



**Prince Edward County Planning Commission
Meeting Minutes
April 18, 2022
7:00 pm**

Members Present: John Pregelman, Chair John “Jack” W. Peery, Jr., Vice Chairman
 Brad Fuller Preston L. Hunt
 Robert “Bobby” Jones Clifford Jack Leatherwood
 Whitfield M. Paige Teresa Sandlin
 Henry Womack

Absent: Cannon Watson

Staff Present: Robert Love, Planning/Zoning Director Douglas P. Stanley, County Administrator

Due to the COVID-19 Emergency, the Prince Edward County Board of Supervisors is operating pursuant to and in compliance with its “EMERGENCY CONTINUITY OF OPERATIONS ORDINANCE.” Effective August 1, 2021, the Board has re-opened meetings to in-person participation by the public; however, there could still be limited available seating. Citizens are strongly encouraged to participate in meetings through in-person participation, written comments, and/or remote participation by calling: **1-844-890-7777, Access Code: 390313** (*If busy, please call again.*) Additionally, citizens may view the Board meeting live in its entirety at the County’s YouTube Channel, the link to which is provided on the County’s website.

Public Participation and Public Hearing comments for Planning Commission meetings will be subject to the “Citizen Guide for Providing Input During Public Participation and Public Hearings For Prince Edward County Government Meetings” effective August 1, 2021.

Chairman Pregelman called the April 18, 2022 meeting to order at 7:00 p.m.

In Re: Approval of Minutes

Commissioner Jones made a motion, seconded by Commissioner Peery, to approve the meeting minutes from March 14, 2022 as presented; the motion carried:

Aye: Brad Fuller Nay: (None)
 Preston Hunt
 Robert M. Jones
 Clifford Jack Leatherwood
 Whitfield M. Paige
 John “Jack” W. Peery, Jr.
 John Pregelman
 Teresa Sandlin
 Henry Womack

Absent: Cannon Watson

In Re: Public Hearing – Special Use Permit, Sawmill Facility

Chairman Prengaman announced this was the date and time scheduled to receive citizen input prior to considering a request by Israel Yoder for a Special Use permit to operate a sawmill facility on Tax Map Parcel 086-A-1 on County Line Road, Cullen VA. Notice of this hearing was advertised according to law in the Wednesday, April 6, 2022 and Wednesday, April 13, 2022 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Love stated the County has received an application for a Special Use Permit from Israel Yoder for a Special Use Permit to operate a sawmill facility on Tax Map Parcel 076-A-1 on County Line Road, Cullen, VA. This parcel is in an A-1, Agricultural Conservation zoning district and this use is allowed in the district only after approval of a special use permit.

The purpose of the Special Use is to allow for the location of a sawmill facility. County staff is of the opinion the use is compatible with the zoning district and will have minimal impact on surrounding properties.

Mr. Love said VDOT inspected the entrance and has been found to be adequate; the traffic increases will possibly need to revisit the issue and upgrade the surface to concrete or asphalt. He said that is based on five large trucks per day. He said the site plan with a parcel map indicating the interior of the property; the proposed sawmill will be located behind his home and on the back side of the existing structures. Mr. Love said citizens in Charlotte County have also been notified of this public hearing because it is within one-half mile of the county line. He added there was no correspondence from anyone in Charlotte County.

Mr. Love said staff received one letter from Tom and Lorraine Grant earlier today; there were no other comments received for or against this topic. He then stated potential conditions were presented to the applicant.

Chairman Prengaman opened the public hearing.

There being no one wishing to speak, Chairman Prengaman closed the public hearing.

Commissioner Fuller questioned the hours of operation being extended to 8:00 p.m.; he said that time is not conducive to the area and recommended stopping work at 5:00 or 6:00 p.m.

Chairman Prengaman said that could be added to the conditions.

Commissioner Fuller questioned the noise level. Mr. Yoder said it would be about equal to a riding lawn mower.

Commissioner Jones made a motion, seconded by Commissioner Fuller, to recommend approval to the Board of Supervisors of the Special Use Permit request by Israel Yoder for a sawmill facility with the following conditions:

**Israel Yoder – Sawmill Facility
Special Use Permit Conditions**

SITE PLAN

1. Development activities on the site shall be limited to those as specified in the Special Use Permit Application and Site Plan. The final locations of incidental facilities may be adjusted provided no such adjustment violates any buffers, setbacks, or other statutory requirement. The concepts reflected in the filed special use permit dated 03-21-2022 are hereby made part of these development conditions.

2. Final site plan approval for the Sawmill facility shall be submitted to the Prince Edward County Planning Commission for final review and approval pursuant to Article IV Development Standards of the Prince Edward County Code (Zoning Ordinance).
3. Any proposed expansion of the operation, change of activities or additional facilities or activities shall be submitted to the Prince Edward County Planning and Community Development office for review prior to implementation. Any changes may be subject to Permit amendment procedures, including Public Hearings.
4. All buildings within the property shall be developed as a cohesive entity, ensuring that building placement, architectural treatment, parking lot lighting, landscaping, trash disposal, vehicular and pedestrian circulation and other development elements work together functionally and aesthetically.

ENVIRONMENTAL

5. All pollution control measures, erosion and sediment control measures, storm water control facilities, and all construction activities shall comply with the requirements of the appropriate federal, state, and local regulations and ordinances.
6. All facilities for the provision of potable water and sanitation and wastewater disposal systems shall be approved by the appropriate local, state, or federal agency including but not limited to Virginia Department of Health, Virginia Departments of Environmental Quality, Environmental Protection Agency, etc.
7. Any development activities of structural of land disturbing nature not specifically addressed by these Conditions shall be in conformance with applicable provisions of federal, state, and local statues and regulations.

