



**Board of Supervisors
County of Louisa
Tuesday, January 18, 2022
Louisa County Public Meeting Room
5:00 PM**

CALL TO ORDER - 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	Present	5:00 PM
R. T. Williams	Jackson District Supervisor	Present	5:00 PM
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; Christopher Coon, Assistant County Administrator; Alexandra Stanley, Executive Assistant/Deputy Clerk; Wanda Colvin, Finance Director; Griff Carmichael, Human Resources Director; Andy Wade, Economic Development Director; Robert Dube, Fire & EMS Chief; Robert Gardner, Community Development Director; and Tom Egeland, Senior Planner

CLOSED SESSION

On the motion of Mr. Barlow, seconded by Mr. Gentry, which carried by a vote of 7-0, 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) (7) VA Code Ann., for consultation with legal counsel and briefings by staff members pertaining to litigation involving Chickahominy Pipeline and Vallerie Holdings of Virginia, LLC.

REGULAR SESSION

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

The Board voted to adopt the following resolution:

WHEREAS, the Louisa County Board of Supervisors has convened a Closed Meeting this 18th day of January 2022, 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 18th day of January 2022, 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. Purcell, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to adopt the January 18, 2022 agenda, as amended, with the following changes:

- To move the resolution authorizing a budget transfer for the Sheriff's Office and Industrial Drive Building renovation capital projects from Consent Agenda to Action Items
- To add a resolution supporting the COPS on the Beat Grant Program Reauthorization and Parity Act to Consent Agenda
- Added a discussion on the February Board of Supervisors Meeting Schedule to Action Items
- Added a discussion on designating members to the Chalklevel/Chopping Road Through Truck Traffic Working Group

MINUTES APPROVAL

Board of Supervisors (BOS) - Regular Meeting - Jan 10, 2022 2:00 PM

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to approve the minutes of the January 10, 2022, regular meeting.

BILLS APPROVAL

Resolution – To Approve the Bills for the First Half of January 2022

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 first half of January 2022.

CONSENT AGENDA ITEMS

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to adopt the Consent Agenda items for January 18, 2022, as follows:

- Resolution – Authorizing a Pass through Appropriation for the Violence Against Women (V-Stop) Grant to the Commonwealth Attorney's Office
- Resolution – Authorizing a Pass through Appropriation for the Sheriff's Office for Coronavirus Emergency Supplemental Funding (CESF) CY 22
- Resolution – Recognizing Ms. Holly Reynolds for Her Contributions to Louisa County
- Resolution – Authorizing a Budget Re-Appropriation to the Louisa County Public Schools Nutrition Program
- Resolution – Supporting the COPS on the Beat Grant Program Reauthorization and Parity Act

RECOGNITIONS**Presentation – Recognizing Mary Johnson for Her Dedicated Service on the Louisa County Broadband Authority**

Mr. Goodwin read the resolution and Mr. Purcell presented a framed copy to Ms. Mary Johnson, recognizing her for her years of service and contributions to Louisa County.

PUBLIC COMMENT PERIOD

Chairman Adams opened the Public Comment Period.

Ms. Jennifer Carter, Mineral District, expressed her concerns with dogs running at large in the County and the lack of recourse on this issue. She encouraged the Board to consider the Dogs Running at Large ordinance adopted by Spotsylvania County.

With no one else wishing to speak, the Public Comment Period closed.

INFORMATION/DISCUSSION ITEMS**Discussion – 2022 Smart Scale Projects**

Mr. Alan Saunders, Louisa Residency Engineer - VDOT, provided a brief overview of Smart Scale projects. He explained the purpose of Smart Scale is to establish a way to improve transportation needs and prioritize investments for both urban and rural communities throughout the Commonwealth. He stated proposed improvements will be a benefit to the county in the areas of public safety, traffic flow and economic development. He said potential approved projects will be fully funded by the Virginia Department of Transportation and the County and VDOT staff have developed a list of projects based on the measurable factors evaluated to optimize project approval. The list of projects are listed as follows:

1. Resubmitting Intersection - Three Notch Road (Route 250) and James Madison Highway (Route 15) PSI ranking - #21
2. Resubmitting Intersection - Three Notch Rd (Route 250) & Courthouse Rd (Route 208) PSI ranking - #44

3. Submitting - Route 15 at Camp Creek/Spring Creek PSI ranking - #28

Discussion ensued regarding: projects most likely to receive funding verses projects that are considered high on the priority list for the County; updates to the Transportation Plan; identifying projects that would have a greater impact on the County's roads; and the timeline of the Smart Scale application process.

On the motion of Mr. Williams, seconded by Mr. Purcell, which carried by a vote of 7-0, the Board voted to approve the projects as presented.

Discussion – Fiscal Year 2023 Operational & Maintenance and Capital Improvement Plan Budget

Ms. Colvin provided a preliminary outlook for the FY2023 budget. She stated the budget is still a work in progress as requests are still being reviewed and revenues are incomplete at this time. She said the Finance Committee has met and will continue to meet to evaluate the preliminary budget data.

In summary, FY22 revenues and expenses are both higher than previously projected, specifically, CIP project requests are \$5.9M more than FY22 projections. However, preliminary requests show that total revenues and operational expenses equal a \$3.5M operating surplus.

Ms. Colvin provided revenue and expenditure highlights for FY23. Ms. Colvin concluded her remarks by going over the FY23 projections and future considerations and impacts on staffing requests.

Discussion ensued regarding the preliminary budget details.

The Board schedule a budget workshop at 3:00 p.m. on February 14, 2022.

Discussion – Redistricting

Mr. Adams appointed Mr. Williams and Mr. Barnes to the redistricting working group to work with staff on the redistricting process. He also requested an update from the County Attorney at their next meeting.

UNFINISHED BUSINESS

(None)

NEW BUSINESS/ACTION ITEMS

Discussion – February Board of Supervisors Meeting Schedule

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to change the first meeting in February from the 7th to the 14th.

Discussion – To Designate Members to the Chalklevel/Chopping Road Through Truck Traffic Working Group

Mr. Adams appointed himself and Mr. Gentry to the Chalklevel /Chopping Road Through Truck Traffic Working Group.

Resolution – Authorizing a Budget Transfer for the Sheriff's Office and Industrial Drive Building Renovation Capital Projects

The Louisa County Sheriff's Office is able to use the offices/spaces that were vacated by the Fire and Emergency Services Department within the Administration building, but additional renovations are needed. Project costs for the Sheriff's office renovations are estimated to be approximately \$350,000 using an available state term contract for these services.

Louisa County Board recently approved the purchase of a building on Industrial Drive in Louisa and renovations are also needed at that location in order for the building to meet the needs of the County. Project costs for the Industrial Drive renovations are estimated to be approximately \$1,000,000 which includes moving costs of relocating county departments to the new location once complete. Federal Coronavirus Local Fiscal Recovery (SLFRF) funding received from the American Rescue Plan Act (ARPA) is available and these projects are eligible uses under the program guidelines.

Questions and comments were addressed regarding the specifics of the renovation costs, which were answered by Mr. Goodwin.

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to approve a budget transfer of \$1,350,000 from American Rescue Funding (20235700-458007-COVD7) to the Sheriff's Office Renovation Capital Project (20235700-482504-COVD7) in the amount of \$350,000 and to the Industrial Drive Renovation Capital Project (20235700-482505-COVD7) in the amount of \$1,000,000.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Committee Reports

(None)

Board Appointments

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

- Appointed Ms. Rachel Jones to the Thomas Jefferson Planning District Commission - Regional Housing Partnership (Board Representative)
- Appointed Mr. Eric Purcell to the James River Water Authority
- Approved the Board Interagency and Internal Committee List for 2022

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. Barnes requested an update on the water treatment plant at Lake Anna at their next meeting.

