams noted this action shows the Board's commitment to the rural, agricultural, and forestal development in the County.

Ordinance – To Amend Section 86-501 Districts Described - Addition to Yanceyville AFD

The Louisa County Community Development Department received a request for review and consideration of an amendment to the Louisa County Zoning Ordinance, Section 86-501 Districts Described for an addition to the existing Yanceyville Agricultural and Forestal District, as follows:

<u>OWNER'S NAME</u>	<u>TAX MAP PARCEL #</u>	<u>ACREAGE</u>
Joshua 19 LLC	70-51	96.708

The Agricultural, Forestal and Rural Preservation Committee met on April 28, 2021, and the Committee voted to forward a favorable recommendation to the Planning Commission on the requested amendment to the Louisa County Zoning Ordinance, Section 86-501 Districts Described for an addition to the existing Yanceyville Agricultural and Forestal District, as described above.

The Planning Commission held a public hearing on July 8, 2021 and voted to forward a recommendation that the public necessity, convenience, general welfare, or good zoning practice compels it to make the recommendation of approval to the Louisa County Board of Supervisors on the requested amendment to the Louisa County Zoning Ordinance, Section 86-501 Districts Described for an addition to the existing Yanceyville Agricultural and Forestal District, as described above.

Mr. Babyok opened the public hearing. With no one wishing to speak, the Board closed the public hearing and brought it back to the Board for discussion.

On the motion of Mr. Barnes, seconded by Mr. Adams, which carried by a vote of 7-0, the Board voted to approve the requested amendment to the Louisa County Zoning Ordinance, Section 86-501 Districts Described for an addition to the existing Yanceyville Agricultural and Forestal District, as follows:

<u>OWNER'S NAME</u>	<u>TAX MAP PARCEL #</u>	<u>ACREAGE</u>
Joshua 19 LLC	70-51	96.708

Resolution – To Approve/Deny Conditional Use Permit Application CUP02-2021; Energix Aditya, LLC

Mr. Tom Egeland, Planning Associate, appeared before the Board to provide an overview of Conditional Use Permit application - CUP02-2021 Energix Aditya, LLC. Applicants/Owners: Pamela R. Harlowe, Trustee & Melonie R. Donovan, Trustee; Applicant/Agent Dominika Sink, Energix Aditya, LLC (TMP42-86A) requests the issuance of a Conditional Use Permit for a Solar Generation Facility, Utility-Scale in accordance with Section 86-154 Permitted Uses - With Conditional Use Permit in the Agricultural (A-2) zoning district.

At a regular meeting of the Louisa County Planning Commission held May 13, 2021, the Planning Commission voted to forward a recommendation that the public necessity, convenience, general welfare, or good zoning practice compels it to make the recommendation of approval to the Louisa County Board of Supervisors for a Solar Generation Facility, Utility-Scale in accordance with Section 86-154 Permitted Uses - With Conditional Use Permit in the Agricultural (A-2) zoning district for (TMP42-86A) with the following conditions:

1. The applicant is proposing a Solar Generation Facility, Utility Scale project having a combined acreage of approximately 94.67 acres on TMP 42-86A that could produce up to 11 Megawatts of Alternating Current (MW AC). The Project's solar arrays, buffers and ancillary equipment will utilize about 60 acres, while the setbacks, vegetative buffers, pollinator garden, and natural resources protection will occupy about 35 acres as shown in on (Figure Sheets 1 - 6) of the preliminary site plan designed by Draper Aden &

Associates, labeled Aditya Solar Generation Facility, and dated March 15, 2021.

2. The Aditya solar 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 up to 60 acres of disturbed area of the 94.67 acre property identified as "Aditya Solar Generation Facility" as shown on (Figure Sheets 1 - 6) of the preliminary site plan designed by Draper Aden & Associates, labeled Aditya Solar Generation Facility, and dated March 15, 2021.
3. This CUP is for up to 11 MW AC solar photovoltaic (PV) solar facility constructed, owned and operated by Energix Aditya, LLC (Applicant), 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 (Figure Sheets 1 - 6) of the preliminary site plan designed by Draper Aden & Associates, labeled Aditya Solar Generation Facility, and dated March 15, 2021. 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 also 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

- 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 the 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. General maintenance shall occur 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, VDOT requires that the applicant video/document School Bus Road to its intersection with Rte. 208, the area in the immediate vicinity of the intersection, and 1000' to the west, as this should capture the entire extents of the school bus road project along their haul routes.
- VDOT also requires the applicant commit to repairing any right-of-way damages along the same route to help mitigate any long term damages to a recently completed VDOT project at the time of this projects construction.

b. Construction Traffic Control Plan

- Traffic control methods, including, if applicable, lane closures, flagging procedures, directional and informational signage, and designated access points for deliveries and employee access.

