Board of Supervisors
County of Louisa
Monday, August 1, 2022
Louisa County Public Meeting Room
5:00 PM

CALL TO ORDER - 5:00 P.M.

Chairman Adams called the August 1, 2022 regular meeting of the Louisa County Board of Supervisors to order at 5:00 p.m.

ADMINISTRATIVE ITEMS - 6:00 P.M.

Attendee Name	Title	Status	Arrived
Tommy J. Barlow	Mountain Road District Supervisor	Present	5:00 PM
Fitzgerald A. Barnes	Patrick Henry District Supervisor	Present	5:00 PM
Willie L. Gentry Jr.	Cuckoo District Supervisor	Absent	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; Chris Coon, Deputy County Administrator; Kyle Eldridge, Assistant County Attorney; Alexandra Stanley, Executive Assistant/Deputy Clerk; Wanda Colvin, Director of Finance; Griff Carmichael, Director of Human Resources; Andy Wade, Director of Economic Development; Scott Raettig, Manager of Information Technology; and Josh Gillespie, Director of Community Development

CLOSED SESSION

On the motion of Mr. Barlow, seconded by Mr. Williams, which carried by a vote of 6-0, 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) (1) VA Code Ann., for discussion regarding an update on the recruitment of a new fire chief; and
2. In accordance with §2.2-3711 (A) (5) VA Code Ann., to discuss a prospective business to be in a yet-to-be-determined location within Louisa County where no previous announcement has been made of the business's interests in locating in the County; and
3. In accordance with §2.2-3711 (A) (7) VA Code Ann., for consultation with legal counsel and briefings by staff members about potential litigation involving property in the Mineral District; and
4. In accordance with §2.2-3711 (A) (29) VA Code Ann., for a discussion of public contracts involving property in the Mountain Road District where discussion in an open session would adversely affect the negotiating position or bargaining strategy of the County.

REGULAR SESSION

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

RESOLUTION - CERTIFICATION OF CLOSED SESSION

Voter	Role	Vote
Tommy J. Barlow	Voter	Yes/Aye
Fitzgerald A. Barnes	Seconder	Yes/Aye
R.T. Williams, Jr.	Mover	Yes/Aye
Willie L. Gentry Jr.	Voter	Yes/Aye
Duane A. Adams	Voter	Yes/Aye
Rachel G. Jones	Voter	Yes/Aye
Eric F. Purcell	Voter	Yes/Aye

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 6-0, the Board voted to adopt the following resolution:

WHEREAS, the Louisa County Board of Supervisors has convened a Closed Meeting this 1st day of August, 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 1st day of August, 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. Purcell led the invocation, followed by the Pledge of Allegiance.

ADOPTION OF AGENDA

On the motion of Mr. Williams, seconded by Mr. Purcell, which carried by a vote of 6-0, the Board voted to adopt the August 1, 2022 agenda, as amended, with the following changes:

- Added a Resolution Authorizing a Supplemental Appropriation to Louisa County Public Schools for American Rescue Plan (ARP) Act Elementary and Secondary School Emergency Relief (ESSER III) to New Business/Action Items
- Added a Resolution To Appoint a Proxy for the JAUNT, Inc., Annual Stockholder's Meeting to Consent Agenda
- Added a Resolution Authorizing Amendments to the Management Oversight Group Bylaws to Consent Agenda
- Replace New Business/Action Item #1, A Resolution Authorizing the Louisa County

Board of Supervisors to Petition the Louisa County Circuit Court Requesting a Referendum on the Question of the Issuance of General Obligation Bonds to Fund Certain Public Improvements, with a Discussion on Athletic Fields in Louisa County

MINUTES APPROVAL

Board of Supervisors (BOS) - Regular Meeting - Jul 5, 2022 5:00 PM

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 6-0, the Board voted to approve the minutes of the July 5, 2022 meeting.

BILLS APPROVAL

Resolution – To Approve the Bills for the Month of July 2022 (FY22)

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 6-0, the Board adopted a resolution approving the bills for the month of July (FY22).

Resolution – To Approve the Bills for the Month of July 2022 (FY23)

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 6-0, the Board adopted a resolution approving the bills for the month of July (FY23).