PUBLIC HEARINGS**Resolution – To Approve the Request for CUP2021-04 for a Utility-Scale Solar Generating Facility in Accordance with Section: 86-154 in the Agricultural (A-2) Zoning District; Section: 86-189 in the Residential General District (R-2); and Section 86-449 in the Industrial (IND) Zoning District**

Mr. Tom Egeland, Senior Planner, appeared before the Board to provide an overview of their Conditional Use Permit (CUP) request for a more or less 1,234 acre utility-scale solar generating facility producing up to 118 MWAC of electricity and containing up to a 50 MWAC battery storage system. He noted the applicant also plans to construct as accessory uses a utility service, major substation and transmission lines. Approval of such a facility requires the Planning Commission to find the project substantially in accordance with the 2040 Louisa County Comprehensive Plan pursuant to Virginia Code 15.2-2232, and approval of a Conditional Use Permit.

Tax map numbers 27-91, 27-92, 27-93, 42-1, 42-13, 42-15, 42-17, 42-18, 42-19, 42-20, 42-21, 42-22, 42-58B, 42-13-A, 42-21-1, 42-21-2, 42-21-4, 42-21-5 42-23, 42-24, 42-30, 42-59B, 42-12-1, 42-60, 42-16-1, 42-16-2, 42-16-3, 42-16-4, 42-16-5, 42-16-6, 42-16-7, 42-16-8, 42-16-9, 42-16-11, 42-16-12, 42-16-13, 42-16-14, 42-16-15, 42-16-16, 42-16-17, 42-16-18, 42-16-19, 42-16-20, 42-16-21, 42-16-22, 42-16-23, 42-16-24, 42-16-25, 42-16-26, 42-16-27, 42-16-28, 42-16-29, 42-14, 41-234A, and 42-3 comprise more or less 1,234 acre of the Project.

The Planning Commission held a public hearing on December 9th, 2021 and voted 7-0, that the public necessity, convenience, general welfare, or good zoning practice compels it to make a recommendation of approval to the Board of Supervisors without the Battery Storage component of the project. This decision was made as a result of the Dominion Energy work session about battery storage and the concern about fires. The Planning Commission recommended the following conditions for consideration by the Board of Supervisors:

1. CUP 2021-04, Two Oaks Solar, LLC request approval for a more or less 1,234 acre utility-scale solar generating facility producing up to 118 MWAC of electricity. The applicant also plans to construct a utility service, major substation and transmission lines.
2. The Two Oaks Solar, LLC, energy facility is a Solar Generation Facility, Utility Scale, as defined in the Louisa County Land Development Regulations. It will consist of an integrated power generation facility and solar modules on more or less than 1,234 acres as identified in Exhibit N prepared by Kimley-Horn dated October 12, 2021.
3. This CUP is for up to a 118 MW AC solar photovoltaic (PV) solar facility to be accompanied by a new substation and required transmission lines, to be constructed, owned, operated, and developed by Two Oaks Solar, LLC any successors, assignees, current or future lessee, sub-lessee, owner, or operator, and designed for a life of 35 years from the date of commencement of operations. This conditional use permit may not be phased or extended beyond 35 years from the commencement of operations without further approval from the Louisa County Board of Supervisors.
4. Site Plan Requirements. Location of the solar panels and other structures shall be generally consistent with Exhibit N prepared by Kimley-Horn dated October 12, 2021. The Applicant or project owner shall provide the following plans for site plan review and

approval for the Solar Generation Facility, Utility Scale and Utility service, major (the "Project"). The applicant will provide a certified plat of the Project. In addition to all state and local site plan requirements, such plans shall include, at a minimum, those items listed below.

a. Construction Traffic Management and Mitigation Plan

1. The Applicant or Project Owner shall prepare and submit such a plan to the Virginia Department of Transportation (VDOT) and the County of Louisa for review and approval. The Plan shall address traffic control measures, a pre- and post-construction road evaluation, and any necessary repairs to public or private roads which are necessary due to damage from the Project. If a traffic issue arises during the construction of the Project, the applicant or project owner shall develop a resolution, with input from the VDOT and the County, and complete appropriate measures to mitigate the issue.
2. The Applicant or Project Owner shall perform general maintenance during construction. All final repairs shall take place within 30 days post-construction to bring roads to a minimum of the pre-construction condition. A video of the existing road conditions must be provided to VDOT prior to the start of any construction. VDOT will provide a map detailing the roads that need to be videoed. Pursuant to VDOT's email EXHIBIT K0.1 and K 1.1.

b. Construction Traffic Control Plan

1. Traffic control methods, including, if applicable, lane closures, flagging procedures, directional and informational signage, and designated access points for deliveries and employee access.
2. Designated delivery and parking areas.
3. Designated routes for deliveries of equipment and materials on secondary roads to the property.
4. Plans to direct employee traffic and delivery traffic to specific roadways to access the property to minimize conflicts with local traffic patterns.

c. Construction Mitigation Plan

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

d. Traffic Safety Requirements

1. The Project owner will advise and enforce all contractors to drive no more than 35 miles per hour while on Chopping Road (Route 623), Chalklevel Road (Route

- 625), and School Bus Road (Route 767).
 2. The Project owner will ask the Board of Supervisors to request that VDOT reduce the speed limit to 35 miles per hour on roads around on Chopping Road (Route 623), Chalklevel Road (Route 625), and School Bus Road (Route 767), during construction. The project will be allowed to receive site plan and building permit approval without a VDOT approved reduction in speed.
 3. The applicant is aware the Project is in close proximity to the Town of Mineral and the Town of Louisa as well as the Schools and Railroads. Therefore, construction traffic will be scheduled to avoid morning and afternoon peak traffic periods, particularly the times around school bus arrival and departure. The applicant will work with the town and county governments ahead of high traffic events. The applicant will coordinate with the railroad as necessary.
5. Fencing. The Applicant or Project Owner shall install a chain-link security fence surrounding the Project. The fence shall be a minimum height of a six (6) feet high and topped with a one (1) foot tall anti-climbing device. Installation of such fencing shall be outside the exterior of any solar panels and related equipment and on the interior of the required setbacks/buffers addressed in the following conditions #10 and #11. The Project will be designed, constructed and tested to meet relevant local, state, and federal standards as applicable.
6. Lighting. The project shall not have exterior lighting, except for safety and security, which shall face downward. Such safety and security lighting shall not exceed fifteen (15) feet in height and shall be Dark Sky compliant. Substation lighting will also be Dark Sky compliant when possible while conforming the PJM and Dominion Energy Requirements.
7. Noise. Noise generated from construction of solar energy facilities shall comply with the Louisa County Code, Chapter 51 Noise Ordinance.
8. Construction and Deconstruction Hours. All site work (including equipment warm up and positioning) shall be limited to Monday through Friday between the hours of 7:00 a.m. to 6:00 p.m. only. All decommissioning work will follow the same days and hours above.
9. Solar Panels. All solar panels will use anti-reflective technology.
10. Existing vegetation. The Applicant shall establish and/or maintain all vegetative areas illustrated and noted on the preliminary site plan labeled Site and Surrounding Land Exhibit N. Removal of this vegetation requires prior approval from the Zoning Administrator. Criteria for removal shall only involve trees threatening the Project, the property, or neighboring property, or when trees grow to a height of greater than thirty five (35) feet and impacts the Project's energy output. A similar type tree having a minimum 2 inch diameter at breast height, or DBH, shall replace each tree removed at the same location. This replacement requirement shall also apply in the case existing trees dies or becomes diseased and there is a resulting gap in the visual buffer.
11. Buffers and Supplemental Plantings. The Applicant is proposing a buffer configuration as depicted on the preliminary site plan labeled Conceptual Site Plan and Landscape Notes & Details prepared by Kimley-Horn dated October 12, 2021 Exhibit N.