- Designated delivery and parking areas.
- Designated routes for deliveries of equipment and materials on secondary roads to the Property.
- 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

- Dust control and mitigation, using water trucks, mulch, or similar methods.
- Smoke and burn mitigation and limits, such as containment or similar methods.
- Noise mitigation, such as the enforcement of hours of operation.
- Measures necessary to prevent deposits of soil and mud onto adjacent roads from construction-related traffic.
- Daily road monitoring and policing along Davis Highway (Route 22 and Route 208) and School Bus Road (Route 767) shall occur including the cleaning of roadways of soil and mud tracked onto these roads from construction-related traffic.
- All waste water (both black water and grey water) requires removal from the Project site and disposal in accordance with County Rules and the Virginia Department of Health.

d. Planning Commission Requirements

- The project owner will require all contractors to drive no more than 35 miles per hour within at least a one mile radius of the Project area.
- 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 the project area, during construction. 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 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.

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 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 (Figure Sheets 1 - 6) of the preliminary site plan designed by Draper

Aden & Associates, labeled Aditya Solar Generation Facility, and dated March 15, 2021 **Exhibit C**. 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/setbacks and supplemental plantings. The Applicant is proposing several buffers/setbacks and supplemental plantings (Figure Sheet 3) of the site plan designed by Draper Aden & Associates, labeled Aditya Solar Generation Facility, dated March 15, 2021, and identified as project number 20060161-010301 **Exhibit C**. The site plan legend shows:

- A medium green stripe, showing a minimum 50-foot buffer area within the required minimum 150-foot setback plus that would comprise about 9 acres consisting of existing vegetation.
- A light green stripe, showing a minimum 70-foot buffer area within the required minimum 150-foot setback that would comprise about 11 acres consisting of planted pollinator vegetation.
- A hashed green stripe, showing a minimum 30-foot buffer area within the required minimum 150-foot setback that would comprise about 5.2 acres. The supplemental planted 30-foot buffer will consist of the following
 - > Eastern white pine planted at 15 feet on center typically at 6 trees per 200 linear feet.
 - > Easter red cedar planted in clusters at 15 feet on center typically at 18 trees per 200 linear feet.
 - > Leyland Cypress planted at 15 feet on center typically at 18 trees per 200 linear feet

Within these buffer setbacks, the applicant is committing to not removing vegetation unless it causes safety issues or a decrease in energy creation and is approved first by the Zoning Administrator. The area around and under the solar panels will be planted with non-invasive native grasses or pollinators.

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, in consultation with the project owner and other agencies, shall deem the facility abandoned. The County shall notify the applicant or current project owner in writing to begin removing the facilities ("decommissioning") within six (6) months of receipt of such notice. If removal of the facility does not occur within the specified time after notice, the County may 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 net costs of decommissioning require 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 guarantee by an investment grade entity, posted within 30 days of the project receiving its occupancy permit or equivalent from the County. A third party engineer 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 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 farm in regard to safely responding to on-site emergencies.

14. Road Access Ways. All accesses to the Project will be from existing public roads via fee simple 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 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 found that may be found within the limits of the Project, and provide an access way for persons visiting the cemetery subject to County for 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 possibly those to cross creeks, wetlands, public rights-of-way, and the main line to the point of interconnection.

17. Agency Approvals. 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 Erosion and Sediment Control 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 11 MW AC within three years from issuance of the building permit, or this Conditional Use Permit shall become null and void.

