

At a special called meeting of the Charlotte County Board of Supervisors held at Randolph Henry High School Auditorium on August 2, 2022, at 6:00 PM.

Present: Gary D. Walker-Chairman
Will Garnett-Vice Chairman
Garland H. Hamlett, Jr.
Robert L. Shook, Jr.
Hazel Bowman Smith
Tony Reeves
Walter T. Bailey

Absent:

Chairman Walker called the meeting to order.

Ian Lindsley, Project Engineer from Novi Energy, approached the Board to discuss Novi Energy's proposed plan for Tall Pines Solar. Lindsley stated that Tall Pines Solar project will be a 240 megawatts project situated on 2,086 acres. Lindsley stated the fence line is 1,373 acres with less than 7% of the project being close to the road. Lindsley explained that Novi Energy has expanded the buffer on said sections from the required 25 feet to 100 feet. He then reviewed the remaining setbacks as follows: Side Equipment Setback: 75 feet, Front Equipment Setback: 125 feet, Wetlands Setback: 100 feet, Vegetative Buffer (side): 25 feet, Vegetative Buffer (road frontage): 100 feet, Offsite Residence Setback: 400 feet. Lindsley stated that existing vegetation within all vegetative buffers and wetland setbacks will remain untouched. He stated Novi Energy has created wildlife corridors, which will be between 100-800 feet wide and are designed to break up the site and leave wildlife undisturbed.

Preston Lloyd, Attorney for Novi Energy, approached the Board and stated that they are in the beginning of this process and wanted to ensure that Tall Pines Solar will abide by federal, state and local regulations. He stated that citizens will not see any land disturbance until all necessary permits have been approved, which will more than likely be years. Lloyd then stated that he is in attendance to answer any questions the Board may have about the legal steps of the project.

Chris Wu, Environmental Engineer for Novi Energy, approached the Board to review the environmental impacts of the project. He stated that the best management practices will be followed and all chemical treatments (pesticides or herbicides) will be performed by a licensed professional. Preston then reviewed the environmental surveys that will be completed in 2022, including steps taken to protect the existing wildlife.

Anand Gangadharan, owner of Novi Energy, approached the Board and expressed his appreciation for the opportunity to speak with the Board and the citizens of Charlotte County about Tall Pines Solar. He explained that Novi Energy is a family company, celebrating their 20th anniversary this year. Gangadharan stated that he and his company enjoy working in Charlotte County and are very excited about the opportunity of Tall Pines. Gangadharan said that the proposed location is perfect for the solar project, little to no neighbors, road frontage or land disturbance. He stated that Novi Energy is particularly proud of the wildlife corridors that

they have created in this project and have very much enjoyed working with the citizens of Charlotte County.

Michael Zehner presented The Berkley Group's recommendations, which started with two main standards and eight criteria. Zehner stated the first standard is listed as "Compliance with conditional use provisions in a particular district", which he explained "the proposed use is not subject to specific use provisions in the General Agricultural District zoning districts". The second standard is listed as "Verification that the use is specifically authorized within the district", which is answered in the Staff Report as "The use is allowed with the issuance of a conditional use permit, while subject to supplementary regulations, pursuant to Sec. 10-23, Solar Energy Systems. It is important to note that the project does not comply with the density limits established under Section 10-23-5, Density, without specific authorization by the Board of Supervisors. Based upon calculations presented by the Applicant, updated in the letter dated May 4, 2022, the project area encompasses a maximum of 4.95% of the land area within any given 5-mile radius. Staff acknowledges that the Board of Supervisors may authorize a project to exceed the density limits, however, through a discretionary permit process, the decision to do so should be based upon a project's consistency with the CUP criteria and the ability to demonstrate a compelling benefit to the County. The Applicant has directly addressed the density of the project in terms of why the project as presented would likely result in more benefits to the County compared to a project meeting the density limits, or why the project as presented would not result in greater impacts than an otherwise compliant project, or at least impacts that could be similarly mitigated by conditions." Zehner continued to review the CUP criteria for consideration regarding the Comprehensive Plan as follows:

- a) *Whether the proposed use is consistent with the comprehensive plan.*

As noted, the general or approximate location, character, and extent of the proposed facility was previously determined by the Planning Commission to be substantially in accord with the County's Comprehensive Plan pursuant to Virginia Code Section 15.2-2232(A) and Section 2-8-5, *Public facilities review ("2232")*, of the County's Zoning Ordinance; additionally, the Board of Supervisors concurred with the Planning Commission's determination. There have been no changes to the application to warrant reconsideration of this determination.