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

following starting at the property line:

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

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

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

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

14. Road Access Ways. All access points to the Project will be from existing public roads via

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

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

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

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

- a. All active solar systems shall meet the requirements of the National Electrical Code (NEC), National Electrical Safety Code (NESC), American Society of Civil Engineers (ASCE), American National Standards Institute (ANSI), Institute of Electrical and Electronics Engineers (IEEE), Underwriters Laboratories (UL), or International Electro technical Commission (IEC), as applicable and state building code shall be inspected by a county building inspector through the building permit process.
- b. Approval of an Erosion and Sediment Control and Storm water plan with a surety bond posted with Louisa County is necessary prior to commencing any land disturbance activity.
- c. The site shall fully comply with all applicable provisions of the Louisa County Land Development Regulations, to the extent not modified herein, throughout the life of this Conditional Use Permit.

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

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

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

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

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

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

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

For the purposes of this construction phasing plan, stabilization will be completed in the current section before proceeding to the next section. The Louisa County Zoning Administrator must

approve the completion of a section before the next section can begin. Permanent seeding to be provided to areas where final grading has been achieved.

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

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

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

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

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

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

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

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

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

23. Pollinators. The applicant shall establish and maintain a minimum of ten (10) percent of the projects site as pollinator-friendly habitat in accordance with the Virginia Department of Conservation and Recreation's Virginia Pollinator Smart Program's Best Management Practices

and Comprehensive Manual. The planting of pollinator vegetation will occur after construction of the solar panels is complete and the project is ready for final site stabilization along with any requirements listed in the Land Development Regulations Chapter 86 sec. 86-632 - Performance standards for minor and utility-scale solar generation facilities.

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

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

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

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

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

29. Voluntary Conditions

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

- a. Within in one year of the project becoming operational, Two Oaks Solar, LLC any successors, assignees, current, or future lessee, sub-lessee, owner, or operator will make a one-time payment to the County in the amount of Twenty Thousand Dollars

for Louisa County Broadband Deployment (\$20,000.00)

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

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

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

After the December 9th Planning Commission meeting, County staff once again reviewed the Project application. After additional review, County Staff added additional conditions and made slight modifications to the conditions recommended by the Planning Commission.

Chairman Adams opened the public hearing.

Ms. Dominika Sink, Energix Project Acquisition and Development Manager, provided a brief overview of Energix and the proposed development known as Two Oaks Solar. She noted Energix is one of the leading solar energy developers in Virginia with seven (7) operational projects, two (2) in construction, and many more under development. She stated Energix is a long-term partner for the communities in which they operate. She said they site, develop, construct, own and operate projects through their entire lifecycle which makes them a reliable partner through every step of the process. She elaborated on the viewshed and supplemental vegetation of the project. She explained how they intend to maintain a 150ft physical setback from neighboring property lines and roads and noted that 75ft of the existing vegetation will remain in place around the project perimeter and Energix volunteers to increase that to 100ft, should the Board approve the change. She stated where existing vegetation is not providing sufficient screening, a new vegetative buffer will be established by planting fast-growing evergreens at four staggered rows with at least a 5ft height at planting. She noted that 10% of the site will be planted with pollinator mixes. She talked about the substation and noise mitigation factors at the site. She noted the substation area is surrounded by existing mature vegetation and Two Oaks has proposed a condition to plant additional vegetation to eliminate noise levels. Ms. Sink went on to discuss the particulars of the storage facility at the site. She noted the proposed technology is certified by UL's safety standards and will comply with National Fire Protection Association Standard 855 and installation standards of Stationary Energy Storage Systems and the Virginia Statewide Fire Prevention Code. She further noted that in line with the standards, Two Oaks Solar requests the container spacing to be changed from staff proposed 25ft to manufacturer recommended and code compliant spacing, whichever is greater. She went on to mention that after reviewing recommendations from the Louisa Fire Chief, Energix would like to additionally proffer: EMS training; thermal imaging cameras; mobile breathing air refill station; and a water tanker truck. Ms. Sink stated Energix believes these solutions will not only ensure EMS preparedness, but will also benefit all Louisa County residents.

Ms. Sink went over the projects benefits:

- Contribute over \$15,000,000 in tax revenues to the County over 35-years.
- Unlike other types of development, once decommissioned, the project area will be

suitable for other types of development.

- Siting the project on vacant industrial land maximizes the benefits to the locality and community through allowing the county to obtain a passive income in a quiet, emission free way without long term impacts to the nearby community.
- Two Oaks is going to provide \$20,000 towards County's broadband deployment efforts.
- William A. Cooke Foundation estimates an annual increase of \$700,000 to funds which will be available for local grants and scholarships.
- Providing equipment for first responders valued at \$515,000 associated with the battery energy storage system to benefit Louisa County residents.

Ms. Sink went over the stormwater management and erosion & sediment control measures. She stated Two Oaks Solar is committed to prevention of soil erosion or excess stormwater flow. She said retention ponds will be implemented on site to capture any excess stormwater. She explained to minimize the effect of exposed soils, measures like dust control, straw mulching and seeding will be employed immediately following grading activities. She noted throughout construction, Energix will oversee all construction activities and will have full-time on-site staff to continuously monitor and direct the function, maintenance and repair of erosion & sediment control and stormwater management installations. She further noted that phased land disturbance with two distinct phases, each capped at 100 acres per phase in 13 separate sections.

Questions and comments were addressed by the Board regarding: distance and location of the proposed substation and how monetary benefits to the County will be upheld if the company were to financially collapse, which were answered by Ms. Sink.

Mr. Adams asked how much a water tanker truck costs.

Chief Dube responded \$400,000 in today's market.

Mr. Adams noted that out of the \$515,000 donated for Fire & EMS equipment, \$400,000 will go towards the tanker alone. He explained that Chief Dube noted that \$400,000 is the cost in today's market, which means the cost could increase years down the road. Mr. Adams asked Ms. Sink to provide a timeline on the battery storage facility.

Ms. Sink stated that a project of this size will have to go through the PGM interconnection process, which is currently going through a reform, but based off of information received, construction could start somewhere in 2025.

Mr. Adams asked Ms. Sink if they would be willing to proffer the tanker within 6-months of approval of the project by the Board.

Ms. Sink stated as they go through the permitting process, it decreases the risk for the project, however, a solar developer does not have a project until construction. She noted they are willing to provide a provision for inflation or adjustments.

Mr. Williams noted the Management Oversight Group (MOG) has a standard for tankers used by the county and suggested they apply that standard to help guide them with the monetary value of the donation.

Mr. Adams noted the remainder of Fire & EMS equipment can be donated after completion of

the battery storage facility.

Back and forth discussion ensued regarding the specifics for training of the battery storage facility.

Ms. Sink agreed to provide training early on and again at the start of construction of the battery storage facility.

Mr. Adams asked if there was a need for annual or bi-annual training of the battery storage facility.

Ms. Sink said they are willing to do annual training.

Mr. Adams asked Chief Dube if he is comfortable with the spacing of the batter storage facility.

Chief Dube said the National Fire Protection Association Standard 855 has specific buffers and he is fine with the proposal.

Ms. Phillips referred to the list of conditions and asked for clarification on when the proffer to purchase a water tanker truck should take place.

Mr. Adams asked if Energix is willing to proffer the cost of the water tanker at the beginning of the construction of the project verses the construction of the battery storage facility.

Ms. Sink said they will have to consider that proposal in further detail.

Ms. Debbie Reed, Mineral District, spoke in support of solar development as long as the impact to the community is positive and it is done in a good manner. She noted she feels Two Oaks will have a positive impact to the community.

