

In Re: Public Hearing – Special Use Permit – Old Ridge Road Solar 1, LLC

Chairman Prengaman announced this was the date and time scheduled to receive citizen input prior to considering a request by Old Ridge Road Solar 1, LLC for a Special Use permit to construct and operate a 3-MW solar energy facility on land denoted as Tax Map Parcel 039-14-1, located on the east side of Old Ridge Road (State Route 630), approximately 0.50 mile from its intersection with Prince Edward Highway (US Route 460). Notice of this hearing was advertised according to law in the Wednesday, December 6, 2023 and Wednesday, December 13, 2023 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Love stated the County has received an application request by Old Ridge Rd Solar 1, LLC for a Special Use Permit to construct and operate a 3-MW solar energy facility on land denoted as Tax Map Parcel 039-14-1, located on the east side of Old Ridge Road (State Route 630), approximately 0.50 mile from its intersection with Prince Edward Highway (US Route 460). This parcel is in the A2, Agricultural Residential zoning district and the use requires a Special Use Permit.

As required by VA Code, § 15.2-2232 requires that the Planning Commission 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.

The application property consists of mostly timber land. It is bordered by open agricultural or forested lands as well as densely developed residential use land consisting of single-family homes. The property is zoned A-2 (Agricultural Residential) and is shown as Development on the Future Land Use map and described in the Prince Edward County Comprehensive Plan on Page 90: "This future land use category includes significant acreage in north central Prince Edward County where new residential development should be encouraged ... "

Mr. Love presented relevant excerpts of Prince Edward County Comprehensive Plan. He said Chapter VI, Special Policy Areas, on Page 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 Page 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 Page. 95: "Utilize well planned site designs and effective buffer areas to mitigate the impacts of adjacent land uses of differing intensities."

Mr. Love said that in addition to the comments received previously, several emails and letters were received and were placed at the Commissioner's seats on the dais for their review.

Commissioner Weiss questioned the by-right uses for this parcel of land. Mr. Love said in an A2 district, it could be used for agriculture, farm employee housing, farm stands, forestry operations, stables, manufactured homes, single family homes, two-family homes, temporary healthcare structures, short-term tourist rentals, accessory apartments, administrative services, camps, cemeteries, recreational facilities, educational facilities including colleges and universities, primary and secondary schools, post offices, public assemblies, churches, safety services, medical office, and under Commercial By Right, agricultural services, antique shops, assembly halls, bed-and-breakfasts, consumer repair, personal services, fine art studios, veterinary clinic and hospitals, and amateur radio are included.

Commissioner Weiss said that this project is proposed on 25 acres of a 104-acre parcel, and asked if the landowner could use the remaining balance of those 104 acres in another manner. Mr. Love said it would be determined by the lease of the proposed solar company; he added there would have to be an amendment to this request or a new request.

Jessie Robinson, Senior Project Developer, New Leaf Energy, presented information on the company and the proposed project. She said the proposed small-scale 3MW solar project will use a single axis tracker system; she said they intend to participate in the Dominion shared solar program which will allow customers with Dominion Energy to subscribe to the service and receive savings on their electric bill. She stated the property is located off Old Ridge Road, south of Route 460. This parcel is residual from the residential development and not suitable for other development uses. There is a transmission line that runs through the property, a flood plain takes a major portion of the site. She stated the existing interconnection infrastructure located on-site will interconnect to the distribution line that runs to the substation; there will be no impacts to wetlands or streams, and would preserve the land for the future use as Mr. Puckett would like. It could go back to forest, or he could develop it in the future. She said this project would generate approximately \$360,000 tax revenue for the County over 40 years. Once built, the property would only require periodic visits; this use would not need County services and they would upgrade the current distribution line. She said during the community meeting, several comments were received regarding the view of the site from the attendees; she stated that they offered to take photos from their homes to offer a visual simulation specifically for them, but received no response. Following the meeting, the minutes and answers to the attendees questions were sent to the attendees as well.

Andrew Kavanaugh, Civil Engineer, New Leaf Energy, reviewed several visual renderings of the impact of the project, pointing out the screening is in excess of what is required. He added they will avoid the 100-Year FEMA floodplain and the streams and wetlands that were delineated on-site, while also avoiding the transmission lines. This project is well-nested within the topography and the existing mature vegetation on-site, and pollinator species will be used for inner-row spacing to create a pollinator habitat for monarch butterflies. In accordance with the historical and cultural resources, an architectural and archeological survey will be done on-site. He then stated the setback requirements are met and exceeded the minimums required; he said the sound from the site is well below the 50-decibel limit, and the height limits are below the maximums for the site requirements. He reviewed the buffers and the topography of the site, and presented several visual simulations. Mr. Kavanaugh stated the construction would take approximately six to eight months, within limited hours; he said the operation of the site would be from 20 years up to 40 years, remotely, with bi-monthly visits which would create two to four long-term jobs. The site would be evaluated in five-year increments; at the end of the project life, decommissioning would begin; solar panels can be recycled or upcycled, all items would be removed and the land returned to its original condition. He said decommissioning is a four-to-six-month process. Mr. Kavanaugh then reviewed to potential conditions.