CONSENT AGENDA ITEMS

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 6-0, the Board voted to adopt the Consent Agenda items for August 1, 2022, as follows:

- Resolution – To Approve and Award Contract for Solid Waste Management Consulting and Water Quality Monitoring Services
- Resolution – To Take Streets in the Windover Subdivision into the Secondary System of Highways in Louisa County, Virginia
- Resolution – To Take Chestnut Avenue Located in the Town of Mineral into the Secondary System of Highways in Louisa County, Virginia
- Resolution – Requesting a Speed/Safety Study Route 669 (Ellisville Road) in the Louisa District
- Resolution – Safety Study Route 640 (E. Jack Jouett) in the Patrick Henry District
- Resolution – To Approve and Award a Contract for Beverages for the Louisa County Aquatic Facility and the Louisa County Public Schools
- Resolution – Supporting the Virginia American 250 Commission Recitals
- Resolution – Authorizing Louisa Fire & Emergency Medical Services Department to Proceed with Fiscal Year 2023 Lifepak Cardiac Monitor Replacement Capital Project
- Resolution – To Proceed with Louisa County Water Authority's Northeast Creek Water Treatment Plant Sludge Vac System Capital Project
- Resolution – A Resolution Authorizing the General Services Department to Proceed with the Replacement of the Circuit Courthouse Chiller and the Replacement of Florescent Lights with LED Lights in the Administration Building
- Resolution – To Appoint the Proxy for the Jaunt, INC. Annual Stockholder's Meeting
- Resolution – Authorizing Amendments to the Management Oversight Group Bylaws

RECOGNITIONS

(None)

PUBLIC COMMENT PERIOD

Ms. Allison Barton, JABA - Team Lead at Betty Queen Center Programs, provided a brief update to the Board on current programs and upcoming events at the center.

Ms. Vicky Harte, Louisa District, addressed her concerns with flooding in Louisa County, specifically the Town of Louisa area.

Mr. Shane Horn, Louisa District, addressed the Board about the proposed sports complex and athletic fields in Louisa County.

Ms. Mary Kranz, Mountain Road District, talked about through truck traffic restrictions in Louisa County and thanked the Board for taking the necessary steps in trying to improve the safety of the roadways.

Mr. David Rogers, Mineral District, talked about through truck traffic restrictions in Louisa County and thanked the Board for taking the necessary steps in trying to improve the safety of the roadways.

Mr. Will Shaw, Green Springs District, briefly talked about the referendum for the proposed sports complex and noted the Board made the right decision to not move forward with the project.

INFORMATION/DISCUSSION ITEMS

(None)

UNFINISHED BUSINESS

(None)

NEW BUSINESS/ACTION ITEMS

Discussion – Athletic Fields in Louisa County

Mr. Williams said he would like to look at other options for sports fields in Louisa County.

Mr. Barnes stated that sometimes certain goals can be misread by the community. He explained the whole concept for an athletic complex was to have a place where Louisa teams can play without having to travel, and for other teams to compete at. He urged the Board to look at a more conservative implementation for the fields.

Mr. Adams said based on the conversations he has heard from the Board, he would like for staff to work in conjunction with Louisa County Public Schools, the LCPS Athletic Director, and the Louisa County School Board to look specially at the high school football field and the two fields behind the middle school and handle the field improvements under the normal CIP process.

<u>Resolution – Authorizing the Louisa County Board of Supervisors to Petition the Louisa County Circuit Court Requesting a Referendum on the Question of the Issuance of General Obligation Bonds to Fund Certain Public Improvements</u>

This item was removed under Adoption of Agenda.

<u>Resolution – Resolution Authorizing the General Services Department to Proceed with Renovations to the Former Blue Ridge Bank Corporate Headquarters Utilizing a Sourcewell Contract with Bluescope Construction</u>

The Louisa County of Louisa Board of Supervisors has made it a priority to expand workspace for County employees in an effort to reduce the risks for the spread of viruses and disease among the workforce thus creating a safer work environment during and after the Coronavirus pandemic. The Louisa County of Louisa purchased the real property located at 114 Industrial Drive, Louisa, Virginia 23093 as a means to expand space for its workforce, specifically for the Department of Human Services.

The Louisa County of Board of Supervisors approved a budget supplement of $1,000,000.00 to the Industrial Drive Renovation Capital Project for renovations to the building located at 114 Industrial Drive. The Louisa County Board of Supervisors approved that $87,200.00 of additional funds remaining from the Industrial Drive Building Purchase Capital Project to be reallotted to the Industrial Drive Renovation Capital Project.

The General Services Department would like to proceed with the renovations of the former Blue Ridge Bank Corporate Headquarters located at 114 Industrial Drive for the purpose of relocating the Department of Human Services into the Building including, but not limited, to new carpet, paint, led lights, security improvements, access controls, camera system, and renovations to create a lobby, interview rooms, and public restrooms.

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 6-0, the Board voted to authorize the General Services Department to proceed with the procurement, purchasing of Construction Services for the renovation of the former Blue Ridge Bank Corporate Building in a total amount not to exceed $1,087,200.00, and this funding will come from the Industrial Drive Renovation Capital Project GL (20235700-482505-COVD7). The General Services Department would like to proceed with utilizing Sourcewell Contract #013019-BSC with BlueScope Construction for a sum not to exceed $600,000 for initial construction and a contingency fund of not to exceed $50,000 for unknown conditions that could be encountered during construction with funding to come from the Industrial Drive Renovation Capital Project GL (20235700-482505-COVD7).