TRANSPORTATION

8. All entrance permits must be authorized by the Virginia Department of Transportation.
9. All internal roads used for public access shall be of compacted earth, or have a minimum of a four (4) inch stone base, or shall be paved.
10. Adequate area shall be provided on site to accommodate parking of all employees and patrons. It shall be the responsibility of the Permittee to assure that employees and patrons park only on site and not on any highway right-of-way, or on adjoining or adjacent parcels unless written consent is provided by the owner or owners thereof.

GENERAL

11. Hours of operation will be from 8:00 a.m. until 6:00 p.m.
12. All exterior lighting shall be designed and installed so as to minimize glare onto adjoining properties or any public access road. All lighting shall be full cut-off type fixtures.
13. Outdoor storage of trash containers shall be situated at the rear of buildings and shall be appropriately screened.
14. The Permittee is responsible for the appearance of the site including litter pick-up and other orderly site appearance.
15. This Permit is non-transferable, except and unless written notice from the Permittee regarding the transfer, and a signed document from the proposed new Permittee is received by the Planning and Community

Development Office which states that the new Permittee agrees to comply with all terms and Conditions imposed with the original Permit Issuance. If the proposed new Permittee desires to amend the original Permit Conditions, amendments must be addressed by the Prince Edward County Planning Commission and Board of Supervisors through the Special Use Permit process.

16. Failure of Permittee to full conform to all terms and conditions may result in revocation of this Special Use Permit if said failure or failures are not corrected or addressed to the satisfaction, not to be unreasonably withheld, of the County within thirty (30) days of written notice from the County.

The motion carried:

Aye:	Brad Fuller	Nay:	(None)
	Preston Hunt		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Whitfield M. Paige		
	John “Jack” W. Peery, Jr.		
	John Prengaman		
	Teresa Sandlin		
	Henry Womack		
Absent:	Cannon Watson		

Chairman Prengaman stated the Board of Supervisors will hold a public hearing on this issue at their next regular meeting on Tuesday, May 10, 2022.

In Re: Public Hearing -2232 Review, Community Solar Energy Facility

Chairman Prengaman announced this was the date and time scheduled to receive citizen input, pursuant to §15.2-2232 of the Code of Virginia, 1950 as amended, and prior to considering a request by Impact Power Solutions, LLC, a review of a Special Use Permit application to make a determination if the project is substantially in accord with the Prince Edward County Comprehensive Plan for the proposal to construct and operate a 5 MWac community solar energy facility on Tax Map Parcel 043-A-36, containing a total of 33.6 +/- acres, which is zoned A-1, Agricultural Conservation. Notice of this hearing was advertised according to law in the Wednesday, April 6, 2022 and Wednesday, April 13, 2022 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Love stated the County has received an application for a Special Use Permit from Impact Power Solutions, LLC, to construct and operate a 5MWac solar energy facility on Tax Map Parcel 043-A-36, containing a total of 33.6 +/- acres on Llama Road, Pamplin, VA.

Under §15.2-2232 of the Code of Virginia, 1950 as amended, the Planning Commission is required to review all proposed developments that include a “public utility facility” prior to the construction or authorization of such facility. A public hearing is required to determine whether the location, character, and extent of the proposed solar facility is in substantial accord with the Prince Edward County Comprehensive Plan, prior to any approval of the special use permit for the facility.

Mr. Love said the application property consists of mostly timber land. It is bordered by existing agricultural land consisting of pasture and timber land, as well as a few single-family residential homes. The property is zoned A-1, Agricultural Conservation and is shown as Agricultural and Forestal on the Future Land Use map as described in the Prince Edward County Comprehensive Plan.

Mr. Love presented several relevant excerpts from the Prince Edward County Comprehensive Plan:

Chapter VI, Special Policy Areas, on Pg. 75 notes "When future development requests require Commission review and Board of Supervisors approval, the economic and quality of life benefits of open space and agricultural and forest land uses should be considered as well as the adequacy of public facilities and services to the area."

Goals, Objectives, and Strategies, Land Use on Pg. 94-95 "Goal: Ensure optimal use of land resources within Prince Edward County, and promote and support an environmentally sound future land use pattern that provides for a variety of community needs, minimizes conflicts between existing, and proposed land uses, and can be supported by adequate public facilities."

Land Use Objective #1: Strategies on Pg. 95 "Utilize well planned site designs and effective buffer areas to mitigate the impacts of adjacent land uses of differing intensities."

Historic and Cultural Resources Strategies on Pg. 105. "Evaluate the impact of new development on local historic structures and areas. Support development proposals and site designs that respect and promote the character of adjacent or nearby historic properties."

Chairman Pregaman opened the public hearing.

Evan Carlson, Chief Real Estate Officer, Impact Power Solutions, LLC, said this project is a community solar garden. He said with this type of project, the power goes directly into the distribution network and not into a transmission network. He said there are subscribers to the "Garden" by a bill credit, and it is treated like the power is being produced on their roof, which means the economics are different as it is not just selling power, there is a direct economic benefit. He said they use a pollinator-friendly seed mix; he said the Virginia Seeding Guidelines set forth good guidelines on how to establish a pollinator base and how to maintain it. He said that is important to provide wildlife habitat, improves soil, slows the velocity of water-runoff and improves the permeability of the soil. He said no pesticides are used to harm insects, birds or other animals. He said the racks are fixed to the ground with I-beams and the panels are then fixed to the rack.

