



**Prince Edward County Planning Commission
Meeting Minutes
August 20, 2024
7:00 pm**

Members Present: Brad Fuller Llew W. Gilliam, Jr.
Clifford Jack Leatherwood Whitfield M. Paige
John “Jack” W. Peery, Jr. John Prensaman
Henry Womack

Absent: Teresa Sandlin, Rhett Weiss

Staff Present: Robert Love, Planning/Zoning Director Doug Stanley, County Administrator

The Prince Edward County Planning Commission strongly encourages citizens to participate in public 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 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” revised October 12, 2022.

Chairman Prensaman called the August 20, 2024 meeting to order at 7:00 p.m., established there was a quorum, gave the invocation and led the Pledge of Allegiance.

In Re: Approval of Minutes

Commissioner Womack made a motion, seconded by Commissioner Peery, to approve the meeting minutes from May 21, 2024, and June 20, 2024; the motion carried:

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

In Re: Public Hearing – Special Use Permit – Prospect Gospel Tabernacle Church

Chairman Prensaman announced this was the date and time scheduled to receive citizen input prior to considering a request by Prospect Gospel Tabernacle Church for a Special Use Permit to replace an existing pole sign with a 32-square foot electronic sign having a total height of 19 feet, on Tax Map Parcel 031-A-40,

located at 4307 Prince Edward Highway (Route 460), near its intersection with Milford Lane, which is zoned A-1, Agriculture Conservation. Notice of this hearing was advertised according to law in the Wednesday, July 31, 2024 and Wednesday, August 7, 2024 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Love stated the County has received an application request Prospect Gospel Tabernacle Church for a Special Use Permit to replace an existing pole sign with a 32 square foot electronic sign having a total height of 19 feet, on Tax Map Parcel 031-A-40 located at 4307 Prince Edward Highway (US Route 460) near its intersection with Milford Lane, which is zoned A-1, Agricultural Conservation. Mr. Love stated they intend to reuse the existing pole and replace the sign with a larger sign. He said it is two feet taller and does meet the requirements. He added that he has received no negative comments regarding this special use permit application.

County staff is of the opinion the use is compatible with the zoning district and will have minimal impact on surrounding properties.

Tammy Stalker, Applicant, stated the church has built a gym and wants to advertise events on the sign. Currently, when driving from Appomattox towards Farmville, just the top of the sign can be seen as the pole was placed in a ravine. She said they would like to have this done as soon as possible.

Commissioner Peery asked if the sign will only advertise events that are church-related. Ms. Stalker said yes, it is just for church events.

Chairman Prengaman opened the public hearing.

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

Mr. Love stated the applicant has reviewed and accepted the proposed conditions.

Commissioner Gilliam made a motion, seconded by Commissioner Peery, that the Planning Commission recommends approval to the Board of Supervisors the request by Prospect Gospel Tabernacle Church for a Special Use Permit to replace an existing pole sign with a 32-square foot electronic sign with the following conditions; the motion carried:

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

**Special Use Permit – Prospect Gospel Tabernacle Church
Tax Parcel Map #: 031-A-40
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 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 submitted 7/9/2024 are hereby made part of these development conditions.

2. Final sign permit zoning and building permit applications for the one (1) electronic sign shall be submitted to the Planning and Community Development office for final review and approval pursuant to Appendix B of the Prince Edward County Code (Zoning) and Chapter 18 of the Prince Edward County Code (Buildings and Building Regulations).

GENERAL

3. All landscaping around sign shall be mulched and maintained to the reasonable satisfaction of the Prince Edward County Planning and Community Development Director. Any vegetation found to be of poor condition shall be replaced and/or improved at the reasonable direction of the Planning and Community Development Director or his designee.
4. No sign shall be may be located within VDOT right-of-way or impede sight distance.
5. Site signage shall be limited to Pole type, one 32 square foot sign not to exceed nineteen (19) feet in total height.
6. Sign installation shall be in conformance with all applicable provisions of federal, state, and local statues and regulations.
7. Any sign lighting shall be designed and installed so as to minimize glare onto adjoining properties or any public access road.
8. 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.
9. 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.