<u>Resolution – Authorizing Staff to Advertise a Public Hearing on through Truck Traffic Restriction on Route 605 (Shannon Hill Road)</u>

Mr. Coon stated in accordance with section 46.2-809 of the Code of Virginia, through trucks can be restricted on certain primary and secondary routes in the limited number of cases were doing so will promote the health, safety and welfare of the public without creating an undue hardship on any transportation users. Such restriction may apply to any truck or truck and trailer or semitrailer combination, except a pickup or panel truck that has no point of origin or destination along the subject route.

The restriction of through truck, truck and trailer, or semi-trailer combination from using Shannon Hill Road (Route 605) from Route 33 to 5821 Shannon Hill Road. The recommended alternate route is Interstate 64, Courthouse Road (Route 208), and Jefferson Highway (Route 33). The proposed alternate route is approximately 20.9 miles an additional 12.4 miles.

Staff is seeking the Board's approval to move forward with a public hearing for the restriction of through truck traffic from using Shannon Hill Road (Route 605).

Questions and comments were addressed regarding the process for restrictions on through truck traffic, which were answered by Mr. Coon.

Mr. Coon and Mr. Adams noted the Commonwealth Transportation Review Board has the final say and the restriction for Route 605 (Shannon Hill Road) will more than likely get denied.

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 6-0, the Board voted to authorize staff to advertise a public hearing to request the Virginia Department of Transportation implement a through truck restriction on Shannon Hill Road (Route 605).

Resolution – Authorizing Staff to Advertise a Public Hearing on through Truck Traffic Restriction on Route 623 (Chopping Road)

The restriction of through truck, truck and trailer, or semi-trailer combination from using Chopping Road (Route 623). The recommended alternate route is Louisa Ave/Zachary Taylor Highway (US Route 623) and Mineral Ave/Davis Highway (US Route 22). The proposed alternate route is approximately 6.41 miles, and additional 1.9 miles.

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 6-0, the Board voted to authorize staff to advertise a public hearing to request the Virginia Department of Transportation implement a through truck restriction on Chopping Road (Route 623).

Resolution – Authorizing Staff to Advertise a Public Hearing on through Truck Traffic Restriction on Route 625 (Chalklevel Road)

The restriction of through truck, truck and trailer, or semi-trailer combination from using Chalklevel Road (Route 625) and Mansfield (Route 613). The recommended alternate route is Louisa Ave/Zachary Taylor Highway (US Route 522) and Mineral Ave/Davis Highway (US Route 22). The proposed alternate route is approximately 8.5 miles, and additional 0.6 miles.

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 6-0, the Board voted to authorize staff to advertise a public hearing to request the Virginia Department of Transportation implement a through truck restriction on Chalklevel Road (Route 625).

Discussion – Civil Penalties

Mr. Kyle Eldridge appeared before the Board to provide an overview of the proposed amendments to Louisa County Code § 86-11 and a new Code § 86-11.2.

Violations of the zoning chapter in Louisa County can only be prosecuted criminally under Louisa County Code §86-11, which punishes a zoning violation as a Class 3 misdemeanor subject to a fine of up to $1,000. In the event the criminal zoning case is dismissed without a conviction, the county is without further recourse to remedy ongoing violations. More importantly, the county's burden of proof for a misdemeanor violation is beyond a reasonable doubt. This burden is difficult to overcome in comparison to the preponderance of the evidence burden needed for a civil finding. Criminal convictions are difficult to obtain because the charges must be brought within one year from the date of discovery (speedy trial), and if they are dismissed, there is no other recourse (double jeopardy).

Virginia Code § 15-2209 provides a locality "may adopt an ordinance which establishes a uniform schedule of civil penalties for violations of specified provisions of the zoning ordinance." Several existing code violation cases in Louisa County would benefit from the adoption of ordinance provisions that allow for civil penalties for zoning violations as well as building code violations. For example, in 2018, a citizen reported a dock being constructed and expanded without a permit. Another citizen, in 2018, reported that a "house has black mold, the deck is about to fall in, the whole house has mold, celling is falling, human waste is coming up in the bathroom tub, behind the washer/dryer, mold under the sink." To this date, there has been no enforcement of the building code on these issues and the cases are still open. In addition, there are zoning, and land regulation cases open from 2018 including sheds being built without permits while not meeting setback regulations and homeowners running businesses out of garages without a permit. One case that is important to bring attention to, especially with the exploration of short-term rentals, is a 2020 complaint that a homeowner is renting a "home as 6 bedrooms, only perked for 3."