Chairman Pregaman asked the expected timeframe if approved. Mr. Carlson said that they are at the mercy of the utility and the state; he added they have to complete the study by the utility prior to being eligible to submit to the state program. In order to be studied, the company must demonstrate that it is first in interconnection queue or second in queue if you also have the first position. He said the company will go through the study process if the preliminary screen has been done and learn that there is room in the distribution grid for that amount of power. That initial screen is complete, they are in the "A" position and they are in study. Mr. Carlson said with these factors, they are anticipating Spring of 2023.

Commissioner Fuller questioned the composition. Mr. Carlson said the property is half wooded, half is hay. The trees would need to be harvested. Mr. Carlson said there are hills on the property which determine the layout; east to west, the panels face the south and do not move and the east to west hills layout can handle more topography, but if the hills are north to south, the panels need to pivot on a single axis. He said they do not plan to grade the hills.

Commissioner Fuller asked why that location [is ideal]. Mr. Carlson said the location must be near a distribution power to sub-station with room on the line, and must be well-hidden, in order to do this type of project. He said they will lease the property for 25 years with two renewals of five-years each. He said this must be an agreement with the County and the landowner on decommissioning. The funds for decommissioning are set aside at the beginning of the project.

Commissioner Sandlin asked if they intend to expand. Mr. Carlson said community solar is limited to 5MWac; he said they are not selling power to the utility, but is going around the utility. He said this option allows people to build credit from the project and offset the bill as if the solar panels were right on their own property.

Commissioner Hunt asked if he had a home there and had the system on his home, what type of savings would he see through the year. Mr. Carlson explained there is the cost of installation, the cost of borrowing the money, and how much power the person would offset and use. He said on a residential system, homeowners would be a seven-year payback. Mr. Carlson said that a person will subscribe to the garden, they immediately get a savings on their power bill in the form of a credit.

There being no one further wishing to speak, Chairman Prengaman closed the public hearing.

Commissioner Fuller asked how many projects the County has under this new provision. Mr. Love said there are two, but the other is not that far along yet, and is farther up Thomas Jefferson [Highway]. Mr. Love said that in the Code of Virginia, community or shared solar is defined and a percentage of the subscribers have to be low- to medium-income folks and a Dominion customer.

Mr. Carlson the program is still new; he said there is typically a geographic component.

Commissioner Jones made a motion, seconded by Commissioner Peery, that the Impact Power Solutions, LLC, proposed 5MWac community solar energy facility as described in the Special Use Permit application, is substantially in accord with the Prince Edward County Comprehensive Plan and promotes the Goals, Objectives, and Strategies noted in the Plan; the motion carried:

Aye:	Brad Fuller	Nay:	(None)
	Preston Hunt		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Whitfield M. Paige		
	John "Jack" W. Peery, Jr.		
	John Prengaman		
	Teresa Sandlin		
	Henry Womack		
Absent:	Cannon Watson		

In Re: Public Hearing -Special Use Permit, Community Solar Energy Facility

Chairman Prengaman announced this was the date and time scheduled to receive citizen input prior to considering a request by Impact Power Solutions, LLC, to operate a 5 MWac community solar energy facility on Tax Map Parcel 043-A-36, known as Llama Road, Pamplin, VA. Notice of this hearing was advertised according to law in the Wednesday, April 6, 2022 and Wednesday, April 13, 2022 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Love stated the purpose of the Special Use application is to allow for the location of a 5 MWac community solar energy generation facility. The applicant stated that the proposed facility will not be seen nor heard and will not impact adjacent properties. The facility will not generate noise, light, dust, odor, fumes, or vibrations. Water quality will be address according to Virginia Stormwater Management Permit requirements and the site will not generate any significant amount of traffic with the main traffic occurring temporarily during the construction phase.

Chairman Prengaman opened the public hearing.

There being no one further wishing to speak, Chairman Prengaman closed the public hearing.

Commissioner Fuller made a motion, seconded by Commissioner Jones, that the Planning Commission recommend approval of the Special Use Permit request by Impact Power Solutions, LLC, for a proposed 5MWac community solar energy facility with the following conditions:

**Impact Power Solutions, LLC
Special Use Permit Conditions**

SECTION 1. GENERAL PROVISIONS

1. This Special Use Permit applies to the following properties for which a special use permit application was submitted:

Tax Map Parcel Identification Number: 043-A-36

The Special Use Permit application was submitted on 03/18/2022 by Impact Power Solutions, LLC on behalf of the owners of the said properties, and compliance with these conditions is the express duty of, and these conditions shall bind, the Applicant and any assignee of the Applicant who operates the Solar Facility.

2. The Site shall be developed, constructed, operated, and decommissioned in compliance with all of the following:
 - a. All applicable federal, state, and local laws, statutes, ordinances, and regulations.
 - b. All written agreements entered into between the Applicant and the County, expressly including, but not limited to, a Solar Facility Siting Agreement.
 - c. The Site Plan approved by Prince Edward County.
 - d. The Decommissioning Plan approved by Prince Edward County.
 - e. The Emergency Response Plan approved by Prince Edward County.
 - f. The Construction Traffic Management Plan approved by Prince Edward County.
 - g. The Erosion and Sediment Control Plan approved by Prince Edward County.
 - h. The Stormwater Management Plan approved by Prince Edward County and/or DEQ.

Violation by the Applicant or by any one or more of Applicant's agents, employees, contractors, assigns, or successors in interest of any terms, conditions, or provisions of any of the foregoing shall constitute a violation of this Special Use Permit.