In Re: Public Hearing – Special Use Permit – North Branch Solar, LLC

Chairman Prengaman announced this was the date and time scheduled to receive citizen input prior to considering an application filed by North Branch Solar, LLC and to make a determination if the project is substantially in accord with the Prince Edward County Comprehensive Plan and for the proposal to construct and operate a 3MWac solar energy facility on a 40 acre portion of land totaling 147.5+/- acres denoted as Tax Map Parcel 043-A-34, located on the east side of Thomas Jefferson Highway (State Route 47), across from its intersection with Point Road (State Route 725), which is zoned A-1, Agricultural Conservation. Notice of this hearing was advertised according to law in the Wednesday, July 31, 2024 and Wednesday, August 7, 2024 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 North Branch Solar, LLC for a Special Use Permit to construct and operate a 3MWac solar energy facility on a 40-acre portion of land totaling 147.5+/- acres denoted as Tax Map Parcel 043-A-34, located on the east side of Thomas Jefferson Highway (State Route 47), across from its intersection with Point Road (State Route 725), which is zoned A-1, Agricultural Conservation.

Mr. Love then stated the following stipulations:

- Purpose of the review under Virginia Code Section 15.2-2232:

- 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.
- Existing Conditions and Zoning:
- The application property consists of mostly timber land. It is bordered by existing agricultural land consisting of pasture and timber land, as well as single-family residential homes. The property is shown as Agricultural and Forestal on the Future Land Use map as described in the Prince Edward County Comprehensive Plan.
- Comprehensive Plan Citations:
 - The following are relevant excerpts of 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."

Mr. Love said this proposed project is at the convergence of three localities – Charlotte County, Appomattox County and Prince Edward County. He said this parcel was part of a previous solar project that had approval in 2019 but was never started and is null and void.

John Townsend, Associate Director of Project Development, Sun Tribe and North Branch Solar, LLC, presented a company overview and information about the proposed project, and said the project would use 38 acres of the 147-acre parcel. He said this would be a low impact use, and would not impact the county or taxpayers, providing approximately \$380,000 in revenue to the County. He said once operational, this would be a quiet neighbor with a low visual profile. He added that this is a 3MWac site with no battery storage, as it is adjacent to the Pamplin substation. Mr. Townsend said this site has a minimum of 100' setback with 3,000' of new vegetative buffer along the western side to screen the facility from the train tracks, and on the south side to screen the project from the Elder's and Jamerson's properties. The project will connect to an existing distribution power line and substation.

Mr. Townsend reviewed the benefits of solar energy; he said these sites are non-permanent and an interim land use, and do not draw on county resources. He said native grasses and pollinators will be used on the site. This is a well-hidden, small portion of the property, and is 500' from the nearest residence, a minimum setback of 100' from resource protection areas; there are still 100+ acres available for agriculture use. Mr. Townsend said there will be a rigorous review of stormwater and erosion and sediment control, and best management practices will be used to protect streams, wetlands and wildlife. He stated safety is paramount.

Mr. Townsend stated this project conforms with the Comprehensive Plan of 2014; he said he understands that the County is currently going through an update of the Comprehensive Plan.

Mr. Townsend then reviewed the health and safety factors of solar projects; he said they have been around for a long time, and are made of aluminum, glass, plastic and silicone. There is no evidence that they contaminate groundwater.

Mr. Townsend then said construction would take less than ten months, and the site will be in operation up to 40 years. He said the panels are designed to be outside in the elements for that length of time, generating electricity. He said decommissioning will eliminate the entire project and the materials will be reused or recycled, at the company's expense. He added a cost review will occur for the life of the project, updating it every five years. The land reverts to the landowner at the end of the lease.

Chairman Prengaman asked if they have seen and agree with the proposed conditions; Mr. Townsend said that is correct. Mr. Love stated the template for the decommissioning bond is reviewed every five years and soil testing, formally, is to be done annually, instead of every three years.

Chairman Prengaman asked if they will utilize the existing gravel road. Mr. Townsend said they will.

Chairman Prengaman then asked if they will hire Virginia employees. Mr. Townsend said they may not all be from Virginia but will look to hire local contractors.

Commissioner Fuller asked if the project is located on the east side of Route 47, which on the east side of the railroad tracks. Mr. Townsend said that is correct, and the closest resident is 500' of the west side of Route 47.

Commissioner Gilliam stated a citizen asked him when citizens would see the benefit to their electric bill from these solar farms. Mr. Townsend said that they should start seeing the benefit when the facilities come online. Some discussion followed.

Commissioner Womack asked if there are any projects with Southside Electric [Cooperative]. Mr. Townsend said they do not, with this project. Mr. Douglas Stanley, County Administrator, said there are 100+ solar projects across southside Virginia with Southside Electric that are currently under review. He added that Dominion Power has been providing electricity for about 100 years to get to where they're at today; in 15 years, they are going to have double the need for power. He said some of that is due to data centers and large electric users, but the whole electric grid will be turned upside down in the next decade or so. Some discussion followed.