- b) *Whether the impacts of the proposed use on surrounding properties and public facilities, services, and infrastructure will be adequately mitigated so as to protect adjacent owners and the general public.*

Staff is of the opinion that based upon proposed project setbacks and buffers, the location of panels and supporting facilities, presented landscaping and site maintenance procedures, and limited vehicular access points, the proposed use, with recommended conditions, will adequately mitigate potential impacts on surrounding properties and public facility, services, and infrastructure. Additionally, consideration should be given to the impact of the use during the development/construction phase, and a condition requiring the submission of a

construction management plan, along with related conditions, will work to address these potential impacts.

- c) *The compatibility of the proposed use with other existing, planned, or proposed uses in the neighborhood, and adjacent parcels.*

Staff is of the opinion that the use, with recommended conditions, is not inherently incompatible with existing, planned, or proposed uses in the neighborhood, and adjacent parcels, owing to the location and design, specifically benefiting from proposed project setbacks and buffers, the location of panels and supporting facilities, presented landscaping and site maintenance procedures, and limited vehicular access points. However, consideration should be given to whether limiting the use of a sizeable area of the County for upwards of 35 years is in the best long-term interests of the County.

- d) *The timing and phasing of the proposed development and the duration of the proposed use.*

The submitted decommissioning plan indicates that the project will have a lifespan of 35 years. Staff is of the opinion that there are no inherent issues related to the lifespan of the use, however, consideration should be given to whether limiting the use of a sizeable area of the County for upwards of 35 years is in the best long-term interests of the County.

The Application does not address the duration, phasing, and management of development activity. Additional information would be suggested as part of the public hearing process, but a condition requiring the submission of a construction management plan, along with related conditions, will work to address these potential impacts.

- e) *Whether the proposed use will result in the preservation or destruction, loss or damage of any significant topographic or physical, natural, scenic, agricultural, archaeological or historic features.*

Staff is of the opinion that there are not likely significant archaeological or historic features that will be impacted by the project, or, such as with respect to private cemeteries and gravesites, that the Applicant has proactively accounted for their presence. With respect to natural features, the proposed development, setbacks, and buffers sufficiently protect these resources. Staff is of the opinion that proposed wildlife corridors could be improved upon and would recommend a condition requiring the Applicant to refer to the Virginia Department of Wildlife Resources Commission's most recent Solar Energy Facility Guidance in the design of the site plan, working with the Zoning Administrator to meet the intent, if not the letter of the Guidance.

- f) *Whether the proposed use at the specified location will contribute to or promote the welfare of the public.*

Staff is of the opinion that development of the proposed use will result in some short-term benefits to the local economy, along with tax revenues. Generally, beyond these benefits, Staff is of the opinion that the use will neither contribute to or be detrimental to the welfare of the public.

- g) *Whether the proposed use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the comprehensive plan.*

Utility-scale solar facilities create very few, if any, long term jobs. The primary benefit to the County is during active construction, however most projects bring in outside labor. There are some economic benefits in the short term (e.g., food & lodging). Staff is of the opinion that the project will provide limited desirable employment opportunities, for a short-term. Beyond tax and other payments derived directly from the project, Staff is not of the opinion that the project will, in the long term, “enlarge the tax base by encouraging economic development activities.”

- h) *The effect of the proposed use in enhancing affordable shelter opportunities for residents of the County.*

Staff is of the opinion that the proposed use will have no effect with respect to affordable shelter opportunities for residents of the County.