3. The following terms shall have the following meanings if or when used in these Conditions:
 - a. "Abandoned" means the discontinuation of power generation by the Solar Facility for a period of at least 180 consecutive days, except in the event of a force majeure event requiring reconstruction.
 - b. "Applicant" means Impact Power Solutions, LLC.
 - c. "Approved Site Plan" means the detailed drawing showing all equipment, excavation, landscaping, and other changes or improvements to be made to the real property or properties for the development of the Project following approval of the Special Use Permit Application by the Prince Edward County Planning Commission, and the Prince Edward County Board of Supervisors and administrative review and approval by Prince Edward County staff.
 - d. "Board" means the Board of Supervisors of Prince Edward County, Virginia.
 - e. "Commercial Operation" means the period beginning on the date that the sale of electricity generated from the Solar Facilities to a third party through the Grid commences pursuant to a Power Purchase Agreement and terminating contemporaneously with the commencement of Decommissioning.
 - d. "County" means Prince Edward County, Virginia.
 - g. "County Administrator" means the county administrator of Prince Edward County, Virginia.
 - h. "Decommission" or "Decommissioning" or "Decommissioning Activities" means the work on the Solar Facility to remove improvements on the real property and to otherwise comply with the Decommissioning Plan.

- i. "Decommissioning Commencement Date" means the earliest date on which Decommissioning is required to begin under the terms set forth in these Special Use Permit Conditions.
 - j. "Decommissioning Plan" means the plan for Decommissioning Activities submitted by Impact Power Solutions, LLC and approved by the County.
 - k. "Grid" means the interconnected network for delivering electricity from producers to consumers (consisting of generating stations, electrical substations, high voltage transmission lines, and distribution lines that connect individual customers) to which the Project is connected and provides power.
 - l. "Investor Owned Utility Company" means an electric utility as defined in Section 56-576 of the Code of Virginia.
 - m. "Operator" means any party which undertakes the management, maintenance, and operation of the Solar Facility, including, but perhaps not limited to, as assignee of the Applicant.
 - n. "Power Purchase Agreement" means the written agreement pursuant to which electricity generated from the Solar Facilities is sold to a third party.
 - o. "Project" means the Solar Facility on the Site, including the following: (i) the development, design, procurement, construction, installation, commissioning, testing, interconnection, and start-up of the Solar Facility on the Site; (ii) the operation, repair, replacement, and maintenance of the Solar Facility on the Site; and (iii) the decommissioning and removal of the Solar Facility from the Site.
 - p. "Related Entity" or "Related Entities" means any two or more entities described in I.R.C. § 267(b).
 - q. "Site" or "Solar Facility Site" means all properties to be leased or purchased by the Applicant or any Related Entity for development in connection with the Project, identified as follows: Prince Edward County Tax Map Identification Number 043-A-36.
 - r. "Site Plan" means the detailed drawing showing all equipment, landscaping, roads, retention facilities, fencing, buffers, and other changes or improvements to be made to the real property or properties for the development of the Project.
 - s. "Solar Facility" or "Solar Facilities" means the Site together with all equipment, apparatus, or other items of personal property used for the Construction, Operation, or Decommissioning of the Project.
 - t. "Surety Review Date" means the date by which the Applicant will update the cost estimate in the Decommissioning Plan every seven (7) years and reimburse the County for the actual and reasonable, out-of-pocket costs of each such independent review and analysis by a licensed engineer of each decommissioning cost estimate revision.
4. The Site shall be developed in general conformance with the information and exhibits submitted with the Special Use Permit application (the "SUP" Application), except as modified by associated conditions, the Approved Site Plan, and as required by the land development ordinances of Prince Edward County.
 5. This Special Use Permit (SUP) is issued to the owners of the properties for which the special use permit application was submitted (the Properties) and shall run with the land unless and until this SUP is revoked, expires, or is voided.
 6. An approved site plan (the "Approved Site Plan") shall be required for this use.
 7. Prior to the issuance of construction permits, the Applicant shall record in the Circuit Court Clerk's Office of Prince Edward County, Virginia a plat of survey delineating the property boundary and total acreage.
 8. The Applicant shall submit an Emergency Response Plan (the "ER Plan") with the submission of the Site Plan. The ER Plan shall include fire suppression methods that can be deployed during both the construction and operation of the project. The ER Plan shall also include a program of education and training to be provided for County emergency response staff covering onsite emergency response.

9. Unless approved in writing by the County, no signage shall be permitted on the Site; except that signage containing notices, warnings, or other information, if required by law or by applicable codes and standards, or deemed by the County to be in the interest of the safety and welfare of the community, shall be required.
10. Impact Power Solutions, LLC will reimburse, or cause to be reimbursed, to the County all reasonable, out-of-pocket costs and fees incurred for professional services engaged for purposes of assisting the County during the application process and during Construction, including, but not limited to, legal fees and consulting fees; however legal fees shall not be assessed to Impact Power Solutions, LLC after construction is completed. The purpose of the reimbursement payments is to defray the costs and expenses incurred by the County in connection with (i) the zoning and permitting processes related to the approval of the Solar Facility, (ii) the permitting process with federal and state agencies, as applicable, and (iii) the construction of the Solar Facility. Should the special use permit application submitted by Impact Power Solutions, LLC for the Project not be approved by the County, no reimbursement under this paragraph will be owed by Impact Power Solutions, LLC to the County.