Commissioner Womack then asked when training for the firefighters would begin. Mr. Townsend stated he has been in touch with several people regarding the Elam site in particular, and that the Emergency Response Plan was approved recently. He said that when the project goes to operation, that is when the training will be about introducing and familiarizing the fire department with the facility itself, where the access points are, where the [power] shut-offs are located. He added that firefighting techniques are probably not something that is covered and they would rely on the firefighters as the experts.

Mr. Love said that Trey Pyle is going to coordinate that with the County. He said that Mr. Pyle is coordinating the road site, the training, the entry, the Knox boxes, and all of the training will be set up during construction; he said the project hasn't gotten to that point yet.

Commissioner Womack then said we know what the materials are in the panels; he asked what would happen if the panels are destroyed, and if they have insurance to clean it up. Mr. Townsend said it would be covered by liability insurance.

Commissioner Peery said when they first saw these projects, there was a concern about the components of the solar panels because they contained cobalt or cadmium. He asked if these are newer generation solar panels where this is not a problem. Mr. Townsend said he has no knowledge of any confirmed sites where leaching happened from the panels. Mr. Townsend said that any independent study that are included in the application, even in the worst case scenarios, highlight that the panels are not harmful to humans or the

environment. He said the sites are monitored 24/7, so if a panel were to get damaged, someone will know and repair or replace them right away. Discussion followed.

Commissioner Peery then asked if there are any problems with soil erosion and sediment control. Mr. Townsend said the State has updated the guidelines so projects moving forward are under a different set of regulations to help manage this, and to protect the environment.

Mr. Love said Sun Tribe elected to have the County inspect the site; he said Prince Edward County is unique in that we are a Virginia Stormwater Management Authority, and Trey Pyle and he can do the inspections. Mr. Love asked Mr. Townsend if they intend to file locally for VSMP on this project. Mr. Townsend said it may be too early to say, but Sun Tribe has several DEQ-approved inspectors and plan reviewers on staff as well.

Chairman Prengaman opened the public hearing.

Andrew Elder, Pamplin, said [his property] will be beside this solar farm, and he is in support of this project.

John Menefee, Pamplin, stated they will be neighbors; he and his family just moved to Pamplin a few years ago. He voiced his concerns regarding property values going down, and asked if the site will stop at 38 acres or do they intend to bring more in. He said the best thing is that there is nothing in Pamplin; he said he and his family are growing their own food and doing all they can to be self-sustaining. He opposes the project.

Mr. Townsend said the project is capped at 3MWac and there will be no expansion. He said concern regarding real estate value data shows well-sited and well-screened and buffered solar projects should not have a negative impact on adjacent properties. He said these are proven to be innocuous use and create no lights, noise or traffic, and are considered a passive neighbor.

Mr. Love stated the site cannot increase unless the applicant would come before the Planning Commission again.

Commissioner Womack asked if these remain with this company or are they sold through an investment corporation. Mr. Townsend said that they have sold some of their projects; he said the utility company could by the project itself is a collection of legally-binding enforceable agreements. He said sometimes the projects change hands similarly to other businesses or residences that change hands.

Mr. Menefee said that this is said to be a free source of fuel compared to what the substation is already doing, but does this lessen the amount of fuel used. Mr. Townsend said it does, that by adding this power to the grid it is being used somewhere.

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

Chairman Prengaman said there are no new roadways to install. He said the guidelines that are currently in place with the County are better than four or five years ago.

Commissioner Peery said this is a Virginia-based company.

Commissioner Paige said having the 40-acre cap is a plus.

Chairman Prengaman asked if the 3MWac was determined by Dominion. Mr. Townsend said yes, all of the studies are based on that size, so the project would have to start over if there were a change.

Commissioner Fuller made a motion, seconded by Commissioner Peery, to forward to the Board of Supervisors that the North Branch Solar, LLC proposed 3MWac solar energy facility as described the Special Use Permit application, is substantially in accord with the Prince Edward County Comprehensive Plan and that the Planning Commission recommends approval of the Special Use Permit request with the proposed conditions:

Aye: Brad Fuller
Clifford Jack Leatherwood
Whitfield M. Paige
John "Jack" W. Peery, Jr.
John Prengaman
Henry Womack
Absent: Teresa Sandlin
Rhett Weiss

Nay:

Abstain: Llew W. Gilliam, Jr.

**North Branch Solar, LLC
PRINCE EDWARD COUNTY, VIRGINIA
Special Use Permit Conditions**

SECTION I. 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-34
The Special Use Permit application was submitted on 07/17/2024 by North Branch Solar, 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 or contractors of any terms, conditions, or provisions of any of the foregoing shall constitute a violation of this Special Use Permit if Applicant has failed to begin and diligently pursue (or has failed to cause its agents, employees or contractors, as applicable, to begin and diligently pursue) correction of the violation within thirty (30) days after written notice by the County to Applicant.