Mr. Chad Hustle, Mineral District, expressed his concerns and the concerns of his neighborhood (Hidden Farms Estates) regarding noise impacts from the project. He said the community is requesting Energix install a wall around the substation that would help mitigate those concerns. He also addressed their concerns that the project may depreciate the value of their homes.

Mr. Howard Loudin, Mineral District, spoke in support of the project.

Mr. Doug Whitlock, Louisa District, spoke in support of the project.

Mr. Goodwin and Mr. Adams read written statements that were submitted to the County in regards to the proposed solar development (See Appendix A).

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

The Board took recess at 7:37 p.m. so that staff could discuss amendments to the list of conditions with the applicant and their legal counsel. The Board reconvened at 8:00 p.m. to continue with all other business on the agenda. Two Oaks was further deliberated after Public Hearing Items 2-4 were considered.

On the motion of Mr. Barnes, seconded by Mr. Gentry, which carried by a vote of 7-0, the Board voted to approve Conditional Use Permit CUP04-2021 for Two Oaks Solar with the following thirty-two (32) amended conditions:

1. CUP 2021-04, Two Oaks Solar, LLC request approval for a more or less 1,234 acre utility-scale solar generating facility producing up to 118 MWAC of electricity and containing up to a 50 MWAC battery storage system. The applicant also plans to construct a utility service, major substation and transmission lines.
2. The Two Oaks Solar, LLC, energy facility is a Solar Generation Facility, Utility Scale, as defined in the Louisa County Land Development Regulations. It will consist of an integrated power generation facility and solar modules on more or less than 1,234 acres as identified in Exhibit N prepared by Kimley-Horn dated October 12, 2021.
3. This CUP is for up to a 118 MW AC solar photovoltaic (PV) solar facility to be accompanied by a new substation and required transmission lines, to be constructed, owned, operated, and developed by Two Oaks Solar, LLC any successors, assignees, current or future lessee, sub-lessee, owner, or operator, and designed for a life of 35 years from the date of commencement of operations. This conditional use permit may not be phased or extended beyond 35 years from the commencement of operations without further approval from the Louisa County Board of Supervisors.
4. **Site Plan Requirements.** Location of the solar panels and other structures shall be generally consistent with Exhibit N prepared by Kimley-Horn dated October 12, 2021. The Applicant or project owner shall provide the following plans for site plan review and approval for the Solar Generation Facility, Utility Scale and Utility Service, Major (the "Project"). The applicant will provide a certified plat of the Project. In addition to all state and local site plan requirements, such plans shall include, at a minimum, those items listed below:
 - a. Construction Traffic Management and Mitigation Plan
 1. The Applicant or Project Owner shall prepare and submit such a plan to the Virginia Department of Transportation (VDOT) and the County of Louisa for review and approval. The Plan shall address traffic control measures, a pre- and post-construction road evaluation, and any necessary repairs to public or private roads which are necessary due to damage from the Project. If a traffic issue arises during the construction of the Project, the applicant or project owner shall develop a resolution, with input from the VDOT and the County, and complete appropriate measures to mitigate the issue.
 2. The Applicant or Project Owner shall perform general maintenance during construction. All final repairs shall take place within 30 days post-construction to bring roads to a minimum of the pre-construction condition. A video of the existing road conditions must be provided to VDOT prior to the start of any construction. VDOT will provide a map detailing the roads that need to be videoed.
 - b. Construction Traffic Control Plan
 1. Traffic control methods, including, if applicable, lane closures, flagging procedures, directional and informational signage, and designated access points for deliveries and employee access.

2. Designated delivery and parking areas.
 3. Designated routes for deliveries of equipment and materials on secondary roads to the property.
 4. Plans to direct employee traffic and delivery traffic to specific roadways to access the property to minimize conflicts with local traffic patterns.
- c. Construction Mitigation Plan
1. Dust control and mitigation, using water trucks, mulch, or similar methods.
 2. Smoke and burn mitigation and limits, such as containment or similar methods.
 3. Noise mitigation, such as the enforcement of hours of operation.
 4. Measures necessary to prevent deposits of soil and mud onto adjacent roads from construction-related traffic.
 5. Daily road monitoring and policing shall occur along Davis Highway (Route 22) , Chopping Road (Route 623), Chalklevel Road (Route 625), and School Bus Road (Route 767) including the cleaning of roadways of soil and mud tracked onto these roads from construction-related traffic.
 6. All waste water (both black water and grey water) must be removed from the Project site and disposed in accordance with County Rules and the Virginia Department of Health.
 7. The applicant will use central/public water and sewer service if feasible.
- d. Traffic Safety Requirements
1. The Project owner will advise and enforce all contractors to drive no more than 35 miles per hour within a one mile radius of the Project site
 2. The Project owner will ask the Board of Supervisors to request that VDOT reduce the speed limit to 35 miles per hour on Chopping Road (Route 623), Chalklevel Road (Route 625), and School Bus Road (Route 767), during construction. The project will be allowed to receive site plan and building permit approval without a VDOT approved reduction in speed.
 3. The applicant is aware the Project is in close proximity to the Town of Mineral and the Town of Louisa as well as the Schools and Railroads. Therefore, construction traffic will be scheduled to avoid morning and afternoon peak traffic periods, particularly the times around school bus arrival and departure. The applicant will work with the town and county governments ahead of high traffic events. The applicant will coordinate with the railroad as necessary.
5. **Fencing.** The Applicant or Project Owner shall install a chain-link security fence surrounding the Project. The fence shall be a minimum height of a six (6) feet high and topped with a one (1) foot tall anti-climbing device. Installation of such fencing shall be outside the exterior of any solar panels and related equipment and on the interior of the required setbacks/buffers addressed in the following conditions #10 and #11. The Project will be designed, constructed and tested to meet relevant local, state, and federal standards as applicable.
6. **Lighting.** The project shall not have exterior lighting, except for safety and security, which shall face downward. Such safety and security lighting shall not exceed fifteen (15) feet in height and shall be Dark Sky compliant. Substation lighting will also be Dark Sky compliant when possible while conforming the PJM and Dominion Energy Requirements.
7. **Noise.** Noise generated from construction of solar energy facilities shall comply with the

Louisa County Code, Chapter 51 Noise Ordinance.

8. **Construction and Deconstruction Hours.** All site work (including equipment warm up and positioning) shall be limited to Monday through Friday between the hours of 7:00 a.m. to 6:00 p.m. only. All decommissioning work will follow the same days and hours above.

9. **Solar Panels.** All solar panels will use anti-reflective technology.

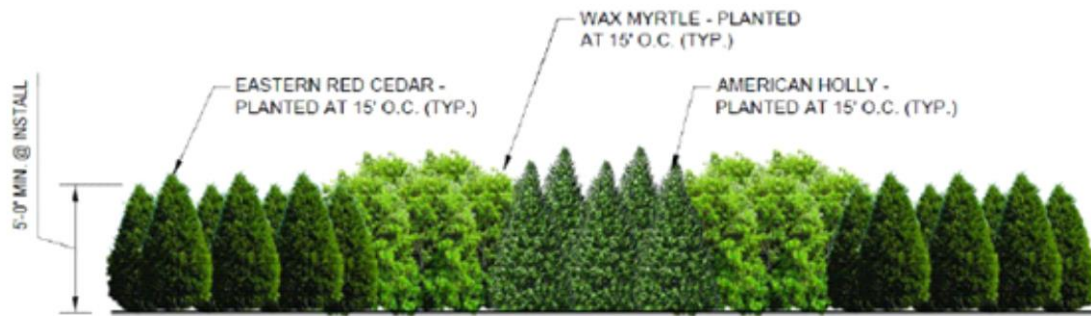
10. **Existing vegetation.** The Applicant shall establish and/or maintain all vegetative areas illustrated and noted on the preliminary site plan labeled Site and Surrounding Land Exhibit N. Removal of this vegetation requires prior approval from the Zoning Administrator. Criteria for removal shall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

The Louisa County Industrial Development Authority is allowed to harvest timber on this property in accordance with the terms of their lease with the applicant. None of the provisions of this paragraph apply to that timber removal activity as long as it is in accordance with said lease.