SECTION II. BUFFERS, HEIGHTS, AND SETBACKS

11. Buffers throughout the Site shall include the following:
 - a. All setbacks shall be no less than those shown on the site plan approved by Prince Edward County.
 - b. The Site Plan will identify a Maximum Extent of Project Area, outside of which solar panels or other equipment will not be located. The solar panels or other equipment of the Solar Facility will not be located within the standard setbacks established by Section 7-110 (D) of the County Ordinance.
 - c. The Site Plan will include a vegetative buffering plan (the "Vegetative Buffer Plan") that will limit the visibility of the Solar Facility from the public rights-of-way adjacent to the Site. For purposes of this Condition, "Solar Facility" does not include the perimeter security fencing, gravel access road, or interconnection equipment. Also, the "Solar Facility" is not an objectionable feature, within the meaning of County Ordinance Section 7-110 (F). All vegetative buffering areas, as shown on the Vegetative Buffer Plan, shall enable insolation of the Solar Facility and may be both natural and planted, shall be a part of the approved Project, and should be protected from harvest so long as the Site is operated as a solar facility.
 - d. Vegetative buffering areas shall be installed (pursuant to the screening suggestions attached as Exhibit A) and, as necessary, managed to ensure health and preservation of the vegetation. Any vegetative buffering that is dead during the operating period shall be removed and replaced in conformance with the approved site plan, within a six (6) month time period during a typical growing period. The type and height of replacement vegetation shall be similar to that of which was originally planted during construction. In the event that the vegetative buffering is severely damaged due to an unusual weather occurrence or natural catastrophe, the Project shall have one year or one growing season, whichever is sooner, to replace or replant.
 - e. A 15' screening buffer shall be observed with any bordering standing timber harvested after construction of the solar facility.
 - f. Electrical lines leaving the solar facility shall be underground until the point of reaching the first pole outside of the facility as to not impact the screening plan.
 - g. Any historical resources noted in the Virginia Department of Historic Resources Map must be identified, marked, and preserved at a setback of at least 100 feet, as reflected on the Site Plan.
 - h. The maximum height of ground mounted systems, equipment, and structures, as measured from the grade or base of the improvements to the highest point, shall not exceed eighteen (18) feet in height. Excluded from this height requirement are overhead electric distribution and transmission lines and poles, project substation, and utility switchyard.

SECTION III. CONSTRUCTION, TRAFFIC, and ROAD REPAIRS

12. Subject to compliance with applicable site safety requirements and upon reasonable prior notice, the County Administrator, building official, zoning administrator, or environmental codes and compliance officer, or any party or parties designated by any one or more of those county officials, including other federal, state, or local government officials, shall be allowed to enter the Site at any time during construction. Once the facility has commenced Commercial Operation, subject to compliance with applicable Site safety requirements, County officials may enter the Site upon at least one week's advance notice to the Solar Facility Liaison.
13. All construction entrances for the Site shall be in general conformance with the information and exhibits submitted with this Special Use Permit application and must be authorized and approved by the Virginia Department of Transportation (VDOT).
14. All construction activity shall be conducted during daylight hours Monday-Saturday. Activities allowed on Sundays include only the following: onsite planning, walking and riding the Site by passenger vehicle (not heavy construction trucks or equipment), office work, and other activities that do not produce large quantities of traffic on the surrounding roads or loud construction noises within the Site. The Applicant shall comply with the Prince Edward County Noise Ordinance Chapter 46, Article II during operation but shall not be required to do so during construction.
15. All heavy construction traffic, including, but perhaps not limited to, dump trucks, tractors and trailers, supplier vehicles, and trucks hauling equipment shall enter the site at the designated private driveway along Route 719 (Llama Road).
16. The Applicant shall submit a Construction Traffic Management Plan ("CTMP") as part of the Site Plan. The CTMP shall address traffic control measures, an evaluation of the condition of the public roads along the Delivery Routes prior to construction, and a description and an estimate of any anticipated repairs to public roads that may arise due to damages attributable to construction of the Solar Facilities, which CTMP must be reviewed by a third-party selected by the County and paid by, and at the sole cost of, the Applicant.
17. Dust containment measures shall be utilized at all times, as necessary, to contain dust from constituting a nuisance to nearby residents.
18. No burning of stumps and/or debris will be allowed onsite at the subject solar facility.
19. The Solar Facilities shall be enclosed within chain link security fencing not less than six (6) feet in height.
20. The Project will not utilize permanent lighting. If installed at a later date, lighting will be downward facing, motion activated security lighting located at the Project entrance gate or at the control panels near the equipment pad.
21. Prior to commencement of construction, the Applicant shall provide the County a bond equal to 100% of the cost of the anticipated repairs to be made to the public road along the Delivery Routes, as defined in paragraph 22 below, including the entire public right of way along the Delivery Routes. The bond may be in the form of a letter of credit, a surety bond, or a cash bond given to the County, to be held by the County without interest, but the form of any surety bond must be approved by the County Administrator. The County will release, return, and terminate the roadway surety upon completion of construction and Commercial Operation of the Project.
22. Delivery Routes to the site shall include Route 719 (Rice Creek Road) from its intersection with State Route 47 (Thomas Jefferson Highway) to the Impact Power Solutions, LLC Site.

23. The Solar Facilities shall be constructed and operational within two (2) years of approval. The Zoning Administrator may approve an extension of up to one (1) year upon written request from the Applicant detailing the need for an extension.
24. Solar Panels will be constructed, maintained, and operated in accordance with national industry standards and regulations including the National Electrical Code, International Fire Code of the International Code Council and the National Fire Protection Association Fire Code, as provided in Va. Code 15.2-2286. In the event of a conflict between the national industry standards and these Conditions, the national industry standards shall control so that as technology advances, updated technology may be used by the Applicant. Notwithstanding any of the foregoing, the use of any of the following materials at any time, whether in construction, maintenance, or operation of the facility, is expressly prohibited: cadmium telluride, cadmium, tellurium, GEN X, field-applied Teflon® coating, or any other materials prohibited by federal or state agencies.
25. Storage on the Site of power generated by the Facility or generated elsewhere is prohibited.
26. No panels, inverters, pyranometers, substations, or any other component of the Solar Facility, except fencing, shall be located in a floodplain.
27. Upon completion of the construction of the Solar Facilities, the Applicant shall submit a post-construction evaluation of the condition of the roads along the Delivery Routes to the County Administrator for approval. The post-construction evaluation shall include a plan for repairing any damage caused to the public roads along the Delivery Route directly attributable to the Applicant. The Applicant shall be responsible for causing such repairs to be completed and shall be responsible for coordination of repairs with VDOT. All roadway repairs along the Delivery Routes shall be made at the sole expense of the Applicant.