Zehner stated that The Berkley Group recommends approval of the project with the 46 conditions presented, as said conditions are consistent with things the Board has previously approved.

Public Comment Period

Laine Gunn approached the Board to comment on his support for Tall Pines Solar.

Bill Devin approached the Board to comment on his support for Tall Pines Solar.

Meredith Feinman- approached the Board to comment on her support for Tall Pines Solar.

Jason Goodman approached the Board to comment on his support for Tall Pines Solar.

Brenda Vassar approached the Board to comment on her support for Tall Pines Solar.

Shannon Feinman approached the Board to comment on her support for Tall Pines Solar. She explained the coalition that Tall Pines Solar project beneficiaries have created. Feinman stated that the beneficiaries will take a portion of their profits and make funds available for any student

that graduates from Randolph-Henry High School to be able to attend one year of community college toward a degree or workforce certification.

Terry Brown approached the Board to comment on his support for Tall Pines Solar.

PK Pettus approached the Board to speak about the environmental impact of Tall Pines Solar to the Roanoke Creek Corridor. She presented a map showing current potential solar projects in Charlotte County and asked the Board, who is responsible for managing the impacts.

Cornell Goldman approached the Board to comment on his support for Tall Pines Solar.

James Martin approached the Board to comment on his support for Tall Pines Solar.

Chairman Walker closed the Public Comment Period.

County Administrator Daniel Witt read the Siting Agreement and explained how he renegotiated the previous Siting Agreement to now include: 240 megawatts, \$1400 per megawatt annually throughout the life of the project, 10% escalator every 5 years starting July 1, 2026, then up 10% after year 5. Witt also negotiated a convenience fee of \$60,000 annually, starting 45 days after approval of the project. He stated that Novi Energy has agreed to a \$25,000 payment per megawatt, starting when the project produces energy, on or about July 2026. He stated the entire revenue received from Novi Energy for the project is projected to be \$23,772,290.

Preston Lloyd, Attorney for Novi Energy approached the Board to confirm that Novi Energy agreed with all that was said from The Berkley Group and from County Administrator Witt.

Supervisor Hamlett made motion to accept the Siting Agreement as presented by Tall Pines Solar, LLC. Supervisor Reeves seconded the motion.

Roll call vote as follows: Supervisor Hamlett-Aye; Supervisor Reeves-Aye; Supervisor Garnett-Aye; Supervisor Bailey-Aye; Supervisor Shook-Aye; Supervisor Smith-Aye and Chairman Walker-Aye

Motion passed.

Supervisor Reeves made motion to approve the Conditional Use Permit with conditions as presented by Tall Pines Solar, LLC. Supervisor Bailey seconded the motion.

Supervisor Smith asked why the application didn't include a period of time/time limit for construction or the details for the easements and she would like to have that before approval.

Michael Zehner stated that The Berkley Group believes that the conditions stated would address that. He stated that even though easements are critical to the project, he would be more interested in the duration of the project.

Preston Lloyd, Attorney for Novi Energy stated construction is anticipated to begin in 2024 and expected to be producing electricity in 2026. He stated that a lot of things go into consideration that are out of the applicant's control, namely permit approval times.

Supervisor Smith said this is the most well planned out project that she has seen and that answers her questions.

Michael Zehner suggested putting a time limit under condition 14 to limit the construction period to 36 months.

Supervisor Reeves restated his motion to approve the Conditional Use Permit with conditions, adding the 36-month construction timeline as discussed, as presented by Tall Pines Solar, LLC. Supervisor Bailey seconded the motion.

Roll call vote as follows: Supervisor Reeves-Aye; Supervisor Bailey-Aye; Supervisor Garnett-Aye; Supervisor Hamlett-Aye; Supervisor Shook-Aye; Supervisor Smith-Aye and Chairman Walker-Aye

Motion passed.

Chairman Walker stated he will not be at Monday night's regular Board meeting, and in his absence asked the Board to please approve a Resolution of Intent that states the Board of Supervisors had approved the recent solar projects with the intention of lowering County taxes.

Being no further business, the meeting was adjourned.