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

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

- a. 100 feet of existing tree and ground vegetation that will remain undisturbed to create a visual screening buffer. This 100 foot buffer area is identified as the blue shaded area of the Conceptual Site Plan Page, prepared by Kimley Horn dated October 12, 2021, Exhibit N.
- b. The next 50 feet in towards the perimeter fence will comprise of native Virginia grasses and pollinator plant species that meet the requirements of the Virginia Department of Conservation and Recreation's Virginia Pollinator Smart Program.
- c. Supplemental plantings will be required in certain sections of the project and in areas that become damaged over time due to storm events, disease, etc... The areas as depicted in the green shaded areas as shown on the Conceptual Site Plan Page, prepared by Kimley Horn dated October 12, 2021, Exhibit N, are areas that will need supplemental plantings at the start of the project. These supplemental planting areas between the property line and perimeter fence will consist of Evergreens tree species planted in an area 60 feet in width, consisting of 4 rows with trees, 5 foot in height, planted at 15 feet centers, in three rows, 10 feet apart. After the 60 foot tree buffer, a 90 foot pollinator buffer will be installed that meets the requirements of the Virginia Department of Conservation and Recreation's Virginia Pollinator Smart Program.



Exemplary depiction of ground level view of specific species which may be used for buffering.

- d. There are areas of the project that do not contain sufficient screening in the form of existing vegetation, therefore those areas will be planted in four staggered rows of planted trees at 5ft height. Examples of the proposed species to be planted are American Holly Eastern Red Cedar, and Eastern White Pine that grow an estimated 1-3 feet per year in addition to the Wax Myrtle that grows an approximate 3-5 feet per year.
- e. The Project may not install stormwater or erosion and sediment control features in the required 150 foot vegetative buffer.
- f. A vegetated buffer will be established around the project substation. The vegetated buffer shall comprise of evergreen species planted at minimum of 5ft in two staggered rows. The final design and configuration will be determined at final Site Plan approval in coordination with the Zoning Administrator.
- g. A third party engineer, funded by Energex will be hired by the County to calculate a baseline decibel reading on the property lines where there are adjoining property owners who have not granted easements to the applicant. If the average of the decibel readings during operation of the substation exceed the average of those before activation, the Applicant will then implement such mitigation measures as necessary to ensure ambient noise reduction to baseline test levels.

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 accordance with the Decommissioning Plan as set forth in Exhibit M 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.

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:

- a. Removal from the surface of the Property, any Project facilities and appurtenances installed or constructed thereupon, including permanent foundations, which break off three feet or less below the ground, during the course of deconstruction. Structural members that break off 3 feet or more underground 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 the County 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 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. 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.

If Decommissioning of the facility does not occur within the specified time after notice, the County may remove or cause removal of the solar energy facility with costs borne by the Project Owner. Unless otherwise not allowed by local, state, or federal law, the costs of decommissioning requires an adequate amount of surety in a form agreed to by the County Attorney.

Such surety may include a letter of credit, cash, or a bond, or guarantee by an investment grade entity, posted within 30 days of the Project 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. 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 and battery storage facility 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 or the County of Louisa for construction, maintenance or access. VDOT will be responsible for reviewing and approving each access. The applicant or project owner shall provide identification signs for all approved access points to the Project.

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

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

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

- a. All active solar systems shall meet the requirements of the National Electrical Code (NEC), National Electrical Safety Code (NESC), American Society of Civil Engineers (ASCE), American National Standards Institute (ANSI), Institute of Electrical and Electronics Engineers (IEEE), Underwriters Laboratories (UL), or International Electro technical Commission (IEC), as applicable and state building code shall be inspected by a county building inspector through the building permit process.
- b. Approval of an Erosion and Sediment Control and Storm water plan with a surety bond posted with Louisa County is necessary prior to commencing any land disturbance activity.
- c. The site shall fully comply with all applicable provisions of the Louisa County Land Development Regulations, to the extent not modified herein, throughout the life of this Conditional Use Permit.

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

19. **Soil Stabilization.** The Project shall be developed in thirteen phases to ensure proper soil stabilization.

The Project area shall be developed two "Steps" to ensure proper soil stabilization as depicted in site plan labeled Exhibit O. The area of disturbance associated with each Step, the "Work Area," shall not exceed 100 acres.

Step 1 will consist of building a construction entrance, laydown area(s), and installation of all perimeter temporary erosion and sediment control measures. Wetland limits, conserved open spaces, and the limits of disturbance will be flagged prior to work. 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. 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. Once Step 1 grading is complete, the Work Area will be temporarily seeded within 7 days.

As the Step 1 activities are completed and the perimeter controls are approved by the County as provided herein, the Step 2 activities may begin to complete the site work within the protected areas established during Step 1. Step 2 will consist of establishing the 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. 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. Once grading associated with Step 2 activities is complete, the area shall be temporarily seeded within 7 days.

Stabilization of each Work Area will be reviewed and approved by the County Engineer or

Zoning Administrator. Once a Work Area has been stabilized and approved by the County Engineer or Zoning Administrator, another Work Area of the project may begin land disturbance activities. 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. 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 Engineer or Zoning Administrator who will inspect and approve or identify any necessary modifications to the completed area(s) within five (5) business days.

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 inspector, Thomas Jefferson Soil and Water Conservation District, and the Virginia Department of Environment Quality, as necessary, to resolve any storm water and erosion and sediment control issues that occur on site.

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

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

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

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 or pre-construction meeting.

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

25. **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.

26. **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.

27. **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. Solar panels, battery storage, and supporting project equipment at the end of the projects life will not be disposed of in the Louisa County Landfill without permission from the Board of Supervisors.

28. **Voluntary Conditions.**

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

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

- b. No less than three months prior to commencement of construction of the Project, Two Oaks Solar, LLC, any successor, assignees, current or future lessee, sub-lessee, owner or operator will make a one-time payment to the County in the amount of the cost as solicited by the County for a fire tanker apparatus as defined by the County's minimum specification for a water tanker at that time.
- c. Upon commencement of construction of the battery storage component Two Oaks Solar, LLC, any successor, assignees, current or future lessee, sub-lessee, owner or operator will make a one-time payment to the County in the amount of the cost as solicited by the County for a mobile breathing air (SCBA) refill station and six thermal imaging cameras or other fire and emergency medical equipment that supports the Louisa County Department of Fire and Emergency Services.

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

30. **Battery Storage.** The Battery Storage component of the project shall conform to the following requirements:

- a. The 150 foot wide vegetative solar buffer will be required.
- b. Battery Storage shall be 150 feet from the property line.
- c. A BESS Management System will be required.
- d. The battery storage containers shall spaced in accordance with NFPA 855 "Standard for the Installation of Energy Storage Systems" or the system's manufacturers specifications, whichever is greater.

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 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.

Ordinance – To Amend Chapter 86 Land Development Regulations to Include Provisions Allowing Towing Services and Identifying the Districts Where This is Allowed

Mr. Gardner provided a brief staff report on the proposed amendments to Chapter 86 Land Development Regulations: Motor Vehicle Impoundment Yard and Motor Vehicle Towing Services.