A draft of an amendment to Louisa County Code § 86-11 and a new Code § 86-11.2 was presented to the Board for their review. If Louisa County were to adopt the suggested ordinances, Louisa Code would be able to issue a civil summons, through the code enforcement officers, against violators that do not comply with requests to follow the ordinances.

Comments and questions were addressed by the Board regarding the implementation process for civil penalties in Louisa County, which were answered by Mr. Eldridge.

On the motion of Mr. Barnes, seconded by Mr. Jones, which carried by a vote of 6-0, the Board voted to refer the proposed amendments to Louisa County Code § 86-11 and a new Code § 86-11.2 to the Planning Commission for recommendation.

Discussion – Letter of Support Fluvanna Louisa Housing Foundation SWAP

On the motion of Mr. Williams, seconded by Mr. Purcell, which carried by a vote of 6-0, the Board voted to approve a letter of support to the Fluvanna/Louisa Housing Foundation to endorse their request for $300,000 from the Virginia Department of Health SWAP Local Partners grant.

Resolution – Authorizing a Supplemental Appropriation to the FY22 Operating Budget for the Louisa County Fire and Emergency Medical Services Department

The Louisa County Board of Supervisors, by a resolution adopted April 19, 2021, approved the budget for the County of Louisa for the Fiscal Year 2021-2022. The Louisa County Board of

Supervisors, by resolution, authorize appropriated funds to be expended during the Fiscal Year 2021-2022, in accordance with the approved budget and consider additional supplemental appropriations as needed.

The Fire and Emergency Medical Services Department is requesting a supplemental appropriation in the amount of $200,000 to cover staff overtime expenses above the original budgeted amount. Call volumes have increased during FY22 making it necessary to have additional coverage during shifts which results in many employees earning overtime pay for the additional hours worked.

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 6-0, the Board voted to authorize a supplemental appropriation in the amount of $200,000 to the Louisa County Fire & Emergency Medical Services Department Overtime (GL# 10032300-412000) to cover additional expenses incurred during FY2022. The source of this funding is General Fund Balance.

Resolution – Authorizing a Supplemental Appropriation to Louisa County Public Schools for American Rescue Plan (ARP) Act Elementary and Secondary School Emergency Relief (ESSER III)

The Louisa County School Board received funds from the American Rescue Plan (ARP) Act Elementary and Secondary School Emergency Relief (ESSER) III Act to provide funds to help safely reopen and sustain the safe operation of schools. The General Assembly and Governor Glenn Younkin have approved State Budget Item 483 #4c to include funding to allow Standards of Quality (SOQ) positions to receive a one-time bonus. State Budget Item 483 #4c provides $66.5 million from the general fund in Fiscal Year 2023 to fund the one-time bonus payment of $1,000 to school employees on or before December 1, 2022.

The Louisa County School Board requests a supplemental appropriation in the amount of $412,897 from the ARP Act, and $532,103 from State Budget 483 #4c from FY'2023 for a total supplemental appropriation in the amount of $945,000.00.

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 6-0, the Board voted to authorize a budget supplement to Louisa County Public Schools for the additional FY'23 funds for the American Rescue Plan (ARP) Act Elementary and Secondary School Emergency Relief (ESSER) III Act in the amount of $412,897, and $532,103 from State budget item 483 #4c for a total supplemental appropriation in the amount of $945,000 to be used in compliance with funding guidelines in FY'23. The funds be appropriated for a one-time bonus payment of $1,000 to school employees on or before December 1, 2022.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Committee Reports

(None)

Board Appointments

On the motion of Mr. Purcell, seconded by Mr. Williams, which carried by a vote of 6-0, the Board voted to appoint the following:

- Appointed Ms. Tina Garr to the Community Policy Management Team (CPMT);
- Appointed Ms. Diana Burruss to the Monticello Area Community Action Agency (MACCA); and
- Appointed Ms. Joanna Hoyle to the JABA Advisory Board.

County Administrator's Report

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

PUBLIC HEARINGS

Resolution – Approve/Deny the Issuance of Special Exception Permit (SEP2022-01) to Allow for Grass Parking Areas at Special Occasion Facility Under Conditional Use Permit (CUP2018-10)

Melody and Kenneth Bowers, Applicants/Owners; were granted a conditional use permit for the establishment and operation of a Special Occasion Facility (CUP2018-10) in accordance with **Section 86-64.3 Permitted uses - With conditional use permit** (former code section) in the Agricultural (A-2) zoning district on December 3, 2018.

The property is located off Route 618 (Fredericks Hall Road), northeast of the end of the intersection of Route 681 (Tavern Road). The property is further identified as tax map parcel 61-8-D, in the Cuckoo Voting District. The 2040 Comprehensive Plan designates this area of Louisa County as Agricultural/Very Low Density Residential.