19. Decommissioning. Deconstruction of the Project shall begin within twelve (12) months after the Project sites are permanently decommissioned. As used herein "deconstructed and removed" shall mean the following:

- a. Removal from the surface of the Property, any Project facilities and appurtenances installed or constructed thereupon, including permanent foundations, which break off below the ground, during the course of deconstruction. Structural members three feet

- or more shall be abandoned in place,
- b. Filling in and compacting of all trenches or other borings or excavations made in association with the Project,
- c. Removing of all debris caused by the Project from the surface of the Property,
- d. Performing and providing a Phase II Environmental Site Assessment report detailing compliance with all of the Conditional Use Permit requirements required for decommissioning.

The project owner or operator shall provide to the Zoning Administrator a report detailing compliance with all of the 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 provide to the project owner or operator. At the completion of decommissioning the properties be made ready for agricultural or forestal use, preserving and protecting Louisa County's rural and agricultural character.

20. Soil Stabilization. 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. Prohibited are vegetation classified by VADEQ or DCR as invasive.

21. Stormwater Improvements. All approved stormwater 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 stormwater and erosion and sediment control practices and devices installed throughout construction. This individual will provide the County a weekly status report and coordinate 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 stormwater and erosion and sediment control issues that occur on site.

23. Pollinators. The applicant shall establish and maintain a minimum of 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 Sec. 86-632 - Performance standards for minor and utility-scale solar generation facilities.

24. Site Plan Approval. Submission and approval of a site plan and inspections of stormwater improvements in accordance with 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 Energix Solar, LLC (Aditya Project), or any successors, assignees, current or future lessee, sub-lessee, or owner of the solar energy farm.

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 inquires. 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. 86-46.g 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. In accordance with that ability and pursuant to Applicant's need for reliable internet to facilitate the remote monitoring of the Project including the Applicant's reliance on certain County services, 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. The County and the Applicant agree this condition shall not become effective unless and until the Project commences Commercial Operation (the "Commercial Operation Date"), as defined herein. Once effective, this condition shall remain in effect for the duration of Commercial Operation, as defined below:

A. Up Front Payment. No later than one year after the Commercial Operation Date (as defined below), Applicant will make a one-time payment to the County in the amount of Ten Thousand Dollars for Louisa County Broadband Deployment (\$10,000.00) (the "Up Front Payment").

B. Annual Payment. One year after the date the Up-Front Payment is made and continuing each year thereafter, Applicant will make an annual payment to the County in the amount of Sixteen Thousand Dollars (\$16,000.00) (the "Annual Payment").

C. Payment Terms. For purposes of these Conditions, "Commercial Operation Date" means the date upon which the Project is generating electric energy on a commercial basis and is receiving payment from the consuming entity in exchange for such energy production. The Parties acknowledge that Applicant's obligation to make the Up-Front Payment and the Annual Payment

(the “Payments”) will be conditioned upon the Project commencing commercial operation on the Commercial Operation Date. Any test energy or other energy produced prior to the Commercial Operation Date will not trigger payment under this Section.

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.

This project parcel is just south east of the intersection of Davis Highway (Route 22 & Route 208) and School Bus Road (Route 767). The property is further identified as tax map parcel 42-86A, in the Mineral Voting District. The 2040 Louisa County Comprehensive Plan currently designates this parcel Mixed Use in the Mineral Growth Area.

Mr. Purcell asked if the applicant is okay with Condition #20 and is there any condition listed or can the Board consider any additional conditions so that staff, the County, and/or its agent look at site specific examples to achieve soil stabilization that may not be exactly in the parameters for future projects.

Mr. Egeland said he cannot speak for Aditya, but he does know they have a little heartburn over the way Condition #20 is written and will allow for them to speak about that later.

Mr. Williams asked if the site is only 96 acres.

Mr. Egeland said yes.

Questions and comments were addressed regarding development and disturbance restrictions on smaller solar projects in comparison to larger scale projects, which were answered by Mr. Egeland and Mr. Goodwin.

Mr. Egeland noted that those condition were written so it could be applied to every project going forward.

Mr. Adams said the spirit of the condition is very valid, but he also thinks that a cookie cutter approach will not work in every case and every project is not the same.

Mr. Williams offered suggestions/revisions to the condition.