The Louisa County Planning Commission held a public hearing on December 9, 2021 and voted to forward a recommendation of approval on proposed amendments to Chapter 86 Land Development Regulations, to Delete the Existing Definition of "Impoundment Lot," to Add a Definition for a "Motor Vehicle Impoundment Yard" and "Motor Vehicle Towing Services," to Establish Conditional Use Permit Criteria for a Motor Vehicle Impoundment Yard; and Establish the Zoning Districts Where These Uses Would be Allowed with the Issuance of a Conditional Use Permit by the Board of Supervisors.

The Planning Commission held a public hearing on January 13, 2022 and voted to forward a favorable recommendation on the proposed amendments to the land use matrix, Section 86-109, to delete the land use classification of "impoundment lot," to add two land use classifications as

“motor vehicle impoundment yard” and “motor vehicle towing services,” under the Industrial uses and identify those districts, with the appropriate designation, where these new classifications are permitted.

Mr. Gardner noted that existing motor vehicle towing services shall be considered “grandfathered” and will not be effected by the proposed ordinance amendments.

Mr. Williams asked for clarification.

Mr. Gardner explained that existing businesses are considered “grandfathered”, or non-conforming. He stated when new regulations are adopted, such businesses will not have to comply, unless the business considers to expand their operation beyond their legal non-conforming use. He noted the regulation does not prevent the owner/operator of the motor vehicle towing service to tow more cars, they would just need to tow the vehicle to a motor vehicle impoundment yard.

Mr. Williams asked if existing business will be allowed to proceed with business as usual, once they have proven to be non-conforming or “grandfathered”.

Mr. Gardner replied yes, as long as, the business does not expand the operation beyond their legal non-conforming use.

Mr. Williams asked if that would also apply to an existing motor vehicle impoundment yard in the Agricultural (A-2) District.

Mr. Gardner said, if they can provide proof of non-conforming use, than it would most likely apply.

Mr. Williams asked if that is generally a determination made by the zoning administrator.

Mr. Gardner replied yes.

Mr. Williams asked what type of appeal process would take place if a determination is made by a future zoning administrator that a non-conforming use must now adhere to the ordinance

Mr. Gardner said the appeal will go through the Board of Zoning Appeals since it is considered a zoning determination.

Mr. Adams asked if there was a way to codify the issue Mr. Williams just addressed so that it’s not left to the discretion of the zoning administrator.

Mr. Adams also asked what prompted the reason for the proposed amendments.

Mr. Gardner explained that several months ago, County staff received a number of inquiries about establishing motor vehicle impoundment yards and motor vehicle towing services.

Mr. Gentry asked for Mr. Gardner to explain the difference between a motor vehicle impoundment yard and motor vehicle towing yard. He proceeded to refer to the definition of a junk yard and the regulations for operations of that nature.

Mr. Gardner explained that junk yards would allow the storage of materials to include, goods, steel, and rubber.

Mr. Gentry said he was specifically referring to motor vehicle junk yards.

Mr. Williams asked if this was initiated because someone asked to establish a motor vehicle impoundment yard or motor vehicle towing service through a Home Occupational Permit and staff was unable to process the request because there was no such operation codified in the ordinance.

Mr. Gardner replied correct.

Ms. Jones asked if an existing motor vehicle business with a wrecker/towing service or automotive shop attached to it will have to be brought up to current standards.

Mr. Gardner replied no, and referred to the exempt services included in the proposed amendment.

Mr. Purcell said he feels the number of vehicles allowed to be stored temporarily on the property should be increased from six (6) to ten (10). He noted he does not have a problem with codifying a “grandfathered” clause to help alleviate the concerns of the determination being left up to the zoning administrator.

Mr. Barlow said he agrees with Mr. Purcell on increasing the number of vehicles to ten (10) under the motor vehicle towing service definition. He said a motor vehicle towing service should also be a by-right use in the Agricultural (A-1) District, Agricultural (A-1) Growth Area Overlay District; Agricultural (A-2) District and Agricultural (A-2) Growth Area Overlay District.

Chairman Adams opened the public hearing.

Mr. James Newman, Charlottesville Resident, said he owns 6.5 acres next to CHIPS, Inc. in Zion Crossroads and has been approached by an individual who resides in Charlottesville that would like to lease his property to operate a motor vehicle impoundment yard. He explained how a motor vehicle impoundment yard is different from a motor vehicle junk yard. He said an impoundment yard is intended to store vehicles that have been towed for illegal parking, and things of that nature, until the owner can retrieve the vehicle.

Mr. Adams said it appears the County is being asked to amend the code to allow vehicles from Charlottesville to be stored in Louisa County.

Mr. Newman said he believes there used to be an impoundment yard in Louisa, but was shut down for some reason.

With no one else wishing to speak, Chairman Adams closed the public hearing.

Mr. Purcell said he does not believe the proposed amendments are ready for approval.

Mr. Barlow said this has been ongoing for about a year and expressed his concerns with the legal

implications to existing small businesses and newly established businesses. He noted that if an existing business chooses to relocate their operation, they are no longer “grandfathered” or considered a non-conforming use.

Mr. Adams asked if the Board chooses not to adopt the proposed amendments, would an existing motor vehicle towing service be allowed to continue business as usual if they choose to relocate their business.

Mr. Gardner said no, it would not be permitted.

Mr. Adams asked if someone were to make application for a motor vehicle towing service today, would they be permitted to operate.

Mr. Gardner replied no, there is currently no use that allows the operation of a motor vehicle towing service.

The Board offered revisions to the proposed amendments. Several Board members expressed concerns with the way the Motor Vehicle Impoundment Lot portion was written and requested the amendment be separated from Motor Vehicle Towing Services within the ordinance.

Mr. Barlow motioned to amend Section 86-13 Definitions to add the definition - Motor Vehicle Services, change the towing services from 6 to 10 vehicles, and allowed by right on matrix in A-1, A-1 GAOD; A-2 and A-2 GAOD. Mr. Purcell seconded.

On the motion of Mr. Barlow, seconded by Mr. Purcell, which carried by a vote of 6-1, with Mr. Gentry voting against, the Board approved the proposed amendments to Chapter 86 Land Development Regulations, to Delete the Existing Definition of “Impoundment Lot,” to Add a Definition for “Motor Vehicle Towing Services,” and Establish the Zoning Districts Where This Use Would be Allowed By-Right or with the Issuance of a Conditional Use Permit by the Board of Supervisors; and to Amend the Land Use Matrix Based on the Adopted Amendments as follows:

Amendments to Chapter 86. Land Development Regulations, as follows:

- Amend Section 86-13 Definitions to add the following definition:

Motor Vehicle Towing Services. A business that tows or otherwise moves vehicles from one place to another by the use of a motor vehicle specifically designed for that purpose. Motor Vehicle Towing Services may include the temporary storage of motor vehicles. For towing services that store ten (10) or less vehicles, the business is exempt from fencing, visual barriers, or other local ordinances. Towing services that temporarily store ten (10) or less vehicles may do so up to thirty (30) days. At or before thirty (30) days, the vehicles must be returned to the owner or moved to an Automobile Repair Service, a Commercial Vehicle Repair Service, an Automobile Graveyard, or a Salvage and Scrap Service.