Melody and Kenneth Bowers, Applicants/Owners; have requested issuance of a Special Exception Permit in accordance with **Division 7 Section 86-68 Special Exceptions**, from the provisions of **Section 86-647 Design standards for off-street parking facilities**; minimum area and surface to allow for grass parking areas, where gravel, stone, asphalt, or concrete is required.

Mr. Adams asked for Mr. Gillespie to get back with him about the risks of erosion run off from events where there is grass parking.

Mr. Adams opened the public hearing.

Ms. Melody Bowers, Owner of Tavern of the Rail, explained her request for grass parking where gravel, stone asphalt or concrete is required.

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

On the motion of Mr. Williams, seconded by Mr. Purcell, which carried by a vote of 6-0, the Board voted to approve the request for a Special Exception Permit, to allow for grass parking areas for the approved Special Occasion Facility (CUP2018-10) in accordance with 86-68 Special Exceptions, from the provisions of **Section 86-647, Design standards for off-street parking facilities**.

Mr. Barnes said he would like to see the County do better on requests such as these. He said property owners should not have to go through such an extensive process for off-street grass parking. He said he would like for the Planning Commission to look at alternative options.

Ordinance – To Approve Amendments to Chapter 86 of the Louisa County Development Regulations for Solar Generation Facilities

A committee of the Board of Supervisors was formed to review ordinances regarding solar generation facilities in Louisa County, and on December 21, 2021, the solar committee reported its recommendations for modifications to these ordinances to the Board, and the solar committee report was approved unanimously by the Board.

Staff prepared amendments to the zoning ordinance, Chapter 86 of the Louisa County Code in accordance with the solar committee report and presented said amendments to the Board. The Board is required to refer proposed amendments to the zoning ordinance, Chapter 86 of the Louisa County Code to the Planning Commission for its recommendations pursuant to Va. Code§ 15.2-2285(B).

On April 4, 2022, the Louisa County Board of Supervisors referred the proposed amendments pertaining to Solar Generation Facilities, Chapter 86, Article I Division 5 and Article IV Division 2 to the Planning Commission for its recommendations. At a regular meeting of the Planning Commission on April 14, 2022, there was a public hearing regarding the proposed amendments to Chapter 86 of the Land Development Regulations - Solar Generation Facilities. The Commission appointed Mr. Woodward to work with staff and the Board on the amendments, and the public hearing was continued to the May 12, 2022, meeting.

At the May 12, 2022, Planning Commission meeting, the Commission forwarded a recommendation of approval on the proposed amendments with several changes, to Chapter 86 of the Land Development Regulations - Solar Generation Facilities as summarized below.

Amendments to Chapter 86. Land Development Regulations, Section 86-13 Definitions to amend solar generation facility, utility-scale to place a minimum on the megawatts (MW) being produced; to revise Article I. General Provisions, Division 5. Conditional Use Permits to clarify the intent, requirements, conditions and procedures for issuance of conditional use permits in Section 86-43 through Section 86-46; and to revise Section 86-45 Conditional use permits for minor-scale or utility-scale solar generation facilities in sections which limit the total amount of County acreage approved for utility scale solar generation facilities, establish a minimum MW for utility-scale solar generation facilities, direct facility locations within a certain distance of existing high-voltage transmission or distribution line rights-of-way, and restrict facilities in certain Growth Area Overlay Districts. Additional amendments are proposed to Article IV. Supplementary Regulations, Division 2. Solar Generation Facilities, Section 86-632 to add performance requirements and criteria for application compliance; to include the applicant obtaining an independent engineer to inspect and report on construction progress; to require submittal of a construction bond; to establish phasing requirements for land disturbing activities, additional setbacks and vegetative buffers; and to clarify provisions for waivers and modifications that may be granted; and amendments to Section 86-633 prohibiting the disposal of solar panels at any Louisa County landfill facility.

Section 86-46. Conditional use permits for minor or utility-scale solar generation facilities.

1. State the Board's intent to preserve and protect the county's rural ambiance and its

agricultural and forestall lands
2. Establish a maximum of 3 percent of the total county acreage or 9,800 acres for total approved utility-scale solar generation facilities
3. Provide a minimum of project size of 151 MW to be generated
4. Limit facilities to within one mile of existing high-voltage transmission or distribution lines right-of-way, or on a case-by-case basis
5. Prohibit the use in the R-1, R-2, IND and I-1 Growth Area Overlay Districts

Section 86-46. Application Requirements - Summary of proposed amendments.

1. Provide property control or ownership documentation
2. Provide a copy of the PJM Interconnection Application
3. Location and describe any proposed battery storage and address the fire threat.
4. Change the most mature simulated views and simulations from 15 to 20 years.
5. Address the fiscal impacts to the county Fire and EMS services for fighting battery storage fires
6. Provide a minimum vegetative buffer of 300 feet, with supplemental plantings capable of reaching 20 feet within 10 years.