Ms. Dominique Sing, Project Developer with Aditya Solar, appeared before the Board to provide an overview of the project which included: stormwater and maintenance measures; construction timeline; traffic control and road impacts; and community outreach efforts to the adjacent neighbors. Ms. Sing noted the community benefits include scholarships for the descendants of the adjacent property owners, walking trails in the vegetated portion of the landscaping buffer, and an extensive vegetative buffer.

Mr. Rich Kirkland, Kirkland Appraisals, provided a professional assessment on value to the

adjacent property owners. Mr. Kirkland noted that his assessment shows that the proposed solar project should not have a negative impact to the adjacent properties.

Mr. Adams noted that Mr. Kirkland was hired by Aditya to perform this assessment, however, he did confirm with the Louisa County Real Estate Assessor's Office and they were able to quantify his assessment.

Mr. Purcell asked questions regarding the public use area and where it would be located.

Ms. Sing said the area would be located where the pollinator meadow will go.

Mr. Adams asked if they were able to meet with the adjoining property owners and to provide an overview of how that meeting went.

Ms. Sing said they have followed up with the community on several occasions. She noted at the latest meeting, the community addressed their concerns regarding impacts to their water and solar technology, which led to the voluntary annual testing they agreed to perform for quality assurance. She noted the community, along with the guidance of the NAACP, agreed to a scholarship for their descendants and walking trails on the project site to be accessed by the community.

Mr. Babyok opened the public hearing.

Mr. James Poore, Mineral District, appeared before the Board to express his support of the proposed project.

Mr. William Woody, Patrick Henry District, appeared before the Board to express his concerns with solar development in the County.

Ms. Melissa Knabe, Green Springs District, appeared before the Board to express her support of the proposed project.

Ms. Donna Bates, Mineral District, appeared before the Board to express her support of the proposed project.

With no one else wishing to speak, Mr. Babyok closed the public hearing and brought it back to the Board for discussion.

Mr. Adams thanked the residents of School Bus Road for taking the time to address their concerns and attending all of the meetings that led to this moment. He noted there were valid concerns brought up at each meeting and commended the work that was facilitated between the residents and the agent to help mitigate those concerns. He said not everyone got what they wanted, but both parties worked towards a resolution and a compromise for the betterment of the community.

Mr. Goodwin noted there were some questions regarding the amended conditions and suggested the Board take a recess.

Mr. Adams asked if the applicant did indeed have concerns with the way Condition #20 is listed.

Ms. Sing said they would like to see the statement “whichever is less” be removed so that the condition reads 30% or 100 acres.

The Board took a recess at 8:27 p.m. and reconvened at 9:19 p.m.

Mr. Scott Foster, counsel for the applicant, read off the agreed upon list of conditions that are listed below.

On the motion of Mr. Adams, seconded by Mr. Williams, which carried by a vote of 6-1, with Mr. Barnes voting against, the Board approved the issuance of a Conditional Use Permit for a Solar Generation Facility, Utility-Scale in accordance with Section 86-154 Permitted Uses - With Conditional Use Permit in the Agricultural (A-2) zoning district for (TMP42-86A) with the amended conditions listed below.

1. The applicant is proposing a Solar Generation Facility, Utility Scale project having a combined acreage of approximately 94.67 acres on TMP 42-86A that could produce up to 11 Megawatts of Alternating Current (MW AC). The Project’s solar arrays, buffers and ancillary equipment will utilize about 60 acres, while the setbacks, vegetative buffers, pollinator garden, and natural resources protection will occupy about 35 acres as shown in on (Figure Sheets 1 - 6) of the preliminary site plan designed by Draper Aden & Associates, labeled Aditya Solar Generation Facility, and dated March 15, 2021.
2. The Aditya solar 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 up to 60 acres of disturbed area of the 94.67 acre property identified as "Aditya Solar Generation Facility" as shown on (Figure Sheets 1 - 6) of the preliminary site plan designed by Draper Aden & Associates, labeled Aditya Solar Generation Facility, and dated March 15, 2021.
3. This CUP is for up to 11 MW AC solar photovoltaic (PV) solar facility constructed, owned and operated by Energix Aditya, LLC (Applicant), 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 (Figure Sheets 1 - 6) of the preliminary site plan designed by Draper Aden & Associates, labeled Aditya Solar Generation Facility, and dated March 15, 2021.