- Amend Section 86-109 Matrix table
 - Add ***Motor Vehicle Towing Services*** under the Industrial uses and identify those districts, with the appropriate designation, where these new classifications are permitted (see attached table).
- Amend Section 86-134 Permitted uses - Generally in the Agricultural (A-1) District to

add under Industrial uses:

- **Motor Vehicle Towing Services**
- Amend Section 86-152 Permitted uses - Generally in the Agricultural (A-2) District to add under Industrial uses:
 - **Motor Vehicle Towing Services**
- Amend Section 86-206 Permitted uses with the issuance of a conditional use permit in the Light Commercial (C-1) District to add under Industrial uses:
 - **Motor Vehicle Towing Services**
- Amend Section 86-224 Permitted uses with the issuance of a conditional use permit in the General Commercial (C-2) District to add under Industrial uses:
 - **Motor Vehicle Towing Services**
- Amend Section 86-242 Permitted uses with the issuance of a conditional use permit in the Industrial (IND) District to add under Industrial uses:
 - **Motor Vehicle Towing Services**
- Amend Section 86-261 Permitted uses with the issuance of a conditional use permit in the Industrial Limited (I-1) District to add under Industrial uses:
 - **Motor Vehicle Towing Services**
- Amend Section 86-279 Permitted uses with the issuance of a conditional use permit in the Industrial General (I-2) District to add under Industrial uses:
 - **Motor Vehicle Towing Services**
- Amend Section 86-337 Permitted uses- Generally in the Agricultural (A-1) Growth Area Overlay District to add under Industrial uses:
 - **Motor Vehicle Towing Services**
- Amend Section 86-357 Permitted uses - Generally in the Agricultural (A-2) Growth Area Overlay District to add under Industrial uses:
 - **Motor Vehicle Towing Services**
- Amend Section 86-412 Permitted uses with the issuance of a conditional use permit in the Light Commercial (C-1) Growth Area Overlay District to add under Industrial uses:
 - **Motor Vehicle Towing Services**
- Amend Section 86-431 Permitted uses with the issuance of a conditional use permit in the General Commercial (C-2) Growth Area Overlay District to add under Industrial uses:
 - **Motor Vehicle Towing Services**
- Amend Section 86-449 Permitted uses with the issuance of a conditional use permit in the Industrial (IND) Growth Area Overlay District to add under Industrial uses:
 - **Motor Vehicle Towing Services**
- Amend Section 86-467 Permitted uses with the issuance of a conditional use permit in the Industrial Limited (I-1) Growth Area Overlay District to add under Industrial uses:
 - **Motor Vehicle Towing Services**
- Amend Section 86-484 Permitted uses with the issuance of a conditional use permit in the Industrial General (I-2) Growth Area Overlay District to add under Industrial uses:
 - **Motor Vehicle Towing Services**

Ordinance – To Amend Chapter 86 Land Development Regulations, Article V. Sign Regulations to Amend Division 1. Sign Requirements and Waivers, Sec. 86-683. General Provisions. (A) Prohibited Signs to Add Number (9) Any Sign that Displays Vulgar, Obscene, Indecent, or Profane Language.

Mr. Gardner stated at a regular meeting of the Louisa County Board of Supervisors held

November 1, 2021, the Board referred an amendment to the Zoning Ordinance to the Planning Commission that would amend Prohibited signs to add, Section 86-683(a)(9) Any sign that displays vulgar, obscene, indecent, or profane language.

The Planning Commission held a public hearing on December 9, 2021 and voted to not forward a favorable recommendation on the proposed amendment.

Several members expressed their concerns with a number of indecent signs that are being installed throughout the County. They addressed First Amendments Rights and how that would apply to the signs in question.

Chairman Adams opened the public hearing. 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. Barlow, seconded by Mr. Purcell, which carried by a vote of 7-0, the Board voted to table the item for further review.

Ordinance – Establishing Special Assessments on Property Within the Cutalong II Community Development Authority and Authorizing a Memorandum of Understanding and a Special Assessment Agreement

Ms. Phillips stated the Board of Supervisors authorized the creation of the Cutalong II Community Development Authority by Ordinance No. 2021-14, adopted on December 6, 2021. The CDA has requested that the Board establish special assessments on certain property within the CDA district.

The CDA proposes to issue its bonds to finance certain improvements within the CDA district. The establishment of special assessments on certain property within the CDA district and the actions contemplated by the Memorandum of Understanding and Special Assessment Agreement will benefit the citizens of the County by promoting increased employment opportunities, a strengthened economic base, increased tax revenues and additional retail, recreation and housing opportunities, providing needed public improvements including improvements to public roads and walking paths and water, wastewater, and sewer improvements, and will meet the increased demands placed upon the County as a result of development within the CDA district.

Mr. Williams said he did not vote for the creation of the Cutalong II Community Development Authority and feels this proposal ties the County closely to the development. He explained if something unfortunate were to happen, 900 voting households are going to come to the county if the water and sewer no longer works and will expect the County to fix the issue since they have been collecting special assessment fees. He stated this a private development and the development should be collecting the assessment fees without the involvement of the County.

Chairman Adams opened the public hearing.

Mr. Michael Graff, Jr., McGuire Woods, stated Ms. Phillips has done a great job summarizing the request and is available for questions.

Mr. Barlow asked if the term “Board” within the agreement was resolved and differentiated so that it is clear the term “Board” refers to the Cutalong II Community Development Authority Board, not the Board of Supervisors.

Mr. Graff explained the Board of Supervisors had a role at the front end to authorize the creation of the Cutalong II Community Development Authority and now the Board of Supervisors has the role to establish special assessments on property within the Cutalong II Community Development Authority. He said the term “Board” refers to the Board of the Community Development Authority rather than the Board of Supervisors.

Mr. Barlow said he wanted to make sure the term was distinct and did not imply Board of Supervisors.

Mr. Graff said he is happy to look through the documentation to verify that the term is defined and is being used properly.

Mr. Phillips explained the purpose behind the request to establish a special assessment.

Mr. Purcell asked if the intention of the CDA is to utilize the bond money to build the infrastructure for the development.

Mr. Graff replied yes.

Mr. Purcell asked if it was logical for the Board to assume that as the corridor develops the Cutalong II Community Development Authority will not need public water/sewer services since they will have established their own facilities for water and sewer services.

Mr. Graff referred to Nate Keiser with Cutalong II.

Mr. Keiser said they have sized the water and wastewater treatment plants to accommodate all 891 households and it’s been approved.

Mr. Barnes noted that a CDA is nothing new and many other localities use them.

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 5-2, with Messrs, Williams and Barlow voting against, the Board voted to adopt an ordinance establishing a special assessments on property within the Cutalong II Community Development Authority, with the following agreements:

1. Approval of Memorandum of Understanding and Special Assessment Agreement. The Memorandum of Understanding and Special Assessment Agreement are approved in substantially the forms presented to the Board at this meeting, with such changes and corrections (including, without limitation, changes in the date thereof) that do not materially adversely affect the County's interest as may be approved by the County Administrator and the County Attorney. The County Administrator and Chairman of the Board of Supervisors, or either of them, is authorized and directed to execute and deliver the Memorandum of Understanding and the Special Assessment Agreement.

2. Special Assessment. By agreement between the Landowners and the Board pursuant to a Memorandum of Understanding and a Special Assessment Agreement, special assessments to pay the costs of public improvements to benefit property within the CDA district

are hereby established and apportioned in accordance with the Rate and Method of Apportionment of Special Assessments attached hereto as Exhibit A. The CDA shall cause notice of the special assessments to be reported to the County's Director of Finance or other County official responsible for the collection of taxes. The special assessments shall be liens on the taxable real property in the CDA district in accordance with the provisions Virginia Code 15.2-2404 et. seq.

3. Severability. If any part, section, clause or phrase of this Ordinance, or any individual assessment levied hereby, is declared to be unconstitutional or invalid for any reason, such decision shall not affect the validity of any other portion hereof or assessment hereunder.

4. Administrative Costs. The CDA and/or the Landowners shall be responsible for all administrative costs of the County associated with the billing and collection of the special assessments.