SECTION IV. ENVIRONMENTAL

28. The Applicant shall submit a Stormwater Management Plan and an Erosion and Sediment Control Plan as part of the Site Plan. The Applicant shall reimburse, or cause to be reimbursed to, the County all reasonable, out-of-pocket costs incurred by the County related to retaining such third-party inspectors, plan reviewers, and advisors as reasonably necessary for project review and inspections. All such payments shall be remitted to the County within thirty (30) days of invoicing. The County shall retain the right to inspect the Site to verify the findings of the third-party inspectors upon reasonable, prior notice and subject to compliance with Site safety requirements. The phasing of land disturbance shall be detailed in the Erosion and Sediment Control plan and accompanying project narrative.
29. Stabilization of the Site shall be maintained at all times in compliance with Virginia Department of Environmental Quality (DEQ) standards, rules, requirements, and regulations. The Applicant and the Operator, or either one of them, shall notify the County within twenty-four (24) hours of receiving any DEQ notice of less than full compliance by the Project and shall, within forty-eight (48) hours of receipt, provide the County with a copy of the notice. Thereafter, the Applicant and the Operator, or either one of them, shall provide to the County within forty-eight (48) hours of transmission or receipt copies of all correspondence with DEQ regarding Project noncompliance issue until such time as the matter is fully resolved to the satisfaction of DEQ. In order to ensure orderly development of the Solar Facility and to protect the stabilization and environmental integrity and quality of the Site, no more than fifty percent (50%) of the total site development area shown on the Approved Site Plan may be disturbed at any point in time. For purposes of this condition number 29, an area for which any one or more of the following is true is not considered to be disturbed: the area has established ground cover, the County has determined that the area is not disturbed, an area where temporary stabilization measures have been implemented, gravel driveways, or laydown areas.
30. Soil testing shall be conducted on the Site as follows:

- a. Testing shall be conducted in no less than three (3) locations on the Site, at least one location being within proximity to panels of each different type or manufacturer. Samples will be collected from a depth of six inches below ground surface.
- b. Testing shall be conducted prior to the issuance of a land disturbance permit and every five years thereafter. Testing also shall be conducted immediately prior to Decommissioning and immediately following the termination of Decommissioning.
- c. Samples shall be analyzed for Priority Pollutant 13 Metals (arsenic, antimony, beryllium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, thallium, and zinc) in accordance with EPA methods SW 6020, SW 6020A, SW1312, and 200.8.
- d. Testing shall be performed by a service provider retained by the Operator but approved by the County.
- e. A test report for each testing event, including an executive summary, shall be provided to the Prince Edward County zoning administrator within ten (10) days of the completion of such report.
- f. No costs shall be incurred by Prince Edward County for soil testing or reports of soil testing provided to Prince Edward County.

SECTION V. DECOMMISSIONING

31. Decommissioning shall be conducted in accordance with the Decommissioning Plan approved by Prince Edward County.
32. The Applicant or the Operator shall provide a Notice of Decommission to the County Administrator of Prince Edward County within thirty days of a determination to cease Operation of the Solar Facility.
33. Prior to the commencement of Construction, the Applicant shall submit to the County and receive County approval of a Decommissioning Plan. The Applicant shall comply with all terms and conditions of the Decommissioning Plan as approved by the County. The Decommissioning Plan at a minimum shall include provisions regarding the following:
 - a. Specifications for the removal of all solar equipment, buildings, cabling, electrical components, foundations, pilings, and fencing.
 - b. A requirement that all Site real property must be restored to the condition of the property as of the date Construction commences (reasonable wear and tear excepted).
 - c. A requirement that the property must be stabilized so as to adequately control, prevent, and minimize any and all erosion or sediment runoff, consistent with the approved Erosion and Sediment Control Plan.
34. Decommissioning shall begin immediately after the Facility has, for a period of six (6) consecutive months, ceased operating as a solar energy facility distributing energy to the electrical grid and shall be diligently pursued, as determined by the County in its sole discretion, and completed within eighteen (18) months from the Decommissioning Commencement Date. Prior to its expiration, the County may extend this Decommissioning period by six (6) months if the County finds that the Operator commenced Decommissioning the Solar Facility diligently and continuously worked to Decommission the Facility throughout the Decommissioning period, and is reasonably expected to complete the Decommissioning within the additional six month period.
35. Periods during which the Facility is not operational for maintenance, repair, or due to a catastrophic event beyond the control of Impact Power Solutions, LLC during which time Impact Power Solutions, LLC works diligently to return the Facility to full Commercial Operation, shall not constitute the cessation of operations requiring the initiation of Decommissioning requirements herein. Impact Power Solutions, LLC must provide written notice and evidence of the Solar Facility status and repair efforts to the County Administrator during the period in which the Solar Facility is not fully operational. Such notice shall identify the last day on which the Facility was fully operational. Regardless of the efforts of Impact Power Solutions, LLC to return the

Solar Facility to full Commercial Operation, if the Solar Facility does not operate as a solar energy facility distributing energy to the electrical grid after the catastrophic event for a period of eighteen (18) months, the Project shall be deemed Abandoned and Impact Power Solutions, LLC shall commence Decommissioning no later than the 548th day after the catastrophic event.