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 also 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

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 the 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. General maintenance shall occur 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, VDOT requires that the applicant video/document School Bus Road to its intersection with Rte. 208, the area in the immediate vicinity of the intersection, and 1000' to the west, as this should capture the entire extents of the school bus road project along their haul routes. VDOT also requires the applicant commit to repairing any right-of-way damages along the same route to help mitigate any long term damages to a recently completed VDOT project at the time of this projects construction.

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 along Davis Highway (Route 22 and Route 208) and School Bus Road (Route 767) shall occur 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) requires removal from the Project site and disposal in accordance with County Rules and the Virginia Department of Health.

d. Planning Commission Requirements

1. The project owner will require all contractors to drive no more than 35 miles per hour within at least a one mile radius of the Project area.
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 the project area, during construction. 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 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.

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 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 (Figure Sheets 1 - 6) of the preliminary site plan designed by Draper Aden & Associates, labeled Aditya Solar Generation Facility, and dated March 15, 2021. 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/setbacks and supplemental plantings. The Applicant is proposing several buffers/setbacks and supplemental plantings (Figure Sheet 3) of the site plan designed by Draper Aden & Associates, labeled Aditya Solar Generation Facility, dated March 15, 2021, and identified as project number 20060161-010301

The site plan legend shows:

- A medium green stripe, showing a minimum 50-foot buffer area within the required minimum 150-foot setback plus that would comprise about 9 acres consisting of existing vegetation.
- A light green stripe, showing a minimum 70-foot buffer area within the required minimum 150-foot setback that would comprise about 11 acres consisting of planted pollinator vegetation.
- A hashed green stripe, showing a minimum 30-foot buffer area within the required minimum 150-foot setback that would comprise about 5.2 acres. The supplemental planted 30-foot buffer will consist of the following
 - > Eastern white pine planted at 15 feet on center typically at 6 trees per 200 linear feet.
 - > Easter red cedar planted in multiple rows and clusters at 15 feet on center typically at 18 trees per 200 linear feet.
 - > Leyland Cypress planted at 15 feet on center typically at 18 trees per 200 linear feet

Within these setbacks, the applicant is committing to not removing vegetation unless it causes safety issues or a decrease in energy creation and is approved first by the Zoning Administrator. The area around and under the solar panels will be planted with non-invasive native grasses or pollinators.

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, in consultation with the project owner and other agencies, shall deem the facility abandoned. The County shall notify the applicant or current project owner in writing to begin removing the facilities ("decommissioning") within six (6) months of receipt of such notice. If removal of the facility does not occur within the specified time after notice, the County may 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 net costs of decommissioning require 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 guarantee by an investment grade entity, posted within 30 days of the project receiving its occupancy permit or equivalent from the County. A third party engineer 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 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 farm in regard to safely responding to on-site emergencies.

14. Road Access Ways. All accesses to the Project will be from existing public roads via fee simple 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 access. The applicant or project owner shall provide identification signs for all approved access points to the Project. The applicant may also use parcel 42-69A owned by James Poore as an access easement for the Aditya Project to connect to Route 208/Route 22, if approved by VDOT and the property owner.

15. Cemetery Protection and Access. The applicant shall keep all construction activity and material stockpiling at least 100 feet away from any private cemetery found that may be found within the limits of the Project, and provide an access way for persons visiting the cemetery subject to County for 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 possibly those to cross creeks, wetlands, public rights-of-way, and the main line to the point of interconnection.

17. Agency Approvals. 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 Erosion and Sediment Control 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 11 MW AC within three years from issuance of the building permit, or this Conditional Use Permit shall become null and void.

19. Decommissioning. Deconstruction of the Project shall begin within twelve (12) months after the Project sites are permanently decommissioned. As used herein "deconstructed and removed" shall mean the following:

- a. Removal from the surface of the Property, any Project facilities and appurtenances installed or constructed thereupon, including permanent foundations, which break off below the ground, during the course of deconstruction. Structural members three feet or more shall be abandoned in place,
- b. Filling in and compacting of all trenches or other borings or excavations made in association with the Project,
- c. Removing of all debris caused by the Project from the surface of the Property,
- d. Performing and providing a Phase II Environmental Site Assessment report detailing compliance with all of the Conditional Use Permit requirements required for decommissioning.