Section 86-632. Performance standards for minor and utility-scale solar generation facilities.

1. Add Criteria
    a. Independent engineer. The applicant will pay an independent engineer to check construction progress weekly, ensure constriction is proceeding in accordance with CUP, and resolve any disputes between the applicant and county staff over construction problems, The Board of Supervisors will decide any unresolved disputes
    b. Construction bond. Sufficient to cover the construction requirements of the CUP
    c. Erosion and sediment control. Limit site clearing to 100 acres per phase, with stabilization of a phase or pre-requisite to beginning each new phase.
    d. Increase opaque vegetative buffer width from 150 to 300 feet and prohibit stormwater holding ponds within them.
    e. Increase the supplemental plantings, where applicable, from 3 rows to 4 of staggered evergreen specimens, and increase the height from 10 to 20 feet during a growing period lengthened from 3 years to 10 years.

Section 86-33. Decommissioning of utility-scale solar generating facilities.

1. Prohibit the disposal of solar panels in any of the county’s landfill facilities

Mr. Purcell asked why the county would require a copy of the PJM Interconnection Application before the Board takes action on the request.

Mr. Gillespie said that certain amount of planning goes into CUP applications for interconnection of solar facilities and as part of the due diligence process, a copy of the PJM interconnection application shows serious intent in moving forward on the applicant’s behalf.

Mr. Williams asked about siting agreements.

Mr. Gillespie said staff recommends following the state code for siting agreements. He said it is not required for localities to codify siting agreements within their zoning ordinance

Mr. Adams opened the public hearing.

Mr. Bill Oaks, Green Springs District, stated the 151 MW minimum generation requirement is most egregious. He said the MW minimum should be established on a case-by-case basis.

Ms. Amanda Reidelbach, Jackson District Landowner, appeared before the Board and spoke generally in favor of the proposed ordinance amendments and addressed some areas of concern, specifically the 151 MW minimum generation requirement and the opaque vegetative buffer width from 150 to 300 feet.

Ms. Lori Schweller, Albemarle County, offered suggestions to the Board when considering the proposed amendments to solar generation facilities.

Ms. Vicky Hart, Louisa District, talked about fire hazards and the safety measures that should be put into place for solar generation facilities.

Mr. Adams noted staff received six letters in response to the proposed amendments that will need to be added to the minutes.

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

Mr. Barnes asked if staff had any other edits to the proposed amendments.

Ms. Phillips said there have been several issues come up since the Board started approving CUPs for solar generation facilities and a lot of considerations have been made to help fine tune the final proposed amendments. She noted the proposed amendment to Louisa County Code Sec. 86-633 (c)(5) should help address some of the concerns with decommissioning costs. She provided the following amendments for consideration:

Louisa County Code Sec. 86-633 (c)(5)
Proposed:
The amount of the surety required shall be 100% of the estimated decommissioning costs. Any solar panels, steel, aluminum, copper, fenceposts, fencing, or other materials removed from the facility as part of decommissioning shall be taken out of Louisa County by the owner, lessee, or developer. None of the estimated salvage value of any of this material shall be used to offset the decommissioning costs.

This would replace the following language now in (c)(5):
The estimate shall not exceed the total of the projected cost of decommissioning, which may include the net salvage value of such equipment, facilities or devices, and a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor.

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 6-0, the board voted to strike the existing language in Section 86-633 (c)(5) and replace it with the following:

The amount of the surety required shall be 100% of the estimated decommissioning costs. Any solar panels, steel, aluminum, copper, fenceposts, fencing, or other materials removed from the facility as part of decommissioning shall be taken out of Louisa County by the owner, lessee, or developer. None of the estimated salvage value of any of this material shall be used to offset the decommissioning costs.

Mr. Goodwin said staff is willing to include siting agreements. He said since the state enables the requirement and county staff intends to require siting agreements whether the Board decides to formalize the condition within the county code or not.

Mr. Adams referred to Section 86-45 and recommended the Board strike the 151 MW minimum to be generated and in place of that the county will require a siting agreement. He said that will allow each project to be reviewed by its on merit.

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 6-0, the Board voted to amend Section 86-45. Final Approved Amendments to Louisa County Section 86-45: ~~No facility less than 151 MW shall be approved~~ siting agreements will be required for each project.

Back and forth discussion ensued regarding the 300-foot buffer requirement.

Ms. Phillips stated the code allows the Board to waive or modify any requirements related to buffers and it also provides a list of considerations.