36. Any change of party responsible for Decommissioning of the facility, or change in any part of the contact information, shall be reported to the County Administrator within sixty (60) days of the change(s).
37. If Decommissioning Activities are not completed within the allotted time, or if the Project is Abandoned, the County may complete or have completed at its expense the Decommissioning Activities required under the terms of the Decommissioning Plan and may recover all costs of completing those Decommissioning Activities from the surety provided as set forth herein.
38. To secure the costs of Decommissioning, Impact Power Solutions, LLC or its successor shall at all times, beginning at commencement of construction and until the termination of Decommissioning, provide financial surety in a form and in an amount approved by the County. If the Solar Facility is transferred to a public utility or an Investor or Member Owned Utility Company (e.g., Dominion Energy, Old Dominion Electric Cooperative or its successor entity), the surety required of the Applicant may be cancelled at the time of the transfer and no further surety will be required.
39. The amount of the surety required shall be 100% of the estimated Decommissioning costs estimated at each Surety Review Date, less the scrap or repurposing value of the Solar Facility. The estimated costs and surety to meet the above requirements shall be reviewed by the County Administrator on each Surety Review Date, at which time the County Administrator shall determine if the estimates adequately reflect the Decommissioning costs and any scrap or repurposing value and that the surety will guarantee performance. Should the County Administrator determine that estimated costs and surety are insufficient, the County Administrator and Impact Power Solutions, LLC shall mutually agree to determine the correct surety amount; and Impact Power Solutions, LLC shall then provide the agreed, adequate surety within one hundred eighty (180) days following the Surety Review Date or, if later, within thirty (30) days after the County Administrator and Impact Power Solutions, LLC agree on the adequate surety amount.
40. Surety must be provided in the form of a cash bond deposited with the County; by an irrevocable letter of credit provided for the County's benefit; or by a surety bond listing the County as the obligee, an hypothecated account, an escrow account, or a guaranty issued by a credit-worthy entity, or as otherwise provided in Section 15.2-2241.2 of the Code of Virginia.
 - a. A cash bond shall be in the form of a cashier's check or certified check deposited with the County which has cleared all issuing institutions. Any interest accruing on such funds shall be added to the total amount and retained by the County for Decommissioning. The deposit shall be accompanied by a letter agreement, acceptable to, and issued by, the County Administrator, confirming that the cash deposit is to be held by the County to guarantee the performance of the Decommissioning work required herein, and should the Solar Facility be Abandoned or should the Decommissioning work not be diligently undertaken or performed according to the requirements herein, or should the Special Use Permit be revoked, lapse, expire, or be voided due to violation thereof, the County may expend the deposited funds to undertake the Decommissioning work required herein, without more, after providing written notice to the person identified as owner of the property in the land records of Prince Edward County as of the date of the notice. Within six (6) months of the completion of the Decommissioning work required herein by a person or entity other than the County or a contractor engaged by the County, as confirmed by the County Administrator, the cash bond and accrued interest, less any amounts expended by the County as allowed herein, shall be released and paid to Impact Power Solutions, LLC or, if the Project has been Abandoned, to the person identified as owner of the property in land records of Prince Edward County as of the date of the completed Decommissioning or as otherwise directed by that owner of the property.

- b. An irrevocable letter of credit shall mean an instrument provided by a lending institution guaranteeing payment to the County within seventy-two (72) hours of the County's written notice to the institution that the Solar Facility has been Abandoned or the Decommissioning Activities have not been diligently undertaken or performed according to the requirements herein and demand to the institution for the funds, without more. The letter of credit shall have no expiration date or required renewal and shall remain in effect for the benefit of the County and shall under no circumstances be withdrawn before the Decommissioning Activities required herein are completed or the amount guaranteed has been fully drawn by the County. The letter of credit shall require that the County be notified thirty (30) days prior to any cancellation or alteration of the letter of credit. Should the County receive notice that the letter of credit will be cancelled or otherwise become unavailable or decrease, or should this Special Use Permit be revoked, lapse, expire or be voided due to violation thereof by Impact Power Solutions, LLC, the County may, immediately draw down the entirety of the letter of credit and convert the surety to a cash bond to be deposited with the County and subject to the terms herein; this shall be specifically reflected in the language of the irrevocable letter of credit. The County may expend the guaranteed funds, without more, to undertake the Decommissioning Activities required herein and required pursuant to the terms of the Decommissioning Plan after providing written notice to Impact Power Solutions, LLC or, if the Project is Abandoned, to the person identified as the owner of the Property in the land records of Prince Edward County as of the date of the notice. Within six (6) months following the completion of the Decommissioning Activities required herein and required pursuant to the terms of the Decommissioning Plan by a person or entity other than the County or a contractor engaged by the County, as confirmed by the County Administrator, the letter of credit shall be released by the County and any amounts drawn on the letter of credit, less any amounts expended by the County as allowed herein, shall be released and paid to Impact Power Solutions, LLC or, if the Project has been Abandoned, to the person identified as owner of the property in land records of Prince Edward County as of the date of the completed Decommissioning or as otherwise directed by that owner of the property.
- c. A surety bond shall mean a bond issued by a company with an AM Best rating of A++, that is treasury listed, and that is licensed to do business in the Commonwealth of Virginia. The surety bond shall list the County as an obligee and shall remain in effect for the benefit of the County and shall under no circumstances be withdrawn or cancelled before the Decommissioning Activities required herein and required by the terms of the Decommissioning Plan are completed or the amount guaranteed has been fully paid to the County. The surety bond shall require that the County be notified thirty (30) days prior to any cancellation or alteration of the bond. Should the County receive notice that the surety bond will be cancelled or otherwise become unavailable or decrease below the limits required herein, or should the Special Use Permit be revoked, lapse, expire or be voided due to violation thereof by Impact Power Solutions, LLC, the County may, immediately file a claim, for the entirety of the amount of the bond, the guarantor shall pay the amounts guaranteed and the County shall convert the surety to a cash bond to be deposited with the County and subject to the terms herein; this shall be specifically reflected in the language of the surety bond. The County may expend the guaranteed funds, without more, to undertake the Decommissioning Activities required herein and required pursuant to the terms of the Decommissioning Plan, after providing written notice to Impact Power Solutions, LLC, or, if the Project is Abandoned, to the person identified as the owner of the Property in the land records of Prince Edward County as of the date of the notice. Within six (6) months following the completion of the Decommissioning Activities required herein by a person or entity other than the County or a contractor engaged by the County, as confirmed by the County Administrator, the surety bond shall be released by the County, and the bond funds paid to the County less any amounts expended by the County as allowed herein, shall be released and paid to Impact Power Solutions, LLC or, if the Project has been Abandoned, to the person identified as owner of the property in land records of Prince Edward County as of the date of the completed Decommissioning or as otherwise directed by that owner of the property.