The project owner or operator shall provide to the Zoning Administrator a report detailing compliance with all of 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 provide to the project owner or operator. At the completion of decommissioning the properties 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. Phase 1 will consist of construction of an entrance and laydown area to support the commencement of construction of the Project. Phase 2 will consist of establishment of required perimeter buffers and establishment of all temporary and permanent erosion and sediment and stormwater management measures. Phase 3 will consist of all clearing and grubbing in the panel area. Logging activity which does not include removing stumps is permitted at any time during the project. All seeded areas should be mulched or blanketed to minimize the potential for failure to establish an adequate vegetative cover. Mulching may also be used as a temporary stabilization of some disturbed areas in non-germinating seasons. The final stabilization of each disturbed phase will be reviewed and approved by the Zoning Administrator. Once a phase has been stabilized and approved by the Zoning Administrator another section of the project may

begin land disturbance activities. An updated site sketch will be provided by the project engineer to the Zoning Administrator every three months, or upon request, until the project is fully stabilized. The site sketch will clearly detail the areas currently disturbed, areas temporarily stabilized, and areas fully stabilized, and areas not under construction. 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. Prohibited are vegetation types classified by VADEQ or DCR as invasive.

21. Stormwater Improvements. All approved stormwater 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 stormwater and erosion and sediment control practices and devices installed throughout construction. This individual will provide the County a weekly status report and coordinate 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 stormwater and erosion and sediment control issues that occur on site.

23. Pollinators. The applicant shall establish and maintain a minimum of 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 Sec. 86-632 - Performance standards for minor and utility-scale solar generation facilities.

24. Site Plan Approval. Submission and approval of a site plan and inspections of stormwater improvements in accordance with 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 Energix Solar, LLC (Aditya Project), or any successors, assignees, current or future lessee, sub-lessee, or owner of the solar energy farm.

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 inquires. 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. 86-46.g 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. In accordance with that ability and pursuant to Applicant's need for reliable internet to facilitate the remote monitoring of the Project including the Applicant's reliance on certain County services, 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. The County and the Applicant agree this condition shall not become effective unless and until the Project commences Commercial Operation (the "Commercial Operation Date"), as defined herein. Once effective, this condition shall remain in effect for the duration of Commercial Operation, as defined below:

A. Up Front Payment:

No later than one year after the Commercial Operation Date (as defined below), Applicant will make a one-time payment to the County in the amount of Ten Thousand Dollars for Louisa County Broadband Deployment (\$10,000.00) (the "Up Front Payment").

B. Annual Payment:

One year after the date the Up-Front Payment is made and continuing each year thereafter, Applicant will make an annual payment to the County in the amount of Sixteen Thousand Dollars (\$16,000.00) (the "Annual Payment").

C. Payment Terms:

For purposes of these Conditions, "Commercial Operation Date" means the date upon which the Project is generating electric energy on a commercial basis and is receiving payment from the consuming entity in exchange for such energy production. The Parties acknowledge that Applicant's obligation to make the Up-Front Payment and the Annual Payment (the "Payments") will be conditioned upon the Project commencing commercial operation on the Commercial Operation Date. Any test energy or other energy produced prior to the Commercial Operation Date will not trigger payment under this Section.

D. NAACP Scholarship:

i. The Virginia Clean Economy Act ("VCEA") provided for the transition to carbon free energy production in the Commonwealth, the General Assembly of Virginia required that

beginning September 1, 2022, and every three years thereafter, the Department of Mines, Minerals and Energy, in consultation with the Council on Environmental Justice and appropriate stakeholders, shall determine whether implementation of this act imposes a disproportionate burden on historically economically disadvantaged communities, as defined in § 56-576 of the Code of Virginia. This report is to be provided by January 1, 2023, and every three years thereafter, to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor and to the Council on Environmental Justice.