Mr. Adams said Louisa County is uniquely located to be conducive to solar projects. He said Louisa is a rural community with lots of transmission lines and agricultural land and a lot of projects have come forward because of those components. He said the Board has taken a year to learn from past projects, staff, and other localities. He noted the 151 MW requirement did not come from staff. He said the requirement had everything to do with the financial return to the County in tax breaks the state gives. He said the proposed amendments may not address everyone’s concerns or make everyone happy, but it is a step in the right direction that still makes Louisa County receptive to solar projects while protecting property owners’ rights, the environment, and the rural nature of the county.

On the motion of Mr. Barnes, seconded by Mr. Williams, ,which carried by a vote of 6-0, the Board approved the proposed amendments pertaining to Solar Generation Facilities, Chapter 86, Article I Division 5 and Article IV Division 2, as summarized above, with revisions.

ADJOURNMENT

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 6-0, the Board voted to adjourn the August 1, 2022 regular meeting at 7:50 p.m.

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

To: Louisa County Board of Supervisors
For: August 1, 2022 Monthly Board Meeting
From: Vicky Harte, 311 Club Rd, Louisa, VA

To be read into the Minutes:

In September 2021, the Loudin County Board of Supervisors approved a plan to bail out 8 homeowners who lived in flood-prone homes off of Route 15 at a cost of $3.4 million dollars. The home-owners were given the option of a property buy-out or actions needed to avert future flooding. FEMA (Federal Emergency Management Agency) had decided against providing flood mitigation assistance grants for these properties. Many homeowners (not counted in the 8 previously mentioned) are refusing this buyout thereby requiring the county to provide needed flooding protection measures which at this time are unquantified as to cost.

These homes had experienced flooding between 2013 and 2018, during and after heavy rain, from stormwater runoff. In 2020, FEMA enlarged the area's floodplain boundaries. 14 homes that were not within the floodplain when they were purchased would have been required to comply with mandatory flood insurance provisions of the National Flood Insurance Program.

Six other homes affected by the new flood plain boundaries did not qualify for FEMA assistance. Loudin County said they would review other ways to minimize potential flooding during their 2022 fiscal year budget deliberations.

To be eligible for the FEMA grant that was ultimately denied to Loudin County, the county must commit to funding 25% of the required flood mitigation actions. I would like to remind our Town of Louisa and Louisa County real estate property owners we are ALL ineligible for FEMA flood funding consideration due to removal from FEMA's Flood Program when our county and Town failed to respond to FEMA's repeated requests for information related to necessary action to prevent property flooding.

Why is Loudin County doing this? They are doing it because 1) FEMA updated the floodplain map (just as they did for Louisa County) making it much more costly to even plant trees or other best management practices without requiring an engineering study of your property first. Many shovel-ready development projects have been stopped short due to the additional flood management requirements in Loudin County. And 2), with unintended consequences, the flood plain area was created by the tens of thousands of trees that were destroyed during previous construction activities.

Our county Board of Supervisors are currently reviewing requirements for Solar Farm development.
I urge our Louisa County Board of Supervisors to 'wake-up" to the fact our county is liable for damage to homeowners and landowners due to land development decisions they approve. In fact, we have increased liability due to withdrawing from the Federal Flood Program and removing FEMA assistance from the equation.

Thank you,

Vicky Harte
Town of Louisa

August 1, 2022
Louisa County Supervisors,

We write to express our concern over several elements of the proposed solar ordinance and urge you to **stick with conservative ideals and vote NO or defer the decision to a later date to allow for community input.** We believe an ordinance should set ground rules to allow projects proposals to come forward and that the permitting process is the best opportunity to adjust, accept, or reject a project on its merits. While we applaud your diligent efforts in pursuit of clean energy projects permitted to date, we hope you will take the long view with your ordinance update.

Energy Right is a Virginia based non-profit striving to ensure energy is developed the right way with a focus on property rights and conservative ideals including an all-of-the-above energy strategy led by a market-based approach. Through education efforts across Virginia, Energy Right fosters constructive conversations among community residents, businesses, and leaders to make the best energy decisions possible at the local level.

Large utility scale projects are great, but they are just one piece of the puzzle. Smaller projects have a place in Virginia and should have a place in Louisa County. We believe every conversation surrounding a proposed solar ordinance must begin and end with a consideration of property rights. **With your ordinance as proposed, the property rights of smaller landowners in Louisa county are most adversely affected.** Very few citizens own enough land to host, or even be a part of, a 151MW solar project. Large parcels tend to neighbor other large parcels, and a 1000+ acre project may only benefit a select few landowners directly. Smaller projects tend to use smaller parcels and can fit into the rural landscape quietly, hidden from view, with minimal disturbance of land.

Recent legislation allows localities to tax smaller projects at a similar rate to larger projects. Though solar projects 50-100 acres in size may not be the enormous tax payers that large projects can be, they can be extremely meaningful to landowners, the businesses that build and operate them, and the communities they power. We respectfully ask you to take another look at allowing smaller projects to come forward with applications and then judge them on their merits.