Ms. Robinson presented a proposed additional condition, of a \$10,000 per MW payment, but they are not allowed for under 5MW, they cannot sign a siting agreement. She said she would like to offer the same revenue to the County as a condition dedicated to a use that is tied to the project. She recommended a condition of \$30,000 conservation of forestry sites.

Commissioner Fuller questioned the size of the lay-down area and asked if there is opportunity for an additional construction road. Mr. Kavanaugh stated the lay-down area would typically be one acre or so; he said the addition of a road would cause a greater disturbance with the environmental features on-site. He said they would work around school schedules to avoid creating traffic. Further discussion followed.

Commissioner Weiss questioned the operational time frame. Ms. Robinson said the lease agreement is for 20 years with options to extend that to 40 in five-year increments; the goal is to reach 40 years with the Tier 1 panels which have a warranty for 25 years, and at the end of the 40-year period, the solar panels are 88% efficient. Mr. Kavanaugh added that if the lease is not continued, the decommissioning begins.

Chairman Prengaman opened the public hearing.

Steve Wall, Lockett District, said Old Ridge Road dates to pre-Revolutionary times, adding the Comprehensive Plan currently states that its objective is to reserve from adverse development the County's critical environmental areas to include flood plains, wetlands, and areas with 20% or greater slope, generally maintaining these areas as conservation

and wildlife preservation areas. He said the Open Space Land Act which was set up in 1966 states “the preservation of open space [and] lands serve as a public service by promoting the health and welfare of the citizens of the Commonwealth by curbing urban sprawl and encouraging more desirable developmental growth...” He objected to the placement of a solar field in the middle of a new neighborhood of a dozen \$300,000 houses.

Chloe Hodges, Energy Bright, a non-profit helping localities and their citizens navigate the clean energy landscape across Virginia. She said they provide education about clean energy to make sure solar projects are good neighbors, and said solar projects provide American-made energy, preserve land and will generate 10 times more revenue with a minimal impact on neighbors with limited noise, traffic and said projects such as this allow for cheaper energy rates for subscribers.

Anita Harris, Lockett District, stated she has lived in the [adjacent] Ridgeway subdivision for 37 years. She strongly opposes this solar farm proposal that was requested by Daniel Puckett. She said he does not live on his property and does not have the same appreciation for the beautiful community. She said they are good neighbors in a safe neighborhood. She said they should not be forced to accept a solar farm as a neighbor; one landowner wants to use his land for financial gains at the expense of 28 family homes, with no benefits for the community. She said this project does not belong in a residential area.

Randy Edminson, Lockett District, expressed his concerns regarding the proposed project, stating the construction would have a negative effect on the residential area. He stated clear-cutting will result in loss of plant and animal life, property values will decrease and quality of life will diminish. He added future commercial development should be along the road.

Marshall Womack, Lockett District, asked if there will be a containment pond for the run-off from all the flat surfaces will annihilate the wetlands. The road already floods. He asked if anyone has spoken with Game & Inland Fisheries about any endangered species that would be affected by the run-off. He said his research states that the recommended distance from any home foundation from a solar farm is 800 meters, or one-half mile. He said cutting more trees will disturb wildlife. He asked the Board to consider this request carefully.

Jon Garner, Lockett District, stated the Planning Commission’s goal is to promote and support an environmentally sound future land use pattern that minimizes conflicts between the existing and proposed land uses. The proposed solar farm will be in the middle of our 34+ homes. This area is a high intensity residential area with houses of above-average value. He said there are no advantages to clear cutting of at least 36 acres of mature hardwoods and conifers to place 23+ acres of solar panels and containment ponds, with wetlands above the Bush River except the money leasing this land will generate. He said trees offer many benefits; there are liabilities associated with solar farms. He stated the community does not want this in their area.

Ralph Harris, Lockett District, said he has no problem with solar [power], as it is clean energy, doesn’t harm the environment, but there will be 26 acres of hardwood trees cut down, the land will be bulldozed, habitat destroyed, in the area where there are homes worth \$350,000 - \$400,000. He said this is the wrong location for solar farm, and said the solar farms need to be restricted from residential areas. He said New Leaf states these solar modules are non-toxic but that is still under review.