ii. The VCEA also established as a policy of the Commonwealth that the State Corporation Commission, Department of Mines, Minerals and Energy, and Virginia Council on Environmental Justice, in the development of energy programs, job training programs, and placement of renewable energy facilities, shall consider whether and how those facilities and programs benefit local workers, historically economically disadvantaged communities, as defined in § 56-576 of the Code of Virginia, as amended by this act, veterans, and individuals in the Virginia coalfield region that are located near previously and presently permitted fossil fuel facilities or coal mines.

iii. The Virginia Clean Economy Act defined "Historically economically disadvantaged community" as (i) a community in which a majority of the population are people of color or (ii) a low-income geographic area.

iv. Pursuant to the requirements of the VCEA identified above and Applicant's outreach to the surrounding community and extensive conversations about the Project and the Applicant's commitment to being a long-term community partner, Applicant agrees to make a contribution to an academic scholarship to be administered by the Louisa chapter of the NAACP, no. 7085. A contribution of Eighty-Seven Thousand, Five Hundred Dollars (\$87,500.00) will be made upon Commercial Operation of the Project. Specific details and terms of the scholarship will be determined by agreement with the NAACP. A copy of the scholarship terms and proof of payment shall be provided to the County upon Commercial Operation.

E. Public Use Area:

Applicant agrees to develop a primitive walking path on the Property for use by adjacent property owners via written permission, subject to reasonable rules and restrictions. Final layout and location shall be submitted with the final site plan and approved by the Zoning Administrator.

30. Water and Soil Testing: Applicant will drill one (1) test well on the Property at a location approved by the County and test soil on the Property at various locations approved by the County to annually monitor the water quality and soil contents within the project for contaminants listed in the National Primary Drinking Water Regulations ("contaminants") as compiled by the U.S. Environmental Protection Agency. Testing shall be conducted by an independent third-party consultant to be selected by the County, the cost of which will be borne by Applicant. Testing results shall be submitted to the County no less frequently than annually, beginning one year after the facility is fully operational and until the facility is decommissioned. Results will be available from the County upon request. Should test results from the water or soil indicate increased levels of contaminants, Applicant shall be required to test all drinking water wells located within 1,000 feet of the boundaries of the Property. Should test results in those wells indicate unsafe levels of contaminants directly attributable to the Solar Project, Applicant shall be responsible for submitting a written plan to the Zoning Administrator to take necessary action in order to provide safe and adequate drinking water to any adjacent property owners. Affected by the Project. The Applicant, prior to construction, may work with all property owners within 1,000 feet of the Property to test the current conditions of the drinking water as to create a

baseline for future testing as may be required., provided that this condition is not applicable if an adjacent property owner declines to allow the Applicant to perform a test on their property.

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.

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.

This project parcel is just south east of the intersection of Davis Highway (Route 22 & Route 208) and School Bus Road (Route 767). The property is further identified as tax map parcel 42-86A, in the Mineral Voting District. The 2040 Louisa County Comprehensive Plan currently designates this parcel Mixed Use in the Mineral Growth Area.

CLOSED SESSION

On the motion of Mr. Adams, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to enter Closed Session at 9:28 p.m. for the purpose of discussing the following:

1. In accordance with §2.2-3711 (A) (3) VA Code Ann., for the purpose of discussing the acquisition of real property in the Mineral District and Patrick Henry District for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

REGULAR SESSION

The Board voted to return to Regular Session.

RESOLUTION - CERTIFICATION OF CLOSED SESSION

Voter	Role	Vote
Tommy J. Barlow	Voter	Yes/Aye
Fitzgerald A. Barnes	Voter	Yes/Aye
R.T. Williams, Jr.	Voter	Yes/Aye
Willie L. Gentry Jr.	Voter	Yes/Aye
Duane A. Adams	Voter	Yes/Aye
Bob F. Babyok, Jr.	Voter	Yes/Aye
Eric F. Purcell	Voter	Yes/Aye

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to adopt the following resolution:

WHEREAS, the Louisa County Board of Supervisors has convened a Closed Meeting this 2nd day of August 2021, 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 2nd day of August 2021, 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

ADJOURNMENT

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to adjourn the August 2, 2021 regular meeting.

BY ORDER OF:
ROBERT F. BABYOK, JR., CHAIRMAN
BOARD OF SUPERVISORS
LOUISA COUNTY, VIRGINIA