Respectfully,

Skyler Zunk
Co-founder & CEO, Energy Right
Skyler@energyrightva.com

WILLIAMS MULLEN

Direct Dial: 434.951.5728
lschweller@williamsmullen.com

August 1, 2022

VIA EMAIL

Louisa County Board of Supervisors
1 Woolfolk Ave, Suite 301, Louisa VA 23093

Dear Chair Adams and Members of the Board:

On behalf of Invenergy Solar Development North America LLC, I write to comment on the proposed solar ordinance amendments before you this evening. Invenergy Renewables has completed or is in process of providing over 3800 MW of solar energy from 35 projects including 1 GW of solar energy across Virginia.

We appreciate that your job is to protect Louisa County and its citizens, and Louisa County has been doing its part toward making Virginia carbon-free by carefully review all solar applications that come before you. Please consider the following when evaluating the ordinance amendment before you:

First, a *minimum* size of 151 MW will exclude projects 30-150 MW in the interest of maximizing revenue. Rather than exclude these mid-sized projects, the County can ensure revenue by simply adopting a Revenue Share Ordinance and/or by raising expectations for siting agreements. Otherwise, a project under 151 MW will have to use more land to increase power production.

Second, a 3% cap on acreage and 300' buffers work together to severely restrict solar in the County. But, do these limitations address the County's concerns? Not all open land is prime agricultural land and, if not developed for solar, may be developed for housing or other uses with greater impacts on the County. Solar companies can use former forest land not suitable for agricultural production. Solar provides revenue while producing no noise, traffic, or impacts to County infrastructure, schools, and services. The special use permit process evaluates a *particular* use on *particular* property in a *particular* location. Not all parcels need 300' buffers. Some neighboring lands are wetlands, some are forests, some are highly developed. A blanket 300' buffer could waste precious county land unnecessarily. Why complicate the ordinance when the SUP criteria analysis and conditions are site-specific?

Finally, in response to serious erosion control and storm water management failures, DEQ has enacted wide-ranging stormwater rules for new solar development. Hold developers to these strict standards and expect professional performance from their engineers. But, limiting clearance to 100 acres will create an administrative nightmare for County personnel and drag out project construction and expense. Invenergy has a dedicated E&S team. Their goal is to stabilize soil prior to, during, and after construction, and to grow grasses and other vegetation as soon as possible. This practice not only controls runoff but also serves to advance long-term soil health.

A special use permit is a legislative process. You have the authority to impose conditions that work for a project, its site, and its surroundings. We understand that Louisa County has suffered, but please don't regulate solar out of the county because of the failures of early development. We need your support and open mind to a bright future for renewable energy.

Thank you for your careful consideration of the proposed ordinance amendment.

Very truly yours,

Lori HSchweller

Lori H. Schweller

cc: Josh Gillespie, Director of Community Development
Tom Egeland, Senior Planner

IMPACT POWER SOLUTIONS

Building Better Energy.

Good Day Board of Supervisors Members,

My name is Jesse Dimond, I am a developer for Impact Power Solutions. Sorry, I am not able to make it to tonight's meeting in person. I am writing this letter to restate the benefits that a shared solar facility would bring to the community and ask that you include a provision in the ordinance that allows your first shared solar facility to be built.

Shared solar is a way for people who don't have a good spot for solar panels to participate in solar as if these panels were up on their roof. Many of the people who elect to participate in shared solar are low-income individuals or businesses that rent property and don't own a rooftop to put solar panels on. A 5MW project is estimated to save homeowners and businesses $4,000,000 in the first 25 years of operation. This facility can provide power to approximately 1,500 homes.

Thank you for continuing your conversation around your solar ordinance. As mentioned previously, we currently have a lease with a property owner in the green springs district and plan to develop a shared solar array. This array is across the street from the substation and will not be visible to any neighbors or the road.

We have read your proposed solar ordinance changes and respectfully ask you to consider our concerns below.1

The proposed minimum project size of 151 MW would outlaw shared solar. Virginia State code section § 56-594.3 defines shared solar to be capped at 5MW. Therefore, the ordinance change would place an undue burden on the participants of shared solar, who are the residents who don't own land. We ask that you make it not applicable to shared solar projects.

The proposed increase in setbacks from 150' to 300' will also have an adverse effect by reducing the ability to design well-conceived projects. If you make the project area skinnier, we will need to make it longer, meaning there will be additional frontage along parcel boundaries including roads. In addition, the increased distance will not change the view of the array. As proposed, adding a 4th visual barrier layer is a better way to minimize the visual impact of projects.

Thank you for your time and consideration.

Sincerely,

Jesse Dimond

Jesse Dimond
Senior Solar Developer

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