5. Effective Date. This Ordinance shall take effect immediately.
The undersigned Clerk of the Board of Supervisors of Louisa County, Virginia, certifies that the foregoing constitutes a true, complete and correct copy of an Ordinance enacted at a regular meeting of the Board of Supervisors of the County of Louisa, Virginia, held on January 3, 2022.

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 January 18, 2022 meeting at 9:12 p.m.

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

From: [Duane Adams](#)
To: [Alexandra Stanley](#)
Subject: Fwd: Energix Two Oaks Solar Farm Substation
Date: Tuesday, January 18, 2022 7:32:07 PM

For the record.

Regards,
Duane

Duane Adams
Chairman
Louisa County Board of Supervisors
Supervisor-Mineral District
(540)894-3149

Begin forwarded message:

From: Mary Havasy <mary@havasy.us>
Date: January 18, 2022 at 4:50:29 PM EST
To: Duane Adams <lcbs_md@louisa.org>
Cc: Tommy Barlow <LCBS_MRD@louisa.org>, Rachel Jones <lcbs_gsd@louisa.org>, Fitzgerald Barnes <LCBS_PHD@louisa.org>, Willie Gentry <LCBS_CD@louisa.org>, Eric Purcell <LCBS_LD@louisa.org>, Toni Williams <lcbs_jd@louisa.org>
Subject: **Energix Two Oaks Solar Farm Substation**

CAUTION: External email

Dear Mr. Adams,

I am unable to attend and speak at tonight's meeting regarding the Energix Proposal due to a Covid exposure and I am writing this to communicate several concerns I have.

I spoke at the Planning Commission Meeting and stated that my concerns lie with the location of the substation and it's proximity to my subdivision (Hidden Farm Estates). Several of our properties and residences may be impacted by the humming and lighting a substation emits. We have several Common Areas, one of which is behind these properties on Cedar View, and it was stated at the Planning Commission Meeting that this Common Area can act as a buffer for the substation (in addition to Energix compliance with county ordinances). I object to this line of thought as our Common Area is owned by our Community and its future land use may involve a picnic area, playground, walking trails, or something of the like, the use of which will be directly affected by the substation.

Today my community had a zoom meeting with Energix representatives, Dominika Sink and Yarden Golan. We communicated several issues and received assurances by Energix that they are willing to work with us. The moving of the substation closer to Old County Road was discussed as well as a commitment to making future adjustments if problems arise. One of the things I brought up is the research reported by the EEP (Electrical Engineering Portal) on problems with audible substation noise. They state that "despite the potential aesthetic benefit", foliage "is not particularly effective for substation noise reduction purposes". EEP recommends walls, berms, sound-absorbing panels, or deflectors. Although Energix did not commit to placing a physical barrier, they did state they would put it in writing that if noise problems arise in the future they will work to find a solution. I'm not sure this is good enough and ask that you thoroughly review all aspects of placing a substation so close to residences.

We also learned at this afternoon's zoom meeting that the substation will be turned over to Dominion upon completion, and it concerns me that Energix may not even be responsible for noise problems that might come up in the future unless such a commitment is written into the official proposal. Please make sure that this happens.

I will be attending tonight's meeting via the video link and wish to thank all of you for serving our beautiful County of Louisa.

Mary Havasy

ps: congrats Duane on being named Chairman of the Board of Supervisors



Dear Supervisor Adams:

Thank you for being a consistent advocate of Giving Words. Your continued support has assisted in our growth in the area, and we have now served over 100 single mothers, most of them in Louisa County.

Recently, we were made aware that Energix is applying to build a solar facility in the county. I am writing to you today to share why we believe this project would benefit single mothers and their children.

According to the projections, the solar facility will generate a significant amount of tax revenue that can be used to better the lives of our county's residents. Since our county has a significant percentage of single mothers and a government that values its residents, more tax revenue will often be invested in programs that better the lives of our most vulnerable citizens, children and single mothers being two subgroups. Education, Social Services, and the Louisa Health Clinic could potentially expand services and therefore improve the lives of our clients.

In addition, the Energix project will provide funds to the County's Industrial Development Agency. This organization will help to create other job opportunities in the county, which can directly impact our mothers. Currently, many of our mothers commute out of the county to work, adding time and cost to their already strained schedules and budgets. They often pay additional fees for childcare because of their travel time. Giving a single parent another hour with her children each day and a few more dollars in her pocket increases her opportunities to participate in family and community activities.

As a non-profit in a rural community, we rely on grants and donations to fund our services. Thankfully, a third of the land that Energix wants to lease is owned by the WA Cooke Foundation, an organization that regularly invests in our community through grants and scholarship programs. In the past, their scholarships have gone to children of single parents, and they have supported local non-profits in our community, many of which ease the burden of our target demographic. Energix's presence in our community will more than double Cooke's funding for local charities.

Finally, a solar farm creates no additional hazards for our mothers and children. They intend to follow eco-friendly practices to reduce run-off and provide natural camouflage around the facility to keep the rural atmosphere of Louisa. Also, once the project is completed, there will be no increased traffic and its inherent dangers on Chalklevel or Chopping Road. Our communities will remain rural, safe, and quiet.

Thank you for taking the time to consider our position on the Energix solar site. I look forward to any further discussions on this potentially advantageous opportunity for our county.

Sincerely,

Eddie and Ginny Brown of Giving Words

Giving Words
PO Box 1211
Louisa, VA 23093

Email: office@givingwordsva.org
Website: www.givingwordsva.org
Phone: [540-569-3308](tel:540-569-3308)



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2019-2020 Officers***

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Executive Director

Karen Welch

Since its inception, the Louisa Arts Center has received generous financial support from the Cooke Foundation. The Foundation's grants have helped make the Center a vibrant arts and cultural venue in central Virginia. Other local organizations in the Louisa community have benefited from the Cooke Foundation's altruism as well. The Arts Center appreciates what the Cooke Foundation has done and is doing for charitable organizations in our County and community.

Stephanie Koren,
President
Louisa Arts Center Board of Directors
**On behalf of the Board of Directors
of the Louisa Arts Center*

Dear Mr. Gentry:

Because I am unable to attend the January 18 meeting of the Louisa County Board of Supervisors, I respectfully submit this letter to speak in favor of the proposed Two Oaks solar project - particularly in reference to its impact on our schools and education. The term "win-win" is often used to demonstrate how something will doubly enhance a situation or entities. I would like to share how the Two Oaks project is, in fact, a multiple "win" project for Louisa County Public Schools.

First, although the project's location is close in proximity to the middle-high school complex, it will be school-friendly, as opposed to other industrial uses. After construction, this solar facility will generate no traffic, noise or pollution - a Win for the schools.

Secondly, the project will generate tax revenues to the county. Increased county tax revenues will enhance the county's ability to support schools - another Win for schools.

Thirdly, the project will generate lease revenues to the Cooke Foundation and it will more than double its yearly giving capacity - from its current \$500,000 in grants and scholarships to \$1.2 million. Those scholarships in particular have made a lasting impact on lives. Since 2002, the Cooke Foundation has awarded \$3.5 million in local scholarships. I have personally witnessed that impact. It has made attending college or trade school possible for many students who were the first generation to pursue education beyond high school.

A fourth win for the schools from Cooke scholarships has come in the form of recipients returning to teach in Louisa. Several of those recipients are currently teaching in our schools, representing a significant and ongoing return on that investment.

There are many other aspects to the Two Oaks project, but I feel that the impacts on our schools are lasting and significant - providing multiple "Wins": being neighborhood friendly in terms of traffic, noise or pollution; providing revenues to the county, and providing revenues to the William A Cooke Foundation that, in turn, will be able increase its support to education through scholarships.

Thank you for your time and consideration.

Sincerely,

Deborah D. Pettit

4327 Fredericks Hall Rd.

Mineral, VA 23117

Cuckoo District