



After considerable discussion and review, the Planning Commission approved recommending such an amendment to the Zoning Ordinance at its meeting on January 21, 2020. This amendment has not been approved by the Board of Supervisors but will be presented to them at their meeting on March 10, 2020.

Some of the items missing from Holocene's proposal are 1) Proposed date of start of operations and construction schedule, 2) Height of equipment/structures/fencing, 3) Missing soil types, 4) Holocene proposes to reduce decommissioning security by salvage value which is not allowed in proposed amendment to Zoning Ordinance, 5) Landscaping and screening plan is not complete, and 6) Discrepancies in the amounts listed in the decommissioning plan. Most of these items can be remedied fairly easily and the Special Use Permit could be approved contingent on these items being fulfilled.

Chairman Prengaman asked if there have been any changes made to the project and the potential start date.

Ms. Laura Merten, Holocene Energy, stated there are no changes. She said the project should begin by the end of July as planned in the overall portfolio schedule but could be sooner. She pointed out several items in the presentation that had been questioned at a previous meeting.

Chairman Prengaman asked the size of the parcel. Ms. Merten said the parcel is 150 acres, but the lease is for 18 acres; the fenced area is 16 acres.

Mr. Bartlett said questioned the procedures for removal. Ms. Merten said that is included in the Decommissioning Plan that was submitted to the County. She said there are two ways to decommission it; one is to salvage it, which takes longer as the parts are disassembled. She said if not, the site is just torn apart. She added that decommissioning is normally under contract to be done six to twelve months after the site stops producing power.

Chairman Prengaman asked about liability insurance and if the insurance they propose is standard for a project like this. Ms. Merten said it is; usually there is a construction phase insurance which rolls to production insurance right before it starts producing or once it is mechanically complete. She said before it is producing power, the liability insurance will come on-line and is standard

Commissioner Jones asked if there are restrictions by Holocene on what will or can be done with the 130 acres they are not leasing to Holocene. Ms. Merten said the owner can do whatever is permitted by the County.

Mr. Bartlett stated the only part they don't like of the proposed ordinance is not being able to use salvage value to help eliminate the security requirement for the decommissioning cost. He said there is no way to know what the salvage values will be in the future.

Ms. Merten said that under the ordinance, the value will be assessed every five to ten years. She said it varies county to county. She stated that if the value of the salvage decreases to below decommissioning cost, they will then post a bond for that amount plus 10-15% to provide security. She said this is in the lease agreement with the landowner and is legally bound to the project.

Mr. Bartlett said it is just not allowed in the proposed ordinance. He stated that Holocene owns it now; there could be another owner in the future and asked how the County could keep the future company accountable for that, so it must be the landowner that would be accountable. He said this decision will set a precedent.

Chairman Prengaman said the ordinance is not yet approved and they are discussing a special use permit.

Mr. Bartlett stated that is correct and this has been done before, where the approval of the Special Use Permit would be contingent on the Board of Supervisors approving the ordinance and then this Special Use Permit application.

Ms. Merten asked if the salvage value is explicitly prohibited in the ordinance. Mr. Bartlett said it is silent, so prohibited. He said they can insert a sentence to the Ordinance. He said the concern is about who will own [the property] in the future.

Ms. Merten said the ordinance seems to require putting up a bond for the cost estimate for the cost of decommissioning, and under Virginia Code, a written agreement for decommissioning was required on the cost estimate which may include salvage value. Mr. Bartlett said a previous case, a bond was to cover the building of the road to state standards. He said they built it to about halfway, the bond expired and the developer went under in the recession; the road was never paved. Now there are 10-12 houses on that road, and that [non-paving] decreased their property value. Discussion followed.

Mr. Roark stated that in Appomattox, three permits were approved; one is actively under construction. Appomattox allowed the salvage value in the estimate but were dealing with a 114-acre project, which is a much different situation than this one. He said both are allowed according to State Code, but the state gives the locality the authority to implement a local code. Discussion followed.

Mr. Bartlett asked if the salvage value was less than disposal. Mr. Roark said it was not, because they were working on much bigger projects. Discussion regarding bond followed.

Ms. Merten said the local code speaks about having the decommission funds before the start of construction; something [Holocene] has done is create remediation fund for decommissioning, where the amount is paid directly to the County instead of into a bond over the lifetime of the project. She said it would be front-loaded and it is up to the County to hold it for decommissioning.

Mr. Roark said Appomattox allowed the company to post the bond at the point of the CO (Certificate of Occupancy), not at the point of the building permit being issued. Mr. Bartlett said the Planning Commission could make that amendment before it goes to the Board of Supervisors. Some discussion followed.

Chairman Prengaman said the recommendation is to approve the Special Use Permit application with the following additional conditions and to include all points as stated in the record:

- Tie the Certificate of Occupancy to the requirement of the bond
- To allow Holocene to reduce the removal costs by the value of the salvage

Chairman Prengaman made a motion, seconded by Commissioner Jones, to approve recommendation to the Board of Supervisors the Special Use Permit application to permit the construction and operation of a solar generation facility, on Tax Map Parcels 69-4-B and 69-A-14 with the following additional conditions and to include all points as stated in the record;

- Tie the Certificate of Occupancy to the requirement of the bond
- To allow Holocene to reduce the removal costs by the value of the salvage

The motion carried:

Aye:	Donald Gilliam	Nay:	(None)
	Preston Hunt		
	Mark Jenkins		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Whitfield M. Paige		
	John "Jack" W. Peery, Jr.		
	John Prengaman		
	Teresa Sandlin		
	Cannon Watson		

**In Re: Review of Board of Supervisors Actions**

Mr. Bartlett reported the four public hearings were approved by the Board of Supervisors; the lighted Piedmont Regional Jail sign, the amendment to the Ordinance defining Construction Camps, the Rezoning Request from the Blackstone Group and the Special Use Permit application for the Construction Camp/Campground by the Ellingtons. He said Mr. Ellington and Mr. Clements came to an understanding regarding the property line, with a wire fence, trees and filling in the bare spots with natural buffer.

Mr. Bartlett said progress has been made on the construction at the courthouse; he said it should be complete in another few months. He said the handicap ramp is done and most of the work in the atrium is complete. He said the front entrance may never be opened because of the decisions of the Circuit Court Judge and Sheriff; he said to have that open would require more security.

**In Re: Old Business**

(None)

**New Business**

(None)

Commissioner Hunt asked if a date is yet known for the completion of the Dollar General in Green Bay. Mr. Bartlett said a date is not yet known.

Chairman Prengaman adjourned the meeting at 7:29 p.m.

**Next Meeting: TBD**