Dr. Aimee Harris, Lockett District, said that since Mr. Puckett acquired his property, he has shown a total disregard for his neighbors by hunting, establishing hunting stands that encircle the entire subdivision. She said the gun shots are disruptive to her tele-health practice. She said while Mr. Puckett has property rights, those living in the homes have property rights too. She said that while she understands the public hearing is about a solar project, Mr. Puckett’s activities have been extremely inconsiderate, disruptive and negligent to our community, and doesn’t live on that property. She said now he wants to disrupt everyone again. She said New Leaf is based in Massachusetts and there is no doubt this is an out of sight, out of mind project. She added there are other locations in the county that would be suitable, and requested that if the Planning Commission approve his request, that one of the conditions is that hunting is disallowed on the entirety of the property.

Chairman Prengaman stated the Planning Commission cannot deny hunting on his own property.

Robin McLain, Lockett District, stated her opposition with a concern regarding traffic. She said in discussion with the Board of Supervisors, she was informed the road is not wide enough for a center line, and feels it would not support the traffic that would be associated with the solar farm.

Martha Womack, Lockett District, said she is not against solar energy but is against solar panel farms in residential areas or adjacent to residential areas. She said we are still finding out things about them, and “we don’t know what we don’t know.”

Chuck Taylor, Lockett District, stated the parcel appears to include acres of his property; he said this detail needs attention.

Charles Puckett, Farmville, stated his son owns the parcel in question; he bought it with 50 acres being cut near Route 460 and not toward the residential development, and he does have concern of the neighbors, and is friends with most of the neighbors. He said the comments should be made outside of the emotional realm and address the future development of Prince Edward County. This is in an area that is planned for future development, and asked what infrastructure may be required, such as water and sewer, additional school capacity. With the solar project, none of that is required. There would be no additional traffic after initial construction. He said this would sit and generate much-needed power on property that is not as enticing, and would be the best neighbor that they could have when you consider the alternative uses of county land. He said we must take into account people’s feelings that live close to it, but also have to consider what this will bring to the future of the county. He said there are two sides to every story.

Gail Stanley, Lockett District, said she is devastated that this solar proposal may go in. She asked that the Commission take into consideration all of the neighbor’s concerns.

Dr. Steven Hoehner, Lockett District, stated he lives across from the proposed site and said if property values are decreased [due to the solar farm], this would be a huge loss [in tax revenue].

Jim Robichaud, Lockett District, stated the solar farm is to be on 25 acres, but the report by the Department of Conservation and Recreation states it’s a 69-acre solar farm. He asked if the 15% discount on insurance is what they are aiming for or will it be 15%. He then said they are from Massachusetts, where solar farms are everywhere and the county had to place a moratorium on putting solar in.

Chairman Prengaman asked the representatives from New Leaf to respond to the questions raised. Ms. Robinson said the fenced area for the proposed project is 25 acres, but for the studies, a larger portion of the land is used to capture a larger portion of the lot. She added that if they would like to increase the project from 25 acres, they would have to come back to the Planning Commission for a revised Special Use Permit.

Chairman Prengaman asked about a containment pond. Mr. Kavanaugh stated that at the high level, this land use approval is just one part of a much more comprehensive approval process at the state, federal and local levels. He said in regards to runoff, the budget wouldn’t be appropriate if it would exceed the pre-development levels of runoff proposed by the project. The anticipated goal is to meet, or reduce, the amount of runoff from the project. He said the retention ponds are designed to hold water and disburse, or perk, within 24-72 hours pending the ending of the storm. Legally, they cannot propose any more runoff than the site is currently producing. He said there will be two containment ponds on the property to treat the runoff, within the fenced in area. Further discussion followed.

Commissioner Womack asked if the land has been perked or will the containment pond have a liner. Mr. Kavanaugh said no liners will be used, at least at this stage. Mr. Kavanaugh said this is the land use permit stage, and all of that will be handled by DEQ who is the VSMP authority and who they will submit their site plans to in that process; DEQ will be the ones to approve the ponds as the best-use or best-management practice feature.

Mr. Love said that typically, for small solar, they could apply to the County, because the County is a Virginia Storm Water Management site. Typically, solar sites are doing permit by rule directly with DEQ. He said the designs are reviewed by DEQ, permitting is issued by DEQ. If they choose to file with the County, the County has a third-party engineer that would review these plans, and that that paperwork goes to DEQ, who still issues all stormwater permits. Mr. Kavanaugh added that as of June of last year, DEQ reviewed all rules and regulations for Stormwater as associated with solar facilities. This project would adhere to all rules and regulations that have been noted by DEQ as of last year. He said initial calculations would be that approximately 4,000 cubic feet of water runoff would be held, per acre.

Chairman Prengaman advised the property line be checked for accuracy. Mr. Kavanaugh said to date, there has been a partial boundary survey done and will be in touch with Mr. Taylor regarding the property issue.