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 North Branch Solar, 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.
 - f. **"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 North Branch Solar, 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 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 parcel, 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-34.
 - 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 five (5) 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 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. North Branch Solar, 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 North Branch Solar, 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 North Branch Solar, LLC for the Project not be approved by the County, no reimbursement under this paragraph will be owed by North Branch Solar, LLC to the County.
11. The Project owner or operator will, in coordination with the Prince Edward County Fire Department, provide education and training on how to respond in the event of a fire or other emergency on the premises. "Knox Boxes" will be added at access gate locations, so that Fire Department resources can gain access inside the security fence.

SECTION II. BUFFERS, HEIGHTS, AND SETBACKS

12. 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 unless: (a) otherwise approved by the County in the final site plan; (b) otherwise approved by the County in connection with building permit approvals, including electrical permits; (c) underground lines conflict with other applicable permitting standards, including environmental permits; or (d) underground lines are not reasonably practical given site constraints.
- g. Any historical resources of significance as determined by the Virginia Department of Historic Resources Map shall be assessed in consultation with VDHR, and if VDHR requires preservation measures, these will be 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

- 13. 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.
- 14. 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).
- 15. 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.

16. All heavy construction traffic, including, but not limited to, dump trucks, tractors and trailers, supplier vehicles, and trucks hauling equipment shall enter the site at the designated private driveway along Llama Road.
17. 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.
18. Dust containment measures shall be utilized at all times, as necessary, to contain dust from constituting a nuisance to nearby residents.
19. No burning of stumps and/or debris will be allowed onsite at the subject solar facility.
20. The Solar Facilities shall be enclosed within chain link security fencing not less than six (6) feet in height.
21. 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.
22. 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 Route. 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.
23. Delivery Routes to the site shall include State Route 47 (Thomas Jefferson Highway) to the private road (Llama Road) to the North Branch Solar, LLC site entrance.
24. The Solar Facilities shall have commenced construction within three (3) years of approval. The Board of Supervisors may approve one extension of up to one (1) year ~~each~~ upon written request from the Applicant detailing the need for an extension.
25. 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.
26. Storage on the Site of power generated by the Facility or generated elsewhere is prohibited.
27. No panels, inverters, pyranometers, substations, or any other component of the Solar Facility, except fencing, shall be located in a floodplain.

28. 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 to the satisfaction of the VDOT 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

29. 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.
30. 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.
31. 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 annually 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

32. Decommissioning shall be conducted in accordance with the Decommissioning Plan approved by Prince Edward County.
33. 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.
34. 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.
35. 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.
36. Periods during which the Facility is not operational for maintenance, repair, or due to a catastrophic event beyond the control of North Branch Solar, LLC during which time North Branch Solar, 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. North Branch Solar, 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 North Branch Solar, 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 North Branch Solar, LLC shall commence Decommissioning no later than the 548th day after the catastrophic event.
37. 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).
38. 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.

39. To secure the costs of Decommissioning, North Branch Solar, 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.
40. 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 North Branch Solar, LLC shall mutually agree to determine the correct surety amount; and North Branch Solar, 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 North Branch Solar, LLC agree on the adequate surety amount.
41. 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, a 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 North Branch Solar, 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 North Branch Solar, 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 North Branch Solar, 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 North Branch Solar, 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 North Branch Solar, 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 North Branch Solar, 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 North Branch Solar, 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.

42. 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.
43. 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, North Branch Solar, 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.
44. 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, North Branch Solar, 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.

In Re: Review of Supervisors Actions

Mr. Love stated the CEP Solar site applications have been approved with the one-year extension provided for the completion of the project, but they must return to the Board of Supervisors for extensions. He said the soil testing will need to be done annually, and the Surety Bond for decommissioning will be reviewed every five years.

Old Business

Mr. Love reported that the Wawa is under construction; he added that Elam Road Solar, LLC is under construction.

New Business

Mr. Love stated there will be a joint work session with the Board of Supervisors on the Comprehensive Plan, on August 29 at 6:00 p.m. at the Moton Museum. He said discussion will be on the Land Use chapter. The next regular Planning Commission meeting will be held September 17.

On motion of Commissioner Womack, seconded by Commissioner Fuller, and adopted by the following vote:

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

the meeting was adjourned at 8:09 p.m.

Next Meetings: Thursday, August 29, 2024, and Tuesday, September 17, 2024