41. Should this Special Use Permit be revoked, lapse, expire, or be voided due to violation thereof, the County may immediately draw down all of the surety funds and convert them into a cash bond for purposes of Decommissioning as set forth hereunder and as set forth in the Decommissioning Plan. In such case, no contractual agreement shall be required for the cash bond. This shall be reflected in the surety provided.
42. Should the funds guaranteed for the Decommissioning Activities for any reason not be sufficient for the County to complete the Decommissioning Activities as allowed for herein and as set forth in the Decommissioning Plan, Impact Power Solutions, LLC or its successor, shall be and shall remain liable to the County for the difference between the guaranteed funds and the amounts required to Decommission the Solar Facility and shall pay the difference to the County upon demand. The County shall not be liable to any party in any way for the funds drawn pursuant to the conditions set out herein and expended in relation to Decommissioning.
43. Should the Facility be Abandoned, or should the Special Use Permit be revoked, lapse, expire, or be voided due to violation thereof, or should the Decommissioning Activities not be diligently undertaken or performed, and should the County draw down the funds for the purpose of performing the Decommissioning Activities and mobilize its contractors to perform the Decommissioning Activities or otherwise incur liability to its contractors for the performance of the Decommissioning Activities, Impact Power Solutions, LLC, its successor or agent, shall have no right to perform the Decommissioning Activities unless specifically authorized by the County in a writing that confirms that the County has incurred no liability to any contractors to perform the Activities or that any such liability is transferrable as deemed acceptable to the County. The Applicant or the Operator shall immediately, upon written demand by the County or any person or entity authorized to act on behalf of the County, without more, grant or release to the County, or any person or entity authorized to act on behalf of the County, under terms deemed acceptable by the County, all necessary real property rights, personal property rights, either or both, as determined solely by the County, other than fee simple ownership or a leasehold interest of the real property, so that the County or any person or entity authorized to act on behalf of the County may undertake any required Decommissioning Activities that have not otherwise been performed as required. This shall include, but may not be limited to, releasing any interest in the personal property, facilities, fixtures, and structures which are to be removed and recycled, disposed of, or otherwise demolished.

The motion carried:

Aye:	Brad Fuller Preston Hunt Robert M. Jones Clifford Jack Leatherwood Whitfield M. Paige John "Jack" W. Peery, Jr. John Prengaman Teresa Sandlin Henry Womack	Nay: (None)
Absent:	Cannon Watson	

Mr. Love stated the Board of Supervisors will hold a public hearing on this issue at their next regular meeting on Tuesday, May 10, 2022.

In Re: Review of Supervisors Actions

Mr. Love stated the Board of Supervisors held the public hearing on the proposed Subdivision Ordinance amendments. He said there was a large turnout, and after many speakers, the Board voted to re-advertise the public hearing with a

lowering of the advertised standard to five acres for agricultural or forestal uses. This will be held at the Board's May 10, 2022 meeting.

In Re: Old Business

The Commission was presented with forms for Human Resources; the County auditors are requesting the employee withholding certificates, and asked that they complete and return them to Mrs. Stimpson.

New Business

Mr. Love said the Board adopted an Emergency Ordinance to Amend Appendix B of the Prince Edward County Code (Zoning) to Amend Sections 2-100, 2-200, 2-800, 2-900, 2-1000, 3.104.1 and 4-400.5 to Provide a Maximum Size for Flags and to Amend the Height Requirements for Flagpoles to Limit the Height to 20' and Allow for a Taller Flagpole in the A1, A2, C1, I1, and CR Zoning Districts Upon the Issuance of a Special Use Permit. Mr. Love said there will be a joint public hearing with the Board and the Planning Commission on this matter on May 17, 2022. Mr. Love asked the Commissioners to review this ordinance; this Emergency Ordinance is in effect and the joint public hearing will be to consider making this a permanent zoning matter.

Mr. Love said this came before the Board because there is a zoning violation in the County, the flagpole that was installed without a zoning permit that is too tall in that district, and is on a lot that does not have a primary use. Mr. Love said it is a vacant lot and is in the C-1 district with no primary use, and flagpoles are only permitted as an accessory use. This is to clarify the Code and to put parameters in place.

Commissioner Fuller requested a County map be included in the packets showing the parcel map location which would help clarify where properties are that are being discussed. Mr. Love said he can include a County map.

Chairman Pregarman declared the meeting adjourned at 7:36 p.m.

Next Meeting: Monday, May 17, 2022 at 7:00 p.m.