Mr. Kavanaugh answered several questions, stating the entire proposed project is outside of the FEMA 100 Year Flood Plain, there is natural landscape with no need to wait until maturity with native seed mixes, and no herbicides or pesticides will be used. He added he does not have the elevation distance difference, but the way the plan set is addressed, there is one retention basin per drainage area to account for drainage to that basin itself.

Ms. Robinson stated maintenance will be handled by a local contractor, and other sites were considered, but this one has an interested landowner, circuit proximity to the substation and existing vegetation of mature height. She said they are able to entirely avoid wetlands and flood plains with this design, and the parcel does not have to be rezoned.

Commissioner Weiss then stated the economic study forecast was performed for 40 years vs. 20 years; why did they choose 40 years if the property value declines. Ms. Robinson stated the goal is a longer term but it is not required; she said the property value issue, the third party used looked at existing projects that have been built in Virginia. She said for example, they looked at a project in Isle of Wight County and the sale prices before the project was built and after, and found no difference. She added it is based on existing projects that have been built. She stated solar is assessed separately [from property value] and is a certain amount per acre.

Karen Cohen, Attorney for New Leaf Energy, said there are some things that are unique about the law around solar projects. In development in general, when people speak about moving into an established residential community, remember that people bought that the 104-acre parcel that the Pucketts purchased was zoned A2 and nothing prevents the Pucketts from using that land for a variety of uses by right. She said in land use cases, government decision makers cannot be motivated principally by heavy opposition from neighbors, it has to be well-rounded zoning concerns. She said a locality can put regulations, impose conditions such as the 42 conditions that are set forth in this case. She said this project exceeds ordinance requirements. She said in Virginia, the legislature has declared it is public policy of the Commonwealth of Virginia to encourage distributed generation solar projects.

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

Commissioner Prengaman declared a 10-minute recess to allow the Commissioners to review the additional documentation.

Chairman Prengaman called the meeting back to order at 8:53 p.m.

Chairman Prengaman thanked the public for their input.

Ms. Cohen stated she spoke with Mr. Taylor and his property is in the farthest northeast of the transmission line and is not in the footprint outlined in the project. She said a full boundary survey will be done.

Mr. Love said that the first thing that must be done is the 2232 Review, the determination that the proposed solar facility is in substantial accord with the Prince Edward County Comprehensive Plan.

Commissioner Weiss clarified that if the project is found to be in substantial accord, then they may go forward to the merits of the Special Use Permit for the project itself. He said the Comprehensive Plan is currently under review but based on the current version, new residential development in this area should be encouraged. The owners of the land have other potential uses for the land, by-right; he added that focusing on the 2232 Review, the project is not in accordance with the [Comprehensive] Plan.

Commissioner Sandlin added that when the land was purchased, this was Lot 1 and part of the subdivision, but the covenants and restrictions were removed when it was sold to Mr. Puckett. Knowing this was part of a subdivision, solar should not go there.

Commissioner Weiss made a motion, seconded by Commissioner Peery, that the Old Ridge Road Solar 1, LLC, proposed 3MWac community scale solar energy facility as described the Special Use Permit application, is not substantially in accord with the Prince Edward County Comprehensive Plan due to the fact that it represents incompatible land development in agricultural and residential areas and that the Planning Commission recommend denial of the Special Use Permit request; the motion carried:

Aye:	Brad Fuller	Nay:
	Clifford Jack Leatherwood	
	Llew W. Gilliam, Jr.	
	Whitfield M. Paige	
	John “Jack” W. Peery, Jr.	
	John Prengaman	
	Teresa Sandlin	
	Rhett Weiss	
	Henry Womack	

Mr. Love said there will still be a Board of Supervisors public hearing at their regular January meeting.

In Re: Review of Supervisors Actions

Mr. Love stated the Board approved the rezoning for Paladin; there is landscaping and seeding occurring. Prior to the transfer to Crossroads, they need to close the stormwater permit. Once that is taken care of, Crossroads will be able to move forward.

Old Business

Mr. Love reported iPads for the commissioners are in-house but need to be set up. These have cellular capability.

New Business

Mr. Love presented his End of Year Report. To date, there have been 210 zoning permits issued; he said other accomplishments include the Zoning Ordinance review and update, Floodplain, work on the Comprehensive Plan has begun, and several items on the CIP have been completed.

Mr. Love announced a community Solar meeting to be held Wednesday, December 20, 2023 at 5:00 p.m., at the Meherrin Fire Department, by Gabriel Community Solar, a proposed 80 MW utility scale solar farm encompassing approximately 800 acres. This will be the largest proposal to date, and will be on Falkland Road.

Chairman Prengaman declared the meeting adjourned at 9:21 p.m.

Next Meeting: Tuesday, January 16, 2024 at 7:00 p.m.